Who is the planning authority?
This amendment has been prepared by the City of Kingston which is the planning authority for this amendment.
The Amendment has been made at the request of Mentone Bayside Corporation Pty Ltd.

Land affected by the Amendment
The Amendment applies to the site at 95-97 Beach Road, Mentone. Located on the site is the Mentone Hotel and adjoining carpark. The site is otherwise known as Lots 1 and 2 on LP055412 and Lot 2 LP64632 and is identified on the below map:

What the amendment does
The Amendment proposes to amend the schedules to clauses 52.03 and 81.01 of the Kingston Planning Scheme to insert an Incorporated Document titled “Mentone Hotel Redevelopment – 95-97 Beach Road, Mentone”.
Specifically, the Amendment seeks to introduce a site specific provision in the schedule to Clause 52.03 of the Kingston Planning Scheme to permit the land to be developed for a four storey apartment building comprising 56 apartments (including 11 within the existing hotel
Strategic assessment of the Amendment

Why is the Amendment required?
A Planning Scheme Amendment is being sought by the proponent to facilitate a four storey residential development adjoining the existing hotel building (with apartments also proposed for inside the existing hotel building) and two and three storey townhouses. Such an outcome would otherwise be prohibited under the current Planning Scheme controls which apply to the site.

How does the Amendment implement the objectives of planning in Victoria?
The proposed planning scheme amendment is consistent with the objectives of Planning in Victoria as it will provide for the fair, orderly, economic and sustainable use and development of the land. Specifically:

- The reuse of the building for restaurant and dwellings and development of the balance of the site for higher density residential development is considered to provide for the fair, orderly, economic and sustainable use and development of land.
- The proposed development will facilitate the conservation of an existing building of historical value by:
  - Funding the ongoing restorative works and alterations to the hotel building
  - Facilitating a new land use mix (restaurant and dwellings) which will ensure the valued aspects of the building are preserved in perpetuity.
- The ongoing restorative works will be ensured through a section 173 agreement to be registered on title should the amendment be adopted by Council. This section 173 agreement will result in the following outcomes:
  - The implementation of a Heritage Maintenance plan to safeguard ongoing restorative works;
  - Ensuring the pedestrian pathway remains open to the public;
  - Transfer land currently in the road reserve back into Council ownership;
  - A 5% open space contribution;
  - Restriction of the building height to that proposed in the development.
- The proponent has agreed to enter into this agreement, however it is noted that the agreement will not be formally executed unless Council determines to adopt the amendment.

How does the Amendment address any environmental, social and economic effects?
The amendment addresses social and economic effects by facilitating a use and development that is compatible with the surrounding residential area. The proposed land use mix of food and drink premises and dwellings is considered appropriate given the site’s predominantly residential context and historical land use.

The site is currently comprised of the hotel building and an asphalt car park. The proposed development will provide extensive landscaping and a publicly accessible pedestrian link through from Beach Road to Mentone Parade. The proposed amendment will therefore support a more environmentally and socially sustainable development of the site.

The proposed amendment will facilitate the restoration and ongoing maintenance of an existing State significant heritage building. As the site is listed on the Victorian Heritage Register, a permit was also required from Heritage Victoria for those works affecting the
exterior of the building as well as the internal main staircase. This permit was granted by Heritage Victoria, subject to conditions, on 21 January 2016.

A preliminary Cultural Heritage Assessment has been conducted in relation to the potential for Aboriginal heritage artefacts to be found at the site. The report concludes that there is a very low likelihood of this due to previous significant site disturbance.

Does the Amendment address relevant bushfire risk?
The site is not located in a designated bushfire prone area and does not present a bushfire risk.

Does the Amendment comply with the requirements of any Minister’s Direction applicable to the amendment?
The proposed Amendment is consistent with the Ministerial Direction on the Form and Content of Planning Schemes under Section 7(5) of the Planning and Environment Act 1987.
The proposed Amendment is consistent with Ministerial Direction 9: Metropolitan Strategy including the following directions provided by Plan Melbourne:
  * Direction 2.1: Understand and plan for expected housing needs;
  * Direction 2.2: Reduce the cost of living by increasing housing supply near services and public transport
  * Direction 4.7: Respect our heritage as we build for the future
  * Direction 5.1: Use the city structure to drive sustainable outcomes in managing growth

The proposed Amendment complies with the requirements of Minister's Direction No.11 - Strategic Assessment of Amendments.

How does the Amendment support or implement the State Planning Policy Framework and any adopted State policy?
The proposed planning scheme amendment responds to the State Planning Policy Framework in the following ways:
  * The proposal responds to Clause 11.02 as it is consistent with Clause 11.02-1 Supply of Urban Land in that it seeks to facilitate a use and development which will increase residential land supply within Mentone and ensure sufficient land is available for the population growth.
  * The proposal will deliver housing diversity in the form of 1, 2 and 3 bedroom dwellings which is consistent with the aim of Clause 11.04 and Clause 16 in relation to housing choice. Additionally, the proposal will result in increasing housing supply in an area with good access to services and public transport which will contribute to the achievement of the 20-minute neighbourhood.
  * The proposal responds to Clause 15 as it aims to support design which reflects and is responsive to local character, conserves a place of heritage significance, minimises detrimental impacts on neighbouring properties and supports design for safety and energy and resource efficiency.

How does the Amendment support or implement the Local Planning Policy Framework, and specifically the Municipal Strategic Statement?
The proposed amendment addresses one of the key planning challenges identified in the Kingston Municipal Strategic Statement which is to meet the needs of an aging population and decreasing household size. This is achieved via the provision of a mix of dwelling types in a location with good access to services and public transport.
The design appropriately responds to Clause 22 of the Municipal Strategic Statement which seeks to integrate urban consolidation objectives and specific character issues of local areas. The proposed development incorporates a design response which is considered
responsive to the heritage building, surrounding built form, coastal location and landscape character of the area.

**Does the Amendment make proper use of the Victoria Planning Provisions?**

It is considered that the proposed Amendment makes proper use of the Victoria Planning Provisions.

An incorporated document is considered to be the proper mechanism to allow a site specific exemption for the proposed development mindful of the site’s unique characteristics and the presence of a State significant heritage building that already exceeds the existing mandatory height controls.

The use of an Incorporated Document in this instance removes the need to rezone land and remove the DDO1 (and thereby introducing an interruption to these provisions which extend for the entire Beach Road). It also ensures the restoration and ongoing maintenance of an existing State significant heritage building.

**How does the Amendment address the views of any relevant agency?**

The views of relevant agencies will be sought through the exhibition process.

**Does the Amendment address relevant requirements of the Transport Integration Act 2010?**

The Amendment complies with the relevant requirements of the Transport Integration Act, specifically Part 2, Division 2, 11 – Integration of transport and land use.

**Resource and administrative costs**

- **What impact will the new planning provisions have on the resource and administrative costs of the responsible authority?**

The Amendment is not expected to have any impact on the resource and administrative costs of the responsible authority as any future approvals required will be limited to discrete considerations for a specific site.

**Where you may inspect this Amendment**

The Amendment is available for public inspection, free of charge, during office hours at the following places:

Kingston City Council  
1230 Nepean Highway  
Cheltenham VIC 3192

Customer Service Centre  
1 Chelsea Road  
Chelsea VIC 3196


Submissions
Any person who may be affected by the Amendment may make a submission to the planning authority. Submissions about the Amendment must be received by 15 December 2016.

A submission must be sent to: Kingston City Council, Strategic Planning Unit, PO Box 1000, Mentone VIC 3194, quoting Amendment C148. Alternatively, you can email your submission to strategicplanning@kingston.vic.gov.au

Panel hearing dates
In accordance with clause 4(2) of Ministerial Direction No.15 the following panel hearing dates have been set for this amendment:

- directions hearing: week commencing 27 March 2017
- panel hearing: week commencing 17 April 2017