

**City of Kingston  
Ordinary Council Meeting**

**Minutes**

**14 December 2009**

**Notice** is given that an Ordinary Meeting of Kingston City Council was held at 7.06pm at the Cheltenham Office, 1230 Nepean Highway, Cheltenham, on Monday, 14 December 2009.

- 1. Apologies**
- 2. Confirmation of Minutes of Previous Meetings**  
Minutes of Ordinary Council Meeting 23 November 2009 and Special (Statutory) Council Meeting on 3 December 2009.
- 3. Foreshadowed Declaration by Councillors or Officers of any Conflict of Interest**  
*[Note that any Conflicts of Interest need to be formally declared at the start of the meeting and immediately prior to the item being considered – type and nature of interest is required to be disclosed – if disclosed in writing to the CEO prior to the meeting only the type of interest needs to be disclosed prior to the item being considered.]*
- 4. Petitions**
- 5. Presentation of Awards**
- 6. Reports from Village Committees**
- 7. Reports from Delegates Appointed by Council to Various Organisations**
- 8. Question Time** Page 4
- 9. Environmental Sustainability Reports**
  - L 220 Planning Decisions 1 August to 30 November 2009 Page 7
  - L 202 Planning Application: KP471/09, 2 Aster Court, Highett Page 23
  - L 203 Planning Application: KP224/09, 9 Hayden Road, Clayton South Page 56
  - L 204 Planning Application: KP508/9, 386 Station Street, Bonbeach Page 69
  - L 205 Planning Application: KP310/09, 1361 Nepean Highway, Cheltenham  
(Proposed Medical Centre) Page 85
  - L 206 Planning Application: KP282/04-B, Tootal Road, Dingley  
(Extension of Time to Planning Permit) Page 95
  - L 207 Sustainable Design Assessment in the Planning Process Page 103
  - L 208 Assessment of Tenders for Contract 09/75,  
Asphalt Resurfacing Works Page 112
  - L 209 Representation on the State Government Kinston  
Green Wedge Task Force Page 115
  - L 210 Street Lights – Advocacy and Awareness  
Campaign for Efficient Lights Page 117
  - L 211 Draft Kingston Greenhouse and Energy Management Strategy Page 124
- 10. Community Sustainability Reports**
  - L 212 Remembrance Garden Page 127
- 11. Organisational Development & Governance Reports**
  - L 213 Councillor Appointments to Committees and Organisations Page 130
  - L 214 Expenditure of Ward Funds Schedule Page 133

**12. Notices of Motion**

- |       |   |          |
|-------|---|----------|
| L 215 | Rescission Motion: Amendment to Planning Permit KP245/09<br>for 999 Nepean Highway (refer Special Council Meeting:<br>30 November 2009 –item L201 refers) | Page 135 |
| L 216 | Cr Peulich: Central Diary   | Page 139 |
| L 217 | Cr Peulich: Council Review  | Page 142 |

**13. Urgent Business**

**14. Items in Camera**

**Environmental Sustainability Report**

- L 218 Planning Enforcement

**Organisational Development & Governance Report**

- L 219 Village Committee Appointments

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**Minutes**

**14 December 2009**

Minutes of the Ordinary Meeting of the Kingston City Council held at the Cheltenham Office at 1230 Nepean Highway, Cheltenham, on Monday, 23 November 2009 at 7:05 pm

**Present:**  
Cr Steve Staikos (Mayor)  
Cr Arthur Athanasopoulos  
Cr Donna Bauer  
Cr Ron Brownlees  
Cr Lewis Dundas  
Cr Paul Peulich  
Cr Trevor Shewan  
Cr Rosemary West OAM

**In Attendance:**  
John Nevins – Chief Executive Officer  
Mauro Bolin – General Manager Community Sustainability  
Paul Franklin – General Manager Corporate Services  
Elaine Sowerby – General Manager Organisational Development and Governance  
Sue Braddy – Acting Manager Communications and Promotions  
Ian Nice – Manager Planning  
Michael Fry – Team Leader Council Business

**1. Apologies**

Nil.

**2. Confirmation of Minutes of Previous Meetings**

**Crs Ronke / Athanasopoulos**

That the minutes of the Ordinary Council Meeting 23 November 2009 and the Special (Statutory) Council Meeting 3 December 2009 be confirmed.

**Carried**

**3. Declaration by Councillors or Officers of any Conflict of Interest**

Cr Dundas declared an interest in relation to confidential item L 218. Cr Brownlees declared an interest in relation to agenda item L 217.

**4. Petitions**

Nil

**5. Presentation of Awards**

Nil.

**6. Reports from Village Committees**

Nil.

**7. Delegates Reports**

Cr West provided an update on the last two meetings of the MAV Planning Committee.

Cr Shewan provided a report on the Metropolitan Transport Forum submission to the State Budget 2010/11 and member priorities.

Cr West provided an update on the last two meetings of the Moorabbin Airport Community Consultation Committee.

Cr Brownlees provided an update on the Positive Aging Committee and issues associated with the senior citizens workshop.

**8. Question Time**

**Stephen Hartney** asked:

Could Cr West please elaborate on her work with Rob Hudson (the current member for Bentleigh) before or during her time on the Kingston Council. In particular any work pertaining to social housing outside of the current developments being considered around the Nepean Highway / South road intersection.

Cr West OAM advised that she had only worked with Rob Hudson during 1982/83 while at the Brotherhood of St Lawrence and that they didn't work on that issue.

**Stephen Hartney** asked:

Are any of the Councillors aware of Federal funding being withdrawn from the proposed high rise social housing development at 999 Nepean Highway, Moorabbin? If Federal funding has been withdrawn from 999 Nepean Highway, could the Council indicate the likelihood the requirement for the removal of the S173 Agreement could be to help the developer sell their units on the open market?

The Chief Executive Officer advised that he would need to ascertain the situation with respect to the funding and that he would provide a written response.

**Gina Di Scala** asked:

Despite having raised concerns about what the Kingston Council provisions states (that is that car parking should be one space for each one or two bedroom dwellings) and considering the inadequate allocation of parking at 999, given this, how is Council going to manage this lack of adequate parking for the residents and for the local business community? In addition, how will most of the potential resident feel that their neighbour was entitled to a parking spot and they weren't?

The Chief Executive Officer advised that he would need to refer to the previous report and that he would provide a written response.

**Connie Volpe** asked:

At the last Council meeting, it was reassuring to hear that some of the Councillors were advocating for the rights, safety and wellbeing of children, but others saw this as less of a priority, for instance, by advocating that a playground wedged between a building and a railway line was a good idea, despite this being on one of Melbourne's most congested and high accident prone areas. Given this, how can this Council reassure families that the rights, safety and wellbeing of children was taken into full consideration when making decisions about the suitability of 999 as a location for social public housing?

The Chief Executive Officer advised that he would need to refer to the previous report and that he would provide a written response.

**Jill Glanville** asked:

What, if any, greenspace will be provided for children and general relaxation, for the many people living in cramped dangerous conditions – ie the busy intersection of Nepean Highway and South Road and the adjacent railway line?

The Chief Executive Officer advised that he would need to refer to the previous report and that he would provide a written response.

**Tony Leech** asked:

Given that there have been about 2,500 locals who have signed a petition against the development of 999 (and 973), then why have not the other Councillors who are still advocating for this development to go ahead – stop and think about the impact of their decision is making on this community – it's residents and local businesses and begin supporting them and reconsider more appropriate options and locations for social public housing such as integrated housing models which are more successful with is backed up by research and mindful of the need of its residents etc.

The Chief Executive Officer advised that he would need to refer to the previous report and that he would provide a written response.

**Stuart Petchey** asked:

The following seven questions further to the decision of the Council on 27 October 2008 to form a new foreshore reference group (taking over from the former Kingston Foreshore Reference Group):

1. So far no group as planned has been assembled, no meetings, no terms of references created, why not?
2. At which open Council or CIS meeting was the K173 Kingston Council resolution rescinded? Mr Rijs' letter suggested that these were the wishes of "Councillors", so when was this passed by those "Councillors"?
3. If this was not passed by Councillors, was Mr Rijs acting under instructions from Councillors unofficially?
4. Or was he acting under instructions from others within the Council employees population?
5. Or was he acting of his own volition?
6. Whatever the answer may be, the Council as a body has overturned a motion passed at Council without course to due process and legality. Why?

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7. I have tried repeatedly since May to get an answer to these questions, and so far no luck at all. Who is hiding what?

The Chief Executive Officer advised that he would need to refer to the previous report and that he would provide a written response.

**Environmental Sustainability Reports**

**K220**

**Town Planning Application Decisions – August 2009**

**Approved By:**

Tony Rijs-General Manager, Environmental Sustainability

**Author:**

Ian Nice – Manager, Planning

Attached for information is the report of Town Planning Decisions for the month of August 2009.

A summary of the decisions is as follows:

<b>Type of Decision</b>	<b>Number of Decisions Made</b>	<b>Percentage (%)</b>
Planning Permits	40	84
Notice of Decision	5	2
Refusal to Grant a Permit	3	3
Other - Withdrawn (1) - Prohibited (0) - Permit not required (0) - Lapsed (5)	6	11
<b>Total</b>	<b>54</b>	<b>100</b>

(NB: Percentage figures have been rounded)

**Recommendation**

That the report be noted.

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## Planning Decisions August 2009

APPL. No.	PROPERTY ADDRESS	SUBURB	APPL. DATE	DATE DECIDED	PROPOSAL DESCRIPTION	DECISION
KP-1001/2008	1 20 Mentone Parade	MENTONE	31/10/2008	12/08/2009	EDUCATION FACILITY (EARLY LEARNING CENTRE)	Permit Issued
KP-1014/2008	1 168-178 Chesterville Road	CHELtenham	7/11/2008	5/08/2009	CHANGE OF USE - RETAIL PREMISES FOR SALE OF WHOLESALE GOODS	Notice of Decision
KP-1021/2008	1210 Centre Road	CLARINDA	11/11/2008	21/08/2009	CHANGE OF USE WITH REDUCTION IN CAR PARKING	Lapsed
KP-1088/2008	7 Latrobe Street	CHELtenham	4/12/2008	19/08/2009	FOUR (4) DWELLINGS	Permit Issued
KP-1092/2008	57 Royal Road	BONBEACH	5/12/2008	11/08/2009	TWO DWELLINGS / 2 LOT SUB	Notice of Decision
KP-1158/2008	48 Blantyre Avenue	CHELSEA	29/12/2008	4/08/2009	THREE (3) DWELLINGS	Refused
KP-131/2009	37 Venice Street	MENTONE	5/03/2009	5/08/2009	ADVERTISING SIGN	Notice of Decision
KP-135/2009	2 308-310 Lower Dandenong Road	MORDIALLOC	6/03/2009	5/08/2009	CHANGE OF USE - MATERIALS RECYCLING STATION	Lapsed
KP-151/2009	76 Balcombe Road	MENTONE	16/03/2009	3/08/2009	MIXED USE DEVELOPMENT	Refused
KP-188/2008	71 Church Road	CARRUM	14/02/2008	11/08/2009	THREE (3) DWELLINGS	Permit Issued
KP-200/2009	88-94 Como Parade West	MENTONE	31/03/2009	31/08/2009	ADVT SIGN	Lapsed
KP-216/2009	30 Embankment Grove	CHELSEA	2/04/2009	26/08/2009	FOUR (4) DWELLINGS	Permit Issued
KP-252/2009	7 12-16 Garden Boulevard	DINGLEY VILLAGE	20/04/2009	19/08/2009	CHANGE OF USE - OFFICE	Permit Issued
KP-259/2009	179-217 Centre Dandenong Road	DINGLEY VILLAGE	22/04/2009	10/08/2009	INSTALLATION OF BORE WATER TANK	Permit Issued
KP-267/2009	31 Bourke Street	MENTONE	28/04/2009	14/08/2009	FOUR (4) LOT SUBDIVISION - STAGED	Permit Issued
KP-300/2009	2 Lord Weaver Grove	BONBEACH	8/05/2009	5/08/2009	SECTION 32 PLAN	Permit Issued
KP-308/2009	24 71-109 Bourke Road	CLARINDA	14/05/2009	20/08/2009	THREE (3) DWELLINGS	Notice of Decision
KP-313/2009	3-5 Freighter Road	MOORABBIN	18/05/2009	6/08/2009	CHANGE OF USE - FOOD MANUFACTURING	Permit Issued



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					/ WAREHOUSE	
KP-328/2009	4 Ocean Lane	PATTERSON LAKES	21/05/2009	21/08/2009	SINGLE DWELLING - VARY RESTRICTION	Permit Issued
KP-330/2009	10 Melaleuca Drive	CLARINDA	22/05/2009	13/08/2009	THREE (3) DWELLINGS	Lapsed
KP-332/2009	2 Lord Weaver Grove	BONBEACH	21/05/2009	5/08/2009	TWO (2) LOT SUBDIVISION	Permit Issued
KP-345/2009	387 Nepean Highway	MORDIALLOC	1/06/2009	11/08/2009	FOUR (4) LOT SUBDIVISION	Permit Issued
KP-354/2009	1 16 Crown Avenue	MORDIALLOC	2/06/2009	5/08/2009	BUILDING & WORKS	Permit Issued
KP-366/2009	355-359 Nepean Highway	PARKDALE	9/06/2009	10/08/2009	SIGNAGE & ASSOC.WORKS	Permit Issued
KP-376/2009	82-88 Mills Road	BRAESIDE	12/06/2009	10/08/2009	BUILDINGS & WORKS	Permit Issued
KP-385/2009	1238-1240 Nepean Highway	CHELtenham	17/06/2009	13/08/2009	ADVERTISING SIGNAGE	Lapsed
KP-397/2009	28 Westley Street	CARRUM	19/06/2009	12/08/2009	ALTERATIONS & ADDITIONS - SPECIAL BUILDING OVERLAY	Permit Issued
KP-400/2009	31 Lochiel Avenue	EDITHVALE	22/06/2009	12/08/2009	SINGLE DWELLING	Permit Issued
KP-401/2009	5 Templeman Court	ASPENDALE GARDENS	18/06/2009	11/08/2009	TWO (2) LOT SUBDIVISION	Permit Issued
KP-408/2009	84 Clarinda Road	CLARINDA	22/06/2009	11/08/2009	TWO (2) LOT SUBDIVISION	Permit Issued
KP-411/2007	376 Warrigal Road	HEATHERTON	13/06/2007	6/08/2009	RESTAURANT & LIQUOR LICENCE	Refused
KP-419/2009	50 Blantyre Avenue	CHELSEA	26/06/2009	19/08/2009	TWO (2) LOT SUBDIVISION	Permit Issued
KP-421/2009	29 Oakes Avenue	CLAYTON SOUTH	30/06/2009	14/08/2009	THREE (3) LOT SUBDIVISION	Permit Issued
KP-426/2009	9 Venture Way	BRAESIDE	2/07/2009	17/08/2009	TWO (2) LOT SUBDIVISION	Permit Issued
KP-428/2009	648 South Road	MOORABBIN	3/07/2009	17/08/2009	CHANGE OF USE	Permit Issued
KP-430/2009	24 Kershaw Street	PARKDALE	3/07/2009	19/08/2009	FRONT FENCE ON LAND AFFECTED BY A SPECIAL BUILDING OVERLAY	Permit Issued
KP-432/2009	47 Hilda Street	CHELtenham	6/07/2009	10/08/2009	TWO (2) LOT SUBDIVISION	Permit Issued
KP-449/2009	20 Sycamore Avenue	MENTONE	14/07/2009	11/08/2009	TWO (2) LOT SUBDIVISION	Permit Issued
KP-451/2009	3 Second Street	CLAYTON SOUTH	14/07/2009	17/08/2009	TWO (2) LOT SUBDIVISION	Permit Issued
KP-458/2009	2 Keith Avenue	EDITHVALE	16/07/2009	3/08/2009	CREATE EASEMENT	Withdrawn

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KP-465/2009	1458 Centre Road	CLAYTON SOUTH	21/07/2009	10/08/2009	TWO (2) LOT SUBDIVISION	Permit Issued
KP-468/2009	4 Verdure Crescent	CHELTENHAM	17/07/2009	11/08/2009	DWELLING	Permit Issued
KP-469/2009	46 Beach Road	MENTONE	16/07/2009	18/08/2009	DWELLING	Permit Issued
KP-475/2009	12 Coolabah Street	MENTONE	23/07/2009	19/08/2009	TWO (2) LOT SUBDIVISION	Permit Issued
KP-490/2009	5 Portland Place	WATERWAYS	24/07/2009	12/08/2009	DWELLING	Permit Issued
KP-501/2009	7 Starling Court	WATERWAYS	28/07/2009	12/08/2009	DWELLING	Permit Issued
KP-513/2009	29 Teague Avenue	MENTONE	3/08/2009	14/08/2009	ALTS & ADDS TO DWELLING - SBO	Permit Issued
KP-518/2009	37 Argyle Avenue	CHELSEA	5/08/2009	17/08/2009	2 LOT SUBDIVISION	Permit Issued
KP-520/2009	6 Cocos Court	PATTERSON LAKES	4/08/2009	18/08/2009	REPLACE JETTY	Permit Issued
KP-525/2008	216 Station Street	EDITHVALE	2/06/2008	18/08/2009	ELEVEN (11) DWELLINGS	Permit Issued
KP-581/2008	175 Warrigal Road	CHELTENHAM	17/06/2008	25/08/2009	TWO (2) DWELLINGS	Notice of Decision
KP-684/2008/A	55 Chelsea Road	CHELSEA	28/07/2009	11/08/2009	TWO DWELLINGS	Permit Issued
KP-776/2007/A	18 Bath Street	CHELSEA	29/04/2009	17/08/2009	THREE (3) DWELLINGS	Permit Issued
KP-886/2008	1 31 Johnston Street	MENTONE	24/09/2008	11/08/2009	4 LOT SUBDIVISION	Permit Issued

**Town Planning Application Decisions – September 2009**

**Approved By:** Tony Rijs-General Manager, Environmental Sustainability  
**Author:** Ian Nice – Manager, Planning

Attached for information is the report of Town Planning Decisions for the month of September 2009.

A summary of the decisions is as follows:

<b>Type of Decision</b>	<b>Number of Decisions Made</b>	<b>Percentage (%)</b>
Planning Permits	53	73
Notice of Decision	10	14
Refusal to Grant a Permit	6	8
Other - Withdrawn (2) - Prohibited (0) - Permit not required (0) - Lapsed (2)	4	5
<b>Total</b>	<b>73</b>	<b>100</b>

(NB: Percentage figures have been rounded)

**Recommendation**

That the report be noted.

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## Planning Decisions September 2009

APPL. No.	PROPERTY ADDRESS	SUBURB	APPL. DATE	DATE DECIDED	PROPOSAL DESCRIPTION	DECISION
KP-396/2009	26 Munro Avenue	EDITHVALE	19/06/2009	18/09/2009	TWO DWELLINGS & TWO LOT SUBDIVISION	Lapsed
KP-503/2009	94 Beach Road	MENTONE	30/07/2009	22/09/2009	ALTS & ADDS - FRONT FENCE	Lapsed
KP-1121/2008	42 Fifth Avenue	CHELSEA HEIGHTS	17/12/2008	22/09/2009	TWO (2) DWELLINGS	Notice of Decision
KP-14/2009	10 Silver Street	CHELTENHAM	12/01/2009	15/09/2009	TWO (2) DWELLINGS	Notice of Decision
KP-144/2009	38-40 Station Street	ASPENDALE	12/03/2009	18/09/2009	ALTS & ADDS TO DWELLING	Notice of Decision
KP-149/2009	8 William Street	MOORABBIN	13/03/2009	17/09/2009	TWO (2) DWELLINGS / TWO (2) LOT SUB	Notice of Decision
KP-155/2009	51 Tennyson Avenue	CLAYTON SOUTH	17/03/2009	2/09/2009	FOUR (4) DWELLINGS	Notice of Decision
KP-217/2009	11 Alleyne Avenue	BONBEACH	3/04/2009	17/09/2009	TWO DWELLINGS	Notice of Decision
KP-278/2009	38 Clay Street	MOORABBIN	29/04/2009	15/09/2009	THREE DWELLINGS	Notice of Decision
KP-34/2009	31 Fourth Street	PARKDALE	22/01/2009	16/09/2009	TWO (2) DWELLINGS	Notice of Decision
KP-49/2009	34-94 Oak Avenue	MENTONE	30/01/2009	1/09/2009	119 DOUBLE STOREY DWELLINGS WITHIN LAND SUBJECT TO A SPECIAL BUILDING OVERLAY	Notice of Decision
KP-69/2009	10 Edsall Street	HIGHETT	6/02/2009	30/09/2009	TWO DWELLINGS	Notice of Decision
KP-1006/2008/A	425 Warrigal Road	MOORABBIN	17/09/2009	16/09/2009	ALTS & ADDS TO WAREHOUSE + SIGNAGE	Permit Issued
KP-1125/2008	24 Elliott Street	CHELTENHAM	19/12/2008	23/09/2009	SBO - ATLS & ADDS - ALFRESCO & DECK AREA	Permit Issued
KP-1150/2008	53 Flinders Street	MENTONE	23/12/2008	3/09/2009	TWO (2) DWELLINGS + REMOVAL OF EXISTING EASEMENT	Permit Issued
KP-142/2009	464 Clayton Road	CLAYTON SOUTH	11/03/2009	17/09/2009	TWO DWELLINGS	Permit Issued
KP-189/2009	25 Park Street	MORDIALLOC	26/03/2009	30/09/2009	TWO DWELLINGS / 2 LOT SUB	Permit Issued
KP-201/2009	26 Glenelg Drive	CLAYTON SOUTH	31/03/2009	16/09/2009	TWO DWELLINGS	Permit Issued
KP-203/2009	75 Station Street	ASPENDALE	31/03/2009	17/09/2009	TWO DWELLINGS	Permit Issued
KP-	42 Crawford	CLARINDA	31/03/2009	8/09/2009	TWO DWELLINGS	Permit

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208/2009	Road					Issued
KP-220/2009	260 Charman Road	CHELTENHAM	3/04/2009	15/09/2009	B'LD & WORKS - MIXED USE DEVELOPMENT/REDUCTION IN CAR PARKING	Permit Issued
KP-247/2009	1422 Centre Road	CLAYTON SOUTH	15/04/2009	16/09/2009	8 LOT SUBDIVISION	Permit Issued
KP-281/2009	28 Byron Street	CLAYTON SOUTH	30/04/2009	4/09/2009	TWO DWELLINGS	Permit Issued
KP-303/2009	82-88 Mills Road	BRAESIDE	13/05/2009	17/09/2009	BUILDING & WORKS	Permit Issued
KP-322/2009	385 Centre Dandenong Road	HEATHERTON	20/05/2009	2/09/2009	SIGNAGE	Permit Issued
KP-329/2009	15 Ashley Park Drive	CHELSEA HEIGHTS	21/05/2009	17/09/2009	BUILDING & WORKS - TELECOMM.FACILITY	Permit Issued
KP-333/2009	Unit 1 41 Fiddes Street	MOORABBIN	27/05/2009	29/09/2009	TWO (2) LOT SUBDIVISION - REMOVAL OF EASEMENT	Permit Issued
KP-347/2009	19 Elliott Street	CHELTENHAM	28/05/2009	1/09/2009	TWO (2) DWELLINGS	Permit Issued
KP-349/2009	12 Palm Island Court	PATTERSON LAKES	1/06/2009	17/09/2009	BUILDING & WORKS - FLOATING PONTOON	Permit Issued
KP-383/2009	5 Bibby Court	MOORABBIN	16/06/2009	28/09/2009	ALTERATIONS & ADDITIONS	Permit Issued
KP-392/2009	17 Coolac Street	CHELTENHAM	15/06/2009	16/09/2009	3 LOT SUBDIVISION	Permit Issued
KP-402/2009	290 Charman Road	CHELTENHAM	18/06/2009	22/09/2009	3 LOT SUBDIVISION	Permit Issued
KP-420/2009	1 18-20 Bond Street	MORDIALLOC	30/06/2009	29/09/2009	BUILDINGS & WORKS	Permit Issued
KP-422/2009	58A Broadway	BONBEACH	30/06/2009	28/09/2009	2 LOT SUBDIVISION	Permit Issued
KP-430/2006	32 Myola Street	CARRUM	9/09/2009	9/09/2009	Three (3) Lot Subdivision	Permit Issued
KP-439/2009	40 Langrigg Avenue	EDITHVALE	8/07/2009	15/09/2009	BUILDINGS AND WORKS IN A SPECIAL BUILDING OVERLAY	Permit Issued
KP-447/2009	1 Walter Street	MOORABBIN	13/07/2009	21/09/2009	2 LOT SUBDIVISION	Permit Issued
KP-455/2009	30 Fourth Street	PARKDALE	13/07/2009	17/09/2009	SINGLE DWELLING - SBO	Permit Issued
KP-464/2009	5 80 Fairbank Road	CLAYTON SOUTH	15/07/2009	2/09/2009	CHANGE OF USE - INDUSTRY & REDUCTION IN CAR PARKING REQUIREMENT	Permit Issued
KP-488/2009	7A Sun Rise	PATTERSON LAKES	23/07/2009	16/09/2009	ALTS & ADDS TO DWELLING	Permit Issued
KP-489/2009	22 Seventh Street	PARKDALE	24/07/2009	23/09/2009	2 LOT SUBDIVISION	Permit Issued
KP-492/2009	10B Hartwood Court	CHELSEA HEIGHTS	24/07/2009	4/09/2009	REBUILDING WAREHOUSE AFTER FIRE	Permit Issued
KP-	33 Marina	MENTONE	30/07/2009	15/09/2009	ALTS & ADDS -	Permit

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505/2009	Road				EXTENSION TO DWELLING	Issued
KP-509/2009	6 Follett Road	CHELTENHAM	31/07/2009	17/09/2009	2 LOT SUBDIVISION	Permit Issued
KP-519/2009	25 Mascot Avenue	BONBEACH	4/08/2009	2/09/2009	ERECTION OF SHED - SBO	Permit Issued
KP-525/2009	60 Argyle Avenue	CHELSEA	7/08/2009	21/09/2009	2 LOT SUBDIVISION	Permit Issued
KP-529/2009	7 Golfwood Close	DINGLEY VILLAGE	11/08/2009	15/09/2009	FRONT FENCE - SBO	Permit Issued
KP-541/2009	19 Southern Road	MENTONE	13/08/2009	16/09/2009	TWO (2) LOT SUBDIVISION	Permit Issued
KP-542/2009	1438 Centre Road	CLAYTON SOUTH	17/08/2009	30/09/2009	EIGHT (8) LOT SUBDIVISION	Permit Issued
KP-545/2009	54 Waterside Drive	WATERWAYS	18/08/2009	18/09/2009	DWELLING	Permit Issued
KP-547/2009	2 Derring Lane	CHELTENHAM	25/08/2009	23/09/2009	FRONT FENCE	Permit Issued
KP-553/2009	19 Elliott Street	CHELTENHAM	17/08/2009	18/09/2009	TWO (2) LOT SUBDIVISION	Permit Issued
KP-554/2007/A	57 McMillan Street	CLAYTON SOUTH	3/06/2009	22/09/2009	NINE (9) DWELLINGS / 2 OFFICES	Permit Issued
KP-556/2009	49 Keith Street	PARKDALE	21/08/2009	21/09/2009	ALTERATIONS & ADDITIONS	Permit Issued

**Town Planning Application Decisions – October 2009**

**Approved By:** Tony Rijs-General Manager, Environmental Sustainability  
**Author:** Ian Nice – Manager, Planning

Attached for information is the report of Town Planning Decisions for the month of October 2009.

A summary of the decisions is as follows:

<b>Type of Decision</b>	<b>Number of Decisions Made</b>	<b>Percentage (%)</b>
Planning Permits	55	72
Notice of Decision	12	16
Refusal to Grant a Permit	5	6
Other - Withdrawn (2) - Prohibited (0) - Permit not required (0) - Lapsed (3)	5	6
<b>Total</b>	<b>77</b>	<b>100</b>

(NB: Percentage figures have been rounded)

**Recommendation**

That the report be noted.

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<b>Planning Decisions October 2009</b>						
<b>APPL. No.</b>	<b>PROPERTY ADDRESS</b>	<b>SUBURB</b>	<b>APPL. DATE</b>	<b>DATE DECIDED</b>	<b>PROPOSAL DESCRIPTION</b>	<b>DECISION</b>
KP-1080/2008	404 South Road	MOORABBIN	2/12/2008	30/10/2009	TWO (2) DWELLINGS	Permit Issued
KP-1124/2008	45 Sea Parade	MENTONE	18/12/2008	29/10/2009	TWO (2) DWELLINGS	Permit Issued
KP-1141/2008/A	640-650 Heatherton Road	CLAYTON SOUTH	21/10/2009	23/10/2009	B'LD & WORKS - WAREHOUSE	Permit Issued
KP-121/2009	57 Scotch Parade	BONBEACH	27/02/2009	15/10/2009	TWO DWELLINGS	Refused
KP-122/2009	98 Station Street	ASPENDALE	2/03/2009	14/10/2009	THREE DWELLINGS	Refused
KP-130/2009/A	530 Main Street	MORDIALLOC	1/10/2009	2/10/2009	B'LD & WORKS - ERECT SCAFFOLD	Permit Issued
KP-159/2009	3 Houston Street	MENTONE	18/03/2009	13/10/2009	TWO (2) DWELLINGS	Permit Issued
KP-163/2009/A	376 Nepean Highway	PARKDALE	9/09/2009	28/10/2009	THREE (3) LOT SUBDIVISION	Permit Issued
KP-174/2009	94 Nepean Highway	MENTONE	24/03/2009	15/10/2009	CHANGE OF USE - DRY CLEANING	Notice of Decision
KP-180/2009	81 McLeod Road	CARRUM	25/03/2009	26/10/2009	TWO (2) DWELLINGS	Permit Issued
KP-183/2006	253 Como Parade East	PARKDALE	2/10/2009	2/10/2009	BUILDINGS AND WORKS	Permit Issued
KP-191/2008	18 Maury Road	CHELSEA	18/02/2008	6/10/2009	3 DWELLINGS	Permit Issued
KP-203/2004	13 Jordan Street	CLAYTON SOUTH	31/03/2004	20/10/2009	TWO (2) DWELLINGS	Permit Issued
KP-225/2009	151 Balcombe Road	MENTONE	6/04/2009	19/10/2009	TWO (2) DWELLINGS	Notice of Decision
KP-226/2009	6A Beach Park Reserve	MORDIALLOC	7/04/2009	14/10/2009	ADVT SIGN	Permit Issued
KP-241/2009	26 Tennyson Street	CARRUM	15/04/2009	21/10/2009	TWO (2) DWELLINGS	Notice of Decision
KP-261/2009	Showers Ave	CHELSEA	24/04/2009	8/10/2009	ALTS & ADDS TO BOAT SHED	Refused
KP-290/2009	1 Albany Crescent	ASPENDALE	5/05/2009	29/10/2009	TWO (2) DWELLINGS	Notice of Decision
KP-316/2009	16 Berry Avenue	EDITHVALE	18/05/2009	6/10/2009	TWO (2) DWELLINGS	Permit Issued
KP-327/2009	24 Regent Parade	CHELTENHAM	22/05/2009	5/10/2009	TWO (2) DWELLINGS	Permit Issued



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KP-334/2009	1 30 Elsie Grove	CHELSEA	25/05/2009	6/10/2009	ALTS & ADD.	Permit Issued
KP-339/2009	640 Warrigal Road	OAKLEIGH SOUTH	25/05/2009	12/10/2009	TWO (2) DWELLINGS	Refused
KP-374/2009	24 McFarlane Court	HIGHETT	11/06/2009	23/10/2009	TWO (2) DWELLINGS	Notice of Decision
KP-375/2009	2 Beswick Street	CLAYTON SOUTH	11/06/2009	19/10/2009	THREE (3) DWELLINGS	Notice of Decision
KP-377/2009	1 507 Main Street	MORDIALLOC	12/06/2009	9/10/2009	BUILDINGS & WORKS	Permit Issued
KP-384/2009	239 Como Parade East	PARKDALE	16/06/2009	14/10/2009	TWO (2) DWELLINGS	Notice of Decision
KP-398/2009	5 19-23 Clarinda Road	OAKLEIGH SOUTH	19/06/2009	9/10/2009	USE - SCHOOL OF DANCE	Permit Issued
KP-406/2009	329 Nepean Highway	PARKDALE	22/06/2009	8/10/2009	TWO (2) DWELLINGS	Permit Issued
KP-407/2009	16 Milton Avenue	CLAYTON SOUTH	18/06/2009	29/10/2009	THREE (3) LOT SUBDIVISION	Permit Issued
KP-414/2009	30 Herald Street	CHELTENHAM	24/06/2009	30/10/2009	TWO (2) DWELLINGS	Permit Issued
KP-431/2009	21 Foam Street	ASPENDALE	6/07/2009	23/10/2009	TWO DWELLINGS	Permit Issued
KP-437/2009	55 Argyle Avenue	CHELSEA	8/07/2009	13/10/2009	THREE (3) DWELLINGS	Permit Issued
KP-448/2009	Lot 1 Marine Drive	PATTERSON LAKES	9/07/2009	6/10/2009	SECTION 24A PLAN	Permit Issued
KP-452/2009	9 Waterlily Court	WATERWAYS	13/07/2009	5/10/2009	Alterations and Additions - Pergola	Refused
KP-453/2009	426-431 Nepean Highway	CHELSEA	9/07/2009	28/10/2009	BUILDINGS AND WORKS IN ASSOCIATION WITH A RESTUARANT LIQUOR LICENSE AND REDUCTION IN CAR PARKING REQUIREMENT	Notice of Decision
KP-478/2009	65 Marriott Street	PARKDALE	14/07/2009	9/10/2009	ADVT SIGN	Permit Issued
KP-482/2009	2 13-15 Kevlar Close	BRAESIDE	22/07/2009	6/10/2009	ALTS & ADDS TO FACTORY - MEZZANINE FLOOR	Permit Issued
KP-484/2009	8 Westbridge Court	WATERWAYS	22/07/2009	9/10/2009	ALTS & ADDS - SWIMMING POOL	Permit Issued
KP-486/2009	20-26 Sullivan Street	MOORABBIN	23/07/2009	14/10/2009	THIRTEEN (13) LOT SUBDIVISION	Permit Issued
KP-487/2009	3 Clematis Court	PATTERSON LAKES	23/07/2009	6/10/2009	REPLACEMENT OF JETTY	Permit Issued
KP-507/2009	1 Snipe Close	CHELSEA HEIGHTS	31/07/2009	15/10/2009	TWO (2) DWELLINGS	Lapsed
KP-509/2009/A	6 Follett Road	CHELTENHAM	14/10/2009	26/10/2009	TWO (2) LOT SUBDIVISION	Permit Issued
KP-511/2009	10 Chute Street	MORDIALLOC	3/08/2009	30/10/2009	TWO (2) LOT SUBDIVISION	Permit Issued

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KP-528/2009	95 Cochranes Road	MOORABBIN	11/08/2009	5/10/2009	CHANGE OF USE - MOTOR VEHICLE SALE	Permit Issued
KP-535/2009	1 Perry Street	MOORABBIN	12/08/2009	20/10/2009	THREE (3) DWELLINGS	Lapsed
KP-537/2009	6 Eveline Avenue	PARKDALE	14/08/2009	9/10/2009	Dwelling - SBO	Permit Issued
KP-551/2009	17 Collocott Street	MORDIALLOC	13/08/2009	23/10/2009	THIRTEEN (13) LOT SUBDIVISION	Permit Issued
KP-560/2009	1 47 Stewart Avenue	PARKDALE	20/08/2009	5/10/2009	FRONT FENCE	Permit Issued
KP-563/2009	8 Spoonbill Place	WATERWAYS	21/08/2009	5/10/2009	DWELLING	Permit Issued
KP-567/2009	1 Como Parade West	MENTONE	24/08/2009	29/10/2009	CHANGE OF USE - PET SHOP	Permit Issued
KP-580/2009	15 Shipston Road	CHELTENHAM	31/08/2009	9/10/2009	DWELLING - SBO	Permit Issued
KP-581/2009	14 Wordsworth Avenue	CLAYTON SOUTH	26/08/2009	21/10/2009	TWO (2) LOT SUBDIVISION	Lapsed
KP-591/2009	96 Flinders Street	MENTONE	3/09/2009	23/10/2009	BUILDINGS AND WORKS	Permit Issued
KP-595/2009	7 First Street	PARKDALE	4/09/2009	12/10/2009	DWELLING	Permit Issued

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**Town Planning Application Decisions – November 2009**

**Approved By:** Tony Rijs-General Manager, Environmental Sustainability  
**Author:** Ian Nice – Manager, Planning

Attached for information is the report of Town Planning Decisions for the month of November 2009.

A summary of the decisions is as follows:

<b>Type of Decision</b>	<b>Number of Decisions Made</b>	<b>Percentage (%)</b>
Planning Permits	59	72
Notice of Decision	6	16
Refusal to Grant a Permit	3	6
Other - Withdrawn (3) - Prohibited (0) - Permit not required (4) - Lapsed (3)	10	6
<b>Total</b>	<b>78</b>	<b>100</b>

(NB: Percentage figures have been rounded)

**Recommendation**

That the report be noted.

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<b>APPL. No.</b>	<b>PROPERTY ADDRESS</b>	<b>SUBURB</b>	<b>APPL. DATE</b>	<b>DATE DECIDED</b>	<b>PROPOSAL DESCRIPTION</b>	<b>DECISION</b>
KP-120/2009	246 Station Street	EDITHVALE	27/02/2009	13/11/2009	TWO DWELLINGS / 2 LOT SUBDIVISION	Notice of Decision
KP-157/2009	4 Randall Avenue	EDITHVALE	17/03/2009	10/11/2009	TWO (2) DWELLINGS	Permit Issued
KP-173/2009	47 Rowans Road	HIGHETT	24/03/2009	2/11/2009	TWO (2) DWELLINGS	Permit Issued
KP-196/2009	14 Jean Street	CHELTENHAM	30/03/2009	26/11/2009	FIVE (5) DWELLINGS	Notice of Decision
KP-2/2009	27 Swanpool Avenue	CHELSEA	5/01/2009	16/11/2009	THREE (3) DWELLINGS	Notice of Decision
KP-223/2009	43 Southern Road	MENTONE	6/04/2009	9/11/2009	ALTS & ADDS - FIRST FLOOR EXTENSION	Permit Issued
KP-260/2009	31B Nepean Highway	ASPENDALE	22/04/2009	20/11/2009	FOUR (4) DWELLINGS	Permit Issued
KP-280/2009	1 MacK Crescent	CLARINDA	30/04/2009	9/11/2009	SEVEN (7) LOT SUBDIVISION	Permit Issued
KP-282/2004	370-440 Old Dandenong Road	DINGLEY VILLAGE	10/11/2009	10/11/2009	REFUSE DISPOSAL	Permit Issued
KP-286/2009	100 Centre Dandenong Road	CHELTENHAM	4/05/2009	13/11/2009	TWO (2) DWELLINGS	Notice of Decision
KP-326/2009	12 Reuben Street	CHELTENHAM	21/05/2009	20/11/2009	TWO (2) DWELLINGS	Permit Issued
KP-346/2009	2 Eighth Street	PARKDALE	28/05/2009	11/11/2009	ALTS & ADD - 2ND STOREY	Withdrawn
KP-350/2009	94 Nepean Highway	MENTONE	29/05/2009	9/11/2009	SIGNAGE	Refused
KP-378/2009	1 33 Ella Grove	CHELSEA	12/06/2009	4/11/2009	ALTERATIONS & ADDITIONS	Permit Issued
KP-381/2009	1 31 Evan Street	PARKDALE	15/06/2009	11/11/2009	BUILDINGS & WORKS	Withdrawn
KP-386/2009	Unit 2 195 Nepean Highway	ASPENDALE	9/06/2009	19/11/2009	2 LOT SUBDIVISION	Permit Issued
KP-411/2009	334 Boundary Road	DINGLEY VILLAGE	24/06/2009	19/11/2009	ADVERTISING SIGNAGE	Permit Issued
KP-413/2008/A	1288 Centre Road	CLAYTON SOUTH	4/11/2009	23/11/2009	CHANGE OF USE - TAKE AWAY / DINING - SBO	Permit Issued
KP-413/2009	21 32-50 Centre Dandenong Road	DINGLEY VILLAGE	24/06/2009	11/11/2009	BUILDINGS & WORKS	Permit Issued

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KP-418/2009	4 Avon Street	MOORABBIN	26/06/2009	19/11/2009	THREE DWELLINGS	Permit Issued
KP-424/2009	1322 Nepean Highway	CHELTENHAM	1/07/2009	16/11/2009	4 DWELLINGS	Permit Issued
KP-427/2009	21 Reeve Court	CHELTENHAM	2/07/2009	9/11/2009	TWO (2) DWELLINGS	Lapsed
KP-442/2009	218 Como Parade West	PARKDALE	10/07/2009	25/11/2009	CHANGE OF USE / SIGNAGE	Permit Issued
KP-457/2009	1 606 Nepean Highway	BONBEACH	14/07/2009	11/11/2009	ALTERATIONS AND ADDITIONS ON A LOT LESS THAN 300M2	Permit Issued
KP-462/2009	38 Mount View Road	HIGHETT	15/07/2009	13/11/2009	TWO (2) DWELLINGS	Permit Issued
KP-466/2009	2 Bricker Street	CHELTENHAM	16/07/2009	19/11/2009	CHANGE OF USE - BROTHEL	Lapsed
KP-470/2009	1 Booker Street	CHELTENHAM	17/07/2009	24/11/2009	THREE ('3) DWELLINGS	Permit Issued
KP-479/2009	3A Cremona Street	MENTONE	21/07/2009	6/11/2009	ALTS & ADDS - 2ND STOREY	Refused
KP-481/2009	360 Highett Road	HIGHETT	22/07/2009	9/11/2009	CHANGE OF USE - PILATES STUDIO	Permit Issued
KP-493/2009	112 Devon Street	CHELTENHAM	24/07/2009	17/11/2009	TWO (2) DWELLINGS AND TWO (2) LOT SUBDIVISION	Permit Issued
KP-495/2009	22 Bondi Road	BONBEACH	28/07/2009	10/11/2009	FOUR (4) LOT SUBDIVISION	Permit Issued
KP-496/2009	20 Garden Boulevard	DINGLEY VILLAGE	27/07/2009	26/11/2009	ALTS & ADDS TO WAREHOUSE	Permit Issued
KP-498/2009	47 Palm Beach Drive	PATTERSON LAKES	27/07/2009	10/11/2009	REPLACEMENT OF JETTY	Permit Issued
KP-504/2009	1 9 Beach Avenue	MORDIALLOC	30/07/2009	11/11/2009	ALTS & ADDS TO WAREHOUSES	Permit Issued
KP-510/2009	Unit 1 43 Tennyson Avenue	CLAYTON SOUTH	3/08/2009	25/11/2009	THREE (3) LOT SUBDIVISION	Permit Issued
KP-514/2009	22 Mallawa Street	CLAYTON SOUTH	4/08/2009	9/11/2009	TWO (2) LOT SUBDIVISION	Permit Issued
KP-515/2009	7 Karen Street	HIGHETT	4/08/2009	26/11/2009	ALTS & ADDS - FRONT FENCE - SBO	Permit Issued
KP-516/2009	1 540-548 Main Street	MORDIALLOC	3/08/2009	4/11/2009	ADVT SIGN	Permit Issued
KP-522/2009	Mascot Avenue	BONBEACH	5/08/2009	2/11/2009	ALTS & ADDS - CLUB ROOMS	Permit Issued
KP-532/2009	1 215 Como Parade East	PARKDALE	12/08/2009	19/11/2009	4 LOT SUBDIVISION	Permit Issued
KP-540/2009	102-114 Gladesville Boulevard	PATTERSON LAKES	17/08/2009	24/11/2009	ADVERTISING SIGNAGE	Permit Issued
KP-544/2009	85 Rae Avenue	EDITHVALE	18/08/2009	11/11/2009	ALTERATIONS AND ADDITIONS TO DWELLING	Permit Issued
KP-550/2009	23 Tennyson Avenue	CLAYTON SOUTH	13/08/2009	24/11/2009	FOUR (4) LOT SUBDIVISION	Permit Issued

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KP-554/2008/A	43 Clay Street	MOORABBIN	9/07/2009	5/11/2009	TWO (2) DWELLINGS - AMENDMENT	Permit Issued
KP-555/2009	22 Carnoustie Parade	HEATHERTON	26/08/2009	20/11/2009	VERANDAH	Permit Issued
KP-557/2009	9 Fowler Street	CHELSEA	21/08/2009	27/11/2009	THREE (3) LOT SUBDIVISION	Permit Issued
KP-558/2009	21 The Parade	CLARINDA	21/08/2009	5/11/2009	TWO (2) LOT SUBDIVISION	Permit Issued
KP-561/2009	31-33 Argus Street	CHELTENHAM	21/08/2009	5/11/2009	FOUR (4) DWELLINGS	Lapsed
KP-564/2009	23 20-24 Chesterville Road	CHELTENHAM	21/08/2009	4/11/2009	BUILDINGS AND WORKS	Permit Issued
KP-570/2009	52 Herbert Street	PARKDALE	27/08/2009	27/11/2009	BUILDINGS AND WORKS	Permit Issued
KP-58/2009	4 Walden Road	MENTONE	3/02/2009	12/11/2009	TWO (2) DWELLINGS	Notice of Decision
KP-585/2009	75-77 Naples Road	MENTONE	1/09/2009	17/11/2009	CHANGE OF USE - EDUCATION CENTRE	Permit Issued
KP-586/2009	6 Bowman Street	ASPENDALE	2/09/2009	27/11/2009	FRONT FENCE	Permit Issued
KP-597/2009	50 Rosewarne Avenue	CHELTENHAM	3/09/2009	9/11/2009	TWO (2) LOT SUBDIVISION	Permit Issued

L202

**Planning Application: KP 471/09, 2 Aster Court, Highett**

<b>APPLICANT</b>	Finely Roberts Design
<b>ADDRESS OF LAND</b>	No. 2 (Lot 30 on PS 012208) Aster Crescent, Highett
<b>PROPOSAL</b>	Three (3) Dwellings
<b>PLANNING OFFICER</b>	Tess Johnson
<b>REFERENCE NO.</b>	KP471/09
<b>RELEVANT STATE PLANNING POLICY FRAMEWORK</b>	Clause 12: Metropolitan Development Clause 14: Settlement Clause 16: Housing Clause 19: Particular Uses & Development
<b>RELEVANT LOCAL PLANNING POLICY FRAMEWORK</b>	Clause 21.05: MSS – Residential Land Use Clause 22.11: Residential Development Policy Clause 22.17: Highett Activity Centre Policy
<b>ZONE</b>	Clause 32.01: Residential 1 Zone
<b>OVERLAYS</b>	Clause 43.02: Design Development Overlay Schedule 12 – Highett Activity Centre
<b>PARTICULAR PROVISIONS</b>	Clause 55: Two or More Dwellings on a Lot & Residential Buildings
<b>GENERAL PROVISIONS</b>	Clause 65: Decision Guidelines
<b>RESIDENTIAL POLICY AREA</b>	Increased Housing Diversity
<b>DECISION DATE BY</b>	28 <sup>th</sup> December, 2009
<b>STATUTORY DAYS</b>	18 days at 16 <sup>th</sup> November, 2009
<b>CONSIDERED PLAN REFERENCES/DATE RECEIVED</b>	Amended plans received: 29 <sup>th</sup> October, 2009 TP 1 – 7 Revision A Landscape plan prepared by Rosewood Horticultural Services

**1.0 KEY ISSUES**

1.1 The key planning issues arising from this proposal relate to:

- Neighbourhood character
- Traffic considerations
- Front setbacks
- Amenity impact (internal and external)
- Any areas of non-compliance with ResCode

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**2.0 PROPOSAL**

2.1 It is proposed to demolish the existing dwelling and outbuildings on the land and construct three (3) double storey dwellings on this site.

2.2 Development summary:

<b>Dwelling</b>	<b>Floor Area (excluding garage / verandah)</b>	<b>Private Open Space</b>	<b>No. of Bedrooms proposed</b>	<b>No. of Car Parking Spaces provided</b>
<b>1</b>	163.8m <sup>2</sup>	48.5m <sup>2</sup> (including 31.1m <sup>2</sup> of secluded private open space)	Three (3)	Two (2)
<b>2</b>	137.5m <sup>2</sup>	56.4m <sup>2</sup> (including 42.5m <sup>2</sup> of secluded private open space at ground floor and 13.9m <sup>2</sup> of private open space in a first floor balcony)	Two (2)	Two (2)
<b>3</b>	169.9m <sup>2</sup>	40.1m <sup>2</sup> of secluded private open space	Three (3)	Two (2)

2.3 The proposal has an overall site area of 610.7m<sup>2</sup>, a proposed site coverage of 53.5% and a permeability percentage of 33.3%.

2.4 Development Assessment Table:

<b>Criteria</b>	<b>ResCode Requirement</b>	<b>Proposed Development Provision</b>
<b>Private Open Space</b>	An area of 40m <sup>2</sup> , with one part of the private open space to consist of secluded private open space at the side or rear of the dwelling with a minimum area of 25m <sup>2</sup> , a minimum dimension of 3 metres and convenient access from a living room.	Dwelling 1: complies with this standard  Dwelling 2: complies with this standard  Dwelling 3: complies with this standard
<b>Car Parking</b>	One (1) car parking space for one (1) or two (2) bedroom dwelling	Dwelling 1: complies with this standard  Dwelling 2: complies with this standard  Dwelling 3: complies with this standard



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<b>Front Setback</b>	<p>As the site is on a corner the minimum front setback is the same distance as the setback of the front wall of the existing building on the abutting allotment facing the front street or 9 metres whichever is the lesser.</p> <p>The front walls of new development fronting the side street of a corner site should be setback at least the same distance as the setback of the front wall of any existing building on the abutting allotment facing the side street or 3 metres, which ever is the lesser.</p> <p>Side walls of new development on a corner should be setback the same distance as the setback of the front wall of any existing building on the abutting allotment facing the side street or 2 metres, whichever is the lesser.</p>	<p>Dwelling 1: does not meet standard (refer to the ResCode discussion section within this report)</p> <p>Dwelling 2: does not meet standard (refer to the ResCode discussion section within this report)</p> <p>Dwelling 3: does not meet standard (refer to the ResCode discussion section within this report)</p>
<b>Site Coverage</b>	Maximum 60% - as per ResCode	Site coverage is 53.5% and therefore complies with this standard.

2.5 The proposed building materials, colours and finishes are summarised in the table below:

Roof:	Selected colorbond roof sheeting
Walls:	Combination of selected render finish, brickwork, lightweight foam cladding and weatherboard cladding (no colours specified)
Garage doors	Not nominated
Windows:	Anodised aluminium window frames
Driveways:	Exposed aggregate concrete finish
Front fencing:	The ground floor private open space area of Dwelling 2 (42.5m <sup>2</sup> ), located towards the corner of the site with a frontage to Railway Parade and Aster Crescent is enclosed by 1.7 metre high fencing. In addition, a secondary area of open space within the front setback of Dwelling 1 is proposed to be enclosed by a 1.7 high front fence also. The remainder of the frontage to Aster Crescent and Railway Parade remains unfenced.
Boundary fences:	Retention of the existing 1.650m high timber paling fence with the inclusion of a 450mm lattice fence extension attached along the sites south and eastern property boundaries.
Other	Hot dipped galvanised finish to steelwork

**3.0 SITE & SURROUNDS**

- 3.1 The subject site comprises a 610.7m<sup>2</sup> allotment on the south-east corner of Aster Crescent and Railway Parade, Highett. It is irregular in shape with a frontage of approximately 15.34 metres to Railway Parade and 23.90 metres to Aster Crescent. The site currently contains a single storey brick dwelling with a pitched tiled roof.
- 3.2 The topography of the land is essentially flat and contains scattered vegetation throughout the site, none of which is considered to be significant. No easements are contained within the subject site.
- 3.3 Vehicle access is currently via a single width crossover located on the southern side of the site's Railway Parade frontage. The existing garage for the dwelling is in the south-east corner of the site, accessible via the crossover and a concrete driveway.
- 3.4 There are two newly planted street trees along the Aster Crescent frontage of the site.
- 3.5 The surrounding area typically comprises of a mix of detached, single and double storey, brick and weatherboard dwellings with pitched/flat roofs, interspersed with a number of dual occupancy and multi dwelling developments. Dwellings are sited with generous side setbacks, creating a regular rhythm to the streetscape. There is no predominant fencing style in the neighbourhood.
- 3.6 The site is within close proximity of local services and facilities, and is approximately 140 metres to the Highett Activity Centre and Highett Railway Station.

**4.0 TITLE DETAILS**

- 4.1 There appears to be a covenant (No. 1604420) listed on the Certificate of Title, which, namely states that earth clay, sandstone or gravel cannot be removed from the site. The proposed development is not considered to result in any breach this restriction.

**5.0 PLANNING CONTROLS**

- 5.1 The subject site is located within a Residential 1 Zone and is subject to a Design Development Overlay Schedule 10.

**6.0 PLANNING PERMIT REQUIREMENTS**

- 6.1 Pursuant to Clause 32.01, a planning permit is required to construct two (2) or more dwellings on a lot.

**7.0 RELEVANT HISTORY**

- 7.1 There is no relevant planning history relating to this site.

**8.0 ADVERTISING**

8.1 The plans lodged with the application on the 17<sup>th</sup> August, 2009 formed part of the advertising documentation as no further information was requested.

8.2 The proposal was advertised by sending notices to adjoining and opposite property owners and occupiers and by maintaining a notice on site for fourteen (14) days. Twenty-five (25) objections to the proposal were received. The valid grounds of objection raised are summarised as follows:

- Neighbourhood character
- Overdevelopment
- Design detail
- Overshadowing
- Traffic / car parking concerns
- Privacy and amenity
- Front setback
- Garage wall of Dwelling 1 on the eastern property boundary
- Overlooking

8.3 The following objections raised are not valid planning considerations:

- Traffic issues within the broader area
- Construction activities

**9.0 PRELIMINARY CONFERENCE**

9.1 A preliminary conference was held on Thursday 1<sup>st</sup> October, 2009 with the relevant Planning Officer, the Permit Applicant(s) and owner(s) and eight (8) objectors in attendance.

9.2 The above concerns were discussed at length within this meeting, and some suggestions for consideration were made. However, the majority of issues were unable to be resolved at the preliminary conference, and the objections still stand.

**10.0 AMENDMENT TO THE PLANS AFTER ADVERTISING**

10.1 Pursuant to Section 57A(1), (2), of the Planning and Environment Act (1987) the applicant submitted amended plans on the 29<sup>th</sup> October, 2009 to address some of the concerns raised within the preliminary conference. The amendments made to the plans following the advertising process include the following:

- An increase in the landscaping areas along the Aster Crescent frontage including changes to the driveway alignment and pathways to entrances.
- A reduction in the front fence height outside Dwelling 1 from 1.8 metres to 1.7 metres and change in fence style to horizontal timber slats (previously timber pickets).
- A reduction in the fence height (from 1.8 metres to 1.7 metres) and length to Dwelling 2 at the corner of Aster Crescent and Railway Parade (including

reduction in size of screened courtyard), to enhance landscaping opportunities. The fence style has also been changed to horizontal timber slats.

- Alteration to the pedestrian path to the entry of Dwelling 3 to allow for increased landscaping opportunities along Railway Parade.
- Some specific design suggestions provided in the written objection lodged by the objector of Unit 1, 4-6 Aster Crescent, in particular;
  - The length of Dwelling 1's garage wall facing the eastern side boundary has been reduced to an overall length of 6.46 metres (minimum internal garage length of 6.0 metres).
  - A 450mm lattice extension has been added to the eastern common boundary fence alongside Unit 1, 4-6 Aster Crescent.
- Minor design changes to in response to the objectors of Unit 1 and Unit 2, 4-6 Aster Crescent, in particular;
  - Dwelling 1's garage has been relocated 150mm from the eastern side boundary. This is designed to enable the existing 1650 high timber paling fence to be retained in its entirety.
  - A 450mm high lattice fence extension has been added to the eastern boundary alongside Unit 2, 4-6 Aster Crescent.
  - The width of the landscaping strips along the eastern side boundary has been increased within the open space areas of Dwellings 1 and 3. This has been achieved by increasing the setback of the decking from the side boundary to 1 metre (for Dwelling 1) and 600mm (for Dwelling 3).
- A landscaping plan was also submitted, showing the proposed planting schedule, including a range of new canopy trees, as well as shrubs and low-level planning. The landscaping plan indicates that all canopy vegetation should be a minimum height of 2 metres when planted.

10.2 The abovementioned changes are considered minor in nature and did not warrant the readvertising of the application.

10.3 The revised plans constitute those that are now under consideration by Council and, therefore, supersede all earlier plans.

## **11.0 REFERRALS**

11.1 The following internal referral departments were notified:

- Council's Development Engineer;
- Council's Vegetation Management Officer; and
- Council's Road and Drains Department.

11.2 The above-mentioned referral authorities had no objection to the proposal, subject to conditions being included on any permit issued.

- 11.3 In particular, Council's Roads and Drains department commented that due to the shallow drainage in this particular area, the drainage pit, currently located in the kerb and channel approximately 4 metres west of the eastern property boundary of the subject sites Aster Crescent frontage, would need to be completely reconstructed to Council Standard S204 (or as close as practical to). The proposed vehicle crossing must be located so that the drainage pit is in the *centre* of the proposed vehicle crossing for Dwelling 1, as such a condition would be required to redesign (curve) the internal driveway of Dwelling 1 to make this practical and to align the crossover and driveway accordingly.

## **12.0 RELEVANT POLICIES**

### **12.1 State Planning Policy Framework (SPPF)**

- Clause 12 (Metropolitan Development)
- Clause 14 (Settlement)
- Clause 16 (Housing)
- Clause 19 (Particular Uses and Development)

### **12.2 Local Planning Policy Framework (LPPF)**

- Clause 21.05 (Residential Land Use)
- Clause 22.11 (Residential Development Policy)
- Clause 22.17 (Highett Activity Centre Policy)

### **12.3 Particular Provisions**

- Clause 55 (Two or More Dwellings on a Lot & Residential Buildings) – Refer to Appendix A for the Planning Officer's full assessment against this Clause.

### **12.4 General Provisions**

- Clause 65 (Decision Guidelines)

### **12.5 Other**

### **12.6 Neighbourhood Character Area Guidelines (Incorporated Document under Clause 21.05 – Residential Land Use of the LPPF)**

The subject site is located within Profile Area No. 6 of Council's Neighbourhood Character Guidelines, which identifies "materials" as a major built form characteristic. Specifically, materials of dwellings are typically characterised as being of tiled roofs, red brick and white weatherboard of construction.

The proposed development incorporates varied materials of brick, weatherboard and render which is consistent with this profile. The proposed roof form would incorporate selected colour bond sheet roofing on flat and skillion styled forms.

When assessing the existing character of the area and the older and more recent examples of development and their roof forms, it is considered that the incorporation of tiled roof materials are still very much a dominant feature in the area. Whilst it is not expected that new medium density development replicate or mimic styles of previous eras, new development should have regard to these characteristics and where appropriate incorporate this into the design.

It is considered that an element of tiled roofing should be incorporated within the proposed development and a condition placed on any permit issued to address this matter.

- 12.7 Design Contextual Housing Guidelines (April 2003 – reference document within Clause 22.11 – Residential Development Policy)

The Design Contextual Housing Guidelines offer a range of design techniques and suggestions to assist with residential design, which is responsive to local character.

It is considered that the proposed development does not raise any issues of non-compliance with these guidelines.

**13.0 PLANNING CONSIDERATIONS:**

- 13.1 State and Local Planning Policy Framework

It is considered that the proposed development generally complies and satisfies the State and Local Planning Policy Framework guidelines which aim to encourage well-designed medium density housing in appropriate locations.

- 13.2 Clause 21.05 - Residential Land use

The subject land is identified within an *Increased Housing Diversity* area.

The intention in these areas is for new medium density housing to comprise of a variety of housing types and layouts that respond to the established, yet evolving, urban character. As these residential areas are already established, the design of any new medium density housing proposal should display sensitivity to the existing residential context and respond to the amenity standards in these areas.

The objectives of the Municipal Strategic Statement (as relevant to this application) include:

**Objective 1:** To provide a wide range of housing types across the municipality to increase housing diversity and cater for the changing needs of current and future populations, taking account of the differential capacity of local areas in Kingston to accommodate different types and rates of housing change.

**Objective 2:** To ensure new residential development respects neighbourhood character and is site responsive, and that medium density dwellings are of the highest design quality.

- Objective 3:** To preserve and enhance well landscaped/vegetated environments and protect identified significant vegetation.
- Objective 4:** To promote more environmentally sustainable forms of residential development.
- Objective 5:** To manage the interface between residential development and adjoining or nearby sensitive/strategic land uses.
- Objective 6:** To ensure residential development does not exceed known physical infrastructure capacities.

Relevant strategies to achieve these objectives (as relevant to this application) include:

- Promote increased housing diversity in residential areas that are within convenient walking distance of public transport and activity nodes (*increased housing diversity areas*). Such areas will accommodate a variety of medium density housing types and layouts at increased residential densities, responding to the established but evolving neighbourhood character.
- Promote new residential development which is of a high standard, responds to the local context and positively contributes to the character and identity of the local neighbourhood.
- Promote new residential development which provides a high standard of amenity and quality of life for future occupants.
- Encourage the retention of existing vegetation wherever possible.
- Improve landscape character by accommodating appropriate landscaping within new residential developments.
- Ensure that the planning, design, siting and construction of new residential development responds to best practice environmental design guidelines for energy efficiency, waste and recycling, and stormwater management.
- Promote medium density housing development in close proximity to public transport facilities, particularly train stations.
- Ensure the siting and design of new residential development sensitively responds to interfaces with environmentally sensitive areas, including the foreshore.
- Ensure that where medium and higher density residential areas are proposed adjacent to lower density residential areas, the design of such development takes proper account of its potential amenity impacts.
- Ensure that the siting and design of new residential development is consistent with Urban Stormwater Best Practice Environmental Management Guidelines and that new development contributes to the maintenance and upgrade of local drainage infrastructure as required, where such new development will impact on the capacity of such infrastructure.
- Require the provision of car parking to satisfy the anticipated demand having regard to average car ownership levels in the area, the environmental capacity of the local street network and the proximity of public transport and nearby on and off street car parking.

- Ensure that all new medium density housing provides adequate private open space that is appropriately landscaped.

It is considered that the proposed development is consistent with the relevant objectives of Council's Municipal Strategic Statement as outlined above.

**13.3 Clause 22.11 – Residential Development Policy**

As outlined previously, the proposal is considered to generally comply and satisfy the applicable Local Planning Policy Framework, which essentially aim to encourage well-designed medium density housing in appropriate locations.

Where a planning permit is required for residential development, where relevant, it is policy under Clause 22.11 to:

- Encourage all new residential development to respond positively and creatively to neighbourhood character. Unless a preferred character is specified, the existing character is that which is to be considered.
- In areas where building placement makes a major contribution to neighbourhood character, design new development to reinforce the established rhythm of buildings in the street and retain the existing single dwelling character of the streetscape.

**Built form, siting and scale of development**, it is policy, where relevant, to:

- Encourage the two storey component of new medium density housing to be located towards the front of a site.
- Ensure that two storey dwellings are designed to respond to the character of the local neighbourhood. Where the local neighbourhood is characterised by single storey development and this characteristic makes a major or critical contribution to neighbourhood character, new two storey development should incorporate rooms within the roof form of attic style dwellings, and should set the second storey building envelope back from the ground level envelope.
- Ensure that any upper storey components towards the rear of sites are sensitively designed to avoid unreasonable adverse amenity impacts on neighbours.
- Encourage well articulated and graduated elevations in order to avoid 'box-like' double storey designs, thus reducing visual bulk.
- Ensure that the siting of new buildings respects the amenity of adjoining neighbours with regard to rear yards and garden outlooks from habitable living room windows.
- Ensure that the design and layout of new dwellings incorporate features which minimise overlooking of adjacent properties.
- Address potential overlooking through site layout planning as well as individual dwelling planning.

**Car parking and vehicle access**, it is policy, where relevant, to:

- Ensure that adequate on-site car parking is provided to meet the needs of future residents and visitors and sited to reduce its impact on the streetscape.

*Performance measures*



- Locating garages or carports at the rear of dwellings fronting a street wherever possible.
- Ensuring that where garages are located in the street elevation, they are set back a greater distance than the front wall of the building.
- Ensuring that garages and carports are sited so that a tandem car parking space can be provided in front of the garage or carport.
- Incorporating garages and carports within the main roof line of the dwelling.

**Stormwater run-off mitigation and quality management**, it is policy, where relevant, to:

- Ensure that new residential development limits the impact of increased stormwater run-off on drainage systems.

*Performance measures*

On-site infiltration should be maximised by:

- Wherever possible, using unpaved landscape areas or porous paving.
- Where appropriate, constructing on-site stormwater detention with delayed release into the stormwater drainage system.
- Designing to limit the impervious area.
- Incorporating on-site water re-cycling systems for stormwater run-off.

Clause 22.11 Residential Development Policy essentially extends upon the provision contained at Clause 21.05 (Residential Land Use) along with the State Planning Policy Framework provisions found at Clause 14.02-2 – Settlement and Clause 16.02 – Medium Density Housing, effectively promoting high-density development around activity centres and locations close to public transport.

In summary, the proposal is seen to be strongly consistent with Council's Local Planning Policy Framework and, importantly, it delivers on some very specific objectives for the type and form of medium density development expected in areas such as this before the Council.

13.4 Clause 22.17 Highett Activity Centre Policy

The purpose of this policy is to implement the *Highett Structure Plan, 2006*, which provides a preferred future pattern of development in the Highett area. It guides land uses, level of activity, forms of buildings and access arrangements that are encouraged throughout the area in the future.

Where a permit is required for the development of land within the policy area, where relevant, it is policy to:

- Promote designs that highlight key corners, entries or landmarks through design projection, detailing and massing that presents to both street frontages and the sites surroundings.
- Ensure new development recognises the character of Highett's established residential areas.

- Maximise development opportunities on vacant and underutilised land which responds to the urban quality, proximity to transport and activity centres.
- Encourage well-designed medium density residential redevelopment in designated preferred medium density residential areas.
- Promote a diverse range of housing types and sizes within areas identified for increased residential and mixed use development.
- Manage redevelopment in those residential areas not identified as preferred areas for medium density housing pursuant to existing Council policies and ResCode.

The subject site is identified within 'Precinct 2: Preferred Medium Density Residential Areas' of this policy, where in addition to the general policies, in the Preferred Medium Density Residential Areas Precinct it is policy to:

- Support the development of contemporary medium density housing in the form of well designed apartment developments rather than villa unit and town house style developments.
- Promote development with a maximum of three storeys on consolidated lots.
- Encourage site consolidation.

It is considered that this application meets these objectives.

**13.5 Zoning Provisions**

It is considered that the proposed development satisfies the purpose of the zone.

**13.6 Overlay Provisions**

The site is subject to the Design Development Overlay Schedule 12 *Highett Activity Centre Policy*, where all buildings should achieve a high standard of building design and articulation. The site is nominated within Preferred Medium Density Residential Area No. 5 of this Schedule, where relevant, it is policy to:

- To encourage apartment style residential development of up to three storeys in height on consolidated lots in residential areas close to the Highett Activity Centre.
- To retain the amenity of existing low density residential development by ensuring that adequate side and rear setbacks are provided to taller buildings to allow screen planting and a landscape setting, and to prevent unreasonably overlooking, overshadowing and visual bulk.

This overlay, as relevant to this site and Area No. 5, nominates specific design standards relating to height, landscape design and setbacks, as follows;

<b>Height Control Area as shown on the plan to the Schedule 12</b>	<b>Maximum Building Height</b>	<b>Design Standard</b>
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<p><b>DDO12 – A5</b></p> <ul style="list-style-type: none"> <li>• View and Station Streets south of Highett Road;</li> <li>• the residentially zoned properties fronting the east and west side of Nepean Hwy north of Bay Road and south of Wickham road;</li> <li>• <b><i>the immediate residential areas north and south of the Highett Shopping Centre; and</i></b></li> <li>• <b><i>the residential area north of Highett Road and south of Wickham Road.</i></b></li> </ul>	<p><b>3 storeys (11 metres)</b></p>	<p><b><i>On sites of 1,000sqm or less and with a frontage of 20 meters or less buildings and works should not exceed a maximum height of 7.5 metres (comprising 2 storeys).</i></b></p> <p>On sites (comprising one or more lots) of greater than 1,000sqm and with a frontage of greater than 20 metres buildings and works should not exceed a maximum height of 11.0 metres (comprising 3 storeys). The preference is for residential apartment style developments on larger consolidated lots, rather than villa units or townhouses.</p> <p>Where sites are consolidated new development must be setback a minimum of 6 metres from the front property boundary.</p> <p><b><i>New development must be setback from side and rear boundaries to provide greater side and rear setbacks than the standards of Clause 55 of this Scheme. Setbacks are to provide for substantial landscaping and to reserve the amenity of adjoining residences.</i></b></p> <p>Car parking spaces be provided primarily within new developments rather than at ground level, in order to maximize the opportunity to use ground level areas for landscaping, and communal open space.</p>
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**Height** – Buildings and works *should* not exceed the maximum height set out in the Table above. The proposed development meets these requirements and is two storeys in height (maximum of 7.04 metres).

**Landscape Design** as relevant to this application *must*,

- Provide canopy trees and native and indigenous plantings, provide landscape;
- Provide landscape treatments to soften the urban built form environment.

Landscape plans were referred to Council’s Vegetation Management Officer who recommended that amended plans be requested via Condition 1 of any approval.

**Setbacks** - Buildings and works *must* be constructed in accordance with the setback requirements in this above Table. A permit cannot be granted to vary any of the setback requirements of this Table unless otherwise specifically stated in this Table.

It is considered that the proposal meets the setback requirements, as all ground and first floor setbacks exceed the requirements of ResCode.

It should be noted that the garage of Dwelling 1 and Dwelling 3 are 150mm off the sites south and eastern property boundaries and meet the relevant requirements of Standard B18 Walls on boundaries.

Overall, it is considered that the proposed development is consistent with the requirements of this overlay.

#### **14.0 CLAUSE 55 (RESCODE ASSESSMENT)**

14.1 The proposal has been assessed against the objectives and standards of Clause 55 (ResCode) of the Kingston Planning Scheme (refer to attachment A). It is considered that the development largely satisfies the requirements of ResCode and is a well-designed development. There appear to be the following areas of minor non-compliance, which are discussed below:

#### **14.2 Clause 55.02 – Neighbourhood Character & Infrastructure**

##### *Standard B1 – Neighbourhood Character*

The objective of this Clause 55.02-1 is '*to ensure that the design respects the existing neighbourhood character and responds to the features of the site and surrounding area*'. Standard B1 of ResCode suggests that the proposed design should respect the existing or preferred neighbourhood character and respond to the features of the site.

As discussed previously in this report, the subject site is located within Profile Area No. 6 of Council's Neighbourhood Character Guidelines, which identifies "materials" as a major built form characteristic. Whilst the proposal is largely consistent with these guidelines, one of the major characteristics is that dwellings largely consist of tiled roofs.

The proposed roof form would incorporate selected colour bond sheet roofing on flat and skillion styled forms. It is considered that an element of tiled roofing should be incorporated within the proposed development and a condition placed on any permit issued to address this matter.

##### *Standard B5 – Integration with the Street*

One of the standards within this clause identifies that *high fencing in front of dwellings should be avoided is practicable*. The ground floor private open space area of Dwelling 2 (42.5m<sup>2</sup>), located towards the corner of the site with a frontage to Railway Parade and Aster Crescent is enclosed by 1.7 metre high fencing. In addition, a secondary area of open space within the front setback of Dwelling 1 is proposed to be enclosed by a 1.7 high front fence also. The remainder of the frontage to Aster Crescent and Railway Parade remains unfenced.

It is considered that the 1.7 metre high front fence of Dwelling 1 should be reduced to 1.2 metres in height with screen planting to provide additional privacy.

It is considered that the 1.7 metre high front fence of Dwelling 2 is appropriate in this instance. The length of fencing enclosing the open space of Dwelling 2 is approximately 14 metres in total, with 3.5 metres presented to Railway Parade, 5.8 metres on the sites corner, and approximately 4.7 metres to Aster Crescent. The proposed fencing is setback from the sites title boundaries to provide for sufficient areas of landscaping.

It is not considered that this fencing would detract from the sites integration with the Aster Crescent or Railway Parade streetscape, rather, given the corner allotment, provides opportunities for some variation of the presentation of the development to both street frontages.

Further, Dwelling 2 has been designed with a flipped living arrangement, whereby, the kitchen and meals area is at first floor with a first floor balcony which would provides opportunities for visual surveillance and integration with the corner of the site and the relevant streetscape frontages.

It is considered that the development meets the overall objective and that the layout of the development is integrated with the street.

**14.3 Clause 55.03 - Site Layout and Building Massing**

*Standard B6 – Street Setback*

As the site is on a corner the minimum front setback should be the same distance as the setback of the front wall of the existing building on the abutting allotment facing the front street or 9 metres whichever is the lesser.

The front walls of new development fronting the side street of a corner site should be setback at least the same distance as the setback of the front wall of any existing building on the abutting allotment facing the side street or 3 metres, which ever is the lesser.

Side walls of new development on a corner should be setback the same distance as the setback of the front wall of any existing building on the abutting allotment facing the side street or 2 metres, whichever is the lesser.

The majority of the proposed setbacks do not meet the requirements of this standard given the irregular shape of the land.

The site is not considered to be a standard corner allotment where the requirements of this standard would be more strictly applicable. Given the site is irregular in shape, when assessing whether the proposed development meets the objective of this clause, consideration should also be given to the existing site and surrounds, built form and road layout, in addition to the standard.

*Existing setbacks adjoining and opposite the subject site;*

- The adjoining property to the east, Unit 1 / 4-6 Aster Crescent, has a setback to the front wall of this dwelling ranging from 7.2 meters to 8.9 metres given the curvature of Aster Crescent;
- The adjoining property to the south-east, No. 42 Railway Parade, has a setback of 10.4 metres to Railway Parade. It should be noted that this dwelling is located approximately 20 metres from the common boundary with the subject site and is used as an area of open space with established vegetation;
- The dwelling opposite the site to the west at No. 15 Railway Parade has a front setback of 1.0 metre; and
- The dwelling opposite the site to the north at No. 44A Railway Parade has a front setback of 2.3 metres and No. 44 Railway Parade has a side setback of 1.97 metres to Aster Crescent.

*Proposed setbacks;*

- Dwelling 1 would be oriented in a north-south direction towards Aster Crescent with a minimum front setback of 2.0 metres and a maximum setback of 2.9 metres given the angle nature of the sites frontage;
- Dwelling 2 would be oriented in a north south direction to front Aster Crescent, with a minimum setback of 2.0 metres and a maximum setback of 2.8 metres to Aster Crescent, 6.7 metres from the sites corner intersection, and 2.4 metres to Railway Parade; and
- Dwelling 3 would be oriented in a west-east direction to front Railway Parade with a minimum setback of 3.7 metres, measured from the northern side of the existing crossover.

It is considered that the proposed setbacks are appropriate, as demonstrated by;

- It is considered that the setback to Dwelling 1 is consistent with the adjoining Unit 1 / 4-6 Aster Crescent and provides a reasonable transition to the existing dwelling;
- The setbacks of Dwelling 1 and 3 taper to a minimum of 2.0 metres along the Aster Crescent frontage and are consistent with this standard, where a setback to a side street should be a minimum of 2.0 metres;
- It is considered that the proposed setback of Dwelling 2 and Dwelling 3 to Railway Parade would not impact on the adjoining dwelling to the south-east (No. 42 Railway Parade) given the considerable distance and established vegetation between the existing dwelling and the subject site;
- The existing dwellings at No. 1 to 15 Railway Parade maintain a 1 metre setback to Railway Parade, and it is considered that the proposed setbacks would be in keeping with both the older style dwellings and more recent contemporary medium density development in the immediate area;
- The setbacks have been designed to be staggered to minimise any perception of building bulk;

- The setbacks are large enough to accommodate substantial landscaping including the provision of canopy trees; and
- Given the unique shape of the land and curvature of the roadway, it is considered that the proposed development, when viewed in conjunction with the existing development at No. 1 – 15 Railway Parade, will provide a visual gateway of medium density development into the Highett Activity Centre.

It is therefore considered that a variation to this requirement is suitable in this instance and that the proposed development meets the objective of this clause.

*Standard B13 – Landscaping*

In accordance with the Design Development Overlay Schedule 12, a landscape design must;

- *Provide canopy trees and native and indigenous plantings, provide landscape;*
- *Provide landscape treatments to soften the urban built form environment.*

The submitted landscape plan was referred to Council's Vegetation Management Officer who was generally satisfied with the plans and recommended that an improved landscape plan be requested via Condition 1 of any approval. Council's Vegetation Management Officer is satisfied that, subject to the inclusion of suitable conditions, suitable native and indigenous plantings will be provided.

It is considered that there would be sufficient unsealed surface areas within the rear and front setbacks of the proposed development to provide adequate landscaping, including trees with spreading canopies. A condition should be placed on any permit issued requiring an improved landscape plan that addresses the requirements specified by Council's Vegetation Management Officer.

**14.4 Clause 55.05 – On-site Amenity & Facilities**

*Standard B30 – Storage*

Dwelling 2 does not show an area designated for convenient *externally* accessible, secure storage space. Currently the storage space is shown under the staircase within the dwelling. As such, a condition should be included on any permit issued to provide adequate storage within an appropriate location for Dwelling 2.

**14.5 Clause 55.06 – Detailed Design**

*Standard B31 – Design Details*

As previously discussed within this report a condition would be placed on any permit issued requiring the incorporation of an element of roof tiles within the development.

In addition to the above, it is considered that presentation of Dwelling 2 to Railway Parade (south) could be improved to break up the length of wall at ground floor. It is

considered that a condition should be placed on any permit issued requiring alternate building materials / colours to this section of wall to address this matter.

*Standard B32 – Front Fences*

As previously discussed within this report, the 1.7 metre high front fence proposed to enclose the front open space area of Dwelling 1 should be reduced to 1.2 metres and screen planting provided for additional privacy. A condition placed on any permit issued can address this issue.

The 1.7 metre high fencing enclosing the private open space area of Dwelling 2 is acceptable in this instance, having consideration to the corner orientation of the allotment and provision of suitable landscaping and design treatments. Further details regarding the type of timber proposed i.e. merbau etc can be clarified via a suitable condition.

## **15.0 RESPONSE AGAINST GROUNDS OF OBJECTIONS**

### **15.1 Neighbourhood character**

All of the objectors to this application commented, either in written form or verbally within the preliminary conference, that the proposed development is not responsive to the existing neighbourhood character of the area.

In particular, the objectors stated that the proposed number of dwellings, setbacks, overall building height and bulk, roof forms, design detail and existing garden character were some of the main contributors to the proposal being inconsistent with the neighbourhood character of the area, and streetscape of Aster Crescent in particular, and would result in an overdevelopment of the site.

It is fundamental to acknowledge that the dwellings are located on a unique corner site. It is considered that the proposal is in keeping and consistent with the evolving character anticipated for this area within the Residential 1 Zone, Design Development Overlay Schedule 12 and the Highett Activity Centre, and would not adversely affect the neighbourhood character of the area. For the reasons outlined below, it is considered that the three (3) dwellings have been sensitively designed to integrate with the existing character of the area.

For completeness, each of the abovementioned points raised by the objectors shall be discussed below;

*Overdevelopment of the site*

The objectors made comment that the site should only be suitable for a maximum of two dwellings, preferably single storey, and that the proposed three (3) double storey dwelling development would be an overdevelopment of the site.

It is considered that the question of overdevelopment cannot be answered simply by looking at site coverage and building size alone. Overdevelopment is usually characterised by not meeting a majority of the assessment criteria of Clause 55 of the



Kingston Planning Scheme (ResCode), which in this instance, is clearly not apparent. As demonstrated within this report, the proposed development does not raise any major concerns or areas of non-compliance with the provisions (standards and objective) for medium density development.

It is therefore considered that the proposal evidently does not exhibit any of the usual indicators of overdevelopment, these including: unreasonable overshadowing, unreasonable overlooking, and insufficient private open space or insufficient on site car parking.

Furthermore, the contemporary architectural style of the three (3) dwellings incorporates varying materials and design techniques to reduce the perception of visual bulk to the streetscape.

Concern was also raised with regard to the availability of garden and landscaped areas as a result of three dwellings being located on the site. Having regard to the site coverage of 53%, consistent with the surrounding neighbourhood and Standard B6 of ResCode (60%), the development provides sufficient space within the front, side and rear setbacks for planting, including canopy trees.

*Setbacks;*

As discussed previously within this report at Section 14.3 on pages 15, 16 and 17, the proposed front setbacks to Railway Parade and Aster Crescent are considered appropriate in this instance having regard to the unique shape of the land, and provide for a reasonable transition between the adjoining properties and the subject site.

For reasons previously discussed in this report, it is considered that the proposed setbacks meet the objective of Clause 55.03-1 of ResCode and should not cause any undue detriment to the neighbourhood character of the area or existing streetscape rhythm of Aster Crescent or Railway Parade.

In addition to the front setbacks, the adjoining property to the east, Unit 1 of 4-6 Aster Crescent, raised concerns with regards to the first floor setbacks of Dwelling 1 and the impact on the amenity of the adjoining private open space and habitable room windows facing the subject site. The first floor has a minimum setback of 2.275 metres which exceeds the requirements of ResCode by 531mm, consistent with the overlay requirements, and should not cause any undue detriment to this property. The use of varied materials and articulation of the first floor of this dwelling should provide visual interest to this elevation.

*Overall building height;*

It is considered that the building as presented to the adjoining properties and the streetscape has been sensitively designed to address any issues of perceived visual bulk. The dwellings are of a modest building height of 7.04, consistent with the requirements of ResCode and Design Development Overlay Schedule 12 which has an allowable maximum height of 11 metres over three (3) storeys.

*Roof forms;*

The objectors raised concerns with regards to the flat roof forms proposed as part of the development, which were thought to be out of character with the broader area where pitched, gable and hipped roof forms are a dominant feature.

In response to the objectors concerns the applicant suggested within the preliminary conference that varied roof forms be incorporated into the development including flat roofs, rather than the whole roof form for the development being a pitched roof form or similar, as this would result in an increase in the overall height of the development, and may further exacerbate other concerns the objectors already had with the proposal.

There are no major or critical roof shape characteristics highlighted within the Neighbourhood Character Profile Area No. 6, rather, simple gable and complex gable roof shapes are *typical* within the area. The amended plans incorporated alternate roof forms, including flat and skillion roofing which is considered suitable and should not detrimentally affect the character of the area.

The roof material nominated on the development plans is 'selected colorbond roof sheeting', in reviewing the Neighbourhood Character Guidelines Profile Area No. 6, and as previously discussed in Section 14.2 pages 14 and 15, roof tiles should be incorporated into the design in some capacity to be more reflective of the roof materials used within the area.

To be sympathetic to the existing character of Aster Crescent, and in particular the single storey units adjoining the site to the east, it is considered that a pitched roof form should be incorporated over the roof of the garage of dwelling 1. A condition should be placed on any permit issued to address this matter.

*Design detail;*

The modern / contemporary design of the dwellings was raised as a concern by some objectors. It is considered that the dwellings have articulated front and side elevations coupled an the interesting mix of building materials, articulation and landscaping opportunities which will assist in ensuring that the extent of built form does not present as visually obtrusive to adjoining properties or to the Aster Crescent and Railway Parade streetscape.

A high level of articulation and the use of varied materials and finishes will ensure that the building is visually interesting and will make a positive contribution to the streetscape(s).

As previously discussed within this report a condition would be placed on any permit issued requiring the provision of alternate building materials / colours to southern wall of Dwelling 2 to break up the length of this unrelieved wall.

*Existing garden character;*

In response to concerns expressed by objectors regarding the amount of landscaping provided within the development, a landscape plan was submitted to Council as part of the amended plans on the 29<sup>th</sup> October, 2009 showing the proposed planting schedule, including a range of new canopy trees, as well as shrubs and low-level planting. The landscaping plan indicates that all canopy vegetation should be a minimum height of 2 metres when planted.

Other changes to the development to increase the amount of landscaping are as follows;

- An increase in the landscaping areas along the Aster Crescent frontage including changes to the driveway alignment and pathways to entries.
- Alteration to the pedestrian path to the entry of Dwelling 3 to allow for increased landscaping opportunities along Railway Parade.
- The width of the landscaping strips along the eastern side boundary has been increased within the open space areas of Dwellings 1 and 3. This has been achieved by increasing the setback of the decking from the side boundary to 1 metres (for Dwelling 1) and 600mm (for Dwelling 3).

Council's Vegetation Officer has assessed the submitted landscape plan, and recommended that improved landscaping plan be requested via Condition 1 of any approval.

#### *15.2 Overshadowing*

The objectors raised concerns regarding the potential overshadowing from the proposed development onto Units 1 and 2 of 4-6 Aster Crescent. Shadow diagrams submitted with the application for planning permit show that the adjoining properties to the east and south should not be adversely affected by any overshadowing as a result of the proposed development. Additional shadow would be present late in the afternoon; however the shadow requirements are consistent with Standard B21 of ResCode.

#### *15.3 Overlooking*

Council is satisfied that the proposed development has been designed to minimise the potential for overlooking through the screening of windows at first floor, where necessary, to a height of 1.7 metres in accordance with the requirements of Standard B22 of ResCode.

The amended plans submitted to Council show the provision of a 450mm lattice extension added to the eastern common boundary fence of Unit 1 and Unit 2 of 4-6 Aster Crescent to ensure there are limited views from the decking within the rear private open space areas of Dwelling 1 and 3 onto the properties to the east.

To ensure the amenity of the principle secluded private open space areas of Unit 1 and Unit 2 of 4-6 Aster Crescent are not compromised, it is considered that a condition should be placed on any permit issued requesting that the finished floor level of the decking areas of all dwellings be nominated on the plans. In addition, the plans nominate the retention of the existing 1.65 metre high timber paling fence along the sites east and southern common property boundaries and propose to attach a new 450mm high lattice screen extension to the existing boundary fences. Given the extent of the proposed development is considered that a condition requiring new 1.8 metre high timber paling fencing along the sites east and southern property boundaries is reasonable in this instance.

#### *15.4 Traffic concerns*

The proposed development provides for sufficient off street car parking, with each dwelling provided with a garage and tandem car parking space.

The objectors raised concerns regarding the provision of car parking to the development and the existing on street car parking congestion and safety concerns within Railway Parade and Aster Crescent.

The proposed arrangement of the crossovers having separate access to Aster Crescent and Railway Parade is considered satisfactory and unlikely to cause safety or maneuverability problems for the future occupants of the site.

Broader traffic issues are discussed in Section 15.7 of this report.

**15.5 Loss of on street car parking**

The objectors raised concerns that the proposed crossovers within Aster Crescent would result in a loss of on-street car parking and would further exacerbate the existing on-street car parking congestion within Aster Crescent.

Three crossovers are proposed as part of the development; two (2) new crossovers to the Aster Crescent frontage and the retention of the existing crossover fronting Railway Parade. The development is consistent with the requirements of ResCode, and the proposed crossovers do not exceed 33% of the Aster Crescent frontage. There is sufficient car parking within the area to withstand the loss of any on street car parking generated as a result of the proposed crossovers in Aster Crescent.

**15.6 *Garage wall on boundary***

The objector of Unit 1 / 4-6 Aster Crescent, adjoining the site to the east, had concerns with regards to the length of the garage wall of Dwelling 1 and the impact of this onto the principle private open space area of this property and outlook from a kitchen window. The objector suggested, in writing, that the garage wall be reduced to 6.64 metres in overall length (instead of the proposed 6.8 metres as shown on the advertised plans) and be cleaned and finished to the satisfaction of the Responsible Authority, given the direct views of this wall.

This was generally agreed upon by both the applicant and objector within the preliminary conference. The amended plans show the length of Dwelling 1's garage wall facing the eastern side boundary has been reduced to an overall length of 6.46 metres (minimum internal garage length of 6.0 metres). A condition requiring the eastern façade of this wall to be finished and 'made good' should be placed on any permit issued.

**15.7 Other –**

***Broader traffic issues;***

The objectors also expressed a high level of concern regarding the existing traffic congestion and safety within the surrounding area, namely relating to the following;

- High level of on-street car parking generated as a result of train commuters using Aster Crescent to park their vehicles before walking to the Hihett Train Station, approximately 140 metres south of the site;
- Residents of No 1-15 Railway Parade largely relying on on-street car parking within the immediate area and not using there allocated off street garages;
- The awkward shape of the intersection of Aster Crescent and Railway Parade which is renowned as being dangerous corner as a result of having limited visibility due to the amount of on-street car parking and the narrowing of Railway Parade as a result of on-street car parking;
- Council issued restricted car parking signage etc.

Council's Planning Officer advised the objectors within the preliminary conference that this issue should be put in writing to Council's Traffic Department for further investigation as a separate matter to the application.

*Construction activities;*

The objector of Unit 1 / 4-6 Aster Crescent, has requested that should a permit be issued, a condition be placed on to ensure that the construction activities be managed so that the amenity of the area is not detrimentally affected. A standard condition to this effect is placed on residential development permits.

**16.0 CONCLUSION:**

- 16.1 For reasons discussed within this report, it is submitted that the proposal be supported subject to the adoption of the recommended permit conditions to ensure that the proposed development achieves a high quality design, achieves good internal amenity as well as responding appropriately to the site and its immediate interfaces.
- 16.2 The proposed development is considered appropriate for the site as evidenced by:
- The design and siting of the proposed development to be compatible with the surrounding area;
  - The proposal should not have a detrimental impact on surrounding properties (subject to appropriate conditions); and,
  - The proposal generally satisfies the requirements of the Kingston Planning Scheme, including the MSS, Residential Development Policy (inclusive of the Neighbourhood Character Area Guidelines and the Designing Contextual Housing Guidelines), Residential 1 zoning and the Schedule to the zone, Overlays, Clause 55 – Two or more dwellings on a lot and Residential Buildings, and Clause 65 – Decision Guidelines (subject to appropriate conditions).
- 17.0 On balance and subject to the inclusion of suitable conditions, the proposal is considered reasonable and warrants support.

**18.0 RECOMMENDATION:**

That a Notice of Decision to Grant a Permit for the development of this site for three (3) dwellings be issued, subject following conditions:

1. Before the development starts amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be substantially in accordance with the plans and landscaping plan submitted to Council on the 29<sup>th</sup> October, 2009, but modified to show:
  - a. the provision of an improved landscape plan and associated planting schedule for the site showing the proposed location, species type, mature height and width, pot sizes and number of species be planted on the site, with such plans to be prepared by a suitably qualified landscape professional and incorporating:
    - i. the provision of small native trees planted in the rear yard of each dwelling instead of the proposed *Fraxinus excelsior* Nana. A suggested tree for the rear of each dwelling is *Corymbia ficifolia* Nana (Dwarf Red Flowering Gum) to be planted at an advanced height of 2m;
    - ii. the removal of the Crepe Myrtle proposed to be planted on the northern side of unit 2 and replaced with either a *Eucalyptus scoparia* or a *Eucalyptus leucoxylon* to be planted at an advanced height of 2m;
    - iii. a suitable canopy tree must be provided on the western corner of the site (corner of Aster crescent and Railway Parade). Some suggested species are *Eucalyptus leucoxylon*, *Eucalyptus scoparia* and *Corymbia maculata*. All trees must be planted at an advanced height of 2m;
    - iv. the removal of the Ornamental Pear that is proposed to be planted along Railway Parade and replaced with either a *Eucalyptus scoparia*, *Corymbia maculata*, *Corymbia ficifolia* or a *Eucalyptus leucoxylon* to be planted at an advanced height of 2m;
    - v. Realignment of the path that enters dwelling 3 to make more room for a canopy tree to mature;
    - vi. all medium to large shrubs to be provided at a minimum pot size of 200mm;
    - vii. any pruning of the neighbouring Ash tree at 42 Railway Parade must be completed by a qualified Arborist and pruned to Australian Standards AS4373-2007 (noted on landscape plan);
    - viii. a tree management plan must be submitted to Council by a qualified Arborist stating how the neighbours Ash tree (42 Railway Parade) will be protected during construction;
  - b. an elevation plan of the front fencing, which provides details of its height, materials and colours;
  - c. the surface material of all driveways / accessways and car parking spaces nominated in all-weather coloured concrete sealcoat, or similar;
  - d. the door of each garage nominated as a panel lift door, or similar;

- e. the provision of a full colour, finishes and building materials schedule, including samples (illustrated on an A4 or A3 sheet), for all external elevations and driveways of the development;
  - f. the front fence of dwelling 1 reduced to 1.2m in height, with suitable screen planting provided behind this fence to afford this area some privacy;
  - g. the finished floor level for the decking of each dwelling denoted on the floor / site plan(s);
  - h. the provision of a new 1.8 metre high timber paling fence along the site's east and southern property boundaries, with a 400mm high boxed lattice fence extension attached securely to the top of this fence;
  - i. the provision of varying materials, textures, colours and finishes to the ground floor south facing building façade of dwelling 2, to break up the visual bulk of this wall;
  - j. the incorporation of tiled roofing into the design of all three dwellings;
  - k. the provision of a pitched roof over the garage of dwelling 1;
  - l. the provision of a 6m<sup>3</sup> area of externally accessible storage area for dwelling 2;
  - m. the first floor highlight window of bedroom 2 of dwelling 1, as shown on the west elevation, denoted on the first floor plan;
  - n. the first floor window of bedroom 3 of dwelling 1, as shown on the north elevation, denoted on the first floor plan;
  - o. the proposed crossover for dwelling 1 relocated west so that the existing drainage pit is located within the centre of the proposed crossover;
  - p. the driveway of dwelling 1 modified to directly align with the proposed vehicle crossover in accordance with condition 1 o) of this permit, with any additional areas created to be used for landscaping along the side of the driveway;
  - q. a notation on the elevation plan(s) stating that the garage wall of dwelling 1 not be greater than an average of 3 metres;
  - r. a notation on the floor / site plan(s) stating that the drainage pit is to be reconstructed to Council Standard S204 (or as close as practical to);
  - s. a notation on the floor / site plan(s) stating that the vehicle crossings need to be constructed as per drawing S201 'vehicle crossings residential' and will need to be positioned 90 degrees to the kerb and channel / footpath area;
  - t. a notation on the floor / site plan(s) stating that the east facing garage wall of dwelling 1 is to be finished and surface cleaned to a standard that is well presented to the neighbouring property of Unit 1 / 4-6 Aster Crescent in a manner to the satisfaction of the Responsible Authority;
  - u. realignment of the path leading to the entrance of dwelling 3 to maximise the area available for landscaping, in accordance with Condition 1a) v) of this permit;
2. The development as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.

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3. Prior to the occupation of the dwellings hereby permitted, the new fence/s required under Condition 1h) of this permit must be erected to Council's satisfaction, at the full cost of the applicant/owner(s).
4. Prior to the removal of the tree from the site's Aster Crescent nature strip the Developer/Owner must pay to Council a compensation, removal and replacement fee for the removal of this existing tree. The removal of this tree must be undertaken by Council, and the Developer/Owner must advise Council when this tree is required to be removed.
5. Prior to the occupation of the dwellings hereby permitted, the landscaping works as shown on the endorsed plans must be completed to the satisfaction of the Responsible Authority. The landscaping must then be maintained to the satisfaction of the Responsible Authority.
6. Prior to the occupation of the dwellings hereby permitted, all buildings and works and the conditions of this permit must be complied with, unless with the further prior written consent of the Responsible Authority.
7. The development of the site must be provided with stormwater works which incorporates the use of water sensitive urban design principles to improve stormwater runoff quality and which also retains on site any increase in runoff as a result of the approved development. The system must be maintained to the satisfaction of the Responsible Authority. Council's Development Engineer can advise on satisfactory options to achieve these desired outcomes which may include the use of an infiltration or bio retention system, rainwater tanks connected for reuse and a detention system.
8. Before the development commences, a Stormwater Management Plan showing the stormwater works to the nominated point of discharge must be prepared to the satisfaction of the Responsible Authority. The Stormwater Management Plan must be prepared by a qualified person and show all details of the proposed stormwater works including all existing and proposed features that may have impact (e.g. trees to be retained, crossings, services, fences, abutting buildings, existing boundary surface levels, etc.).
9. Stormwater works must be provided on the site so as to prevent overflows onto adjacent properties.
10. Prior to the occupation of the dwellings hereby permitted, or by such later date as is approved by the Responsible Authority in writing, the nature strip, kerb and channel, vehicle crossover and footpath must be reinstated to the satisfaction of the Responsible Authority.
11. Any existing vehicular crossing not in accordance with the endorsed plan must be removed and the kerb reinstated in a manner satisfactory to the Responsible Authority and any proposed vehicular crossing must be fully constructed to the Responsible Authority's standard specification.
12. Prior to the occupation of the dwellings hereby permitted, all boundary fences must be repaired and/or replaced as necessary to the satisfaction of the Responsible Authority, at the cost of the applicant/owner.



13. Prior to the occupation of the dwellings hereby permitted, areas set aside for parking vehicles, access lanes and paths as shown on the endorsed plans must be:
- a. Constructed to the satisfaction of the Responsible Authority.
  - b. Properly formed to such levels that they can be used in accordance with the plans.
  - c. Surfaced in accordance with the endorsed plans under this permit or in an all weather coloured concrete seal-coat, to the satisfaction of the Responsible Authority.
  - d. Drained and maintained to the satisfaction of the Responsible Authority.

Parking areas and access lanes must be kept available for these purposes at all times and maintained to the satisfaction of the Responsible Authority.

14. All works on or facing the boundaries of adjoining properties must be finished and surface cleaned to a standard that is well presented to neighbouring properties in a manner to the satisfaction of the Responsible Authority.
15. The amenity of the area must not be detrimentally affected by the development and/or use, through the:
- a) Transport of materials, goods or commodities to or from the land.
  - b) Appearance of any building, works or materials.
  - c) Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil.
  - d) Presence of vermin.
  - e) In any other way.

16. Construction on the site shall be restricted to the following times:

Monday to Friday	7:00am to 7:00pm; and,
Saturday	9:00am to 6:00pm

Or otherwise as approved by the Responsible Authority in writing.

17. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.
18. In accordance with section 68 of the *Planning and Environment Act 1987*, this permit will expire if one of the following circumstances applies:
- The development is not started within two (2) years from the date of permit issue.
  - The development is not completed within four (4) years from the date of permit issue.

In accordance with section 69 of the *Planning and Environment Act 1987*, the responsible authority may extend the periods referred to if a request is made in writing before the permit expires, or within three months afterwards.

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**Note:** Prior to the commencement of the development you are required to obtain the necessary Building Permit.

**Note:** The applicant/owner must provide a copy of this planning permit to any appointed Building Surveyor. It is the responsibility of the applicant/owner and Building Surveyor to ensure that all building development works approved by any building permit is consistent with the planning permit.

In the event that Council wish to oppose the application, it can do so on the following grounds:

1. The proposal would have an adverse affect on the amenity of an established residential neighbourhood.
2. The proposal constitutes an over-development of the site.
2. The proposal exhibits excessive bulk and mass.
3. The proposal fails to satisfy all of the requirements of Clause 55 of the Kingston Planning Scheme (ResCode), in particular Clause 55.02-1 Neighbourhood Character Objectives, Clause 55.02-2 Residential Policy Objective, Clause 55.02-5 Integration With Street Objective, Clause 55.03-1 Street Setback Objective, Clause 55.03-8 Landscaping Objectives, Clause 55.06-6 Storage Objective, Clause 55.06-1 Design Detail Objective and Clause 55.06-2 Front Fences Objective.

The meeting was addressed by Mr Gallego on behalf of the objectors and Mr Pippo on behalf of the applicant.

**Crs Athanasopoulos / Peulich**

That the recommendation to grant a permit, subject to conditions, be adopted.

**Carried**

A division was called.

**Division**

**For**

Cr Athanasopoulos  
Cr Bauer  
Cr Brownlees  
Cr Peulich  
Cr Ronke

**Against**

Cr Dundas  
Cr Shewan  
Mayor Cr Staikos  
Cr West

The Chairperson declared that the motion was **carried**.

**APPENDIX A – RESCODE ASSESSMENT CLAUSE 55**

**Standard of the Kingston Planning Scheme**  
Two or more dwellings on a lot and residential buildings (Clause 55 and Schedule to the Residential 1 Zone)

<b>Title and Objective</b>	<b>Complies with Standard?</b>	<b>Requirement and Proposed</b>
<p><b>B1 Neighbourhood Character</b> Design respects existing neighbourhood character or contributes to a preferred neighbourhood character. Development responds to features of the site and surrounding area.</p>	No	See report.
<p><b>B2 Residential Policy</b> Residential development is consistent with housing policies in the SPPF, LPPF including the MSS and local planning policies. Support medium densities in areas to take advantage of public transport and community infrastructure and services.</p>	Yes	See report.
<p><b>B3 Dwelling Diversity</b> Encourages a range of dwelling sizes and types in developments of ten or more dwellings.</p>	Yes	See report.
<p><b>B4 Infrastructure</b> Provides appropriate utility services and infrastructure without overloading the capacity.</p>	Yes	Can be addressed through a permit condition.
<p><b>B5 Integration with the Street</b> Integrate the layout of development with the street</p>	No	High front fencing proposed, see report for discussion.
<p><b>B6 Street Setback</b> The setbacks of buildings from a street respect the existing or preferred neighbourhood character and make efficient use of the site.</p>	No	See report.
<p><b>B7 Building Height</b> Building height should respect the existing or preferred neighbourhood character.</p>	Yes	<p><b>Maximum:</b> 9 metres <b>Proposed:</b> 7 metres</p> <p><b>Note:</b> <b>Design Overlay stipulates</b></p>
<p><b>B8 Site Coverage</b> Site coverage should respect the existing or preferred neighbourhood character and</p>	Yes	<p><b>Maximum:</b> 60% <b>Proposed:</b> 53%</p>

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respond to the features of the site.		
<p><b>B9 Permeability</b> Reduce the impact of stormwater run-off on the drainage system and facilitate on-site stormwater infiltration.</p>	Yes	<p><b>At least: 20%</b> <b>Proposed: 33.3%</b></p>
<p><b>B10 Energy Efficiency</b> Achieve and protect energy efficient dwellings and residential buildings. Ensure orientation and layout reduces fossil fuel energy use and makes appropriate use of daylight and solar energy.</p>	Yes	See report.
<p><b>B11 Open Space</b> Integrate layout of development with any public and communal open space provided in or adjacent to the development.</p>	Yes	See report.
<p><b>B12 Safety</b> Layout to provide safety and security for residents and property.</p>	Yes	See report.
<p><b>B13 Landscaping</b> To provide appropriate landscaping. To encourage:</p> <ul style="list-style-type: none"> <li>• Development that respects the landscape character of the neighbourhood.</li> <li>• Development that maintains and enhances habitat for plants and animals in locations of habitat importance.</li> <li>• The retention of mature vegetation on the site.</li> </ul>	No	<p>See report.</p> <p>Require a landscape plan as condition of permit</p>
<p><b>B14 Access</b> Ensure the safe, manageable and convenient vehicle access to and from the development. Ensure the number and design of vehicle crossovers respects neighbourhood character.</p>	Yes	See report.
<p><b>B15 Parking Location</b> Provide resident and visitor vehicles with convenient parking. Avoid parking and traffic difficulties in the development and the neighbourhood. Protect residents from vehicular noise within developments.</p>	Yes	See report.
<p><b>B16 Parking Provision</b> Ensure car and bicycle parking meets the needs of residents and visitors. Accessways should be practical, attractive and easily maintainable.</p>	Yes	<p><b>Required: Two spaces with one space provided undercover</b> <b>Proposed: Two spaces per dwelling with one space</b></p>

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		provided undercover in a garage.		
<p><b>B17 Side and Rear Setbacks</b> Ensure the height and setback respects the existing or preferred neighbourhood character and limits the amenity impacts on existing dwellings.</p>	Yes	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; vertical-align: top;"> <p><b>Dwelling 1</b> <b>Required:</b> <b><u>Ground Floor</u></b> <b>North:</b> N/A (frontage) <b>East:</b> 4.18m <b>South:</b> N/A <b>West:</b> N/A <b><u>First Floor</u></b> <b>North:</b> N/A (frontage) <b>East:</b> 1.74m (2.275m provided) <b>South:</b> N/A <b>West:</b> N/A</p> <p><b>Dwelling 3</b> <b>Required:</b> <b>North:</b> N/A <b>East:</b> 3.6m <b>South:</b> 3.64m <b>West:</b> 3.6m <b><u>First Floor</u></b> <b>North:</b> N/A <b>East:</b> 4.3m <b>South:</b> 2.175m <b>West:</b> 3.975m</p> </td> <td style="width: 50%; vertical-align: top;"> <p><b>Dwelling 2</b> <b>Proposed:</b> <b><u>Ground Floor</u></b> <b>North:</b> N/A (frontage) <b>East:</b> N/A <b>South:</b> 2.425m (minimum) <b>West:</b> 6.72m <b><u>First Floor</u></b> <b>North:</b> N/A (frontage) <b>East:</b> N/A <b>South:</b> 4.81m <b>West:</b> 7.84m</p> </td> </tr> </table>	<p><b>Dwelling 1</b> <b>Required:</b> <b><u>Ground Floor</u></b> <b>North:</b> N/A (frontage) <b>East:</b> 4.18m <b>South:</b> N/A <b>West:</b> N/A <b><u>First Floor</u></b> <b>North:</b> N/A (frontage) <b>East:</b> 1.74m (2.275m provided) <b>South:</b> N/A <b>West:</b> N/A</p> <p><b>Dwelling 3</b> <b>Required:</b> <b>North:</b> N/A <b>East:</b> 3.6m <b>South:</b> 3.64m <b>West:</b> 3.6m <b><u>First Floor</u></b> <b>North:</b> N/A <b>East:</b> 4.3m <b>South:</b> 2.175m <b>West:</b> 3.975m</p>	<p><b>Dwelling 2</b> <b>Proposed:</b> <b><u>Ground Floor</u></b> <b>North:</b> N/A (frontage) <b>East:</b> N/A <b>South:</b> 2.425m (minimum) <b>West:</b> 6.72m <b><u>First Floor</u></b> <b>North:</b> N/A (frontage) <b>East:</b> N/A <b>South:</b> 4.81m <b>West:</b> 7.84m</p>
<p><b>Dwelling 1</b> <b>Required:</b> <b><u>Ground Floor</u></b> <b>North:</b> N/A (frontage) <b>East:</b> 4.18m <b>South:</b> N/A <b>West:</b> N/A <b><u>First Floor</u></b> <b>North:</b> N/A (frontage) <b>East:</b> 1.74m (2.275m provided) <b>South:</b> N/A <b>West:</b> N/A</p> <p><b>Dwelling 3</b> <b>Required:</b> <b>North:</b> N/A <b>East:</b> 3.6m <b>South:</b> 3.64m <b>West:</b> 3.6m <b><u>First Floor</u></b> <b>North:</b> N/A <b>East:</b> 4.3m <b>South:</b> 2.175m <b>West:</b> 3.975m</p>	<p><b>Dwelling 2</b> <b>Proposed:</b> <b><u>Ground Floor</u></b> <b>North:</b> N/A (frontage) <b>East:</b> N/A <b>South:</b> 2.425m (minimum) <b>West:</b> 6.72m <b><u>First Floor</u></b> <b>North:</b> N/A (frontage) <b>East:</b> N/A <b>South:</b> 4.81m <b>West:</b> 7.84m</p>			
<p><b>B18 Walls on Boundaries</b> Ensure the location, length and height of a wall on a boundary respects the existing or preferred neighbourhood character and limits the amenity impacts on existing dwellings.</p>	Yes	<b>Proposed:</b> 6.46m on east boundaries (length)		
<p><b>B19 Daylight to Existing Windows</b> Allow adequate daylight into existing habitable room windows.</p>	Yes	See report.		
<p><b>B20 North Facing Windows</b> Allow adequate solar access to existing north-facing habitable room windows.</p>	Yes	See report.		

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<b>B21 Overshadowing Open Space</b> Ensure buildings do not significantly overshadow existing secluded private open space.	Yes	See report.
<b>B22 Overlooking</b> Limit views into existing secluded private open space and habitable room windows.	Yes	See report.
<b>B23 Internal Views</b> Limit views into existing secluded private open space and habitable room windows of dwellings and residential buildings within the same development.	Yes	See report.
<b>B24 Noise Impacts</b> Protect residents from external noise and contain noise sources in developments that may affect existing dwellings.	Yes	See report.
<b>B25 Accessibility</b> Consider people with limited mobility in the design of developments.	Yes	Discuss
<b>B26 Dwelling Entry</b> Provide a sense of identity to each dwelling/residential building.	Yes	See report.
<b>B27 Daylight to New Windows</b> Allow adequate daylight into new habitable room windows.	Yes	See report.
<b>B28 Private Open Space</b> Provide reasonable recreation and service needs of residents by adequate private open space.	Yes	<b>Required:</b> 40m <sup>2</sup> for each dwelling <b>Proposed:</b> 48.5m <sup>2</sup> for dwelling 1, 56.4m <sup>2</sup> for dwelling 2, 40.1m <sup>2</sup> for dwelling 3.
<b>B29 Solar Access to Open Space</b> Allow solar access into the secluded private open space of new dwellings/buildings.	Yes	See report.
<b>B30 Storage</b> Provide adequate storage facilities for each dwelling.	No	6m <sup>3</sup> should be provided with external access for Dwelling 2. See report.
<b>B31 Design Detail</b> Encourage design detail that respects the existing or preferred neighbourhood character.	Yes	See report.
<b>B32 Front Fences</b> Encourage front fence design that respects the existing or preferred neighbourhood character.	No	<b>Maximum:</b> 1.2m <b>Proposed:</b> 1.7m See report.

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<p><b>B33 Common Property</b> Ensure car parking, access areas and other communal open space is practical, attractive and easily maintained. Avoid future management difficulties in common ownership areas.</p>	Yes	See report.
<p><b>B34 Site Services</b> Ensure site services and facilities can be installed and easily maintained and are accessible, adequate and attractive. Avoid future management difficulties in common ownership areas.</p>	Yes	See report.

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**L203**

**Planning Application: KP224/09, 9 Hayden Road, Clayton South**

<b>Applicant:</b>	<b>Builtmodern Pty Ltd</b>	
<b>Location:</b>	<b>No. 9 (Lot 26 on PS019622) Hayden Road, Clayton South.</b>	
<b>Melways Ref:</b>	<b>79F11</b>	
<b>Proposal:</b>	<b>Two (2) Dwellings</b>	
<b>File Number:</b>	<b>KP224/09</b>	
<b>Planning Officer:</b>	<b>Girija Shrestha Author: Sherie Kirby</b>	
<b>Objections:</b>	<b>No Objections</b>	
<b>Zoning:</b>	<b>Residential 3</b>	
<b>Kingston Planning</b>	<b>Clause 12</b>	<b>Metropolitan Development</b>
<b>Scheme Ordinance</b>	<b>Clause 14</b>	<b>Settlement</b>
	<b>Clause 16</b>	<b>Housing</b>
	<b>Clause 18</b>	<b>Infrastructure</b>
	<b>Clause 21.03:</b>	<b>Land Use Challenges for the New Millennium</b>
	<b>Clause 21.04:</b>	<b>Strategic Framework Plan</b>
	<b>Clause 21.05:</b>	<b>Residential Land Use</b>
	<b>Clause 22.11:</b>	<b>Residential Development Policy</b>
	<b>Clause 32.06:</b>	<b>Residential 3 Zone</b>
	<b>Clause 55:</b>	<b>Two or More Dwellings on a Lot (ResCode)</b>
	<b>Clause 65:</b>	<b>Decision Guidelines</b>
	<b>Clause 66:</b>	<b>Referrals</b>
<b>Residential Policy Area</b>	<b>Policy</b>	<b>*Incremental Housing Change Area</b>

**1. MAIN ISSUES:**

The main issues relating to this application are considered to be:

- vehicle access;
- overlooking; and
- the double storey dwelling at the rear of the site.

**2. PROPOSAL IN DETAIL:**

(The plans for consideration are those received by Council on 30<sup>th</sup> July, 2009).

It is proposed to construct two (2), double-storey, dwellings on this site, with the existing dwelling to be demolished.

Key elements of the proposal are as follows:

Dwelling	Floor Area (Excluding Garage/Carport Areas)	Private Open Space Area (Total)	No. of Bedrooms	Car Parking Spaces
1	206.4m <sup>2</sup>	130m <sup>2</sup> (including 40m <sup>2</sup> of secluded private open space)	3	2 (double garage)
2	203.7m <sup>2</sup>	105.29m <sup>2</sup> (including 79.2m <sup>2</sup> of secluded private open space)	3	2 (double garage)



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**Development Assessment Table:**

Criteria	ResCode Requirement	Proposed Development Provision
Private Open Space	Incremental Housing Change requirements – Schedule to the Residential 3 Zone: 40m <sup>2</sup> , located to the side / rear of the dwelling, achieving a minimum dimension of 5 metres for a 2 bedroom dwelling with convenient access from a living room. An additional 20m <sup>2</sup> is required for each additional bedroom, which achieves a minimum dimension of 3 metres.	Dwelling 1: complies Dwelling 2: complies
Car Parking	Two (2) car parking spaces for each three (3) or more bedroom dwelling, with one (1) space under cover	Dwelling 1: complies Dwelling 2: complies
Front Setback	The average distance of the setbacks of the front walls of the existing buildings on the abutting allotments facing the front street or 9 metres, whichever is the lesser (9m required).	Dwelling 1: complies (9m to Hayden Road) Dwelling 2: (not applicable)
Site Coverage	Maximum 50% - as per Schedule to the Residential 3 Zone	Site coverage is 38.86% and therefore complies

**Building materials and colours have been nominated as:**

Roof:	Concrete tiles (no colour specified).
Walls:	Combination: face brickwork at ground level and rendered brick for the first floor level (no colours specified)
Garage door/s:	Panel lift doors (no materials or colours specified).
Windows:	No details provided.
Driveways:	Concrete (natural colour finish).
Front fencing:	A new, 1.2 metre high brick fence with timber infill would be constructed along the site's Hayden Road frontage.
Boundary fences:	Existing timber paling fences along the site's side (east and west) property boundaries would be removed and replaced along the "re-established" boundaries. The existing boundary fencing along the site's rear (north) property boundary would be retained and/or replaced as necessary.

A double car garage would be provided for each dwelling, with a common driveway to be provided adjacent to the site's west (side) property boundary. The existing crossover at the south-east corner of the subject site would be removed, with the nature strip to be reinstated accordingly.

All existing vegetation would be removed from the subject site, of which there is very little.

The proposed development would result in a site coverage of 38.86%.

**3. EXISTING CONDITIONS:**

The subject site is situated on the north side of Hayden Road, Clayton South, approximately 78 metres east of its intersection with Gayle Court and about 178m west of Westall Road. The land is regular in shape with a frontage width of 15.24 metres to Hayden Road, a depth of 53.34 metres and an overall area of 812.5m<sup>2</sup>. The topography of the land features a gradual fall of approximately 2.0 from the site's front (south) property boundary to the site's rear (north) property boundary. A 1.83 metre wide easement is contained within the site and is located adjacent to the site's north (rear) property boundary.

At present, the land is occupied by a single-storey, weatherboard dwelling which is set back a distance of 38 metres from the site's Hayden Road frontage. The subject site is devoid of any established vegetation. The surrounding land is developed for residential purposes and existing development comprises a combination of single-storey and double-storey dwellings, including examples of recent medium density housing development.

The site is located within reasonable proximity to local shops, schools and public reserves. Springvale Railway Station is situated approximately 1.9 kilometres to the north-east of the subject site, whilst Heatherton Park is located approximately 212 metres west of the site.

**4. RESTRICTIVE COVENANTS:**

The applicant has completed and signed a statutory declaration stating that there are no covenants, or restrictions registered on the current Certificate of Title for the subject site.

**5. SITE HISTORY:**

Council records indicate that no Planning Permits have issued for the subject site.

**6. AMENDMENTS PRIOR TO NOTIFICATION OF APPLICATION:**

Amended plans were received by Council on 30<sup>th</sup> July, 2009, showing modifications made in response to Council's request for further information made on 4<sup>th</sup> May, 2009.

The amended plans were accepted and the application proceeded to advertising.

**7. ADVERTISING:**

The proposal was advertised by sending notices to adjoining and opposite property owners and occupiers and by maintaining a public notice on site for fourteen (14) days. No objections were received.

**8. AMENDMENTS AFTER THE NOTIFICATION OF THE APPLICATION:**

No further amendments were made.

**9. Planning Scheme Provisions:**

A Planning Permit is required to develop land for two (2) or more dwellings on a lot and also to extend a dwelling on a lot with more than one (1) dwelling, pursuant to Clause 32.06 of the

Kingston Planning Scheme (the Scheme). In addition, according to ResCode at Clause 55 and the decision guidelines at Clause 65 of the Scheme, Council must consider the State Planning Policy Framework (Clause 16) and the Local Planning Policy Framework (LPPF), including the Municipal Strategic Statement of the Scheme.

Other

The subject land is zoned Residential 3. The site is located in an “Incremental Housing Change Area”, as identified by the Residential Land Use Framework Plan that forms part of the Municipal Strategic Statement.

No overlay controls affect the subject site.

**10 REFERRAL:**

Pursuant to Clause 66.02 of the Scheme, the application was not required to be referred to any external authority. However, the application was referred to the following internal Council departments:

- Ø Development Engineer; and
- Ø Vegetation Management Officer.

No objections were offered to the proposed development, subject to the inclusion of specific conditions on any permit issued.

**10. DISCUSSION:**

Kingston Planning Scheme Provisions:

**Clause 12: Metropolitan Development**

This section of the scheme provides specific objectives and strategies for Metropolitan Melbourne, including the following:

Clause 12.01 A more compact city seeks to:

- § Facilitate sustainable development that takes full advantage of existing settlement patterns, and investment in transport and communication, water and sewerage and social facilities.
- § Locate a substantial proportion of new housing in or close to activity centres and other strategic redevelopment sites that offer good access to services and transport.

Clause 12.05 A great place to be – seeks to create urban environments that are of better quality, safer and more functional, provide more open space and an easily recognisable sense of place and cultural identity, including:

- § Promotion of good urban design to make the environment more liveable and attractive.
- § Recognition and protection of cultural identity, neighbourhood character and sense of place.

- § Improvement of community safety and encouragement of neighbourhood design that makes people feel safe.
- § Protection of heritage places and values.
- § Promotion of excellent neighbourhood design to create attractive, walkable and diverse communities.
- § Improvement of the quality and distribution of open space and ensuring the long term protection of open space.
- § Improvement of the environmental health of the bays and their catchments.

Clause 12.06 A fairer city – seeks to increase the supply of well located and affordable housing by:

- § Encouraging a significant proportion of new development, including development activity centres and strategic redevelopment sites, to be affordable for households on low to moderate incomes.
- § Facilitate a mix of private, affordable and social housing in Transit Cities Projects.
- § Ensuring the redevelopment and renewal of public housing stock better meets community needs.

Clause 12.07 A greener city – seeks to minimise impacts on the environment to create a sustainable path for future growth and development by:

- § Ensuring that water resources are managed in a sustainable way.
- § Reduce the amount of waste generated and encourage increased reuse and recycling of waste materials.
- § Contribute to national and international efforts to reduce energy usage and greenhouse gas emission.
- § Reduce the impact of stormwater on bays and catchments.

Clause 12.08 Better transport links seeks to:

- § Manage the road system to achieve integration, choice and balance by developing an efficient and safe road network and making the most of existing infrastructure.
- § Give more priority to walking and cycling in planning urban development and in managing the road systems and neighbourhoods.

It is considered that this application meets these objectives.

Clause 21.05 Municipal Strategic Statement - Residential Land use

In accordance with Council's MSS, the subject site is located within an area identified for "incremental housing change".

### **Incremental Housing Change Area**

The type of housing change anticipated in these areas will take the form of extensions to existing houses, new single dwellings or the equivalent of new two dwelling developments on average sized lots. The existing single dwelling character of these areas is to be retained.

The objectives of the Municipal Strategic Statement (as relevant to this application) include:

- Objective 1: To provide a wide range of housing types across the municipality to increase housing diversity and cater for the changing needs of current and future populations, taking account of the differential capacity of local areas in Kingston to accommodate different types and rates of housing change.
- Objective 2: To ensure new residential development respects neighbourhood character and is site responsive, and that medium density dwellings are of the highest design quality.

- Objective 3: To preserve and enhance well landscaped/vegetated environments and protect identified significant vegetation.
- Objective 4: To promote more environmentally sustainable forms of residential development.
- Objective 5: To manage the interface between residential development and adjoining or nearby sensitive/strategic land uses.
- Objective 6: To ensure residential development does not exceed known physical infrastructure capacities.

Relevant strategies to achieve these objectives (as relevant to this application) include:

- Promote lower density housing in established suburban areas that do not have direct access to activity/transport nodes and “encourage” only incremental change in housing density (incremental housing change areas). Such areas will retain their predominantly single dwelling character and incremental change will occur in the form of single dwellings or the equivalent of dual occupancy developments on average sized lots.
- Promote new residential development which is of a high standard, responds to the local context and positively contributes to the character and identity of the local neighbourhood.
- Promote new residential development which provides a high standard of amenity and quality of life for future occupants.
- Encourage the retention of existing vegetation wherever possible.
- Improve landscape character by accommodating appropriate landscaping within new residential developments.
- Ensure that the planning, design, siting and construction of new residential development responds to best practice environmental design guidelines for energy efficiency, waste and recycling, and stormwater management.
- Promote medium density housing development in close proximity to public transport facilities, particularly train stations.
- Ensure the siting and design of new residential development sensitively responds to interfaces with environmentally sensitive areas, including the foreshore.
- Ensure that where medium and higher density residential areas are proposed adjacent to lower density residential areas, the design of such development takes proper account of its potential amenity impacts.
- Ensure that the siting and design of new residential development is consistent with Urban Stormwater Best Practice Environmental Management Guidelines and that new development contributes to the maintenance and upgrade of local drainage infrastructure as required, where such new development will impact on the capacity of such infrastructure.
- Require the provision of car parking to satisfy the anticipated demand having regard to average car ownership levels in the area, the environmental capacity of the local street network and the proximity of public transport and nearby on and off street car parking.
- Ensure that all new medium density housing provides adequate private open space that is appropriately landscaped.

It is considered that the proposed development is consistent with the relevant objectives of Council’s Municipal Strategic Statement as outlined above. The proposal creates an adequate standard of amenity for the future occupants of the existing and proposed dwelling, as well as for occupants of existing dwellings in the immediate area. It is considered that the development will have minimal impact on the existing neighbourhood character.

The average lot size within this area has been calculated to be 304.25m<sup>2</sup> and it is, therefore, considered that this proposal would meet the minimum “average lot size” area given the site’s area of 812.5m<sup>2</sup>.

**Clause 22.11: Residential Development Policy**

The proposal has been assessed against the objectives and policy of the Residential Development Policy, which can be summarised under the following headings:

- Housing change;
- Neighbourhood character;
- Site landscaping;
- Built form, siting and scale of development;
- Car parking and vehicle access;
- Stormwater run-off mitigation and quality management; and
- Heritage features.

The “built form, siting and scale of development” section of the Policy states the following:

- Encourage the two-storey component of new medium density housing to be located towards the front of the site.
- Ensure that any upper storey components towards the rear of sites are sensitively designed to avoid unreasonable adverse amenity impacts on neighbours.
- Encourage well-articulated and graduated elevations in order to avoid “box-like” double storey designs, thus reducing visual bulk.
- Ensure that the siting of new buildings respects the amenity of adjoining neighbours with regard to rear yards and garden outlooks from habitable room windows.
- Ensure that the design and layout of new dwellings incorporate features which minimise overlooking of adjacent properties.
- Address potential overlooking through site layout planning as well as individual dwelling planning.

Council officers consider that the siting and design of the proposed double-storey dwelling at the rear of the site has been well considered and, as a result, should not detrimentally affect the amenity of the existing dwellings to the east, west or north. The particular areas of ResCode non-compliance will be discussed in further detail in the following sections of this report.

Further, the Policy aims to ensure that new development is responsive to the character elements identified in the Kingston Neighbourhood Character Guidelines – May 2000, revised February 2003, particularly those identified as making a major or critical contribution to neighbourhood character.

The land is located within Area No. 47 of the Neighbourhood Character Guidelines, which identifies detached building footprints as being “typical” for the profile area. There are no “major” or “critical” elements of neighbourhood character identified within this area.

**Clause 32.06: Residential 3 Zone**

The purpose of the Residential 3 zone includes the provision of residential development at a range of densities with a variety of dwellings to meet the housing needs of all households.

Schedule

Schedule 1 to the Residential 3 zone imposes higher requirements for new multi-dwelling developments (being private open space, site coverage and front fencing) in areas identified for “incremental change” under Council’s MSS.

It is considered that the proposed development would satisfy each of the additional requirements under the Schedule to the zone.

**Clause 55: ResCode (Two or More Dwellings on a Lot & Residential Buildings)**

The proposal has been assessed against the objectives and standards of Clause 55 (ResCode) of the Kingston Planning Scheme. It is considered that the proposal would satisfy the relevant objectives and standards of ResCode, with the only areas of non-compliance being identified as follows:

Clause 55.02-2 – Residential Policy Objectives

One of the key objectives of this Clause is “*to ensure that residential development is provided in accordance with any policy for housing in the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies*”.

Council’s Residential Development Policy strongly discourages the construction of double-storey dwellings to the rear of a site. However, the proposed double-storey dwelling to be constructed at the rear of the site has been designed and sited in a sensitive manner in a manner that should be sympathetic to the existing residential properties to the north (rear), east and west (side) of the subject land.

Clause 55.03-9 – Access Objectives

One of the key objectives of this Clause is “*to ensure vehicle access to and from a development is safe, manageable and convenient*”.

The submitted site layout plan shows that the proposed reversing area for Dwelling 2 has not been designed to allow for a four (4) metre turning radius and, therefore, would not allow vehicles to turn and egress the site in a forwards direction. Council officers consider that the only way that an adequate reversing area could be provided is by relocating the proposed double car garage for Dwelling 2 further towards the site’s rear (north) property boundary. This would ensure that sufficient area could be provided to allow vehicles to reverse and manoeuvre into the turning area.

A redesign of the proposed double car garage for Dwelling 2 could be required as a condition of any permit issued for the proposed development, to the satisfaction of the Responsible Authority.

Clause 55.04-6 – Overlooking Objective

The objective of this Clause is “*to limit views into existing secluded private open space and habitable room windows*”.

The submitted plans show that the west-facing first floor level window of the Gallery window of Dwelling 1 would directly overlook the adjoining property at Unit 1, No. 7 Hayden Road. It is considered that visual screening should be provided to this window at a minimum height of

1700mm above the first floor finished floor level of Dwelling 1. This should be required as a condition of any permit issued for the proposed development.

*Clause 65: Decision Guidelines*

This Clause of the Planning Scheme sets out other matters which must be given regard to before deciding on an application.

It is considered that the proposed development meets the requirements as set out in this Clause of the Planning Scheme.

*Designing Contextual Housing Guidelines – April 2003 (Reference Document):*

The Designing Contextual Housing Guidelines supplement the Kingston Neighbourhood Character Guidelines, Residential Development Policy and ResCode provisions and offer a range of design techniques and suggestions to assist with residential design which is responsive to local character.

Council officers consider that the proposed development generally satisfies the relevant design techniques and suggestions outlined in this document.

**11. GENERAL COMMENT:**

The proposed development is considered appropriate for the site as evidenced by:

- . The design and siting of the development should respect existing or preferred neighbourhood character;
- . The proposal satisfies the objectives and criteria of Council's Residential Land Use Policy (Clause 21.05); Clause 22.11 (Residential Development Policy); Clause 32.06 (Residential 3 Zone & Schedule) and Clause 55 (Two or More Dwellings on a Lot) of the Kingston Planning Scheme; and
- . The proposed development of this site is considered to be appropriate, having regard to its design and the standard of amenity provided for future residents.

On balance and subject to the inclusion of conditions, the proposal is considered reasonable and warrants support.

**12. RECOMMENDATION:**

That Council resolve to issue a Planning Permit for the development of this site for the construction of two (2) dwellings, subject to the following conditions:

19. Before the development starts amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be substantially in accordance with the plans received by Council on 30<sup>th</sup> July, 2009, but modified to show:



- a) the provision of an improved landscape plan in accordance with the submitted development plan and the City of Kingston Landscape Plan Checklist, with such plans to be prepared by a suitably qualified landscape professional and incorporating:
  - i) an associated planting schedule showing the proposed, species type, mature height and width, pot sizes and number of species to be planted on the site;
  - ii) the delineation of all garden beds, paving and grassed areas throughout the development;
  - iii) all existing trees on the site and within three (3) metres to the boundary of the site on adjoining properties, accurately illustrated to represent actual canopy width and labelled with botanical name, height and whether the tree is proposed to be retained or removed;
  - iv) a range of plant types from ground covers to large shrubs and trees;
  - v) adequate planting densities (i.e. plants with a mature width of 1 metre, planted at 1 metre intervals);
  - vi) the provision of one (1) suitable medium-sized (at maturity) canopy trees within the front setback of the property and one (1) small (at maturity) tree within the secluded rear private open space area of each dwelling, with species chosen to be approved by the Responsible Authority;
  - vii) sustainable lawn areas and plant species taking water restrictions into consideration all trees provided at a minimum of two (2) metres in height at time of planting;
  - viii) all trees provided at a minimum of two (2) metres in height at the time of planting;
  - ix) medium to large shrubs to be provided at a minimum pot size of 200mm;
  - x) the provision of notes on the landscape plan regarding site preparation, including the removal of all weeds, proposed mulch, soil types and thickness, subsoil preparation and any specific maintenance requirements;
- b) no trees with intrusive roots are to be planted within the existing 1.83 metre wide easement adjacent to the site's north (rear) property boundary, so as not to affect the drainage;
- c) the double car garage for Dwelling 2 relocated towards the site's north (rear) property boundary to allow for a four (4) metre wide, fully workable turning area;
- d) the reversing area for Dwelling 2 nominated as being paved with porous pavers (or similar material) with the balance of the area to be landscaped;
- e) the minimum internal dimensions for each proposed double car garage (6m in length by 5.5m in width – minimum);
- f) the finished floor level (to be measured to Australian Height Datum) for each proposed outdoor decking area nominated;
- g) the provision of 1.5 metre by 1.5 metre wide splay at the south-west corner of the proposed private open space area within the front setback of Dwelling 1, to ensure adequate sight lines for vehicles exiting the site;
- h) the provision of visual screening to the west-facing first floor level "gallery" window of Dwelling 1 to a minimum height of 1700mm above the first floor level finished floor level directly below, in accordance with the requirements under Standard B22 of Clause 55.04-6 (Overlooking) of the Kingston Planning Scheme;
- i) the location of any externally located heating/cooling units, service meters, etc.;

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- j) the surface material of all driveways/accessways and car parking spaces nominated in an all weather coloured concrete seal-coat;
  - k) the deletion of the bin storage area at the front of the site, and its replacement with landscaping; with bins to be stored elsewhere on the site and these areas nominated; and
  - l) the provision of a colour, finishes and building materials schedule (including colour samples) for all external elevations of all dwellings, driveways, front fence and garage.
2. The development, as shown on the endorsed plans, must not be altered without the written consent of the Responsible Authority.
  3. Prior to the occupation of the dwellings hereby approved, all boundary fences must be repaired and/or replaced as necessary to the satisfaction of the Responsible Authority, at the cost of the applicant/owner.
  4. Before occupation of the dwellings hereby permitted, the landscaping works as shown on the endorsed plans must be completed to the satisfaction of the Responsible Authority. The landscaping must then be maintained to the satisfaction of the Responsible Authority.
  5. Before occupation of the dwellings hereby permitted, all buildings and works and the conditions of this permit must be complied with, unless with the further prior written consent of the Responsible Authority.
  6. Before the development hereby approved commences, a Stormwater Management Plan showing the stormwater works to the nominated point of discharge must be prepared to the satisfaction of the Responsible Authority. The Stormwater Management Plan must be prepared by a qualified person and show all details of the proposed stormwater works including all existing and proposed features that may have an impact (e.g. trees to be retained, crossings, services, fences, abutting buildings, existing boundary surface levels, etc.).
  7. Stormwater works must be provided on the site so as to prevent overflows onto adjacent properties.
  8. The development of the site must be provided with stormwater works which will incorporate the use of water sensitive urban design principles to improve stormwater run-off as a result of the approved development. The system must be maintained to the satisfaction of the Responsible Authority. Council's Development Engineer can advise on satisfactory options to achieve these desired outcomes which may include the use of an infiltration or bio-retention system, rainwater tanks connected for re-use and a detention system.
  9. Construction on the site shall be restricted to the following times:
    - a. Monday to Friday 7:00am to 7:00pm
    - b. Saturday 9:00am to 6:00pm
    - c. Sunday & Public Holidays No construction permitted.Or otherwise as approved by the Responsible Authority in writing.
  10. Before the occupation of the dwellings hereby permitted or by such later date as is approved by the Responsible Authority in writing, the nature strip, kerb and channel, vehicle crossover and footpath must reinstated to the satisfaction of the Responsible Authority.

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11. Convenient taps or fixed sprinkler system must be provided to the satisfaction the Responsible Authority capable of watering all communal and private land and landscaped areas, including turf block visitor car parking where provided.
12. A street number of 100mm minimum height and contrasting in colour to its background, must be fixed at the front boundary of the property and as near as practicable to, or on the letterboxes with such numbering to be in accordance with Council's Street Numbering Policy. Separate unit numbers of 75mm minimum height must be placed adjacent to the front entrance of each dwelling. Such numbers must be clearly legible from the access driveway.
13. Exterior lights must be installed in such positions as to effectively illuminate all pathway and porch areas. Such lighting must be controlled by a time clock or sensor unit, and must be designed, baffled and located to the satisfaction of the Responsible Authority to prevent any adverse effect on neighbouring land.
14. Prior to the occupation of the dwellings hereby approved, areas set aside for parking vehicles, access lanes and paths as shown on the endorsed plans must be:
  - a) Constructed to the satisfaction of the Responsible Authority.
  - b) Properly formed to such levels that they can be used in accordance with the plans.
  - c) Surfaced with an all-weather exposed aggregate, natural sand colour, seal-coat to the satisfaction of the Responsible Authority.
  - d) Drained and maintained to the satisfaction of the Responsible Authority.

Parking areas and access lanes must be kept available for these purposes at all times and maintained to the satisfaction of the Responsible Authority.
15. All works on or facing the boundaries of adjoining properties must be finished and surface cleaned to a standard that is well presented to neighbouring properties in a manner to the satisfaction of the Responsible Authority.
16. Finished Floor Levels shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.
17. External clothes drying facilities must be provided for each dwelling.
18. Once the development has started, it must be continued and completed to the satisfaction of the Responsible Authority.
19. In accordance with Section 68 of the Planning and Environment Act 1987, this permit will expire if one of the following circumstances applies:
  - The development is not started within two (2) years of the date of the permit issue.
  - The development is not completed within four (4) years of the date of this permit.

In accordance with Section 69 of the Planning and Environment Act 1987, the Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires, or within three months afterwards.

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Note: Prior to the commencement of the development you are required to obtain the necessary Building Permit.

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Note: The applicant/owner must provide a copy of this planning permit to any appointed Building Surveyor. It is the responsibility of the applicant/owner and Building Surveyor to ensure that all building development works approved by any building permit is consistent with the planning permit.

Note: It is noted that the development includes a carport and shed to be built over an easement. Separate consent from Council and the relevant service authority is required to build over the easement and will need to be obtained prior to the issue of a Building Permit.

**OR**

In the event that Council wish to oppose the application, it can do so on the following grounds:

1. The proposal constitutes an over-development of the site.
2. The proposal exhibits excessive bulk and mass.
3. The proposal fails to satisfy all of the requirements of Clause 55 of the Kingston Planning Scheme (ResCode), in particular Clause 55.02-2 Residential Policy Objectives, Clause 55.03-8 Landscaping Objectives, Clause 55.03-9 Access Objectives, Clause 55.04-6 Overlooking Objective and Clause 55.06-1 Design Detail Objective.

**Crs Peulich / Athanasopoulos**

That the recommendation to grant a permit, subject to conditions, be adopted.

**Carried**

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**L204**

**Planning Application: KP508/9, 386 Station St, Bonbeach**

<b>APPLICANT</b>	Dandenong Drafting
<b>ADDRESS OF LAND</b>	No. 386 (Lot 50 on PS005351 and Lot 1 on TP644605J) Station Street, Bonbeach.
<b>PROPOSAL</b>	Six (6) Dwellings
<b>PLANNING OFFICER</b>	Tess Johnson <i>Author: Sherie Kirby</i>
<b>REFERENCE NO.</b>	KP508/2009
<b>RELEVANT STATE PLANNING POLICY FRAMEWORK</b>	State Planning Policy Framework Clause 12: Metropolitan Development Clause 14.02: Metropolitan Development Clause 16.02: Housing – Medium Density Housing
<b>RELEVANT LOCAL PLANNING POLICY FRAMEWORK</b>	Local Planning Policy Framework Clause 21.05: Residential Land Use (MSS) Clause 22.11: Residential Development Policy Clause 32.01: Residential 1 Zone Clause 55: Two or More Dwellings on a Lot & Residential Buildings Clause 65: Decision Guidelines
<b>ZONE</b>	Clause 32.01: Residential 1 Zone
<b>OVERLAYS</b>	None applicable
<b>PARTICULAR PROVISIONS</b>	Clause 55: Two or More Dwellings on a Lot & Residential Buildings
<b>GENERAL PROVISIONS</b>	Clause 65: Decision Guidelines
<b>RESIDENTIAL POLICY AREA</b>	Increased Housing Diversity
<b>NEIGHBOURHOOD CHARACTER AREA:</b>	Area No. 74
<b>DECISION DATE BY</b>	<b>24 October, 2009</b>
<b>STATUTORY DAYS</b>	<b>100 days at 14<sup>th</sup> December, 2009</b>
<b>CONSIDERED PLAN REFERENCES/DATE RECEIVED</b>	<b>31<sup>st</sup> July, 2009</b> <b>Drawing No. 1 – 11</b>

**KEY ISSUES**

The key planning issues arising from this proposal relate to:

- § Neighbourhood character
- § Visual Bulk / Overdevelopment
- § Traffic / parking considerations
- § Amenity impacts

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**PROPOSAL**

It is proposed to construct six (6), double-storey dwellings on this site, with the existing dwelling to be demolished as a part of the proposal.

<i>SITE AREA</i>	1656.9m <sup>2</sup>
<i>FRONTAGE</i>	15.25 metres
<i>DEPTH:</i>	103.66 metres
<i>SITE COVERAGE</i>	43.7%
<i>NO. OF DWELLINGS</i>	6
<i>NO. OF STOREYS</i>	2
<i>NO. OF BASEMENT LEVELS</i>	0
<i>FRONT SETBACK</i>	6.5 metres to Station Street
<i>MINIMUM SIDE SETBACK</i>	To the north: 1.8 metres To the south: 3.77 metres
<i>REAR SETBACK</i>	To the east: 3.96 metres

Key elements of the proposal are as follows:

<b>Dwelling</b>	<b>Floor Area (m<sup>2</sup>)</b>	<b>Private Open Space (Total m<sup>2</sup>)</b>	<b>No. of Bedrooms</b>	<b>Car Parking Spaces</b>
1	165.48m <sup>2</sup>	82.9m <sup>2</sup>	3	2
2	135.84m <sup>2</sup>	43.0m <sup>2</sup>	3	2
3	135.84m <sup>2</sup>	42.5m <sup>2</sup>	3	2
4	135.84m <sup>2</sup>	42.5m <sup>2</sup>	3	2
5	117.98m <sup>2</sup>	42.5m <sup>2</sup>	2	1
6	137.0m <sup>2</sup>	83.84m <sup>2</sup>	2	1

Building materials and colours have been nominated as:

Roof:	Concrete roof tiles (dark grey colour).
Walls:	Combination of face brickwork and rendered brickwork in dark brown, cream and/or beige colours.
Garage doors:	Cream colour (type not nominated).
Windows:	Aluminium frames with powder coat finish.
Driveways:	Concrete with stones (aggregate finish).
Front fencing:	A new, 1.5 metre high brick fence with timber infill) is proposed along the site's Station Street frontage.
Internal fencing:	A new, 1.8 metre high timber paling fences are proposed between the new dwellings.
Boundary fences:	A new, 2.0 metre high timber paling fence is proposed to be constructed along the site's north (side) and east (rear) property boundaries whilst the existing 1.9 metre high timber paling fence along the site's south (side) property boundary would be retained.

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Vehicle access to Dwelling 1 would be available from the existing crossover located at the north-west corner of the site on Station Street whilst Dwelling 2 to Dwelling 6 would be accessed via a common driveway from a new crossover to be constructed at the south-west corner of the site.

A double car garage would be provided for Dwellings 1, 2, 3 and 4, whilst Dwelling 5 and Dwelling 6 would be provided with a single car garage. A single, independent, visitor car parking space is also proposed to be located at the rear of Dwelling 1.

All existing vegetation would be removed as a part of the proposed development.

The development would result in a site coverage area of 43.7%.

Development Assessment Table:

<b>Criteria</b>	<b>ResCode Requirement</b>	<b>Proposed Development Provision</b>
<b>Private Open Space</b>	An area of 40m <sup>2</sup> , with one part of the private open space to consist of secluded private open space at the side or rear of the dwelling with a minimum area of 25m <sup>2</sup> , a minimum dimension of 3 metres and convenient access from a living room.	Dwelling 1-6: complies
<b>Car Parking</b>	One (1) car parking space for one (1) or two (2) bedroom dwelling	Dwelling 1-6: complies
<b>Front Setback</b>	The average distance of the setbacks of the front walls of the existing buildings on the abutting allotments facing the front street or 9 metres, whichever is the lesser.	Dwelling 1: complies
<b>Site Coverage</b>	Maximum 60% - as per ResCode	Site coverage is 43.7% and therefore complies.

**EXISTING CONDITIONS:**

The subject site is located on the east side of Station Street, Bonbeach, approximately 45 metres north of its intersection with Broadway. The land is regular in shape and has a frontage width of 15.25 metres, a depth of 103.66 metres and an overall area of 1656.9m<sup>2</sup>. The topography of the land features a gradual fall of approximately 1.4 metres from the north-west corner of the site at the site's Station Street frontage to the north-east corner at the rear of the site. A 3.08 metre wide easement is contained within the site and is located adjacent to the site's east (rear) property boundary.

At present, the subject site is occupied by a single-storey, detached, brick veneer dwelling which is set back 9.0 metres from its Station Street property boundary. The land is devoid of any significant vegetation. The surrounding land to the north (side), south (side) and north-east (rear) is developed and used for residential development whilst the land directly opposite Station Street is occupied by the Melbourne to Frankston Railway Line.

The subject site is located approximately 300 metres north-east of the Bonbeach Railway Station on Nepean Highway. The Bonbeach Foreshore Reserve is also situated approximately 280 metres west of the subject site. A number of primary and secondary schools are located within reasonable proximity of the site in addition to public parks and reserves. The land is zoned Residential 1 with no overlay controls.

**RESTRICTIVE COVENANTS:**

The applicant has completed and signed a declaration stating that no restrictive covenant exists on the subject land.

**SITE HISTORY:**

Council records indicate that no Planning Permits have issued for the subject site.

**AMENDMENT TO THE APPLICATION PRIOR TO NOTIFICATION:**

No amendments were made.

**ADVERTISING:**

The proposal was advertised by the display of a notice at the front of the site and sending notices to all surrounding property owners and/or occupiers for a minimum period of fourteen (14) days.

The advertising process was satisfactorily completed and five (5) objections received. The main grounds of concern can be summarised under the following headings:

- Overdevelopment;
- Neighbourhood character;
- Visual bulk;
- Traffic/car parking;
- Noise;
- Overshadowing; and
- Overlooking.

**AMENDMENT TO THE APPLICATION AFTER NOTIFICATION:**

No amendments were made.

**PRELIMINARY CONFERENCE:**

A preliminary conference was held at Council's Cheltenham Office on 23<sup>rd</sup> July, 2009, with the Applicant, a Ward Councillor, four (4) objectors and Council Planning Officer in attendance.

The above concerns were discussed, but were unable to be resolved at the preliminary conference, and the objections still stand. However, there was a general agreement reached between all parties that the new, 2.0 metre high timber paling fence along the site's north (side) property boundary be tapered down to 1.5 metres (to reflect that of the existing boundary fencing). Also, standard permit conditions addressing visual screening of roof



equipment should also be incorporated as a condition of any permit issued for the proposed development.

**PLANNING SCHEME PROVISIONS:**

A Planning Permit is required to develop land for two (2) or more dwellings on a lot, pursuant to Clause 32.01-4 of the Kingston Planning Scheme (the Scheme). In addition, according to ResCode at Clause 55 and the decision guidelines at Clause 65 of the Scheme, Council must consider the State Planning Policy Framework (Clause 16) and the Local Planning Policy Framework (LPPF), including the Municipal Strategic Statement of the Scheme.

**Other:**

The subject land is zoned Residential 1. The site is located in an "Increased Housing Diversity Area", as identified by the Residential Land Use Framework Plan that forms part of the Municipal Strategic Statement.

No overlay controls affect the subject site.

**REFERRAL:**

Pursuant to Clause 66.02 of the Scheme, the application was externally referred to Vic Roads and the Metropolitan Fire Brigade (MFB) given that the length of the proposed common driveway would exceed 60 metres. No objections were offered.

The application was referred to the following internal Council departments:

- Vegetation Management Officer; and
- Development Engineer.

No objections were received to the proposed development, subject to the inclusion of specific permit conditions (where applicable) to be included on any permit issued.

**DISCUSSION:**

**Kingston Planning Scheme Provisions**

**Clause 12: Metropolitan Development**

This section of the scheme provides specific objectives and strategies for Metropolitan Melbourne, including the following:

**Clause 12.01 A More Compact City seeks to:**

- § Facilitate sustainable development that takes full advantage of existing settlement patterns, and investment in transport and communication, water and sewerage and social facilities.
- § Locate a substantial proportion of new housing in or close to activity centres and other strategic redevelopment sites that offer good access to services and transport.

**Clause 12.05 A Great Place to Be** – seeks to create urban environments that are of better quality, safer and more functional, provide more open space and an easily recognisable sense of place and cultural identity, including:

- § Promotion of good urban design to make the environment more liveable and attractive.
- § Recognition and protection of cultural identity, neighbourhood character and sense of place.
- § Improvement of community safety and encouragement of neighbourhood design that makes people feel safe.
- § Protection of heritage places and values.
- § Promotion of excellent neighbourhood design to create attractive, walkable and diverse communities.
- § Improvement of the quality and distribution of open space and ensuring the long term protection of open space.
- § Improvement of the environmental health of the bays and their catchments.

**Clause 12.06 A Fairer City** – seeks to increase the supply of well located and affordable housing by:

- § Encouraging a significant proportion of new development, including development activity centres and strategic redevelopment sites, to be affordable for households on low to moderate incomes.
- § Facilitate a mix of private, affordable and social housing in Transit Cities Projects.
- § Ensuring the redevelopment and renewal of public housing stock better meets community needs.

**Clause 12.07 A Greener City** – seeks to minimise impacts on the environment to create a sustainable path for future growth and development by:

- § Ensuring that water resources are managed in a sustainable way.
- § Reduce the amount of waste generated and encourage increased reuse and recycling of waste materials.
- § Contribute to national and international efforts to reduce energy usage and greenhouse gas emission.
- § Reduce the impact of storm water on bays and catchments.

**Clause 12.08 Better transport links seeks to:**

- § Manage the road system to achieve integration, choice and balance by developing an efficient and safe road network and making the most of existing infrastructure.
- § Give more priority to walking and cycling in planning urban development and in managing the road systems and neighbourhoods.

It is considered that this application meets these objectives.

**Clause 14.02-2 Metropolitan Development - General Implementation**

This section of the Scheme seeks to ensure that the consolidation of residential and employment activities is encouraged within existing urban areas and designated growth areas, and that development in existing residential areas should be respectful of neighbourhood character, and that higher land use densities and mixed use developments should be encouraged near railway stations, major bus terminals, transport interchanges and tram and principal bus routes.

It is considered that this application meets these objectives.

**Clause 16.02: Housing - Medium Density Housing**

It is the objective of the State Planning Policy Framework to encourage the development of well-designed medium-density housing which:

- § Respects the character of the neighbourhood.
- § Improves housing choice.
- § Makes better use of existing infrastructure.
- § Improve energy efficiency of housing.

It is considered that this application clearly meets these objectives.

#### **Clause 21.05 Municipal Strategic Statement - Residential Land use**

In accordance with Council's MSS, the subject site is located within an area identified for "increased housing diversity".

##### *Increased Housing Diversity*

The intention in these areas is that new medium density housing comprising a variety of housing types and layouts will be promoted responding to the established by evolving urban character. Because these are already established as residential areas, the design of new medium density housing proposal will need to display sensitivity to the existing residential context and amenity standards in these areas.

The objectives of the Municipal Strategic Statement (as relevant to this application) include:

- **Objective 1:** To provide a wide range of housing types across the municipality to increase housing diversity and cater for the changing needs of current and future populations, taking account of the differential capacity of local areas in Kingston to accommodate different types and rates of housing change.
- **Objective 2:** To ensure new residential development respects neighbourhood character and is site responsive, and that medium density dwellings are of the highest design quality.
- **Objective 3:** To preserve and enhance well landscaped/vegetated environments and protect identified significant vegetation.
- **Objective 4:** To promote more environmentally sustainable forms of residential development.
- **Objective 5:** To manage the interface between residential development and adjoining or nearby sensitive/strategic land uses.
- **Objective 6:** To ensure residential development does not exceed known physical infrastructure capacities.

Relevant strategies to achieve these objectives (as relevant to this application) include:

- Promote increased housing diversity in residential areas that are within convenient walking distance of public transport and activity nodes (*increased housing diversity areas*). Such areas will accommodate a variety of medium density housing types and layouts at increased residential densities, responding to the established but evolving neighbourhood character.
- Promote new residential development which is of a high standard, responds to the local context and positively contributes to the character and identity of the local neighbourhood.
- Promote new residential development which provides a high standard of amenity and quality of life for future occupants.

- Encourage the retention of existing vegetation wherever possible.
- Improve landscape character by accommodating appropriate landscaping within new residential developments.
- Ensure that the planning, design, siting and construction of new residential development responds to best practice environmental design guidelines for energy efficiency, waste and recycling, and stormwater management.
- Promote medium density housing development in close proximity to public transport facilities, particularly train stations.
- Ensure the siting and design of new residential development sensitively responds to interfaces with environmentally sensitive areas, including the foreshore.
- Ensure that where medium and higher density residential areas are proposed adjacent to lower density residential areas, the design of such development takes proper account of its potential amenity impacts.
- Ensure that the siting and design of new residential development is consistent with Urban Stormwater Best Practice Environmental Management Guidelines and that new development contributes to the maintenance and upgrade of local drainage infrastructure as required, where such new development will impact on the capacity of such infrastructure.
- Require the provision of car parking to satisfy the anticipated demand having regard to average car ownership levels in the area, the environmental capacity of the local street network and the proximity of public transport and nearby on and off street car parking.
- Ensure that all new medium density housing provides adequate private open space that is appropriately landscaped.

It is considered that the proposed development is consistent with the relevant objectives of Council's Municipal Strategic Statement as outlined above. The proposal creates an adequate standard of amenity for the future occupants of each dwelling, as well as for occupants of existing dwellings in the immediate area. It is considered that the development should have a limited impact on existing neighbourhood character, and the broader character of the surrounding residential area.

#### **Clause 22.11 - Residential Development Policy**

The proposal has been assessed against the objectives and policy of the Residential Development Policy, which can be summarised under the following headings:

- Housing change;
- Neighbourhood character;
- Site landscaping;
- Built form, siting and scale of development;
- Car parking and vehicle access;
- Stormwater run-off mitigation and quality management; and
- Heritage features.

The "*built form, siting and scale of development*" section of the Policy states the following:

- Encourage the two-storey component of new medium density housing to be located towards the front of the site.
- Ensure that any upper storey components towards the rear of sites are sensitively designed to avoid unreasonable adverse amenity impacts on neighbours.

- Encourage well-articulated and graduated elevations in order to avoid “box-like” double storey designs, thus reducing visual bulk.
- Ensure that the siting of new buildings respects the amenity of adjoining neighbours with regard to rear yards and garden outlooks from habitable room windows.
- Ensure that the design and layout of new dwellings incorporate features which minimise overlooking of adjacent properties.
- Address potential overlooking through site layout planning as well as individual dwelling planning.

It is considered that the proposed development would satisfy the above policies under Clause 22.11 of the Kingston Planning Scheme. Specifically, the overall area of the subject land and the generous ground floor and first floor building setbacks should ensure that the residential amenity of the adjoining properties is reasonably protected.

Council officers consider that the proposed development has been designed and sited in a manner that is respectful of the existing dwellings on the adjoining properties. Additional permit conditions should be imposed to address any overlooking concerns from the south-facing first floor level balconies of Dwelling 1 and Dwelling 5, where appropriate.

**Clause 32.01: Residential 1 Zone**

The purpose of the Residential 1 zone includes the provision of residential development at a range of densities with a variety of dwellings to meet the housing needs of all households. A Planning Permit is required for the construction of two (2) or more dwellings on a lot in accordance with this Clause.

**Schedule**

The proposal meets the relevant additional requirements listed in the Schedule to the Residential 1 zone.

**Clause 55: ResCode**

The proposal has been assessed against the objectives and standards of Clause 55 (ResCode) of the Kingston Planning Scheme. It is considered that the proposal satisfactorily meets all of the objectives and the majority of standards under ResCode. However, the following areas of non-compliance have been identified:

*Clause 55.02-2 – Residential Policy Objectives*

One of the key objectives of this Clause is “*to ensure that residential development is provided in accordance with any policy for housing in the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies*”.

Council’s Residential Development Policy discourages the construction of double-storey dwellings through the middle and to the rear of a site. It is noted, however, that the first floor level building footprint of the proposed dwellings throughout the site would be inset from the ground level footprint. Accordingly, the visual impact of the proposed development on the adjoining properties directly to the north (side), south (side) and east (rear) should not be adversely affected.

*Clause 55.03-9 – Access Objectives*

One of the key objectives under this Clause is “*to ensure vehicle access to and from a development is manageable, safe and convenient*”.

*Clause 55.03-11 – Parking Provision Objectives*

One of the key objectives under this Clause is “*to ensure that the design of parking access areas is practical and attractive and that these areas can be easily maintained*”.

It is noted that the length of the single car garage for Dwelling 5 is 6.5 metres long whereas the requirement under Standard B16 is 6.0 metres. The length of the proposed garage in this instance would not allow vehicles reversing from the single car garage of Dwelling 6 in a fully workable manner.

Accordingly, a condition of any permit issued for the proposed development should require the internal length of the proposed garage for Dwelling 5 to be reduced from 6.5 to 6.0 metres.

*Clause 55.04-1 – Side and Rear Setbacks Objective*

The objective of this Clause is “*to ensure that the height and setback of a building from a boundary respects the existing or preferred neighbourhood character and limits the impact on the amenity of the existing dwellings*”.

It is noted that the first floor building setback for Dwellings 1 to 4 inclusive from the site’s north (side) property boundary would be 1.8 metres, whereas a minimum side setback of 2.0 metres is required under Standard B17 of ResCode.

However, Council officers consider that the setback and location of the first floor levels of these dwellings should not detrimentally impact the amenity of the existing dwellings to the north at No. 385 Station Street and are appropriate in this instance.

*Clause 55.04-6 – Overlooking Objective*

The objective of this Clause is “*to limit views into existing secluded private open space and habitable room windows*”.

The submitted plans show that the first floor level south-facing windows of Dwelling 1 and Dwelling 5 would allow overlooking opportunities into the adjoining property to the south (side).

A condition of any permit issued for the proposal should require fixed visual screening to be provided at a minimum height of 1700mm to the respective windows in this instance.

**RESPONSE TO MAIN GROUNDS OF OBJECTION:**

The main grounds of concern can be summarised under the following headings:

- Overdevelopment;
- Neighbourhood character;
- Visual bulk;

- Traffic/car parking;
- Noise;
- Overshadowing; and
- Overlooking.

In response to each of the above grounds, the following comments are offered:

*Overdevelopment/Neighbourhood Character/Visual Bulk*

A number of comments were received in response to the double-storey construction throughout the site and that is was “out-of-character” with the area. Council officers consider that the nature of the proposed development is generally consistent with existing medium density housing development along Station Street, given that the originally subdivided lots exceed 100 metres in length.

Further, the siting and design of the proposed dwellings are considered to be sympathetic to those existing dwellings on the adjoining properties to the north (side), south (side) and to the east (rear).

*Traffic/Car Parking*

Concerns regarding the impact of the proposed development on existing traffic conditions have also been noted by Council officers. Specifically, some objectors believe that six (6) new dwellings would unreasonably impact the existing demand for on-street car parking along this section of Station Street.

Council officers consider that any additional demand for car parking within the immediate area should be minimal given that each proposed dwelling would be provided with adequate on-site car parking in addition to a single visitor car parking space within the subject site.

*Noise*

Some objections received raised issues relating to noise likely to be generated by both resident and traffic noise. Whilst it is acknowledged that the intensity of the subject land would increase, Council officers believe that it should not detrimentally affect the residential amenity of the surrounding properties.

*Overshadowing*

An objector from the adjoining property at No. 1/387 Station Street raised concerns regarding potential overshadowing from the proposed development. Shadow diagrams submitted with the application for planning permit show that the adjoining properties to the north, east and south should not be adversely affected by any overshadowing as a result of the proposed development.

*Overlooking*

A number of concerns have also been raised in relation to overlooking from the first floor level windows of the proposed dwellings. Council officers have assessed the relevant plans against the provisions of Standard B22 and consider that two (2) windows at the first floor level within the development may potential overlook properties to the south.

As previously discussed, a condition of any permit issued for the proposed development should require fixed visual screening be provided to the relevant first floor windows.

**Clause 65: Decision Guidelines**

This Clause of the Planning Scheme sets out other matters that must be given regard to before deciding on an application.

It is considered that the proposed development meets the requirements as set out in this Clause of the Planning Scheme.

**Neighbourhood Character Area Guidelines (Incorporated Document):**

The land is located within Profile Area No. 74 of the Neighbourhood Character Guidelines. Within this area, four (4) character elements have been identified as being of “major” contribution to the area, being:

- Ø Building footprint;
- Ø Materials (concrete tiled rooves and external walls in “white weatherboard” cladding);
- Ø Front boundary and garden (low wall and fence with front landscaping); and
- Ø Other building features (porches and verandahs).

Council officers consider that the proposed development is generally consistent with the “major” built form characteristics nominated above (with the exception of the white weatherboard cladding).

**Designing Contextual Housing Guidelines – April 2003 (Reference Document):**

The Designing Contextual Housing Guidelines supplement the Kingston Neighbourhood Character Guidelines, Residential Development Policy and ResCode provisions and offer a range of design techniques and suggestions to assist with residential design which is responsive to local character.

It is considered that the proposed development does not raise any issues of non-compliance with these guidelines.

**GENERAL COMMENT:**

The proposed development is considered appropriate for the site as evidenced by:

- The design and siting of the proposed development to be compatible with the surrounding area;
- The proposal should not have a detrimental impact on surrounding properties (subject to appropriate conditions); and
- The proposal satisfies the requirements of the Kingston Planning Scheme, including the MSS, Residential Development Policy, Residential 1 zoning, and the Schedule to the zone, Clause 55 – Two or More Dwellings on a Lot and Residential Buildings, Council’s Neighbourhood Character Area Guidelines and the Designing Contextual Housing Guidelines.

It is considered that the objectors concerns have been addressed where appropriate, and on balance and subject to the inclusion of suitable conditions, the proposal is considered reasonable and warrants support.



**RECOMMENDATION:**

That Council resolve to issue a Notice of Decision to Grant a Permit for the development of this site for six (6) dwellings, subject following conditions:

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be substantially in accordance with the plans received by Council on the 31<sup>st</sup> July, 2009, but modified to show:
  - a. provision of an improved landscape plan and associated planting schedule in accordance with the submitted development plan and the City of Kingston Landscape Plan Checklist, with such plans to be prepared by a suitably qualified landscape professional and incorporating:
    - ix. an associated planting schedule showing the proposed location, species type, mature height and width, pot sizes and number of species to be planted on the site;
    - x. the delineation of all garden beds, paving, grassed area, retaining walls, fences and other landscape works including areas of cut and fill throughout the development;
    - xi. all existing trees on the site and close to the boundary of the site on adjoining properties, accurately illustrated to represent actual canopy width and labelled with botanical name, height and whether the tree is proposed to be retained or removed;
    - xii. a range of plant types from ground covers to large shrubs and trees, species must comprise a minimum of 80% indigenous coastal species;
    - xiii. adequate planting densities (e.g.: plants with a mature width of 1 metre, planted at 1 metre intervals);
    - xiv. the provision of one (1) suitable medium sized (at maturity) native canopy tree within the front setback of the property and one (1) small (at maturity) tree within the rear private open space area of each dwelling, with species chosen to be approved by the Responsible Authority;
    - xv. sustainable lawn areas and plant species taking current water restrictions into consideration;
    - xvi. all trees to be provided at a minimum of two (2) metres in height of the time of planting;
    - xvii. medium to large shrubs to be provided at a minimum pot size of 200mm; and
    - xviii. the provision of notes regarding site preparation, including the removal of all weeds, proposed mulch, soil types and thickness, subsoil preparation and any specific maintenance requirements.
  - b. the provision of fixed and permanent visual screening to a minimum height of 1700mm above the first floor finished floor level directly below for the south-facing window of Bedroom 3 of Dwelling 1 and the south-facing window of Bedroom 1 of Dwelling 5, in accordance with the requirements of Standard B22 of Clause 55 of the Kingston Planning Scheme;

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- c. the internal length of the proposed single car garage for Dwelling 5 reduced from 6.5 metres to 6.0 metres;
  - d. the 'new', 2.0 metre high timber paling fence to be constructed along the site's north (side) property boundary to taper down to 1.5 metres in height towards the front of the site (to reflect that of the existing fence on this boundary);
  - e. the location of all external plant equipment (including heating/cooling units, etc.);
  - f. the surface material of all driveways / accessways and car parking spaces nominated in an all weather coloured concrete seal coat; and
  - g. the provision of a colour, finishes and building materials schedule (including colour samples) for all external elevations of all dwellings, driveways, fencing, garage doors and gates.
2. Prior to the occupation of the dwellings hereby permitted, all boundary fences must be repaired and/or replaced as necessary to the satisfaction of the Responsible Authority, at the cost of the applicant/owner.
  3. The development, as shown on the endorsed plans, must not be altered without the written consent of the Responsible Authority.
  4. Before occupation of the dwellings hereby permitted, the landscaping works as shown on the endorsed plans must be completed to the satisfaction of the Responsible Authority. The landscaping must then be maintained to the satisfaction of the Responsible Authority.
  5. Before occupation of the dwellings hereby permitted, all buildings and works and the conditions of this permit must be complied with, unless with the further prior written consent of the Responsible Authority.
  6. Before the development hereby approved commences, a drainage plan showing the method of treatment of stormwater from the development to the nominated point must be submitted to the Responsible Authority for approval. The plan must be prepared by a qualified person and show all drainage works required. The plan must also show all existing and proposed features that may have an impact on the drainage (e.g. trees to be retained, crossings, services, fences, abutting buildings, existing boundary surface levels, etc.)
  7. Stormwater drainage of the site must be provided so as to prevent any overflows onto adjacent properties and be in accordance with the approved drainage plan.
  8. The development of the site must be provided with stormwater mitigation works which will entail the detention of stormwater on site and/or the use of water sensitive urban design principles (including re-use) to reduce stormwater run-off quantity and improve discharge quality. Discussion with Council's Development Approvals Engineer is advised prior to a design being submitted. The stormwater system must be constructed in accordance with the approved drainage plan and maintained to the satisfaction of the Responsible Authority.
  9. Construction on the site must be restricted to the following times:
    - a. Monday to Friday            7:00am to 7:00pm
    - b. Saturday                      9:00am to 6:00pm
    - c. Sunday & Public Holidays      No construction permitted.Or otherwise as approved by the Responsible Authority in writing.

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10. Convenient taps or fixed sprinkler system must be provided to the satisfaction the Responsible Authority capable of watering all communal and private land and landscaped areas, including turf block visitor car parking where provided.
11. A street number of 100mm minimum height and contrasting in colour to its background, must be fixed at the front boundary of the property and as near as practicable to, or on the letterboxes with such numbering to be in accordance with Council's Street Numbering Policy. Separate unit numbers of 75mm minimum height must be placed adjacent to the front entrance of each dwelling. Such numbers must be clearly legible from the access driveway.
12. Exterior lights must be installed in such positions as to effectively illuminate all pathway and porch areas. Such lighting must be controlled by a time clock or sensor unit, and must be designed, baffled and located to the satisfaction of the Responsible Authority to prevent any adverse effect on neighbouring land.
13. Prior to the occupation of the dwellings hereby permitted, areas set aside for parking vehicles, access lanes and paths as shown on the endorsed plans must be:
  - a. Constructed to the satisfaction of the Responsible Authority.
  - b. Properly formed to such levels that they can be used in accordance with the plans.
  - c. Surfaced with an all-weather coloured concrete seal-coat to the satisfaction of the Responsible Authority.
  - d. Drained and maintained to the satisfaction of the Responsible Authority.

Parking areas and access lanes must be kept available for these purposes at all times and maintained to the satisfaction of the Responsible Authority.
14. All works on or facing the boundaries of adjoining properties must be finished and surface cleaned to a standard that is well presented to neighbouring properties in a manner to the satisfaction of the Responsible Authority.
15. All piping and ducting above the ground floor storey of the development (other than rainwater guttering and downpipes) must be concealed to the satisfaction of the Responsible Authority.
16. No equipment, services and architectural features other than those shown on the endorsed plans shall be permitted above the roof level of the building unless otherwise agreed to in writing by the Responsible Authority.
17. Finished Floor Levels shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.
18. External clothes drying facilities must be provided for each dwelling.
19. Once the development has started, it must be continued and completed to the satisfaction of the Responsible Authority.
20. In accordance with Section 68 of the *Planning and Environment Act 1987*, this permit will expire if one of the following circumstances applies:
  - The development is not started within two (2) years of the date of issue.
  - The development is not completed within four (4) years of the date of issue.

In accordance with Section 69 of the *Planning and Environment Act 1987*, the Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires, or within three months afterwards.

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- Note (1):** Prior to the commencement of the development you are required to obtain the necessary Building Permit.
- Note (2):** The applicant/owner must provide a copy of this planning permit to any appointed Building Surveyor. It is the responsibility of the applicant/owner and Building Surveyor to ensure that all building development works approved by any building permit is consistent with the planning permit.

In the event that Council wish to oppose the application, it can do so on the following grounds:

1. The proposal would have an adverse affect on the amenity of an established residential neighbourhood.
2. The proposal constitutes an over-development of the site.
3. The proposal exhibits excessive bulk and mass.
4. The proposal fails to satisfy all of the requirements of Clause 55 of the Kingston Planning Scheme (ResCode), in particular Clause 55.02-1 Neighbourhood Character Objectives, Clause 55.02-2 Residential Policy Objectives, Clause 55.03-8 Landscaping Objectives, Clause 55.03-9 Access Objectives, Clause 55.03-11 Parking Provision Objectives, Clause 55.04-6 Overlooking Objective and Clause 55.06-1 Design Detail Objective.

The meeting was addressed by Ms Prue Mitchell on behalf of the objectors.

**Crs Shewan / Athanasopoluos**

That a refusal to Grant a Permit to use this site for the development of this site for six (6) dwellings, be issued on the following grounds:

1. The proposal would have an adverse affect on the amenity of an established residential neighbourhood.
2. The proposal constitutes an over-development of the site.
3. The proposal exhibits excessive bulk and mass.
4. The proposal fails to satisfy all of the requirements of Clause 55 of the Kingston Planning Scheme (ResCode), in particular Clause 55.02-1 Neighbourhood Character Objectives, Clause 55.02-2 Residential Policy Objectives, Clause 55.03-8 Landscaping Objectives, Clause 55.03-9 Access Objectives, Clause 55.03-11 Parking Provision Objectives, Clause 55.04-6 Overlooking Objective and Clause 55.06-1 Design Detail Objective.

**Carried**

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**L 205**

**Planning Application : KP310/09, 1361 Nepean Highway,  
Cheltenham (Proposed Medical Centre)**

<b>APPLICANT:</b>	Herbert Project Management Pty Ltd
<b>ADDRESS OF LAND:</b>	No. 1361 (Lot 2 and Lot 4 on PS 071758) Nepean Highway, Cheltenham
<b>MELWAY REF:</b>	86 K3
<b>PROPOSAL</b>	Change of Use – Medical Centre
<b>CONTACT OFFICER:</b>	Mitch Hodgson
<b>FILE NO:</b>	KP-310/2009
<b>ZONING:</b>	Residential 3 Zone
<b>OVERLAY(S):</b>	None
<b>KINGSTON PLANNING SCHEME CONTROLS:</b>	<u>State Planning Policy Framework</u> Clause 17: Economic Development  <u>Local Planning Policy Framework</u> Clause 21.06 (Retail and Commercial Land Use) Clause 21.12 (Transport, Movement and Access) Clause 22.01 – Cheltenham Business Centre Policy  <u>Particular Provisions</u> Clause 52.06 – Car Parking Clause 52.29 – Land Adjacent to a Road Zone
<b>DECISION BY:</b>	26 <sup>th</sup> November, 2009
<b>NET DAYS:</b>	78 days @ 14 <sup>th</sup> December, 2009
<b>CONSIDERED PLAN REFERENCES/DATE RECEIVED</b>	18 <sup>th</sup> May, 2009

**MAIN ISSUES RELATING TO THIS APPLICATION:**

- Car Parking / Access
- Traffic
- Proposed Use (Scope)
- Amenity Impacts

**EXISTING CONDITIONS**

The subject site comprises a 1074m<sup>2</sup> allotment on the east side of Nepean Highway, and the south side of Swinden Avenue. It currently contains an existing detached dwelling. The site does not contain any significant vegetation. The site is not encumbered by any easements, and there appears to be no restrictions listed on the Certificate of Title. The surrounding area typically comprises residential uses.

**PROPOSAL IN DETAIL**

It is proposed to use the site for a medical centre.

Further details of the proposal include:

- § The retention of the existing building on the site, with the following changes made to it:
  - The north facing wall of the three (3) consulting rooms in the north-west corner of the building (approximately 9.5 metres in width) extended approximately 2.0 metres towards the site's northern (Swinden Avenue) frontage of the site;
  - The south facing wall of the procedure room in the south-east corner of the building extended by 1.0 metre towards the site's southern (side) property boundary; and
  - The ceiling of the procedure rooms in both the north-east and south-east corners of the building are proposed to be extended, to an approximate height of 4.7 metres (as scaled from drawings), to allow for a greater level of natural light.
- § Vehicle access is provided from an existing crossover on the Nepean Highway service lane, and via a proposed new vehicle crossover on Swinden Avenue.
- § A total of ten (10) on-site car parking spaces are provided on the site.
- § The internal layout of the building would comprise of:
  - Two (2) procedure rooms, both with an attached clean up room;
  - A "Clean Utility" and a "Dirty Utility" room;
  - Three (3) consulting rooms, with an adjacent waiting room area;
  - An administration/reception area;
  - Three (3) recovery bays;
  - Four (4) water closets;
  - One (1) Change room
  - One (1) Discharge Lounge
  - One (1) Staff Room
  - One (1) Storage Room
  - One (1) "Staff Base"
- § The use would include a total of two (2) practitioners on the site at any one time, with the number of assisting staff not specified.
- § An Ambulance Bay is provided within the loading bay.

The applicant did not specify in writing the hours of operation for the proposed use, and there was no proposed signage included in this application.

### **HISTORY**

Application for Planning Permit No. KP82/09 to use the site as a Medical Centre was lapsed by the City of Kingston on 18<sup>th</sup> May, 2009.

### **ADVERTISING**

The current proposal was advertised by sending notices to adjoining and opposite property owners and occupiers and by maintaining a notice on both the site's frontages for fourteen (14) days. Twenty-six (26) objections to the proposal were received. The valid grounds of objection raised are summarised as follows:

- § Availability of on-site car parking
- § Traffic concerns
- § Commercial use in a residential area

The following objections raised are not valid planning considerations:

- Devaluation of property
- Other civil matters

**AMENDMENT TO THE APPLICATION AFTER NOTIFICATION & RE-NOTIFICATION:**

Following discussions with Council Officers, the Permit Applicant submitted an amended proposal, reducing the number of practitioners from four (4) to two (2) on 27<sup>th</sup> September, 2009. The objectors were notified of the amended proposal in writing when being advised of the preliminary conference.

**PRELIMINARY CONFERENCE**

A preliminary conference was held on 21<sup>st</sup> October, 2009 with the relevant Planning Officer, Ward Councillors, the Permit Applicant and approximately sixteen (16) objectors in attendance. The above-mentioned issues were discussed at length.

The above concerns were unable to be resolved at the conference, and the objections still stand.

**PLANNING SCHEME PROVISIONS**

The site is within a Residential 3 Zone and is not subject to any Overlays.

Nepean Highway is identified in a Road Zone Category 1.

Pursuant to Clause 32.06-1 of the Residential 3 Zone, a planning permit is required to use the site for a medical centre.

Pursuant to Clause 32.06-7 of the Residential 3 Zone, a planning permit is required to construct a building or construct or carry out works for a use in Section 2 of Clause 32.06-1.

Pursuant to Clause 52.29, a planning permit is required to alter access to a road in a Road Zone, Category 1.

**REFERRALS**

The application was referred to:

- § Council's Development Engineer
- § Council's Vegetation Management Officer
- § VicRoads

The above-mentioned internal referral authorities had no objection to the proposal, subject to conditions being included on any permit issued.

The application was also referred to Council's Traffic Department, however no response was received.

## **DISCUSSION**

### State Planning Policy Framework (SPPF)

#### *Clause 17 Economic Development*

The objective of this Clause is to encourage the concentration of major retail, commercial, administrative, entertainment and cultural developments into activity centres (including strip shopping centres) which provide a variety of land uses and are highly accessible to the community.

It is considered that the location of the proposed medical centre is not within an “activity centre” and is only easily accessible to those residents living in the immediate area.

### Local Planning Policy Framework (LPPF)

#### *Clause 21.05 (Residential Land Use)*

The subject site is located within an established residential area, nominated as an Incremental Housing Change Area.

It is considered that the proposed medical centre use is in contrast to the strategic objectives of the Incremental Housing Change Area’s of the City of Kingston.

#### *Clause 21.06 (Retail and Commercial Land Use)*

The key strategic focus of this clause relates to the development of the activity centre precincts within the City of Kingston.

It is considered that, as the site is not located within a designated activity centre, and is not afforded with any direct links to a nearby activity centre, the proposed use is in contrast with Clause 21.06, and fails to support the strategic directions of Kingston’s Retail and Commercial Land Use areas.

#### *Clause 22.01 (Cheltenham Business Centre Policy)*

The Cheltenham Business Framework Plan specifies precincts of the Cheltenham Business Centre to be used for different types of retail and commercial land uses. “Area F”, as shown in Figure 1 below, is nominated as Mixed Use (office and medical), and is located on the northern corner of Nepean Highway and Chesterville Road, directly to the south of Southland Shopping Centre.



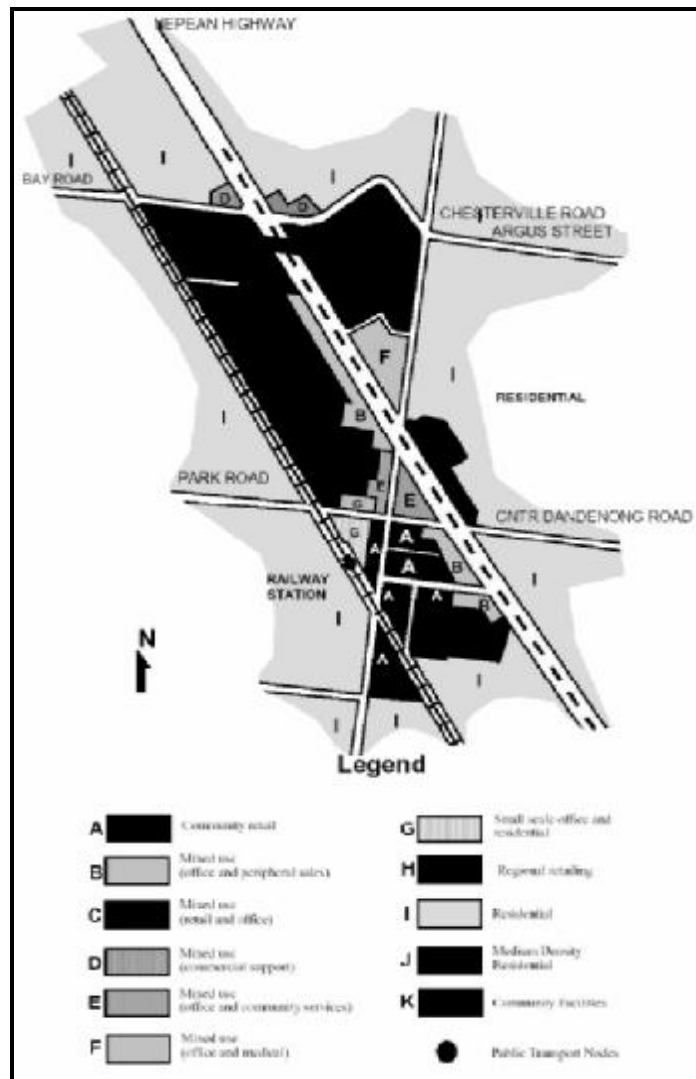


Figure 1: Cheltenham Business Framework Plan (Source: Clause 22.01 of the Kingston Planning Scheme)

It is considered that the location of the proposed medical centre is in direct contrast to the objectives and strategic directions contained within Clause 22.01 – Cheltenham Business Centre Policy – of the Kingston Planning Scheme.

### Zoning

The site is located in the following Zone:

*Clause 32.06 – Residential 3 Zone*

The proposed use is defined as a “Medical Centre” under the Kingston Planning Scheme. This use comprises “*land used to provide health services (including preventative care, diagnosis, medical and surgical treatment, and counselling) to out-patients only*”.

Pursuant to Clause 32.06-1 of the Kingston Planning Scheme a Planning Permit is required for a medical centre.

Additionally, pursuant to Clause 32.06-7 of the Kingston Planning Scheme, a Planning Permit is required to construct a building or to construct or carry out works for a use in Section 2 of Clause 32.06-1.

The purpose of the Residential 3 Zone is, in appropriate locations, to allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs.

While the purpose of the zone is to provide for some non-residential uses, it is considered that the proposed medical centre is of a nature that is inconsistent and inappropriate for the surrounding area as evidenced by:

- § There are only three (3) car parking spaces provided on the site, while the remaining seven (7) spaces are provided for staff. It is considered that a medical centre with the extent of facilities outlined earlier in this report is likely to result in a greater demand of car parking spaces for patients. This results in a serious potential for patients to park within the surrounding street network, therefore impacting on the amenity of the surrounding neighbours.
- § The proposal does not include any specified hours of operation. It is considered that a medical centre use in a residential area should only operate during standard business hours (8:30am to 5:30pm). Accordingly, Council has concern with regard to the applicant not specifying operating hours.
- § The scope of the proposed use is excessive for the area. It is considered that a medical centre located within a residential area should be of a nature that is sympathetic to the surrounding property owners, and provide a service which is unlikely to result in a high level of traffic flow or reliance on assisting staff to function properly. It is considered realistic to expect that there is likely to be assisting staff involved in the running of the proposed medical centre, given that the use is to include two (2) procedure rooms, as well as three (3) consulting rooms.

For the reasons outlined above, it is considered that the proposed use is inappropriate for the surrounding area, and is inconsistent with the purposes of the Residential 3 Zone.

#### Overlays

There are no overlay controls that apply to this site.

#### Particular Provisions

The following Clauses are applicable to this application:

##### Clause 52.06 (Car Parking)

Pursuant to the requirements of the car parking table contained at Clause 52.06-5 of the Kingston Planning Scheme, a Medical Centre is required to provide 5 car spaces to each practitioner.

Under the provisions of Clause 52.06 of the Kingston Planning Scheme, ten (10) car spaces should be provided. The development provides ten (10) spaces and, therefore, this provision has been satisfied.

### General Provisions

#### Clause 65: Decision Guidelines

It is considered that the proposed use is inconsistent with the following objectives of Clause 65 of the Kingston Planning Scheme:

- § The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- § The orderly planning of the area.
- § The effect on the amenity of the area.

### Land Use

It is considered that the principle of the use is not acceptable, having regard to the zoning of the land and the existing development and use in the surrounding area.

### Development (Buildings and Works)

The proposed use also includes the following buildings and works:

- § The north facing wall of the three (3) consulting rooms in the north-west corner of the building (approximately 9.5 metres in width) extended approximately 2.0 metres towards the site's northern Swinden Avenue frontage.
- § The south facing wall of the procedure room in the south-east corner of the building extended by 0.60 metres towards the site's southern (side) property boundary.
- § The ceiling of the procedure rooms in both the north-east and south-east corners of the building are proposed to be extended to an approximate height of 4.7 metres (as scaled from drawings), to allow for a greater level of natural light. The procedure room in the south-east corner of the site is proposed to be located approximately 0.6 metres from the site's south (side) property boundary, and the procedure room in the north-east corner of the building is proposed to be located approximately 1.5 metres from the site's east (side) property boundary.

Council acknowledges that there are no specific Decision Guidelines outlined under Clause 32.06-7 – Residential 3 Zone (Buildings and works associated with a Section 2 use) – of the Kingston Planning Scheme. However, in accordance with the Decision Guidelines contained at Clause 65 of the Kingston Planning, the Responsible Authority is required to consider the proposal's affect on the amenity of the area.

In respect to the effect that the proposed development and use may have on the surrounding area, it is important to acknowledge the impact of not only the proposed use of the site, but also the development and any potential impacts that may result.

As scaled from the drawings provided, the proposed height of the wall of the "procedure rooms" is approximately 4.7 metres above natural ground level, as well as an extension to

the building footprint of approximately 0.60 metres towards the south (side) property boundary.

It is considered that the proposed buildings and works are inappropriate for the site, as evidenced by the loss of amenity to adjoining property owners.

#### Amenity Issues

The major amenity issue raised by objectors in relation to the proposed use of the site as a medical centre was based on car parking and traffic issues.

Local residents highlighted traffic in the area as an existing issue, given the site's proximity to Nepean Highway, specifically the off-lane which directs traffic coming off the highway directly into Swinden Avenue, at speeds of up to 80 kilometres per hour. It was noted by residents that Swinden Avenue is currently used as a thoroughfare between Nepean Highway and Warrigal Road. It is considered that the proposed use, particularly the drop-off/pick-up arrangement for patients booked in for "procedures", is likely to result in an unreasonable increase in the level of traffic flow into Swinden Avenue, a residential street.

A further adverse amenity issue in relation to this proposal is the increase in building height for the two (2) proposed "procedure rooms" and its unacceptable impact on the amenity of the adjoining property.

A local resident also raised concern with the noise from burglar alarms that would be fitted for the proposed use. If a planning permit is issued, it is considered appropriate for a condition to be included on the permit to address this concern.

Another concern raised by an objector at the Preliminary Conference meeting was in relation to the disposal of medical waste. If a planning permit is issued, this can be addressed by a permit condition. Additionally, it was advised that Council's Environmental Health Department would enforce any issues relating to inappropriate disposal of medical waste.

#### Traffic Issues

Pursuant to Clause 52.06 – Car Parking – of the Kingston Planning Scheme, a medical centre with two (2) practitioners is required to provide ten (10) on site car parking spaces. This proposal includes ten (10) car spaces on site and satisfies the statutory requirement. However, the provision of seven (7) staff car parking spaces and only three (3) customer/patient car parking spaces on the site is considered to be an unrealistic expectation on the demand of the facility, based on the extent of services to be provided on site (to be discussed under the next section of this report).

It is considered that, realistically, the scope of works to be undertaken on the site will result in a higher demand for customer car parking spaces than what has been allocated. Council has concern that this situation could lead to more vehicles being parked in the surrounding street network, rather than on the site.

#### Other

Council has concerns based on the facilities being provided on site, and the likely intensity of the proposed medical centre. It is considered unnecessary to provide two (2) procedure rooms, as well as three (3) consulting rooms, for a facility which is only proposed to have two (2) practitioners on site. It is considered that the layout of the facility lends itself towards a higher level of intensity than what has been applied for, which is considered to be further evidence of the proposal being inappropriate for its residential area.

### **CONCLUSION**

The proposed use and development is considered to be inappropriate for the site as evidenced by:

- § The proposed use is not considered to be in accordance with the purpose of the Residential 3 Zone;
- § The design and siting of the proposed development to be incompatible with the surrounding area;
- § The proposal is likely to have a detrimental impact on surrounding properties; and,
- § The proposal fails to satisfy the requirements of the Kingston Planning Scheme, including the SPPF, MSS, Zoning controls and Particular Provisions.

On balance, the proposal is considered to be inappropriate for the site and should be refused.

### **RECOMMENDATION**

That a Refusal to Grant a Permit to use the site for a Medical Centre be issued, subject to the following grounds:

1. The proposal is inappropriate for this residential area and is likely to result in an unreasonable loss of amenity to surrounding property owners.
2. The proposal would detrimentally affect the amenity of the neighbourhood.
3. The increase in traffic to the area as a result of the proposed use is unreasonable and is likely to result in an unreasonable loss of amenity to surrounding property owners.
4. The proposed extensions to the existing building on site would result in an unreasonable loss of amenity to adjoining property owners.
5. The proposal fails to satisfy the objectives of Clause 21.05 (Residential Land Use), Clause 21.06 (Retail and Commercial Land Use), Clause 22.01 (Cheltenham Business Centre Policy) and Clause 32.06 (Residential 3 Zone) of the Kingston Planning Scheme.
6. The proposal is contrary to the orderly planning of the area

The meeting was addressed by Ms Susanna Moore on behalf of the objectors

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**Crs Brownlees / West**

That the recommendation to refuse to grant a permit be adopted.

**Carried**

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L206

**Planning Application: KP282/04-B, Tootal Road, Dingley  
(Extension of Time to Planning Permit)**

<b>APPLICANT:</b>	Paul Smith – Ernest Smith Contractors Pty Ltd
<b>ADDRESS OF LAND:</b>	Part Lot 1 on TP748106Y Tootal Road Dingley
<b>MELWAY REF:</b>	88 C1
<b>PROPOSAL</b>	To extend the existing Planning Permit to use the site for a Refuse Disposal Facility
<b>CONTACT OFFICER:</b>	Sebastian Lorenzo / Peter Connell
<b>FILE NO:</b>	KP-282/2004/B
<b>KINGSTON PLANNING SCHEME CONTROLS:</b>	<u>State Planning Policy Framework</u> Clause 17: Economic Development  <u>Local Planning Policy Framework</u> Clause 21.10 (Non Urban Areas)  <u>Zoning</u> Clause 35.04: Green Wedge Zone 2  <u>Particular Provisions</u> Clause 43.02: Design and Development Overlay. No.5 Clause 45.01 Public Acquisition Overlay
<b>DECISION BY:</b>	1 <sup>st</sup> December, 2009
<b>NET DAYS:</b>	53 days as of 24 <sup>th</sup> November, 2009
<b>CONSIDERED PLAN REFERENCES/DATE RECEIVED</b>	2 <sup>nd</sup> October, 2009

**MAIN ISSUES RELATING TO THIS APPLICATION:**

- Extension of time for filling of the land.

**EXISTING CONDITIONS**

The subject site is located on the west side of Tootal Road, and north side of Old Dandenong Road, Dingley Village, and is commonly known as the Din San Nursery site. The overall site is predominantly used for refuse disposal and plant nursery, although the site also contains a soil blending facility.

**PROPOSAL IN DETAIL**

An application has been received to amend Condition 35 of Planning Permit No.KP282/04/A issued on 4<sup>th</sup> May, 2006 and amended on 6<sup>th</sup> August, 2008 for the use of the site for a refuse disposal facility.

Condition 35 currently reads as follows:

- The filling of the refuse disposal facility hereby permitted must be completed before 16 December, 2009. An application may be made to the responsible authority for an extension of time prior to this date. All reclamation works and other requirements of this permit shall be completed within six (6) months of the completion of the tipping operations.

The proposed changes include:

- A thirty (30) month extension to the completion date associated with the filing and reclamation works set out in Condition 35. It is suggested that Conditions 35 be reworded to the following;
- The filling of the refuse disposal facility hereby permitted must be completed before 16 June, 2012. An application may be made to the responsible authority for an extension of time prior to this date. All reclamation works and other requirements of this permit shall be completed within six (6) months of the completion of the tipping operations.

The original permit was a permit issued at the direction of the Victorian Civil and Administrative Tribunal a permit issued under Division 6 of the Planning and Environment Act 1987.

### **AMENDMENT TO THE APPLICATION BEFORE NOTIFICATION.**

None.

### **ADVERTISING**

The application was not required to be advertised. It is considered that the proposal should not cause detriment to any person given that the remaining component of the landfill to be completed is on the western side of the site, which is away from the residential properties adjoining the site.

### **REFERRALS**

The application does not require referral in this instance

### **APPLICATION ASSESSMENT AND ISSUES**

*State Policy Influences and Local Planning Policy Framework: **The proposal has been assessed against the relevant provisions of the SPPF and the LPPF. In this instance, it is considered that the proposed amendment is consistent with policy subject to the proposed changes as discussed below.***

*Zoning: **The subject site is zoned Green Wedge.***

**Overlays:** The land is affected by a Design and Development Overlay Schedule 5 and a Public Acquisition Overlay. With respect to the proposed amendment, the above overlays have no impact on the existing permit that has been issued, as the amendment seeks to change a condition on the permit which is unrelated to the provisions of the above overlays.

**Particular Provisions:** There are no particular provisions that relate to the proposed amendment.

**General Provisions:** The general provisions at Clause 65 (Decision Guidelines) are of relevance to this application. The application has been assessed and is considered to be consistent with the relevant decision guidelines.

**Planning Scheme Amendments:** There are no Planning Scheme Amendments which are currently being considered or exhibited which are relevant to the proposed amendment to the planning permit subject to the proposed changes as discussed.

**Discussion:** The applicant has sought a thirty (30) month extension to the existing Planning Permit. The applicant has advised that the filling associated with Stage 4 (active cell 4A) has



not progressed at the rate anticipated and that as a result, filling is not expected to be completed by 16<sup>th</sup> December, 2009. The applicant has also advised that the incoming volumes of waste have been in decline since timing for the completion was determined in 2006, when the permit was originally issued. As a result of this and the achievement of further airspace from advancements in materials recycling, the filling of the site will not be complete by 16<sup>th</sup> December, 2009.

The zoning and overlay provisions of the subject site have not altered since the permit was originally issued 4<sup>th</sup> April, 2006. Given the advancements in materials recycling and the decline in incoming volumes of waste to the site it is considered that an extension to the filling completion date is warranted. It is submitted that Condition 35 of Planning Permit No.KP282/04/A be amended to read as follows;

- The filling of active cell 4A of the refuse disposal facility hereby permitted must be completed before 16 June, 2012. All reclamation works and other requirements of this permit shall be completed within six (6) months of the completion of the tipping operations.

Having consideration to the existing use and development of the site, the zoning and overlay provisions of the site and the anticipated filling of active cell 4A as described by the applicant, it is considered that a thirty (30) month extension to the permit is warranted and that all filling of active cell 4A must be completed by 16<sup>th</sup> June, 2012.

### **CONCLUSION**

It is concluded that the proposed amendment to Condition 35 of Planning Permit No.KP282/04/A should be amended as follows.

Condition 35 be amended to the following: *“The filling of active cell 4A of the refuse disposal facility hereby permitted must be completed before 16 June, 2012. All reclamation works and other requirements of this permit shall be completed within six (6) months of the completion of the tipping operations.”*

### **RECOMMENDATION**

That Council resolve to issue an Amended Planning Permit for a refuse disposal facility and to vary previously approved final contour levels, in accordance with plans to be submitted pursuant to condition 1 hereof at Part Lot 1 on LP46359, Part lots 1, 2 & 3 on LP61906 & Part Lot 1 on LP79066, Tootal Road, Dingley Village in accordance with the following conditions:

1. Within one (1) month of the date of this permit, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be substantially in accordance with the plans submitted with the application, but modified to show:
  - a) amended contours generally in accordance with the ‘Revised Pre-Settlement Contours’ plan prepared by Council dated October, 2004;
  - b) the final contour plan clearly stating that pre-settlement levels includes final capping and top soil.
2. The development and/or use as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.

**3. Condition required by Environment Protection Authority**

**Final Cap**

- i) Excluding Stage 3, Stage 2 and that part of Stage 1 which have already been capped the area filled must be capped in accordance with the EPA *Best Practice Environmental Management Guidelines "Siting, Design, Operation and Rehabilitation of Landfill" Publication 788*.

**Potential for groundwater pollution caused by water infiltration and generation of leachate**

- ii) Excluding Stage 3, Stage 2 and that part of Stage 1 which have already been capped the landfill capping must incorporate a 500mm minimum thickness low permeability clay layer. The permeability/hydraulic conductivity of the clay layer must not be greater than  $10^{-9}$  m/sec.
- iii) The low permeability clay layer must be dressed with a vegetation layer of 300mm minimum thickness.
- iv) The vegetation layer referred to in Condition (iii) must be suitable for the sowing of grass and the planting of appropriate rooted flora.
- v) Where small trees or shrubs are to be planted, incorporate a greater thickness of soil in the cap to prevent the roots from penetrating the cap.
- vi) The landfill final surface profile must be contoured so that water infiltration is minimized.
- vii) The slope of the landfill's final capped surface when completed should be between 5 and 20%, to ensure water infiltration is minimized.
- viii) The slope of the final surface must not be greater than 20%, to minimize erosion by rainwater action.

**Landfill Settlement**

- ix) Consideration for future settlement must be given when works are carried out to cap and rehabilitate the landfill surface.

**Aftercare Management**

- x) The rehabilitated landfill surface must be managed on an ongoing basis so that erosion is prevented.
- xi) Depressions and cracks in the cap must be restored.
- xii) Vegetation is maintained.
- xiii) Monitoring of groundwater must be carried out until such time that is determined by an EPA approved auditor.
- xiv) Conduct regular inspections to ensure the integrity of the landfill surface is maintained properly.

**Control of Dust Emissions**

- xv) Ensure there are no dust emissions leaving the boundary of the premises during any works involved in the rehabilitation of the landfill.

**4. Conditions required by Melbourne Water**

- i) No polluted and/ or sediment laden runoff is to be discharged directly or indirectly into Melbourne Waters drains or watercourses.

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- ii) A separate application, direct to Melbourne Water, must be made for any new or modified storm water connection to Melbourne Water's drains or watercourses. Before accepting an application, evidence must be provided demonstrating that Council has considered that it is not feasible to connect to the local drainage system.
5. A protective screen shall be provided by the planting and maintaining of trees, and shrubs along the margin of the land, to the satisfaction of the Responsible Authority, so as to screen the site of the refuse tip hereby permitted from adjoining roads or lands in other ownership. This protective screen of trees shall be in accordance with the requirements stipulated on endorsed plans attached to this permit and shall be installed prior to the excavation of an area to be subsequently used for filling.
6. A wire mesh fence not less than 2.0 metres in height, topped with barbed wire to reach a height of 2.5 metres, shall be erected around the tip and thereafter maintained in good condition so as to prevent unauthorised access to the site. The erection of such fence and maintenance of it shall be to the satisfaction of the Responsible Authority.
7. Vehicle's visiting the site for the purpose of disposing refuse must only egress the site using the existing internal road which connects to Grange Road unless alternative access is arranged to the satisfaction of the Responsible Authority.
8. Within seven (7) days from the date of this permit, a 'Left Turn Only Sign' must be installed at the western end of internal road connecting to Grange Road, to restrict vehicles traveling north along Grange Road.
9. Within fourteen (14) days of the date of this permit the internal access road referred to in Condition 7 of this permit, must be:
  - a) Constructed to the satisfaction of the Responsible Authority.
  - b) Surfaced with an adequate layer of crushed rock to the satisfaction of the Responsible Authority.
  - c) Drained and maintained to the satisfaction of the Responsible Authority.
  - d) Regularly watered to minimise dust to the satisfaction of the Responsible Authority.
10. Prior to the commencement of filling of Stage 4, the owner/ operator must submit a plan to the Responsible Authority providing for alternative vehicle egress, utilising, or generally following the alignment of, the existing internal road along the boundary with the land currently occupied by Alex Fraser Group and Twiggs, and extended northwards and through the western side of Lot 1 on LP LP29928, or other suitable point, to connect with the current internal road along and within the overall site's northern property boundary.
11. Prior to the commencement of filling of Stage 4, the new access road referred to in Condition 10 of this permit, must be constructed and maintained as required by Condition 9 of this permit.
12. The existing left turn declaration land providing access to the site shall be maintained and remain clear of dirt and rubble at all times to the satisfaction of Council.
13. The operator under this permit shall ensure that at all times a stop sign is erected and remains visible at all times at the tip exit.
14. Access gates to the site shall be not less than 2.0 metres in height and shall be locked at all times except during the working hours stipulated in condition 16 hereunder.
15. To the satisfaction of the Responsible Authority:

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- (i) the access road to the tip face from Tootal Road shall be sealed and maintained with an all-weather sealcoat for a minimum distance of 50m from the entry gates and shall be surfaced and maintained beyond that point for a further 100m with 40mm quarry scalplings; and
  - (ii) the sealed access road shall be adequately drained and shall be washed down regularly and kept mud free.
16. The depot shall not be open for the reception of refuse, rubbish or other waste, except between the hours of 7.00am and 6.00pm on any day except Good Friday, Christmas Day and Anzac Day.
17. No material which is putrescent, liquid, hazardous or chemically soluble, or which is otherwise of an objectionable or noxious nature, shall be received or deposited at the tip.
18. A competent operator shall be present during times of operation and maintain in good operating condition suitable machinery and equipment on the site to efficiently carry out the use hereby permitted.
19. Users of the tip shall be adequately warned, by means approved by the Responsible Authority, of the danger presented by sludge pits and other hazards on the site.
20. Tootal Road shall be swept regularly and the road pavement maintained in a clean state.
21. The refuse shall be deposited in layers daily and all reasonable precautions shall be taken to prevent fires and the breeding of vermin or flies.
22. Before the end of each day's operations, the top, the face and the exposed flanks of the tipping area shall be covered by a layer of non putrescent material so that no decomposable refuse is exposed. A reserve of suitable material for this purpose shall be maintained on the site at all times.
23. No materials shall be offered for sale or salvaged on the site other than by way of recycling.
24. No polluted drainage shall be discharged from the site, and drainage outside and within the site shall be to the satisfaction of Melbourne Water and Council.
25. The use hereby permitted shall not cause injury to our prejudicially affect the amenity of the area by reason of the transportation of materials, goods and commodities to and from the premises or by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit, oil or the presence of vermin or otherwise. Adequate measures to suppress and prevent generation of dust outside of the site shall be undertaken during the operation of the site.
26. Dust arising from the landfill operation must be minimised by:
- a) Grassing of filled areas as soon as practicable on the completion of waste disposal operations; and
  - b) Regular light watering down of internal access road surfaces and reclamation work areas.
27. The wire mesh fence along the boundaries of the subject site shall be cleared at least twice a week of any materials blown or otherwise deposited thereon to the satisfaction of the Responsible Authority.
28. All litter on the Tootal Road road reservation between McClure Road and the proposed Dingley Freeway reservation shall be collected regularly, at least once per week and more frequently if warranted or if so directed by a Council Officer.

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29. The nature strip along the Tootal Road frontage shall be maintained in a neat and tidy state and the operator under this permit shall be responsible for clearing any waste products which are dumped at the gates or on the roadside abutting the site.
30. The soil in the bund walls shall be removed once tipping has been completed and be used as part of the final cover to achieve the contours shown on the endorsed plans.
31. No waste products shall be stacked on the land so as to be visible from surrounding roads and properties.
32. No rubbish shall be burned off and adequate precautions shall be taken to prevent fires, including provision of a 100mm diameter water supply system under pressure for fire-fighting purposes, and any fire breaks or alternative or added measures required by the Country Fire Authority.
33. Within one (1) month from the date of this permit, the owner of the land must formally (in writing) request the establishment a Landfill Consultative Committee by giving notice to the Responsible Authority.
  - a) The purpose of the Committee is:
    - (i) to review complaints and generally assess compliance with the conditions of all approvals associated with the landfill operation;
    - (ii) to review operational performance and encourage the use of best practice techniques in the operation of the landfill;
    - (iii) to consider and recommend to the Responsible Authority for consideration any preventative mechanisms which may be required to minimise amenity impacts resulting from the use and development of the land.
  - b) The Committee shall comprise:
    - (i) a convenor and one other person (who may be Secretary) nominated by and representing the Responsible Authority;
    - (ii) one or two representatives of the permit holder;
    - (iii) a representative of the Environment Protection Authority; and
    - (iv) two representatives of the Dingley Residents Action Group.
  - c) Meetings of the Consultative Committee are to occur in the first week of March and June, 2006, and must be attended by at least one representative of the Responsible Authority and at least one of the representatives of the permit holder to the satisfaction of the Responsible Authority. Other representatives must be provided with a reasonable opportunity to attend or be represented by alternates.
  - d) The Consultative Committee shall record and consider all matters raised by the representatives which reasonably pertain to the impact of the use and development of the land and the permit holder shall have regard to the recommendations of the Committee to the satisfaction of the Responsible Authority.
  - e) The reasonable costs (including secretarial duties) of the Consultative Committee shall be borne by the operator to the satisfaction of the Responsible Authority.
34. The development and/ or use authorised by this permit shall after it is commenced be continued to the satisfaction of the Responsible Authority.

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35. The filling of active cell 4A of the refuse disposal facility hereby permitted must be completed before 16 June, 2012. All reclamation works and other requirements of this permit shall be completed within six (6) months of the completion of the tipping operations.
36. Filling of the tip areas must occur in sequence through Stages 3, 2, 1 and 4 as shown on the endorsed plans. The fillings of Stages 1 and 2 abutting the Tootal Road frontage must be completed before July, 2006.

**Note:** If further conditions are required in relation to Melbourne Water's permit conditions shown above, please contact Audrey Ang on telephone 9235 2517, quoting Melbourne Water's reference 104405.

The applicable flood level for the property is 26.9 metres to Australian Height Datum (AHD).

The best practice Environmental Management Guidelines for Urban Stormwater (The Stormwater Committee, 1999) may be used as a guide when developing site controls to minimise sediment laden runoff and stormwater pollution during construction. Section 6.3, titled Construction Activity, of the guidelines provides a useful checklist to develop a site management plan.

**THIS PERMIT HAS BEEN AMENDED AS FOLLOWS:**

<b>Date of Amendment</b>	<b>Brief Description</b>
6 <sup>th</sup> August, 2008	<ul style="list-style-type: none"><li>Amendment to Condition 35 of the Permit.</li></ul>
12 <sup>th</sup> November, 2009	<ul style="list-style-type: none"><li>Amendment to Condition 35 as follows:<ol style="list-style-type: none"><li>amendment of the date to read 16 June, 2012; and</li><li>the deletion of the following line: <i>"Application may be made to the Responsible Authority for an extension of time prior to this date."</i></li></ol></li></ul>

**Crs Peulich / Ronke**

That the recommendation be adopted.

**Carried**



- § General announcement (i.e. KYC + website) informing the community when SDAPP will be launched and implemented.
- § Supplying information to regular applicants (developers, architects, planning consultants) regarding the commencement of SDAPP.
- § Engagement with the development industry to encourage participation in the SDAPP process.
- § Preparation of guidelines and checklists and placing them on Council's website

## **5. Issues**

### Introduction to SDAPP

Sustainable Design Assessment in the Planning Process (SDAPP) refers to the consistent inclusion of key environmental performance considerations into the planning permit approvals process; in order to achieve more sustainable outcomes for the long-term benefit of the broader community. SDAPP is now considered to be a well recognised tool for Council to promote Environmentally Sustainable Design. The process involves requesting that a Sustainable Design Statement be submitted with all development applications that meet a predetermined trigger (e.g. when the application is for four or more dwellings on a lot). It is proposed that Council will promote the use of the STEPS (for residential development) and SDS (for commercial and industrial development) tools to aid applicants in preparing their Sustainable Design Statements. The tools will ask the applicant to input the sustainability principles featured in the development with specific reference to:

- Design life
- Energy
- Water
- Stormwater
- Materials
- Transport
- Waste
- Biodiversity
- Innovation

Whilst it is not a statutory control at this stage SDAPP is a recognised approach being used through Local Government. CASBE currently has 13 participating Councils who utilise the Moreland STEPS and Port Philip SDS tools through the SDAPP process. These include the municipalities of Bayside and Knox. It is also understood that the Greater Dandenong & Stonnington, as well as a number of other Council's, have also expressed interest or are in the process of joining CASBE and adopting SDAPP.

### Sustainable Design Assessment Triggers

It is proposed that an application would require assessment under the SDAPP provisions if it meets the following trigger points:

1. Residential development consisting of 4 or more dwellings.
2. All mixed use development.
3. Commercial (ie office, medical, retail) – all new buildings or extensions comprising a 200m<sup>2</sup> or more increase in floor area.
4. Industrial (i.e. factory, warehouse, car wash) – all new buildings or extensions comprising a 500m<sup>2</sup> or more increase in net floor area.



The trigger points are considered to be comparable to the targets set by other participating Councils. Staffing and resource requirements have been taken into consideration in determining the appropriate triggers. A trigger point of 4+ residential dwellings would generate approximately 44 residential referrals per year<sup>1</sup>.

It is intended that should permit applicants not submit a sustainable design assessment with their initial application this would be required as a component of Councils request for further information required pursuant to Section 54 of the Planning and Environment Act 1987. It is anticipated that as the organisation and community become more familiar and comfortable with the SDAPP process the targets (particularly for residential) may be adjusted to achieve a higher benchmark (i.e. requiring a greater number / share of applications to be assessed). It is suggested that the SDAPP process and policy be reviewed 1 year post implementation to assess its effectiveness particularly in regards to resource allocation and the referral trigger points.

Please see the proposed operational practice note attached at appendix A.

#### Municipal Strategic Statement changes

It is also proposed that Kingston's Municipal Strategic Statement (MSS) be revised in the near future to include broad references encouraging ecologically sustainable development and land management practices.

#### ESD policy for Kingston buildings

In placing greater environmental expectations on private development it is considered that Council should lead by example through committing to making our own building stock more sustainable. As such, it is proposed that Council develop and adopt an internal policy concerning ESD for Council buildings and works.

It is recognised that such a policy must be developed in collaboration with the new Community Building team given the role they play in the management of Council's Building projects and facilities. The General Manager Community Sustainability has advised that this team will have a strong initial focus on building sustainability issues, including developing staff knowledge and skills. Taking into consideration that the new team is still in the process of being formed and appreciating the immediate priorities and challenges they will face as the team comes into operation, it is proposed to work towards having an internal policy developed by mid 2010.

## **7. Triple Bottom Line Checklist**

- **Environmental** – The introduction of SDAPP presents a number of potential benefits including:
  - Mitigating climate change, reducing potable water consumption, improving the water quality of our creeks, rivers and bays, reducing the impact from materials and also promoting more sustainable transport and waste practices.
  - Improving the performance of individual developments above minimum legal requirements.
  - Contributes to meeting organisational and community environmental targets.

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<sup>1</sup> Figure based on the average number of applications received for 4+ dwellings over the previous three financial years

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- **Social** - Council has the opportunity to provide leadership to the community by adopting an internal ESD process and thus lead by example when placing expectations on the broader community and development industry to embrace SDAPP and strive towards a more sustainable built and natural environment.
  
- **Financial** – An initial budget of \$20,000 - \$23,000 is estimated to be required for the roll out year to support the effective promotion and integration of SDAPP into Council processes. This can be broken down into the following estimations:
  - \$15,000 (per annum) for a 0.2 EFT (Band 6) officer to work with developers and support Council staff to improve ESD outcomes across Kingston. Ideally the successful applicant would be degree qualified in a relevant field (such as architecture or engineering) and have a working knowledge of current sustainable design and development practices and ESD assessment software. It is envisaged that this position would initially be offered as a 1 year contract with a view to extend the position. This will provide an opportunity for review of the process and to assess whether the 0.2 EFT arrangement is adequate to meet Council needs.
  
  - \$2,000 for training (Statutory Planners and Technical Officers). This involves a ½ day training session introducing the planners to the STEPS & SDS tools as well as an introduction to sustainable buildings. It should also be noted that periodical on-going training for staff will need to occur to allow for staff turn-over and updates and innovation in the ESD field.
  
  - \$3,000 for the preparation and distribution of promotional materials.

Kingston City Council has the benefit of accessing the STEPS and SDS tools free of charge.

Environmentally Sustainable Design (ESD) buildings may incur increased construction costs, however there are also ongoing financial benefits through reduced running costs and improved health of occupants. Reductions in the consumption of energy and potable water translate into financial savings to the end user. It is also anticipated that buildings with better environmental performance will increasingly be valued higher, particularly following the introduction of national mandatory disclosure requirements (for commercial buildings) expected in 2010 and the potential for increases in utility charges.

**8. Recommendation**

That Council resolve to:

1. Adopt the Sustainable Design in the Planning Process as a procedure in the consideration of town planning permit applications.
2. Adopt the Sustainable Design Assessment Operational Practice Note as Council policy to apply to all applicable planning applications lodged after 1<sup>st</sup> March 2010.
3. Review the Sustainable Design Assessment in the Planning Process trigger points one year after implementation of the process.
4. Commit to develop an internal Council policy for the inclusion of Environmentally Sustainable Design (ESD) principles into Council building projects.
5. Make the required budgetary changes as identified in this report to administer the Sustainable Design Assessment in the Planning Process.

Attachments:

*Operational practice note – ‘Appendix A’*

**Crs West / Shewan**

That the recommendation be adopted.

**Carried**

**Appendix 'A'**

**DRAFT**

**KINGSTON CITY COUNCIL**

**SUSTAINABLE DESIGN ASSESSMENT IN THE PLANNING PROCESS  
(SDAPP) – OPERATIONAL PRACTICE NOTE**

**SUSTAINABLE DESIGN ASSESSMENT REFERAL TRIGGERS**

The following classes of development will be required to undertake a Sustainable Design Assessment (SDA) to the satisfaction of the Responsible Authority.

1. Residential development consisting of 4 or more dwellings.
2. All mixed use development.
3. Commercial (i.e. office, medical, retail) – all new buildings or extensions comprising a 200m<sup>2</sup> or more increase in net floor area.
4. Industrial (i.e. factory, warehouse, car wash) – all new buildings or extensions comprising a 500m<sup>2</sup> or more increase in net floor area.

***ASSESSEMENT PROCESS FOR SMALL SCALE RESIDENTIAL DEVELOPMENT (1-3 DWELLINGS)***

- Critically assess passive solar design opportunities (Clause 54.03-5 & 55.03-5).
- Assess application and seek advice from the ESD officer / Urban Designer (Formal referral not required).
- If application is satisfactory (i.e. design incorporates passive design features) proceed without conditions
- If unsatisfactory and agreement can't be reached with applicant refuse application.

**PRE-APPLICATION DISCUSSIONS**

Ask applicants to address sustainability in the context of any relevant Council policies/objectives and planning provisions (State and local).

Advise applicants of the requirement to submit a Sustainable Design Statement (SDS).

Encourage applicants to use Council's preferred Sustainable Design Assessment tools STEPS and The Scorecard to generate the SDS.

Assess submitted plans and raise sustainable design opportunities and weaknesses. Encourage applicants to show sustainable design initiatives on submitted plans.

Provide applicants with Sustainable Design Assessment brochure and sample Sustainable Design Statement.

**PERMIT APPLICATION ASSESSMENT PROCESS**

***REQUEST FOR FURTHER INFORMATION***

Standard text requiring the submission of a Sustainable Design Assessment is to be inserted in the 'issues' section of the request for further information letter (i.e. the standard text does not form a

requirement under Section 54 of the P & E Act 1987). The SDA RFI requirements below, correlate with each of the classes of development cited under SDA triggers for a planning permit.

**1. Commercial/ industrial development with an increase in net floor area of 200 / 500 square metres or more (respectively).**

Please be aware that you will be required to undertake a Sustainable Design Assessment (SDA) to Council's satisfaction. To assist you in the preparation of a satisfactory SDA, Council recommends you use the Sustainable Design Scorecard (The Scorecard) assessment tool. For more information on the tool and SDA, refer to the enclosed documents, Council's website: [www.kingston.vic.gov.au](http://www.kingston.vic.gov.au) (where the tool can be downloaded) or contact Council's ESD officer / town planners on 1300 653 356 for further information.

**2. Residential development consisting of 4 or more dwellings.**

Please be aware that medium and high density housing development (comprising 4 or more dwellings) in the Kingston City Council will require a Sustainable Design Assessment (SDA) to Council's satisfaction. Council recommends that you address sustainability as soon as possible to avoid unnecessary planning amendments in the future. To assist you in the preparation of a satisfactory SDA, Council recommends you complete the Sustainable Tools for Environmental Performance Strategy (STEPS) assessment tool found at <http://www.morelandsteps.com.au>. For more information refer to the enclosed documents, Council's website: <http://www.kingston.vic.gov.au> or contact Council's ESD officer / town planners on 1300 653 356.

**3. Mixed use development.**

Please be aware that you will be required to complete a Sustainable Design Assessment (SDA) to Council's satisfaction. Council recommends that you address sustainability as soon as possible to avoid unnecessary planning amendments in the future. To assist you in the preparation of a satisfactory SDA, Council recommends you use the Sustainable Design Scorecard (The Scorecard) assessment tool found at [www.kingston.vic.gov.au](http://www.kingston.vic.gov.au) and the Sustainable Tools for Environmental Performance Strategy (STEPS) assessment tool found at <http://www.morelandsteps.com.au>. For more information refer to the enclosed documents, Council's website: <http://www.kingston.vic.gov.au> or contact Council's ESD officer / town planners on 1300 653 356.

**4. Small scale residential development (1-3 dwellings)**

In order to satisfy Clause 54.03-5 (energy efficiency protection) / 55.03-5 (energy efficiency) {delete as applicable} your plans must show {delete as required}:

- How north facing light has been maximised to living spaces
- Eaves provided to all dwellings
- How west facing windows have been minimised
- Cross ventilation available in the design
- Opportunity for vegetation particularly adjacent to west facing windows.

The proposed development does not maximise northern light to living spaces of dwelling number(s)...{insert as required}. The proposal therefore fails to satisfy Clause 54.03-5 (energy efficiency protection/55.03-5 (energy efficiency) {delete as applicable} of the Kingston Planning Scheme. The proposal must be redesigned to maximise use of northern light to living spaces.

**5. Where a SDA is not specifically required / triggered (i.e. small scale residential), the following information is to be included.**

Council strongly encourages you to address sustainability as part of your application by preparing a Sustainable Design Assessment (SDA) that summarises the sustainable design initiatives being incorporated into your development. Council's ESD officer / town planners available on 1300 653 356 can provide further assistance.

### ***REFERRALS***

Once an applicant has provided the SDA, the SDA and associated plans should be referred to the ESD officer.

An ESD officer has been appointed to work at Council 1 day per week. The role of the ESD officer is to work directly with the applicant to ensure that the development achieves a suitable Sustainable Design outcome. The ESD officer will be able to assist the applicant to use the STEPS and SDS tools.

The ESD officer will also be available to meet with applicants to assist them in the preparation of their SDA and discuss any concerns.

### ***STANDARD PERMIT CONDITIONS***

**The following requirement must form an element of condition 1 of the permit:**

1<sub>x</sub>) Modifications in accordance with the Sustainable Design Statement at Condition x of this permit.

**If a Sustainable Design Statement/STEPS/SDS has been submitted and is satisfactory:**

The sustainable design initiatives listed in the Sustainable Design Statement (identified as *Sustainable Design Statement, Application No: x, Date D/x/200y prepared by Associates name*) must be incorporated into the development to the satisfaction of the Responsible Authority.

**If a Sustainable Design Statement/STEPS/SDS has been submitted but requires modification:**

Before buildings and works start, the Sustainable Design Statement (identified as *Sustainable Design Statement, Application No: x, Date D/x/200y prepared by insert name*) detailing sustainable design initiatives to be incorporated into the development must be modified to show (insert ESD issues to be addressed) to the satisfaction of the Responsible Authority.

**If a Sustainable Design Statement has not been submitted:**

Before the development starts, a Sustainable Design Statement detailing sustainable design initiatives to be incorporated into the development to the satisfaction of the Responsible Authority must be submitted to, and approved in writing by the Responsible Authority. The Sustainable Design Statement must outline proposed sustainable design initiatives within the development such as (but not limited to) energy efficiency, water conservation, stormwater quality, waste management and material selection.

### ***NOTATION TO BE PLACED ON ALL APPLICABLE PERMITS WHERE A SUSTAINABLE DESIGN STATEMENT HAS NOT BEEN SUBMITTED***

To complete a satisfactory Sustainable Design Statement (SDS) the Responsible Authority recommends the use of the Sustainable Tools for Environmental Performance Strategy (STEPS) [*for residential development*] and/or the Sustainable Design Scorecard (The Scorecard) [*for non-residential development*] to assess the environmental performance of the development against appropriate standards.

### **Plans to Comply**

- Refer Sustainable Design Statement, STEPS/The Scorecard report and modified plans to the relevant town planner.
- Officers with delegated power to ensure:
  - the sustainable design statement is stamped accordingly
  - the sustainable design statement is noted on the endorsed plans
    - i.e. This plan must be read in conjunction with the approved Sustainable Design Statement dated D/x/200y.

**GENERAL NOTES & LARGE SCALE DEVELOPMENT**

- Applicants are encouraged to use the tools (STEPS and SDS) to complete the Sustainability Statement, however, use of the tools is voluntary (i.e. ESD considerations can be addressed through alternate mechanisms).
- Large scale development applications will require something more significant than a Sustainable Design Statement. In these instances applicants should be requested to provide an Environmental Management Plan (EMP) as per the existing statutory planning department process.

**IMPLEMENTATION AND REVIEW**

This policy shall take effect from the 1<sup>st</sup> March, 2010 following Council approval and be subject to review one year from implementation.





## 5. Tenders Received:

Tenders were advertised in the The Age on Saturday, 31 October 2009. Tenders closed on Thursday, 12 November 2009, at 2:00 PM.

Tenders were received from the following four (4) Tenderers, all of which were conforming:

- BORAL RESOURCES (VIC) PTY LTD  
1 Glenferrie Rd, Malvern 3144
- DOWNER EDI WORKS  
Level 2 650 Lorimer Street, Port Melbourne Vic 3207
- PIONEER ROAD SERVICES  
124 Dohertys Road, Laverton North Vic 3026
- FULTON HOGAN  
P O Box 690, Dandenong Vic 3175

A summary of the tendered rates for the various items of work in the Contract is provided for each conforming tender in the *Confidential Attachment – Schedule A*.

## 6. Project Funding:

The works will be funded from:

- Council's Road Resurfacing Program in the "Roads Capital Works Budget".

The value of the works to be ordered as part of this contract is estimated to be approximately \$500,000 per annum for **each** year of the contract.

## 7. Evaluation Panel:

The tenders were assessed by:

Ehteshamul Kabir  
Construction Engineer

Lin Dawes  
Administration Systems Coordinator

Brian Trower  
Team Leader Roads & Drains

## 8. Evaluation Criteria

The tenders were assessed using the weighted attribute method of assessment, giving consideration to the following factors:

- Tender Price 50%
- Performance / work quality 30%
- Capacity to undertake and complete the contract 20%
- Insurances Pass/Fail
- OH&S Compliance Pass/Fail

- Financial Viability Pass/Fail

A two stage tender evaluation was undertaken. The initial assessment involved an evaluation and comparison of the Schedule of Rates provided by all tenderers. The tenderer with the lowest price and those within 15% of this were subjected to a detailed evaluation.

## 9. Tender Price, Capacity and Past Performance

Assessments of the evaluation criteria are included in the *Confidential Attachment* as follows:

Tender Price Assessment – *Schedule A*

Performance Assessments - *Schedule B*

Capacity Assessments - *Schedule C*

## 10. Reference Checks

Detailed reference checks were conducted for the Tenderers who progressed to Stage 2. The referees rated the past performance of the Tenderers using a questionnaire developed for the assessment. A copy of the Reference Check questionnaire is included in the *Confidential Attachment – Schedule D*.

## 11. Triple Bottom Line Checklist

- **Economic**  
All contractors are required to hold adequate Public Liability insurance to protect Council in the event of an accident.  
Financial checks were conducted on each of the tenderers, and none were considered an unsatisfactory financial risk if awarded the contract.
- **Social**  
Not applicable.
- **Environmental**  
All contractors are considered to have satisfactory Environmental Management systems.

## 12. Recommendation

That Council resolve to award Contract No 09/75, for Asphalt Resurfacing Works to: DOWNER EDI WORKS PTY LTD; at the tendered schedule of rates (subject to rise and fall), for an estimated value of \$1,500,000.00, for a contract term expiring 30<sup>th</sup> June 2013.

*Attachments:*

*Confidential Attachment including Schedules A, B, C & D*

## Crs Ronke / Brownlees

That the recommendation be adopted.

**Carried**

L209

**Representation on the State Government Kingston Green Wedge Task Force**

**Approved by:** John Nevins, Chief Executive Officer

**Author:** Tony Rijs, General Manager Environmental Sustainability

**1. Purpose**

Council, at the 23 November meeting, determined that representation on the State Government Kingston Green Wedge Task Force would be two Councillors and an independent planning consultant.

The convenor of the task force has indicated that this arrangement is satisfactory.

Council officers have advertised a tender to enable the appointment of a panel of planning consultants. Tenders will close in mid December.

Council will need to formally appoint two Councillor representatives to the task force.

Attached is a copy of the correspondence from the State Government establishing this task force.

**2. Recommendation**

That Council resolve to appoint Cr \_\_\_\_\_ and Cr \_\_\_\_\_ as representatives on the Kingston Green Wedge Task Force

*Attachment:*

*Letter from the Department of Planning and Community Development*

**Motion**

**Crs Athanasopoulos / West**

That Council resolve to appoint Cr Athanasopoulos and Cr West as its representatives on the Kingston Green Wedge Task Force.

**Cr Dundas moved the following amendment:**

That the motion be amended by the addition of the following words after the words "Task Force":

“and that a Sub-Committee of interested Councillors be formed to investigate, advise and make recommendation with regard to the Green Wedge within our municipality and that interested Councillors now nominate for this Sub-Committee;

Further, that the two appointed Councillor representatives on this Kingston Green Wedge Task Force shall form part of this Sub-Committee;

This Sub-Committee shall appoint a Chairman from its number and meet regularly, as determined by its Councillor members; and

The terms of both the representatives and Sub-Committee members shall be one year and, at termination, reappointment determined by Council.”

The mover and seconder of the motion agreed to incorporate Cr Dundas’ amendment into their motion.

The motion was **put and carried**.

The Council resolution, in its entirety, reads as follows:

- “1. That Council resolve to appoint Cr Athanasopoulos and Cr West as its representatives on the Kingston Green Wedge Task Force and that a Sub-Committee of interested Councillors be formed to investigate, advise and make recommendation with regard to the Green Wedge within our municipality and that interested Councillors now nominate for this Sub-Committee;
2. Further, that the two appointed Councillor representatives on this Kingston Green Wedge Task Force shall form part of this Sub-Committee;
3. This Sub-Committee shall appoint a Chairman from its number and meet regularly, as determined by its Councillor members; and
4. The terms of both the representatives and Sub-Committee members shall be one year and, at termination, reappointment determined by Council.”

Upon the adoption of the above resolution the Chair asked that any Councillors interested in being members of the sub-Committee so indicate by a show of hands. All Councillors expressed interest in membership on the Sub-Committee and were therefore considered to be duly appointed to that Sub-Committee.



**Council Plan**

See relevant clauses of Kingston City Council's Plans.

**Strategic Resource Plan**

Each Council may have a relevant Resource Plan.

**Sustainability Implications**

Community

The Kingston City Council community and Victorian population are largely unaware of the issues associated with street lights. The Victorian community would likely be disappointed with councils if the opportunity to install more efficient lights was missed and excessive greenhouse gases were emitted as a result.

**Environment**

If Kingston City Council changed over all of the 8,500 pedestrian level street lights, this would save 2,400 tonnes of eCO<sub>2</sub> per year.

Changing over to efficient street lights is critical to councils achieving their carbon reduction targets and a huge potential cost saving for Council.

**3. Economic**

A bulk changeover from the traditional 80 MV lamps to the Pierlite T5's requires significant up-front capital costs which vary for each Council depending on distributor and the state of existing assets. Some Councils have reasonable pay back periods whilst other have very long payback periods. For the City of Kingston the upfront cost is expected to be \$3.23 million, with an anticipated payback period of just under 18 years. It is also important to consider the staff time required to set up and administer the bulk changeover process.

**Human Rights Consideration**

This report and its content to not impede the human rights listed in the *Charter of Human Rights and responsibility Act 2006*.

**Consultation**

Council is a member of SECCCA (South East Councils Climate Change Alliance) formally known as the Western Port Greenhouse Alliance and has also consulted with a number of councils as part of participating and achieving the 5<sup>th</sup> and final milestone of the ICLEI Cities for Climate Protection (CCP) Program in August 2008.

**4. Discussion**

When the electricity industry was privatised in Victoria economic efficiency was the only driver of the new legislation. The Australian Energy Regulator, previously the Essential Services Commission, does not require distributors to invest in energy efficiency, hence the lack of motivation to switch the 80w MV to a more efficient lamp.

The electrical distributors have been unhelpful in assisting councils to change to the more efficient street light technologies. The distributors had been slow to approve trials and asked for more testing time. The retail electricity industry (often financially related to the distributors) would lose significant 'sales revenue' as a result of bulk change-overs to more efficient street light technologies.

Distributors are not keen to see changes to the regulations which would mandate energy efficiency improvements.

**Price of change over to fluorescent lights**

There has been considerable tension and delay in finalising prices of change overs.

A number of councils that were due for bulk change-overs in 2008 or 2009 postponed their bulk re-lamping due to the lack of resolution of pricing issues relating to the installation of Pierlite T5's which includes:

- The establishment of a fair OMR (operation, maintenance and replacement) annual charge; and
- Change-over costs from Mercury Vapour to the T5's.

**Some details of Maribyrnong Council's costs and experience are attached in footnote for your assistance.<sup>2</sup>**

Many Councils have undertaken bulk change over's despite the uncertainty over price. Kingston supports this approach and thus recommends that any advocacy campaign for financial assistance to Councils includes rebates for those who have taken the lead.

**State Government assistance**

In 2007/08, the State Government introduced the VEET Scheme. It was initially thought that this scheme could provide a funding stream for local government to change-over street lights. The VEET scheme pays registered contractors \$15 to change an incandescent light globe to a

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<sup>2</sup> In October 2008, Jemena estimated that it would cost \$492 (+/- \$45) per light to change over to Pierlite T5's for relevant Councils. In January 2009, Jemena wrote to Maribyrnong Council indicating that it would change the Mercury vapours to T5's for \$320 each. In March 2009, the Australian Energy Regulator determined that Jemena could charge an additional \$49 each for the loss of the written down value of their asset (existing MV lamp) and should reduce costs by \$17 each (avoided cost) if the units are changed when Jemena would have changed over the old 80W MV globes.

In summary, Jemena would charge Maribyrnong Council \$352 each for light change-over (if completed during the 2009 bulk change-over period). Maribyrnong Council has 4,616 pedestrian lights that would cost \$1,625,000 to change to fluorescents.

This is a considerable cost that Maribyrnong Council cannot easily accommodate in one budget year. Many Councils have had a similar view and have not proceeded with bulk change over to efficient lights.

Maribyrnong Council sought a delay to the 2009 bulk change-over of lights. Jemena required that Council either accept full liability for the failure of all Mercury Vapour lights or they would proceed with replacing them. These terms were unacceptable to Council so the old lights are now being replaced by new inefficient Mercury Vapour lights.

compact fluorescent globe in the residential context. This is the mechanism that enables electricity retailers to provide free light globes and low flow showerheads to all homeowners and renters.

The State Government chose not to include council street lighting in the scope of approved works. Based on the equivalent carbon reduction value of VEET, the scheme proportionally would have contributed around \$150 per light changeover.

**Local Government representation**

For the last three years, the Municipal Association of Victoria (MAV) has submitted to the State Government a request for \$100 million to assist to local governments to change over to efficient street lights. The MAV submission regarding streetlights has repeatedly been rejected and has not been incorporated into the State Budget.

As a result of the lack of real progress on street lighting issues councils, the MAV and Victorian Local Government Association (VLGA) (through the Victorian Local Sustainability Accord - VLSA) - requested the State Government establish a Public Lighting Taskforce Group. The VLSA Public Lighting Taskforce was established with representation from the Department of Sustainability and Environment (DSE), Sustainability Victoria (SV), Department of Primary Industries (DPI), MAV and VLGA, the regulator and distributors. The taskforce was chaired by DSE and met four times in 2008.

At the last VLSA Public Lighting Taskforce Group it was resolved that DSE prepare a budget bid for \$100 million to assist councils across Victoria change over to more efficient street lights. As result of the global financial crisis a submission was never made to the 2009 Estimates Review Committee.

The MAV are participating in the DSE Public Lighting Analysis project which will provide two main outputs:

- § A cost estimate of accelerating the roll-out of more energy efficient street lights
- § An analysis of the main policy options to address barriers and facilitate a state-wide roll-out of sustainable public lighting.

A report is due by November 2009. Many Councils are participating with the MAV on these projects.

It should also be noted that the Council of Australian Governments' (COAG) National Strategy on energy efficiency will review the minimum energy efficiency standards for street lights by the end of 2010.

Despite the recent events it is clear that the combination of lack of incentives and regulations regarding the distributors, and the lack of support from State Government, has resulted in the majority of councils failing to install efficient street lights as part of bulk change-overs.



**Development of an advocacy campaign focused on State Government and the Regulator**

As a consequence of the lack of real progress, support from State Government and distributors, it is recommended that a community engagement and advocacy campaign be developed by Victorian councils to provide leverage to compel the State Government, the Australian Energy Regulator and key policy and decision makers to act on this issue.

The campaign is being led by Maribyrnong City Council in partnership with the MAV. Maribyrnong Council has developed a three stage engagement campaign plan outlined below.

- Stage 1     Engaging Councils - by seeking all Victorian 79 councils' participation in the campaign.
  
- Stage 2     Engaging the Community – informing the community in a wide-ranging manner and using a range of technologies to communicate concern (postcards, online petitions, social media, etc.).
  
- Stage 3     Target State Government, the Australian Energy Regulator and key policy and decision makers – with the support of the community and councils apply strategic pressure to the State Government prior to the election next year.

A Draft Advocacy and Engagement Plan has been developed by Maribyrnong Council. Councils wishing to participate in the Advocacy Campaign will have the opportunity to further develop and implement the Engagement Plan along side other participating Victorian councils.

**Resource Implications**

At this stage, there is no financial cost to join the advocacy campaign. Subject to the type of campaign and strategies adopted, future costs may be considered following discussions with councils involved in the campaign.

Involvement in the campaign will include the distribution of promotional and educational materials throughout Kingston City Council and encouraging our community to take part in online petitions and campaign activities. This can be done through existing Council resources.

There is an opportunity to be part of a campaign working group overseeing communication and strategy development for the campaign.

**5. Conclusion**

Councils have been trying for years to overcome barriers to installing energy efficient street lights and therefore reduce greenhouse gas emissions. The lack of regulatory requirements to invest in energy efficiency remains a fundamental barrier to change. All attempts to work with the Regulator, distributors and the State Government have failed to make any significant changes to the efficiency of street light networks.

It should be noted that Kingston should still budget for the full cost of the bulk changeover of street lights due for 2011 and estimated to cost \$3.23 million. Waiting for the results of an advocacy campaign or budgeting for the outcomes of such could mean we risk losing this

opportunity, which would not be a good outcome for Council or our community. Thus it is important that any advocacy campaign should also recognise those Councils who have taken the lead in implementing bulk changeovers are provided with equivalent rebates.

The financial implications to Council across Victoria are significant, thus a state wide campaign for financial assistance has been launched and Kingston asked to become a supporter. A bulk change over to more efficient lighting technologies would not only mean significant carbon reductions, but in the long term would save councils operating costs.

**6. Recommendation**

*That Council resolve to work in partnership with Maribyrnong City Council, the Municipal Association of Victoria and other interested Victorian councils to develop a street light advocacy and community awareness campaign targeting the State Government, private electrical companies and other key decision makers in order to facilitate:*

1. State Government contribution of a minimum of \$150 (either through direct funding or market-based equivalent such as Victorian Energy Efficiency Target) per energy efficient street light changeover for every Victoria council.
2. Changes being made to the 'National Electricity Law' regulations that would require electrical distributors to continually improve the efficiency of street light systems as new technology becomes available.
3. The banning of inefficient (80 watt MV) street lights within Australia by the end of 2010 in line with the COAG National Strategy on Energy Efficiency.

Cr Athanasopoulos left the meeting at 8.53pm, prior to the commencement of discussion in relation to this item. Cr Athanasopoulos returned to the meeting at 8.55pm.

**Crs Shewan / West**

That the recommendation be adopted.

**Carried**

**Appendix**

Some background information on the various roles in the electrical distribution business may be helpful.

- |                               |   |
|-------------------------------|---|
| <b>Electricity generators</b> | Such as Loy Yang Power, Hazelwood Power produce electricity from coal power stations and sell to network distributors. There are smaller renewable energy generators. |
| <b>Network distributors</b>   | Such as SP Ausnet and PowerCor deliver electricity to the distributors via high voltage transmissions lines at 330–500 kilovolts.                                     |
| <b>Distributors</b>           | Such as Jemena and SP Ausnet transmit the electricity through regional networks. The distributors are responsible for streetlighting, including poles and lights.     |
| <b>Retailers</b>              | Such as AGL and Origin sell the electricity to councils (or residents) and are the billing face of the electricity industry.  |
| <b>Regulator</b>              | Previously the Essential Services Commission Victoria, but the role has now been transferred to the Australian Energy Regulator (AER) from 1 January 2009.            |



3. The employment of a temporary Greenhouse Officer for 2 years to ensure effective implementation of actions, approximately \$80,000.

Key drivers to ensuring the Strategy is fully implemented include:

- Adequate capital allocation for energy efficiency investments as identified in the Strategy. This allocation is not currently budgeted for within the 10 year capital works plan. Either the strategy will need to be altered to align with the current 10 year capital works budget, or the budget will need to be adjusted to reflect the proposed energy efficiency actions.
- Regular measurement and reporting of progress in reducing emissions and energy use.
- Appointment of a temporary Greenhouse Officer to drive the energy efficiency program and ongoing improvements, measure progress and undertake other relevant emissions reduction activities.

If fully implemented the strategy is predicted to reduce corporate emissions by approximately 20% over a four year period, and to deliver significant financial savings associated with reduced energy consumption.

### **3. Summary and Conclusion**

The draft corporate section of the Kingston Greenhouse and Energy Management Strategy is attached for consideration. If fully implemented the strategy is expected to deliver emissions savings of approximately 4,000 tonnes, taking Council to a position approximately 20% below 2000-01 levels.

The community section will be completed once community engagement sessions have been implemented, to better understand what support the community require in relation to reducing their greenhouse gas emissions and living in a changing climate.

### **4. Consultation**

Consultation with a range of internal stakeholders has been an important part of the development of the Strategy, which has a range of capital and human resource implications, particularly in buildings, street lighting and the corporate fleet.

External consultation with a broad range of community stakeholders is planned to start in late February 2010. The information and ideas from this consultation will feed into the strategy. This consultation will also include the Climate Change Reference Group that Council recently discussed setting up.

**5. Triple Bottom Line Checklist**

- **Environmental** – The attached strategy provides Council with the necessary actions to reduce its own greenhouse gas emissions and energy consumption.
- **Social** – The strategy has been prepared in consultation with various internal stakeholders. Once endorsed by Council, community consultation will be undertaken, the information from which will be costed and presented to Council prior to being incorporated into the community section of the strategy.
- **Financial** – The full implementation of the draft strategy will cost Council \$3,854,050 over four years with annual savings of \$248,783. This allocation is not currently budgeted for within the 10 year capital works plan and will need to be adjusted to allow for.

**6. Recommendation**

That Council resolve to adopt the draft 'corporate' section of the Kingston Greenhouse and Energy Management Strategy to facilitate public consultation.

Attachments:

*Draft Greenhouse and Energy Efficiencies Strategy*

**Formal Motion**

**Crs Peulich / Ronke**

That Council defer this matter to the Council meeting on 8 February 2010, to enable further discussion to occur

The formal motion was **put and carried**.

## **9. Community Sustainability Reports**

### **L212 Remembrance Garden**

**Approved by:** Mauro Bolin, General Manager Community Sustainability

**Author:** Patricia Smyth, Manager Library and Education

#### **1. Purpose**

To present a report to Council on the proposed action regarding supporting the community during times of bereavement.

#### **2. Background**

In response to interest by former Councillor Petchey, Council officers investigated the concept of a Remembrance Garden as way to provide support to the community during times of bereavement. Initially the concept of an open space area to be designated as a Remembrance Garden to provide quiet reflective spaces to remember loved ones was considered.

Following the investigation Councillors met with staff to consider this concept further and propose a way forward. Resulting from the meetings a way forward is proposed and presented to Council for endorsement.

#### **3. Issues**

Following considerable investigation and consideration the following issues were identified.

##### **3.1. Any establishment of a site specific Remembrance Garden presented the following issues:**

- Sensitivity of proposed sites
- Possible difficulty of separating the quiet, contemplative nature of a Remembrance garden from active sporting pursuits in suitable sites
- That one site may not be relevant to as many people as possible and that offering a range of planting sites through planting days could provide the opportunity for people to do something meaningful at a location that was important to the person who has passed on, such as a foreshore location
- The nature of a site specific garden would mean high expectations from the community regarding maintenance, ongoing appearance etc.
- The establishment and ongoing costs of such a garden. The initial costs, as advised by officers are likely to be high, as well as additional ongoing costs
- A Remembrance Garden was not in the Capital Works Forward Plan

### **3.2 A refined concept has been developed by Councillors and Officers**

- Retain the concept of a Remembrance Garden for consideration in any development of the Chain of Parks / Green Wedge
- Officers to contact the funeral industry in the City of Kingston to ascertain if they would be interested in offering involvement in scheduled City of Kingston Parks planting days and whether this would be useful as part of the suite of services offered to the bereaved.

If the Funeral Directors are interested then the ensuing actions would be :

- Lists of all Planting days per year, including the concept of commemorating people through a planting, to be sent to the Funeral directors every year
- Customer Service and Libraries to be provided with yearly list of planned plantings days
- Articles in KYC and media briefings could publicise this concept
- Through this process new volunteers may be attracted to community planting days
- As planting days are spread throughout the city this approach would mean that all residents would have an opportunity for Remembrance in this way.

## **4. Triple Bottom Line Checklist**

- **Environmental** – Additional plantings by volunteers will add to the ambience of parks and reserves in Kingston. Offering plantings at locations across Kingston will involve shorter trips by car, as plantings will be closer to resident's homes.
- **Social** – A remembrance concept would add to the suite of options available to the community.
- **Financial** – Adding a remembrance element to planting days would utilize existing resources and involve only marginal additional cost.

## **5. Summary and Conclusion**

Council has considered the remembrance concept. A low cost and non site specific way forward has been developed. This involves liaison with the Kingston Funeral industry suggesting publicising existing Kingston Planting Days. This would enable residents to remember lost loved ones at various locations across Kingston, as well as potentially increasing the number of volunteers at the planting days.



**7. Recommendation**

That Council resolve to instruct officers to contact the Kingston funeral industry regarding offering the opportunity to participate in Council planting days as part of supporting the community through bereavement.

**Crs Ronke / Bauer**

That the recommendation be adopted.

**Carried**

**10. Organisational Development & Governance Reports**

**L 213 Councillor Appointments to Committees and Organisations**

**Approved by:** Elaine Sowerby, General Manager Organisational Development & Governance

**Author:** Michael Fry, Team Leader Council Business

**1. Purpose**

The purpose of this report is to facilitate the Councillor appointments to various Committees and Organisations for the 2009/10 year.

**2. Background**

Councillors are appointed to various Committees and Organisations on an annual basis in order to ensure that Council is represented and can put Council's position on issues before key external organisations and Committees.

**3. Summary and Conclusion**

The Councillor appointments will ensure that Council is represented on key external organisations and Committees for the 2009/10 year.

**4. Issues**

Attached is the list of the key external Organisations and Committees.

**5. Recommendation**

That Council determine the appointment of Councillors to the various Organisations and Committees.

Attachment:

*List of Organisations and Committee*

**Crs Athanasopoulos / Ronke**

That the Councillors be appointed to the various Organisations and Committees recommendation as detailed below:

**Part A- External Committees / Organisations**

Australian Mayoral Aviation Council	<b>2009/10 Appointee</b> Mayor with Cr West (Sub)
Moorabbin Airport Consultative Committee	Crs Brownlees and West with Cr Dundas (Sub)
Association of Bayside Municipalities (ABM)	Crs Dundas (1st Alt Cr West and 2nd Alt Cr Bauer)
Local Government Waste Management Forum	Cr Athanasopoulos and Cr Staikos (sub)
Municipal Association of Victoria (MAV)	Cr Athanasopoulos and Cr West (sub)
Patterson Lakes Advisory (Melbourne Water) Committee	Cr Bauer
Victorian Local Governance Association (VLGA)	Cr Staikos with Cr Shewan (Sub)
Metropolitan Transport Forum	Cr Shewan with Crs West / Peulich (Subs)
Inter Council Aboriginal Consultative Committee	Cr Staikos with Cr West (Sub)
MAV Strategic Environment Advisory Group	Cr Shewan with Cr West (Sub)
Victorian Local Sustainability Network.	Cr Staikos with Cr Shewan (Sub)
Chelsea Community Renewal Project	Crs Bauer, Ronke and Shewan
Melbourne Water Eastern Treatment Plant Community Liaison Committee	Cr Bauer
Municipal Association of Victoria Planning Committee	Cr West
State Government Kingston Green Wedge Task Force	Crs Athanasopoulos and West

**Part B-Internal Committees**

Audit Committee	<b>2009/10 Appointee</b> Mayor and Cr Peulich (Cr Dundas Sub)
Fine Food, Wine and Music by the Bay Festival Access and Equity Committee	Crs Bauer, Brownlees and Ronke Mayor and Cr Athanasopoulos (Sub)
World Globe to Globe Festival Committee	Cr Peulich and Cr Athanasopoulos (Sub)
Kingston Harvest Festival Committee	Cr Bauer and Crs Ronke / Shewan (Subs)
Australia Day Committee	Crs Brownlees and Bauer
Municipal Emergency Planning Committee	Cr Ronke
Friends of Manatuto Committee	Crs Ronke and Staikos with Cr West (Sub)
Kingston Youth Festival	Crs Peulich and Staikos
Kingston Youth Advisory Committee	Crs Peulich and Staikos
Historical Societies Network	Crs Brownlees and West with Cr Dundas (Sub)
Arts and Culture Reference Group	Crs Peulich, Staikos and Bauer

**City of Kingston  
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L F Payne Hall Usage Committee	Crs Bauer, Ronke and Shewan
Positive Ageing Steering Group	Cr Brownlees
Kingston Charitable Trust Community Grants Panel	Mayor, Cr Athanasopoulos and Cr Ronke (Sub)
Foreshore Sub-Committee	Crs Bauer, Dundas, Ronke, Shewan and West
Pompei Boat Public Art Steering Committee	Crs Brownlees and Ronke

**Carried**

L 214

**Expenditure of Ward Funds Schedule**

**Approved by:** Elaine Sowerby, General Manager Organisational Development & Governance

**Author:** Michael Fry, Team Leader Council Business

**1. Purpose**

The purpose of this report is to seek formal Council approval of the expenditure of Ward funds in accordance with the '*Expenditure of Ward Funds Policy*'.

**2. Background**

The Council, on 23 March 2009, adopted a revised policy for the expenditure of ward funds.

Each financial year during a Council term, Kingston Councillors are allocated \$6,000 in ward funds for utilisation in accordance with the adopted policy. Part 2 of the policy, which outlines the limitations on the expenditure of ward funds, specifies that Councillors may propose that ward funds be allocated for initiatives that aim to:

- "a) assist a recognised community group (including sporting/recreational body, arts/cultural group, charity, youth group, pre-school, playgroup, senior citizens club, historical society, friendship group, environmental group, trader organisation or toy library) which provides a service, program or activity used by or of benefit to Kingston residents;*
- b) assist an individual who is a resident of the City of Kingston to participate in a sporting, recreational or cultural activity, or other pursuit of a personal development nature, or who is in necessitous circumstances;*
- c) Support an event or activity which will be of benefit or interest to residents of the City of Kingston;*
- d) Support the key external themes of enhancement of the physical environment or the development of community well being, identified in the Council Plan."*

It should be noted that the policy also enables a Ward Councillor to propose that his / her ward funds be expended outside of the Councillor's specific ward, provided that the ward funds are expended for the benefit of the Kingston community, and that one or more of the criteria set out above are met.

**City of Kingston  
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**14 December 2009**

The table below lists the Councillor requests for the expenditure of ward funds received since the last Ordinary Council Meeting.

**Table of Councillor requests:**

<b>Councillor</b>	<b>Ward</b>	<b>Initiative</b>	<b>Request Date</b>	<b>Amount \$</b>
Cr Ronke	South	<i>Chelsea Heights Football Club</i> Purchase of football jumpers	17/07/2009	1,000
Cr Peulich	North	<i>The Three Heirarch's Greek Elderly Group</i> Operating Expenses	9/12/2009	1,000
Cr Peulich	North	<i>Clarinda and District Senior Citizens Club</i> Operating Expenses	9/12/2009	1,500
Mayor, Cr Staikos	North	<i>Dingley Village Community Association</i> <i>Operating Expenses</i>	10/12/2009	300
Mayor, Cr Staikos	North	<i>Westall Kindergarten</i> <i>Operating Expenses</i>	10/12/2009	500
Mayor, Cr Staikos	North	<i>Greek Senior Citizens of Clayton</i> <i>Operating Expenses</i>	10/12/2009	250
Cr Athanasopoulos	North	<i>Greek Senior Citizens of Clayton</i> <i>Operating Expenses</i>	10/12/2009	250

**3. Recommendation**

That Council approve the expenditure of ward funds in accordance with the table of Councillor requests.

**Crs Ronke / Brownlees**

That the recommendation be adopted.

**Carried**

**12. Notices of Motion**

L 215

**Rescission Motion**

**Cr West: Amendment to Planning Permit KP245/09 –  
999 Nepean Highway**

That Council rescind its decision of the Special Council meeting of 30 November 2009 to support the amendment (outlined in Option 1) to Planning Permit KP245/09 for 999 Nepean Highway.

(Signed)

Cr Rosemary West OAM  
7 December 2009

**[Note:**

The Meeting Procedures Local Law 7 adopted by Council on 23 November 2009 provides that:

**Motions to Revoke or Alter a Previous Resolution**

- 22.** (1) A **Councillor** may propose a notice to revoke or alter a previous resolution provided:
- (a) it has been signed and dated
  - (b) the resolution proposed to be rescinded has not been acted on; and
  - (c) the notice of rescission is delivered, **in writing**, to the **Chief Executive Officer** setting out -
    - (i) the resolution to be rescinded; and
    - (ii) the **meeting** and date when the resolution was carried.
- ...
- (4) If a motion for rescission is lost, a similar motion may not be put before **Council** for at least 3 months from the date it was last lost, unless **Council** resolves that the notice of motion be re-listed at a future **meeting**.
- (5) If a motion for rescission is not moved at the **meeting** at which it is listed, it lapses.
- (6) A motion for rescission listed on an agenda may be moved by any **Councillor** present but may not be amended.]

With the consent of the Council and in order to correct an administrative error, Cr West's rescission was corrected to read as follows:

"That Council rescind decision of the Special meeting of 30 November 2009 not to resolve to support the amendment (outlined in Option 1) to Planning Permit KP245/09 for 999 Nepean Highway."

Cr Athanasopoulos foreshadowed a further motion in the event that Cr West's rescission motion is carried.

### **Formal Motion**

#### **Crs Dundas / Peulich**

That Council defer consideration of this matter (rescission motion) until the next Ordinary Council Meeting on 8 February 2010.

The formal motion was **put and lost**.

Cr West's motion was **put and carried**.

A division was called.

### **Division**

#### **For**

Cr Athanasopoulos  
Cr Ronke  
Cr Shewan  
Mayor Cr Staikos  
Cr West

#### **Against**

Cr Bauer  
Cr Brownlees  
Cr Dundas  
Cr Peulich

The Chairperson declared that the motion was **carried**.

#### **Extension of time:**

#### **Crs Brownlees / Athanasopoulos**

That the meeting be extended for 30 minutes until 10.30pm.

**Carried**



**Adjournment**

**Crs Peulich / Ronke**

That the meeting be adjourned for 10 minutes.

**Carried**

The meeting was adjourned at 9.51pm for 10 minutes.

**Resumption**

The meeting resumed at 10.01pm

**Motion** (Previously foreshadowed)

**Crs Athanasopoulos / West**

1. “That Council resolve to issue an Amended Planning Permit for the development of the site at No. 358a (PC 371611L) & No. 358 (part Lot 3 on PS 531995K) South Road, Moorabbin for a seven (7) storey building comprising seventy-five (75) dwellings with a reduction in car parking requirements pursuant to Clause 52.06 of the Kingston Planning Scheme and to create access to a Road Zone Category 1, subject to the recommendations specified in the Officers report and the conditions outlined in the attached amended planning permit, subject to condition 1 w being amended by:
  - the addition of the words “and Childrens’ playground” after the word “barbeque”;  
and
  - the addition of the words “or on the first floor courtyard open space” after the word “site”
2. Council resolve to seek to remove the existing Section 173 Agreement (AE4237945) upon creation and registration of a new Section 173 Agreement required by way of Condition 13 of Amended Planning Permit KP245/09-A.”

**Extension of time:**

**Crs Brownlees / West**

That the meeting be extended for a further 30 minutes until 11.00pm.

**Carried**

The motion (Crs Athanasopoulos / West) was **put and carried**.

A division was called.

**Division**

**For**

Cr Athanasopoulos  
Cr Ronke  
Cr Shewan  
Mayor Cr Staikos  
Cr West

**Against**

Cr Bauer  
Cr Brownlees  
Cr Dundas  
Cr Peulich

The Chairperson declared that the motion was **carried**.

L 216

**Notice of Motion**  
**Cr Peulich: Central diary**

I move:

That Council make available a central diary of mayoral, councillor and other community events, agreed to by councillors nearly a year ago, be made available within forty eight hours either in an electronic or hard copy and updated on a weekly basis and circularised to all Kingston councillors.

(Signed)

Cr Paul Peulich

**Officer Comment prepared by  
Paul Franklin General Manager, Corporate Services:**

By way of background, Councillors currently have their individual and shared Council appointments such as Council Meetings and Councillor Information Sessions included in their Council electronic diaries / email accounts which are also accessible via their Blackberry device. Invites to specific Community Events are presented at every Councillor Information Session and the Councillor attendees determined and subsequently included in the attendee(s)' electronic diary by the Executive Assistant to the Mayor and CEO. Broader community events are listed on Council's Intranet and Internet sites.

I also attach for the information of Councillors a memo dated 14 April 2009 which outlines the response proposed by Officers to a similar request by Councillors which focused on expanding the listing of events on the home page of Council's intranet to include acceptance to community events.

To give effect to the above Notice of Motion, which broadens the scope of the appointments included in a centralised calendar, the Information Services Department believes it is best to establish a new "user account" in the Microsoft Outlook Email Program which would only be used as a shared Councillor calendar. Each Councillor would be given the ability to view this "user account" as a shared secondary calendar to their primary Council email account.

The centralised calendar will initially be updated and managed by the Executive Assistant to the Mayor and CEO. The Council Business Department and Executive Personal Assistants would require "read only" access to this account to allow them to undertake their duties in supporting Councillors.

There are some technical limitations with this approach that Councillors need to be aware of. Telstra have confirmed that this secondary account will not be able to be accessed from Councillor Blackberry devices. This is because the Blackberry device can only provide

access to one user account. The access to user accounts is controlled at the server level and would require the Blackberry device to be reconfigured.

Thus access to the shared secondary account would only be possible via a personal computer that has been connected to Council's computer network via a wireless card, ADSL landline (where installed), citrix or in the office.

Training and a User Guide will be provided to Councillors on how to move from their primary account to the shared secondary account enabling them to view the calendared events.

Appointments proposed to be included in the centralised diary are:

- Formal Council meetings (whether Ordinary, Statutory or Special);
- Councillor Information Sessions (CIS);
- Invites to community events accepted at CIS;
- Village Committee meetings;
- Community Events listed on Council's Internet;
- Civic Events including: Mayoral Appreciation Function, Citizenship Ceremonies;
- Council's major festivals;
- Delegated Representative Committees (see tonight's Council Agenda for listing); and
- Councillor facilitated sub-committees (eg Foreshore Sub-Committee, Affordable Housing Sub-Committee).

Councillors are asked to note that the more appointments that are included in the shared secondary account the more difficult it will be to read due to a multiple number of "clashes".

Guidance is sought from Councillors on whether the above list of appointment types meets their needs and is appropriate. Guidance is also sought on whether other appointments are to be included in the centralised calendar. These may include Councillor constituent and advocacy meetings eg with Members of Parliament, Community groups and funding bodies— noting that the officer managing this centralised diary may not be aware of any or all of such meetings. To include these types of appointments Councillors may need to advise the Executive Assistant to the Mayor and CEO of appointments that they have made for inclusion in the centralised.

It is not proposed that the centralised calendar include any individual Councillor initiated meetings or personal appointments.

Once the scope of the centralised calendar has been determined by Councillors, officers will give consideration to the resource requirements to manage the diary associated pressures and timings that will arise.

Attachment

**Extension of time:**

**Crs Athanasopoulos / Peulich**

That the meeting be extended for a further 15 minutes until 11.15pm.

**Carried**

With the consent of the Council Cr Peulich amended his motion to read as follows:

**Amended Motion:**

**Crs Peulich / Brownlees**

“That Council make available a central diary of official Mayoral and Councillor engagements and other community events, agreed to by councillors nearly a year ago, be made available within forty eight hours either in an electronic or hard copy and updated on a weekly basis and circularised to all Kingston councillors.”

The motion was **put and carried**.

L 217

**Notice of Motion**  
**Cr Peulich: Council Review**

I move:

That a review of council's operations, structure and processes including committee structure, be undertaken by an external consultant such as Mr Doug Owens subject to his availability with a view to improving council's efficiency and effectiveness, and that the report be made available to council by 15 April, 2010.

(Signed)

Cr Paul Peulich

Cr Brownlees declared an indirect interest by close association as his spouse works for the Council. Cr Brownlees left the room prior to the discussion at 1.55pm and remained outside until after the vote had been taken.

**Formal Motion:**

**Crs Peulich / Bauer**

That the matter be deferred pending further discussions.

Cr Brownlees returned to the meeting after the vote had been taken at 10.56pm.

**City of Kingston  
Ordinary Council Meeting**

**Minutes**

**14 December 2009**

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**Items in Camera**

**L 218                                    Planning Enforcement**

**L 219                                    Village Committee Appointments**

**Crs Ronke / Athanasopoulos**

That in accordance with the provisions of section 89(2)(h) of the Local Government Act 1989, the meeting be closed to members of the public for the consideration of confidential items L 218 (Planning Enforcement) and 219 (Village Committee Appointments) as they contain information, which, if disclosed, would prejudice the Council or any person.

**Carried**

**The meeting was closed to the public at 10.57pm.**

**Crs Athanasopoulos / Ronke**

That the meeting be reopened to members of the public

**Carried**

**There being no further business the meeting closed at 11:14 pm**

**Confirmed.....His Worship, The Mayor 8 February 2010.**