

**City of Kingston  
Ordinary Council Meeting**

**Minutes**

**24 October 2011**

An Ordinary Meeting of Kingston City Council was held at the Cheltenham Office, 1230 Nepean Highway, Cheltenham, on Monday 24 October 2011.

- 1. Apologies**
- 2. Confirmation of Minutes of Previous Meetings**  
Minutes of Ordinary Council Meeting 26 September 2011  
Minutes of Special Council Meeting 10 October 2011
- 3. Foreshadowed Declaration by Councillors, Officers or Contractors 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**
- 9. Environmental Sustainability Reports**

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N 166	KP101/11 – 13 Lochiel Avenue, Edithvale	Page 21
N 167	KP79/11 – 8-18 Bendigo Street and 13-17 Wilson Street, Cheltenham	Page 43
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N 169	Draft City of Kingston Road Safety Strategy 2011-2015	Page 92
N 170	Heritage Study Implementing Recommendations	Page 97
N 171	Contract No. 11/73 Foreshore and Toilet Cleansing Services	Page 100
N 172	Response to the Potentially Contaminated Land Advisory Committee Issues and Options Paper	Page 108
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N 174	Submission to Water Initiatives for 2050: An Integrated Water Management Strategy for Melbourne’s South East	Page 116
N 175	Recommendations for Expenditure of Part of the Foreshore Reserve Fund	Page 119
- 10. Community Sustainability Reports**

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- 11. Organisational Development & Governance Reports**

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- 12. Corporate Services Reports**

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<b>14.</b>	<b>Urgent Business</b>	
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Minutes of the Ordinary Meeting of Kingston City Council held at the Cheltenham Office, 1230 Nepean Highway, Cheltenham, on Monday 24 October 2011 which commenced at 7.03pm.

**Present:**

- Cr Ron Brownlees (Mayor)
- Cr Arthur Athanasopoulos
- Cr Lewis Dundas
- Cr Dan Moloney
- Cr Paul Peulich
- Cr John Ronke
- Cr Trevor Shewan
- Cr Steve Staikos
- Cr Rosemary West OAM

**In Attendance:**

- John Nevins, Chief Executive Officer
- Mauro Bolin, General Manager Community Sustainability
- Rachel Hornsby, General Manager Environmental Sustainability
- Ian Nice, Manager Statutory Planning
- Julian Harvey, Acting General Manager Corporate Services
- Phil De Losa, Program Leader Governance
- Kirsten Leiminger, Media/Communications Officer
- Nicola Wright, Governance Officer

**1. Apologies**

None.

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

Minutes of Ordinary Council Meeting 26 September 2011

Minutes of Special Council Meeting 10 October 2011

**Crs Peulich/Ronke**

That the Minutes of Ordinary Council Meeting 26 September 2011 and Minutes of Special Council Meeting 10 October 2011 be confirmed.

**Carried**

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

Cr Ronke declared an indirect interest because of conflicting duties in Item N 181 Local Law Proposed Amendments.

**4. Petitions**

None

**5. Presentation of Awards**

The CEO John Nevins presented an Award from South East Melbourne Innovation Precinct for City of Kingston's Economic Development Strategy. The Mayor thanked Suzanne Ferguson, Manager Economic Development and her team for their hard work.

Cr Peulich presented a Certificate of Appreciation from Tran Van Khace Rover Crew in recognition of Council's contribution to the Children's Festival.

**6. Reports from Village Committees**

**PRESENTATION OF VILLAGE COMMITTEE REPORTS**

**6.1 Cheltenham Village Committee**

**Chairperson – Vic Russo OAM JP**

*Report of Meeting held on 4 October 2011*

**Highlight: Response from Heritage Victoria on the Tram Plateway. Thanks to Rosa Zouzoulas for her efforts.**

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**6.2 Mentone/Parkdale Village Committee**

**Chairperson – Claire Houston**

*Report of Meeting held on 4 October 2011*

**Village Committee Motion:**

The Committee recommend that Council adopts a formal policy regarding Tree Vandalism (with appropriate reference to existing By Laws) Such policy to be along the lines adopted by Bayside Council. This policy to be reviewed each 3 years and to be widely promoted to the community.

**Officer Comment:** Council's current position involves deciding on matters of tree vandalism on a case by case basis given the unique and varied cases of tree vandalism.

**Crs Dundas/West**

That due to numerous and varied instances of tree vandalism Council will further investigate what deterrent is appropriate for Kingston and advise the Mentone/Parkdale Village Committee accordingly.

**Carried**

**Highlight: Bayside's Vegetation Vandalism Policy**

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**6.3 Mordialloc Village Committee**

**Chairperson – David van Pelt**

*Report of Meeting held on 4 October 2011*

**Highlight: Discussion on Council's Bay Trail decision.**

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**6.4 Clayton South Village Committee**

**Chairperson – Chris Frangopoulos**

*Report of Meeting held on 4 October 2011*

**Highlight: The attendance of the Mayor, Cr Brownlees**

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- 6.5 Clarinda/Oakleigh South Village Committee**  
**Chairperson – Veeda Oakley**  
*Report of Meeting held on 5 October 2011*

**Highlight: The Committee would like to thank Council for the successful Bald Hill Park Launch event.**

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- 6.6 Patterson Lakes/Carrum Village Committee**  
**Chairperson – Don Reed**  
*Report of Meeting held on 5 October 2011*

**Village Committee Motion:**

Could Council as part of its planning scheme review look to remove anomalies which exist in relation to the planning scheme designations allocated to certain sites within the Carrum/Patterson Lakes area e.g. RZ3.

**Officer Comment: All Kingston Village Committees will be notified of the exhibition of the Kingston Planning Scheme Review and be encouraged to provide feedback.**

**Crs Shewan/Moloney**

That the Village Committee be thanked for its feedback and all Village Committees be notified on Council's Planning Scheme Review as listed in agenda item N 173 on tonight's Council Agenda.

**Carried**

**Highlight: Presentation by Robyn McRae about condition and designation of local open space and its zoning.**

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- 6.7 Aspendale /Edithvale/Aspendale Gardens/Waterways Village Committee**  
**Chairperson – Ken Carney**  
*Report of Meeting held on 6 October 2011*

**Highlight: None**

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- 6.8 Chelsea/Chelsea Heights/Bonbeach Village Committee**  
**Chairperson – John Bainbridge**  
*Report of Meeting held on 12 October 2011*

**Village Committee Motion:**

Kingston Council, like other Municipalities should develop a Waste Management Policy.

**Officer Comment:**

Council has in place a number of Waste Management initiatives.

**Crs Shewan/Moloney**

That the Village Committee be advised of Council's initiatives concerning Waste Management and further that the matter be referred to CIS for Council to consider a review of its waste management policies.

**Carried**

**Highlight: The Prospect of Kingston developing a Waste Management Policy**

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**7. Reports from Delegates Appointed by Council to Various Organisations**

Cr West reported on a recent meeting of the InterCouncil Aboriginal Consultative Committee regarding the promotion of cultural awareness and inclusion in planning issues.

Cr West also reported on a recent meeting of the MAV Planning Advisory Committee and advised of a forum being held on Wednesday 16 November to launch the new Metropolitan Melbourne Strategy.

Cr Shewan reported on the recent "Mayors on Bikes" day and "Ride to Work" day on 12 October 2011 which included representatives from the Melbourne Transport Forum.

**Crs Ronke/Peulich**

That the delegates be thanked and their reports received.

**Carried**

**8. Question Time**

The Mayor informed the meeting that question time would take place at approximately 8.00pm. (Refer to page 72 of the minutes).

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**9. Environmental Sustainability Reports**

**N 165 Town Planning Application Decisions – September, 2011**

**Approved By:** Rachel Hornsby -General Manager, Environmental Sustainability

**Author:** Ian Nice – Manager, Planning

Attached for information is the report of Town Planning Decisions for the month of September, 2011.

A summary of the decisions is as follows:

<b>Type of Decision</b>	<b>Number of Decisions Made</b>	<b>Percentage (%)</b>
Planning Permits	101	77
Notice of Decision	10	7
Refusal to Grant a Permit	4	3
Other - Withdrawn (5) - Prohibited (0) - Permit not required (3) - Lapsed (7)	17	13
<b>Total</b>	<b>132</b>	<b>100</b>

(NB: Percentage figures have been rounded)

**Recommendation**

That the report be noted.

**Crs Peulich/Ronke**

That the report be noted.

**Carried**



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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>	<b>VCAT DECISION</b>
KP-216/2011	7 Castaway Court	PATTERSON LAKES	6/04/2011	1/09/2011	Replace Jetty 221	Permit issued	No
KP-315/2011	7 Keiller Avenue	PARKDALE	12/05/2011	1/09/2011	Two (2) Lot Subdivision	Permit issued	No
KP-457/2011	20 Enngonia Crescent	CLAYTON SOUTH	4/07/2011	1/09/2011	Develop The Land For The Construction Of A Dwelling Extension In A Land Subject To Inundation Overlay	Permit issued	No
KP-205/2011	208 Nepean Highway	ASPENDALE	31/03/2011	1/09/2011	Develop The Land For The Construction Of Two (2) Dwellings	Lapsed	No
KP-417/2011	1088 Centre Road	OAKLEIGH SOUTH	22/06/2011	1/09/2011	To Develop The Land For The Construction Of Buildings And Works On The Site	Permit issued	No
KP-780/2010/A	11 Glencannon Crescent	CLAYTON SOUTH	1/08/2011	1/09/2011	Develop The Land For The Construction Of Two (2) Dwellings	Permit issued	No
KP-479/2011	104 Valetta Street	CARRUM	12/07/2011	1/09/2011	Develop The Land For The Construction Of A Dwelling Extension In A Special Building Overlay.	Permit issued	No
KP-48/2011	28 Evan Street	PARKDALE	25/01/2011	1/09/2011	Construction Of Two (2) New Dwellings	Permit issued	No
KP-137/2011	199 Gladesville Boulevard	PATTERSON LAKES	7/03/2011	2/09/2011	Develop The Land For The Construction Of A Jetty	Notice of decision	No
KP-80/1999/A	9-11 Manikato Avenue	MORDIALLOC	19/11/2010	2/09/2011	Nineteen (19) Dwellings	Permit issued	No
KP-809/2008	50 Ella Grove	CHELSEA	27/08/2008	5/09/2011	Three (3) Dwellings	Withdrawn	No

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KP-337/2011	7 35 Taunton Drive	CHELTENHAM	24/05/2011	6/09/2011	Construct Building & Works (Mezzanine Floor) With A Reduction In Carpaking Pursuant To Clause 52.06 Of The Kingston Planning Scheme	Permit issued	No
KP-601/2011	20 Acacia Crescent	PATTERSON LAKES	18/08/2011	6/09/2011	Replace Jetty 74	Permit issued	No
KP-524/2011	15 Castaway Court	PATTERSON LAKES	25/07/2011	6/09/2011	Jetty Replacement (Jetty #217)	Permit issued	No
KP-522/2011	13 Seafarer Court	PATTERSON LAKES	25/07/2011	6/09/2011	Jetty Replacement (Jetty No. 204)	Permit issued	No
KP-424/2011	40 Schooner Bay Drive	PATTERSON LAKES	27/06/2011	6/09/2011	Jetty Replacement (Jetty No.14)	Permit issued	No
KP-264/2008	3 Kingston Road	HEATHERTON	11/03/2008	6/09/2011	Residential Building	Withdrawn	No
KP-354/2011	3 Seafarer Court	PATTERSON LAKES	27/05/2011	6/09/2011	Replace Jetty 210	Permit issued	No
KP-520/2011	7 Swallow Court	PATTERSON LAKES	25/07/2011	6/09/2011	Replace Jetty No. 80	Permit issued	No
KP-215/2011	8 Swallow Court	PATTERSON LAKES	8/04/2011	6/09/2011	Develop The Land For The Construction Of A Jetty	Notice of decision	No
KP-729/2010	5 41 Gladesville Boulevard	PATTERSON LAKES	11/10/2010	6/09/2011	Dwelling Ext	Refused	No
KP-436/2011	131 McDonald Street	MORDIALLOC	23/06/2011	8/09/2011	Twenty-Four (24) Lot Subdivision	Permit issued	No
KP-415/2011	649-681 Clayton Road	CLARINDA	21/06/2011	8/09/2011	To Construct A Business Identification Sign On This Site	Permit issued	No

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KP-896/2010	1 Kingston Road	HEATHERTON	13/12/2010	8/09/2011	Three (3) Lot Subdivision / Create Easement	Permit issued	No
KP-841/2010	29 Naples Road	MENTONE	22/11/2010	8/09/2011	Two (2) Dwellings	Permit issued	No
KP-380/2011	24 Warren Road	MORDIALLOC	6/06/2011	8/09/2011	Single Dwelling On Land Subject To A Special Building Overlay	Permit issued	No
KP-533/2011	1 Darvall Court	CHELTENHAM	27/07/2011	8/09/2011	Two (2) Lot Subdivision	Permit issued	No
KP-872/2010	307 Station Street	CHELSEA	2/12/2010	8/09/2011	Develop The Land For The Construction Of Twenty-Three (23) Dwellings	Permit issued	Yes
KP-76/2011	55 Swan Walk	CHELSEA	8/02/2011	8/09/2011	Two (2) Dwellings	Permit issued	No
KP-269/2011	2 Byron Street	CLAYTON SOUTH	20/04/2011	8/09/2011	Two (2) Dwellings	Permit issued	No
KP-57/2011	2 True Avenue	CARRUM	31/01/2011	8/09/2011	Proposed Additions And Alterations To Existing Unit	Permit issued	No
KP-454/2011	286 Charman Road	CHELTENHAM	4/07/2011	8/09/2011	Advertising Signage (Temporary)	Permit issued	No
KP-157/2011	11 Rosebud Avenue	MOORABBIN	10/03/2011	8/09/2011	Two (2) Dwellings	Permit issued	No
KP-451/2011	216 Wickham Road	HIGHETT	30/06/2011	8/09/2011	Advertising Sign	Lapsed	No
KP-407/2011	262 Gladesville Boulevard	PATTERSON LAKES	16/06/2011	8/09/2011	Replace Jetty 125a	Permit issued	No
KP-410/2011	22 Brigantine Court	PATTERSON LAKES	16/06/2011	8/09/2011	Replace Jetty 28	Permit issued	No
KP-411/2011	1 Clipper Island	PATTERSON LAKES	16/06/2011	8/09/2011	Replace Jetty 24	Permit issued	No

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KP-331/2011	7 Cocos Court	PATTERSON LAKES	20/05/2011	8/09/2011	Replace Jetty 192	Permit issued	No
KP-504/2011	8 Curlew Point Drive	PATTERSON LAKES	19/07/2011	8/09/2011	Replace Jetty No. 124	Permit issued	No
KP-474/2011	10 Palm Beach Drive	PATTERSON LAKES	4/07/2011	8/09/2011	Replace Jetty 214	Permit issued	No
KP-222/2011	5 Gouldthorp Avenue	MENTONE	31/03/2011	8/09/2011	Develop The Land For The Construction Of Two (2) Dwellings	Permit issued	No
KP-51/2011	34 Milton Avenue	CLAYTON SOUTH	28/01/2011	8/09/2011	Construction Of Four (4) Dwellings	Permit issued	No
KP-109/2011	4 Palm Beach Drive	PATTERSON LAKES	23/02/2011	8/09/2011	Two (2) Dwellings & Two (2) Lot Subdivision	Permit issued	No
KP-295/2011	1 Dyer Court	CLARINDA	9/05/2011	8/09/2011	Three (3) Lot Subdivision	Permit issued	No
KP-258/2011	80 Sherwood Avenue	CHELSEA	15/04/2011	8/09/2011	Two (2) Lot Subdivision	Permit issued	No
KP-801/2010	8-26 Canterbury Road	BRAESIDE	9/11/2010	9/09/2011	Use And Development Of The Site For A Brothel	Permit issued	Yes
KP-330/2011	14 Beachcomber Court	PATTERSON LAKES	20/05/2011	12/09/2011	Replace Jetty 227	Permit issued	No
KP-401/2011	9 Centre Dandenong Road	CHELTENHAM	15/06/2011	12/09/2011	Building & Works	Permit issued	No
KP-838/2010	445 Main Street	MORDIALLOC	22/11/2010	12/09/2011	Two (2) Dwellings	Permit issued	No
KP-377/2011	6 9 Golden Avenue	CHELSEA	3/06/2011	12/09/2011	Section 32 Plan / Two (2) Lot Subdivision	Lapsed	No
KP-541/2011	89 Rowans	MOORABBIN	29/07/2011	12/09/2011	Subdivide The Land Into Two (2)	Withdrawn	No

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	Road				Lots		
KP-214/2006/A	168 Beach Road	PARKDALE	8/02/2011	13/09/2011	Amend Unit 4 To Include A Roof Top Deck	Permit issued	No
KP-21/2011	9 Oakes Avenue	CLAYTON SOUTH	17/01/2011	13/09/2011	Develop The Land For The Construction Of Three (3) Dwellings	Permit issued	No
KP-536/2011	27 97 Broadway	BONBEACH	22/07/2011	13/09/2011	Develop The Land For The Construction Of A Dwelling Extension	Permit not required	No
KP-267/2011	12 Station Road	CHELtenham	21/04/2011	13/09/2011	Construct Buildings & Works (Dwelling Extension)	Permit issued	No
KP-492/2011	53 Scotch Parade	BONBEACH	18/07/2011	14/09/2011	Develop The Land For The Construction Of One (1) Dwelling To The Rear Of The Existing Dwelling	Lapsed	No
KP-461/2011	64 Church Road	CARRUM	5/07/2011	14/09/2011	Four (4) Lot Subdivision / Create Easement	Permit issued	No
KP-345/2011	42 Patterson Street	BONBEACH	25/05/2011	14/09/2011	Develop The Land For The Construction Of A One (1) Dwelling To The Rear Of An Existing Dwelling	Permit issued	No
KP-895/2010	4 94-102 Keys Road	CHELtenham	13/12/2010	14/09/2011	Section 32 Plan - 2 Lot Subdivision	Permit issued	No
KP-239/2011	26 Mill Street	ASPENDALE	8/04/2011	14/09/2011	Two (2) Dwellings & Two (2) Lot Subdivision	Permit issued	No
KP-78/2009	89 Rowans Road	MOORABBIN	12/02/2009	14/09/2011	Secondary Consent	Permit issued	No

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KP-800/2010	3 Kingston Road	HEATHERTON	8/11/2010	14/09/2011	Thirty-Three (33) Lot Subdivision - Staged	Permit issued	No
KP-285/2011	11 Rosebank Avenue	CLAYTON SOUTH	3/05/2011	15/09/2011	Four (4) Dwellings	Permit issued	No
KP-133/2004	21 Thompson Road	PATTERSON LAKES	5/03/2004	16/09/2011	Extension To Shopping Centre	Withdrawn	No
KP-673/2011	19 Arunta Crescent	CLARINDA	7/09/2011	16/09/2011	Two (2) Lot Subdivision	Permit issued	No
KP-343/2011	26 Westley Street	CARRUM	23/05/2011	16/09/2011	To Subdivide The Land Into Two (2) Lots Within A Special Building Overlay.	Permit issued	No
KP-608/2011	43 Ella Grove	CHELSEA	10/08/2011	16/09/2011	Subdivide The Land Into Three (3) Lots	Permit issued	No
KP-642/2011	208 Gladesville Boulevard	PATTERSON LAKES	26/08/2011	19/09/2011	Develop The Land For The Construction Of A Jetty	Permit issued	No
KP-519/2011	19 Swallow Court	PATTERSON LAKES	25/07/2011	19/09/2011	Develop The Land For The Construction Of A Jetty	Permit issued	No
KP-603/2011	101 Palm Beach Drive	PATTERSON LAKES	18/08/2011	19/09/2011	Develop The Land For The Replacement Of A Jetty	Permit issued	No
KP-426/2011	28 Acacia Crescent	PATTERSON LAKES	27/06/2011	19/09/2011	Jetty Replacement (Jetty No. 72)	Permit issued	No
KP-550/2011	18 Brigantine Court	PATTERSON LAKES	29/07/2011	19/09/2011	Replace Jetty 27	Permit issued	No
KP-471/2011	17 Coral Island Court	PATTERSON LAKES	4/07/2011	19/09/2011	Replace Jetty No. 170	Permit issued	No
KP-199/2011	29 Glenola Road	CHELSEA	4/04/2011	19/09/2011	Three (3) Lot Subdivision	Permit issued	No
KP-619/2011	9 Matilda Road	MOORABBIN	12/08/2011	19/09/2011	Two (2) Lot Subdivision	Permit issued	No

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KP-569/2011	8 Roseberry Avenue	CHELSEA	9/08/2011	19/09/2011	Two (2) Lot Subdivision / Create Easement	Permit issued	No
KP-433/2011	57 Catherine Avenue	CHELSEA	26/06/2011	19/09/2011	Three (3) Lot Subdivision	Permit issued	No
KP-646/2004/A	120-122 White Street	MORDIALLOC	15/03/2010	19/09/2011	Ten (10) Dwellings	Lapsed	No
KP-334/2011	18 Independence Street	MOORABBIN	20/05/2011	19/09/2011	Construct Buildings & Works (Dust Extractor/Briquetter Machine)	Lapsed	No
KP-633/2010	547 Highett Road	HIGHETT	9/09/2010	19/09/2011	Change Of Use & Signage	Permit not required	No
KP-7/2011	26 Clay Street	MOORABBIN	6/01/2011	19/09/2011	Three (3) Dwellings	Notice of decision	No
KP-500/2011	2 Wallum Road	EDITHVALE	18/07/2011	19/09/2011	Subdivide The Land Into Two (2) Lots	Permit issued	No
KP-472/2011	11-13 Coral Island Court	PATTERSON LAKES	7/07/2011	19/09/2011	Develop The Land For The Construction Of A Jetty	Permit issued	No
KP-549/2011	155 Palm Beach Drive	PATTERSON LAKES	29/07/2011	19/09/2011	Replace Jetty 160	Permit issued	No
KP-386/2011	29 Curlew Point Drive	PATTERSON LAKES	7/06/2011	19/09/2011	Replace Jetty 106	Permit issued	No
KP-390/2011	20 Beachcomber Court	PATTERSON LAKES	7/06/2011	19/09/2011	Develop The Land For Construction Of A Jetty	Permit issued	No
KP-620/2011	2 Blagdon Street	CHELTENHAM	12/08/2011	20/09/2011	Subdivide The Land Into Ten (10) Lots	Permit issued	No

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KP-144/2011	53 McKay Street	MORDIALLOC	7/03/2011	20/09/2011	Two (2) Dwellings	Notice of decision	No
KP-249/2011	2 52 Nepean Highway	ASPENDALE	13/04/2011	20/09/2011	Construct An Extension To A Dwelling On A Lot Less Than 300 Square Metres	Permit issued	No
KP-650/2011	40 Chelsea Road	CHELSEA	30/08/2011	20/09/2011	Subdivide The Land Into Two (2) Lots	Permit issued	No
KP-574/2011	53 Flinders Street	MENTONE	9/08/2011	20/09/2011	Two (2) Lot Subdivision / Create Easement	Permit issued	No
KP-575/2011	1156 Nepean Highway	CHELTHENHAM	9/08/2011	20/09/2011	Use The Land As A Restricted Recreation Facility (Gym)	Permit issued	No
KP-505/2008/A	104 Bernard Street	CHELTHENHAM	2/06/2011	21/09/2011	Created In Error Please See Kp505/2008 For Secondary Consent	Permit not required	No
KP-103/2011	32 Keefer Street	MORDIALLOC	22/02/2011	22/09/2011	Two (2) Dwellings	Withdrawn	No
KP-430/2011	58-70 Viney Street	CLARINDA	27/06/2011	22/09/2011	To Use The Land For The Sale Of Liquor	Permit issued	No
KP-165/2011	162-176 Kingston Road	HEATHERTON	17/03/2011	22/09/2011	To Use The Site For Animal Keeping	Permit issued	No
KP-233/2008	255-273 Centre Dandenong Road	CHELTHENHAM	29/02/2008	22/09/2011	Liquor Licence	Refused	No
KP-905/2010	Shop 25 171-187 Nepean Highway	MENTONE	15/12/2010	22/09/2011	Change Of Use - Licenced Restaurant	Notice of decision	No
KP-110/2011	16 Fifth Street	PARKDALE	23/02/2011	22/09/2011	Two (2) Dwellings	Notice of decision	No



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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>	<b>VCAT DECISION</b>
KP-501/2011	2 Birdwood Street	PARKDALE	20/07/2011	22/09/2011	Develop The Land For The Construction Of A Dwelling Extension In A Design And Development Overlay	Permit issued	No
KP-214/2011/A	6 Sycamore Avenue	MENTONE	2/08/2011	22/09/2011	Two (2) Lot Subdivision	Withdrawn	No
KP-270/2011	1486-1550 Centre Road	CLAYTON SOUTH	21/04/2011	23/09/2011	Buildings & Works	Permit issued	No
KP-576/2011	Unit 1 24 Arunta Crescent	CLARINDA	9/08/2011	23/09/2011	Two (2) Lot Subdivision	Permit issued	No
KP-245/2011	49 Eulinga Road	CLARINDA	11/04/2011	23/09/2011	Four (4) Double Storey Dwellings	Permit issued	No
KP-915/2010	7 Alfred Street	HIGHETT	21/12/2010	23/09/2011	Four (4) Dwellings	Notice of decision	No
KP-348/2011	4 140-148 Chesterville Road	CHELTENHAM	25/05/2011	23/09/2011	Use The Land As A Restricted Recreation Facility (Indoor Ski And Snowboard Training Centre) And Develop The Land For The Construction Of One (1) Internally-Illuminated Business Identification Sign And Two (2) Flood-Lit Business Identification Signs	Permit issued	No
KP-256/2011	75-83 Woodlands Drive	BRAESIDE	15/04/2011	23/09/2011	Buildings & Works	Permit issued	No
KP-572/2011	10 Roseberry Avenue	CHELSEA	9/08/2011	26/09/2011	Two (2) Lot Subdivision / Create Easement	Permit issued	No

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KP-545/2011	Shop 550-552 Main Street	MORDIALLOC	27/07/2011	26/09/2011	Develop The Land For The Construction Of One (1) Business Identification Sign	Permit issued	No
KP-277/2011	17 Camelia Grove	CHELTENHAM	29/04/2011	27/09/2011	Three (3) Dwellings	Permit issued	No
KP-488/2011	29 Wells Road	CHELSEA HEIGHTS	8/07/2011	27/09/2011	Boundary Re-Alignment / Carriageway Easement	Permit issued	No
KP-370/2011	64 Rae Avenue	EDITHVALE	3/06/2011	27/09/2011	Two (2) Dwellings	Permit issued	No
KP-50/2011	38 Melrose Street	PARKDALE	25/01/2011	27/09/2011	Construct Three (3) Dwellings	Permit issued	No
KP-398/2011	236 Centre Dandenong Road	CHELTENHAM	9/06/2011	27/09/2011	Develop The Land For The Construction Of Warehouse/Office And Reduction In Carparking Requirements	Permit issued	No
KP-224/2011	407-408 Nepean Highway	CHELSEA	5/04/2011	28/09/2011	Installation Of Automatic Teller Machine (Atm)	Permit issued	No
KP-710/2006	102A Beach Road	MENTONE	30/09/2006	28/09/2011	Two (2) Dwellings	Permit issued	No
KP-879/2010	REAR 47-49 Malcolm Road	BRAESIDE	3/12/2010	28/09/2011	Transfer Station/Buldings & Works	Permit issued	No
KP-382/2010	12 Ross Street	ASPENDALE	21/06/2010	28/09/2011	Six (6) Dwellings	Refused	No
KP-75/2011	28 Garfield Street	CHELTENHAM	7/02/2011	28/09/2011	To Develop The Land For The Construction Of Forty (40) Dwellings	Refused	Yes
KP-408/2011	6 Coral Island Court	PATTERSON LAKES	16/06/2011	29/09/2011	Develop The Land For The Construction Of A Jetty	Permit issued	No

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KP-235/2010	236 Clarinda Road	HEATHERTON	22/04/2010	29/09/2011	Plant Nursery	Notice of decision	No
KP-551/2011	1 5-7 Murdock Street	CLAYTON SOUTH	1/08/2011	29/09/2011	Subdivide The Land Into Three (3) Lots	Permit issued	No
KP-699/2010	1228 Nepean Highway	CHELTENHAM	1/10/2010	29/09/2011	Development And Use Of The Land For One Hundred And Ninety (190) Dwellings, Offices, Commercial Display Areas (Showrooms) And A Food And Drinks Premises (Kiosk/Cafe), With A Reduction In The Car Parking Requirement Pursuant To Clause 52.06, And Waiver Of	Notice of decision	No
KP-644/2010	236 Clarinda Road	HEATHERTON	15/09/2010	29/09/2011	Earthworks & Fill	Notice of decision	No
KP-284/2011	3 Church Road	CARRUM	5/05/2011	29/09/2011	Three (3) Dwellings	Lapsed	No
KP-682/2004	4 94-102 Keys Road	CHELTENHAM	17/09/2004	30/09/2011	Take Away Food Premises	Permit issued	No
KP-143/2011	16 22-24 Bond Street	MORDIALLOC	7/03/2011	30/09/2011	Develop The Land For The Construction Of Works Associated With A Bakery (Industry) With A Reduced Car Parking Requirement Pursuant To Clause 52.06 (Car Parking) And A Variation To The Requirements Pursuant To Clause 52.07 (Loading & Unloading Of Vehicles)	Permit issued	No

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KP-339/2011	10 Chandler Street	PARKDALE	19/05/2011	30/09/2011	The Subdivision Of The Land Into Two (2) Lots With Common Property	Permit issued	No
KP-374/2011	55 Grange Road	CHELTENHAM	3/06/2011	30/09/2011	Use The Land For The Purpose Of An Education Centre (Flight School) And The Construction Of One (1) Business Identification Sign	Permit issued	No
KP-530/2011	53A Embankment Grove	CHELSEA	26/07/2011	30/09/2011	Develop The Land For The Construction Of A Garage Within A Special Building Overlay	Lapsed	No
KP-720/2011	21 Thompson Road	PATTERSON LAKES	20/09/2011	30/09/2011	Develop The Land For The Construction Of An Advertising Sign	Permit issued	No
KP-419/2011	99-105 Woodlands Drive	BRAESIDE	22/06/2011	30/09/2011	Develop The Land For The Construction Of A Shade Structure	Permit issued	No

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**KP101/11 – 13 Lochiel Avenue, Edithvale**

<b>APPLICANT</b>	Bill Jacobs Pty Ltd
<b>ADDRESS OF LAND</b>	No. 13 Lochiel Avenue (Lot 1 on TP 408857Y), EDITHVALE VIC 3196
<b>PROPOSAL</b>	Develop the land for the construction of two (2) dwellings
<b>PLANNING OFFICER</b>	Emma Hilderink
<b>REFERENCE NO.</b>	KP-101/2011
<b>RELEVANT STATE PLANNING POLICY FRAMEWORK</b>	Clause 11 (Settlement) Clause 12: (Environmental and Landscape Values) Clause 15: (Built Environment and Heritage) Clause 16: (Housing)
<b>RELEVANT LOCAL PLANNING POLICY FRAMEWORK</b>	Clause 21.05: MSS – Residential Land Use Clause 22.11: Residential Development Policy
<b>ZONE</b>	Clause 32.06 – Residential 3 Zone
<b>OVERLAYS</b>	None
<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>	Incremental Housing Change
<b>ABORIGINAL CULTURAL HERITAGE SENSITIVITY</b>	No
<b>DECISION DATE BY</b>	2 <sup>nd</sup> August 2011
<b>STATUTORY DAYS</b>	110 days at 21/09/2011
<b>CONSIDERED PLAN REFERENCES/DATE RECEIVED</b>	20 <sup>th</sup> May 2011

**1.0 KEY ISSUES RELATING TO THIS APPLICATION**

- Neighbourhood character
- Double storey dwelling at the rear of the site

**2.0 PROPOSAL**

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

2.2 Development summary:

Dwelling	Floor Area (excluding garage / verandah)	Private Open Space	No. of Bedrooms proposed	No. of Car Parking Spaces provided

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<b>1</b>	290.44m <sup>2</sup>	71m <sup>2</sup> of secluded private open space	3	Double garage & tandem space
<b>2</b>	199.91m <sup>2</sup>	68m <sup>2</sup> of secluded private open space	3	Double garage

2.3 The proposal has an overall site coverage of 55 percent and a permeability percentage of 27.

2.4 Development Assessment Table:

<b>Criteria</b>	<b>ResCode Requirement</b>	<b>Proposed Development Provision</b>
<b>Private Open Space</b>	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: does not comply (refer to Rescode section of the report for discussion).
<b>Car Parking</b>	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
<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 50% - as per Schedule to the Residential 3 Zone	Site coverage is 55% and therefore does not comply

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

Roof:	Metal sheet: 'zincalume'
Walls:	Brick: 'canterbury' & Render: 'surfmist'
Garage doors	Unspecified
Windows:	Aluminium: 'vivid white'
Driveways:	Concrete paving
Front fencing:	None

**3.0 SITE & SURROUNDS**

3.1 The subject site comprises a 789m<sup>2</sup> allotment on the north-western side of Lochiel Avenue in Edithvale. It currently contains a single storey weatherboard dwelling with a colorbond roof that maintains an 11.3 metre frontage setback. The site does not contain any significant vegetation. There appear to be no restrictions listed on the Certificate of Title.

- 3.2 Vehicle access to the site is currently via a single width crossover located on the south-western side of the site's Lochiel Avenue frontage. There is no front fencing.
- 3.3 The site is situated directly opposite the north-western end of Clyde Bank Road. There is an existing Church on land to the south on the opposite corner of Lochiel Avenue and Clydebank Road. The properties directly adjoining the site on either side contain single-storey weatherboard and fibreboard dwellings with associated outbuildings. Both dwellings abutting the site have open backyard areas to the rear. The dwelling abutting the subject site to the east has a street setback of 7.6 metres; and the dwelling abutting the site to the west has a street setback of 10.3 metres, however an open sided carport attached to that dwelling reduces the street setback to 7.6 metres. Abutting the site to the rear (northwest) is a double-storey weatherboard dwelling with an open backyard adjoining the subject site.
- 3.4 The surrounding area typically comprises of single storey and double storey brick and weatherboard dwellings with pitched roofs. There are a number of double storey dwellings near the Lochiel Avenue and Station Street intersection. There is no predominant fencing style in the neighbourhood.

#### **4.0 TITLE DETAILS**

- 4.1 The copy of title provided with the application show that there are no restrictive covenants or any other encumbrances on the title.

#### **5.0 PLANNING CONTROLS**

- 5.1 The subject site is located within a Residential 3 Zone. There are no Overlays.

#### **6.0 PLANNING PERMIT REQUIREMENTS**

- 6.1 Pursuant to Clause 32.06-4 of the Kingston Planning Scheme 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 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. One objection to the application was received via email. The grounds of concern raised in the email are as follows:

- Construction impacts
- Neighbourhood character
- Vegetation

- 8.2 The emailed objection does not contain any contact details, accordingly Council has contacted the objector to confirm their contact details and that they wish to have their

objection formally considered. Council has not yet received a response to this request and failing receipt of a response the objection will be discounted.

## **9.0 PRELIMINARY CONFERENCE MEETING**

The objector was invited to attend a preliminary conference meeting, however they did not confirm their wish to attend, and subsequently the meeting was cancelled. The objection remains outstanding at this time.

## **10.0 REFERRALS**

10.1 The following internal referral departments were notified:

- Council's Development Engineer
- Council's Vegetation Management Officer
- Council's Traffic Department

10.2 The Council's Development Engineer had no objection to the proposal, subject to conditions being included on any permit issued relating to the disposal of stormwater and the provision of a rainwater tank for toilet flushing. The Council's Development Engineers also recommended that the 6m<sup>3</sup> of storage area be relocated outside of the garages.

10.3 The Council's Vegetation Management Officer had no objection to the proposal; subject to a condition being included on any permit issued requiring the provision of a landscape plan.

10.4 The Council's Traffic Department had no objection to the proposal, subject to conditions being included on any permit issued requiring a Traffic Management Plan and conditions relating to the entry and egress of vehicles to and from the site along Lochiel Avenue and Clydebank Road.

Notwithstanding the above advice it is considered unreasonable to request a Traffic Management Plan for the residential development of the site for two dwellings. In addition conditions on the way vehicles enter and exit the site are considered unnecessary due to the location of the traffic islands outside the subject site which effectively dictate the traffic flow in this location already.

## **11.0 RELEVANT POLICIES**

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

Clause 11 (Settlement)  
Clause 12: (Environmental and Landscape Values)  
Clause 15: (Built Environment and Heritage)  
Clause 16: (Housing)

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

Clause 21.05 (Residential Land Use)  
Clause 22.11 (Residential Development Policy)



11.3 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.

11.4 General Provisions

Clause 65 (Decision Guidelines)

11.5 Other

*Neighbourhood Character Area Guidelines (Incorporated Document)*

The land is located within Area 67 of the Neighbourhood Character Guidelines. The proposal is generally in accordance with the applicable character profile. The only characteristic that makes a major contribution to the profile area is that most houses are single storey high, orientated towards the street and detached. While the proposal is for two detached double storey dwellings it is noted that the existing neighbourhood character contains a mix of double and single storey dwellings, and that there are also examples of attached built form in the close vicinity of the subject site.

*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. The subject site is located in an area designated for Incremental Housing Change, where it is policy to encourage lower density housing forms with a predominance of single dwelling and the equivalent of dual occupancy developments on average sized allotments. The proposal has been assessed against the Design Contextual Housing Guidelines. Relevant design suggestions within the Guidelines are discussed below:

*Front boundary and garden*

The development has been designed to allow the retention of some of the existing mature trees and shrubs located within the front garden. Further landscaping is proposed, including the planting of medium sized canopy trees within the open space areas of each dwelling.

***Building footprint***

Neighbourhood character is primarily experienced from the street. The siting of a building and its footprint is important, particularly in streetscapes of detached and semi-detached dwellings where they are an identifiable character element. Building footprints may vary towards the rear without necessarily detracting from neighbourhood character.

*Built form, siting and scale of development*

- 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.

The development incorporates a range of building materials in an attempt to reduce the ‘box-like’ design of the double storey dwellings when viewed from the east and the west. The first floor level of the rear dwelling is considered to be reasonably articulated and is significantly smaller in size than the ground floor below thereby reducing visual bulk.

*Garages and carports*

It is noted that the garage proposed for Dwelling 1 is not adequately recessed behind the front wall of the dwelling, and given that this is a double garage it has the ability to dominate the street frontage. As such, a condition of any approval issued will require that the garage be recessed behind the front wall of the dwelling.

**12.0 PLANNING CONSIDERATIONS:**

**12.1 State Planning Policy Framework**

The State Planning Policy Framework sets out the relevant state-wide policies for residential development at **Clause 11** (Settlement), **Clause 15** (Built Environment and Heritage) and **Clause 16** (Housing). Essentially, the provisions within these clauses seek to achieve the fundamental objectives and policy outcomes sought by the Metropolitan Strategy – ‘Melbourne 2030’ and its recent update ‘Melbourne @ 5 Million’, which have been removed from an individual clause and integrated throughout the State Planning Policy Framework.

The settlement policies at **Clause 11** seek to ensure a sufficient supply of land is available for all forms of land use in Victoria. Of particular relevance to housing, **Clause 11** promotes housing diversity and urban consolidation objectives in the established urban realm. **Clause 11.02-1** states that Planning Authorities should plan to accommodate projected population growth over at least a 15 year period, taking account of opportunities for redevelopment and intensification of existing urban areas as well consideration being had for environmental aspects, sustainable development and the costs associated with providing infrastructure. This clause states:

§ *Planning for urban growth, should consider:*

- *Opportunities for the consolidation, redevelopment and intensification of existing urban areas;*
- *Neighbourhood character and landscape considerations;*
- *The limits of land capability and natural hazards and environmental quality;*
- *Service limitations and the costs of providing infrastructure.*

**Clause 11.01-2** places particular emphasis on providing increased densities of housing in and around activity centres or sites that have good access to a range of services, facilities and transport options.

**Clause 15** (Built Environment and Heritage) aims to ensure all new land use and development appropriately responds to its landscape, valued built form and cultural context,

and protect places and sites with significant heritage, architectural, aesthetic, scientific and cultural value.

Housing objectives are further advanced at **Clause 16**. This Clause aims to encourage increased diversity in housing to meet the needs of the community through different life stages and respond to market demand for housing. In much the same vein as **Clause 11**, this Clause advances notions of consolidation of existing urban areas, particularly in and around activity centres and employment corridors that are well served by all infrastructure and services.

The policies contained within **Clause 16.01-4** encourage the provision of range of housing types to meet the increasingly diverse needs of the community. Emphasis is placed on development of well-designed medium density housing with respect to neighbourhood character. Further, this Clause aims to make better use of the existing infrastructure and provide more energy efficient housing.

Policies pertaining to urban design, built form and heritage outcomes are found at **Clause 15** of the State Planning Policy Framework. Of particular significance, **Clause 15.01** encourages development to achieve high quality architectural and urban design outcomes that contribute positively to neighbourhood character, minimises detrimental amenity impacts and achieves safety for future residents, and the community, through good design. The provisions of **Clause 15.02** promote energy and resource efficiency through improved building design, urban consolidation and promotion of sustainable transport.

It is submitted that the proposed development satisfies the aforementioned State strategies and policy direction. Specifically, the subject site is located on land earmarked for residential purposes, whereby residential development is an 'as of right' use under the zoning provisions. With modifications, the development itself can achieve an acceptable design outcome for the site and its immediate abuttal's, whilst enjoying convenient and direct access to community facilities and the like, including public transport nodes.

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.

## 12.2 Local Planning Policy Framework

The City of Kingston's MSS at **Clause 21.05** (Residential Land Use) of the Kingston Planning Scheme, seeks to provide guidance to development in residential zoned land, mixed use zoned lands and land within activity centres. The Residential Land Use Framework Plan illustrates the range of housing outcomes sought across the City of Kingston.

Council's Local Planning Policy at **Clause 21.05** essentially reinforces State Planning Policy relevant to housing, stressing the need to encourage urban consolidation in appropriate locations and to accommodate projected population increases.

The subject site is located within an *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 each 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 streetscape character, and the broader local neighbourhood character.

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

Clause 22.11 of the Kingston Planning Scheme encourages single dwellings or dual occupancy style developments on 'average sized lots' within areas designated for Incremental Housing Change. Council's Strategic Planning Department undertook a study across the municipality in 2003 to identify any emerging patterns with regard to average lot sizes. As such, six (6) areas were identified within the municipality, each having their own 'average lot size' calculation.

The subject site is identified within Area 6 of this study. The average lot size within this area has been calculated to be 578.1m<sup>2</sup>, which results in a suggested development density of 1 dwelling per 289.05m<sup>2</sup>. It is therefore considered that this proposal would meet this strategy as the subject site has an area of 789m<sup>2</sup>.

#### **Built form, siting and scale of development**

Where a permit is required for residential development it is policy 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.

The proposal has been assessed against the objectives and policy of the Residential Development Policy. The upper storey components of the development, particularly of Dwelling 2 to the rear of the site, have been designed to respond to the local character by setting back the building envelop from the ground storey below, by minimising overshadowing and avoid over-looking into adjoining properties, and by articulating the elevation to avoid 'box-like' double storey design. The existing local neighbourhood is characterised by predominantly single-storey dwellings but with examples of double-storey dwellings in the near vicinity of the subject site. For these reasons it is considered that the proposal satisfactorily meets these requirements of the Residential Development Policy.

### 12.3 Zoning Provisions

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

The Schedule to the Residential 3 Zone specifies variations to three standards of Clause 55 (ResCode), namely:

*Standard B8 – Site Coverage:* The local variation is nominated as a maximum of 50%. The proposed site coverage for the development is 55% and is therefore not consistent with the Schedule requirements. See Section 12.0 of this report.

*Standard B28 – Private Open Space:* The local variation requires 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 or residential building with a minimum area of 40m<sup>2</sup>, a minimum dimension of 5 metres and convenient access from a living room. If a dwelling has more than 2 bedrooms an additional ground level private open space area of 20m<sup>2</sup> with a minimum width of 3 metres is required to be provided for each additional bedroom, with a maximum of 80m<sup>2</sup> of private open space required for the dwelling. See Section 12.0 of this report.

*Standard B32 – Front Fences:* The local variation requires a front fence within 3 metres of a street must not exceed 2 metres in height for streets in a Road Zone – Category 1 or 1.2 metres in height for any other street. No front fence is proposed.

### **13.0 RESCODE ASSESSMENT**

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 the requirements of ResCode. There are however some areas of non-compliance which are as follows:

#### **Clause 55.02 - Neighbourhood Character & Infrastructure**

**Standard B1 Neighbourhood Character** – The Residential Development Policy contained at Clause 22.11 of the Kingston Planning Scheme aims to ensure that two storey dwellings are designed to respond to the character of the local neighbourhood, and to 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. In addition to this, the two storey component of new medium density housing is encouraged towards the front of the site.

One of the major characteristics of Neighbourhood Character Area No.67 is that most houses are single storey, orientated towards the street and are detached. With respect to the two (2) double storey dwellings on this site it is considered that:

- The dwelling design adequately responds to the character of the broader neighbourhood which includes some double storey dwellings and multi-dwelling development;
- The first floor level of both dwellings have been designed to avoid adverse amenity impacts on abutting properties such as overlooking and overshadowing;
- The upper level component of each dwelling would be adequately set in from the ground level below. The upper level component of dwelling 2 is relatively small comprising only one bedroom;
- Both dwellings maintain adequate side, front and rear boundary setbacks;
- There is space provided within all boundary setbacks to allow for the planting of trees with spreading crowns to soften the appearance of the development; and
- The dwellings are adequately articulated and will not be bulky when viewed from the street or abutting properties.

Given the above, it is considered that the two (2) double storey dwellings can be accommodated on the site.

**Standard B2 Residential Policy** - The development proposes the construction of double storey dwellings to the rear of the site which is generally discouraged by Council Policy. In this instance it is considered that the proposal is consistent with the streetscape and broader neighbourhood character, and the double storey dwellings can be accommodated on the site without adverse impacts to abutting properties.

#### **55.03 Site Layout and Building Massing**

**Standard B6 Street Setback** – The objective of Clause 55.03-1 is to *ensure that the setbacks of buildings from a street respect the existing or preferred neighbourhood character and make efficient use of the site*. While the property abutting the subject site to

the west has a street setback of 10.3 metres, attached to that dwelling is an open-sided carport which has been constructed 7.6 metres from the Lochiel Avenue road boundary. It is considered in this instance that a reduced setback of 7.6 metres is appropriate given the located of the carport and the corresponding 7.6 metre setback of the dwelling abutting the subject site to the east.

**Standard B8 Site Coverage** – The development exceeds the maximum site coverage requirement of 50% by an additional five percent. Notwithstanding this it is considered that the site coverage is acceptable as it respects the existing neighbourhood character which consists of a mix of sites with large open backyard areas and those with sites that have been more recently developed with similar site coverage. It is also considered that the design response is reasonable for the site and that the effect of the visual bulk of the buildings is acceptable.

**Clause 55.05 - On-Site Amenity and Facilities**

**Standard B27 Daylight to New Windows** – A habitable room should be located to face an outdoor space clear to the sky or a light court with a minimum area of 3 square metres and a minimum dimension of 1 metre clear to the sky, not including land on an abutting lot. The living room and meals room windows on the north-eastern elevation of Dwelling 2 fail to meet this Standard due to the eave overhang. A condition of permit will require the roof on the north-eastern elevation of this dwelling to have eaves that extend no more than 200mm beyond the wall.

**Standard B28 Private Open Space** - The Residential 3 Zone Schedule requires 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 meets the private open space requirements of this Standard. Dwelling 2 would have three (3) bedrooms with 68m<sup>2</sup> to the rear that has a dimension of between 3.8 metres and 4.9 metres. It is considered that the private open space location and dimensions proposed are appropriate and justified in this instance. The open space is provided in one usable portion that has good orientation to northern sunlight and can be directly accessed from the meals area.

**Standard B30 Storage** – Council’s Development Approvals Engineer has requested that the storage areas be located outside the garages. A Condition of permit can require this.

**14.0 OBJECTOR CONCERNS**

- 14.1 Construction impacts – the anticipated nuisance impacts such as noise, dust and traffic caused during the construction of two dwellings are not considered unreasonable and will be temporary during the construction phase only.
- 14.2 Neighbourhood character – the proposed dwellings are considered to be respectful of the existing neighbourhood character. See Sections 11.5, 12.0 and 13.0 of this report.



- 14.3 Vegetation – the Council’s Vegetation officer has requested that a landscape plan be provided as a condition on any permit issued. The landscape plan will include the provision of medium sized canopy trees as well as other planting. The proposed development will maintain some of the existing vegetation within the street setback area. There is no significant vegetation to be removed from the site.

**15.0 CONCLUSION:**

- 15.1 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 3 Zoning and the Schedule to the Zone, Clause 55 – Two or more dwellings on a lot and Residential Buildings, and Clause 65 – Decision Guidelines (subject to appropriate conditions).
- 15.2 On balance and subject to the inclusion of suitable conditions, the proposal is considered reasonable and warrants support.

**16.0 RECOMMENDATION:**

That Council resolve to issue a Notice of Decision to Grant a Permit for the development of this site for the construction of two (2) 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 submitted to Council on 20<sup>th</sup> May 2011 but modified to show:
  - a. the provision of a 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 location, 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, grassed areas, retaining walls, fences and other landscape works including areas of cut and fill 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, species must comprise a minimum of 80% indigenous coastal species;
  - v) adequate planting densities (e.g. plants with a mature width of 1 metre, planted at 1 metre intervals);
  - vi) the provision of two (2) suitable medium sized (at maturity) spreading canopy trees within the front setback of the property and one (1) small (at maturity) tree within the rear/side secluded private open space of each dwelling, with all species chosen to be approved by the Responsible Authority;
  - vii) sustainable lawn areas and plant species taking current water restrictions into consideration;
  - viii) all trees provided at a minimum of two (2) metres high at time of planting;
  - ix) medium to large shrubs and trees provided in pot sizes of 200mm;
  - x) the provision of a 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. bedroom 3 of Dwelling 1 provided with fixed obscure glazing to a height of 1.8m above the floor level below;
  - c. the balcony terrace of Dwelling 1 screened in accordance with Clause 55.04 of the Kingston Planning Scheme so as to prevent overlooking into abutting properties;
  - d. a bin storage relocated to the respective rear private open space area of each dwelling; with the area where buns were located provided as a landscape bed;
  - e. the driveway from near the front of the site reduced to 2.6 metres in width with the additional areas created provided as landscaping;
  - f. the surface material of all driveways/accessways and car parking spaces nominated in an all weather coloured concrete sealcoat;
  - g. the garage set back a minimum of 1.0 metre from the front wall of the living room of Dwelling 1;
  - h. the provision of at least 2000 litre rainwater tank clearly nominated for each dwelling with water re-use for toilet flushing;
  - i. the eaves on north-eastern elevation of Dwelling 2 reduced in size so that they extend no more than 200mm beyond the wall;
  - j. the provision of a west elevation plan of Dwelling 1 and an east elevation plan of Dwelling 2; and
  - k. the rear site's (north-western) boundary fence clearly nominated as being along the site's Title boundary.
- 2. The development as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.
  - 3. 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.

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4. 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.
5. 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.
6. 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.).
7. Stormwater works must be provided on the site so as to prevent overflows onto adjacent properties.
8. Stormwater outflow from the development to the Council drainage system should not exceed the predevelopment outflow of the site.
9. 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.
10. 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.
11. 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.
12. 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.
13. 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.

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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. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.
16. 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.

**Note:** Before removing / pruning any vegetation from the site, the applicant or any contractor engaged to remove any vegetation, should consult Council's Vegetation Management Officer to verify if a Local Laws Permits is required for the removal of such vegetation.

**Note:** Prior to the commencement of development you are required to obtain the necessary Road Opening Permit

OR

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

1. The proposal fails to satisfy all of the requirements of Clause 55 of the Kingston Planning Scheme (ResCode), in particular Clause 55.02-1 - Neighborhood Character Objectives, Clause 55.02-2 - Residential Policy Objectives, Clause 55.03-1 - Street Setback Objective, Clause 55.03-3 - Site Coverage Objective, Clause 55.03-8 - Landscaping Objectives, Clause 55.03-9 - Access Objectives, Clause 55.05-3 - Daylight to New Windows Objective, Clause 55.05-4 - Private Open Space Objective, Clause 55.05-6 - Storage Objective, and Clause 55.06-1 - Design Detail Objective.
2. The proposal exhibits excessive bulk and mass.
3. The proposal would have an adverse affect on the amenity of an established residential neighbourhood.

Angelo Paolini addressed the meeting on behalf of the applicant

**Procedural Motion:**

**Crs Staikos/Shewan**

That the matter be deferred until after Item N 167 to allow the applicant time to read the agenda.

The **Motion** was **Carried**

(Refer to page 86 of the minutes for the resolution on Item N 166).

**APPENDIX A – RESCODE ASSESSMENT  
Standard of the Kingston Planning Scheme**

Two or more dwellings on a lot and residential buildings (Clause 55 and Schedule to the Residential 3 Zone)

<b>Title and Objective</b>	<b>Complies with Standard?</b>	<b>Requirement and Proposed</b>
<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.	Yes	The proposal is consistent with the neighbourhood character. The first floor level of Dwelling 2 at the rear of the site is small and well set in from the ground level below.
<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.	Yes	The application proposes two new dwellings in an area designated for incremental change and is well serviced by community infrastructure and facilities. See report.
<b>B3 Dwelling Diversity</b> Encourages a range of dwelling sizes and types in developments of ten or more dwellings.	N/A	
<b>B4 Infrastructure</b> Provides appropriate utility services and infrastructure without overloading the capacity.	Yes	
<b>B5 Integration with the Street</b> Integrate the layout of development with the street	Yes	The dwellings have been adequately articulated, and would integrate well with the streetscape. High fencing has been avoided and Dwelling 1 is orientated towards Lochiel Avenue.
<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.	No	<b>Required:</b> 8.95 metres <b>Proposed:</b> 7.6 metres See report.
<b>B7 Building Height</b> Building height should respect the existing or preferred neighbourhood character.	Yes	<b>Maximum:</b> 9 metres <b>Proposed:</b> 7.87 metres
<b>B8 Site Coverage</b> Site coverage should respect the existing or preferred neighbourhood character	No	<b>Maximum:</b> 50% <b>Proposed:</b> 55% See report.

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Title and Objective	Complies with Standard?	Requirement and Proposed
and respond to the features of the site.		
<b>B9 Permeability</b> Reduce the impact of stormwater run-off on the drainage system and facilitate on-site stormwater infiltration.	Yes	<b>At least:</b> 20% <b>Proposed:</b> 27%
<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.	Yes	Reasonable northern access with the main living rooms facing north and northeast. Two first floor bedrooms of Dwelling 1 and 2 have windows facing southwest, however the shadow diagrams provided with the application show that these rooms will still receive afternoon sunlight.
<b>B11 Open Space</b> Integrate layout of development with any public and communal open space provided in or adjacent to the development.	N/A	
<b>B12 Safety</b> Layout to provide safety and security for residents and property.	Yes	Each dwelling has a clearly defined entry; no unsafe areas are created as a result of the proposal.
<b>B13 Landscaping</b> To provide appropriate landscaping. To encourage: <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>	Yes	An existing mature tree within the front setback area to be retained. There are reasonable areas set aside for landscaping within the front setback and secluded open space areas of each dwelling. A landscape plan is required as condition of permit.
<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.	Yes	Vehicles are able to leave Dwelling 2 garage in a forward manner. Vehicles will reverse from Dwelling 1 garage a short distance onto Lochiel Avenue. Traffic islands outside the property entrance will mean that vehicles entering and exiting the site will travel in the directions recommended by the Council's Traffic Department.
<b>B15 Parking Location</b> Provide resident and visitor vehicles with	Yes	Each dwelling is provided with a lock-up double garage with direct access to the

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Title and Objective	Complies with Standard?	Requirement and Proposed	
<p>convenient parking. Avoid parking and traffic difficulties in the development and the neighbourhood. Protect residents from vehicular noise within developments.</p>		dwelling.	
<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:</b> 2 per dwelling <b>Proposed:</b> 3 for dwelling 1 and 2 for dwelling 2</p>	
<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	<p><b>Dwelling 1</b> <b>Required:</b> <u><i>Ground Floor</i></u> <i>Northwest:</i> N/A <i>Northeast:</i> 1.0m <i>Southeast:</i> N/A (frontage) <i>Southwest:</i> 1.0m</p> <p><u><i>First Floor</i></u> <i>Northwest:</i> N/A <i>Northeast:</i> 1.78m <i>Southeast:</i> N/A (frontage) <i>Southwest:</i> 1.78m</p> <p><b>Dwelling 2</b> <b>Required:</b> <u><i>Ground Floor</i></u> <i>Northwest:</i> 1.0m <i>Northeast:</i> 1.0m <i>Southeast:</i> N/A <i>Southwest:</i> N/A</p> <p><u><i>First Floor</i></u> <i>Northwest:</i> 1.78m <i>Northeast:</i> 1.78m <i>Southeast:</i> N/A <i>Southwest:</i> 1.78m</p>	<p><b>Dwelling 1</b> <b>Proposed:</b> <u><i>Ground Floor</i></u> <i>Northwest:</i> N/A <i>Northeast:</i> 2.24m (and on boundary see Standard B18) <i>Southeast:</i> N/A (frontage) <i>Southwest:</i> 4.0m</p> <p><u><i>First Floor</i></u> <i>Northwest:</i> N/A <i>Northeast:</i> 2.66m <i>Southeast:</i> N/A (frontage) <i>Southwest:</i> 4.65m</p> <p><b>Dwelling 2</b> <b>Proposed:</b> <u><i>Ground Floor</i></u> <i>Northwest:</i> 3.75m <i>Northeast:</i> 1.2m (and on boundary see Standard B18) <i>Southeast:</i> 0m (see Standard B18) <i>Southwest:</i> N/A</p> <p><u><i>First Floor</i></u> <i>Northwest:</i> 6.78m <i>Northeast:</i> 3.2m <i>Southeast:</i> N/A <i>Southwest:</i> 5.0m</p>



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Title and Objective	Complies with Standard?	Requirement and Proposed
<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	<p><b>Length</b> <b>Maximum:</b> 20.454m on northeast and southeast boundaries <b>Proposed:</b> 13.5m on northeast boundary and 6.5m on southeast boundary</p> <p><b>Height</b> <b>Maximum:</b> 3.6m; and <b>Maximum Average:</b> 3.0m <b>Proposed:</b> 3.0m (maximum and average)</p>
<p><b>B19 Daylight to Existing Windows</b> Allow adequate daylight into existing habitable room windows.</p>	Yes	All existing windows on adjoining properties will receive adequate daylight.
<p><b>B20 North Facing Windows</b> Allow adequate solar access to existing north-facing habitable room windows.</p>	Yes	There are no north facing windows that will be impacted.
<p><b>B21 Overshadowing Open Space</b> Ensure buildings do not significantly overshadow existing secluded private open space.</p>	Yes	Any overshadowing created is within that allowed by ResCode and should not cause any detriment to any of the abutting properties.
<p><b>B22 Overlooking</b> Limit views into existing secluded private open space and habitable room windows.</p>	Yes	The dwellings will not result in any detrimental overlooking towards abutting properties.
<p><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.</p>	Yes	There will be no opportunity for overlooking between the dwellings.
<p><b>B24 Noise Impacts</b> Protect residents from external noise and contain noise sources in developments that may affect existing dwellings.</p>	Yes	There are no sources of noise that future residents need to be protected from.
<p><b>B25 Accessibility</b> Consider people with limited mobility in the design of developments.</p>	Yes	The dwellings do not pose any concern with regard to accessibility.
<p><b>B26 Dwelling Entry</b> Provide a sense of identity to each dwelling/residential building.</p>	Yes	Each dwelling entry is clearly visible either from the street or from the internal driveway.
<p><b>B27 Daylight to New Windows</b> Allow adequate daylight into new habitable room windows.</p>	No	Dwelling 2 living room and meals room windows on the north-eastern elevation do not comply due to overhanging eaves. See report.

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Title and Objective	Complies with Standard?	Requirement and Proposed
<p><b>B28 Private Open Space</b> Provide reasonable recreation and service needs of residents by adequate private open space.</p>	No	<p><b>Required:</b> 40m<sup>2</sup> for each dwelling <b>Proposed:</b> Private open space for Dwelling 2 fails to meet the 5m wide dimension.  See report.</p>
<p><b>B29 Solar Access to Open Space</b> Allow solar access into the secluded private open space of new dwellings/buildings.</p>	Yes	Reasonable north and east solar access to the private opens areas.
<p><b>B30 Storage</b> Provide adequate storage facilities for each dwelling.</p>	Yes	6m <sup>3</sup> storage areas are provided, however they should be relocated out of the garages and located within the private open space areas.
<p><b>B31 Design Detail</b> Encourage design detail that respects the existing or preferred neighbourhood character.</p>	Yes	As outlined previously, the design detail of the dwellings respects the streetscape and broader neighbourhood character.
<p><b>B32 Front Fences</b> Encourage front fence design that respects the existing or preferred neighbourhood character.</p>	Yes	<p><b>Maximum:</b> 1.2m <b>Proposed:</b> No front fencing proposed.</p>
<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	There is no common property.
<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	Site services and facilities can be installed and easily maintained.

N 167

**KP79/11 – 8 – 18 Bendigo Street Cheltenham &  
13 – 17 Wilson Street Cheltenham**

<b>APPLICANT</b>	<b>Ratio Consultants Pty Ltd</b>
<b>ADDRESS OF LAND</b>	<b>No. 8-18 Bendigo Street, Cheltenham &amp; No. 13-17 Wilson Street, Cheltenham</b>
<b>PROPOSAL</b>	<b>Develop the land for an extension to a residential aged care facility</b>
<b>PLANNING OFFICER</b>	<b>Tanya Sokolowski</b>
<b>REFERENCE NO.</b>	<b>KP-79/2011</b>
<b>RELEVANT STATE PLANNING POLICY FRAMEWORK</b>	<b>Clause 11 (Settlement) Clause 15: (Built Environment and Heritage) Clause 16: (Housing)</b>
<b>RELEVANT LOCAL PLANNING POLICY FRAMEWORK</b>	<b>Clause 21.05: MSS – Residential Land Use Clause 22.11: Residential Development Policy</b>
<b>ZONE</b>	<b>Residential 1</b>
<b>OVERLAYS</b>	<b>Not applicable</b>
<b>PARTICULAR PROVISIONS</b>	<b>Clause 52.34: Bicycle Facilities Clause 55: Two or More Dwellings on a Lot &amp; Residential Buildings</b>
<b>GENERAL PROVISIONS</b>	<b>Clause 65: Decision Guidelines</b>
<b>RESIDENTIAL POLICY AREA</b>	<b>Increased Housing Diversity</b>
<b>ABORIGINAL CULTURAL HERITAGE SENSITIVITY</b>	<b>No</b>
<b>DECISION DATE BY</b>	<b>12 November 2011</b>
<b>STATUTORY DAYS</b>	<b>9 days at 21 September 2011</b>
<b>CONSIDERED PLAN REFERENCES/DATE RECEIVED</b>	<b>13 September 2011</b>

## **1.0 KEY ISSUES**

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

- Traffic and Parking considerations
- Neighbourhood character
- Amenity impact (internal and external)
- Vegetation/landscaping considerations

## **2.0 RELEVANT HISTORY**

2.1 A search of Council records found a number of Planning Permits have been issued to the site at No. 10-12 Bendigo Street, Cheltenham.

- Permit KP97/325 was issued by the City of Kingston on 3 July 1997 for the subdivision of the land into twelve (12) lots.
- Permit No. MBN/7372 was issued by the City of Moorabbin on 17 January 1995 for the construction of a double storey institutional home (Special Accommodation House).

2.2 The current planning application was lodged on 8 February 2011. Subsequent to the application being advertised, the applicant amended plans on 13 September 2011 pursuant to Section 57A of the Planning and Environment Act, 1987. It is these plans which are now being considered.

2.3 The subject site is comprised of several allotments over No. 10-12 Bendigo Street and No.'s 13-17 Wilson Street. For the purposes of this assessment, No.'s 13-17 Wilson Street and No. 10-12 Bendigo Street are combined and considered to form the 'subject site'.

### **3.0 PROPOSAL (AS AMENDED)**

3.1 It is proposed to demolish the existing dwellings and outbuildings on the land at No's 13-17 Wilson Street, and construct an extension to the existing aged care facility located at No. 10-12 Bendigo Street. The proposed extension would comprise a basement car park, and three storeys. It is proposed that the extension would provide for 81 additional beds to the existing facility, and that these beds would be used for 'high care' patients. The proposal would also entail minor alterations to the ground floor of the existing facility at No. 10-12 Bendigo Street, including the provision of a walkway between the old and new buildings.

3.2 The details of the proposal are as follows:

#### **Basement**

- 35 car spaces (including 22 within tandem spaces)
- A loading bay
- Plant and store rooms
- Staff room
- Bathroom
- Kitchen and associated refrigerated rooms and storage
- Linen/laundry rooms
- 2 lifts and 3 stairwells allow access to upper levels

#### **Ground floor (shown as first floor on submitted plans)**

- 27 bedrooms
- Courtyard
- Lounge
- Chapel
- Theatre room
- Dining and living area
- Hairdressers room
- Activities room

- Nurses station and office
- Reception area
- Storage areas, consulting rooms
- A covered north-facing outdoor area with stairs to a first floor balcony

**First floor (shown as second floor on submitted plans)**

- 35 bedrooms
- Void/light well
- Lounge room
- Dining and living area, including a café
- Activities area
- Nurses station and office
- Storage areas, consulting rooms
- Small sitting areas throughout this level, located off hallways
- A north-facing balcony

**Second floor (shown as third floor on submitted plans)**

- 19 bedrooms
- Void/light well with a balcony
- Two (2) lounges
- Dining and living area
- Activities room
- Nurses station and office
- 1 balcony facing Wilson Street and 1 north facing balcony

**General**

- The topography of the site requires a significant degree of cut into the northern portion of the site, resulting in a subterranean ground floor towards the northern boundary and requisite retaining walls.
- The building would be constructed of prefabricated concrete panels, cladding with a timber vertical appearance, stone cladding, and colorbond corrugated roof sheeting. The building is proposed to be provided with a flat roof.
- A 1.8 metre high front fence is proposed to part of the front boundary, constructed of rendered bricks.
- Access to the basement is proposed to be provided from a double crossover located towards the southern site boundary at No. 13 Wilson Street.
- The existing crossovers to No's 15 and 17 are proposed to be removed, and a new single width crossover located approximately 16.6 metres from the southern most boundary (No. 13 Wilson Street). A driveway to the front of the building is proposed, with access in and out via the 2 new crossovers, with the intention that this would only be used for emergency vehicles.
- Visitor access to the site is proposed to remain from the existing facility on Bendigo Street, where the main reception and secure entrance is located, with parking at No. 10-12 Bendigo Street, proposed to remain for visitor use.
- The overall proposed height of the building would be 11.2 metres.
- The proposed street setback from Wilson Street is proposed to be 7.95 metres.

- 3.3 The proposal has an overall site coverage of 77 percent and a permeability percentage of 23.
- 3.4 The proposal is required to be assessed against the objectives and standards of Clause 55 (ResCode), however a Development Assessment Table is not provided in this instance, as the assessment of critical elements such as car parking and private open space differ from typical residential development. A full Clause 55 assessment is provided in Appendix A, and discussion of this assessment can be found at Section 13 of this report.

#### **4.0 SITE & SURROUNDS**

- 4.1 The subject site comprises allotments at No. 10-12 Bendigo Street and No.'s 13-17 Wilson Street, located to the eastern (rear) boundary. No. 10-12 Bendigo Street is occupied by an existing aged care facility, Cheltenham Manor, which currently has a licence for a 90 bed 'low care' facility. The land at No. 10-12 Bendigo Street has 12 car parking spaces. The building is single storey in height at the Bendigo Street frontage, and two (2) storeys in height to the rear. A 2 metre wide drainage and sewerage easement dissects the site in half, between the single storey building and the larger, double storey component.
- 4.2 No. 13 Wilson Street has a frontage width of 15.24 metres, depth of 84.12 metres and overall approximate area of 1281.9 square metres. A 1.83 metre wide drainage and sewerage easement extends along the rear boundary. The site is occupied by a single storey brick dwelling, with tiled transverse gabled roof and an outbuilding. The land is heavily vegetated to the rear of the dwelling and within the front yard. A driveway extends along the site's northern site boundary.
- 4.3 No. 15 Wilson Street has the same dimensions as No. 13 Wilson Street, and also contains a 1.83 metre wide drainage and sewerage easement extending along the rear boundary. The site is occupied by a single storey brick dwelling, with a concrete tiled hipped roof and outbuildings. Access to the site is via a crossover located to its southern site boundary. The site also contains notable vegetation to the rear of the dwelling.
- 4.4 No. 17 Wilson Street has a frontage width of 15.24 metres, site depth of 45.72 metres and overall approximate area of 696.7 square metres. The site is occupied by a single storey weatherboard dwelling with a tiled transverse gabled roof and a garage to the rear of the dwelling. The site is accessed from a crossover located towards its southern site boundary. The site contains a large Lilly Pilly tree towards its north-east corner.
- 4.5 To the front of each allotment at No.'s 13-17 Wilson Street are a street tree, and two (2) on-street car parking spaces.
- 4.6 Topography over the 3 allotments on Wilson Street rises significantly from south to the north, by approximately 4 metres.


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- 4.7 To the south of No. 10-12 Bendigo Street is Our lady of the Assumption Parish Primary School. To the south of No's. 13 -17 Wilson Street, at No. 11 Wilson Street, are seven (7) single storey, attached villa units, constructed of brick. Two (2) crossovers are provided to the site, with one located towards the site's northern boundary. Private open spaces for 6 of the dwellings are oriented to the north, adjacent to the shared boundary with the subject site and to the west for one dwelling at the rear.
- 4.8 Adjoining the site to the north at No's 19-21 Wilson Street, are eight (8) single storey brick dwellings, arranged around a central accessway. Part of this site extends behind No. 17 Wilson Street and shares a side boundary with No. 15 Wilson Street.
- 4.9 The site is within proximity of the Cheltenham Major Activity Centre to the south-west of the site, and is located approximately 630 metres south-east of Southland Shopping Centre. Cheltenham Railway Station is approximately 470 metres south-west of the subject site.
- 4.10 The broader surrounds to the north, east and west of the site are characterised by residential development, predominantly comprised of single detached dwellings, with evidence of some infill and multi-dwelling development (including double storey forms) scattered throughout. Within Wilson Street the character is a predominantly suburban setting, with a varied character towards Centre Dandenong Road where multi-dwelling developments are located, along with the Primary School and a recreational facility on the corner of Wilson Street and Centre Dandenong Road.
- 4.11 An aerial photo of the existing facility at Bendigo Street, and the 3 allotments on Wilson Street is provided below:



 Subject Site

Melway Ref: 86 KI

**5.0 TITLE DETAILS**

5.1 The Permit Applicant has completed the planning application form declaring that there is no restrictive covenant on the title.

**6.0 PLANNING CONTROLS**

6.1 The subject site is located within a Residential 1 Zone and is not subject to any overlays.

**7.0 PLANNING PERMIT REQUIREMENTS**

7.1 Pursuant to Clause 32.01-4 a planning permit is required to construct or extend a residential building.

7.2 Pursuant to Clause 52.34 a planning permit is required to waive the requirement to provide bicycle facilities.

**8.0 ADVERTISING**

8.1 Prior to advertising, the Permit Applicant submitted revised plans on 7 April 2011 that sought to address concerns outlined within the Planning Officer's further information letter. It is these revised plans that formed part of the advertising documentation but have since been further amended on 13 September 2011 (pursuant to Section 57A of the Planning and Environment Act 1987), following the advertising process, to address some of the concerns raised by objectors and Council officers.

8.2 As discussed, the proposal was advertised by sending notices to adjoining and opposite property owners and occupiers and by maintaining notices on site for fourteen (14) days. Seventy-three (73) objections to the proposal were received. The valid grounds of objection raised are summarised as follows:

- Neighbourhood Character
- Overdevelopment and visual bulk concerns
- Parking and traffic concerns
- Loss of privacy
- Overshadowing
- Overlooking
- Drainage

8.3 The amendments made to the plans following the advertising process include the following:

§ Extension to the basement level to the north to provide eleven (11) additional car spaces (within tandem arrangement)



- § Basement ramp widened to 6 metres
- § Reduction of bedrooms from 84 to 81
- § Variances in some side setbacks, with variances generally increasing setbacks (small decrease to the front), enabling the retention of the Lilly Pilly to the north-east corner
- § Provision of a balcony to the front of the building oriented to Wilson Street.
- § Increased screening to windows and balconies.

8.4 The revised plans submitted after the advertising process constitute those that are now under consideration by Council and, therefore, supersede all earlier plans.

## **9.0 PRELIMINARY CONFERENCE**

9.1 A preliminary conference was held on 21 June 2011 with the relevant Planning Officer, the Permit Applicant and 24 objectors in attendance. The above-mentioned issues were discussed at length.

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

## **10.0 REFERRALS**

10.1 The following internal referral departments were notified:

- Council's Development Engineer who advised of no objection to the proposal, subject to conditions being included on any permit issued, including a comprehensive drainage strategy incorporating Water Sensitive Urban Design.
- Council's Vegetation Management Officer who advised that the Lilly Pilly required retention.
- Council's Traffic Engineer who advised of no objection to the proposal subject to changes which included the widening of the basement ramp, provision of a delivery/loading bay in the basement, further details regarding headroom clearance for delivery vehicles utilising the basement and ramp, provision of adequate sight lines in line with Australian Standard Figure 3.3, AS/NZS2890.1:2004 and swept path movements for delivery vehicles utilising the basement.
- Council's Street Trees Co-ordinator who advised that the street tree (Chinese Elm) to the front of No. 13 Wilson Street is able to be removed at the cost of the owner/developer, at a cost of \$279.
- Council's Roads and Drains Engineer who advised of no objection subject to permit conditions specifying footpath reinstatement requirements and footpath and property boundary levels to remain unaltered.
- Council's Waste Management Officer who advised that the proposed private collection of waste from the site was deemed suitable.

## **11.0 RELEVANT POLICIES**

11.1 State Planning Policy Framework (SPPF)

Clause 11: Settlement  
Clause 15: Built Environment and Heritage  
Clause 16: Housing

**11.2 Local Planning Policy Framework (LPPF)**

Clause 21.03: Land Use Challenges for the New Millennium  
Clause 21.04: Vision  
Clause 21.05: Residential Land Use  
Clause 22.11: Residential Development Policy

**11.3 Particular Provisions**

Clause 52.34: Bicycle Facilities  
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.

**11.4 General Provisions**

Clause 65: Decision Guidelines

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

The land is located within Area 8 of the Neighbourhood Character Guidelines. These guidelines are not considered relevant to the application, as they relate to the development of dwellings, rather than aged care facilities, however they are instructive in identifying the predominant characteristics of the locality, which will be used to assess the proposal further under the Clause 55 discussion within this report.

**11.7 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 these guidelines are not applicable to the proposal, as they relate to the development of dwellings, rather than larger scale residential buildings such as aged care facilities.

**12.0 PLANNING CONSIDERATIONS:**

**12.1 State Planning Policy Framework**

The State Planning Policy Framework sets out the relevant state-wide policies for residential development at **Clause 11** (Settlement), **Clause 15** (Built Environment and Heritage) and **Clause 16** (Housing). Essentially, the provisions within these clauses seek to achieve the fundamental objectives and policy outcomes sought by the Metropolitan Strategy – ‘Melbourne 2030’ and its recent update ‘Melbourne @ 5 Million’, which have been removed from an individual clause and integrated throughout the State Planning Policy Framework.

Specific to this application is **Clause 16.02-3 - Residential aged care facilities** with the objective:

*To facilitate the timely development of residential aged care facilities to meet existing and future needs.*

Identified strategies to achieve the objective are:

*Encourage planning for housing that:*

- *Delivers an adequate supply of land or redevelopment opportunities for residential aged care facilities.*
- *Enables older people to live in appropriate housing in their local community.*

**Clause 16.02-4 – Design and location of residential aged care facilities** contains the objective:

*To encourage well-designed and appropriately located residential aged care facilities.*

The following strategies are applicable:

- *Recognise that residential aged care facilities contribute to housing diversity and choice, and are an appropriate use in a residential area.*
- *Recognise that residential aged care facilities are different to dwellings in their purpose and function, and will have a different built form (including height, scale and mass).*
- *Provide for a mix of housing for older people with appropriate access to care and support services.*
- *Ensure that residential aged care facilities are located in residential areas, activity centres and strategic redevelopment areas, close to services and public transport.*
- *Ensure that:*
  - *Residential aged care facilities are designed to respond to the site and its context.*
  - *Residential aged care facilities aspire to high urban design and architectural standards.*

It is submitted that the proposed development satisfies the aforementioned State strategies and policy direction.

Specifically, the subject site is located on land earmarked for residential purposes, whereby residential development is an 'as of right' use under the zoning provisions. The development itself achieves an acceptable design outcome for the site and its immediate abuttals, whilst enjoying convenient and direct access to community facilities and the like, including public transport nodes. It is considered the subject site is a suitable location for an aged care facility, and that the built form of the proposed extension, whilst generally of a greater scale and mass than the predominant built form within Wilson Street, is appropriate.

## 12.2 Local Planning Policy Framework

The Local Planning Policy Framework (LPPF) includes the Municipal Strategic Statement (MSS) and Local Policies. The MSS is contained within **Clause 21** of the Scheme, with the Municipal Profile outlined at **Clause 21.02**, within which the following is noted:

- The City of Kingston is home to around 135,000 people within an area of approximately 91 square kilometres.
- 2001 census figures indicated that 31% of people were aged over 50, and 19.3% over 60 years of age, with these figures notably exceeding the Melbourne average.
- Between 1986 and 2001, the proportion of the population aged over 70 increased from 7.5% to 11%.
- Detached housing remains the predominant form of housing, accommodating around 80% of Kingston's population.
- Kingston's average household size is decreasing, with this projected to fall from 2.5 in 2001 to 2.31 by 2021.

**Clause 21.03** (Land Use Challenges for the New Millennium) acknowledges Kingston's growing aged population, coupled with the municipality's trend towards smaller household sizes will put pressure on the supply of appropriate housing stock to meet current and future needs. As a result of increasing pressure to supply housing and meet urban consolidation objectives, change management is required to ensure that development is responsive to neighbourhood character issues specific to each locality.

The City of Kingston's MSS at **Clause 21.05** (Residential Land Use) of the Kingston Planning Scheme, seeks to provide guidance to development in residential zoned land, mixed use zoned lands and land within activity centres. The Residential Land Use Framework Plan illustrates the range of housing outcomes sought across the City of Kingston.

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.
- Objective 7:** To ensure all residential neighbourhoods in Kingston are provided with supporting social infrastructure adequate to the population's needs.
- Objective 8:** To recognise and respond to special housing needs within the community.

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 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.
- Ensure the development of large residential opportunity sites contributes to identified social infrastructure needs.
- Ensure the provision of aged and low cost accommodation is integrated within residential neighbourhoods to ensure linkages with the general community and social networks and to avoid physically or socially isolating people.
- Support opportunities for the innovative provision of housing specific to housing needs not well catered for in the mainstream housing market such as aged accommodation and housing for low income groups.
- Recognise and respond to the specific needs for supporting infrastructure and services of some parts of the community.

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 acceptable standard of amenity for the future occupants of the facility, as well as for occupants of existing dwellings in the immediate area. It is considered that whilst the development will introduce double storey built form into a predominantly single storey streetscape, that this is suitable in a location which is earmarked for increased residential densities where apartment style development could be appropriately located. The proposed extension supports critical objectives and strategies which seek to increase the diversity of housing available within the Kingston municipality, and will achieve an integrated form of specialised accommodation which will allow the people to age within their community.

### 12.3 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 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.

**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.

This Clause is of particular relevance to dwelling development, but does provide guidance to how the built form of residential buildings generally, should respond to their context. The subject site is located within an area which is identified as being suitable for 'increased housing diversity' with the proposal for an aged care facility considered to be consistent with the objectives of this Clause.

The design, siting and scale of the proposal will be discussed in further detail within this report, however it is considered that the nature of the building being an aged care facility does mean that it may have a different appearance from a traditional apartment style development. The design has addressed the side setbacks which are required by Clause 55 (ResCode), and has incorporated screening devices to ensure the privacy of adjoining dwellings. The site's topography has been addressed well by the development, with the degree of cut proposed to the northern portion of the site minimising the appearance of the upper floor and presenting as a two (2) storey development to properties to the north.

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 regarding improving the diversity of housing choice available to people in the community, and catering for a special housing need for Kingston's growing ageing population.

#### 12.4 Zoning Provisions

The subject site is located in a Residential 1 Zone, as is the land to the north, south and west. Land to the east of the site, is located within a Residential 3 Zone.

The purpose of the Residential 1 Zone outlined at Clause 32.01 is:

- *To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *To provide for residential development at a range of densities with a variety of dwellings to meet the housing needs of all households.*
- *To encourage residential development that respects the neighbourhood character.*
- *In appropriate locations, to allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs.*

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

Pursuant to Clause 32.01-4, a permit is required to construct or extend a residential dwelling. The development must meet the requirements of Clause 55.

#### 12.5 Overlay Provisions

No overlays apply to the subject site.

#### 12.6 Particular Provisions

Clause 52.34 Bicycle Facilities does not provide a specific rate for residential aged care facilities, however provides the following requirements at Clause 52.34-3 for a Residential Building :

- In developments of four or more storeys, 1 bike space for employees/residents to each 10 lodging rooms
- In developments of four or more storeys, 1 bike space for visitors to each 10 lodging rooms

As the proposal entails only three (3) storeys, no bicycle facilities are required under this provision, however this will be discussed further in this report.

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



- 13.1 The proposal has been assessed against the objectives and standards of Clause 55 (ResCode) of the Kingston Planning Scheme (refer to attachment A). The assessment of the application against Clause 55, results in the need to vary some of the requirements of Clause 55 which relate more specifically to development for residential dwellings, as opposed to a residential building for an aged care facility. In particular, car parking and bicycle facilities will be discussed separately from this Clause 55 assessment, as well as landscaping and vegetation issues of the site. Overall, the proposal has addressed the requirements of ResCode well, with a summary of the assessment and further discussion of any concerns addressed below.

### **Neighbourhood Character**

- 13.2 The existing neighbourhood character around the subject site is predominantly low scale, detached dwellings, with the area yet to see significant residential development reflective of the site's Residential 1 Zone and its location within an area earmarked for 'increased housing diversity'. The site is located in proximity to the Cheltenham Railway Station, Cheltenham Major Activity Centre, and Southland Shopping Centre (and Principal Activity Centre). The preferred character, as nominated within local planning policy at Clause 21.05 and Clause 22.11 envisages that this area is suitable for medium density development, and over time the character of the neighbourhood will evolve in line with this policy direction. The proposed built form is therefore considered to be consistent with the preferred future character that has been identified. The design has attempted to limit its off-site amenity impacts (to be discussed further below), and has responded to the constraints of the site's topography by proposing a degree of cut which would sink the ground level, and reduce the overall three storey appearance of the proposal.
- 13.3 The overall built form however, is a departure from the existing character, with this acknowledged by the applicant. Aged care facilities, as a specialised form of housing, often entail a built form which is different from other residential buildings in relation to massing and height. This is considered acceptable in this subject site's context. Local and State planning policy strongly encourage development to meet increasing demand for housing, and in particular for housing which meets special needs such as aged care services. The location of aged care facilities within existing residential neighbourhoods is also strongly encouraged, allowing people to age within their communities and retain a sense of social inclusion.
- 13.4 The design is considered to propose a development which will integrate well with the street, pursuant to Standard B5 – Integration with the Street. Windows are oriented to the street, along with a balcony, presenting an active façade and importantly allowing passive surveillance of the street, also satisfying Standard B12 – Safety. A 1.8 metre solid rendered fence is proposed to part of the site's frontage to Wilson Street, however the height of this fence is considered appropriate as a security measure to enclose the communal open space located to the north of the building. The fence would not extend along the entire front boundary, but rather for an approximate length of 15 metres. It is considered that the fence will not impinge on the building's integration with the street.

### **Site Layout and Building Massing**

- 13.5 The overall proposed building height of 11.2 metres exceeds the height specified in Standard B7. The building height objective of Clause 55.03-2 is *'to ensure that the height of buildings respects the existing or preferred neighbourhood character'*. Standard B7 of this Clause states that the maximum building height should not exceed 9 metres, unless the slope of the natural ground level at any cross section wider than 8 metres of the site of the building is 2.5 degrees or more, in which case the maximum building height should not exceed 10 metres. The site has a slope of 10 degrees, which results in the maximum building height under consideration being 10 metres. The design will entail significant cut towards the northern boundary, with the ground floor effectively being below the ground level of the adjoining properties and presenting as a two storey building along the northern elevation. Along the southern elevation, the significant recessing of the third storey also minimises the impact of this upper floor to adjoining dwellings to the south. When viewed from the street, the appearance of height is also limited by the cut to the site, with design detail such as varied materials, planter boxes and balcony helping to break up the massing of the front façade. The overall height proposed is considered acceptable.
- 13.6 As discussed above the proposal entails a departure from predominant built form in the locality. The design proposes built form throughout the length of the site, and consideration has been given to the impact that this massing will have on adjoining properties. The attached nature of the development, whilst not dissimilar to the massing throughout the length of the abutting site at No. 11 Wilson Street, proposes a three storey height. The cut which will be undertaken to the site will assist in alleviating the degree of height presenting to adjoining dwellings, combined with a recessed third floor, stepping in and out of side walls and use of varied building materials will assist in breaking up the visual mass of the building.
- 13.7 The proposal entails site coverage of 77%, exceeding the maximum of 60% under Standard B8. As discussed above, the built form of aged care facilities is often different from other residential development with particular regard to massing and height. The design does ensure that the basement is provided with substantial setbacks from side boundaries, which will allow for landscaping to soften the development, and retention of some established trees. In addition, Council's Drainage Engineers have recommended permit conditions regarding the requirement for a drainage plan, and the utilisation of water sensitive urban design principles in the treatment of stormwater. It is considered that these factors lessen the impact of the proposed site coverage on the impact of drainage of the site and the appearance of visual bulk to adjoining properties.

**Offsite Amenity**

- 13.8 A number of areas of Clause 55 are not met by the proposal; of particular concern is the overshadowing impact to dwellings at No. 11 Wilson Street. The degree of amenity received to these dwellings is currently impacted by the shadow cast by the existing boundary fence, in addition to some established trees on the subject site near the shared boundary. The private open spaces of these dwellings would appear to be modest (approx. 25 square metres), with these areas unlikely to currently receive 5 hours of sunlight between the hours of 9am and 3pm to at least 75% of their yards (as required by Standard B21 of Clause 55). The proposal would add further shadow to the private open spaces of Units 2, 3, 4 and 5. This is considered unsatisfactory, and a condition is recommended to pull back walls to meet the requirements of this Standard. This may result in the loss of bedrooms to the proposed extension and is considered the most significant amendment required, in order to

achieve an acceptable outcome for the site. A condition can be included on any permit issued to resolve this concern; this would most likely impact upon bedrooms numbered 9-12 on the first floor (4 bedrooms) and the stairwell which appear to be the walls which create the most shadow affecting abutting properties.

- 13.9 Existing windows on adjoining properties are provided with appropriate setbacks in accordance with Standard B19, where this Standard requires a minimum light court of 3 square metres. Generally across the site, walls would be setback at least 4 metres from the side boundaries. Where the setback proposed is less than 4 metres, such as towards the north-west corner of the site at No. 15 Wilson Street, the habitable room window located at No. 6/19-21 Wilson Street is setback from the shared boundary 2.6 metres, with the proposed development setback 2.5 metres from that boundary, providing an overall separation of 5.1 metres.
- 13.10 Overlooking from ground floor windows is generally limited by low finished floor levels and 1.8 metre high boundary fencing. Screening is proposed to north facing windows and balconies at the first and second floors, with these for the most part meeting the requirements of Standard B22, however permit conditions are recommended to ensure that the vertical fins proposed to the dining areas are appropriately angled eastward to prevent overlooking to adjoining habitable room windows. Similarly, it is recommended that full screening to the entire north length of the second floor balcony is provided to prevent unreasonable overlooking. South facing bedroom windows at the first floor are proposed to be provided with planter boxes and fixed screening, which are considered acceptable. South facing windows to the second floor located in excess of 11 metres from the property boundary and therefore meets the overlooking requirements of this Standard.
- 13.11 The proposal has not demonstrated that internal views will be achieved between the extension and the existing facility at the first floor in accordance with Standard B23; however it is considered that this can be rectified by a condition of any permit issued. Plans currently show screening to west facing windows of bedrooms to reduce afternoon solar impacts, if required these screens should be amended to prevent internal views.

**Site Services**

- 13.12 The applicant submitted a Waste Management Plan, with the proposed private collection of waste deemed suitable by Council's Waste Department; however the Plan did not provide sufficient detail to satisfy concerns around the proposed bin storage area to the site's Wilson Street frontage. The location of the bin storage is not supported, and is recommended for relocation to the basement area. A condition is also recommended on any permit issued requiring a more detailed Waste Management Plan to provide more detail regarding the amount of waste likely to be generated on the site, with a consequent analysis of the required area to store that waste, and collection arrangements.

13.13 It is considered that the development overall satisfies the requirements of ResCode, or can do so via conditions. The application will achieve an adequate degree of internal amenity for future residents of the proposed extension, with all bedrooms provided with access to daylight and communal spaces (both internal and external) provided at all levels of the development. The development will achieve a balance of on-site internal amenity, whilst limiting its off-site amenity impacts, subject to conditions.

13.14 Car Parking

The requirements of Clause 52.06 do not apply to an application to construct or extend a residential building within a Residential 1 Zone with the application required to be assessed against the objectives and standards of Clause 55. Standard B16 contained within Clause 55.03-11 does not specify a rate for residential buildings. The proposal must therefore satisfy the objectives contained within Clause 55.03-11:

- *To ensure that car and bicycle parking for residents and visitors is appropriate to the needs of residents.*
- *To ensure that the design of parking and access areas is practical and attractive and that these areas can be easily maintained.*

The applicant has submitted a traffic report, prepared by Ratio Consultants. This report was submitted prior to the amendment of plans which are now under consideration (with these plans proposing an addition of 11 spaces within the basement – an overall total of 35 in the basement).

The traffic report undertook an empirical assessment to establish an acceptable parking rate for an aged care facility. The report references three surveys undertaken by Cardno Grogan Richards Pty Ltd, with peak parking rates between the facilities ranging from 0.25 parking spaces per bed, and 0.4. The report further analyses two studies undertaken by Andrew O'Brien & Associates Pty Ltd, conducted in 1997, with the surveys showing peak parking rates of 0.29 and 0.3 spaces per bed. Visitation rates across all facilities surveyed was relatively low with the majority of parking demand generated by employees. The traffic report concludes from a summary of the above cases that a reasonable rate to apply is 0.3 spaces per bed, inclusive of staff and visitor parking. The application of this parking rate would require the provision of 24 (24.3) parking spaces for 81 beds.

Whilst the above surveys could be used to garner a broad understanding of potential car parking rates, of the five (5) surveys referenced, none were comparable to the current facility at Cheltenham manor in terms of number of beds and staff, with the comparison falling well short if the proposed extension were also taken into consideration. The surveys conducted by Andrew O'Brien & Associates also lack veracity due to the age of these reports being in excess of 10 years.

Staffing levels on the site vary considerably throughout the day as a result of shift work and different shift times for staff. Information submitted by the applicant provided an overview of the different shift times and categories of employees. From those figures it could be said that at 10.00am on any day the current facility would be staffed by 18 people. The proposed extension would add a further 16 staff members at that time – an overall total of 34 employees.

The current parking at No. 10-12 Bendigo Street for the existing facility, has 12 car parking spaces. The submitted traffic report details a survey of 23 staff at the existing facility regarding mode of travel to work. 57% of those surveyed, drove to work, with 11 out of the 13 that drove, parking on the site, and the remaining 2 parking off-site. The current parking arrangement would appear to result in some visitors being required to utilise on-street parking, as well as some staff.

It is acknowledged that whilst visitation to aged care facilities can be low, the proposal should provide dedicated visitor spaces on the site, to ensure that the proposal will minimise potential impacts on on-street parking. As visitors will be entering from the existing facility, it is recommended that a minimum of twelve (12) visitor spaces are designated in the existing car park, with the proposed basement to cater for staff only. Staff only access to the basement car park alleviates concerns regarding the practicalities of securing the basement. The proposal would therefore provide 35 staff spaces within the basement at the existing facility. It is considered that the provision of 35 staff spaces and 12 visitor spaces will address the current parking deficit at Cheltenham Manor, and provide adequate car parking for the new extension.

Amended plans have provided for a two way ramp access and egress from the basement consistent with the recommendation provided by Council's own Traffic Engineers, along with a double crossover (not dimensioned on plans). In order to retain appropriate sightlines of pedestrians, the southern boundary fence is recommended to be reduced in height to 1.2 metres for a length of 2.5 metres from the street property boundary.

The proposed basement parking layout is considered adequate. It is acknowledged that the disabled parking space does not comply with revised access requirements pursuant to AS/NZS 2890.6, for a 2.4 metre wide shared area, however the width of the space at 3.6 metres, in conjunction with the 2 metre of space to the eastern side will allow sufficient area for access.

A loading bay for small food delivery vehicles is proposed adjacent to the utility/services rooms within the basement, with a width of 3.6 metres. This bay is considered sufficient to meet loading requirements for food delivery vans which are to be used. The site will no longer require linen deliveries, as a laundry linen room will be accommodated within the basement. It is recommended that the basement is secured with a roller shutter grille and a security entry installed.

The proposal also entails a 'porte cochere' to the front of the extension. Rather than a porte cochere it would appear to be a horse shoe driveway allowing an in and out arrangement for vehicles via two crossovers. A structure in the form of a porte cochere could not be found on plans. This access arrangement is proposed for emergency vehicles and for waste collection. It is considered that should a permit be issued, the ingress and egress arrangements must be clearly specified and sign posted for safe vehicle movements. The access of emergency vehicles at this entry is considered satisfactory, however it is not clear from plans or the submitted Waste Management Plan, how much waste will require collection, the type of vehicle to be used and if there is sufficient area nominated for waste collection. It is recommended that a more detailed Waste Management Plan is provided to ensure that waste can be appropriately managed, and that the location of waste bins be removed from the front of the building and into the basement.

#### **13.15 Bicycle Facilities**

The application proposes a waiver of the bicycle provision requirement of Clause 52.34 of the Kingston Planning Scheme. As noted previously, the proposal is considered exempt from requiring the provision of facilities for a Residential Building over four (4) storeys, however it is deemed suitable and feasible to incorporate some bicycle parking at the site at No. 10-12 Bendigo Street to ensure that staff and visitors are able to utilise an alternative mode of transport to the site. Staff shower and change room facilities are already proposed within the basement, which is a suitable arrangement for staff cycling to work. It is acknowledged that the areas to the front of the existing reception building that could accommodate bike racks are limited, therefore it is recommended that a minimum of 5 bicycle spaces are provided – this could be required by a condition on any permit issued.

#### **13.16 Vegetation and Landscaping**

The applicant submitted an Arboriculture Report prepared by Greenwood Consulting, dated 11 January 2011. The report provided an assessment of the thirty (30) trees located on No's 13-17 Wilson Street and eight (8) trees located on abutting properties and the nature strip. Of the 30 trees located on the subject site, one (1) tree was nominated as being of high retention value, this being a large Lilly Pilly tree. A tree protection zone of 8.8 metres is specified in the report.

Council's Vegetation Management Officers conducted a site inspection and advised that the Lilly Pilly would have to be retained, with the proposed built form to be setback a minimum of 6 metres, and graduated to the upper levels.

Amendments made to plans have shown the retention of the Lilly Pilly tree, with the ground and first floors setback a minimum of 7.2 metres, and the second floor setback 7.5 metres. Should a permit be issued, a condition must be included to require a Tree Protection Zone during construction to ensure the tree is not damaged.

### **14.0 RESPONSE TO GROUNDS OF OBJECTIONS**

#### **14.1 Neighbourhood Character/Visual bulk**

The development will introduce a new built form not currently found within proximity of the site along Wilson Street. Overall, however, it will be consistent with the built form of the existing facility in terms of its overall scale. The future character for this locality as identified within the Local Planning Policy Framework contemplates medium density housing, which may be in the form of apartment style development. It is therefore recognised that the character of this neighbourhood will evolve over time, with more contemporary style built form and greater densities compared to the traditional detached housing which currently dominates the streetscape. As discussed within this report it is also acknowledged that the built form of aged care facilities can differ from more traditional housing in terms of massing and height, and this is considered acceptable, provided that the design has demonstrated responsiveness to abutting development by limiting its off-site amenity impacts. The proposal as amended has also incorporated design elements to improve the residential appearance of the building, such as balconies and planter boxes. This is considered appropriate.

The overall design response to the topography of the site has helped to reduce the impact of the building's height in terms of the two storey presentation to the northern adjoining properties, and recessing of the upper floor away from southern adjoining properties. The proposal ensures that reasonable setbacks of the basement from side boundaries will enable the retention of some established trees and allow the incorporation of screening plants to these boundaries to soften the development.

#### 14.2 Overlooking

The proposal incorporates screening devices to windows and balconies to limit unreasonable overlooking. As discussed above, it is recommended that if a permit is to be issued that conditions are included to ensure that the screening proposed will be designed appropriately and that the north facing balcony to the third storey is screened entirely on its north side. Subject to these conditions the proposal meets the requirements of Clause 55 in regard to overlooking.

#### 14.3 Overshadowing

The proposal will overshadow properties to the south at No. 11 Wilson Street, it is recommended that if a permit is issued, that a condition is included to require amendments to plans to ensure compliance with Clause 55.04-5 of the Kingston Planning Scheme.

#### 14.4 Inappropriate commercial development in a residential street

Whilst some objectors believe that an aged care facility is primarily a commercial use, an aged care facility is categorised as a residential building. The primary purpose of this facility is to provide specialised housing for aged people. Clause 16.02 of the State Planning Policy Framework encourages the location of aged care facilities within residential areas, with the current proposal considered to be appropriately located so as to allow residents to age within their community.

#### 14.5 On-site amenity for future residents

Objectors raised concerns that the development will not result in adequate internal amenity outcomes for future residents of the development. Objectors contend that the proposal has a lack of outdoor areas for recreation, and that there are sources of potentially loud noises from abutting residential development. Whilst the surrounding properties will produce typical noises that you would expect from a residential neighbourhood, it is not considered that this noise would have any more of a detrimental impact on future residents of this development, as it would on anyone else.

The proposal will entail communal open space towards the northern boundary in the form of landscaped areas and a covered outdoor area, in addition balconies are proposed at upper floor levels. Whilst these areas would not be considered sufficient for most other forms of residential buildings, they are considered appropriate in the context of an aged care facility which is providing a level of high care to residents – meaning that residents are being provided with a high degree of assisted living arrangements, would generally have limited mobility and their usage of private open space would differ significantly from more able bodied people.

The degree of internal amenity achieved for future residents is considered satisfactory, with all bedrooms having access to daylight and natural ventilation, and appropriate levels of internal and external communal areas for residents.

#### 14.6 Noise

The proposal will generate noise, however the kitchen, laundry and plant areas are all proposed within the basement so as to internalise any noises that may be generated by these activities, which is considered appropriate.

Deliveries to the new extension will be in the form of food deliveries to the kitchen in the basement, with deliveries to be made by small vehicles such as vans. The internalisation of this activity within the basement is considered appropriate, limiting noise impacts. It is not anticipated that food deliveries would occur during the night at times when kitchen staff would not be on duty. With the proposed inclusion of a laundry within the basement, a linen delivery and pick up service is no longer required (current facility uses a linen service), reducing delivery vehicles entering the site.

Visitors will continue to be required to enter from Bendigo Street, with a recommended condition discussed within the report requiring the provision of designated visitor car parking within the existing car park at No. 10-12 Bendigo Street. No pedestrian access is available from the site's Wilson Street frontage, further discouraging visitors from parking on Wilson Street.

In the event that emergency vehicle access is required to the new extension this is proposed to be facilitated by a circular driveway/in and out arrangement to enable ease of access to the building. It is not known how often emergency vehicles would be required in the day to day operation of the site, however it is not expected that this would necessarily create an unreasonable degree of noise to neighbouring properties.



Staff will be required to enter parking in the basement from Wilson Street, however details of the shift times that operate at the site provided by the applicant would indicate that changes in shifts does not occur in the middle of the night. Care staff that work night shift would commence work between 9.30pm and 10.00pm and finish between 6.30am and 7.00am. These times are considered reasonable, with staffing numbers over this shift less than those during the day and unlikely to result in an unreasonable number of vehicles accessing and exiting the site at the start and end of shift.

#### 14.7 Car Parking & Traffic

The proposal was amended subsequent to the advertising process and the Preliminary Conference held with the objectors and applicants representatives. Following the concerns raised by objectors regarding the sufficiency of car parking spaces proposed, plans were amended to provide an addition of 11 car parking spaces within the basement. The proposal, as assessed by Council's Traffic Engineers, is considered to satisfy the likely demand generated by the proposed extension.

As discussed earlier in this report, it is acknowledged that the current facility at No. 10-12 Bendigo Street has a deficit in car parking, with some visitors and staff required to utilise on-street parking. It is considered that the proposal is able to sufficiently accommodate parking to meet the demand of existing and new staff within the basement, with a condition recommended to allocate eight (8) visitor parking spaces within the existing car park at No. 10-12 Bendigo Street. In addition, a condition is also recommended to provide a minimum of five (5) bicycle spaces for employees and visitors to the site, to encourage and enable cycling as an alternative mode of transport.

It is not anticipated that the local street network will be unduly impacted by the proposal, with the sharing of traffic between Wilson Street and Bendigo Street. The overall staffing numbers accessing the site at any one time is not significant, along with visitors to the site.

#### **15.0 CONCLUSION:**

- 15.1 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.
- 15.2 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, Clause 55 – Two or more dwellings on a lot and Residential Buildings, and Clause 65 – Decision Guidelines (subject to appropriate conditions).

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

**17.0 RECOMMENDATION:**

That a Notice of Decision to Grant a Permit be issued to develop the land for an extension to a Residential Aged Care Facility, 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 submitted to Council on 13 September 2011, 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 to be planted on the site, with such plans to be prepared by a suitably qualified landscape professional and incorporating:
    - i. 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. The schedule must be shown on the plan;
    - ii. the delineation of all garden beds, paving, grassed areas, retaining walls, fences and other landscape works including areas of cut and fill 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 (e.g.: plants with a mature width of 1 metre, planted at 1 metre intervals);
    - vi. the provision of two (2) additional suitable medium sized (at maturity) canopy trees within the front setback of the property, with species chosen to be approved by the Responsible Authority;
    - vii. sustainable lawn areas and plant species taking current water restrictions into consideration;
    - viii. all trees provided at a minimum of two (2) metres in height at time of planting;
    - ix. the location of seating for residents within communal open spaces and any other communal facilities at ground level;
    - x. medium to large shrubs to be provided at a minimum pot size of 200mm; and
    - xi. 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.

- xii. the retention of the *Acmena smithii* (Lilly Pilly) growing within the front setback of 17 Wilson Street;
  - xiii. the provision of a notation of the Tree Protection Details as provided in Conditions 3, 4 and 5 of this permit.
- b. the provision of setbacks from the southern site boundary to ensure that the development meets the requirements of Standard B21 of Clause 55 of the Kingston Planning Scheme, in relation to the overshadowing of the adjoining private open spaces of dwellings at No. 11 Wilson Street. Increase of setbacks to the southern boundary must be achieved through internal alterations and not reduce any other setbacks within the development;
  - c. a minimum of twelve (12) visitor car parking spaces, within the existing car park at No. 10-12 Bendigo Street;
  - d. the provision of a minimum of five (5) bicycle spaces at No. 10-12 Bendigo Street, accessible to employees and visitors to the site, with the dimensions of these spaces to comply with the requirements of Clause 52.34 of the Kingston Planning Scheme;
  - e. provision of crossover dimensions, with a minimum of 5.5 metres to the double crossover located near the southern site boundary to No. 13 Wilson Street;
  - f. a basement ramp longitudinal section with grades, demonstrating compliance with Australian Standard AS/NZS2890.1:2004;
  - g. relocation of the bin storage area from the site's frontage to Wilson Street, to within the basement level, with no loss of parking or loading areas;
  - h. the southern boundary fence reduced in height to 1.2 metres for a length from the street boundary of 2.5 metres, ensuring compliance with AS/NZS2890.1:2004 Figure 3.3 *Minimum Sight Lines For Pedestrian Safety*;
  - i. a comprehensive drainage strategy for the development of the site, incorporating Water Sensitive Urban Design treatments;
  - j. the location of any rooftop plant equipment, with any plant equipment to be screened from views from the street and adjoining properties;
  - k. the vertical fin screening provided to the first and second floor dining rooms, angled with views enabled eastward, consistent with the living room vertical fin details, so as to prevent overlooking to the habitable room windows of No. 5/19-21 Wilson Street, in accordance with the requirements of Standard B22 of Clause 55 of the Kingston Planning Scheme;
  - l. screening to a height of 1.7 metres above the finished floor level to the entire length of the north facing balcony on the second floor;
  - m. elevation details of the screening to be provided to all balconies, with the screening designed with no more than 25 percent (25%) transparency and preventing downward views;
  - n. the location of any existing east facing windows at No. 10-12 Wilson Street on first floor plans, and if required, new west facing windows appropriately screened to prevent internal views, with screening to be fixed (unopenable) with no more than 25 percent (25%) transparency and projecting approximately 400mm off the wall, to a height of 1.7 metres above the finished floor level;
  - o. the provision of a roller shutter grille and secure entry at the car park entry;

- p. measures identified within the ESD Report required in Condition 6 of this Permit;
  - q. direction signs for the entry and exit points for vehicles using the emergency vehicle entrance from Wilson Street; and
  - r. 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.
2. The development as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.
3. A Tree Protection Zone (TPZ) must be installed at a distance of 6 metres from the *Acmena smithii* (Lilly Pilly) located in the front setback of the property facing Wilson Street. A qualified Arborist is to be employed to oversee any works (excavation and or construction) outside of this zone. The following must be observed within 6m of the tree:
- a) the existing soil level must not be altered either by fill excavation;
  - b) the soil must not be compacted or the soil's drainage changed;
  - c) no fuels, oils, chemicals, poisons, rubbish and other materials harmful to trees are to be stored or dispersed;
  - d) no storage of equipment, machinery or material is to occur;
  - e) open trenching to lay underground services e.g.: drainage, water, gas, etc. must not be used;
  - f) tree roots must not be severed or injured; and
  - g) machinery must not be used to remove any existing concrete, bricks or other materials.
- without the further consent in writing of Council's Vegetation Management Officer.
4. Prior to the commencement of the development hereby permitted a Tree Protection Fence defined by a 1.2 metre high temporary fence constructed using steel or timber posts fixed in the ground or to a concrete pad, with the fence's side panels to be constructed of cyclone mesh wire or similar strong metal mesh or netting, must be erected 6m in a radius from the *Acmena smithii* (Lilly Pilly). The above requirements in condition 2 must be observed within this area.
5. All tree pruning work must be in accordance with the Australian Standards AS4373 (2007) "Pruning of Amenity Trees" and be undertaken by a qualified and experienced Arborist.
6. Prior to the endorsement of the Plans required pursuant to Condition 1 of this permit, the applicant must provide an ESD report prepared by a suitably qualified professional with this plan to be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed as evidence of its approval and will then form part of the Permit and must thereafter be complied with. The ESD report must include, but is not limited to, detailing initiatives for stormwater harvesting, insulation, day lighting, collective rainwater tanks and/or individual rainwater tanks, landscape irrigation, energy efficient concepts, glazing and internal ventilation and the like.

7. Before the commencement of any buildings and works on the land, an improved Waste Management Plan (WMP) to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. Three copies of the plan must be submitted. The plan must include but is not limited to:
- a. The supply of bins for both 'general waste' and 'recyclable waste' and demonstrating how the garbage and recycling aspects of the development will operate, including minimisation of bin numbers where possible to increase collection efficiency;
  - b. The manner in which waste will be stored and collected including: type, size and number of containers and procedure(s) put in place as to how tenants/occupiers are required to dispose of waste;
  - c. Spatial provision for on-site storage;
  - d. Private contractor details; and
  - e. The size of the collection vehicle and the frequency, time and point of collection, with waste collection to occur with minimal interference to pedestrian amenity.
- The waste management plan must be implemented to the satisfaction of the Responsible Authority. The waste management plan must not be modified unless without the written consent of the Responsible Authority.
8. Prior to the removal of the street tree from the nature strip to the front of No. 13 Wilson Street, Cheltenham, the Developer/Owner must pay to Council a compensation, removal and replacement fee (\$279.00) (including GST) 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.
9. Prior to the occupation of the development 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.
10. Prior to the occupation of the development 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.
11. Prior to commencement of the development hereby permitted, a Construction Management Plan, to the satisfaction of the Responsible Authority, must be submitted to and approved by the Responsible Authority and when approved shall thereafter be complied with. The Construction Management Plan must clearly set out measures to prevent amenity loss to surrounding properties during the construction period. The Plan is to include, but limited to, measures to control the emission of dust/sand, rubbish on site, loading/unloading times, construction times, and parking of builder's vehicles etc. This plan when endorsed must not be varied without the prior approval of the Responsible Authority. It must also be implemented to the satisfaction of the Responsible Authority.
12. Construction on the site must be restricted to the following times:
- a. Monday to Friday            7:00am to 7:00pm; and
  - b. Saturday                      9:00am to 6:00pm.
- Or otherwise as approved by the Responsible Authority in writing.

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13. Exterior lighting must be installed in such positions as to effectively illuminate all communal areas. Such lighting must be designed, baffled and located to the satisfaction of the Responsible Authority to prevent any adverse effect on neighbouring land.
14. The development of the site must be provided with stormwater treatment works which must incorporate water sensitive urban design principles (including re-use) to improve discharge quality and a detention system for 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 treatment.
15. Before the development commences, a drainage plan showing the method of treatment and discharge to the nominated point must be prepared to the satisfaction of the Responsible Authority. The plan must be prepared by a qualified person and show all details of the proposed drainage works, including all existing and proposed features that may have an impact on the drainage (eg. Trees to be retained, crossings, services, fences, abutting buildings, existing boundary surface levels etc).
16. Stormwater works must be provided on the site so as to prevent overflows onto adjacent properties.
17. Existing property boundary and footpath levels are not to be altered.
18. Footpath reinstatements must have a 200mm offset between the property boundary and the back of the footpath.
19. Prior to the occupation of development 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.
20. 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.
21. Prior to the occupation of the development 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.
22. Prior to the occupation of the development hereby permitted, areas set aside for parking vehicles, access lanes and paths as shown on the endorsed plans must be:
  - e. Constructed to the satisfaction of the Responsible Authority.
  - f. Properly formed to such levels that they can be used in accordance with the plans.
  - g. 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.
  - h. 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.
23. 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.

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24. 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.
25. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.
26. 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.

**Note:** Before removing / pruning any vegetation from the site, the applicant or any contractor engaged to remove any vegetation, should consult Council's Vegetation Management Officer to verify if a Local Laws Permits is required for the removal of such vegetation.

**OR**

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

1. The proposal does not satisfy the objectives of Clause 55.04-5 – Overshadowing Open Space, and will unreasonably impact on the secluded private open spaces of dwellings to the south of the subject site.
2. The proposal has not adequately responded to the site's context, and will result in a development which is out of character and proposes uncharacteristic visual bulk and massing, failing to meet the objectives of Clause 55.02-1 – Neighbourhood Character.

Linda Day addressed the meeting on behalf of the objectors

William Bromhead addressed the meeting on behalf of the applicant

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Cr Staikos left the Chamber at 7.48pm  
Cr Staikos returned to the Chamber at 7.49pm

**Crs West/Dundas**

That the matter be deferred to allow further discussions with the applicant regarding possible improvements to retain more trees and to protect the amenity of neighbouring residents.

**Carried**

**8. Question Time**

The Mayor announced there were no questions in the question box.



**APPENDIX A – RESCODE ASSESSMENT**

**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>	Yes	<p>The proposed residential building proposes a built form which is different from a suburban residential context, however the design has minimised its impact on adjoining development, and is considered consistent with the future character which is expressed in local policy at Clause 22.05 and Clause 22.11. The area is nominated as being suitable for ‘increased housing diversity’ in conjunction with its zoning, would mean that an apartment development could be contemplated in this location. The subject site has challenging topography which the design has responded, with significant cut proposed to the north of the site resulting in a built form which minimises the appearance of being a three storey development.</p>
<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	<p>The proposal is consistent with local and state policies, in particular Clause 16.02-3 and Clause 16.02-4 which recognise that aged care facilities contribute to housing diversity, are appropriately located in residential neighbourhoods and often entail a different built form from traditional housing.</p>
<p><b>B3 Dwelling Diversity</b> Encourages a range of dwelling sizes and types in developments of ten or more dwellings.</p>	Yes	<p>Whilst this Standard relates to individual dwellings, it is recognised that aged care facilities contribute to dwelling diversity, and are important to meet growing demand.</p>
<p><b>B4 Infrastructure</b> Provides appropriate utility services and infrastructure without overloading the capacity.</p>	Yes, subject to conditions	<p>The site has access to adequate road and drainage infrastructure. The development will need to make application to the appropriate suppliers for water, sewerage, electricity, gas and phone services. Given surrounding developments, it is not expected that this development will unreasonably overload the capacity of those services.</p>

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Title and Objective	Complies with Standard?	Requirement and Proposed
		<p>Council's Drainage Engineer's have advised that standard drainage conditions should be placed as conditions on any permit issued, including the need to provide a drainage plan and stormwater treatment works which must incorporate water sensitive urban design principles.</p> <p>These objectives can therefore be met subject to conditions.</p>
<p><b>B5 Integration with the Street</b> Integrate the layout of development with the street</p>	<p>Yes</p>	<p>The design will orient windows of bedrooms and lounge areas to the street, and a balcony, allowing for good passive surveillance opportunities of the street, and in turn presenting an active façade.</p> <p>A 1.8 metre high front fence is proposed to a portion of the boundary to enclose communal open space. Whilst this fencing is not desirable, it is required for security purposes. The portion to be enclosed is approximately 15 metres of the frontage. The overall result will enable satisfactory integration with the street, with this fencing balanced by the remainder being unfenced and windows at all floors oriented to the street.</p>
<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>	<p>Yes</p>	<p><b>Required:</b> 7.65 metres <b>Proposed:</b> 7.95 metres</p> <p>The façade wall of the building will exceed the street setback required, however concrete steps that provide access to the floor above will encroach into the setback, this is considered satisfactory, with the appearance of any walls associated with the stair well limited by the cut to that portion of the site, resulting in limited visibility of this element.</p>
<p><b>B7 Building Height</b> Building height should respect the existing or preferred neighbourhood character.</p>	<p>No</p>	<p><b>Maximum:</b> 9 metres <b>Proposed:</b> 11.2 metres</p> <p>The topography of the site has a significant fall across the land, at the frontage to Wilson Street, a slope of 10 degrees results in the maximum height under this Standard to be 10 metres. The variance sought therefore is 1.2 metres. It is noted that the cut proposed towards the northern boundary reduces the</p>

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		<p>appearance of the building's height to adjoining northern properties and to the Wilson Street frontage. Where height would have the most impact is to the properties to the south, where the upper level has exceeded required setbacks to reduce the visibility of the second floor.</p> <p>As previously acknowledged within this assessment and report, the site is located within an area that supports the development of medium density development, which could include apartment style development. It is also acknowledged that the proposal is for a specialised residential building, aged care facilities often have different built form and appearances, and in this instance a variance of 1.2 metres in building height is considered warranted for the above reasons.</p>
<p><b>B8 Site Coverage</b> Site coverage should respect the existing or preferred neighbourhood character and respond to the features of the site.</p>	No	<p><b>Maximum:</b> 60% <b>Proposed:</b> 77%</p> <p>The proposal seeks a variation of this requirement, this is considered acceptable subject to the incorporation of Council's Drainage Engineers conditions regarding a drainage plans and requirements for Water Sensitive Urban Design treatments to ensure that the proposal does not unreasonably impact upon local infrastructure and drainage conditions.</p> <p>The proposed site coverage whilst greater than 60%, is consistent with the type of residential building being proposed, where private open spaces for residents are consolidated and there is less demand for private open space.</p>
<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:</b> 20% <b>Proposed:</b> 23%</p> <p>See discussion above under Standard B8.</p>
<p><b>B10 Energy Efficiency</b> Achieve and protect energy efficient dwellings and residential buildings. Ensure orientation and layout</p>	Yes	<p>The proposal will allow daylight to all bedrooms, Incorporates shading devices to west facing windows and double glazed north facing windows, and will limit its impact on the energy efficiency of adjoining dwellings.</p>

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reduces fossil fuel energy use and makes appropriate use of daylight and solar energy.		An ESD report was not submitted with the application, however given the overall size of the proposal it is recommended that a condition be included on any permit issued to require an ESD report to demonstrate how the proposal will incorporate environmentally sustainable measures.
<b>B11 Open Space</b> Integrate layout of development with any public and communal open space provided in or adjacent to the development.	Yes	The design entails communal open space over all floor levels in the form of ground level garden areas and balconies to upper floors. The layout of the development in most cases provides access to communal open space from living areas.
<b>B12 Safety</b> Layout to provide safety and security for residents and property.	Yes	Ground level communal open space is secured by a 1.8 metre high rendered brick fence with gate, whilst the high fencing is not desirable in this residential setting, it is necessary to ensure resident safety in this context. Plans do not indicate that the basement is secured, it is recommended that if a permit is to be issued that the basement is provided with a roller shutter and security entry.
<b>B13 Landscaping</b> To provide appropriate landscaping. To encourage: <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>	Yes, subject to conditions	A concept landscape plan was submitted with the application, however this did not include the retention of the Lilly Pilly tree. If a permit is to be issued, it is recommended that an amended landscape plan is submitted showing the Lilly Pilly tree, within an appropriate Tree Protection Zone. The proposal entails an internal courtyard, conditions will also be required to ensure that appropriate planting are provided to the courtyard to ensure their long term sustainability.
<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	Yes	The proposal will entail two new crossovers which will not exceed the permitted width and will allow for safe access to and from the site, subject to a condition being included on any permit issued requiring the reduction in fence height to 1.2 metres on the southern

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<b>Title and Objective</b>	<b>Complies with Standard?</b>	<b>Requirement and Proposed</b>
neighbourhood character.		boundary to enable clear sightlines of pedestrians from cars exiting the basement.
<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	The location of parking within the basement is conveniently located for staff, with lifts and stairwells providing access to the upper floor.
<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	See report.
<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	<p><b>Proposed:</b> <b><u>Ground Floor</u></b> <i>North:</i> Min. 2.53 metres proposed. Majority of ground floor sits below ground level. Setbacks comply. <i>East:</i> N/A (frontage) <i>South:</i> Min 3.8m, increasing to max of 7.5m setbacks proposed. With wall heights varying between approx. 6.8m – 7.3m this would require a minimum setback of 3.39 metres. Setbacks comply. <i>West:</i> Not applicable. Extension abuts existing facility to the west. <b><u>First Floor</u></b> <i>North:</i> Min. 3.35m proposed to bedrooms 28 and 29, and min. 1.28m proposed to the balcony. The wall height is 7.35m at the point that the minimum setback of 3.35m is proposed, the wall height requires a setback of 3.44 metres. A variance of less than 10cm is considered acceptable, noting that the setback increases to over 4 metres for the majority of the length of the development. Where the balcony is located 1.28m from the north boundary the wall height of the balcony is 3 metres due to the cut proposed at that part of the site, requiring a minimum setback of 1 metre. Setbacks comply.</p>

<b>Title and Objective</b>	<b>Complies with Standard?</b>	<b>Requirement and Proposed</b>
		<p><i>East:</i> N/A (frontage)  <i>South:</i> Min 3.8m, increasing to max of 7.5m setbacks proposed. With wall heights varying between approx. 6.8m – 7.3m this would require a minimum setback of 3.39 metres. Setbacks comply.  <i>West:</i> Not applicable.  <u><b>Second Floor</b></u>  <i>North:</i> Min. 3.35m proposed to bedrooms 28 and 29, and min. 1.28m proposed to the balcony. The wall height is 7.35m at the point that the minimum setback of 3.35m is proposed, the wall height requires a setback of 3.44 metres. A variance of less than 10cm is considered acceptable, noting that the setback increases to over 4 metres for the majority of the length of the development.  <i>East:</i> N/A (frontage)  <i>South:</i> Min. of 7.5m proposed, increasing to 11.3m and 13.3m. Wall heights vary with a max. of 10m requiring a setback of 6.08m. Setbacks comply.  <i>West:</i> Not applicable.</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>	<p>Yes</p>	<p>No walls on boundaries proposed.</p>
<p><b>B19 Daylight to Existing Windows</b>            Allow adequate daylight into existing habitable room windows.</p>	<p>Yes</p>	<p>Appropriate setbacks provided to existing windows allowing for at least a minimum 3 metre light court required by this Standard.</p>

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<b>Title and Objective</b>	<b>Complies with Standard?</b>	<b>Requirement and Proposed</b>
<p><b>B20 North Facing Windows</b> Allow adequate solar access to existing north-facing habitable room windows.</p>	<p>Yes</p>	<p>North facing windows at No. 11 Wilson Street are shown to be located 3 metres from the shared boundary. The minimum setback provided at ground level is 3.85 metres, with this setback increased and varied along the length of the boundary (varying at 4 metres, 5 metres, 6.5 metres and 7.5 metres). These setbacks are mirrored at the first floor and increased at the second floor to a minimum of 7.5 metres, increasing to 11.3 metres and 13.3 metres. The proposed setbacks exceed the requirements of this Standard. Where wall heights at the first floor are a max. of 7.3 metres, a setback of 3.39 is required, with the minimum setback provided at 3.8 metres to a stairwell. The majority of setbacks are 4 metres and greater at this floor. At the upper level (second floor) where wall heights vary but generally are 10 metres or less, this would require a setback of 6.08 metres, with this requirement exceeded.</p>

<b>Title and Objective</b>	<b>Complies with Standard?</b>	<b>Requirement and Proposed</b>
<p><b>B21 Overshadowing Open Space</b> Ensure buildings do not significantly overshadow existing secluded private open space.</p>	<p>No</p>	<p>Overshadowing will fall primarily within the subject site, however the overshadowing that will occur will be to the adjoining properties to the south at No. 11 Wilson Street. Shadow will generally not exceed that currently cast by the fence, where that shadow is exceeded relates to No's 2, 3, 4 and 5 at No. 11 Wilson Street. It would appear that these dwellings have private open space areas of 25 square metres, due to overshadowing cast by the existing 1.8 metre high fence, these areas would not currently receive 5 hours of sunlight between 9am and 3pm to 75% of their yard.</p> <p>Currently along the shared boundary is a considerable degree of vegetation including established trees, some of which are proposed to be retained. The current degree of sunlight achieved to these open spaces is not only affected by the paling fence, but also trees on the subject site.</p> <p>It is considered that where the current amenity of secluded private open spaces to dwellings at No. 11 Wilson Street do not meet the requirements of this Standard, that they should not be further impacted upon by the proposal. It is therefore recommended that a condition be included on any permit issued requiring appropriate setbacks to ensure compliance with this Standard. Overshadowing would appear to be the result of the ground and first floor wall heights (same heights and setbacks at these levels) and will therefore require further stepping in at these levels to reduce overshadowing.</p>



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<p><b>B22 Overlooking</b> Limit views into existing secluded private open space and habitable room windows.</p>	<p>Yes, subject to conditions</p>	<p>The design has incorporated screening to windows and balconies to prevent unreasonable overlooking.</p> <p><b>NORTH ELEVATION</b></p> <p>On the ground floor of the development would be constructed below natural ground level, where windows and glazed doors are proposed to living and dining areas, these would be below the ground level of the abutting properties to the north, facing a retaining wall.</p> <p>At the first floor, due to the degree of cut proposed and the subterranean construction of the ground floor, the first floor would have floor levels comparable to a ground floor. Windows to bedrooms numbered 27-31 have finished floor levels below 0.8 metres, combined with a new 1.8 metre high north boundary fence, this would prevent unreasonable overlooking from these windows. Windows to the living and dining area have finished floor levels in excess of 0.8 metres (between 1.2m and 1.6m approx.), with these windows located 4.13 metres from the boundary to No. 5/19-21 Wilson Street. These windows are shown with vertical fins angled at 45 degrees to prevent views to the abutting property, however plan details show the angling of some fins which would enable views to adjoining habitable rooms, this could be rectified by an appropriate permit condition. Provided that the screen detail is appropriately designed, this could prevent unreasonable overlooking. The balcony accessed from the activities room is shown with horizontal screening to a height of 1.7m above finished floor level, with a break in the screening allowing light penetration whilst sited so as to prevent views to habitable rooms on the adjoining properties. At the second floor windows to bedrooms 9-13 are located opposite habitable room windows on the adjoining properties, however the windows are located in excess of 11 metres, meeting the requirements of this Standard. For windows to the living and dining</p>

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		<p>room, vertical fins are proposed, same as the floor below – with a condition recommended to angle the dining room window fins to prevent westward views to habitable room windows. The balcony of this floor is shown with screening to 1.7 metres above finished floor level, however the break in screening would allow overlooking to windows at No. 5/19-21 Wilson Street and a condition is recommended to provide screening to the entire north elevation of the balcony.</p> <p><b>SOUTH ELEVATION</b></p> <p>Ground floor windows would not appear to achieve unreasonable overlooking, with floor levels less than 0.8 metres and the boundary fence being 1.8 metres high.</p> <p>First floor windows are provided with varied setbacks from the southern site boundary, but the majority would appear to be located within 9 metres of habitable room windows located at No. 11 Wilson Street. All of the south facing bedroom windows are proposed to be provided with planter boxes, designed so as to prevent downward views. Views measured at a 45 degree angle from a height of 1.7 metres would be limited by the provision of a screening device provided to the outside of the planter boxes. This screening is considered satisfactory.</p> <p><b>WEST ELEVATION</b></p> <p>Views will be internal, with this discussed below under B23.</p> <p><b>EAST ELEVATION</b></p> <p>Views from windows and the proposed balcony will be to the street, which is considered appropriate.</p>

<b>Title and Objective</b>	<b>Complies with Standard?</b>	<b>Requirement and Proposed</b>
<p><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.</p>	<p>Yes, subject to conditions</p>	<p>Details have not been shown on plans of the location of all east windows of the existing facility at No. 10-12 Bendigo Street, so that an assessment of the impact of proposed windows cannot be made. It is recommended that a condition is included on any permit issued to require plans to show existing windows and any screening required to new windows to prevent internal views. The applicant has noted that bedroom windows at ground floor located around the internal courtyard may require treatment to prevent internal views but plans have not indicated how they will be treated, this can be rectified by a condition on any permit issued.</p>
<p><b>B24 Noise Impacts</b> Protect residents from external noise and contain noise sources in developments that may affect existing dwellings.</p>	<p>Yes, subject to conditions</p>	<p>The proposal entails plant equipment being located within the basement, along with the laundry and kitchen, internalising any noise that will be created by these uses.</p>
<p><b>B25 Accessibility</b> Consider people with limited mobility in the design of developments.</p>	<p>Yes</p>	<p>The building will be appropriately designed so that residents with limited mobility will be able to fully utilise the facility.</p>
<p><b>B26 Dwelling Entry</b> Provide a sense of identity to each dwelling/residential building.</p>	<p>Yes</p>	<p>Whilst the primary entry to the building will continue to be from Bendigo Street, the extension will still present as an identifiable facility, though a pedestrian entry is not provided.</p>
<p><b>B27 Daylight to New Windows</b> Allow adequate daylight into new habitable room windows.</p>	<p>Yes</p>	<p>All windows to bedrooms will be provided with adequate daylight and be oriented clear to the sky. Similarly the main living areas throughout the building will also achieve adequate access to daylight.</p>
<p><b>B28 Private Open Space</b> Provide reasonable recreation and service needs of residents by adequate private open space.</p>	<p>Yes</p>	<p>No private open space is provided, instead communal open space at ground level and in the form of balconies to the upper floors is proposed. Ground floor open space is proposed towards the northern boundary. It is considered that the proposed outdoor areas are adequate to meet resident demand.</p>
<p><b>B29 Solar Access to Open Space</b> Allow solar access into the secluded private open space of new dwellings/buildings.</p>	<p>Not applicable</p>	

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<b>Title and Objective</b>	<b>Complies with Standard?</b>	<b>Requirement and Proposed</b>
<p><b>B30 Storage</b> Provide adequate storage facilities for each dwelling.</p>	<p>Not applicable</p>	
<p><b>B31 Design Detail</b> Encourage design detail that respects the existing or preferred neighbourhood character.</p>	<p>Yes</p>	<p>The design is contemporary in style, incorporating a flat roof in order to minimise the overall height of the building. Character within Wilson Street generally conforms with a low scale suburban typology, with the area yet to be significantly redeveloped for contemporary style dwellings, however the west side of Wilson Street located within a Residential 1 Zone and earmarked for ‘increased diversity’ is considered an appropriate context for a development which does not replicate the existing predominant built form.</p> <p>The design will incorporate a mix of materials to provide some articulation along the north and south elevations, along with stepping in of walls to alleviate sheer walls within the development. It is acknowledged that the overall appearance of the development does have an ‘institutional’ quality however aged care facilities, as a specialised form of housing, by its nature requires different specifications in its built form. Amendments to plans provide a balcony to the street and planter boxes, aiding in identifying the building’s residential purpose, and are considered appropriate.</p>
<p><b>B32 Front Fences</b> Encourage front fence design that respects the existing or preferred neighbourhood character.</p>	<p>No</p>	<p><b>Maximum:</b> 1.2m <b>Proposed:</b> 1.8.</p> <p>As discussed under B5, part of the frontage to Wilson Street will be enclosed by a 1.8 metre high solid rendered fence. Whilst the fence height is undesirable, it is noted that it would only be to a portion of the site’s frontage to Wilson Street, and is required for resident safety purposes. The variation in this context is considered acceptable.</p>

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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>	<p>Yes</p>	<p>It is not envisaged that the facility would be subdivided. Shared areas are easily identifiable and capable of management by the operators of the facility.</p>
<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>	<p>Yes, subject to conditions</p>	<p>A Waste Management Plan was submitted, however it is not clear from that information how much waste is likely to be generated by the existing and proposed facility, if the proposed bin store area is sufficient, and how the waste will be collected. The location of a bin store area to the Wilson Street frontage is considered unacceptable, it is recommended that it is relocated to the basement, and an improved Waste Management Plan be required by condition of permit (should one be issued) demonstrating how waste will be appropriately managed on the site.</p>

**Continued:**

**N 166**

**KP101/11 – 13 Lochiel Avenue, Edithvale**

Angelo Paolini addressed the meeting on behalf of the applicant.

**Crs Shewan/Moloney**

That Council issue a Notice of Refusal to Grant a Permit for the development of this site for the construction of two (2) dwellings, on the following grounds:

1. The proposal fails to satisfy all of the requirements of Clause 55 of the Kingston Planning Scheme (ResCode), in particular Clause 55.02-1 - Neighborhood Character Objectives, Clause 55.02-2 - Residential Policy Objectives, Clause 55.03-1 – Street Setback Objective, Clause 55.03-3 - Site Coverage Objective, Clause 55.03-8 - Landscaping Objectives, Clause 55.03-9 - Access Objectives, Clause 55.05-3 – Daylight to New Windows Objective, Clause 55.05-4 - Private Open Space Objective, Clause 55.05-6 - Storage Objective, and Clause 55.06-1 - Design Detail Objective.
2. The proposal exhibits excessive bulk and mass.
3. The proposal would have an adverse affect on the amenity of an established residential neighbourhood.

**Carried**

**N168**

**Bonbeach Foreshore Vegetation**

**Approved by:** Rachel Hornsby, General Manager Environmental Sustainability

**Author:** Mark Juler, Manager Parks & Depot Operations

**1. Purpose**

This report is to inform Councillors about issues relating to foreshore vegetation along Bonbeach foreshore. In particular the planting of over storey ie: tall vegetation including Banksias and non-tree species that has the potential to block private views.

Officers are proposing improved community consultation in areas along the foreshore where over storey plant species are to be planted.

**2. Council Plan**

Planned Outcome 2: A sustainable Environment.

Strategy 2.3: Protect and enhance Kingston's natural resources.

The restoration/revegetation of the Bonbeach Foreshore is included in *Action 2.3.4: Implement the Coastal Management Plan*. The Coastal Management Plan (CMP) outlines Council's approach to the planting of native species along the foreshore.

**3. Background**

Some residents have raised concerns regarding the planting of over storey vegetation along the foreshore between Monica Ave and The Glade, Bonbeach. Concerns are that over storey vegetation will block all bay views, which in turn reduces the value of abutting properties, also that the plantings are inconsistent with illustrations within the CMP, which shows some views being maintained.

The CMP planting guidelines are based on ecological reports and the Department of Sustainability and Environment (DSE) Ecological Vegetation Classes (EVC). An EVC is a scientific classification relating to plant communities and species that would naturally occur in a given location. It also provides density and biodiversity targets for revegetation which natural resource managers should aim to achieve.

Historical records provide details regarding the history of the Bonbeach Foreshore natural vegetation, including the location of the Coast Banksia Woodland EVC, of which Coast Banksias are the dominant over storey species. Coast Banksia Woodland is listed as an Endangered EVC meaning that the composition of plant species found along the Bonbeach Foreshore area is endangered and of ecological importance.

EVC data is used by Council to priorities revegetation and weed eradication works that are incorporated into Vegetation Management Plans (VMP). Since the introduction of the CMP, Council has been undertaking prioritised works along the foreshore consistent with the VMP, including the planting of Coast Banksia to reinforce the existing stands along Bonbeach Foreshore. The low survival rate of coastal planting is taken into account when planning revegetation works,

also, as the Banksias mature, they will out-compete each other reducing the overall amount of mature Banksia coverage.

No further plantings are planned for the area between Monica Ave and The Glade (unless vandalism occurs) as target density has been achieved. Future plantings are planned for North of Monica Ave where the over storey is non-existent. This is expected to take 3 -5 years to complete after which plantings are proposed south of The Glade.

The foreshore planting season runs from April to August, during which all of the planting scheduled for the year is performed.

#### **4. Summary and Conclusion**

The planting of over storey vegetation including Coast Banksias along the Bonbeach Foreshore has polarised the local community. A group of local residents believe that the planting of over storey vegetation will block all their bay-views and the CMP states that residents' private views would not be totally blocked off by vegetation. Residents also believe that this planting is having a detrimental effect on the value of their properties.

As well there is a separate group of community members who want Council to continue revegetation.

There is no dispute though about whether trees eg: banksias and upper storey shrubs (2 – 5 meters) are to be or should be planted. The issue is about how the local community is engaged and how some views are maintained.

Currently, all foreshore over storey plantings south of the Mordialloc Creek have been halted until Council has resolved how to move forward on this issue.

#### **5. Consultation**

Council held two community meetings to allow attendees to voice their opinions and concerns regarding vegetation along the Bonbeach Foreshore.

The first meeting was held at Patterson Lakes Community Centre on the 13 April 2011 with residents who believe that Council over planted Banksias and upper storey shrubs. This meeting was chaired by Cr Brownlees, with Cr Ronke, Cr Moloney, Cr Dundas, and John Nevins, CEO in attendance. Cr Brownlees invited those in attendance to take it in turns to share their thoughts and concerns about vegetation along the Bonbeach Foreshore.

In summary they all supported the CMP but they believed plantings are inconsistent with illustrations within the CMP, which shows some views being maintained.

The second meeting was held at Bonbeach Life Saving Club on 19 April 2011, with residents who believe that Council planting practices are appropriate. This meeting was chaired by Cr Brownlees, with Cr Ronke, Cr Shewan, Cr West, and Cr Dundas in attendance. Cr Brownlees invited those in attendance to take it in turns to share their thoughts and concerns about vegetation along the Bonbeach Foreshore.



In summary the main points raised by attendees were that the foreshore is Crown Land and should be managed for all visitors, not only those whose properties abutt the foreshore and they support Council planting over storey vegetation.

The point of diverge is the extent of tree / upper storey bay view blocking plantings.

## **6. Issues**

How an acceptable balance between tree and upper storey bay view blocking plantings and retention of some bay views can be achieved through consultation with abutting property owners.

## **7. Foreshore Planting Option**

7.1 Council have only planted ground understorey species over the remainder of the 2011 planting season in Bonbeach whilst continuing to plant as per the CMP in all other foreshore locations. For the 2012 planting season and onwards plant in accord with the CMP while introducing improved community consultation detailed in the FORESHORE PLANTING COMMUNITY ENGAGEMENT STRATEGY (refer Attachment 1) in areas where there are proposed upper storey plantings that could potentially block views.

**This option is recommended.**

7.2 Continue existing approach to upper storey plantings.

**This option is not recommended.**

7.3 Cease upper storey vegetation plantings.

**This option is not recommended.**

## **8. Triple Bottom Line Checklist**

- **Environmental** – Over storey vegetation, including Banksias provide important habitat for a range of wildlife, in particular birds. Revegetation works perform an important role in improving biodiversity, erosion control and capturing greenhouse gases eg CO<sub>2</sub>.
- **Social** – This issue has created tension between groups of community members, particularly those in the immediate vicinity. The height of the over story vegetation has blocked views of abutting residents resulting in disputes over plantings.
- **Financial** – Local residents believe that the loss of bay-views has devalued the abutting properties. Arguable this is correct.

## **9. Recommendation**

That Council resolve for the 2012 planting season and onwards that officers plant in accord with the CMP and introduce improved community consultation (detailed in the FORESHORE PLANTING COMMUNITY ENGAGEMENT STRATEGY Attachment 1) in areas where there are proposed upper storey plantings that could potentially block views.

### **Attachment:**

*Foreshore Planting Community Engagement Strategy*

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**Crs Ronke/Moloney**

That the recommendation be adopted.

**Carried**

## Attachment 1

# FORESHORE PLANTING COMMUNITY ENGAGEMENT STRATEGY

The following strategy is aimed at improving community engagement and consultation when undertaking foreshore plantings that may affect abutting resident's bay-views. It aims to find a balance between maintaining views while improving ecological processes and dune stability ie: environmental improvement.

### 1. Notification 3 weeks prior to planting:

- 1.1 Notify abutting residents of the proposed planting via addressed mail to the property owner. The notification should include:-
  - Why the plantings are important.
  - The types of plants that will be planted and their expected mature height and timelines for that location.
  - Invite resident to meet staff on site to discuss the location of over storey/possible view blocking plants.
- 1.2 Indicate to residents where over storey plants will be located.
  - Staff to locate plants where they will have the least impact on bay-views while improving the foreshore environment.
  - The proposed location of over storey plants to be marked out with wooden stakes and marking paint for residents to observe and discuss with Council staff pre-planting.

### 2. On Site Meeting prior to planting:

- 2.1 Staff to meet with concerned residents on-site to discuss the proposed location of over storey plants that may affect bay-views.  
On-site meeting should aim to:
  - Identify possible locations for over storey plants to achieve an acceptable balance between abutting residents' bay views and environmental improvements.
  - Attempt to come to a mutual agreement for the location of the plants to the benefit of the abutting residents and the foreshore environment.

### 3. During the planting:

- 3.1 Ensure that over storey plants are planted at the agreed location e.g. if volunteers are performing the plantings, ensure that plants have not been moved away from the agreed location.

**N 169                      Draft City of Kingston Road Safety Strategy 2011-2015**

**Approved by:** Rachel Hornsby, General Manager Environmental Sustainability

**Author:** Anthea Jennings - Team Leader Traffic Management

**1. Purpose**

To provide information about the Draft Road Safety Strategy 2011-2015 and recommend that the draft be placed on public exhibition for a period of not less than three weeks.

**2. Council Plan**

This report relates to the City of Kingston Council Plan 2009-2013:

Planned Outcome 1- Infrastructure for a safe and active community

Strategy 1.4 Traffic, parking and transport

Action 1.4.3 Review and implement Community Road Safety Strategy and realign with State Government initiatives.

**3. Background**

**3.1 Road Safety Strategy Framework**

The City of Kingston developed its initial Road Safety Strategy in 2005. This document was not formally adopted by Council, however has been a valuable guide to implementing road safety activities over its term.

The Strategy has recently expired, giving Council the opportunity to review its efforts and develop a new RSS that addresses the current needs within the City of Kingston. The Road Safety Strategy was developed to provide the overall framework for the operation of Road Safety related programs, with a focus on behavioural projects and developments.

**3.2 Road Safety Strategy development process**

Council received a \$20,000 grant from the Transport Accident Commission to fund the development of a municipal Road Safety Strategy.

The following process was undertaken in the development of the 2011-2015 Road Safety Strategy.

- Review of legislation and key internal and external policies;
- Literature review and benchmarking of other municipalities;
- Review of the actions and current status of the RSS 2005-2009;
- Consultation with internal and external stakeholders;
- Analysis of crash statistics;
- Prioritisation of issues, actions and implementation.

### **3.3 Key Areas for Action in the Strategy**

The consultation and analysis of crash statistics have shown the following road safety issues as priorities for the City of Kingston:

- Addressing the over-representation of young drivers in road crashes;
- Providing education programs that encourage older road users, particularly pedestrians, to consider their physical and mental abilities and make safe transport decisions;
- Advocating for lower speed limits in key pedestrian areas and address the behaviour of speeding;
- Providing behaviour change programs to improve the safety of cyclists; and
- Improving the communication between Council, the community, and key stakeholders.

### **3.4 Strategic Priorities**

The Road Safety Strategy 2011-2015 provided the following ten key Strategic Priorities.

1. **Leadership and Communication:** Provide Civic leadership and coordination to deliver programs and services to enhance Road Safety knowledge to help reduce the incidence of Road Trauma.
2. **Novice Drivers:** Provide and promote safe and responsible road user practices and programs to drivers aged 18-25 years to help reduce the incidence of Road Trauma within this age group.
3. **Older Road Users and Road Users with Limited Mobility :** Provide and promote safe and responsible road user practices and programs to Older road users and road users with limited mobility to help reduce the incidence of Road Trauma in this demographic.
4. **Pedestrians:** Provide and promote safe and responsible road user practices and programs to pedestrians to help reduce the incidence of Road Trauma in this demographic.
5. **Alcohol, Drugs, Fatigue, Speed and Distractions:** Provide and promote safe and responsible road user practices and programs in relation to Alcohol, Drugs, Fatigue, Speed and other distractions to help reduce the incidence of Road Trauma.
6. **Bicyclists and Motorcyclists:** Provide and promote safe and responsible road user practices and programs to Bicyclists and Motorcyclists to help reduce the incidence of Road Trauma in this demographic.
7. **Early Childhood and Safe School Travel:** Provide and promote safe and responsible road user practices and programs in relation to the safety of young children and safety around schools and early childhood centres to help reduce the incidence of road trauma.
8. **Fleet Safety:** Promote the importance of Fleet safety to businesses and residents within the City of Kingston to help reduce the incidence of road trauma.
9. **Selecting Safe Vehicles:** Promote the importance of Selecting Safe Vehicles to businesses and residents within the City of Kingston to help reduce the incidence of road trauma.
10. **Evaluation:** Provide annual Road Safety Strategy reports for Council and a full review upon expiry of the Road Safety Strategy in 2015.

#### **4. Summary and Conclusion**

The City of Kingston is committed to providing a safe, accessible and sustainable environment for residents and visitors. A Road Safety Strategy will assist Council Officers to implement targeted activities that aim to reduce the number and severity of road crashes within the municipality.

The draft Road Safety Strategy 2011-2015 is now complete and approval is sought from Council to place it on public exhibition for a period of not less than three weeks.

Adoption of the Road Safety Strategy 2011- 2015 will continue to enable Council to take a lead role in providing a safe and secure environment for the people who live, work and participate in the life of the City.

#### **5. Consultation**

Community workshops, surveys, meetings and benchmarking were conducted in 2009 in conjunction with the following organisations, departments and services.

- § Victoria Police
- § VicRoads
- § RoadSafe Inner South East
- § Neighbouring municipalities
- § Department of Education and Early Childhood Development
- § Metropolitan Fire Brigade
- § Community Safety Reference Group
- § Corporate Leadership Group
- § Councillors
- § Community and Aged Services
- § Leisure and Culture
- § Family, Youth and Children's Services
- § Environment
- § Infrastructure
- § Local Laws and Health Services
- § Governance and Performance Planning
- § People and Culture
- § OHS/ Risk Management
- § Residents
- § Village Committees
- § Kingston Cycling and Walking Management Group
- § Kingston Access and Equity Advisory Committee

#### **6. Issues**

The City of Kingston is unfortunately one of the top 10 municipalities within Victoria for the number of road deaths and serious injuries. To address this, the City of Kingston Road Safety Strategy 2011-2015 has been drafted. The Strategy will guide Council Officers in the implementation of road safety education activities that are tailored to the needs of the Kingston community.

#### **Road Crash Statistics for the City of Kingston 2000 - 2009**

- 62 fatalities on Kingston roads
- 4918 injuries on Kingston roads
- Drivers aged 18-25 have been involved in the highest number of injuries or death (24.7%)
- Pedestrians aged 60+ were the highest killed or injured (25%).
- Drivers aged 30-39 were the second highest killed or injured at 20.4%
- Pedestrians aged 30-39 were also the second highest killed or injured at 14%

**Key Areas for Action in the Strategy**

- Addressing the over-representation of young drivers in road crashes;
- Providing education programs that encourage older road users, particularly pedestrians, to consider their physical and mental abilities and make safe transport decisions;
- Targeting drivers aged 30-39 years and providing information, education and programs to address the issues;
- Advocating for lower speed limits in key pedestrian areas and address the behaviour of speeding;
- Providing behaviour change programs to improve the safety of cyclists; and
- Improving the communication between Council, the community, and key stakeholders.

**Funding**

The City of Kingston currently employs a 0.4EFT Community Road Safety Officer and contributes approximately \$25,000 for Road Safety initiatives.

Council receives additional funding, in the form of grants from the Victorian Community Road Safety Alliance and RoadSafe South East Inc to support these initiatives. In the 2011/2012 financial year, Council received grants to assist with the financial delivery for the following programs:

- Wiser Driver
- Fit to Drive
- Keeping Safe & Mobile
- Looking After Our Mates
- Responsible Service of Alcohol
- Bicycle Education Training for teachers

All of the suggested actions within the Road Safety Strategy Action Plan are within the Council budget and current grants allocation. If funding from grants changes, the number of each program offered will be changed to match the available funding.

**7. Options**

N/A

**8. Triple Bottom Line Checklist**

- **Environmental** – The Road Safety Strategy promotes sustainable modes of transport such as public transport, walking and cycling, by improving the accessibility and safety of road users.
- **Social** – The Road Safety Strategy will address health, safety and mobility issues relevant to residents and visitors to the City of Kingston, particularly young children, youth, elderly, and

road users with limited mobility. The Road Safety Strategy complies with the requirements of the Human Rights Charter.

- **Financial** – The development of the Road Safety Strategy is being funded by the Transport Accident Commission. The Strategy aims to decrease the number and severity of road crashes within the City of Kingston, therefore decreasing the financial consequences of road trauma (such as medical treatment, insurance, and infrastructure repairs).

**9. Recommendation**

That Council resolve to release the draft City of Kingston Road Safety Strategy 2011-2015 for community consultation for a period of not less than three weeks and a further report then be presented to Council on the outcome of this consultation.

Attachments:

*Draft City of Kingston Road Safety Strategy 2011 – 2015 -*

Cr Staikos left the Chamber at 8.27pm

Cr Staikos returned to the Chamber at 8.28pm

Cr Athanasopoulos left the Chamber at 8.28pm

Cr Athanasopoulos returned to the Chamber at 8.31pm

**Crs Shewan/Peulich**

That the recommendation be adopted.

**Carried**



**N 170**

**Heritage Study – Implementing Recommendations**

**Approved by:** Rachel Hornsby, General Manager Environmental Sustainability

**Author:** Rosa Zouzoulas - Team Leader Strategic Planning

**1. Purpose**

The purpose of this report is to obtain approval from Council to implement the recommendations of the Kingston Heritage Study to nominate specific sites for inclusion on the Victorian Heritage Register.

**2. Council Plan**

Planned Outcome 2 – A Sustainable Environment contains a strategy for *Striving for a balance between development and amenity* (2.2).

**3. Background**

The Kingston Heritage Study (Stage 2) was adopted by Council on 26 July 2004. It identified sites of heritage significance and recommended heritage controls based on the site's individual significance and a comparative analysis with other sites of similar significance both within Kingston and the broader metropolitan area.

Amendment C46 to the Kingston Planning Scheme included all the sites of significance, (as identified by the adopted Kingston Heritage Study, 2004), into the Heritage Overlay of the Kingston Planning Scheme. This process included significant consultation with the broader community and owners and occupiers of sites to ensure their awareness of the new controls and the reasons for the Heritage Overlay, and to ameliorate any concerns.

Further to identifying sites of significance to the City of Kingston, the Kingston Heritage Study also recommended sites for inclusion on the Victorian Heritage Register. Five sites were designated as appropriate for proposed nomination to Heritage Victoria, and inclusion on the Victorian Heritage Register.

**4. Summary and Conclusion**

The Kingston Heritage Study was a comprehensive review of identified sites and precincts within the municipality. This review critically analysed the places of significance and was tested with the community through significant consultation. A component of the Study was to identify and recommend where appropriate sites of Victorian significance. This was identified in the Study.

The aim of this report is to act on the recommendations of the Kingston Heritage Study and proceed with nomination of the five selected sites towards inclusion on the Victorian Heritage Register. Officers have sought to inform the current owners and occupiers of the proposed nomination and has received positive feedback thus far. It is appropriate therefore that Council proceed to finalise the recommendations of the Study and proceed with nomination of the selected sites to the Victorian Heritage Register.

## **5. Consultation**

Community consultation was conducted as part of the Kingston Heritage Study, Stage 1 and 2. Council also consulted through the exhibition stage of Amendment C46, the amendment that introduced the Heritage Overlay to all identified sites of significance. Owners and managers of the identified properties are aware of the Study's recommendations, and have been given a copy of the heritage citation that identifies why their site is significant and the proposed recommendations. Council officers have written to all five owners and occupiers in the last month notifying them of Council's intention to progress towards inclusion of those properties on the Victorian Heritage Register. Of the five owners/occupiers, Council officers have been advised by two private owners that they have no concerns with the nomination. As committee of management for one of the sites, Council does not object to the inclusion of the third identified site.

## **6. Issues**

### **Nomination (Heritage Victoria):**

The process of nominating sites for the Victorian Heritage Register would involve a nomination and submission by Council regarding the heritage value of a site under criteria designated by Heritage Victoria. The director of Heritage Victoria makes a recommendation to the Heritage Council based on the submission. Depending on support or objection related to the director's recommendation, any objections received, or the type of heritage significance, this can alter the direction of the nomination and the timeframe involved in a decision.

### **Benefits of Registration:**

Successful nomination and inclusion on the Victorian Heritage Register, includes enhanced legal heritage protection through Heritage Victoria, with no modification being allowed unless authorised by the Executive Director. It also allows for possible State funding for restoration and repairs to maintain significant sites. Services are provided to owners of significant sites in the provision of technical expertise.

### **Sites recommended for the Victorian Heritage Register:**

- 23 Fraser Avenue, Edithvale: Significance, Architectural.
- 118 Mentone Parade, Mentone (Kilbreda College): Significance, Historical and Architectural.
- 36 Como Parade, Mentone: Significance, Architectural.
- Cnr Bear & Albert Streets, Mordialloc (Mordialloc Railway Water Tower): Significance, Historical and Architectural.
- Corner of Warrigal Road and Kingston Road, Heatherton (Kingston Centre): Significance, Historical and Architectural.

## **8. Triple Bottom Line Checklist**

- **Environmental** – N/A

- **Social** – The recognition of state significant heritage sites amongst Kingston will contribute to shaping community amenity and allow for significant sites within the urban landscape to be preserved.
- **Financial** – Nomination of heritage sites for inclusion on the Victorian Heritage Register provides for increased funding opportunities for the retention and enhancement of classified sites.

**9. Recommendation**

That Council resolve to:

- 1) Proceed with nomination of the five selected sites towards inclusion on the Victorian Heritage Register.
- 2) Write to all owners/occupiers of the five sites to inform them of the resolution and process involved in the nomination process.

Attachments:

Kingston Heritage Study (Stage 2) citations for the five identified sites for nomination

**Crs Staikos/Shewan**

That the recommendation be adopted.

**Carried**

**N 171                      Contract No 11/73 Foreshore and Toilet Cleansing Services**

**Approved by:** Rachel Hornsby General Manager Environmental Sustainability

**Author:** Mark Juler, Manager Parks and Depot Services  
Tim Ford, Horticulture Supervisor

**1. Purpose**

To obtain approval to award the Foreshore and Toilet Cleansing Services Contract, CONTRACT No. 11/73 to New Age Cleaning Services Pty Ltd, as a Lump Sum contract for a period of four (4) years, with options to extend the Contract for a further two periods of two (2) years each up to a maximum period of eight (8) years from the commencement date.

**2. Council Plan**

Awarding the contract contributes to the following outcomes in the Council Plan:

Planned Outcome 1 - Infrastructure for a Safe & Active Community

Strategy 1.2 - Accessible and shared open spaces that promote social connectedness and active, healthy lifestyles.

Strategic Action 1.2.1 - Provide and facilitate development of safe, sustainable and aesthetically pleasing open spaces, gardens and recreational areas.

Planned Outcome 2 - A Sustainable Environment

Strategy 2.3 Protect and enhance Kingston natural environment

Strategic Action 2.3.3 - Review and reinvigorate Kingston's foreshores.

**3. Executive Summary**

The current contract for the City of Kingston Foreshore and Toilet Cleansing Services expires on 31 October 2011 and is unable to be extended as all extension options have been exercised.

The contract's main function is to ensure that serviced areas are clean, free from litter, safe, functional and suitable for public use. The existing contract is funded from the Park Department's operational budget with an allocation of \$1,125,430 p. a. There is an additional provisional sum of \$49,160 for season variations such as excessive seaweed collection and vandalism related works.

Prior to tendering for a new contract, the Parks Department undertook a complete review of the specification. This was in response to a significant increase to the scope of cleansing works since the contract was first specified in 2004. There has also been a significant increase in patronage to council parks and the foreshore due to increased demand and the installation of significant new council assets. The current levels of service and range of assets does not reflect the original contract scope or value.

An advertisement for the tender was placed in The Age on Saturday, 9 July, 2011. Tenders closed on Thursday, 4 August 2011. One tender submission was received.

The overall price submitted for the tender was \$1,348,120 p.a. plus a provisional sum of \$50,000. This is \$222,690 more than the 2010/2011 budget allocation (not including the additional provisional sum). This additional cost is not unexpected given the current service levels and asset range.

Based on the remainder of this financial year and the new contract commencing 1 November 2011 an additional budget allocation of \$155,000 would be required for 2011/12. It is expected the additional cost of the contract for the 2011/12 financial year will be met within the Council approved operating budget parameters.

The evaluation panel reviewed the tender documentation to identify factors contributing to the cost increase and whether it could be reduced. The increase to the cost of the service delivery can largely be attributed to increased tipping fees and CPI increase which contributed to a combined increase of approximately \$70,000. The rest of the increase can be attributed to increased patronage at sites such as Bicentennial Park, Peter Scullin Reserve and the increased cleaning requirements along the foreshore.

While there has been a substantial cost increase for the service, the evaluation panel is satisfied that, it is as a result of legitimate operating cost and service scope increases. The current levels of service seem to strike a balance between community needs and costs to the ratepayer. Officers would not recommend a reduction in levels of service as a means to achieve cost savings.

It is recommended that New Age Cleaning Services be awarded Contract 11/73 – Foreshore and Toilet Cleansing Services.

New Age Cleaning Services is the current incumbent and was the only tender submission received. New Age Cleaning Services scored well above average in the qualitative assessment.

#### **4. Background**

New Age Cleaning Services has been providing foreshore, barbeque and toilet cleansing services to Council since October 2004. The contract includes cleansing services for the foreshore, such as beach cleansing, rubbish collection and seaweed removal and it also includes cleansing services throughout Kingston's 300 parks including all toilet and barbeque cleansing. The existing contract is funded from the Parks Departments operational budget with an allocation of \$1,125,430. There is an additional provisional sum of \$49,160. This current contract expires on 31 October 2011 and is unable to be extended as all extension options have been exercised.

Prior to tendering for this contract, the Parks Department undertook a complete review of the specification. This was in response to a significant increase to the scope of cleansing works since the contract was first specified in 2004. There has also been a significant increase in patronage to council parks and the foreshore due to increased demand and the installation of significant new council assets. The actual and existing levels of service and variety of assets were not reflected in the original contract.

The review also looked at opportunities to repackaging the specific services within the contract with other like type services, the objective being to attract submissions from specialised companies able to deliver the services at a competitive price. The mechanical sweeping of car parks has been priced separately with the option to remove it from the contract at a later date, should a more competitive price be achieved through the tendering of Council's street sweeping contract in 12 to 18 months

time. The evaluation panel was of the opinion that all other services within the contract are strongly aligned and efficiencies would be achieved by selecting one service provider through a competitive tender process.

The objective of the new specification was to ensure the new contract captures all Council assets that require cleansing and to reflect recognized and actual cleansing frequency service levels based on increased patronage. The expectation is that the new contract will deliver adequate and comprehensive cleansing services for the term of the contract.

An advertisement for the tender was placed in The Age on Saturday, 9 July, 2011. Tenders closed on Thursday, 4 August 2011. Fifty four downloads of the contract documentation were registered. One tender submission was received.

## **5. Issues and Options**

### **5.1 Contract scope and cost**

The existing contract is funded from the Parks Departments operational budget with an allocation of \$1,125,430. There is an additional provisional sum of \$49,160. Through the recent tender process, the overall price submitted for the tender was \$1,348,120 p.a. plus a provisional sum of \$50,000. While not unexpected, this is \$222,690 more than the 2010/2011 budget allocation (not including the provisional amounts in the old or new contract). Based on the remainder of this financial year and the new contract commencing 1 November 2011 an additional budget allocation of \$155,000 would be required for 2011/12.

On receiving the tender, officers also undertook an assessment of the increase and whether there were options to reduce the cost.

Since commencing the existing contract (entered into in 2004) the scope of work has expanded in response to increased patronage, new assets, and upgrades. Until now the contractor has absorbed some of the increased work.

An example of expanded scope of work is the emptying of recycling bins. That work did not form part of the original contract. These additions would be incorporated into the new "lump sum" part of the new contract which in part contributes to a higher contract costs.

The table below details items driving the cost increase.

<b>Area of Increase</b>	<b>Reason</b>	<b>Costs</b>
CPI	CPI	\$39,000
Increase in tipping fees (no control over tipping fees paid by Contractor)	40.4% increase in tipping fees (\$40.50 per tonne) effective of July 1 2011. Increase in tonnage collected over the past 5 years.	\$31,000

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Area of Increase	Reason	Costs
Increased work load indicator for tonnage of waste collected	Increase in tonnage collected over the past 5 years	\$14,000
Public Toilet & Barbeque Cleansing	Increased labour, service frequencies, consumables & vehicle numbers allowed in response to upgraded assets and installation of new assets requiring servicing to address increased patronage, community complaints and monthly audit results. Contractor has previously been absorbing costs.	\$57,000
Increase level graffiti requiring removal	The contract specifications allowed for 100 graffiti removal incidents (up to 4m <sup>2</sup> each incident), however, the contractor has allowed resources for 1200 incidents which they believe is a realistic indicator based on their previous experience in graffiti removal. Contractor has previously been absorbing some of this cost.	\$39,000
Foreshore Litter Bin Collection : Summer frequencies	Increased service for upgrade and installation of new Council assets including recycle bins and to address increased patronage, respond to community complaints and undertake monthly audit results. Contractor has previously been absorbing costs.	\$29,000
Foreshore Manual Litter Collection	Increased collection based upon community complaints and monthly audits. Increase costs due to previous experience in manual litter collection which needs to be completed daily. Contractor has previously been absorbing costs.	\$10,000
Inland Park Furniture Cleansing	Upgrade and installation of new Council assets requiring servicing to address increased patronage, community complaints and monthly audit results. Contractor has previously been absorbing costs.	\$21,000

**5.2 Options to reduce cost**

To reduce the cost of the contract, Council could consider reducing the level of service it provides. This would help cut some costs (if for example litter was picked up every second day in summer rather than every day) but would not reduce all costs associated with the contract (for example the amount of rubbish would remain the same and so would the tipping fees).

The community continues to value the importance of the foreshore, public open space, and supporting infrastructure to provide recreational opportunities. With this come higher expectations in terms of a responsive and adequate level of cleansing services. Given the importance to Kingston residents of public open space including the 13km of foreshore, and the improvements that Council is making to foreshore amenities, reducing the level of cleansing services may be counter-productive. It could potentially lead to dissatisfaction for residents and visitors. The current levels

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of service seem to strike a balance between community needs and costs to the ratepayer and officers would not recommend a reduction in levels of service to try and reduce costs.

While it is not recommended that Council reduce the level of service for the contract, the table below outlines options that could be considered for potential savings.

<b>Area for Potential Saving</b>	<b>Potential Impact</b>	<b>Potential Cost Saving</b>
Cease Seaweed Collection	Decaying seaweed left on foreshore creating odour resulting in community complaints	\$30,000
Reduce specified Public Toilet & BBQ Cleaning frequencies, eliminating most afternoon/evening second daily cleans and some daily cleans at high profile shopping centres, beach and park public toilets. Eliminate some daily cleans at high profile BBQ sites.	Unclean Toilets and BBQs.  Poor presentation of municipal assets.  Community complaints will increase and reduced customer satisfaction survey results.  Call-out cleaning services (responding to specific incidents or complaints) would be required and probably negate any savings.	\$53,000
Limit graffiti removal to 100 incidents (of up to 4m <sup>2</sup> ). Contract requires up to 4m <sup>2</sup> of graffiti to be removed from public amenities within 5 days and 24 hours for offensive graffiti.	Poor presentation of municipal assets.  Best approach to winning the graffiti battle is to remove it ASAP. Leaving it for longer may increase the amount of graffiti with an associated increase in costs to remove it.  Community complaints. Reduced customer satisfaction survey results.	\$39,000
Reduce Foreshore Litter Bin Collection: Summer Frequencies	Overflowing bins and litter spread across the foreshore.  Attract vermin.  Illegal dumping of litter and rubbish.  Requests from the community for more bins. Community complaints and reduced customer satisfaction survey results.  Call-out cleaning services would be required and probably negate any savings.	\$29,000



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Area for Potential Saving	Potential Impact	Potential Cost Saving
Reduce Foreshore Manual Litter Collection	<p>Litter spread across the foreshore.</p> <p>Litter contaminating Port Phillip Bay.</p> <p>Poor presentation of open space.</p> <p>Community complaints and reduced customer satisfaction survey results.</p> <p>Manual litter would not be collected from some sanded areas during Nov, Feb, March &amp; April.</p>	\$10,000
Remove Inland Park Furniture Cleansing	<p>Inconsistent with whole of life asset management approach.</p> <p>Increased asset deterioration leading to more extensive maintenance or earlier replacement.</p> <p>Increased risk to community – food scraps, bird droppings, asset staining, litter, etc. Poor presentation of municipal assets.</p> <p>Community complaints and reduced customer satisfaction survey results.</p>	\$21,000
Reduce Mechanical Sweeping frequency.	<p>Sand build-up may require additional heavy duty machinery to return to acceptable standard. Public safety a concern with walkway access.</p>	<p style="text-align: center;">\$14,000</p> <p>Car parks Saving - \$830 each service</p> <p>Walkways Saving - \$980 each service</p>

## 6. Conclusion

While there is a substantial cost increase for the service compared with the 2004 contract, the evaluation panel is satisfied it is as a result of legitimate operating cost increases. The competitive tender process is undertaken to safe guard against inflated pricing. While only one submission was received, the evaluation panel is of the view that this is due to the highly specialised nature of beach and foreshore cleansing. A Confidential Tender Evaluation Summary spreadsheet is attached (Attachment 1).

New Age Cleaning Services Pty Ltd provided a detailed and comprehensive tender submission. Their overall price was **\$1,348,120** plus \$50,000 provisional sum. Based on the remainder of this financial year and the new contract commencing 1 November 2011 an additional budget allocation of \$155,000 would be required for 2011/12. It is expected the additional cost of the contract for the 2011/12 financial year will be met by reallocating within the Council approved operating budget parameters.

New Age Cleaning elaborated on the service philosophy outlined in the Contract in a way that demonstrated an understanding of the provision of foreshore and cleansing services required in public open space. New Age Cleaning Services has performed well and demonstrated their ability under their current contract without any non-conformances.

The evaluation panel was unanimous in its assessment of the tender. New Age Cleaning Services is a privately owned company that has provided a diverse range of cleaning services to the public and private sectors since 1992. New Age Cleaning Services has extensive local government cleansing experience with current local government cleansing contracts held with the City of Bayside, City of Frankston and City of Dandenong. New Age Cleaning Services is the current incumbent for the City of Kingston Contract 04/33 and is an Ipro Live certified contractor affiliated with Kingston City Council. New Age Cleaning Services has in-place suitably-qualified staff and plant and, if successful, can commence immediately with no transition period required.

## **7. Brief Description of Contractor Works**

This section provides an overview of the contract works expected as part of this contract. The City of Kingston requires a contractor to provide facility management services to manage and undertake foreshore cleansing services within defined areas in Kingston. The services within these areas include a wide range of cleansing, handyman repairs and specialist tasks, such as mechanical beach cleansing, cleansing of high use picnic facilities and toilets along the foreshore and within parks and shopping centres.

The works to be completed under the contract include:

- the cleansing of public toilets
- the cleansing of high use picnic facilities including barbeques
- inspection of Foreshore Areas and Foreshore Beaches
- mechanical cleansing of Foreshore Beaches
- removal of accumulations of seaweed
- manual litter pick up of Foreshore Areas and adjacent parks
- clearing of Foreshore Area litter bins
- mechanical sweeping in Foreshore Areas, including car parks and the promenade path
- the inspection and maintenance of foreshore and inland park furniture and structures, and
- handyman services such as graffiti removal, unblocking basins and tap washer replacement

The Contractor may also be requested to undertake additional or miscellaneous services which may include such works as:

- cleansing services for special events
- additional beach cleansing
- bin replacements
- painting furniture, and
- emergency works

## **8. Triple Bottom Line Checklist**

- **Environmental**

Contractors were required to complete an Environmental Management Plan as part of the Tender Response Schedules. The preferred tenderer demonstrated an understanding of Kingston's expectations with real and practical measures such as using green and environmental friendly cleaning agents.

- **Social**

Contract 11/73 is expected to improve contract monitoring and accountability thereby improving the overall quality of the service to the Kingston community.

- **Financial**

A competitive tender process was conducted to allow the market to compete for the business and deliver a cost effective and efficient service.

## **9. Recommendation**

That Council resolve to award Contract 11/73, Foreshore and Toilet Cleansing Services to New Age Cleaning Pty Ltd, as a lump sum contract for a four (4) year period, commencing on 1 November 2011 to 31 October 2015 and it delegates the Chief Executive Officer or his nominee the authority to exercise the options subject to satisfactory performance.

Confidential Attachments:

*Attachment 1: Evaluation Summary*

### **Crs Peulich/Ronke**

That the recommendation be adopted.

**Carried**

**N 172                    City of Kingston Response to the Potentially Contaminated Land Advisory Committee Issues and Options paper**

**Approved by:** Rachel Hornsby, General Manager Environmental Sustainability

**Author:** John Somers, Senior Strategic Planner

**1. Purpose**

The purpose of this report is to update Councillors on the work being undertaken by the '*Potentially Contaminated Land Advisory Committee*' (the Advisory Committee) which has been established by the Minister for Planning to review the Environmental Audit Overlay (EAO) as well as the application of the Environmental Audit process in the Planning System in Victoria.

On the 8 September 2011, the Advisory Committee issued an Issues and Options paper (Attachment 2) and is inviting comments regarding the paper by 1<sup>st</sup> November 2011.

A draft submission has been provided at Attachment 1 for consideration by Councillors in order to lodge a submission to the Advisory Committee consultation.

**2. Council Plan**

- Planned Outcome 2 – A Sustainable Environment focuses on strategies which relate to the administration of Council's Land Use and Development Planning Functions at Kingston. It would be appropriate that Kingston give consideration to the work of the Advisory Committee as the Committees' recommendations to the Planning Minister may influence the Council's planning activities at a local level.

**3. Executive Summary**

As the City of Kingston has a diverse mix of land use activities officers regularly deal with rezoning and planning applications relating to sites that are either subject to an Environmental Audit Overlay (EAO) or sites where Council needs to be mindful of appropriately managing the transition to a sensitive use. It is considered pertinent that the City of Kingston is involved and makes a submission to the Advisory Committee.

A review of the Advisory Committee report has been undertaken and draft comments are provided for discussion with Councillors.

The key points Council Officers believe warrant inclusion in a submission are:

1. The proposal for Local Government to play a greater role in relation to 'systematically identifying' land which 'may' be contaminated prior to land use change being advanced. Officers are concerned that Council does not have the technical expertise or resources to perform what for Kingston would be a substantive exercise.
2. Proposed improvements to the EAO tool to remove what is at times, a cumbersome burden on development to undertake a costly environment audit. This proposal is supported in appropriate circumstances. For example, not requiring a full Environmental Audit for works

to an apartment on the 2<sup>nd</sup> floor above a retail shop where the risk to ground disturbances are eliminated.

3. The proposal to provide greater guidance to land owners with increased clarity in the land development/use process about the relative severity of the environmental conditions of a parcel of land and the required steps to satisfy the responsible authority that the environment risk has been mitigated. Officers support this proposal.

The detailed draft submission is Attachment 1

In addition to this Officers will be seeking to raise with the MAV whether it will be making a submission on behalf of the sector to strongly define what the role of Local Government should and should not be with regard to the management of potentially contaminated land.

#### **4. Consultation**

As the Advisory Committee Issues and Options paper affects the local provision and operation of the Kingston Planning Scheme, officers from Strategic Planning and Statutory Planning have been consulted on applicable sections of the paper to feed into the draft submission.

#### **5. Issues**

The main principles for change which were adopted as part of the Terms of Reference of the Advisory Committee was to

- *Protect human health and the environment*
- *Manage the risk to councils*
- *Assess the Council application of the Environmental Audit Overlay*
- *Share information*
- *Provide flexible approaches*
- *Let technical people decide technical issues*
- *Make the system clear*
- *Provide certainty about development outcomes*
- *Think about the decision making process*
- *Reduce costs*

The 16 issues and options presented in the report fall into four categories as described below:-

##### *1) Systematic identification of potentially contaminated sites*

A proposal in the Issues and Options paper is that Council or another body such as the EPA should be responsible for the systematic identification of sites which are potentially contaminated. This would have large resource implications for Council in that we currently don't monitor sites. Council's current practice is to consider the environmental conditions of land at the time when a rezoning or permit is proposed for land use activities that are deemed to be a sensitive use. The Advisory Committee feels this 'alarm bell' approach is quite reactive.

Council's lack the technical expertise or resources to undertake this kind of proactive work, which, in the opinion of Officers, would be better carried out and managed by the EPA or another government body which is established to undertake and maintain such assessments. The assistance of Council should be limited to information on land use history from rating and other records.

Two new schedules are proposed to the Victorian Planning Provisions, Schedule 1 would be used where it is known that the land is contaminated and Schedule 2 would be used when the land may potentially be contaminated. The schedules distinguish when an audit is required and when other methods such as a Site Remediation Strategy can be used. Officers support this approach, however reinforce that it is a significant task for a municipality such as Kingston to undertake a systematic identification audit to provide a robust basis for the use of such schedules.

*2) Increasing flexibility to the EAO*

Currently any buildings and works associated with a sensitive use on land which is subject to an EAO requires an Environmental Audit, even though it may not involve the removal of soil – such as works to an apartment on the 2<sup>nd</sup> floor above a retail shop. The new EAO provides for some exemptions to allow buildings and works which are minor in nature or have no relationship to the soil. Officers support this approach.

*3) More guidance on when an Environmental Audit is required*

Further guidance on when an Environmental Audit is required and guidance on the alternative options available is supported particularly where the guidance clarifies when an Environment Audit is required and enables a smoother process.

*4) Timeliness of Environment Audits with the Amendment and Planning Permit process*

In order to attempt to speed up the planning permission process it was suggested in the report that a separate planning permission could be given for the remediation works and the main landuse / development permit. Discussions with Statutory Planning concluded that this would not speed up the process, but delay it even further with an administrative burden of needing to advertise and respond to submissions on two applications instead of one (on the basis that the remediation application would be advertised). It was suggested that the EPA issue permission for the remediation so that the applicant has already begun the remediation and has approval before the planning permission is sought.

In regards to planning scheme amendments to rezone land, currently Officers need to make a decision of whether an Environmental Audit should be carried out before the rezoning, or place an Environmental Audit Overlay on the land to enable an Environmental Audit at a later date. The current provisions also allow an Environmental Audit to be carried out at a later date if it is “difficult” or “inappropriate” to undertake an environmental audit, however there is no definition of what difficult or inappropriate means. The Issues and Options paper proposes to define these terms. Officers support this approach.

The Issues and Options paper also proposes to clarify when an environmental audit is required. Officers consider that it is better to not attempt to categorise when an audit is required, but apply a stepped approach which is applicable to various situations. Ideally an audit should be carried out before an amendment is undertaken noting this does though provide significant complexity where multiple land titles are proposed to be included as part of the Amendment and land use activities have differed on the affected land.

## **6. Triple Bottom Line Checklist**

*Use Times new roman 12 font*

*If not applicable write “not applicable” and delete the rest of the text under the ‘Triple Bottom Line Checklist’ heading.*

*If applicable, add detail in each sub-section below.*

*Delete sections below if not applicable, insert own words in appropriate section and delete guidelines below before submitting report. The explanatory words below are just examples of TBL impacts and are not exhaustive.*

- **Environmental** – *if applicable, report writing officers to note the following – this could include any impacts made through processes, products or services using energy, contributing greenhouse gases, using or affecting water, using materials, waste creation, impacts on biodiversity and changes to transport. Both positive and/or negative impacts can be included.*
- **Social** – *if applicable, report writing officers to note the following: this could include any Charter of Human Rights issues, involvement in shaping community, equality, treatment of minorities, employment, health and safety, training and education, and public concern. Both positive and/or negative impacts can be included.*
- **Financial** – *if applicable, report writing officers to note the following: this could include financial performance, activities relating to shaping demand for products and services, community contributions, customer satisfaction and innovation. Both positive and/or negative impacts can be included.*

## **7. Recommendation**

That Council approve the submission included in Appendix 1 and that it be sent to the Potentially Contaminated Land Advisory Committee appointed by the Minister of Planning.

Attachments:

*Attachment 1 – Draft submission on behalf of Kingston City Council to the Potentially Contaminated Land Advisory Committee Report.*

*Attachment 2 – Potentially Contaminated Land Advisory Committee Issues and Options Report*

*Attachment 3 – Ministerial Direction No 1 – Potentially Contaminated Land*

### **Crs Staikos/Athanasopoulos**

That the recommendation be adopted.

**Carried**

**N 173                      Draft Planning Scheme Review Report**

**Approved by:**            Rachel Hornsby, General Manager Environmental Sustainability

**Author:**                    Rosa Zouzoulas, Team Leader Strategic Planning

**1. Purpose**

The purpose of this report is to report on the preliminary findings of the Draft Planning Scheme Review Report and to request that Council release the draft Planning Scheme Review Report for community consultation following the October Ordinary Council meeting and throughout the month of November 2011.

**2. Council Plan**

Planned Outcome 2 – A Sustainable Environment contains a Strategic Action which is to *Review local planning and process (2.1.2)*. Conduct a review of the Kingston Planning Scheme over the coming months addresses this action within the Council Plan.

**3. Background**

Section 12B of the Planning and Environment Act 1987 outlines the requirement for a planning authority to review its planning scheme every four years. The aim of the review is to enhance the effectiveness and efficiency of the Kingston Planning Scheme. The review assesses the strategic performance of the Planning Scheme and addresses what has been achieved since the last review. In addition, the review identifies the major planning issues facing Kingston and additional work required to strengthen the strategic direction of the Scheme. The last review of the Kingston Planning Scheme was completed in 2007. That review did not substantially amend the planning scheme, and it did not include a review of the suitability of zones and overlays, or the vision and objectives.

Over the past six months officers have:

- § Undertaken extensive internal consultation with key departments within Council to obtain their views on the effectiveness of the Scheme and its deficiencies;
- § Held discussions with Councillors to further identify key issues and areas for incorporation into the draft Planning Scheme Review Report; and
- § Written to and met with key authorities to identify significant strategic work and any inefficiencies so that they can be factored into the review prior to consultation.

A report was also presented to the 25th July Ordinary Council Meeting which obtained a resolution from Council to request an extension of time to complete the Planning Scheme Review by 31<sup>st</sup> March, 2011 noting that the current extension provided by the Minister expires on 30th September 2011. Advice received from the Department of Planning and Community Development is that the request for the extension is likely to be granted and formal advice should be received shortly.



#### **4. Summary and Conclusion**

This report outlines the key findings of the Draft Planning Scheme Review Report. The findings are based on the preliminary consultation undertaken to date with key internal departments, Councillors and various other agencies, and a comprehensive audit of the Scheme.

In accordance with Planning Practice Notes formal consultation is now appropriate to test the findings of the Draft Planning Scheme Review with the Kingston community prior to finalising and reporting the outcomes of the audit to the Minister for Planning for approval.

Given the need to properly engage with the community and then analyse submissions received it is important that Draft Planning Scheme Review Report is released to allow public consultation to occur this year (outside holiday periods).

#### **5. Consultation**

The aim of the consultation is to notify the community of the content and direction of the Planning Scheme Review and seek input. The consultative process will engage with neighbouring Councils, State Government Departments, resident and community groups, trader and commerce groups, village committees, and major authorities such as VicRoads, and VicTrack.

Consultation is to be undertaken utilising

1. **Social Media** – Use Council’s website to provide information, and access to the Review and to enable people to provide feedback. Use Council’s Facebook page, Twitter and Mayoral Blog to promote the Review and direct the community to Council’s website. These methods will engage with the section of the community that may be time poor and unable to attend meetings or participate in community groups. This will not only provide information but also include a user friendly form to fill in for people wishing to communicate with Council without making a detailed and lengthy written response.
2. **Traditional** – Using established forms of media such as The Leader newspaper, KYC which gets delivered to all households in the municipality (November edition), and displays in all customer service centres and libraries
3. **Direct** – Organise three (3) public meetings (one in each Ward) for the wider community with an open invitation ensuring that direct invitation is sent to village committee representatives, and one specialist meeting for design / development / planning professionals.

Consultation is to occur over a six week period throughout November and concluding on 9<sup>th</sup> December, 2011. Feedback is sought in writing or by attending one of the workshops.

## **6. Draft Planning Scheme Review findings**

The Planning Scheme Review has identified the following changes:

1. ***MSS and Local Planning Policy Framework Structure*** – The structure of the State Planning Policy Framework was recently changed to reflect current planning issues, delete repetition and make it more user friendly. The Department of Planning and Community Development (DPCD) encourage all Councils to amend the MSS and Local Planning Policy Framework to reflect the headings of the State Planning Policy Framework section. The draft Planning Scheme Review report recommends a restructure of the MSS and LPPF to reflect the SPPF.
2. ***Clarity and Repetition*** – the current MSS and Local Planning Policy Framework has considerable repetition and uses different terminology to the front section of the Planning Scheme in the State Planning Policy Framework. This makes it difficult at times to implement policy. Officers have undertaken an audit of the current planning scheme and have sought to provide for this outcome.
3. ***Gaps and Deficiencies*** – A number of gaps and deficiencies were identified through the preliminary consultation phase and an internal audit of the Scheme. These include:
  - § **Climate Change/Environment/Water Management**

The current MSS and Local Planning Policy Framework is predominantly silent on these matters. Whilst there is an environment section it has not been amended since the inception of the planning scheme. Recent work both internally and by other government agencies have identified practices that impact development and the environment. These must be introduced to ensure proper planning takes into account the environmental risks
  - § **Industrial Land Use**

The manufacturing industry has significantly changed over the past ten years due to macro economic factors. Again, the planning scheme has not been amended since its inception to reflect changes. The review identifies the need to undertake an Industrial Strategy to inform an amendment to rewrite this section of the Scheme.
  - § **Population change and forecast modelling**

Council has recently updated its forecast modelling and is available on Council's website. The information in the Scheme is outdated and must be amended to reflect this recent work.
  - § **Residential issues**

The Review recognises that a number of changes are required that will affect residential development in the municipality. The report identifies the need to consolidate all significant changes to the scheme following the yet to be completed State Government initiatives such as the Housing Capacity Assessments Project and the Residential Zones review. A number of minor changes to the residential sections of the Local Planning Policy Framework are proposed that make it easier to interpret policy. The review also seeks to limit the number of planning scheme controls applicable to residential properties by consolidating and removing repetition where possible.

§ **Transport, Movement and Access**

There is a need to amend the MSS and Local Planning Policy Framework to reflect changes in transport, movement and accessibility. These changes focus largely on encouraging the use of public transport, cycling and pedestrian movements in urban areas. The changes reflect the findings of the Regional Strategic Transport Plan.

§ **Zoning and Overlay inconsistencies**

For the first time, Officers have done a complete audit of the zones and overlays that affect all properties in the municipality. The audit was done to fix up errors, ensure no property is in more than one zone and to remove redundant planning controls.

In addition to the above, a complete review of the local planning policies, Schedules to the Overlays and strategies or plans produced by Council have been reviewed with the aim of:

§ Deleting repetition – many local planning policies replicate provisions outlined in Overlays or other sections of the planning scheme. The Review identifies opportunities for their removal as part of the implementation of the Review once approved.

§ Refining provisions – some overlays are unclear in their purpose, are outdated or have sections that are obsolete. The Review flags opportunities for further work to be undertaken or removal of sections obsolete.

§ Aligning Council policies/strategies with planning Scheme – significant work has been undertaken by various Council departments since the last review that is not referenced in the planning scheme. This Review has identified where this strategic work could find a place in a revised Kingston Planning Scheme as part of the implementation of the Review once approved via a separate amendment to the Planning Scheme.

## 7. Triple Bottom Line Checklist

- **Environmental** – the review report identifies issues such as the environment and water as key issues and challenges for the municipality and recommends amendments to the Municipal Strategic Statement to better reflect Council's objectives..
- **Social** – substantial community consultation is proposed to be undertaken as part of the Planning Scheme Review process to provide opportunity for feedback.
- **Financial** – N/A.

## 8. Recommendation

That Council resolve to release the draft Planning Scheme Review report for community consultation over a six week period to obtain feedback prior to finalising the Review and reporting to the Minister for Planning.

Attachments:

*Draft Planning Scheme Review Report*

### Crs Peulich/Shewan

That the recommendation be adopted.

**Carried**

**N 174                    City of Kingston response to Water Initiatives for 2050: An Integrated Water Management Strategy for Melbourne's South East**

**Approved by:** Rachel Hornsby, General Manager Environmental Sustainability

**Author:** Emily Boucher, Team Leader Environmental Planning

**1. Purpose**

To get Council support for City of Kingston's submission to the Water Initiatives for 2050: An Integrated Water Management Strategy for Melbourne's South East.

**2. Council Plan**

Planned Outcome 2 – A Sustainable Environment  
Strategy 2.1 – Insightful, intergenerational planning and delivery

*Water Initiatives for 2050* sets out high level water management for the region. Councils draft Water Cycle Strategy will compliment the initiatives proposed in *Water Initiatives for 2050*.

**3. Background**

Home to 1.5 million people, Melbourne's south east region is of great environmental, economic and social value. The productivity, liveability and sustainability of the region relies heavily on its waster resources. It features internationally recognised wetlands, rich agricultural soil and key infrastructure assets such as Eastern Treatment Plant and Port of Hastings.

In spite of its strengths, the south east will face many challenges as it manages its water in the lead up to 2050 and beyond. Cost of living pressures, changing community expectations, population growth, development intensification and climate change mean the region's water authorities need to consider new approaches to managing water.

To deal with these challenges and take advantage of emerging opportunities, South East Water, Melbourne Water and Southern Rural Water in consultation with stakeholders, have developed *Water Initiatives for 2050: An Integrated Water Management Strategy for Melbourne's South East*.

In February 2010 South East Water, Southern Rural Water and Melbourne Water came together to drive the development of the *Water Initiatives for 2050* strategy. The project partners decided on a collaborative approach to the strategies development, and invited 25 industry, community, state and local government, environment and developer representatives to form a Stakeholder Reference Group. This group met monthly. Tony Barrett, Environmental Projects Officer represented Kingston on this Group.

The *Water Initiatives for 2050* draft for comment was released on 28 September and submissions are due by 28 October 2011.

#### **4. Summary and Conclusion**

Integrated Water Management is a holistic approach that aims to optimise the use of all water resources, including drinking water, sewerage, stormwater and groundwater. It considers the water cycle as a whole, and how each of the water systems can be integrated within that cycle to provide more sustainable economic, social and environmental outcomes. This approach also considers the region as a whole and enables authorities to maximise the benefits from each investment in water resource management, and protect the health of our waterways.

City of Kingston's submission supports the vision outlined in the draft *Water Initiatives for 2050*, and makes minor suggested changes to ensure it is a robust and comprehensive document.

#### **5. Consultation**

The Kingston representative on the Stakeholder Reference Group guiding the development of the draft *Water Initiatives for 2050* strategy, however Kingston is still able to make a formal submission. Economic Development, Strategic Planning, Statutory Planning and Parks and Depot Operations Departments of Council have been consulted about the contents of Council's submission.

#### **6. Issues**

By making a submission to the draft *Water Initiatives for 2050* City of Kingston is showing its support of this innovative document and approach to water management. The draft submission is not controversial, makes minor suggested changes to the strategy and seeks clarification of some points.

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

- **Environmental** – *Water Initiatives for 2050* if fully implemented is projected to save 22,200 ML per year of potable water, improve the health of 23km of waterways, reduce discharge to the marine environments by 34,400ML per year and reduce nutrients to waterways.
- **Social** – Integrated Water Management is a holistic approach to water management that aims to optimise the use of all water resources including drinking water, sewerage, stormwater and groundwater. This will need a shift in community perceptions about water and its appropriate uses.
- **Financial** – the financial implications of implementing this strategy have not been calculated, however there is not expected to be a direct impact on City of Kingston.

#### **9. Recommendation**

That Council resolves to support the City of Kingston submission to *Water Initiatives for 2050: An Integrated Water Management Strategy for Melbourne's South East*.

#### Attachments:

City of Kingston submission to the *Water Initiatives for 2050*.

**City of Kingston  
Ordinary Council Meeting**

**Minutes**

**24 October 2011**

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**Crs Staikos/Peulich**

That the recommendation be adopted.

**Carried**

**N 175                    Recommendations for expenditure of part of the Foreshore Reserve Fund**

**Approved by:**     Rachel Hornsby, General Manager Environmental Sustainability

**Author:**             Jared Megens, Foreshore Coordinator

**1.     Purpose**

To obtain approval from Council for the expenditure of part of the foreshore reserve fund for specific foreshore projects.

**2.     Council Plan**

The allocation of funding from the foreshore reserve fund will allow Council to provide new, safe infrastructure at a level expected by visitors. The Council Plan includes:

Planned Outcome 2 – A sustainable environment

Strategy 2.3 – Protect and enhance Kingston’s natural environment.

Action 2.3.3 *Review and reinvigorate Kingston’s foreshores through implementation of the Coastal Management Plan*, including:

- Provide and maintain coastal infrastructure to a safe standard
- Specific foreshore infrastructure proposals and solutions identified by the Foreshore Committee

**3.     Background**

There is a vast range of infrastructure along the 13km of Council-managed foreshore. Most of this infrastructure has had very little or no refurbishment for several decades. As a result, some of the foreshore infrastructure has degraded becoming unsafe, non compliant with new standards and/or failing to meet modern utilisation requirements.

In addition to infrastructure needs, there is the opportunity to enhance the quality of foreshore vegetation through additional management and maintenance works. Together, improvements to infrastructure and vegetation can enhance the experience of visitors to the foreshore.

On the 29 September 2011, Council officers presented a range of possible foreshore infrastructure upgrades to the Foreshore Sub-Committee (FSC). The FSC discussed the projects and, taking into account the existing needs of the community and the current state of the infrastructure, recommended to allocate funding to these projects from the foreshore reserve fund.

At a Councillor Information Session on 17 October 2011 the recommendations were discussed and refined. This report sets out the recommended projects and allocation from the foreshore reserve fund for approval by Council.

**4.     Summary and Conclusion**

The following projects and allocations are recommended for approval. All projects are subject to receiving any required authorisations. The specific details of each project will be determined through a detailed design process that will include public consultation where appropriate.

<b>Project</b>	<b>Proposed Foreshore Reserve Funds</b>	<b>Comments</b>
Mundy Street car park toilet facilities	\$100 000	Funding to either replace or refurbish existing toilet facilities depending on heritage requirements. Replacement will need to be part funded from capital works budget
Mentone Life Saving Club toilets	\$250 000	Life Saving Club has additional funding to modify the club building
Dixon Street toilet facility	\$100 000	Funding replace facilities
Birdwood Avenue toilet facility, Antibes ramp and car park	\$25 000	Funds for planning and landscape design
Naples Road shelter	\$30 000	Public consultation for this project
Carrum Foreshore Precinct Plan	\$300 000	Public consultation for this project
Vegetation improvement, management and maintenance	\$180 000	For foreshore vegetation works in the Kingston municipality north of Mordialloc Creek
<b>TOTAL</b>	<b>\$985,000</b>	

## **5. Consultation**

The relevant departments and Councillors attending at the Foreshore Sub-Committee meeting on the 29 September have been consulted on the proposed projects. The community and key stakeholders will be consulted during implementation of any approved projects.

## **6. Triple Bottom Line Checklist**

- **Environmental** – The proposed vegetation work will contribute to Kingston’s foreshore environment. Infrastructure on the foreshore is subject to extreme environmental conditions and will deteriorate more quickly than other infrastructure in less exposed locations. All new work will need to take account of these conditions, as well as being cognisant of Council’s green purchasing policies in addressing issues.
- **Social** – Foreshore infrastructure and vegetation plays a major role in supporting the social fabric of the local community. Addressing infrastructure risks through renewal will help to maintain these important local services for Kingston’s community.
- **Financial** – The allocation of the Foreshore Fund to these projects will enable the projects to be delivered. Some projects will include the use of funds from the Capital Works Program in addition to the Foreshore Fund.



**8. Recommendation**

That Council approve the allocation of the Foreshore Reserve Fund for:

- Mundy Street car park toilet facilities (\$100 000)
- Mentone Life Saving Club toilets (\$250 000)
- Dixon Street toilet facility (\$100 000)
- Birdwood Avenue toilet facility, Antibes ramp and car park (\$25 000)
- Naples Road shelter (\$30 000)
- Carrum Foreshore Precinct Plan (\$300 000)
- Vegetation improvement, management and maintenance (\$180 000)

**Crs Dundas/West**

That Council approve the allocation of the Foreshore Reserve Fund for:

- Mundy Street car park toilet facilities (\$100 000)
- Mentone Life Saving Club toilets (\$250 000)
- Dixon Street toilet facility (\$100 000)
- Birdwood Street toilet facility, Antibes ramp and car park (\$25 000)
- Naples Road shelter (\$30 000)
- Carrum Foreshore Precinct Plan (\$300 000)
- Vegetation improvement, management and maintenance (\$180 000) north of Mordialloc Creek

**Carried**

**10. Community Sustainability Reports**

**N 176 Draft Youth Strategy 2012 – 2016**

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

**Author:** Anthony Basford – Manager Family Youth & Children’s Services  
Jihan Wassef – Team Leader Youth & Family Services

**1. Purpose**

This report provides Council with an overview of the draft Kingston Youth Strategy 2012-2016 (the Strategy) and seeks Council endorsement to present the Strategy for community consultation.

**2. Council Plan**

The development of the Strategy is supported by Planned Outcome 3 – Healthy, Strong and Connected Communities in the Council Plan, specifically Strategic Action 3.1.5

There is no specific legislative requirement to have a youth strategy; however the development of a youth strategy provides Council with an opportunity to demonstrate its leadership on issues important to young people.

**3. Background**

The development of a new five year Strategy follows community consultation with young people, parents and service providers, data analysis, literature review including analysis of current policy context and on line surveys.

The ‘Background & Consultation Findings Summary’ was circulated to Councillors in September and provided an overview of the work undertaken and identification of the key themes for inclusion in a new Youth Strategy.

**4. Summary and Conclusion**

The Strategy document consists of three elements; Councils policy position, an action plan and the supporting background information and data. The policy position is articulated as a Youth Charter covering Council’s statement of commitment to young people, the importance of young people to the community and the guiding principles which Council will use when working with young people. The Action Plan articulates the specific actions, including performance indicators, which will be undertaken over the next five years. The actions have been grouped into four themes based on community consultation and data analysis. Finally the background and consultation summary provides the evidence to support the Strategy.

The Strategy provides a public statement of Councils commitment to young people and their families, the actions it is going to undertake and the principles that will underpin its work with young people.

**5. Consultation**

Consultation with young people, parents and service providers has taken place in the development of the Strategy and four broad themes have been identified, as outlined in the 'Background and Consultation Findings Summary Report'. The consultation and data analysis has informed the development of the actions under each theme. Some key examples are provided below.

**Communication**

- Development of a marketing strategy to determine the best communication method for young people.
- Utilise local media and other appropriate sources to provide relevant and culturally appropriate information to young people.

**Service Enhancement**

- Based on information networks, extensive consultations and requests made by local schools provide a range of services and programs to support the health and wellbeing of young people and their families.
- Work collaboratively with community youth service providers to respond to and address identified service system gaps to enable a more integrated approach.
- Coordinate, promote and deliver a no/low cost inclusive counselling and support service that is accessible to all young people in Kingston.

**Youth Participation and Engagement**

- Engage and consult with young people to identify social, recreation and leisure needs to inform program development and implementation.
- Provide a user friendly, safe and inviting environment for young people to access support at Council's Youth Services facilities.
- Identify partnership opportunities to expand and deliver recreation and social programs/events outside business hours in response to identified needs.

**Leadership and Innovation**

- Provide young people with opportunities to build their leadership capacity, civic engagement, life skills, entrepreneurship and mentoring skills.
- Provide young people with the opportunity to contribute to the planning and development of youth related programs.
- Use relevant data to understand demographics of the community to assist in service planning for young people.

Officers are now seeking the support of Council so the Strategy can be presented for public consultation in November. It is proposed that public comment period would be opened for four weeks from 2 to 30 November 2011. During this time the document will be placed on Council's website, appropriate community venues such as libraries and neighbourhood house, circulated to youth networks and youth service providers and to young people.

**6. Issues**

Officers anticipate that the final youth strategy will be ready for adoption in early 2012 for an April launch during National Youth Week. Officers are seeking support for the draft strategy to be made available for community consultation at this time as further consultation with young people over the December/January period is problematic. The proposed consultation timelines provide scope to engage with schools and young people prior to the holiday period

**7. Options**

**Option 1 (Preferred)** – That Council endorse the draft Strategy to be presented for public consultation, as proposed. This would provide the community with the opportunity to confirm that

their views and opinions captured through the development and consultation process have been reflected in the draft Strategy. It also provides the community with an opportunity to provide additional feedback.

**Option 2** – That Council note the consultation and analysis that has been undertaken to date and not progress the development of the Strategy

### **8. Triple Bottom Line Checklist**

- **Environmental** – N/A
- **Social** – Young people make up 17% of the Kingston Community. The development of a youth strategy provides an opportunity for Council to publicly demonstrate its support for young people and the important role they play in the Community. The strategy supports strengthening the health and wellbeing of young people.
- **Financial** – The draft youth strategy actions will generally be implemented within current budget allocations. External funding opportunities will be pursued to strengthen service delivery where appropriate

### **9. Recommendation**

That Council endorse the Draft Youth Strategy 2012 – 2016 for community consultation as detailed in the report.

#### **Crs Peulich/Staikos**

That the recommendation be adopted.

**Carried**

**11. Organisational Development & Governance Reports**

**N 177 Consideration of 2010/11 Annual Report by Council**

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

**Author:** Robyn Cochrane, Program Leader – Organisational Planning and Performance

**1. Purpose**

The purpose of this report is for Council to consider and note the City of Kingston's 2010/11 Annual Report.

**2. Background**

In accordance with Council's obligations under the Local Government Act 1989, Council's 2010/11 Annual Report was submitted to the Minister for Local Government by 30 September 2011. The Annual Report has been placed on the Ordinary Council Agenda for 24 October 2011 in accordance with the Local Government (Finance and Reporting) Regulations 2004, which require Council to consider the Annual Report by 30 October 2011.

**3. Summary and Conclusion**

The 2010/11 Annual Report clearly conveys, through the achievements recorded against the five Planned Outcomes and the Financial results, that performance in 2010/11 continues to be something of which Council can be very proud.

The Annual Report also presents the unqualified Victorian Auditor-General's Office certified financial statements for 2010/11.

The 2010/11 Annual Report provides details of:

- How Council has performed in relation to the five planned outcomes in the 2009/13 Council Plan;
- Key achievements for the past financial year against Council Plan targets; and
- Information about what Council is planning for the future.

A performance highlights section at the beginning of the Annual Report continues to provide a holistic picture of significant events and major achievements that took place during the year.

**4. Consultation**

Council has complied with Local Government Act requirements to place the Annual Report on public exhibition for 14 days prior to this Ordinary Council Meeting. The Annual Report has been available from Customer Service Centres, Libraries and the City of Kingston's website since 10 October 2011. As required, a public notice was placed in The Age on Saturday, 8 October. A large print version of the Annual Report is also available to residents upon request.

**5. Issues**

Not applicable.

**6. Triple Bottom Line Checklist**

- **Environmental** – an Annual Report summary will be produced this year rather than printing the full document as has occurred in the past. Recycled paper and waterless inks will be used where possible in the production of hard copy versions to reduce its environmental impact. An online version will still be available via the City of Kingston’s website for the community to view as required. Hard copies will also be available for public inspection at the three Customer Service Centres and eight Libraries.
- **Social** – the Annual Report is an important document in the ongoing process of communicating with the Kingston community. A highlights summary will be available to increase the use and distribution of the information contained in the Annual Report.
- **Financial** – the costs associated with the production of the 2010/11 Annual Report and associated highlights summary are within budget. This year, the document has been graphically designed by Council’s Communications and Public Affairs team.

**7. Recommendation**

That Council, having considered the City of Kingston’s 2010/11 Annual Report in accordance with Section 134 of the Local Government Act, notes the report.

Attachments:

*City of Kingston 2010/11 Annual Report (separately circulated)*

**Crs Staikos/Athanasopoulos**

That the recommendation be adopted.

**Carried**



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some meetings may be attached as the record of the Assembly if they include the required information, including disclosures.

The Act does not require details of a conflict of interest disclosure at an assembly to be recorded.

**6. Recommendation**

That Council notes the contents of this report.

Attachments:

*Assembly of Council forms*

**Crs Peulich/Staikos**

That the recommendation be adopted.

**Carried**





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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>
Mayor, Cr Brownlees	Central	<i>Fill a Fridge Program for Homeless Kids</i>	17/10/2011	\$120
Cr Athanasopoulos	North	<i>Fill a Fridge Program for Homeless Kids</i>	17/10/2011	\$110
Cr Dundas	Central	<i>Fill a Fridge Program for Homeless Kids</i>	17/10/2011	\$110
Cr Moloney	South	<i>Fill a Fridge Program for Homeless Kids</i>	17/10/2011	\$110
Cr Peulich	North	<i>Fill a Fridge Program for Homeless Kids</i>	17/10/2011	\$110
Cr Ronke	South	<i>Fill a Fridge Program for Homeless Kids</i>	17/10/2011	\$110
Cr Shewan	South	<i>Fill a Fridge Program for Homeless Kids</i>	17/10/2011	\$110
Cr Staikos	North	<i>Fill a Fridge Program for Homeless Kids</i>	17/10/2011	\$110
Cr West OAM	Central	<i>Fill a Fridge Program for Homeless Kids</i>	17/10/2011	\$110
Cr Moloney	South	<i>VIEW Club Mentoring Program Mordialloc Secondary College</i>	17/10/2011	\$250
Cr Ronke	South	<i>VIEW Club Mentoring Program Mordialloc Secondary College</i>	17/10/2011	\$250
Cr Shewan	South	<i>VIEW Club Mentoring Program Mordialloc Secondary College</i>	17/10/2011	\$250
Cr Moloney	South	<i>Patterson Lakes Kindergarten Operating Expenses</i>	17/10/2011	\$333
Cr Ronke	South	<i>Patterson Lakes Kindergarten</i>	17/10/2011	\$334

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		<i>Operating Expenses</i>		
Cr Shewan	South	<b><i>Patterson Lakes Kindergarten Operating Expenses</i></b>	17/10/2011	\$333
Cr Moloney	South	<b><i>Chelsea Netball Club Operating Expenses</i></b>	17/10/2011	\$250
Cr Ronke	South	<b><i>Chelsea Netball Club Operating Expenses</i></b>	17/10/2011	\$250
Cr Shewan	South	<b><i>Chelsea Netball Club Operating Expenses</i></b>	17/10/2011	\$250
Cr Dundas	Central	<b><i>Mordialloc Community Nursing Home New Year Bus &amp; Lunch Trip</i></b>	19/10/2011	\$750
Cr Dundas	Central	<b><i>Mentone Surf Life Saving Club Operating Expenses</i></b>	19/10/2011	\$750
Cr Dundas	Central	<b><i>Mordialloc Surf Life Saving Club Operating Expenses</i></b>	19/10/2011	\$750
Cr Dundas	Central	<b><i>Parkdale Yacht Club Operating Expenses</i></b>	19/10/2011	\$750
Cr Dundas	Central	<b><i>Mentone Library (Brindisi Street) Purchases</i></b>	19/10/2011	\$750
Cr Dundas	Central	<b><i>Historical Society "Rogues Gallery"</i></b>	19/10/2011	\$750

**Recommendation**

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

**Crs Staikos/West**

That Council approve the expenditure of ward funds in accordance with the table of Councillor requests and the following additional requests:

\$200 from each Councillor for the Friends of Manatuto (to assist in the employment of two kindergarten teachers) and;

\$220 from each North Ward Councillor for Moorabbin Senior Citizens (to assist in recovering a billiard table).

**Carried**

**12. Corporate Services Reports**

**N 180 Contract 11/88 – Provision of Transactional Banking, Bill Payment and/or Agency Collection Services**

**Approved by:** Paul Franklin, General Manager Corporate Services

**Author:** Bernard Byrden, Manager Finance

**1. Background**

An advertisement calling for Tenders to supply the Provision of Transactional Banking, Bill Payment and/or Agency Collection Services to Council for an initial period of 4 years and 5 months with an option of two (2) further periods of 24 months each was placed in The Age on 13 August 2011.

Tenders closed at 2.00pm on 8 September 2011 and four responses were received from:

1. Commonwealth Bank of Australia (CBA);
2. National Australia Bank (NAB); and
3. Westpac Bank; and
4. Australia Post

The tender was separated into three parts with tenderers having the option to submit prices for some or all parts of the tender. Tenderers submitted prices for the following parts:

		<b>CBA</b>	<b>NAB</b>	<b>Westpac</b>	<b>Australia Post</b>
Part A	Transactional Banking Services	√	√	√	
Part B	Transactions – Bill Payment	√	√	√	
Part C	Agency Collection Services		√		√

Australia Post currently provides services to Kingston via an established volume based contract with MAV Procurement which is due to expire on 31 March 2012. This contract produces discounted pricing based on aggregated volumes across participating Local Government organisations. During the tender evaluation phase MAV procurement signaled their intention to once again seek tenders for the provision of these services. Given that the prices were submitted for Part C of this tender it is recommended that Kingston participate in this tender to obtain maximum financial benefit and as such will not consider Part C in this tender evaluation. As stated in the tender, Council reserved the right to award some, all, or no parts of this tender enabling Part C to be excluded from consideration at this time.

The evaluation criteria stated in the Tender documentation can be found at Attachment 1.

The three tenderers all provided complying tenders and were able to demonstrate their ability to meet the requirements of Council. All offered a range on internet banking and electronic solutions. All tenderers also produced substantial cost savings to Council.

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The attached evaluation matrix (Confidential Attachment 2) outlines the overall evaluation of the Tender.

<i>Criteria</i>	<u><b>CBA</b></u>	<u><b>NAB</b></u>	<u><b>Westpac</b></u>
Services Required	Demonstrated	Demonstrated	Demonstrated
Performance and Experience	Demonstrated	Demonstrated	Demonstrated
System Security	Demonstrated	Substantially Demonstrated	Substantially Demonstrated
Capacity	Demonstrated	Substantially Demonstrated	Substantially Demonstrated
Tendered Price	2nd	1st	3rd
<b>Other Relevant Facts</b>			
Branches in Kingston	7	6	7
ATM's (estimated)	21	19	17

CBA has the largest share of Local Government Clients. Its service is currently available to the Kingston community via 7 Branches and 22 Australia Post Agencies. Further the Commonwealth Bank stated it will continue to contribute to the community through donations, sponsorship and community support programs, details of which were contained in the tender document. The Commonwealth Bank currently provides transactional Banking Services to 45% of Local Governments in Victoria and have the largest share of the market.

The offer from the Commonwealth Bank, who are Council's existing Banker, is estimated to be \$37,000 per annum cheaper than the current price charged to Council, which ranked it equal first in financial terms of the three tenderers.

## **2. Conclusion**

It is recommended that the Tender submitted by the Commonwealth Bank, being the most advantageous overall, be accepted by Council and that Council note that it retains the right to separately invest funds with other "banking institutions" or "investment houses" as it sees fit. Council will also seek a separate tender should it wish to borrow funds. The total cost to Council estimated at \$157,000 per annum representing a savings to Council of \$37,000 per annum on 2010/11. The tendered price is within 2% of the lowest tendered price. The Commonwealth Bank have also committed to review Council's Banking processes and systems which should provide opportunities to improve this aspect of Council's financial operations.

The Bendigo Bank did not submit for this tender and it appears that Local Government transaction banking is not a segment of the market that they seek. However, Council will continue to demonstrate its support for the local Community Banks by continuing to make substantial term deposit investments with each branch that operates within the Kingston Municipal area, without undue effect on the overall amount of interest income that is derived from our investments. Note that investments with the Bendigo Bank will be up to a maximum of 10% of Council's total portfolio in line with restrictions in Council's Investment Policy (adopted by Council in October 2008).

**3. Recommendation**

That Council:-

1. Accept the Tender of the Commonwealth Bank of Australia in relation to Contract 11/88 for the supply of Transactional Banking and Bill Payment Services for a period of four years and five months commencing 1 November 2011 at an annual cost of approximately \$157,000; and
2. That the CEO or delegate be authorised to exercise the available options of two (2) further periods of 24 months subject to further reports from the Manager Finance; and
3. Council continue to demonstrate its support for Community Banks by investing a Term Deposit with each Branch of the Bendigo Bank (currently four) located within Kingston in line with restrictions in Council's Investment Policy adopted by Council in October 2008.

Attachments:

1. *Tender Evaluation Criteria*
2. *Provision of Banking Services – Scoring Assessment - Confidential*

**Crs Peulich/Athanasopoulos**

That the recommendation be adopted.

**Carried**

**Tender Evaluation Criteria**

Criterion	Description	Weighting
<b>1.</b>	Services Required	5%
1.1	<b>A demonstrated understanding of Council's transactional banking and bill payments/agency collection services requirements.</b>	
<b>2.</b>	Performance and Experience	30%
2.1	<b>Previous relevant experience including (but not limited to):</b> <ul style="list-style-type: none"> <li>• a demonstrated record of providing quality banking services, preferably to other Local Government clients</li> </ul>	
2.2	<b>Proven ability to perform including (but not limited to):</b> <ul style="list-style-type: none"> <li>• the ability to undertake all required services promptly, accurately and efficiently</li> <li>• the reliability of service and systems, especially electronic transactions</li> </ul>	
2.3	<b>Initiatives and best practice recommendations including (but not limited to):</b> <ul style="list-style-type: none"> <li>• a demonstrated ability to provide innovative approaches to traditional banking services that have the capacity to improve Council's operational efficiency and effectiveness</li> <li>• technology to support electronic service delivery between the successful Tenderer and Council, and between Council and our ratepayers, residents and business partners</li> <li>• new initiatives in payment channels</li> <li>• provide strategies for migrating users to cheaper and more efficient payment channels</li> </ul>	
2.4	<b>Proven ability to implement within 12 weeks of the Contract signing.</b>	
<b>3</b>	System Security	15%
3.1	<b>A demonstrated capacity to provide the highest levels of security to systems, transactions ( manual and electronic) and Councils' bank accounts</b> <ul style="list-style-type: none"> <li>• limit the potential for fraudulent activities, such as keystroke recording, malware or like type of online activities.</li> <li>• minimum online access of login, password and token required for authorisers</li> <li>• monitoring and reporting of suspect fraudulent activities would be highly regarded</li> </ul>	



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Criterion	Description	Weighting
4	Capacity	10%
4.1	<p><b>A demonstrated capacity to undertake the services required including (but not limited to):</b></p> <ul style="list-style-type: none"> <li>• ability to provide experienced and qualified personnel to support Council's banking requirements, including corporate teller facilities to expedite personal service at a convenient local branch</li> <li>• a commitment to the retention of local branches in Kingston</li> <li>• a demonstrated discharge of community service obligations and support for Kingston community activities</li> <li>• financial capacity and stability</li> <li>• insurance as requested</li> <li>• suitable OH&amp;S management systems</li> </ul>	
5.	Tendered Price	40%
5.1	<b>Rates tendered for the required services</b>	
	Total Scores	<b>100%</b>

**Cr Ronke declared an indirect interest because of conflicting duties in Item N 181 as he is employed by the Melbourne Fire Brigade and left the Chamber at 8.52pm before any discussion and voting on the matter.**

**N 181            Local Law Proposed Amendments**

**Approved by:** Paul Franklin, General Manager Corporate Services

**Author:** Neil Sheppard, Team Leader Statutory Compliance

**1. Purpose**

This report proposes a number of minor amendments to Kingston's Local Laws aimed at assisting in improving the amenity and presentation of the City and recommends that Council initiate a public consultation process on the proposed amendments to Councils Local Laws.

**2. Background**

Council receives regular complaints regarding the following issues:

- Advertising signs placed on legally parked vehicles;
- Illegally placed bulk rubbish containers;
- Illegal use of recreational vehicles.

The proposed amendments listed below will assist in providing additional avenues to be able to respond to the complaints received and take the necessary action to remove the problems.

The Local Laws Team has also identified other anomalies and opportunities to improve the current Local Laws.

**3. Summary and Conclusion**

The recommended amendments to the current Local Laws will strengthen Council's ability to address non compliance and assist in ensuring that Kingston remains a safe and attractive place to live.

**4. Consultation and Statutory Process**

In accordance with S223 of the Local Government Act 1989 the process for the implementation of the proposed amendments to Local Law is as follows:

- Public Notice of Council's intention; local papers, Government Gazette, display information on Kingston website; and submissions invited.
- Submissions close (following a 28 day period to receive submissions).
- Section 223 Submission Committee to consider verbal and written submissions. The committee to comprise of General Manager Corporate Services, nominated Councillor and Manager Statutory Education and Compliance.

- Report to Council (Council Meeting) including consideration of Section 223 Committee submissions; National Competition Policy Review; and Council decision.
- Advertisement in the Government Gazette.
- Local Law amendments come into operation once advertised in the Government Gazette.

## **5. Issues**

### Proposed Local Laws Amendments:

#### **5.2 Local Law 2.16**

Amend the wording to include owner of vehicle:

*A person **or owner** of a vehicle **or owner** of an advertising sign, must not, without a permit, place or cause or allow to be placed, any advertising sign or display any goods on any road or Council land*

Add to definitions list; *Owner of a vehicle has the same meaning as the Road Safety Act 1986.*

This will not affect vehicles that have permanent corporate advertising or logos.

#### **5.3 Local Law 5 Schedule 5**

*Section b of Schedule 5 to be removed as a permit to demolish a building issued by the Building Department does not entitle the permit holder to burn in the open.*

#### **5.4 Local Law 5 .11(1)**

Replace clause (1) with the following

*A person or registered company that is the owner of a rubbish container must not, without a permit, place or cause or allow to be placed a bulk rubbish container for the removal of building or industrial or domestic wastes or vegetation on any road or other Council land.*

#### **5.5 Local Law 5.16(3)**

**Amend clause (3) to read:**

*Add the term "or occupier" to read as follows:*

*The owner **or occupier** of any land in a residential, business or industrial zone, as determined by reference to the Kingston Planning Scheme, shall at all times maintain their land in a neat and tidy condition by;*

#### **5.6 Local Law 5.27**

**Amend clause 5.27 to allow members of Victoria Police to impound illegally used recreational vehicles under the following conditions:**

1. the recreation vehicle is being used in a way which contravenes this Local Law;
2. the use of the recreation vehicle could endanger the safety of any persons or significantly inconvenience or disturb other persons; and
3. that impounding the recreation vehicle is necessary to effect the immediate abatement of the danger or disturbance caused by the use of the recreation vehicle.

Council has received advice from Maddocks relating to amending this clause. Each member of Victoria Police based in Kingston will require an individual authorisation document signed by the

CEO to allow them to act as Authorised Officers under the Local Law. This will require Victoria Police to continually update and provide Council with current staff information.

**5.7 Local Law 5.38A(1)**

Individual authorisation for CFA and MFB officers to be initiated but Council will not proceed with this if legal advice is received that confirms CFA/MFB officers already have this legislative authority.

**5.8 Local Law 6.20**

*Clause 3, 4, 5 & 6 should be removed and inserted under LL 6.18 Public Health and Nuisance Issues, as these sections relate to public health and nuisance issues.*

Clause 20 (7) should be removed and inserted under Local Law 6.13, 6.14 & 6.15.

**6. Options**

Amend the Local Laws as recommended. This will assist effective enforcement to take place and close identified existing loop holes.

**7 Triple Bottom Line Checklist**

- **Environmental** – The proposed amendments will assist to improve the general amenity of the municipality. The amendments also provide further environmental protection and improved safety.
- **Social** – The amendments allow improvement to the general amenity of an area, improving the aesthetics for the community and people passing through our municipality.
- **Financial** – Amending Local Law 1.14 means that people caught removing hard waste will now incur a greater fine of \$200 for the first offence and \$500 for second or subsequent offences. There will be a cost to undertake statutory advertising of the amendments.

**8. Recommendation**

That Council resolve:

1. To consider the proposed amendments to Council's Local Laws contained in this report.
2. Give notice of this resolution and establish a section 223 committee comprising The General Manager Corporate Services, Councillors Staikos and Peulich and Manager Statutory Education and Compliance.
3. That a further report be presented to Council following consideration of any submissions received and heard by the committee.

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**Crs Staikos/Peulich**

That the recommendation be adopted.

**Carried**

Cr Ronke returned to the Chamber at 8.55pm following the voting on the matter.

**N 182                      Domestic Animal Management Plan extension 2008 - 2012**

**Approved by:**            Paul Franklin General Manager Corporate Services

**Author:**                   Neil Sheppard Team Leader Statutory Compliance

**1. Purpose**

The purpose of this report is to present the amended Domestic Animal Management Plan 2008-2012 for adoption and to extend the period of application of the current plan (2008 – 2011) to 2012.

**2. Background**

Council's Domestic Animal Management Plan was adopted in September 2008.

The Act is quite extensive and deals with animal registrations, de-sexing, dog and cat controls and confinement, Domestic Animal Business registrations and management, Dangerous dogs, Restricted Breed and Menacing dogs, animal identification and micro-chipping.

The Domestic Animal Management Plan originally covered a three year period 2008-2011. This was reviewed by the Department of Primary Industries and all Domestic Animal Management Plans are now required to be four year plans to be in alignment with the term of each Council. Therefore the City of Kingston Domestic Animal Management Plan requires a one year extension prior to a new four year plan being prepared in 2012.

**3. Summary and Conclusion**

It is recognised that the Domestic Animal Management Plan aims to promote responsible pet ownership and provide a safer environment for all members of the community.

The plan needs to be extended by one year. There are no additional strategies included; however the current annual strategies and programs have been extended by one year.

**4. Consultation**

The one year extension has only incorporated the extension of current strategies. There are no new actions as these will be determined in the new 4 year plan to be written in 2012 therefore there is no requirement for public consultation or a Section 223 process. The changes are as shown in the marked up copy in **Attachment A**.

The full statutory process of public Domestic Animal Management Plan consultation and Section 223 process will be undertaken prior to adopting the new 2012-2016 DAMP.

## 5. Issues

This plan is designed to improve the provision of animal management services by maintaining the traditional Local Government role whilst expanding upon the Council's capacity to respond to new and emerging animal management issues and implement identified treatments.

The Action Plan details a number of activities and actions under these broad key strategic areas and also includes key performance indicators and timeframes to confirm strategies are being delivered and objectives are achieved.

The extension of current strategies and programs and formal Council adoption of the plan will meet Council's statutory responsibilities.

## 6. Options

### Option 1

Adopt the extended Domestic Animal Management Plan 2008-2012.

## 7. Triple Bottom Line Checklist

### • Environmental

The decisions made by the Council and incorporated in the Domestic Animal Management Plan may have environmental impacts. An example is the management of animal litter and restraint of cats to their owner's property (impact on wildlife).

### • Social

The Domestic Animal Management Plan aims to promote responsible pet ownership, value of pets in society and the provision of a safer environment for all members of the community. The decisions made by the Council and incorporated in the Domestic Animal Management Plan may have significant social impacts. The Plan seeks to address Council's duty of care of the community.

### • Financial

The development of Kingston's Domestic Animal Management Plan has been conducted utilising available resources. Future actions detailed in the Plan will require staff resourcing but generally will be carried out by existing in house staff. The financial impact of the extended Plan is not considered to be significant.

## 8. Recommendation

That Council resolve to adopt the Domestic Animal Management Plan 2008 – 2012.

### Attachment(s):

*Attachment A - Domestic Animal Management Plan 2008-2012*

### **Crs Peulich/Staikos**

That the recommendation be adopted.

**Carried**

**13. Notices of Motion**

**N 183 Notice of Motion – Mordialloc Creek Masterplan Consultation**

**I move that:**

Council extend the closing date for submissions to the Mordialloc Creek Masterplan process until:

- A draft plan for discussion is issued with at least an A4 page for each of the six areas proposed for change so that the descriptions are legible;
- The draft plan is discussed at a meeting of the Kingston Mordialloc Creek Reference Group with enough time for members to report back to their groups and to make informed submissions;
- Council holds a public meeting to include a powerpoint presentation on the draft plan and the opportunity for community discussion.

Cr Rosemary West  
Central Ward

**Cr West withdrew the Motion following discussions with Council Officers on action that have been taken on this matter, namely:**

1. Officers are able to provide larger copies of the plan to anyone who requests them. To date they have had four people request a hard copy. At least one of those people came to the drop-in session and provided their feedback having read the hard copy. Officers have not received any specific requests for larger plans but would happily provide them if requested. However, it is worth keeping this in mind for any future consultation so that the font size is increased to allow for easier reading.
2. The first meeting of the Mordialloc Creek Reference Group is set down for Thursday 3 November. Invitations have been sent and agenda items have been called for. Over 500 letters about the Draft masterplan were sent to interested people including the people on the Reference Group and the groups they represent.
3. A public information session was held on Tuesday 18 October where anyone could come along and discuss their ideas and comments with staff and Councillors. The information session was well publicised through advertisements, the mail-out, and on Facebook. Staff have encouraged people to provide feedback and have been happy to go and talk to any interested groups. For example, the Mordialloc Creek Community requested staff come and talk about the plan at their meeting and there were approximately 20 people there. Aidan is also presenting at the Mordialloc Village Committee next week.



**14. Urgent Business**  
None

**Procedural Motion:**

**Crs Staikos/Moloney**

That the meeting be adjourned for 5 minutes.

The **Motion** was **Carried**

The Meeting was recessed at 8.57pm

**Procedural Motion:**

**Crs Athanasopoulos/Moloney**

That the meeting resume

The **Motion** was **Carried**

The Meeting resumed at 9.05pm

**15. Items in Camera**

**Crs Staikos/Athanasopoulos**

That in accordance with the provisions of section 89(2) of the Local Government Act 1989, the meeting be closed to members of the public for the consideration of the following confidential items:

- N 184 as it relates to a contractual matter
- N 185 as it relates to a contractual matter
- N 186 as it relates to a matter that would prejudice persons involved in the process

**Carried**

The meeting was closed to the public at 9.06pm

**Crs Ronke/Peulich**

That the meeting be opened to members of the public.

**Carried**

The meeting was opened to members of the public at 10.14pm

There being no further business the meeting closed at 10.14pm

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**Confirmed.....His Worship, The Mayor 28 November 2011**