

# Agenda

## Ordinary Council Meeting

**Monday, 26th June 2023**

Commencing at 7.00pm

Council Chamber  
1230 Nepean Highway, Cheltenham

[kingston.vic.gov.au](http://kingston.vic.gov.au)

Peter Bean  
Chief Executive Officer  
Kingston City Council

*community inspired leadership*



City of  
**KINGSTON**

## **ACKNOWLEDGEMENT OF COUNTRY**

---

The City of Kingston proudly acknowledges the Bunurong People of the Kulin Nation as the Traditional Owners and Custodians of this land, and we pay our respect to their Elders, past and present and emerging.

Council acknowledges the Bunurong's continuing relationship to the land and waterways and respects that their connection and spiritual identity is maintained through ancient ceremonies, songlines, dance, art and living culture.

Council pays tribute to the invaluable contributions of the Bunurong and other Aboriginal and Torres Strait Island elders who have guided and continue to guide the work we do.



**City of Kingston  
Ordinary Council Meeting**

**Agenda**

**26 June 2023**

**Notice** is given that a Meeting of Kingston City Council will be held at 7.00pm at Council Chamber, 1230 Nepean Highway, Cheltenham, on Monday, 26 June 2023.

- 1. Apologies**
- 2. Confirmation of Minutes of Previous Meetings**  
Minutes of Ordinary Council Meeting 22 May 2023  
Minutes of Special Council Meeting 8 June 2023
- 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**  
Planning Application KP-2022/475 - 19-23 Central Avenue, Moorabbin
- 5. Presentation of Awards**  
Nil
- 6. Reports from Delegates Appointed by Council to Various Organisations**
- 7. Question Time**
- 8. Planning and Place Reports**
  - 8.1 KP-2009/506 - 22 Flinders Street, Mentone ..... 5
  - 8.2 Tree Removal Application at Holmesglen TAFE, 488 South Road, Moorabbin ..... 25
  - 8.3 Response to Resolution - Notice of Motion No. 3/2023 - Review of Approved Landscape Plans for Mentone Life Saving Club ..... 55
  - 8.4 Planning Scheme Amendment C205king - Planning Panel report..... 85
- 9. Community Strengthening Reports**
  - 9.1 Year 3 Health Plan Action Plan - Municipal Public Health and Wellbeing Plan 2021-25 ..... 231
- 10. Infrastructure and Open Space Reports**
  - 10.1 Bonbeach Sports Reserve Pavilion Development - Update..... 267
  - 10.2 Award of Contract - CON-23/034 Parkdale Yacht Club Carpark Construction ..... 279
  - 10.3 Kingston's New Aquatic and Leisure Centre Concept Design ..... 287
- 11. Customer and Corporate Support Reports**
  - 11.1 Informal Meetings of Councillors..... 355

**City of Kingston  
Ordinary Council Meeting**

**Agenda**

**26 June 2023**

11.2	CEO and General Manager Quarterly Expenses .....	367
11.3	Authorisation of Officers - Planning and Environment Act 1987 .....	373
11.4	Appointment of Chair and Independent Members to the Audit and Risk Committee .....	385
11.5	Quick Response Grants .....	389
11.6	Advocacy Quarterly Update - June .....	397
11.7	Council Plan Year Three Annual Action Plan 2023-24 - Final .....	415
<b>12.</b>	<b>Chief Finance Office Reports</b>	
12.1	Springvalley Reimbursement .....	467
12.2	Proposed Lease of 640 Nepean Highway Carrum (Carrum Restaurant / Cafe) .....	471
12.3	Proposed Sale of 6 Lochiel Avenue, Edithvale .....	489
12.4	Future of 33 Balcombe Road, Mentone .....	495
12.5	Proposed Sale of Council Reserve (part) at 40 Redwood Drive, Dingley Village .....	501
<b>13.</b>	<b>Notices of Motion</b>	
13.1	Notice of Motion No. 4/2023 - Cr Davies - Foreshore Guidelines .....	521
13.2	Notice of Motion No. 19/2023 - Cr Davies - Tree Planting .....	529
<b>14.</b>	<b>Urgent Business</b>	
<b>15.</b>	<b>Confidential Items .....</b>	<b>535</b>
15.1	Property Matter	
	<b>Confidential Attachments</b>	
10.2	Award of Contract - CON-23/034 Parkdale Yacht Club Carpark Construction	
	Appendix 1 CON-23/034 Tender Evaluation Matrix - Parkdale Yacht Club Construction	
12.1	Springvalley Reimbursement	
	Appendix 1 Kingston v Monash Confidential Update	
12.2	Proposed Lease of 640 Nepean Highway Carrum (Carrum Restaurant / Cafe)	
	Appendix 1 Expressions of Interest Summary - Carrum Café	
12.3	Proposed Sale of 6 Lochiel Avenue, Edithvale	
	Appendix 1 Email Ray Willis regarding submission 6 Lochiel Avenue Edithvale	

# Explanation of Meeting Procedure

## **Meeting Procedure is Regulated by the City of Kingston Governance Rules**

The procedures for this Council Meeting are regulated by Council's Governance Rules.

### **Chairperson**

The Mayor as Chairperson is the ultimate authority for the conduct of the meeting.

### **Agenda**

The business to be dealt with at the meeting is set out in the agenda. No other business can be dealt with, unless admitted as Urgent Business by resolution of Council.

### **Motions**

A motion must be moved and seconded to be valid. The mover of the motion will then be permitted to speak to it. Other Councillors will then be permitted to speak either for or against the motion. The mover will be permitted a right-of-reply, which will conclude the debate.

### **Voting**

The motion will then be voted on by show of hands. If the motion is carried, it becomes a resolution (decision) of the Council. Any Councillor may call for a Division, in order that the vote of each Councillor is formally recorded. The result of the Division supersedes the vote by show of hands.

### **Amendments**

A Councillor may move an amendment to a motion. Any amendment moved shall be dealt with in the same way as a motion, except that there is no right of reply for the mover of the amendment and the mover of the motion if the amendment is carried. If carried, the amendment becomes the motion and the previous motion is abandoned.

### **Speaking at the Meeting**

No visitor to a Council meeting may speak to the meeting, except for:

- The applicant (or their representative) and one objector in relation to an application for a planning permit;
- Special circumstances in which leave to speak is granted by the Chairperson.

Unless special circumstances apply, the Chairperson will limit the presentation of a speaker to four minutes' duration.

# Explanation of Meeting Procedure

## Questions

Members of the public present at the meeting may put questions in writing to Council which will be dealt with during Question Time. Questions must be submitted by:

- Submitting an online question form on Council's website by 3.00pm on the day of the Council meeting; or
- Placing a hard copy question form in the Question Box situated in the foyer by 7.30pm on the day of the Council meeting.

Questions are to be as succinct as possible. Questions which cannot be accommodated on the question form provided are likely to require research and are more appropriately directed to Council in the form of a letter. In such cases, the question/s may be answered in writing at the direction of the Chairperson subsequent to the meeting.

Individual members of the public are permitted to ask a maximum of two (2) questions.

## Confidential Business

The meeting may be closed at any time to deal with confidential items in camera. In these instances members of the public will be asked to leave the Council Chamber, and the meeting re-opened once the confidential business is completed.

## Courtesy to the Mayor

All Councillors are required to direct their attention towards the Chairperson when speaking. This is in accordance with protocols relating to respect for the Chairperson of a meeting and is a requirement of Council's Meeting Procedures Local Law.

## Emergency Evacuation of Chamber

Members of the public are requested to note the green and white EXIT signs.

In the event of an emergency requiring evacuation of the Chamber, the public should evacuate by way of the EXIT located to the right hand side of the Council Chamber. This leads to the foyer through which you passed in order to enter the Chamber. Proceed from the foyer through the revolving door/side door and out of the building. This is the primary evacuation route.

If the nature of the emergency is such that the primary evacuation route is impracticable, the public should evacuate by way of the EXIT located to the right of the Council table as viewed from the public gallery. Follow further EXIT signs thereafter, which lead to an exit point on the south side of the building. This is the secondary evacuation route.

Council staff will issue directions on how to proceed to evacuate in the event of an emergency.

# Explanation of Meeting Procedure

## Do You Have a Hearing Difficulty?

Phonic Ear Hearing Assistance is available to any member of the public gallery with a hearing disability. Just ask a member of staff for a unit prior to the meeting.

## Interpreting Service



## Recording of Meetings

Council Meetings are recorded and streamed live on the internet.

Recordings are archived and available on Council's website [www.kingston.vic.gov.au](http://www.kingston.vic.gov.au).

All care is taken to maintain your privacy; however as a visitor in the public gallery, your presence may be recorded.

## **8. Planning and Place Reports**

## Ordinary Council Meeting

26 June 2023

**Agenda Item No: 8.1**

### **KP-2009/506 - 22 FLINDERS STREET, MENTONE**

**Contact Officer: Harris Argyriou, Statutory Planner**

#### **Purpose of Report**

This report is for the Planning Committee to consider a secondary consent amendment to Planning Permit No. KP-2009/506 – 22 Flinders Street, Mentone.

#### **Disclosure of Officer / Contractor Direct or Indirect Interest**

No Council officer/s and/or Contractor/s who have provided advice in relation to this report have declared a Conflict of Interest regarding the matter under consideration.

#### **RECOMMENDATION**

That Council determine to support the proposed secondary consent application and issue amended endorsed plans associated with Planning Permit KP-2009/506 at 22 Flinders Street Mentone, which allowed 'The development of this site for two (2) dwellings and the subdivision of the land into two (2) lots, in accordance with plans to be submitted pursuant to Condition 1'. The amendment proposes:

- The construction of a pool, associated pool fencing and paving to the rear of Dwelling 2 (known as 22B Flinders Street)
- The construction of a gazebo to the rear of Dwelling 2 (known as 22B Flinders Street)

EXECUTIVE SUMMARY	
<b>Address</b>	22 Flinders Street, MENTONE VIC 3194
<b>Legal Description</b>	Lot 2 on PS 642142X
<b>Applicant</b>	KP-2009/506
<b>Planning Officer</b>	Harris Argyriou
PLANNING REQUIREMENTS	
<b>Planning Scheme</b>	Kingston
<b>Permit Trigger/s</b>	Clause 32.06 – To construct two (2) or more dwellings on a lot and permit is required to subdivide land
APPLICATION / PROCESS	
<b>Proposal</b>	To amend the plans to allow for the construction of a pool, associated pool fencing and paving, and a gazebo to the rear of Dwelling 2 (known as 22B Flinders Street)
<b>Reference No.</b>	KP-2009/506
<b>SC App. Received</b>	15 March 2023
LEGISLATIVE	
<b>Covenant/other Restriction</b>	Yes – Section 173 Agreement Complies: Yes AH688470N 22/12/2010
<b>Permit Expiry Date</b>	13 May 2012 (for the commencement of the development) 13 May 2014 (for the completion of the development) 13 May 2012 (for the registration of the subdivision) 13 May 2015 (for the certification of the subdivision)  The development has been completed and the subdivision has been certified

## **1 PERMIT & APPLICATION BACKGROUND**

- 1.1 An application has been received by Council's City Development Department to amend plans, under Secondary Consent provisions, in association with Condition 3 of Planning Permit KP-2009/506.
- 1.2 The Permit was issued on 13<sup>th</sup> May 2010 for *'The development of this site for two (2) dwellings and the subdivision of the land into two (2) lots, in accordance with plans to be submitted pursuant to Condition 1'*
- 1.3 The Permit was a permit issued at the direction of the Victorian Civil and Administrative Tribunal.
- 1.4 Plans satisfying condition 1 of the Permit (Pages 1 to 10) were endorsed on 20 July 2010.
- 1.5 Pursuant to Clause 32.06 (Residential 3 Zone/Limited Change Zone at the time), notice (advertising) of the original Permit application was required by sending notices to adjoining and opposite property owners and occupiers and by maintaining a notice on site for fourteen (14) days. Four (4) objection(s) to the proposal were received. The valid grounds of objection raised are summarised as follows:
  - Neighbourhood character;
  - Visual bulk;
  - External materials/detailed design;
  - Overshadowing;
  - Overlooking; and
  - Accessibility.

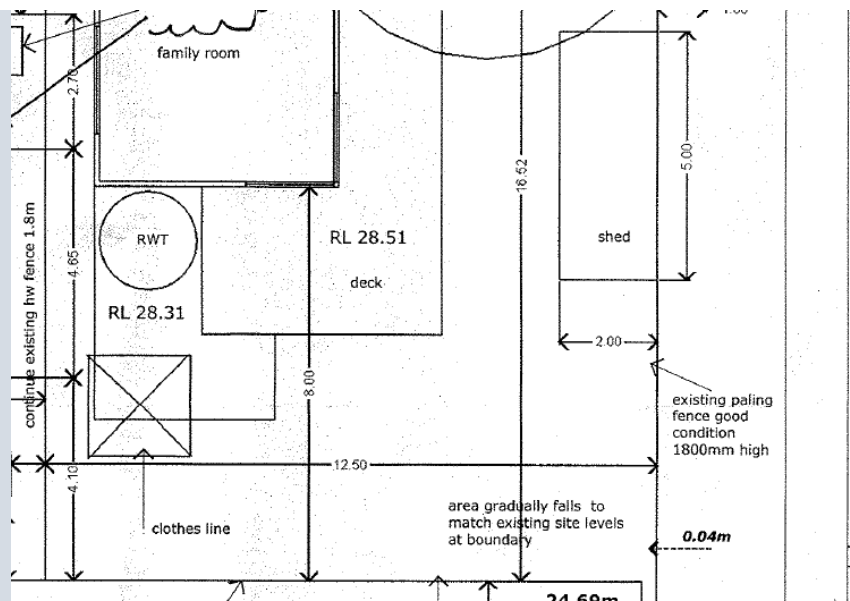


- 1.6 Planning Permit KP-2009/506 was amended in accordance with a VCAT Order issued on 18 June 2010, with VCAT directing the deletion of Condition 1 (f) and Condition 5 from Planning Permit KP-2009/506, issued on 13 May 2010.
- 1.7 The proposed changes sought under this application do not undermine any agreement or offer put forward by the permit applicant during the consideration of the original proposal.

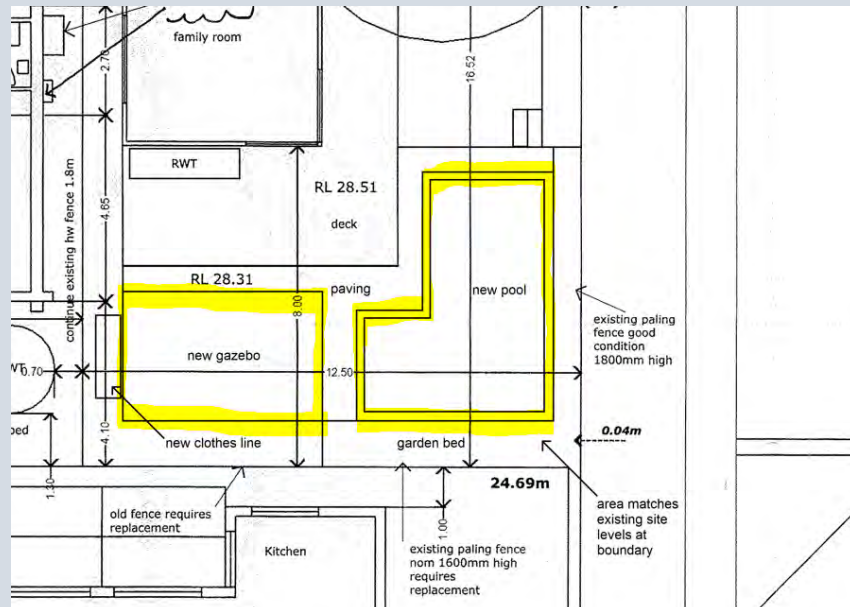
## **2 PROPOSAL**

- 2.1 The proposed amendments are limited to the following:

<b>Item No.</b>	<b>Proposed Modification</b>
<b>1</b>	<p><b>It is proposed to construct a pool, associated pool fencing and paving to the rear of Dwelling 2 (now known as 22B Flinders Street), as demonstrated in the plans below.</b></p> <p>The proposed pool is in ground, measures approximately 6.0 metres long by 2.95 metres wide and contains a small 2.4 metre long by 1.7 metre wide area in the south-western corner for sun lounges. The pool is sited in the south-eastern corner of the site, and is to be enclosed by 1.2 metre high pool fencing which is located approximately 1.0 metre from the edge of the pool along the northern and western sides. The area around the pool is to be paved, with paving to the owner's selection.</p>
<b>2</b>	<p><b>It is proposed to construct a gazebo to the rear of Dwelling 2 (now known as 22B Flinders Street), as demonstrated in the plans below.</b></p> <p>To facilitate the construction of the gazebo, the siting of the rainwater tank and clothesline will be modified.</p> <p>The proposed gazebo, measures approximately 3.4 metres long, 5.9 metres wide and 2.7 metres high, is rectangular in form and is located in the south-western corner of the site. The gazebo area is to be roofed, with a wall to the west, and a screened wall to the south in order to comply with Clause 55.04-6, Standard B22 Overlooking. The gazebo area will contain an in-built BBQ area and is to be paved, with paving to the owner's selection.</p> <p><b>Previously Endorsed Plan:</b></p>



**Proposed Plan for Endorsement:**



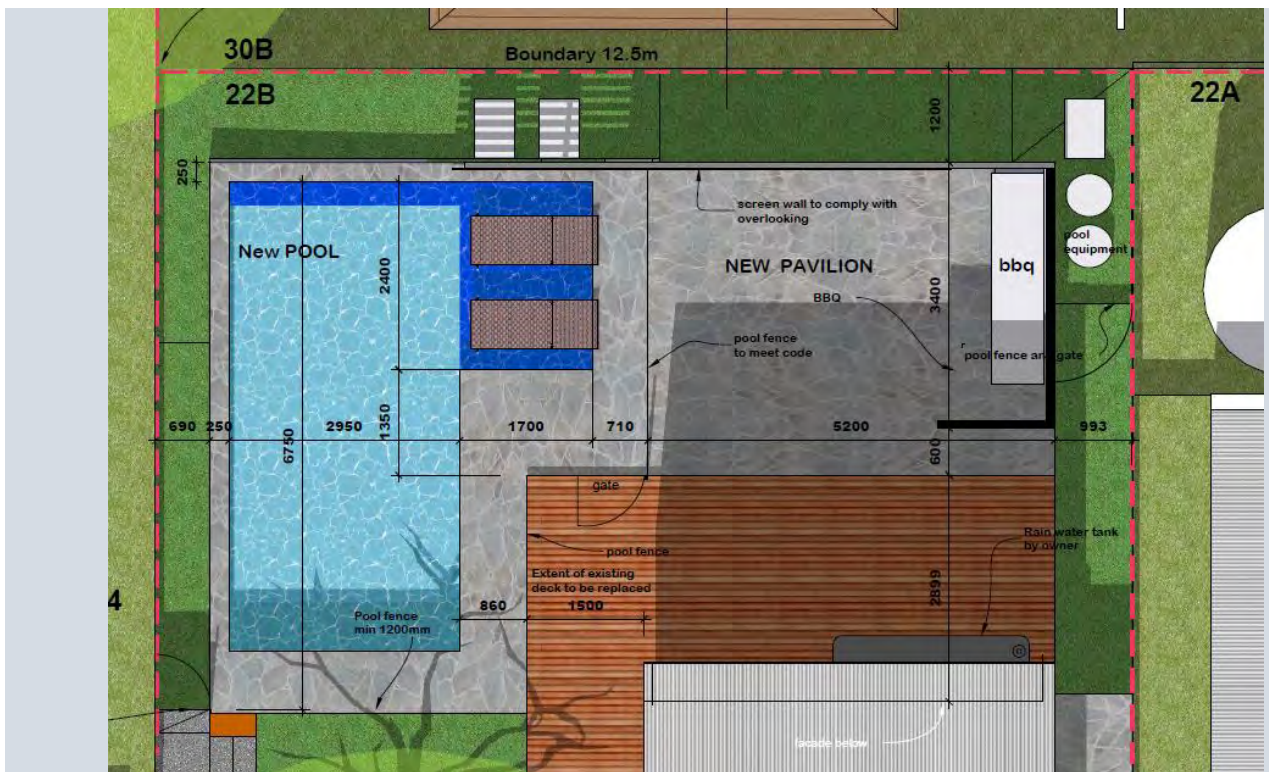
**3D Rendering of Proposed Pool and Gazebo:**



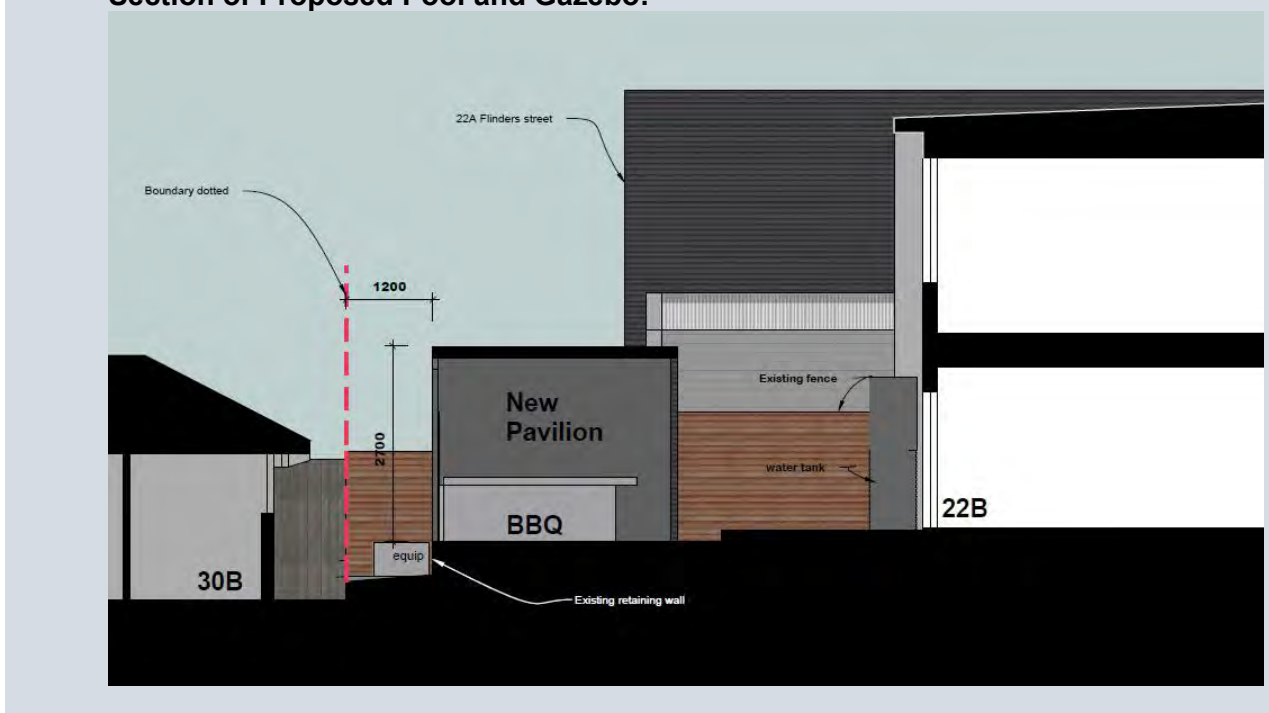
Rendering of Proposed Pool and Gazebo:







#### Section of Proposed Pool and Gazebo:



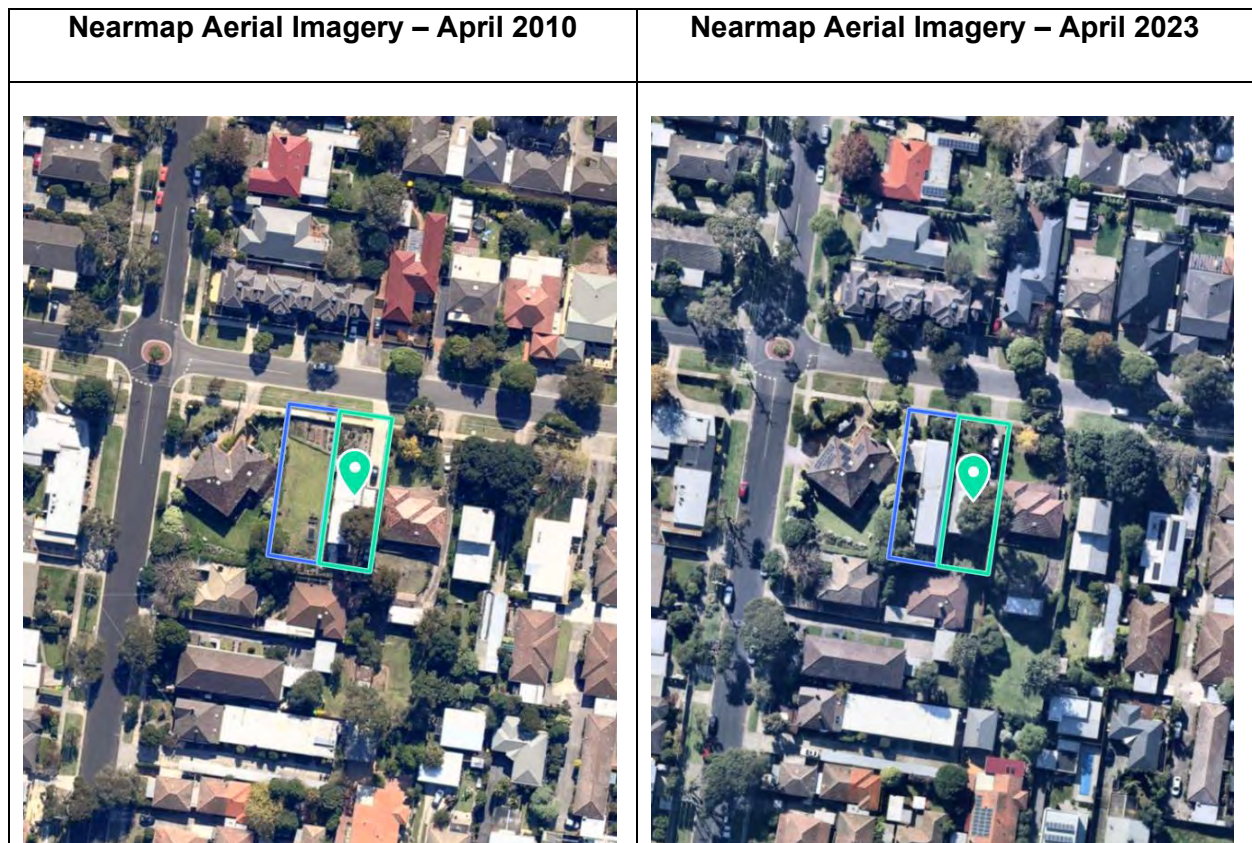
- 2.2 The proposed changes do not have any implications for the concerns that have been previously expressed by the Department.
- 2.3 The Owner has acted on the Permit, with the development having been completed.





(Source: Nearmap Aerial Image – 24<sup>th</sup> April 2023)

- 2.4 There does not appear to have been significant notable changes, since the issuing of the Permit, to the subject site's surrounds.



### **3 PLANNING PERMIT REQUIREMENT(S) FOR ORIGINAL APPLICATION**

- 3.1 The executive summary table on page 1 lists the applicable permit triggers for the original planning application.
- 3.2 Pursuant to Clause 32.06 of the Kingston Planning Scheme, a planning permit was required to construct two or more dwellings on a lot and to subdivide the land.
- 3.3 Since the issuing of Permit, the following change has occurred to the applicable planning controls:
- The Residential 3 Zone has changed to a General Residential Zone – Schedule 3. The planning controls contained within the new zone essentially replicate the controls of the previous Residential 3 Zone.

### **4 REFERRAL ADVICE**

- 4.1 The sought amendment(s) to the endorsed plans, under the provisions of secondary consent, have not been referred to any internal departments or external authorities.

### **5 CONSIDERATIONS**

- 5.1 The principles, or tests, of Secondary Consent

The Tribunal has set out the principles, or tests, of secondary consent. A notable case worth drawing from is *WestPoint Corporation PL v Moreland CC (Red Dot)* [2005] VCAT 1049. In summary, this case establishes four (4) principles for the assessment of amending plans under condition 2 (or equivalent condition) of a permit. The principles raise a number of questions which are to be asked and answered in respect to the sought amendments made under secondary consent.

- 5.2 **To classify as a secondary consent application, the amendments sought must meet the following principles:**

- 'It [the proposed amendment] does not result in a transformation of the proposal.
- It [the proposed amendment] does not authorise something for which primary consent is required under the planning scheme.
- It [the proposed amendment] is of no consequence having regard to the purpose of the planning control under which the permit was granted.
- It [the proposed amendment] is not contrary to a specific requirement (or condition of the permit) as distinct from an authorisation within the permit, which itself cannot be altered by consent' [38].

NOTE: 'When deciding whether a use or development may be altered under a secondary consent provision in a permit, the scale of the change is not relevant per se' [38]. Therefore, provided the sought change meets the above tests, it need not be "minor" in nature to be considered and permitted under secondary consent.

**6 ASSESSMENT**

**6.1 An assessment is provided below in response to the relevant secondary consent test:**

**1. It [the proposed amendment] does not result in a transformation of the proposal**

The proposed amendment does not result in a transformation of the original proposal.

The altered plans do not make any change to the permitted land use. Further, the nature of all changes and degree of all changes sought do not constitute a 'transformation' of the proposal.

**2. It [the proposed amendment] does not authorise something for which primary consent is required under the planning scheme.**

The proposed amendment does not authorise something for which permission is either required or given in response to an application for a permit in accordance with the provisions of the Act and the Kingston Planning Scheme.

**3. It [the proposed amendment] is of no consequence having regard to the purpose of the planning control under which the permit was granted.**

The following proposed changes are considered to be inconsequential as they are generally in accordance with the endorsed plans, they do not conflict with any of the controls that led to the need for a permit in the first instance and they do not require separate assessment against policy contained within the Kingston Planning Scheme:

Item No.	Proposed Modification
	<b>The construction of a pool and gazebo to the rear of Dwelling 2 (known as 22B Flinders Street).</b>
	The proposed change in the form of the addition of a pool and gazebo area to the rear of Dwelling 2 is considered to be acceptable for consideration under Secondary Consent and therefore recommended for approval for the following reasons:
1	<ul style="list-style-type: none"><li>• The proposed change does not conflict with any of the Planning Permit conditions.</li><li>• The proposed change does not result in a transformation of the original proposal.</li><li>• The proposed change does not conflict with any of the relevant planning controls.</li><li>• The proposed change does not impact or alter the intent of the permit preamble.</li><li>• The proposed change will not cause any amenity loss to adjoining or nearby properties.</li><li>• The proposed pool and associated pool fencing and paving will not cause any material detriment as the pool is located in the (rear) secluded private open space, will not be visible from the street.</li></ul>



- The applicant has demonstrated through arboricultural advice and consultation with Council's arborist that the existing significant tree can be retained and protected.
- No changes are shown to existing boundary fencing to the east, south and west will be maintained.
- The gazebo is proposed 1.2m to the southern boundary 0.99m to the western boundaries, which conceivably may present overlooking concerns particularly as the land slopes from the north to the south, with the natural ground level of the property to the south being approximately 800mm lower than that of the ground level of the proposed gazebo, it is noted that there is a screened wall (horizontal timber slat screen wall) approximately 1.2 metres from the southern boundary in order to comply with Clause 55.04-6, Standard B22 Overlooking. Further, the western side of the gazebo has a solid wall, which is located approximately 1.0 metre from the western boundary, and coupled with the existing 1.8 metre high boundary fence, will ensure there is no unreasonable overlooking into the adjoining property.
- Shadow diagrams have been presented on the rendered plans as part of this application and have demonstrated that the proposal presents reasonable overshadowing impacts, particularly to the property to the south, with much of the shadowing cast being from the existing boundary fence. The proposal is therefore considered to satisfy the requirements of Clause 55.04-5, Standard B21, Overshadowing open space.
- The paved area of the pool and gazebo is also to be finished at the current ground level, and the topography of the remainder of the rear yard is to remain unchanged, therefore having no implication on the adjoining properties.
- The previously endorsed plans did not require any significant vegetation to be planted within the area impacted by the proposed pool and gazebo, and therefore no alterations are required related to the approved landscape plan.
- The application is exempt from the garden area requirements given the proposal was approved before the garden area gazettal date, and the development is now completed.
- The proposal is considered to be consistent with relevant standards in relation to Standard B17 - Side and rear setbacks, Standard B18 - Walls on boundaries (N/A), Standard B19 - Daylight to existing windows, Standard B20 - North-facing windows, Standard B21 - Overshadowing open space, and Standard B22 – Overlooking, and is not considered to unreasonably impact on the adjoining properties, particularly the adjoining property to the south (No. 2/30 Bourke Street) and the adjoining property to the west (22A Flinders Street).

- 4. It [the proposed amendment] is not contrary to a specific requirement (or condition of the permit) as distinct from an authorisation within the permit, which itself cannot be altered by consent'**

A full review of the relevant Permit has been undertaken and, accordingly, it has been established that all amendments sought by this application do not conflict with any of



the conditions contained within the Permit or with the description of what the Permit authorises.

## **7 GENERAL COMMENTS**

- 7.1 Based on the above assessment against the relevant test established by the Tribunal, it is considered that the proposed modifications to the endorsed plans are satisfactory and meet the tests of secondary consent.
- 7.2 It has been determined that prior to deciding on this application all factors pursuant to section 60(1) of the Act have been considered. Further to this, the proposal does not give rise to any significant social and economic effects.

## **8 RECOMMENDATION**

- 8.1 That the amended application at 22 Flinders Street, MENTONE VIC 3194 be supported to form part of the Permit, with consent issued by the Department, and the following occur:
- 8.2 Plan to be superseded and endorsed under this amendment: Sheet 1 of 10, proposed pool and gazebo floorplan, Revision A, submitted to Council on 10 May 2023.
- 8.3 Plans to be endorsed under this amendment:  
Sheets 1A and 1B, proposed pool and gazebo plan, Drawing No's, A00.01 to A00.02 dated 28 February 2023, submitted to Council on 15 March 2023  
And  
Sheets 10A and 10B, proposed pool and gazebo section and elevation plans, Drawing No's, A00.03 to A00.04 dated 28 February 2023, submitted to Council on 15 March 2023.

## **Appendices**

Appendix 1 - KP-2009/506 - 22 Flinders Street, MENTONE VIC 3194 - CONSIDERED  
PLANS FOR COUNCIL REPORT (Ref 23/142061) 

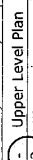
Author/s: Harris Argyriou, Statutory Planner  
Reviewed and Approved By: Amy Lin, Team Leader Statutory Planning  
Jaclyn Murdoch, Manager City Development

# 8.1

## KP-2009/506 - 22 FLINDERS STREET, MENTONE

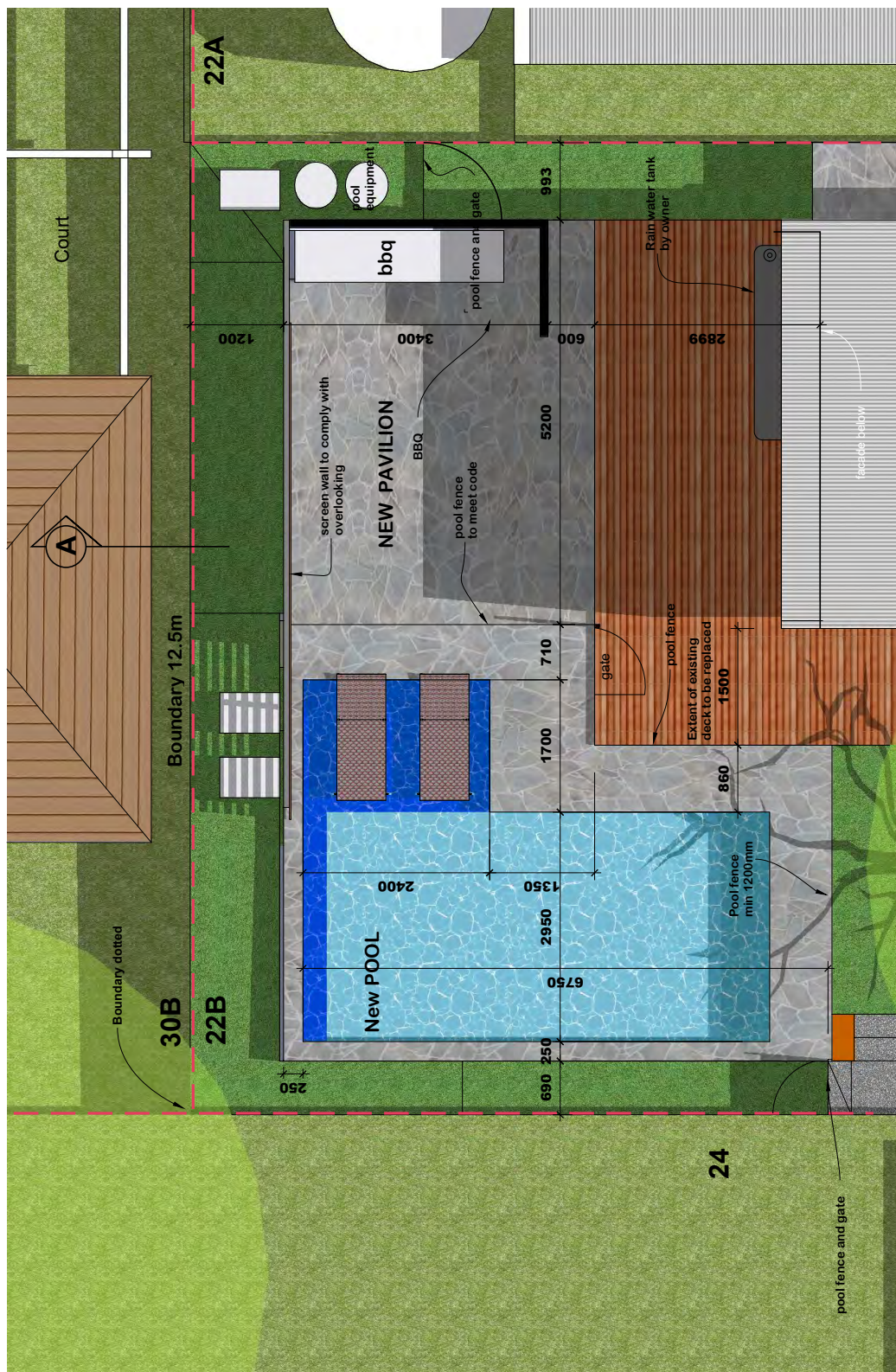
1	KP-2009/506 - 22 Flinders Street, MENTONE VIC 3194 - CONSIDERED PLANS FOR COUNCIL REPORT.....	19
---	--	----

## Development Summary



- HEATING AND T/W LOCATED
- WALL SCREENING HOUNSIE AND CARPARK EXTENDED
- ALL EXTERNAL ENTRANCES SHOWN.

Date 14 July 09  
Scale 1:100



Plan  
1:50

REV	DESCRIPTION	DATE

 $z \in \mathbb{C}$ 

**All dimensions to be checked by client and forwarded prior to builder starting on site**

DRAWN BY XX  
CHECKED XX  
SCALE 1:50@A3  
DATE PRINTED 28 Feb 2023

Mentone HOUSE  
22b Flinders street, Mentone. 3194  
MELBOURNE. AUSTRALIA

**CLIENT**

DRAWING TITLE  
22b Flinders Street  
Plan

DRAWING NUMBER  
A00.01





1

Solar shading - Noon equinox

1:50

Mentone HOUSE  
22b Flinders street, Mentone, 3194  
MELBOURNE, AUSTRALIA

CLIENT

DRAWN BY  
XX

CHECKED  
XX

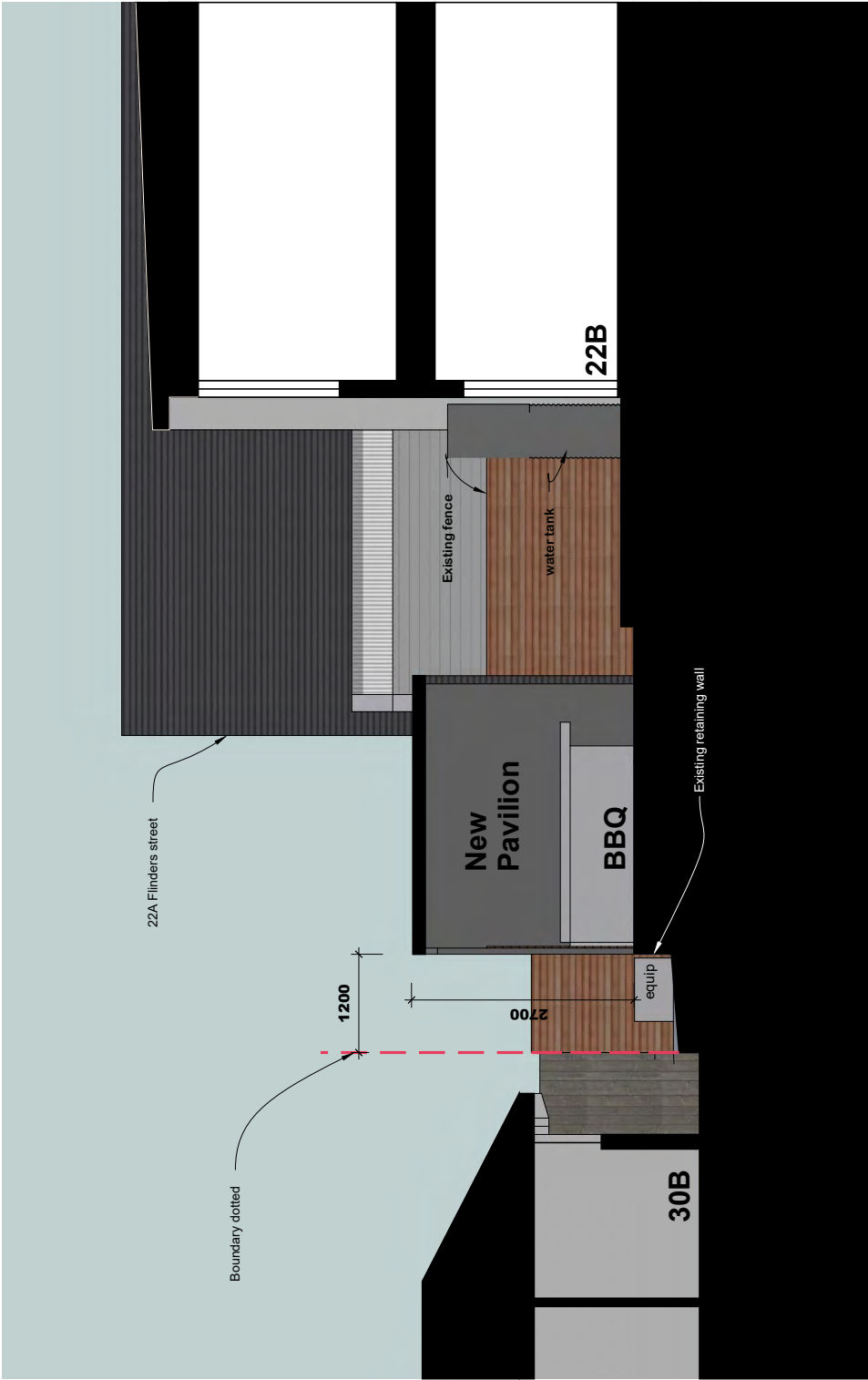
SCALE  
1:50@A3

DATE PRINTED  
28 Feb 2023

DRAWING TITLE  
22b Flinders Street  
Plan

DRAWING NUMBER  
A00.02

REV	DESCRIPTION	DATE



1

Section A

1:50

DRAWING TITLE  
22b Flinders Street  
Section looking west  
DRAWING NUMBER  
A00.03

REV	DESCRIPTION	DATE

DRAWN BY  
CHECKED  
SCALE  
DATE PRINTED

Mentone HOUSE  
22b Flinders street, Mentone, 3194  
MELBOURNE, AUSTRALIA  
CLIENT





1

Isometric

1:50

DRAWING TITLE

22b Flinders Street

Isometric

DRAWING NUMBER

A00.04

REV	DESCRIPTION	DATE

DRAWN BY

XX

CHECKED

XX

SCALE

1:50@A3

DATE PRINTED

28 Feb 2023

Mentone HOUSE

22b Flinders street, Mentone, 3194

MELBOURNE, AUSTRALIA

CLIENT

# Ordinary Council Meeting

26 June 2023

Agenda Item No: 8.2

## TREE REMOVAL APPLICATION AT HOLMESGLEN TAFE, 488 SOUTH ROAD, MOORABBIN

**Contact Officer:** Rick Owers, Senior Vegetation Officer  
Guillermo Henning, Team Leader Planning Appeals and Compliance  
Corey Smith, Senior Vegetation Management Officer

### Purpose of Report

The purpose of this report is to brief Council on a tree removal application that seeks approval for the removal of trees under the Council's Community Local Law.

### Disclosure of Officer / Contractor Direct or Indirect Interest

No Council officer/s and/or contractor/s who have provided advice in relation to this report have declared a conflict of interest regarding the matter under consideration.

### RECOMMENDATION

That Council grant Local Law Permits for those trees outlined in Section 2 of this report, where the Recommendation is to remove trees pursuant to the assessment criteria contained within Clause 42 of the Community Local Law and provide for replacement planting at a ratio of up to 3:1 for each tree proposed to be removed.

### 1. Executive Summary

At Council's Special Meeting on 14 October 2019 Council resolved, among other things, the following:

11. *The instrument of delegation be amended to escalate any planning or local laws application for 10 or more tree removals for Council decision.*

In following the abovementioned Council resolution, Officers are bringing this report to Council for a decision. The local law application includes a total of twenty-two (22) trees that have been requested for removal.

The main reason for the removal of the trees relates to the maintenance and management of vegetation on the TAFE Campus and accessways car parking associated with the Health Scope site. Officers have undertaken an assessment of the trees proposed to be removed and are supportive of the proposal in some circumstances subject to conditions requiring replacement planting of up to a ratio of 3:1 for each tree proposed to be removed. The conditions will require the species to be consistent to the EVC of the site.



**City of Kingston  
Ordinary Council Meeting**

**Agenda**

**26 June 2023**

**2. Discussion**

Council's Senior Vegetation Management Officer, Rick Owers, undertook a detailed assessment of the vegetation proposed to be removed including multiple site inspections.

In their assessment Council officers have considered the following:

- An assessment of the health and structure of the tree;
- An assessment of the reasons for the removal of the trees including building damage and ongoing maintenance issues; and
- An assessment of risk that quantifies the risk of significant harm from tree failure in a way that enables the balance between safety, tree values and likely target and operate to predetermined limits of tolerable or acceptable risk as per the table below:

Threshold	Description
1/1 to 1/000	Unacceptable Risk is not ordinarily tolerated.
1/1000 to 1/100,000	Unacceptable when imposed to others Risk is not ordinarily tolerated.
1/100,000 to 1/1,000,000	Tolerable when imposed to others. Risks are tolerable if as low as reasonably practical.
Greater than 1/1,000,000	Broadly acceptable. Risk is as low as reasonably practical.

The officer's individual tree assessment is provided on the table below:

Tree No. on Map	Botanical Name	Common Name	Origin	Height	Assessment	Recommendation
(1) 42	<i>Phoenix canariensis</i>	Canary Island Date Palm	Exotic	10	<b>Remove:</b> Tree was located in a small courtyard. It appears canopy of this tree would have been impacting gutters and buildings. Verbal consent was given for this tree only due to storm damage and maintenance to the building.	Approved For Removal
(2) 93	<i>Eucalyptus cladocalyx</i>	Sugar Gum	Native (Planted)	9	<b>Remove:</b> Poor Health/Structure over Footpaths, Previous failures expected to continue	Approved For Removal
(3) 123	<i>Corymbia citrodora</i>	Lemon Scented Gum	Native (Planted)	14	<b>Retain:</b> Good Health/Structure, Lifting to footpath was assessed as being able repaired without the removal of the tree.	Refused For Removal

**City of Kingston  
Ordinary Council Meeting**

**Agenda**

**26 June 2023**

Tree No. on Map	Botanical Name	Common Name	Origin	Height	Assessment	Recommendation
(4) 129	<i>Eucalyptus cladocalyx</i>	Sugar Gum	Native (Planted)	12	<b>Retain:</b> Tree has good health and fair Structure Pruning to reduce exposed limbs over car spaces is expected to be within Australian Standards.	Refused For Removal
(5) 135	<i>Eucalyptus sideroxylon</i>	Red Iron Bark	Native (Planted)	4	<b>Remove:</b> Tree-b. 2nd Southern Tree in Group. Approved for Poor Structure and Low ULE	Approved For Removal
(6) 135	<i>Eucalyptus sideroxylon</i>	Red Iron Bark	Native (Planted)	4	<b>Remove:</b> Tree-c. 3rd Southern Tree in Group. Approved for Poor Structure and Low ULE	Approved For Removal
(7) 135	<i>Eucalyptus sideroxylon</i>	Red Iron Bark	Native (Planted)	4	<b>Remove:</b> Tree-d. 4th to Southern Tree in Group. Approved for Poor Structure and Low ULE	Approved For Removal
(8) 135	<i>Eucalyptus sideroxylon</i>	Red Iron Bark	Native (Planted)	7	<b>Retain:</b> Tree-e. 5th to Southern Tree in Group. Fair health and structure can be pruned to Australian Standards to maintain.	Refused For Removal
(9) 135	<i>Eucalyptus sideroxylon</i>	Red Iron Bark	Native (Planted)	8	<b>Retain:</b> Tree-f. 5th to Southern Tree in Group. Fair health and structure can be pruned to Australian Standards to maintain.	Refused For Removal
(10) 137	<i>Eucalyptus pauciflora</i>	Snow Gum	Native (Planted)	6	<b>Remove:</b> Tree on lean over carpark, pruning over road is expected to remove 60% of canopy and lead to failures	Approved For Removal
(11) 138	<i>Eucalyptus pauciflora</i>	Snow Gum	Native (Planted)	7	<b>Retain:</b> Tree is close to carpark awning. Can be pruned to Australian Standards to gain further clearance.	Refused For Removal
(12) 138	<i>Eucalyptus leucoxylon</i>	Yellow Gum	Native (Planted)	4	<b>Remove:</b> Tree-b. Tree leaning over can space pruning options are limited and expected to be ongoing due to form of tree.	Approved For Removal
(13) 139	<i>Eucalyptus cladocalyx</i>	Sugar Gum	Native (Planted)	6	<b>Remove:</b> Tree is in advanced decline, Poor health and Structure over footpaths and walkways.	Approved For Removal

**City of Kingston  
Ordinary Council Meeting**

**Agenda**

**26 June 2023**

Tree No. on Map	Botanical Name	Common Name	Origin	Height	Assessment	Recommendation
(14) 140	<i>Eucalyptus cladocalyx</i>	Sugar Gum	Native (Planted)	7	<b>Retain:</b> Tree is planted in separator between car spaces, whist damage to the separator was present the damage was assessed as being able to be repaired without the removal of the tree. Dead limbs in the canopy can be pruned under Australian Standards.	Refused For Removal
(15) 140	<i>Eucalyptus cladocalyx</i>	Sugar Gum	Native (Planted)	7	<b>Retain:</b> Tree is planted in separator between car spaces, whist damage to the separator was present the damage was assessed as being able to be repaired without the removal of the tree. Dead limbs in the canopy can be pruned under Australian Standards.	Refused For Removal
(16) 140	<i>Eucalyptus cladocalyx</i>	Sugar Gum	Native (Planted)	7	<b>Retain:</b> Tree is planted in separator between car spaces, whist damage to the separator was present the damage was assessed as being able to be repaired without the removal of the tree. Dead limbs in the canopy can be pruned under Australian Standards.	Refused For Removal
(17) 140	<i>Eucalyptus cladocalyx</i>	Sugar Gum	Native (Planted)	7	<b>Retain:</b> Tree is planted in separator between car spaces, whist damage to the separator was present the damage was assessed as being able to be repaired without the removal of the tree. Dead limbs in the canopy can be pruned under Australian Standards.	Refused For Removal

Further details of the officer assessment have been included under Appendix 1. In addition, a location map and individual photos of the trees are provided under Appendix 2 and 3 respectively.

In summary, Officers recommend the following:

Row Labels	Count of Tree No.
Approved For Removal	9
Refused For Removal	13
<b>Grand Total</b>	<b>22</b>

In determining whether to grant a *permit* under clause 42 of the Community Local Law, *Council* must take the following into consideration:

- 42B.1 *the effect of the removal of the protected tree on the aesthetics of the neighbouring area; and*
- 42B.2 *whether the protected tree is dead or there are health and safety reasons justifying removal of the protected tree; and*
- 42B.3 *whether it is likely that the protected tree gives rise to a risk of damage to property or to the safety of the public; and*
- 42B.4 *whether the protected tree is causing a public nuisance or creating an undue nuisance to adjoining landowners; and*
- 42B.5 *any other matter which Council considers relevant to the circumstances associated with the application.*

When on site, Officers had discussions with the site supervisor to work through thresholds for ongoing management, both regarding future removals and also for managing damage to infrastructure. Officers have provided a commitment to the site manager to ensure management recommendations within permits issued. This will assist in educating managers of the site, particularly if personnel change over time.


### **3. Conclusion**


Officers consider that pursuant to Clause 42.B2 and 42B.3 of the Community Local Law a permit should be granted given the following:


- There are health and safety reasons justifying the removal of some of the protected trees.
- The trees are causing or are likely to cause property damage due to their location within proximity to existing infrastructure like buildings, footpaths and road.

It is recommended that the approval of the removal of these trees should be subject to conditions requiring replacement planting.

### **Appendices**

Appendix 1 - Tree details PT 2022 382 Holmesglen TAFE 488 South Road Moorabbin (Ref 23/134404)  [↓](#)

Appendix 2 - Map of trees PT 2022 382 Holmesglen TAFE 488 South Road Moorabbin (Ref 23/134596)  [↓](#)

Appendix 3 - Photo PT 2022 382 Holmesglen TAFE 488 South Road Moorabbin (Ref 23/134400)  [↓](#)

Author/s:	Rick Owers, Senior Vegetation Officer Guillermo Henning, Team Leader Planning Appeals and Compliance Corey Smith, Senior Vegetation Management Officer
Reviewed and Approved By:	Jaclyn Murdoch, Manager City Development

## 8.2

### **TREE REMOVAL APPLICATION AT HOLMESGLEN TAFE, 488 SOUTH ROAD, MOORABBIN**

<b>1</b>	<b>Tree details PT 2022 382 Holmesglen TAFE 488 South Road Moorabbin .....</b>	<b>33</b>
<b>2</b>	<b>Map of trees PT 2022 382 Holmesglen TAFE 488 South Road Moorabbin .....</b>	<b>39</b>
<b>3</b>	<b>Photo PT 2022 382 Holmesglen TAFE 488 South Road Moorabbin .....</b>	<b>41</b>

Holmesglen TAFE, 488 South Road, MOORABBIN VIC 3189

PT-2021/382

Tree ID	Botanical Name	Common Name	Origin	Height	Circumference at Base	Health	Structure	ULE	VMO QTRA	Assessment	Recommendation
Tree Number 42 on Rigoni Report	<i>Phoenix canariensis</i>	Canary Island Date Palm	Exotic	0	180 Approx.	N/a	N/a	N/a	N/A at 2023 Assessment	<b>Remove:</b> Tree was located in a small courtyard. It appears canopy of this tree would have been impacting gutters and buildings. Verbal consent was given for this tree only due to storm damage and maintenance to the building.	Approved For Removal
Tree Number 93 on Rigoni Report	<i>Eucalyptus cladocalyx</i>	Sugar Gum	Native(Planted)	9	230	Poor	Poor	5-10	Probability of Failure: 3 Size Of Part: 3, Part Assessed: declining limb over footpath, Target Rating 2, Target Type: Pedestrian, Risk Of Harm: 1/50k- 'Unacceptable when imposed to others'	<b>Remove:</b> Poor Health/Structure over Footpaths, Previous failures expected to continue	Approved For Removal
Tree Number 123 on Rigoni Report	<i>Corymbia citrodora</i>	Lemon Scented Gum	Native(Planted)	14	230	Good	Good	10+	Probability of Failure: 5 Size Of Part: 3, Part Assessed: limb over footpath, Target Rating 2, Target Type: Pedestrian, Risk Of Harm: <1/1m- 'Broadly Acceptable'	<b>Retain:</b> Good Health/Structure, Lifting to footpath was assessed as being able repaired without the removal of the tree.	Refused For Removal
Tree Number 129 on Rigoni Report	<i>Eucalyptus cladocalyx</i>	Sugar Gum	Native(Planted)	12	280	Good	Fair	10+	Probability of Failure: 5 Size Of Part: N/a, Part Assessed: extended limb over car space, Target Rating 3, Target Type: Property(Parked Cars), Risk Of Harm: <1/1m- 'Broadly Acceptable'	<b>Retain:</b> Tree has good health and fair Structure Pruning to reduce exposed limbs over car spaces is expected to be within Australian Standards.	Refused For Removal

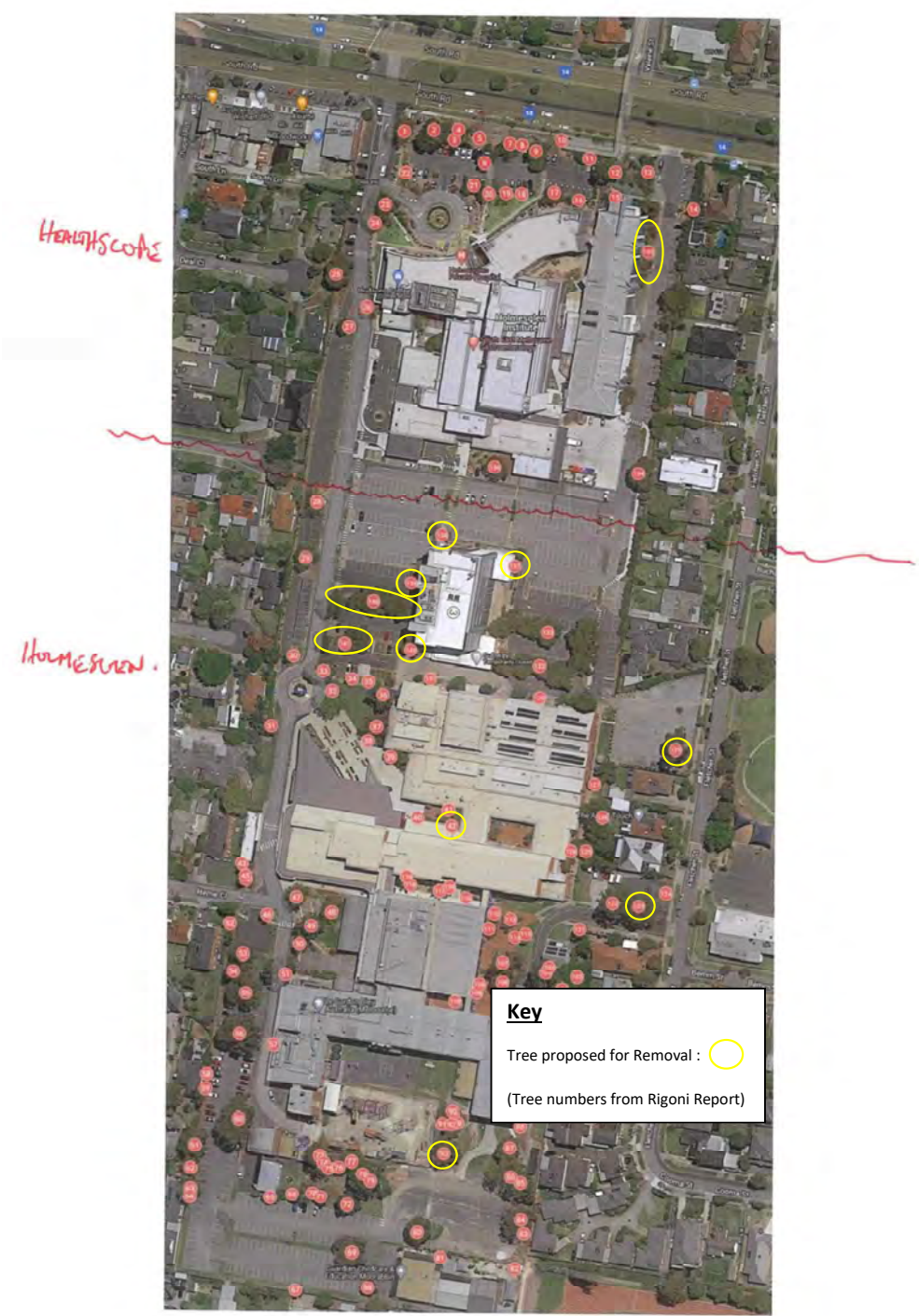
Tree Number 135 on Rigoni Report	<i>Eucalyptus sideroxylon</i>	Red Iron Bark	Native(Planted)	4	120	Good	Poor	0-5	Probability of Failure: 5 Size Of Part: 3, Part Assessed: structural limb over footpath, Target Rating 2, Target Type: Pedestrian,  Risk Of Harm: <1/1m- 'Broadly Acceptable'	<b>Remove:</b> Tree-b. 2nd Southern Tree in Group. Approved for Poor Structure and Low ULE	Approved For Removal
Tree Number 135 on Rigoni Report	<i>Eucalyptus sideroxylon</i>	Red Iron Bark	Native(Planted)	4	125	Good	Poor	0-5	Probability of Failure: 5 Size Of Part: 3, Part Assessed: structural limb over footpath, Target Rating 2, Target Type: Pedestrian,  Risk Of Harm: <1/1m- 'Broadly Acceptable'	<b>Remove:</b> Tree-c. 3rd Southern Tree in Group. Approved for Poor Structure and Low ULE	Approved For Removal
Tree Number 135 on Rigoni Report	<i>Eucalyptus sideroxylon</i>	Red Iron Bark	Native(Planted)	4	135	Good	Poor	0-5	Probability of Failure: 5 Size Of Part: 3, Part Assessed: structural limb over footpath, Target Rating 2, Target Type: Pedestrian,  Risk Of Harm: <1/1m- 'Broadly Acceptable'	<b>Remove:</b> Tree-d. 4th to Southern Tree in Group. Approved for Poor Structure and Low ULE	Approved For Removal
Tree Number 135 on Rigoni Report	<i>Eucalyptus sideroxylon</i>	Red Iron Bark	Native(Planted)	7	145	Fair	Fair	5-10	Probability of Failure: 5 Size Of Part: 3, Part Assessed: upper canopy limb over footpath, Target Rating 2, Target Type: Pedestrian,  Risk Of Harm: <1/1m- 'Broadly Acceptable'	<b>Retain:</b> Tree-e. 5th to Southern Tree in Group. Fair health and structure can be pruned to Australian Standards to maintain.	Refused For Removal
Tree Number 135 on Rigoni Report	<i>Eucalyptus sideroxylon</i>	Red Iron Bark	Native(Planted)	8	140	Fair	Fair	5-10	Probability of Failure: 5 Size Of Part: 3, Part Assessed: upper canopy limb over footpath, Target Rating 2, Target Type: Pedestrian,  Risk Of Harm: <1/1m- 'Broadly Acceptable'	<b>Retain:</b> Tree-f. 5th to Southern Tree in Group. Fair health and structure can be pruned to Australian Standards to maintain.	Refused For Removal

Tree Number 137 on Rigoni Report	<i>Eucalyptus pauciflora</i>	Snow Gum	Native(Planted)	6	130	Good	Poor	0-5	Probability of Failure: 5 Size Of Part: n/a, Part Assessed: upper canopy limb over car space, Target Rating 3, Target Type: Property (parked Car), _____ Risk Of Harm: <1/1m- 'Broadly Acceptable'	<b>Remove:</b> Tree on lean over carpark, pruning over road is expected to remove 60% of canopy and lead to failures	Approved For Removal
Tree Number 138 on Rigoni Report	<i>Eucalyptus pauciflora</i>	Snow Gum	Native(Planted)	7	165	Fair	Fair	5 -10	Probability of Failure: 6 Size Of Part: 4, Part Assessed: upper canopy limb over footpath, Target Rating 2, Target Type: Pedestrian, _____ Risk Of Harm: <1/1m- 'Broadly Acceptable'	<b>Retain:</b> Tree is close to carpark awning. Can be pruned to Australian Standards to gain further clearance.	Refused For Removal
Tree Number 138 on Rigoni Report	<i>Eucalyptus leucoxylon</i>	Yellow Gum	Native(Planted)	4	140	Good	Poor	0-5	Probability of Failure: 5 Size Of Part: N/A, Part Assessed: Whole Tree, Target Rating 3, Target Type: property(parked car), _____ Risk Of Harm: <1/1m- 'Broadly Acceptable'	<b>Remove:</b> Tree-b. Tree leaning over car space pruning options are limited and expected to be ongoing due to form of tree.	Approved For Removal
Tree Number 139 on Rigoni Report	<i>Eucalyptus cladocalyx</i>	Sugar Gum	Native(Planted)	6	130	Poor	Poor	0-5	Probability of Failure:2 Size Of Part: 3, Part Assessed: dead limb over footpath, _____ Target Rating 2, Target Type: Pedestrian, _____ Risk Of Harm: 1/5k 'Unacceptable'	<b>Remove:</b> Tree is in advanced decline, Poor health and Structure over footpaths and walkways.	Approved For Removal
Tree Number 140 on Rigoni Report	<i>Eucalyptus cladocalyx</i>	Sugar Gum	Native(Planted)	7	160	Fair	Good	10+	Probability of Failure: 3 Size Of Part: 3, Part Assessed: dead limb over footpath, _____ Target Rating 2, Target Type: Pedestrian, _____ Risk Of Harm: 1/50k- 'Unacceptable when imposed to others'	<b>Retain:</b> Tree is planted in separator between car spaces, whilst damage to the separator was present the damage was assessed as being able to be repaired without the removal of the tree. Dead limbs in the canopy can be pruned under Australian Standards.	Refused For Removal



Tree Number 140 on Rigoni Report	<i>Eucalyptus cladocalyx</i>	Sugar Gum	Native(Planted)	7	215	Fair	Good	10+	<p>Probability of Failure: 3 Size Of Part: N/A, Part Assessed: dead limb over car space, Target Rating 3, Target Type: Property,</p> <p>Risk Of Harm: &lt;1/30k 'Unacceptable when imposed to others'</p>	<p><b>Retain:</b> Tree is planted in separator between car spaces, whist damage to the separator was present the damage was assessed as being able to be repaired without the removal of the tree. Dead limbs in the canopy can be pruned under Australian Standards.</p>	Refused For Removal
Tree Number 140 on Rigoni Report	<i>Eucalyptus cladocalyx</i>	Sugar Gum	Native(Planted)	7	190	Fair	Good	10+	<p>Probability of Failure: 3 Size Of Part: N/A, Part Assessed: dead limb over car space, Target Rating 3, Target Type: Property,</p> <p>Risk Of Harm: &lt;1/30k 'Unacceptable when imposed to others'</p>	<p><b>Retain:</b> Tree is planted in separator between car spaces, whist damage to the separator was present the damage was assessed as being able to be repaired without the removal of the tree. Dead limbs in the canopy can be pruned under Australian Standards.</p>	Refused For Removal
Tree Number 140 on Rigoni Report	<i>Eucalyptus cladocalyx</i>	Sugar Gum	Native(Planted)	7	120	Fair	Good	10+	<p>Probability of Failure: 3 Size Of Part: N/A, Part Assessed: dead limb over car space, Target Rating 3, Target Type: Property,</p> <p>Risk Of Harm: &lt;1/30k 'Unacceptable when imposed to others'</p>	<p><b>Retain:</b> Tree is planted in separator between car spaces, whist damage to the separator was present the damage was assessed as being able to be repaired without the removal of the tree. Dead limbs in the canopy can be pruned under Australian Standards.</p>	Refused For Removal
Tree Number 140 on Rigoni Report	<i>Eucalyptus cladocalyx</i>	Sugar Gum	Native(Planted)	7	145	Fair	Good	10+	<p>Probability of Failure: 3 Size Of Part: N/A, Part Assessed: dead limb over car space, Target Rating 3, Target Type: Property,</p> <p>Risk Of Harm: &lt;1/30k 'Unacceptable when imposed to others'</p>	<p><b>Retain:</b> Tree is planted in separator between car spaces, whist damage to the separator was present the damage was assessed as being able to be repaired without the removal of the tree. Dead limbs in the canopy can be pruned under Australian Standards.</p>	Refused For Removal
Tree Number 140 on Rigoni Report	<i>Eucalyptus cladocalyx</i>	Sugar Gum	Native(Planted)	7	120	Fair	Good	10+	<p>Probability of Failure: 3 Size Of Part: N/A, Part Assessed: dead limb over car space, Target Rating 3, Target Type: Property,</p> <p>Risk Of Harm: &lt;1/30k 'Unacceptable when imposed to others'</p>	<p><b>Retain:</b> Tree is planted in separator between car spaces, whist damage to the separator was present the damage was assessed as being able to be repaired without the removal of the tree. Dead limbs in the canopy can be pruned under Australian Standards.</p>	Refused For Removal

Tree Number 140 on Rigoni Report	<i>Eucalyptus cladocalyx</i>	Sugar Gum	Native(Planted)	7	210	Fair	Good	10+	Probability of Failure: 3 Size Of Part: N/A, Part Assessed: dead limb over car space, Target Rating 3, Target Type: Property, Risk Of Harm: <1/30k 'Unacceptable when imposed to others'	<b>Retain:</b> Tree is planted in separator between car spaces, whilst damage to the separator was present the damage was assessed as being able to be repaired without the removal of the tree. Dead limbs in the canopy can be pruned under Australian Standards.	Refused For Removal
Tree Number 141 on Rigoni Report	<i>Eucalyptus cladocalyx</i>	Sugar Gum	Native(Planted)	12	190	Good	Poor	5-10	Probability of Failure: 3 Size Of Part: 3, Part Assessed: extended limb over footpath, Target Rating 2, Target Type: Pedestrian, Risk Of Harm: <1/50k 'Unacceptable when imposed to others'	<b>Remove:</b> Good health and Poor Structure, Over footpaths and roadways canopy shows decline which is expected to continue re-growth from removal of dead limbs has poor form and will require extensive maintenance to maintain to allow for use of footpaths/road.	Approved For Removal
Tree Number 142 on Rigoni Report	<i>Eucalyptus cladocalyx</i>	Sugar Gum	Native(Planted)	10	190	Fair	Good	10+	Probability of Failure: 5 Size Of Part: 3, Part Assessed: upper canopy limb over seating area, Target Rating 2, Target Type: Pedestrian, Risk Of Harm: <1/1m- 'Broadly Acceptable'	<b>Retain:</b> Fair Health and Good Structure, can be pruned to Australian Standards to allow for retention of the tree.	Refused For Removal



PT-2021/382 Photographs

Holmesglen TAFE, 488 South Road, MOORABBIN VIC 3189

**Tree Number 42 on Rigoni Report**





**Tree Number 93 on Rigoni Report****Tree Number 123 on Rigoni Report**

**Tree Number 129 on Rigoni Report****Tree Number 135b on Rigoni Report**



**Tree Number 135c on Rigoni Report****Tree Number 135d on Rigoni Report**



**Tree Number 135e on Rigoni Report****Tree number 135f on Rigoni Report**



**Tree Number 137 on Rigoni Report****Tree Number 138 on Rigoni Report**



**Tree Number 138 on Rigoni Report****Tree Number 139 on Rigoni Report**



**Tree Number 140 on Rigoni Report****Tree Number 140 on Rigoni Report**

**Tree Number 140 on Rigoni Report**



**Tree Number 140 on Rigoni Report**





**Tree Number 140 on Rigoni Report****Tree Number 140 on Rigoni Report**

**Tree Number 140 on Rigoni Report**



**Tree Number 141 on Rigoni Report**

**Tree Number 142 on Rigoni Report**





## Ordinary Council Meeting

26 June 2023

Agenda Item No: 8.3

### **RESPONSE TO RESOLUTION - NOTICE OF MOTION NO. 3/2023 - REVIEW OF APPROVED LANDSCAPE PLANS FOR MENTONE LIFE SAVING CLUB**

**Contact Officer:** Guillermo Henning, Team Leader Planning Appeals and Compliance

#### **Purpose of Report**

In accordance with the resolution of Council at its Ordinary Meeting of 30 January 2023, this report provides Council with the assessment undertaken by a qualified consultant and Officers recommendation as to any changes that should be made to the landscaping plan and/or permit conditions as it relates to Planning Permit KP-2020/420 for the Mentone Life Saving Club.

#### **Disclosure of Officer / Contractor Conflict of Interest**

No Council officer/s and/or Contractor/s who have provided advice in relation to this report have declared a Conflict of Interest regarding the matter under consideration.

#### **RECOMMENDATION**

That Council instruct Officers to lodge a section 72 amendment to Planning Permit KP-2020/420 (through its representatives) as it relates to the landscape plan required by condition 1(a), seeking the following changes:

- a) Reduction in the amount of vegetation coverage to not more than 70% of the total plant coverage across the landscaped area; and
- b) Retain condition 1(a)(iv) providing for the planting of 20 *Allocasuarina verticillata* (Drooping She-oak) in the two groups as shown on approved landscape plans, however removing all unsuitable understorey vegetation proposed within the canopy dripline of the trees to reduce the potential for these plants to be impacted by allelopathy caused by the trees and to ensure that the understorey vegetation planted is compatible with the Drooping She-oaks.

#### **1. Executive Summary**

At Council's Meeting on 14 December 2020 Council resolved in relation to the planning application for Mentone Live Saving Club to support the proposal subject to conditions.

Planning permit KP-2020/420 was subsequently issued on 19 January 2021 for the Use of the land for an innominate use (Life Saving Club) and place of assembly, to reduce car parking requirements of Clause 52.06 and to remove native vegetation pursuant to Clause 52.17. Development and landscape plans were later endorsed on 27 May 2021. The removal of vegetation approved under this permit has been carried out as the development has commenced.

Council then resolved at its Ordinary Meeting of 30 January 2023 the following:

*That Council engage a qualified consultant to review the landscaping plan in particular the selected tree species and number to be introduced in response to Planning Permit KP-2020/420 for the Mentone Life Saving Club, to determine whether it provides an appropriate ecological response when considering:*

- *The selection of species when considering Council's Biodiversity Strategy and Department of Energy, Environment and Climate Action guidance information (formerly DELWP); and*
- *The extent of tree planting, as currently illustrated on the plans, to ensure that it does not impact on the objectives to establish appropriate ground cover and shrubs.*

*Further that upon completion of the review, a report be brought back to Councillors to determine whether any changes should be made to the landscaping plan and/or permit.*

Following the resolution of Council, Officers engaged Ecology & Heritage Partners as expert consultants to review the endorsed landscape plan approved under planning permit KP-2020/420 for Mentone Life Saving Club. This review is to provide advice as to whether the endorsed plan provides an appropriate ecological response. The review included consideration of the approved planting schedule, Council's Biodiversity Strategy and Ecological Vegetation Class benchmarks.

In its conclusion, the consultant considers the approved landscape plan and associated planting schedule to provide suitable ecological outcomes based on the modelled Ecological Vegetation Class within and close to the subject site being Coastland Headland Scrub EVC161 subject to two recommendations outlined later in this report.

This report is provided in response to the above resolution.

## **2. Planning Permit History**

The subject site is located on Crown land within the Mentone foreshore, on the south-western side of Beach Road, Mentone.

The proposal sought to remove 0.074ha of vegetation on the Mentone foreshore to accommodate the development of the new Lifesaving Club.

**Table 1. Summary of native vegetation (requiring permit)**

<b>EVC</b>	<b>Area (ha)</b>
Coastal Headland Scrub	0.055
Coastal Headland Scrub (exotic canopy)	0.011
Berm Grassy Shrubland	0.007
Coastal Dune Grassland	0.001
<b>Total</b>	<b>0.074</b>

The map below, endorsed under the planning permit, illustrates the extent of native vegetation approved for removal, including Coast Banksia. There were other trees and vegetation removed that did not require a planning permit under Clause 52.17 as they were either exotic species or planted by the public land manager. Amongst these were Drooping She-Oaks that were sought to be replaced through conditions of permit at a general ratio of 3:1.

This plan shows in the dark red native vegetation that required a permit for removal and in a lighter red, vegetation proposed to be removed that whilst planted, required consent for removal from Council (approximately 460sqm).



The planning permit subsequently incorporates the following conditions (bold for emphasis)

1. *Before any permitted clearing of native vegetation 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 form part of this permit. All works constructed or carried out must be in accordance with the endorsed plan. The plans must be drawn to scale with dimensions and georeferenced that clearly show:*
  - a. *the provision of a landscape plan in accordance with the submitted development plan, with such plans to be prepared by a suitably qualified landscape professional to the satisfaction of the Responsible Authority and incorporating:*
    - i. *A planting schedule of all proposed trees and shrubs, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant;*
    - ii. *A survey, including, botanical names of all existing trees to be retained on the site including Tree Protection Zones calculated in accordance with AS4970-2009;*
    - iii. **460 square metres of plants from EVC 161 Coastal Headland Scrub with the percentage of each plant consistent with the Department of Sustainability and Environment EVC/Bioregion Benchmark for Vegetation Quality Assessment, Gippsland Plain Bioregion;**
    - iv. **A minimum of 20 Allocasuarina verticillata (Drooping She-oak), planted at a minimum 2 metres in height**
    - v. *Notes regarding site preparation, including the removal of all weeds, proposed mulch, soil types and thickness, subsoil preparation and any specific maintenance requirements; and*

- vi. *Tree protection measures accurately drawn to scale and labelled as per the endorsed Tree Management Plan.*
- 2. ***The use and native vegetation removal as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.***
- 3. ***The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced.***

Since the issuing of the planning permit the development has commenced and vegetation removed. See aerial images below prior to works commencing (March 2021) and a recent aerial identifying the progress of the development (April 2023).



(March 2021, nearmap)



April 2023 (nearmap)



**3. Discussion of advice**

The review of the consultants conclude that the landscape plans and planting outcome provide a suitable ecological response based on the modelled EVC within and close to the subject site being Coastal Headland Scrub. The consultants confirm that all selected plans are found to be naturally occurring along the foreshore area within a few kilometres of the site.

In reaching this conclusion, the consultants were provided with reports prepared by other expert consultants for other planning permit matters.

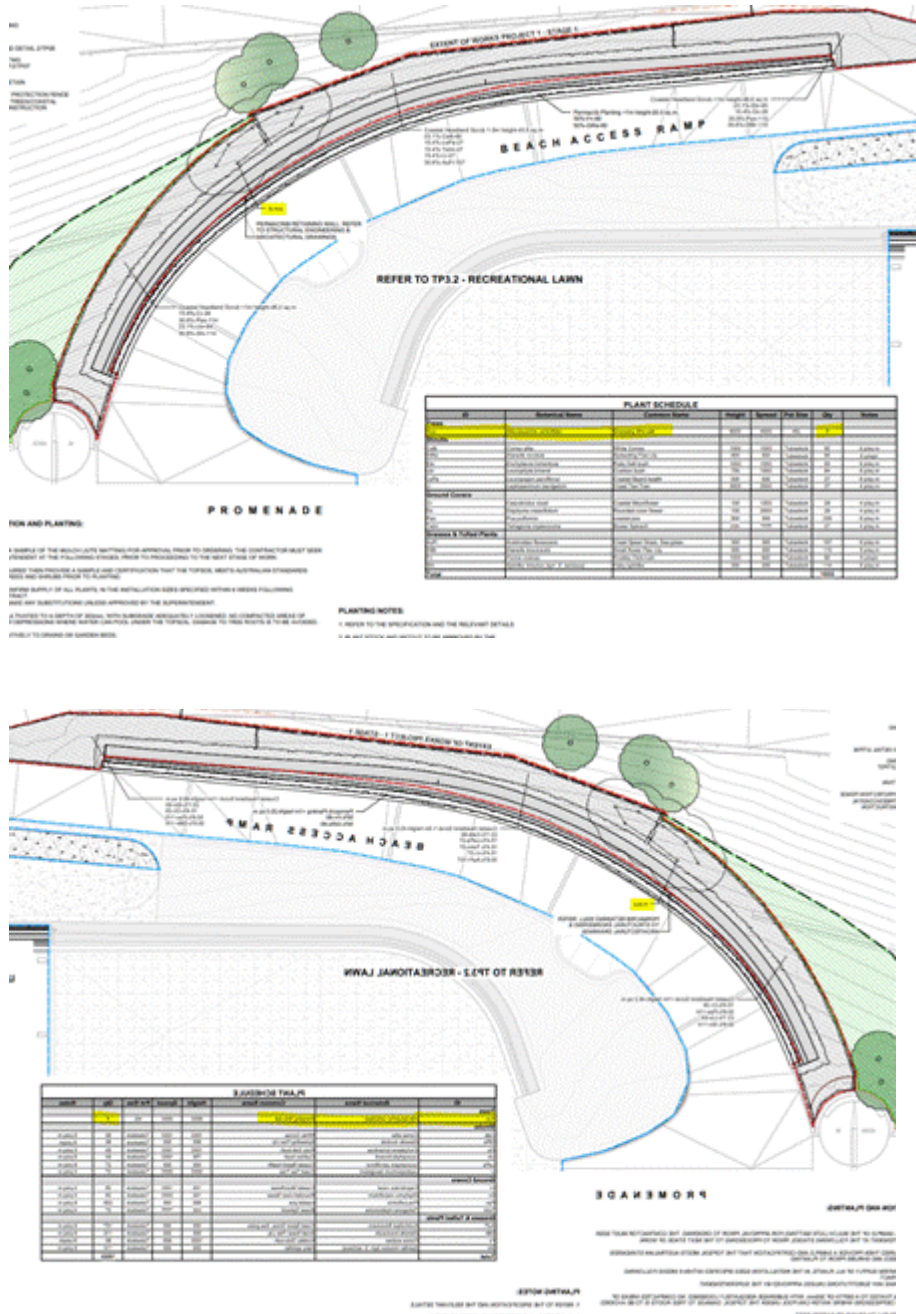
However, the consultants provide two recommendations as follows:

- *The planting schedule appears to provide 100% plant coverage across the landscaped area, whereas the Coastal Headland Scrub EVC benchmark information specifies that 70% of the ground would typically be covered by plants, with the other 30% being bare ground (or more likely exposed rock in the natural setting). This situation is not a natural setting, as there is capacity to fill every space due to soil being provided across the planting area. A discussion should be undertaken with respect to the overall intended outcome of the planting schedule and whether it should stay true to the EVC benchmark description or fill in the available spaces as per a normal landscaping project.*
- *It is likely that the Drooping Sheoaks will make the space underneath them too hostile to support understorey plant growth, which may only occur later once the trees have established and matured. A decision should therefore be made as to whether the planting schedule be retained with shrubs, herbs and/or grasses planted under these trees and possibly be damaged/killed through natural attrition over time, or the planting design be modified now to reduce their numbers or remove them completely.*

The implications for the planning permit and endorsed plans as it relates to the first of the above recommendations is likely to result in less than 460 square metres of EVC161 Coastal Headland Scrub. However, the consultant's opinion is that EVC161 benchmark is that 70% understorey coverage is preferred, with some areas left for bare ground.

While a reduction in the understorey planting is required to achieve the two recommendations, the proportion of understorey vegetation (approximately 16,513 plants) compared with trees (32 trees, 20 Drooping She-oak and 12 Coast Banksia) will continue to ensure that the landscape response for the site continues to provide an appropriate ecological response.

The approved landscape plans show two groups or clusters of proposed Drooping She-Oaks (see below and attached).





Given they are not dispersed within the landscape area of the site, it is the view of Officers that the understorey located within the dripline of these trees can be removed without significantly compromising the ecological outcome, while responding to the recommendation of the consultant. This may also respond to the first recommendation in reducing the overall percentage coverage.

#### **4. Conclusion**

Based on the recommendations made by the consultants, as they relate to the density of planting within the landscape areas of the site, and the provision and proximity of understorey vegetation to the Drooping She-Oaks, it is Officers recommendation that the planning permit conditions, and associated landscape plans be amended to address these recommendations.

#### **Appendices**

Appendix 1 - Ecological Review Ecology Heritage Partners 2023 (Ref 23/125042)  

Appendix 2 - Mentone Life Saving Club - Full Sized Plans (Ref 23/125046)  

Author/s:	Guillermo Henning, Team Leader Planning Appeals and Compliance
Reviewed and Approved By:	Jaclyn Murdoch, Manager City Development Jonathan Guttman, General Manager Planning and Place

## **8.3**

### **RESPONSE TO RESOLUTION - NOTICE OF MOTION NO. 3/2023 - REVIEW OF APPROVED LANDSCAPE PLANS FOR MENTONE LIFE SAVING CLUB**

<b>1</b>	<b>Ecological Review Ecology Heritage Partners 2023.....</b>	<b>65</b>
<b>2</b>	<b>Mentone Life Saving Club - Full Sized Plans .....</b>	<b>81</b>





## Review of Ecological Implications for the Redevelopment of the Mentone Life Saving Club

**Date:** 9 May 2023

**Author:** Cat Stephenson (Senior Bushfire Consultant/Botanist)

**Reviewer:** Andrew Hill (Director/Principal Ecologist)

**Ref:** 17028

### 1 Introduction

The Mentone Life Saving Club (LSC) is currently undergoing redevelopment, with a planning permit for the development works and removal of native vegetation pursuant to Clause 52.17 Native Vegetation being issued on 19 January 2021 (KP-2020-420). The Landscape Town Planning Drawings were subsequently endorsed on 27 May 2021. Ecology and Heritage Partners Pty Ltd was commissioned by the City of Kingston to conduct a review of the endorsed Landscape Town Planning Drawings and provide advice regarding whether it provides an appropriate ecological response. The Landscape Town Planning Drawings were used as the reference for the planting schedule and other landscaping/planting information.

### 2 Scope

Specifically, this review assessed the appropriateness of the endorsed planting schedule to provide a suitable ecological outcome when considering:

- The selection of species with respect to the Department of Energy, Environment and Climate Action's (DEECA) guidance information regarding EVC locations, extent and benchmark information and Council's Biodiversity Strategy 2018-2023 (City of Kingston 2018); and,
- The extent of tree planting, as currently illustrated on the endorsed development plans, to ensure that it does not impact on the establishment of shrubs and groundcovers.

In addition, this review considered previous application and submission material for the removal of native vegetation along the Bay Trail, which occurred within the vicinity of the subject site, and whether this information altered the reviewer's opinion on the planting selected for the subject site.

No site assessment was included as part of the scope of this review, and as such, no on-ground assessment of the type, quality and extent of existing native vegetation was undertaken.

### 3 Applicable Ecological Vegetation Classes

Ecological Vegetation Classes (EVCs) are the standard unit for classifying native vegetation in Victoria and uses a combination of floristic, lifeform and ecological characteristics to determine the applicable EVC. Native vegetation along the foreshore within the area of the Mentone LSC and for at least two kilometres to the west is classed as Coastal Headland Scrub/Coast Banksia Woodland Mosaic (EVC 919), with this EVC also

ADELAIDE	22 Greenhill Rd Wayville SA 5034	BRISBANE	Lvl 22 127 Creek St Brisbane Qld 4000	CANBERRA	PO Box 6067 O'Connor ACT 2602	GEELONG	230 Latrobe Tce Geelong West Vic 3218	MELBOURNE	292 Mt Alexander Rd Ascot Vale Vic 3032	SYDNEY	Lvl 5 616 Harris St Ultimo NSW 2007
----------	-------------------------------------	----------	--	----------	----------------------------------	---------	--	-----------	--	--------	--

[www.ehpartners.com.au](http://www.ehpartners.com.au)

ABN : 65 685 233 760

present for approximately 1.8 kilometres to the south-east. Heathy Woodland/Sand Heathland Mosaic (EVC 892) is also present within 500 meters of the Mentone LSC to the south-east for a strip approximately 20 metres wide directly adjoining and parallel to Beach Road (DEECA 2023a) (Plate 1). These mosaics are designed for mapping purposes only, with each component of the mosaic having its own EVC number and benchmark information. When assessing the existing native vegetation (or in this case the proposed planted vegetation) against the applicable EVC benchmark, the site should be assessed using the individual EVC that is dominant on-site. The EVC mosaics are separated out as follows:

- Coastal Headland Scrub/Coast Banksia Woodland Mosaic (EVC 919) separates out to:
  - Coastal Headland Scrub (EVC 161); and
  - Coast Banksia Woodland (EVC 2).
- Heathy Woodland/Sand Heathland Mosaic (EVC 892) separates out to:
  - Heathy Woodland (EVC 48); and
  - Sand Heathland (EVC 6).



**Plate 1.** Extent of modelled EVCs as per the 2005 mapping (DEECA 2023a). The yellow star shows the location of the Mentone LSC. The blue area along the foreshore represents Coastal Headland Scrub/Coast Banksia Woodland Mosaic (EVC 919). The red area represents Heathy Woodland/Sand Heathland Mosaic (EVC 892).

The benchmark information for the four above-listed EVCs are provided in Appendix 1 (DEECA 2023b). Site assessments were undertaken as part of previous planning applications within and in close proximity to the subject site, which also discuss the applicable EVC. This information is presented in Section 7.



The list of species presented in the benchmark information for each EVC includes common species and are by no means an exhaustive list. A wide range of native species could be observed within different areas designated as the same EVC, with several factors influencing the site-specific conditions that result in the species at a particular site, including climatic, topographic and geological influences.

#### 4 Plant Selection with Respect to the EVC Benchmark Information

Condition 1. a) iii. of the Planning Permit states that 460 square metres of plants from the Coastal Headland Scrub EVC are to be planted as part of the Landscape Plan. Appendix 1 provides the benchmark information for the Coastal Headland Scrub EVC, including an example of common species that typically exist in this EVC. This list is not exhaustive, as many more species are found in this EVC across its range. However, as a guide, of the 14 species are listed in this EVC benchmark, the planting schedule incorporates 10 of them. Another 18 species not included on the benchmark information for Coastal Headland Scrub EVC are in the planting schedule, with one of these species being Coast Banksia *Banksia integrifolia*, which is included in the EVC benchmark typical species list of the Coast Banksia Woodland EVC.

Other sources of reliable information can be used to determine whether a species is indigenous to an area, namely the Royal Botanic Gardens Victoria website VicFlora ([vicflora.rbg.vic.gov.au](http://vicflora.rbg.vic.gov.au)). A search in this revealed that all of the 18 species not listed in the Coastal Headland Scrub EVC benchmark information have been recorded as naturally occurring along the foreshore on the eastern side of Port Phillip Bay, with most of the records being within approximately five kilometres of the Mentone LSC. The furthest record was of the Ruby Saltbush *Enchylaena tomentosa* in Frankston. This highlights that the plants selected for the development are local and will add to the biodiversity values of the site by providing food sources and habitat opportunities (e.g. shelter/protection, roosting) that are comparable to the surrounding native foreshore vegetation for native fauna.

The benchmark description for Coastal Headland Scrub EVC states it comprises scrub or low shrubland to two metres tall and the plants have a total projective foliage cover of 70% (DEECA 2023b). That is, there are gaps in the vegetation that equal around 30% of an area. This is because this EVC is typically associated with shallow sands along rocky sections of the coast and thus there will generally be sections of the coast that contain bare rocks and thus cannot support plant growth, leading to natural gaps. While it is not easy to determine from the planting schedule and number of plants being planted the final intended coverage of the plants when mature, the volume of tubestock being planted indicates that more than 70% of the ground, if not 100%, will be covered in shrubs, groundcovers and grasses. This is not unexpected, as the development's planting decisions are not only based on the EVC benchmark information, but also on the aesthetic appeal of the development (which typically contains a full coverage of plants) and how the plants and structure complement each other.



## 5 Plant Selection with Respect to the Biodiversity Strategy 2018-2023

The Biodiversity Strategy focuses on Council's actions to protect and enhance biodiversity values within the Council's natural resource areas. The plant selection and general planting within this area aligns with aspects of the Biodiversity Strategy as follows:

- Section 1.6 Strategy Outcomes: Two of the strategy outcomes are to 'Protect and improve areas of remnant indigenous vegetation, sites of significant habitat and other significant vegetation' and 'Undertake and encourage revegetation using indigenous species in modified areas that lack natural vegetation' (p10). While some native vegetation is being removed as part of the development, other areas within the development footprint (including the area designated for planting) contain only lawn or degraded landscapes. Planting with indigenous species will improve this area and build upon the patches of indigenous vegetation being retained as part of the development.
- Section 2.3.5 Kingston Foreshore Reserve: Mentone LSC is located within the northern portion of this Kingston Foreshore Reserve (as shown on the map on page 13), which has been highly modified from a former sandstone cliff to embankments and forms a buffer between the beach and Beach Road. Common species listed to occur in the northern portion of the reserve include Coast Tea-tree *Leptospermum laevigatum*, Coast Wattle *Acacia longifolia* var. *sophorae*, Seaberry Saltbush *Rhagodia candolleana*, Karkalla *Carpobrotus rossii*, Coast Spear-grass *Austrostipa flavescens* and Soft Spear-grass *Austrostipa mollis*.

The planting schedule incorporates all but one of these species, with Soft Spear-grass not being included. This demonstrates that the proposed plants are retaining the character of the foreshore reserve by planting native species that already exist.

- Section 6 Opportunities: This section identifies opportunities within the municipality to address key biodiversity issues identified in the Biodiversity Strategy. Two of these opportunities are relevant to the development, being (p35):

*'There are areas within Council reserves and other public land where there is scope for natural regeneration, revegetation with indigenous species and site management to enhance native flora and fauna habitat'*

*'There are potential opportunities to plant indigenous trees, shrubs and/or ground layer plants in streetscapes, carparks, school grounds, gardens of residential and commercial properties, Council properties and the foreshore as appropriate. Council undertakes many of these already through existing programs'*

Planting several thousand indigenous plants as part of this development will enhance the native flora value by virtue of being planted and as a result provide habitat for a range of fauna including native insects, reptiles, birds and rodents. The fauna values will continue to increase as the plants become established and grow, particularly the shrubs and trees. Plants will be located along Beach Road and the Bay Trail, and adjoining the carpark, which will provide biodiversity values.





## 6 Extent and Composition of the Planting Schedule

A total of 16,513 plants form the planting schedule. Of this total, 32 plants will be trees, being 20 Drooping She-oak *Allocasuarina verticillata* and 12 Coast Banksia. These trees will be located as single-species groupings in five discrete patches around the development with small shrubs, groundcovers and grasses planted underneath. The potential for these trees to impact upon the ability for shrubs and groundcovers to properly establish is considered moderate for the Drooping She-oak and low for the Coast Banksia.

Drooping She-oak is commonly a wide-spreading tree to approximately eight meters tall. Its canopy can vary from a dense 'ball' to an open structure. Its fine drooping branchlets (i.e. cladodes) are like long pine needles that allow lots of light to filter through to the ground when its form is more open. While understorey plants could grow under these trees from a light perspective, this she-oaks possess allelopathic properties. Allelopathy is a biological phenomenon in which this genus (and many other genus') produces biochemicals that influence/stifle the germination, growth and survival of other plants in its vicinity. This can occur by plants storing allelopathic chemicals in the leaves (or in this case branchlets) and as the leaves drop to the ground and decompose, these chemicals (which contain toxins) can affect nearby plants once absorbed. Another mechanism she-oaks use is to secrete these allelopathic chemicals into the soil through their roots, making the soil conditions difficult for other plants to survive.

Coast Banksia is a common tree along coastlines and can grow to approximately 10 metres tall in ideal conditions. However, Coast Banksia may not grow to its maximum height directly adjoining the beach area due to its high exposure to wind and salt spray that could potentially stunt its growth. They are generally an upright tree with a thick trunk and relatively narrow rectangular-shaped canopy, i.e. they don't tend to spread out wide. Although old trees can develop into wide canopies if they have the room to spread. Given the relatively narrow shape of its canopy that doesn't block out a large amount of light, this species is not expected to adversely impact the light reaching the understorey species, particularly when the groupings are relatively small and spaced out.

These two tree selections are considered the best and logical choices due to their presence within a couple of kilometres north and south of the Mentone LSC along the foreshore based on ecological assessments in these adjoining areas (refer to Section 7 for further information). Furthermore, Coast Banksia Woodland EVC is modelled to occur within the Mentone foreshore area as part of the Coastal Headland Scrub/Coast Banksia Woodland Mosaic, which means that the presence of Coast Banksia is somewhat expected in this area.

The plant selection for the redevelopment has generally aligned with the plant species associated with Coastal Headland Scrub EVC, which was a Planning Permit requirement. This EVC doesn't contain a tree/overstorey layer in its EVC benchmark description (Appendix 1), however discrete groups of Coast Banksia and Drooping Sheoak are part of the planting design. The inclusion of these two species will not change the EVC of the planted area to another EVC, as the assignment of an EVC is not just about one aspect of a vegetated area (in this case the trees), but the overall contribution of its components. The description for Coastal Headland Scrub EVC is that it contains scrub or low shrubland to two metres tall. Overall the planting design will still achieve this, as the area will not be dominated by Coast Banksia or Drooping Sheoak, but rather provide small patches of trees in isolated areas.



## 7 Previous Application and Submission Material

Several documents that were part of planning permit applications KP317/2014 (native vegetation removal associated with the Mentone Bay Trail between Sea Parade, Mentone and Mentone LSC) and KP832/2017 (native vegetation removal associated with the Mentone Bay Trail between Mentone SLC and Rennison Street, Parkdale) were reviewed as part of the current assessment to determine whether plants listed in the planting schedule were still considered to be suitable. While there was a large amount of information to assess as part of the review, the most important aspect of the documentation was the native species' observed as part of the ecological site assessments.

Native vegetation within the development footprint of the Mentone Bay Trail as part of KP307/2014 was classified as Coastal Headland Scrub EVC by ecological consultant reports that formed part of the reviewed package, which is consistent with the EVC classification for the subject site. These ecological consultant reports identified several plants that are proposed to be incorporated into the planting schedule for the subject site, including Coast Tea-tree, Coast Wattle, Drooping She-oak, Common Boobialla *Myoporum insulare*, Seaberry Slatbush, Bower Spinach *Tetragonia implexicoma* and Coastal Beard-heath *Leucopogon parviflorus*.

Native vegetation within the development footprint of the Mentone Bay Trail as part of KP832/2017 was also classified as Coastal Headland Scrub EVC by ecological consultant reports that formed part of the reviewed package. Again, several plants that are included in the subject site's planting schedule were observed by the ecological consultants under KP832/2017, including Coast Banksia, Coast Tea-tree, Coast Wattle, Drooping She-oak, White Correa *Correa alba*, Small flower Flax-lily *Dianella brevicaulis* and Coastal Daisy *Olearia axillaris*.

Reviewing previous application and submission material for the development of the Bay Trail has provided greater confidence that the planting schedule for the subject site does complement existing native vegetation within close proximity along the foreshore reserve and will add to the biodiversity values of the foreshore area.

## 8 Recommendations

Two recommendations/discussion points are provided based on the analysis provided in this report:

- The planting schedule appears to provide 100% plant coverage across the landscaped area, whereas the Coastal Headland Scrub EVC benchmark information specifies that 70% of the ground would typically be covered by plants, with the other 30% being bare ground (or more likely exposed rock in the natural setting). This situation is not a natural setting, as there is capacity to fill every space due to soil being provided across the planting area. A discussion should be undertaken with respect to the overall intended outcome of the planting schedule and whether it should stay true to the EVC benchmark description or fill in the available spaces as per a normal landscaping project.
- It is likely that the Drooping Sheoaks will make the space underneath them too hostile to support understorey plant growth, which may only occur later once the trees have established and matured. A decision should therefore be made as to whether the planting schedule be retained with shrubs,



herbs and/or grasses planted under these trees and possibly be damaged/killed through natural attrition over time, or the planting design be modified now to reduce their numbers or remove them completely.

## 9 Conclusion

On review of the relevant documentation, the approved planting schedule is considered to provide suitable ecological outcomes based on the modelled EVC within and close to the subject site being Coastal Headland Scrub, which has been confirmed by several ecological consultants in their reports. The suite of plants typically associated with this EVC, both as part of the EVC benchmark information (DEECA 2023b) and as part of the ecologists site assessments demonstrate that the planting schedule aligns with the plants observed in this EVC. Furthermore, the plants selected all naturally occur along the foreshore area within a few kilometres of the subject site as per the information on VicFlora. The planting schedule also aligns with several aspects of the Council's Biodiversity Strategy.

Two potential issues were noted. The first was the planting of Drooping She-oak in garden beds/planted areas that also contain other plants underneath and close to these trees, as the allelopathic biochemicals within these Drooping She-oaks may compromise the survivability of the other plants. Secondly, the density of the understorey planting schedule is assumed to be 100% of the space (or close to it), which is greater than the plant coverage within the Coastal Headland Scrub EVC benchmark description of 70%.

I trust the foregoing is of assistance. Please do not hesitate to contact me if you have any questions or would like to discuss in further detail.

Kind regards,

A handwritten signature in black ink, appearing to read "Cat Stephenson".

Cat Stephenson  
Senior Bushfire Consultant/Botanist  
Ecology and Heritage Partners Pty Ltd



### Author Qualifications

Master of Environment (with Distinction), The University of Melbourne, 2017

Bachelor of Natural Resource Management (Honours), The University of Melbourne, 2006

Advanced Diploma in Horticulture, The University of Melbourne, 2003

### References

City of Kingston 2018. Biodiversity Strategy 2018-2023. City of Kingston, Cheltenham, Victoria.

DEECA 2023a. NatureKit Map [www Document]. URL:  
<https://maps2.biodiversity.vic.gov.au/Html5viewer/index.html?viewer=NatureKit>. Victorian  
 Department of Energy, Environment and Climate Action, Melbourne, Victoria.

DEECA 2023b. Ecological Vegetation Class (EVC) Benchmarks for each Bioregion [www Document]. URL:  
<https://www.environment.vic.gov.au/biodiversity/bioregions-and-evc-benchmarks>. Victorian  
 Department of Energy, Environment and Climate Action, Melbourne, Victoria.





[www.ehpartners.com.au](http://www.ehpartners.com.au)

## **Appendix 1 – EVC Benchmark Information**



Department of  
Sustainability and  
Environment

## EVC/Bioregion Benchmark for Vegetation Quality Assessment

### Gippsland Plain bioregion

#### EVC 2: Coast Banksia Woodland

##### Description:

Restricted to near coastal localities on secondary or tertiary dunes behind Coastal Dune Scrub. Usually dominated by a woodland overstorey of Coast Banksia *Banksia integrifolia* to 15 m tall over a medium shrub layer. The understorey consists of a number of herbs and sedges, including scramblers.

##### Large trees:

Species	DBH(cm)	#/ha
<i>Banksia</i> spp.	50 cm	10 / ha
<i>Eucalyptus</i> spp.	70 cm	

##### Tree Canopy Cover:

%cover	Character Species	Common Name
15%	<i>Banksia integrifolia</i>	Coast Banksia
	<i>Eucalyptus viminalis</i> ssp. <i>pryoriana</i>	Rough-barked Manna Gum

##### Life Forms:

Life form	#Spp	%Cover	LF code
Immature Canopy Tree		5%	IT
Medium Shrub	3	40%	MS
Small Shrub	1	1%	SS
Large Herb	2	1%	LH
Medium Herb	3	15%	MH
Small or Prostrate Herb	2	10%	SH
Large Tufted Graminoid	1	1%	LTG
Medium to Small Tufted Graminoid	1	5%	MTG
Medium to Tiny Non-tufted Graminoid	1	10%	MNG
Ground Fern	1	10%	GF
Scrambler or Climber	2	10%	SC
Bryophytes/Lichens	na	20%	BL

##### LF Code

##### Species typical of at least part of EVC range

LF Code	Species typical of at least part of EVC range	Common Name
MS	<i>Leucopogon parviflorus</i>	Coast Beard-heath
MS	<i>Rhagodia candolleana</i> ssp. <i>candolleana</i>	Seaberry Saltbush
MS	<i>Leptospermum laevigatum</i>	Coast Tea-tree
LH	<i>Senecio minimus</i>	Shrubby Fireweed
LH	<i>Haloragis brownii</i>	Swamp Raspwort
MH	<i>Sambucus gaudichaudiana</i>	White Elderberry
MH	<i>Viola hederacea</i> sensu Willis (1972)	Ivy-leaf Violet
MH	<i>Lobelia anceps</i>	Angled Lobelia
MH	<i>Sarcocornia quinqueflora</i>	Beaded Glasswort
SH	<i>Hydrocotyle sibthorpioides</i>	Shining Pennywort
SH	<i>Dichondra repens</i>	Kidney-weed
GF	<i>Pteridium esculentum</i>	Austral Bracken
SC	<i>Galium australe</i>	Tangled Bedstraw
SC	<i>Clematis microphylla</i>	Small-leaved Clematis

Ecological Vegetation Class bioregion benchmark



EVC 2: Coast Banksia Woodland - Gippsland Plain bioregion

**Recruitment:**  
Episodic/Fire. Desirable period between disturbances is 30 years.

**Organic Litter:**  
40 % cover

**Logs:**  
10 m/0.1 ha.

Weediness:				
LF Code	Typical Weed Species	Common Name	Invasive	Impact
LH	<i>Cirsium vulgare</i>	Spear Thistle	high	high
MH	<i>Hypochoeris radicata</i>	Cat's Ear	high	low

Published by the Victorian Government Department of Sustainability and Environment April 2004  
© The State of Victoria Department of Sustainability and Environment 2004

This publication is copyright. Reproduction and the making available of this material for personal, in-house or non-commercial purposes is authorised, on condition that:

- the copyright owner is acknowledged;
- no official connection is claimed;
- the material is made available without charge or at cost; and
- the material is not subject to inaccurate, misleading or derogatory treatment.

Requests for permission to reproduce or communicate this material in any way not permitted by this licence (or by the fair dealing provisions of the *Copyright Act 1968*) should be directed to the Nominated Officer, Copyright, 8 Nicholson Street, East Melbourne, Victoria, 3002.

For more information contact: Customer Service Centre, 136 186

This publication may be of assistance to you but the State of Victoria and its employees do not guarantee that the publication is without flaw of any kind or is wholly appropriate for your particular purposes and therefore disclaims all liability for any error, loss or other consequence which may arise from you relying on any information in this publication.

**[www.dse.vic.gov.au](http://www.dse.vic.gov.au)**



Department of  
Sustainability and  
Environment

## EVC/Bioregion Benchmark for Vegetation Quality Assessment

### Gippsland Plain bioregion

#### EVC 6: Sand Heathland

##### Description:

Treeless heathland (or with occasional emergent mallee-form eucalypts and/or Banksias) occurring on deep infertile sands. Consists of a low, dense healthy shrub layer and a number of sedges and sedge-like species. Grasses and herbs are notably absent or infrequent.

##### Life Forms:

Life form	#Spp	%Cover	LF code
Medium Shrub	7	55%	MS
Small Shrub	4	10%	SS
Medium Herb	3	5%	MH
Small or Prostrate Herb	2	5%	SH
Large Tufted Graminoid	1	5%	LTG
Large Non-tufted Graminoid	1	1%	LNG
Medium to Small Tufted Graminoid	2	5%	MTG
Medium to Tiny Non-tufted Graminoid	2	15%	MNG
Ground Fern	1	1%	GF
Bryophytes/Lichens	na	10%	BL
Soil Crust	na	10%	S/C

##### LF Code

##### Species typical of at least part of EVC range

##### Common Name

MS	<i>Epacris impressa</i>	Common Heath
MS	<i>Banksia marginata</i>	Silver Banksia
MS	<i>Leptospermum continentale</i>	Prickly Tea-tree
MS	<i>Leptospermum myrsinoides</i>	Heath Tea-tree
SS	<i>Dillwynia glaberrima</i>	Smooth Parrot-pea
SS	<i>Platylobium obtusangulum</i>	Common Flat-pea
SS	<i>Hibbertia fasciculata</i> var. <i>prostrata</i>	Bundled Guinea-flower
SS	<i>Leucopogon virgatus</i>	Common Beard-heath
MH	<i>Gonocarpus humilis</i>	Shade Raspberry
MH	<i>Drosera peltata</i> ssp. <i>auriculata</i>	Tall Sundew
LNG	<i>Gahnia radula</i>	Thatch Saw-sedge
LTG	<i>Xanthorrhoea minor</i> ssp. <i>lutea</i>	Small Grass-tree
MTG	<i>Lepidosperma concavum</i>	Sandhill Sword-sedge
MNG	<i>Hypolaena fastigiata</i>	Tassel Rope-rush
MNG	<i>Schoenus brevifolius</i>	Zig-zag Bog-sedge
GF	<i>Pteridium esculentum</i>	Austral Bracken

##### Recruitment:

Episodic/Fire. Desirable period between disturbances is 30 years.

##### Organic Litter:

20% cover

##### Weediness:

There are no consistent weeds in this EVC.

Ecological Vegetation Class bioregion benchmark







Department of  
Sustainability and  
Environment

## EVC/Bioregion Benchmark for Vegetation Quality Assessment

### Gippsland Plain bioregion

#### EVC 48: Heathy Woodland

##### Description:

Spans a variety of geologies but is generally associated with nutrient-poor soils including deep uniform sands (aeolian or outwash) and Tertiary sand/clay which has been altered to form quartzite gravel. Eucalypt-dominated low woodland to 10 m tall lacking a secondary tree layer and generally supporting a diverse array of narrow or ericoid-leaved shrubs except where frequent fire has reduced this to a dense cover of bracken. Geophytes and annuals can be quite common but the ground cover is normally fairly sparse.

##### Large trees:

Species	DBH(cm)	#/ha
<i>Eucalyptus</i> spp.	50 cm	15 / ha
<i>Banksia serrata</i>	40 cm	

##### Tree Canopy Cover:

%cover	Character Species	Common Name
10%	<i>Eucalyptus willisii</i>	Jimmy's Shining Peppermint
	<i>Eucalyptus obliqua</i>	Messmate Stringybark
	<i>Eucalyptus radiata</i> s.l.	Narrow-leaf Peppermint
	<i>Eucalyptus viminalis</i> ssp. <i>pryoriana</i>	Rough-barked Manna Gum
	<i>Banksia serrata</i>	Saw Banksia

##### Understorey:

Life form	#Spp	%Cover	LF code
Immature Canopy Tree		5%	IT
Medium Shrub	5	30%	MS
Small Shrub	5	20%	SS
Medium Herb	2	5%	MH
Small or Prostrate Herb	2	5%	SH
Large Tufted Graminoid	1	5%	LTG
Large Non-tufted Graminoid	1	1%	LNG
Medium to Small Tufted Graminoid	1	5%	MTG
Medium to Tiny Non-tufted Graminoid	2	5%	MNG
Ground Fern	1	5%	GF
Bryophytes/Lichens	na	10%	BL
Soil Crust	na	10%	S/C

LF Code	Species typical of at least part of EVC range	Common Name
MS	<i>Epacris impressa</i>	Common Heath
MS	<i>Leptospermum myrsinoides</i>	Heath Tea-tree
MS	<i>Leptospermum continentale</i>	Prickly Tea-tree
MS	<i>Monotoca scoparia</i>	Prickly Broom-heath
SS	<i>Amperea xiphoclada</i> var. <i>xiphoclada</i>	Broom Spurge
SS	<i>Leucopogon virgatus</i>	Common Beard-heath
SS	<i>Dillwynia glaberrima</i>	Smooth Parrot-pea
LTG	<i>Gahnia sieberiana</i>	Red-fruit Saw-sedge
MTG	<i>Xanthorrhoea minor</i> ssp. <i>lutea</i>	Small Grass-tree
MNG	<i>Hypolaena fastigiata</i>	Tassel Rope-rush
SC	<i>Cassytha glabella</i>	Slender Dodder-laurel

Ecological Vegetation Class bioregion benchmark



## EVC 48: Heathy Woodland - Gippsland Plain bioregion

**Recruitment:**

Episodic/Fire. Desirable period between disturbances is 20 years.

**Organic Litter:**

40 % cover

**Logs:**

15 m/0.1 ha.

**Weediness:**

There are no consistent weeds in this EVC.

Published by the Victorian Government Department of Sustainability and Environment April 2004

© The State of Victoria Department of Sustainability and Environment 2004

This publication is copyright. Reproduction and the making available of this material for personal, in-house or non-commercial purposes is authorised, on condition that:

- the copyright owner is acknowledged;
- no official connection is claimed;
- the material is made available without charge or at cost; and
- the material is not subject to inaccurate, misleading or derogatory treatment.

Requests for permission to reproduce or communicate this material in any way not permitted by this licence (or by the fair dealing provisions of the *Copyright Act 1968*) should be directed to the Nominated Officer, Copyright, 8 Nicholson Street, East Melbourne, Victoria, 3002.

For more information contact: Customer Service Centre, 136 186

This publication may be of assistance to you but the State of Victoria and its employees do not guarantee that the publication is without flaw of any kind or is wholly appropriate for your particular purposes and therefore disclaims all liability for any error, loss or other consequence which may arise from you relying on any information in this publication.

**[www.dse.vic.gov.au](http://www.dse.vic.gov.au)**



Department of  
Sustainability and  
Environment

## EVC/Bioregion Benchmark for Vegetation Quality Assessment

### Gippsland Plain bioregion

#### EVC 161: Coastal Headland Scrub

##### Description:

Scrub or low shrubland to 2 m tall on steep, rocky coastal headlands often associated with cliffs exposed to the stresses of extreme salt-laden winds and salt spray from the south west. Occurs on shallow sands along rocky sections of the coast.

##### Life forms:

Life form	#Spp	%Cover	LF code
Medium Shrub	7	50%	MS
Small Shrub	2	5%	SS
Large Herb	2	1%	LH
Medium Herb	4	5%	MH
Small or Prostrate Herb	2	5%	SH
Large Tufted Graminoid	1	1%	LTG
Medium to Small Tufted Graminoid	4	10%	MTG
Medium to Tiny Non-tufted Graminoid	2	5%	MNG
Scrambler or Climber	2	5%	SC
Bryophytes/Lichens	na	10%	BL
<b>Total understorey projective foliage cover</b>		<b>70%</b>	

LF Code	Species typical of at least part of EVC range	Common Name
MS	<i>Leptospermum laevigatum</i>	Coast Tea-tree
MS	<i>Acacia longifolia</i> ssp. <i>sophorae</i>	Coast Wattle
MS	<i>Rhagodia candolleana</i> ssp. <i>candolleana</i>	Seaberry Saltbush
MS	<i>Leucopogon parviflorus</i>	Coast Beard-heath
SS	<i>Leucophyta brownii</i>	Cushion Bush
SH	<i>Dichondra repens</i>	Kidney-weed
SH	<i>Disphyma crassifolium</i> ssp. <i>clavellatum</i>	Rounded Noon-flower
MTG	<i>Dianella brevicaulis</i>	Small-flower Flax-lily
MTG	<i>Lachnagrostis billardierei</i> s.l.	Coast Blown-grass
MTG	<i>Poa poliformis</i>	Coast Tussock-grass
MTG	<i>Austrodanthonia caespitosa</i>	Common Wallaby-grass
MNG	<i>Ficinia nodosa</i>	Knobby Club-sedge
SC	<i>Clematis microphylla</i>	Small-leaved Clematis
SC	<i>Tetragonia implexicoma</i>	Bower Spinach

##### Recruitment:

Continuous

##### Organic Litter:







40 % cover

##### Weediness:

LF Code	Typical Weed Species	Common Name	Invasive	Impact
MS	<i>Chrysanthemoides monilifera</i>	Boneseed	high	high
MS	<i>Polygala myrtifolia</i> var. <i>myrtifolia</i>	Myrtle-leaf Milkwort	high	high
LH	<i>Sonchus oleraceus</i>	Common Sow-thistle	high	low
MH	<i>Hypochoeris radicata</i>	Cat's Ear	high	low
MTG	<i>Ehrharta erecta</i> var. <i>erecta</i>	Panic Veldt-grass	high	high

Ecological Vegetation Class bioregion benchmark



SYMBOL	DESCRIPTION	NOTES
	EXISTING TO REMAIN	NO-EXISTING OR EXISTENCE NOT SHOWN DATE: 2/2/2016 RIPN: 2/2/2016
	EXISTING BUILDING TO BE DEMOLISHED	VEGETATION ASSESSMENT AREA REFER: BIGGS REPORT March 2016 C&G Vegetation Assessment: 20070
	EXISTING TO BE DEMOLISHED	TREE PROTECTION FENCE CONSTRUCTION WORKING AREA
	EXISTING VEGETATION TO REMAIN	NEW BUILDING & PAVING FOOTPRINT ARCHAEOLOGICAL
	VEGETATION REMOVAL NOT REQUIRING PERMIT	EXIST. PROTECTION ZONE REFER: TREE/SCAPE: Arboricultural Assessment R077
	VEGETATION REMOVAL REQUIRING PERMIT	STRUCTURAL ROOT ZONE REFER: TREE/SCAPE: Arboricultural Assessment R077



THESE DRAWINGS AND DESIGNS AND THE COPYRIGHT THEREOF ARE THE PROPERTY OF BICKERTON MASTERS ARCHITECTURE PVT LTD (ACN 190 225 140) VIA BICKERTON MASTERS AND BM HEDE PVT LTD (ACN 638 149 696) VIA ARCHITECTS AND MUST NOT BE USED, RETAINED OR COPIED WITHOUT THE WRITTEN PERMISSION OF THE FOREMENTIONED LEGAL ENTITIES.

BICKERTON MASTERS AND HEDE ARCHITECTS ACCEPT NO RESPONSIBILITY FOR THE USABILITY, COMPLETENESS OR ACCURACY OF DATA TRANSFERRED ELECTRONICALLY. RECIPIENTS SHOULD WHEN NECESSARY REQUEST A HARD VERSION FOR VERIFICATION. USE FIGURED DIMENSIONS IN PREFERENCE TO SCALE. ALL DIMENSIONS TO THE VERIFICATION POINT.

T2	2021.04.20	ENDORSEMENT SET	AR
CD6	2020.10.12	TOWN PLANNING ISSUE	AR
CD5	2020.10.07	TOWN PLANNING ISSUE	AR
CD4	2020.10.05	TOWN PLANNING ISSUE	AR
CD3	2020.10.02	TOWN PLANNING ISSUE	AR
CD2	2020.09.30	TOWN PLANNING ISSUE	NH
CD1	2020.09.16	TOWN PLANNING ISSUE	NH
REV	DATE	DETAILS	INITIALS



## APPROVAL ISSUE

DRAWING TITLE:  
EXISTING SITE PLAN

CLIENT:  
CITY OF KINGSTON

PROJECT: H18021  
MENTONE LSC  
64 BEACH RD, MENTONE  
VIC 3193

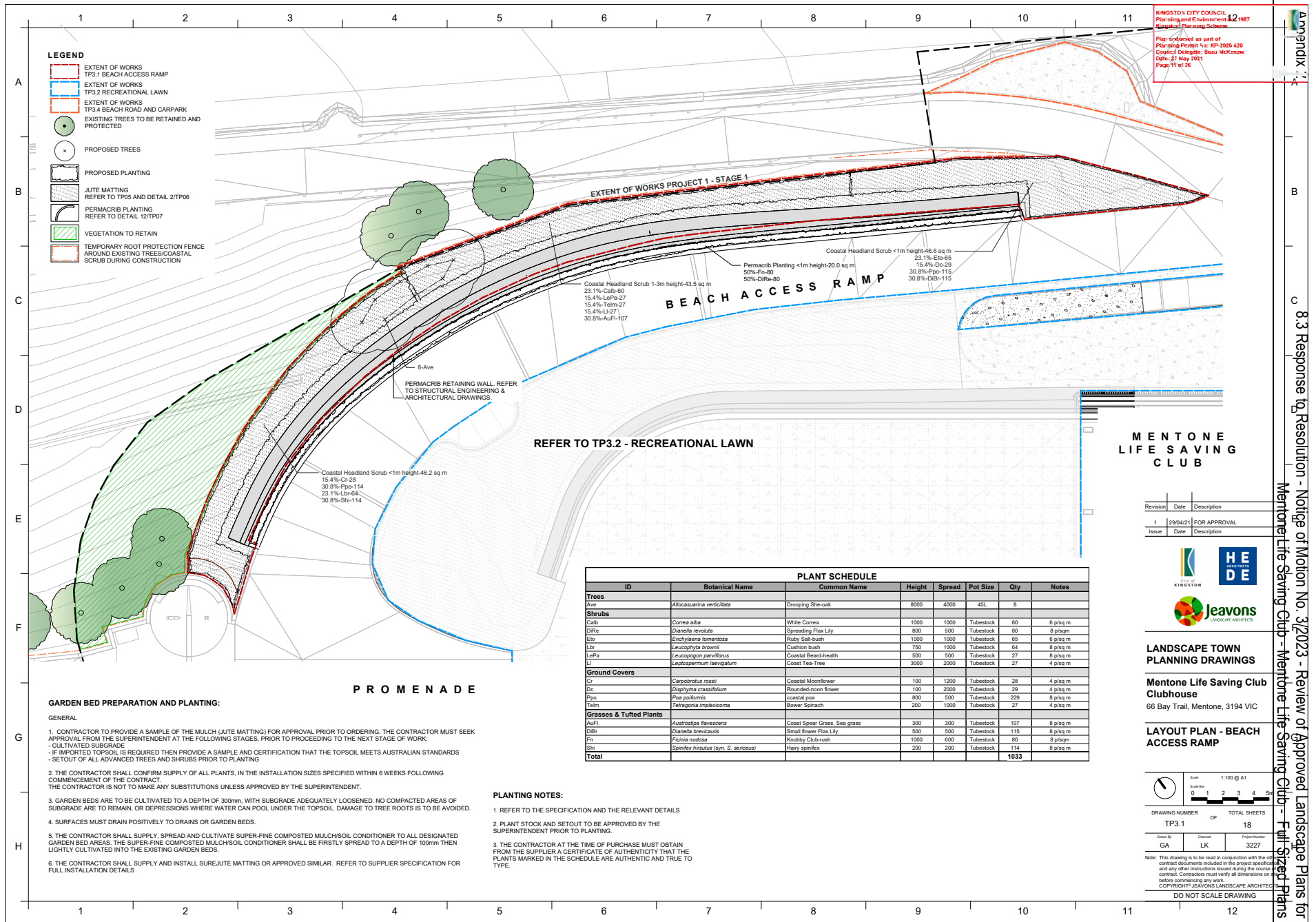
DATE: 03/05/2021 SCALE: 1:350 @ A1  
CHECKED: AR DRAWING: REVISION:  
DRAWN: NH TP 0.01 T8

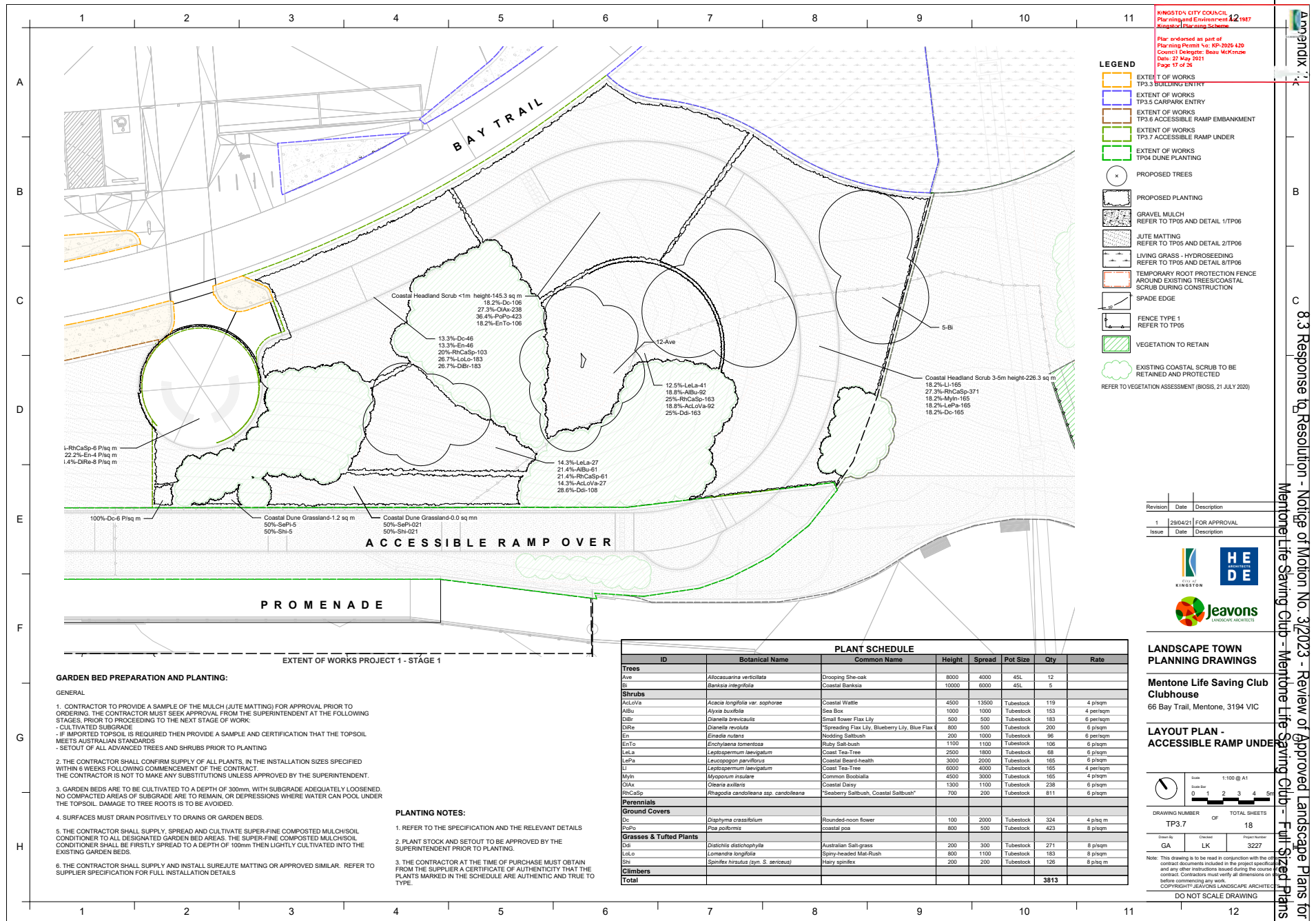
3/06/2021 9:23:56 AM

**MELBOURNE**  
(03) 9682 0622  
LEVEL 3, 25 ROSS STREET  
SOUTH MELBOURNE  
VIC 3207  
[www.hendersonhilton.com.au](http://www.hendersonhilton.com.au)









**Agenda Item No: 8.4**

## **PLANNING SCHEME AMENDMENT C205KING - PLANNING PANEL REPORT**

**Contact Officer: Mathieu Maugueret, Senior Strategic Planner**  
**Jennifer Roche, Principal Strategic Planner**

### **Purpose of Report**

This report provides the findings of the Planning Panel that considered Planning Scheme Amendment C205king and recommends that Council adopt Amendment C205king, with minor changes and submit it to the Minister for Planning for approval.

### **Disclosure of Officer / Contractor Conflict of Interest**

No Council officer/s and/or Contractor/s who have provided advice in relation to this report have declared a Conflict of Interest regarding the matter under consideration.

### **RECOMMENDATION**

That Council:

1. Receive the Planning Panel report in Appendix 1;
2. Adopt Amendment C205king to the Kingston Planning Scheme subject to:
  - a. The changes recommended by the Planning Panel; and
  - b. A further administrative change to the Panel preferred version of the Comprehensive Development Zone Schedule 1 (CDZ1) to reflect a requirement for apartment buildings of any scale to meet the requirements of Clause 58 (Apartment Developments);
3. Submit Amendment C205king to the Minister for Planning for approval; and
4. Notify submitters to Amendment C205king of the above resolutions.

### **1. Executive Summary**

A Planning Panel hearing to consider Planning Scheme Amendment C205king (Endeavour Cove) and related submissions was held over six days in March 2023. The hearing concluded on 29 March 2023. A Planning Panel report was subsequently prepared and received by Council on 8 May 2023. A copy of the report is provided at Appendix 1. The report was publicly released on 17 May 2023.

The Panel report is generally supportive of the exhibited amendment. The report acknowledges that there are fundamental issues with the current planning controls, and that the approach proposed by the amendment is underpinned by robust and considered strategic work.

The Panel recommends:

- Mandatory height controls for all precincts within Endeavour Cove, albeit with an increase of one (1) storey in some Precincts.
- Additional changes to the exhibited Schedule to the Comprehensive Development Zone (CDZ1) and Comprehensive Development Plan (CDP) to improve the clarity of the exhibited planning controls, or to improve consistency with the Ministerial Direction for Form and Content of Planning Schemes.
- Parking requirements for the precinct be moved from its exhibited location in the CDZ1, to a precinct-specific Parking Overlay.
- Support for Council's exhibited parking rates for residential dwellings and some changes to the exhibited parking rate for non-residential uses.

The changes suggested by the Panel are broadly consistent with expert evidence led by Council throughout the Panel hearing.

It is recommended that Council adopts Amendment C205king subject to the changes recommended in the Planning Panel report.

## **2. Background**

### Previous resolutions of Council

At the 13 December 2021 Council meeting, it was resolved:

*That Council:*

1. *Note the attached draft Schedule to the draft Schedule to the Comprehensive Development Zone (Appendix 1), the attached draft Comprehensive Development Plan (Appendix 2) and attached draft Car Parking Assessment (Appendix 3).*
2. *Undertake community consultation as outlined in Section 3.3.3 of this report on the draft documents identified in recommendation 1. and that a further report will be brought back to Council outlining the results of community consultation providing recommendations in relation to a future Planning Scheme Amendment.*

Community consultation was undertaken on the proposed draft planning controls between 17 January 2022 and 14 February 2022. Following the completion of consultation, a report was provided to Council summarising submissions and recommending the Council commence the process to seek interim and permanent planning controls.

At the 23 February 2022 Planning Committee meeting, it was resolved:

*That Council:*

1. *Note the feedback received through the community consultation process undertaken between 17 January 2022 and 14 February 2022 (Appendix 1).*
2. *Request the Minister for Planning to use his power under Section 20(4) of the Planning and Environment Act 1987 to prepare, adopt and approve Amendment C204king to the Kingston Planning Scheme, to apply an amended Schedule 1 to Clause 37.02 Comprehensive Development Zone (Appendix 2) and replace the existing Comprehensive Development Plan (Appendix 3).*



3. *Concurrently seek authorisation from the Minister for Planning to prepare Amendment C205king to permanently apply an amended Schedule 1 to Clause 37.02 Comprehensive Development Zone and replace the existing Comprehensive Development Plan and that once authorisation is received, prepare and exhibit the amendment.*

On 24 February 2022, Council officers lodged a request to the Minister for Planning to approve interim planning control Amendment C204king, and a request for authorisation to commence the permanent planning control Amendment C205king.

The version of the Comprehensive Development Plan (CDP) that was put to Council as part of the draft planning controls to form both Amendment C204king and Amendment C205king contained wording that referred to maximum building heights in a way that may have inferred they were discretionary heights. An amended version of the CDP was required to be endorsed by Council to address this matter to ensure the intent of proposing mandatory building heights was appropriately expressed. The draft Schedule of the Comprehensive Development Zone was also required to be updated to refer to the amended CDP date (March 2022).

At the 26 April 2022 Council meeting, it was resolved:

*That Council:*

1. *Note the amended Comprehensive Development Plan (Appendix 1) and amended Schedule 1 of the Comprehensive Development Zone (Appendix 2).*
2. *Submit the amended Comprehensive Development Plan (Appendix 1) and amended Schedule 1 of the Comprehensive Development Zone (Appendix 2) to the Minister for Planning as part of Amendment C204 (interim control) and Amendment C205 (permanent control).*

On 27 July 2022 authorisation was granted to commence Planning Scheme Amendment C205king, and exhibition of the amendment was undertaken between 1 September – 4 October. Thirteen submissions were received during exhibition providing a range of feedback. Most provided some level of support for the amendment, whilst raising concerns around several issues, including seeking substantive and material changes to the amendment.

On 7 September 2022 the Minister for Planning refused Council's request for the Minister to exercise her powers under section 20(4) of the *Planning and Environment Act 1987* to prepare, adopt and approve Amendment C204king (interim control).

On 23 November 2022 the Planning Committee resolved to:

1. *Receive the submissions lodged during the exhibition period of 1 September – 4 October 2022 (Appendix 1);*
2. *Request that the Minister for Planning appoint a Planning Panel under Part 8 of the Planning and Environment Act 1987 to consider submissions and report on Amendment C205king.*

#### Panel Hearing

The Minister for Planning appointed a Planning Panel on 30 November 2022. A Directions hearing was held online on 7 February 2023, and an online Panel hearing commenced on 6 March. The hearing was held over six days and completed on 29 March.

Council was represented throughout the Panel by Adrian Finanzio SC and Daniel Robinson, who were instructed by Hall and Wilcox lawyers. Council called expert evidence from John Glossop (Glossop Town Planning) on town planning matters; Craig Czarny (Hansen Partnership) on urban design matters; and Tim De Young (GTA Consultants) on traffic and parking.

One submitter (Cavendish Properties) advised the Panel that they wished to be heard at the Panel (in addition to Council). Cavendish Properties was represented by legal counsel and called evidence from Colleen Peterson (Ratio Consultants) on planning matters; Amanda Roberts (LatStudios) on urban design matters; and Charmaine Dunstan (Traffix Group) on traffic and parking.

#### Panel Report

The Panel report was provided to Council on 8 May 2023. Council identified three instances where the drafting of the Panel preferred CDZ1 did not reflect the findings of the Panel report. These were confirmed as errors by the Panel and an amended version of the report was provided to Council on 18 May 2023. The corrections were:

- In section 1.0 Table of uses under 'Section 2 – Permit required': deleted the words 'Any use listed in Clause 62.01' and replaced it with 'Any use not in Section 1 or 3'.
- In section 3.0 Subdivision: corrected the Exemption from Notice and Review wording to clarify that the exemption applies to subdivision, not land use.
- In section 4.0 Buildings and Works: exchanged the word 'must' with 'should' in the following sentence: 'Development ~~must~~ should be generally in accordance with the Endeavour Cove Comprehensive Development Plan (insert new date)'.

Council made the original Panel report available to the public on 17 May 2023 and the amended version available on 22 May 2023.

### **3. Discussion**

#### **3.1 Amendments made to exhibited documentation during the hearing**

Throughout the Panel hearing, Council led expert planning evidence from John Glossop which recommended drafting changes to the proposed CDZ1 and CDP. These included refining and updating language in the CDZ1 and CDP to improve the clarity of the planning controls and to bring the drafting into conformity with the Ministerial Direction for Form and Content of Planning Schemes. There was also a recommendation to move parking-related content from the CDZ1 to a separate Parking Overlay. It is noted the Panel had already raised these issues during the Directions Hearing.

The proposed changes recommended by John Glossop were not considered to substantively change the intent and purpose of the controls.

Council's urban design expert witness Mr Craig Czarny recommended a mix of provisions in the form of preferred and mandatory maximum building heights. This included a recommendation to increase the exhibited mandatory maximum heights for Precincts 5 (Sites A and B), Precinct 8 (Site B) and Precincts 1 and 1A, by one (1) storey. Justification for these recommendations were detailed in expert evidence and submissions to the Panel. These pertained to shadowing and the surrounding built form context.

**3.2 Panel Recommendations**

An overview of the recommendations contained in the Panel Report for C205king is provided below.

**3.2.1 Recommendation 1**

*Amend the Comprehensive Development Zone Schedule 1 consistent with the Panel's preferred version in Appendix F.*

**Officer Response - Support Recommendation 1**

Also, include an additional change recommended by Council officers regarding Clause 58.

The Panel's preferred version of the CDZ1 (Appendix F of the Panel Report) recommends minor changes including:

- Referencing the updated CDP date.
- Replacing the CDP Map to reflect the updated CDP.
- Under Section 3.0 Subdivision include:
  - a new Decision Guideline which states that states that "*The impact of the subdivision on adjacent Precincts including on the potential to achieve the purpose of this Schedule and the land use, preferred character and development typology identified in the Endeavour Cove Comprehensive Development Plan.*" and,
  - an exemption from Notice and Review requirements which states that "*An application to subdivide land is exempt from the notice requirements of Section 52(1) (a) (b) and (d), the decision requirements of Section 64(1), (2) and (3) and the review rights of Section 82(1) of the Act if it is generally consistent with the Endeavour Cove Comprehensive Development Plan*"

The inclusion of a new Subdivision Decision Guideline accords with a recommendation from Council's town planning expert witness. The guideline will also limit inappropriate fragmentation of larger mixed use/commercial precinct land parcels and remaining residential precinct land parcels which have the potential to impact on delivering the zone schedule purposes.

In relation to the subdivision exemption from notice requirements, the Panel noted that it is difficult to conceive a subdivision scenario that may require notice to a third party given the extent of established development and pattern of ownership of the remaining parcels in Precincts 2, 5, 6 and 8. Absent of notice, the permit application assessment process still enables Council to contemplate whether subdivision would be consistent with the Comprehensive Development Plan, purpose, and decision guidelines of the CDZ1 and planning policy.

Council officers have considered the recommendations and find them acceptable.

**Additional Officer recommendation to CDZ1:**

A further review of the proposed CDZ1 noted the head provision for the Comprehensive Development Zone contains the following permit requirement:

*An apartment development must meet the requirements of Clause 58.*

Clause 58 therefore applies to all apartment developments, regardless of scale. This is contradicted by the Panel preferred version of the Schedule to the CDZ which contains the following requirement:

*A development must meet the requirements of Clause 55. This does not apply to a development of five or more storeys, excluding a basement.*

Officers have noted that this is confusing and would result in the application of Clause 55 to an apartment building of less than 5 storeys, which conflicts with the head provision of the CDZ1. To resolve this anomaly, it is recommended that the sentence '*This does not apply to an apartment building*' be added to the CDZ1, to ensure consistency with the head provision requiring apartments of any scale to comply with Clause 58.

The CDZ1, incorporating the changes recommended by the Panel and Council officers, is at Appendix 2 of this report.

**3.2.2 Recommendation 2**

*Introduce the Parking Overlay and apply a new Parking Overlay Schedule to the subject land consistent with Council's version in Appendix E (subject to Recommendations 2 a) and 2 b).*

**Officer Response** - Support Recommendation 2.

A copy of the Parking Overlay incorporating recommendations 2, 2a) and 2b) of the Panel is at Appendix 3 of this report.

Following initial comments on the proposed drafting of the controls at the Directions Hearing from the Panel and recommendations from Council's town planning expert witness, Council proposed the introduction of a new planning control for car parking via the use of a Parking Overlay. This involved decanting the objectives for parking from the exhibited CDZ1 into the Overlay. This exercise resulted in a translation of the exhibited content into an equivalent planning scheme control.

A Panel recommendation to change the exhibited parking rates is discussed below.

**3.2.3 Recommendation 2 a)**

*Replace the 'Rate' and 'Measure' for Dwelling, Recreational boat facility and Residential Hotel with the rates in Table 8 of this Report.*

**Officer Response** - Support Recommendation 2a).

The recommendations in the Panel Report reflect expert evidence presented by both Council and Cavendish Properties throughout the hearing.

Dwelling rates are supported as exhibited, with the additional inclusion of a requirement for 1 visitor space per 5 dwellings where shared visitor parking is provided, such as apartment buildings. This rate is supported by expert evidence presented throughout the Panel hearing and is limited to Precinct 1.

Expert evidence also suggested the exhibited parking rates for a Residential Hotel and Recreational Boat Facility should be marginally reduced. Council, through its final submissions, invited the Panel to make recommendations on parking rates in its final Report.



**City of Kingston  
Ordinary Council Meeting**

**Agenda**

**26 June 2023**

A summary of the difference between the rates exhibited and the Panel's recommendation is illustrated below.

Use	Exhibited		Panel's Recommendations	
	Rate	Measure	Rate	Measure
<b>Recreational Boat Facility</b>	0.6	To each wet berth	0.25	To each wet berth
	0.2	To each boat space in dry stack storage or on a trailer	0.25	To each boat space in dry stack storage or on a trailer
	0.6	To each Marina employee	0.6	To each Marina employee
<b>Motor vehicle, boat, or caravan sales (other than Car sales)</b>	4 spaces	To each 100 square metres of leasable floor area	4 spaces	To each 100 square metres of leasable floor area
	0.1 space	For each boat displayed for sale in Endeavour Cove Marina or on open land	0.1 space	For each boat displayed for sale in Endeavour Cove Marina or on open land
<b>Residential Hotel</b>	0.6	To each accommodation unit	0.6	To each accommodation unit
	0.5	To each seat in the dining room	0.3	To each patron to dining, convention, and lounge areas available for people not staying in accommodation units
	0.3	To each seat in the convention or meeting room		
	0.25	To each square metre of lounge		
<b>Dwelling</b>	2 covered spaces and 1 visitor space	To each dwelling in Precinct 1 of Schedule 1 to Clause 37.02	2 spaces and 1 dedicated visitor space per dwelling or 1 visitor space to each 5 dwellings where a shared car parking area is provided	To each dwelling in Precinct 1 of Schedule 1 to Clause 37.02

Although some recommended rates differ from the rates exhibited, they are acceptable noting:

- Support from both Traffic and Parking experts.
- The provision for two (2) car parking spaces for all dwellings (regardless of bedroom numbers) is retained as exhibited.
- While the requirement for a Residential Hotel is reduced, the Panel has supported the wording in the Parking Overlay which means that a permit cannot be granted to further reduce this rate. The mandatory nature of this provision is consistent with the exhibited CDZ1.

**3.2.4 Recommendation 3.**

*Amend the Endeavour Cove Comprehensive Development Plan, March 2022 generally consistent with Council's final version included in Appendix G (and subject to recommendations 3a) to 3h), inclusive).*

**Officer Response - Support Recommendation 3.**

A copy of the updated Endeavour Cove Comprehensive Development Plan, June 2023 responding to Recommendations 3a) to 3h) inclusive is at Appendix 4 of this report

**3.2.5 Recommendation 3 b)**

*Include an explanation of the Comprehensive Development Plan's purpose, how it is structured and to be applied, and the role of Map 1.*

**Officer Response - Support Recommendation 3b).**

To respond to recommendations 3b), c), d) and f) an Overview of the CDP has been drafted and inserted into Page 1 of the CDP. The Overview comprises two (2) sections:

1. Role and Purpose of the Comprehensive Development Plan; and
2. Interpreting and Applying the Comprehensive Development Plan.

An explanation of the CDP's purpose and role and interpretation of all elements of the CDP Map 1 has been included in a new Section 1 of the CDP.

Broadly, this Overview ensures:

- The objectives of the CDP for each precinct are captured in Table 1, with supporting information in Table 2 and the Precinct Frameworks providing a pathway for achieving these objectives
- Maximum heights expressed in Table 2 are mandatory and cannot be varied with a Permit.
- The remaining elements of Table 2 are discretionary but very little variation would be considered appropriate and any variation must be demonstrated by an applicant that this is acceptable, having regard to the purpose of the Zone, Table 1, and (where relevant) the Objectives of the Precinct Frameworks.
- Council retains the ability to provide notice of an application that seeks to vary any of the discretionary requirements set out in Table 2.
- The Guidelines in the Framework Plans (Precincts 5 and 8) provide firm guidance to applicants and Council officers on how to deliver the objectives of the CDP.

The inclusion of explanatory material will improve the CDP and enhance its utility for planners and applicants as a decision-making tool. It also clearly outlines policy direction for the public realm and sets transparent guidance on when notice and review rights will apply to an application.

**3.2.6 Recommendation 3e)**

*Amend Table 2 to apply:*

- *Precincts 1 and 1A – Mandatory maximum building height of 15 metres (4 storeys) and a Preferred maximum building of 11.5 metres (3 storeys).*
- *Precinct 2 – Mandatory maximum building height of 20 metres (5 storeys).*
- *Precinct 5 – Mandatory maximum building height of 20 metres (5 storeys) for Area A and Area B and 16 metres (4 storeys) for Area C and a Preferred maximum building height only for Area C of 12 metres (3 storeys).*
- *Precinct 8 – Mandatory maximum building height of 20 metres (5 storeys) for Area A and delete the Preferred Maximum Building height.*

**Officer Response - Support Recommendation 3e).**

Table 2 has been amended to reflect the Panel's recommendations.

Throughout the Panel hearing, evidence led by Council's urban design expert recommended mandatory maximum building heights for all Precincts. This has been supported by the Panel.

Additionally, urban design evidence suggested a modest increase in the allowable mandatory maximum height of one (1) storey above the exhibited CDP in Precincts 1, 1A, 5 and 8. This was recommended in conjunction with a Preferred Maximum Height, consistent with the exhibited building heights, for Precincts 1, 1A, 5 and 8.

The Panel has adopted Council's urban design evidence in its findings, recommending an increase in the Mandatory Maximum Building Height of 1-storey in Precincts 1, 1A and 5 and the introduction of a Preferred Maximum Building Height.

A minor increase of 1m in the overall maximum mandatory building height for Precinct 2 has been recommended, to allow a future redevelopment of a 5-storey commercial building with commercially viable floor-to-floor heights.

Council officers accept these recommended changes, noting they maintain mandatory maximum heights for all precincts, thereby securing transparency and certainty of outcomes for residents. Where additional height was proposed, this has been carefully considered from an urban design perspective, and only proposed in areas where off-site amenity impacts may be appropriately dealt with.

Proposed street wall heights, landscape outcomes and ground and upper-level setback requirements are retained as exhibited. This ensures the integrity of the overall vision for the public realm enhancements, critical to the CDP, is unchanged.

**3.2.7 Recommendation 3 f)**

*Amend 'Precinct Framework: Precinct 5' and 'Precinct Framework: Precinct 8' to:*

- *Include an explanation of the role and purpose of the Precinct Frameworks and how they should be applied including the terms of 'must' and 'should'.*
- *Reintroduce objectives following their further review and simplification.*
- *amend the Access and Movement Guidelines to include a guideline in each Precinct Framework for the footpaths shown on the Framework Plans as the guidelines only refer to shared accessways replace 'Site' with 'Area' and amend the guidelines accordingly.*

**Officer Response - Support Recommendation 3f).**

The Precinct 5 and Precinct 8 Precinct Framework have been amended to reflect the Panel's recommendations.

The role and purpose of the Precinct Frameworks is now contained in the new Section 1 of the CDP. Refer to discussion of Recommendation 3b).

Objectives have been reviewed and the language refined for clarity and to reflect the overall direction for each Precinct. The CDP is attached as Appendix 4 of this report.

A new Access and Movement Guideline is considered appropriate to refer to footpaths. The new Guideline has been included in the CDP and states as appropriate to each Precinct:

*“Provide a continuous footpath in accordance with the Footpath depicted in the Precinct x Framework Plan”.*

**3.2.8 Recommendation 3h)**

*Amend Precinct 5 Framework Plan to:*

- *Consolidate ‘Site C’ and ‘Site D’ into ‘Area C’*
- *Extend the western footpath line marking and arrows into Precinct 2*
- *Delete the turnaround area designation.*

**Officer Response** - Support Recommendation 3h).

The Precinct 5 Framework Plan has been amended to reflect the Panel’s recommendations.

In making this recommendation, the Panel noted that there was limited rationale for two separate sites and that the potential for redevelopment of Sites C and D as separate developments was unlikely given that they sit within the one ownership and are fairly small. The consolidation of both sites into Area C would deliver a development that maximises the footprint and still deliver workable ground floor uses, communal areas and carparking.

The requirement for a turnaround area is retained in a Guideline.

Council officers consider this recommendation to be consistent with the overall vision for Endeavour Cove and recommends support for the recommendation.

**3.2.9 Administrative changes resulting from Panel recommendation**

Several Panel recommendations relate to administrative changes to the CDP which clarify language in the document or otherwise update the document to reflect new endorsement dates. These are:

- *2b) Delete the Endeavour Cove Marina Parking Assessment Report as a background as a background document.*
- *3a) Amend the final date to reflect the version adopted by Council and remove the note on the front cover.*
- *3c) Amend the title of Table 1 to ‘Precinct character and development typology’ or similar and include an explanation of its role and purpose.*
- *3d) Amend Table 2 to:*
  - *Amend the title to convey its purpose and how it is to be applied.*
  - *Replace references to ‘Site’ with ‘Area’.*
  - *Replace references to ‘Site C’ and ‘Site D’ with ‘Area C’.*
- *3g) Amending Precinct 5 and 8 Framework Plans to:*
  - *Replace ‘Future Proposed’ legend with ‘Guideline objectives’ or similar*
  - *Remove ‘Proposed’ and ‘Proposed Future’ from the legend items*
  - *Replace ‘Potential location of cross over realignment’ with ‘consolidated cross over’ Replace ‘Site’ with ‘Area’.*

These changes do not materially change the CDP or its utility in decision making. The proposed recommendations have been accepted by officers. These changes can be viewed at Appendix 4.



Recommendations to explain the role and purpose of elements of the CDP are discussed in Section 3.2.6 of this report.

#### **4. Options**

Section 27 of the Planning and Environment Act 1987 directs that the Planning Authority must consider the Panel's report before deciding whether or not to adopt the Amendment with or without changes.

Having considered the report, Council may:

- 4.1 **Option 1** - Abandon the Amendment pursuant to section 28 of the *Planning and Environment Act 1987*.
- 4.2 **Option 2** - Adopt the Amendment without changes pursuant to Section 29 of the *Planning and Environment Act 1987*.
- 4.3 **Option 3** - Adopt the Amendment with changes pursuant to Section 29 of the *Planning and Environment Act 1987*.

Officers have considered and acted upon the Panel's recommendations. Officers recommend that Council proceed with Option 3 above and adopt the Amendment with changes to the drafting of Schedule 5 to Clause 42.01 to the Kingston Planning Scheme, in accordance with the Panel's recommendation and a further administrative change to the Panel preferred version of the CDZ1 to reflect a requirement for apartment buildings of any scale to meet the requirements of Clause 58 (Apartment Developments).

#### **5. Consultation**

##### **5.1 Community Consultation:**

Formal exhibition of Amendment C205king was undertaken in accordance with Section 19 (1) of the *Planning and Environment Act 1987*. The details of the exhibition process and engagement activities were outlined in the previous report to the Planning Committee on 23 November 2022.

At the Directions Hearing for the Amendment, Council officers proposed to host the Panel Hearing in a hybrid format (with the ability for participants to join the Hearing in-person, at the Council's offices, and online). The Panel directed the Hearing be conducted online, via Zoom.

Notice of the Hearing and associated information on how to access the Hearing was provided directly to submitters and via Council's *Your Kingston Your Say* platform.

<b>Group</b>	<b>Method</b>
Key Stakeholders: Endeavour Cove residents	All landowners and occupiers of all affected properties in the Comprehensive Development Zone have been kept informed throughout the life of this project, including the Amendment process. The Panel report has been provided to all submitters and they have notified that the matter will likely be considered at the June Council meeting.

<b>Group</b>	<b>Method</b>
General community	A consultation page was used on Your Kingston Your Say throughout the life of the project including the Amendment process. A copy of the Panel report is available on this page as well as project updates.
Government Agencies	As part of the Amendment process letters were sent to prescribed Ministers, and referral authorities. A public notice was published in The Age and notice of the amendment was published in the Government Gazette.
Advisory Committees	N/A
Targeted groups	N/A

## **6. Compliance Checklist**

### **6.1 Council Plan Alignment**

Strategic Direction: Liveable - Our city will be a vibrant, enjoyable, and easy place to live.

Strategy: Plan for changes in the population and the community's housing needs

Planning Scheme Amendment C205king is a necessary step to resolve several deficiencies that have been identified in the current planning controls. An amended CDZ schedule and CDP will assist in supporting future planning decisions that will be made in this precinct by providing clear guidance to decision makers.

### **6.2 Governance Principles Alignment**

Principle (a) - Council actions are to be made and actions taken in accordance with the relevant law

Principle (d) - the municipal community is to be engaged in strategic planning and strategic decision making.

The Planning Scheme Amendment process is a formal statutory process that is undertaken in accordance with the requirements set out in the *Planning and Environment Act 1987* ('the Act').

Council is a planning authority for Kingston pursuant to section 8A of the Act. Authorisation has been sought and granted by the Minister for Planning under the Act to prepare and exhibit Amendment C205king.

Notice of Amendment C205king was prepared in accordance with section 19 of the Act and submissions to this Amendment were considered and referred to a Planning Panel in accordance with sections 22 and 23 of the Act.

A Panel Hearing was subsequently convened to consider all submissions and a report, with associated recommendations, has now been prepared in accordance with section 25 of the Act for consideration by Council and the Minister for Planning.

Council made the Panel report public within 10 days of its receipt, in accordance with Section 26 of the Act, and the report will continue to be publicly available in accordance with the inspection period outlined in section 26(3) of the Act.

As noted in Section 4 of this report, section 27 of the Act requires Council to consider the Panel report and determine to adopt (in whole or subject to changes) or abandon, the Amendment.

If Council resolves to adopt Amendment C205king, the adopted amendment, along with the prescribed information, will be provided to the Minister for consideration, in accordance with Section 31 of the Act.

**6.3 Financial Considerations**

**Projected costings**

Minor costs have been occurred with the update of the Comprehensive Development Plan which was prepared by Hansen Partnership to reflect the recommendations of Panel.

Costs have also been occurred through the peer review of the updated planning controls conducted by Council's Legal Counsel.

There is a minimal cost of \$496.90 associated with submitting the amendment for approval by the Minister.


**Staff Resources**


Additional significant staff resourcing is not foreseen to be required beyond in acting the Council resolution.


**6.4 Risk considerations**

Progressing Planning Scheme Amendment C205king is a recommendation of the Hall and Wilcox review and will further assist decision making when applications are lodged in the future for Council consideration.


**Appendices**

Appendix 1 - Appendix 1 Final Kingston C205king Panel Report (17May 2023) (Ref 23/139295)  [!\[\]\(5b78f4d8e2942ab203be44f938cc0a7c\_img.jpg\)](#)

Appendix 2 - Appendix 2 C205king draft Schedule 1 to the CDZ for adoption (Ref 23/140553)  [!\[\]\(c8d5e2ee847d658b2a7eb88bf9ce84ac\_img.jpg\)](#)

Appendix 3 - Appendix 3 C205king - Parking Overlay Schedule 1 for adoption (Ref 23/139868)  [!\[\]\(f1009ec4c244bb185d08b1dfae838c51\_img.jpg\)](#)

Appendix 4 - Appendix 5 Endeavour Cove Comprehensive Development Plan Draft for Adoption (Ref 23/141207)  [!\[\]\(ab1cd3423001ff994d2c02189fd012b0\_img.jpg\)](#)

Appendix 5 - Appendix 6 Explanatory Report Amendment C205king (Ref 23/161215)  [!\[\]\(834c7d0594ead3332d583e6d9bd73ce6\_img.jpg\)](#)

Appendix 6 - Appendix 4 C205king Clause 72.04 (Ref 23/161203)  [!\[\]\(b221a91d92ddcb14c8313ca57b8e9677\_img.jpg\)](#)

Author/s: Mathieu Maugueret, Senior Strategic Planner

Jennifer Roche, Principal Strategic Planner

Reviewed and Approved By: Rita Astill, Team Leader Strategic Planning

Paul Marsden, Manager City Strategy

Jonathan Guttmann, General Manager Planning and Place

## 8.4

### PLANNING SCHEME AMENDMENT C205KING - PLANNING PANEL REPORT

1	Appendix 1 Final Kingston C205king Panel Report (17May 2023) .....	101
2	Appendix 2 C205king draft Schedule 1 to the CDZ for adoption .....	205
3	Appendix 3 C205king - Parking Overlay Schedule 1 for adoption .....	211
4	Appendix 5 Endeavour Cove Comprehensive Development Plan Draft for Adoption .....	213
5	Appendix 6 Explanatory Report Amendment C205king.....	221
6	Appendix 4 C205king Clause 72.04.....	227



**Kingston Planning Scheme Amendment C205king  
Endeavour Cove Comprehensive Development Plan**

**Panel Report**

*Planning and Environment Act 1987*

**8 May 2023**

**How will this report be used?**

This is a brief description of how this report will be used for the benefit of people unfamiliar with the planning system. If you have concerns about a specific issue you should seek independent advice.

The planning authority must consider this report before deciding whether or not to adopt the Amendment.

[section 27(1) of the *Planning and Environment Act 1987* (the PE Act)]

For the Amendment to proceed, it must be adopted by the planning authority and then sent to the Minister for Planning for approval.

The planning authority is not obliged to follow the recommendations of the Panel, but it must give its reasons if it does not follow the recommendations. [section 31 (1) of the PE Act, and section 9 of the *Planning and Environment Regulations 2015*]

If approved by the Minister for Planning a formal change will be made to the planning scheme. Notice of approval of the Amendment will be published in the Government Gazette. [section 37 of the PE Act]

Planning Panels Victoria acknowledges the Wurundjeri Woi Wurrung People as the traditional custodians of the land on which our office is located. We pay our respects to their Elders past and present.

***Planning and Environment Act 1987***

Panel Report pursuant to section 25 of the PE Act

Kingston Planning Scheme Amendment C205king

Endeavour Cove Comprehensive Development Plan

**8 May 2023**



Tim Hellsten, Chair

## Contents

	Page
<b>Executive summary .....</b>	<b>5</b>
<b>1 Introduction.....</b>	<b>9</b>
1.1 The Amendment.....	9
1.2 Submissions.....	11
1.3 Site inspection.....	14
1.4 Panel's approach .....	14
<b>2 Amendment background, content and Council proposed Amendment changes.....</b>	<b>15</b>
2.1 Background .....	15
2.2 Exhibited Comprehensive Development Plan and Comprehensive Development Zone Schedule 1 .....	19
2.3 Council's proposed Amendment changes.....	21
<b>3 Strategic issues .....</b>	<b>26</b>
3.1 Planning context .....	26
3.2 Strategic justification.....	27
<b>4 Movement and parking.....</b>	<b>30</b>
4.1 Movement.....	30
4.2 Car parking .....	34
<b>5 Built form, public realm and landscaping .....</b>	<b>43</b>
5.1 Height, setbacks and site coverage .....	43
5.2 Landscaping and public realm.....	54
<b>6 Provisions of the Comprehensive Development Plan and Comprehensive     Development Zone Schedule 1 .....</b>	<b>56</b>
6.1 Comprehensive Development Plan.....	56
6.2 Comprehensive Development Plan Schedule 1 .....	64
<b>Appendix A Submitters to the Amendment .....</b>	<b>74</b>
<b>Appendix B Document list.....</b>	<b>75</b>
<b>Appendix C Summary of exhibited changes to the Comprehensive Development Plan     and Comprehensive Development Zone Schedule 1 .....</b>	<b>79</b>
C:1 Comprehensive Development Plan.....	79
C:2 Comprehensive Development Zone Schedule 1.....	80
<b>Appendix D Planning context.....</b>	<b>83</b>
D:1 Planning policy framework.....	83
D:2 Planning scheme provisions .....	84
D:3 Ministerial Directions, Planning Practice Notes and guides .....	86
D:4 Plan Melbourne .....	87
D:5 Amendment C203king .....	88
<b>Appendix E Council's proposed Parking Overlay Schedule 1 .....</b>	<b>89</b>
<b>Appendix F Panel preferred version of the Comprehensive Development Zone     Schedule 1.....</b>	<b>91</b>
<b>Appendix G Council's final version of Endeavour Cove Comprehensive Development     Plan .....</b>	<b>97</b>

## List of Tables

	<b>Page</b>
Table 1 Cavendish Properties parcels of interest and Development Plan status .....	13
Table 2 Chronology of events .....	16
Table 3 Council proposed Day 1 changes to the Amendment.....	21
Table 4 Council proposed Part C version changes to the Amendment .....	24
Table 5 Council proposed final version changes to the Comprehensive Development Plan .....	25
Table 6 Planning context .....	26
Table 7 Existing, proposed and traffic evidence recommended parking rates.....	35
Table 8 Panel's recommended parking rates.....	41
Table 9 Comprehensive Development Plan proposed heights and setbacks .....	43
Table 10 Relevant parts of Plan Melbourne.....	88

## List of Figures

	<b>Page</b>
Figure 1 Subject land (within CDZ1) .....	10
Figure 2 Existing use and development conditions .....	11
Figure 3 Cavendish Properties parcels .....	13
Figure 4 Endeavour Cove Comprehensive Development Plan 1999.....	18
Figure 5 Endeavour Cove Comprehensive Development Plan 1999 expanded section view below .....	19
Figure 6 Comprehensive Development Zone Schedule 1 - Plan 1 .....	20
Figure 7 Precinct 5 Framework Plan.....	31
Figure 8 Precinct 8 Framework Plan.....	31



## Glossary and abbreviations

1999 CDP	<i>Endeavour Cove Comprehensive Development Plan</i> (December 1999)
Background Report	<i>Endeavour Cove Background Report</i> (March 2022)
CDZ1	Schedule 1 to Clause 37.02 Comprehensive Development Zone
Comprehensive Development Plan	<i>Endeavour Cove Comprehensive Development Plan</i> (March 2022)
Council	Kingston City Council
Parking Assessment	<i>Car Parking Assessment Report</i> , Stantec, October 2021
PE Act	<i>Planning and Environment Act 1987</i>
PPF	Planning Policy Framework
PPN57	<i>Planning Practice Note 57: The Parking Overlay</i> , April 2013
PPN59	<i>Planning Practice Note 59: The role of mandatory provisions in planning schemes</i> , September 2018

## Overview

Amendment summary	
The Amendment	Kingston Planning Scheme Amendment C205king
Common name	Endeavour Cove Comprehensive Development Plan
Brief description	<p>The Amendment proposes to:</p> <ul style="list-style-type: none"> <li>• amend Schedule 1 to Clause 37.02 Comprehensive Development Zone to implement the Endeavour Cove Comprehensive Development Plan (March 2022)</li> <li>• amend the Schedule to Clause 72.04 Incorporated Documents to replace the Endeavour Cove Comprehensive Development Plan (December 1999) with the Endeavour Cove Comprehensive Development Plan (March 2022)</li> </ul>
Subject land	All land within the Endeavour Cove Precinct as identified in the Endeavour Cove Comprehensive Development Plan (March 2022)
Planning Authority	Kingston City Council
Authorisation	27 July 2022 - conditional
Exhibition	1 September – 4 October 2022
Submissions	Submissions: 13 – refer Appendix A

Panel process	
The Panel	Tim Hellsten
Directions Hearing	7 February 2023 by video conference
Panel Hearing	6, 7, 9, 27, 28 and 29 March 2023 by video conference
Site inspections	Unaccompanied and accompanied, 21 February 2023
Parties to the Hearing	<p>Kingston City Council, represented by Adrian Finanzio SC and Daniel Robinson instructed by Luke Denham of Hall and Wilcox Lawyers, who called evidence from:</p> <ul style="list-style-type: none"> <li>- John Glossop of Glossop Town Planning on Town Planning</li> <li>- Craig Czarny of Hansen Partnership on Urban Design</li> <li>- Tim De Young of Stantec Traffic on traffic</li> </ul> <p>Cavendish Properties Pty Ltd, represented by Jane Sharp and Carly Robertson instructed by Adam Zuchowski of Sutton Laurence King Lawyers, who called evidence from:</p> <ul style="list-style-type: none"> <li>- Colleen Peterson of Ratio Consultants on Town Planning</li> <li>- Amanda Roberts of Lat Studios on Urban Design</li> <li>- Charmaine Dunstan of Traffix Group on traffic</li> </ul>
Citation	Kingston PSA C205king [2023] PPV
Date of this report	8 May 2023

## Executive summary

Endeavour Cove is an established marina based precinct (the precinct) located on the Patterson River in Pattersons Lakes.

Development within the precinct over the last 20 years has been guided by the *Endeavour Cove Comprehensive Development Plan* (December 1999) (1999 CDP). Following a review of the provisions of the current Comprehensive Development Zone Schedule 1 (CDZ1) and 1999 CDP, Kingston City Council (council) prepared a revised *Endeavour Cove Comprehensive Development Plan*, March 2022 (Comprehensive Development Plan) and proposed CDZ1 changes.

Kingston Planning Scheme Amendment C205king (the Amendment) proposes to:

- amend CDZ1 to implement the Comprehensive Development Plan
- amend the Schedule to Clause 72.04 Incorporated Documents to replace the 1999 CDP with the March 2022 version of the Comprehensive Development Plan.

The Amendment was exhibited from 1 September to 4 October 2022 and received 13 submissions. Key issues raised in submissions related to:

- car parking
- built form requirements including height, public realm and landscaping
- CDZ1 requirements including notice and review provisions
- Comprehensive Development Plan requirements, precinct boundaries and Precinct Framework guidelines.

### Strategic justification

The Amendment has resulted from a series of reviews of the history and evolution of the current planning controls, their application in decision making and their limitations. It is supported by a Background Report and Parking Assessment. There is a clear need to address fundamental problems with the current planning controls to ensure they provide for a more contemporary approach to precinct planning and enable the completion of the precinct in a manner that is consistent with the broader vision and the current context. The Panel considers that the strategic work undertaken to underpin the Amendment is appropriately considered and robust for a precinct that is substantially developed and realised, and where a significant change in vision is not sought.

### Council changes

During the Hearing, Council provided a series of changes to CDZ1 and the Comprehensive Development Plan in response to submissions and evidence. The key changes included:

- restructuring the Comprehensive Development Plan and amending the associated Framework Plans
- proposing different heights in Precincts 5 and 8
- transferring the car parking rates and decision guidelines from CDZ1 to a proposed Schedule to the Parking Overlay.

These changes do not alter the intent or key elements of the Amendment but rather simplify or clarify content or enhance the controls to ensure they are more effective. They are broadly supported by the Panel.

**Car parking and traffic**

The Amendment (with the further changes proposed by Council) includes appropriate guidelines, application requirements and decision guidelines for the considering future traffic impacts and their management.

The traffic experts agreed on the exhibited parking rate for Motor vehicle, boat and caravan sales (other than car sales) and on alternative rates for Recreational boat facility and Residential Hotel. The Panel supports the basis on which the experts determined the alternative rates. Regarding parking rates for Dwelling, the Panel supports an alternative rate for Precinct 1 that reflects the existing dwelling rate with a visitor parking arrangement that accommodates an apartment typology.

The transfer of car parking rates and decision guidelines from CDZ1 to the Parking Overlay was supported by the traffic and planning experts as an appropriate contemporary approach utilising a tool designed for this purpose. This change is supported (with changes to reflect the Panel's recommended parking rates). The draft Parking Overlay Schedule prepared by Council is limited to the exhibited CDZ1 content.

**Building height**

The Panel has taken into account a number of factors in considering what the appropriate height parameters for the precinct should be. This includes the extent of existing development within the precinct, its physical and policy context, the current CDZ1 and the *Endeavour Cove Comprehensive Development Plan* (December 1999) and the guidance of *Planning Practice Note 59: The role of mandatory provisions in planning schemes*.

On balance the Panel supports the application of building height provisions for this precinct that:

- remain as exhibited in Precincts 3, 3A, 4, 6, 7 and 8
- are mandatory in all Precincts but provide for a marginal (generally 1 storey) height increase in Precincts 1, 1A, 2 and 5
- include provision for preferred maximum heights in Precincts 1, 1A and 5.

**Landscaping and public realm**

The Amendment (inclusive of Council's changes and those recommended by the Panel) provides guidelines, application requirements and decision guidelines to support and encourage appropriate landscaping and public realm outcomes.

**Comprehensive Development Plan**

The Panel considers that the Comprehensive Development Plan is appropriate and suitable as an incorporated document generally consistent with Council's changes. The Panel has identified additional changes to improve its useability for applicants and its application in decision making.

The Precinct Frameworks for Precincts 5 and 8 (including the Precinct Framework Plans) with Council's proposed changes generally contain the appropriate level of detail and direction subject to additional changes which clarify their role and content. A maximum site coverage guideline for Precinct 8 is appropriate but should be removed for Precinct 5.

### Comprehensive Development Plan Schedule 1

Council's proposed changes further simplify and consolidate the purpose elements (appropriately limiting them to five and reintroduce the provision of greater public access to and along the Patterson River bank). The proposed changes are appropriate and supported.

The Table of uses for Section 1, 2 and 3 uses, inclusive of Council's changes are appropriate.

The inclusion of an additional Subdivision decision guideline consistent with the evidence of Mr Glossop and proposed in Council changes is appropriate, but should be amended to include a guideline that reflects the Schedule purpose and the Comprehensive Development Plan intent.

The buildings and works requirements, including application requirements for buildings and works and associated decision guidelines are appropriate subject to Council's proposed changes.

Notice and review exemptions should apply to subdivision applications generally in accordance with Comprehensive Development Plan. Council is encouraged to review the impact of potentially applying notice and review exemptions for use applications generally in accordance with Comprehensive Development Plan.

### Recommendations

Based on the reasons set out in this Report, the Panel recommends that Kingston Planning Scheme Amendment C205king be adopted as exhibited subject to the following:

1. **Amend the Comprehensive Development Zone Schedule 1 consistent with the Panel's preferred version in Appendix F.**
2. **Introduce the Parking Overlay and apply a new Parking Overlay Schedule to the subject land consistent with Council's version in Appendix E and subject to:**
  - a) replacing the 'Rate' and 'Measure' for Dwelling, Recreational boat facility and Residential Hotel with the rates in Table 8 of this Report
  - b) deleting the *Endeavour Cove Marina Parking Assessment Report* as a background document.
3. **Amend the *Endeavour Cove Comprehensive Development Plan, March 2022* generally consistent with Council's final version included in Appendix G and subject to:**
  - a) amending the final date to reflect the version adopted by Council and remove the note on the front cover.
  - b) including an explanation of the Comprehensive Development Plan's purpose, how it is structured and to be applied, and the role of Map 1.
  - c) amending the title of Table 1 to 'Precinct character and development typology' or similar and include an explanation of its role and purpose.
  - d) amending Table 2 to:
    - amend the title of convey its purpose and how it is to be applied
    - replace references to 'Site' with 'Area'
    - replace references to 'Site C' and 'Site D' with 'Area C'.
  - e) amending Table 2 to apply:
    - Precincts 1 and 1A – Mandatory maximum building height of 15 metres (4 storeys) and a Preferred maximum building of 11.5 metres (3 storeys)
    - Precinct 2 – Mandatory maximum building height of 20 metres (5 storeys)



- **Precinct 5 – Mandatory maximum building height of 20 metres (5 storeys) for Area A and Area B and 16 metres (4 storeys) for Area C and a Preferred maximum building height only for Area C of 12 metres (3 storeys)**
  - **Precinct 8 – Mandatory maximum building height of 20 metres (5 Storeys) for Area A, and delete the Preferred Maximum Building height.**
- f) amending 'Precinct Framework: Precinct 5' and 'Precinct Framework: Precinct 8' to:
- include an explanation of the role and purpose of the Precinct Frameworks and how they should be applied including the terms 'must' and 'should'
  - reintroduce objectives following their further review and simplification
  - amend the Access and Movement Guidelines to include a guideline in each Precinct Framework for the footpaths shown on the Framework Plans as the guidelines only refer to shared accessways
  - replace 'Site' with 'Area' and amend the guidelines accordingly.
- g) amending Precinct 5 and 8 Framework Plans to:
- replace 'Future Proposed' legend with 'Guideline objectives' or similar
  - remove 'Proposed' and "Proposed Future' from the legend items
  - replace 'Potential location of cross over realignment' with 'consolidated cross over'
  - replace 'Site' with 'Area'.
- h) amending Precinct 5 Framework Plan to:
- consolidate 'Site C' and 'Site D' into 'Area C'
  - extend the western footpath line marking and arrows into Precinct 2
  - delete the turnaround area designation.

# 1 Introduction

## 1.1 The Amendment

### (i) Amendment description and purpose

The purpose of the Amendment is to implement a new Comprehensive Development Plan for Endeavour Cove, Patterson Lakes through an amended Schedule 1 to the Comprehensive Development Zone (CDZ1). The Amendment follows a review in 2020 of the related provisions of the Kingston Planning Scheme and development approvals and subsequent strategic work.

Specifically, the Amendment:

- amends the CDZ1 consistent with the *Endeavour Cove Comprehensive Development Plan (March 2022)* (Comprehensive Development Plan)
- amends the Schedule to Clause 72.04 Documents incorporated in this Planning Scheme to replace reference to the *Endeavour Cove Comprehensive Development Plan (December 1999)* (1999 CDP) with the new Comprehensive Development Plan.

Council's Part A submission<sup>1</sup> identified that the Amendment has been sought to resolve identified fundamental shortcomings in the existing planning controls, to provide clarity and certainty in decision making. It would:

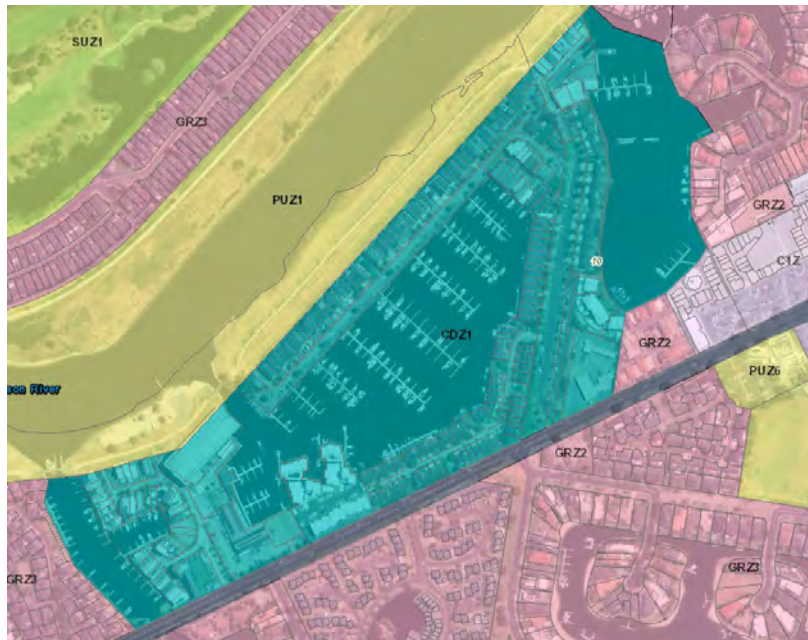
- replace an anachronistic process for obtaining primary development consent through the endorsement of a plan with the standard, robust and transparent permit application and approval process provided for under the PE Act;
- remedy an existing planning 'gap' for the eastern part of the land by extending the coverage of the Development Plan to be coextensive with the CDZ1;
- clearly state mandatory and discretionary built form controls and parking requirements, and clearly delineate precinct boundaries, where those parameters are currently confusing and ambiguous;
- provide detailed urban design guidance for future development and up-to-date application requirements and decision guidelines to support consistent decision-making; and
- revise car parking requirements to align with an up-to-date assessment of identified need.

### (ii) The subject land

The Amendment affects land in the Endeavour Cove marina precinct (the precinct) and within the CDZ1 (approximately 20 hectares in area), as shown in Figure 1 (coloured blue). It is a master-planned and primarily residential estate, developed in stages since the late 1980s, comprising mostly gated precincts circling the Patterson Lakes Marina.

The subject land is 30 kilometres south-east of Melbourne's Central City Area, approximately 1.2 kilometres from Carrum Railway Station and Nepean Highway and 600 metres to the Mornington Peninsula Freeway.

<sup>1</sup> Document 4 and 5 (Attachments)

**Figure 1 Subject land (within CDZ1)**

Source: VicMap

The subject land is described as follows in the *Endeavour Cove Background Report* (March 2022) (Background Report):

Within the study area are a number of residential precincts, each with secure access, and differentiated from one another to varying extents in terms of architectural style, height, and dwelling typology. Most dwellings, however, are between 2 and 4 storeys in height, and constructed in an attached, townhouse format.

A notable exception to the prevailing form of residential development in the study area is a 6 storey apartment building on the corner of McLeod Road and Pier One Drive, known as Pier 1 Apartments.

Commercial land uses within the study area are The Cove Hotel, Patterson Lakes Marina and boat storage facility, boat repairs and sales businesses, and a service station and car wash. With the exception of the boat storage facility, buildings associated with each of the commercial land uses are 1-2 storeys in height. The boat storage building is a much larger structure in terms of height and scale, and is a prominent built form element within the study area.

McLeod Road runs along the southern boundary of the study area and is a major road connecting Patterson Lakes to other areas of Melbourne, to the east and west.

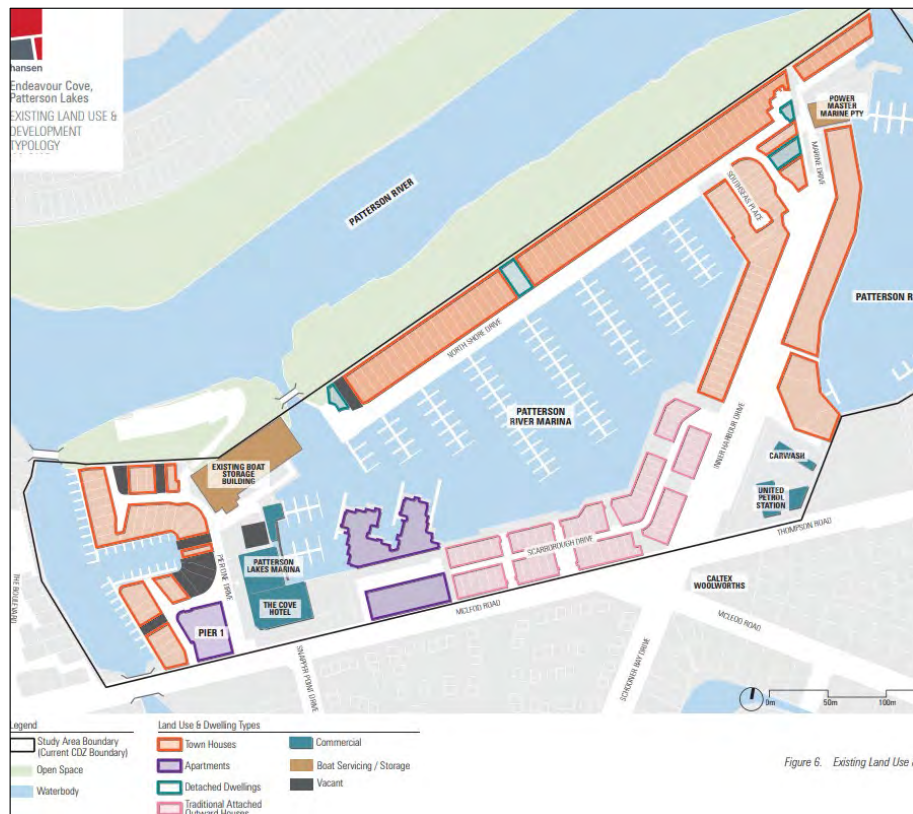
Surrounding residential development consists of a mix of attached and detached dwellings, generally constructed to a height of between 1 and 3 storeys.

Along the northern side of the study area is the Patterson River and areas of public open space along its banks. Public open space within the study area itself is limited to several small pockets within the residential precincts.

Part of the riverbank is used for car parking accessed from the study area via Pier One Drive.

Immediately beyond residential development to the east of the study area is the Patterson Lakes shopping centre. Buildings within the shopping centre are 1-2 storeys in height.

The existing built form and use conditions are identified in Figure 2, with few vacant lots remaining and future development activity anticipated to be at the western end of the precinct.

**Figure 2** Existing use and development conditions

Source: Background Report Figure 6

## 1.2 Submissions

Thirteen submissions were received to the Amendment. Submissions 1, 3, 4, 8 and 12 supported the Amendment.

Issues raised in submissions related to:

- the content of the CDZ1 and Comprehensive Development Plan including:
  - car parking provision
  - land use
  - height and setbacks, public realm and landscaping requirements and guidelines
  - Precinct Framework guidelines and Framework Plans
  - notice and review provisions
- traffic and parking impacts
- contamination.

### (i) Submission 13

Submission 13 simply stated:

Happy for same to proceed.

Council's Part A submission (paragraph 61) identified:

61. One response was also received through the Council's online submission form from a resident who stated she had no recollection of making a submission and had not intended to make any submission about the Amendment. The Council has provided that response to the Panel for its information, but considers it is not properly to be regarded as a submission that has been referred to the Panel.

Given the email exchange between Council and the submitter did not explicitly 'withdraw' the submission, it is apparent that it was made in error. In any event, the Panel observes that the submission as worded appears to support the Amendment and does not raise issues for the Panel or Council to consider.

**(ii) Submission 9 - Historical planning processes**

Submission 9 raised concerns regarding the planning history of the precinct including the various iterations of the Comprehensive Development Plans in 1990 and 1999 and a Council endorsed version dated 2002 which was not incorporated into the Kingston Planning Scheme. The submission was concerned the 1999 version did not undergo the usual exhibition process or provide opportunity for submissions or Panel review. While the submission was made in the context of establishing a position to not support further height or intensification, it supported the certainty the Amendment would provide. The Panel has not considered the processes associated with previous planning approvals or changes to the Kingston Planning Scheme (including its predecessor Planning Schemes). Rather, it has focused on the strategic justification for the proposed changes to the current CDZ1 and 1999 CDP based on the Amendment background information provided by Council and the submissions and evidence.

**(iii) Submission 5 - EPA**

The Environment Protection Authority (EPA) provided a written response to the Amendment in response to the CDZ1 requirement for "*plans to show contaminated and filled areas where known*" although there were no Amendment documents suggesting potential contamination, referring Council to Clause 13.04-15 including duties under the Environment Protection Act 2017. It further identified:

If there are any specific concerns that fall within EPA's remit then you are welcome to raise this with us; however, at this time — we will not be making a submission on the Amendment.  
[Panel's emphasis]

This statement appears to suggest that the EPA's response is not a submission but rather advice to Council about relevant policies and duties regarding contaminated land. While Council initially recorded the advice as a submission (Submission 5), it informed the Panel in its Part A submission:

63. Following the Panel's directions of 8 February 2023, the Council sought clarification from the EPA as to whether its email was intended as a formal submission on the Amendment.
64. The EPA's response is annexed to these submissions (Annexure N). The Council considers that the status of the EPA's email remains ambiguous, and so the prudent course would be for the Panel to continue to treat it as a submission that has been referred to it.

The Panel agrees with Council's assessment of the EPA response and addresses it in Chapter 6.2.4.

**(iv) Submission 6 – Cavendish Properties**

Cavendish called Colleen Peterson of Ratio Consultants to provide planning evidence. The evidence of Ms Peterson set out the land parcel interests of Cavendish and status of approved



Development Plans (refer Figure 3 and Table 1). Cavendish also own the Marina basin (wet berth area) and parking areas adjacent to Marine Drive.

**Figure 3** Cavendish Properties parcels



Source: Cavendish properties submission and page 12 of Ms Peterson's evidence (Document 10)

**Table 1** Cavendish Properties parcels of interest and Development Plan status

Parcel	Parcel and development plan summary
1	Pier 1 Apartments - 6 stories and 22.6m AHD. Approved 2012 and includes car parking at ground and first floor levels. Primary pedestrian access is via McLeod Road although this is restricted solely to pedestrians, vehicle access to the building is via Pier One Drive. Parcel no longer owned by Cavendish
2 & 4	Comprises the Cove Hotel (single storey building comprising bistro, wine room and sports bar) and sealed and line marked carparking to its south and west. 4 storey development of the Hotel was endorsed in 2011 including basement car parking, a Hotel, Conference Centre, apartment dwellings and commercial space – not acted on to date
3	Gravel car park used or Cove Hotel. 4 storey apartment building was endorsed in 2018 comprising a consolidated parking area at the ground floor and three levels of apartments above - not acted on to date
5	Vacant parcels accessed off Pier One Drive. 5 storey apartment building was endorsed in 2012 for 40 apartments (Pier 1 Drive Apartments)
6	Rectangular parcel used for car parking adjacent to the PLM Clubhouse. 10 storey (31.6m AHD) apartment building (MQ1 apartments) was endorsed in 2018 which included 4 storeys of basement car parking, 3 above ground storeys of car parking and 7 storeys of apartments - not acted on to date
7	PLM Clubhouse, approved in 2007 and as constructed comprises a gymnasium and pool at ground level and offices at first level. The swimming pool is also used for a swim school
8	Dry boat stack building which accommodates approximately 250 craft and provides crane facilities and is 20.53 metres high. Redevelopment of the facility was endorsed in 2018 to include 5 levels of basement car parking, 1 level of ground floor parking and 9 storeys of boat parking - not acted on to date

### 1.3 Site inspection

On 21 February 2022, the Panel undertook an unaccompanied site inspection of the publicly accessible areas in the Endeavour Cove precinct and adjoining residential streets, the Patterson River environs and Patterson Lakes Shopping Centre.

The Panel undertook an accompanied site at 3.00pm on the same day with representatives of Council and Cavendish Properties as the only parties to the Hearing. This arrangement was discussed at the Directions Hearing and provided for within the Panel's Directions. The accompanied portion of the site inspection was limited to the gated or restricted public access areas of the site, specifically the boat storage building and immediate surrounds and the north-western arm of Pier One Drive.

### 1.4 Panel's approach

The Panel considered all written submissions made in response to the exhibition of the Amendment, observations from site visits, and submissions, evidence and other material presented to it during the Hearing. While reviewing all of the material provided, it has been selective in referring to the more relevant or determinative material in the Report. All submissions and materials have been considered by the Panel in reaching its conclusions, regardless of whether they are specifically mentioned in the Report.

This Report deals with the submission issues under the following headings:

- Amendment background, content and Council proposed Amendment changes
- Strategic issues
- Movement and parking
- Built form, public realm and landscaping
- Provisions of the Comprehensive Development Plan and Comprehensive Development Zone Schedule 1.

## 2 Amendment background, content and Council proposed Amendment changes

### 2.1 Background

#### (i) Chronology of events

The Amendment's preparation follows the release of the *Endeavour Cove – Historical Planning Investigation – Final Report*, Hall & Wilcox, 19 February 2020<sup>2</sup>, a review of the history, application and content of planning controls applicable to the Endeavour Cove precinct.

The Historical Planning Investigation:

- identified approvals that exceeded mandatory height limits or allowed housing on land designated for walkways, car parking and open space
- identified fundamental deficiencies in the CDZ1 and 1999 CDP including:
  - the inherently ambiguous and confusing nature of the 1999 CDP, with no clear delineation of precincts or certainty relating to height
  - the process for assessing proposals under the CDZ1 is difficult to understand and navigate
  - the CDZ1 is unusual in that it exempts all buildings and works applications from a permit, making the assessment path and process more difficult
- recommended that the Council progress the preparation of a planning scheme amendment to update the controls for Endeavour Cove, without delay, and commission a comprehensive parking review and survey for the precinct.

Council advised that the review identified issues with the provisions of the existing CDZ1 relating to interpretation of key provisions and resultant development outcomes and supported the need for greater clarity and certainty for land use and development outcomes in Endeavour Cove. This included reviewing height controls, mandatory and discretionary provisions and parking requirements.

The following reports were prepared to inform the preparation of the amended CDZ1:

- the Comprehensive Development Plan, prepared by Hansen Partnership
- the Background Report, prepared by Hansen Partnership)
- *Car Parking Assessment Report*, Stantec, October 2021 (Parking Assessment).

Table 2 includes a chronology of key events leading to the exhibition of the Amendment informed by material provided by Council including its Part A submission and the planning evidence of Ms Peterson.

---

<sup>2</sup> Document 51

**Table 2**      **Chronology of events**

Date	Event
1988	Planning for Endeavour Cove – then known as Whalers Cove and Runaway Bay – commenced, with a proposal by Capital Resorts Group Ltd to rezone the land from predominantly General Industrial and Special Use (dry boat stack building) to Comprehensive Development Zone No. 12 (CDZ12), by Amendment RL38 to the Metropolitan Region Planning Scheme. At that time the smaller marinas at the western and eastern ends of the precinct (Whalers Cove Marina and Inner Harbour Marina respectively) had already been constructed, and works had commenced pursuant to a permit for the larger central area to be known as Runaway Bay Marina
23 August 1989	Panel report, Metropolitan Region Planning Scheme Amendment RL38, part 2 released which includes consideration of submissions on the application of CDZ12 including a 1989 Concept Plan which provided for an 8 storey signature building in the north-east corner of the precinct
24 January 1990	Amendment RL38 gazetted applying the CDZ12 to Whalers Cove marina in the Chelsea and Springvale Planning Schemes requiring development to be in accordance with an approved overall development plan - <i>'Concept Plan – Comprehensive Development Zone No 12 – Whalers Cove Marina'</i> (endorsed 16 January 1990)
30 August 1994	City of Chelsea approves a new Comprehensive Development Plan for Whalers Cove (Whalers Cove Residential Development plans which included an Open Space Plan, Traffic Plan, Car Parking Plan, Site Precinct Plan, Landscape Plan and Height Map) prepared by Cavendish Developments Pty Ltd to replace the 1990 Plan shifting the focus of development away from a mixed use proposal to a predominantly residential precinct
1994	Construction of townhouses commences along Inner Harbour Drive
1996	Planning permit issued for Cove Hotel
Dec 1999	<i>Endeavour Cove Comprehensive Development Plan (December 1999)</i> (1999 CDP) proposed by Cavendish Properties to replace the 1994 Comprehensive Development Plan which further increased the proportion of residential development across the land and allowed for greater height (up to 10 storeys) at the western end of the Marina.  Kingston New Format Planning Scheme gazetted, with CDZ12 carried over to the current CDZ1 with the 1999 CDP included as an Incorporated Document
2001-2018	5 planning permits for use or subdivision all of which have been acted on. Development plans approved for: <ul style="list-style-type: none"> <li>- 3 storey development (124 Northshore Drive, existing Precinct 2)</li> <li>- 5 storey development (19 Northshore Drive, existing Precinct 5)</li> <li>- 40 lot subdivision (existing Precincts 1 and 11)</li> <li>- three plans for 10 and 12 storey dry stack boat storage and apartments (in existing Precinct 10 – not constructed)</li> <li>- 4 storey development (7 Northshore Drive, existing Precinct 5)</li> <li>- 2 x 5 storey buildings (109 McLeod Road, 'Pier 1' apartments – first version, existing Precinct 11)</li> </ul>

Date	Event
	- 6 storey building (109 McLeod Road, 'Pier 1' apartments as constructed)
8 March 2018 and ongoing	<p>Development plan approved for 'Marina Quays' in Precinct 10 comprising 2 x 10 storey apartment buildings (54 and 64 Pier One Drive in vicinity of current boat storage building and land to its south) and a 6 storey apartment building (115A McLeod Road on the east side of the Cove Hotel). Permit subsequently sought for use as dwellings with less than required parking. Community concern about proposal resulted in calls for investigation into earlier approvals.</p> <p>There have been three recent Victorian Civil and Administrative Tribunal (VCAT) proceedings relating to this development:</p> <ul style="list-style-type: none"> <li>- two applications for review which were refused by VCAT in 2019 and 2022</li> <li>- Declaration sought under s 149A of the P&amp;E Act that the approval of the 'Marina Quay' development plan was invalid. Proceeding settled by agreement, pending this Amendment<sup>3</sup></li> </ul>
Oct 2019 - 2020	Hall & Wilcox Lawyers engaged to review relevant developments, development proposals and permit applications in the CDZ1 and Comprehensive Development Plan (Planning Investigation)
23 Mar 2020	Council resolves to undertake background work to prepare Amendment based on the Planning Investigation recommendations
July 2020	Victorian Ombudsman investigation commences into allegations about planning processes and approvals at the City of Kingston following referred complaints in December 2019 about approval processes in Endeavour Cove
Dec 2020 – Dec 2021	<p>Strategic review work undertaken by Council's consultants including draft Background Report, Parking Assessment, Comprehensive Development Plan and CDZ1.</p> <p>Council resolves to undertake community consultation on draft documents</p>
12 October 2021	Victorian Ombudsman releases findings of investigation concurring with the findings of the Planning Investigation
17 Jan – 14 Feb 2022	Community consultation on draft planning controls
23 Feb 2022	Council's Planning Committee resolves to request authorisation for Amendment and an interim amendment (C204king)
26 Apr 2022	Council adopts an amended Comprehensive Development Plan and CDZ1 to correct intent of proposed mandatory building heights
27 Jul 2022	<p>Amendment authorised subject to conditions:</p> <ul style="list-style-type: none"> <li>- Update the amendment documentation to ensure that all references to the Comprehensive Development Plan reflect the correct date of the document, being 'March 2022'</li> <li>- Amend the Schedule 1 to the Comprehensive Development Zone in Keystone to update the date of the Comprehensive Development Plan to 'March 2022' and to remove the conflicting references to Shop as being both a Section 1 and Section 2 use</li> <li>- Delete the following Decision Guideline from Section 3.0 (Subdivision) of the CDZ1: "The effect the subdivision will have on the potential of the area to accommodate the uses which will maintain or enhance its competitive</li> </ul>

<sup>3</sup> Council Part A submission paragraphs 74-77



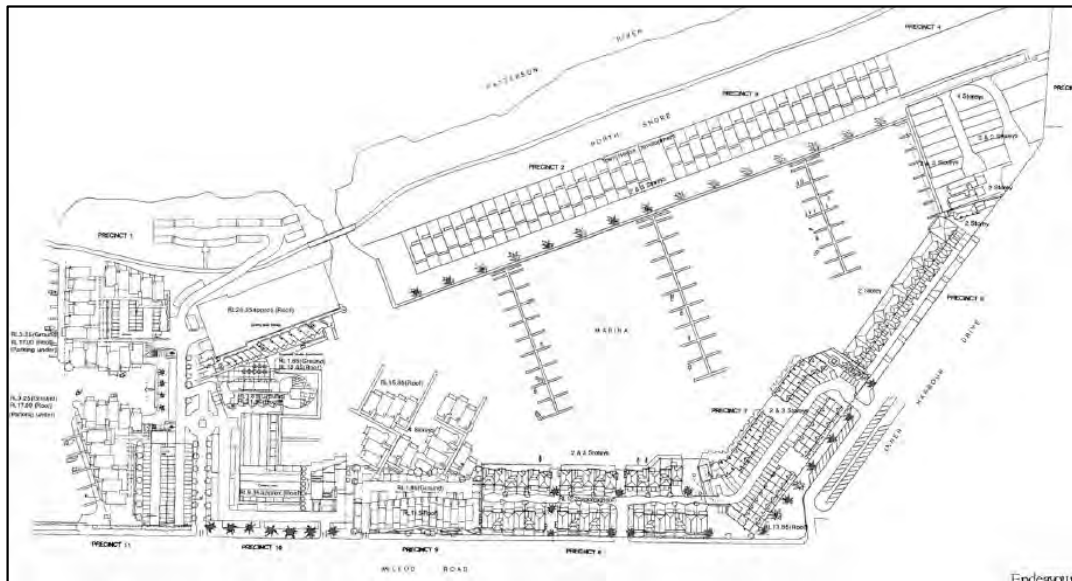
Date	Event
	strengths.” Council advised all authorisation conditions had been addressed in the exhibited Amendment documents
1 Sept - 4 Oct 2022	Amendment exhibited
7 Sep 2022	Request for interim amendment declined
23 Nov 2022	Council considers submissions and resolves to request a Planning Panel

## (ii) Endeavour Cove Comprehensive Development Plan 1999 and current CDZ1

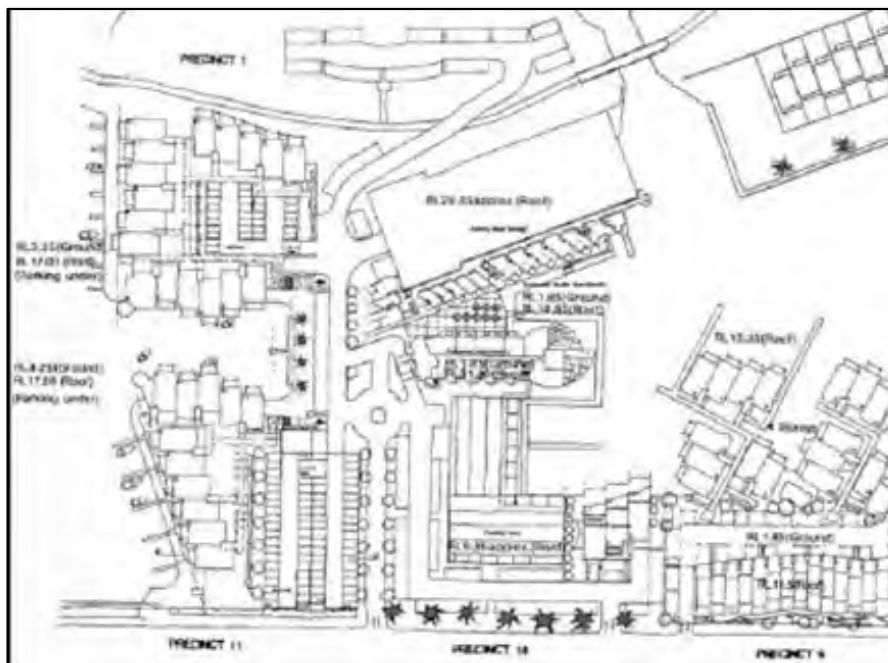
The 1999 CDP (Figure 4 and 5) is a single page plan depicting the location of buildings, streets and parking on the land. Some land uses and dwelling typologies are labelled, and development is generally divided into Precincts with different height restrictions – some counted in storeys, others by reduced levels (RL). While not defined in the Comprehensive Development Plan, Council advised that these appear to correspond with Australian Height Datum (AHD).

The provisions and structure of the CDZ1 are set out in Appendix D2. In practice, many uses, including ‘Dwelling’ do not require a permit and planning approval is achieved through a development plan approval process (including preparation of open space and traffic plans) generally in accordance with the Comprehensive Development Plan, rather than the planning permit process. The exception to this is if a condition for a nominated use (predominantly car parking provision) is not satisfied, in which case a permit is required.

**Figure 4 Endeavour Cove Comprehensive Development Plan 1999**



Source: Background Report Page 7

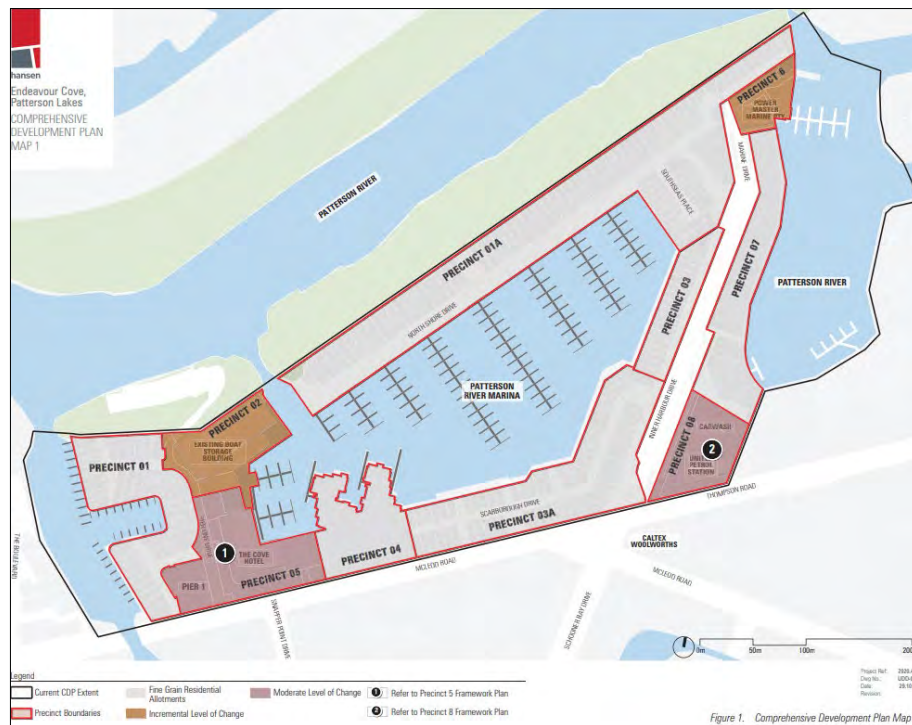
**Figure 5 Endeavour Cove Comprehensive Development Plan 1999 expanded section view below**

Source: Background Report Page 7

## 2.2 Exhibited Comprehensive Development Plan and Comprehensive Development Zone Schedule 1

The exhibited Comprehensive Development Plan sets out:

- a Comprehensive Development Zone Map (Figure 6) which identifies eight Precincts (1-8) and two sub-precincts (1A and 3A)
- a table identifying preferred future character for each precinct and development typology and density
- a summary of recommendations in table form which identifies for each precinct:
  - predominant land use (residential – Precincts 1, 1A, 3, 3A, 4 and 7; commercial/residential – Precinct 5, commercial Precincts 6 and 8)
  - level of anticipated change (Low – Precincts 1, 1A, 3, 3A, 4 and 7; Incremental – Precincts 2 and 6; and Moderate – Precincts 5 and 8)
  - anticipated development typology mandatory maximum building heights (ranging from 2 storeys/9 metres to 5 storeys/20 metres)
  - street wall heights where applicable (Precincts 4, 5 and 8)
  - minimum ground level setbacks
  - minimum upper level setback above street wall (Precincts 5 and 8)
  - vehicle access points
- Precinct Frameworks for Precincts 5 and 8 including objectives and guidelines for built form, movement and landscaping, and associated Framework Plans showing particular 'Sites' (Figures 7 and 8 in Chapter 4.1).

**Figure 6 Comprehensive Development Zone Schedule 1 - Plan 1**

Source: Comprehensive Development Plan

The CDZ1 includes:

- Plan 1 (same as the Comprehensive Development Plan version)
- a purpose
- a Table of uses which includes use conditions relating to precinct location and car parking provision
- Use provisions including application requirements and decision guidelines
- Subdivision provisions including decision guidelines
- Buildings and works provisions including requirements application requirements and decision guidelines
- Precinct guidelines including levels of change and preferred character.

The key differences between the 1999 CDP and proposed Comprehensive Development Plan and CDZ1 and were set out in Council's Part A submission and are reproduced in Appendix C of this Report. In summary they involve:

- Development Plan:
  - inclusion of land and waterways to the east of Marine Drive/Inner Harbour Drive
  - changes to precinct boundaries and related building heights
  - including precinct objectives and guidelines relating to built form, height, access and landscaping for Precinct 5 (formerly 10 and 11) and new Precinct 8
- CDZ1:
  - changes to 'Purpose'
  - precinct mapping changes (Comprehensive Development Plan Map included)

- changes to Section 1, 2 and 3 uses within the 'Table of uses' (added to, removed or amended) and associated conditions
- deletion of section 173 Agreement provisions for 'Use'
- changes to decision guidelines for 'Subdivision'
- changes to 'Buildings and works' requirements including 'Application requirements' and 'Decision guidelines'
- inclusion of 'Precinct Guidelines'.

## 2.3 Council's proposed Amendment changes

### (i) Day 1 changes

Council's Part A submission identified proposed changes to the Amendment in response to feedback from its expert witnesses, its own review and matters identified by the Panel in its written directions.<sup>4</sup> The changes are summarised in Table 3 and include:

- a Day 1 version of the CDZ1<sup>5</sup>
- Day 1 changes to the Comprehensive Development Plan in table form. Council requested the Panel make recommendations about removing some Precinct Framework content and its potential inclusion in the Planning Policy Framework (PPF)
- a draft Parking Overlay schedule (Appendix E) with content transferred over from the CDZ1 Clause 1.0 Table of uses and the application requirements and Clause 2.0 decision guidelines.<sup>6</sup>

**Table 3 Council proposed Day 1 changes to the Amendment**

Section	Summary of Day 1 Amendment changes
<b>CDZ1</b>	
Purpose	Amend Schedule purposes to consolidate into five statements including adding back the provision of greater public access to the riverbank
1.0 Table of Uses	Remove parking conditions for Section 1 and 2 uses (relocated to Parking Overlay)
2.0 Use of land	Application requirements: <ul style="list-style-type: none"> <li>- delete reference to 'solar access'</li> <li>- delete parking requirement (relocated to Parking Overlay)</li> </ul> Decision guidelines: <ul style="list-style-type: none"> <li>- delete parking requirement (relocated to Parking Overlay)</li> </ul>
3.0 Subdivision	Add decision guideline to consider impact on adjoining use and development
4.0 Buildings and works	Requirements: <ul style="list-style-type: none"> <li>- add: <a href="#">'Development must respond to the Endeavour Comprehensive Development Plan (March 2022)'</a></li> <li>- amend maximum building height requirement to delete reference to 'maximum number of storeys requirement'</li> </ul>

<sup>4</sup> Document 1

<sup>5</sup> Document 5b

<sup>6</sup> Document 5e

Section	Summary of Day 1 Amendment changes
	<p>Application requirements:</p> <ul style="list-style-type: none"> <li>- add: <a href="#">‘For a residential development of four storeys or less, the neighbourhood, site description and design response required by Clause 54 and 55 for residential development up to four storeys’</a></li> </ul> <p>Decision guidelines:</p> <ul style="list-style-type: none"> <li>- delete reference to sea level rise</li> <li>- amend shadow guideline to clarify meaning: <a href="#">‘The shadows cast by buildings exceeding two storeys in height measured at hourly intervals between 11.00am and 2.00pm on 22 June’</a>.</li> <li>- add additional guidelines relating to: <a href="#">‘The objectives, standards and decision guidelines Clause 54 and 55; Building design, height and setback and appearance; Proposed landscaping; loading and refuse collection facilities’</a></li> </ul>
5.0 Precinct Guidelines	Delete all text
<b>Comprehensive Development Plan</b>	
Table 1: Preferred Future Character	<ul style="list-style-type: none"> <li>- Delete heading ‘Preferred Future Character’ and replace heading with ‘Precinct Guidelines’</li> <li>- For Precincts 1, 1A, 3, 3A, 4 &amp; 7 amend text to read: <a href="#">‘...Future development will respond to the low-rise residential character...’</a></li> <li>- For Precincts 5 &amp; 8 delete <i>‘importantly, future change in this precinct must demonstrate the appropriate level of infrastructure is provided’</i></li> </ul>
Table 2: Summary Recommendations	<ul style="list-style-type: none"> <li>- Rename Table ‘Summary’</li> <li>- For Precinct 7 ‘Mandatory Maximum Building Height’ column delete <i>‘matching existing building’</i></li> </ul>
Precinct Framework: Precinct 5	<ul style="list-style-type: none"> <li>- Delete Precinct Overview and all associated text</li> <li>- ‘Precinct Influence’ and ‘Key Precinct Objectives’: Invites Panel to make a recommendation on removing this content from the CDP and relocating relevant content to a local policy in Clause 11 of the PPF</li> <li>- Built Form, Envelopes and Height Guidelines: <ul style="list-style-type: none"> <li>- delete ‘Guidelines’ from section heading</li> <li>- amend the following dot points: <ul style="list-style-type: none"> <li>- dot point 4, to delete: <i>‘that is different design treatments’</i></li> <li>- dot point 5, to replace ‘Retain’ with <a href="#">‘Provide’</a></li> <li>- dot point 7, review the following wording for clarity: <i>‘Align built forms perpendicular to the waterfronts and McLeod Road to maximise outlook and daylight access’</i></li> <li>- dot point 8, amend to add <a href="#">‘above podium level’</a></li> <li>- dot point 9, to delete <i>‘greater’</i></li> <li>- dot point 10 to replace with: <a href="#">‘Where a blank wall is proposed in a mid-block location as an interim condition subject to future adjoining development, the colour, texture or finish of the wall should be designed to provide visual interest to passing pedestrians’</a></li> </ul> </li> </ul> </li> <li>- Access and Movement Guidelines: <ul style="list-style-type: none"> <li>- delete ‘Guidelines’ from section heading</li> </ul> </li> </ul>



Section	Summary of Day 1 Amendment changes
	<ul style="list-style-type: none"> <li>- amend dot point 4 to read: <i>'Minimises the <a href="#">impact</a> of car parking and servicing along on Pier One Drive and McLeod Road'</i></li> <li>- Landscape and Environment Guidelines: <ul style="list-style-type: none"> <li>- delete 'Guidelines' from section heading</li> <li>- amend dot point 4 to delete <i>'to provide for day one amenity'</i></li> </ul> </li> <li>- Amend Table 3: Maximum Building Height and Street Wall Height for Precinct 5: <ul style="list-style-type: none"> <li>- Mandatory Maximum Building height column to be expressed in metres only</li> <li>- include a new guideline: <i>'<a href="#">Provide floor to floor heights that maximise internal amenity for residents and support commercial uses</a>'</i></li> <li>- delete the second footnote</li> </ul> </li> </ul>
Precinct Framework: Precinct 8	<ul style="list-style-type: none"> <li>- Delete Precinct Overview and all associated text</li> <li>- 'Precinct Influence' and 'Key Objectives': Invites Panel to make a recommendation (as per Precinct 5 above)</li> <li>- Built Form, Envelopes and Height Guidelines: <ul style="list-style-type: none"> <li>- delete 'Guidelines' from section heading</li> <li>- amend the following dot points: <ul style="list-style-type: none"> <li>- dot point 4, to read: <i>'Built form will incorporate building separation and a well-articulated podium that is <a href="#">broken up with</a> different design treatments to avoid the appearance of a continuous wall'</i></li> <li>- dot point 5, to replace 'Retain' with <i>'<a href="#">Provide</a>'</i></li> <li>- dot point 8, amend to add: <i>'<a href="#">above podium level</a>'</i></li> <li>- dot point 9, to delete <i>'greater'</i></li> <li>- dot point 10 – replace with: <i>'<a href="#">Where a blank wall is proposed in a mid-block location as an interim condition subject to future adjoining development, the colour, texture or finish of the wall should be designed to provide visual interest to passing pedestrians</a>'</i></li> </ul> </li> </ul> </li> <li>- Access and Movement Guidelines: <ul style="list-style-type: none"> <li>- delete 'Guidelines' from section heading</li> <li>- amend dot point 4, to read: <i>'<a href="#">Minimises the impact of car parking and servicing and boat trailer parking along Inner Harbour Drive and future Access Road</a>'</i></li> </ul> </li> <li>- Landscape and Environment Guidelines: <ul style="list-style-type: none"> <li>- delete 'Guidelines' from section heading</li> <li>- amend the following dot points: <ul style="list-style-type: none"> <li>- dot point 4, to delete the words: <i>'to provide for day one amenity'</i></li> <li>- dot point 5 to replace <i>'iconic trees'</i> with <i>'<a href="#">distinctive feature trees</a>'</i></li> </ul> </li> </ul> </li> <li>- Amend Table 4: Maximum Building Height and Street Wall Height for Precinct 8 in the same way as Table 3 for Precinct 5 above</li> </ul>

## (ii) Part C submission changes

Council's Part C submission<sup>7</sup> proposed further changes, as summarised in Table 4, to:

- the Comprehensive Development Plan, replacing or adding to its Day 1 changes<sup>8</sup>

<sup>7</sup> Document 14

<sup>8</sup> Document 28

- the CDZ1, adding to its Day 1 version.<sup>9</sup>

**Table 4 Council proposed Part C version changes to the Amendment**

Section	Summary of Part C submission changes
<b>CDZ1</b>	
4.0 Buildings and works	<p>Requirements:</p> <ul style="list-style-type: none"> <li>amend the Day 1 change to the second dot point application requirement to read: <i>'Development <a href="#">should be generally in accordance with the Endeavour Comprehensive Development Plan (March 2022)</a>'</i></li> </ul> <p>Decision guidelines:</p> <ul style="list-style-type: none"> <li>in the first dot point delete reference to <i>'and Precinct Guidelines in Clause 5 of this Schedule'</i></li> <li>amend the Day 1 change to the shadow guideline to replace 'June' with <a href="#">'September'</a></li> </ul>
<b>Comprehensive Development Plan</b>	
Table 1: Preferred Future Character	<ul style="list-style-type: none"> <li>Update the Comprehensive Development Plan Map 1 with amended legend to remove 'change levels' and to apply a north and south sub-precinct boundary to Precinct 7</li> <li>Replace Table 1 with a new 'Table 1: Precinct Guidelines' which includes a 'Statement of Existing and Preferred Character' for the three 'Development Typology/Density' Precincts</li> </ul>
Table 2: Summary Recommendations	<p>Amend 'Table 2: Summary' to:</p> <ul style="list-style-type: none"> <li>delete: 'Predominant Land Use', 'Level of Anticipated Change', 'Anticipated Development Typology', 'Primary Address' and 'Vehicle Access' columns</li> <li>insert a 'Preferred Maximum Building Height' column applicable to Precincts 5 and 8' and respective Site height changes (metres and storeys)</li> <li>amending 'Minimum Ground Level Front Setback' column to refer to Standards A3/B6 and other wording corrections</li> </ul>
Precinct Framework: Precincts 5 and 8	<ul style="list-style-type: none"> <li>Delete 'Precinct Overview' (as proposed in Day 1 changes), 'Predominant Land Use', 'Precinct Influence' and 'Key Precinct Objectives' sections and all associated text</li> <li>Amend 'Built Form, Envelopes &amp; Heights' Access &amp; Movement' and 'Landscape &amp; Environment' guidelines, including adding guidance from Tables 3 and 4 'Maximum Building Height and Street Wall Height' and shadowing and design considerations and deleting 60 per cent site coverage provision for Precinct 5</li> <li>Deleting Tables 3 and 4</li> </ul>

**(iii) Final Council changes**

At the conclusion of Council's Part C submission, the Panel identified potential drafting errors in the Part C version of the Comprehensive Development Plan and lack of reference to the Framework Plans and their role and application. It also requested further detail of the

<sup>9</sup> Document 29

replacement Framework Plans to gain a better understanding of the proposed changes and to enable Cavendish to respond.

The 'Final version, of the Comprehensive Development Plan'<sup>10</sup> (Appendix G) included further changes to the Part C version as summarised in Table 5.

**Table 5 Council proposed final version changes to the Comprehensive Development Plan**

Section	Summary of changes
Page 1 (Cover page)	<ul style="list-style-type: none"> <li>- amend document date to April 2023</li> <li>- include notation 'Updated CDP following inputs from Council following the Amendment C205 Hearing'</li> </ul>
Page 2 (Comprehensive Development Plan Map)	<ul style="list-style-type: none"> <li>- amend Figure 1 title to 'Comprehensive Development Plan Map'</li> <li>- remove of the Hansen watermark from Comprehensive Development Plan Map</li> <li>- Precincts 4 and 7 divided into North and South sub-precincts</li> <li>- Legend amended to remove 'change levels'</li> </ul>
Page 4 (Table 2: Summary)	<p>Amend Table 2 to:</p> <ul style="list-style-type: none"> <li>- remove 'matching existing building' references in the third column</li> <li>- add a Note: 'Development is not generally consistent with this Comprehensive Development Plan unless it complies with each preferred maximum building height, street wall height, minimum ground level front setback and minimum upper level setback specified in this table.'</li> </ul>
Pages 5 and 6 (Precinct Framework: Precincts 5 and 8)	Insert amended Precinct 5 and 8 Framework Plans

#### **(iv) Panel's approach to Amendment documentation changes**

The Day 1, Part C and Final versions of the Amendment documents are discussed in the following chapters of this Report.

The Panel has based its preferred version of the CDZ1 (Appendix F) on Council's Part C version.

The Panel has based its recommendations on the Comprehensive Development Plan on Council's final version of the Comprehensive Development Plan (Appendix G).

<sup>10</sup> Document 42 (clean version) and 44 (tracked changes version)

## 3 Strategic issues

### 3.1 Planning context

This chapter identifies planning context relevant to the Amendment and which are summarised in Table 6. Appendix A highlights key imperatives of relevant provisions and policies.

**Table 6** Planning context

	Relevant references
<b>Victorian planning objectives</b>	- section 4 of the PE Act
<b>Municipal Planning Strategy</b>	<ul style="list-style-type: none"> <li>- Clause 02.02 (Vision)</li> <li>- Clause 02.03-1 (Settlement)</li> <li>- Clause 02.03-2 (Environmental and landscape values)</li> <li>- Clause 02.03-5 (Built environment and heritage)</li> <li>- Clause 02.03-6 (Housing)</li> </ul>
<b>Planning Policy Framework</b>	<ul style="list-style-type: none"> <li>- Clause 11 (Settlement)</li> <li>- Clause 15 (Built environment and heritage), Clauses 15.01-1S (Urban design), 15.01-2S (Building design), 15.01-4S (Healthy neighbourhoods), 15.01-5S (Neighbourhood character) and 15.01-5L-01 (Neighbourhood character – Kingston)</li> <li>- Clause 19 (Infrastructure) and Clause 19.02-6S (Open Space)</li> </ul>
<b>Other planning strategies and policies</b>	<ul style="list-style-type: none"> <li>- Plan Melbourne</li> <li>- <i>Kingston Housing Strategy and Neighbourhood Character Study</i>, August 2021</li> </ul>
<b>Planning scheme provisions</b>	<ul style="list-style-type: none"> <li>- Comprehensive Development Zone</li> <li>- Land Subject to Inundation Overlay</li> <li>- Environmental Audit Overlay</li> </ul>
<b>Particular provisions</b>	<ul style="list-style-type: none"> <li>- Clause 52.06 (Car parking)</li> <li>- Clause 54 (One dwelling on a lot)</li> <li>- Clause 56 (Two or more dwellings on a lot and residential buildings)</li> <li>- Clause 58 (Apartment developments)</li> </ul>
<b>Planning scheme amendments</b>	Amendment C203king proposes to implement the Kingston Housing Strategy and Neighbourhood Character Study
<b>Permit applications</b>	<p>There are three current permit applications in Endeavour Cove:</p> <ul style="list-style-type: none"> <li>- for the development of a 1 storey dwelling under the Land Subject to Inundation Overlay, at 1 Southseas Place</li> <li>- for use of part of an existing building as a restricted recreation facility (swim school), at 76 Pier One Drive</li> <li>- to amend the permit for use and development of the 'Pier 1 Apartments' at 109 McLeod Road, to remove a condition requiring construction of a deceleration lane on McLeod Road</li> </ul>
<b>Ministerial directions</b>	- <i>Ministerial Direction No. 9 (Metropolitan Strategy)</i>

Relevant references	
	<ul style="list-style-type: none"> <li>- <i>Ministerial Direction 11 (Strategic Assessment of Amendments)</i></li> <li>- <i>Ministerial Direction on the Form and Content of Planning Schemes under Section 7(5) of the Act</i></li> </ul>
Planning practice notes	<ul style="list-style-type: none"> <li>- <i>Planning Practice Note 46: Strategic Assessment Guidelines</i>, August 2018 (PPN57)</li> <li>- <i>Planning Practice Note 57: The Parking Overlay</i>, April 2013 (PPN57)</li> <li>- <i>Planning Practice Note 59: The role of mandatory provisions in planning schemes</i>, September 2018 (PPN59)</li> </ul>
Other documents	<i>A Practitioner's Guide to Victorian Planning Schemes</i> Version 1.5, April 2022 (Practitioner's Guide)

## 3.2 Strategic justification

### (i) Evidence and submissions

Ms Peterson's evidence set out an extensive overview of the strategic context for the Endeavour Cove, identifying that the Kingston Planning Scheme does not contain express reference to Endeavour Cove and is largely absent from key policies and reference documents. Instead, strategic land use and development guidance is tied to the Zone controls and broader policies relating to 20-minute cities, development in and around activity centres and the principles of urban consolidation.

Ms Peterson supported the intent of the Amendment to revisit the existing CDZ1 and CDP to provide clearer guidance consistent with contemporary planning controls. She supported the use of the CDZ1 and Comprehensive Development Plan, and its spatial extent, so as to recognise the precinct's uniqueness and distinctive identity. Ms Peterson was concerned some of the CDZ1 and Comprehensive Development Plan elements particularly around height and notice lacked strategic justification. Her evidence outlined specific concerns about elements of each document and identified recommendations relating to drafting.

Cavendish submitted that while generally supporting the need for contemporary controls, the substance of the proposed controls (inclusive of Council's additional proposed changes) lacked strategic direction particularly for Precincts 1, 2 and 5. As further discussed in Chapter 6.1.1, Cavendish was critical of the process in developing the final Background Report which supported the Amendment. It called for the Amendment to be abandoned or significantly revised following further consultation.

Council called John Glossop of Glossop Town Planning to provide planning evidence. Mr Glossop considered the current Endeavour Cove controls require revision and that the Amendment was broadly appropriate. He considered the CDZ1 remained the right planning tool to apply to the subject land consistent with Practitioner's Guide without the need for alternate overlay controls. However, he recommended several operational changes to the Comprehensive Development Plan and CDZ1 including amending the zone purposes, transferring car parking provisions to a Parking Overlay Schedule. Mr Glossop broadly supported Council's Day 1 versions.

Council's submission identified that that the Amendment did not seek to accommodate growth or facilitate change. Endeavour Cove is mostly built out, and all but two of the precincts are expected



to experience incremental (if any) change in the long term. Rather, the Amendment was *“unequivocally an exercise in repair and refinement, not an exercise in reinvention”*. Council submitted that fundamental to considering the strategic merits of the Amendment was the understanding that the fair and orderly completion of the established and partially completed vision was the discrete strategic purpose of the Amendment. This included addressing controls:

- that were poorly drafted
- provided for a *“confusing, opaque and idiosyncratic approval process”*
- had led to anomalous planning decisions that were at odds with the original vision
- came with an expectation from the community that lived there that any replacement controls would not diverge from what they had bought into.

Council considered the Amendment was objectively sound and would effectively resolve these key problems and provide for a transparent approval process consistent with contemporary practice.

## **(ii) Discussion**

The issues arising from Amendment submissions largely relate to the appropriateness of the operational provisions of the proposed controls including the urban design requirements and guidelines, rather than its strategic justification.

The parties and planning experts broadly agreed that the strategic basis for the Amendment was sound. Rather than looking to revisit or shift the vision for Endeavour Cove, the Amendment is focused on updating what were commonly acknowledged by the parties to be outdated provisions that lack clarity and do not provide an appropriate level of certainty in decision making.

The Amendment has appropriately resulted from a series of reviews of the history and evolution of the current planning controls, their application in decision making and their limitations, and a subsequent planning, traffic and urban design analysis. The Panel acknowledges some of the criticisms of the strategic work including that Cavendish did not seem to be extensively engaged as a key land owner in its development. However, the Panel considers that the strategic work undertaken to underpin the Amendment is appropriately considered and robust for a precinct that is substantially developed and realised, and where a significant change in vision is not sought.

The Panel supports the conclusions of Council's strategic work and of both planning experts, that the CDZ1 and Comprehensive Development Plan are the right planning tools to ensure the final elements of the precinct can be realised. The issue of applying a Parking Overlay is discussed in Chapter 4.2 and the issue of heights and development intensity is discussed in Chapter 5.1.

Council is commended for taking the necessary steps to respond to the limitations of the existing planning provisions and developing fit for purpose controls that adopt contemporary planning practice and which seek to provide for clarity, certainty and orderly development. Such an outcome is a clear objective of recent planning reforms, Ministerial Directions, Planning Practice Notes and the Practitioner's Guide.

**(iii) Conclusions**

For the reasons set out in this report, the Panel concludes that the Amendment:

- is supported by, and implements, the relevant sections of the Planning Policy Framework
- is consistent with the relevant Ministerial Directions and Practice Notes
- is well founded and strategically justified
- should proceed subject to addressing the more specific issues raised in submissions as discussed in the following chapters.

## 4 Movement and parking

### 4.1 Movement

#### (i) The issues

The issues are whether the Amendment will:

- impact traffic movement and safety
- provide for appropriate vehicle access and movement and pedestrian and bicycle movement connections.

#### (ii) What is proposed?

The Comprehensive Development Plan Framework Plans for Precincts 5 and 8 include objectives and access and movement guidelines relating to:

- for Precinct 5:
  - objectives to support a mid-block access road and consolidate vehicle access by minimising crossovers to improve pedestrian connections to the river and minimising vehicle crossovers on Pier One Drive and McLeod Road
  - guidelines to consolidate vehicle access to Sites B, C and D from Pier One Drive and to Sites A and B from McLeod Road
- for Precinct 8:
  - objectives to improve pedestrian connections to the river and minimising vehicle crossovers to Thompson Road (extension of McLeod Road)
  - guidelines to ensure future access road is a shared zone and provides a consolidated access to Site A and consolidating access to Site B off Inner Harbour Drive.

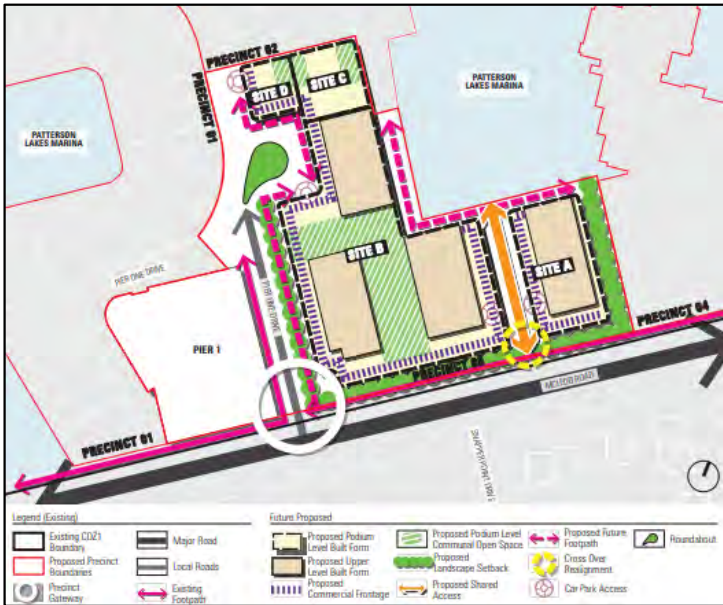
The Comprehensive Development Plan Precincts 5 and 8 Framework Plans (Figures 7 and 8) identify:

- proposed shared access ways
- cross over location
- proposed future footpaths
- car park access
- internal traffic control devices including a roundabout for Precinct 5.

The CDZ1 includes:

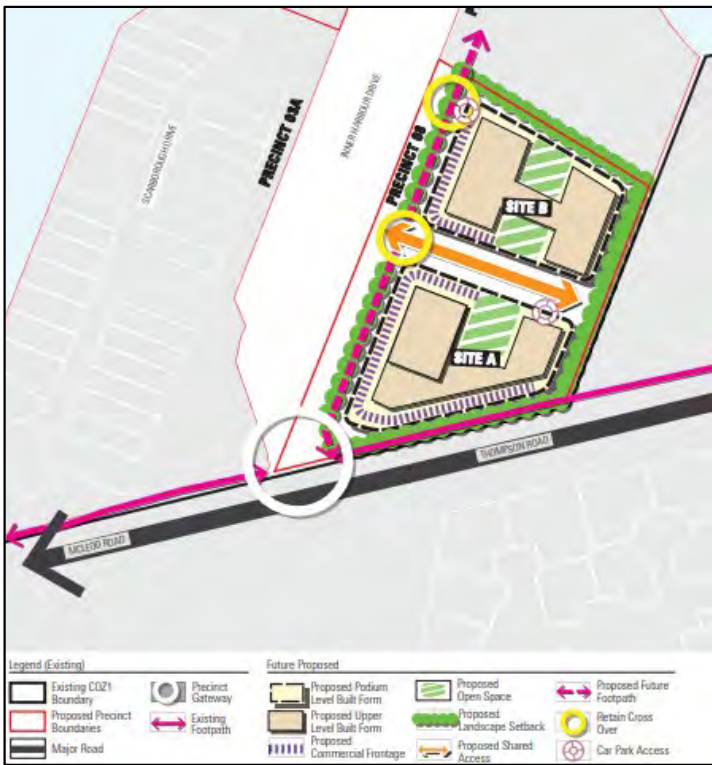
- application requirements for buildings and works including:
  - plans showing all access and pedestrian, driveway and carparking areas
  - a Traffic Impact Assessment
- decision guidelines, including the consideration of:
  - the Comprehensive Development plan and precinct guidelines
  - the layout of car parking areas and associated accessways
  - the impact of traffic generated by the proposal and whether special traffic management or control works are required.

Figure 7      Precinct 5 Framework Plan



Source: Comprehensive Development Plan Figure 2

Figure 8      Precinct 8 Framework Plan



Source: Comprehensive Development Plan Figure 3

**(iii) Evidence and submissions**

Submission 12 considered that Pier One Drive did not have capacity for additional traffic, that there were difficulties getting in and out of the precinct, and noted the lack of pedestrian paths to access the river.

Submission 11 identified concerns about exiting private parking areas along Pier One Drive because of speeding cars, and that allowing further development intensification would add more residents and associated traffic, exacerbating the challenges of accessing McLeod Road.

Submission 9 highlighted similar safety concerns about traffic volumes, speeds, design and visibility issues at the intersection of McLeod Road and Pier One Drive and sought an appropriate management outcome and no further development until resolved.

Council called traffic and parking evidence from Mr De Young of Stantec Traffic. He identified the gated nature of the residential precincts, and the lack of a natural road network and pedestrian connectivity. He considered the Framework Plans provided an appropriate guidance for rationalising vehicle access from McLeod Road and within Precincts 5 and 8, and would enhance pedestrian connectivity.

In response to the Panel's questions about the traffic movement concerns raised in submissions regarding future volumes, internal vehicle speeds and access to McLeod Road, Mr De Young considered these issues for the permit stage given:

- the McLeod Road/Pier One Drive intersection would require review to determine the need for mitigation works once the nature of development within Precinct 5 was known. He identified potential options as including reducing speeds in McLeod Road, signalisation or banning right hand turn exits
- the CDZ1:
  - required the provision of a Traffic Impact Assessment
  - included decision guidelines relating to the consideration of the need for special traffic management or control works in the neighbourhood.

Cavendish called traffic evidence from Ms Dunstan of Traffix Group. She considered the CDZ1 traffic engineering controls and the Precinct Frameworks and Framework Plans to be appropriate from a traffic engineering and transport planning objective subject to two changes in Precinct 5:

- consolidated access to Sites B, C and D was not required
- the roundabout was not required for traffic engineering reasons and a more efficient turnaround arrangement could be found.

Ms Dunstan agreed that the functionality and safety of McLeod/Pier One Drive intersection was one that could be considered through the proposed requirement for a Traffic Impact Assessment, noting Department of Transport had not supported provision of a turn lane.

Mr De Young considered the Framework Plans provided an appropriate guide for the future development of the precinct in terms of rationalising access and enhancing pedestrian connectivity. Ms Dunstan similarly identified the issue associated with missing pedestrian linkages.

Cavendish called Ms Roberts of Lat Studios to provide Urban Design evidence. She recommended the development of a cohesive access, movement and public realm plan that outlined road widths, opportunities for shared spaces and integrated landscape outcomes that prioritise pedestrians and cyclists and provide for the necessary amenity for vehicles. She supported removal of the proposed roundabout from the Precinct 5 Framework Plan as it did not contribute to amenity.



Neither traffic expert had observed speed issues in the precinct.

Mr Glossop supported the inclusion of a CDZ1 purpose to provide greater public access to the river bank as proposed in the Day 1 changes.

Council submitted the Amendment has been drafted to ensure applications for future development consider traffic issues. It advised that a requirement for a deceleration lane on McLeod Road as part of the Pier 1 Apartments development was not supported by the Department of Transport. Council's decision on an application to amend this requirement was deferred pending the outcome of the Amendment. Council's Part C and Final version of the Comprehensive Development Plan.

Cavendish relied on the evidence of Ms Peterson and Ms Roberts and did not support the designation of a roundabout in Precinct 5 submitting it was without analysis or justification. While noting Council's Part C changes to replace it with a turnabout area, its design and location remained uncertain.

#### **(iv) Discussion**

The Panel observes that much of the future traffic moving in and out of the precinct will result from the development of Precincts 5 and 8. The CDZ1 Buildings and works requirement to provide a Traffic Impact Assessment Report and decision guideline to consider the impact of traffic and the need for special traffic management works provides an appropriate mechanism to manage traffic impacts.

The proposed Precinct Framework guidelines in the Comprehensive Development Plan are appropriate to manage future access and movement into the precinct and likely to arise from future development of Precincts 5 and 8. Providing a consolidated access to Precinct 5 off McLeod Road (and from Pier One Drive) and providing a single future consolidated access to Precinct 8 from Inner Harbour Drive is appropriate to manage traffic movement, pedestrian safety and support a public realm that is not dominated by vehicle crossings. The reintroduction of a CDZ1 purpose to encourage greater access for pedestrians and cyclists to Patterson River is appropriate and supported as discussed in Chapter 6.2.1. The designation of footpaths and shared accessways in the Framework Plans is generally appropriate to facilitate improved access through the precincts consistent with the amended Schedule purpose although these require greater clarity as discussed in Chapter 6.1.3.

While the Panel supports the inclusion of a Precinct 5 guideline to provide for a turnabout area, it is not necessary to identify an area on the Framework Plan. Rather it should be for the future application process to ensure an appropriate arrangement is provided that does not compromise urban design, pedestrian movement and public realm outcomes. The Panel discusses the impact of this change in Chapter 6.1.3.

#### **(v) Conclusions**

The Panel concludes:

- The Amendment includes appropriate guidelines, application requirements and decision guidelines for the consideration of future traffic impacts and their management.
- The Amendment with the Part C and Final changes to the Comprehensive Development Zone and inclusion of a CDZ1 purpose relating to pedestrian and cycling access along with

the changes recommended in Chapter 6.1.3 will accommodate improved pedestrian and cycling connectivity, vehicle site access and movement.

## 4.2 Car parking

### (i) The issues

The issues are whether the Amendment:

- includes appropriate car parking provision rates
- provides appropriate requirements to manage car parking.

### (ii) Background

The Parking Assessment report includes an analysis of the drivers of future parking demand including parking ownership levels, existing carparking provision within the precinct (including for visitors and to accommodate resident boat and smaller craft parking activity and compares this with the requirements of the current CDZ1 and parking rates in Clause 52.06. It identifies areas of potential shortfall and oversupply and recommendations related to:

- recreational boat facility parking – identifying provision potentially over what is required
- resident dwelling parking – requirement for 2 spaces per dwelling, noting however, the potential for lower rates for smaller dwellings
- residential visitor dwelling parking – current rate appropriate
- hotel parking – clarification of allocation of parking within the riverbank car park required. Opportunities exist for potential sharing of parking
- other land uses – apply the CDZ1 rates where no rates exist in Clause 52.06 and generally apply the Clause 52.06 Column A rates where the CDZ1 rates do not align.

### (iii) What is proposed?

The exhibited CDZ1 sets out mandatory car parking provision ratios as part of the conditions of particular Section 1 (Permit not required) and Section 2 (Permit required) uses including for:

- Dwelling
- Motor vehicle, boat and caravan sales (other than car sales)
- Recreational boat facility
- Residential Hotel.

Where parking rates are not identified the provisions of Clause 52.06 apply.

### (iv) Council proposed Amendment changes

Council's Day 1 changes proposed to transfer all CDZ1 Table of uses parking provision conditions, car parking related application requirements and decision guidelines to a new Parking Overlay Schedule (included in Appendix E).

The draft Parking Overlay Schedule 1 includes the following:

- Clause 1.0 Parking objectives to be achieved – three objectives included
- Clause 2.0 Permit requirement – generally reflecting content transferred from the exhibited CDZ1
- Clause 3.0 Number of car parking spaces required – Table utilises rates transferred from the exhibited CDZ1

- Clause 4.0 Application requirements and decision guidelines for permit applications – generally derived from the exhibited CDZ1
- Clause 9.0 Background document – referencing the exhibited Parking Assessment.

Parking Overlay Schedule 1 does not propose to turn on the Overlay header provisions relating to financial contribution requirements, requirements for a car parking plan, design standards for car parking, decision guidelines for car parking plans.

#### (v) Traffic expert evidence

Table 7 compares the existing and proposed CDZ1 parking rates with the rates recommended by Mr De Young and Ms Dunstan.

**Table 7** Existing, proposed and traffic evidence recommended parking rates

Use	Existing rate	Proposed rate	Expert rate
Dwelling	2 covered spaces and 1 visitor space	Same rate applied to Precinct 1 only	De Young – proposed rate* Dunstan – Clause 52.06 rates or <i>1 space to each one or two bedroom dwelling; 2 spaces to each three or more bedroom dwelling; one dedicated visitor space per dwelling or 1 visitor space to each 5 dwellings where a shared car parking area is provided</i>
Motor vehicle, boat, or caravan sales (other than Car sales)	4 spaces to each 100 square metres of leasable floor area 0.1 space for each boat displayed for sale in Endeavour Cove Marina or on open land	No change	De Young – proposed rate Dunstan – proposed rate
Recreational boat facility	0.6 space to each wet berth 0.2 space to each boat space in dry stack storage 0.5 space to each Marina employee	Increase Marina employee rate to 0.6	De Young – <i>0.25 spaces for each wet and dry berth and 0.5 spaces to each associated marina employee</i> Dunstan – effectively the same but with different wording: <i>0.25 spaces to each wet berth, 0.25 spaces to each boat space in dry stack storage or on a trailer and 0.5 spaces to each Marina employee</i>
Residential Hotel	0.6 space to each accommodation unit 0.5 space to each seat in the dining room 0.3 space to each seat in the convention or meeting room 0.25 space to each square metre of lounge	No change	De Young – <i>0.6 space to each accommodation unit and 0.3 space for every patron to dining, convention, and lounge areas available for people not staying in accommodation units.</i> Dunstan – supported De Young's rates

Use	Existing rate	Proposed rate	Expert rate
Bank	3.5 spaces to each 100 square metres of leasable floor area	Nil – defer to Clause 52.06	Support

\* Note: Further response position provided by Mr De Young relating to two bedroom apartment rate (Document 38) not included in Table

#### (vi) Evidence and submissions

Submission 12 identified that the swim school had no parking provision for it and the hotel parking was insufficient as was parking in the precinct generally.

Submission 11 considered there a severe lack of parking around the Pier 1 Apartments and for visitors and did not support further parking reductions.

Submission 9 highlighted similar parking and called for a parking rate of 1.4 spaces/two bedroom dwelling consistent with traffic expert evidence presented before VCAT for the Pier 1 apartment development review.

Submission 2 considered carparking underprovided in the precinct and future parking reductions should not be allowed. It supported the proposed residential parking rate.

Submission 7 agreed there were existing parking issues in the precinct including evening parking challenges in Myola and Canberra Streets. It was critical of the Parking Assessment Report considering that its assumptions were based on incorrect apartment numbers, reliance on aerial photography and a night time only inspection of surrounding streets. The submission identified that that existing and future residents would need parking for small boats and jet skis in addition to normal vehicle storage and that this had not been accounted for.

Neither Ms Dunstan or Mr De Young were aware of parking issues associated with the precinct in streets as far away as Myola and Canberra Streets and considered these locally generated. They were comfortable that the rates they proposed were appropriate to reflect parking demand.

Mr De Young supported the strategic intent for the management of car parking within Endeavour Cove. He supported a site-specific car parking approach which:

- acknowledged the unique nature of the area including the lack of public on-street parking and gated nature of residential precincts, the limited opportunities for parking sharing
- responded to the complex history of development approvals and provision of shared parking provision in private areas which were not linked to planning permits
- managed amenity impacts associated with visitor parking being accommodated in nearby streets
- focused the provision of parking for specific uses in the precincts that generate the demand, and allowed Clause 52.06 rates to be used for other uses
- would, along with the CDZ1 requirements, manage issues associated with peak usage of parking adjacent to Cove Hotel and PLM Clubhouse (and associated swim school activity).

In terms of parking rates, both Mr De Young and Ms Dunstan:

- agreed parking supply should meet full demand
- supported the parking rate proposed for Motor vehicle, boat, or caravan sales (other than Car sales)

- agreed on an amended rate for Recreational boat facility and Residential Hotel (refer Table 6)
- took a different approach to the dwelling parking rate.

Ms Dunstan considered the dwelling parking rate not justified, was too high and did not account for smaller dwelling or apartment and proposed a sliding scale based on bedroom number. She recommended using the default Clause 52.06 rate, or a sliding scale based on bedroom number applied (Table 8), noting the Parking Assessment acknowledged a lower rate could be considered for apartments where there was communal provision. Ms Dunstan identified that there was a low risk of dedicated visitor bays not being provided given the proposed building setback provisions.

Mr De Young considered the proposed specific dwelling car parking rate was appropriate for Precinct 1 and reflected:

- that it was highly constrained in terms of parking with no publicly available parking and no alternative car parking nearby
- the prevailing dwelling townhouse typology accommodated resident parking within double garages and visitor parking in driveways
- was consistent with anticipated demand based on Australian Bureau of Statistics average car ownership data (1.45 cars per one to two bedroom dwellings and 1.88 cars for three or more bedroom dwellings)
- that there was variability in residential visitor parking demand
- the ability for a lesser rate to be considered with a permit.

He acknowledged that his rate was focused on a townhouse typology rather than an apartment typology and, in which case he considered for apartments the following rates *“were about right”*:

- 1 space per a one bedroom dwelling
- 1.5 spaces for a two bedroom dwelling
- 2 spaces for a three plus bedroom dwelling
- 1 visitor space per dwelling, or 0.2 spaces per dwelling where visitor parking was:
  - shared
  - publicly available and accessible (for resident visitors included within gated areas and driveways)
  - enforced.

Mr De Young later advised that the above rates should also apply to Precincts 2 and 5 given those precincts share the same parking challenges and share access of Pier One Drive.<sup>11</sup>

Ms Dunstan in response considered the Precinct 1 controls clearly related to a standard dwelling on a single lot (most likely a 3 or more bedroom dwelling) and did not contemplate a townhouse or apartment typology, where smaller dwellings were likely and shared visitor parking can be achieved. She noted that there are no one bedroom apartments in Endeavour Cove (all of the apartments are 2, 3 or more bedroom dwellings) and that car ownership rates for apartments did not support a departure from the default car parking rates of Clause 52.06.

Neither traffic expert proposed the application of a Parking Overlay. Through cross examination and Panel questioning both acknowledged it was the appropriate alternative planning tool to relying on Clause 52.06, and its application was unlikely to have any unforeseen impact. The

<sup>11</sup> Document 38



Parking Assessment was considered an adequate level of assessment to support a Parking Overlay consistent with *Planning Practice Note 57: Applying the Parking Overlay* (PPN57). Both Ms Peterson and Mr Glossop held similar opinions about using a purpose designed tool to manage parking.

Both Ms Peterson and Mr Glossop deferred to the traffic experts in terms of establishing the appropriate parking rates, but each offered an opinion on the strategic planning approach to parking and the control proposed.

Ms Peterson considered it outdated to rely on historic parking rates which would result in an oversupply of parking (for Dwelling and Recreational boat facility) and worked against policy which sought to encourage alternate and sustainable transport. She supported the residential parking requirements be managed through Clause 52.06 and a review of the Recreational boat facility rate. She advised the Panel that a Parking Overlay was “*conceptually correct*”.

Mr Glossop identified that the current car parking requirements in the CDZ1 Table of uses was unusual and problematic. He referred to PPN57 which provided that variations to Clause 52.06 could only be made using a Parking Overlay and accompanying schedule and the *Ministerial Direction and Form and Content of Planning Schemes* which does not allow a car parking heading as standard in the CDZ. He acknowledged that *Planning Practice Note 22: Using the car Parking Provisions*, June 2015 identified that parking provisions outside Clause 52.06 could be found in other provisions such as the Comprehensive Development Zone or Incorporated Plan Overlay. He recommended that the Parking Overlay be used in this instance to apply the locally specific car parking rates subject to justifying those rates. He considered this more transparent and enabled the CDZ1 Table of uses to focus on precinct use considerations rather than on parking demand matters.

Cavendish adopted the evidence of Ms Dunstan in the context of car parking provision rates (including where she supported Mr De Young’s rates). It agreed with Ms Dunstan that a specific rate for Precinct 1 was not required, and that Clause 52.06 should apply as it did for other precincts.

Council submitted that carparking on and around the subject land is significantly constrained. The street network does not have sufficient capacity for visitor parking with most of this need met within setback driveways (the prevailing dwelling setback form). It considered that the Parking Assessment average car ownership rates supported retaining the current dwelling rate and non-residential use rates. It did not put forward a final position in relation to the traffic expert preferred parking rates or provide an updated Parking Overlay Schedule. Instead, Council invited the Panel to “*make any appropriate recommendations arising from the evidence*”. Regarding Parking Overlay Schedule 1 referencing the Parking Assessment, Council acknowledged that if the proposed rates were changed the document did little to inform or assist the decision making process and did not need to be identified as a background document.

In terms of applying a Parking Overlay and whether this represented a ‘transformation’ of the Amendment, Council observed that the term was problematic as:

- the amendment process provides for the consideration of submissions
- there are no constraints on submissions
- to not use new tools such as the Parking Overlay would be a missed opportunity
- it was within the Panel’s remit to ensure that the proposed controls could be properly implemented

- it was not outside the Panel's scope to address required changes
- the use of the Parking Overlay had the same result as the exhibited Amendment with regard to parking provision and associated objectives of the Comprehensive Development Plan
- the Minister could direct further notification if considered procedurally necessary.

**(vii) Discussion**

Parking rates

The difference in traffic expert opinion was largely about parking rates rather than the general approach to managing future parking provision. Both agreed that the rates adopted should properly reflect anticipated demand including from external use, given the existing precinct parking constraints. They ultimately agreed on the rates for all but dwellings and this ultimately reflected the assumptions of development that would occur in the rest of Precinct 1.

The basis for establishing the rates was sound. The Panel considers that the Parking Assessment that underpinned the exhibited rates was generally sound methodologically and appropriately robust. The Panel had the benefit of the collective analysis of Traffix Group over a number of years as set out in Ms Dunstan's evidence. Her evidence provided a thorough analysis of the likely parking demands associated with marina related activities. It added value to the Stantec analysis and Mr De Young's evidence in assisting to establish rates that are realistic and reasonable based on the anticipated remaining development opportunity sites and external usage. The Panel considers the amended rates included in Table 7 for Motor vehicle, boat, or caravan sales (other than Car sales), Recreational boat facility and Residential Hotel are appropriate and should be specifically applied to the Endeavour Cove precinct.

In terms of the Dwelling rate, the Panel considers there is a basis on which to find that the parking arrangements in Endeavour Cove are unique because of the gated nature of residential areas and limited publicly accessible parking for visitors or to accommodate smaller recreational craft not accommodated in the marina's dry or wet berths. The Panel generally accepts the basis in which it is only to be applied to Precinct 1 given its residential focus and the last residential precinct not built out. It also reflects the existing CDZ1 rate of 2 spaces per dwelling plus visitor parking per dwelling (regardless of bedroom number). The Panel does not support its application in Precincts 2 and 5 as suggested by Mr De Young at this stage without further assessment of the impacts.

Development of the few remaining individual vacant lots to the northern and southern legs of Pier One Drive is likely to adopt a townhouse format using a form similar to adjacent dwellings (double garage and driveways) and will be able accommodate the existing rate that currently applies. The risk and impact of under provision is considered low in the event of a lower rate being applied.

The three lots owned by Cavendish (their Parcel 5) based on existing approvals and consolidated ownership are potentially apartment typology development sites and will require a different resident and visitor parking arrangement. The difference between Mr De Young and Ms Dunstan in this regard is narrow – the rate that should be applied to a two bedroom apartment, noting the difference with the Clause 52.06 rate is that visitor parking only applies five or more dwellings.

The Panel considers on balance that a flat rate of 2 spaces and 1 visitor space per dwelling (or 1 visitor space to each 5 dwellings where a shared car parking area is provided) is the pragmatic approach for Precinct 1. This accommodates both a townhouse or apartment typology while accommodating 3-bedroom dwellings without further penalty or applying a fraction rate for a

single dwelling outcome. It reflects the existing rate, current pattern of car ownership, accommodates small craft and avoids overspilling of parking demand. A permit can still be applied to vary the Dwelling rate under the CDZ1 or the Parking Overlay.

#### Parking requirement approach

A key question for the Panel is what the best mechanism is for managing the precinct's unique parking characteristics and challenges arising from its pattern of development over several decades. There appear to be three realistic options:

- Option 1 - retain the identification of rates in the CDZ1 in either the Clause 3.0 Table of uses or another clause
- Option 2 - rely on Clause 52.06 rates for all uses, noting only four uses were to be identified in the CDZ1
- Option 3 - apply another planning tool, specifically the Parking Overlay.

Option 1 is problematic. Using another Planning Scheme provision to identify car parking rates is identified in Clause 52.06 and *Planning Practice Note 22: Using the Car Parking Provisions* which acknowledges that they can be specified in a zone schedule. Using the Table of uses as a means of doing this (in the absence of other options which are limited by the CDZ structure) is not common and not best practice given other tools such as the Parking Overlay now available.

Option 2 is not supported, given the Panel supports the application of specific rates for the four nominated uses and not applying specific rates risks compounding existing parking challenges within the precinct.

Option 3 is preferred. PPN57 identifies that the primary function of the Parking Overlay is to *"manage car parking in a precinct, rather than on a site-by-site basis"* and is suitable where *"local parking issues can be identified, and a common strategy can be adopted to respond to them."* This includes situations where a precinct has an established parking provision deficit and experiences physical conditions or experiences consistently lower or higher than average car parking demand that affect its future provision. While not prepared as a Car Parking Plan the Parking Assessment provides an appropriate level of analysis of parking issues and parking needs to establish a strategic basis to apply the Parking Overlay across the precinct. The planning and traffic evidence considered that the Parking Overlay is the preferred way to manage car parking outside of Clause 52.06 which will apply to all other uses. The Panel agrees that it is a more appropriate tool specifically designed to manage precinct car parking challenges.

The Panel supports the transferring car parking content from the CDZ1 to a Parking Overlay Schedule. The Panel considers the version provided by Council (Appendix E) is generally appropriate subject to amending the parking rates consistent with those recommended (and included in Table 8) and removing the Parking Assessment as a background document. The Parking Assessment has served its role to identify the parking issues but has no further utility as a background document given the different rates proposed and that it was not written as a Car Parking Plan.

**Table 8** Panel's recommended parking rates

Use	Rate	Measure
Dwelling	2 spaces and 1 dedicated visitor space per dwelling or 1 visitor space to each 5 dwellings where a shared car parking area is provided	To each dwelling in Precinct 1 of Schedule 1 to Clause 37.02
Motor vehicle, boat, or caravan sales (other than Car sales)	4 spaces	To each 100 square metres of leasable floor area
	0.1 space	For each boat displayed for sale in Endeavour Cove Marina or on open land
Recreational boat facility	0.25	To each wet berth
	0.25	To each boat space in dry stack storage or on a trailer
	0.6	To each Marina employee
Residential Hotel	0.6	To each accommodation unit
	0.3	To each patron to dining, convention, and lounge areas available for people not staying in accommodation units

While not exhibited with the Amendment, the Panel considers that in this instance the change is not transformational and closely reflects the exhibited Amendment. The Council version of Parking Overlay Schedule 1 comprises only content derived from the exhibited CDZ1 including:

- the specific parking rates identified in the Table of uses rates. This includes the requirement that a permit cannot be granted to vary the rate for Residential Hotel which does reflect the implication of the exhibited Section 2 – Permit required parking rate condition
- decision guideline relating to Riverbank carparking which reflect the exhibited CDZ1 use of land decision guidelines safety and accessibility of parking spaces and included.

Council's proposed version did not 'turn on' any other Parking Overlay provisions. Neither the planning nor the traffic experts could advise of any unintended consequences in its application.

#### (viii) Conclusions and recommendations

The Panel concludes:

- Specific provision of parking rates for Dwelling (in Precinct 1), Motor vehicle, boat and caravan sales (other than car sales), Recreational boat facility and Residential Hotel are appropriate for Endeavour Cove.
- The following car parking rates are appropriate:
  - Dwelling – 2 spaces and 1 dedicated visitor space per dwelling or 1 visitor space to each 5 dwellings where a shared car parking area is provided
  - Motor vehicle, boat, or caravan sales (other than Car sales) - exhibited rate
  - Recreational boat facility - 0.25 spaces to each wet berth, 0.25 spaces to each boat space in dry stack storage or on a trailer and 0.5 spaces to each Marina employee

- Residential Hotel - *0.6 space to each accommodation unit and 0.3 space for every patron to dining, convention, and lounge areas available for people not staying in accommodation units.*
- The car parking rates and subdivision decision guidelines relating to riverbank parking should be transferred into a Parking Overlay Schedule, generally consistent with Council's version in Appendix E but amended to include the recommended parking rates and to remove the background document reference.

The Panel recommends:

**Amend the Comprehensive Development Zone Schedule 1 consistent with the Panel's preferred version in Appendix F to:**

- amend 'Clause 1.0 Table of uses' to delete the car parking rate conditions
- amend 'Clause 3.0 Subdivision' to remove the decision guideline relating to car parking.

**Apply a new Parking Overlay Schedule 1 to the subject land consistent with Council's version in Appendix E with the following changes:**

- replace the 'Rate' and 'Measure' for Dwelling, Recreational boat facility and Residential Hotel with the rates in Table 8 of this Report
- delete the Endeavour Cove marina Parking Assessment Report as a background document.



## 5 Built form, public realm and landscaping

### 5.1 Height, setbacks and site coverage

#### (i) What is proposed?

The exhibited CDZ1 Clause 4.0 Buildings and works requirements provides that a permit cannot be issued to exceed the mandatory maximum height shown in the Comprehensive Development Plan. These are summarised in Table 9 along with proposed preferred street wall heights and setbacks. The Precinct Frameworks include a maximum 60 per cent site coverage guideline.

**Table 9 Comprehensive Development Plan proposed heights and setbacks**

Precinct	Mandatory height	max.	Street wall height	Min. upper level street wall setback	Min. ground level setback
1 and 1a	11.5m (3 storeys)		Not applicable (NA)	NA	Match adjoining or ResCode Standard B17
2	19m (5 storeys)		NA	NA	Retain existing
3	9m (2 storeys)		NA	NA	Match adjoining or ResCode Standard B17
3a	11.5m (3 storeys)		NA	NA	Match adjoining or ResCode Standard B17
4	- North: 15m (4 storeys) - South: 11.5m (3 storeys)		- North: NA - South 9m (2 storey)	NA	Match adjoining or ResCode Standard B17
5	- Site A and B: 16m (4 storeys) - Site C and D: 12m (3 storeys)		12m (3 storey)	5 metres or greater to meet identified solar access and shadowing outcomes	- Pier One Drive: 3m - McLeod Road: 4m - Waterfront: 5m - Site A eastern boundary: 5m
6	11.5m (3 storeys)		NA	NA	Retain existing
7	- North: 9m (2 storeys) - South: 15m (4 storeys)		NA	NA	Match adjoining or ResCode Standard B17
8	- Site A: 20m (5 storeys) - Site B: 16m (4 storeys)		12m (3 storey), or 8m (2 storeys along eastern boundary)	5 metres or greater to meet identified solar access and shadowing outcomes	- Thompson Road: Nil - Inner Harbour Drive: 3m - Eastern boundary: 5m - Site B (northern boundary): 5m

The CDZ1 does not include specific requirements for street wall height and setbacks or site coverage although the decision guidelines for buildings and works require consideration of the Comprehensive Development Plan.

**(ii) The issues**

The issues are whether:

- the proposed precinct heights and setbacks are appropriate
- maximum building heights should be mandatory
- the maximum site coverage guidelines for Precincts 5 and 8 are appropriate.

**(iii) Council's proposed changes**

Council proposed changes to the Comprehensive Development Plan and CDZ1 relating to heights and built form in response to submissions and evidence. These are summarised in Table 3 (Day 1 changes), Table 4 (Part C submission changes) and Table 5 (final changes).

**(iv) Evidence and submissions**

Submission 3 supported the proposed reduced building height.

Submission 2 supported a maximum 5 storey height for the precinct while Submission 10 considered height across Endeavour Cove be limited to 4 storeys with the fourth storey setback to reduce building bulk and landscape and water view impacts. The submission considered that the 6 storey Pier 1 apartment building should not set the precedent for the rest of the precinct. The submission supported low wall heights along narrow roads to avoid wind issues.

The owner of Precinct 8 considered a more uniform scheme for the site would provide more design options including the opportunity for a landmark building and other uses. The submission the height for Site A (20 metres) apply to Site B.

Ms Roberts considered the Amendment would not achieve good urban design outcomes for Endeavour Cove. She added, the proposed urban design requirements and guidelines:

- were based on assumptions (in terms of building use and potential for change) and lacked rigour and built form testing
- were insufficient in terms of guiding high-quality outcomes including through material palettes, architectural quality and Environmentally Sustainable Development responses
- elements like shadowing seemed to be a tool to limit height rather than grounded in analysis or the outcomes envisioned
- were not aspirational or forward looking and did not acknowledge policy intent to encourage well located and integrated housing, and direct growth to established areas
- should be revised following further testing and analysis of solar access, streetscapes, amenity, landscaping and canopy coverage, linkages, views, Environmentally Sustainable Development and built form quality.

Ms Roberts supported taller building elements in Precincts 2 and 5 given the location of the Pier 1 Apartments and the boat storage building.

The urban design evidence of Mr Czarny for Council was that the updated Comprehensive Development Plan provided a contemporary approach that remained in keeping with the foundation vision for the land rather than a reimagining of the precinct. He considered the urban design parameters in it were sound. During his evidence-in-chief, he confirmed that the

background work to the establishment of height, setback and shadow parameters had followed a scenario testing and modelling exercise. His evidence was that the proposed mandatory heights and the other built design parameters were appropriate to:

- reflect the ambition for a medium scale building profile and unique and distinctive character of the precinct as a whole and provided for compatible change consistent with the tests of PPN59
- reflect the existing mandatory parameters which had been purposely applied and guided the orderly development of the neighbourhood
- respond to the prevailing built form typology and character of areas largely built out and unlikely to change
- provide respectful transitions within and external to the site to the river and marine interfaces, streetscape and public realm amenity
- reflect that the site was not an area designated for growth, and should not distort policy direction for activity centres (heights between 2 to 8 storeys).

Mr Czarny did not support the concept of reflecting the greater heights in existing approvals as a strategic basis for applying height in Endeavour Cove. He considered that the Comprehensive Development Plan provided the opportunity to refine and contemporise the urban design language for mixed use Precincts 5 and 8 where increased density was defined albeit of a moderate form. In this context, he supported an amended 'shandy' approach to height for:

- Precinct 5 (Sites A and B only) – a preferred profile of 4 storeys and mandatory height of 5 storeys
- Precinct 8 (Site A only) - a preferred profile of 5 storeys and mandatory height of 6 storeys.

He noted the overshadowing guidelines would be important to ensuring his one storey increase in height provided for good public realm amenity and streetscape.

Ms Roberts generally supported the 12 metre (3 storey) street wall heights and 3 metre setback for Pier One Drive, particularly given they were discretionary. While noting some concerns about the lack of a performance measure for the 5 metre upper level setbacks noted their discretionary nature allowed for varied responses.

Ms Peterson opposed the application of the mandatory heights proposed for Precincts 1, 2 and 5 considering:

- they did not reflect the distinctive identity and character outcome sought
- lacked strategic justification for departing from the 1999 CDP heights envisioned, and the application of the proposed relatively low levels of change and mid rise scale
- policy that supported maximising the use of well located and serviced sites to make a meaningful contribution to providing housing diversity and choice
- the single ownership of the precincts which provided enhanced and integrated redevelopment opportunities
- the lack of sensitive abutments
- existing approvals for developments of 5 and 10 storeys or the height of the existing boat storage building
- it had not been demonstrated they were necessary to achieve preferred built form outcomes, or that greater height would result in unacceptable outcomes (including in terms of solar access and overshadowing)

- there was no reason why taller building elements could not be integrated into the precinct landscape and urban setting and any amenity issues managed
- infrastructure capacity is not an appropriate basis for mandatory provision and could be managed by other planning mechanisms if it was an issue
- they were not supported by PPN59 as they had no policy basis and would remove flexibility.

Ms Peterson considered the application of the proposed height requirements, along with the maximum 60 per cent site coverage guideline for Precinct 5 did not reflect its commercial nature, the role of the remaining underutilised sites or vacant sites as drivers of change, the precinct's locational attributes or policy supporting urban consolidation, 20 minute neighbourhoods, land supply and housing diversity.

Ms Peterson recommended:

- discretionary height limits for Precincts 2 and 5 reflecting existing approvals, and for Precinct 1 reflecting existing 4 storey townhouses and an approved 5 storey apartment development
- categorising Precinct 2 as a precinct of 'moderate change'
- deleting reference in the Comprehensive Development Plan or Precinct Guidelines to 'low', 'incremental' or 'moderate change'
- deleting the 60 per cent site coverage requirement for Precinct 5.

Cavendish submitted the proposed height limits were inconsistent with the original vision and design intent of the 1999 CDP and that heights should be discretionary and accord with the form contemplated in previously approved development plans. This included the heights in Precincts 2 and 5 which should reflect the 9 and 10 storey approvals for the MQ1 and MQ2 projects. It considered the failure of the Background Report to reflect long approved and lawful plans was unfair, an apparent attempt to prevent permitted development and a poor planning outcome.

Cavendish submitted that it was far from clear that the existing heights were mandatory because:

- the heights are nominated as RL's and not AHD (as identified in the CDZ1)
- RLs are identified as approximates and not as maximum heights or height limits
- some heights are identified in storeys but not metres, and there are no precinct wide limits provided.

The submission considered the mandatory heights inconsistent with PPN59 because:

- a sound strategic basis for the provisions has not been provided, and the existing context of the precinct has not been adequately considered
- it was unclear how the provisions contribute to the implementation of relevant planning policy or objectives which supported urban consolidation, housing diversity and did not direct higher scale development only to activity centres
- would fail to create a distinctive precinct and result in a loss of flexibility and opportunity when compared to the existing Comprehensive Development Plan and CDZ1, existing 6 storey building and taller built form approvals
- future development not in accordance with the proposed provisions would not result in unacceptable planning outcomes, particularly given that the original CDZ1 and Comprehensive Development Plan already provide flexibility for innovative and contextually appropriate development outcomes.

Cavendish submitted that performance based provisions would be more appropriate and provide for the flexibility, ensuring that future development can accommodate variation, innovation and any unforeseen uses or development circumstances. It supported taller elements within the commercial buildings, with constructed and approved buildings able to ameliorate height and ensure they would not be substantially visible from the river. Taller buildings would make use of consolidated parcels, act as a foil to the boat storage building, provide a landmark and remain consistent with height contemplated in the 1999 CDP. Height matching the Pier 1 building at the entrance to Pier One Drive would provide a strong entrance to the precinct.

Cavendish considered that there were clear and material differences between the existing and exhibited Comprehensive Development Plan which made the question of whether a new vision was being created or not, debatable. This included removal of the proposed apartments south of the dry stack building, altering the apartment building between the dry stack and Cove Hotel from RL31.5 to 3 to 4 storeys, differences in site layout and inclusion of two development sites over the Cove Hotel site, which served to change the vision. The issue of height and precinct development must take into account the PPF as set out by Ms Peterson. It was critical that the Background Report had been heavily influenced by officers to effectively temper the extent of analysis and the resultant built form outcomes and controls.

Mr Glossop's evidence was that the use of mandatory controls must be justified including by reference to PPN59. While he supported the basis for applying mandatory height provisions in the residential precinct (Precincts 1, 1A, 3, 3A, 4 and 7) including the history of mandatory heights and consistency of existing scale in these areas, he considered the mandatory height:

- in Precincts 1 and 1A should be 4 storeys in line with the existing maximums for that area
- in Precincts 3 and part of 7 should not be lower than everything around it
- had not been sufficiently justified for the commercial/mixed use Precincts (2, 5, 6 and 8).

Regarding the operational elements of the Amendment, Mr Glossop recommended:

- for the CDZ1 generally consistent with Council's Day 1 changes:
  - delete the Precinct Guidelines section and include a requirement for buildings and works to respond to the Comprehensive Development Plan and to achieve the Preferred Future Character so as to give effect to the other built form parameters beyond height
  - including an application requirement for a neighbourhood and site description and design response consistent with Clause 54 and 55 which was an oversight of the existing control (noting Clause 58 did not need to be referenced as it was already in the CDZ header provisions delete the precinct guidelines section).
- for the Comprehensive Development Plan (generally consistent with Council's Day 1 changes):
  - more clearly articulate the built form outcomes sought the language of Table 1: Preferred Future Character
  - transferring the content of Table 2: Summary Recommendations (to be renamed) to a map to assist clarity and useability or improve language and terminology and delete content not helpful to decision making.

Council's submission set out the history of development of the precinct in the context of the 1990 Concept Plan, 1994 CDP and 1999 CDP. It submitted that the proposed height controls were based on an appropriate level of urban design analysis and strategic considerations including that:



- the subject land was not an activity centre or strategically identified for urban consolidation, intensive development or housing growth
- the vision for the precinct was established and not being revisited – it was not an urban renewal precinct where the controls were designed to replace, rather than complete the precinct
- the proposed heights were consistent with the unique nature of this established precinct and the mandatory control provisions criteria tests of PPN59. They were commensurate with existing mandatory heights (where identified in the 1999 CDP) and which had shaped precinct cohesiveness and the prevailing heights established over several decades
- the 1999 CDP while nominating RL heights does not permit any further redevelopment of the 'Existing Boat Storage' and 'Existing Hotel' and which are to remain
- the potential for a signature building of 7-9 storey has only ever been contemplated in a context of 2-4 storey building form on a single site and not as a cluster of 5-10 storey buildings around Pier One Drive
- they ensured a fair and equitable outcome that met existing resident expectations
- they were warranted to provide consistency, continuity and certainty in the final stages of precinct development
- policy did not invite the dispersal of intensive development away from activity centres.

Council considered that the existing 6 storey Pier 1 Apartments which exceeded the 1999 CDP heights by a storey should not be used as a reference point for future height. It submitted that approved development plans not acted on (and were unlikely to be acted on because they were unviable due to reliance on basement carparking), or in some instances not validly approved, should not be relied on as a basis for height provisions. Further, they did not have the status of a planning permit and would not be able to be acted on CDP12 changes be approved.

Council observed the Amendment provided a 45 per cent increase in development opportunity in terms of gross floor area within Precincts 2 and 5 compared with the 1999 CDP. It would also enable the development of the boat storage building and a two-metre increase in height to the area immediately south and allow for the redevelopment of the Cove Hotel with additional height. It said this demonstrated the controls did not seek to diminish the development opportunity of the land as asserted by Cavendish.

Council's Part C and Final changes proposed to incorporate most of Mr Glossop's recommended changes, and to adopt the heights recommended by Mr Czarny. It removed the 60 per cent site coverage guideline for Precinct 5. In the event the Panel was mindful to support an increase in the mandatory height in Precinct 1 and 1A, Council submitted that it should be specified as a preferred (11.5 metre) and mandatory (15 metre) height limit.

Cavendish advised it did not support Council's Final changes to the CDZ1 and Comprehensive Development Plan considering:

- removing of the 'matching existing ridge line' text for Precinct 2 was not strategically justified and unreasonably ignored existing conditions
- the nominated heights and mandatory provisions will result in a poor planning and urban design outcome.

#### **(v) Discussion**

Height and intensity of development within the precinct are perhaps the elements that best reflects the complex history of the precinct, the evolution of the vision and the challenges

associated with the existing planning controls which has shaped the resultant built form and tensions about future development expectations. These elements alone support the need for a review of the current controls so that they can provide greater direction and certainty for the development of the remaining portions of the precinct in particularly the delivery of mixed use outcomes in Precinct 5.

### Height

In relation to setting the appropriate height parameters for the precinct, the Panel considers there are a number of influencing factors:

- the intent of the original vision, the 1999 CDP and the current controls
- the scale of existing completed Precincts within Endeavour Cove and neighbourhood context
- the remaining job or purpose of the Comprehensive Development Plan approved development plans
- the planning policy settings and PPN59 guidance.

While the 1999 CDP lacks detail, it is an iteration of an earlier vision for the precinct and through the CDZ1 supports the delivery of a marina based mixed use area incorporating a high standard of urban design. The 1999 CDP saw a shift from earlier plans towards a greater proportion of residential development which is not surprising given the passage of time, changes in demographics, housing demand and other social and economic factors. The fundamental vision however has not changed, rather the intent in relation to building scale has been clouded by the drafting of the 1999 CDP which is relied on by the CDZ1 to set height. The current CDZ1 is focused on the process of preparing development plans and does not provide any real guidance about height expectations other than referring to:

- purpose statements about a high standard of urban design, impacts of scale on amenity and skyline and establishing distinctive identity
- shadowing and the visual impact on Patterson River and McLeod Road in the development plan requirements.

Irrespective of the legal arguments regarding whether the existing 1999 CDP heights are mandatory or not, the Panel considers that the current height provisions are unclear. They have been applied in a haphazard way because of the lack of explanatory material in the 1999 CDP regarding height and built form outcomes. Development plans have been issued which arguably exceed identified height, may be difficult to deliver or proposed different building footprints to those shown on the 1999 CDP. The challenge for the Amendment is to capture the salient elements of the 1999 CDP in a manner which remains consistent with its core land use and built form objectives and is sympathetic to the prevailing building form that has emerged over the last few decades. As identified by Council, the intent of the Amendment is to complete the vision for Endeavour Cove, not revisit it. This is considered reasonable for a site that is not a greenfields site or precinct identified for regeneration.

The Panel acknowledges that the heights proposed conflict with approved development plans that have provided for greater height in the vicinity of proposed Precincts 2 and 5. The development plans are not planning permits but have been approved under the CDZ1. While development has not progressed under many of these plans and Council has doubts that they could be, the Panel finds it surprising the Background Report took no account of them. Notwithstanding this criticism, the Panel considers they should not drive the strategic planning of the precinct and the ultimate heights.

The prevailing scale of development in the precinct is of 2-4 storey dwellings adopting a townhouse typology, while applying different architectural formats across the residential precincts. This has created a diversity of form but a consistency in scale which, along with the marina waterfront adds visual interest and distinguishes it from adjoining residential development. The Panel considers that this context establishes a strong basis for identifying consistent heights in the largely established residential precincts.

PPN59 identifies that mandatory controls should be the exception, with a performance based assessment approach to be preferred. However, it also recognises there will be circumstances where a mandatory provision will provide certainty and ensure a preferable and efficient outcome. It sets out criteria to assess when mandatory provisions may be appropriate but does not require all of them to be satisfied. They include whether they are:

- strategically supported
- are appropriate for the majority of proposals
- provide for the preferred outcome
- avoid unacceptable outcomes.

There was no dispute that the PPF includes policies that support the provision of housing, urban consolidation and the efficient utilisation of infrastructure, and that height was not limited to activity centres. Just because a precinct or large site is not strategically identified for growth or substantial change does not preclude the opportunity for height. Larger sites with limited sensitive interfaces can through thoughtful design accommodate height, which if well designed contributes to the public realm, provides a sense of identity and character. Such decisions however require careful consideration and regard to the immediate context and policy settings.

Endeavour Cove is close to an activity centre and a range of community services. It is located on a main road with footpaths that provide access to public transport services and a railway station and not particularly constrained. The site is not designated for further housing growth or intensity in the PPF or the draft Kingston Housing Strategy. This is primarily because of its zoning. Endeavour Coves locational attributes along with housing policies which account for population growth and housing demand provide a context for it accommodating additional housing. This does not however provide an imprimatur for substantial height or to revisit the overarching vision for a precinct that is substantially delivered. Nor does the objective of creating a distinctive identity and character equate to height. It is equally about the quality of urban design and built form, the mix of uses and public realm created.

Precinct 5 can accommodate and absorb additional height given its mixed-use role, existing activities and relationship to the marina waterfront. Buildings of 4 to 6 storey scale in the commercial precincts will still add to a sense of differentiation from the wider neighbourhood, make an important local contribution to housing supply and choice, accommodate an appropriate mix of uses while remaining respectful of the established built form character where a recasting of the vision is not sought. In this context, a mix of mandatory maximum and preferred maximum heights is preferred in concert with the proposed street wall heights and setbacks.

In the context of these findings, the Panel discusses height in relation to each Precinct.

#### Precinct 1

Precinct 1 is largely developed with larger dwellings of 3 and 4 storey scale, most of which face onto the western waterway. There are however a number of vacant lots including the consolidated Cavendish parcel of 3 lots. While these lots have a built form context that also

includes the 6 storey Pier 1 building and boat storage building the 1999 CDP features a consistent building typology albeit the Cavendish parcels were not identified for development and a different subdivision form has emerged.

Given the prevailing form in what is identified as a residential precinct a comparable building height is appropriate. The Panel agrees with Mr Glossop that a 3 storey maximum height is not warranted or justified. A preferred maximum height (3 storey/11.5 metres) and mandatory (4 storey/15 metre) height limit should be applied to provide the flexibility to consider taller form for the Cavendish parcel if it were to be consolidated and an apartment building typology constructed.

#### Precinct 2

The existing boat storage building is a substantial structure and a dominant feature viewed from outside the riverbank. While it has substantial height it should not set the benchmark for height in Precinct 1 or Precinct 5. While sleeving the building with new built form would act to shield at least the northern and marina views to the building in other commercial precincts it does need to be matched in height to achieve this outcome. It is unclear to the Panel what marina related uses could be accommodated within a 5 storey building aside from further boat storage which would be consistent with the Precinct's proposed intent. While the mixed use designation implies this could extend to residential uses this could impact on its capacity to fulfill its key marina role. This said there appears no basis for the mandatory height extending from 19 metres to 20 metres while still retaining a 5 storey limit. This would be consistent with the height metric used in Precinct 5 (Sites A and B) and be closer to the current ridge line in the event the boat storage building was to be rebuilt.

#### Precinct 5

The appropriate development of Precinct 5 is key to completing the vision for Endeavour Cove. Providing for appropriate height will contribute to the precinct fulfilling its role as a focal point of marina related mixed use activity centered around the Cove Hotel. The context for height in this Precinct is the taller Pier 1 Apartments and boat storage building on one hand, and the Precinct 1 and marina waterside interface (which is prevailing 3-4 storeys) on the other.

While the height intended for Precinct 5 is in contention particularly as a result of development plans approved (although not acted on) buildings in the order of 8-10 storeys would not be in harmony with the established built form and scaler of development. It is unclear why height of this scale form would be necessary to deliver the vision and objectives for the precinct. The Panel agree with Council and the evidence of Mr Czarny that a medium rise scale is appropriate and will support a vibrant mixed use Precinct.

The Panel considers that a 5 storey (20 metre) maximum height for Sites A and B appropriate without the need for preferred maximum height. It provides capacity for a consolidated development while providing flexibility for separated taller elements and greater articulation. A 5 storey height provides an appropriate transition to the taller Pier 1 building (without needing to match it) and reinforce the gateway role of Pier One Drive and transition to Precinct 4. The proposed waterfront setback will ensure an appropriate interface with the marina.

The Panel does not consider that a strong basis has been established for a 3 storey maximum height for Sites C and D given their development is likely to be integrated into the development of Site B. A mandatory height of 16 metres (4 storeys) with a preferred maximum of 3 storeys provides for a balanced outcome. The proposed street wall heights will support a transition to

Precinct 1 with the existing club house providing an interface with the marina waterfront. Overshadowing and solar access guidelines will also temper building height responses.

As discussed in Chapter 6.2.1 the reference to 'Sites' is problematic, and the term 'Area' is preferred as is the consolidation of Site C and D (to Area C).

#### Precinct 8

Precinct 8 was excluded from the 1999 CDP. The Panel considers its inclusion appropriate given its interface with the rest of Endeavour Cove and the role it makes to providing for a range of mixed uses and the opportunity to be better integrated. The proposed heights provide an approach which encourages its redevelopment and opportunity to provide strategic linkages, an enhance public realm and deliver a broader range of mixed use while respecting the prevailing scale of residential development.

While increasing the mandatory height of Precinct 6 Site A to 6 storeys might create an eastern bookend to the Pier 1 Apartments and is closer to the activity centre, conceptually it is difficult to reconcile with Council's position on height in Precinct 5 which would be lower. It was not a position explored or advanced in the Background Report. It is not apparent whether this precinct is ready for redevelopment, whereas there appears to be appetite by Cavendish to realise development in Precinct 5 which can more readily accommodate height and provide a range of complementary mixed use outcomes. Allowing greater height in Precinct 8 could restrict this opportunity.

#### Precincts 1A, 3, 3A, 4, 6 and 7

There were no submissions on the proposed heights or setbacks proposed for Precincts 1A, 3, 3A, 4, 6 and 7 although the broader question of whether mandatory controls are justified or should be applied to them as proposed remains. The Panel considers the basis for heights in these Precincts lies with their established state, the limited potential for further development with only a few vacant lots and their interfaces, rather than broader policy considerations.

The existing scale of buildings in Precinct 1 is 2-4 storeys with lots remaining undeveloped although it is possible existing dwellings could be redeveloped or extended in the future. In this context the Panel agree with Mr Glossop that a 3 storey maximum height is warranted or justified. The Panel considers that a preferred height 11.5 metres (3 storeys) and mandatory 15 metres (4 storeys) height limit be applied to provide the flexibility to consider taller form in the appropriate context and on merit.

Precincts 3, 3A, 4 and 7 are effectively built out and of a scale that reflects the proposed heights. In this context mandatory height is appropriate and supports a variability in building forms and heights across the precinct and provides for visual differentiation to the precincts anticipated for greater change and scale. Allowing greater height at the southern end of Precinct 7 provides for an appropriate gradual transition of height from Precinct 8 and the arrangement of land parcels along the Inner Harbour Drive car parking area.

Precinct 6 comprises a marine related use housed in a single storey commercial building. The site serves an important role in facilitating boat storage access to the eastern marina area. Excluded from the 1999 CDP there is limited explanation in the Background Report for the nominated maximum height 11.5 metres (3 storeys). However, its redevelopment would assist with improving pedestrian access to this part of Endeavour Cove and accommodate marine related



uses and other mixed uses at upper levels which would be generally consistent with the prevailing or proposed mandatory heights of adjoining residential precincts (Precincts 1A and 7).

#### Street wall heights

The discretionary street wall heights are considered appropriate for Precincts 4, 5 and 8 and will ensure buildings will provide for more human scale, not overwhelm the public realm including through overshadowing or loss of open sky views. They will also assist with transition to adjoining residential precincts.

#### Setbacks

The Panel considers the setbacks proposed are appropriate to provide for appropriate interfaces with Pier One Drive and McLeod Road and Inner Harbour Drive and adjoining residential precincts. They will assist in supporting the introduction of landscaping, provision of critical pedestrian linkages and enhance the public realm and interface with waterway areas.

#### Site coverage

The Panel considers that a maximum 60 per cent site coverage for Precinct 8 is justified. While at the eastern edge of the precinct and closer to the local activity centre it is adjoined by established residential areas with relative uniform height, scale and setback. The context of Precinct 5 is quite different. It has a key role in the delivery of mixed use and marina based land use activities, comprises the Cove Hotel and the 6 storey Pier 1 Apartments and has a backdrop of the boat storage building. A site coverage limit, even if not mandatory, is not supported in this context and would limit the flexibility offered by the Precinct to be developed holistically consistent with the other proposed guidelines.

### **(vi) Conclusions and recommendations**

The Panel concludes:

- The proposed precinct heights and setbacks are generally appropriate.
- Building heights should be mandatory in all Precincts however the maximum building height should be marginally increased in Precincts 1, 1A, 2 and 5.
- There should be preferred maximum heights in Precincts 1, 1A and 5.
- A maximum 60 per cent site coverage guideline for Precinct 8 is appropriate but should be removed for Precinct 5 as proposed in Council's final changes.

The Panel recommends:

**Amend the *Endeavour Cove Comprehensive Development Plan, March 2022* generally consistent with Council's final version included in Appendix G subject to further changes to building heights in Table 2:**

- Replace references to 'Site' with 'Area'
- Replace references to 'Site C' and 'Site D' with 'Area C'
- Precincts 1 and 1A – apply a Mandatory maximum building height of 15 metres (4 storeys) and a Preferred maximum building of 11.5 metres (3 storeys)
- Precinct 2 – apply a Mandatory maximum building height of 20 metres (5 storeys)
- Precinct 5 – apply a Mandatory maximum building height of 20 metres (5 storeys) for Area A and Area B and 16 metres (4 storeys) for Area C and a Preferred maximum building height only for Area C of 12 metres (3 storeys)

- **Precinct 8 – apply Mandatory maximum building height of 20 metres (5 storeys) for Area A and delete the Preferred Maximum Building height.**

## 5.2 Landscaping and public realm

### (i) The issue

The issue is whether the Amendment makes provision for appropriate landscaping and public realm outcomes.

### (ii) Council's proposed changes

Council proposed changes to the Comprehensive Development Plan and CDZ1 relating to landscaping and public realm in response to submissions and evidence. These are summarised in Table 3 (Day 1 changes).

### (iii) Evidence and submissions

Submissions raised concern that the Amendment would not fulfil the original precinct vision for and lacks footpaths, open space, green areas and landscaping.

Submission 10 called for:

- setbacks of 5 metres in Precincts 5 and 8
- buffers along Patterson River and waterfront areas
- setbacks and buffers to be landscaped with canopy trees and predominantly indigenous plants
- retention of existing canopy trees (which should be shown in the Development Plan).

Submission 3 supported the provision of additional 'green areas' given that the precinct felt like a "concrete jungle". Submission 8 considered the Pier 1 Apartments detracted from the area in part due to the lack of any landscaping and supported the Amendment.

Ms Roberts generally supported the Precinct 5 guidelines relating to site coverage, building separation, footpath setback and retention of trees. However, she considered the landscape guidelines lacked the rigour to achieve good streetscapes, canopy cover (through provision of deep root planting or setting a tree planting target) and public amenity. She recommended the development of a public realm plan to provide for integrated landscape outcomes, solar access to public space, successful communal spaces and river connections.

Cavendish supported the maintenance of solar access to the south side of McLeod Road at the equinox but submitted they had not been supported by any shadow analysis of the proposed heights and setbacks.

Mr Czarny's evidence emphasised the importance of the proposed setbacks and landscape guidelines to reinforce spaciousness through building separation, provide screening and contribute to neighbourhood function and amenity, which were consistent with contemporary urban design practice. He agreed that the proposed Precinct 5 Framework Plan roundabout might not have a good pedestrian outcome.

Council submitted that the Comprehensive Development Plan Precinct 5 and 8 Framework Plans sought to address the limitations of the 1999 CDP regarding pedestrian connectivity and public realm. It identified that both Framework Plans included guidelines:

- within Precinct 5 to enable provision of a footpath and landscaped buffer to Pier One Drive, and to retain canopy trees
- within Precinct 8 to retain canopy trees and support provision of distinctive feature trees along Inner Harbour Drive and support pedestrian movement.

**(iv) Discussion**

The precinct currently lacks legible and attractive pedestrian linkages that are publicly accessible to view the marina area or access Patterson River, and a coherent landscaped public realm. The Panel considers that accessible and attractive public access to view the marina environment and access Patterson River through Precincts 2 and 5 and public realm enhancements is both a positive net community benefit associated with the further development of Precinct 5 and will reinforce the role of Pier One Drive as a key entry and mixed use precinct.

The Comprehensive Development Plan (including through the Framework Plans) provides guidance on setbacks to minimise overshadowing of the public realm or provide for landscaping along shared accessways to enhance pedestrian amenity and residential interfaces, and the retention and planting of canopy trees. These guidelines are generally appropriate and improved with Council's Final changes subject to further changes discussed in Chapter 6.1.3. While it is acknowledged there is a further opportunity to further refine the landscaping and public realm outcomes, in reality this will be confined to Precincts 5 and 8. Further guidance is considered unnecessary and repeats other relevant policy provisions of the Kingston Planning Scheme which continue to apply to permit applications.

The landscaping decision guideline in Council's Day 1 version of CDZ1 is appropriate to achieve a high standard of urban and landscape design and to achieve a distinctive identity and character. The Building and Works application requirements to provide a schedule of building materials and finishes and a landscape plan assist this purpose being achieved.

**(v) Conclusion**

The Panel concludes:

- The Amendment (inclusive of Council's Day 1 and Final changes and further changes recommended in Chapter 6.1.3) provides guidelines, application requirements and decision guidelines to support and encourage appropriate landscaping and public realm outcomes.

## 6 Provisions of the Comprehensive Development Plan and Comprehensive Development Zone Schedule 1

This chapter deals with the content of the Comprehensive Development Plan and particular provisions of the CDZ1 and not discussed in detail in Chapters 4 and 5.

### 6.1 Comprehensive Development Plan

#### 6.1.1 Adequacy of the Comprehensive Development Plan

##### (i) The issue

The issue is whether the Comprehensive Development Plan is appropriate and suitable as an incorporated document.

##### (ii) Evidence and submissions

Ms Roberts considered the Comprehensive Development Plan required further analysis, modelling and scenario testing and the inclusion of further urban design guidance before it was approved.

Cavendish was critical the Comprehensive Development Plan and the Background Report that informed it considering that the strategic work:

- had not given appropriate regard to approved development plans
- had not considered greater height scenarios in any modelling
- was heavily influenced by Council officers
- was not supported by the Hearing experts who had all recommended changes to it
- lacked rigour and strategic justification.

Mr Glossop considered the Comprehensive Development Plan contained unhelpful language and content. While supporting Council's Day 1 changes to it, he considered they did not go far enough and recommended it be redrafted and restructured to tighten language and provide clarity and utility as an incorporated document.

Council's Part C and Final changes to the Comprehensive Development Plan sought to respond to Mr Glossop's evidence and included considerable changes (as summarised in Table 4 and 5) including:

- amending the Comprehensive Development Plan Map
- restructuring and amending the content relating to existing and preferred character and development typology/density
- restructuring and amending the summary recommendations
- removing and amending content from the Precinct Frameworks (discussed in Chapter 6.1.3).

Cavendish submitted that the Part C changes proposed by Council lacked rigour and should be abandoned or alternatively significant further work was required and should be recommended by the Panel including a process of further stakeholder input.

**(iii) Discussion**

The Panel on balance considers that the Background Report includes a sufficient level of analysis to support the changes sought by the Amendment. The exhibited Comprehensive Development Plan importantly includes direction relating to proposed Precincts 6, 7 and 8 that were not included in the 1999 CDP.

Cavendish, Ms Peterson and Ms Roberts were critical that the proposed Comprehensive Development Plan had not taken greater account of approved development plans or undertaken more extensive modelling of different height and shadowing scenarios. While a more robust analysis would be anticipated for a new precinct, Endeavour Cove is not a new precinct. What is being proposed is the contemporising of the existing controls to address identified longstanding process issues associated with a lack of clarity of the CDZ1 and 1999 CDP and enabling the precinct's completion. In this regard, a more detailed analysis is not needed. Such exercises of urban analysis are often iterative and involve inputs from a range of disciplines that are not always to be found in the documentation.

The Panel does not think the Comprehensive Development Plan is flawed because it has not reflected various development plans. While it would be anticipated that in preparing a Comprehensive Development Plan regard would be had to existing planning permits or other approvals that remain valid this does not mean a strategic vision document should be bound by them. The complex history of the precinct and its controls has shown that there have been many development plans approved in and around proposed Precincts 2 and 5, most of them have not been acted on or in some cases Whether they are consistent with the 1999 CDP or earlier visions is at the heart of what the Amendment is endeavouring to address. In such a scenario, the precinct's existing built form context must be given substantial weight.

The Panel agrees with Mr Glossop that the exhibited Comprehensive Development Plan requires further changes to fulfill its role as an incorporated document. The Panel considers that Council's Part C and Final changes are generally appropriate. While there are many changes proposed they do not significantly change the content of the exhibited version and retain the intent of the document. They assist the readability of the document and remove unnecessary or confusing content and reinforce its role as assisting in decision making.

The Panel considers that there are further changes required to those flagged in Council's Final version to assist in its application:

- the final date of the document should reflect the version to be adopted by Council
- remove the note on the front cover about document changes which serves no clear purpose
- Page 2 should include commentary on the Comprehensive Development Plan including its purpose, how it is structured and to be applied, and to explain the role of Map 1
- Table 1 should be relabelled 'Precinct character and development typology' with some explanatory commentary to explain its role and purpose
- Table 2 should:
  - be relabelled to convey its purpose and how it is to be applied. The label 'Summary' is unclear
  - remove the Note which is unnecessary as discussed in Chapter 6.2.5
- changes to the Precinct Frameworks as discussed in Chapter 6.1.3.

**(iv) Conclusion and recommendation**

The Panel concludes:

- That the Comprehensive Development Plan is appropriate and suitable as an incorporated document generally consistent with Council's Final version included in Appendix G subject to further changes.

The Panel recommends:

**Amend the *Endeavour Cove Comprehensive Development Plan, March 2022* generally consistent with Council's final version included in Appendix G subject to further changes:**

- **Amend the final date to reflect the version adopted by Council and remove the note on the front cover.**
- **Include an explanation of the Comprehensive Development Plan's purpose, how it is structured and to be applied, and the role of Map 1.**
- **Amend the title of Table 1 to 'Precinct character and development typology' or similar and include an explanation of its role and purpose.**
- **Amend the title of Table 2 to convey its purpose and how it is to be applied and remove the Note.**

**6.1.2 Precinct boundaries and development typology****(i) The issues**

The issues are:

- whether the boundaries between Precincts 2 and 5 are appropriate
- whether the development typology for Precinct 2 should include residential use.

**(ii) Evidence and submissions**

Cavendish submitted that the boundaries between Precincts 2 and 5 have not been substantiated in the Background Report and do not reflect lot boundaries or existing approvals. This would impact the redevelopment potential of those parcels. It identified that the designation of Precinct 2 as a commercial precinct ignored the approval of apartments (MQ2) in this location or the opportunity to sleeve the dry stack building to hide the structure. It submitted that Precinct 2 should allow for residential uses.

Ms Peterson supported the precinct boundaries being based on lot boundaries to ensure the controls could be readily implemented.

Ms Roberts recommended that Precincts 2 and 5 be consolidated, considering the boundaries illogical and difficult to interpret, established without rigour and based on an assumption that the boat storage building will not change. Alternatively, Precinct 2 should have its own Precinct Framework developed to ensure it makes a positive contribution to the area.

Mr Glossop considered the precinct boundaries to be logical and clear.

Council submitted that the precinct boundaries were a consolidation of the 1999 CDP precincts based on predominant land use, development attributes, degree of anticipated change, titles, access, physical boundaries and ownership. It considered Precinct 5 an efficient composition of four development sites recognising the longer-term mixed use redevelopment of the Cove Hotel and surrounding vacant sites and opportunities to deliver public realm improvements. It



considered it ad hoc to rely on development plans that were unlikely to be acted on to be used as a basis for precinct boundaries.

### **(iii) Discussion**

It is clear from the 1999 CDP that the area within proposed Precincts 2 and 5 was anticipated to be the focus of more intensive commercial and marina activity with development activity identified adjacent to the dry stack building and around the Cove Hotel. However, these activity areas already separated into distinct precincts (Part of 1 and 10) and development identified around these buildings has either not occurred, been approved through development plans not acted on or developed in different forms (PLM Clubhouse). The approval of development plans by Council does not appear to have been inhibited by the location of these precinct boundaries.

The Panel considers that the role of the precincts is to convey different levels of development intensity, change and scale and the designation of primary uses. It does not eliminate the option of mixed use activity (including residential) being accommodated in Precinct 2 or extending into it from Precinct 5 particularly when only the height provisions are proposed to be mandatory. However, there is some utility in the boat storage use being the primary use in Precinct 2 given its key role in supporting the operations of the marina (including additional marine related activities) rather than its operations being curtailed by more noise sensitive uses. Council's Final changes to the Comprehensive Development Plan provide greater flexibility in terms of development typology than the exhibited version for Precinct 2. The proposed location of the boundary between the two precincts is logical and follows the extent of existing built form and allows the larger area of mixed use development potential to be focused around Precinct 5 and create active commercial edge to Pier One Drive sought in the guidelines.

Despite being in two precincts there is a strong functional, land use and built form interrelationship between Precincts 2 and 5. Each compliments the other in terms of supporting the marina activity and providing for a mix of uses. Building design in Precinct 5 can screen the utilitarian appearance of the dry stack building, while connections and linkages between the two precincts and their overall appearance are important to their functionality and the distinctive identity and quality of the urban realm overall. This interrelationship could be better explained and supported in the Precinct Frameworks. This is discussed in Chapter 6.1.2 below.

The Panel considers there is logic in incorporating the Pier 1 building with Precinct 5 to accentuate Pier One Drive as the entry into the Precinct.

### **(iv) Conclusions**

The Panel concludes:

- The boundaries between Precincts 2 and 5 are appropriate given the flexibility included in Council's Final version of the Comprehensive Development Plan.
- The development typology for Precinct 2 (mixed use) is appropriate.

## **6.1.3 Precinct Frameworks**

### **(i) The issues**

The issues are whether:

- the Precinct Frameworks for Precincts 5 and 8 (including the Precinct Framework Plans) contain the appropriate level of detail and direction

- the content of Precinct Frameworks should be transferred to local policy.

**(ii) What is proposed?**

As exhibited, the Comprehensive Development Plan includes a Precinct Framework for Precincts 5 and 8 which include:

- Identification of predominant and secondary land uses
- a precinct overview and identification of influences
- precinct objectives
- guidelines relating to built form, access and movement and landscaping
- a Framework Plan for each of Precincts 5 (refer to Figure 7) and 8 (refer to Figure 8).

Council's Part C and Final versions (refer Tables 4 and 5 of this Report) removed the land use, overview, influences and objectives sections, amended the guidelines and the Precinct Plans.

**(iii) Evidence and submissions**

The owner of Precinct 8 (which is contained within a single 4,505 square metre title) did not support its designation as two sites (Sites A and B). It sought a scheme for the site that would not limit development to the two-building outcome and layout shown in the Framework Plan, and would enable more design flexibility including the opportunity for a single landmark building and additional uses.

Ms Peterson observed that the approved MQ1 apartment straddled Precinct 5's Sites B, C and D and the boundaries should be amended to ensure the controls could be readily implemented. Ms Roberts' evidence supported the consolidation of Precinct 5's Sites C and D to prevent a fragmented approach. Cavendish agreed submitting there was no basis for Precinct 5 Site C (which was grassed) and D (used for car parking and not required for Cove Hotel parking) to be separately identified. It submitted that the approved plan for MQ1 did not reflect lot boundaries and would render the parcels too small to be feasibly developed.

Mr Glossop considered the purpose of including the Precinct Frameworks including the detailed plans showing development form was unclear unless it was intended to development was to be generally in accordance with them. However, he understood that they were intended to be illustrative. If this was the case, they should be less prescriptive and include performance based and not include a plan, or alternatively include text that other options might be acceptable.

Mr Czarny's evidence set out the basis of his support for the proposed street wall heights, setbacks and shadow outcomes identified in Precincts 5 and 8. He considered the two Framework Plans were not mandatory or fixed, but rather indicative and flexible frameworks illustrating potential outcomes associated with apply the objectives and guidelines.

Cavendish observed that while the Part C changes to the Comprehensive Development Zone proposed by Council responded to some of the criticisms of the witnesses several important details were unresolved including:

- the absence of Framework Plans for Precincts 5 and 8 and resolution of the turnabout area
- the location of the northern and southern boundaries in Precincts 4 and 7.

Council's opening submission indicated that it would clarify that the Framework Plans were "*illustrative and alternative proposals may be acceptable to achieve similar outcomes*". It's closing

submission identified that only the Framework Plans legend would identify the 'indicative' elements (turnaround areas) and 'potential' elements" (cross over locations).

Council's submission invited the Panel to comment on whether the 'Precinct Influence' and 'Key Precinct Objectives' elements of the Framework Plans should be removed and relocated to Clause 11 of the PPF. In response to questions from the Panel, Mr Glossop said that this alternative could adopt a similar policy, objective and strategy format applied to identified municipal activity centres in Clause 11.03-1L-01 through to Clause 11.03-1L-05. In the context of its Part C changes to the Comprehensive Development Plan, Council advised that it no longer considered a policy change necessary.

#### **(iv) Discussion**

In considering the issues raised in submissions about the Precinct Frameworks the Panel has considered:

- whether their content is appropriate and provides the necessary level of guidance without being overly prescriptive or doing the work of other relevant policy
- what the role of the Framework Plans should be.

#### Precinct Framework content

The Panel considers that the Precinct Frameworks for Precincts 5 and 8 as the key change precincts are appropriate and justified. The built form guidelines provide an envelope in which to accommodate new buildings by identifying height, building separation, setbacks, shadowing guidance. For a precinct that is substantially developed and where a major change in built form outcomes is not sought in the remaining precincts to be delivered this level of guidance is appropriate without reproducing other policy guidance relating to urban design which would still apply. Their expression as guidelines (other than in relation to heights which are mandatory) provides an appropriate level of flexibility for innovative responses.

The Panel agrees with Mr Glossop that much of the exhibited content is unnecessary and the document would benefit from simplification. It considers Council's Part C and Final changes generally appropriate and have no substantive impact on the exhibited document. The Panel agrees that the 'Precinct Overview' or 'Precinct Influence' sections do not greatly assist in decision making however, the Panel is not convinced that removal of the 'Key Precinct Objectives' is helpful. In the absence of the Background Document having an ongoing role in decision making, the originally proposed objectives established a link to the guidelines and what they were trying to achieve. Including them would assist in applying the guidelines particularly where flexibility is sought in the design response. That said, the exhibited objectives require review to simply their number and language, reflect what was exhibited and ensure they set they inform but do not duplicate the guidelines.

The Panel considers that there should be an explanation of the role and purpose of the Precinct Frameworks and how they should be applied including the terms 'must' and 'should' to ensure the workability of the Comprehensive Development Plan.

While no longer proposed by Council, there is little benefit to be gained by transferring Comprehensive Development Plan content into a new planning policy for Endeavour Cove at Clause 11 as suggested by Mr Glossop. The precinct is largely developed and the CDZ provides the appropriate level of decision making guidance without the need for a 'policy hook'. While Endeavour Cove is relatively unique in its land use mix and form it does not have a strategic role

that needs to be elevated in policy to the same degree as a larger activity centre, growth area or distinctive landscape area. Regardless, the Panel considers that any change to policy should be done in a holistically after strategic review rather than in a piecemeal way.

#### Precinct Framework Plans

The Panel considers that the Framework Plans serve a useful function in showing how the guidelines are intended to apply to Precincts 5 and 8. The Panel is however concerned about elements of the Framework Plans relating to:

- the role of the Framework Plans
- the content of the Framework Plans including use of terms such as 'Sites' and 'Proposed' relating to 'Future Footpaths' and 'Shared Access'.

The Background Report includes two development scenarios for each Precinct to demonstrate the preferred outcomes and test how *"future development can address the recommended building heights, setback, site coverage and design guidelines"*. They are not identified in this document or the Comprehensive Development Plan as representing what must be achieved. This is appropriate given the guidelines are not mandatory (except for building height). However, the submission of Cavendish suggests this is not clear, the evidence of Mr Glossop and Mr Czarny both supported the Framework Plans being illustrative. This was also the submission of Council although its final version does not clarify this beyond identifying one element on Framework Plan 5 as 'indicative' and the crossover locations as 'potential' in both Framework Plans.

The Precinct Frameworks should include an explanation about the role and purpose of the Precinct Framework Plans and clarifies they are for illustrative purposes only.

The Panel finds the terminology of 'Sites' referred to in the Comprehensive Development Plan confusing and problematic. They are not sites as they are not individually titled or reflect existing or approved development, or development scenarios proposed by the landowners. Rather they are a spatial tool used to express the built form (including height transition and setbacks), landscaping, access and vehicle movement outcomes sought by the guidelines and to designate heights with Precincts 5 and 8. A term such as 'Area' is considered more appropriate.

For Precinct 8, breaking up potential building bulk into two separate areas will assist with a good built form address and appropriate interface with Inner Harbour Drive, adjoining dwellings and internal amenity. The Background Report sets out the analysis that was undertaken to identify shared access between the two areas designate the proposed guidelines and Framework Plans.

For Precinct 5, it is difficult to understand the rationale for separately identifying why Sites C and D in particular have been identified the way they have aside from managing height and building transition to the marina and Precinct 1. The Background Report suggests that Site C would be a mid-rise apartment development and Site D an extension to it. There is no consideration in the testing scenarios of these Sites forming part of a redevelopment of the Cove Hotel site. The potential redevelopment of these Sites as separate developments is unlikely given they sit within the one ownership and are fairly small. This makes the delivery of a development that maximises the footprint and still deliver workable ground floor uses, communal areas and carparking. However these portions of the Precinct develop there is a logic to guidelines that would seek to encourage:

- ground floor activation
- a cluster of separate buildings above podium level rather than one large building
- good design and built form outcomes along Pier One Drive and the marina edge

- consolidating access points to Sites B, C and D
- pedestrian and bicycle linkages through the Precinct to the marina and Patterson River although these should extend diagrammatically into the adjacent Precinct.

The Panel considers the following changes should be made to the Council's Final version:

- Precinct Frameworks:
  - include an explanation of the role and purpose of the Precinct Frameworks and how they should be applied including the terms 'must' and 'should'
  - reintroduce objectives following their further review and simplification
  - amend the Access and Movement Guidelines to include a guideline in each Precinct Framework for the footpaths shown on the Framework Plans as the guidelines only refer to shared accessways
  - replace 'Site' with 'Area' and amend the guidelines accordingly.
- Precinct 5 and 8 Framework Plans
  - replace 'Future Proposed' legend with 'Guideline objectives' or similar
  - remove 'Proposed' and "Proposed Future" from the legend items
  - replace 'Potential location of cross over realignment' with 'consolidated cross over'
  - replace the term 'Site' with 'Area'.
- Precinct 5 Framework Plan
  - consolidate Site C and D into 'Area C'
  - extend the western footpath line marking and arrows into Precinct 2
  - delete the turnaround area designation and rely on the guideline instead.

#### (v) Conclusions and recommendations

The Panel concludes:

- The Precinct Frameworks for Precincts 5 and 8 (including the Precinct Framework Plans) generally contain the appropriate level of detail and direction as amended in Council's Final version subject to the additional changes identified by the Panel.
- The Planning Policy Framework in the Kingston Planning Scheme does not need to change to support the Amendment.

The Panel recommends:

**Amend the *Endeavour Cove Comprehensive Development Plan, March 2022* generally consistent with Council's Final version included in Appendix G subject to further changes:**

- Amend 'Precinct Framework: Precinct 5' and 'Precinct Framework: Precinct 8' to:
  - include an explanation of the role and purpose of the Precinct Frameworks and how they should be applied including the terms 'must' and 'should'
  - reintroduce objectives following their further review and simplification
  - amend the Access and Movement Guidelines to include a guideline in each Precinct Framework for the footpaths shown on the Framework Plans as the guidelines only refer to shared accessways
  - replace 'Site' with 'Area' and amend the guidelines accordingly.
- Amend Precinct 5 and 8 Framework Plans to:
  - replace 'Future Proposed' legend with 'Guideline objectives' or similar
  - remove 'Proposed' and "Proposed Future" from the legend items
  - replace 'Potential location of cross over realignment' with 'consolidated cross over'

- replace 'Site' with 'Area'.
- Amend Precinct 5 Framework Plan to:
  - consolidate 'Site C' and 'Site D' into 'Area C'
  - extend the western footpath line marking and arrows into Precinct 2
  - delete the turnaround area designation.

## 6.2 Comprehensive Development Plan Schedule 1

### 6.2.1 Schedule purposes

#### (i) The issue

The issue is whether the Schedule purposes are appropriate.

#### (ii) Evidence and submissions

Mr Glossop supported the CDZ1 purposes being redrafted and rationalised from nine to five purposes including adding back in the current purpose to provide greater public access to and along the riverbank.

Council's Day 1 changes incorporated the changes to the purpose statements in response to Mr Glossop's evidence.

#### (iii) Discussion

The exhibited Amendment consolidated the existing nine purpose statements into six elements but retained the core sentiment and outcomes sought relating to:

- encouraging a marina based mixed use area
- providing for the coordinated development for a range of residential and commercial activities
- ensuring the combination of uses and built form are compatible with the precinct's amenity, visual characteristics and infrastructure
- complementing the Patterson Lakes Shopping Centre
- encouraging a high standard of urban design and establishing a distinctive identity.

Council's Day 1 changes further simplify and consolidate the purpose elements (appropriately limiting them to five). The proposed changes are appropriate and supported. They are not fundamental changes and retain the important elements of the exhibited version, appropriately reference the Comprehensive Development Plan and transfer other design detail to application requirements and decision guidelines or to the Comprehensive Development Plan design guidelines. The reintroduction of an existing purpose to provide greater public access to and along the Patterson River bank is supported and consistent with the Comprehensive Development Plan.

#### (iv) Conclusion and recommendation

The Panel concludes:

- That the exhibited Schedule purpose broadly reflects existing content, and the further changes proposed by Council are appropriate and consistent with the intent of the exhibited version.



The Panel recommends:

**Amend the Comprehensive Development Zone Schedule 1 consistent with the Panel's preferred version in Appendix F to amend the Schedule Purpose as proposed in Council's Day 1 version.**

#### 6.2.2 Table of uses

##### (i) The issue

The issue is whether the Table of uses is appropriate.

##### (ii) Evidence and submissions

Submission 10 requested that food and drink premises be located away from waterways to avoid littering.

Mr Glossop observed that the Table of uses directed commercial uses away from the residential precincts and the prohibition of Food and Drink premises, Convenience Shop and a Residential Hotel by prohibiting them in those precincts. He considered this approach sound in the context of the specific nature of the precinct, its road network and proximity to the Patterson Lakes Activity Centre and did not warrant designating those uses as permit required uses.

Council's Part A changes included removing the Table of use conditions regarding car parking rates.

##### (iii) Discussion

Food and drink premises (other than Restaurant) are permit required uses. Litter management can be addressed through permit conditions. The prospect of littering from future land uses is not limited to activity within the precinct or limited to food and drink premises and should not be a factor determining the arrangement of future land uses.

The Panel considers that the structure of the land use tables is appropriate, broadly reflects existing arrangements and conditions and the Comprehensive Development Plan. The use conditions generally reflect existing conditions other than for car parking and floor space caps for Bank, Office and Shop. Submissions were not made about the removal of floor space caps.

##### (iv) Conclusion and recommendation

The Panel concludes:

- That the Table of uses for Section 1, 2 and 3 uses, inclusive of Council's Day 1 changes are appropriate.

The Panel recommends:

**Amend the Comprehensive Development Zone Schedule 1 consistent with the Panel's preferred version in Appendix F to amend 'Clause 1.0 Table of use' as proposed in Council's Day 1 version.**

#### 6.2.3 Subdivision

##### (i) The issue

The issue is whether the subdivision decision guidelines area appropriate.

**(ii) Submissions and evidence**

Mr Glossop recommended that the CDZ1 subdivision clause include a decision guideline to consider:

The impact of the subdivision on the immediate area including adjoining uses and development.

Neither Ms Peterson or Cavendish opposed this suggested change which was included in Council's Day 1 and subsequent versions.

**(iii) Discussion**

The Panel is not entirely convinced of the need for the additional decision guidelines proposed by Mr Glossop and supported by Council. The basis for it was not well articulated by Council. However, the only exhibited subdivision decision guideline focuses on adjoining zone interfaces (Panel's emphasis) and proposed future subdivision is likely to be focused within the mixed use precincts which have important internal interfaces with Endeavour Cove residential precincts and between mixed use precincts (for Precincts 2 and 5). The proposed guideline will allow the consideration of the impact of subdivision on adjacent Precincts and their ability to achieve the land use and built form outcomes anticipated. The Panel notes the Department of Environment, Land, Water and Planning's authorisation required the removal of the existing decision guideline which sought to achieve similar outcomes and that required consideration of:

The effect the subdivision will have on the potential of the area to accommodate the uses which will maintain or enhance its competitive strengths.

While adequate, the language of the proposed additional guideline along with the language of the guideline removed at the direction of the department are not particularly clear in their intent or application particularly as they relate to the Comprehensive Development Plan and the schedule purposes (as amended) to:

- encourage the use and development of land as a marina based mixed use area
- ensuring the combination of uses, scale and level of development is compatible with the surrounding area
- establishing a distinctive identify and character.

Subdivision arising from the development of dwellings is unlikely to have any particular issues arising that require specific decision guidance. However, inappropriate fragmentation of larger mixed use/commercial precinct land parcels and remaining residential precinct land parcels has the potential to impact on delivering the schedule purposes. Consequently, a more appropriate or additional decision guideline would be:

The impact of the subdivision on adjacent Precincts including on the potential to achieve the purpose of this Schedule, and the land use, preferred character and development typology identified in the Endeavour Cove Comprehensive Development Plan (date).

Such a guideline would be consistent with the Precinct Framework for Precinct 5 which encourages consolidation and avoiding small, isolated holdings.

- entire precinct is considered to better achieve the outcomes being sought by Council and the Comprehensive Development Plan.

**(iv) Conclusion and recommendation**

The Panel concludes:

- The addition of an additional decision guideline consistent with the evidence of Mr Glossop and proposed by Council in its Day 1 version is on balance, appropriate.
- An alternative or additional guideline that ensures any subdivision does not impact on the capacity for the broader land use and built form objectives to be achieved for the schedule purpose and Comprehensive Development Plan.

The Panel recommends:

**Amend the Comprehensive Development Zone Schedule 1 consistent with the Panel's preferred version in Appendix F to amend 'Clause 3.0 Subdivision' to include the additional decision guideline proposed in Council's Day 1 version and an additional decision guideline relating to the Schedule purpose and Comprehensive Development Plan.**

**6.2.4 Building and works requirements and decision guidelines****(i) The issues**

The issues are:

- whether the requirements, including application requirements for buildings and works are appropriate
- whether the decision guidelines for buildings and works are appropriate.

**(ii) Submissions**Requirements

Ms Peterson recommended the following changes to the CDZ1 requirements for buildings and works:

- inclusion of the *"generally in accordance with"* wording in the current control to avoid undermining the CDZ
- replace 'must' with 'should' in Clause 55 standard variations.

Mr Glossop supported Council's Day 1 changes including deletion of the Precinct Guidelines section and including a requirement for buildings and works to *"respond"* to the Comprehensive Development Plan and to achieve the Preferred Future Character so as to give effect to the other built form parameters beyond height.

He observed that the difference between *"generally in accordance with"* and *"respond to"* was not just a matter of semantics. The later wording, he considered elevated the importance of the Comprehensive Development Plan and gave it more weight in decision making.

Council's proposed changes adopted the 'generally in accordance' wording. Council advised that the use of the word 'must' in relation to Clause 55 was more a matter of zone header wording convention.

Application requirements

The EPA provided a written response to the Amendment in response to the CDZ1 requirement for *"plans to show contaminated and filled areas where known"* although there were no amendment documents suggesting potential contamination.

Council considered that the status of the EPA's email was ambiguous, and that the prudent course would be to treat it as a submission that has been referred to it. In verbal submissions Council advised that the reference to contaminated land was proposed in the abundance of caution and because there were naturally occurring potential contaminants (including sulphates) although previous testing had not revealed any significant issues.

No other submissions raised concerns with the requirement.

Mr Glossop supported the inclusion of references to Clause 54 and 55 and the inclusion of an application requirement for a neighbourhood and site description and design response. He considered this an oversight of the existing control (noting Clause 58 did not need to be referenced as it was already in the CDZ header provisions). This change was included by Council in its Day 1 changes.

#### Decision guidelines

Ms Peterson recommended amending the wording of the decision guideline relating to shadows to between 10am and 2.00pm on 22 September consistent with the Comprehensive Development Plan. This was accepted by Council and included in its Day 1 version. The shadow guidelines (as amended) were not resisted by Cavendish although it raised broader concerns along with Ms Roberts about the relationship between shadows and what it considered the limited height modelling undertaken.

Mr Glossop recommended removing consideration of sea level rise (already covered by Clause 13.01 Climate change impacts) and supported additional decision guideline requirement included in Council's Day 1 version relating to:

- the objectives, standards and decision guidelines of Clause 54 and Clause 55
- the design, height, setback and appearance of buildings and works
- loading and refuse collection facilities.

Council adopted these changes in its Day 1 version.

### **(iii) Discussion**

#### Requirements

The Panel considers that introducing a requirement for buildings and works to address the Comprehensive Development Plan as proposed by Mr Glossop is critical to ensuring other elements besides height are considered. Such a requirement is a consistent feature of example CDZ schedules referred to, although wording differs between using 'consistent with' or 'generally in accordance with' or refer to requirements in an incorporated Comprehensive Development Plan or other document.

The Panel is generally satisfied that the wording proposed by Ms Peterson and adopted in Council's changes is appropriate and consistent with terminology in the current CDZ1. It agrees with replacing the word 'must' with 'should', given the flexibility built into the term 'generally in accordance with'.

Regarding the requirement for dwelling applications to meet the requirements of Clause 54 or 55, the Panel observes that the use of 'must' is consistent with the application of this requirement in the residential zones. Where the requirement is applied in the CDZ schedules referred to 'must' is used. The requirement must be read in conjunction with Clause 54 or 55 which identify that:

A development:

- Must meet all of the objectives of this clause that apply to the application.
- Should meet all of the standards of this clause that apply to the application.

The Panel is satisfied that 'must' is the correct word to apply where including this requirement.

#### Application requirements

The proposed buildings and works application requirement for plans which among other items requires the identification of any "*contaminated and filled areas where known*" appears at face value to be a reasonable one. Knowledge of their existence would inform appropriate development responses or permit conditions.

The EPA submission does not suggest there is a contamination issue that requires consideration, and that the Amendment appears to "*present a low risk of harm to the environment, human health and amenity as a result of pollution or waste*". Where there is known potential for contaminated soil, the usual planning practice would be to apply the Environmental Audit Overlay.

The Panel is concerned that the requirement is potentially unreasonable (and with significant cost implications if an applicant is required to establish what is 'known'). It is not a requirement in the current CDZ1 or identified as an issue in the Background Report. The requirement does not seem to be applied in adjacent zones. The Environmental Audit Overlay currently applies over Precinct 8 and other nearby isolated sites but not along the Patterson River.

Council did not establish that there was a particular localised contamination issue of concern within the precinct or surrounding area that has been identified. However, Council identified that previous testing had identified naturally occurring soil conditions which could pose a contamination risk and it was taking a precautionary approach.

Based on this information the Panel accepts Council's rationale to apply the requirement noting it was not opposed in submissions. While it might be considered a minor matter, the Panel is concerned about Council using the Amendment as a process to introduce requirements that were not demonstrably related to the issues in its review and Background Report. Introducing a precinct specific requirement relating to contamination for example that is not being applied elsewhere is not strategic or providing for a consistent and transparent approach, particularly when the issue could extend along Patterson River and other estuarine environments.

The requirement for details of fill is, on the other hand, a fairly standard plan requirement and its provision reasonable and not onerous.

The Panel considers the changes recommended by Mr Glossop and supported by Council relating to a requirement to provide neighbourhood and site description and design response reasonable and appropriate for the residential precincts.

#### Decision guidelines

The Panel supports Council's proposed changes proposed to the shadow decision guidelines. The changes recommended by Mr Glossop and supported by Council related to the inclusion of additional decision guidelines relating to Clause 54 and 55, building design and appearance, landscaping and loading and refuse collection are considered:

- relevant to the type of development anticipated in the 1999 CDP and proposed Comprehensive Development Plan

- relate to the application requirements and decision guidelines for buildings and works in the exhibited CDZ1
- reasonable and not onerous
- responsive to submissions relating to amenity impacts of further development.

**(iv) Conclusions and recommendations**

The Panel concludes:

- The requirements, including application requirements for buildings and works are appropriate subject to the changes identified in Council's Day 1 and Part C version and included in the Panel's preferred version of the CDZ1.
- The decision guidelines for buildings and works are appropriate subject to the changes included in Council's Day 1 and Part C changes and included in the Panel's preferred version of the CDZ1.

The Panel recommends:

**Amend the Comprehensive Development Zone Schedule 1 consistent with the Panel's preferred version in Appendix F to amend 'Clause 4.0 Buildings and works' to:**

- **require development to be generally in accordance with the Endeavour Cove Comprehensive Development Plan**
- **require dwelling applications to meet the requirements of Clauses 54 or 55**
- **an application requirement for dwellings to provide a neighbourhood and site description and design response**
- **correct the shadow decision guidelines**
- **include additional decision guidelines relating to Clauses 54 and 55, building design and appearance, landscaping and loading and refuse collection.**

**6.2.5 Notice and review provisions**

**(i) The issue**

The issue is:

- whether notice and review exemptions should apply for use and subdivision applications
- whether further guidance is required for considering whether buildings and works are generally consistent with the Comprehensive Development Plan.

**(ii) Current and proposed provisions**

The Comprehensive Development Zone provides several mechanisms for a schedule to provide for exemptions to notice and review (Panel's emphasis):

- Use:  
The schedule to this zone may specify that an application is exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act.
- Subdivision:  
The schedule to this zone may specify that an application is exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act.
- Buildings and works:



An application is exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act if it is generally consistent with the comprehensive development plan.

The schedule to this zone may specify that other applications are also exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act.

Neither the existing or the proposed CDZ1 'switch on' exemptions for use or subdivision applications or specify that other applications are exempt.

### **(iii) Evidence and submissions**

Ms Peterson supported introducing notice and review exemptions for use and subdivision, supporting language used in a range of other CDZ Schedules<sup>12</sup> that specified that notice was not required "if it is generally consistent with" or "if it is generally in accordance with" the identified Comprehensive Development Plan. The current CDZ header provisions ensured that development that exceeded mandatory or discretionary heights for example, would not be generally consistent with the Comprehensive Development Plan and require notice. She identified this approach was consistent with that adopted in other recent amendments applying the CDZ. This approach provided greater certainty, would not undermine the strategic intent of the CDZ and retained the merits-based assessment process.

Cavendish submission considered that the CDZ1 should include notice and review exemptions for all classes of application, citing over 10 metropolitan Melbourne examples of CDZ schedules that exempted use, subdivision and buildings and works. It considered this change would provide greater certainty and was consistent with the zone purpose, and would still provide for notice where a proposal is not consistent with the Comprehensive Development Plan. It submitted that this reinforced the need for the Comprehensive Development Plan to be accurate and flexible.

Mr Glossop did not support introducing notice and review exemptions and considered retaining notice and review provided transparency in decision making particularly given the history of precinct development.

Council acknowledged the CDZ header provisions limited the circumstances for notice and review for buildings and works to proposals not being 'generally consistent with' the Comprehensive Development Plan. It was concerned however this might lead to dispute about how 'generally consistent with' might be determined where a discretionary provision was exceeded. It proposed to include the following notation in the Comprehensive Development Plan below the 'Summary' table to provide greater certainty:

Development is not generally consistent with this Comprehensive Development Plan unless it complies with each preferred maximum building height, street wall height, minimum ground level front setback and minimum upper level setback specified in this table.

While adopting Mr Glossop's evidence, in closing, Council verbally acknowledged that while lot arrangements were important, notice exemptions for subdivision could be introduced.

### **(iv) Discussion**

One of the key process changes introduced by the Amendment is to require a planning permit for a greater number of uses and for buildings and works rather than managing development through

<sup>12</sup> Lilydale Quarry (Yarra Ranges), East Village (Glen Eira), PMP Printing Precinct (Monash) and Altona North Precinct (Hobsons Bay)

separate development plans. The Panel considers this to be a more transparent and contemporary approach for the precinct. While Council's ambition has been to provide for a contemporary set of controls and not revisit the precinct's vision, the strategic basis for not exempting notice and review provisions for use and subdivision has not been explored in the Amendment material.

In this case, the current controls have been operating for well over 20 years with no notice or review exemptions for use and subdivision although the predominant uses have not required permits unless the identified parking condition was not satisfied. Given that the uses in established Precincts 1, 1A, 3, 4 and 7 are entirely residential and Accommodation will continue to not require a planning permit, it is unlikely that these Precincts will be subject to applications for use. Precincts 2, 5, 6 and 8 however have the potential to be redeveloped for a range of commercial uses or for mixed use as proposed for Precincts 2 and 5. The Amendment seeks to require a permit for anticipated uses such as Residential hotel but removes the floor space cap for that use. It also continues to not require a permit for Restaurant and Shop (without their floor space cap) and Office. The Panel considers this a balanced approach and enables a more fulsome assessment of the impacts of a Residential hotel on the amenity on adjoining residential Precincts.

It is common practice for a CDZ schedule to include permit exemptions for use given the areas to which they apply (including those referred to by Ms Peterson). These areas have undergone a level of detailed planning that provides a greater certainty around land use outcomes and include requirements and decision guidelines relating to amenity. Notice and review exemptions should apply given the extent of existing development and that residential and commercial uses have long been anticipated in the location of Precincts 2 and 5 and similar amenity requirements and decision guidelines are proposed in the Amendment. Uses requiring a permit such as a Residential hotel are likely to form part of a buildings and works application creating a scenario where if generally in accordance with the Comprehensive Development Plan, only the use would be subject to notice and review. However, the Panel is mindful that for use applications particularly:

- the Amendment was not exhibited with notice and review exemptions and other land owners have not had the opportunity to comment on such a change
- uses such as Industry, Motor Repairs, Retail premises, Service Station, while limited to particular Precincts or other innominate uses not anticipated could have amenity impacts in adjoining residential areas
- the Comprehensive Development Plan does not clearly identify the preferred land uses in Precincts 2, 5, 6 and 8.

Council should consider applying an exemption where the use is generally in accordance with Comprehensive Development Plan. However, the Panel does not recommend it because it would transform the exhibited Amendment.

By contrast, it is difficult to conceive a subdivision scenario that may require notice to a third party given the extent of established development and pattern of ownership of the remaining parcels in Precincts 2, 5, 6 and 8. The fragmentation of Precincts 2 and 5 is unlikely to proceed a development application. Absent of notice, the permit application assessment process still enables Council to contemplate whether subdivision would be consistent with the Comprehensive Development Plan, purpose and decision guidelines of the CDZ1 and planning policy.

The Panel does not support Council's suggestion to include a notation setting out what will constitute 'generally consistent with', though its intention to reduce dispute is noted. It is unclear whether such a notation would confine discretion for the consideration to just the Summary Table

of heights and setbacks rather than extending to other elements of the Comprehensive Development Plan (such as the Precinct Frameworks and Precinct Guidelines). The question of determining 'generally consistent with' for buildings and works exists for all special purpose zones and ultimately depends on the clarity of the Comprehensive Development Plan itself rather than through the application of a notation which in itself could be subject of dispute.

**(v) Conclusions and recommendation**

The Panel concludes:

- Council should consider applying notice and review exemptions for use applications generally in accordance with Comprehensive Development Plan.
- Notice and review exemptions should apply to subdivision applications generally in accordance with Comprehensive Development Plan.

The Panel recommends:

**Amend the Comprehensive Development Zone Schedule 1 consistent with the Panel's preferred version in Appendix F to amend 'Clause 3.0 Subdivision' to include an exemption from notice and review for applications generally consistent with the Endeavour Cove Comprehensive Development Plan.**

**6.2.6 Precinct Guidelines**

**(i) The issue**

The issue is whether the Clause 5.0 Precinct Guidelines are appropriate.

**(ii) Evidence and submissions**

Mr Glossop recommended the CDZ1 Precinct Guidelines be deleted considering the language repeated the content of the Comprehensive Development Plan, was very general and not particularly helpful from an implementation perspective. This was accepted by Council and deleted from its Day 1 version.

**(iii) Discussion and conclusion**

The Panel agrees with Mr Glossop's opinion that the Clause 5.0 Precinct Guidelines serve no particular use and should be deleted. They repeat general commentary in the Comprehensive Development Plan regarding preferred character and built form outcomes and anticipated levels of change and are not written in the form of guidelines. The Panel supports their deletion as proposed in Council's Day 1 version in concert with other Final changes to the CDZ1 and content of the Comprehensive Development Plan.

The Panel concludes that:

- The Clause 5.0 Precinct Guidelines be deleted.

**(iv) Recommendation**

The Panel recommends:

**Amend the Comprehensive Development Zone Schedule 1 consistent with the Panel's preferred version in Appendix F to delete 'Clause 5.0 Precinct Guidelines'.**

## Appendix A Submitters to the Amendment

No	Submitter
1	Catherine Kimpton
2	Andrew and Michelle Doran
3	Paul Magarry
4	Peter Wong
5	Environment Protection Authority
6	Cavendish Properties
7	Michael Rushman
8	Ruth and Ken White
9	Peter MacHugh
10	Nina and Brian Earl
11	Sonya Lehmann
12	Doridna Mercier
13	Jane Meiklejohn

## Appendix B Document list

No.	Date	Description	Provided by
1	8 Feb 23	Panel Directions and Timetable (version 1)	Planning Panels Victoria (PPV)
2	14 Feb 23	Site inspection maps	Kingston City Council (Council)
3	14 Feb 23	Panel Timetable (version 2)	PPV
4	23 Feb 23	Council Part A submission	Council
5	23 Feb 23	Council Part A annexures: <ul style="list-style-type: none"> <li>a) Tables summarising changes between the existing and proposed Comprehensive Development Plan and CDZ1</li> <li>b) Day 1 revision of the CDZ1</li> <li>c) Day 1 revision of the CDZ1 with tracked changes</li> <li>d) Table of proposed changes to the Endeavour Cove Comprehensive Development Plan (March 2022)</li> <li>e) Draft Parking Overlay with content transferred over from the CDZ1 schedule</li> <li>f) Panel report, Metropolitan Region Planning Scheme Amendment RL38, part 2 (23 August 1989)</li> <li>g) Amendment RL38 notice, Explanatory Report and ordinance (24 January 1990)</li> <li>h) Amendment RL38 gazettal (Victoria Government Gazette, 24 January 1990, p 192) (CDZ12)</li> <li>i) <i>Concept Plan – Comprehensive Development Zone No 12 – Whalers Cove Marina</i>, endorsed 16 January 1990</li> <li>j) Chelsea City Council, Health and Environment Committee meeting agenda (15 August 1994)</li> <li>k) Whalers Cove Residential Development Plans, endorsed 30 August 1994 (1994 CDP)</li> <li>l) <i>Endeavour Cove – Historical Planning Investigation – Final Report</i> (Hall &amp; Wilcox, 19 February 2020)</li> <li>m) Victorian Ombudsman, <i>Investigation into allegations of collusion with property developers at Kingston City Council</i> (October 2021)</li> <li>n) Email exchange between the Council and EPA regarding the EPA's submission (8 and 9 February 2023)</li> </ul>	Council
6	23 Feb 23	<ul style="list-style-type: none"> <li>a) <i>Draft Endeavour Cove Patterson Lakes Background Paper and Comprehensive Development Plan</i>, Hansen Partnership (October 2021)</li> <li>b) <i>Draft Endeavour Cove Patterson Lakes Existing Conditions and Recommendations</i>, Hansen Partnership (October 2021)</li> </ul>	Council

No.	Date	Description	Provided by
		c) versions of <i>Draft Endeavour Cove Patterson Lakes Background Report &amp; Draft Comprehensive Development Plan</i> , Hansen Partnership – various 2021 issue dates	
		d) <i>Endeavour Cove Patterson Lakes Background Report</i> , Hansen Partnership (March 2022)	
7	24 Feb 23	Craig Czarny Expert witness statement	Council
8	27 Feb 23	Tim De Young Expert witness statement	Council
9	27 Feb 23	John Glossop Expert witness statement	Council
10	27 Feb 23	Colleen Peterson Expert witness statement	Cavendish Properties P/L (Cavendish)
11	28 Feb 23	Charmaine Dunstan Expert witness statement	Cavendish
12	28 Feb 23	Amanda Roberts Expert witness statement	Cavendish
13	6 Mar 23	Diagrams identifying title details and ownership of properties located in Patterson Lakes by Cavendish Properties Pty Ltd	Cavendish
14	6 Mar 23	Council Part B submission	Council
14a	7 Mar 23	Summary of advocate discussions about Timetable arrangements and distribution of documents	Council
15	7 Mar 23	Documents relied on by Cavendish Properties including marked up version of CDZ1 and emails between Council and Hansen regarding CDZ1 and Comprehensive Development Plan	Cavendish
16	8 Mar 23	Directions relating to distribution of documents and timetable arrangements	PPV
17	8 Mar 23	<i>1041 Centre Road Pty Ltd v Monash CC [2022] VCAT 1464</i>	Cavendish
18	8 Mar 23	<i>Peter Gibson Developments Pty Ltd v Stonnington CC [2011] VCAT 1007</i>	Cavendish
19	8 Mar 23	Request to amend Hearing timetable arrangements for cross examination and submissions (consent position)	Council
20	8 Mar 23	Panel directions relating to Hearing timetable arrangements in response to Document 19	PPV
21	9 Mar 23	Request to amend Hearing timetable arrangements for cross examination and submissions (consent position)	Council
22	10 Mar 23	Panel directions relating to Hearing timetable arrangements in response to Document 21	PPV
23	17 Mar 23	Further request to amend Hearing timetable arrangements for cross examination and submissions (consent position)	Council
24	17 Mar 23	Panel interim directions relating to Hearing timetable arrangements in response to Document 23	PPV



No.	Date	Description	Provided by
25	21 Mar 23	Updated Distribution List	PPV
26	22 Mar 23	Sketch up model (.skp file and screenshot) referred to by Mr Czarny in his evidence	Cavendish
27	22 Mar 23	Addendum evidence of Ms Roberts	Cavendish
28	24 Mar 23	Council Part C version of Comprehensive Development Plan (clean and tracked change versions)	Council
29	24 Mar 23	Council Part C version of CDZ1 (clean and tracked change versions)	Council
30	27 Mar 23	Council Officer report Planning Permit Application KPG645/2013 11 Pier One Drive and 107-109 McLeod Road Patterson Lakes (Pier 1 Apartments)	Cavendish
31	27 Mar 23	Updated Timetable V3 - Council submission	PPV
32	27 Mar 23	Western Precincts Masterplan (June 1999)	Council
33	27 Mar 23	Unredacted version of email correspondence contained in Document 15	Council
34	28 Mar 23	<i>Pace Development Group v Kingston CC [2012] VCAT 38</i> (10 January 2012)	Council
35	28 Mar 23	<i>Urban Ridge Pty Ltd v Whittlesea CC [2012] VCAT 1392</i> (10 September 2012)	Council
36	28 Mar 23	Letter from David Lock Associates (on behalf of Cavendish Properties) to Kingston City Council regarding proposed height of development (KP13/645), dated September 2013	Council
37	28 Mar 23	Development plans for the 'MQ1' and 'MQ2' buildings (comprising the Marina Quay development), endorsed 8 March 2018	Council
38	28 Mar 23	Email from Tim De Young of Stantec to Hall & Wilcox regarding recommended residential parking rates in Precincts 1 and 5, dated 27 March 2023	Council
39	29 Mar 23	Council Part C submission	Council
40	29 Mar 23	Cavendish Properties P/L submission	Cavendish
41	30 Mar 23	Directions relating to distribution of further documents (response from Ms Dunstan to Document 38) and updated Comprehensive Development Plan	PPV
42	11 April 23	Updated Comprehensive Development Plan (clean version)	Council
43	14 April 23	Ms Dunstan's response to Mr De Young's email (Document 38)	Cavendish
44	14 April 23	Updated Comprehensive Development Plan (tracked change version)	Council
45	17 April 23	Cavendish Properties P/L response to updated CDP	Cavendish

No.	Date	Description	Provided by
46	24 April 23	De Young's email response to Ms Dunstan's response Mr (Document 43) and confirmation of no further reply response	Council

## Appendix C Summary of exhibited changes to the Comprehensive Development Plan and Comprehensive Development Zone Schedule 1

### C:1 Comprehensive Development Plan

Existing CDP (December 1999)			Proposed CDP (March 2022)			Comments
Precincts (1999 ID)	Precinct Framework	Max Heights	Precincts (2022 ID)	Precinct Framework	Max Heights	
Precinct 1	Nil	RL 3.25 (Ground)	Precinct 1	Nil	11.5m (3 storeys)	Precinct 1 in the 1999 is proposed to be divided into 2 new precincts.
		RL 17.00 (Roof)	Precinct 2	Nil	19m (5 storeys)	
Precinct 2	Nil	2-3 storey	Precinct 1A	Nil	11.5m (3 storeys)	Precincts 2-5 in the 1999 are proposed to be combined to form a single precinct.
Precinct 3	Nil	2-3 storey				
Precinct 4	Nil	2-3 storey				
Precinct 5	Nil	2-4 storey				
Precinct 6	Nil	2 storey	Precinct 3	Nil	9m (2 storeys)	
Precinct 7	Nil	2-3 storey	Precinct 3A	Nil	11.5m (3 storeys)	
Precinct 8	Nil	2-3 storey				
Precinct 9	Nil	4 storey RL 15.35 (roof) - waterfront RL 11.5 (roof) RL 1.85 (ground)	Precinct 4	Nil	North: 15m (4 storeys) South: 11.5m (3 storeys)	Precincts 10 and 11 in the 1999 are proposed to be combined to form a single precinct.
Precinct 10	Nil	RL 9.35 (roof) RL 31.80 (roof) RL 1.85 (ground)	Precinct 5	<ul style="list-style-type: none"><li>• Key Precinct Objectives</li><li>• Built Form, Envelopes &amp; Heights Guidelines</li><li>• Access &amp; Movement Guidelines</li><li>• Landscape &amp; Environment Guidelines</li><li>• Maximum Building Height and Street Wall Height for Precinct 5</li></ul>	Site A & Site B: 16m (4 storeys) Site C & Site D: 12m (3 storeys)	
Precinct 11	Nil	RL 3.25 (ground) RL 17.00 (roof)				
Land Currently Not Within the CDP (1999) Precincts						
6-14 Marine Drive, Patterson Lakes	Nil	Nil	Precinct 1A	Nil	11.5m (3 storeys)	
1-3 Marine Drive, Patterson Lakes	Nil	Nil	Precinct 6	Nil	11.5m (3 storeys)	
1-3 Inner Harbour Drive, Patterson Lakes	Nil	Nil	Precinct 7	Nil	North: 9m (2 storeys) South: 15m (4 storeys)	
1 Thompson Road, Patterson Lakes	Nil	Nil	Precinct 8	<ul style="list-style-type: none"><li>• Key Precinct Objectives</li><li>• Built Form, Envelopes &amp; Heights Guidelines</li><li>• Access &amp; Movement Guidelines</li><li>• Landscape &amp; Environment Guidelines</li><li>• Maximum Building Height and Street Wall Height for Precinct 8</li></ul>	Site A: 20m (5 storeys) Site B: 16m (4 storeys)	

Source: Council Part A Submission Annexure A (Document 5a)

## C:2 Comprehensive Development Zone Schedule 1

Existing Schedule 1 to CDZ (1999)		Proposed Schedule 1 to CDZ (2022)
Land	Amended.	<ul style="list-style-type: none"> <li>New wording describing the subject land</li> <li>Reproduction of the CDP now included as Plan 1 to Schedule 1</li> </ul>
Purpose	Amended.	<p>Amend Purpose to:</p> <ul style="list-style-type: none"> <li>Retain Purpose 1</li> <li>Retain Purpose 2 however replace the word "residential" with "accommodation".</li> <li>Retain Purpose 3 however in second sub dot point delete "allowing however for the development to establish a distinctive identity."</li> <li>Retain Purpose 4</li> <li>Retain Purpose 7 with the inclusion of reference to "establish a distinctive identity."</li> <li>Delete Purpose, 5, 6, 8 and 9 relating to public access, orderly development, adverse wind conditions and drainage or flooding, respectively.</li> </ul>
1.0 Table of uses		
Section 1 - Permit not required	Amended	<p><b>Section 1 – Permit not required</b></p> <p>This table has been amended to:</p> <ul style="list-style-type: none"> <li>Include Accommodation (other than Corrective Institution, Residential hotel, and Residential aged care facility) subject to a Condition requiring within Precinct 1 car parking for a Dwelling must be provided at the ratio of at least 2 covered spaces and 1 visitor space to each dwelling</li> <li>Delete the following land uses from Section 1 – Permit not required: <ul style="list-style-type: none"> <li>Bank</li> <li>Dependent person's unit</li> <li>Dwelling</li> <li>Industry (other than Materials recycling and Motor repairs)</li> <li>Mail centre</li> <li>Mineral exploration</li> <li>Mining</li> <li>Postal agency</li> <li>Railway</li> <li>Residential hotel (moved to Section 2)</li> <li>Search for stone</li> <li>Service station</li> <li>Tramway</li> </ul> </li> </ul>
		<ul style="list-style-type: none"> <li>Change the Conditions to the following uses in the Table to Section 1 – Permit not required: <ul style="list-style-type: none"> <li>Art Gallery - Must be in Precinct 5 or 8</li> <li>Boat and caravan storage - Must not be located within Precincts 1, 1A, 3, 3A, 4, or 7</li> <li>Motor vehicle, boat, or caravan sales (other than Car sales) - Must not be located within Precincts 1, 1A, 3, 3A, 4, or 7 Car parking must be provided at the ratio of at least 4 spaces to each 100 square metres of leasable floor area and 0.1 space for each boat displayed for sale in Endeavour Cove Marina or on open land</li> <li>Office (other than Medical centre) - Must not be located within Precincts 1, 1A, 3, 3A, 4, or 7</li> <li>Recreational boat facility - Must not be located within Precincts 1, 1A, 3, 3A, 4, or 7. Car parking must be provided at the ratio of at least 0.6 space to each wet berth, 0.2 space to each boat space in dry stack storage or on a trailer and 0.5 space to each Marina employee.</li> <li>Restaurant - Must not be located within Precincts 1, 1A, 3, 3A, 4, or 7</li> <li>Shop - Must not be located within Precincts 1, 1A, 3, 3A, 4, or 7</li> </ul> </li> </ul>
Section 2 - Permit required	Amended	<p><b>Section 2 Table has been amended to:</b></p> <ul style="list-style-type: none"> <li>Change Industry (other than Materials recycling, and Motor repairs) from a Section 1 to a Section 2 Use. Proposed to be subject to Conditions <ul style="list-style-type: none"> <li>must not be located within Precincts 1, 1A, 3, 3A, 4, and 7</li> <li>Car parking for a Residential hotel must be provided at the ratio of at least 0.6 space to each accommodation unit, 0.5 space to each seat in the dining room, 0.3 space to each seat in the convention or meeting room and 0.25 space to each square of lounge.</li> </ul> </li> <li>Change Motor Repairs from a Section 3 to a Section 2 use – proposed to be subject to Condition Must not be located within Precincts 1, 1A, 3, 3A, 4, or 7.</li> <li>Change Residential hotel from a Section 1 to a Section 2 Use – proposed to be subject to Condition: <ul style="list-style-type: none"> <li>Must not be located within Precincts 1, 1A, 3, 3A, 4, and 7</li> </ul> </li> </ul>

## Kingston Planning Scheme Amendment C205king | Panel Report | 8 May 2023

		<ul style="list-style-type: none"> <li>Car parking for a Residential hotel must be provided at the ratio of at least 0.6 space to each accommodation unit, 0.5 space to each seat in the dining room, 0.3 space to each seat in the convention or meeting room and 0.25 space to each square of lounge.</li> <li>Must not be located within Precincts 1, 1A, 3, 3A, 4, or 7.</li> <li><b>Change Service station</b> from a Section 1 to a Section 2 use – subject to Condition <i>Must be located within Precinct 8</i></li> </ul> <p>The following land uses were <b>removed</b> from Section 2:</p> <ul style="list-style-type: none"> <li>Agriculture (other than Animal husbandry)</li> <li>Leisure and recreation (other than Informal outdoor recreation and Motor racing track)</li> <li>Medical centre</li> <li>Mineral, stone, or soil extraction (other than Extractive industry, Mineral exploration, Mining, and Search for stone)</li> <li>Place of assembly (other than Art gallery, Carnival and Circus)</li> <li>Residential building (other than Residential hotel)</li> <li>Restricted retail premises</li> <li>Shop (other than <b>Adult</b> sex product shop and Restricted retail premises)</li> <li>Trade supplies</li> <li>Utility installation (other than Minor utility installation and Telecommunications facility)</li> </ul> <p>A <b>new condition</b> was included for the following land uses.</p> <ul style="list-style-type: none"> <li>Retail premises (other than Motor vehicle, boat, or caravan sales, Postal agency, Restaurant, Shop, and Trade supplies) <i>Must not be located within Precincts 1, 1A, 3, 3A, 4, or 7.</i></li> <li>Warehouse (other than Boat and caravan storage, Freezing and cool storage, Fuel depot, Mail centre, and Milk depot) <i>Must not be located within Precincts 1, 1A, 3, 3A, 4, or 7.</i></li> </ul>
Section 3 – Prohibited	Amended	<p>Corrective institution was <b>included</b> as a section 3 use.</p> <p>The following land uses were <b>removed</b> from section 3 uses.</p> <ul style="list-style-type: none"> <li>Accommodation (other than Dependent person's unit, Dwelling, and Residential building)</li> <li>Motor repairs</li> </ul>
<b>2.0 Use of Land</b>		
Section 173 Agreements	Deleted.	<p>Requirements for Agreements related to a recreation/open space contribution, construction of marina and flood gates and associated Melbourne Water leasing arrangements, and site management throughout construction of the original development have been deleted as they have already been executed.</p> <p>This content is replaced with new land use application requirements.</p>
	New content – <b>Requirements Application Requirements Decision Guidelines</b>	New Requirements, Application Requirements and Decision Guidelines replace redundant requirements for Section 173 Agreements.
<b>3.0 Subdivision</b>		
Decision Guidelines	Amended.	<p><b>Retain</b> DG1</p> <p><b>Delete</b> DG2 – <i>The effect the subdivision will have on the potential of the area to accommodate the uses which will maintain or enhance its competitive strengths</i></p>
<b>4.0 Buildings and Works</b>		
Permit Requirements	<p>All existing Permit Requirements replaced with</p> <ul style="list-style-type: none"> <li>Requirements</li> <li>Application Requirements</li> <li>Decision Guidelines</li> </ul>	<p><b>Requirements</b></p> <p><b>Deletes</b> all existing Requirements – including the requirement for a Development Plan, Open Space and Traffic Plan for all applications</p> <p><b>Replaces existing Requirements</b> with wholly new Requirements</p> <p><b>Application requirements</b></p> <p>Introduces wholly new application requirements for those matters requiring a permit</p> <p><b>Decision Guidelines</b></p> <ul style="list-style-type: none"> <li>DG1 - <b>Replaces</b> reference to 1999 CDP with 2022 CDP</li> <li>DG2 – Deleted (car parking capacity plan)</li> <li>DG3 – Deleted (traffic generation)</li> <li>DG4 – <b>Replaces</b> traffic considerations with consideration of the effect of sea level rises</li> <li>DG5 – <b>Retained</b></li> <li>DG6 – <b>Retained</b> (minor amendment to language around <b>accessways</b>)</li> </ul>

		<ul style="list-style-type: none"> <li>• DG6 – Deleted (sea level rises, now relocated to DG4)</li> <li>• DG7 – Deleted (contingencies for redevelopment of land to the east)</li> <li>• Insert new Decision Guidelines (renumbered 5-10 and summarised) <ul style="list-style-type: none"> <li>◦ DG5 – relating to the impact of traffic generation</li> <li>◦ DG6 – relating to the visual impact of proposed development from its surrounds (Patterson River and environs and McLeod Road)</li> <li>◦ DG7 – shadows cast by buildings exceeding 2 storeys</li> <li>◦ DG8 – relating to opportunities for additional landscaping in the public realm and riverbank car park</li> <li>◦ DG9 – Relating to the integration of development with the public realm</li> <li>◦ DG10 – Relating to wind conditions in pedestrian areas.</li> </ul> </li> </ul>
5.0 Signs		<p><b>Section 5.0 Signs Replaced with Section 5.0 Precinct Guidelines</b> New/Updated Precinct Guidelines introduced for:</p> <ul style="list-style-type: none"> <li>• Precincts 1, 1A, 3, 3A, 4, and 7</li> <li>• Precincts 2 &amp; 6</li> <li>• Precincts 5 &amp; 8</li> </ul>
	<b>New 6.0 Signs</b>	No change proposed, existing content relocated to Section 6.0.



## Appendix D Planning context

### D:1 Planning policy framework

Council submitted that the Amendment is supported by various clauses in the PPF, which the Panel has summarised below.

#### Victorian planning objectives

The Amendment will assist in implementing State policy objectives set out in section 4 of the PE Act by providing for the fair, orderly, economic and sustainable use, and development of land and ensuring the consistency and accuracy of the Planning Scheme.

#### Clause 2 (Municipal Planning Strategy)

The Amendment supports the Municipal Planning Strategy by ensuring the planning controls which apply to Endeavour Cove are consistent with:

- Clause 02.02 (Vision) which identifies the key relevant strategic land use principles:
  - An urban settlement pattern that accommodates sustainable growth commensurate with constraints of established areas
  - Providing a settlement pattern that positively influences health and wellbeing
  - The competing demands on Kingston's foreshore are effectively addressed
  - High standards of urban design enhances community safety, creates vibrant places and preserves character areas
- Clause 02.03-1 (Settlement) which includes the following strategic directions:
  - Accommodate increased urban growth in established areas across the municipality, according to environmental constraints and access to services
  - Manage urban development to minimise the impact on rivers, wetlands, reserves and foreshore
- Clause 02.03-2 (Environmental and landscape values) which includes the following strategic direction:
  - Limit the impact of urbanisation and encroachment of residential development on the coastal environment, including beach and dune erosion, environmental weeds, visual and aesthetic degradation
- Clause 02.03-5 (Built environment and heritage) which includes the following strategic directions:
  - Conserve built form elements that are valued by the community while accommodating change.
  - Ensure new residential development responds to neighbourhood character
- Clause 02.03-6 (Housing) which includes the following strategic direction:
  - Support residential change consistent with the preferred housing outcomes.

#### Clause 15 (Built environment and Heritage)

The Amendment supports Clause 15 by:

- Clause 15.01-1S (Urban Design) – creating an urban environment that is safe, healthy, functional and enjoyable and that contribute to a sense of place and cultural identity
- Clause 15.01-2S (Building Design) by achieving building design and siting outcomes that contribute positively to the local context, enhance the public realm and support environmentally sustainable development
- Clause 15.01-4S (Healthy Neighbourhoods) by creating a neighbourhood that fosters healthy and active living and community wellbeing

- Clause 15.01-5S (Neighbourhood Character) by recognising, supporting and protecting neighbourhood character, cultural identity, and sense of place
- Clause 15.01-5L-01 (Neighbourhood character – Kingston) by encouraging residential development to respond positively and creatively to existing neighbourhood character, or preferred neighbourhood character.

#### Clause 19.02 (Community infrastructure)

The Amendment supports Clause 19 by:

- **Clause 19.02-6S (Open space)** establishing, managing and improving a diverse and integrated network of public open space that meets the needs of the community. The Amendment will support the development of the final components of a long-established waterway locality, with a highly distinctive neighbourhood character fashioned by its orderly development under one developer and a detailed precinct plan, by facilitating the final stage of its completion with a planning control that is fit for purpose.

## D:2 Planning scheme provisions

A common zone and overlay purpose is to implement the Municipal Planning Strategy and the PPF.

### i) Zones

The subject land is in the Comprehensive Development Zone. The purpose of the Zone is:

To provide for a range of uses and the development of land in accordance with a comprehensive development plan incorporated in this scheme.

The Amendment proposes to amend Schedule 1 to the Comprehensive Development Zone (Endeavour Cove Comprehensive Development Plan, December 1999). The purpose of CDZ1 is:

- To encourage the development of land south of the Patterson River and north of McLeod Road, Patterson Lakes as a marina-based mixed use area.
- To assist the coordinated development of the land for marina facilities, boat storage, boat servicing and residential, tourism, office, entertainment, retailing and associated uses.
- To ensure that the combination of uses, their overall density and the scale, character and level of development are compatible with:
  - The amenity of the surrounding area and the nature of the surrounding uses.
  - The skyline as seen from and along the Patterson River and the river's general environs and from McLeod Road, allowing however for the development to establish a distinctive identity.
  - The capacity of the existing road system and any proposed modifications to accommodate an increase in traffic.
  - The capacity of existing essential services and any proposed modifications.
  - The health and safety of nearby residential areas, contribute to a high standard of urban and landscape design and are intended to serve people who are using the marina-based or recreation-related uses or who work or live in the zone.
- To ensure retailing in the zone complements the Patterson Lakes Shopping Centre, servicing the existing and future residents in the surrounding area.
- To provide greater public access, in particular for pedestrians and cyclists, to and along the Patterson River bank.
- To ensure the land is developed in an orderly manner.
- To encourage a high standard of urban design.
- To avoid adverse wind conditions in pedestrian areas.

- To ensure that buildings and works along the Patterson River do not adversely affect drainage or flooding.

The CDZ1 includes:

- 1.0 Table of uses
- 2.0 Use of land provisions – limited to a requirement for a Section 173 Agreement under the PE Act and requirements related to basement carparking
- 3.0 Subdivision decision guidelines
- 4.0 Buildings and works which includes:
  - requirement for buildings and works to be in accordance with a development plan (consistent with the December 1999 CDP), open space plan and traffic plan
  - sets out decision guidelines for a development plan and traffic plan
  - height controls (based on CDP)
  - car space concession provisions and considerations.

Land along the Patterson River, to the north of the subject land is included within a Public Use Zone - 1 (Service and Utility). Surrounding residential land is included within a General Residential Zone. McLeod Road is included in a Transport Zone with an identified purpose of Principal road network.

## ii) Overlays

The western portion of the site and all its waterways are subject to the Land Subject to Inundation Overlay. The purposes of the Overlay are:

To identify flood prone land in a riverine or coastal area affected by the 1 in 100 (1 per cent Annual Exceedance Probability) year flood or any other area determined by the floodplain management authority.

To ensure that development maintains the free passage and temporary storage of floodwaters, minimises flood damage, responds to the flood hazard and local drainage conditions and will not cause any significant rise in flood level or flow velocity.

To minimise the potential flood risk to life, health and safety associated with development.

To reflect a declaration under Division 4 of Part 10 of the Water Act, 1989.

To protect water quality and waterways as natural resources by managing urban stormwater, protecting water supply catchment areas, and managing saline discharges to minimise the risks to the environmental quality of water and groundwater.

To ensure that development maintains or improves river, marine, coastal and wetland health, waterway protection and floodplain health.

## iii) Other provisions

Relevant particular provisions include:

### Carparking

Clause 52.06 (Car Parking) which:

- identifies car parking requirements for specific listed Table 1 uses
- applies parking provision rates a Column A or Column B rate. Column B rates are usually less than Column A rates and apply to land identified as being within the Principal Public Transport Network Area as shown on the *Principal Public Transport Network Area Maps* (State Government of Victoria, August 2018), or if a schedule to the Parking Overlay or another provision of the planning scheme specifies that Column B applies. The subject land is not within a Principal Public Transport Network Area

- provides that the listed rates do not apply to a use specified under another provision of the planning scheme, or a schedule to the Parking Overlay specifies a different rate
- identifies provisions for the reduction of the car parking requirement and design standards and associated decision guidelines.

#### Dwellings

- Clause 54 (One dwelling on a lot) which sets out objectives, standards (which must be met) and decision guidelines relating to neighbourhood character, site layout and building massing, amenity impacts, on-site amenity and facilities and detailed design
- Clause 55 (Two or more dwellings on a lot and residential buildings) which sets out objectives, standards (which must be met) and decision guidelines relating to neighbourhood character, site layout and massing, amenity impacts, on-site amenity and facilities and detailed design. These provisions do not apply to an application to construct or extend a development of 5 or more storeys, excluding a basement or to construct or extend a dwelling in a development of 5 or more storeys, excluding a basement.
- Clause 58 (Apartment developments) which sets out objectives and standards for an apartment development in the CDZ.

### **D:3 Ministerial Directions, Planning Practice Notes and guides**

#### **Ministerial Directions**

The Explanatory Report discusses how the Amendment meets the relevant requirements of:

- *Ministerial Direction on the Form and Content of Planning Schemes under Section 7(5) of the Planning and Environment Act 1987*
- *Ministerial Direction No. 9 Metropolitan Strategy*
- *Ministerial Direction No. 11 Strategic Assessment of Amendments*
- *Ministerial Direction No.15 The Planning Scheme Amendment Process.*

That discussion is not repeated here.

#### **Planning Practice Notes**

The Explanatory Report and submissions discuss how the Amendment meets the relevant requirements of *Planning Practice Note 46: Strategic Assessment Guidelines*, August 2018 (PPN46). That discussion is not repeated here.

#### Mandatory provisions

*Planning Practice Note 59: The role of mandatory provisions in planning schemes* (PPN59) provides guidance on the use of mandatory controls. It states that mandatory controls are the exception, and the Victoria Planning Provisions are primarily based on the principle that there should be discretion for most developments, and applications are to be tested against objectives and performance outcomes rather than prescriptive mandatory requirements.

PPN59 recognises there will be circumstances where a mandatory provision will provide certainty and ensure a preferable and efficient outcome. It sets out criteria to assess when mandatory provisions may be appropriate including:

- Is the mandatory provision strategically supported?
- Is the mandatory provision appropriate to the majority of proposals?
- Does the mandatory provision provide for the preferred outcome?

- Will the majority of proposals not in accordance with the mandatory provision be clearly unacceptable?
- Will the mandatory provision reduce administrative costs?

### Parking Overlay

*Planning Practice Note 57: The Parking Overlay* (PPN57) provides guidance to councils about the preparation and application of the Parking Overlay. The Parking Overlay's primary function is to manage car parking in a precinct, rather than on a site-by-site basis. PPN57 identifies that it can be used for any precinct where local parking issues can be identified, and a common strategy can be adopted to respond to them. This includes situations where a precinct has an established parking provision deficit and experiences physical conditions or experiences consistently lower or higher than average car parking demand that affect its future provision.

PPN57 identifies that:

Before a Parking Overlay is drafted, it will generally be necessary to prepare a car parking plan that identifies car parking needs and issues, relates these to broader social, economic and environmental considerations and sets out what car parking objectives a council wishes to achieve and how it will do this.

PPN57 sets out what should be included in a car parking plan including as assessment of parking demand and supply. It notes that the process for developing a plan is indicative and that:

... the needs of a particular neighbourhood or area may suggest that a different process be used. There is no single standard model and councils should determine a best fit process for the precinct they are investigating.

### **Practitioner's Guide**

*A Practitioner's Guide to Victorian Planning Schemes* Version 1.5, April 2022 (Practitioner's Guide) sets out key guidance to assist practitioners when preparing planning scheme provisions. The guidance seeks to ensure:

- the intended outcome is within scope of the objectives and power of the PE Act and has a sound basis in strategic planning policy
- a provision is necessary and proportional to the intended outcome and applies the Victoria Planning Provisions in a proper manner
- a provision is clear, unambiguous and effective in achieving the intended outcome.

## **D:4 Plan Melbourne**

*Plan Melbourne 2017-2050* sets out strategic directions to guide Melbourne's development to 2050, to ensure it becomes more sustainable, productive and liveable as its population approaches 8 million. It is accompanied by a separate implementation plan that is regularly updated and refreshed every five years.

Plan Melbourne is structured around seven Outcomes, which set out the aims of the plan. The Outcomes are supported by Directions and Policies, which outline how the Outcomes will be achieved.

**Table 10** Relevant parts of Plan Melbourne

Outcome	Directions	Policies
2. Melbourne provides housing choice in locations close to jobs and services	2.1 Manage the supply of new housing in the right locations to meet population growth and create a sustainable city 2.2 Deliver more housing closer to jobs and public transport 2.5 Provide greater choice and diversity of housing	2.1.2 Facilitate an increased percentage of new housing in established areas to create a city of 20-minute neighbourhoods close to existing services, jobs and public transport 2.1.3 Plan for and define expected housing needs across Melbourne's regions 2.1.4 Provide certainty about the scale of growth in the suburbs 2.2.3 Support new housing in activity centres and other places that offer good access to jobs, services and public transport 2.5.1 Facilitate housing that offers choice and meets changing household needs

## D:5 Amendment C203king

Amendment C203king proposes to implement the *Kingston Housing Strategy and Neighbourhood Character Study*, August 2021 through the application of new residential zones, overlay and local policy updates. The Amendment would rezone the area south and west of Endeavour Cove to Neighbourhood Residential Zone and the area west to remain General Residential Zone. It does not make any recommendations or set policy aspirations relating the CDZ1.

C203king has no material impact on the Amendment or precinct and has minimal impact on existing building height provisions on adjoining residential areas. This was acknowledged in the planning evidence of both Mr Glossop and Ms Peterson.

Exhibition of the amendment closed on 29 September 2022 and a Panel has been appointed.



## Appendix E Council's proposed Parking Overlay Schedule 1

### SCHEDULE 1 TO CLAUSE 45.09 PARKING OVERLAY

--/20--  
C-- Shown on the planning scheme map as **PO1**.

#### ENDEAVOUR COVE

##### 1.0 Parking objectives to be achieved

--/20--  
C-- To identify appropriate car parking rates for various uses within Endeavour Cove including marina-based uses.

To manage parking demand in residential areas where on-street or communal visitor parking is constrained or unavailable.

To ensure car parking is designed to enhance Endeavour Cove's built form character and the safety and amenity of users.

##### 2.0 Permit requirement

--/20--  
C-- A permit is required to reduce (including reduce to zero) the minimum number of car parking spaces required for a use as specified in this schedule.

A permit cannot be granted to reduce the minimum number of car parking spaces required for a Residential Hotel as specified in this schedule.

##### 3.0 Number of car parking spaces required

If a use is specified in the Table below, the number of car parking spaces required for the use is calculated by multiplying the *Rate* specified for the use by the accompanying *Measure*.

**Table: Car parking spaces**

Use	Rate	Measure
Dwelling	2 covered spaces and 1 visitor space	To each dwelling in Precinct 1 of Schedule 1 to Clause 37.02
Motor vehicle, boat, or caravan sales (other than Car sales)	4 0.1	To each 100 square metres of leasable floor area For each boat displayed for sale in Endeavour Cove Marina or on open land
Recreational boat facility	0.6 0.2 0.6	To each wet berth To each boat space in dry stack storage To each Marina employee
Residential Hotel	0.6 0.5 0.3 0.25	To each accommodation unit To each seat in the dining room To each seat in the convention or meeting room To each square metre of lounge

For all other uses listed in Table 1 of Clause 52.06-5, the Rate in Column B of Table 1 in Clause 52.06-5 applies.

**4.0 Application requirements and decision guidelines for permit applications**

Before granting a permit to allow some or all of the car parking spaces required under Clause 52.06 5 or in this schedule to be provided on the Riverbank site, the responsible authority must consider the following, as appropriate, in addition to the matters specified in Clause 52.06 7:

- The safety and accessibility of the car parking spaces.
- The nature of the uses, the safety of pedestrians and availability of the car parking spaces to satisfy expected patterns of parking demand.

**5.0 Financial contribution requirement**

None specified

**6.0 Requirements for a car parking plan**

None specified

**7.0 Design standards for car parking**

None specified

**8.0 Decision guidelines for car parking plans**

None specified

**9.0 Background document**

*Endeavour Cove Marina Parking Assessment Report (October 2021).*

~~Tracked Deleted~~

Shown on the planning scheme map as **CDZ1**.

Land

**Plan 1 to Schedule 1 to Clause 37.02**

[illegible]

## Purpose

- To encourage the use and development of land within Endeavour Cove as a marina-based mixed use area in accordance with the Endeavour Cove Comprehensive Development Plan, Insert new date March 2022.

- To ensure that the combination of uses, their overall density and the scale, character and level of development is compatible with the surrounding area including the river environs, nearby residential (and other) uses, and the local road network.
- To ensure new development achieves a high standard of urban and landscape design, and establishes a distinctive identity and character, which is consistent with the Endeavour Cove Comprehensive Development Plan, [Insert new date March 2022](#).
- To ensure retailing in the zone complements the Patterson Lakes Shopping Centre, and services the existing and future residents and visitors in the area.
- To provide greater public access, in particular for pedestrians and cyclists, to and along the Patterson River bank.

## 1.0

## Table of uses

## Section 1 – Permit not required

Use	Condition
<b>Accommodation (other than Corrective Institution, Residential hotel, and Residential aged care facility)</b>	
<b>Art gallery</b>	Must be in Precinct 5 or 8.
<b>Boat and caravan storage</b>	Must not be located within Precincts 1, 1A, 3, 3A, 4 or 7.
<b>Home based business</b>	
<b>Informal outdoor recreation</b>	
<b>Motor vehicle, boat, or caravan sales (other than Car sales)</b>	Must not be located within Precincts 1, 1A, 3, 3A, 4 or 7.
<b>Office (other than Medical centre)</b>	Must not be located within Precincts 1, 1A, 3, 3A, 4 or 7.
<b>Recreational boat facility</b>	Must not be located within Precincts 1, 1A, 3, 3A, 4 or 7.
<b>Restaurant</b>	Must not be located within Precincts 1, 1A, 3, 3A, 4 or 7.
<b>Shop</b>	Must not be located within Precincts 1, 1A, 3, 3A, 4 or 7.
<b>Any use listed in Clause 62.01</b>	Must meet the requirements of Clause 62.01

## Section 2 – Permit required

Use	Condition
<b>Industry (other than Materials recycling, and Motor repairs)</b>	<p>Must not be located within Precincts 1, 1A, 3, 3A, 4 and 7.</p> <p>Must not be a purpose shown with a Note 1 or Note 2 in the table to Clause 53.10. The land must be at least the following distances from land (not a road) which is in a residential zone or Commercial 1 Zone, land used for a hospital or school or land in a Public Acquisition Overlay to be acquired for a hospital or school:</p> <ul style="list-style-type: none"> <li>▪ The threshold distance, for a</li> </ul>

	purpose listed in the table to Clause 53.10.
	<ul style="list-style-type: none"> <li>30 metres, for a purpose not listed in the table to Clause 53.10.</li> </ul>
<b>Motor repairs</b>	Must not be located within Precincts 1, 1A, 3, 3A, 4 or 7.
<b>Residential hotel</b>	Must not be located within Precincts 1, 1A, 3, 3A, 4 or 7.
<b>Retail premises (other than Motor vehicle, boat, or caravan sales, Restaurant and Shop)</b>	Must not be located within Precincts 1, 1A, 3, 3A, 4 or 7.
<b>Service station</b>	Must be located within Precinct 8.
<b>Warehouse (other than Boat and caravan storage, Freezing and cool storage, Fuel depot, Mail centre, and Milk depot)</b>	Must not be located within Precincts 1, 1A, 3, 3A, 4 or 7.
<b>Any use not in Section 1 or 3</b>	

### Section 3 – Prohibited

#### Use

Adult sex product shop  
 Animal husbandry (other than Apiculture)  
 Brothel  
 Car sales  
 Cemetery  
 Corrective institution  
 Crematorium  
 Extractive industry  
 Freezing and cool storage  
 Fuel depot  
 Materials recycling  
 Milk depot  
 Motor racing track

## 2.0

--/20--  
C--

### Use of land

#### Requirements

The use of land must be generally in accordance with the *Endeavour Cove Comprehensive Development Plan* [Insert new date \(March 2022\)](#).

#### Application requirements

The following application requirements apply to an application for a permit under Clause 37.02, in addition to those specified in Clause 37.02 and elsewhere in the scheme and must accompany an application, as appropriate, to the satisfaction of the responsible authority:

- The purpose of the use and the types of activities which will be carried out.
- The likely effects, if any, on adjoining land, including noise levels, the hours of delivery and dispatch of goods and materials, hours of operation and light spill and glare.
- The means of maintaining land not required for immediate use.

### Decision Guidelines

The following decision guidelines apply to an application for a permit under Clause 37.02, in addition to those specified in Clause 37.02 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- The effect that existing uses may have on the proposed use.
- The impact of traffic generated by the proposal and whether it is likely to require special traffic management or control works in the neighbourhood.
- The interim use of those parts of the land not required for the proposed use.

## 3.0

### Subdivision

#### Decision Guidelines

The following decision guidelines apply to an application for a permit under Clause 37.02, in addition to those specified in Clause 37.02 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- The interface with adjoining zones, especially the relationship with residential areas.
- The impact of the subdivision on the immediate area including adjoining uses and development.
- [The impact of the subdivision on adjacent Precincts including on the potential to achieve the purpose of this Schedule and the land use, preferred character and development typology identified in the Endeavour Cove Comprehensive Development Plan \(date\).](#)

#### [Exemption from Notice and Review](#)

[An application to subdivide land is exempt from the notice requirements of Section 52\(1\) \(a\) \(b\) and \(d\), the decision requirements of Section 64\(1\), \(2\) and \(3\) and the review rights of Section 82\(1\) of the Act if it is generally consistent with the Endeavour Cove Comprehensive Development Plan, date.](#)

## 4.0

### Buildings and works

#### Requirements

No permit is required to construct a building or construct or carry out works for the following:

- The construction or extension of one dwelling on a lot with an area of 300 square metres or more. The construction or carrying out works normal to a dwelling.
- Construction or extension of an out-building (other than a garage or carport) on a lot provided the gross floor area of the out-building does not exceed 10 square metres and the maximum building height is not more than 3 metres above ground level.
- The installation of an automatic teller machine.
- An alteration to an existing building facade provided:
  - The alteration does not include the installation of an external roller shutter.
  - At least 80 per cent of the building facade at ground floor level is maintained as an entry or window with clear glazing.
  - An awning that projects over a road if it is authorised by the relevant public land manager.

The following requirements apply to an application to construct a building or construct or carry out works:

- A permit cannot be granted to exceed the mandatory maximum height specified for a Precinct as shown on the Endeavour Cove Comprehensive Development Plan (March 2022).
- Development should be generally in accordance with the Endeavour Cove Comprehensive Development Plan [Insert new date \(March 2022\).](#)



- Other than jetties and moorings, a permit cannot be granted to construct buildings and works outside the precinct boundaries shown on the Endeavour Cove Comprehensive Development Plan [Insert new date \(March 2022\)](#).
- If the land is in a Special Building Overlay, Land Subject to Inundation Overlay or is land liable to inundation the maximum building height specified in the zone or schedule to the zone is the vertical distance from the minimum floor level determined by the relevant drainage authority or floodplain management authority to the roof or parapet at any point.
- The development of land for the following must meet the requirements of Clause 55. This does not apply to a development of five or more storeys, excluding a basement:
  - A dwelling if there is at least one dwelling existing on the lot
  - Two or more dwellings on a lot
  - A dwelling or extension of a dwelling if it is on common property
  - A residential building or extension of a residential building
- The development of one dwelling on a lot less than 300 square metres must meet the requirements of Clause 54.
- The maximum building height in this schedule apply whether or not a planning permit is required for the construction of a building.

### Application requirements

The following application requirements apply to an application for a permit under Clause 37.02, in addition to those specified in Clause 37.02 and elsewhere in the scheme and must accompany an application, as appropriate, to the satisfaction of the responsible authority:

- Plans drawn to scale and dimensioned which show:
  - The boundaries and dimensions of the site.
  - Adjoining roads.
  - The location, height and use of buildings and works on adjoining land.
  - Levels of the site and the difference in levels between the site and surrounding properties to a defined point at the site boundaries or to Australian Height Datum (AHD).
  - Any contaminated soils and filled areas, where known.
  - The layout of existing and proposed buildings and works.
  - The internal layout and use of the proposed development.
  - All access and pedestrian areas.
  - All driveway, car parking and loading areas.
- Existing vegetation and proposed landscape areas. All external storage and waste treatment areas.
- The location of easements and services
- Elevation plans drawn to scale and dimensioned which show:
  - The building form and scale.
  - Setbacks to property boundaries.
  - Finished floor levels and building heights to a defined point at the site boundaries or to Australian Height Datum (AHD).
- A schedule of finishes for the proposed development detailing materials and colours of external surfaces including walls, roofs and fences.
- A landscape plan which includes the description of vegetation to be planted, the surfaces to be constructed, site works specification and method of preparing, draining, watering and maintaining the landscape area. Construction details of all drainage works, driveways, vehicle parking and loading areas.
- For a residential development of four storeys or less, the neighbourhood and site description and design response as required by Clause 54 and Clause 55.

- A Traffic Impact Assessment Report.

### Decision guidelines

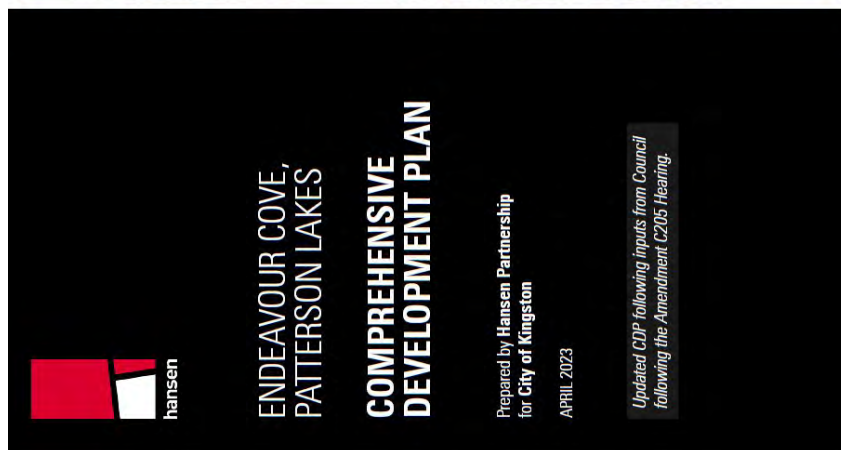
The following decision guidelines apply to an application for a permit under Clause 37.02, in addition to those specified in Clause 37.02 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

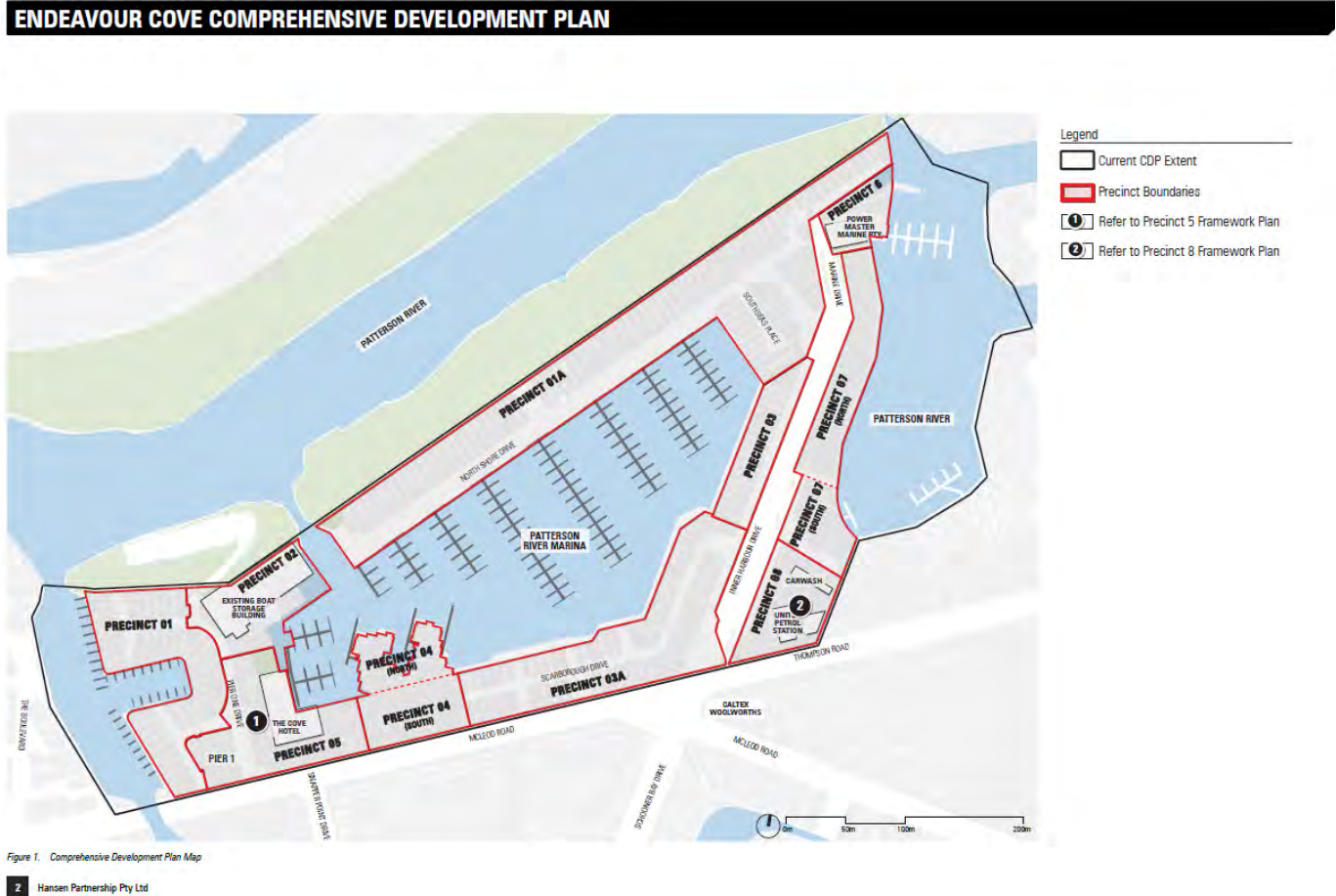
- The Endeavour Cove Comprehensive Development Plan [Insert new date \(March 2022\)](#).
- Points of access to and from the land and whether they are suitably located.
- The layout of car parking areas and associated accessways.
- The impact of traffic generated by the proposal and whether it is likely to require special traffic management or control works in the neighbourhood.
- The visual impact of the proposed development when seen from and along the Patterson River and the river's general environs and from McLeod Road.
- The shadows cast by buildings exceeding two storeys in height measured at hourly intervals between 11.00am and 2.00pm on 22 September.
- The opportunity to provide additional landscaping within the riverbank carpark, and enhancements to increase the amenity and useability of this public open space area.
- The streetscape, including the provision of pedestrian footpaths, active frontages to pedestrian areas, the treatment to the fronts and backs of buildings and their appurtenances, illumination of buildings or their immediate spaces and the landscaping of land adjoining a road.
- The wind conditions in pedestrian areas.
- The objectives, standards and decision guidelines of Clause 54 and Clause 55. This does not apply to an apartment development.
- The design, height, setback and appearance of the proposed building and works.
- The proposed landscaping.
- Any proposed loading and refuse collection facilities.

### 5.0 Signs

None specified.

## Appendix G Council's final version of Endeavour Cove Comprehensive Development Plan





## ENDEAVOUR COVE COMPREHENSIVE DEVELOPMENT PLAN

Table 1: Precinct Guidelines

Precincts ID	Statement of Existing and Preferred Character	Development Typology/ Density
Precinct 1, Precinct 1A, Precinct 3, Precinct 3A, Precinct 4, Precinct 7	<p>These precincts are characterised by areas of tightly packed, established housing with narrow frontages on small lots. These areas are almost exclusively residential and dwellings comprises 2-3 storey townhouses and apartments .</p> <p>New development will reflect existing dwelling styles and patterns but architectural details can vary. Where allowed, dwellings may be extended and vacant sites developed. Little change to the Precinct's existing character or land use pattern is anticipated. Dwellings should face streets, have a clear sense of address and be built flush to side boundaries. Dwellings are encouraged to be designed to capitalise on views of the marina waterways, access driveways and the Patterson River.</p> <p>The future land use of these precincts will remain residential, with the potential for a small amount of non-residential uses to emerge over time. All non-residential land uses must be of a scale and intensity appropriate to its context.</p>	Residential, low rise
Precinct 2 & Precinct 6	<p>This precinct is currently used for the purposes of a service station and boat storage. These land uses support the marina-based precinct function and may continue to operate in the long term.</p> <p>The future built form of this precinct is able to change consistent with the built form guidance in Table 2.</p> <p>Future use and development will continue to support the marine based mixed use destinations with opportunities to contribute positively to the public realm and the overall precinct image.</p> <p>Where commercial land uses are proposed, these must be of a scale and intensity that is compatible with residential land use nearby.</p>	Mixed use, medium rise
Precinct 5 and Precinct 8	<p>These precincts currently display a mixture of land uses and building forms including the Cove Hotel, the Pier One Apartments and a service station.</p> <p>The precinct is expected to change.</p> <p>New uses and development will complement the marina and be compatible with nearby residential land use. Development should create opportunities for active and casual surveillance of internal accessways and waterways. Because new development will be visible from many vantage points, a high level of urban design resolution is required to ensure that this development contributes to ground level activity and provides attractive elevations.</p> <p>The architecture should be designed to be appropriate to a marine or coastal location.</p>	Mixed use, medium rise.



## ENDEAVOUR COVE COMPREHENSIVE DEVELOPMENT PLAN

Table 2: Summary

Precincts ID	Preferred Maximum Building Height	Mandatory Maximum Building Height	Street Wall Height	Minimum Ground Level Front Setback	Minimum Upper Level Setback Above Street Wall
Precinct 1	not applicable	11.5m (3 storeys)	not applicable	Apply Standard A3/B6	not applicable
Precinct 1a		11.5m (3 storeys)	not applicable	Apply Standard A3/B6	not applicable
Precinct 2	not applicable	19m (5 storeys)	not applicable	Retain existing	not applicable
Precinct 3	not applicable	9m (2 storeys)	not applicable	Apply Standard A3/B6	not applicable
Precinct 3a		11.5m (3 storeys)	not applicable	Apply Standard A3/B6	not applicable
Precinct 4	not applicable	North: 15m (4 storeys) South: 11.5m (3 storeys)	North: not applicable South: 9m (2 storeys)	Apply Standard A3/B6	not applicable
Precinct 5	Site A & Site B: 16m (4 storeys)	Site A & Site B: 20m (5 storeys)  Site C & Site D: 12m (3 storeys)	12m (3 storeys)	Pier One Drive: 3m McLeod Road: 4m Waterfront: 5m Eastern Precinct Boundary 5m	5m, or greater to maintain solar access of private open spaces (outside of precinct 5) and to avoid overshadowing of existing footpath on the west side of Pier One Drive and south side of McLeod Road between 10am to 2pm on 22 September.
Precinct 6	not applicable	11.5m (3 storeys)	not applicable	Retain existing	not applicable
Precinct 7	not applicable	North: 9m (2 storeys) South: 15m (4 storeys)	not applicable	Apply Standard A3/B6	not applicable
Precinct 8	Site A: 20m (5 storeys)	Site A: 24m (6 storeys) Site B: 16m (4 storeys)	12m (3 storeys), or 8m (2 storeys) along the eastern boundary.	Thompson Road: 0m Inner Harbour Drive: 3m Eastern Boundary: 5m Northern Precinct Boundary 5m	5m, or greater to maintain solar access of private open spaces to the east and to avoid overshadowing of existing footpath on the south side of Thompson Road between 10am to 2pm on 22 September.

**Note:**

Development is not generally consistent with this Comprehensive Development Plan unless it complies with each preferred maximum building height, street wall height, minimum ground level front setback and minimum upper level setback specified in this table.



## ENDEAVOUR COVE COMPREHENSIVE DEVELOPMENT PLAN

### PRECINCT FRAMEWORK: PRECINCT 5

#### Built Form, Envelopes & Heights

- Ensure the consolidation and development of sites occur in a consolidated manner which do not create small, isolated holdings of land with restricted amenity and access.
- Maximum building height must be in accordance with Table 2.
- Street wall heights and minimum setbacks should be in accordance with Table 2.
- Built form will incorporate building separation and a well-articulated podium that is broken up with different design treatments to avoid the appearance of a continuous wall.
- Provide a strong street wall presentation.
- Ensure a high standard of amenity for future residents and neighbouring properties.
- Design building forms to maximise outlook and daylight access.
- Provide floor to floor heights that maximise internal amenity for residents and support commercial uses.
- Provide a minimum 10m building separation above podium level.
- Promote activation of buildings at street level.
- Where a blank wall is proposed in a mid-block location as an interim condition subject to future adjoining development, the colour, texture or finish of the wall should be designed to provide visual interest.
- Provide communal open spaces at ground level, or roof top.
- Encourage an active commercial edge to Pier One Drive and shared accessways.
- Avoid overshadowing of existing footpath on the south side of McLeod Road on 22 September between 10am to 2pm.
- Avoid overshadowing of existing footpath on the west side of Pier One Drive on 22 September between 10am to 2pm.
- Maintain solar access to private open space and communal open space (outside of Precinct 5) on 22 September between 10am to 2pm.
- Daylight access to communal open space and dwellings within the lower levels within Precinct 5 should be taken into consideration

#### Access & Movement

- Orientate primary building entries along Pier One Drive or McLeod Road.
- Provide consolidated vehicle access off Pier One Drive to service Sites B, C and D.
- Facilitate relocation of existing vehicle crossover to achieve consolidated vehicle access off McLeod Road to service Sites A and B.
- Minimise the impact of car parking and servicing on Pier One Drive and McLeod Road.
- At ground level, the publicly accessible shared accessway should be landscaped and wide enough to provide for a high standard of pedestrian amenity.
- Ensure any future shared accessway is designed as a shared zone, framed by active commercial frontages, or building entries and accessible to the public.
- All future public accessways must be designed and constructed in accordance with the requirements of the Kingston City Council.
- Provide a turnaround area along Pier One Drive to support access to marina-based facilities to the north.

#### Landscape & Environment

- Maximise landscaping opportunities at the ground or upper levels, including canopy trees and rooftop gardens.
- Setback buildings 3m from the title boundary with Pier One Drive to implement a footpath.
- Setback buildings 5m from the boundary of any land where it abuts a water body forming part of the marina.
- Retain existing canopy trees.
- Site A: Provide a 5m ground level setback along the eastern boundary to support landscape buffer and canopy trees to its sensitive residential interface.



Figure 2. Precinct 5 Framework Plan

## ENDEAVOUR COVE COMPREHENSIVE DEVELOPMENT PLAN

### PRECINCT FRAMEWORK: PRECINCT 8

#### Built Form, Envelopes & Heights

- Ensure the consolidation and development of sites occur in a progressive manner and does not result in the creation of small, isolated holdings of land with restricted amenity and access.
- Maximum building height must be in accordance with Table 2.
- Street wall heights and minimum setbacks should be in accordance with Table 2.
- Built form will incorporate building separation and well articulated podium that is broken up with different design treatments to avoid the appearance of a continuous wall.
- Provide a visually dominant street wall presentation.
- Ensure a high standard of amenity for future residents and neighbouring properties.
- Design building forms to maximise outlook and daylight access.
- Provide floor to floor heights that maximise internal amenity for residents and support commercial uses
- Provide a minimum 10m building separation.
- Promote activation of buildings at street level.
- Where a blank wall is proposed in a mid-block location as an interim condition subject to future adjoining development, the colour, texture or finish of the wall should be designed to provide visual interest.
- Provide communal open spaces at ground level, or roof top.
- Encourage an active commercial edge to Inner Harbour Drive and Thompson Road
- Avoid overshadowing of the central median along Inner Harbour Drive on 22 September between 10am to 2pm.
- Avoid overshadowing of existing footpath on the south side of Thompson Road on 22 September between 10am to 2pm.
- Maintain solar access to private open space and communal open space (outside of Precinct 8) on 22 September between 10am to 2pm.
- Daylight access to communal open space and dwellings within the lower levels should be taken into consideration.

#### Access & Movement

- Orientate primary building entries along Thompson Road, Inner Harbour Drive and Future Access Road.
- Ensure future Access Road is designed as a shared zone, framed by active frontages, or building entries and accessible to the public.
- Provide a consolidated vehicle access off Inner Harbour Drive for Site B and a consolidated vehicle access via a new shared access road for Site A.
- Minimise the impact of car parking and boat trailer parking and servicing along Inner Harbour Drive and future Access Road.
- At ground level, the publicly accessible accessway should be landscaped and wide enough to provide for a high standard of pedestrian amenity.
- All future public accessways must be designed and constructed in accordance with the requirements of the Kingston City Council.

#### Landscape & Environment

- Maximum site coverage of 60% across Precinct 8 (excluding Inner Harbour Drive).
- Provide a 3m ground level setback along Inner Harbour Drive for footpath.
- Provide a 5m ground level setback along the northern and eastern boundaries to support landscape buffer and canopy trees along sensitive residential interface.
- Retain existing canopy trees.
- Support the provision for distinctive feature trees along Inner Harbour Drive.



## KINGSTON PLANNING SCHEME

Proposed C205king

**SCHEDULE 1 TO CLAUSE 37.02 COMPREHENSIVE DEVELOPMENT ZONE**

Shown on the planning scheme map as **CDZ1**.

**ENDEAVOUR COVE COMPREHENSIVE DEVELOPMENT PLAN****Land**

This schedule applies to the land defined by the “*Endeavour Cove Comprehensive Development Plan (June 2023)*” as incorporated into this scheme. The land is shown on the planning scheme maps as CDZ1.

**Plan 1 to Schedule 1 to Clause 37.02**

*Note: This plan is a reproduction of the Endeavour Cove Comprehensive Development Plan Map, June 2023.*

**Purpose**

- To encourage the use and development of land within Endeavour Cove as a marina-based mixed use area in accordance with the Endeavour Cove Comprehensive Development Plan, June 2023.
- To ensure that the combination of uses, their overall density and the scale, character and level of development is compatible with the surrounding area including the river environs, nearby residential (and other) uses, and the local road network.
- To ensure new development achieves a high standard of urban and landscape design, and establishes a distinctive identity and character, which is consistent with the Endeavour Cove Comprehensive Development Plan, June 2023.
- To ensure retailing in the zone complements the Patterson Lakes Shopping Centre and services the existing and future residents and visitors in the area.
- To provide greater public access, in particular for pedestrians and cyclists, to and along the Patterson River bank.

## KINGSTON PLANNING SCHEME

## 1.0

Proposed C205king

## Table of uses

## Section 1 - Permit not required

Use	Condition
Accommodation (other than Corrective Institution, Residential hotel, and Residential aged care facility)	
Art gallery	Must be in Precinct 5 or 8.
Boat and caravan storage	Must not be located within Precincts 1, 1A, 3, 3A, 4, or 7.
Home based business	
Informal outdoor recreation	
Motor vehicle, boat, or caravan sales (other than Car sales)	Must not be located within Precincts 1, 1A, 3, 3A, 4, or 7.
Office (other than Medical centre)	Must not be located within Precincts 1, 1A, 3, 3A, 4, or 7.
Recreational boat facility	Must not be located within Precincts 1, 1A, 3, 3A, 4, or 7.
Restaurant	Must not be located within Precincts 1, 1A, 3, 3A, 4, or 7.
Shop	Must not be located within Precincts 1, 1A, 3, 3A, 4, or 7.
Any use listed in Clause 62.01	Must meet the requirements of Clause 62.01

## Section 2 - Permit required

Use	Condition
Industry (other than Materials recycling, and Motor repairs)	<p>Must not be located within Precincts 1, 1A, 3, 3A, 4 and 7.</p> <p>Must not be a purpose shown with a Note 1 or Note 2 in the table to Clause 53.10. The land must be at least the following distances from land (not a road) which is in a residential zone or Commercial 1 Zone, land used for a hospital or school or land in a Public Acquisition Overlay to be acquired for a hospital or school:</p> <ul style="list-style-type: none"> <li>▪ The threshold distance, for a purpose listed in the table to Clause 53.10.</li> <li>▪ 30 metres, for a purpose not listed in the table to Clause 53.10</li> </ul>

## KINGSTON PLANNING SCHEME

Use	Condition
<b>Motor Repairs</b>	Must not be located within Precincts 1,1A,3,3A,4, or 7.
<b>Residential Hotel</b>	Must not be located within Precincts 1,1A,3,3A,4, or 7.
<b>Retail premises (other than Motor vehicle, boat, or caravan sales, Restaurant and Shop)</b>	Must not be located within Precincts 1,1A,3,3A,4, or 7.
<b>Service Station</b>	Must be located within Precinct 8.
<b>Warehouse (other than Boat and caravan storage, Freezing and cool storage, Fuel depot, Mail centre, and Milk depot)</b>	Must not be located within Precincts 1,1A,3,3A,4, or 7.
<b>Any other use not in Section 1 or 3</b>	

**Section 3 - Prohibited**

Use
<b>Adult sex product shop</b>
<b>Animal husbandry (other than Apiculture)</b>
<b>Brothel</b>
<b>Car sales</b>
<b>Cemetery</b>
<b>Corrective institution</b>
<b>Crematorium</b>
<b>Extractive industry</b>
<b>Freezing and cool storage</b>
<b>Fuel depot</b>
<b>Materials recycling</b>
<b>Milk depot</b>
<b>Motor racing track</b>

**2.0**

---  
Proposed C205king

**Use of land****Requirements**

The use of land must be generally in accordance with the *Endeavour Cove Comprehensive Development Plan (June 2023)*.

**Application requirements**

The following application requirements apply to an application for a permit under Clause 37.02, in addition to those specified in Clause 37.02 and elsewhere in the scheme and must accompany an application, as appropriate, to the satisfaction of the responsible authority:

- The purpose of the use and the types of activities which will be carried out.

- The likely effects, if any, on adjoining land, including noise levels, the hours of delivery and dispatch of goods and materials, hours of operation and light spill and glare.
- The means of maintaining land not required for immediate use.

#### Decision guidelines

The following decision guidelines apply to an application for a permit under Clause 37.02, in addition to those specified in Clause 37.02 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- The effect that existing uses may have on the proposed use.
- The impact of traffic generated by the proposal and whether it is likely to require special traffic management or control works in the neighbourhood.
- The interim use of those parts of the land not required for the proposed use.

### 3.0

Proposed C205king

#### Subdivision

##### Decision guidelines

The following decision guidelines apply to an application for a permit under Clause 37.02, in addition to those specified in Clause 37.02 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- The interface with adjoining zones, especially the relationship with residential areas.
- The impact of the subdivision on adjacent Precincts including on the potential to achieve the purpose of this Schedule and the land use, preferred character and development typology identified in the Endeavour Cove Comprehensive Development Plan (June 2023).

##### Exemption from Notice and Review

An application to subdivide land is exempt from the notice requirements of Section 52(1) (a) (b) and (d), the decision requirements of Section 64(1), (2) and (3) and the review rights of Section 82(1) of the Act if it is generally consistent with the *Endeavour Cove Comprehensive Development Plan, June 2023*.

### 4.0

Proposed C205king

#### Buildings and works

##### Requirements

No permit is required to construct a building or construct or carry out works for the following:

- The construction or extension of one dwelling on a lot with an area of 300 square metres or more.
- The construction or carrying out works normal to a dwelling.
- Construction or extension of an out-building (other than a garage or carport) on a lot provided the gross floor area of the out-building does not exceed 10 square metres and the maximum building height is not more than 3 metres above ground level.
- The installation of an automatic teller machine.
- An alteration to an existing building facade provided:
  - The alteration does not include the installation of an external roller shutter.
  - At least 80 per cent of the building facade at ground floor level is maintained as an entry or window with clear glazing.
  - An awning that projects over a road if it is authorised by the relevant public land manager.

The following requirements apply to an application to construct a building or construct or carry out works:



**KINGSTON PLANNING SCHEME**

- A permit cannot be granted to exceed the mandatory maximum height specified for a Precinct as shown on the Endeavour Cove Comprehensive Development Plan (June 2023).
- Development should be generally in accordance with the Endeavour Cove Comprehensive Development Plan (June 2023).
- Other than jetties and moorings, a permit cannot be granted to construct buildings and works outside the precinct boundaries shown on the Endeavour Cove Comprehensive Development Plan (June 2023).
- If the land is in a Special Building Overlay, Land Subject to Inundation Overlay or is land liable to inundation the maximum building height specified in the zone or schedule to the zone is the vertical distance from the minimum floor level determined by the relevant drainage authority or floodplain management authority to the roof or parapet at any point.
- The development of land for the following must meet the requirements of Clause 55.
  - A dwelling if there is at least one dwelling existing on the lot
  - Two or more dwellings on a lot
  - Extend a dwelling if there are two or more dwellings on the lot
  - A dwelling or extension of a dwelling if it is on common property
  - A residential building or extension of a residential building

This requirement does not apply to an apartment development or a development of five or more storeys excluding a basement.

- The development of one dwelling on a lot less than 300 square metres must meet the requirements of Clause 54.
- The maximum building height in this schedule apply whether or not a planning permit is required for the construction of a building.

**Application requirements**

The following application requirements apply to an application for a permit under Clause 37.02, in addition to those specified in Clause 37.02 and elsewhere in the scheme and must accompany an application, as appropriate, to the satisfaction of the responsible authority:

- Plans drawn to scale and dimensioned which show:
  - The boundaries and dimensions of the site.
  - Adjoining roads.
  - The location, height and use of buildings and works on adjoining land.
  - Levels of the site and the difference in levels between the site and surrounding properties to a defined point at the site boundaries or to Australian Height Datum (AHD).
  - Any contaminated soils and filled areas, where known.
  - The layout of existing and proposed buildings and works.
  - The internal layout and use of the proposed development.
  - All access and pedestrian areas.
  - All driveway, car parking and loading areas.
  - Existing vegetation and proposed landscape areas.
  - All external storage and waste treatment areas.
  - The location of easements and services
- Elevation plans drawn to scale and dimensioned which show:

to the CDZ for adoption

- ## Decision guidelines

- The Endeavour Cove Comprehensive Development Plan (June 2023).
- Points of access to and from the land and whether they are suitably located.
- The layout of car parking areas and associated accessways.
- The impact of traffic generated by the proposal and whether it is likely to require special traffic management or control works in the neighbourhood.
- The visual impact of the proposed development when seen from and along the Patterson River and the river's general environs and from McLeod Road.
- The shadows cast by buildings exceeding two storeys in height measured at hourly intervals between 11.00am and 2.00pm on 22 September.
- The opportunity to provide additional landscaping within the riverbank carpark, and enhancements to increase the amenity and useability of this public open space area.
- The streetscape, including the provision of pedestrian footpaths, active frontages to pedestrian areas, the treatment to the fronts and backs of buildings and their appurtenances, illumination of buildings or their immediate spaces and the landscaping of land adjoining a road.
- The wind conditions in pedestrian areas.
- The objectives, standards and decision guidelines of Clause 54 and Clause 55. This does not apply to an apartment development.
- The design, height, setback and appearance of the proposed building and works.
- The proposed landscaping.
- Any proposed loading and refuse collection facilities.

## Signs

None specified.

## KINGSTON PLANNING SCHEME

---  
Proposed C205king

**SCHEDULE 1 TO CLAUSE 45.09 PARKING OVERLAY**

Shown on the planning scheme map as **PO1**.

**ENDEAVOUR COVE****1.0**

---  
Proposed C205king

**Parking objectives to be achieved**

To identify appropriate car parking rates for various uses within Endeavour Cove including marina-based uses

To manage parking demand in residential areas where on-street or communal visitor parking is constrained or unavailable.

To ensure car parking is designed to enhance Endeavour Cove's built form character and the safety and amenity of users.

**2.0**

---  
Proposed C205king

**Permit requirement**

A permit is required to reduce (including reduce to zero) the minimum number of car parking spaces required for a use as specified in this schedule.

A permit cannot be granted to reduce the minimum number of car parking spaces required for a Residential Hotel as specified in this schedule.

**3.0**

---  
Proposed C205king

**Number of car parking spaces required**

If a use is specified in the Table below, the number of car parking spaces required for the use is calculated by multiplying the *Rate* specified for the use by the accompanying *Measure*.

**Table: Car parking spaces**

Use	Rate	Measure
Dwelling	2 spaces and 1 dedicated visitor space per dwelling;	To each dwelling in Precinct 1 of Schedule 1 to Clause 37.02
	or 1 visitor space	To each 5 dwellings where a shared car parking area is provided in Precinct 1 of Schedule 1 to Clause 37.02
Motor vehicle, boat, or caravan sales (other than Car sales)	4	To each 100 square metres of leasable floor area
	0.1	For each boat displayed for sale in Endeavour Cove Marina or on open land
Recreational boat facility	0.25	To each wet berth
	0.25	To each boat space in dry stack storage or on a trailer
	0.6	To each Marina employee
Residential Hotel	0.6	To each accommodation unit
	0.3	To each patron to dining, convention, and lounge areas available for people not staying in accommodation units

For all other uses listed in Table 1 of Clause 52.06-5, the *Rate* in Column B of Table 1 in Clause 52.06-5 applies.

---

**KINGSTON PLANNING SCHEME**

---

**4.0**

---  
Proposed C205king

**Application requirements and decision guidelines for permit applications**

Before granting a permit to allow some or all of the car parking spaces required under Clause 52.06-5 or in this schedule to be provided on [the Riverbank site], the responsible authority must consider the following, as appropriate, in addition to the matters specified in Clause 52.06-7:

- The safety and accessibility of the car parking spaces.
- The nature of the uses, the safety of pedestrians and availability of the car parking spaces to satisfy expected patterns of parking demand.

**5.0**

---  
Proposed C205king

**Financial contribution requirement**

None specified.

**6.0**

---  
Proposed C205king

**Requirements for a car parking plan**

None specified.

**7.0**

---  
Proposed C205king

**Design standards for car parking**

None specified.

**8.0**

---  
Proposed C205king

**Decision guidelines for car parking plans**

None specified.

**9.0**

---  
Proposed C205king

**Background document**

None specified.



## ENDEAVOUR COVE, PATTERSON LAKES

# COMPREHENSIVE DEVELOPMENT PLAN

Prepared by **Hansen Partnership**  
for **City of Kingston**

JUNE 2023



## Endeavour Cove Comprehensive Development Plan - Overview

### Overview

#### Role and Purpose of the Comprehensive Development Plan

The Endeavour Cove Comprehensive Development Plan (CDP) is a long-term plan to facilitate the development of the Endeavour Cove Precinct.

This CDP is incorporated into the Kingston Planning Scheme and must be read in conjunction with the following:

- Clause 37.02 and Schedule 1 to Clause 37.02 of the Kingston Planning Scheme (Comprehensive Development Zone)
- Clause 45.09 and Schedule 1 to Clause 45.09 of the Kingston Planning Scheme (Parking Overlay)

The CDP is intended to provide a framework to guide the development of Endeavour Cove. It divides Endeavour Cove into eight (8) Precincts. Some Precincts are largely completed with limited potential for future change. Other Precincts have the capacity to support higher levels of change over time.

#### Interpreting and applying the Comprehensive Development Plan

The CDP comprises maps, tables and Precinct Frameworks which will guide decision making. The following elements comprise the CDP:

##### Comprehensive Development Plan Map

This defines the area of Endeavour Cove where the Comprehensive Development Plan applies. It also defines each Precinct Boundary. For Precincts 4 and 7, it also identifies the locations within those Precincts (North and South) where different built form controls in Table 2 apply.

The Comprehensive Development Plan Map (Figure 1) should be read in conjunction with Table 2.

##### Precinct Character and Development Typology (Table 1)

Table 1 contains an overview of the existing and preferred future use, development, and character outcomes for each Precinct.

A permit for use and development of land in Endeavour Cove should be generally in accordance with the land use, preferred character and development typology expressed in Table 1.

##### Height and Setback Requirements (Table 2)

These provide firm guidance to permit applicants regarding expectations of height and setbacks for new built form in all Precincts. If a variation to a height or setback requirement in Table 2 is proposed, the responsible authority may consider this variation in relation to how it achieves the relevant outcomes expressed in the Schedule to the Zone, Table 1 and the Precinct Frameworks for Precincts 5 and 8.

For the purpose of applying the notice and review requirements of Section 52(1)(a), (b) and (d), the decision requirements of Section 64(1), (2) and (3) and the review rights of Section 82(1) of the Planning and Environment Act 1987, development will not be considered generally consistent with the CDP unless it complies with each preferred maximum building height, street wall height, minimum ground level front setback and minimum upper-level setback specified in Table 2 of the CDP.

A permit cannot be granted to exceed the mandatory maximum building height for a Precinct as shown in Table 2.

##### Precinct Frameworks

Precinct Frameworks have been developed for Precincts 5 and 8. These Frameworks contain:

- Precinct Objectives which describe the future vision for these Precincts.
- Precinct Guidelines which provide direction on how to achieve the Objectives for Precincts 5 and 8. These relate to Built Form, Envelopes and Heights; Access & Movement; and Landscape & Environment.

Precinct Guidelines must be considered in the design of a development. These provide firm guidance to planning permit applicants regarding the features that are expected to be delivered in new development and key public spaces. If the responsible authority is satisfied that an application that proposes an alternative to a Precinct Guideline also achieves the Precinct Objectives, the responsible authority may consider the alternative.

Guidelines expressed as 'must' are those which cannot be varied with a permit (i.e., mandatory maximum heights) or those for which there is unlikely to be an acceptable alternative approach (i.e. design requirements of public access).

**Precinct Framework Plan Maps** illustrate how the Guidelines relating to public spaces apply to Precincts 5 and 8.



ENDEAVOUR COVE COMPREHENSIVE DEVELOPMENT PLAN

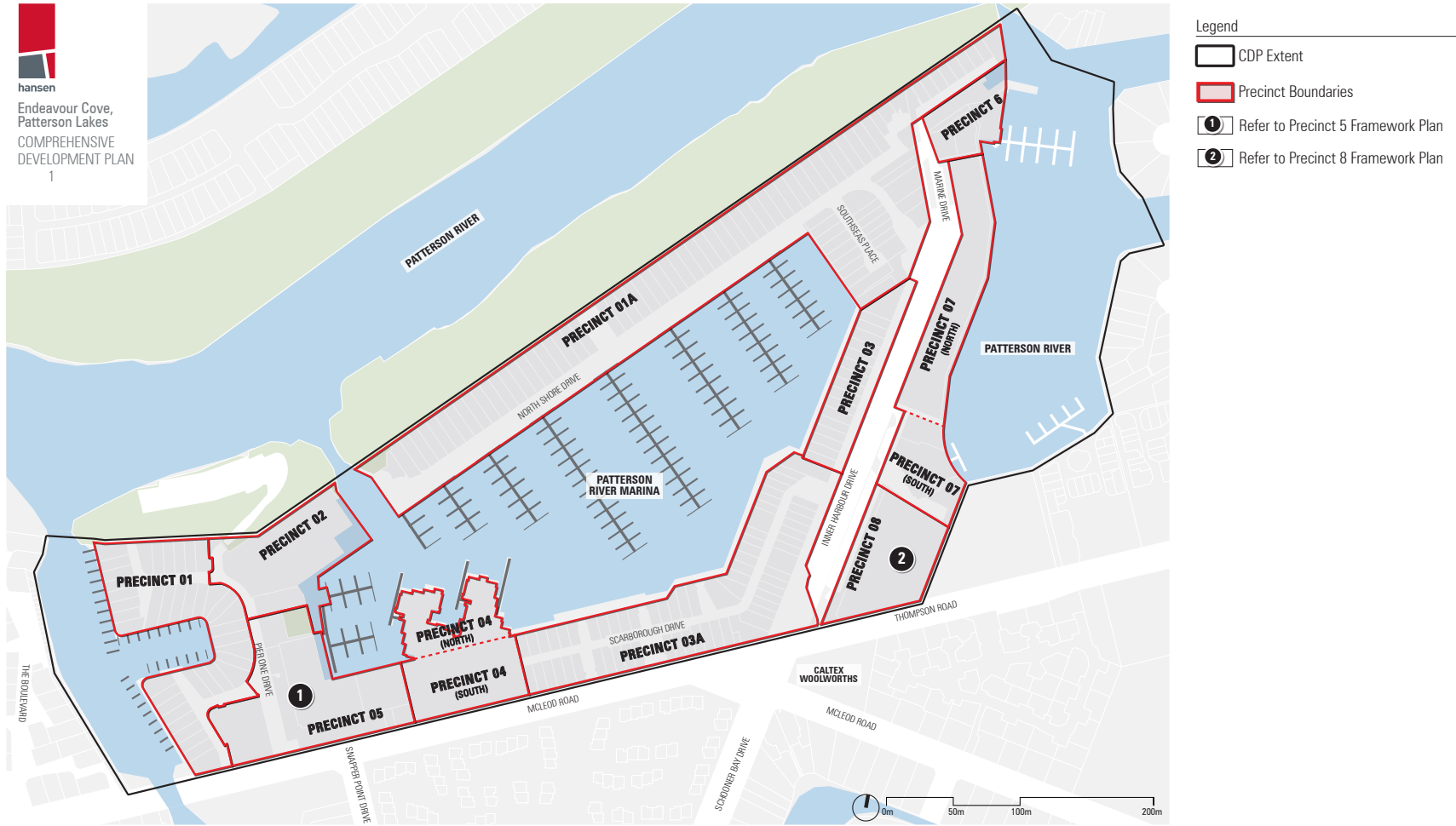


Figure 1. Comprehensive Development Plan Map

## ENDEAVOUR COVE COMPREHENSIVE DEVELOPMENT PLAN

**Table 1: Precinct Character and Development Typology**

Precincts ID	Statement of Existing and Preferred Character	Development Typology/ Density
<b>Precinct 1,</b> <b>Precinct 1A,</b> <b>Precinct 3,</b> <b>Precinct 3A,</b> <b>Precinct 4,</b> <b>Precinct 7</b>	<p>These precincts are characterised by areas of tightly packed, established housing with narrow frontages on small lots. These areas are almost exclusively residential and dwellings comprise 2-3 storey townhouses and apartments .</p> <p>New development will reflect existing dwelling styles and patterns but architectural details can vary. Where allowed, dwellings may be extended and vacant sites developed. Little change to the Precinct's existing character or land use pattern is anticipated. Dwellings should face streets, have a clear sense of address and be built flush to side boundaries. Dwellings are encouraged to be designed to capitalise on views of the marina waterways, access driveways and the Patterson River.</p> <p>The future land use of these precincts will remain residential, with the potential for a small amount of non-residential uses to emerge over time. All non-residential land uses must be of a scale and intensity appropriate to its context.</p>	Residential, low rise
<b>Precinct 2 &amp;</b> <b>Precinct 6</b>	<p>This precinct is currently used for the purposes of a service station and boat storage. These land uses support the marina-based precinct function and may continue to operate in the long term.</p> <p>The future built form of this precinct is able to change consistent with the built form guidance in Table 2.</p> <p>Future use and development will continue to support the marine based mixed use destinations with opportunities to contribute positively to the public realm and the overall precinct image.</p> <p>Where commercial land uses are proposed, these must be of a scale and intensity that is compatible with residential land use nearby.</p>	Mixed use, medium rise
<b>Precinct 5 and</b> <b>Precinct 8</b>	<p>These precincts currently display a mixture of land uses and building forms including the Cove Hotel, the Pier One Apartments and a service station.</p> <p>The precinct is expected to change.</p> <p>New uses and development will complement the marina and be compatible with nearby residential land use. Development should create opportunities for active and casual surveillance of internal access and waterways. Because new development will be visible from many vantage points, a high level of urban design resolution is required to ensure that this development contributes to ground level activity and provides attractive elevations.</p> <p>The architecture should be designed to be appropriate to a marine or coastal location.</p> <p>Where ground level apartments are proposed, these should be provided with direct access to the public realm.</p>	Mixed use, medium rise.

ENDEAVOUR COVE COMPREHENSIVE DEVELOPMENT PLAN

Table 2: Height and Setback Requirements

Precincts ID	Preferred Maximum Building Height	Mandatory Maximum Building Height	Street Wall Height	Minimum Ground Level Front Setback	Minimum Upper Level Setback Above Street Wall
Precinct 1	11.5m (3 storeys)	15m (4 storeys)	not applicable	Apply Standard A3/B6	not applicable
Precinct 1a		15m (4 storeys)	not applicable	Apply Standard A3/B6	not applicable
Precinct 2	11.5m (3 storeys)	20m (5 storeys)	not applicable	Retain existing	not applicable
Precinct 3	not applicable	9m (2 storeys)	not applicable	Apply Standard A3/B6	not applicable
Precinct 3a		11.5m (3 storeys)	not applicable	Apply Standard A3/B6	not applicable
Precinct 4	not applicable	North: 15m (4 storeys) South: 11.5m (3 storeys)	North: not applicable South: 9m (2 storeys)	Apply Standard A3/B6	not applicable
Precinct 5	Area C: 12m (3 storeys)	Area A & Area B: 20m (5 storeys) Area C: 16m (4 storeys)	12m (3 storeys)	Pier One Drive: 3m McLeod Road: 4m Waterfront: 5m Eastern Precinct Boundary 5m	5m, or greater to maintain solar access of private open spaces (outside of precinct 5) and to avoid overshadowing of existing footpath on the west side of Pier One Drive and south side of McLeod Road between 10am to 2pm on 22 September.
Precinct 6	not applicable	11.5m (3 storeys)	not applicable	Retain existing	not applicable
Precinct 7	not applicable	North: 9m (2 storeys) South: 15m (4 storeys)	not applicable	Apply Standard A3/B6	not applicable
Precinct 8	not applicable	Area A: 20m (5 storeys) Area B: 16m (4 storeys)	12m (3 storeys), or 8m (2 storeys) along the eastern boundary.	Thompson Road: 0m Inner Harbour Drive: 3m Eastern Boundary: 5m Northern Precinct Boundary 5m	5m, or greater to maintain solar access of private open spaces to the east and to avoid overshadowing of existing footpath on the south side of Thompson Road between 10am to 2pm on 22 September.

## ENDEAVOUR COVE COMPREHENSIVE DEVELOPMENT PLAN

### PRECINCT FRAMEWORK: PRECINCT 5

#### Objectives

- Plan for the creation of a series of contemporary marine-based, mid-rise, mixed-use developments which address Pier One Drive and McLeod Road.
- Transition down from the Pier One Apartment and the existing Boat Storage to established residential stock to the south, east and west.
- Improve pedestrian connection and amenity between Pier One Drive and Patterson River and provide ground level activation and passive surveillance onto the public realm.
- Encourage future development to adopt an integrated lighting strategy within the common areas, public realm and building facade to improve the precinct after-dark experience.
- Minimise vehicle crossovers to Pier One Drive and McLeod Road.
- Maximise landscaping opportunities at the ground or upper levels, including canopy trees and rooftop gardens.
- Provide communal open spaces at ground level, or roof top.
- Provide a continuous landscape buffer and communal open space to secure long term amenity on and off sites.

#### Built Form, Envelopes & Heights

- Ensure the consolidation and development of areas occur in a consolidated manner which do not create small, isolated holdings of land with restricted amenity and access.
- Maximum building height must be in accordance with Table 2.
- Street wall heights and minimum setbacks should be in accordance with Table 2.
- Built form will incorporate a minimum 10m building separation above podium level.
- Ensure the podium is well-articulated podium and broken up with different design treatments to avoid the appearance of a continuous wall.
- Provide a strong street wall presentation.
- Ensure a high standard of amenity for future residents and neighbouring properties.
- Design building forms to maximise outlook and daylight access.
- Provide floor to floor heights that maximise internal amenity for residents and support commercial uses.
- Promote activation of buildings at street level.
- Where a blank wall is proposed in a mid-block location as an interim condition subject to future adjoining development, the colour, texture or finish of the wall should be designed to provide visual interest.
- Provide communal open spaces at ground level, or roof top.
- Encourage an active commercial edge to Pier One Drive and shared access.

- Avoid overshadowing of existing footpath on the south side of McLeod Road on 22 September between 10am to 2pm.
- Avoid overshadowing of existing footpath on the west side of Pier One Drive on 22 September between 10am to 2pm.
- Maintain solar access to private open space and communal open space (outside of Precinct 5) on 22 September between 10am to 2pm.
- Daylight access to communal open space and dwellings within the lower levels within Precinct 5 should be taken into consideration.

#### Access & Movement

- Orientate primary building entries along Pier One Drive or McLeod Road.
- Provide consolidated vehicle access off Pier One Drive to service Areas B and C.
- Facilitate relocation of existing vehicle crossover to achieve consolidated vehicle access off McLeod Road to service Area A and B.
- Minimise the impact of car parking and servicing on Pier One Drive and McLeod Road.
- At ground level, any shared access should be landscaped and wide enough to provide for a high standard of pedestrian amenity.
- Ensure any shared access is designed as a shared zone, framed by active commercial frontages, or building entries and accessible to the public.
- All shared access must be designed and constructed in accordance with the requirements of the Kingston City Council.
- Provide a turnabout area along Pier One Drive to support access to marina-based facilities to the north.
- Provide a continuous footpath in accordance with the footpath depicted in the Precinct 5 Framework Plan (Figure 2).

#### Landscape & Environment

- Maximise landscaping opportunities at the ground or upper levels, including canopy trees and rooftop gardens.
- Setback buildings 3m from the title boundary with Pier One Drive to implement a footpath.
- Setback buildings 5m from the boundary of any land where it abuts a water body forming part of the marina.
- Retain existing canopy trees.
- Area A: Provide a 5m ground level setback along the eastern boundary to support a landscape buffer and canopy trees to its sensitive residential interface.

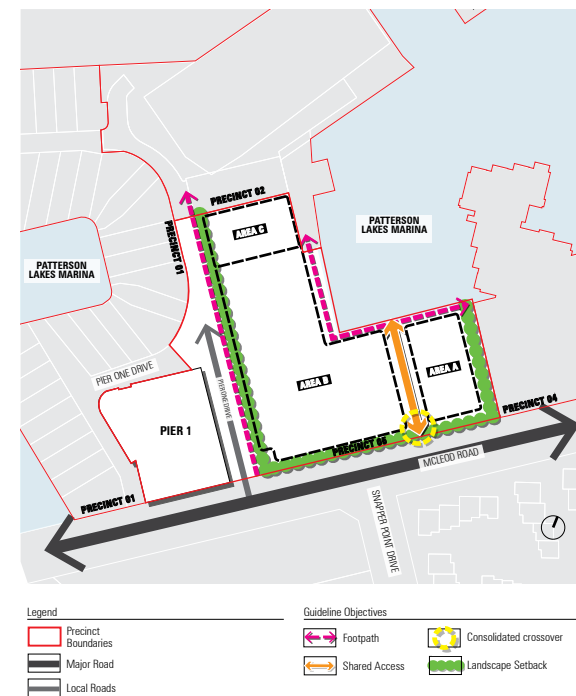


Figure 2. Precinct 5 Framework Plan

ENDEAVOUR COVE COMPREHENSIVE DEVELOPMENT PLAN

PRECINCT FRAMEWORK: PRECINCT 8

Objectives

- Facilitate the creation of a contemporary marine-based mixed-use development.
- Maximise opportunities to continue a commercial presentation along Thompson Road and Inner Harbour Drive.
- Support street oriented mid-rise development along Thompson Road and Inner Harbour Drive which may include a taller built form element at the south-western corner to announce the precinct entry.
- Transition built form down to established residential stock to the north and east.
- Provide ground level activation and passive surveillance onto the public realm.
- Improve the pedestrian experience along Thompson Road and Inner Harbour Drive.
- Support a publicly accessible mid-block access road.
- Consolidate vehicle and service access and minimise vehicle crossovers to Thompson Road.
- Maximise landscaping opportunities at the ground or upper levels, including canopy trees and rooftop gardens.
- Provide communal open spaces at ground level, or roof top.
- Provide a continuous landscape buffer and communal open space to secure long term amenity on and off sites.

Built Form, Envelopes & Heights

- Ensure the consolidation and development of Areas occur in a progressive manner and does not result in the creation of small, isolated holdings of land with restricted amenity and access.
- Maximum building height must be in accordance with Table 2.
- Street wall heights and minimum setbacks should be in accordance with Table 2.
- Built form will incorporate building separation and well articulated podium that is broken up with different design treatments to avoid the appearance of a continuous wall.
- Provide a visually dominant street wall presentation.
- Ensure a high standard of amenity for future residents and neighbouring properties.
- Design building forms to maximise outlook and daylight access.
- Provide floor to floor heights that maximise internal amenity for residents and support commercial uses.
- Provide a minimum 10m building separation.
- Promote activation of buildings at street level.
- Where a blank wall is proposed in a mid-block location as an interim condition subject to future adjoining development, the colour, texture or finish of the wall should be designed to provide visual interest.
- Provide communal open spaces at ground level, or roof top.
- Encourage an active commercial edge to Inner Harbour Drive and Thompson Road.

- Avoid overshadowing of the central median along Inner Harbour Drive on 22 September between 10am to 2pm.
- Avoid overshadowing of existing footpath on the south side of Thompson Road on 22 September between 10am to 2pm.
- Maintain solar access to private open space and communal open space (outside of Precinct 8) on 22 September between 10am to 2pm.
- Daylight access to communal open space and dwellings within the lower levels should be taken into consideration.

Access & Movement

- Orientate primary building entries along Thompson Road, Inner Harbour Drive and shared access.
- Ensure any shared access is designed as a shared zone, framed by active frontages, or building entries and accessible to the public.
- Provide a consolidated vehicle access off Inner Harbour Drive for Area B and a consolidated vehicle access via a new shared access for Area A.
- Minimise the impact of car parking and boat trailer parking and servicing along Inner Harbour Drive and proposed shared access.
- At ground level, the shared access should be landscaped and wide enough to provide for a high standard of pedestrian amenity.
- All shared access must be designed and constructed in accordance with the requirements of the Kingston City Council.
- Provide a continuous footpath in accordance with the footpath depicted in the Precinct 8 Framework Plan (Figure 3).

Landscape & Environment

- Maximum site coverage of 60% across Precinct 8 (excluding Inner Harbour Drive).
- Provide a 3m ground level setback along Inner Harbour Drive for footpath.
- Provide a 5m ground level setback along the northern and eastern boundaries to support a landscape buffer and canopy trees along sensitive residential interface.
- Retain existing canopy trees.
- Support the provision for distinctive feature trees along Inner Harbour Drive.



Figure 3. Precinct 8 Framework Plan







*Planning and Environment Act 1987*

## **KINGSTON PLANNING SCHEME**

### **AMENDMENT C205king**

#### **EXPLANATORY REPORT**

##### **Who is the planning authority?**

This amendment has been prepared by Kingston City Council, which is the planning authority for this amendment.

The amendment has been made at the request of Kingston Council.

##### **Land affected by the amendment**

The amendment applies to land on the north side of McLeod Road, Patterson Lakes, generally known as Endeavour Cove shown in orange in Figure 1 below.

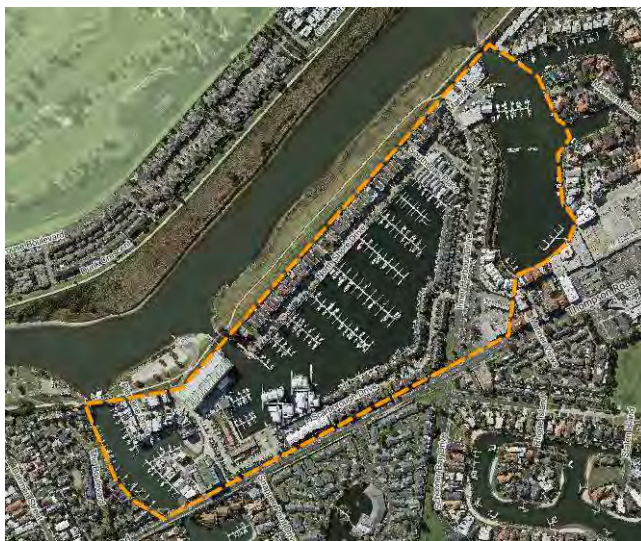


Figure 1 – Endeavour Cove Precinct

##### **What the amendment does**

The amendment amends Schedule 1 to Clause 37.02 Comprehensive Development Zone (CDZ1) which applies to land generally known as Endeavour Cove.

Specifically, the amendment:

- Amends Schedule 1 to Clause 37.02 Comprehensive Development Zone (CDZ1) and replaces the existing Endeavour Cove Comprehensive Development Plan.
- Introduces the Parking Overlay into the Kingston Planning Scheme and applies a Schedule to the Overlay.
- Amends the Schedule to Clause 72.04 Documents Incorporated in This Planning Scheme.

## Strategic assessment of the amendment

### Why is the amendment required?

The amendment is required to amend the Schedule 1 to the Comprehensive Development Zone and to introduce the updated Endeavour Cove Comprehensive Development Plan (June 2023) into the Kingston Planning Scheme.

In 2020, Hall and Wilcox lawyers undertook a review for Council of the history, application, and content of planning controls applicable to the Endeavour Cove precinct in Patterson Lakes.

The review identified a number of issues with the provisions of the existing Schedule 1 to the Comprehensive Development Zone, which is the primary planning control applicable to Endeavour Cove under the provisions of the Kingston Planning Scheme.

One of the issues identified in the review was how the provisions of the Comprehensive Development Zone and Schedule 1 to the zone are interpreted, and have been interpreted in the past, and what development outcomes this interpretation has delivered.

In identifying these issues, the need to implement new controls which provide greater clarity and certainty for land use and development outcomes in Endeavour Cove became abundantly clear.

Matters identified as requiring particular attention included height controls, mandatory and discretionary provisions, parking requirements, and guidance provided by the Comprehensive Development Plan, which forms part of the applicable planning controls.

The following reports were prepared to inform the preparation of the amended Schedule 1 to the Comprehensive Development Zone:

- A Background Report & Draft Comprehensive Development Plan prepared by Hansen Partnership.
- A Car Parking Assessment prepared by Stantec (formerly GTA Consulting).
- A Draft Schedule 1 to the Comprehensive Development Zone prepared by Hansen Partnership.

The amended Schedule 1 to the Comprehensive Development Zone and Comprehensive Development Plan (June 2023) was developed based on the work undertaken by Hansen Partnership which provided precinct-based guidance on heights, land uses and guidance on other aspects of built form outcomes.

The amended Schedule 1 to the Comprehensive Development Zone and Comprehensive Development Plan (June 2023) was developed to address all the inadequacies associated with the current Schedule 1 to the Comprehensive Development Zone and Comprehensive Development Plan. The amended schedule and Comprehensive Development Plan (June 2023) will guide built form outcomes as well as direct and manage land uses in Endeavour Cove.

The parking rates that have applied through the Schedule 1 to the Comprehensive Development Zone are translated into a new Schedule to the Parking Overlay, with parking rates informed by the Car Parking Assessment. The Parking Overlay is the appropriate mechanism for applying locally tailored car parking rates to the precinct and is consistent with the strategic work undertaken to contemporise the planning controls for Endeavour Cove.

The amendment also makes a minor correction to spelling errors in Clause 72.04 Documents Incorporated in This Planning Scheme.

### How does the amendment implement the objectives of planning in Victoria?

The amendment implements the following objectives of planning in Victoria, under Section 4 of the Planning and Environment Act 1987:

Section 4(1) -

- (a) *to provide for the fair, orderly, economic and sustainable use, and development of land;*

- (f) *to facilitate development in accordance with the objectives set out in paragraphs (a), (b), (c), (d) and (e);*

Section 4(1) (fa) -

- (g) *to balance the present and future interests of all Victorians.*

The amendment implements the objectives of planning in Victoria by improving the effectiveness and efficiency of the Kingston Planning Scheme. The amendment implements the objectives of providing *'for the fair, orderly, economic and sustainable use, and development of land'* in accordance with Section 4 of the *Planning and Environment Act 1987*, by ensuring the consistency and accuracy of the Planning Scheme.

#### **How does the amendment address any environmental, social and economic effects?**

##### **Economic Effects**

The amendment delivers positive economic effects by increasing the efficiency of the Kingston Planning Scheme and provides clear direction for built form outcomes. This will improve certainty for future development in Endeavour Cove, Patterson Lakes.

##### **Social Effects**

The amendment delivers positive social effects by incorporating the updated Endeavour Cove Comprehensive Development Plan (June 2023) which seeks to enhance the public realm as development opportunities arise. These include the provision of landscaping or landscape buffers to the edges of redevelopment sites and improving the pedestrian environment with better connectivity and footpaths.

#### **Does the amendment address relevant bushfire risk?**

The amendment has no impact on bushfire risk.

#### **Does the amendment comply with the requirements of any Minister's Direction applicable to the amendment?**

The 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 amendment is consistent with Ministerial Direction No. 9 Metropolitan Strategy which requires amendments to have regard to Plan Melbourne: Metropolitan Planning Strategy.

The amendment also meets the requirements of Ministerial Direction No. 11 Strategic Assessments of Amendments and Ministerial Direction No. 15 – The Planning Scheme Amendment Process.

The amendment will ensure that the Kingston Planning Scheme remains consistent with the State Planning Policy Framework, which seeks to support the objectives of planning in Victoria.

Specifically, the amendment will assist in the implementation of the objectives of Plan Melbourne: Metropolitan Planning Strategy and ensure that the Kingston Planning Scheme remains consistent with the State Planning Policy Framework, which seeks to support the objectives of planning in Victoria, as it will provide greater clarity and certainty for land use and development outcomes in Endeavour Cove.

The amendment is also consistent with the Ministerial Direction on the Form and Content of Planning Schemes under Section 7(5) of the Act.

#### **How does the amendment support or implement the Planning Policy Framework and any adopted State policy?**

The purpose of the Planning Policy Framework is to ensure that the objectives of planning in Victoria (as set out in Section 4 of the *Planning and Environment Act 1987*) are fostered through appropriate land use and development planning policies and practices which integrate relevant environmental, social and economic factors in the interests of net community benefit and sustainable development.

The amendment is considered to improve the implementation of the Planning Policy Framework. In particular, the amendment implements Clause 01 – Purposes of this Planning Scheme as indicated below:

- *“To provide a clear and consistent framework within which decisions about the use and development of land can be made”.*
- *“To express state, regional, local and community expectations for areas and land uses”.*
- *“To provide for the implementation of State, regional and local policies affecting land use and development”;* and
- *“To support responses to climate change”.*

The amendment supports the Planning Policy Framework and in particular:

- Clause 15.01-1S Urban Design which aims *“to create urban environments that are safe, healthy, functional and enjoyable and that contribute to a sense of place and cultural identity”.*
- Clause 15.01-2S Building Design which aims *“to achieve building design and siting outcomes that contribute positively to the local context, enhance the public realm and support environmentally sustainable development”.*
- Clause 15.01-4S Healthy Neighbourhoods which aims *“to achieve neighbourhoods that foster healthy and active living and community wellbeing”.*
- Clause 15.01-5S Neighbourhood Character which aims *“to recognise, support and protect neighbourhood character, cultural identity, and sense of place”.*
- Clause 15.01-5L-01 which strategies includes to *“encourage residential development to respond positively and creatively to existing neighbourhood character, or preferred neighbourhood character where specified”;* and
- Clause 19.02-6S Open Space objective is *“to establish, manage and improve a diverse and integrated network of public open space that meets the needs of the community”.*

The amendment is consistent with these objectives as it ensures that the planning controls which apply to land at McLeod Road, Patterson Lakes are accurate, appropriate and consistent with the Planning Policy Framework.

#### **How does the amendment support or implement the Municipal Planning Strategy?**

The amendment supports the Municipal Planning Strategy of the Kingston Planning Scheme. The amendment ensures that the planning controls which apply to Endeavour Cove are consistent with:

- Clause 02.02 (Vision) which identifies the key relevant strategic land use principles:
  - *“An urban settlement pattern that accommodates sustainable growth commensurate with constraints of established areas”;*
  - *“Providing a settlement pattern that positively influences health and wellbeing”;*
  - *“The competing demands on Kingston’s foreshore are effectively addressed”;* and
  - *“High standards of urban design enhances community safety, creates vibrant places and preserves character areas”.*
- Clause 02.03-1 (Settlement) which includes the following strategic directions:
  - *“Accommodate increased urban growth in established areas across the municipality, according to environmental constraints and access to services”;* and
  - *“Manage urban development to minimise the impact on rivers, wetlands, reserves and foreshore”.*
- Clause 02.03-2 (Environmental and landscape values) which includes the following strategic direction:
  - *“Limit the impact of urbanisation and encroachment of residential development on the coastal environment, including beach and dune erosion, environmental weeds, visual and aesthetic degradation”.*

- Clause 02.03-5 (Built environment and heritage) which includes the following strategic directions:
  - *Conserve built form elements that are valued by the community while accommodating change.*
  - *Ensure new residential development responds to neighbourhood character.*
- Clause 02.03-6 (Housing) which includes the following strategic direction:
  - *“Support residential change consistent with the preferred housing outcomes identified in Table 1 and in the plan at Clause 02.04”.*

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

The amendment has been prepared in accordance with State Government Practice Notices-Writing a Local Planning Policy and Strategic Assessment Guidelines: For Planning Scheme Amendments.

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

The amendment will be referred to the relevant agencies as part of the statutory exhibition and notice process.

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

The amendment does not impact the requirements of the Transport Integration Act 2010.

**Resource and administrative costs**

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

The amendment will not result in any significance resource implications for the Responsible Authority.

**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, Planning Counter, 1230 Nepean Highway, Cheltenham
- Patterson Lakes Library, 54 Thompson Rd, Patterson Lakes

The amendment can also be viewed on the:

- Kingston consultation website <https://www.yourkingstonyoursay.com.au/c205>
- Department of Environment, Land, Water and Planning website at [www.delwp.vic.gov.au/public-inspection](http://www.delwp.vic.gov.au/public-inspection).

**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 **4 October 2022**.

A submission quoting Amendment C205king must be sent to:

Strategic Planning  
Kingston City Council  
PO Box 1000  
Mentone VIC 3194

or online at [www.yourkingstonyoursay.com.au/c205](http://www.yourkingstonyoursay.com.au/c205)

or by email [strategicplanning@kingston.vic.gov.au](mailto: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: 6 February 2023
- panel hearing: 6 March 2023



## KINGSTON PLANNING SCHEME

--/--/----

**Proposed C205king**

## SCHEDULE TO CLAUSE 72.04 DOCUMENTS INCORPORATED IN THIS PLANNING SCHEME

# 1.0

## Incorporated documents

Proposed C205king

Name of document	Introduced by:
<i>Australian Standard AS2021-2015, Acoustics – Aircraft Noise Intrusion – Building Siting and Construction</i> (Standards Australia Limited, 2015)	VC107
<i>Aspendale Gardens Incorporated Plan</i> (1 November 1999)	NPS1
<i>Balcome Road, Mentone Level Crossing Removal Project Incorporated Document</i> (April 2018)	GC83
<i>Carrum Level Crossing Removal Project Incorporated Document, December 2017</i> (Amended February 2018)	GC94
<i>Caulfield Dandenong Rail Upgrade Project, Incorporated Document</i> (April 2016)	GC37
<i>Chelsea Level Crossing Removal Project, Incorporated Document</i> (December 2019)	C185king
<i>Cheltenham Level Crossing Removal Project Incorporated Document</i> (July 2017)	GC70
<i>Clayton South Medium Density Housing Development Guidelines</i> (May 2003)	C10
<i>Documents Incorporated Under Clause 52.03 – Specific Sites and Exclusions</i> <ul style="list-style-type: none"> <li>▪ <i>Existing Provision Document 1</i></li> <li>▪ <i>Existing Provision Document 2</i></li> <li>▪ <i>Existing Provision Document 3</i></li> <li>▪ <i>Existing Provision Document 4</i></li> <li>▪ <i>Existing Provision Document 5</i></li> <li>▪ <i>Existing Provision Document 6</i></li> <li>▪ <i>Existing Provision Document 7</i></li> <li>▪ <i>Existing Provision Document 8</i></li> <li>▪ <i>Existing Provision Document 9</i></li> </ul>	NPS1 NPS1 NPS1 NPS1 NPS1 NPS1 NPS1 NPS1 NPS1
<i>Draft Guidelines for the assessment of heritage planning applications</i> (August 2000)	C46(Part 2)
<i>Edithvale Road, Edithvale Level Crossing Removal Project Incorporated Document</i> (September 2018)	C176
<i>Endeavour Cove Comprehensive Development Plan</i> (June 2023)	C205king
<i>Hawthorn Football Club – Function Centre, Indoor Recreation Facility, Medical Centre, Shop, Food and Drink (Café), Museum and Signage Controls, 94 Tootal Road, Dingley Village</i> (December 2020)	C180king
<i>Heatherton Christian College Master Plan</i> (June 2007)	C94
<i>Kingston Lodge Concept Plan</i> (2006)	C71
<i>Kingston Lodge Precinct Development Plan</i> (2 December 1997)	NPS1
<i>Kingston Neighbourhood Character Guidelines</i> (August 2007)	C77
<i>Melbourne Metro Rail Project: Upgrades to the Rail Network Incorporated Document</i> (May 2018)	GC96

## KINGSTON PLANNING SCHEME

Name of document	Introduced by:
<i>Metro Tunnel Project : 150-170 Old Dandenong Road, Clarinda, Incorporated Document (June 2020)</i>	C196king
<i>Mordialloc Bypass (Freeway) Incorporated Document (July 2019)</i>	GC107
<i>Siting and Design Guidelines for Structures on the Victorian Coast (May 1998)</i>	C2
<i>Station Street/Bondi Road, Bonbeach Level Crossing Removal Project Incorporated Document (September 2018)</i>	C176
<i>Wells Road, Aspendale Gardens Landscape Concept Plan for Outline Development Plan (September 1999)</i>	NPS1
<i>Westfield Shoppingtown Southland Concept Plan (November 1994)</i>	NPS1
Suburban Rail Loop East Incorporated Document, August 2022	GC197
Suburban Rail Loop East Infrastructure Protection Incorporated Document, August 2022	GC197

## **9. Community Strengthening Reports**

Agenda Item No: 9.1

## YEAR 3 HEALTH PLAN ACTION PLAN - MUNICIPAL PUBLIC HEALTH AND WELLBEING PLAN 2021-25

Contact Officer: Erin Pattie, Team Leader Health and Social Planning

### Purpose of Report

To purpose of this report is to present:

- the outcomes of the public comment period for the draft Year 3 Health Plan Action Plan for the Municipal Public Health and Wellbeing Plan 2021-25
- the final Year 3 Health Plan Action Plan for the Municipal Public Health and Wellbeing Plan 2021-25 for endorsement.

### Disclosure of Officer / Contractor Conflict of Interest

No Council officer/s and/or Contractor/s who have provided advice in relation to this report have declared a Conflict of Interest regarding the matter under consideration.

### RECOMMENDATION

That Council:

1. Note the outcomes of the public comment period for the draft Year 3 Health Plan Action Plan for the Municipal Public Health and Wellbeing Plan 2021-25; and
2. Endorse the Year 3 Health Plan Action Plan for the Municipal Public Health and Wellbeing Plan 2021-25.

## 1. Executive Summary

The *Victorian Public Health and Wellbeing Act 2008* requires all Councils to prepare a Municipal Public Health and Wellbeing Plan (MPHWP) every four years. It must be consistent with the Council Plan and have regard for the Victorian Public Health and Wellbeing Plan, climate change and family violence.

Council adopted the MPHWP 2021-25 in October 2021. It provides an overarching strategic framework that identifies key health and wellbeing priorities for Kingston.

In October 2022, Council endorsed an integrated action planning approach for the MPHWP. This approach brings together actions through an intersectional lens into the annual Health Plan Action Plans. The listed actions for different population groups and priorities of our community will help Kingston to be a connected, resilient, and sustainable community.

Council endorsed the draft Year 3 Health Plan Action Plan for public comment at the Council Meeting on 26 April 2023.

The Year 3 Health Plan Action Plan built on the Year 2 Health Plan Action and was developed as part of the Annual Organisation Planning Process for 2023-24 with consultation from managers and relevant staff across the organisation.

Two phases of community engagement were implemented to develop the actions. Phase one, prior to the April Council meeting involved group discussions with Council's Access and Equity Advisory Committee, Queer in Kingston group and Kingston Prevention of Family Violence Working Group.

Phase two involved the draft action plan being open for public comment from 4 to 19 May 2023. Feedback was contributed through a 'Your Kingston Your Say' page and online survey. Group discussions were also held with the Community Safety Advisory Committee, Respect group at Mordialloc College, Kingston Mental Health Working Group, and a session with health and wellbeing partners.

The draft action plan has been updated in response to feedback provided through the public comment period.

This report now presents the final Year 3 Health Plan Action Plan for 2023-24 for consideration and endorsement.

## **2. Background**

### **Municipal Public Health and Wellbeing Plan 2021-2025**

The *Victorian Public Health and Wellbeing Act 2008* requires all Councils to prepare a Municipal Public Health and Wellbeing Plan (MPHWP) every four years. It must be consistent with the Council Plan and have regard for the Victorian Public Health and Wellbeing Plan, climate change and family violence.

The MPHWP was prepared in conjunction with the Community Vision and Council Plan. It was informed by extensive community and stakeholder engagement, including deliberative engagement as well as through the analysis of data and demographic information and policy and legislative contexts.

Kingston's MPHWP 2021-25 was adopted by Council and submitted to the Victorian Government in October 2021. The MPHWP provides the overarching strategic framework that identifies the health and wellbeing priorities for Kingston through the following goals and objectives:

<b>GOAL 1</b>	<b>GOAL 2</b>	<b>GOAL 3</b>	<b>GOAL 4</b>	<b>GOAL 5</b>
<b>A healthy and well community</b>	<b>A safe and secure community</b>	<b>A kind and connected community</b>	<b>A liveable community</b>	<b>An informed and empowered community</b>
1.1 Increase participation in physical activity	2.1 Improve safety in the home and community	3.1 Increase participation in community activities and volunteering	4.1 Increase community understanding and resilience for health impacts of climate change	5.1 Improve provision of accessible health and wellbeing information, programs and services
1.2 Increase healthy eating	2.2 Improve feelings of safety in the home and community	3.2 Reduce social isolation and loneliness	4.2 Increase availability of social and affordable housing	5.2 Increase participation in lifelong learning and education
1.3 Improve mental wellbeing	2.3 Reduce the prevalence of family violence	3.3 Reduce discrimination	4.3 Increase equitable participation in the workforce and local economy	
1.4 Reduce harm from alcohol and other drugs, smoking and gambling		3.4 Increase inclusion, respect and belonging	4.4 Increase accessible and equitable supply of facilities, services and activities	
			4.5 Increase access to and improve amenity of open spaces and the natural environment	

### **3. Discussion**

#### **3.1 Alignment of annual action planning and reporting for the Council Plan and MPHWP**

While the MPHWP remains a stand-alone document from the Council Plan 2021-25, the planning for the Year 3 Health Plan Action Plan was combined into the Annual Organisation Planning Process to enable it to align with the 2023-24 financial year planning cycle. This aims to strengthen the alignment of actions for the MPHWP to the Council Plan.

#### **3.2 Year 3 Health Plan Action Plan**

##### Intersectional Approach

The Health Plan Action Plans bring together actions through an intersectional lens to address the objectives of the MPHWP and in turn contribute to achieving its goals. Population groups identified in the actions include, but are not limited to, multicultural people, older people, Aboriginal and Torres Strait Islander people, people identifying as LGBTQIA+ and young people. Each action details the lead department, relevant partners and intersectional target groups.

The intersectional approach also fulfills Council's commitment to develop an LGBTQIA+ Action Plan which is a requirement of the Rainbow Local Government commitment which was endorsed at the Council Meeting in May 2021.

##### Actions

The Year 2 Health Plan Action Plan included ambitious actions with many spanning multiple years. As such, the majority of actions will continue in the Year 3 Health Plan Action Plan as implementation continues. Emerging community needs/trends, Council's advisory committees and community/partner engagement have also informed the development of the Year 3 Health Plan Action Plan.

The actions in the Health Plan Action Plan do not form an exhaustive list of all health and wellbeing actions delivered within Kingston as they are also embedded in the day-to-day operations of many Council departments. As such, we aim to include actions that are either new, high profile/impact or have a significant budget.

The Year 3 Health Plan Action Plan had two phases of community engagement to shape the actions, involving:

##### *Phase one*

- Annual Organisation Planning Process for 2023-24 with managers and relevant officers
- Council
- Access and Equity Advisory Committee
- Queer in Kingston
- Kingston Prevention of Family Violence Working Group

##### *Phase two*

- Your Kingston Your Say online page and survey
- Health and wellbeing partners
- Community Safety Advisory Committee
- Respect group at Mordialloc College
- Kingston Mental Health Working Group



Updates, new actions and new partners have been included in the Year 3 Health Plan Action Plan in response to feedback provided during the phase two engagement, including:

- Actions identifying the Better Health Network (formerly Central Bayside Community Health Services) as the lead on Healthy Sports Clubs, food and drinks and cooking on a budget.
- Actions detailing projects that will be undertaken within Council's VicHealth Local Government Partnership project on bike skills, club inclusion of women and girls, sport and rec for young people and anti-smoking/vaping campaigns.
- Actions focused on physical activity, mental wellbeing, reducing smoking, foreshore safety, volunteering, The Voice Referendum, Treaty and employment inclusion.
- Partners added to actions such as Community Centres and Neighbourhood Houses, A Path to Follow, South East Public Health Unit, In Touch Multicultural Centre Against Family Violence and Bayside Peninsula Integrated Family Violence Partnership.

### **3.3 Next steps**

Pending endorsement, the Year 3 Health Plan Action Plan will be implemented by the lead departments named in the plan. Inclusive Communities will oversee the plan and offer support and guidance with action implementation.

## **4. Consultation**

### **4.1 Internal Consultation:**

All departments were engaged to contribute to the Year 3 Health Plan Action Plan through the Annual Organisation Planning Process for 2023-24. The following departments have actions in the action plan:

- AccessCare
- Active Kingston
- Advocacy, Communications & Engagement
- Arts, Events & Libraries
- City Development
- City Economy & Innovation
- City Strategy
- City Works
- Compliance & Amenity
- Family, Youth & Children's Services
- Governance
- Inclusive Communities
- Infrastructure
- Municipal Building Surveyors Department
- Open Space
- People Support
- Procurement and Contracts
- Project Management Office

### **4.2 Community Consultation:**

The Year 3 Health Plan Action Plan has been developed based on the Year 2 Health Plan Action Plan.

The development of the Year 2 Health Plan Action Plan referred to the extensive work undertaken to develop the MPHWP and a range of additional community consultation from November 2021 to January 2022. This involved community, health and wellbeing organisations, Councillors and Council staff.

Two phases of community engagement were implemented to develop the actions.

*Phase one*

- Group discussions with the following committees:
  - Access and Equity Advisory Committee – 9 February 2023
  - Queer in Kingston group – 13 February 2023
  - Kingston Prevention of Family Violence Working Group – 13 February 2023

*Phase two*

- A 'Your Kingston Your Say' page was created with an online survey for public comment: [Health Plan Action Plan | Your Kingston Your Say](#). The survey was open from 4 to 19 May 2023.

Direct emails were sent to invite community partners to participate. These partners were from health, disability, emergency relief, community centres, neighbourhood houses, community, employment, community legal, mental health, faith and safety services and organisations.

The online survey was completed by seven participants - two community members and five partners (two community centres, neighbourhood watch, community health and emergency relief).

- Community health and wellbeing partners were invited to an online session to discuss the draft action plan on 19 May 2023. Colleagues from the following organisations participated:
  - Better Health Network (four different teams)
  - Women's Health in the South East
  - Family Life
  - Bayside Community Care
  - Salvation Army Kingston Gardens
  - Peninsula Community Legal Centre
- Group discussions were held with the following committees or groups:
  - Community Safety Advisory Committee – 11 May 2023
  - Respect group at Mordialloc College – 4 May 2023
  - Kingston Mental Health Working Group – 18 May 2023
  - Health and wellbeing partners – 19 May 2023

## **5. Compliance Checklist**

### **5.1 Council Plan Alignment**

Strategic Direction: Well-governed - Council will be collaborative, accountable, transparent, responsive, well-informed and efficient.

Strategy: Focus all of our decision-making on the long-term best interests of the Kingston community

The Year 3 Health Plan Action Plan details actions that will be implemented by teams across the organisation and partner organisations to improve health and wellbeing and help Kingston be a connected, resilient and sustainable community. While this is an annual action plan, changes like these take time and the actions require planning and monitoring that is linked with the overarching MPHWP to make the most positive impact on our community.

## **5.2 Governance Principles Alignment**

Principle (a) - Council actions are to be made and actions taken in accordance with the relevant law

Principle (b) - priority is to be given to achieving the best outcomes for the municipal community, including future generations.

Principle (c) - the economic, social and environmental sustainability of the municipal district, including mitigation and planning for climate change risks, is to be promoted.

Principle (d) - the municipal community is to be engaged in strategic planning and strategic decision making.

Principle (e) - innovation and continuous improvement is to be pursued.

Principle (f) - collaboration with other Councils and Governments and statutory bodies is to be sought.

Principle (h) - regional, state and national plans and policies are to be taken into account in strategic planning and decision making.

The Year 3 Health Plan Action Plan was developed to detail implementation of the legislatively required MPHWP. The MPHWP prioritises social, economic and environmental sustainability through relevant objectives. Community members, partner organisations and Council Officers were involved in the development of the goals and objectives of the MPHWP.

The MPHWP aims to achieve the best outcomes for the Kingston community, prioritising an intersectional and equality approach. The annual action planning process enables a continuous improvement approach to be taken, whereby review and redevelopment occur at least once every 12 months of the four-year MPHWP cycle.

## **5.3 Financial Considerations**


### **Budget and Staff Resources**

Delivery of the Year 3 Health Plan Action Plan actions are planned to be accommodated within existing Council budget and staffing resources.

## **5.4 Risk considerations**

Risk is considered within the detailed planning of each action documented within the Year 3 Health Plan Action Plan.

## **Appendices**

Appendix 1 - Municipal Public Health and Wellbeing Plan 2021-25 - Health Plan Action Plan FINAL - PDF - May 2023 (Ref 23/140979) 

Author/s: Erin Pattie, Team Leader Health and Social Planning  
Reviewed and Approved By: Kate Waters, Manager Inclusive Communities

**City of Kingston  
Ordinary Council Meeting**

**Agenda**

**26 June 2023**

---

Sally Jones, General Manager Community Strengthening

# 9.1

## YEAR 3 HEALTH PLAN ACTION PLAN - MUNICIPAL PUBLIC HEALTH AND WELLBEING PLAN 2021-25

1	Municipal Public Health and Wellbeing Plan 2021-25 - Health Plan Action Plan FINAL - PDF - May 2023 .....	241
---	--	-----

# City of Kingston

## Municipal Public Health and Wellbeing Plan 2021-25

### Year 3 Action Plan 2023-24

Priorities of Council's Municipal Public Health and Wellbeing Plan (MPHWP) 2021-2025 closely align with the Council Plan 2021-25. As such, a broad range of strategies and action plans across the organisation, work towards delivering on the goals and objectives set out in the MPHWP.

This Year 3 Action Plan combines Council's social action plans into one. It brings together actions for different population groups and priorities of our community to help Kingston be a connected, resilient and sustainable community.

It is important to note that the Year 3 Action Plan is not an exhaustive list of every health and wellbeing action that Council delivers. Health and wellbeing actions are embedded in the day-to-day operations of many Council departments and their partners. As such, the actions in the Year 3 Action Plan are either new, high profile/impact or have a signature budget. Whilst actions are listed in the goal and objective related to their main purpose, they may also contribute positive health outcomes in other goals and objectives.

#### Intersectional approach

The preparation of the MPHWP 2021-2025 included research and analysis of health data through an intersectional lens.

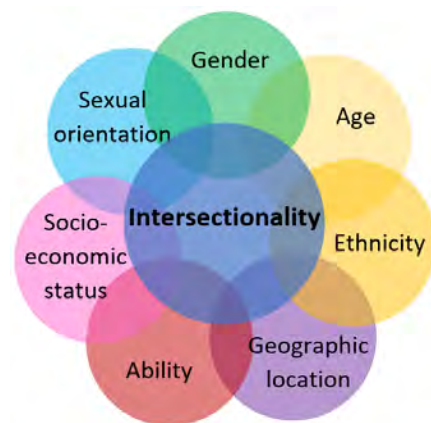
The action plan overall takes a whole of community and life course approach. However, to address issues of inequity, recognised through this intersectional analysis, certain population groups are identified for particular actions.

Intersectionality refers to the way that different characteristics of a person can potentially expose them to multiple layers of discrimination and marginalisation<sup>1</sup>.

Aspects of a person's identity can include social characteristics such as age, gender identity, ethnicity, mental health and socioeconomic status. This can then lead to inequities such as poorer access to services and health outcomes.

The intersectional lens and inequities experienced by different population groups will be factored into the planning and delivery of the actions. This enables specific approaches to be implemented to ensure barriers are reduced and equitable access for participation is provided.

The font of target groups appearing often in the action plan are presented in the following colours: **Aboriginal & Torres Strait Islander people**, **Children**, **LGBTQIA+**, **Low income**, **Men**, **Multicultural people**, **Older people**, **People with disabilities**, **Young people** and **Women**.



#### Monitoring and reporting

Yearly reviewing and reporting on the progress of the actions in this Action Plan will be implemented. Outputs and outcomes will be reviewed to understand where change in our community has been made under the MPHWP objectives. We will learn from our successes and challenges experienced and adapt our actions in the next year's Action Plan to respond to emerging community needs.

<sup>1</sup> State Government of Victoria, 2021, *Understanding intersectionality*, <https://www.vic.gov.au/understandingintersectionality>



## Goal 1. A healthy and well community

Kingston is a place that creates opportunities for all people to achieve optimal mental, physical and social wellbeing throughout all stages of life.

### 1.1 Increase participation in physical activity

Actions	Lead Department	Partner	Target groups for addressing equity and inclusion
1.1.1 Support groups to provide physical activity opportunities to the community, such as new walking groups and activity classes.	• Inclusive Communities	<ul style="list-style-type: none"> <li>Better Health Network</li> <li>Heart Foundation</li> <li>Active Kingston</li> <li>Community Centres &amp; Neighbourhood Houses</li> </ul>	<ul style="list-style-type: none"> <li>Older people</li> <li>Men</li> <li>Low income</li> </ul>
1.1.2 Support Kingston's sporting clubs to participate in the 'Healthy Sports Clubs Framework' in partnership with the Better Health Network.	• Better Health Network	<ul style="list-style-type: none"> <li>Active Kingston</li> <li>Inclusive Communities</li> <li>Sporting Clubs and Associations</li> </ul>	<ul style="list-style-type: none"> <li>Young people</li> <li>Women</li> <li>People living with mental ill-health</li> <li>LGBTQIA+</li> <li>People with disabilities</li> </ul>
1.1.3 Promote health and wellbeing messages and local activities linked to significant health weeks such as 'Ride to School Day' and 'Men's Health Week' through Council's media channels.	• Inclusive Communities	<ul style="list-style-type: none"> <li>Advocacy, Communications &amp; Engagement</li> <li>Women's Health in the South East</li> <li>Community Centres &amp; Neighbourhood Houses</li> </ul>	<ul style="list-style-type: none"> <li>Men</li> <li>Women</li> </ul>
1.1.4 Support young children to develop bike skills through an expanded bike education program for kindergartens (VicHealth Local Government Partnership).	• Infrastructure		<ul style="list-style-type: none"> <li>Children</li> </ul>
1.1.5 Provide bike education and refresher programs for older people to increase their cycling participation.	• Infrastructure		<ul style="list-style-type: none"> <li>Older people</li> </ul>
1.1.6 Improve club capacity to provide a welcoming and inclusive environment for women and girls (VicHealth Local Government Partnership).	• Inclusive Communities	<ul style="list-style-type: none"> <li>Active Kingston</li> <li>Better Health Network</li> </ul>	<ul style="list-style-type: none"> <li>Women</li> </ul>
1.1.7 Investigate partnership opportunities with Reclink to improve physical and mental health and social connection for diverse groups.	• Inclusive Communities	<ul style="list-style-type: none"> <li>Reclink</li> <li>Active Kingston</li> </ul>	<ul style="list-style-type: none"> <li>Young People</li> <li>Older people</li> </ul>

1.1.8 Increase and promote local sport and recreation activities to young people (VicHealth Local Government Partnership and VicHealth JumpStart project).	<ul style="list-style-type: none"> <li>Youth Services</li> </ul>	<ul style="list-style-type: none"> <li>Better Health Network</li> <li>Inclusive Communities</li> <li>Active Kingston</li> </ul>	<ul style="list-style-type: none"> <li>Young People</li> </ul>
1.1.9 Engage with Proud 2 Play to explore opportunities to deliver local events such as Come and Try or Park Life.	<ul style="list-style-type: none"> <li>Active Kingston</li> </ul>	<ul style="list-style-type: none"> <li>Inclusive Communities</li> <li>Advocacy, Communications &amp; Engagement</li> </ul>	<ul style="list-style-type: none"> <li>LGBTQIA+</li> </ul>

#### Council Plan (2021-2025) draft Year 3 Annual Action Plan

Progress the development of the Kingston Play Spaces and Active Recreation Strategy (2023-30), including implementing a program of playground renewals to ensure quality spaces for our community.	<ul style="list-style-type: none"> <li>Active Kingston</li> </ul>		<ul style="list-style-type: none"> <li>Children</li> <li>Young people</li> <li>Older people</li> <li>People with disabilities</li> <li>Women</li> </ul>
Develop the detailed design for the new Aquatic facility and commence procurement for the construction contract, ensuring the future health and wellbeing of our community.	<ul style="list-style-type: none"> <li>Active Kingston</li> </ul>	<ul style="list-style-type: none"> <li>Inclusive Communities</li> <li>Community reference group</li> </ul>	
Finalise the Walking and Cycling Plan to set the program of works for future years to develop and advance walking and cycling as a means of travel in the City of Kingston.	<ul style="list-style-type: none"> <li>Infrastructure</li> </ul>		<ul style="list-style-type: none"> <li>Children</li> <li>Young people</li> <li>Older people</li> <li>Low income</li> <li>People with disabilities</li> <li>Women</li> </ul>
Provide bike education facilitator training to Kingston school staff to support bike education programs throughout Kingston.	<ul style="list-style-type: none"> <li>Infrastructure</li> </ul>	<ul style="list-style-type: none"> <li>Kingston school staff</li> </ul>	<ul style="list-style-type: none"> <li>Children</li> </ul>

## 1.2 Increase healthy eating

Actions	Lead	Partner	Target groups
1.2.1 Work with Neighbourhood Houses, Community Centres and welfare organisations to deliver healthy eating workshops.	<ul style="list-style-type: none"> <li>Inclusive Communities</li> </ul>	<ul style="list-style-type: none"> <li>Community Centres &amp; Neighbourhood Houses</li> <li>Community welfare organisations</li> </ul>	<ul style="list-style-type: none"> <li>Multicultural people</li> <li>Low income</li> </ul>
1.2.2 Support Council teams to embed healthy food and drink policies in Council operated places, programs and activities.	<ul style="list-style-type: none"> <li>Better Health Network</li> </ul>	<ul style="list-style-type: none"> <li>Inclusive Communities</li> <li>Arts, Events &amp; Libraries</li> <li>Family, Youth &amp; Children's Services</li> <li>Procurement and Contracts</li> <li>Governance</li> </ul>	
1.2.3 Provide healthy food options at Council run After School Hours Care programs, guided by the Vic Kids Eat Well program.	<ul style="list-style-type: none"> <li>Family, Youth &amp; Children's Services</li> </ul>	<ul style="list-style-type: none"> <li>Inclusive Communities</li> <li>Better Health Network</li> </ul>	<ul style="list-style-type: none"> <li>Children</li> </ul>
1.2.4 Provide first foods professional development for Maternal and Child Health nurses (VicHealth Local Government Partnership).	<ul style="list-style-type: none"> <li>Family, Youth &amp; Children's Services</li> </ul>		<ul style="list-style-type: none"> <li>Children</li> </ul>
1.2.5 Provide community programs about cooking on a budget to support people to eat well while the cost of living is high.	<ul style="list-style-type: none"> <li>Better Health Network</li> </ul>	<ul style="list-style-type: none"> <li>Inclusive Communities</li> </ul>	<ul style="list-style-type: none"> <li>Low income</li> </ul>

## 1.3 Improve mental wellbeing

Action	Lead	Partner	Target groups
1.3.1 Support the community focused Kingston Mental Health Working Group with relevant stakeholders to foster effective partnerships and collaboration and improve support service pathways.	<ul style="list-style-type: none"> <li>Inclusive Communities</li> </ul>	<ul style="list-style-type: none"> <li>Family, Youth &amp; Children's Services</li> <li>Derrimut Weelam Gathering Place</li> <li>Uniting (Mental Health Hub Cheltenham)</li> <li>Brotherhood of St Laurence (NDIS Area Coordinator)</li> <li>Danny Frawley Centre at St Kilda FC</li> <li>Better Health Network</li> </ul>	<ul style="list-style-type: none"> <li>People living with mental ill-health</li> <li>Children</li> <li>Young people</li> <li>Older People</li> <li>Carers</li> </ul>

		<ul style="list-style-type: none"> <li>• Family Life / School Focused Youth Service</li> <li>• Alfred Carers</li> <li>• A Path to Follow Inc</li> <li>• Southeast Suicide Prevention Network</li> <li>• Victoria Police</li> <li>• EACH</li> <li>• Community Centres &amp; Neighbourhood Houses</li> <li>• Bayside Glen Eira Kingston Local Learning and Employment Network</li> </ul>	
1.3.2 Provide mental health and wellbeing education and training to diverse community groups, including mental health first aid.	<ul style="list-style-type: none"> <li>• Inclusive Communities</li> </ul>	<ul style="list-style-type: none"> <li>• Derrimut Weelam Gathering Place</li> <li>• Mental Health Working Group</li> <li>• Sporting clubs and Associations</li> <li>• Women's Health in the South East</li> <li>• Community Centres &amp; Neighbourhood Houses</li> </ul>	<ul style="list-style-type: none"> <li>• People living with mental ill-health</li> <li>• Young people</li> <li>• Older people</li> <li>• Women</li> <li>• Men</li> <li>• Multicultural people</li> <li>• Aboriginal &amp; Torres Strait Islander people</li> </ul>
1.3.3 Scope opportunities to partner with Reclink to improve mental health and social connection through the provision of targeted sport, recreation and art activities for diverse community groups.	<ul style="list-style-type: none"> <li>• Inclusive Communities</li> </ul>	<ul style="list-style-type: none"> <li>• Reclink</li> <li>• Active Kingston</li> <li>• Family Life</li> </ul>	<ul style="list-style-type: none"> <li>• Young People</li> <li>• Older people</li> </ul>
1.3.4 Recruit LGBTQIA+ representatives to the community focused Kingston Mental Health Working Group.	<ul style="list-style-type: none"> <li>• Inclusive Communities</li> </ul>		<ul style="list-style-type: none"> <li>• LGBTQIA+</li> </ul>
1.3.5 Provide training and/or resources to community centres, neighbourhood houses and sporting clubs to prevent/reduce mental health issues related to violence and discrimination against LGBTQIA+ people.	<ul style="list-style-type: none"> <li>• Inclusive Communities</li> </ul>	<ul style="list-style-type: none"> <li>• Community Centres &amp; Neighbourhood Houses</li> <li>• Sporting Clubs and Associations</li> </ul>	<ul style="list-style-type: none"> <li>• LGBTQIA+</li> </ul>

## 1.4 Reduce harm from alcohol and other drugs, smoking and gambling

Actions	Lead	Partner	Target groups
1.4.1 Lead localised Kingston advocacy campaigns aligned with the Alliance for Gambling Reform advocacy agenda to prevent and reduce gambling harm.	<ul style="list-style-type: none"> <li>Inclusive Communities</li> </ul>	<ul style="list-style-type: none"> <li>Advocacy, Communications &amp; Engagement</li> <li>Alliance for Gambling Reform</li> </ul>	<ul style="list-style-type: none"> <li>People experiencing harm from gambling</li> </ul>
1.4.2 Increase awareness and knowledge in the community about gambling harm and the affects it has on the community by supporting local organisations and providing customised education.	<ul style="list-style-type: none"> <li>Inclusive Communities</li> </ul>	<ul style="list-style-type: none"> <li>Advocacy, Communications &amp; Engagement</li> <li>Arts, Events &amp; Libraries</li> <li>Community Centres &amp; Neighbourhood Houses</li> <li>Gambler's Help Southern</li> </ul>	<ul style="list-style-type: none"> <li>Multicultural people</li> <li>Young people</li> <li>Older people</li> <li>Low income</li> <li>People experiencing harm from gambling</li> </ul>
1.4.3 Develop partnerships with and provide support to organisations, services and the community to address the impacts of gambling harm in Kingston and improve pathways to gambling support services.	<ul style="list-style-type: none"> <li>Inclusive Communities</li> </ul>	<ul style="list-style-type: none"> <li>Gambler's Help Southern</li> </ul>	<ul style="list-style-type: none"> <li>People experiencing harm from gambling</li> </ul>
1.4.4 Promote information about Council's Alcohol-Free Zones and partner agency health messages to reduce harmful alcohol and drug use through Council's media channels.	<ul style="list-style-type: none"> <li>Compliance &amp; Amenity</li> </ul>	<ul style="list-style-type: none"> <li>Advocacy, Communications &amp; Engagement</li> <li>Family, Youth &amp; Children's Services</li> </ul>	<ul style="list-style-type: none"> <li>Young people</li> <li>Multicultural people</li> </ul>
1.4.5 Educate the community about smoking/vaping laws and no-smoking /no vaping areas through Council's media channels and local signage to reduce tobacco-related harm.	<ul style="list-style-type: none"> <li>Compliance &amp; Amenity</li> </ul>	<ul style="list-style-type: none"> <li>Advocacy, Communications &amp; Engagement</li> </ul>	
1.4.6 Amplify anti-smoking campaigns with a focus on vaping and young people (VicHealth Local Government Partnership).	<ul style="list-style-type: none"> <li>Inclusive Communities</li> </ul>	<ul style="list-style-type: none"> <li>Family, Youth &amp; Children's Services</li> <li>Better Health Network</li> <li>VicHealth</li> <li>South East Public Health Unit</li> </ul>	<ul style="list-style-type: none"> <li>Young people</li> <li>Children</li> </ul>
1.4.7 Provide additional education to businesses on Vape products to reduce sales to minors.	<ul style="list-style-type: none"> <li>City Economy and Innovation</li> </ul>	<ul style="list-style-type: none"> <li>Inclusive Communities</li> </ul>	<ul style="list-style-type: none"> <li>Businesses</li> </ul>
1.4.8 Educate school age children about vaping / being vape free and being a safe pedestrian to reduce vaping rates and exposure to secondhand vaping.	<ul style="list-style-type: none"> <li>Infrastructure</li> </ul>	<ul style="list-style-type: none"> <li>Secondary schools</li> <li>Better Health Network</li> </ul>	<ul style="list-style-type: none"> <li>Young people</li> <li>Children</li> </ul>
1.4.9 Update smokefree / no-smoking signage to include vapefree/no-vaping	<ul style="list-style-type: none"> <li>Compliance &amp; Amenity</li> </ul>	<ul style="list-style-type: none"> <li>Inclusive Communities</li> </ul>	

**Council Plan (2021-2025) draft Year 3 Annual Action Plan**

Work with community groups and sporting clubs to reduce reliance on funding or support received from the gambling industry, as per the Gambling Action Plan (2021-25).	<ul style="list-style-type: none"> <li>Inclusive Communities</li> </ul>	<ul style="list-style-type: none"> <li>Better Health Network</li> </ul>	<ul style="list-style-type: none"> <li>Community groups</li> <li>Sporting clubs and Associations</li> </ul>
--	---	---	---

## Goal 2. A safe and secure community

Kingston is a safe, respectful and supportive place for all to live, work and play, that is free from all forms of inequality and violence.

### 2.1 Improve safety in the home and community

Actions	Lead	Partner	Target groups
2.1.1 Raise awareness about safety in the community through promotion and provision of information related to scams, vehicle security, home safety, business safety and online safety.	<ul style="list-style-type: none"> <li>Inclusive Communities</li> </ul>	<ul style="list-style-type: none"> <li>Advocacy, Communications &amp; Engagement</li> <li>Community Centres &amp; Neighbourhood Houses</li> <li>Arts, Events &amp; Libraries</li> <li>Customer Service</li> <li>Neighbourhood Watch</li> <li>Victoria Police</li> </ul>	<ul style="list-style-type: none"> <li>Older people</li> <li>Multicultural people</li> <li>People with disabilities</li> <li>Aboriginal &amp; Torres Strait Islander people</li> <li>Young people</li> </ul>
2.1.2 Support services to prevent, respond and recover from crime and emergencies through the Community Safety Advisory Committee and delivery of Council emergency management activities.	<ul style="list-style-type: none"> <li>Inclusive Communities</li> </ul>	<ul style="list-style-type: none"> <li>Emergency Management</li> <li>Compliance &amp; Amenity</li> <li>State Emergency Service (SES)</li> <li>Fire Rescue Victoria (FRV)</li> <li>Country Fire Authority (CFA)</li> <li>Ambulance Victoria &amp; St John Ambulance</li> <li>Lifesaving Victoria</li> <li>VicRoads</li> <li>Victoria Police</li> <li>Department of Justice &amp; Community Safety (DoJ&amp;CS)</li> </ul>	



2.1.3 Partner with Victoria Police and other stakeholders to coordinate responses to safety concerns in Kingston.	<ul style="list-style-type: none"> <li>Inclusive Communities</li> </ul>	<ul style="list-style-type: none"> <li>Victoria Police</li> <li>Other partners as relevant</li> </ul>	
2.1.4 Provide effective animal management services to enable our community to have safe interactions with animals in the community.	<ul style="list-style-type: none"> <li>Compliance &amp; Amenity</li> </ul>		
2.1.5 Review Council's processes and procedures for pool regulation and enforcement.	<ul style="list-style-type: none"> <li>Municipal Building Surveyors Department</li> </ul>		
2.1.6 Explore Council's risk mitigation for water safety on the foreshore and the feasibility of paid lifeguards in the summer.	<ul style="list-style-type: none"> <li>Inclusive Communities</li> </ul>	<ul style="list-style-type: none"> <li>Infrastructure</li> <li>Lifesaving Victoria</li> </ul>	

## 2.2 Improve feelings of safety in the home and community

Actions	Lead	Partner	Target groups
2.2.1 Design public spaces using safer design principles in Council planning (such as visible sightlines and passive surveillance) to promote personal safety and public confidence in neighbourhoods.	<ul style="list-style-type: none"> <li>Open Space</li> <li>Active Kingston</li> </ul>	<ul style="list-style-type: none"> <li>Infrastructure</li> <li>City Works</li> </ul>	
2.2.2 Advocate for the use of safer design principles in private developments and all public spaces of major projects (Level Crossing Removal, Suburban Rail Loop and Chain of Parks) delivered by Council and State Government.	<ul style="list-style-type: none"> <li>City Strategy</li> </ul>	<ul style="list-style-type: none"> <li>Open Space</li> </ul>	
2.2.3 Maintain public spaces to enhance feelings of safety through graffiti prevention and removal.	<ul style="list-style-type: none"> <li>City Works</li> </ul>	<ul style="list-style-type: none"> <li>Infrastructure</li> <li>Open Space</li> <li>Inclusive Communities</li> </ul>	<ul style="list-style-type: none"> <li>Women</li> <li>People with disabilities</li> <li>LGBTQIA+</li> <li>Students</li> </ul>
2.2.4 Prioritise locations that are affected by crime and anti-social behaviour for public art installations through the implementation of Kingston's Public Art Policy.	<ul style="list-style-type: none"> <li>Arts, Events &amp; Libraries</li> </ul>	<ul style="list-style-type: none"> <li>Inclusive Communities</li> <li>City Works</li> </ul>	
2.2.5 Implement Kingston's CCTV camera program in compliance with legislation and Council Policy.	<ul style="list-style-type: none"> <li>City Works</li> </ul>	<ul style="list-style-type: none"> <li>Inclusive Communities</li> </ul>	
2.2.6 Develop the design of the new Aquatic and Leisure Centre for Kingston to create a safe and welcoming atmosphere.	<ul style="list-style-type: none"> <li>Active Kingston</li> </ul>	<ul style="list-style-type: none"> <li>Inclusive Communities</li> <li>Community Reference Group</li> </ul>	

**Council Plan (2021-2025) draft Year 3 Annual Action Plan**

Promote the Park and Stride Program and Parking Around Our School Maps to address congestion and safety around schools.	<ul style="list-style-type: none"> <li>Infrastructure</li> </ul>	<ul style="list-style-type: none"> <li>Better Health Network</li> </ul>	<ul style="list-style-type: none"> <li>Children</li> </ul>
Promote and deliver aquatic education and 'Learn to Swim' programs to reduce drownings and support health and wellbeing outcomes.	<ul style="list-style-type: none"> <li>Active Kingston</li> </ul>		<ul style="list-style-type: none"> <li>Children</li> </ul>

**2.3 Reduce the prevalence of family violence**

Actions	Lead	Partner	Target groups
2.3.1 Improve community understanding of family violence, prevention and support through workshops, events and promotional campaigns (such as the Kingston Women of the Year Awards, International Women's Day civic event, 16 Days of Activism Against Gender-Based Violence and promoting healthy masculinities through programs such as Modelling Respect and Equality).	<ul style="list-style-type: none"> <li>Inclusive Communities</li> </ul>	<ul style="list-style-type: none"> <li>Advocacy, Communications &amp; Engagement</li> <li>Arts, Events &amp; Libraries</li> <li>Open Space</li> <li>AccessCare</li> <li>Active Kingston</li> <li>Family, Youth &amp; Children's Services</li> <li>Kingston Prevention of Family Violence Working Group</li> <li>Community Centres &amp; Neighbourhood Houses</li> </ul>	<ul style="list-style-type: none"> <li>Aboriginal and Torres Strait Islander people</li> <li>People with disabilities</li> <li>LGBTQIA+</li> <li>Multicultural people</li> <li>Older people</li> <li>Women</li> <li>Young people</li> </ul>
2.3.2 Provide training to build knowledge and capacity of community, organisations and businesses to increase understanding about family violence and gender equity, and support people who have experienced family violence, including children.	<ul style="list-style-type: none"> <li>Inclusive Communities</li> </ul>	<ul style="list-style-type: none"> <li>Advocacy, Communications &amp; Engagement</li> <li>AccessCare</li> <li>Active Kingston</li> <li>Open Space</li> <li>Family, Youth &amp; Children's Services</li> <li>Kingston Prevention of Family Violence Working Group</li> <li>Community Centres &amp; Neighbourhood Houses</li> </ul>	<ul style="list-style-type: none"> <li>Aboriginal and Torres Strait Islander people</li> <li>People with disabilities</li> <li>LGBTQIA+</li> <li>Multicultural people</li> <li>Older people</li> <li>Women</li> <li>Young people</li> <li>Men</li> </ul>

2.3.3 Provide training to build knowledge and capacity of staff to increase understanding about family violence and gender equity, and support people who have experienced family violence, including children.	<ul style="list-style-type: none"> <li>• People Support</li> <li>• Inclusive Communities</li> </ul>	<ul style="list-style-type: none"> <li>• Family Violence Staff Support Officers</li> </ul>	<ul style="list-style-type: none"> <li>• Aboriginal and Torres Strait Islander people</li> <li>• People with disabilities</li> <li>• LGBTQIA+</li> <li>• Multicultural people</li> <li>• Older people</li> <li>• Women</li> <li>• Young people</li> <li>• Men</li> </ul>
2.3.4 Increase awareness of community members and staff who work with older people about recognising, preventing and responding to elder abuse through education, information provision and staff training.	<ul style="list-style-type: none"> <li>• Inclusive Communities</li> <li>• AccessCare</li> </ul>	<ul style="list-style-type: none"> <li>• Peninsula Community Legal Centre</li> <li>• Department of Families, Fairness &amp; Housing (Commissioner for Senior Victorians)</li> <li>• Respect Victoria</li> <li>• Seniors Rights Victoria</li> <li>• Kingston Prevention of Family Violence Working Group</li> <li>• Community Centres &amp; Neighbourhood Houses</li> </ul>	<ul style="list-style-type: none"> <li>• Older people</li> </ul>
2.3.5 Foster strong collaboration with local and regional strategic partners and networks, including coordination of the Kingston Prevention of Family Violence Working Group as a key advisory and consultation mechanism of Council.	<ul style="list-style-type: none"> <li>• Inclusive Communities</li> </ul>	<ul style="list-style-type: none"> <li>• Community partners and organisations</li> <li>• Kingston Prevention of Family Violence Working Group</li> <li>• In Touch Multicultural Centre Against Family Violence</li> <li>• Bayside Peninsula Integrated Family Violence Partnership</li> <li>• Better Health Network / Division of Family Violence</li> </ul>	<ul style="list-style-type: none"> <li>• Aboriginal and Torres Strait Islander people</li> <li>• People with disabilities</li> <li>• LGBTQIA+</li> <li>• Multicultural people</li> <li>• Older people</li> <li>• Women</li> <li>• Young people</li> </ul>

2.3.6 Advocate for policy, legislative and institutional reform to support gender equality, family violence prevention and sexual and reproductive health. Such as advocating for reproductive rights, childcare accessibility, preventing violence against sex industry workers and support for children as victims of family violence.	<ul style="list-style-type: none"> <li>Inclusive Communities</li> </ul>	<ul style="list-style-type: none"> <li>Family, Youth &amp; Children's Services</li> <li>Kingston Prevention of Family Violence Working Group</li> <li>Community partners and organisations</li> </ul>	<ul style="list-style-type: none"> <li>Aboriginal and Torres Strait Islander people</li> <li>People with disabilities</li> <li>LGBTQIA+</li> <li>Multicultural people</li> <li>Older people</li> <li>Women</li> <li>Young people</li> </ul>
2.3.7 Advocate for and support increased services for community members at risk of choosing to use violence, to receive education and interventions that promote respectful relationships and help prevent (re)offending.	<ul style="list-style-type: none"> <li>Inclusive Communities</li> </ul>	<ul style="list-style-type: none"> <li>Family, Youth &amp; Children's Services</li> <li>Kingston Prevention of Family Violence Working Group</li> <li>Community partners and organisations</li> </ul>	<ul style="list-style-type: none"> <li>People at risk of perpetrating violence</li> </ul>
2.3.8 Research how Council can support family violence victim survivors, including children, to feel safe, connected, heard and empowered. Such as through opportunities to share their stories in Council and community activities.	<ul style="list-style-type: none"> <li>Inclusive Communities</li> </ul>	<ul style="list-style-type: none"> <li>Teams engaged with community</li> <li>Family Violence Staff Support Officer network</li> <li>Council Advisory Committees</li> <li>Emerge Women &amp; Children's Support Network</li> <li>South Eastern Centre Against Sexual Assault</li> <li>Community Centres &amp; Neighbourhood Houses</li> <li>Kingston Prevention of Family Violence Working Group</li> </ul>	<ul style="list-style-type: none"> <li>Aboriginal and Torres Strait Islander people</li> <li>People with disabilities</li> <li>LGBTQIA+</li> <li>Multicultural people</li> <li>Older people</li> <li>Women</li> <li>Young people</li> </ul>
2.3.9 Deliver place-based programs, projects, interventions and other initiatives in places identified as higher risk for violence and harassment (such as public messaging on signs, bins and public toilets, and targeted programs).	<ul style="list-style-type: none"> <li>Inclusive Communities</li> </ul>	<ul style="list-style-type: none"> <li>Arts, Events &amp; Libraries</li> <li>Open Space</li> <li>City Works</li> <li>Family, Youth &amp; Children's Services</li> </ul>	<ul style="list-style-type: none"> <li>Women</li> <li>People with disabilities</li> <li>LGBTQIA+</li> </ul>

		<ul style="list-style-type: none"> <li>Community partners and organisations</li> <li>Community Centres &amp; Neighbourhood Houses</li> </ul>	
--	--	--	--

#### Council Plan (2021-2025) draft Year 3 Annual Action Plan

Deliver 16 Days of Activism Against Family Violence community awareness campaign.	<ul style="list-style-type: none"> <li>Inclusive Communities</li> </ul>	<ul style="list-style-type: none"> <li>Advocacy, Communications &amp; Engagement</li> <li>Arts, Events &amp; Libraries</li> <li>Open Space</li> <li>AccessCare</li> <li>Active Kingston</li> <li>Family, Youth &amp; Children's Services</li> <li>Kingston Prevention of Family Violence Working Group</li> <li>Community Centres &amp; Neighbourhood Houses</li> </ul>	<ul style="list-style-type: none"> <li>Aboriginal and Torres Strait Islander people</li> <li>People with disabilities</li> <li>LGBTQIA+</li> <li>Multicultural people</li> <li>Older people</li> <li>Women</li> <li>Young people</li> </ul>
---	---	---	---

## Goal 3. A kind and connected community

Kingston is a welcoming and inclusive place with strong social connections across generations. Reconciliation, culture and diversity are embraced, valued and celebrated.

### 3.1 Increase participation in community activities and volunteering

Actions	Lead	Partner	Target groups
3.1.1 Support the delivery of programs to address the needs of multicultural residents including English classes, employment and career counselling, family violence support, housing advice and L2P driving program.	<ul style="list-style-type: none"> <li>Inclusive Communities</li> </ul>	<ul style="list-style-type: none"> <li>South East Community Links</li> <li>Community Centres &amp; Neighbourhood Houses</li> </ul>	<ul style="list-style-type: none"> <li>Multicultural people</li> </ul>
3.1.2 Support volunteering in the local community through provision of volunteer training, building capacity of	<ul style="list-style-type: none"> <li>Inclusive Communities</li> </ul>		<ul style="list-style-type: none"> <li>Multicultural people</li> <li>Older people</li> <li>Young people</li> </ul>

community groups and matching skilled volunteers to support groups.			<ul style="list-style-type: none"> <li>People with disabilities</li> </ul>
3.1.3 Explore the need for a Kingston Volunteer Network to bring together agencies to collectively address declining volunteering rates and explore volunteering opportunities for people from diverse community groups and under-represented groups.	<ul style="list-style-type: none"> <li>Inclusive Communities</li> </ul>	<ul style="list-style-type: none"> <li>Community Centres &amp; Neighbourhood Houses</li> <li>Community partners and organisations</li> </ul>	<ul style="list-style-type: none"> <li>People with disabilities</li> </ul>
3.1.4 Improve processes and training for Council volunteers to meet Child Safe Standards requirements.	<ul style="list-style-type: none"> <li>People Support</li> </ul>	<ul style="list-style-type: none"> <li>Family, Youth &amp; Children's Services</li> </ul>	<ul style="list-style-type: none"> <li>Council volunteers</li> </ul>
3.1.5 Share information about opportunities for people with a disability to engage in arts, culture, recreation and leisure programs through Council's networks and media channels.	<ul style="list-style-type: none"> <li>Inclusive Communities</li> </ul>	<ul style="list-style-type: none"> <li>Active Kingston</li> <li>Advocacy, Communications &amp; Engagement</li> <li>Arts, Events &amp; Libraries</li> <li>Family, Youth &amp; Children's Services</li> <li>Community Centres &amp; Neighbourhood Houses</li> </ul>	<ul style="list-style-type: none"> <li>People with disabilities</li> </ul>
3.1.6 Encourage the participation of people from diverse backgrounds and under-represented groups on Councils Advisory Committees through targeted promotional campaigns and networking with community groups and local services.	<ul style="list-style-type: none"> <li>Inclusive Communities</li> <li>Governance</li> </ul>	<ul style="list-style-type: none"> <li>Advocacy, Communications &amp; Engagement</li> <li>Access and Equity Advisory Committee</li> </ul>	<ul style="list-style-type: none"> <li>Multicultural people</li> <li>Older people</li> <li>Young people</li> <li>People with disabilities</li> <li>LGBTQIA+</li> <li>Aboriginal &amp; Torres Strait Islander people</li> </ul>
3.1.7 Promote and participate in the annual Pride March.	<ul style="list-style-type: none"> <li>People Support</li> </ul>	<ul style="list-style-type: none"> <li>Inclusive Communities</li> </ul>	<ul style="list-style-type: none"> <li>LGBTQIA+</li> </ul>
3.1.8 Support all community groups and organisations to apply for Council grants through inclusive promotion of available grants and applicant support that reduces barriers to applying.	<ul style="list-style-type: none"> <li>Inclusive Communities</li> </ul>	<ul style="list-style-type: none"> <li>Advocacy, Communications &amp; Engagement</li> </ul>	<ul style="list-style-type: none"> <li>Community groups and organisations</li> <li>Multicultural people</li> <li>People with disabilities</li> <li>LGBTQIA+</li> <li>Aboriginal &amp; Torres Strait Islander people</li> </ul>
3.1.9 Provide information about available grant opportunities to support community groups and organisations to obtain	<ul style="list-style-type: none"> <li>Inclusive Communities</li> </ul>	<ul style="list-style-type: none"> <li>Advocacy, Communications &amp; Engagement</li> </ul>	<ul style="list-style-type: none"> <li>Community groups and organisations</li> </ul>

appropriate funding for initiatives that improve health, safety and inclusion in Kingston.			
3.1.10 Acknowledge the contributions of volunteers in Kingston through the City of Kingston Awards programs and Kingston Women of the Year Awards.	<ul style="list-style-type: none"> <li>Inclusive Communities</li> </ul>	<ul style="list-style-type: none"> <li>Arts, Events &amp; Libraries</li> <li>Advocacy, Communications &amp; Engagement</li> </ul>	<ul style="list-style-type: none"> <li>Aboriginal and Torres Strait Islander people</li> <li>People with disabilities</li> <li>LGBTQIA+</li> <li>Multicultural people</li> <li>Older people</li> <li>Women</li> <li>Men</li> <li>Young people</li> </ul>

#### Council Plan (2021-2025) draft Year 3 Annual Action Plan

Establish an LGBTQIA+ community reference group as a part of the Access and Equity Advisory Committee to provide advice to Council on inclusive practices.	<ul style="list-style-type: none"> <li>Inclusive Communities</li> </ul>	<ul style="list-style-type: none"> <li>People Support</li> </ul>	<ul style="list-style-type: none"> <li>LGBTQIA+</li> </ul>
Develop and implement a community leadership program to enhance leadership skills of women and people from diverse backgrounds.	<ul style="list-style-type: none"> <li>Inclusive Communities</li> </ul>	<ul style="list-style-type: none"> <li>Governance</li> <li>Local Government Victoria</li> <li>Municipal Association of Victoria</li> <li>Safe and Equal</li> <li>Victorian Local Governance Association</li> </ul>	<ul style="list-style-type: none"> <li>Aboriginal and Torres Strait Islander people</li> <li>People with disabilities</li> <li>LGBTQIA+</li> <li>Multicultural people</li> <li>Older people</li> <li>Women</li> <li>Young people</li> </ul>
Implement the Community Grants Review to increase access and equity for the community.	<ul style="list-style-type: none"> <li>Inclusive Communities</li> </ul>		<ul style="list-style-type: none"> <li>Community groups and organisations</li> </ul>
Deliver the Council Community Panel engagement program to improve opportunities for deliberative consultation and ensure a wide range of views are considered in key Council decisions. The program will include a pool of 200 members, a representative 45-member panel and will be available for other key projects to draw on members as needed.	<ul style="list-style-type: none"> <li>Advocacy, Communications &amp; Engagement</li> </ul>		<ul style="list-style-type: none"> <li>Aboriginal and Torres Strait Islander people</li> <li>People with disabilities</li> <li>LGBTQIA+</li> <li>Multicultural people</li> <li>Older people</li> <li>Women</li> <li>Men</li> <li>Young people</li> </ul>



### 3.2 Reduce social isolation and loneliness

Actions	Lead	Partner	Target groups
3.2.1 Strategically review and plan for community groups with ageing volunteers who are less able to support group operations.	<ul style="list-style-type: none"> <li>Inclusive Communities</li> </ul>		<ul style="list-style-type: none"> <li>Older people</li> </ul>
3.2.2 Promote Kingston Libraries as a safe place for people to 'be' and connect with their community.	<ul style="list-style-type: none"> <li>Arts, Events &amp; Libraries</li> </ul>		<ul style="list-style-type: none"> <li>People who are lonely</li> <li>People with disabilities</li> <li>Older people</li> <li>Families</li> <li>Young people</li> </ul>
3.2.3 Provide spaces and opportunities for young people to meet and form friendships and connections through programs such as the FreeZa Committee and Aspendale Youth Cove.	<ul style="list-style-type: none"> <li>Family, Youth &amp; Children's Services</li> </ul>	<ul style="list-style-type: none"> <li>Community Centres &amp; Neighbourhood Houses</li> </ul>	<ul style="list-style-type: none"> <li>Young people</li> </ul>
3.2.4 Facilitate the weekly Queer in Kingston support group to provide social support to young people who may identify as same sex attracted, gender diverse or questioning their sexuality and gender.	<ul style="list-style-type: none"> <li>Family, Youth &amp; Children's Services</li> </ul>		<ul style="list-style-type: none"> <li>Young people</li> <li>LGBTQIA+</li> </ul>
3.2.5 Create stronger connection with the LGBTQIA+ 55+ community through the annual Seniors Festival.	<ul style="list-style-type: none"> <li>Inclusive Communities</li> </ul>	<ul style="list-style-type: none"> <li>AccessCare</li> <li>Arts, Events &amp; Libraries</li> <li>Community Centres &amp; Neighbourhood Houses</li> </ul>	<ul style="list-style-type: none"> <li>LGBTQIA+</li> <li>Older people</li> </ul>
3.2.6 Collaborate with local organisations to review and plan service delivery resulting from the Aged Care Reforms to provide a complimentary spectrum of services for the local community.	<ul style="list-style-type: none"> <li>AccessCare</li> </ul>	<ul style="list-style-type: none"> <li>Better Health Network</li> <li>Aged care service providers</li> </ul>	<ul style="list-style-type: none"> <li>Older people</li> </ul>

### 3.3 Reduce discrimination

Action	Lead	Partner	Target groups
3.3.1 Improve Kingston's recruitment procedures and processes to minimise bias and create more equal opportunities.	<ul style="list-style-type: none"> <li>People Support</li> </ul>	<ul style="list-style-type: none"> <li>Inclusive Communities</li> </ul>	<ul style="list-style-type: none"> <li>Multicultural people</li> <li>LGBTQIA+</li> <li>People with disabilities</li> <li>Older people</li> </ul>
3.3.2 Contribute to a more inclusive work environment through training and celebration of key days, such as Cultural	<ul style="list-style-type: none"> <li>People Support</li> </ul>	<ul style="list-style-type: none"> <li>Inclusive Communities</li> </ul>	<ul style="list-style-type: none"> <li>Multicultural people</li> <li>LGBTQIA+</li> </ul>

Diversity Week, IDAHOBIT, NAIDOC Week, Wear it Purple day and International Day of People with a Disability.			<ul style="list-style-type: none"> <li>Aboriginal &amp; Torres Strait Islander people</li> <li>People with disabilities</li> </ul>
3.3.3 Advocate for asylum seekers by supporting the Back Your Neighbour campaign to deliver advocacy activities for people seeking asylum to access vital health and welfare services.	<ul style="list-style-type: none"> <li>Inclusive Communities</li> </ul>	<ul style="list-style-type: none"> <li>Advocacy, Communications &amp; Engagement</li> </ul>	<ul style="list-style-type: none"> <li>Multicultural people</li> </ul>
3.3.4 Continue work to attain Rainbow Tick accreditation to provide a safe and inclusive workplace and services for the LGBTQIA+ community.	<ul style="list-style-type: none"> <li>People Support</li> </ul>	<ul style="list-style-type: none"> <li>Inclusive Communities</li> </ul>	<ul style="list-style-type: none"> <li>LGBTQIA+</li> </ul>
3.3.5 Finalise locations and LGBTQIA+ awareness days to fly the rainbow flag at Council buildings.	<ul style="list-style-type: none"> <li>Inclusive Communities</li> </ul>		<ul style="list-style-type: none"> <li>LGBTQIA+</li> </ul>
3.3.6 Provide and promote LGBTQIA+ educational resources to increase community awareness and inclusion.	<ul style="list-style-type: none"> <li>Inclusive Communities</li> </ul>	<ul style="list-style-type: none"> <li>Advocacy, Communications &amp; Engagement</li> </ul>	<ul style="list-style-type: none"> <li>LGBTQIA+</li> </ul>
3.3.7 Implement Council's Gender Equality Action Plan to address systemic barriers that create gender inequality.	<ul style="list-style-type: none"> <li>People Support</li> </ul>	<ul style="list-style-type: none"> <li>Advocacy, Communications &amp; Engagement</li> <li>Inclusive Communities</li> <li>Governance</li> <li>Customer Experience</li> <li>Information Services and Strategy</li> </ul>	<ul style="list-style-type: none"> <li>Women</li> <li>Men</li> <li>Non-binary people</li> </ul>
3.3.8 Promote information and education resources about The Voice Referendum and Treaty to increase community awareness and understanding.	<ul style="list-style-type: none"> <li>Inclusive Communities</li> </ul>	<ul style="list-style-type: none"> <li>Advocacy, Communications &amp; Engagement</li> </ul>	<ul style="list-style-type: none"> <li>Aboriginal and Torres Strait Islander people</li> </ul>

#### Council Plan (2021-2025) draft Year 3 Annual Action Plan

Implement the Innovate Reconciliation Action Plan (2022 – 2024) to advance reconciliation.	<ul style="list-style-type: none"> <li>Inclusive Communities</li> </ul>	<ul style="list-style-type: none"> <li>People Support</li> <li>Advocacy, Communications &amp; Engagement</li> <li>Open Space</li> <li>Arts, Events &amp; Libraries</li> <li>Procurement and Contracts</li> <li>Family, Youth &amp; Children's Services</li> </ul>	<ul style="list-style-type: none"> <li>Aboriginal and Torres Strait Islander people</li> </ul>
Develop the All-Abilities Plan through a co-design process, to improve access and inclusion for people with a disability.	<ul style="list-style-type: none"> <li>Inclusive Communities</li> </ul>		<ul style="list-style-type: none"> <li>People with disabilities</li> </ul>

### 3.4 Increase inclusion, respect and belonging

Actions	Lead	Partner	Target groups
3.4.1 Build the capacity of representatives from diverse faith communities to promote inclusion, respect and belonging in the community through participation on Kingston's Interfaith Network.	<ul style="list-style-type: none"> <li>Inclusive Communities</li> </ul>		<ul style="list-style-type: none"> <li>Multicultural people</li> <li>Faith groups</li> </ul>
3.4.2 Support, deliver and promote events focused on awareness and celebration of our diverse community to increase knowledge about all cultures, faiths, human rights and discrimination (such as Cultural Diversity Week, IDAHOBIT, NAIDOC Week, LGBTQIA+ discrimination, International Day of People with a Disability, Kingston Women of the Year Awards and the Spring Fair).	<ul style="list-style-type: none"> <li>Inclusive Communities</li> <li>People Support</li> </ul>	<ul style="list-style-type: none"> <li>Arts, Events &amp; Libraries</li> <li>Community Centres &amp; Neighbourhood Houses</li> </ul>	<ul style="list-style-type: none"> <li>Multicultural people</li> <li>LGBTQIA+</li> <li>Faith groups</li> <li>Aboriginal and Torres Strait Islander people</li> <li>People with disabilities</li> <li>Women</li> </ul>
3.4.3 Include images of people from diverse backgrounds in a positive way in Council documents and promotional materials to foster respect and inclusion in the community.	<ul style="list-style-type: none"> <li>Advocacy, Communications &amp; Engagement</li> </ul>	<ul style="list-style-type: none"> <li>Inclusive Communities</li> </ul>	<ul style="list-style-type: none"> <li>Older people</li> <li>Multicultural people</li> <li>LGBTQIA+</li> <li>Faith groups</li> <li>Aboriginal and Torres Strait Islander people</li> <li>People with disabilities</li> </ul>
3.4.4 Develop a young women's leadership program for young leaders to support inclusion and belonging of young people from diverse backgrounds in community life.	<ul style="list-style-type: none"> <li>Family, Youth &amp; Children's Services</li> </ul>		<ul style="list-style-type: none"> <li>Multicultural people</li> <li>Young women</li> <li>LGBTQIA+</li> </ul>
3.4.5 Facilitate a local Aboriginal and Torres Strait Islander Elders program at the Derrimut Weelam Gathering Place to promote social connection and belonging.	<ul style="list-style-type: none"> <li>Inclusive Communities</li> </ul>	<ul style="list-style-type: none"> <li>Derrimut Weelam Gathering Place</li> </ul>	<ul style="list-style-type: none"> <li>Aboriginal and Torres Strait Islander people</li> </ul>
3.4.6 Engage with international students through tertiary institutions to encourage greater participation in community life and awareness of community responsibilities.	<ul style="list-style-type: none"> <li>Inclusive Communities</li> </ul>	<ul style="list-style-type: none"> <li>Advocacy, Communications &amp; Engagement</li> </ul>	<ul style="list-style-type: none"> <li>International students</li> </ul>
3.4.7 Investigate information needs and gaps of newly arrived residents, including international students, regarding community responsibilities and life in Australia.	<ul style="list-style-type: none"> <li>Inclusive Communities</li> </ul>		<ul style="list-style-type: none"> <li>Newly arrived residents</li> </ul>

3.4.8 Develop a business awards program recognising employment initiatives to improve diversity and inclusion outcomes.	• City Economy & Innovation	• Inclusive Communities	• Businesses
---	-----------------------------	-------------------------	--------------

#### Council Plan (2021-2025) draft Year 3 Annual Action Plan

Deliver and support events that promote awareness and celebration of Kingston's diverse communities, for example the 'Dialogues' workshop program.	• Arts, Events & Libraries		<ul style="list-style-type: none"> <li>• Multicultural people</li> <li>• LGBTQIA+</li> <li>• Faith groups</li> <li>• Aboriginal and Torres Strait Islander people</li> <li>• People with disabilities</li> <li>• Women</li> </ul>
Increase opportunities for people with a disability to engage in arts and culture programs, fostering an innovative, inclusive and diverse community.	• Arts, Events & Libraries		<ul style="list-style-type: none"> <li>• People with disabilities</li> </ul>
Develop new programs to increase community engagement with the Derrimut Weelam Gathering Place.	• Inclusive Communities		<ul style="list-style-type: none"> <li>• Aboriginal and Torres Strait Islander people</li> </ul>
Prioritise female participation in sport and access to facilities, grounds and match times, through the 'Change of Our Game' initiative.	• Active Kingston	• Better Health Network	<ul style="list-style-type: none"> <li>• Girls</li> <li>• Women</li> </ul>
Continue to explore opportunities for the procurement of goods, services and works that provide community benefit through the engagement of Aboriginal and Torres Strait Islander businesses, social benefit providers, social benefit providers and/or other social enterprises.	• Procurement and Contracts		<ul style="list-style-type: none"> <li>• Aboriginal and Torres Strait Islander people</li> <li>• People with disabilities</li> <li>• Women</li> <li>• Multicultural people</li> </ul>

## Goal 4. A liveable community

Kingston is a sustainable and resilient place where people have equitable access to natural, built, social and economic environments.

### 4.1 Increase preparedness and resilience for the impacts of climate change

Actions	Lead	Partner	Target groups
4.1.1 Progress development of a Climate Adaptation Plan to serve as a guide for supporting Council staff and community members to adapt to the impacts of climate change.	<ul style="list-style-type: none"> <li>City Strategy</li> </ul>	<ul style="list-style-type: none"> <li>Inclusive Communities</li> <li>Infrastructure</li> <li>Open Space</li> </ul>	<ul style="list-style-type: none"> <li>Older people</li> <li>People with disabilities</li> <li>People who are homeless</li> <li>Children under 5 years old</li> <li>People with chronic health conditions</li> </ul>
4.1.2 Update planning policies, processes and assessments to improve environmentally sustainable designs in the community.	<ul style="list-style-type: none"> <li>City Development</li> </ul>	<ul style="list-style-type: none"> <li>City Strategy</li> </ul>	<ul style="list-style-type: none"> <li>Developers (public and private)</li> </ul>
4.1.3 Support Emergency Relief organisations with networking opportunities.	<ul style="list-style-type: none"> <li>Inclusive Communities</li> </ul>		<ul style="list-style-type: none"> <li>Low income</li> <li>People who are homeless</li> </ul>

#### Council Plan (2021-2025) draft Year 3 Annual Action Plan

Develop skills and knowledge of community members who are most vulnerable to the impacts of climate change through delivery of targeted education sessions and information provision in line with Urban Cooling Strategy (2020) - Goal 4, supporting community learning.	<ul style="list-style-type: none"> <li>City Strategy</li> </ul>	<ul style="list-style-type: none"> <li>Inclusive Communities</li> <li>AccessCare</li> <li>Arts, Events &amp; Libraries</li> </ul>	<ul style="list-style-type: none"> <li>Low income</li> <li>People who are homeless</li> </ul>
Participate in the South East Council's Climate Change Alliance project to increase community resilience to the impacts of climate change.	<ul style="list-style-type: none"> <li>City Strategy</li> </ul>	<ul style="list-style-type: none"> <li>Inclusive Communities</li> <li>Infrastructure (emergency management)</li> </ul>	<ul style="list-style-type: none"> <li>Older people</li> <li>People with disabilities</li> <li>People who are homeless</li> <li>Children under 5 years old</li> <li>People with chronic health conditions</li> </ul>

## 4.2 Increase the availability of social and affordable housing

Actions	Lead	Partner	Target groups
4.2.1 Deliver the Community Connection Program to connect community members who are homeless or at risk of homelessness with relevant housing programs.	<ul style="list-style-type: none"> <li>AccessCare</li> </ul>		<ul style="list-style-type: none"> <li>People who are homeless</li> </ul>
4.2.2 Continue to advocate for and encourage increased contributions to social and affordable housing offerings through negotiations with planning permit applicants.	<ul style="list-style-type: none"> <li>City Development</li> </ul>	<ul style="list-style-type: none"> <li>City Strategy</li> <li>Inclusive Communities</li> <li>Property Services</li> <li>Homes for Victoria</li> <li>Housing associations</li> </ul>	<ul style="list-style-type: none"> <li>Low income</li> <li>People who are homeless</li> </ul>

### Council Plan (2021-2025) draft Year 3 Annual Action Plan

Implement the Social and Affordable Housing Strategy and continue to explore housing opportunities with private developers on key government strategies and provide support to the Homes for Homes initiative.	<ul style="list-style-type: none"> <li>City Strategy</li> </ul>	<ul style="list-style-type: none"> <li>Inclusive Communities</li> <li>AccessCare</li> <li>Private developers</li> <li>Homes for Homes</li> </ul>	<ul style="list-style-type: none"> <li>Low income</li> <li>People who are homeless</li> </ul>
--	---	--	---

## 4.3 Increase equitable participation in the workforce and local economy

Actions	Lead	Partner	Target groups
4.3.1 Establish a new partnership with a start-up provider to support local entrepreneurs.	<ul style="list-style-type: none"> <li>City Economy &amp; Innovation</li> </ul>	<ul style="list-style-type: none"> <li>Holmesglen Tafe</li> </ul>	<ul style="list-style-type: none"> <li>Young people</li> </ul>
4.3.2 Establish a Kingston employment services providers local network to pursue and enhance regional collaborative opportunities.	<ul style="list-style-type: none"> <li>City Economy &amp; Innovation</li> </ul>	<ul style="list-style-type: none"> <li>Inclusive Communities</li> <li>Wellsprings for Women</li> <li>Outlook Australia</li> <li>Holmesglen Tafe</li> </ul>	<ul style="list-style-type: none"> <li>Multicultural people</li> <li>Unemployed people</li> <li>People with disabilities</li> <li>Young people</li> </ul>
4.3.3 Deliver the work ready program to equip young people with skills and knowledge for employment.	<ul style="list-style-type: none"> <li>Family, Youth &amp; Children's Services</li> </ul>		<ul style="list-style-type: none"> <li>Young people</li> </ul>
4.3.4 Deliver the financial literacy program to increase knowledge about how to be financially responsible.	<ul style="list-style-type: none"> <li>Family, Youth &amp; Children's Services</li> </ul>		<ul style="list-style-type: none"> <li>Young people</li> </ul>
4.3.5 Support employment opportunities for people who are unemployed through the Jobs Victoria Advocates Program (particularly people with a disability and people from non-English speaking backgrounds).	<ul style="list-style-type: none"> <li>City Economy &amp; Innovation</li> </ul>	<ul style="list-style-type: none"> <li>Inclusive Communities</li> <li>Wellsprings for Women</li> <li>Brotherhood of St Laurence</li> </ul>	<ul style="list-style-type: none"> <li>People with disabilities</li> <li>Multicultural people</li> </ul>

4.3.6 Explore opportunities to build LGBTQIA+ inclusion in workplaces through the Kingston employment services provider local network.	<ul style="list-style-type: none"> <li>Inclusive Communities</li> </ul>	<ul style="list-style-type: none"> <li>City Economy &amp; Innovation</li> <li>Wellsprings for Women</li> <li>Outlook Australia</li> <li>Holmesglen Tafe</li> </ul>	<ul style="list-style-type: none"> <li>LGBTQIA+</li> </ul>
--	---	--	--

#### Council Plan (2021-2025) draft Year 3 Annual Action Plan

Develop a Kingston Investment Attraction Strategy to provide a long term vision for sustainable economic growth that supports maintaining growing and diversifying local jobs.	<ul style="list-style-type: none"> <li>City Economy &amp; Innovation</li> </ul>	<ul style="list-style-type: none"> <li>Inclusive Communities</li> </ul>	
--	---	---	--

#### 4.4 Increase the accessible and equitable supply of facilities, services and activities

Actions	Lead	Partner	Target groups
4.4.1 Ensure accessibility is considered in the planning and maintenance of facilities, infrastructure and places to support access for people of all abilities.	<ul style="list-style-type: none"> <li>Infrastructure</li> <li>Open Space</li> <li>Project Management Office</li> <li>Active Kingston</li> </ul>	<ul style="list-style-type: none"> <li>Inclusive Communities</li> </ul>	<ul style="list-style-type: none"> <li>People with disabilities</li> <li>Older people</li> </ul>
4.4.2 Provide opportunities to promote and deliver inclusive access to sport and recreation facilities.	<ul style="list-style-type: none"> <li>Active Kingston</li> <li>Inclusive Communities</li> </ul>	<ul style="list-style-type: none"> <li>Sports Clubs and Associations</li> <li>Community Centres &amp; Neighbourhood Houses</li> <li>Better Health Network</li> </ul>	<ul style="list-style-type: none"> <li>People with disabilities</li> <li>Older people</li> <li>Multicultural people</li> <li>LGBTQIA+</li> </ul>
4.4.3 Identify signage requirements through the Wayfinding Strategy to inform future installations.	<ul style="list-style-type: none"> <li>Open Space</li> </ul>		
4.4.4 Undertake research to identify vulnerable community groups in Kingston and any structural barriers experienced.	<ul style="list-style-type: none"> <li>Inclusive Communities</li> </ul>		<ul style="list-style-type: none"> <li>Vulnerable people</li> </ul>

#### Council Plan (2021-2025) draft Year 3 Annual Action Plan

Commence development of the Community Infrastructure Framework to plan for community needs now and into the future.	<ul style="list-style-type: none"> <li>Inclusive Communities</li> </ul>	<ul style="list-style-type: none"> <li>Active Kingston</li> <li>Arts, Events &amp; Libraries</li> <li>City Works</li> <li>Family, Youth &amp; Children's Services</li> <li>Infrastructure</li> <li>Open Space</li> <li>City Strategy</li> </ul>	
---	---	---	--



Review Council's early years infrastructure requirements considering Victorian Government announcements.	<ul style="list-style-type: none"> <li>Family, Youth &amp; Children's Services</li> </ul>	<ul style="list-style-type: none"> <li>Inclusive Communities</li> </ul>	<ul style="list-style-type: none"> <li>Families with pre-school aged children</li> </ul>
Enhance community access and shared use of community facilities through implementing the Kingston Community Facilities – Access and Shared Use Policy.	<ul style="list-style-type: none"> <li>Inclusive Communities</li> </ul>		

#### 4.5 Increase access to improve amenity of open spaces and the natural environment

Actions	Lead	Partner	Target groups
4.5.1 Engage with targeted community groups, the Access and Equity Advisory Committee and Interfaith Network to gain information for the draft Open Space Strategy to improve the accessibility and inclusion of outdoor public spaces.	<ul style="list-style-type: none"> <li>Open Space</li> </ul>	<ul style="list-style-type: none"> <li>Inclusive Communities</li> </ul>	<ul style="list-style-type: none"> <li>Older people</li> <li>Multicultural people</li> <li>People with disabilities</li> <li>LGBTQIA+</li> <li>Women</li> </ul>
4.5.2 Ensure master plans provide for accessible, quality public open spaces for passive and active recreation.	<ul style="list-style-type: none"> <li>Open Space</li> <li>Active Kingston</li> </ul>		<ul style="list-style-type: none"> <li>Older people</li> <li>Multicultural people</li> <li>People with disabilities</li> <li>LGBTQIA+</li> </ul>

#### Council Plan (2021-2025) draft Year 3 Annual Action Plan

Implement Year One actions of the Kingston Open Space Strategy (2023–33)	<ul style="list-style-type: none"> <li>Open Space</li> </ul>		<ul style="list-style-type: none"> <li>Older people</li> <li>Multicultural people</li> <li>People with disabilities</li> <li>LGBTQIA+</li> <li>Women</li> </ul>
Investigate opportunities, in line with the Coastal and Marine Management Plan, to improve public access and connectivity along the coastline, while recognising and protecting culturally and environmentally sensitive areas	<ul style="list-style-type: none"> <li>Open Space</li> </ul>		

## Goal 5. An informed and empowered community

Kingston is a place that ensures all members of the community have access to appropriate information to make informed decisions about their diverse health, education and lifelong learning needs.

### 5.1 Improve provision of accessible health and wellbeing information, programs and services

Actions	Lead	Partner	Target groups
5.1.1 Redevelop Kingston Youth Services website and social media platforms to ensure it is accessible, secure, and customer focused.	<ul style="list-style-type: none"> <li>Advocacy, Communications &amp; Engagement</li> </ul>	<ul style="list-style-type: none"> <li>Family, Youth &amp; Children's Services</li> </ul>	<ul style="list-style-type: none"> <li>Young people</li> </ul>
5.1.2 Redevelop the Kingston Arts website to ensure it is accessible, secure and customer-focussed.	<ul style="list-style-type: none"> <li>Advocacy, Communications &amp; Engagement</li> </ul>	<ul style="list-style-type: none"> <li>Arts, Events &amp; Libraries</li> </ul>	
5.1.3 Redevelop the Kingston Active website to ensure it is accessible, secure and customer-focussed.	<ul style="list-style-type: none"> <li>Advocacy, Communications &amp; Engagement</li> </ul>	<ul style="list-style-type: none"> <li>Active Kingston</li> </ul>	
5.1.4 Support community groups through training and information to develop accessible website content for the new integrated community directory.	<ul style="list-style-type: none"> <li>Inclusive Communities</li> </ul>		<ul style="list-style-type: none"> <li>Community groups</li> </ul>
5.1.5 Provide information to the community in a variety of accessible formats to ensure Council communication is accessible and inclusive (such as online, social media, print, translated materials and easy English)	<ul style="list-style-type: none"> <li>Advocacy, Communications &amp; Engagement</li> </ul>		<ul style="list-style-type: none"> <li>Multicultural people</li> <li>People with disabilities</li> <li>Non-digital community members</li> </ul>
5.1.6 Investigate opportunities for Council provided information displays at local shopping precincts to promote health and wellbeing information.	<ul style="list-style-type: none"> <li>Inclusive Communities</li> </ul>	<ul style="list-style-type: none"> <li>Advocacy, Communications &amp; Engagement</li> <li>City Economy &amp; Innovation</li> <li>Local Traders Associations</li> <li>Local health providers</li> </ul>	
5.1.7 Provide culturally sensitive health and wellbeing information and service referrals to local Aboriginal and Torres Strait Islander community members.	<ul style="list-style-type: none"> <li>Inclusive Communities</li> </ul>	<ul style="list-style-type: none"> <li>Derrimut Weelam Gathering Place</li> </ul>	<ul style="list-style-type: none"> <li>Aboriginal and Torres Strait Islander people</li> </ul>
5.1.8 Promote the diverse range of programs, services, events and activities provided by Kingston Council in new ways to reach community members that are unaware.	<ul style="list-style-type: none"> <li>Inclusive Communities</li> </ul>	<ul style="list-style-type: none"> <li>Advocacy, Communications &amp; Engagement</li> </ul>	
5.1.9 Promote LGBTQIA+ inclusive initiatives and support services to the community via Council's networks and media	<ul style="list-style-type: none"> <li>Inclusive Communities</li> </ul>	<ul style="list-style-type: none"> <li>Advocacy, Communications &amp; Engagement</li> <li>LGBTQIA+ services</li> </ul>	<ul style="list-style-type: none"> <li>LGBTQIA+</li> </ul>

channels such as Kingston Your City and Your Voice newsletters.		<ul style="list-style-type: none"> <li>Local health providers</li> <li>Community groups</li> </ul>	
---	--	--	--

#### Council Plan (2021-2025) draft Year 3 Annual Action Plan

Translate and convert key printed materials to ensure non-digital community members have access to information	<ul style="list-style-type: none"> <li>Advocacy, Communications &amp; Engagement</li> </ul>	<ul style="list-style-type: none"> <li>Inclusive Communities</li> </ul>	<ul style="list-style-type: none"> <li>Multicultural people</li> <li>People with disabilities</li> <li>Non-digital community members</li> </ul>
--	---	---	---

### 5.2 Increase participation in lifelong learning and education

Actions	Lead	Partner	Target groups
5.2.1 Review mix of long day care, sessional and full-day kindergarten programs provided by the Family and Children's Centres to ensure services continue to meet community needs.	<ul style="list-style-type: none"> <li>Family, Youth &amp; Children's Services</li> </ul>		<ul style="list-style-type: none"> <li>Pre-school aged children</li> <li>Families</li> </ul>
5.2.2 Support young people to develop soft employability skills through short courses aligned to their interests and hands on experience through Youth Services committees.	<ul style="list-style-type: none"> <li>Family, Youth &amp; Children's Services</li> </ul>	<ul style="list-style-type: none"> <li>Community Centres &amp; Neighbourhood Houses</li> </ul>	<ul style="list-style-type: none"> <li>Young people</li> </ul>
5.2.3 Provide programs and information to the community regarding life transitions such as retirement planning, financial literacy, transport and entry into aged care.	<ul style="list-style-type: none"> <li>Inclusive Communities</li> </ul>	<ul style="list-style-type: none"> <li>Arts, Events &amp; Libraries</li> <li>AccessCare</li> <li>Community Centres &amp; Neighbourhood Houses</li> </ul>	<ul style="list-style-type: none"> <li>Older people</li> <li>Multicultural people</li> <li>People with disabilities</li> </ul>
5.2.4 Develop and promote quarterly What's On guides for Libraries to provide topical and accessible programs that meet community needs.	<ul style="list-style-type: none"> <li>Arts, Events &amp; Libraries</li> </ul>		

#### Council Plan (2021-2025) draft Year 3 Annual Action Plan

Provide digital literacy programs with access to computers and iPads to enable people to better access services and connect socially online	<ul style="list-style-type: none"> <li>AccessCare</li> </ul>	<ul style="list-style-type: none"> <li>Arts, Events &amp; Libraries</li> <li>Community Centres &amp; Neighbourhood Houses</li> </ul>	<ul style="list-style-type: none"> <li>Older people</li> <li>Multicultural people</li> <li>People with disabilities</li> </ul>
---	--	--	--

## **10. Infrastructure and Open Space Reports**

26 June 2023

**Agenda Item No: 10.1**

## **BONBEACH SPORTS RESERVE PAVILION DEVELOPMENT - UPDATE**

**Contact Officer: Mark Stockton, Team Leader Active Kingston**

### **Purpose of Report**

This report recommends a design review of the Bonbeach pavilion and master plan at Bonbeach Sports Reserve, given Council's unsuccessful advocacy to secure State Government funding towards the project.

### **Disclosure of Officer / Contractor Direct or Indirect Interest**

No Council officer/s and/or Contractor/s who have provided advice in relation to this report have declared a Conflict of Interest regarding the matter under consideration.

### **OFFICER RECOMMENDATION**

That Council:

1. Note that funding advocacy to the State Government for a \$5M contribution towards the proposed pavilion development at Bonbeach Sports Reserve was unsuccessful;
2. Endorse commencement of a design review process of the proposed pavilion development at Bonbeach Sports Reserve that considers a range of options outlined in this report, to achieve a more cost-effective outcome consistent with Council and State Sporting Associations standards;
3. Endorse that consultation be undertaken with the tenant clubs and local community regarding a revised proposed pavilion development at Bonbeach Sports Reserve and its impact on the Master Plan; and
4. Note an update to the Pavilion Strategy and development of pavilion design guidelines is underway, to guide pavilion investment planning and design in future capital works programs.

### **1. Executive Summary**

Council's efforts to attract funding support from the State Government towards the endorsed concept plan for a proposed new pavilion at Bonbeach Sports Reserve has as yet been unsuccessful. Furthermore, escalations with construction costs indicate that the delivery of this concept would be more expensive than the \$8.55M cost estimate undertaken in 2022.

In the absence of external funding and limited available Council funding, this report seeks Council's approval to commence a design review process for a proposed new pavilion at Bonbeach Sports Reserve to achieve a more cost-effective outcome consistent with Council and State Sporting Associations (SSA) standards.

This design review process would include consideration of the following:

- Retention, refurbishment and extension of existing pavilion/s on the site;
- Replacing the two existing pavilions with a single reduced scale stand-alone pavilion; and
- Shared use of the pavilion facilities (located to the west of the Reserve).

The design review process would also consider impacts on the Master Plan and will be undertaken in consultation with tenant clubs and the broader community.

## **2. Background**

On the 26 April 2022, Council resolved:

*That Council:*

1. *Note the community engagement feedback on the proposed pavilion at Bonbeach Sports Reserve;*
2. *Endorse the concept plan for the proposed pavilion at Bonbeach Sports Reserve, as set out as Appendix 3 and 4 for the purpose of seeking funding contributions from Federal and State governments; and*
3. *Receive a future report confirming funding contributions towards the implementation of the Bonbeach Sports Reserve Master Plan, including a \$5M contribution from the State Government towards the proposed pavilion development.*

The endorsed concept plans are set out as Appendix 1 and 2.

Given Council's unsuccessful advocacy to secure State Government funding towards the project, this report recommends a design review of the Bonbeach master plan and pavilion at Bonbeach Sports Reserve.

## **3. Discussion**

### **3.1 Advocacy Activities and Response**

From October 2021 to April 2022 Council undertook a number of advocacy activities seeking funding towards a new pavilion at Bonbeach Sports Reserve. These activities included:

<b>Date</b>	<b>Type of Advocacy</b>	<b>Short Description</b>	<b>Relevant Councillor/s</b>
20/10/2021	Meeting	Meeting with Sonya Kilkeny MP to outline key budget asks of State Government - including Bonbeach	(Mayor) Cr Steve Staikos
10/05/2022	Meeting	Meeting with Nina Taylor MP to discuss Southern Metro Election Priorities, including Bonbeach	(Mayor) Cr Steve Staikos
3/06/2022	Meeting	Meeting with Sonya Kilkeny MP to discuss Carrum Electorate priorities - including Bonbeach	(Mayor) Cr Steve Staikos

**City of Kingston  
Ordinary Council Meeting**

**Agenda**

**26 June 2023**

Date	Type of Advocacy	Short Description	Relevant Councillor/s
28/07/2022	MP Breakfast	MP Breakfast included promotion of Bonbeach as a priority project for the Victorian State Election	(Mayor) Cr Steve Staikos
8/09/2022	Meeting	Meeting with Sport Minister Ros Spence MP/ to discuss sporting needs, including Bonbeach	(Mayor) Cr Steve Staikos
5/10/2022	Meeting	Meeting with Carrum Liberal candidate Bec Buchanan to discuss priority projects, including Bonbeach	(Mayor) Cr Steve Staikos
6/10/2022	Meeting	Meeting with Sonya Kilkenny MP to discuss advocacy and local issues, including Bonbeach Sport Reserve	(Mayor) Cr Steve Staikos
27/10/2022	Announcement	Carrum Liberal candidate Bec Buchanan committed \$5M towards the project if elected	-
2/11/2022	Meeting	Meeting with Sonya Kilkenny MP	(Mayor) Cr Steve Staikos
10/02/2023	Meeting	Meeting with Sonya Kilkenny MP	(Mayor) Cr Hadi Saab
Second Half of 2022	Campaign	Ran <b>'Put Kingston First'</b> Campaign to influence Victorian State Election Commitments, with Bonbeach Identified as a Key Project.	-
1/12/2022	Letter	Letters to local MP's requesting support for key Council projects including Bonbeach Pavilion.	(Mayor) Cr Hadi Saab
11/05/2022	Letter	A letter to Sonya Kilkenny MP providing an update on the project	(Mayor) Cr Steve Staikos

To date, no external funding towards a new pavilion at Bonbeach Sports Reserve has been confirmed.

### **3.2 Pavilion Development Priorities**

A strategic approach to determine pavilion investment and standard components, such as number of changerooms, etc is currently under development.

This strategic approach includes consideration of the following assessment criteria:

- Condition of physical asset (Fit for Use);
- Utilisation and building context (Fit for Purpose); and
- Future relevance and strategic direction (Fit for Future).

Building condition assessments are currently being undertaken for all pavilion facilities. These condition audits (Fit for Use) will be considered with the Fit for Purpose and Fit for Future criteria to help determine the need and extent of works.



### **3.3 Options**

The potential options for consideration with the planned pavilion development at Bonbeach Sports Reserve are listed and discussed below:

1. Continue to advocate for funding from the State Government  
As the 2022 Victorian State Election has concluded, it is unlikely that Council will attract significant funding towards this pavilion development. Funding from Sport and Recreation Victoria Funding Programs are unlikely to exceed \$1M, which is the maximum grant in the 2022 Local Sports Infrastructure Fund.
2. Redesign the pavilion (Recommended option)  
To minimise the construction cost, a design review process would be undertaken. This design review process would include consideration of the following:
  - Retention, refurbishment and extension of existing pavilion/s on the site;
  - Replacing the two existing pavilions with a single reduced scale stand-alone pavilion; and
  - Shared use of the pavilion facilities (located to the west of the Reserve).

This process would also consider impacts on the approved Master Plan, to be undertaken in consultation with the tenant user groups and the broader community.

## **4. Consultation**

### **4.1 Internal Consultation:**

Meetings and consultations have occurred with most departments across Council including Transport and Traffic, Advocacy, Engagement, Open Space and Communications, Infrastructure, City Works and Active Kingston.

### **4.2 Community Consultation:**

Discussions with the tenant groups at Bonbeach Sports Reserve are ongoing, including meetings with the Mayor, Ward Councillor, other Councillors and the club representatives to discuss design options.

In early May 2023, the CEO and other staff meet with club representatives to also discuss reactive and programmed works for the pavilion facilities. Following this meeting a number of minor works items have been actioned or are planned for action.

## **5. Compliance Checklist**

### **5.1 Council Plan Alignment**

*Strategy:* 4.4 - Integrated accessible transport and free moving city  
Pavilion facilities enable the Kingston community to be more active and encourage community connections.

### **5.2 Governance Principles Alignment**

Principle (b) - priority is to be given to achieving the best outcomes for the municipal community, including future generations.

Principle (d) - the municipal community is to be engaged in strategic planning and strategic decision making.

Principle (h) - regional, state and national plans and policies are to be taken into account in strategic planning and decision making.

Principle (i) - the transparency of Council decisions, actions and information is to be ensured.

**5.3 Financial Considerations**

In mid-2022, the estimated cost for the proposed pavilion development was \$8.55M, inclusive of a \$5M contribution from the State Government. Given cost escalation in the construction sector over the last 12 months, this cost is expected to be much more.

**Budget**

There is no funding in Council's draft 2023/24 budget or future years capital works program for a pavilion redevelopment at the Bonbeach Sports Reserve.


**Staff Resources**

Project and consultants can be managed within existing resources.

**5.4 Risk considerations**

With no external funding received, and limited available Council funding, this report recommends undertaking a design review process for a proposed new pavilion at Bonbeach Sports Reserve to achieve a more cost-effective outcome consistent with Council's and regulatory standards.

**Appendices**

Appendix 1 - Bonbeach Sports Reserve pavilion - Concept (Ref 21/293932)  [↓](#)

Appendix 2 - Bonbeach Sports Pavilion - 3D Drawings (Ref 22/11662)  [↓](#)

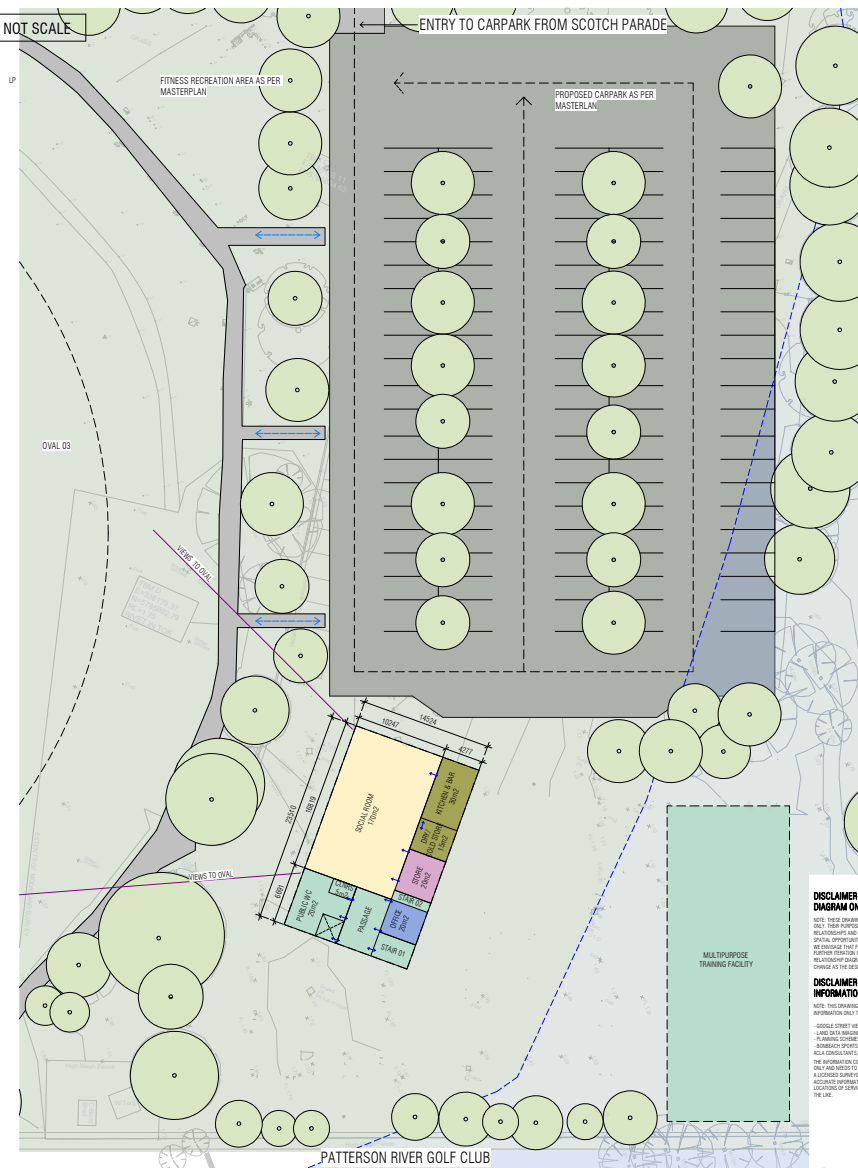
Author/s: Mark Stockton, Team Leader Active Kingston

Reviewed and Approved By: Bridget Draper, Manager Active Kingston  
Samantha Krull, General Manager Infrastructure and Open Space

# 10.1

## BONBEACH SPORTS RESERVE PAVILION DEVELOPMENT - UPDATE

1	Bonbeach Sports Reserve pavilion - Concept.....	275
2	Bonbeach Sports Pavilion - 3D Drawings .....	277



DISCLAIMER- SPATIAL RELATIONSHIP  
DIAGRAM ONLY

**NOTE:** THESE DRAWINGS ARE SPATIAL RELATIONSHIP DIAGRAMS ONLY. THEIR PURPOSE IS TO GAIN AN UNDERSTANDING OF THE RELATIONSHIPS AND FUNCTIONS OF SPACES, CONNECTIONS & SPATIAL OPPORTUNITIES. THESE DRAWINGS ARE NOT FLOOR PLANS. WE ENVISAGE THAT FLOOR PLANS ARE TO BE DEVELOPED AS A FURTHER ITERATION OF DRAWINGS UPON APPROVAL OF A SPATIAL RELATIONSHIP DIAGRAM. THE BUILDING LAYOUT WILL BE SUBJECT TO CHANGE AS THE DESIGN PROGRESSES.

DISCLAIMER- APPROXIMATE  
INFORMATION ONLY

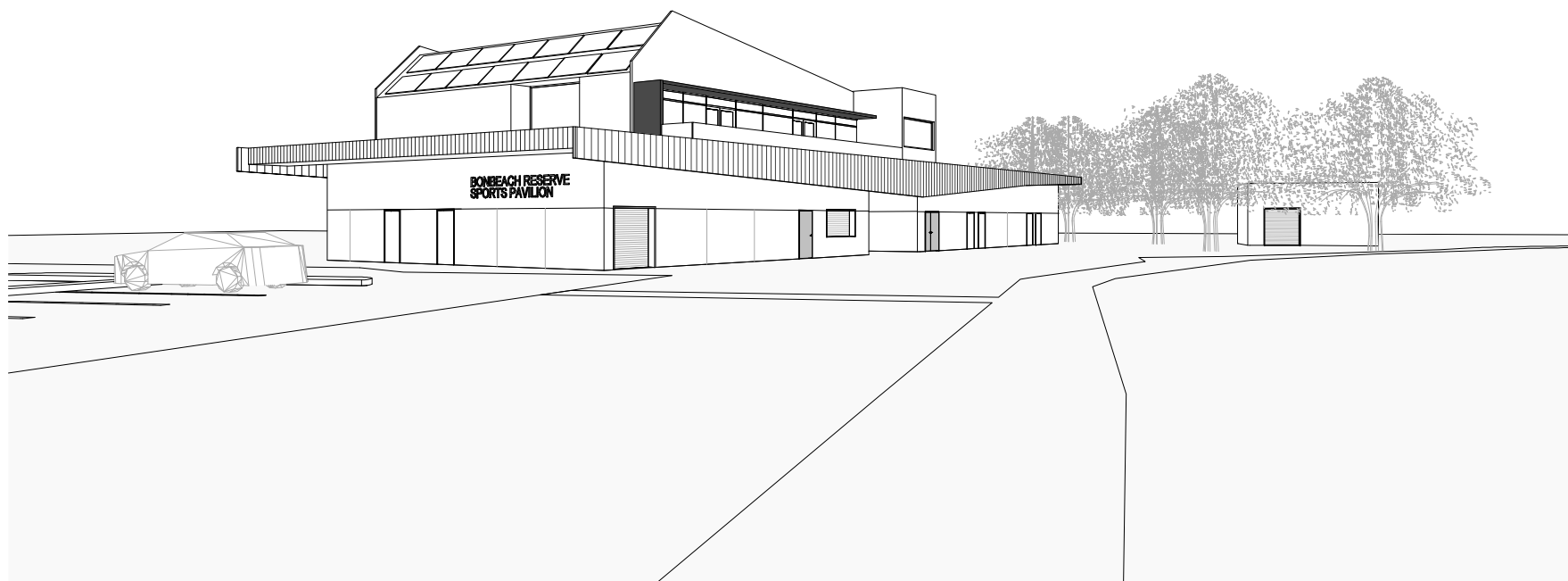
NOTE: THIS DRAWING CONTAINS BASIC AND APPROXIMATE INFORMATION ONLY TAKEN FROM THE FOLLOWING SOURCES:

- GOOGLE STREET VIEW
- LAND DATA BANKING
- PLANNING SCHEMES ONLINE
- BOMBARDIER SPORTS RESERVE MASTER PLAN
- ACLA CONSULTANTS, MAY 2021.

THE INFORMATION CONTAINED IN THIS DOCUMENT IS APPROXIMATE ONLY AND NEEDS TO BE VERIFIED FOR ACCURACY.

A LICENSED SURVEYOR SHALL BE REQUIRED TO DETERMINE ACCURATE INFORMATION RELATIVE TO FEATURES, LEVELS AND LOCATIONS OF SERVICES, BOUNDARIES, EXISTING BUILDINGS

SPATIAL RELATIONSHIP DIAGRAM 02  
3 SETS OF CHANGEROOMS



**k20 Architecture**  
schematic design

1/126 Bank Street,  
South Melbourne, Victoria 3205  
+61 9699 4440  
melb@k20architecture.com  
www.k20architecture.com

Do not scale from these drawings.  
**THIS DRAWING IS NOT FOR CONSTRUCTION.**  
This drawing is copyright. No part may be  
reproduced or otherwise dealt with, without the  
permission of the Architect.  
© Copyright, K20 AU PTY LTD

PROJECT  
BONBEACH RESERVE SPORTS PAVILION

CLIENT  
CITY OF KINGSTON

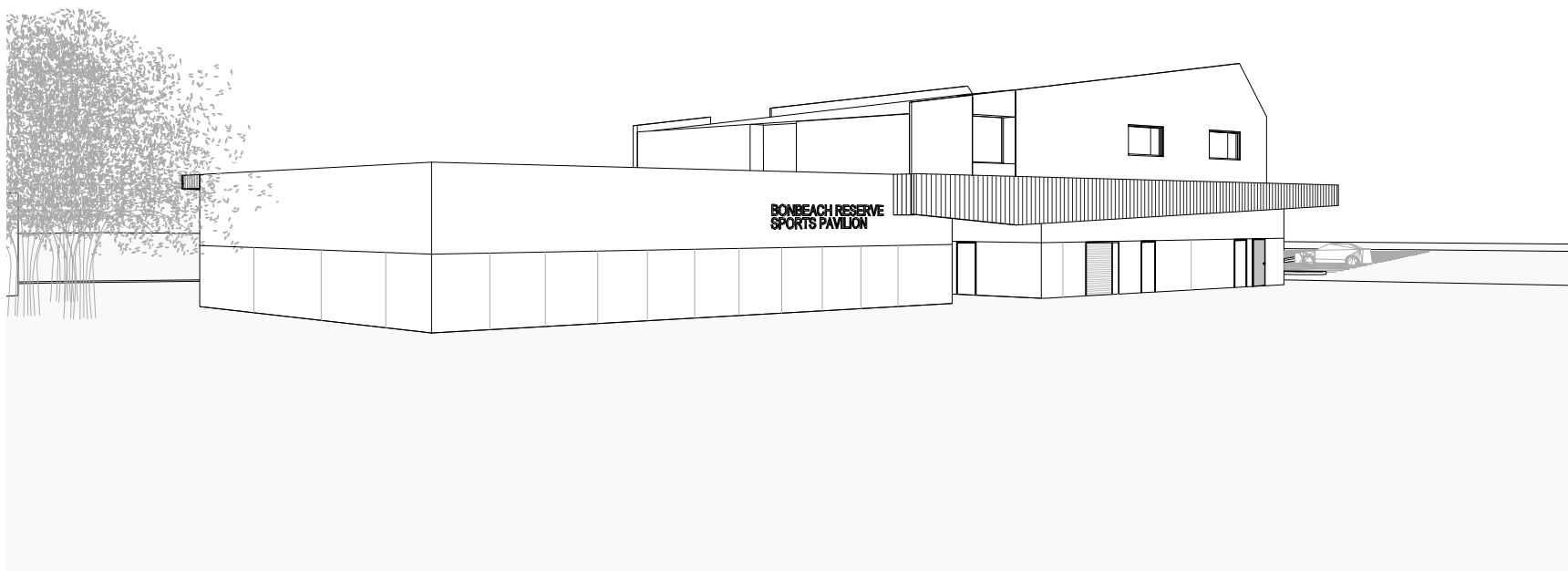


SCALE (1) A3	AUTHOR	DATE	PROJECT NO	DWG NO	REV
	JS	17/01/22	046580NB	SD06	P00

3D VIEW 01

SD06 P00

C:\client\k20\pavilion\Drawings\SD06\SD06.dwg, 17/01/22, 17/01/22, 17/01/22, 17/01/22, 17/01/22, 17/01/22



1/126 Bank Street,  
South Melbourne, Victoria 3205  
+61 9699 4440  
melb@k20architecture.com  
www.k20architecture.com

Do not scale from these drawings.  
**THIS DRAWING IS NOT FOR CONSTRUCTION.**  
This drawing is copyright. No part may be  
reproduced or otherwise dealt with, without the  
permission of the Architect.  
© Copyright, K20 AU PTY LTD

PROJECT  
BONBEACH RESERVE SPORTS PAVILION

CLIENT  
CITY OF KINGSTON



SCALE @ A3  
AUTHOR  
JS  
DATE  
17/01/22  
PROJECT NO  
046580NB

3D VIEW 02

DWG NO  
SD07  
REV  
P00

C:\client\k20\pavilion\Drawings\SD07\SD07.dwg  
C:\client\k20\pavilion\Drawings\SD07\SD07.dwg

## Ordinary Council Meeting

26 June 2023

**Agenda Item No: 10.2**

### **AWARD OF CONTRACT - CON-23/034 PARKDALE YACHT CLUB CARPARK CONSTRUCTION**

**Contact Officer: Brian Trower, Team Leader Roads and Drains**

#### **Purpose of Report**

To seek Council approval to award Contract No. 23/034 Parkdale Yacht Club Carpark Construction on a Lump Sum basis to VCrete Contractors Pty Ltd at their submitted tender price of \$1,099,543.21 (exclusive of GST).

#### **Disclosure of Officer / Contractor Conflict of Interest**

No Council officer/s and/or Contractor/s who have provided advice in relation to this report have declared a Conflict of Interest regarding the matter under consideration.

#### **RECOMMENDATION**

That Council:

1. Note the outcome of the tender assessment process for Contract 23/034 Parkdale Yacht Club Carpark Construction as set out in confidential Appendix 1 attached to this report;
2. Award Contract 23/034 - Parkdale Yacht Club Carpark Construction for the fixed lump sum price of \$1,099,543.21 (exclusive of GST) to VCrete Contractors Pty Ltd subject to appropriate financial guarantees being put in place; and
3. Approve the allocation of a separate contingency of up to 10% of the contract sum and delegate authority to the CEO or delegate to expend this allowance to ensure the successful completion of the project.

#### **1. Executive Summary**

Officers have evaluated tender submissions received for Contract No 23/034 and have ranked VCrete Contractors Pty Ltd as the highest scoring tenderer. This ranking has been determined after scoring financial factors and company capabilities.

The recommended tenderer has passed financial viability checks, subject to appropriate financial guarantees being put in place. The contractor has an extensive history in the construction industry, and they are deemed to be capable of successfully delivering the specified works for the submitted tender price.



## **2. Background**

Works under this Parkdale Yacht Club Carpark Construction contract include the following:

- Construction of new asphalt car park with accessible bay, stormwater drainage system, signage and line marking
- Construction of 3.0m wide shared user path to complete a missing section of the Bay Trail
- Removing the existing bus stop on Beach Road and replacing it further south with a new DDA compliant bus stop in accordance with Department of Transport Planning (DTP) standards.

## **3. Discussion**

### **3.1 Tender Evaluation**

Submissions were sought by advertised Public Tender with tenders closing on Thursday 13 April 2023, at 2:00pm.

Three tenders were received. Evaluation of the results of this public tender process was carried out by a Tender Evaluation Panel in accordance with Kingston's Procurement Policy and advice received from the Procurement and Contracts Department.

The tenders were assessed using a combination of qualitative, environmental sustainability, community benefit and quantitative criterion.

In the evaluation matrix, the scoring was undertaken using the following weightings:

#### **Qualitative Assessment**

OHS, Environmental and Insurance compliance – Pass/Fail

Financial capacity of organisation/business – Pass/Fail

Experience – 15%

Capacity – 15%

#### **Environment and Community Benefit Assessment**

Environment Sustainability – 10%

Community Benefit – 10%

#### **Quantitative Assessment**

Price – 50%

Appendix 1 (Confidential) includes a breakdown of scoring for each criterion as well as the overall score inclusive of price.

The highest overall score, after combining the qualitative scoring, environmental benefit, community benefit and the price criterion, was achieved by VCrete Contractors Pty Ltd with a tender price of \$1,099,543.21(exclusive of GST). VCrete Contractors Pty Ltd confirmed at tender interview their ability to meet all the goals for this tender.

## **4. Consultation**

### **4.1 Internal Consultation:**

Multiple internal teams have been consulted during the design phase of the project. These include Traffic and Transport, Engineering Design, Open Space, Communication Teams, Bushland and Foreshore Management.

**4.2 Community Consultation:**

Group	Method
<b>Key Stakeholders</b>	
Residents in surrounding Beach Road and Parkdale	Information and feedback bulletins have been sent out to residents in March 2022, May 2022 & October 2022.
Yacht Club President and Seacliff Retirement Home on Beach Road	Regular informal and formal discussions and correspondence during the design of the project. The Yacht Club was in February 2023 informed that the previous Tender was being cancelled due to not having a successful outcome from the tender process and that the car park works would be re-tendered (This current Tender)
General community	Your Kingston Your Say, Website Updates

**4.3 Results/Findings:**

The project concept covered by Contract No 23/034 was informed by community input and feedback and followed up by the Engineering Design and Open Space teams. This resulted in the project progressing to the detailed design and tendering stages.

**5. Compliance Checklist**

**5.1 Council Plan Alignment**

Strategic Direction: Liveable - Our city will be a vibrant, enjoyable, and easy place to live.

Strategy: Manage movement around the city, including traffic and parking, to make community activities accessible.

**5.2 Governance Principles Alignment**

Principle (a) - Council actions are to be made and actions taken in accordance with the relevant law

Principle (b) - priority is to be given to achieving the best outcomes for the municipal community, including future generations.

Principle (g) - the ongoing financial viability of the Council is to be ensured.

Principle (i) - the transparency of Council decisions, actions and information is to be ensured.

**5.3 Financial Considerations**

**Projected costings**

Yr1	Yr2	Yr3	Total 3 Yr Cost
\$1.10M			\$1.10M

**Budget**

The submitted price from the preferred tenderer is within the engineering estimated range and funds have been allocated for the project in the capital works program.

**Staff Resources**

All physical works required for this project are to be carried out under this contract, Council staff will undertake supervisory role for the works which will be within existing staff resourcing.

**5.4 Risk considerations**

For the subject contract the preferred tenderer represents the best outcome to Council in terms of value for money.

**Appendices**

Appendix 1 - CON-23/034 Tender Evaluation Matrix - Parkdale Yacht Club Construction (Ref 23/128406) - Confidential

Appendix 2 - Parkdale Yacht Club Carpark Construction - Face Sheet of Drawing K6549 (Ref 23/128408) 

Author/s: Brian Trower, Team Leader Roads and Drains

Reviewed and Approved By: Charles Turner, Manager Infrastructure  
Samantha Krull, General Manager Infrastructure and Open Space

## 10.2

### **AWARD OF CONTRACT - CON-23/034 PARKDALE YACHT CLUB CARPARK CONSTRUCTION**

<b>1</b>	<b>Parkdale Yacht Club Carpark Construction - Face Sheet of Drawing K6549.....</b>	<b>285</b>
----------	--	------------

PARKDALE YACHT CLUB, PARKDALE  
CAR PARK

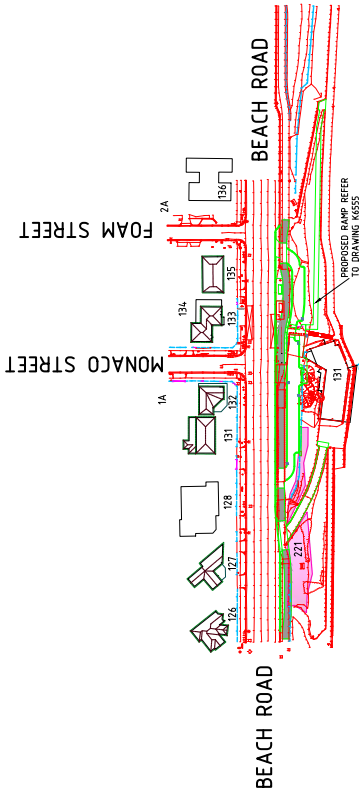
DRAWING LIST

- SHEET 1 COVER SHEET  
SHEET 2 GENERAL NOTES  
SHEET 3 TYPICAL SECTIONS & DETAILS  
SHEET 4 TYPICAL SECTIONS & DETAILS  
SHEET 5 TYPICAL SECTIONS & DETAILS  
SHEET 6 TYPICAL SECTIONS & DETAILS  
SHEET 7 ALIGNMENT SETOUT DETAILS  
SHEET 8 DETAIL PLAN  
SHEET 9 DETAIL PLAN  
SHEET 10 REFERENCE LINE 1 - L.O.K. LONGITUDINAL SECTION  
SHEET 11 REFERENCE LINE 1 - L.O.K. LONGITUDINAL SECTION  
SHEET 12 REFERENCE LINE 1 - L.O.K. CROSS SECTIONS  
SHEET 13 REFERENCE LINE 1 - L.O.K. CROSS SECTIONS  
SHEET 14 REFERENCE LINE 1 - L.O.K. CROSS SECTIONS  
SHEET 15 REFERENCE LINE 1 - L.O.K. CROSS SECTIONS  
SHEET 16 REFERENCE LINE 1 - L.O.K. CROSS SECTIONS  
SHEET 17 CAR PARK - NORTH L.O.K. LONGITUDINAL SECTIONS  
SHEET 18 CAR PARK - SOUTH L.O.K. LONGITUDINAL SECTIONS  
SHEET 19 REFERENCE LINE 2 - CENTRE OF RAMP LONGITUDINAL SECTION  
SHEET 20 REFERENCE LINE 2 - CENTRE OF RAMP CROSS SECTIONS  
SHEET 21 SETOUT PLAN  
SHEET 22 SETOUT PLAN - BUS STOP  
SHEET 23 SETOUT PLAN  
SHEET 24 SETOUT DETAILS  
SHEET 25 DRAINAGE LONGITUDINAL SECTIONS  
SHEET 26 DRAINAGE PIT SCHEDULE  
SHEET 27 LINE MARKING & SIGNAGE PLAN  
SHEET 28 LINE MARKING & SIGNAGE PLAN  
SHEET 29 LINE MARKING & SIGNAGE DETAILS



LOCALITY PLAN

NOT TO SCALE  
MELWAYS REFERENCE MAP 87 B10, C10



**WARNING**  
BEWARE OF UNDERGROUND SERVICES AND OVERHEAD POWERLINES  
THE LOCATION OF UNDERGROUND SERVICES SHOWN ARE APPROXIMATE ONLY AND THEIR EXACT POSITION MUST BE PROVEN ON SITE. OVERHEAD WIRES NOT SHOWN ON PLANS.

**NOTE**  
TRAFFIC MANAGEMENT  
CONTRACTOR TO SUBMIT TRAFFIC MANAGEMENT PLAN WITH "APPLICATION FOR APPROVAL OF TRAFFIC MANAGEMENT PLAN". REFER TO ATTACHED TENDER DOCUMENTS.

**IMPORTANT**  
PROPOSED DRAM CROSSING AND FOOTPATH LEVELS MUST BE SET CORRECTLY TO ENSURE DDA COMPLIANCE. SIGNAGE MUST BE INSTALLED IN THE CROSSING REQUIRING PERSPECTIVE AT THE CONTRACTORS TIME AND EXPENSE.

**ASBESTOS**  
DRAINAGE PIPES, WATER PIPES, TELSTRA CONDUITS AND PITS CONTAINING ASBESTOS ARE LIKELY TO BE PRESENT IN THE VICINITY OF THESE WORKS. ANY WORKS WITHIN THE VICINITY OF THESE ASSETS MUST BE CARRIED OUT IN ACCORDANCE WITH COMPANY ASBESTOS HANDLING PROCEDURES.

**ASBESTOS PITS**  
WHERE ASBESTOS TELSTRA PITS ARE NOT BEING REPAIRED OR REPLACED, CONTRACTOR MUST PROTECT PITS FROM ANY DAMAGE FOR THE DURATION OF THE CONSTRUCTION PERIOD.

NOTE:  
ALL NOTED "ABANDONED" SERVICES INCLUDING GAS MAINS, WATER MAINS, ETC., THE CONTRACTOR MUST PROTECT AND MAINTAIN. IF ANY SERVICES ARE ABANDONED, INCLUDING LIAISING WITH THE RELEVANT AUTHORITY PRIOR TO COMMENCING CONSTRUCTION.



ENGINEERING DESIGN DEPARTMENT			
DATE	AHD	DRAWING NUMBER	
DESIGNED	CRE	K6549	
DRAWN	CRE		
FILE No.	957/4439		
		SHEET	1 OF 29

PARKDALE YACHT CLUB, PARKDALE  
CAR PARK  
COVER SHEET

City of KINGSTON  
1230 NEPEAN HWY CHELTENHAM 3922  
PH: 1300 653 355  
PO BOX 1000 MENTONE VICTORIA 3194

LEGEND
EXISTING DRAIN PIT
PROPOSED DRAIN PIT
EXISTING K & CH
PROPOSED K & CH

SEWER LINE	VALVE
GAS MAIN	FIRE HYDRANT
WATER MAIN	TELSTRA PIT
TELSTRA CABLE	ELEC. ASBIA
ELEC. CABLE	
HOUSE DRAIN	
EXISTING DRAIN	

REVISION		
REF.	DATE	CHECKED
E		
D		
C		
B	11/11/22	ISSUED FOR CONSTRUCTION
A	11/10/22	ISSUED FOR COMMENT

**Agenda Item No: 10.3**

## **KINGSTON'S NEW AQUATIC AND LEISURE CENTRE CONCEPT DESIGN**

**Contact Officer: Anne Diplock, Senior Project Manager**  
**Kim Marshall, Strategic Coordinator Leisure Facilities**

### **Purpose of Report**

This report summarises the outcomes of the concept design phase for Kingston's new aquatic and leisure centre in Mordialloc and presents the concept design to Council for endorsement to proceed to community engagement for input and feedback to further guide the design development of this valuable community facility.

### **Disclosure of Officer / Contractor Conflict of Interest**

No Council officer/s and/or Contractor/s who have provided advice in relation to this report have declared a Conflict of Interest regarding the matter under consideration.

### **RECOMMENDATION**

That Council:

1. Endorse Kingston's new aquatic and leisure centre Concept Design, attached in Appendix 1, to proceed to community consultation and engagement in line with the community engagement approach; and
2. Note that a report will be presented at a future Council Meeting detailing the community feedback received on the Concept Design.

### **1. Executive Summary**

Aquatic and leisure facilities are a focal point for the health and wellbeing of the local community. They attract all demographics and provide a safe and supervised environment for exercise, rehabilitation, aquatic education, recreational and social needs. Kingston's leisure centres have traditionally welcomed over 800,000 visitations annually, including over 15,000 students attending valuable learn to swim program from both Kingston and surrounding municipalities.

At the 30 January 2023 Council Meeting, Council resolved to appoint CO.OP Studio as the Principal Consultant Architect to commence site investigations and prepare a concept design by mid-2023. CO.OP has progressed the concept design phase over a period of 4 months in response to the Council endorsed business case for a fully accessible, sustainable, all electric facility inclusive of:

- a 50m multi-purpose lap swimming pool,
- a learn to swim pool,
- a leisure pool,
- a warm water pool with spa,

- sauna and steam rooms,
- gym and fitness facilities,
- a café, and
- required ancillary services such as a foyer, bicycle and car parking, seating areas and change rooms.

At its April 2023 Meeting, Council endorsed the Business Case and the total project cost of \$79.2M.

The concept design is inclusive of the urban and site context, key design principles, stakeholder engagement, architectural concept layouts, schedule of accommodation and technical and functional briefs, landscaping, authorities' requirements, structural, civil and facade engineering, building services engineering, Environmentally Sustainable Design (ESD) principles, all ability access, traffic, waste, acoustic, town planning and building surveying compliance reports.

The concept design is presented to Council for endorsement to proceed to community consultation and engagement. The concept design responds to the approved business case in the preparation of a technical and functional brief identifying area schedules, site layouts, options for consideration, and a look and feel of the centre. The concept design report is the culmination of months of investigation, planning, community engagement and stakeholder and specialist consultation addressing the site, design risks and opportunities, to achieve a functional and compliant design within the budget parameters.

The community engagement package has been prepared for Council's 4-week community consultation and engagement period. Community engagement has been a critical component of the project to date, with all prior feedback guiding the design team through concept design development.

The aim of the consultation period is to present the resulting concept design to the community, and to seek feedback from a diverse range of potential users of the centre on whether the design will meet and achieve their desired user experience. Information obtained during the consultation period will be relayed back to the design team to support progression through detailed design. A report will be returned to Council detailing the outcomes of the consultation and engagement period.

## **2. Background**

At its April 2021 Meeting, Council adopted the Aquatic Facility Plan to guide strategic planning for aquatic and leisure facilities in Kingston. As set out within the Plan, the short-term priority is the provision of a new District level aquatic facility to the central/south of Kingston.

At the 9 May 2022 Special Council Meeting, Council resolved to purchase 1-7 Wells Rd, Mordialloc as the site for the new district level aquatic and leisure centre. At the January 2023 Council Meeting, Council resolved to appoint CO.OP Studio as the Principal Consultant Architect to commence site investigations and prepare a concept design by mid-2023.

At the April 2023 Council Meeting, Council endorsed the Business Case and the total project cost of \$79.2M. The Business Case outlined the identifiable benefits, scope, schedule and all costs that will enable these benefits to be realised.



CO.OP's progression of concept design over the past 4 months has been a collaborative approach with multiple project working groups, leading to design possibilities and testing them through conversations, sketches, site studies and investigations. Through the concept design phase, CO.OP has defined the overall goals of the project, outlined the design intent to achieve the goals, and to broadly communicate these goals with a high level of engagement. The Concept Design has addressed planning concept analysis, site analysis, design themes, functional planning, design form and consideration of safety in design.

### **3. Discussion**

#### **3.1 Scope of Concept Design**

During 2021 / 2022 significant strategic planning, community consultation and business modelling considered a range of factors including community feedback, industry trends and challenges, the impact of aquatic and leisure facilities on local communities, population catchments, local factors such as competition, and the current operations of Waves Leisure Centre.

This information, combined with feedback from our local community through regular consultation, provided a strong understanding of the facility and programming needs for this new centre. What the community and the research told us, is that we need to develop a centre that can cater to our diverse and broad population at all stages of life. The centre should not only meet the needs of our community now, but for years to come, and as such, the following components have been recommended for inclusion:

- Fully accessible facility
- Focus on environmentally sustainable design
- Fully electric facility
- Multi-purpose lap swimming pool (50m pool)
- Learn to swim pool
- Warm water exercise pool
- Sauna and steam room
- Leisure pool
- Gym and fitness facilities
- Café

The above facility components will be supported by appropriate ancillary spaces such as change rooms, administration, reception, seating, and bicycle and car parking.

Council's appointment of CO.OP Studio in January 2023 as Principal Consultant Architect, commenced a period of detailed site investigations and the preparation of a concept design for review in mid-2023. CO.OP is providing consultant services throughout all phases of the project from the commencement of concept design through to the end of the Defects Liability Period, including the completion of a post occupancy evaluation.

The role of Principal Consultant Architect includes CO.OP leading multi-disciplinary services for architecture, planning, urban and interior design and key sub-consultants disciplines of structural, civil and façade engineering, building services engineering, ESD, all abilities access, landscaping, signage and wayfinding, waste management, town planning, consultant building surveyor, aquatic engineering and up to 26 minor sub-consultancies (i.e. traffic, air tightness, wind, hazmat, arborist, ecology, kitchen, CPTED (crime prevention through environmental design), statutory and regulatory certifications etc.).

An aquatic centre has a unique environment and performance requirements for materials to be safe, robust and complaint for the long-term lifecycle of the asset including opportunities for ESD to meet Council's Climate and Ecological Emergency Response Plan and a target of net zero by 2030.

### **3.2 Concept Design Process**

CO.OP undertook detailed investigation of site opportunities and constraints to maximise community benefit and the strategic benefits outlined in the business case.

The process during concept design has been to establish:

- key spatial and functional relationships
- block plans integrating required adjacencies and objectives
- conceptual design framework
- urban design principles
- site development opportunities
- flood mitigation strategies
- cultural values and heritage assessments with the Bunurong Land Council
- biodiversity and ecological significance assessments
- ESD principles
- planning options
- authority consultation
- compliance review
- preliminary design and risk assessment
- cost assessment
- identification of future expansion opportunities

A series of stakeholder workshops to progress, respond to and develop the concept design have been held for input and feedback.

### **3.3 Concept Design Outcome**

The Concept Design (Appendix 1) is recommended to proceed to community consultation and engagement in line with the community engagement plan. A cost plan has been prepared by the project Quantity Surveyor on the concept design, reflecting it as on-budget.

The Concept Design is the culmination of months of investigation, planning, community engagement and stakeholder and specialist consultation addressing the site, design risks and opportunities, to achieve a functional and compliant design within the budget parameters.

The Concept Design aligns to the Council endorsed Business Case and responds to the identified project benefits. It also includes an assessment of the site and urban context; connectivity and consideration of the variety of paths of travel to the facility from the existing bike and walking path network to roads and on-site parking; creating flexibility in function and wayfinding, and a look and feel representing a community lead vision, purpose and design pillars and universal design principles.

The layout of the facility components responds to efficient functional adjacencies to support both operational efficiency, diversity and access requirements, environmental performance targets supporting ESD principles, and safety in design.

The Concept Design is sensitive to the natural environment of the Mordialloc Creek and the surrounding wetlands and flood plain, it acknowledges the history and cultural values of the surrounds as well as its situation and place in an industrial and broader Mordialloc precinct. The Concept Design is supported by detailed investigations, reports, studies and input from project specialists and community engagement.

### **3.4 Community Consultation Pre-Engagement Activities**

Community engagement is a critical component of the new aquatic and leisure centre project. Engagement has been helping to shape the project's progress since inception.

To date, four comprehensive stages of community engagement have been undertaken, to ensure the project is delivered in line with community needs.

The most recent stage of consultation was undertaken throughout May 2023 and asked for community views on six quick polls, covering travel, change rooms, water-play, fitness facilities, the café and barriers to visiting. Response to these quick polls has been overwhelmingly positive with 4,620 submissions.

The themes from the quick polls are detailed in the consultation report (Appendix 2) and are very closely aligned with the advice and recommendations received from the Community Reference Group (CRG) as well as the broader community through previous stages of consultation. Feedback from the quick polls has been used to help refine the concept design and will also feed into schematic and detailed design stages.

In addition to the quick polls, pre-engagement with over 10 community groups has been undertaken during May and June 2023, in preparation for the Concept Design community consultation and engagement period. The purpose of the pre-engagement was to highlight how valued these groups are and how important it is for us to hear from them, and to seek how they would like to be engaged. Groups included multicultural seniors' network, seniors networking group, pathways for carers group, access and equity advisory committee, youth advisory groups plus more. We asked the groups for their advice on the best way to engage their members during the community consultation and engagement period, to ensure we have the broadest reach possible, and are receiving feedback from all potential users.

The planned Concept Design consultation and engagement activities are detailed below.

## **4. Consultation**

### **4.1 Internal Consultation:**

Consultation has been undertaken with a wide range of internal and external stakeholders, who have contributed towards the early planning phase of this new facility. Council's front of house staff (e.g. libraries and leisure centres) will engage in conversations with their users and provide information on how they can share their feedback.

### **4.2 Community Consultation:**

Council's endorsement of the Concept Design marks the commencement of the Concept Design community consultation and engagement period which will take place from 27 June 2023 – 23 July 2023.

The engagement approach has been designed to ensure that everybody in our diverse community has the opportunity to get involved and that there are a range of different ways to participate – so people can contribute when, where and how they want.

The engagement will be promoted extensively through social media, email marketing, advertising, on-site signage, billboards, video, KYC, posters, postcards, merchandise and incentives, media and footpath decals, and will include:

Group	Method
Community Reference Group (CRG) Workshop	CRG reviewed the concept design with CO.OP at a meeting on the 14 June 2023. CRG considered whether the design addresses the community vision and purpose, and how it meets the needs of the demographics within our community that they represent
Online media	<ul style="list-style-type: none"><li>• Your Kingston Your Say feedback</li><li>• Online community information session</li></ul>
Community Events	<ul style="list-style-type: none"><li>• Pop Up Events at Southland, farmer's markets, shopping strips and Waves Leisure Centre</li><li>• Family Fun Day and pop-up engagement at Jack Grut Reserve incorporating local businesses and sports clubs</li><li>• Tailored children's activities</li></ul>
Targeted Engagement	Face to face engagement at schools, Chatty Cafes and with community groups, sporting clubs and key stakeholders
Other Activities	<ul style="list-style-type: none"><li>• Hard copy pictorial surveys</li><li>• Feedback boxes and Council buildings</li><li>• Kingston Representative Group engagement</li></ul>

Activate Consulting has been engaged to support Council officers with this critical community engagement process, and a detailed report outlining the outcomes of the consultation will be returned to Council.

## **5. Compliance Checklist**

### **5.1 Council Plan Alignment**

Strategic Direction: Well-governed - Council will be collaborative, accountable, transparent, responsive, well-informed and efficient.

Strategy: Look after the community's financial resources responsibly and efficiently

With physical inactivity imposing high costs on Australian society, leading to higher rates of acute and chronic health conditions, a 2017 study conducted by Royal Life Saving indicated that just one weekly visit to a pool is enough to take most people out of the 'physically inactive' category. Based on this data, the study identified the resulting health benefits from every aquatic facility visit would create an economic benefit worth an average \$26.39 in improved health outcomes and reduced health spend. According to the study an average aquatic facility creates \$2.72million a year in value to the community, through health and wellbeing benefits.

The community recognises the value of aquatic and leisure facilities to the municipality, with 97% of respondents during consultation into the Aquatic Facility Plan, indicating their support for Council's investment in these facilities

## **5.2 Governance Principles Alignment**

- Principle (b) - priority is to be given to achieving the best outcomes for the municipal community, including future generations.
- Principle (c) - the economic, social and environmental sustainability of the municipal district, including mitigation and planning for climate change risks, is to be promoted.
- Principle (d) - the municipal community is to be engaged in strategic planning and strategic decision making.
- Principle (e) - innovation and continuous improvement is to be pursued.
- Principle (g) - the ongoing financial viability of the Council is to be ensured.
- Principle (h) - regional, state and national plans and policies are to be taken into account in strategic planning and decision making.
- Principle (i) - the transparency of Council decisions, actions and information is to be ensured.

Council has been following a detailed and well-considered approach to the future of aquatic centres in Kingston through its Aquatic Facility Plan. As a result, the Council has a clear strategic framework and set of guiding principles to navigate its future aquatic provision and scale of developments, to ensure they meet governance principles.

## **5.3 Financial Considerations Projected costings**

At its April 2023 Meeting, Council endorsed to include funding of \$79.2M (total project cost) within the draft 2023/24 budget and Long Term Financial Plan, that is comprised of:

- \$55.95 million of Council borrowings (subject to finalisation depending on the level of grant funding achieved),
- \$20 million from the Australian Government, and
- \$3.25 million of Council rates; and

authorised officers to continue advocacy for funding from the Victorian Government, and to seek funding through available and future funding streams.

The project Quantity Surveyor (QS) has undertaken a cost plan assessment, which shows the Concept Design as being within the endorsed project budget of \$79.2M.

### **Budget**

The total project cost includes the anticipated construction costs, in addition to non-construction costs such as planning and community engagement expenditure, authorities' charges, consultant fees and facility fit out. Risk based contingencies include a design contingency, escalation throughout the design, procurement and construction phases, and contract contingencies validated by the project Quantity Surveyor against the endorsed procurement methodology, current market conditions and identified site specific risks.

The project Quantity Surveyor has extensive experience in similar aquatics projects for local councils and has been appointed to continuously measure and review the cost of the design from this early stage of concept design through to schematic and detail design, to a pre-tender estimate as an on-budget position. Benchmarking of recent and current aquatic development tenders and contract awards will remain ongoing to support this process whilst the construction industry and market is still relatively volatile.

There are funding streams available for aquatic developments at a State and Commonwealth Government level, and Council officers will continue to seek opportunities for funding to support this development.

**Staff Resources**


The project is being delivered by Council's Project Management Office (PMO) and supported by the Active Kingston team utilising existing resources. In addition, technical experts from across the organisation are also engaged as part of Project Working Groups (PWG) and the Project Control Group (PCG) to support the design development and decision making for the new centre. Engagement of external consultants to support the project, is factored into the total project cost as outlined in this report.

**5.4 Risk considerations**

A detailed risk management framework has been developed for this project and will be monitored, reviewed, updated and reported monthly to the PCG. Key project risks with targeted mitigation strategies are continuously reviewed and presented for discussion. During the 2023 concept, schematic and detailed design phase, several risks and opportunities will be resolved through progression and detail of the design, ongoing stakeholder consultation, liaison with authorities, further due diligence on ground conditions upon demolition of the existing structures on the site, and real time monitoring of supply chain issues and current market fluctuations.

**Appendices**

Appendix 1 - KALC\_Concept Design Presentation\_REV CME (Ref 23/149337)  

Appendix 2 - New Aquatic Centre Quick Poll Consultation Summary 2023 (Ref 23/159409)  

Author/s: Anne Diplock, Senior Project Manager

Kim Marshall, Strategic Coordinator Leisure Facilities

Reviewed and Approved By: Chao Ren, Manager Project Management Office

Samantha Krull, General Manager Infrastructure and Open Space

# 10.3

## KINGSTON'S NEW AQUATIC AND LEISURE CENTRE CONCEPT DESIGN

1	KALC_Concept Design Presentation_REV CME .....	297
2	New Aquatic Centre Quick Poll Consultation Summary 2023 .	343



ISSUE | COMMUNITY ENGAGEMENT

DATE | 20.06.2023

# Kingston's New Aquatic & Leisure Centre

## Community Engagement Pack

### MELBOURNE

L7.176 Wellington Parade  
East Melbourne VIC 3002  
Australia

**CO.OP**

[coopstudio.com](http://coopstudio.com)

### SYDNEY

406.46 Kippax Street  
Surrey Hills NSW 2010  
Australia

PRODUCED FOR



CONSULTANT TEAM



SITE IMAGE  
Landscape Architects



WARRENGREENCONSULTING  
sport & leisure

SEMAPHORE



Resonate



Krneta



CO.OP acknowledges that the lands we work on were never ceded. We acknowledge the First Peoples of the Bunurong Nation as the true owners of these lands on which our site is located. We pay our respects to Elders from all nations - and to their Elders past, present and future.

BY

CO.OP STUDIO MELBOURNE  
L7176 Wellington Parade  
East Melbourne VIC 3002

T: 0452 281 614  
E: INFO@COOPSTUDIO.COM

CO.OP

The material contained here in is subject to Copyright. It is submitted as Commercial in Confidence and may not be distributed or otherwise disclosed without prior written consent from CO.OP Studio Pty Ltd.

## 1. Introduction

## 1.3 Project Brief & Objectives

Kingston's new aquatic and leisure facilities are a focal point for the health and wellbeing of the local community, attracting significant community interest from a broad demographic of users. Aquatic developments are often the single largest investment project for a local Council and it is therefore vital that appropriate planning, research, and due diligence is undertaken.

The purpose of this project is to expand aquatic and leisure offerings further south of the municipality, serving the community as a District Level Aquatics and Leisure Centre, that fits within the local context and complements Kingston's regional facility being, Waves Leisure Centre, rather than competing with it.

The new district level aquatic centre will be designed to include:

- An indoor lap pool (50m)
- An indoor warm water program pool
- Water play area
- Learn to swim pool
- Spa, sauna, and steam room facilities
- Accessible change facilities, including changing places and group change rooms
- Indoor gymnasium
- Indoor fitness rooms
- Indoor multipurpose program spaces
- Indoor multipurpose community spaces (future expansion zone)
- Options for commercial spaces
- An indoor/outdoor cafe/social space
- Car park to respond to the relevant authority's car parking requirements

- Integration with the adjoining reserve

The design team has been working to meet these key programmatic requirements, while also ensuring that due consideration is made to the vision, principles, and design pillars which will inform the design outcomes.

The Kingston's New Aquatic & Leisure Centre must:

- Be inclusive and equitable
- Foster resilience and connectedness in its users
- Be welcoming to all members of the local community
- Make a positive contribution to the lives and health of its community
- Provide a safe place for people to gain confidence while they learn about water safety
- Be an exemplary sustainable project, leaving a positive legacy
- Provide a legible and intuitive way finding design, maximising user experience
- Act as a new community hub, responding to its local context
- Be designed with CPTED considerations front-of-mind
- Be durable and easily maintained
- Maximise operational efficiency

Project "Design Pillars" have been developed with the Community Reference Group (CRG) in order to ensure that the project is aligned with the needs of the community. The key areas of focus which have been generated in this forum are as follows:

- Sustainable
- Accessible & Inclusive
- Healthy
- Fun & Enjoyable





2. Planning & Urban Considerations

## 2.4 Site Location



Site Location | 1-7 Wells Road , Mordialloc , VIC 3195






2. Planning & Urban Considerations

# 2.5 Site Connectivity

Key

- Vehicular Site In/Egress ( All Public Vehicles)
- Vehicular Site In/Egress ( Bus, Waste & Logistics)
- Pedestrian pathways
-  Bus Stops
- Public Drop-off
- School Bus Drop-off
- Waste & Logistics Loading & Unloading Bay





## 3. Design Response

## 3.1 Design Principles

**Permeability at a human scale**

The building design strives to achieve permeability at a human scale by creating a porous and welcoming interface between the reserve and the new aquatic facility. Legible and sensible civic connections are created through key pedestrian and bike entry points connected to the existing path network.

High quality landscaping and public play elements activate the western building frontage abutting Jack Grut Reserve, with the western facade frontage also providing surveillance of the reserve while balancing solar control requirements through considered facade treatments.

The ground floor is transparent and accessible, with multiple elevated entrances and pathways that connect the building to the surrounding reserve, with internal spaces that are activated by hospitality and community programs.

The upper floor is organized around a central light well above the stairs that functions as a members lounge, fostering a sense of community and belonging for users of the gym and program spaces on Level 1. Designed as an open platform, Level 1 will offer panoramic views of the adjacent parkland reserve, enhancing the wellbeing of the recreational facility users.

**Fostering a Connection to Nature**

This building conceived will blend with the natural landscape and respect its beauty and diversity. Architecture within nature is not just about camouflaging or hiding from the environment, but about creating a meaningful relationship with it.

This connection will be achieved by following these principles:

- **Integrated Landscape Response.** A key measure of success for this project will be how the building and landscape interact with and respond to each other, using landscape design strategically to blend the built form and its predominant parkland surroundings.
- **Increased biodiversity.** To achieve this, soft landscape elements are introduced to provide a natural habitat for a variety of plants and animals, while avoiding materials and systems that could upset the ecological balance of the landscape.
- **Positive psychological benefits from connection to nature.** Large openings, terraces, courtyards and gardens are introduced to create views and access to the natural scenery accompanied by a natural material palette to create a comfortable atmosphere for users and clients to enjoy.

**Fostering a Connection to Country**

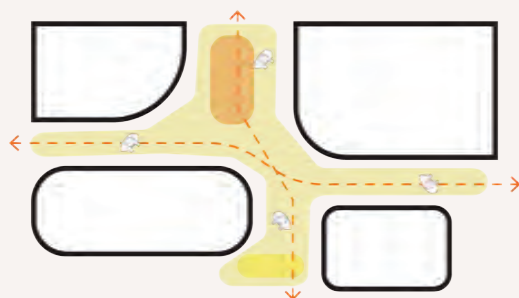
As we move into the next phase, our design will endeavour to create spaces and experiences that respect and celebrate the rich and diverse culture of the local first nations people that have inhabited the area around Mordialloc Creek since precolonial times.

We will develop the design using the following techniques and drivers:

- Designing spaces and landscapes that reflect the values, stories and practices of the local Indigenous communities and their connection to the land, water and sky.
- Incorporating elements of Indigenous art, language, knowledge and history into the design and interpretation of the spaces.
- Engaging with Indigenous elders, artists, educators and organisations to ensure cultural appropriateness, authenticity and collaboration.
- Providing opportunities for learning, sharing and dialogue between Indigenous and non-Indigenous peoples to foster mutual understanding, respect and reconciliation.

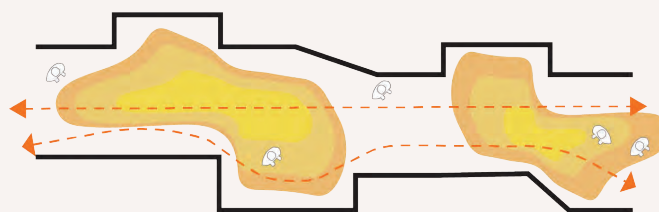
3. Architectural Design Response

## 3.2 Design Techniques



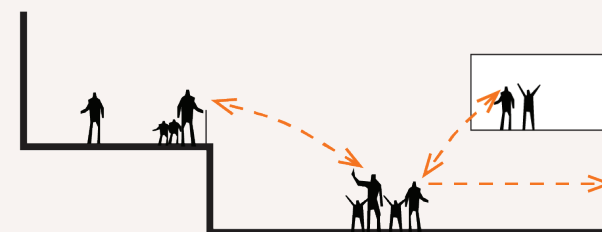
### Permeability at a Human Scale

Highly activated public realm, encourages engagement and creates a place to meet and socialise. These social nodes lay along paths of travel that permeate the facility, increasing a sense of community, discovery and improving service utilisation.



### Opportunity for Discovery & Appropriation

A user orientated forecourt provides a single point of contact to access all services in the facility, promoting engagement more broadly and the opportunity for guests to discover more of the facility.



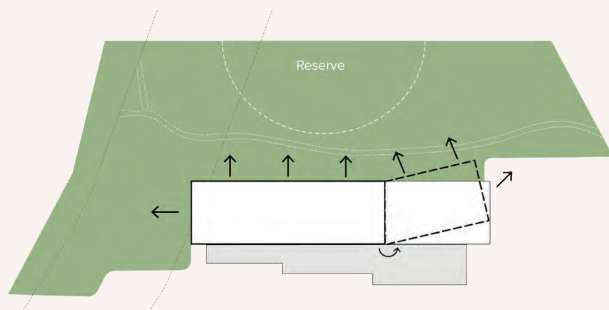
### Legibility & Wayfinding

Civic and interior spaces that communicate a clarity in navigation, using architecture as wayfinding. Enabling for all users, of all abilities to be able to comfortably access and enjoy the precinct.



### 3. Architectural Design Response

## 3.3 Built Form



1

### Embracing the Landscape

One of the most incredible assets of our site is its prime parkland location. Not only are we lucky enough to have park frontage to our site's long axis, but we also have a close connection to Mordialloc Creek to the south and the Epsom Wetlands to the north.

Our views are weighted towards these green spaces, and the form of our upper storey folds out to embrace the reserve.

High quality views will be prioritised over expansive use of glazing to the west, allowing a panoramic connection to landscape while also ensuring that we control solar gain and glare.



2

### Flood Risk Response

In response to the site's flood risk parameters, the ground floor is raised to AHD 3.0 as required by Melbourne water, creating a "bridge" across the site carrying the aquatic facilities.



3

### Visual Connection to Place

Using strategic layering of materiality to create variable degrees of openness and enclosure to create private and public zones required by the aquatic and dry fitness facilities while curating the extension of views

3. Architectural Design Response

# 3.4 Design Narrative – Connection to Mordialloc Creek



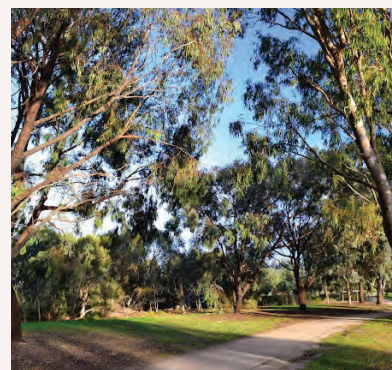
1  
Boardwalks



2  
Significant & mature trees



3  
Sacred Trees



4  
Canopy Cover



5  
Weaving Creek



3. Architectural Design Response

## 3.4 Design Narrative – Connection to Mordialloc Creek



1

### Boardwalks

- Paths over landscape



2

### Significant & mature trees

- Space defining structures



3

### Sacred Trees

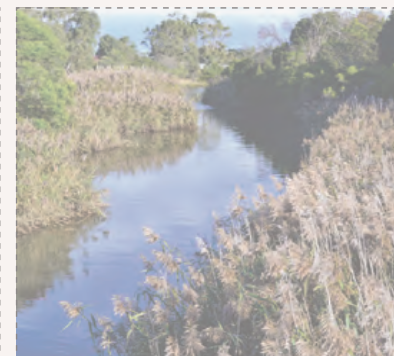
- Timber design features



4

### Canopy Cover

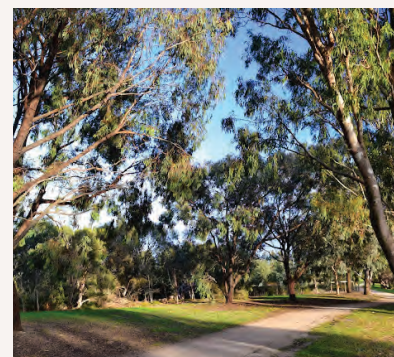
- Sheltered gathering & social spaces



5

### Weaving Creek

- Form and finishes as wayfinding



**CO.OP** Kingston's New Aquatic & Leisure Centre

ISSUE | COMMUNITY ENGAGEMENT DATE | 20.06.2023

### 3. Design Response

## 3.5 Functional Adjacencies

### Aquatic Planning

The aquatics component of the facility offers a variety of water-based activities for different levels of energy and intensity. The active zone features the main pools, 50m, Leisure Pool and the Learn to Swim Pool where users can swim, play and exercise in groups or individually with panoramic views west across the reserve.

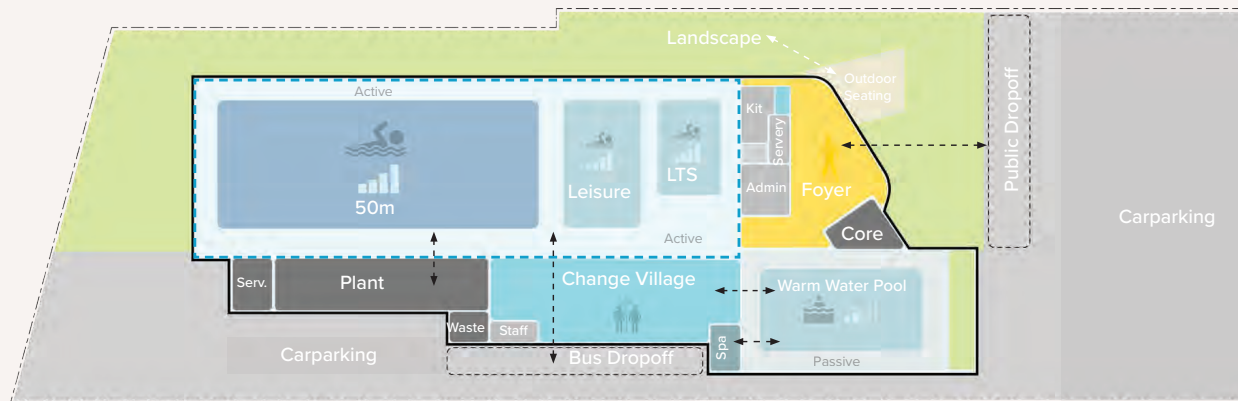
The passive aquatic zone focuses on the warm water pool, where users can relax and rejuvenate in a soothing and therapeutic environment.

A change village serves as a central aquatic hub that connects the two zones and provides a comfortable and convenient space for changing and storing belongings within the aquatic spaces.

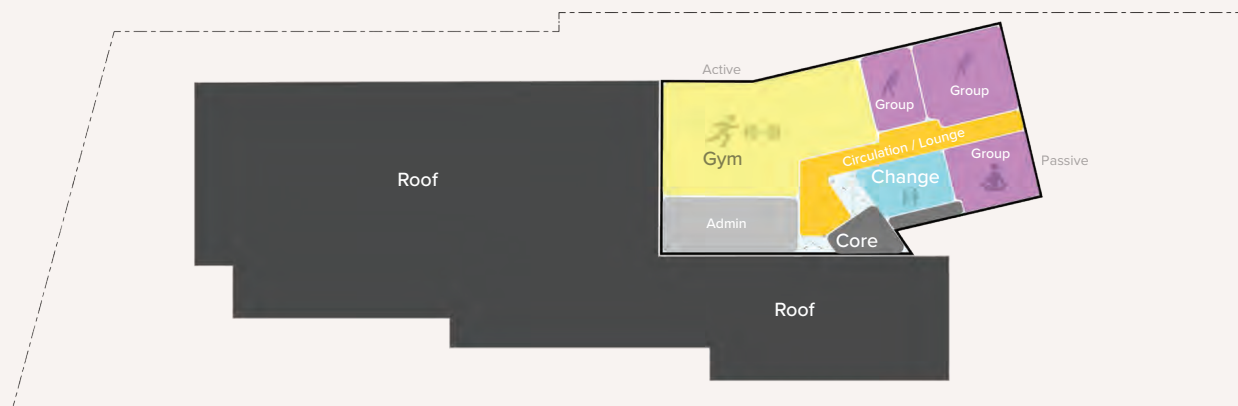
### Gym and Program Planning

The dry activities component of the facility caters to a range of fitness and wellness needs and preferences. The gym and program spaces can be divided into two categories: active and passive. The active category includes general gym and high energy program spaces, where users can work out and improve their physical health and performance.

The passive category includes activities that focus low energy programs such as meditation and yoga. Level 01 is arranged to reflect the contrasting needs of these two categories, offering high energy motivating environments for the active users, contrasted with quiet and intimate spaces for the quieter program needs.



Ground Floor

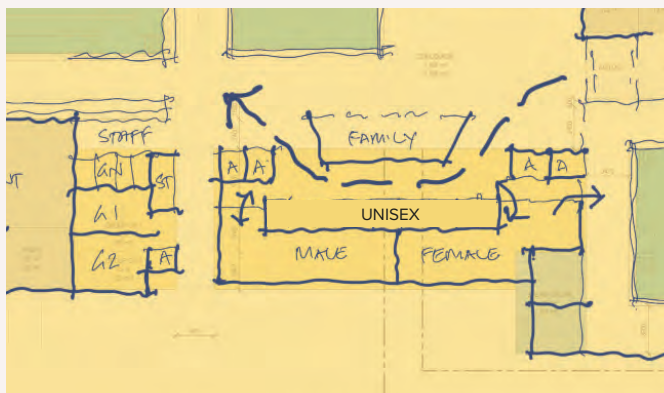


Level 01

3. Design Response

## 3.6 Change Village

### Option 1 – Preferred

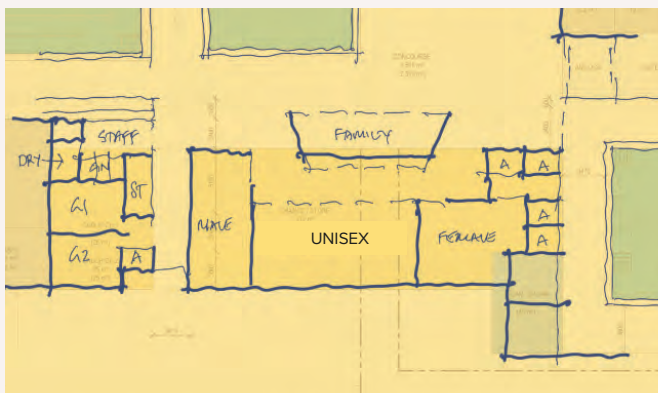


#### Change Village

The last four or five years has seen significant evolution in our understanding of change rooms. Contemporary community aquatic and leisure facilities are now catering more attentively to our diverse community.

Facilities now in design and construction are more sensitively considering the needs of families, the elderly, those who are less mobile and those who identify as being non-binary.

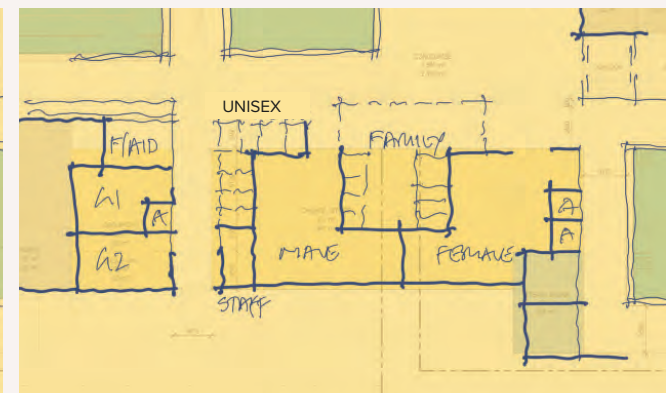
### Option 2



Accordingly, we have considered a number of change village options, both for the wet change areas adjacent to the pool hall and for the dry change spaces on the upper level.

With focus on the wet change village initially, we are developing options that offer varying scales of unisex provisions and dedicated gender-specific change.

### Option 3



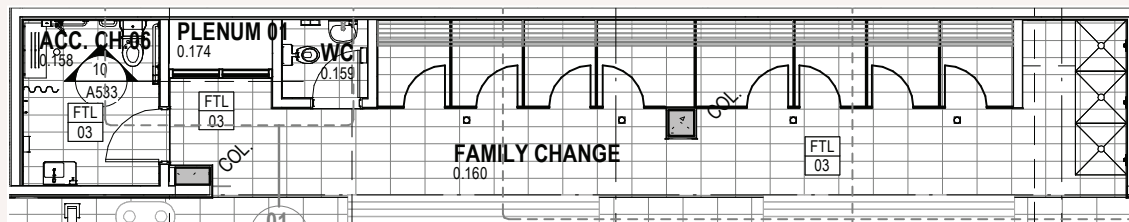
Each of the options we develop will include some element of gender-specific change and some element of unisex change, along with family change, accessible change and Changing Places accommodation, group change for school and carnival use, and staff change.



### 3. Design Response

## 3.7 Change Rooms – Kit of Parts

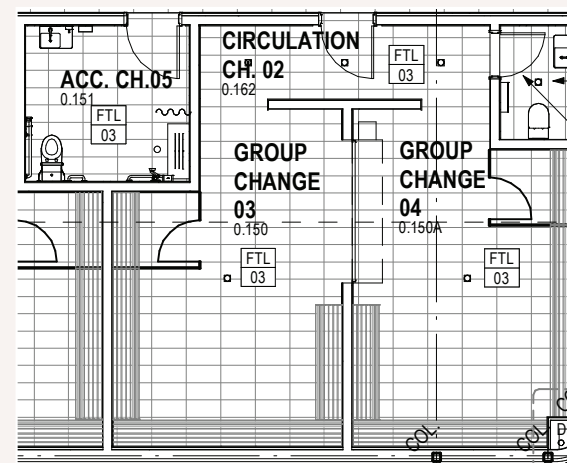
### Family Change



The family change zone will include an accessible change space and a combination of change cubicles of varying size, some of which may include a shower or a fixed baby change bench. It will include generous seating or bench space open to the concourse to enable parents to easily drop bags and the like, and prepare the children for swim classes or play.

There will also be open concourse showers so that parents can rinse their children, quickly dress them or throw a towel on them before they head home without the need to go into an enclosed change space.

### Group Change



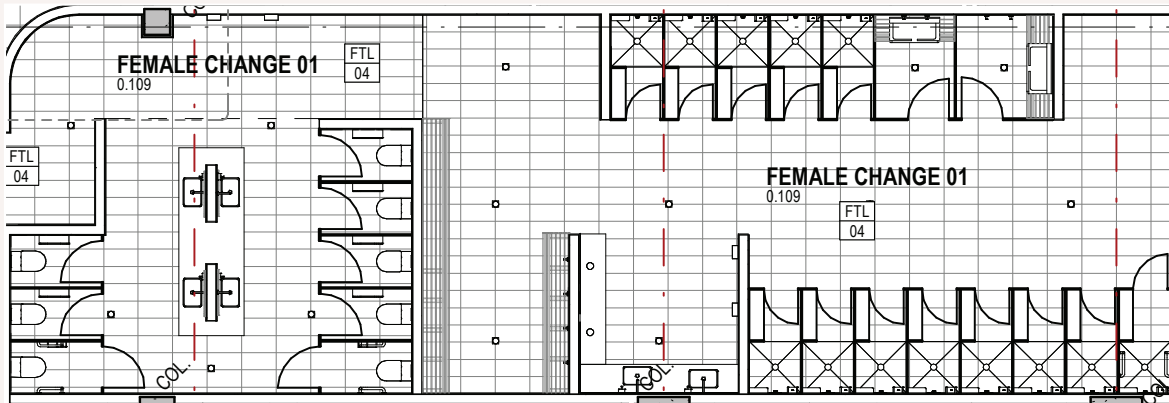
The group change area, consisting of two uni- sex open change spaces and including an accessible change room, will be located near the group entry at the southern end of the change block, and nearer to the 50m pool, where the majority of group programs / activities are expected to occur.

Staff change provision will include a cluster of unisex change cubicles near the group change area. These will have operable signage to designate them as staff change rooms when required. Opportunities to include a staff drying room (for towels, bathers, etc) nearby are being explored.

3. Design Response

## 3.7 Change Rooms – Kit of Parts

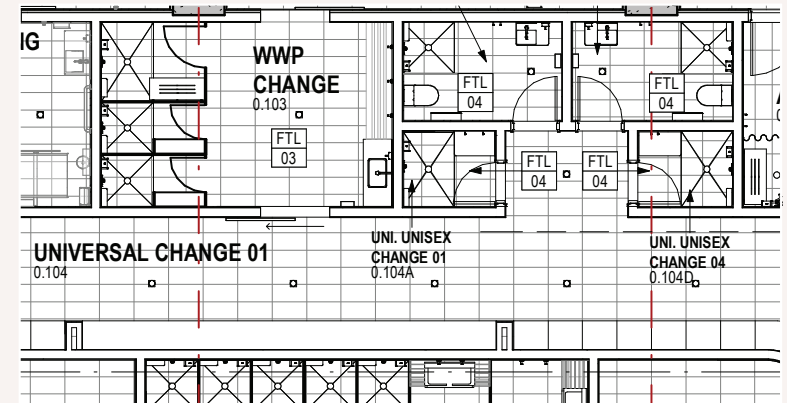
### Female / Male Change



Gender-specific change areas will include amenities (toilets and showers) within cubicles and a combination of cubicle and open change spaces.

The dedicated female change room will be located adjacent to the Warm Water Pool and will be configured to allow direct access to that pool without transiting through public circulation space, facilitating female-only bathing programs.

### Unisex Change



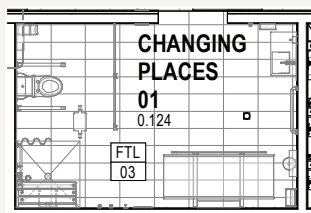
Unisex change cubicles will be accessible from circulation space and be of varying sizes to accommodate individuals, couple or families; some will be dry change cubicles, some may include a shower.



3. Design Response

## 3.7 Change Rooms – Kit of Parts

### Changing Places

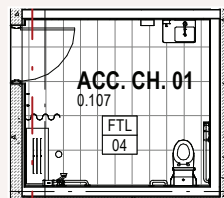


A Changing Places bathroom will be provided at ground level, in close proximity to the warm water pool.

This room will provide specialist equipment to allow disabled users to get ready to use the facility equally with all other users.

In addition to accessible WC and shower facilities, this room will also include a ceiling hoist and adult change table which can be raised and lowered as required.

### Accessible Change

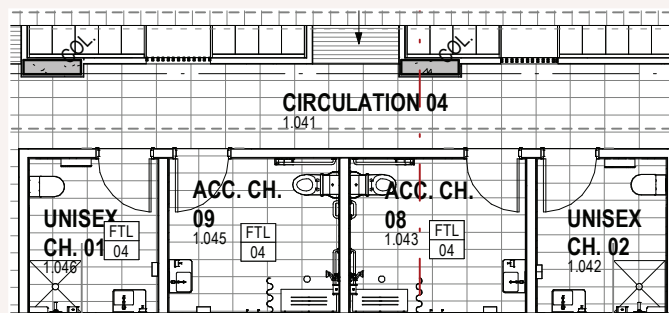


A mix of accessible change / bathroom facilities will be provided within the facility.

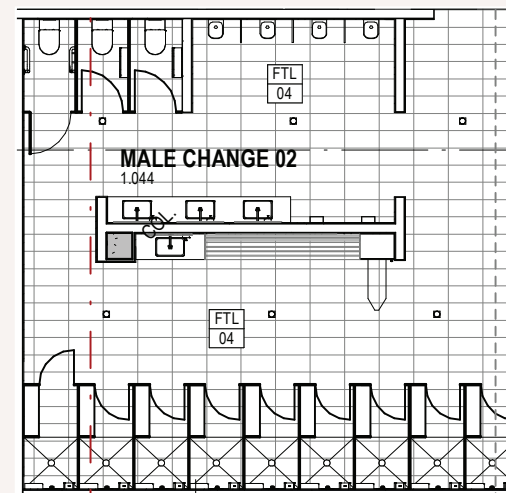
Designed to provide full compliance with AS1428.1, these bathrooms will contain WCs and wash basins, and some will also contain showers and fold-down baby change units.

The same high quality finishes from the wider public change rooms will be deployed in these accessible change rooms.

### Dry Fitness Change



The change offering associated with the dry fitness area on the upper floor will include gender-specific change and a number of separate accessible and unisex change cubicles. These 'dry' change rooms will likely have a slightly higher level of amenity than the wet change area, including provision of ironing boards, hair dryers and grooming stations.



## 3.9 Sustainability



1

### Water Resources

Aquatic centres are typically water-intensive facilities. The goal of this project is to demonstrate exceptional water efficiency and potable water reduction.

Measures will include water efficient fixtures selection, rainwater collection, and drought tolerant landscaping.



2

### Stormwater Management

We aim to minimise storm water runoff while managing flood risks on site. Storm water contaminants such as suspended solids and nitrogen negatively affect the health and amenity of our waterways.

The project will meet Best Practice Environmental Guidelines reduction targets of:

- 80% of suspended solids
- 45% of total nitrogen
- 45% of total phosphorous
- 70% of typical urban annual litter load



3

### Energy Performance

Kingston's New Aquatic & Leisure centre is targeting net zero carbon in operations through a combination of operational energy efficiency, all electric energy sources, and renewable energy.

The thermal performance of the building envelope will be improved above NCC standards.

External shading elements and design based on passive solar design principles will be incorporated.



4

### Indoor Environmental Quality

Kingston's New Aquatic & Leisure centre aims to provide comfortable and amenable indoor and outdoor spaces.

Daylight penetration will be provided into all occupied spaces within the building, while controlling levels of glare.

Mechanical systems will prioritise high indoor air quality via fresh air provision.



5

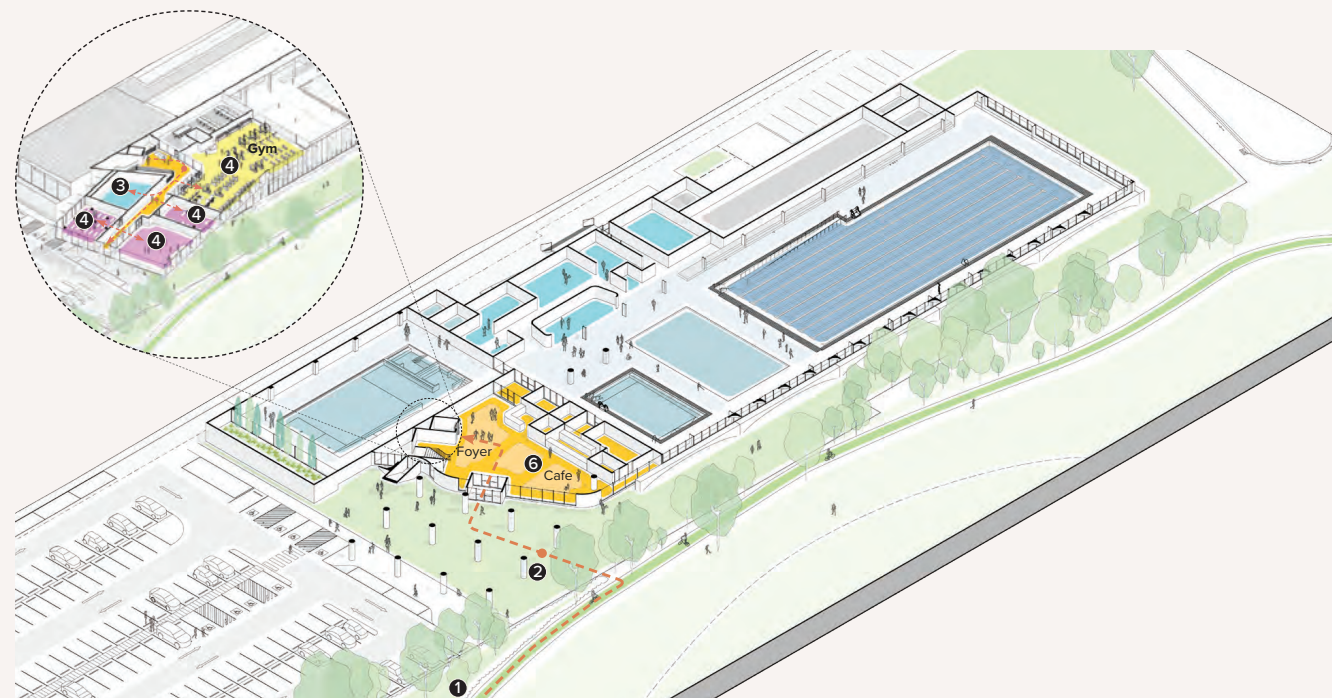
### Construction Waste Management

The strategy for materials is to maximise the use of reused, recycled, and durable materials. Construction waste will be separated by waste stream, and we will target 90% of this waste to be diverted from landfill.

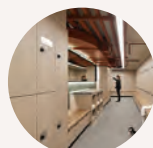
Where possible, the project will choose materials which have Environmental Product Declarations and will specify concrete with recycled content.

3. Architectural Design Response

# 3.10 User Focused Design



Foyer



Change



Gym



Program



Cafe



Lucia

1

## Cycling to Kingston's New Aquatic & Leisure centre

A young sales manager working at a furniture store nearby, Lucia ride her bike before or after work to the aquatic facility to use the gym for her weekly workouts, pilates and spin classes.



2

## Undercroft Bicycle Parking

Lucia parks her bicycle at the facility's sheltered bicycle parking and takes the lift or the dry fitness stairs to get to the Gym and program rooms on Level 01.

3

## Level 01 - Dry Fitness

Lucia uses Level 01 Dry fitness lockers and change rooms and uses the unisex cubicles.



4

## Gym & Program-Rooms Access

Lucia swipes her health club membership card at the turnstile to access the gym which overlooks into the parkland.

5

## Dry Fitness Change rooms

Lucia uses the showers at the unisex cubicles in the dry fitness change. She loves the change rooms because they have everything she needs to get ready for work. When she has time, she likes to relax in the spa & steam rooms.

6

## Cafe & Dry Lounge

Lucia then grabs a coffee from the cafe at the ground floor and heads to work. When she has more time, she also likes to relax at the cafe's dry lounge or external forecourt overlooking into the reserve.



3. Architectural Design Response

# 3.10 User Focused Design



Foyer



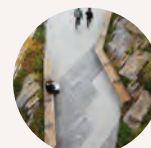
Change Village



Active Aquatic



Passive Aquatic



Cafe Terrace



## Matt

1

### Driving to Kingston's New Aquatic & Leisure Centre

Matt is a 45 year old professional who settled in Mordialloc 10 years ago with his family as a refugee. He drives to Kingston's New Aquatic & Leisure centre to use the aquatic facilities weekly for leisure and also takes his kids for learn to swim classes.



2

### Entry To Pool Hall

When Matt arrives, he stops at reception to check in with admin staff and proceeds to swipe his pool hall pass at the turnstile.



3

### Change Village

He takes his kids to the family change to get them ready for their learn to swim class. He also uses the unisex change cubicles to get changed for his swim at the 50M lap pool after LTS class.



4

### Learn to Swim

After getting ready his kids for swim class, Matt drops them off at Learn to swim and supervises from his favourite spot along the pool hall overlooking into the reserve.



5

### 50m Pool

Occasionally after his kids' learn to swim classes, the family takes a leisurely swim together in the 50m or leisure pool. They love the pool hall's connection to the reserve.



6

### Cafe & Landscape Terrace

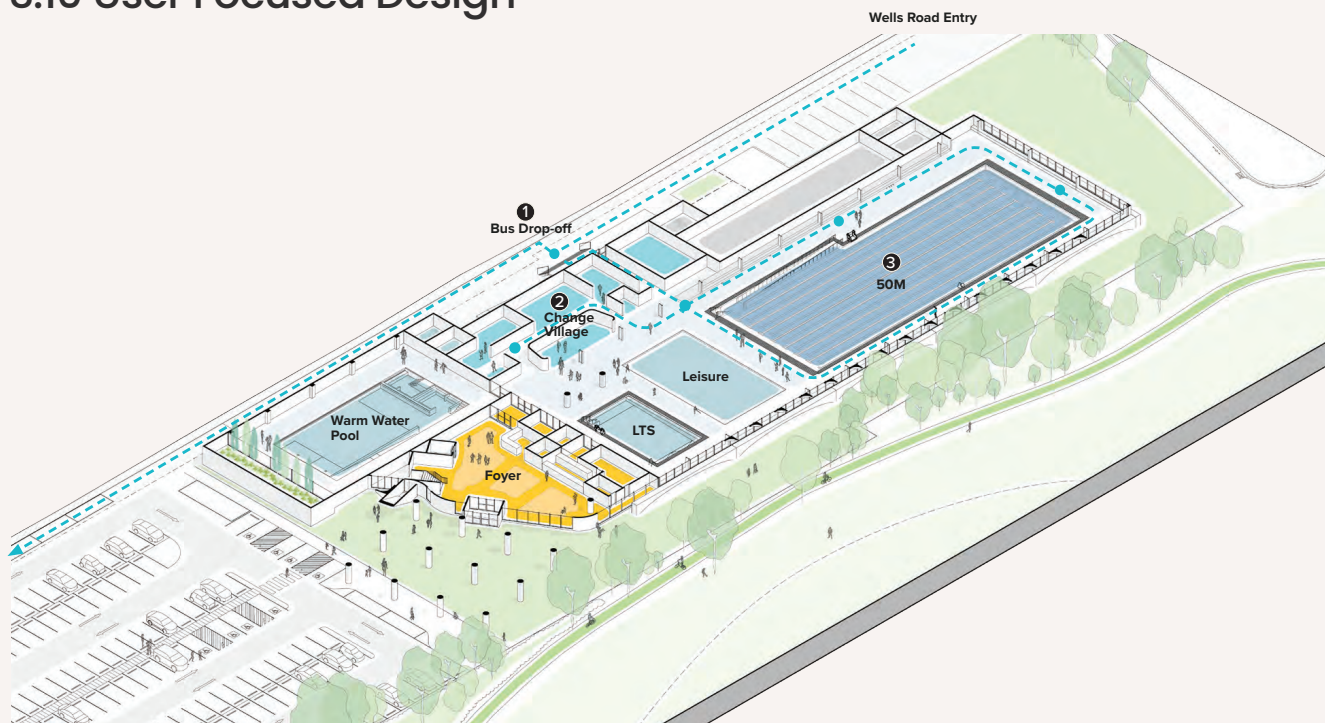
The family then goes to the cafe to grab refreshments and venture out into the nature play area between the aquatic centre and Jack Grut Reserve.





3. Architectural Design Response

# 3.10 User Focused Design



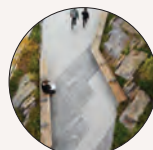
Foyer



Change Village



Active Aquatic



Cafe Terrace



Amy

1

## School trip

Amy is a young school teacher who attends the facility weekly with her students for their swimming programs. They arrive at Kingston's New Aquatic and Leisure Centre bus drop off and enter the pool hall through the group change entrance.



2

## Group Change Entry

Amy takes her students directly to the aquatic facility's dedicated group change facilities through the eastern entrance. Her students get ready for their swim classes at group change room, but can also utilise unisex change cubicles if they need additional privacy.

1

## School Bus Drop-off

After swim class, her students freshen up at the group change rooms. She then gathers her students at the bus drop off where they wait to get picked up.



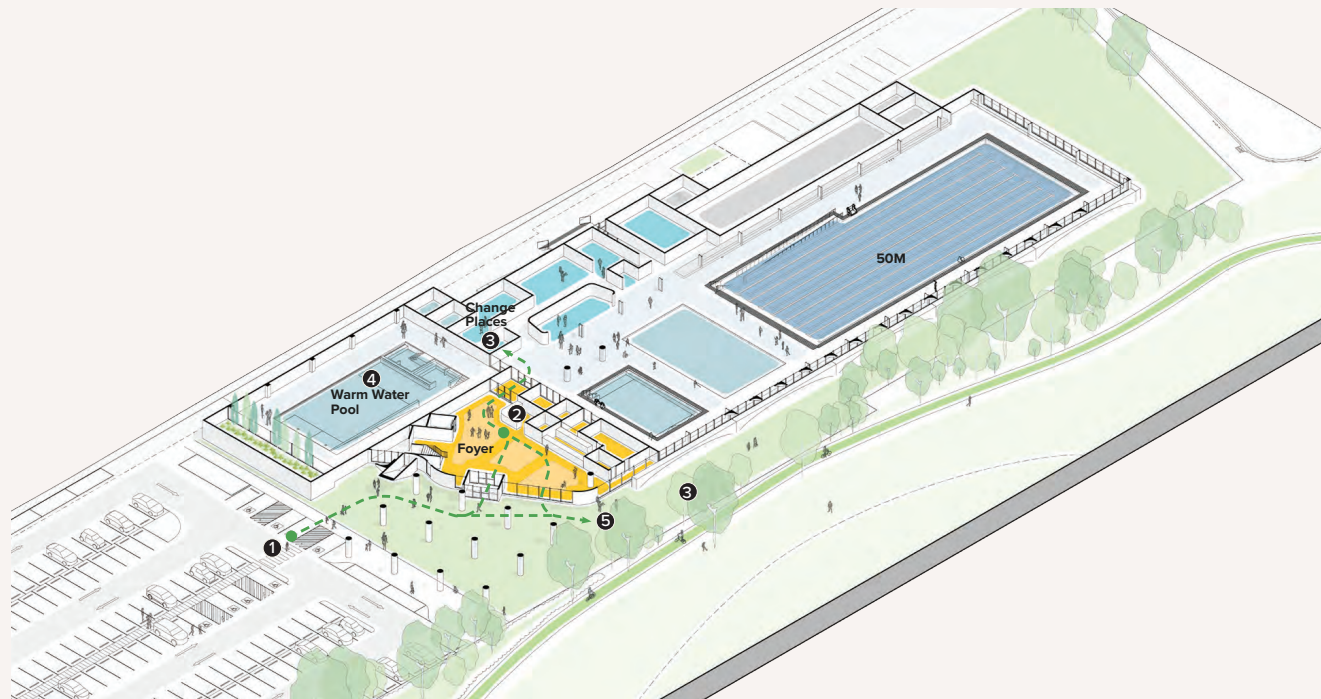
3

## 50M Pool Hall

Amy supervises her students from her favourite spot at the tiered seating along the 50m pool. Her students enjoy their swim sessions at facility as it has panoramic views of the neighbouring green space.

3. Architectural Design Response

# 3.10 User Focused Design



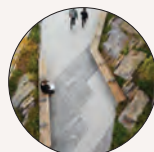
Foyer



Changing Places



Passive Aquatic



Cafe Terrace



**Meryl (with carer)**

**1**

Meryl is an elderly Kingston resident who has been in a wheelchair for the last five years. She visits Kingston's New Aquatic & Leisure centre twice a week for rehabilitation sessions with her carer. They arrive by car, and park in one of the dedicated DDA parking spaces near the entrance. Meryl's carer wheels her the short distance to the entry via the gently sloping covered entry walkways.



**2**

## Reception

Meryl's carer checks in with admin staff at reception and uses the accessible turnstile to take her into the aquatic

**3**

## Changing Places

The carer takes Meryl to the Changing Places bathroom and uses the specialist equipment there to help Meryl dress in her swimming outfit. There is a privacy curtain in the Changing Places bathroom which allows her carer to dress in privacy.



**4**

## Warm Water Pool

After getting changed, the carer uses the pool hoist to lower Meryl safely into the warm water pool for her rehabilitation session. Meryl enjoys her regular sessions in the warm water pool as it has a quieter atmosphere and views out into the private landscaped courtyard.



**5**

## Cafe Terrace

After using the Changing Places bathroom again, Meryl and her carer are ready to go, but not before visiting the cafe to get her favourite coffee and savoury muffin. They enjoy their food in the cafe's outdoor seating area which is bathed in afternoon light.



3. Architectural Design Response

## 3.11 Design Strategies – External Look & Feel



Axo - Ground Floor



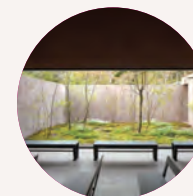
### 1 - Arrival Plaza

A sheltered arrival space provides shade in summer and sunlight penetration in winter. A meandering path leads up to the building entry through high quality terraced landscape.



### 2 - Interface between entry forecourt and recreation reserve

Sensible and legible connections to and from Jack Grut Reserve and local path network. Cafe outdoor seating bleeds into the reserve, providing an under cover place to sit and have coffee with an elevated view of the adjacent green.



### 3 - Private warm water pool courtyard

A secluded landscaped zone with a direct connection to the warm water pool. This space affords WWP users with a high quality view to landscape, but also provides a visual buffer between the pool and car park.



### 4 - Maximizing connectivity with existing pedestrian networks

An activated edge along site providing safety benefits to path users. Nature play elements to be incorporated into space between aquatic center and Jack Grut reserve. This zone forms part of the site's overland drainage strategy, with integrated WSUD solutions acknowledging the site's wetland setting.



### 5 - Extension of Mordialloc Creek ecosystem landscape

The building is setback from this boundary to extend the Mordialloc Creek landscape. Possibility of shortening Wells Rd to maximise natural landscape opportunities.



### 6 - Maximizing shade and canopies to reduce heat island effect.

Planting within and around the car park will help to cool this space during summer.



3. Architectural Design Response

# 3.11 Design Strategies – External Look & Feel



## 1 Raised Platform

- Building and forecourt scale to create civic presence.



## 2 Outlook to Reserve & Mordialloc Creek

- Vertical sun shading elements control western sun and glare, while providing high quality panoramic views of adjacent green space.



## 3 Robust Facade

- Robust and easily maintained facade materials options.



## 4 Repetitive Modules

- Simple and repeatable geometry that creates exciting and responsive facade.



## 5 Length

- Using the length and scale of the building

3. Architectural Design Response

## 3.11 Design Strategies – Internal Look & Feel



Axo - Ground Floor



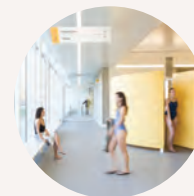
### 1 - Entry Foyer & Reception

- Civic entrance experience
- Clear & legible way finding
- Stair & atrium as focal point
- Simple & robust materials



### 2 - Cafe & Dry Lounge

- Hospitality focused
- Suburban aesthetic
- Low sensory and muted colour palettes



### 3 - Pool Change Village

- Maximising gender equity & privacy
- Simple & cohesive material palette
- Use of colour & texture
- Maximising choice & flexibility



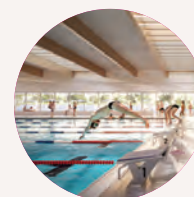
### 4 - Warm Water Pool

- Panoramic views
- Maximized visual connection to nature & precinct.
- Simple & robust palette



### 5 - Learn to Swim

- Good natural light
- Adequate seating
- Lowered ceiling to provide good acoustic performance

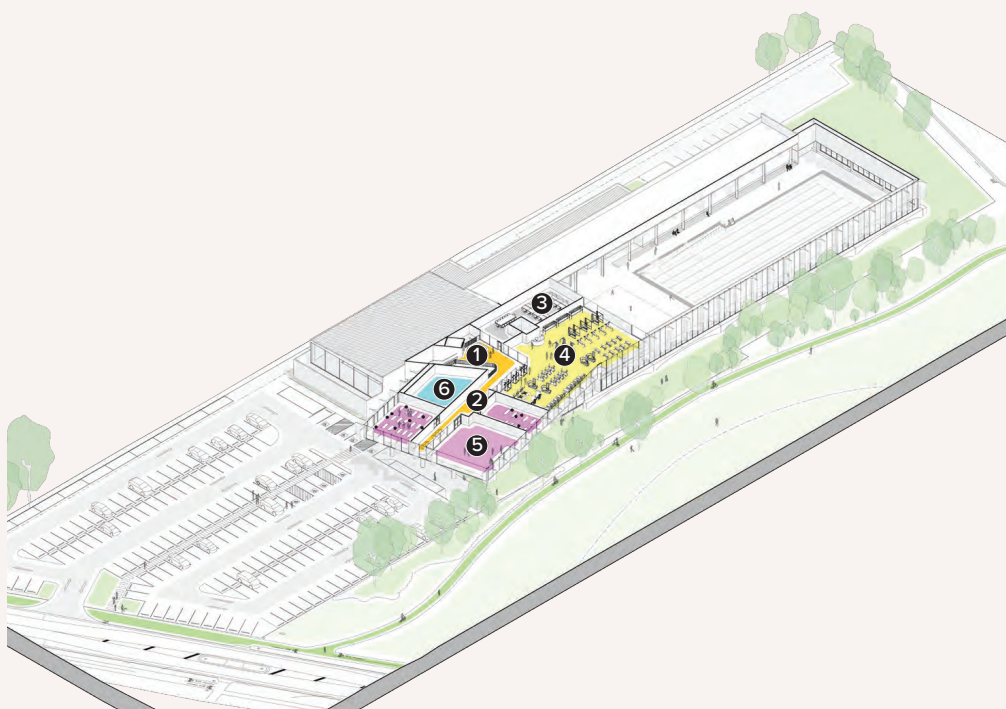


### 6 - Main Pool Hall

- Use of natural light for areas of focus
- Minimized glare
- Highlight views to Mordialloc Creek.

3. Architectural Design Response

## 3.11 Design Strategies – Internal Look & Feel



Axo - Level 01



### 1 - L1 Foyer

- Stair and atrium as focal point for scale and light
- High quality robust finishes



### 2 - Health Club Lounge

- Maximise light and views to the reserve



### 3 - Admin

- Internal connection to Ground Floor



### 4 - Gym

- Focus on light, materiality and structure
- Cost effectiveness
- Unique gym aesthetic



### 5 - Group Fitness

- Using light and targeted views to activate program rooms



### 6 - Change room & Lockers

- Creating branding opportunities



## 3. Architectural Design Response

## 3.12 Design Strategies – Pool Look &amp; Feel



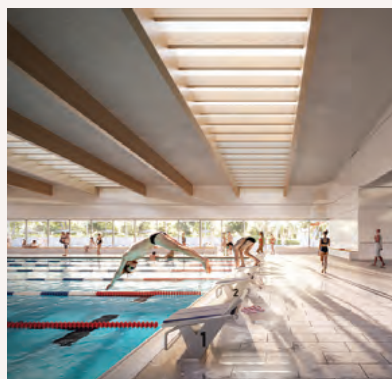
1

- Panoramic windows to maximise visual connection to nature and precinct.



2

- Simple robust palette that highlights the activity and also views to Mordialloc Creek.



3

- Use of natural lighting to create areas of focus whilst trying to minimise glare.



4

- Use of vertical sun shading elements and integrated pool seating.

3. Architectural Design Response

## 3.12 Design Strategies – Undercroft Look & Feel



1

- An entrance experience defined by civic scale and generosity



2

- Diverse materiality to create the unexpected.



3

- Diversity of landscaping types and materials.



4

- Elevated landscaping that hides ramps and stairs throughout.



5

- Integration of planting and structural elements

3. Architectural Design Response

## 3.12 Design Strategies – Cafe and Foyer Look & Feel



1

- High quality robust finishes



2

- Hospitality offering focused on lobby and forecourt with suburban cafe aesthetic



3

- Low sensory and muted colour palettes



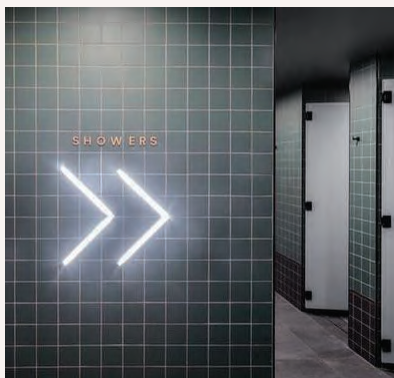
4

- Stair and atrium as focal point for scale and light



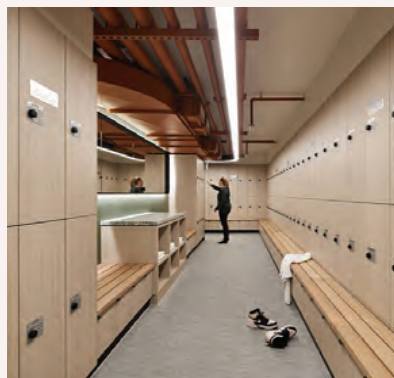
3. Architectural Design Response

## 3.12 Design Strategies – Change Village Look & Feel



1

- Clear and legible planning and way finding



2

- Gym and change facilities to create branding opportunities



3

- Maximising gender equity and privacy



4

- Simplified and cohesive material palette



5

- Strategic deployment of colour and texture.



3. Architectural Design Response

## 3.12 Design Strategies – Dry Fitness Look & Feel



1

- Focus on light, materiality and structure to ensure cost effectiveness.



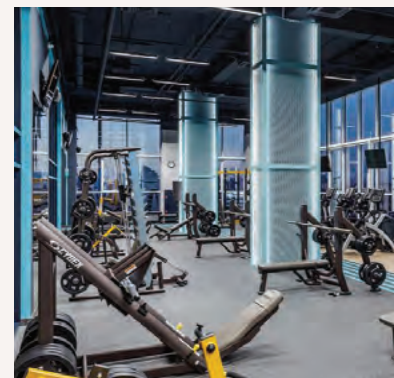
2

- Looking for opportunities to create a unique gym aesthetic.



3

- Maximise light and views to the reserve



4

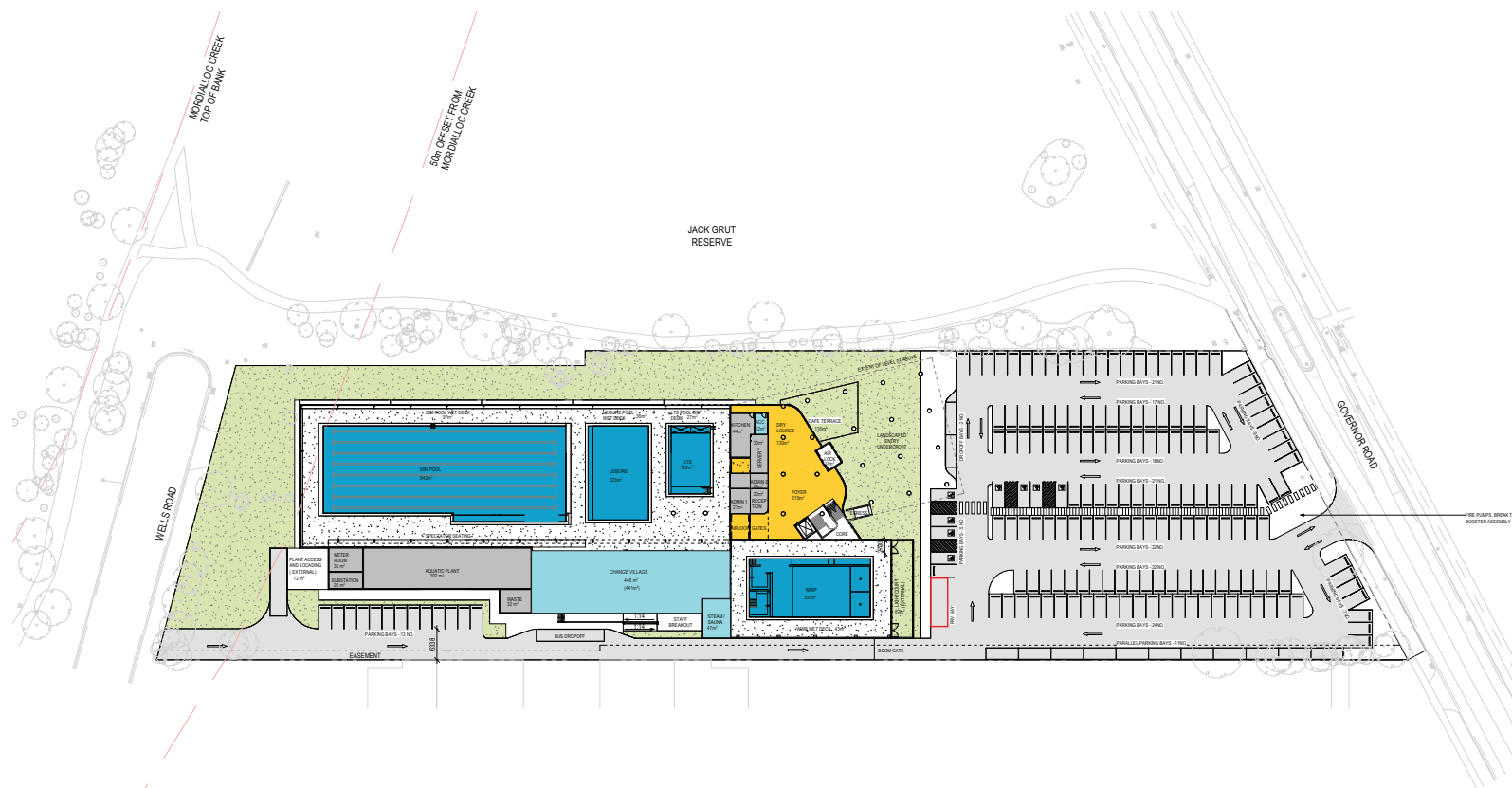
- Using both equipment and architectural design to create a strong identity for the gym



5

- Using light and targeted views to activate program rooms

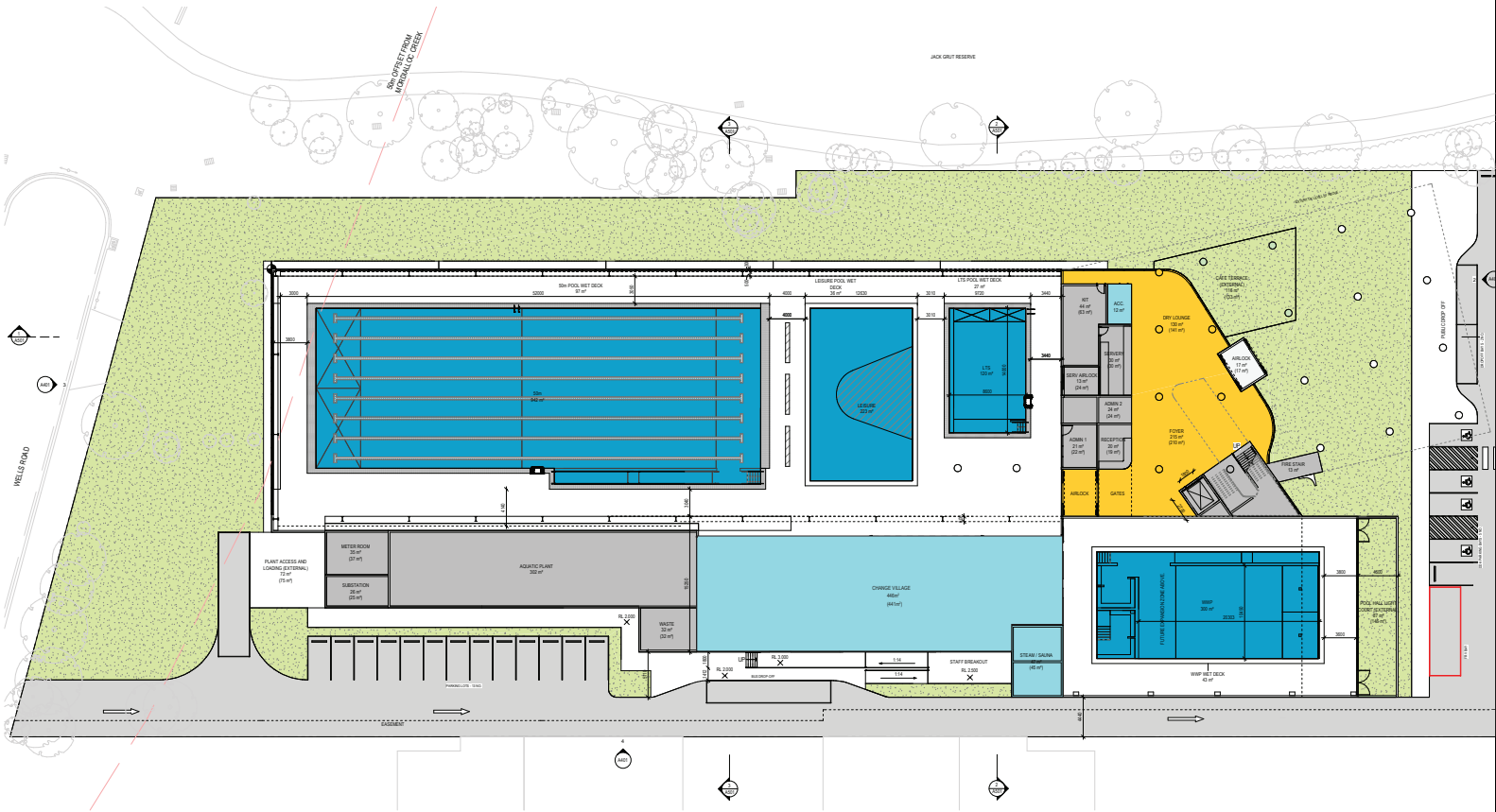
## 4.1 Site Plan



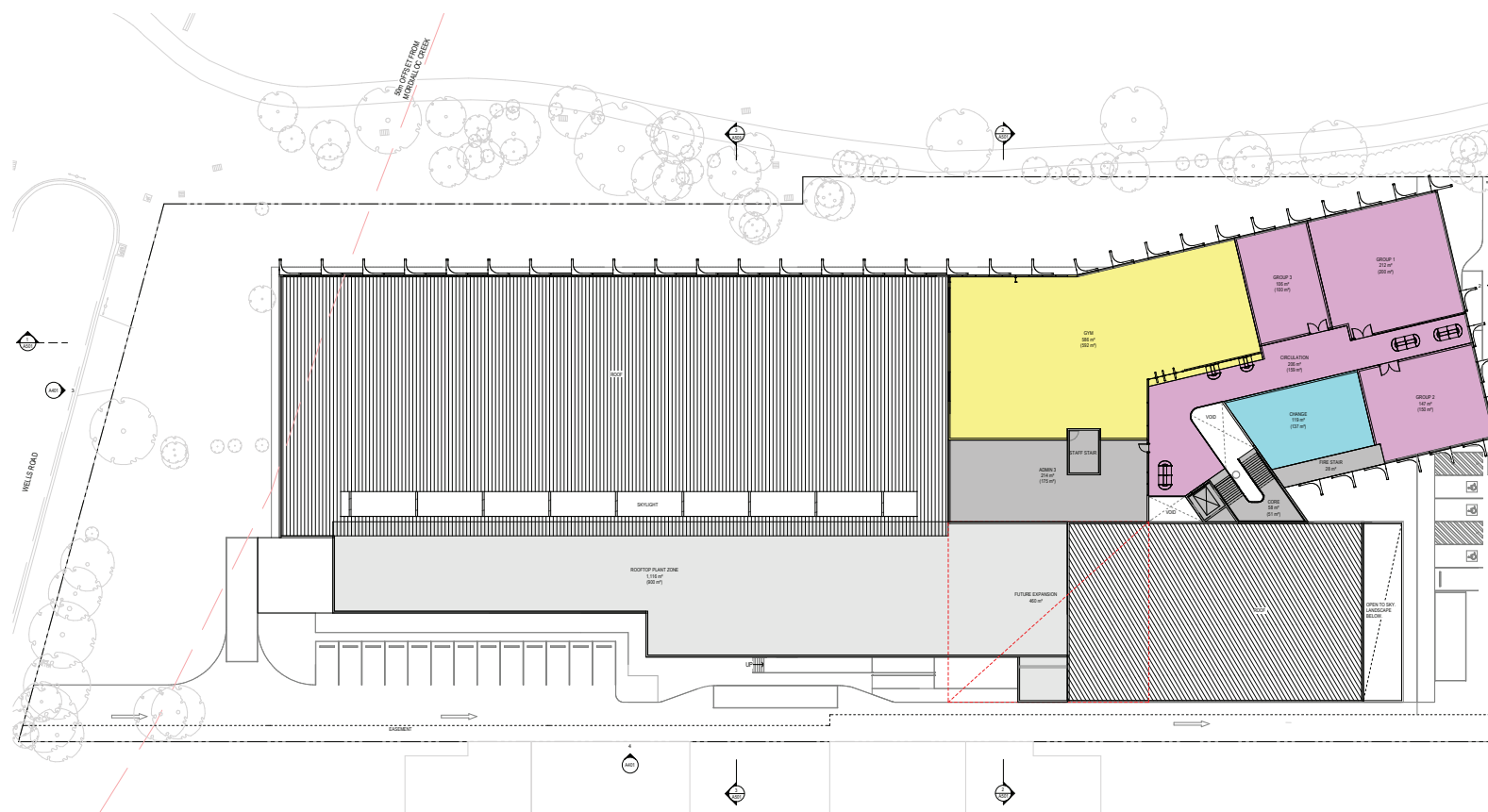
4. Drawing Set

4.1 Ground Floor Plan

PROJECT	Kingston's New Aquatic & Leisure Centre
TITLE	Ground Floor Plan
FOR	City of Kingston
PROJECT NUMBER	100243
REVISION	Preliminary
DRAWN BY	Author Initials
SCALE	Not to scale



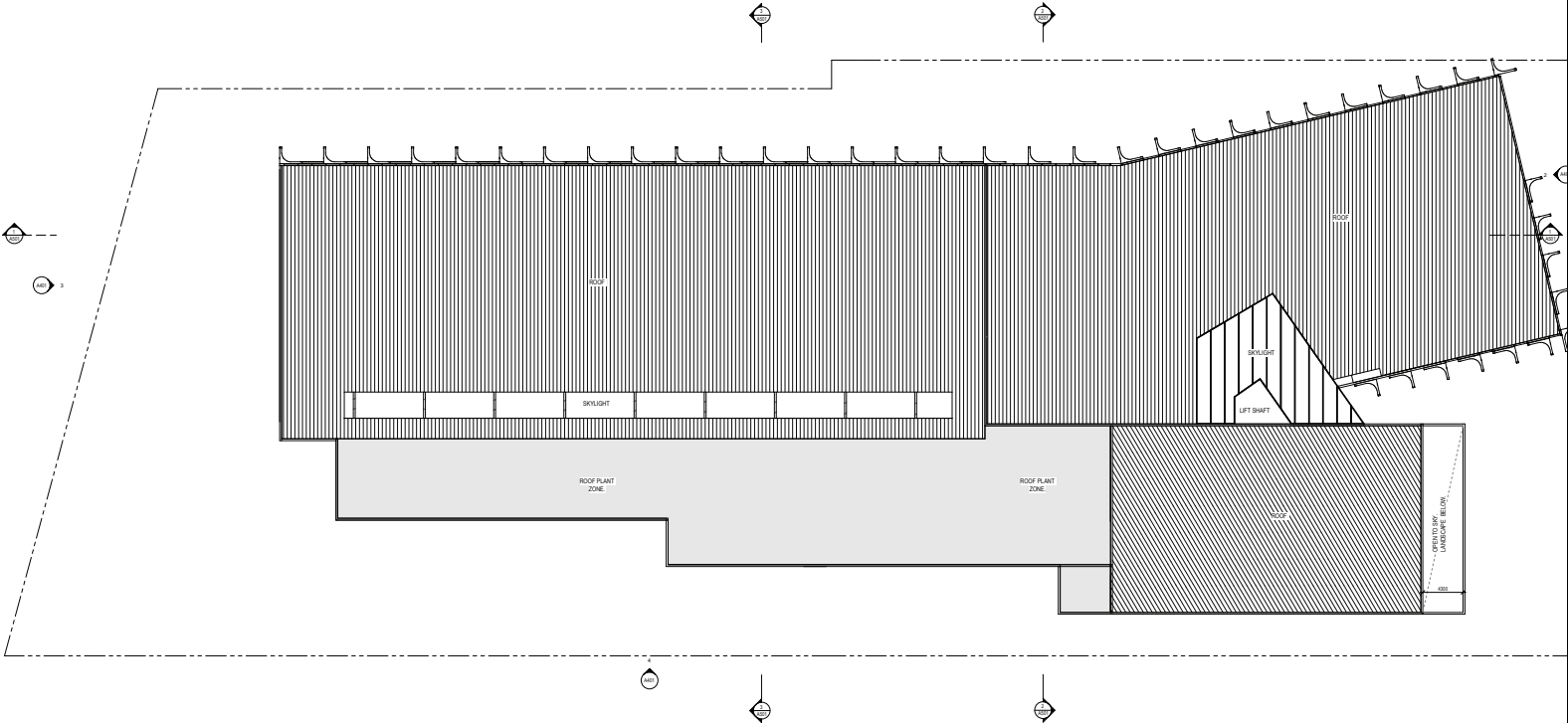
## 4.1 First Floor Plan



4. Drawing Set

4.1 Roof Plan

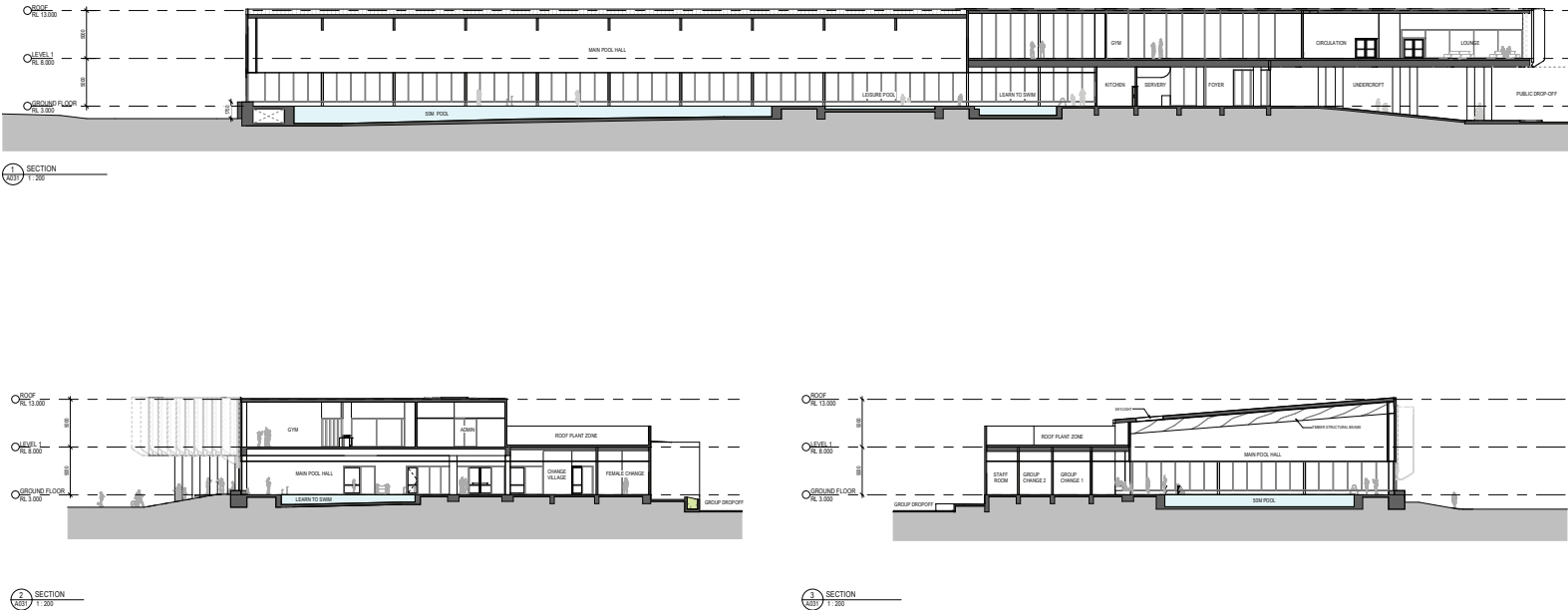
PROJECT	Kingston's New Aquatic & Leisure Centre
TITLE	Roof Plan
FOR	City of Kingston
PROJECT NUMBER	100243
REVISION	Preliminary
DRAWN BY	Author Initials
SCALE	Not to scale



4. Drawing Set

4.3 Sections

PROJECT	Kingston's New Aquatic & Leisure Centre
TITLE	Sections
FOR	City of Kingston
PROJECT NUMBER	100243
REVISION	Preliminary
DRAWN BY	Author Initials
SCALE	Not to scale

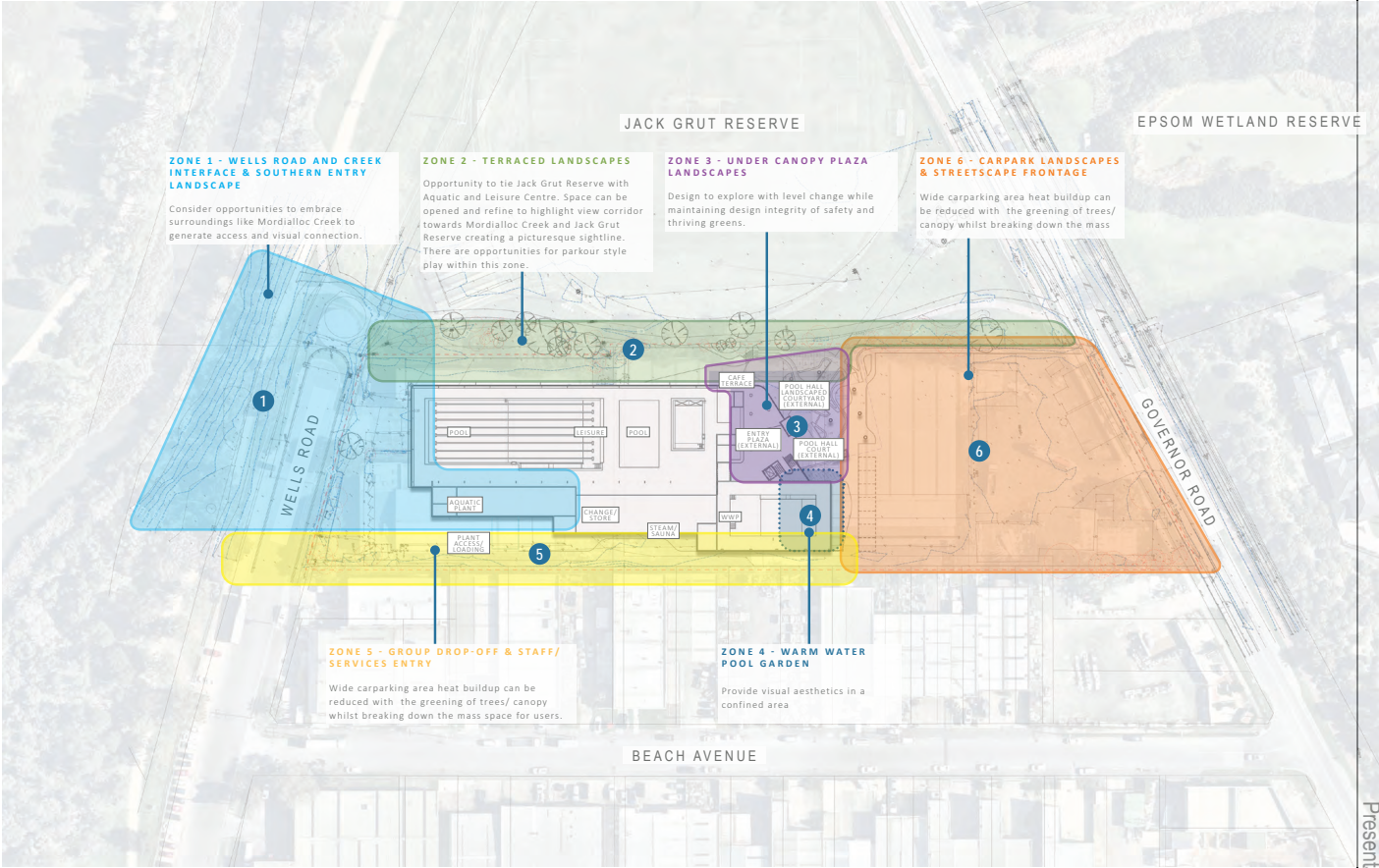




5. Landscape Concept Design

5. Landscape

PROJECT	Kingston's New Aquatic & Leisure Centre
TITLE	Landscape Site Analysis & Zoning Plan
FOR	City of Kingston
PROJECT NUMBER	100243
REVISION	Preliminary
DRAWN BY	Author Initials
SCALE	Not to scale

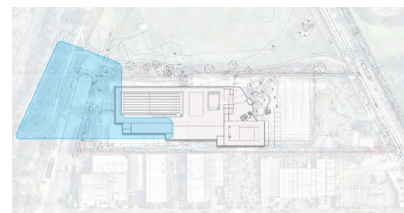


## 5. Landscape Concept Design

## 5. Landscape

ZONE 1 - WELLS ROAD AND CREEK INTERFACE &  
SOUTHERN ENTRY LANDSCAPE

- Seating opportunities can be found within the shifting moments of the 'natural' landscape. This might be where a path changes direction or meets another, or even becomes a dead end. Seating might also define the path itself, retaining landscape where there is a change in level to delineate an outdoor corridor.
- Generally soft green spaces, with selective mounding to provide space to break out and support the hardstand areas.
- Maintaining sight lines through and within the precinct through the use of low height plant species and the under pruning of tree canopies.



KEY PLAN | NOT TO SCALE

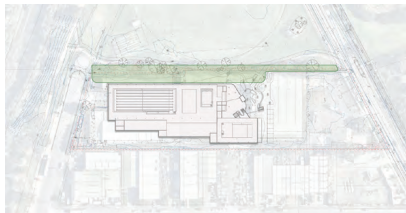


5. Landscape Concept Design

5. Landscape

ZONE 2 - TERRACED LANDSCAPE

- A series of simple timber seating moments with native grasses and ground covers allowed to re-gain and restore the ground.
- Stretches of gravel paths to seats ensure function, without permanently defining the space, which can evolve with public use.
- Opportunity to exaggerate a transition between the building. A softer terrace zone green landscape can be framed by a paved landscape flexible enough to operate at a number of scales for a variety of uses.
- Natural and more industrial style of materiality and planting palette.
- Find opportunities for nature and water play integrated into linear spaces, consider multiuse timber features.



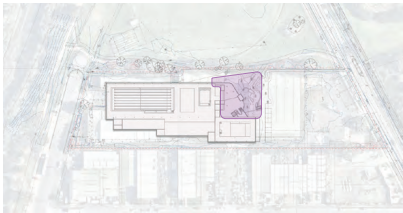


5. Landscape Concept Design

5. Landscape

ZONE 3 - UNDER CANOPY PLAZA LANDSCAPE

- Transitional space using industrial materials/ finishes to define shifts in the function of the landscape. In particular modulated form and vertical green elements can frame static spaces and define lines of movement.



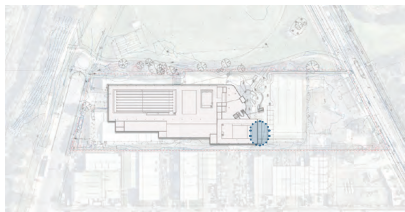
KEY PLAN | NOT TO SCALE



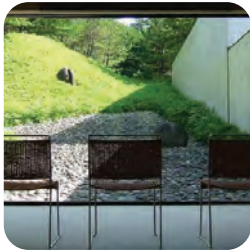
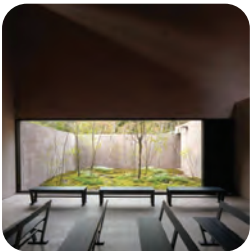
5. Landscape Concept Design

# 5. Landscape

ZONE 4 - WARM WATER POOL GARDEN



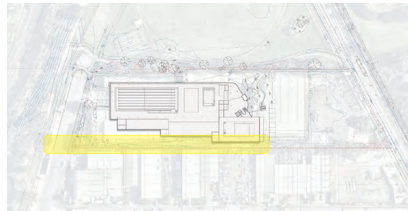
KEY PLAN | NOT TO SCALE



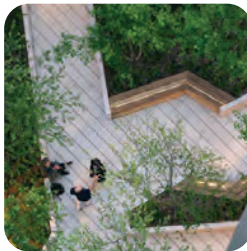
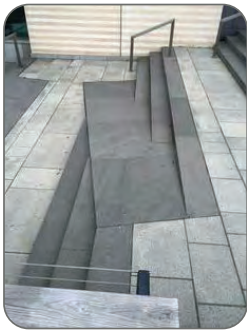
5. Landscape Concept Design

# 5. Landscape

ZONE 5 - GROUP DROP-OFF & STAFF/SERVICES  
ENTRY



KEY PLAN | NOT TO SCALE



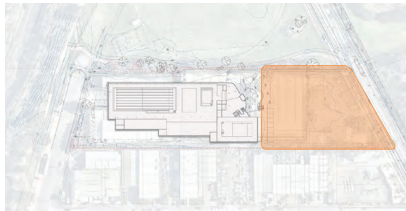


5. Landscape Concept Design

# 5. Landscape

ZONE 6 - CARPARK LANDSCAPES & STREET FRONTAGE

- Asphalt car parking area to meet the requirements of parking for users of the Aquatic and Leisure Centre with pockets of WSUD planting.
- Water sensitive urban design (WSUD) planting requires lower maintenance.
- Reduce urban heat island with use of tree canopy and WSUD planting for natural drainage and general greening of carpark area. Potential use of porous asphalt/pavers.
- Maintaining sight lines through and within the precinct through the use of low height plant species and the under pruning of tree canopies. Provide formal rhythm of tree planting and seating opportunities.



KEY PLAN | NOT TO SCALE



5. Landscape Concept Design

# 5. Landscape

PROJECT  
Kingston's New Aquatic  
& Leisure Centre

TITLE  
Landscape Concept Development Diagram

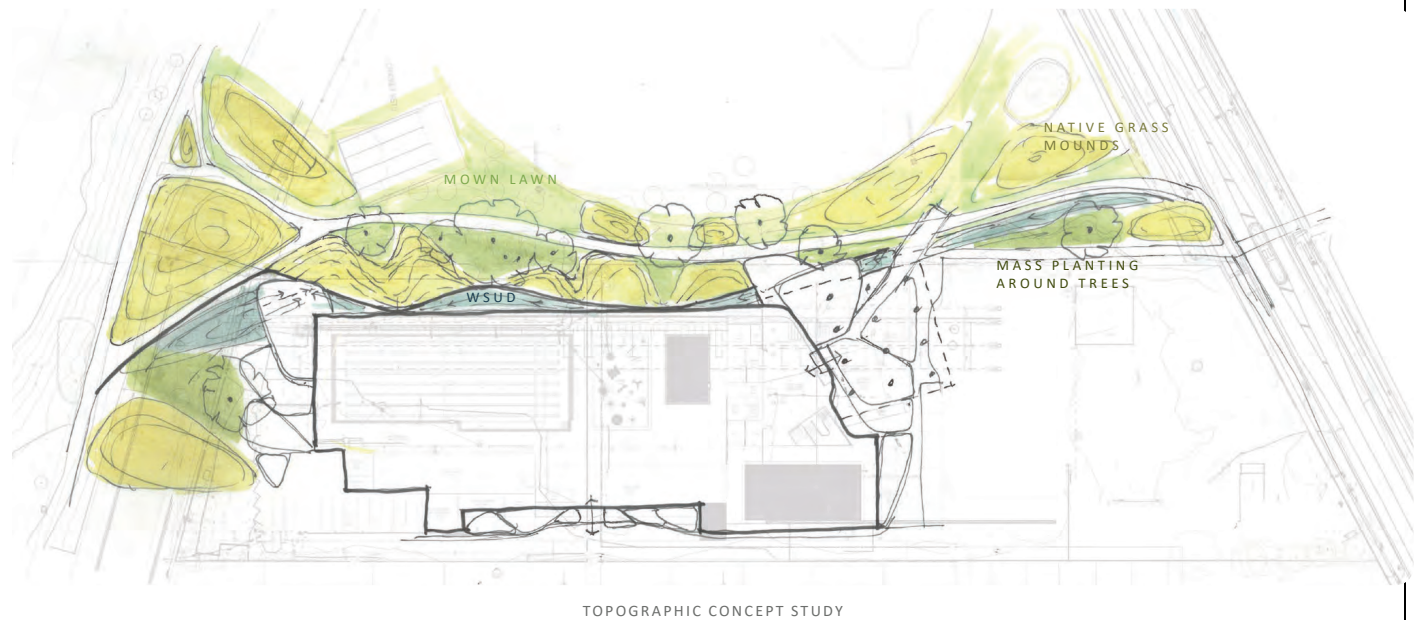
FOR  
City of Kingston

PROJECT NUMBER  
100243

REVISION  
Preliminary

DRAWN BY  
Author Initials

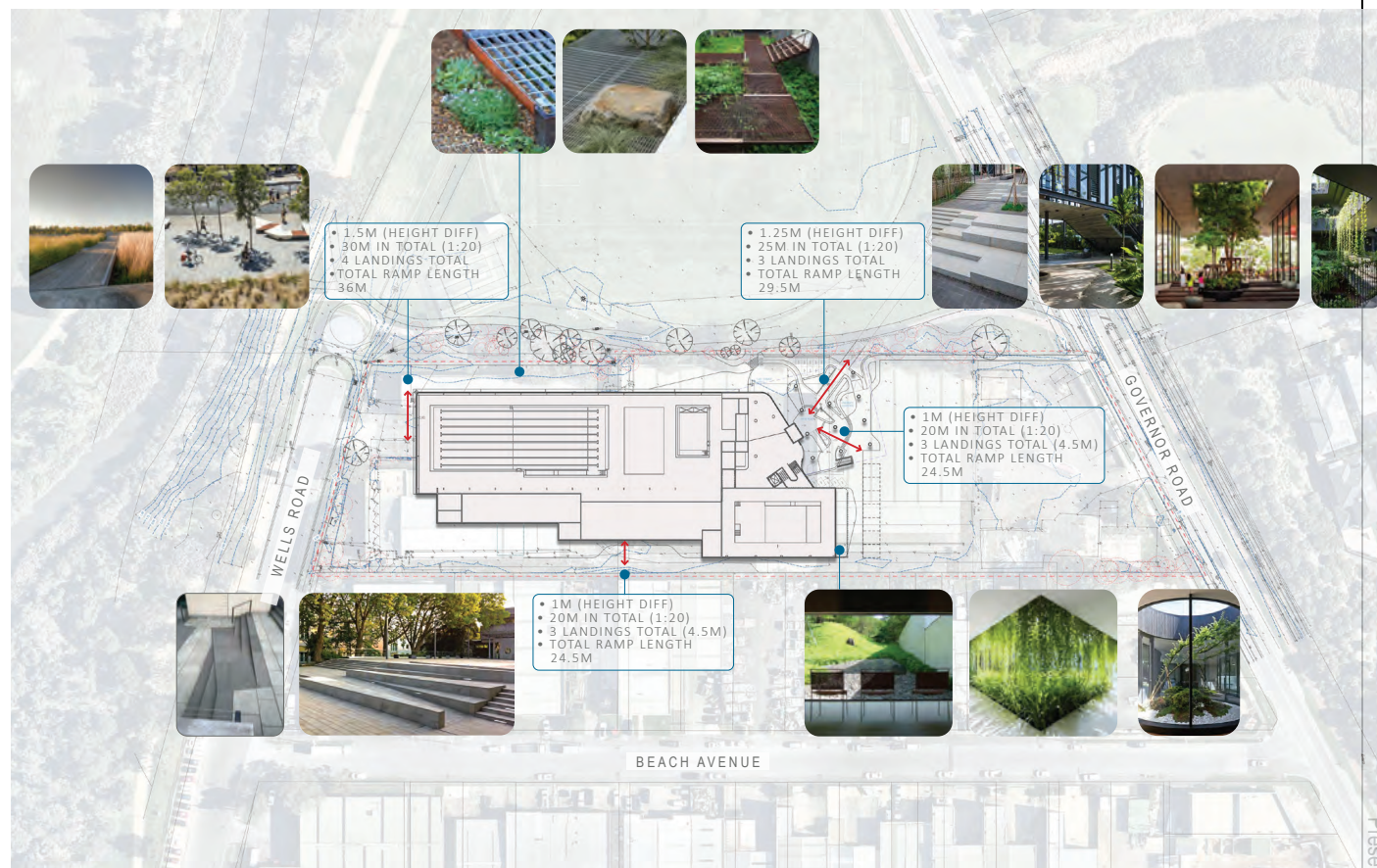
SCALE  
Not to scale





## 5. Landscape Concept Design

# 5. Landscape – Accessibility



5. Landscape Concept Design

5. Landscape – Planting Palette



**EXISTING PLANTING**

Existing planting/ vegetation that is thriving on site that can be proposed in our landscape package.

**WSUD PLANTING**

Decreased urban heat island effect because of increased green space and increased irrigation capacity along carpark area. Located along carpark and along entry and streetscape frontage.

**SHADE/ INTERNAL PLANTING**


This planting palette is proposed in the under-canopy plaza and in areas with less access to sunlight.

**ENBANKMENT PLANTING**




5. Landscape Concept Design

5. Landscape – Materials Palette




CONCRETE/ GRAVEL

Using the natural and more industrial finishes.




CORTEN STEEL

Work well with the natural environment that adds character to the surrounding site.



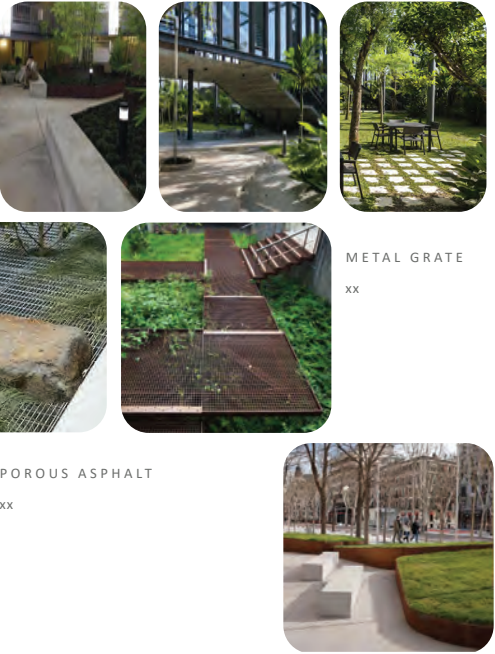
METAL GRATE

xx



POROUS ASPHALT

xx



# CREATING A NEW AQUATIC & LEISURE CENTRE

---

## QUICK POLLS CONSULTATION REPORT

NEW  
AQUATIC  
& LEISURE  
CENTRE  
PROJECT





# BACKGROUND

We're excited to be planning a new, high quality aquatic and leisure centre to help support the health and wellbeing of our community.

Community engagement is a critical component of the new Aquatic and Leisure Centre Project. Engagement has been helping to shape the project's progress since inception.

To date, four comprehensive stages of community engagement have been undertaken, to ensure the project is delivered in-line with what the community wants and needs.

Throughout May 2023 a series of quick polls were launched and asked for community views on the following areas, to help refine the draft concept design:

- Travel
- Change rooms
- Water-play
- Dry Fitness facilities
- Café
- Barriers to visiting.

Here's what we heard....

# FEEDBACK

**4,620 SUBMISSIONS RECEIVED**

**868** Travel Responses

**894** Change Rooms Responses

**722** Water-Play Responses

**743** Fitness Facilities Responses

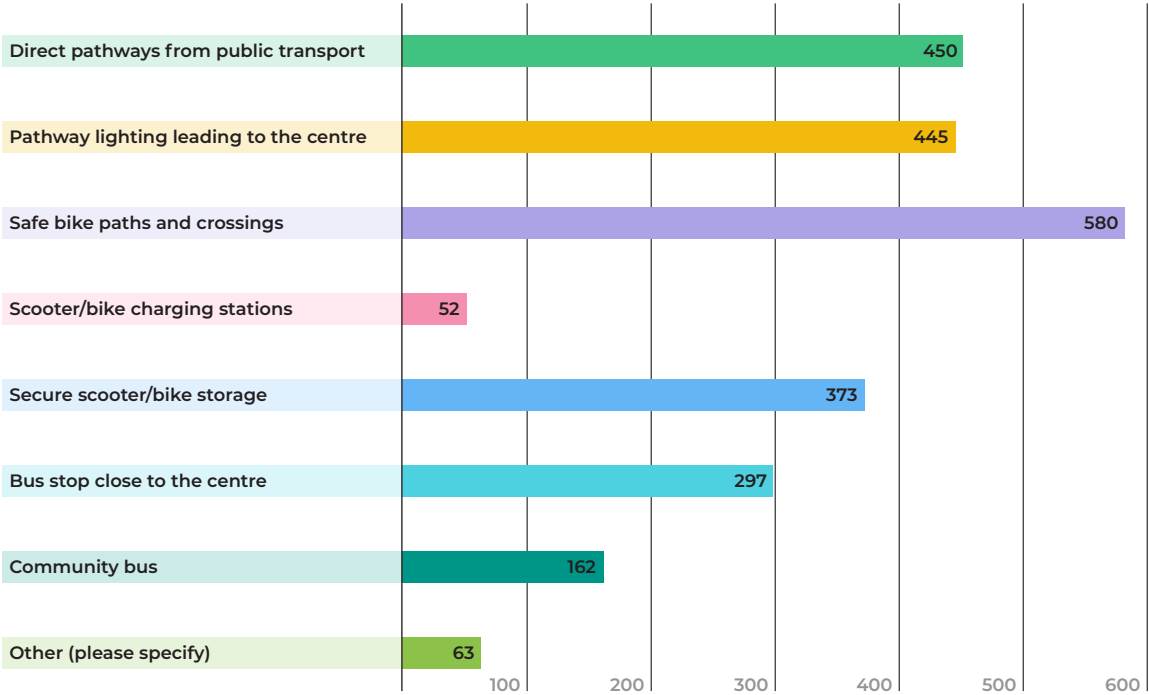
**781** Café Responses

**612** Barriers to Visiting Responses

# TRAVEL



We asked... which of the following would encourage you to ditch the car when coming to the centre?

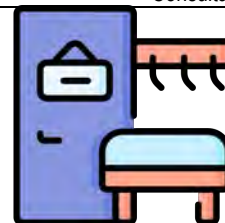


Safe bike paths and crossings, pathway lighting leading to the centre, and direct pathways from public transport are the key elements that will entice visitors to ditch the car to get to the centre.

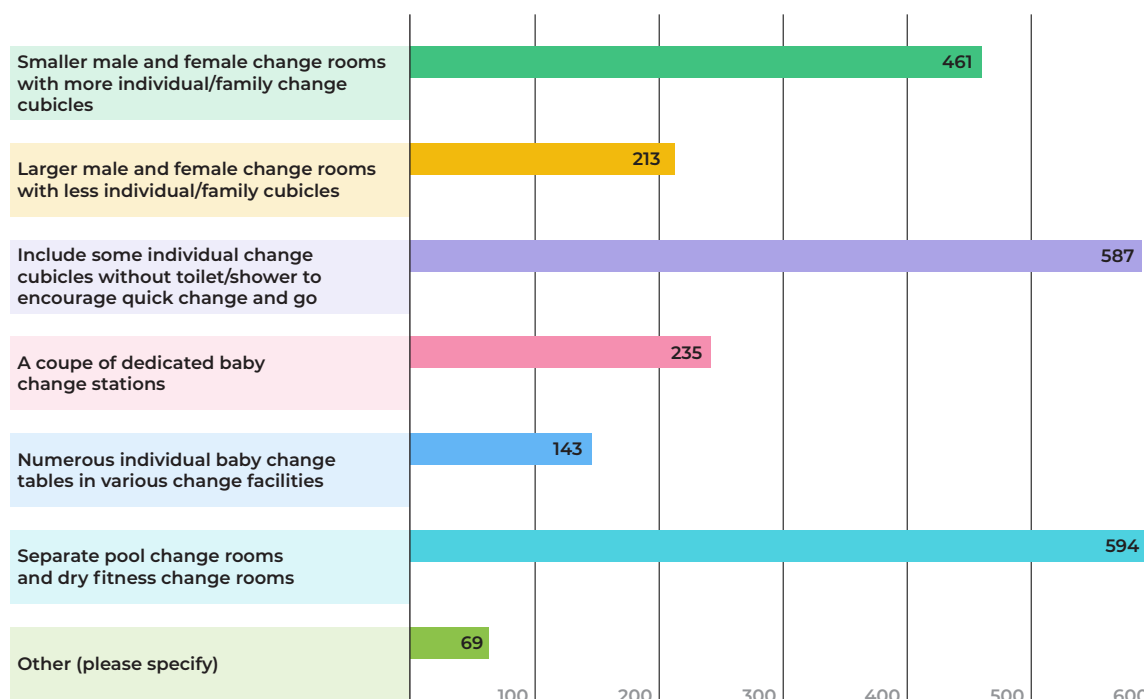
Key themes from those that selected 'Other' included:

- Noting that car was still their preferred mode of transport
- Reiterated the importance of good quality shared user paths

# CHANGE ROOMS



**We asked... when planning change rooms  
it would be great to consider...**

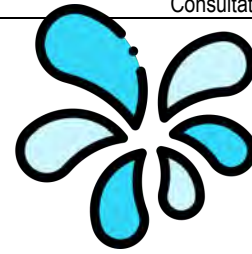


Including some individual change cubicles without toilets/showers to encourage quick change and go, separate pool change rooms and dry fitness change rooms, and smaller male and female change rooms with more individual/family change cubicles are key items to consider when planning change rooms.

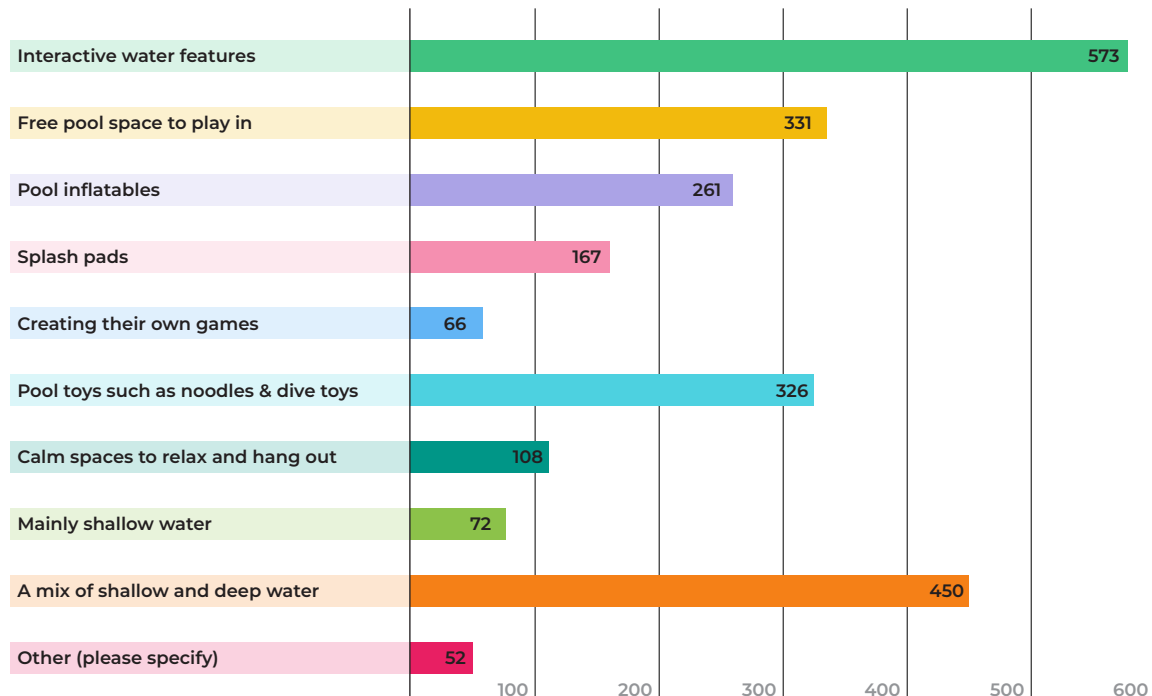
Key themes from those that selected 'Other' included:

- Retaining elements of privacy is important – including separate areas for young and old to change/shower/use amenities
- Comfort is important to people, with good quality showers and facilities receiving numerous mentions
- The importance of appropriate storage (towel hooks, lockers etc) was mentioned.

# WATER-PLAY



**We asked... what do kids love when playing at the pool?**  
Please choose up to 3 options



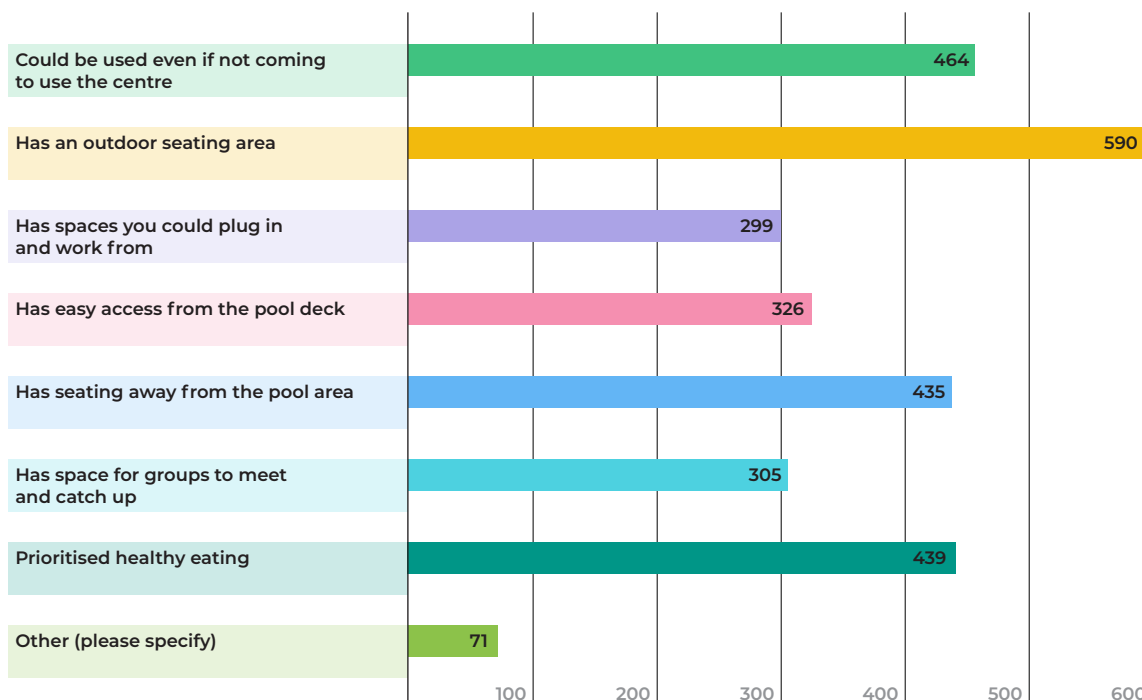
Interactive water features, a mix of shallow and deep water, and free play areas are the highest scoring items when respondents were asked what kids love playing with in the pool.

The key theme from those that selected 'Other' was water slides.

# CAFÉ



## We asked... it would be great if the cafe...



An outdoor seating area, access without entering the centre, and healthy food and drink options were rated highly when it came to the café.

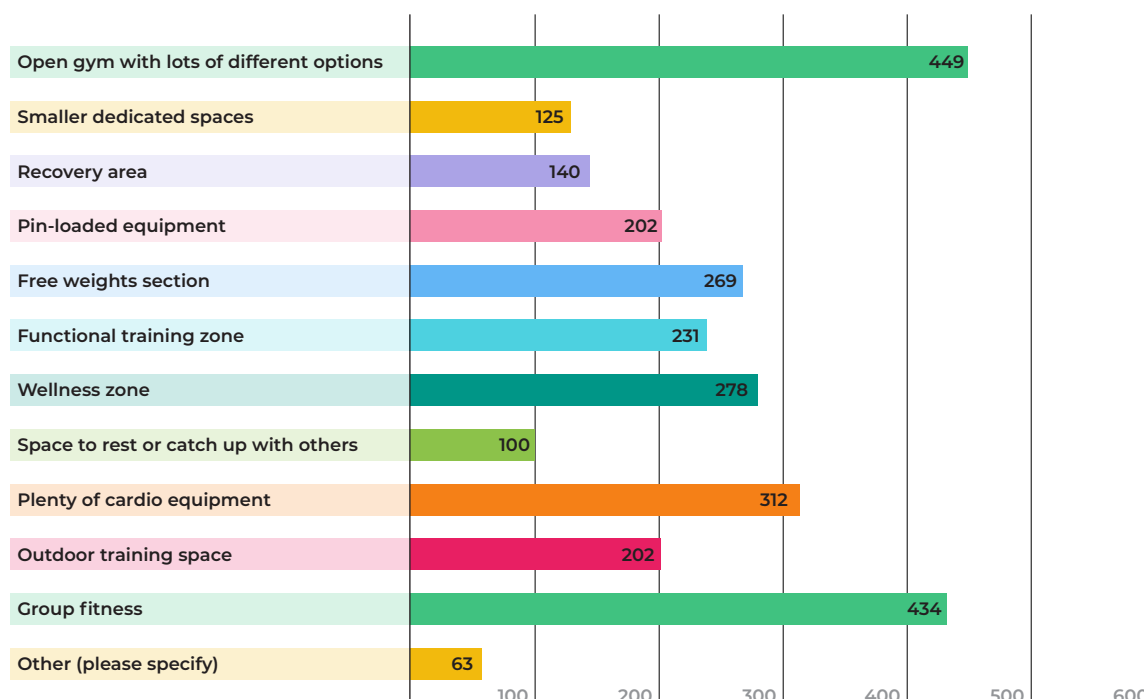
Key themes from those that selected 'Other' included:

- Good coffee is crucial
- The importance of good quality food including healthy food, vegan and vegetarian options
- Location and general comfort in the café is important with views to Jack Grut Reserve, dry areas, quiet areas and access from outside the centre noted.

# DRY FITNESS FACILITIES



**We asked... what dry fitness facilities would attract you the most?**



An open gym with lots of options, group fitness classes, and plenty of cardio equipment are the top items to attract people to dry-fitness areas.

Key themes from those that selected 'Other' included:

- Noting specific classes that people would like to see programmed – in particular reformer pilates and yoga
- The importance of fit-for-purpose spaces was noted – e.g. spin studio, reformer pilates/yoga studio, and adequate areas for stretching.



# BARRIERS TO VISITING

---



**Respondents were also asked what would stop them visiting the facility. This question was open-ended.**

---

Key themes included:

- Not enough parking
- Costs too much to visit
- Over-crowding at the centre
- If the centre is too noisy
- Lack of public transport options/  
and cycling and walking paths
- Poor lap lane availability
- Limited hours of operation
- Poor ventilation and cleanliness.

# WHAT'S NEXT...?

---

Feedback from the quick polls has been used to help refine the draft Concept Design for the new centre, and will also feed into schematic and detailed design stages.

Community consultation on the draft Concept Design will take place from 27 June – 23 July.

For more information, please visit the project page at [kingston.vic.gov.au/newcentre](http://kingston.vic.gov.au/newcentre)

## **11. Customer and Corporate Support Reports**

# Ordinary Council Meeting

26 June 2023

Agenda Item No: 11.1

## INFORMAL MEETINGS OF COUNCILLORS

Contact Officer: Gabrielle Pattenden, Governance Officer

### Purpose of Report

To provide copies of the Informal Meetings of Councillors records in line with Rule 1 of Chapter 6 of the Governance Rules to support openness and transparency of Governance processes.

### Disclosure of Officer / Contractor Conflict of Interest

No Council officer/s and/or Contractor/s who have provided advice in relation to this report have declared a Conflict of Interest regarding the matter under consideration.

### RECOMMENDATION

That Council receive the report.

## 1. Executive Summary

This report contains records for meetings defined as an Informal Meetings of Councillors under Rule 1 of Chapter 6 of the Governance Rules (the Rules).

## 2. Background

The Governance Rules require Informal Meetings of Councillors records to be reported to the next possible meeting of Council. This seeks to promote openness and transparency of Council decision making.

## 3. Discussion

### 3.1 Governance Rules Requirements

As prescribed by Rule 1 of Chapter 6 of the Rules, if there is a meeting of Councillors that:

- is scheduled or planned for the purpose of discussing the business of Council or briefing Councillors;
- is attended by at least one member of Council staff; and
- is not a Council meeting, Delegated Committee meeting or Community Asset Committee meeting.

the Chief Executive Officer must ensure that a summary of the matters discussed at the meeting are:

- a) tabled at the next convenient Council meeting; and
- b) recorded in the minutes of that Council meeting.

A standard Informal Meeting of Councillors form will be used as the record for the purposes of the Rules. These form the appendices to the report.

Rule 6 of Chapter 5 of the Rules requires Councillors attending a meeting under the auspices of Council (to which an Informal Meeting of Councillors falls under) to disclose a conflict of interest and leave the room whilst the matter is being considered.

**4. Consultation**

**4.1 Internal Consultation:**

Not applicable

**4.2 Community Consultation:**

Not applicable

**4.3 Results/Findings:**

Not applicable

**5. Compliance Checklist**

**5.1 Council Plan Alignment**

Strategic Direction: Well-governed - Council will be collaborative, accountable, transparent, responsive, well-informed and efficient.

Strategy: Hold ourselves to the highest standard of governance and integrity

The reporting of Informal Meetings of Councillors meets the requirements of the Rules and is consistent with the above Council Plan strategy.

**5.2 Governance Principles Alignment**

The reporting of Informal Meetings of Councillors aligns with Principle (i) - the transparency of Council decisions, actions and information is to be ensured.

**5.3 Financial Considerations**

**Projected costings**

Not applicable

**Budget**

Not applicable


**Staff Resources**

Not applicable

**5.4 Risk considerations**

Not applicable

## **Appendices**

Appendix 1 - Informal Meetings of Councillors Record - Councillor Information Session  
5 June 2023 (Ref 23/167779)  

Appendix 2 - Informal Meetings of Councillors Record 19 June 2023 (Ref 23/167560)   


Author/s: Gabrielle Pattenden, Governance Officer  
Reviewed and Approved By: Kelly Shacklock, Acting Manager Governance  
Dan Hogan, General Manager Customer and Corporate Support



# 11.1

## INFORMAL MEETINGS OF COUNCILLORS

- |   |  |     |
|---|--|-----|
| 1 | Informal Meetings of Councillors Record - Councillor<br>Information Session 5 June 2023..... | 361 |
| 2 | Informal Meetings of Councillors Record 19 June 2023 .....                                   | 365 |

## Informal Meetings of Councillors Record

### Governance Rules Chapter 6

This form must be completed by the appropriate attending Council Officer and submitted immediately to the Governance Department for reporting to Council.



### Meeting Details

**Date:** 5 June 2023

**Time:** 6.00pm

**Meeting Location:** Online via the Zoom Platform

**Meeting Reason:** Councillor Information Session

### Attendees:

#### Councillor/s:

Cr Hadi Saab (Mayor)  
Cr Chris Hill (Deputy Mayor)  
Cr Tamsin Bearsley  
Cr Tim Cochrane (arrived at 6.10pm)  
Cr Jenna Davey-Burns  
Cr Tracey Davies  
Cr Cameron Howe (arrived at 6.13pm)  
Cr George Hua  
Cr Georgina Oxley  
Cr Steve Staikos

#### Officer/s:

Jonathan Guttman, General Manager Planning and Place  
Dan Hogan, General Manager Customer and Corporate Support  
Sally Jones, General Manager Community Strengthening  
Samantha Krull, General Manager Infrastructure and Open Space  
Bernard Rohan, Chief Financial Officer  
Stephanie O'Gorman, Team Leader Council Governance  
Gabrielle Pattenden, Governance Officer  
Justin Welsford, Media and Communications Advisor  
Jaclyn Murdoch, Manager City Development  
Paul Marsden, Manager City Strategy  
Sarah Capenerhurst, Principal Strategic Planner  
Rita Astill, Team Leader Strategic Planning  
Chao Ren, Manager Project Management Office  
Justin Collin, Senior Project Manager  
Simon Doyle, Manager Arts, Events and Libraries  
Kate Waters, Manager Inclusive Communities  
Erin Pattie, Team Leader Health and Social Policy  
Mark Stockton, Team Leader Active Kingston Strategy and Projects  
Tracey Cheeseman, Manager Advocacy Communications and Engagement  
Yenni Lim, Manager Finance  
Julian Harvey, Manager Property Services

### Apologies:

Peter Bean, Chief Executive Officer

### Summary of Matters Discussed:

1. Acknowledgement of Country
2. Apologies
2. Declaration by Councillors, Officers and Contractors of any Conflict of Interest
4. Notes of the Strategic CIS Meeting of 15 May 2023
5. Ward Briefings (Nil)
6. Councillor Weekly Update and Executive Updates
  - Sustainable Business Awards

[continued over page](#)

1 of 2



## Informal Meetings of Councillors Record

### Governance Rules Chapter 6

This form must be completed by the appropriate attending Council Officer and submitted immediately to the Governance Department for reporting to Council.

- Mordialloc Water Tower
- Mordialloc Engagement
- Special Council Meeting
- 7. Planning Delegation Policy Emails - May 2023
- 8. Response to Resolution - Tree Removals Over 8m in Height - Planning and Local Law
- 9. Draft Agenda - Planning Committee
  - KP-2022/475 – 19-23 Central Avenue, Moorabbin
  - KP-2019/359/a – 94 Tootal Road, Dingley Village
  - Tree Removal Application at Holmesglen TAFE, 488 South Road, Moorabbin
- 10. Southern Metropolitan Regional Needs and Investment Framework
- 11. Planning Scheme Amendment C205king - Planning Panel report
- 12. Environment and Open Space Advisory Committee - May Meeting Notes
- 13. Award of Contract CON 22/132 - Internal Fit Out - Chelsea Men's Shed - Internal Refurbishment of Childcare Structure and Change in Use
- 14. Award of Contract CON 22/133 - Dingley Village Neighbourhood Centre - Stage 2 Construction
- 15. Draft Agenda - Ordinary Council Meeting - See Separate Agenda
  - 8.1 KP-2009/506 - 22 Flinders Street, Mentone
  - 8.2 Response to Resolution - Notice of Motion No. 3/2023 - Review of Approved
  - 9.1 Response to Resolution - Notice of Motion No. 13/2021 - Public Art Review
  - 9.2 Year 3 Health Plan Action Plan - Municipal Public Health and Wellbeing Plan 2021-25
  - 10.1 Bonbeach Sports Reserve Pavilion Development – Update
  - 10.2 Award of Contract - CON-23/034 Parkdale Yacht Club Carpark Construction
  - 11.1 Advocacy Quarterly Update – June
  - 11.2 Authorisation of Officers - Planning and Environment Act 1987
  - 11.3 CEO and General Manager Quarterly Expenses
  - 11.4 Quick Response Grants
  - 11.5 Appointment of Chair and Independent Members to the Audit and Risk Committee
  - 12. Chief Finance Office Reports
  - 12.1 Adoption of 2023/24 Budget, 2023-2033 Financial Plan and 2023-2027 Revenue &
  - 12.2 Proposed Sale of 33 Balcombe Road, Mentone
  - 12.3 Proposed Sale of Council Reserve (part) at 40 Redwood Drive, Dingley Village
  - 12.4 Proposed Sale of 6 Lochiel Avenue, Edithvale
  - 13. Confidential Items
  - 13.4 APT Lease
  - 13. Notices of Motion

#### Brief Explanation – Governance Rules Chapter 6:

- 1.1 If there is a meeting of Councillors that: 1.1.1 is scheduled or planned for the purpose of discussing the business of Council or briefing Councillors; and

1.1.2 is attended by at least 6 Councillors; and

1.1.3 is attended by at least one member of Council staff; and

1.1.4 is not a Council meeting, Delegated Committee meeting or Community Asset Committee meeting;

or

If there is a meeting of a Councillor or Councillors that is subject to the Planning Interactions Policy;

the Chief Executive Officer must ensure that a summary of the matters discussed at the meeting are:

(a) tabled at the next convenient Council meeting; and

(b) recorded in the minutes of that Council meeting.

Some examples of an Informal Meeting of Councillors will include:

- Councillor briefing session;
- Budget discussion;
- Workshop re key Council priorities;
- Site inspection;
- Preliminary planning conference

If you require further clarification, please contact the Governance team.



## Informal Meetings of Councillors Record

### Governance Rules Chapter 6

This form must be completed by the appropriate attending Council Officer and submitted immediately to the Governance Department for reporting to Council.

- 13.1 Notice of Motion No. 4/2023 - Cr Davies - Foreshore Guidelines  
 13.2 Notice of Motion No. 19/2023 - Cr Davies - Tree Planting  
 16. Invitations

#### Conflict of Interest Disclosures:

**Councillor Disclosures:** Nil

**Officer Disclosures:** Nil

Completed by: Gabrielle Pattenden, Governance Officer

Date: 5 June 2023

#### Brief Explanation – Governance Rules Chapter 6:

- 1.1 If there is a meeting of Councillors that: 1.1.1 is scheduled or planned for the purpose of discussing the business of Council or briefing Councillors; and

1.1.2 is attended by at least 6 Councillors; and

1.1.3 is attended by at least one member of Council staff; and

1.1.4 is not a Council meeting, Delegated Committee meeting or Community Asset Committee meeting;

or

If there is a meeting of a Councillor or Councillors that is subject to the Planning Interactions Policy;

the *Chief Executive Officer* must ensure that a summary of the matters discussed at the meeting are:

(a) tabled at the next convenient Council meeting; and

(b) recorded in the minutes of that Council meeting.

Some examples of an Informal Meeting of Councillors will include:

- Councillor briefing session;
- Budget discussion;
- Workshop re key Council priorities;
- Site inspection;
- Preliminary planning conference

*If you require further clarification, please contact the Governance team.*

# Informal Meetings of Councillors Record

## Governance Rules Chapter 6

This form must be completed by the appropriate attending Council Officer and submitted immediately to the Governance Department for reporting to Council.



### Meeting Details

**Date:** 19 June 2023

**Time:** 6.00pm

**Meeting Location:** via Microsoft Teams

**Meeting Reason:** Strategic Councillor Information Session

### Attendees:

#### Councillors

Cr Hadi Saab (Mayor) (departed at 6.15pm)  
 Cr Chris Hill (Deputy Mayor) (arrived at 6.08pm)  
 Cr Tim Cochrane (arrived at 6.12pm)  
 Cr Tracey Davies (arrived at 6.03pm)  
 Cr Jenna Davey-Burns  
 Cr Cameron Howe (camera off)  
 Cr Georgina Oxley (camera off)  
 Cr Steve Staikos

#### Officers

Peter Bean, Chief Executive Officer  
 Jonathan Guttman, General Manager Planning and Place  
 Dan Hogan, General Manager Customer and Corporate Support  
 Sally Jones, General Manager Community Strengthening  
 Samantha Krull, General Manager Infrastructure and Open Space  
 Bernard Rohan, Chief Financial Officer  
 Tracey Cheeseman, Manager Advocacy, Engagement and Communications  
 Kelly Shacklock, Acting Manager Governance  
 Patrick O'Gorman, Governance Officer  
 Kate Waters, Manager Inclusive Communities  
 Claire Tietze, Acting Team Leader Community Capacity and Partnerships  
 Simon Doyle, Manager Arts, Events & Libraries  
 Bridget Draper, Manager Active Kingston  
 Chao Ren, Manager Project Management Office  
 Anne Diplock, Senior Project Manager  
 Kim Marshall, Strategic Co-ordinator Leisure Facilities  
 Mark Patterson, Manager Family, Youth & Children's Services  
 Jake McGuinness, Advocacy Lead  
 Amanda Rigby, Manager Customer Experience & Corporate Performance  
 Julian Harvey, Manager Property

#### Guests

Nick Cini, Design Direct CO.OP Studio  
 Ben Tole, Lead Project Architect CO.OP Studio  
 Roha Wee – Architect CO.OP Studio

### Apologies:

Cr Tamsin Bearsley

### Summary of Matters Discussed:

1. Acknowledgement of Country
2. Apologies
3. Disclosures by Councillors, Officers and Contractors of any Conflict of Interest
4. Notes of the Strategic CIS Meeting 5 June 2023
5. Councillor Weekly Update and Executive Updates
6. Update on the Community Grants Review

[continued over page](#)

1 of 2

# Informal Meetings of Councillors Record

## Governance Rules Chapter 6

This form must be completed by the appropriate attending Council Officer and submitted immediately to the Governance Department for reporting to Council.



7. 2023-24 Arts Grant Program – Funding Recommendations for Grant Allocations
8. Draft Sporting Reserve Pavilion Prioritisation Strategy
9. Business and Economic Development Advisory Committee (BEDAC) Meeting Notes – 16 May 2023
10. Access and Equity Advisory Committee
11. Community Safety Advisory Committee
12. FY 22/23 Capital Budget Report – May 2023 and EOFY Forecast
13. Kingston's New Aquatic and Leisure Centre Concept Design
14. Kindergarten Services at Council's Family & Children's Centres
15. Fees & Charges – Council's Family & Children's Centres
16. Advocacy Strategy
17. Council Plan Year Three Annual Action Plan 2023-24 Final
18. Councillor Request App
19. Proposed Lease of 640 Nepean Highway Carrum (Carrum Restaurant / Café)
20. Springvalley Reimbursement
21. Cultural & Recreational Land Agreements: Proposed Update and Engagement with Clubs
22. Response to Resolution – Tree Removals Over 8m in Height – Planning and Local Law
23. Report on Legal Expenditure
24. Invitations
25. Councillor/CEO Only Discussion

### Conflict of Interest Disclosures:

**Councillor Disclosures: Nil**

**Officer Disclosures: Nil**

Completed by: Patrick O'Gorman  
Date: 19/06/2023

### Brief Explanation – Governance Rules Chapter 6:

If there is a meeting of Councillors that:

- 1.1 is scheduled or planned for the purpose of discussing the business of *Council* or briefing Councillors;
- 1.2 is attended by at least 6 Councillors; and
- 1.3 is attended by at least one member of Council staff; and
- 1.4 is not a *Council meeting*, *Delegated Committee* meeting or *Community Asset Committee* meeting

or

If there is a meeting of a Councillor or Councillors that is subject to the Planning Interactions Policy;

the *Chief Executive Officer* must ensure that a summary of the matters discussed at the meeting are:

- (a) tabled at the next convenient *Council meeting*; and
- (b) recorded in the minutes of that *Council meeting*.

Some examples of an Informal Meeting of *Councillors* will include:

- Councillor briefing session;
- Meeting / briefing of one or more Ward Councillors;
- Advisory committee where one or more Councillor/s is present;
- Budget discussion;
- Workshop re key Council priorities;
- Site inspection;
- Preliminary planning conference

*If you require further clarification, please contact the Governance team.*



# Ordinary Council Meeting

26 June 2023

Agenda Item No: 11.2

## CEO AND GENERAL MANAGER QUARTERLY EXPENSES

Contact Officer: Patrick O'Gorman, Governance Officer

### Purpose of Report

To present to Council the CEO and General Managers' expenses for noting.

### Disclosure of Officer / Contractor Conflict of Interest

No Council officer/s and/or Contractor/s who have provided advice in relation to this report have declared a Conflict of Interest regarding the matter under consideration.

### RECOMMENDATION

That Council receive the report.

## 1. Executive Summary

In accordance with Council's resolution at its meeting on 23 March 2020, expenses claimed by the CEO and General Managers for each quarter of the financial year are presented to Council to note. This report details the expenses for the January to March quarter of the 2022 - 2023 financial year.

## 2. Background

The following resolution was moved by Council on 23 March 2020 (refer to Item 12.2 of the Minutes).

- 1. That Council determine to make public the CEO contract (with the exception of the key performance objectives) and CEO / General Manager expenses in the same way as Councillor expenses.*
- 2. Further that this occur subject to the compliance with the Privacy and Data Protection Act 2014 (VIC), and the Australian Privacy Principles.*
- 3. Further that a report come to council no less than every quarter to note such expenses.*

This report responds to part 3 of the resolution.

## 3. Discussion

### 3.1 Transparency

Council made the resolution for CEO and General Manager expenses to be consistent with the reporting of Councillor Expenses. The attached table presents the information in the same manner as the reporting of Councillor Expenses and will be made available via Council's website.

**4. Consultation**

Not applicable to this report.

**5. Compliance Checklist**

**5.1 Council Plan Alignment**

Strategic Direction: Well-governed - Council will be collaborative, accountable, transparent, responsive, well-informed and efficient.

Strategy: Look after the community's financial resources responsibly and efficiently  
This report and the publication of the attached table to Council's external website highlight the organisations commitment transparency and ensuring appropriate spending of resources.

**5.2 Governance Principles Alignment**


Principle (g) - the ongoing financial viability of the Council is to be ensured.

Principle (i) - the transparency of Council decisions, actions and information is to be ensured.

**5.3 Risk considerations**

Not applicable to this report.

**Appendices**

Appendix 1 - CEO and General Manager Expenses 1 January - 31 March 2023 (Ref 23/141296) 

Author/s: Patrick O'Gorman, Governance Officer

Reviewed and Approved By: Stephanie O'Gorman, Team Leader Council Governance  
Kelly Shacklock, Acting Manager Governance  
Dan Hogan, General Manager Customer and Corporate Support

# 11.2

## CEO AND GENERAL MANAGER QUARTERLY EXPENSES

1	CEO and General Manager Expenses 1 January - 31 March 2023 .....	371
---	---	-----

# CEO and General Manager Expenses 1 January to 31 March 2023



City of  
**KINGSTON**

	Communications expenses (mobile phones, tablets, and wireless data cards)	Travel intrastate	Travel interstate	Travel Overseas	Training, Conferences and Education	Other Expenditure
Chief Executive Officer – Peter Bean	\$200.83					
Chief Financial Officer – Bernard Rohan	\$104.94				\$46.00	
General Manager Infrastructure and Open Space – Samantha Krull	\$104.94	\$56.00				\$49.00
General Manager Community Strengthening – Sally Jones	\$139.35					
General Manager Customer and Corporate Support – Dan Hogan	\$104.94					
General Manager Planning and Place – Jonathan Guttman	\$154.34					

TRIM 23/141296

Agenda Item No: 11.3

## AUTHORISATION OF OFFICERS - PLANNING AND ENVIRONMENT ACT 1987

Contact Officer: Ellie Lockard, Acting Governance Officer Compliance

### Purpose of Report

The purpose of this report is to authorise officers for the purposes of the *Planning and Environment Act 1987* (the PE Act) and regulations made under that Act.

### Disclosure of Officer / Contractor Conflict of Interest

No Council officer/s and/or Contractor/s who have provided advice in relation to this report have declared a Conflict of Interest regarding the matter under consideration.

### RECOMMENDATION

That:

1. In the exercise of the powers conferred by s147(4) of the PE Act, Kingston City Council resolves that the members of Council staff referred to in the instruments attached be appointed and authorised as set out in the instrument.
2. The instrument comes into force immediately on resolution and remain in force until such time as the officer is no longer employed, contracted or otherwise engaged to undertake the duties on behalf of Kingston City Council, unless Council determines to vary or revoke it earlier.

## 1. Executive Summary

A resolution of Council is sought to appoint and authorise members of Council staff under the PE Act. Instruments of Appointment and Authorisation under the Act must be approved by resolution of Council.

The request for authorisation is for:

- one permanent staff appointment, Lulu Zhang, Team Leader – Statutory Planning (Appendix 1)
- one temporary staff appointment until 12 July 2024, Michael Churilov, Planning Appeals Coordinator (Appendix 2)
- one permanent staff appointment, Brook Ludinski, VicSmart / Fast Track Officer (Appendix 3)

## 2. Background

Instruments of Appointment and Authorisation under the PE Act must be approved by resolution of Council. As the *responsible authority* under the PE Act, Council can authorise officers under section 147(4) of the PE Act.

The authorisation of officers under other Acts, including the *Local Government Act 1989* and Council's Local Laws is currently performed by the General Managers. Officers are

authorised under the *Local Government Act 1989* to enforce the *Local Government Act 1989*, the *Local Government Act 2020* and the Local Laws made under those Acts.

### **3. Discussion**

#### **3.1 First Discussion Point**

##### **Operation and Strategic Issues**

The proper appointment and authorisation of officers is an essential governance requirement for Council enforcement functions. New authorisations are required when new staff join Council or existing staff are appointed to roles requiring authorisation. Reviews are undertaken regularly to ensure all officers have the appropriate authorisations to carry out their roles effectively.

### **4. Consultation**

#### **4.1 Internal Consultation:**

The administration for the appointment and authorisation of officers is undertaken by the Governance team. Governance maintains the register of authorised officers, produces the draft instruments for approval by the relevant authority and, upon approval, organises the issuing of authorised officer identity cards.

The Manager City Development has been involved in the development of these Instruments.

#### **4.2 Community Consultation:**

Not applicable

### **5. Compliance Checklist**

#### **5.1 Council Plan Alignment**

Strategic Direction: Well-governed - Council will be collaborative, accountable, transparent, responsive, well-informed and efficient.

Strategy: Hold ourselves to the highest standard of governance and integrity

#### **5.2 Governance Principles Alignment**



Principle (a) - Council actions are to be made and actions taken in accordance with the relevant law. Authorisation under the PE Act is essential to empower the officer to carry out their role on behalf of Council.



#### **5.3 Risk considerations**

The proper appointment and authorisation of officers is important as the Instruments may be used in Court to demonstrate that a person purporting to be an authorised officer was duly authorised to take the action or make the decision they made. If the appointment and authorisation are not properly made, the officer's actions or decisions could be deemed invalid.



**Appendices**

Appendix 1 - DRAFT S11A Instrument of Appointment and Authorisation - Team Leader  
Statutory Planning - Lulu Zhang (Ref 23/134271)  

Appendix 2 - DRAFT S11A Instrument of Appointment and Authorisation - Planning  
Appeals Coordinator - Michael Churilov (Ref 23/154333)  

Appendix 3 - DRAFT S11A Instrument of Appointment and Authorisation - VicSmart  
Fast Track Officer - Brook Ludinski (Ref 23/164299)  

Author/s: Ellie Lockard, Acting Governance Officer Compliance  
Reviewed and Approved By: Kelly Shacklock, Acting Manager Governance  
Dan Hogan, General Manager Customer and Corporate Support

# 11.3

## AUTHORISATION OF OFFICERS - PLANNING AND ENVIRONMENT ACT 1987

- 1 DRAFT S11A Instrument of Appointment and Authorisation -  
Team Leader Statutory Planning - Lulu Zhang ..... 379
- 2 DRAFT S11A Instrument of Appointment and Authorisation -  
Planning Appeals Coordinator - Michael Churilov ..... 381
- 3 DRAFT S11A Instrument of Appointment and Authorisation -  
VicSmart Fast Track Officer - Brook Ludinski ..... 383



## **Instrument of Appointment and Authorisation (*Planning and Environment Act 1987*)**

In this instrument "officer" means –

**Lulu Zhang**

**By this instrument of appointment and authorisation Kingston City Council -**

1. under s 147(4) of the *Planning and Environment Act 1987* - appoints the officer to be an authorised officer for the purposes of the *Planning and Environment Act 1987* and the regulations made under that Act; and
2. under s 313 of the *Local Government Act 2020* authorises the officer either generally or in a particular case to institute proceedings for offences against the Acts and regulations described in this instrument.

**It is declared that** this instrument -

- (a) comes into force immediately upon its execution;
- (b) remains in force until such time as the officer is no longer employed, contracted or otherwise engaged to undertake the duties on behalf of Kingston City Council, unless varied or revoked earlier.

This instrument is authorised by a resolution of the Kingston City Council on **26 June 2023**



## **Instrument of Appointment and Authorisation (*Planning and Environment Act 1987*)**

In this instrument "**officer**" means -

**Michael Churilov**

**By this instrument of appointment and authorisation Kingston City Council -**

1. under s 147(4) of the *Planning and Environment Act 1987* - appoints the officer to be an authorised officer for the purposes of the *Planning and Environment Act 1987* and the regulations made under that Act; and
2. under s 313 of the *Local Government Act 2020* authorises the officer either generally or in a particular case to institute proceedings for offences against the Acts and regulations described in this instrument.

**It is declared that** this instrument -

- (a) comes into force immediately upon resolution of Council;
- (b) remains in force until such time as the officer is no longer employed, contracted or otherwise engaged to undertake the duties on behalf of Kingston City Council, unless varied or revoked earlier.

This instrument is authorised by a resolution of the Kingston City Council on **26 June 2023**



## **Instrument of Appointment and Authorisation (*Planning and Environment Act 1987*)**

In this instrument "**officer**" means -

**Brook Ludinski**

**By this instrument of appointment and authorisation Kingston City Council -**

1. under s 147(4) of the *Planning and Environment Act 1987* - appoints the officer to be an authorised officer for the purposes of the *Planning and Environment Act 1987* and the regulations made under that Act; and

**It is declared that** this instrument -

- (a) comes into force immediately upon resolution of Council;
- (b) remains in force until such time as the officer is no longer employed, contracted or otherwise engaged to undertake the duties on behalf of Kingston City Council, unless varied or revoked earlier.

This instrument is authorised by a resolution of the Kingston City Council on 26 June 2023

# Ordinary Council Meeting

26 June 2023

**Agenda Item No: 11.4**

## **APPOINTMENT OF CHAIR AND INDEPENDENT MEMBERS TO THE AUDIT AND RISK COMMITTEE**

**Contact Officer: Kelly Shacklock, Acting Manager Governance**

### **Purpose of Report**

The purpose of this report is to seek Council endorsement to appoint to the Audit and Risk Committee; Claire Filson (as Chair), Geoff Harry and Bruce Potgieter as independent members.

### **Disclosure of Officer / Contractor Direct or Indirect Interest**

No Council officer/s and/or Contractor/s who have provided advice in relation to this report have declared a Conflict of Interest regarding the matter under consideration.

### **OFFICER RECOMMENDATION**

That Council appoint to the Audit and Risk Committee:

- Bruce Potgieter as independent member for a period of one year expiring on 30 June 2024;
- Claire Filson as Chair for a period of two years expiring on 30 June 2025; and
- Geoff Harry as independent member for a period of three years expiring on 30 June 2026.

### **1. Executive Summary**

In accordance with the Audit Committee Charter, members are eligible for re-appointment by Council on the recommendation of the Chief Executive Officer. Reappointment of the current independent members is recommended based on positive performance, continued capability as required by the Charter and providing stability of the function noting change of Internal Audit Services.

It is acknowledged the Charter sets out provision for three-year terms of independent members. However, as the Charter also requires orderly rotation of members for effective succession planning, the below terms are recommended:

- Bruce Potgieter for a period of one year expiring on 30 June 2024;
- Claire Filson as Chair for a period of two years expiring on 30 June 2025; and
- Geoff Harry for a period of three years expiring on 30 June 2026.



## **2. Background**

Council is required to establish an Audit and Risk Committee as required by section 53 of the Local Government Act 2020. The Audit and Risk Committee must consist of a majority of members who are not Councillors of the Council and who collectively have:

- expertise in financial management and risk; and
- experience in public sector management.

## **3. Discussion**

### **3.1 Key Changes to the Policy Framework**

#### Current expiry arrangements of Committee

The current terms of the Committee are due to expire this year and specific concluding dates are as follows:

- Claire Filson, Audit and Risk Committee Chair, 30 June 2023
- Geoff Harry, Independent Committee Member, 31 July 2023
- Bruce Potgieter, Independent Committee Member, 30 September 2023

It is recommended that all members are reappointed based on performance, capability, and continuity. The reappointment and recommended terms ensure that members will not conclude as members in close succession.

#### Review of Appointment Terms - Independent Committee Members

The review of appointment terms addresses the need to achieve orderly rotation of the Committee members. The staggered conclusion of terms over a three-year period ensures a balance of stability and continuity of knowledge for the Audit and Risk Committee to perform its function. This rotation also ensures effective onboarding of new members to compliment the overall performance of the Committee.

#### Internal Audit Service

The provision of Internal Audit Service has recently been subject to a competitive tender process to appoint a new Internal Auditor. Council's previous Internal Auditor had been engaged for a period of time that required conclusion of the contract, allowing for best practice audit rotation. The Audit and Risk Committee oversees the Internal audit plans, scopes and final reports with ongoing monitoring of implementation of recommendations by respective business areas.

## **4. Compliance Checklist**

### **4.1 Council Plan Alignment**

Strategic Direction: 5 - Our well-governed and responsive organisation  
Strategy: 5.1 - Support decision making to provide an efficient and effective council which embodies the principles of democracy

### **4.2 Governance Principles Alignment**

- Principle (a) - Council actions are to be made and actions taken in accordance with the relevant law
- Principle (e) - innovation and continuous improvement is to be pursued.
- Principle (i) - the transparency of Council decisions, actions and information is to be ensured.

This report aligns with the abovementioned Governance principles.

**4.3 Financial Considerations**

There is no adverse financial impact to the continued appointments of the Committee.

Author/s: Kelly Shacklock, Acting Manager Governance

Reviewed and Approved By: Dan Hogan, General Manager Customer and Corporate Support

# Ordinary Council Meeting

26 June 2023

Agenda Item No: 11.5

## QUICK RESPONSE GRANTS

Contact Officer: Gabrielle Pattenden, Governance Officer

### Purpose of Report

To seek Council's consideration of Quick Response Grant applications received.

### Disclosure of Officer / Contractor Conflict of Interest

No Council officer/s and/or Contractor/s who have provided advice in relation to this report have declared a Conflict of Interest regarding the matter under consideration.

### RECOMMENDATION

That Council approve the following Quick Response Grant applications:

- Bayside Community Information and Support Service Inc - \$545.00 (subject to further information)
- Senior Citizens of the Freccia Azzurra Club Inc - \$1500.00
- Carrum Cricket Club - \$1137.00
- Menteed Incorporated - \$1500.00 00 (subject to further information)
- Le Page Park Cricket Club - \$1500.00

That Council not approve the following Quick Response Grant Application:

- Multicultural Nature Guides

## 1. Executive Summary

The Quick Response Grants Program gives individuals and community groups the opportunity to apply for small grants required at short notice to help them achieve their goals and ambitions.

This Program responds to the community's need for a form of grant that is flexible and efficient in terms of the time between application and approval and applies to smaller amounts of funding to a maximum of \$1,500.00.

Quick Response Grants are a category under Council's Community Grants Program.

## 2. Background

In April 2019 Council revised the Quick Response Grants Guidelines. Grant applications are checked for eligibility in line with a set of criteria outlined in the Guidelines. An application must be submitted to Council and considered for approval at a Council Meeting.

Any not-for-profit group, school or community organisation providing services within the City of Kingston may apply.

Individuals must be a resident of the City of Kingston and participating in an activity in an unpaid capacity and not as a requirement of any formal course of study or of their employment. Individuals can apply for a grant to assist them to participate in a sporting, educational, recreational or cultural activity; other pursuit of a personal development nature; which will have a clear benefit to the community.

Community groups can apply for a grant to assist with the provision of a service, program or activity used by or of benefit to Kingston residents.

### **3. Discussion**

#### **3.1 Assessment and Application Criteria**

Applications for Quick Response Grants are assessed against the criteria outlined in the guidelines as follows:

- Are funds needed at short notice or can they wait for the Annual Grants program?
- Does the proposed activity/event/project benefit the City of Kingston residents?
- Has the applicant demonstrated a clear need for funds?
- Has the applicant received any other funding from Council?
- That the organisation is a not-for-profit and has a bank account in the name of organisation.
- Can the project be funded under any other Council grant program?

### **4. Consultation**

#### **4.1 Internal Consultation:**

N/A

#### **4.2 Community Consultation:**

N/A

#### **4.3 Results/Findings:**

N/A

### **5. Compliance Checklist**

#### **5.1 Council Plan Alignment**

Strategic Direction: Healthy and inclusive - We are progressive, inclusive and prioritise the wellbeing of all members of our community.

Strategy: Support the inclusion of everyone in community life

#### **5.2 Governance Principles Alignment**

Principle (b) - priority is to be given to achieving the best outcomes for the municipal community, including future generations.

Principle (i) - the transparency of Council decisions, actions and information is to be ensured.

#### **5.3 Financial Considerations**

##### **Projected costings**

Not applicable

**City of Kingston  
Ordinary Council Meeting**

**Agenda**

**26 June 2023**

**Budget**

An amount of \$55,000 per annum has been allocated for this program.

**Staff Resources**

Not applicable

**5.4 Risk considerations**

Not applicable

**6. Applications**

Name:	Bayside Community Information and Support Service Inc	
Amount requested:	\$545.00	
Description of Project/Event:	Luke (Moorabbin resident) has a disability and is seeking volunteer work with foodbank or a similar agency in the City of Kingston. He wishes to undertake a training course to get his forklift licence. Luke has a disability and has had problems accessing employment in the past. His long term goal is to receive employment, be more socially connected and participate in the community. Luke is unable to access NDIS funding or free TAFE. He was advised by Holmesglen that they will contact him in the future but he has not heard from them.	
How the funds will be used:	Luke will undertake training with the Centre of Vocational training and complete his licence to operate a forklift	
Assessment Criteria:		
• The applicant meets the eligibility criteria		✓
• Funds are needed at short notice		✓
• The activity/event/project benefits the City of Kingston residents		?
• The applicant has demonstrated a clear need for funds		✓
• The applicant has not received any other funding from Council for this project		✓
• The applicant is an individual or not for profit organisation		✓
• The project cannot be funded under any other Council Grant program		✓
Grants received in current or last financial year		
Nil		
Officer Comment:		
This application meets the assessment criteria and is recommended for approval for an amount of \$545.00, subject to further information being sought from the applicant regarding demonstration of community benefit.		

**City of Kingston  
Ordinary Council Meeting**

**Agenda**

**26 June 2023**

<b>Name:</b>	<b>Senior Citizens of the Freccia Azzurra Club Inc</b>	
<b>Amount requested:</b>	\$1500.00	
<b>Description of Project/Event:</b>	Sicilia Night. Traditional dancing and music and food from Sicily for the whole family	
<b>How the funds will be used:</b>	Tamborines, bands, singers, prizes	
<b>Assessment Criteria:</b>	<ul style="list-style-type: none"><li>• The applicant meets the eligibility criteria</li><li>• Funds are needed at short notice</li><li>• The activity/event/project benefits the City of Kingston residents</li><li>• The applicant has demonstrated a clear need for funds</li><li>• The applicant has not received any other funding from Council for this project</li><li>• The applicant is an individual or not for profit organisation</li><li>• The project cannot be funded under any other Council Grant program</li></ul>	<div>✓</div> <div>✓</div> <div>✓</div> <div>✓</div> <div>✓</div> <div>✓</div> <div>✓</div>
<b>Grants received in current or last financial year</b> Partnership Grant - \$1688.26 – January 2022 Meals Grant - \$3000.00 – April 2022 Partnership Grant - \$1738.91 – November 2022 Meals Grant - \$3000.00 – November 2022		
<b>Officer Comment:</b> This application meets the assessment criteria and is recommended for approval for an amount of \$1500.00.		

<b>Name:</b>	<b>Carrum Cricket Club</b>	
<b>Amount requested:</b>	\$1137.00	
<b>Description of Project/Event:</b>	Our club needs to transition to a new registration, scoring, statistical, fixtures, ladders platform called playHQ. The administration and maintenance will be more demanding on the volunteers of the club especially on pre-game day, game and post match reporting. Plus all the setup to link managers, coaches and captains through the platform needs to all be facilitated through the online application and portal. We will need a cellular tablet to support, administer and manage all these activities.	
<b>How the funds will be used:</b>	Cellular tablet \$779, replacement plan \$129, protective hard case \$60, portable power \$60, power adapter \$29	
<b>Assessment Criteria:</b>	<ul style="list-style-type: none"><li>• The applicant meets the eligibility criteria</li><li>• Funds are needed at short notice</li><li>• The activity/event/project benefits the City of Kingston residents</li><li>• The applicant has demonstrated a clear need for funds</li><li>• The applicant has not received any other funding from Council for this project</li><li>• The applicant is an individual or not for profit organisation</li><li>• The project cannot be funded under any other Council Grant program</li></ul>	<div>✓</div> <div>✓</div> <div>✓</div> <div>✓</div> <div>✓</div> <div>✓</div> <div>✓</div>
<b>Grants received in current or last financial year</b> Nil		
<b>Officer Comment:</b> This application meets the assessment criteria and is recommended for approval for an amount of \$1137.00.		



**City of Kingston  
Ordinary Council Meeting**

**Agenda**

**26 June 2023**

<b>Name:</b>	<b>Menteed Incorporated</b>	
<b>Amount requested:</b>	\$1500.00	
<b>Description of Project/Event:</b>	<p>Menteed Incorporated conducts a board gaming event once in a month. Board Gamers is a vibrant community of board game enthusiasts based in suburbs around Kingston city council. The community was founded with the aim of bringing together people who share a passion for board games and creating a fun and social space where members can meet new people and enjoy their favourite hobby. The community comprises of people of all ages, backgrounds, and skill levels. Members meet up once a month at Highett community centre to play board games, gather and engage in friendly competition. The community is open to anyone who loves board games, whether they are experienced players or just starting out. Mentee plans to host regular events, including game nights, tournaments, and themed events. We have a diverse collection of games, from classic board games like Monopoly and Clue to modern strategy games like Settlers of Catan, Ticket to Ride, and Carcassonne. Members are encouraged to bring their own games to events, and the community is always open to trying new games. In addition to in-person events, Members can connect through social media, online forums, and messaging groups, allowing them to share tips, ask for advice, and organize game nights. Overall, Melbourne Board Gamers meet up organised by Mentee Incorporated is a welcoming and inclusive community that provides a fun and social environment for people to come together and enjoy their love of board games.</p>	
<b>How the funds will be used:</b>	<p>Venue rental: The cost of renting a suitable space for the event, such as a community centre, convention hall, or meeting room. Event promotion: Expenses for advertising, including online ads, flyers, posters, or social media promotions to spread the word about the event.</p> <p>Equipment and supplies: This includes items like dice, game boards, timers, score sheets, markers, or any other necessary supplies for playing the board games. Insurance: Depending on the event's scale, you may need to obtain liability insurance to protect yourself and the participants in case of any accidents or incidents. Utilities and miscellaneous expenses: Consider additional costs such as electricity, water, cleaning services, trash disposal, printing, and other miscellaneous expenses.</p>	
<b>Assessment Criteria:</b>	<ul style="list-style-type: none"> <li>• The applicant meets the eligibility criteria</li> <li>• Funds are needed at short notice</li> <li>• The activity/event/project benefits the City of Kingston residents</li> <li>• The applicant has demonstrated a clear need for funds</li> <li>• The applicant has not received any other funding from Council for this project</li> <li>• The applicant is an individual or not for profit organisation</li> <li>• The project cannot be funded under any other Council Grant program</li> </ul>	✓ ✓ ✓ ✓ ✓ ✓ ✓
<b>Grants received in current or last financial year</b> Nil		
<b>Officer Comment:</b> This application meets the assessment criteria and is recommended for approval for an amount of \$1500.00, subject to further information being sought from the applicant regarding their membership and location.		

**City of Kingston  
Ordinary Council Meeting**

**Agenda**

**26 June 2023**

<b>Name:</b>	<b>Le Page Park Cricket Club</b>	
<b>Amount requested:</b>	\$1500.00	
<b>Description of Project/Event:</b>	Our project is to run a promotional night for Girls and Women's cricket to celebrate our girls' achievements and to encourage ongoing participation via the new Women's teams that we'll launch in the 2023/24 & 2024/25 seasons. We will then need to purchase extra equipment for our new Women's team/s.	
<b>How the funds will be used:</b>	The funds will be used to run the aforementioned event and also purchase necessary equipment to field our extra women's teams.	
<b>Assessment Criteria:</b>		
• The applicant meets the eligibility criteria		✓
• Funds are needed at short notice		✓
• The activity/event/project benefits the City of Kingston residents		✓
• The applicant has demonstrated a clear need for funds		✓
• The applicant has not received any other funding from Council for this project		✓
• The applicant is an individual or not for profit organisation		✓
• The project cannot be funded under any other Council Grant program		✓
<b>Grants received in current or last financial year</b>		
Annual Grant - \$2000.00 – August 2021		
<b>Officer Comment:</b>		
This application meets the assessment criteria and is recommended for approval for an amount of \$1500.00.		

**City of Kingston  
Ordinary Council Meeting**

**Agenda**

**26 June 2023**

<b>Name:</b>	<b>Multicultural Nature Guide</b>	
<b>Amount requested:</b>	\$1500.00	
<b>Description of Project/Event:</b>	This was a very successful project for members last year and we would like to offer similar events for our members. The project is aiming to arrange monthly gatherings for club members. Members love sharing time with each other and have outings to look forward to. Members have requested more frequent cultural gatherings and trips to nature with Russian speaking guides. If funding is granted we will be able to arrange travel and guide arrangements for the members. This will ensure that members are connected to their music, food and culture, resulting members leaving the gathering feeling uplifted, positive, connected, informed and valued members of Kingston community.	
<b>How the funds will be used:</b>	Venue/entry fees, guides, speakers, catering, transportation	
<b>Assessment Criteria:</b>	<ul style="list-style-type: none"> <li>• The applicant meets the eligibility criteria</li> <li>• Funds are needed at short notice</li> <li>• The activity/event/project benefits the City of Kingston residents</li> <li>• The applicant has demonstrated a clear need for funds</li> <li>• The applicant has not received any other funding from Council for this project</li> <li>• The applicant is an individual or not for profit organisation</li> <li>• The project cannot be funded under any other Council Grant program</li> </ul>	X ✓ ✓ ✓ ✓ ✓ ✓
<b>Grants received in current or last financial year</b> Partnership Grant - \$1125.51 – September 2021 Partnership Grant - \$1159.28 – August 2022 Quick Response Grant – \$1500.00 - August 2022		
<b>Officer Comment:</b> This application is not recommended for approval as the applicant has reached the limit of \$1500.00 for the current financial year allowable under the Quick Response Grant guidelines.		

Author/s: Gabrielle Pattenden, Governance Officer  
Reviewed and Approved By: Kelly Shacklock, Acting Manager Governance  
Dan Hogan, General Manager Customer and Corporate Support

# Ordinary Council Meeting

26 June 2023

Agenda Item No: 11.6

## ADVOCACY QUARTERLY UPDATE - JUNE

Contact Officer: Tracey Cheeseman, Manager Advocacy, Engagement and Communications

### Purpose of Report

This report provides a quarterly update on recent Advocacy activities to support Kingston's priority projects.

### Disclosure of Officer / Contractor Conflict of Interest

No Council officer/s and/or Contractor/s who have provided advice in relation to this report have declared a Conflict of Interest regarding the matter under consideration.

### RECOMMENDATION

That Council receive the June 2023 Advocacy Update report.

## 1. Executive Summary

This report provides a quarterly update on Advocacy activities and outcomes in recent months.

Following a very busy 2022 double election year, the June Quarter has seen Federal and State Budgets released with several important announcements. Much of the quarter's advocacy activities have focused on the Mayor continuing to develop relationships with local MPs, as well as our new Advocacy Lead beginning to develop an Advocacy Strategy.

This report provides an outline of:

- Advocacy meetings held by the Mayor, CEO and General Managers
- Follow up update on advocacy successes
- Media coverage of advocacy efforts
- Update on recruitment for the Advocacy Lead position

## 2. Background

Council has achieved significant gains in the advocacy space over the past year, with more than \$54 million dedicated towards state and local projects within the Kingston municipality, along with a number of positive outcomes achieved on significant state projects.

**City of Kingston  
Ordinary Council Meeting**

**Agenda**

**26 June 2023**

The below table highlights recent announcements made in the Federal/State budgets for local projects that will benefit the Kingston community.

Item	Details
Cheltenham Secondary College	Victorian State Budget announcement of \$7.3 Million for Modernisation – upgrade existing school facilities
School Upgrades Delivery Fund	Victorian State Budget announcement of \$20 Million to for school upgrades state-wide – Mordialloc College and Clayton South Primary to be included in the fund
Chelsea Street Playground upgrades	Victorian State Budget announcement of \$75,000
Station Street and McLeod Road, Carrum – planning an upgrade to improve safety at the intersection	Victorian State Budget commitment delivered as part of the 'Better Local Roads' Initiative. \$750,000 announced in March.
Kingston Fields Funding	Victorian State Budget confirmation of election announcement of up to \$1 Million for Kingston Fields Planning as part of the Community sport and active recreation infrastructure fund
Thriving Suburbs Program and Urban Precincts and Partnerships Program	Federal Budget Announcement of \$350 Million for merit-based grants to support community infrastructure and the delivery of larger scale precinct projects
Increase to Single Parent Payment Age	Federal Budget Announcement of an increase to the Single Parent Payment Age to 14 in-line with Council's Endorsed Position

The Budget announcements build on previous Advocacy Successes.

	Details	Next steps
Mordialloc Creek dredging	Victorian Government commitment of \$2 million	Continue to seek updates from DECCA around when the works will be scheduled in the state budget as per the election commitment.  Officers continue to meet with Mordialloc Creek community.
Peter Scullin Reserve playground	Victorian Government commitment of \$300,000	Construction of the new playground underway
Scoreboard funding at Le Page Park and Highett Reserve	Victorian Government commitment of \$100,000	

**City of Kingston  
Ordinary Council Meeting**

**Agenda**

**26 June 2023**

Details		Next steps
Level Crossing Removals	Successfully advocated for further level crossing removals along the Frankston line including Highett, Aspendale and Mordialloc	Council will now seek community input to guide advocacy efforts on design and delivery of the projects.
Chain of Parks	Victorian Government finalised acquisition of 83ha of land for Chain of Parks	Officers continue to liaise with Victorian Government on key issues.
Nola Barber Kindergarten – shade sails	Victorian Government commitment of funding for shade sails. (Greater clarity needed on exact amount as it is part of a \$1.7m package to a number of kindergartens for minor works)	Funding to be received directly by the kindergarten.
Suburban Rail Loop	<p>Significant outcomes achieved include a commitment to replace lost open space plus securing a strong role for Council via membership of the Public Open Space Expert Panel (an unprecedented outcome in Victoria) and the urban Design Advisory Panel.</p> <p>While disappointed that the stabling yard is proceeding at the Delta site, a number of improved outcomes have been achieved at the Heatherton site including:</p> <ul style="list-style-type: none"> <li>• Consideration to be given to green roof to improve the visual appearance of the site</li> <li>• Facility footprint to be minimised to the maximum extent practicable</li> <li>• Further consideration of right-hand turning facility from/into Kingston Road to mitigate the closure of Old Dandenong Road.</li> <li>• Adding a safe pedestrian crossing on Kingston Road</li> <li>• Landscape and vegetation buffer</li> <li>• Mitigation measure to address amenity impacts</li> </ul> <p>Improved outcomes at Sir William Fry Reserve in Highett include:</p> <ul style="list-style-type: none"> <li>• lost open space must be offset on the neighbouring Highett Gasworks site and include a skate park and basketball facilities</li> <li>• a wider shared pedestrian/cycling bridge across Bay Road</li> <li>• further discussion on bus movements</li> </ul>	Council will continue to liaise with SRL to seek to positively influence precinct planning taking place for the project.



**City of Kingston  
Ordinary Council Meeting**

**Agenda**

**26 June 2023**

	Details	Next steps
	<ul style="list-style-type: none"> <li>a safe pedestrian crossing on Nepean Highway at Enright Street.</li> </ul>	
Kingston's new Aquatic & Leisure Centre	Australian government \$20 million funding commitment	Council's formal application process underway.
Recycled Water 'Purple Pipeline' Project	Victorian government \$24.8 million funding for Phase 1	Council continues to work with South East Water on detailed designs in preparation for construction tender.
Patterson River Precinct	Victorian government \$3.5 million commitment for Phase 1	Officers represent Council on the Victorian Government's Patterson River working group.
Moorabbin Airport Masterplan	Successfully advocated for rejection of Masterplan	Council continuing to advocate for improved outcomes for aviation businesses as a new draft Airport Masterplan is prepared.
Dingley Village Neighbourhood Centre (Stage 2)	Victorian government \$2 million funding commitment	Funding will be received via milestones throughout the project. Tender released and contract due to be finalised in coming weeks.
Back your Neighbour campaign	Labor government elected with commitments to abolish Temporary Protection Visas	Mayor continues to participate in the Mayoral Taskforce supporting people seeking asylum
Cheltenham North Kindergarten redevelopment	Victorian government \$981,792 million funding commitment	Funding will be received via milestones throughout the project. Tender conducted and contract finalised, construction to begin soon.

### 3. Discussion

#### 3.1 Advocacy Report

The Attached June Advocacy Update outlines the range of advocacy activities undertaken in recent months including:

- Meetings held on advocacy items by the Mayor, CEO and General Managers
- Media obtained on our advocacy campaigns
- Update on commencement of the Advocacy Lead role and work to develop an organisational Advocacy Strategy

### 4. Consultation

#### 4.1 Internal Consultation:

Community consultation has helped set Council's position on the majority of the identified advocacy priority projects including:

- New Aquatic and Leisure Centre
- Kingston City Hall Redevelopment
- Namatjira Park Masterplan
- Le Page Park Masterplan
- Bonbeach Reserve Masterplan
- Dingley Village Community Centre (Phase 2)
- Delivery of Chain of Parks
- Level Crossing Removal Projects
- Suburban Rail Loop
- Kingston Heath Hockey and Baseball Facility

## **5. Compliance Checklist**

### **5.1 Council Plan Alignment**

Strategic Direction: Well-governed - Council will be collaborative, accountable, transparent, responsive, well-informed and efficient.

Strategy: Actively seek broad community participation

The quarterly update provides a record of Council's advocacy activities.

### **5.2 Governance Principles Alignment**

Engaging in Advocacy activities helps support a range of our Governance Principles as follows:

Principle (b) - priority is to be given to achieving the best outcomes for the municipal community, including future generations.

- Advocacy seeks to achieved improved outcomes for our community, particularly on large-scale infrastructure projects which will impact on future generations.

Principle (c) - the economic, social and environmental sustainability of the municipal district, including mitigation and planning for climate change risks, is to be promoted.

- Advocacy activities seek to support the economic sustainability of Kingston by sourcing co-operative funding from other levels of government, thereby reducing the financial impact on our ratepayers.

Principle (d) - the municipal community is to be engaged in strategic planning and strategic decision making.

- Many of our advocacy positions are formed via community consultation to engage the community on strategic planning. Key examples including the SRL and Level Crossing Removal projects and master planning for recreation reserves.

Principle (f) - collaboration with other Councils and Governments and statutory bodies is to be sought.

- Council cannot deliver on its agenda alone and uses advocacy to build partnerships, secure funding support and seek to influence other levels of government.

Principle (g) - the ongoing financial viability of the Council is to be ensured.

- Advocacy activities seek to support the economic sustainability of Kingston by sourcing co-operative funding from other levels of government, thereby reducing the financial impact on our ratepayers.

Principle (i) - the transparency of Council decisions, actions and information is to be ensured.

- By providing regular updates on Advocacy activities, we provide our community with transparency on our priorities and actions.

## **Appendices**

Appendix 1 - Quarterly Advocacy Update June 2023 (Ref 23/141753) 

Author/s: Tracey Cheeseman, Manager Advocacy, Engagement and Communications

Reviewed and Approved By: Dan Hogan, General Manager Customer and Corporate Support

# 11.6

## ADVOCACY QUARTERLY UPDATE - JUNE

1	Quarterly Advocacy Update June 2023 .....	405
---	---	-----



# **WORKING** TOGETHER

Advocacy Update

June 2023

This report provides an update on Advocacy activities and outcomes in recent months. Following a very busy 2022 double election year, the June Quarter has seen Federal and State Budgets released which included several important announcements. Much of the quarter's advocacy activities have focused on the Mayor continuing to develop relationships with local MPs, as well as our new Advocacy Lead beginning to develop an Advocacy Strategy.

This report provides an outline of:

- Update on advocacy successes
- Advocacy meetings held by the Mayor, Councillors, CEO, General Managers, and Advocacy Lead
- Update on the Advocacy Lead Officer and Advocacy Strategy development
- Media coverage of advocacy efforts

## Advocacy Successes

The below table highlights recent announcements made in the Federal/State budgets for local projects that will benefit the Kingston community.

Item	Details
Cheltenham Secondary College	Victorian State Budget announcement of \$7.3 Million for Modernisation – upgrade existing school facilities
School Upgrades Delivery Fund	Victorian State Budget announcement of \$20 Million to for school upgrades state-wide – Mordialloc College and Clayton South Primary to be included in the fund
Chelsea Street Playground upgrades	Victorian State Budget announcement of \$75,000
Station Street and McLeod Road, Carrum – planning an upgrade to improve safety at the intersection	Victorian State Budget announcement delivered as part of the 'Better Local Roads' Initiative
Kingston Fields Funding	Victorian State Budget announcement of up to \$1 Million for Kingston Fields Planning as part of the Community sport and active recreation infrastructure fund
Thriving Suburbs Program and Urban Precincts and Partnerships Program	Federal Budget Announcement of \$350 Million for merit-based grants to support community infrastructure and the delivery of larger scale precinct projects
Increase to Single Parent Payment Age	Federal Budget announced increase to Single Parent Payment Age to 14 in-line with Council's Endorsed Position



Ongoing SRL and LXRP Advocacy	<p>Several ongoing advocacy items around both the SRL and LXRP including:</p> <ul style="list-style-type: none"> <li>- Working with the SRL to fund relocation of Farmer's Market and Public Art Commission</li> <li>- Collaborating with the City of Bayside to realign the Municipal Boundary to align with LXRP</li> <li>- Formulating a 'Resourcing MoU' to secure staff resourcing to support Councils contributions to LXRP / SRL projects</li> </ul>
-------------------------------	---

The Budget announcements build on previous Advocacy Successes, as reported in previous quarterly Advocacy reports.

Details		Next steps
Mordialloc Creek dredging	Victorian Government commitment of \$2 million	Continue to seek updates from DECCA around when the works will be scheduled in the state budget as per the election commitment.  Officers continue to meet with Mordialloc Creek community.
Peter Scullin Reserve playground	Victorian Government commitment of \$300,000	Construction of the new playground underway
Scoreboard funding at Le Page Park and Highett Reserve	Victorian Government commitment of \$100,000	
Level Crossing Removals	Successfully advocated for further level crossing removals along the Frankston line including Highett, Ascendale and Mordialloc	Council will now seek community input to guide advocacy efforts on design and delivery of the projects.
Chain of Parks	Victorian Government finalised acquisition of 83ha of land for Chain of Parks	Officers continue to liaise with Victorian Government on key issues.
Nola Barber Kindergarten – shade sails	Victorian Government commitment of funding for shade sails. (Greater clarity needed on exact amount as it is part of a \$1.7m package to a number of kindergartens for minor works)	Funding to be received directly by the kindergarten.
Suburban Rail Loop	<p>Significant outcomes achieved include a commitment to replace lost open space plus securing a strong role for Council via membership of the Public Open Space Expert Panel (an unprecedented outcome in Victoria) and the urban Design Advisory Panel.</p> <p>While disappointed that the stabling yard is proceeding at the Delta site, a number of improved outcomes have been achieved at the Heatherton site including:</p> <ul style="list-style-type: none"> <li>• Consideration to be given to green roof to improve the visual appearance of the site</li> </ul>	Council will continue to liaise with SRL to seek to positively influence precinct planning taking place for the project.

Details		Next steps
	<ul style="list-style-type: none"> <li>Facility footprint to be minimised to the maximum extent practicable</li> <li>Further consideration of right-hand turning facility from/into Kingston Road to mitigate the closure of Old Dandenong Road.</li> <li>Adding a safe pedestrian crossing on Kingston Road</li> <li>Landscape and vegetation buffer</li> <li>Mitigation measure to address amenity impacts</li> </ul> <p>Improved outcomes at Sir William Fry Reserve in Highett include:</p> <ul style="list-style-type: none"> <li>lost open space must be offset on the neighbouring Highett Gasworks site and include a skate park and basketball facilities</li> <li>a wider shared pedestrian/cycling bridge across Bay Road</li> <li>further discussion on bus movements</li> <li>a safe pedestrian crossing on Nepean Highway at Enright Street.</li> </ul>	
Kingston's new Aquatic & Leisure Centre	Australian government \$20 million funding commitment	Council's formal application process underway.
Recycled Water 'Purple Pipeline' Project	Victorian government \$24.8 million funding for Phase 1	Council continues to work with South East Water on detailed designs in preparation for construction tender.
Patterson River Precinct	Victorian government \$3.5 million commitment for Phase 1	Officers represent Council on the Victorian Government's Patterson River working group.
Moorabbin Airport Masterplan	Successfully advocated for rejection of Masterplan	Council continuing to advocate for improved outcomes for aviation businesses as a new draft Airport Masterplan is prepared.
Dingley Village Neighbourhood Centre (Stage 2)	Victorian government \$2 million funding commitment	Funding will be received via milestones throughout the project. Tender released and contract due to be finalised in coming weeks.
Back your Neighbour campaign	Labor government elected with commitments to abolish Temporary Protection Visas	Mayor continues to participate in the Mayoral Taskforce supporting people seeking asylum
Cheltenham North Kindergarten redevelopment	Victorian government \$981,792 million funding commitment	Funding will be received via milestones throughout the project. Tender conducted and contract finalised, construction to begin soon.

## Meetings

A range of meetings were held to further our advocacy efforts. The below table captures meetings held by the Mayor, CEO and General Managers – noting that officers at lower levels also meet with departmental representatives on key issues at times.

Date	Meeting	Council Attendees
<b>20 February</b>	Golf Australia - James Sutherland	Mayor, CEO, General Manager Planning & Place and CFO
<b>22 February</b>	Scentre Group/KCC - SRL Update	General Manager Planning & Place
<b>23 February</b>	SECCA Councillor Advisory Group	Mayor, Deputy Mayor
<b>23 February</b>	GSEM Board meeting	CEO
<b>23 February</b>	LXRP site visit Mordialloc	General Manager Infrastructure & Open Space
<b>27 February</b>	Ryan Batchelor MP and John Berger MP	Mayor and CEO
<b>27 February</b>	Catherine King MP	Mayor, Cr Staikos, Cr Davies, CEO, and General Manager Planning & Place
<b>27 February</b>	Melbourne Water	CEO and General Manager Infrastructure & Open Space
<b>1 March</b>	Joint CEO/LGV Forum	CEO
<b>3 March</b>	Dandenong Integrated Water Management Forum	General Manager Planning & Place
<b>9 March</b>	GSEM CEO meeting	General Manager Planning & Place (Acting CEO)
<b>16 March</b>	Monash Precinct Network Launch	Mayor
<b>16 March</b>	Southern Metro Cemeteries Trust Annual Meeting	Mayor
<b>17 March</b>	Woolworths re: traffic movements in Moorabbin	Mayor, General Manager Planning & Place
<b>17 March</b>	Nick Staikos MP	Mayor

<b>20 March</b>	Mayoral Taskforce for People Seeking Asylum Meeting	Mayor, Cr Staikos
<b>20 March</b>	Mayor Angelica Panopoulos (Merri-bek)	Mayor
<b>22 March</b>	Energy Australia	Mayor, General Manager Infrastructure & Open Space, General Manager Planning & Place
<b>23 March</b>	Lee Tarlamis Electorate Officer/s	Advocacy Lead
<b>24 March</b>	Minister Melissa Horne Advisor Junior Advisor	Advocacy Lead
<b>27 March</b>	Ryan Batchelor Electorate Officer/s	Advocacy Lead
<b>28 March</b>	Mike Myers National Affordable Housing	Mayor, Cr Staikos, General Manager Planning & Place
<b>28 March</b>	Rosssdale Golf Course Briefing	Mayor, CEO, GMs, and relevant Councillors
<b>31 March</b>	Community Aviation Consultation Group	General Manager Planning & Place
<b>2 April</b>	Palm Sunday Walk for Justice for Refugee	Mayor, General Manager Planning & Place
<b>3 April</b>	Tim Richardson MP	General Manager Planning & Place
<b>3 April</b>	Joint Mayor/ECO sector meeting (School Crossing Advocacy issues)	Mayor
<b>3 April</b>	Dandenong CEO Sothern Metro Investment Framework	CEO
<b>4 April</b>	Meng Heang Tak MP Electorate Officer/s	Advocacy Lead
<b>4 April</b>	Tim Richardson MP Electorate Officer/s	Advocacy Lead
<b>4 April</b>	Mayor LG Advocacy Panel	Mayor
<b>5 April</b>	Southern Metro Project	General Manager Planning & Place
<b>5 April</b>	Joint CEO /LGV Forum	CEO
<b>6 April</b>	MaV Metro South Regional Meeting	Mayor and CEO
<b>6 April</b>	GSESM CEO meeting	CEO
<b>11 April</b>	Tim Richardson re: LXR P Mordialloc	Mayor, General Manager Planning & Place
<b>11 April</b>	Clayton Bowls Club	Mayor, Cr Staikos
<b>11 April</b>	Hawthorn FCC	CEO

<b>12 April</b>	Minister Claire O'Neil Electorate Officer/s	Advocacy Lead
<b>12 April</b>	Regents Park Premier Dan Andrews, Tim Richardson MP	Mayor, CEO, Advocacy Lead
<b>17 April</b>	Shadow Cabinet Presentation	Mayor, CEO, Advocacy Lead
<b>18 April</b>	Wyndham City Council Advocacy Officer	Advocacy Lead
<b>19 April</b>	Minister Lily D'Ambrosio Caucus Liaison Officer	Advocacy Lead
<b>19 April</b>	Treasurer Tim Pallas visit to Mordialloc	Deputy Mayor, CEO, General Manager Planning & Place, Advocacy Lead
<b>19 April</b>	Frankston Mayor and CEO	Mayor, CEO and CFO
<b>20 April</b>	Moonee Valley City Council Advocacy Officer	Advocacy Lead
<b>20 April</b>	GSEM Board meeting	CEO
<b>21 April</b>	Yarra City Council Advocacy Officer	Advocacy Lead
<b>21 April</b>	Southern Metro Partnership Meeting	CEO
<b>21 April</b>	Mayoral Taskforce for People Seeking Asylum Meeting	Cr Staikos
<b>24 April</b>	Brad Rowswell MP Electorate Officer/s	Advocacy Lead
<b>26 April</b>	Merri-Bek Council Advocacy Officer	Advocacy Lead
<b>28 April</b>	Legislative Assembly Whip Advisor	Advocacy Lead
<b>28 April</b>	Yarra Ranges Council Advocacy Officer	Advocacy Lead
<b>1 May</b>	Nick Staikos MP Parl Sec Advisor	Advocacy Lead
<b>1 May</b>	Development Victoria (Highett discussion)	General Manager Planning & Place
<b>4 May</b>	Darebin Council Advocacy Officer	Advocacy Lead
<b>4 May</b>	Bonbeach YCW	CEO
<b>4 May</b>	Inter Council Affordable Housing Forum	General Manager Planning & Place
<b>8 May</b>	National Affordable Housing Forum	General Manager Planning & Place
<b>9 May</b>	Tim Richardson MP Electorate Officer/s	Advocacy Lead
<b>9 May</b>	Basketball Victoria - Jake Keogh	Mayor, General Manager Infrastructure & Open Space

<b>10 May</b>	Melbourne City Council Advocacy Officer	Advocacy Lead
<b>10 May</b>	Summer Planning Workshop Evaluation	CEO, General Manager Planning & Place, General Manager Community Strengthening, CFO
<b>11 May</b>	John Mullahy MP	Mayor
<b>11 May</b>	Round table discussion Southeast Biodiversity Network	Mayor, Deputy Mayor
<b>11 May</b>	GSEM CEO meeting	CEO
<b>15 May</b>	Mayoral Taskforce for People Seeking Asylum Meeting	Mayor
<b>15 May</b>	DECCA	General Manager Planning & Place, General Manager Infrastructure & Open Space
<b>18 May</b>	Infrastructure Victoria 30-Year Strategy Update	CEO
<b>19 May</b>	MAV State Council	Mayor, CEO
<b>22 May</b>	Rachel Payne MP	Mayor, CEO
<b>23 May</b>	Treasury Advisor	Advocacy Lead
<b>24 May</b>	SRL Authority	General Manager Planning & Place, General Manager Infrastructure & Open Space
<b>26 May</b>	Mayoral Taskforce for People Seeking Asylum Meeting	Mayor
<b>30 May</b>	Bayside Council	Mayor, Cr Staikos
<b>30 May</b>	Safe Transport Victoria	Cr Staikos, Cr Davey-Burns, CEO, General Manager Planning & Place, Advocacy Lead
<b>31 May</b>	LXRP site visit (Highett)	General Manager Planning & Place, General Manager Infrastructure & Open Space

## Advocacy Lead

In recognition of Council's renewed focus on targeted advocacy and the challenging economic and political climate we have completed hiring of a new Advocacy Lead Officer to ensure a co-ordinated approach to advocacy is taken across the organisation and assist in building stronger connections with elected officials, electorate officers and bureaucrats to ensure our advocacy efforts are targeted and effective.

Since the appointment, the Advocacy Lead has met with a range of internal and external stakeholders, including local MP electorate officers, members of the Whips Officer, senior ministerial advisors, and other advocacy officers across Metropolitan Councils, to help guide the development of an advocacy strategy that is rooted in best-practice principles and the current political & economic realities.

At the time of the report's writing, an advocacy framework, the first major step towards developing an advocacy strategy has been developed for internal and Council input.

## Media

Significant media coverage was achieved during the quarter as per the below table:

Date	Item	Details
14/02/2023	Statement from the Heart - Kingston Council endorses Uluṟu Statement	Inside Local Government - <a href="https://insidelocalgovernment.com.au/kingston-council-endorses-ulu%e1%b9%9fu-statement/">https://insidelocalgovernment.com.au/kingston-council-endorses-ulu%e1%b9%9fu-statement/</a>
14/02/2023	Statement from the Heart - Kingston endorses Uluṟu Statement from Heart	The National Tribune - <a href="https://www.nationaltribune.com.au/kingston-endorses-uluu-statement-from-heart/">https://www.nationaltribune.com.au/kingston-endorses-uluu-statement-from-heart/</a>
15/02/2023	Aquatic and Leisure Centre - Plans for new pool project progress	Bayside News - <a href="https://baysidenews.com.au/2023/02/15/plans-for-new-pool-project-progress/">https://baysidenews.com.au/2023/02/15/plans-for-new-pool-project-progress/</a>
15/02/2023	Aquatic and Leisure Centre - Plans for new pool project progress	Chelsea Mordialloc Mentone News - <a href="https://ausprint.meltwater.com/print_clip_previewer/427049592?text=on&amp;keyword=on&amp;pdf=new">https://ausprint.meltwater.com/print_clip_previewer/427049592?text=on&amp;keyword=on&amp;pdf=new</a>
14/02/2023	Statement from the Heart - Kingston Council endorses Uluṟu Statement	Inside Local Government - <a href="https://insidelocalgovernment.com.au/kingston-council-endorses-ulu%e1%b9%9fu-statement/">https://insidelocalgovernment.com.au/kingston-council-endorses-ulu%e1%b9%9fu-statement/</a>
14/02/2023	Statement from the Heart - Kingston endorses Uluṟu Statement from Heart	The National Tribune - <a href="https://www.nationaltribune.com.au/kingston-endorses-uluu-statement-from-heart/">https://www.nationaltribune.com.au/kingston-endorses-uluu-statement-from-heart/</a>
15/02/2023	Aquatic and Leisure Centre - Plans for new pool project progress	Bayside News - <a href="https://baysidenews.com.au/2023/02/15/plans-for-new-pool-project-progress/">https://baysidenews.com.au/2023/02/15/plans-for-new-pool-project-progress/</a>



15/02/2023	Aquatic and Leisure Centre - Plans for new pool project progress	Chelsea Mordialloc Mentone News - <a href="https://ausprint.meltwater.com/print_clip_previewer/427049592?text=on&amp;keyword=on&amp;pdf=new">https://ausprint.meltwater.com/print_clip_previewer/427049592?text=on&amp;keyword=on&amp;pdf=new</a>
14/02/2023	Statement from the Heart - Kingston Council endorses Uluṟu Statement	Inside Local Government - <a href="https://insidelocalgovernment.com.au/kingston-council-endorses-ulu%e1%b9%9fu-statement/">https://insidelocalgovernment.com.au/kingston-council-endorses-ulu%e1%b9%9fu-statement/</a>
14/02/2023	Statement from the Heart - Kingston endorses Uluṟu Statement from Heart	The National Tribune - <a href="https://www.nationaltribune.com.au/kingston-endorses-uluu-statement-from-heart/">https://www.nationaltribune.com.au/kingston-endorses-uluu-statement-from-heart/</a>
15/02/2023	Aquatic and Leisure Centre - Plans for new pool project progress	Bayside News - <a href="https://baysidenews.com.au/2023/02/15/plans-for-new-pool-project-progress/">https://baysidenews.com.au/2023/02/15/plans-for-new-pool-project-progress/</a>
15/02/2023	Aquatic and Leisure Centre - Plans for new pool project progress	Chelsea Mordialloc Mentone News - <a href="https://ausprint.meltwater.com/print_clip_previewer/427049592?text=on&amp;keyword=on&amp;pdf=new">https://ausprint.meltwater.com/print_clip_previewer/427049592?text=on&amp;keyword=on&amp;pdf=new</a>
14/02/2023	Statement from the Heart - Kingston Council endorses Uluṟu Statement	Inside Local Government - <a href="https://insidelocalgovernment.com.au/kingston-council-endorses-ulu%e1%b9%9fu-statement/">https://insidelocalgovernment.com.au/kingston-council-endorses-ulu%e1%b9%9fu-statement/</a>
14/02/2023	Statement from the Heart - Kingston endorses Uluṟu Statement from Heart	The National Tribune - <a href="https://www.nationaltribune.com.au/kingston-endorses-uluu-statement-from-heart/">https://www.nationaltribune.com.au/kingston-endorses-uluu-statement-from-heart/</a>
15/02/2023	Aquatic and Leisure Centre - Plans for new pool project progress	Bayside News - <a href="https://baysidenews.com.au/2023/02/15/plans-for-new-pool-project-progress/">https://baysidenews.com.au/2023/02/15/plans-for-new-pool-project-progress/</a>
15/02/2023	Aquatic and Leisure Centre - Plans for new pool project progress	Chelsea Mordialloc Mentone News - <a href="https://ausprint.meltwater.com/print_clip_previewer/427049592?text=on&amp;keyword=on&amp;pdf=new">https://ausprint.meltwater.com/print_clip_previewer/427049592?text=on&amp;keyword=on&amp;pdf=new</a>
14/02/2023	Statement from the Heart - Kingston Council endorses Uluṟu Statement	Inside Local Government - <a href="https://insidelocalgovernment.com.au/kingston-council-endorses-ulu%e1%b9%9fu-statement/">https://insidelocalgovernment.com.au/kingston-council-endorses-ulu%e1%b9%9fu-statement/</a>
14/02/2023	Statement from the Heart - Kingston endorses Uluṟu Statement from Heart	The National Tribune - <a href="https://www.nationaltribune.com.au/kingston-endorses-uluu-statement-from-heart/">https://www.nationaltribune.com.au/kingston-endorses-uluu-statement-from-heart/</a>
15/02/2023	Aquatic and Leisure Centre - Plans for new pool project progress	Bayside News - <a href="https://baysidenews.com.au/2023/02/15/plans-for-new-pool-project-progress/">https://baysidenews.com.au/2023/02/15/plans-for-new-pool-project-progress/</a>

# Ordinary Council Meeting

26 June 2023

**Agenda Item No: 11.7**

## **COUNCIL PLAN YEAR THREE ANNUAL ACTION PLAN 2023-24 - FINAL**

**Contact Officer: Mozma Tate, Team Leader Corporate Performance  
Amanda Rigby, Manager Customer Experience and Corporate Performance**

### **Purpose of Report**

To adopt the Kingston Council Plan 2021-25, Year Three – Annual Action Plan 2023-24 (Annual Action Plan).

### **Disclosure of Officer / Contractor Conflict of Interest**

No Council officer/s and/or Contractor/s who have provided advice in relation to this report have declared a Conflict of Interest regarding the matter under consideration.

### **RECOMMENDATION**

That Council adopt the Kingston Council Plan 2021-25, Year Three – Annual Action Plan (2023 24) (Appendix 1).

## **1. Executive Summary**

As per the requirements of the Local Government Act 2020, Council Officers have developed the Annual Action Plan, which outlines how the City of Kingston will work towards the achievement of its Vision and Council Plan 2021-25 – Year Three through specific yearly key actions. These comprise of Major Initiatives, Initiatives, Council Strategy or Plan and/or Executive Leadership Priorities.

The Annual Action Plan will form the basis of the legislated Quarterly Performance Reports for 2023-24 and Kingston Annual Report 2023-24.

Historically the Annual Action Plan has been presented to Council and the organisation as a word document. Following Executive Leadership Team (ELT) approval, the Corporate Performance Team have worked in partnership with the Strategic Communications & Engagement Team to produce a designed version to increase the profile and understanding of Council's Annual Commitments, whilst also demonstrating greater transparency regarding Council Plan implementation. This document can be distributed by Councillors, ELT and the wider organisation, and will feature on Council's corporate website.

## **2. Background**

The City of Kingston 'Our Roadmap' Council Plan 2021-25 has outlined our strategic directions to support our community in being: Liveable, Sustainable, Prosperous, Healthy and Inclusive, Safe and Well Governed.

These strategic directions are supported by a series of strategic objectives, accompanying strategies and strategic indicators. The Year Three Annual Action Plan outlines how the City of

Kingston will work towards the achievement of its Vision and Council Plan 2021-25, through the delivery of **118 key actions**, including the role that Council will play in ensuring these outcomes are achieved. These actions are comprised of:

- **22 Major Initiatives:** significant pieces of work that will directly contribute to the achievement of the Council Plan and will have a major focus in the annual budget.
- **42 Initiatives:** an initiative that is one-off in nature and/or leads to improvements in the service. Also featured in the annual budget.
- **44 Council Strategies or Plans:** represents the development or implementation of a Strategy or Plan; and
- **10 Executive Leadership Team Priorities:** any action identified by ELT as their priority for the financial year that the service will need to deliver on.

The Annual Action Plan was presented at the Councillor Planning Weekend (17<sup>th</sup> and 18<sup>th</sup> February 2023) to allow Councillors to co-design actions for the 2023-24 financial year. Feedback from Councillor Planning Weekend resulted in some amendments to the phrasing of actions and the inclusion of a few additional actions. The Corporate Performance Team worked with General Managers and departments to incorporate these changes to the Annual Action Plan 2023-24, post the Councillor Planning Weekend workshop.

### **3. Discussion**

#### **3.1 Annual Action Plan 2023-24**

It is recommended that Council adopt the Kingston Council Plan 2021-25, Year Three – Annual Action Plan 2023-24 (Appendix 1). This new design version of the Annual Action Plan will feature on Council's corporate website, and can be distributed by Councillors, ELT and the wider organisation.

### **4. Consultation**

#### **4.1 Internal Consultation:**

The Annual Action Plan was developed in collaboration with departments, as part of the Annual Organisational Planning process for 2023-24. Further to that, the Corporate Performance Team undertook an internal team workshop, reviewing the community engagement findings from *Your Kingston Your Future* and the *Liveability Study*, Council Plan 2021-25 Strategies, Strategic Risks and Treatments and Councillor, ELT and Senior Leadership Team priorities to assist in the development of the Annual Action Plan, including insights and feedback provided as part of the Councillor Planning Weekend, held on 17<sup>th</sup> and 18<sup>th</sup> February 2023.

### **5. Compliance Checklist**

#### **5.1 Council Plan Alignment**

Strategic Direction: Well-governed - Council will be collaborative, accountable, transparent, responsive, well-informed and efficient.

Strategy: Focus all of our decision-making on the long-term best interests of the Kingston community

#### **5.2 Governance Principles Alignment**

Principle (b) - priority is to be given to achieving the best outcomes for the municipal community, including future generations.

Principle (d) - the municipal community is to be engaged in strategic planning and strategic decision making.

Principle (e) - innovation and continuous improvement is to be pursued.

Principle (g) - the ongoing financial viability of the Council is to be ensured.

Principle (i) - the transparency of Council decisions, actions and information is to be ensured.


### **5.3 Financial Considerations**

The Annual Action Plan naturally relates to the Council Plan 2021-25 and will have resource implications through the Budget 2023-24 and Capital Works Program 2023-24.

### **5.4 Risk considerations**

Operational and strategic risks are embedded as part of Annual Action Plan development.

## **Appendices**

Appendix 1 - FINAL - Kingston Council Plan 2021-25, Year Three - Annual Action Plan 2023-24 (PRINT VERSION) (Ref 23/133361) 

Author/s:	Mozma Tate, Team Leader Corporate Performance Amanda Rigby, Manager Customer Experience and Corporate Performance
Reviewed and Approved By:	Amanda Rigby, Manager Customer Experience and Corporate Performance Dan Hogan, General Manager Customer and Corporate Support

# 11.7

## COUNCIL PLAN YEAR THREE ANNUAL ACTION PLAN 2023-24 - FINAL

- 1 FINAL - Kingston Council Plan 2021-25, Year Three - Annual  
Action Plan 2023-24 (PRINT VERSION) ..... 421

# OUR ROADMAP

Council Plan Year Three  
Annual Action Plan  
2023-24



City of  
KINGSTON







### Acknowledgement of Country

The City of Kingston proudly acknowledges the Bunurong People of the Kulin Nation as the Traditional Owners and Custodians of this land, and we pay our respect to their Elders, past and present and emerging.

Council acknowledges the Bunurong's continuing relationship to the land and waterways and respects that their connection and spiritual identity is maintained through ancient ceremonies, songlines, dance, art and living culture.

Council pays tribute to the invaluable contributions of the Bunurong and other Aboriginal and Torres Strait Island elders who have guided and continue to guide the work we do.





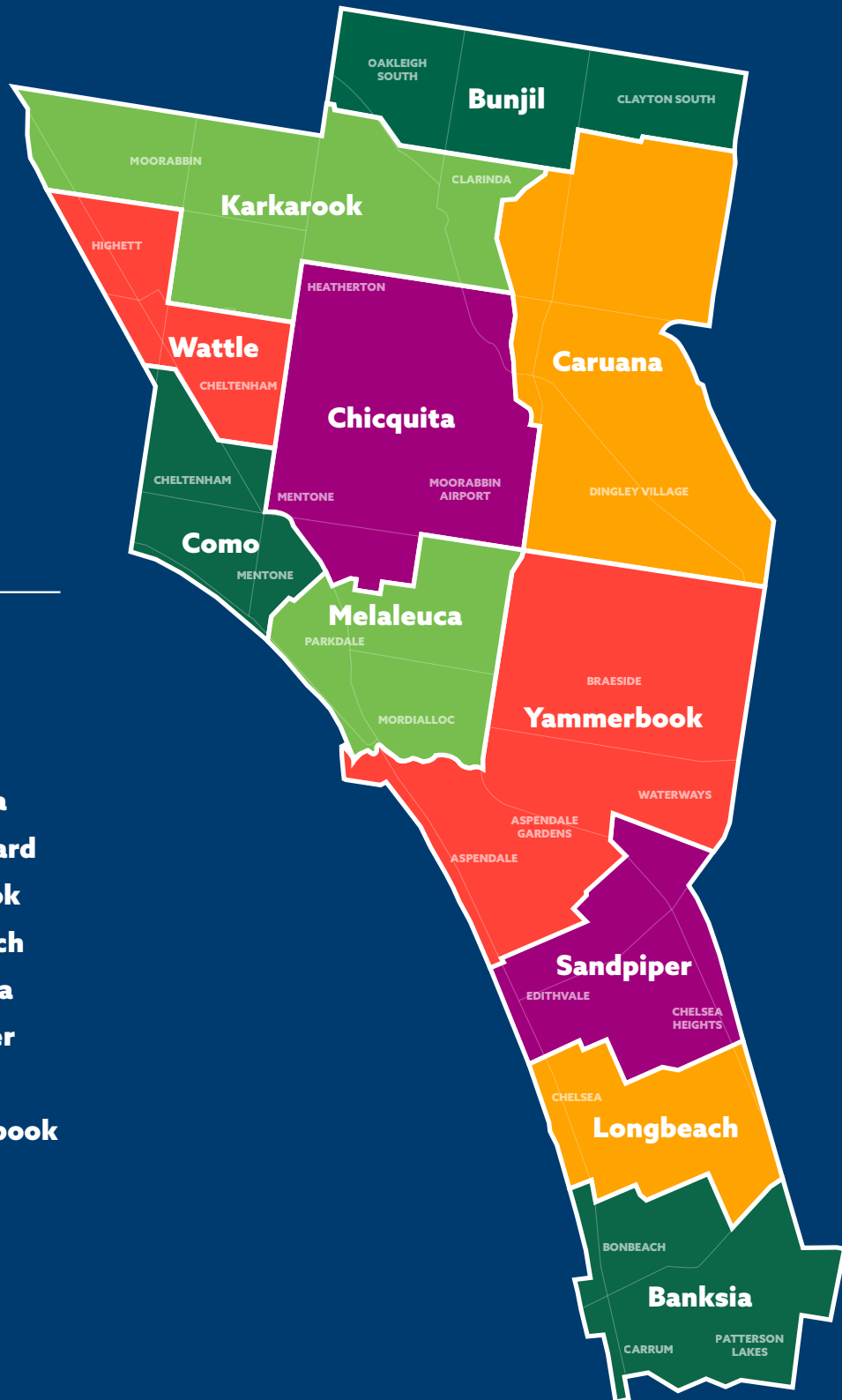


# CONTENTS

Mayor’s Message	3
CEO Message	4
Working Towards Our Community Vision	5
Planning For a Shared Future	6
Council’s Role and Functions	7
Council Plan Year Three Annual Action Plan (2023-2024)	9
Reporting Back to our Community	39

# KINGSTON WARDS

**Banksia**  
**Bunjil**  
**Caruana**  
**Chicquita**  
**Como Ward**  
**Karkarook**  
**Longbeach**  
**Melaleuca**  
**Sandpiper**  
**Wattle**  
**Yammerbook**





## MESSAGE FROM THE MAYOR

### I am proud to present the Council Plan Year Three Annual Action Plan 2023-24.

Objectives and strategies are important, but setting out the means for achieving them is a crucially transparent way of showing we are walking the talk

We developed our Community Vision and our Council Plan in collaboration with you via our ambitious and progressive Your Kingston Your Future engagement program.

The Community Vision sets out your aspirations for the future of our great city.

This Council Plan Year Three Annual Action Plan 2023-24 outlines what we are doing to realise that. It is designed to keep you informed of how we plan to create the Kingston you want to live in.

Our Roadmap: Council Plan 2021-25 contains six Strategic Directions – Liveable, Sustainable, Prosperous, Healthy and Inclusive, Safe and Well Governed, with each of those having strategic objectives attached.

This Annual Action Plan 2023-24 outlines what we intend to achieve in meeting those strategic objectives in the coming year, with the actions listed expected to be ticked off by the end of June 2024.

One of the many Council roles in supporting our community is to lead and represent. I am proud to say, our Council Plan 2021-25 and Annual Action Plan do that well.

We started on this road with robust community engagement and we will keep you informed of progress along the way.

This will be done via the Kingston Annual Report, Council Plan Quarterly Reports and the annual Community Satisfaction Survey.

The Council Plan 2021-25 states our purpose as working with our community to protect and enhance wellbeing for future and current generations.

It shows we have not only been listening to you, but also taking action to improve the liveability and wellbeing of our municipality.

A handwritten signature in black ink, reading 'Hadi Saab'.

**Cr Hadi Saab**  
Mayor, City of Kingston



## MESSAGE FROM THE CEO

---

In 2020, we worked closely with a representative Community Panel to develop strategies for the future.

The Panel spent over 2,000 hours using community insights to shape the future of our municipality. The outcome was the development of Our Roadmap: Kingston Council Plan 2021-25.

The Council Plan 2021-25 pictures a liveable, sustainable, prosperous, healthy and inclusive, safe and well governed municipality.

The Council Plan Year Three Annual Action Plan 2023-24 demonstrates our organisation's commitment to the achievement of 118 actions in the 2023-24 financial year as well as the delivery of multiple services that aim to enhance liveability and wellbeing outcomes.

Our community is positioned at the heart of this Annual Action Plan as we collectively work towards our shared vision for the future of Kingston.

A handwritten signature in black ink, appearing to be 'Peter Bean', written over a horizontal blue line.

**Peter Bean**  
Chief Executive Officer, City of Kingston

## WORKING TOWARDS OUR COMMUNITY VISION

The Kingston Community have set an ambitious Community Vision which captures the priorities and aspirations for our community

"Kingston is a resilient, inclusive and diverse community. We are building the most liveable and sustainable city in Victoria. We champion and nurture our green and open spaces creating a safe, healthy environment. Our shared legacy connects our community, embracing innovation, making Kingston the place to live."

Every four years Council develops a Council Plan, which sets the organisation's strategic directions, objectives and strategies which contribute to the realising of Council's long term community Vision.

Our Roadmap, Kingston Council Plan 2021 - 2025 details how we will ensure the Vision is attained, whilst also focusing on how we will work with our community, key stakeholders, community organisations, surrounding municipalities and other levels of government to achieve this.

The Council Plan is structured into six Strategic Directions and Strategic Objectives, as follows:

### 1. LIVEABLE

Strategic Objective: Our city will be a vibrant, enjoyable, and easy place to live.

### 2. SUSTAINABLE

Strategic Objective: We prioritise our environment and reduce our impact on the earth

### 3. PROSPEROUS

Strategic Objective: We will embrace the concept of a 20-minute neighbourhood, support the ongoing process of decentralisation and support people to live and work locally.

### 4. HEALTHY AND INCLUSIVE

Strategic Objective: We are progressive, inclusive and prioritise the wellbeing of all members of our community.

### 5. SAFE

Strategic Objective: Our community will feel safe, and be safe, in all aspects of their lives.

### 6. WELL GOVERNED

Strategic Objective: Council will be collaborative, accountable, transparent, responsive and well-informed and efficient.



## PLANNING FOR A SHARED FUTURE

Each year the City of Kingston develops a Council Plan Annual Action Plan, which lists the key actions Council will deliver for community, and which will move us one step closer to achieving our Community Vision and Council Plan 2021-25.

An integral part of developing the Community Vision and Council Plan, was to provide community engagement opportunities for Council to understand our Community's vision for the future for the City of Kingston, and what their specific needs and expectations are of Council. Our dynamic engagement program, Your Kingston Your Future saw multiple engagement activities occur.



**45 person** strong  
Community Panel



**5 Face to Face** and  
targeted workshops



**404 online surveys**  
completed containing  
2,222 pieces of feedback



**21 attendees**  
in an Online  
Community Webinar



**2300 engagements**  
via Your Kingston,  
Your Say



**Train the Trainer  
Sessions** held  
with 10 people



**2970 residents**  
participated in the  
Neighbourhood  
Liveability Study



**400 residents**  
participated in Council's  
Annual Community  
Satisfaction Survey

Key themes emerging from all community engagement activity was used to shape Our Roadmap: Kingston Council Plan (2021 – 2025) and the Annual Action Plan.

# COUNCIL'S ROLE AND FUNCTIONS

Council undertakes a range of roles and functions to support the needs and aspirations of the Kingston community.







## STRATEGIC DIRECTION

# LIVEABLE

---

Strategic Objective:

**Our city will be a vibrant,  
enjoyable, and easy place to live.**



## STRATEGIC DIRECTION

### LIVEABLE

Annual Action Plan Actions 2023-2024			
Strategy	Year Three Action	Council Role	Lead Department
1.1.1 <b>Provide accessible, quality public open spaces for passive and active recreation.</b>	Progress the development of the Kingston Play Spaces and Active Recreation Strategy (2023-30), including implementing a program of playground renewals to ensure quality spaces for our community.	Build and Maintain	Active Kingston
	Finalise and commence implementation of the Funding and Community Use Agreements with Hawthorn Football Club to encourage healthy, active lifestyles and establish strong community connections.	Partner and Advocate	Active Kingston
	Install the Disc Golf Course at Bicentennial Park.	Build and Maintain	Active Kingston
	Implement Year One actions of the Kingston Open Space Strategy (2023-33) to ensure accessible, safe and well utilised open spaces in Kingston for our community.	Provide Services	Open Space

Annual Action Plan Actions 2023-2024			
Strategy	Year Three Action	Council Role	Lead Department
1.1.2 <b>Invest in high-quality community assets.</b>	Develop the detailed design for the new Aquatic facility and commence procurement for the construction contract, ensuring the future health and wellbeing of our community.	Build and Maintain	Active Kingston
	Complete the Carrum Surf Life Saving Club expansion project.	Build and Maintain	Project Management Office
	Complete construction of the Regent Parks Pavilion project.	Build and Maintain	Project Management Office
	Complete construction of the Dingley Pavilion project.	Build and Maintain	Project Management Office
	Complete construction of the GR-Bricker Pavilion project.	Build and Maintain	Project Management Office
	Commence redevelopment of Chelsea netball courts and carpark.	Build and Maintain	Active Kingston
	Commence redevelopment of the universal change room construction at Walter Galt Reserve.	Build and Maintain	Active Kingston
	Establish proactive civil maintenance inspection schedules.	Build and Maintain	City Works
	Develop sporting pavilion prioritisation programs and standard design guidelines and principles to ensure high quality community assets.	Plan and Regulate	Active Kingston
	Commence the construction of the Dingley Village Community Precinct – Stage 2	Build and Maintain	Project Management Office



## STRATEGIC DIRECTION

### LIVEABLE

Annual Action Plan Actions 2023-2024			
Strategy	Year Three Action	Council Role	Lead Department
1.1.3 <b>Manage movement around the city, including traffic and parking, to make community activities accessible.</b>	Review Council's Parking Management Policy as per legislation, to ensure that parking options remain accessible for the community.	Plan and Regulate	Infrastructure
	Continue to identify signage requirements through the Kingston Wayfinding Strategy to inform future installations.	Build and Maintain	Open Space
1.1.4 <b>Plan for changes in the population and the community's housing needs.</b>	Commence development of the Community Infrastructure Framework to plan for community needs now and into the future.	Plan and Regulate	Inclusive Communities
1.1.5 <b>Preserve and enhance Kingston's character and heritage.</b>	Advocate for Council's decisions at VCAT and continue to provide positive mediated outcomes.	Partner and Advocate	City Development
	Progress the strategic work to update Councils Heritage Strategy.	Plan and Regulate	City Strategy
1.1.6 <b>Support the development of affordable housing options, including social and community housing.</b>	Implement the Social and Affordable Housing Strategy and continue to explore housing opportunities with private developers on key government strategies and provide support to the Homes for Homes initiative.	Lead and Represent	City Strategy



Annual Action Plan Actions 2023-2024			
Strategy	Year Three Action	Council Role	Lead Department
1.1.7 <b>Foster a thriving and innovative arts and culture scene, which is both diverse and inclusive.</b>	Deliver and support events that promote awareness and celebration of Kingston's diverse communities, including the 'Dialogues' workshop program.	Provide Services	Arts, Events & Libraries
	Increase opportunities for people with a disability to engage in arts and culture programs, fostering an innovative, inclusive and diverse community.	Provide Services	Arts, Events & Libraries
	Plan and deliver a calendar of annual events in line with Kingston's Arts and Cultural Strategy that promote local artistic endeavours.	Provide Services	Arts, Events & Libraries
	Review the application and permit process for events held on Council land, to ensure improved outcomes for the arts and events sector.	Plan and Regulate	Arts, Events & Libraries
	Deliver a diverse range of public artworks, which are in line with the Public Art Policy and Public Art Strategic Placement Plan.	Provide Services	Arts, Events & Libraries
	Deliver premium programming content for the Kingston City Hall, Kingston Arts Centre, and the Shirley Burke Theatre	Provide Services	Arts, Events & Libraries





## STRATEGIC DIRECTION

# **SUSTAINABLE**

---

Strategic Objective:

**We prioritise our environment and  
reduce our impact on the earth**



## STRATEGIC DIRECTION: SUSTAINABLE

Annual Action Plan Actions 2023-2024			
Strategy	Year Three Action	Council Role	Lead Department
2.1.1 <b>Recognise climate change and actively address our climate and ecological emergency.</b>	Investigate opportunities to reduce the carbon footprint from all major energy uses within Council buildings allowing for a more sustainable future.	Lead and Represent	City Works
	Undertake street and park tree planting in line with Council's resolution to increase tree canopy cover by at least 1%, contributing to the removal of carbon from the atmosphere, strengthening biodiversity and habitat and restoring natural resource area ecosystems.	Lead and Represent	Open Space
	Establish and implement regular community reporting of Climate and Ecological Emergency Response Plan actions to actively monitor our progress in reducing climate emissions.	Lead and Represent	City Strategy
	Deliver targeted education / information sessions in line with the Urban Cooling Strategy (2020 – 2030) to better understand the impacts of climate change on vulnerable residents.	Partner and Advocate	City Strategy
	Advocate to Melbourne Water to refine the one in 100-year flood modelling to include climate change guidance.	Partner and Advocate	Infrastructure
	Participate in the Southeast Council's Climate Change Alliance project to increase community resilience to the impacts of climate change.	Partner and Advocate	City Strategy
	Continue to provide important habitat by protecting and enhancing indigenous vegetation across Kingston's Bushland Reserves.	Lead and Represent	Open Space

Annual Action Plan Actions 2023-2024			
Strategy	Year Three Action	Council Role	Lead Department
<b>2.1.2 Consider environmental sustainability in all Council decisions.</b>	Prepare a Circular Economy Strategy to ensure the disposal of waste is processed for re-use and allowing for less waste to landfill.	Plan and Regulate	City Works
	Continue to implement changes in fleet composition to reduce carbon emissions.	Lead and Represent	Procurement
	Expand Council's resourcing to support Environmentally Sustainable Design, assisting in reducing negative impacts on the environment, whilst maximising sustainability.	Lead and Represent	City Development
	Initiate an investment strategy for Waves, which is inclusive of Environmentally Sustainable Design initiatives.	Lead and Represent	Active Kingston
<b>2.1.3 Protect and enhance our foreshore, marine environment, waterways and wetlands.</b>	Continue to investigate opportunities to improve public access and connectivity along the coastline, while recognising and protecting culturally and environmentally sensitive areas.	Lead and Represent	Open Space
	Maintain and upgrade foreshore infrastructure as required.	Build and Maintain	Open Space



## STRATEGIC DIRECTION: SUSTAINABLE

Annual Action Plan Actions 2023-2024			
Strategy	Year Three Action	Council Role	Lead Department
2.1.4 <b>Protect and enhance the Green Wedge and progress the delivery of the Chain of Parks.</b>	Continue to work in partnership with the Victorian Government to deliver the Chain of Parks including implementation of the Chain of Parks Trail Masterplan and State Government grant funded planning projects.	Partner and Advocate	Active Kingston
	Continue partnering with the State Government to strategically plan for the Kingston Fields Regional Sporting Precinct, delivering new innovative sporting programs, events and partnerships to the community.	Partner and Advocate	Active Kingston
	Complete the updates to the Kingston Green Wedge Management Plan following State Government decisions on the Suburban Rail Loop Stabling Facility and Chain of Parks in the Kingston Green Wedge. Progress a Planning Scheme Amendment once adopted.	Partner and Advocate	City Strategy
2.1.5 <b>Build sustainable transport options to reduce congestion and pollution.</b>	Finalise the Walking and Cycling Plan to set the program of works for future years to develop and advance walking and cycling as a means of travel in the City of Kingston.	Lead and Represent	Infrastructure



Annual Action Plan Actions 2023-2024			
Strategy	Year Three Action	Council Role	Lead Department
2.1.6 <b>Enable choice of movement across our city.</b>	Design and commence construction of the shared path and traffic treatment link to Karkarook Park to Settlement Creek/ Clayton Road, allowing greater movement across our municipality.	Build and Maintain	Infrastructure
2.1.7 <b>Actively promote the use of emerging technologies to influence a more sustainable built environment.</b>	Implement actions from the Geospatial Information System Strategy to ensure innovative digital solutions to service delivery.	Provide Services	Information Services & Strategy
	Continue to explore technology advances throughout Councils operations to support our transition to fully electric plant and equipment.	Lead and Represent	Open Space





## STRATEGIC DIRECTION

# PROSPEROUS

---

Strategic Objective:

**We will embrace the concept of a 20-minute neighbourhood, support the ongoing process of decentralisation and support people to live and work locally.**



## STRATEGIC DIRECTION: PROSPEROUS

Annual Action Plan Actions 2023-2024			
Strategy	Year Three Action	Council Role	Lead Department
3.1.1 <b>Support Kingston's economy, local industry and businesses to thrive in a changing environment.</b>	Commence implementation of the Heatherton and Spring Road Masterplans.	Build and Maintain	Infrastructure
	Develop a Kingston Economic Development Strategy to provide a long-term vision for sustainable economic growth that supports maintaining and diversifying local jobs.	Lead and Represent	City Economy & Innovation
	Implement the reforms arising from the Business-Friendly Council Approvals pilot.	Provide Services	City Development
3.1.2 <b>Embrace innovation to further promote businesses.</b>	Develop a Kingston Place Activation Plan to support improved vibrancy of the commercial precinct.	Provide Services	City Economy & Innovation
3.1.3 <b>Promote local jobs and employment pathway.</b>	Develop a Kingston Employment and Commercial Land Use Strategy to provide a framework for future land use change and development within Kingston's industrial and commercial precincts, in consultation with stakeholders and the business community.	Partner and Advocate	City Strategy
3.1.4 <b>Improve connections between activity zones, public transport hubs and where people live through an integrated network.</b>	Prepare and deliver design advocacy work in response to major Victorian Government transport projects, including planned level crossing removals and the Suburban Rail Loop Project.	Partner and Advocate	City Strategy
	Partner with retail centres impacted by level crossing removal works, ensuring proactive engagement with businesses during the major construction works.	Partner and Advocate	City Economy & Innovation

Annual Action Plan Actions 2023-2024			
Strategy	Year Three Action	Council Role	Lead Department
3.1.5 <b>Pursue and enhance regional collaborative opportunities and partnerships.</b>	Project manage the development of a Regional Needs and Investment Framework for the Southern Region of Melbourne to more clearly communicate to Commonwealth and State Government on key regional needs.	Partner and Advocate	City Strategy
3.1.6 <b>Support our local visual and performing arts community.</b>	Deliver numerous arts grants and creative industry professional development activities to support our local creative industries and economy.	Fund and Resource	Arts, Events & Libraries
	Deliver numerous Cultural Programs under the Arts and Cultural Strategy, to develop and nurture Kingston's creativity.	Provide Services	Arts, Events & Libraries





245 | *Creating Space for Three Annual Action Items* | 2022



## STRATEGIC DIRECTION **HEALTHY AND INCLUSIVE**

---

Strategic Objective:

**We are progressive, inclusive  
and prioritise the wellbeing of all  
members of our community.**





## STRATEGIC DIRECTION: HEALTHY AND INCLUSIVE

Annual Action Plan Actions 2023-2024			
Strategy	Year Three Action	Council Role	Lead Department
4.1.1 <b>Respect the importance of Aboriginal and Torres Strait Islander people in Kingston and their connection to the land.</b>	Implement the Innovate Reconciliation Action Plan (2022 – 2024) to advance reconciliation.	Lead and Represent	Inclusive Communities
	Continue to support the Derrimut Weelam Gathering Place to develop new programs to increase community engagement.	Provide Services	Inclusive Communities
4.1.2 <b>Champion social equality.</b>	Establish an LGBTIQA+ community reference group as a part of the Access and Equity Advisory Committee to provide advice to Council on inclusive practices.	Lead and Represent	Inclusive Communities
	Undergo Rainbow Tick accreditation for Kingston Youth Services to ensure that all policies, processes, systems and services are inclusive of LGBTIQA+ young people.	Lead and Represent	People & Culture
	Prioritise female participation in sport and access to facilities, grounds and match times, through the 'Change of Our Game' initiative.	Lead and Represent	Active Kingston
	Develop a strategic and integrated approach to workplace diversity and inclusion via the implementation of the Kingston Gender Equality Action Plan (2021 – 2025) to address systemic barriers that create gender inequality.	Lead and Represent	People & Culture
4.1.3 <b>Celebrate and learn from our diversity.</b>	Develop and commence implementation of a community leadership program to enhance leadership skills of women and people from diverse backgrounds.	Lead and Represent	Inclusive Communities
	Review Council's early years infrastructure requirements considering Victorian Government announcements.	Lead and Represent	Family, Youth & Children's Services
	Review the service delivery at each library branch, in terms of footprint and literacy offerings, to provide for greater accessibility and diversity options.	Provide Services	Arts, Events & Libraries

Annual Action Plan Actions 2023-2024			
Strategy	Year Three Action	Council Role	Lead Department
4.1.4 <b>Support community education, life-long learning and creativity.</b>	Implement strategies to attract new Family Day Care educators, improving choice for families and cost advantages for Kingston.	Provide Services	Family, Youth & Children's Services
	Review the selection of library services and programs across the municipality to ensure they continue to meet community needs.	Provide Services	Arts, Events & Libraries
	Develop and deliver a set of programs and outreach activities, which are inclusive of the ageing population and focused on life-long learning.	Provide Services	Arts, Events & Libraries
4.1.5 <b>Support the inclusion of everyone in community life.</b>	Develop the All-Abilities Plan through a co-design process, to improve access and inclusion for people with a disability.	Partner and Advocate	Inclusive Communities
	Support the foreshore clubs to promote and provide increased community participation opportunities.	Partner and Advocate	Active Kingston
	Provide opportunities to promote and deliver inclusive programs and access to sport and recreational facilities for our community.	Provide Services	Active Kingston
4.1.6 <b>Support our community's physical wellbeing.</b>	Transition community care services into the Support at Home Program, which replaces the current three in home aged care programs and better integrates residential respite into home care assessments and service plans.	Provide Services	AccessCare
4.1.7 <b>Prioritise our community's mental wellbeing.</b>	Work with community groups and sporting clubs to reduce reliance on funding or support received from the gambling industry, as per the Gambling Action Plan (2021-25).	Partner and Advocate	Inclusive Communities
4.1.8 <b>Tailor our communication to our diverse community to make communication accessible to all.</b>	Provide digital literacy programs with access to computers and iPads to enable people to better access services and connect socially online.	Provide Services	AccessCare
	Translate and convert key printed materials to ensure non-digital community members have access to information.	Lead and Represent	Advocacy, Communications & Engagement





## STRATEGIC DIRECTION

# SAFE

---

Strategic Objective:

**Our community will feel safe, and  
be safe, in all aspects of their lives.**





## STRATEGIC DIRECTION: **SAFE**

Annual Action Plan Actions 2023-2024			
Strategy	Year Three Action	Council Role	Lead Department
5.1.1 <b>Design an environment and infrastructure that promotes better safety and accessibility.</b>	Commence construction on key strategic projects in the Drainage Flood Mitigation Program including Mulkarra Drive, Bonbeach pump station and drainage, and Sherwood Avenue.	Build and Maintain	Infrastructure
	Commence the demolition of the former Don Tatnell building to support associated remediation and activation of the site.	Build and Maintain	Project Management Office
	Work with key partners to co-ordinate initiatives to improve perception of safety throughout the summer season.	Partner and Advocate	Inclusive Communities
5.1.2 <b>Support safe travel through various modes of transport.</b>	Provide bike education facilitator training to Kingston school staff to support bike education programs throughout Kingston.	Provide Services	Infrastructure
	Implement Council's Road Rehabilitation and Surfacing Programs as part of Council's 2023-24 Capital Works Program.	Build and Maintain	Infrastructure
5.1.3 <b>Improve feelings of safety across Kingston's diverse community.</b>	Promote the Park and Stride Program and Parking Around Our School Maps to address congestion and safety around schools.	Provide Services	Infrastructure
	Promote and deliver inclusive and appropriate aquatic education and 'Learn to Swim' programs across our diverse and multicultural community to reduce drownings and support health and wellbeing outcomes.	Provide Services	Active Kingston
	Support safety amongst seniors by continuing to facilitate the Interactive Safe Driver Program.	Provide Services	Infrastructure
	Support safety amongst primary and secondary school students through the delivery of the road safety initiatives.	Provide Services	Infrastructure

Annual Action Plan Actions 2023-2024			
Strategy	Year Three Action	Council Role	Lead Department
5.1.4 <b>Strive to provide an environment free from all forms of family violence.</b>	Deliver the 16 Days of Activism Against Family Violence community awareness campaign.	Lead and Represent	Inclusive Communities
5.1.5 <b>Foster caring attitudes and a safe environment for native wildlife and domestic animals.</b>	Explore free first-time animal registration to increase our pet registration database.	Provide Services	Compliance & Amenity
	Deliver a range of initiatives that promote responsible pet ownership.	Provide Services	Compliance & Amenity
	Develop a consistent approach to assess the suitability of design options of designated leash and prohibited areas for dogs on Council land.	Provide Services	Compliance & Amenity
5.1.6 <b>Provide a well maintained and clean environment for residents.</b>	Develop a matrix of contaminated sites including their respective attributes and risk mitigation.	Plan and Regulate	Property
	Review and implement recommendations of the VAGO Audit into the Food Act compliance.	Plan and Regulate	City Economy & Innovation







## STRATEGIC DIRECTION **WELL-GOVERNED**

---

Strategic Objective:

**Council will be collaborative,  
accountable, transparent, responsive  
and well-informed and efficient.**



## STRATEGIC DIRECTION: WELL-GOVERNED

Annual Action Plan Actions 2023-2024			
Strategy	Year Three Action	Council Role	Lead Department
6.1.1 <b>Hold ourselves to the highest standard of governance and integrity.</b>	Implement the Kingston Service Planning and Review Framework to plan for adaptable, capable and sustainable Council services now and into the future.	Provide Services	Customer Experience & Corporate Performance
	Implement the Community Grants Review to increase access and equity for the community.	Fund and Resource	Inclusive Communities
	Support the safety and security of Council data through the development of a Data Governance Framework.	Lead and Represent	Customer Experience & Corporate Performance
	Deliver the Annual Organisational Planning Cycle for 2024-25, including the preliminary preparation for a new Council Plan 2025-29.	Plan and Regulate	Customer Experience & Corporate Performance
	Implement Council's Workforce Plan to attract, recruit and retain highly skilled people to meet current and future priorities.	Lead and Represent	People & Culture
	Enhance Council's Cyber Security Management Framework to prevent information security breaches.	Plan and Regulate	Information Services & Strategy
	Continue to implement Council's Good Governance Framework to improve transparency and accountability.	Plan and Regulate	Governance
	Prepare for changes in the Building Act, whereby Council will undertake new obligations in relation to inspections and building legislation.	Plan and Regulate	City Development
	Redevelop the Kingston Arts and Kingston Active websites to provide clear, accessible and informative information promoting programs, services and events to our community.	Provide Services	Advocacy, Communications & Engagement
	Develop a Communications Strategy to better inform and communicate with our community.	Lead and Represent	Advocacy, Communications & Engagement

Annual Action Plan Actions 2023-2024			
Strategy	Year Three Action	Council Role	Lead Department
6.1.2 <b>Focus all of our decision-making on the long-term best interests of the Kingston community.</b>	Develop and implement Advocacy Campaign Plans to prioritise Council's advocacy agenda items.	Partner and Advocate	Advocacy, Communications & Engagement
	Continue to support and engage the community and key stakeholders, including the Community Reference Group, in the development of the new aquatic facility.	Partner and Advocate	Active Kingston
6.1.3 <b>Look after the community's financial resources responsibly and efficiently.</b>	Continue to explore opportunities for the procurement of goods, services and works that provide community benefit through the engagement of Aboriginal and Torres Strait Islander businesses, social benefit providers and/or other social enterprises.	Lead and Represent	Procurement
	Facilitate, generate and implement the Annual Budget in accordance with legislative requirements, ensuring financial responsibility and efficiency.	Plan and Regulate	Finance
	Continue to explore collaboration opportunities with other Councils, in the procurement of goods, services or works, as required under the Local Government Act 2020.	Partner and Advocate	Procurement
	Investigate opportunities to further maximise use of Council facilities.	Provide Services	Inclusive Communities
	Conduct a review of the Leasing and Licensing Policy and associated documentation to ensure that Council facilities continue to support the needs of the community and utilisation is maximised.	Provide Services	Property Services



## STRATEGIC DIRECTION: **WELL-GOVERNED**

Annual Action Plan Actions 2023-2024			
Strategy	Year Three Action	Council Role	Lead Department
6.1.4 <b>Openly report our progress and performance.</b>	Communicate the results of Councils performance via the Annual Community Satisfaction Survey, Local Government Performance Reporting Framework, Kingston Annual Report and Quarterly Council Plan Performance Reports to ensure accountability, transparency, and service improvement.	Plan and Regulate	Customer Experience & Corporate Performance
	Implement a Project Portfolio Management System to effectively report on the progress of Capital Works delivery.	Build and Maintain	Project Management Office
	Continue to develop Council's purchasing system to improve financial reporting.	Plan and Regulate	Procurement
6.1.5 <b>Actively seek broad community participation.</b>	Develop a community engagement program, which invites our AccessCare consumers to provide feedback on our service delivery and development.	Partner and Advocate	AccessCare
	Deliver the Council Community Panel engagement program to improve opportunities for deliberative consultation and ensure a wide range of views are considered in key Council decisions. The program will include a pool of 200 members, a representative 45-member panel and will be available for other key projects to draw on members as needed.	Partner and Advocate	Advocacy, Communications & Engagement

Annual Action Plan Actions 2023-2024			
Strategy	Year Three Action	Council Role	Lead Department
<b>6.1.6 Deliver exceptional customer experiences.</b>	Review and commence implementation of a revised Kingston Complaint Policy to capture resident feedback and enhance the quality of our services.	Plan and Regulate	Customer Experience & Corporate Performance
	Develop a revised Kingston Customer Service Charter that demonstrates commitment to the standards of service we aim to deliver for the Kingston Community.	Plan and Regulate	Customer Experience & Corporate Performance
	Continue to enhance the quality of Councils Customer Service Channels to improve customer experience.	Provide Services	Customer Experience & Corporate Performance
	Implement actions from the Kingston Customer Experience Strategy to deliver effective and efficient customer outcomes.	Provide Services	Customer Experience & Corporate Performance
	Commence the preliminary planning and scoping for the upgrade of Council's customer relationship management system.	Provide Services	Information Services & Strategy
	Improve the processes associated with planning permit post-approval requirements, to ensure a more efficient process for our customers.	Provide Services	City Development





## REPORTING BACK TO OUR COMMUNITY

---

All actions listed in the Council Plan Year Three Annual Action Plan are expected to be completed by 30 June 2024. Progress towards our achievements will be reported to the community via:

### **Kingston Annual Report**

The Annual Report reviews in detail our progress on the implementation of Our Roadmap: Kingston Council Plan 2021-25. It includes a statement of progress regarding the initiatives in the Budget, and a report of the results we achieved against an extensive suite of performance and sustainable capacity indicators.

### **Council Plan Quarterly Progress Reports**

Council will report quarterly on progress of actions listed in the Annual Action Plan. These will be framed to demonstrate how the actions contribute to achieving the strategies, strategic objectives and strategic directions in Our Roadmap: Kingston Council Plan 2021-25.

### **Annual Community Satisfaction Survey**

Council will participate in Local Government Victoria's Annual Community Satisfaction Survey to enable the community to provide direct feedback on the importance of, and Council's performance across a number of service areas. These will be compared with results of previous years to determine priorities and areas for improvement.





📍 1230 Nepean Highway, Cheltenham VIC 3192  
📮 PO Box 1000, Mentone 3194  
☎ 1300 653 356  
✉ [info@kingston.vic.gov.au](mailto:info@kingston.vic.gov.au)  
🌐 [kingston.vic.gov.au](http://kingston.vic.gov.au)



131 450

## **12. Chief Finance Office Reports**

# Ordinary Council Meeting

26 June 2023

**Agenda Item No: 12.1**

## **SPRINGVALLEY REIMBURSEMENT**

**Contact Officer: Julian Harvey, Manager Property Services**

### **Purpose of Report**

For Council to authorise the payment of \$983,987.10 plus GST to Greater Dandenong City Council (GDCC) for Kingston Council's share of the remediation of the Springvalley Reserve (closed landfill site) off Spring Road Springvale South 3172 within the Greater Dandenong municipal district.

### **Disclosure of Officer / Contractor Conflict of Interest**

No Council officer/s and/or Contractor/s who have provided advice in relation to this report have declared a Conflict of Interest regarding the matter under consideration.

### **RECOMMENDATION**

That Council authorise the payment of \$983,987.10 ex GST to Greater Dandenong City Council for the remediation works at the Springvalley closed landfill site directed under a Pollution Abatement Notice (PAN) issued by the Environment Protection Authority (EPA).

### **1. Executive Summary**

The Greater Dandenong City Council (GDCC) is undertaking a remediation of the landfill cap at its closed Landfill at Spring Valley Reserve. The project is nearing completion. The project cost was initially estimated at \$1,989,890 plus GST. Kingston City Council's (KCC) share is set under a Joint Agreement at 37.34 per cent.

The EPA issued a PAN in 2016 requiring additional remediation works. The project has experienced significant cost variations of \$3.1M due to weather delays, supply chain issues with a suitable engineered clay, the subsequent discovery of asbestos, and supply and compaction of new material. This has increased the overall cost and the apportioned cost between the member Councils. These variations were not anticipated and their reimbursement was not budgeted.

Officers at each of the member Councils have identified the need to introduce an improved governance regime for the ongoing management of the site.

### **2. Background**

The Springvalley Reserve, situated on Clarke Road Springvale South within the GDCC, is a former landfill which closed in late 1998. The site was used by the former Cities of Brighton, Chelsea, Moorabbin, Mordialloc, Sandringham, Springvale and Waverley who signed the "Springvalley Park Agreement (the Agreement) in July 1994 for the disposal of municipal waste and shared acceptance for any landfill rehabilitation works necessary to address environmental requirements. Following the Victorian local government amalgamations in December 1994 the signatory councils were succeeded by the Cities of Bayside, Greater Dandenong, Kingston and Monash who assume this responsibility.

Of relevance to this Report, the Agreement requires the GDCC to:

- Respond to all requirements as prescribed by the Environmental Protection Authority.
- Engage suitably qualified consultants and contractors to undertake consultancy, monitoring and site works, in consultation with stakeholder councils and applying “Best Value” principles.
- Supervise all works undertaken on behalf of Stakeholder councils.
- Commit and expend on behalf of the stakeholder Councils, the financial commitment by the stakeholder Councils is as follows:
  - Bayside 15.29%.
  - Greater Dandenong 19.88%
  - Kingston 37.34%.
  - Monash 27.49%.
- Various reporting requirements including financial.

The site has been managed under a 2004 Pollution Abatement Notice (Notice) and a 2010 Environmental Management Plan. Subsequent Notices have been issued by the E.P.A. and the most recent, the 2016 Notice, required the GDCC to undertake further works including:

- Design and installation of a new cap, i.e., removing the existing cap and replacing it with an engineered clay cap.
- Design and installation of a groundwater interception drain.
- Design and installation of pumping system and tank compound.
- GDCC has engaged with Kingston CC and the other Councils bound by the Agreement throughout the specification and tendering of the works.

The amount of \$983,987.10 is Kingston's share of the project made up as follows:

Cap Earthworks -	\$5,805,192.71
Monitoring -	\$210,022.85
<b><u>TOTAL</u></b>	<b><u>\$6,015,215.56</u></b>

Kingston share 37.34% -	\$2,246,081.49
Less payments made -	\$1,262,094.39

**Payment outstanding - \$ 983,987.10**

### **3. Discussion**

#### **Statement of Variations**

The substantive portion of the works required under the 2016 Notice have been completed. The Contract Variations are the sum of a number of items related to the contract, mostly due to latent conditions, meeting environmental auditor requirements and delays. Examples of these include the treatment of asbestos found in the excavated material, EPA requirements to suspend the works to allow the gas extraction system to be turned on for some weeks and the import of soil to replace unsuitable material found on site.

The design intent was to reuse in situ landfill cap material by excavating it, reworking it, and then placing it back in accordance with the original design. Unfortunately, a substantial amount of this material when tested after trial placement was found to be unsuitable to the EPA standards required. This meant importing a sandy sub soil for the middle cap layer and then additional topsoil for the top layer. The majority of the costs of these variations relate to the alternate design cap using the imported material.

**Governance Framework**

The ongoing relationship between the 4 Councils, Dandenong, Bayside, Monash and Kingston for the Springvalley Landfill is via the 1994 Agreement which was based upon the share of refuse disposed at the site by each of the Councils legal predecessors.

The agreement provides for a proportionate share of revenue from the operation of the landfill gas system by way of royalty share from EDL and also a share of expenses in the ongoing management of the site and any remediation. The Agreement is almost 30 years old and is not reflective of current environmental management requirements and does not provide for an effective ongoing relationship structure between the 4 Councils. Officers at each Council have expressed a desire to develop a set of arrangements to ensure future engagement, reporting and decision making in relation to works and monitoring required to be undertaken at the site. Officers will continue to collaborate with each of the other 3 Councils to develop a document to clarify decision making and provide for regular reporting to each of the member Councils.

**4. Compliance Checklist**

**4.1 Council Plan Alignment**

Strategic Direction: Well-governed - Council will be collaborative, accountable, transparent, responsive, well-informed and efficient.

Strategy: Hold ourselves to the highest standard of governance and integrity

Council continues to hold a share in the cost of remediating landfills operated by former municipalities. These legacy environmental responsibilities must be addressed and collaboration between the member Councils is of paramount importance.

**4.2 Governance Principles Alignment**

Principle (a) - Council actions are to be made and actions taken in accordance with the relevant law

Principle (b) - priority is to be given to achieving the best outcomes for the municipal community, including future generations.

Principle (c) - the economic, social and environmental sustainability of the municipal district, including mitigation and planning for climate change risks, is to be promoted.

Principle (f) - collaboration with other Councils and Governments and statutory bodies is to be sought.

The contribution towards the cost of the remediation of Spring Valley Park honours council's agreement and reimburses Greater Dandenong for the costs that they have incurred in responding to pollution abatement notices (PAN) issued by the EPA requiring work to be performed to protect the environment. Kingston has and will continue to collaborate with Greater Dandenong , Bayside, and Monash to continue to manage legacy landfill sites.

# City of Kingston Ordinary Council Meeting

## Agenda

26 June 2023

### 4.3 Financial Considerations

The table below summaries the invoices for the project including reimbursement payments made to Greater Dandenong

Invoice number	Period	Cap Rehabilitation	Monitoring	Total Cost (exc GST)	KCC - 37.34 % (exc GST)	KCC - 37.34% (Inc GST)	Payment Status	GL Account
2287647	Oct - Dec 2020	534,708.63	37,171.97	571,880.60	213,540.22	234,894.24	PAID 29/06/2021	N0939.2119
2326020	Jan - April 2021	1,388,435.97	29,573.68	1,418,009.65	529,484.80	582,433.28	PAID 4/08/2022	1003.2119 \$12,147.09 & 1003.4037 (Provision
2346353	May - June 2021	537,559.91	25,619.20	563,179.11	210,291.08	231,320.19	PAID 4/08/2022	1003.2119
2376634	July - Sept 2021	232,084.16		232,084.16	86,660.23	95,326.25	PAID 4/08/2022	1003.2119
2413217	Oct - Dec 2021	132,701.62	40,918.30	173,619.92	64,829.68	71,312.65	PAID 4/08/2022	1003.2119
2431314	Jan - Mar 2022	412,527.48	8,705.48	421,232.96	157,288.39	173,017.23	PAID 4/08/2022	1003.2119
<b>Total Paid Amount</b>					<b>1,262,094.39</b>	<b>1,388,303.83</b>		
2458722	April - June 2022	1,944,763.44	33,413.71	1,978,177.15	738,651.35	812,516.48	Unpaid	
2490822 & 2490823	July - Sept 2022	395,391.15	8,289.06	403,680.21	150,734.19	165,807.61	Unpaid	
2524806 & 2524807	Oct - Dec 2022	227,020.35	26,331.45	253,351.80	94,601.56	104,061.72	Unpaid	
<b>Total Unpdald Amount</b>					<b>983,987.10</b>	<b>1,082,385.81</b>		

### Projected costings

A ten year forward plan of costs for the site has been prepared by Greater Dandenong to assist in future budgeting Kingston's forward obligations are anticipated to be:

Yr1	Yr2	Yr3	Yr4	Y5	Y6	Y7	Y8	Y9	Y10	Total 10 Yr Cost
\$175K	\$220K	\$90K	\$90K	\$87K	\$87K	\$87K	\$80K	\$80K	\$80K	\$1.076M

### Budget

Council has only provisioned \$395,433 for landfill remediation works so the cost of the invoice exceeds the funding available by \$588,554.10. Sufficient budget has been provided for the 2023/24 requirements – the 2022/23 invoiced amount from GDCC was not known at the time of the 2022/23 budget being set, and the adverse budget impact will need to be met from accumulated results, or council's cash reserves.

### Staff Resources

Nil

### 4.4 Risk considerations

#### Legal / Risk Implications

KCC is a signatory to the 1994 Agreement and, together with the other Councils, is bound by its obligations that include any ongoing environmental costs.

## Appendices

Appendix 1 - Kingston v Monash Confidential Update (Ref 23/160084) - Confidential

Author/s: Julian Harvey, Manager Property Services

Reviewed and Approved By: Bernard Rohan, Chief Financial Officer

# Ordinary Council Meeting

26 June 2023

**Agenda Item No: 12.2**

## **PROPOSED LEASE OF 640 NEPEAN HIGHWAY CARRUM (CARRUM RESTAURANT / CAFE)**

**Contact Officer: Michael Major, Property Services Coordinator  
Julian Harvey, Manager Property Services**

### **Purpose of Report**

For Council to consider giving public notice under Section 115 of the Local Government Act 2020 and Kingston's Community Engagement Policy of its intention grant a 5 + 5 + 5 year retail lease (hospitality venue) for the building situated at 640 Nepean Highway, Carrum.

### **Disclosure of Officer / Contractor Conflict of Interest**

No Council officer/s and/or Contractor/s who have provided advice in relation to this report have declared a Conflict of Interest regarding the matter under consideration.

### **RECOMMENDATION**

That Council:

1. Give public notice in accordance with Section 115 of the Local Government Act 2020 and Council's Community Engagement Policy to:
  - a) Inform the Kingston Community of Council's intention to grant a lease to Pynce Hospitality Group Pty Ltd (and/or nominee) for an initial term of five (5) years plus two further terms of five (5) years each at a commencing rental of \$38,000 per annum plus GST and outgoings for the building situated at 640 Nepean Highway, Carrum on the terms and conditions outlined in this report and;
  - b) Invite submissions and report back to Council.
2. In the event that submissions are received in response to Recommendation 1 (above), requiring Council's consideration, convene a meeting comprising the Mayor, Deputy Mayor, Ward Councillor, Chief Financial Officer, Manager, Property Services, Team Leader, Property Services to consider any submissions and report back to Council; and
3. In the event that no submissions are received that require Council's consideration, grant a lease to the Pynce Hospitality Group Pty Ltd (and/or nominee) on the terms and conditions outlined in this report.

### **1. Executive Summary**

Kingston City Council are the Committee of Management for the Crown land comprising the Mordialloc-Carrum Foreshore Reserve. The Level Crossing Removal Project – Southern Program Alliance (SPA) was established by the State Government to remove level crossings along the Frankston Rail Line.



The initial Works Package for the Southern Program comprised of level crossing removals on the Frankston line, broader transport network improvements and enhancement works to local areas adjacent to level crossing removals. The Carrum Foreshore development of which the subject property forms ("the building") is located to the western side of Nepean Highway with access to the site via the McLeod Road extension which connects to the Foreshore Reserve and existing Carrum Surf Life Saving Club.

The Carrum Foreshore Precinct scope comprises:

- Café/Restaurant/Retail building and associated shade canopy
- Toilet and Changing Places facility
- BBQ shade canopy
- Arbour (in front of toilets)
- Screens to United Energy transformer

The café/restaurant building was gifted to Council as a shell construction ready to be fitted out as a café/restaurant business. Incorporated within the shell are 1 x DDA unisex public toilet, 1 x female ambulant WC and 1 x male ambulant WC, completed and operational. External services have been capped and no joinery or furniture has been provided in the construction.

The Foreshore Development incorporating the subject building is illustrated in the image below.



## **2. Background**

The ownership of the land and buildings comprising the Carrum Foreshore development was originally earmarked by the Southern Program Alliance to be transferred to Kingston City Council as "freehold" title as the site is located outside the VicTrack boundary and rail corridor. The land was subsequently transferred to the Crown and Council was appointed Committee of Management on 2nd August 2022.



Artist's impressions of the cafe/restaurant building are depicted below.



The building boasts 147 square metres (gross floor area) including an internal dining area of 94 square metres and is designed as a purpose-built hospitality venue to provide both indoor and outdoor dining opportunities to capitalise on the Foreshore location.

The building enjoys the benefit of a Planning Permit allowing for 54 patrons within the internal area and 44 patrons within the external licensed area.

The leasing of 640 Nepean Highway, Carrum will not only activate the Foreshore precinct with the introduction of a sustainable food and beverage operator, it will also provide Council with a medium to long term income stream on commercial terms.

Property Services initially launched an Expressions of Interest campaign in August 2022 for a five-week duration. The aim was to seek expressions of interest from experienced hospitality food and beverage operators looking to either expand their existing operations or pursue a new a greenfield opportunity.

The timing of the campaign coincided with the end of the COVID-19 global pandemic which rendered the campaign unsuccessful with one non-conforming EOI received. Economic uncertainty, the prospect of rising interest rates, staff labor shortages, the significant financial commitment to fit out a property of this nature and a lack of overall business confidence, particularly in the hospitality industry conspired against the campaign.

A second Expressions of Interest campaign was relaunched in March 2023. Council engaged the services of a specialised food and hospitality consultant, Future Food and a reputable commercial Estate Agent, Hodges Estate Agents (Mentone) to work in partnership with Council to identify an experienced and qualified prospective tenant. Additional marketing initiatives including signage on the property, social media promotion, flyer drops, direct targeting and revisiting past enquiries generated a good response, resulting in three proposals.

A summary of the proposals received are attached in Appendix 1.

Two of the three parties were shortlisted and interviewed, with the following offer recommended to be adopted by Council.

### **Concept**

The Lessee, a known local business owner/operator intends to offer both a lunch and dinner menu initially, with a breakfast offering a possibility in the future once the business has established itself. The breakfast offering would be based on a "Grab & Go" menu, with breakfast favourites including croissants, ham and cheese toasties, egg and bacon rolls and St Ali coffee available.

A combination of Modern Mediterranean cuisine would be offered together with an assortment of local and imported beer, wine and spirit varieties.

The lunch offering would focus on a variety of tacos and sliders / small share plates, whilst the dinner offering will include Spanish tapas / share plates, cocktails and various alcohol and non-alcohol offerings.

An ice cream cart will complement the dinner menu with a combination of soft serve ice cream and sorbet varieties.

Attached is a Heads of Agreement setting out the proposed terms and conditions (Appendix 2).

**City of Kingston  
Ordinary Council Meeting**

**Agenda**

**26 June 2023**

The following key terms are summarised as follows:

<b>Parties:</b>	<b>Lessor</b>  Kingston City Council 1230 Nepean Highway, Cheltenham VIC 3192 Postal Address: (PO Box 1000 MENTONE VIC 3194)
	<b>Lessee:</b>  Pynce Hospitality Group Pty Ltd (and or nominee) (ACN 638 868 998) C/- 451 Nepean Highway, Chelsea VIC 3196
<b>Premises</b>	640 Nepean Highway, Carrum VIC 3196 ("the building")
<b>Building Area</b>	147 square metres plus licenced area (refer to attached plan)
<b>Commencement Date</b>	1 August 2023 or from the date of Council resolution whichever the latter
<b>Lease Term</b>	Five (5) years
<b>Further Term(s)</b>	Two (2) further terms of Five (5) years each
<b>Early Access</b>	The Lessee shall be granted access to the premises to undertake preliminaries in preparation for fit out from 1 July 2023 or from the date of Council resolution, whichever the latter. No rent or outgoings will be payable prior to Lease Commencement Date. Early access will be granted subject to the provision of an executed copy of the Lease agreement and insurance certificates.
<b>Use</b>	For the sale and consumption of liquor (restaurant and café licence) and associated retail uses
<b>Operating Hours</b>	In accordance with the conditions stipulated in Planning Permit KP-2021/410
<b>Annual Rent</b>	The annual rent will commence as \$38,000 plus GST.
<b>Turnover Rent</b>	Five (5%) percent of gross annual sales over \$1.5M where turnover exceeds \$1.5M (ex GST)
<b>Rent Review</b>	The rental shall be increased by fixed annual increases of 4.0%.
<b>Outgoings</b>	All usual property outgoings/expenses associated with the said premises will be payable by the Lessee. The Lessee and Lessor must actively manage all expenses to ensure all costs are market based and reasonable having regard to the nature of the building. The Tenant shall be entitled to an annual review of all invoices and receipts associated with outgoings.
<b>Rent &amp; Outgoings Free Period</b>	Ten (10) months from the commencement date of the lease.

**City of Kingston  
Ordinary Council Meeting**

**Agenda**

**26 June 2023**

<b>Subletting &amp; Assignment</b>	The Lessee will be granted the right to sublease the whole or part of the Premises, or to assign its rights under the Lease, subject to the Landlord's prior written approval which approval must not be unreasonably withheld, conditioned or delayed.
<b>Signage</b>	The Lessee shall have the right to display prominent exterior signage, the exact location, dimension and design of the signage subject to the Lessor's approval (and Responsible Authority if required) which shall not be unreasonably withheld, conditioned or delayed.
<b>Repair &amp; Maintenance Obligations</b>	<p>The Lessee must maintain the Premises in its condition as at the Lease Commencement Date (excluding fair wear and tear) and shall be responsible for general repairs and maintenance for the entire period of tenure, save for structural building items.</p> <p>The Tenant's liability for repair and maintenance shall only include works of a non-structural nature. The Tenant shall not be liable for any works of a capital or structural nature, unless such works are repairs of damage caused directly by the Tenant.</p>
<b>Reinstatement /Make Good on Expiry</b>	At the expiry of the Lease, the Tenant will be obliged to remove the Tenants property including fittings and fixtures from the Premises if not wanted by the Lessor and to leave the Premises in a clean and tidy condition, free from rubbish.
<b>Bank Guarantee</b>	A bank guarantee equivalent to three (3) months rent including GST. The Guarantee will not have an expiry date.
<b>GST</b>	In addition to any amount to be paid by the Lessee to the Lessor under the Lease in relation to a supply, the Lessee must also pay at the same time any goods and services or similar tax payable in respect of that supply.

Note, the Lessee's fit out obligations are specified in the attached Heads of Agreement (Appendix 1).

### **3. Discussion**

#### **3.1 Leasing the Property on Commercial Terms**

The draft Heads of Agreement to Lease to Pynce Hospitality Group Pty Ltd (and or nominee) is based on an arm's length, commercial terms contract. The proposed fit out will be undertaken and financed by the Lessee under the guidance of Council. The rent and outgoings abatement period of ten months offsets Council requirement to financially subsidise the commercial fit out which is estimated to cost in the vicinity of circa \$150,000 - \$300,000 dependant upon scope.

The proposed rental and rent-free period is considered commensurate with the fit out impost that the Lessee will have to incur.

#### **3.2 Activation of the Mordialloc-Carrum Foreshore Reserve**

The adoption of the proposed lease will assist in increasing patronage, particularly after business hours to an already vibrant community open space, particularly on weekends during the warmer months.

Kingston residents will be afforded the opportunity to dine either inside or outside during the spring/summer months in a picturesque environment adjoining the Carrum Foreshore Precinct.

#### **4. Consultation**

##### **4.1 Internal Consultation:**

An in principal agreement on the proposed terms and conditions of the Crown Lease has been reached with the prospective Lessee. Property Services supports the recommendation in this report.

##### **4.2 Community Consultation:**

If Council accepts the recommendations to commence the statutory procedures to lease the subject property, the following consultation have/will take place under Council's Community Engagement Policy.

<b>Group</b>	<b>Method</b>
Department of Energy, Environment and Climate Action (DEECA)	<p>Council have held several discussions with DEECA representatives regarding the subject site prior to and post Council being appointed Committee of Management over the Mordialloc-Carrum Coastal Reserve, more specifically the future of the subject property.</p> <p>Should Council resolve to grant a lease over the subject property, Officers will proceed to seek Grant and Purpose from DEECA consenting to the proposed terms and conditions of the lease.</p>
General Community	<p>Should Council adopt the recommendations detailed in this report, Council will publish a public Notice in the Herald Sun. In addition, Kingston residents will have the opportunity to view the Notice on Council's website.</p>
Carrum Surf Life Saving Club	<p>The Carrum Surf Life Saving Club have up until recently occupied the subject property whilst major refurbishment works are being undertaken at their Clubhouse. Active Kingston and Property Services have consulted the Club on the intended future use of 640 Nepean Highway, Carrum. The Club President has expressed his support for the concept.</p>
Targeted Groups	<p>Residents and commercial occupants within the immediate proximity to 640 Nepean Highway, Carrum will be notified via letterbox drop of Council's public notice.</p>

**4.3 Results/Findings:**

The appointment of Kingston City Council as the Committee of Management over the Mordialloc-Carrum Foreshore Reserve by the Department of Energy, Environment and Climate Change, reinforces the State Government's support for the future use of the subject property as a retail space and the promotion and activation of an already vibrant community public open space.

**5. Compliance Checklist**

**5.1 Council Plan Alignment**

Strategic Direction: Liveable - Our city will be a vibrant, enjoyable, and easy place to live.

The addition of a café/restaurant to the Carrum Foreshore Precinct will enhance and further activate the area for residents of Kingston to frequent, enjoy and socially interact.

**5.2 Governance Principles Alignment**

Principle (a) - Council actions are to be made and actions taken in accordance with the relevant law

The proposed lease will be undertaken in accordance with Section 115 of the Local Government Act 2020.

Principle (g) - the ongoing financial viability of the Council is to be ensured.

The income generated from the lease of the property can be directed towards demonstrated community needs.

Principle (i) - the transparency of Council decisions, actions and information is to be ensured.

The recommendations, if adopted, will require Council to engage and give public notice of its intention to lease the property and consider any third party submissions.

**5.3 Financial Considerations**

**Projected Income Over Initial Term (5 Years)\* denotes ex GST**

Income projections over the initial lease term are detailed below. The rental will increase annually by fixed 4% increases. A market review will be adopted at the commencement of each further term.

Year 1 Income	Year 2 Income	Year 3 Income	Year 4 Income	Year 5 Income	Year 6 Market Review
\$38,000 per annum*	\$39,520 per annum*	\$41,100 per annum*	\$42,745 per annum*	\$44,455 per annum*	



**Budget**

Council was appointed Committee of Management on 2 August 2022 as published in the Government Gazette pursuant to the Crown Land (Reserves) Act 1978. As part of the Carrum Railway Station upgrade / level crossing removal, Council did not contribute financially to the build or acquisition of the subject property. A financial contribution towards fit out / refurbishment in the medium to long term future may be required to maintain a rental income stream.

We reiterate that the proposed fit out of the building will be 100% borne by the Lessee.

**Staff Resources**

Property Services will manage Council's Community Engagement obligations in accordance with the Community Engagement Policy and finalise the documentation requirements including the Crown Lease Agreement and Disclosure Statement pursuant to the Retail Leases Act 2003.

**5.4 Risk considerations**

Council as Committee of Management for the Mordialloc-Carrum Coastal Reserve will grant the lease pursuant to the *Crown Land (Reserves) Act 1978*. The proposed lease will be prepared in the Crown template form required by the Department of Energy, Environment and Climate Action (DEECA).

The Local Government Act 2020, more specifically Section 115, requires Council to undertake a Community Engagement process, in accordance with its Community Engagement Policy for leases where the proposed lease term is for ten (10) years or more.


Council's Community Engagement Policy was adopted on 28 October 2019. The Policy is based on the following considerations:

- Inform
- Consult
- Involve
- Collaborate
- Empower

The public notice and submission process are consistent with the "*Inform*" and "*Consult*" goals of the Council Policy and will be undertaken as the appropriate community engagement for this leasing proposal.

**Appendices**

Appendix 1 - Expressions of Interest Summary - Carrum Café (Ref 23/147343) - Confidential

Appendix 2 - Signed Heads of Agreement 640 Nepean Hwy Carrum (Ref 23/140450) 



Author/s:	Michael Major, Property Services Coordinator Julian Harvey, Manager Property Services
Reviewed and Approved By:	Julian Harvey, Manager Property Services Bernard Rohan, Chief Financial Officer

## **12.2**

### **PROPOSED LEASE OF 640 NEPEAN HIGHWAY CARRUM (CARRUM RESTAURANT / CAFE)**

<b>1</b>	<b>Signed Heads of Agreement 640 Nepean Hwy Carrum.....</b>	<b>483</b>
----------	---	------------

11 May 2023



Email: [julian.harvey@kingston.vic.gov.au](mailto:julian.harvey@kingston.vic.gov.au)  
Telephone: 9581 4760

Kelvyn Vencatachellum  
Director  
Pynce Hospitality Group Pty Ltd  
C/- 451 Nepean Highway  
CHELSEA VIC 3196

Via email: [vkelvyn@gmail.com](mailto:vkelvyn@gmail.com)

Dear Kelvyn

**Proposed Lease Terms – Heads of Agreement**  
**Premises: 640 Nepean Highway, Carrum, Victoria 3196**

We refer to previous correspondence and our recent online discussions of Monday 1 May 2023 and confirm that you are the preferred prospective Lessee for the leasehold interest of above-mentioned property. The following terms and conditions are detailed below for your consideration / acceptance.

This letter is not legally binding, other than for Exclusivity and Confidentiality and is intended to express the Landlord's proposal with respect to the structure of the leasing arrangements to be entered into between the parties and the steps to be taken to negotiate and finalise such leasing arrangements.

- |           |                          |  |
|-----------|--------------------------|--|
| <b>1.</b> | <b>Parties:</b>          | <b>Lessor</b><br>Kingston City Council<br>1230 Nepean Highway, Cheltenham VIC 3192<br>Postal Address: (PO Box 1000 MENTONE VIC 3194) |
| <b>2.</b> | <b>Lessee:</b>           | Pynce Hospitality Group Pty Ltd (ACN 638 868 998)<br>C/- 451 Nepean Highway, Chelsea VIC 3196  |
| <b>3.</b> | <b>Premises</b>          | 640 Nepean Highway, Carrum VIC 3196 ("the building")   |
| <b>4.</b> | <b>Building Area</b>     | 147 square metres plus licenced area (refer to attached Lease /Licence plan)   |
| <b>5.</b> | <b>Commencement Date</b> | 1 August 2023 or from the date of Council resolution whichever the latter  |
| <b>6.</b> | <b>Lease Term</b>        | Five (5) years   |

*community inspired leadership*

TRIM 23/116929 PAGE 1

[kingston.vic.gov.au](http://kingston.vic.gov.au)  
Cheltenham 1230 Nepean Highway Chelsea 1 Chelsea Road  
1300 653 356 131 450 03 9581 4500 PO Box 1000, Mentone 3194 [info@kingston.vic.gov.au](mailto:info@kingston.vic.gov.au) [cityofkingston](https://www.facebook.com/cityofkingston) [kingstoncc](https://www.instagram.com/kingstoncc)

<b>7.</b>	<b>Further Term(s)</b>	Two (2) further terms of Five (5) years each
<b>8.</b>	<b>Retail Premises</b>	The Parties agree that the proposed lease will fall under the provisions of the Retail Leases Act 2003
<b>9.</b>	<b>Early Access</b>	The Lessee shall be granted access to the premises to undertake preliminaries in preparation for fit out from 1 July 2023 or from the date of Council resolution, whichever the latter. No rent or outgoings will be payable prior to Lease Commencement Date. Early access will be granted subject to the provision of an executed copy of the Lease agreement and insurance certificates.
<b>10.</b>	<b>Use</b>	For the sale and consumption of liquor (restaurant and café licence) and associated retail use
<b>11.</b>	<b>Operating Hours</b>	In accordance with the conditions stipulated in Planning Permit KP-2021/410
<b>12.</b>	<b>Annual Rent</b>	The annual rent will commence as \$38,000 plus GST.
<b>13.</b>	<b>Turnover Rent</b>	Five (5%) percent of gross annual sales over \$1.5M where turnover exceeds \$1.5M (ex GST)
<b>14.</b>	<b>Rent Review</b>	The rental shall be increased by fixed annual increases of 4.0%.
<b>15.</b>	<b>Outgoings</b>	<p>All usual property outgoings/expenses associated with the said premises will be payable by the Lessee.</p> <p>The Lessee and Lessor must actively manage all expenses to ensure all costs are market based and reasonable having regard to the nature of the building. The Tenant shall be entitled to an annual review of all invoices and receipts associated with outgoings.</p>
<b>16.</b>	<b>Rent &amp; Outgoings Free Period</b>	Ten (10) months from the commencement date of the lease.

**17. Lessee's Fit Out**

Means improvement and fit out works to the Premises to be carried out and completed by the Lessee at the Lessee's cost.

The Lessee must deliver to the Lessor for prior approval:

- i. Detailed plans and specifications of the proposed works prior to the commencement of any fit out works.
- ii. Make any changes that the Lessor reasonably requires to such plans and specifications prior to the commencement of such works.
- iii. The Lessee must effect and maintain the following insurances in relation to the capital works:
  - a. Public risk insurance for an amount not less than \$20 million concerning one single event: and
  - b. Contractors all risk insurance for the full replacement value of the Lessee's works.
- iv. The Lessee must not commence any works of a capital nature prior to having:
  - a. Obtained all consents, permits and approvals to enable the Lessee to carry the works.
  - b. Obtained the Lessor's approval to the plans and specifications.
  - c. As soon as practicable after the completion of the works, the Lessee must deliver to the Lessor any certificate of compliance or statement of satisfactory completion that is required by any authority and
  - d. A full set of "as built" documentation.

**18. Subletting & Assignment**

The Lessee will be granted the right to sublease the whole or part of the Premises, or to assign its rights under the Lease, subject to the Landlord's prior written approval which approval must not be unreasonably withheld, conditioned or delayed.

**19. Documentation**

The Lessor will provide to the Lessee with an draft lease document. The Lessee may request changes to such documents acting reasonably.



20.	<b>Legal Costs</b>	Each party will be responsible for the payment of its own legal costs incurred in connection with this transaction and documentation of any further term.
21.	<b>Signage</b>	<p>The Lessee shall have the right to display prominent exterior signage, the exact location, dimension and design of the signage subject to the Lessor's approval (and Responsible Authority if required) which shall not be unreasonably withheld</p> <p>The Lessee must procure all permits and approvals prior to installing any signage.</p>
22.	<b>Holding Over</b>	At the lease expiry date, the lease shall automatically continue on a month-to-month basis until either party serves notice to terminate. The notice period being three (3) months.
23.	<b>Repair &amp; Maintenance Obligations</b>	<p>The Lessee must maintain the Premises in its condition as at the Lease Commencement Date (excluding fair wear and tear) and shall be responsible for general repairs and maintenance for the entire period of tenure, save for structural building items.</p> <p>The Lessee's liability for repair and maintenance shall only include works of a non-structural nature. The Lessee shall not be liable for any works of a capital or structural nature, unless such works are repairs of damage caused directly by the Lessee.</p>
24.	<b>Reinstatement /Make Good on Expiry</b>	At the expiry of the Lease, the Lessee will be obliged to remove the Lessee's property including fittings and fixtures from the Premises if not required by the Lessor and leave the Premises in a clean and tidy condition, free from rubbish.
25.	<b>Bank Guarantee</b>	A bank guarantee equivalent to three (3) months rent including GST. The Guarantee must not have an expiry date.
26.	<b>Director's Guarantee &amp; Indemnity</b>	Director's Guarantee's will be required
27.	<b>GST</b>	In addition to any amount to be paid by the Lessee to the Lessor under the Lease in relation to a supply, the Lessee must also pay at the same time any goods and services or similar tax payable in respect of that supply.
27.	<b>Confidentiality</b>	The identity of the Lessee and the terms proposed are to remain confidential to the parties, the respective agents and advisors and any other contractors until the final Lease is executed.



The above terms, other than for Exclusivity and Confidentiality, are subject to:

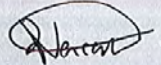
- Council Executive Approval of HOA and Section 115 of the Land Government Act 2020.
- Execution of legally binding Leases

**Lessee Acceptance:**

Kelvin Vencatathellum.

Print Name/s

Date 20/05/23



Signature

**Lessor Acceptance:**

Print Name/s

Date

Signature

We look forward to receiving your response.

Should you have any queries regarding this matter, do not hesitate to contact the writer.

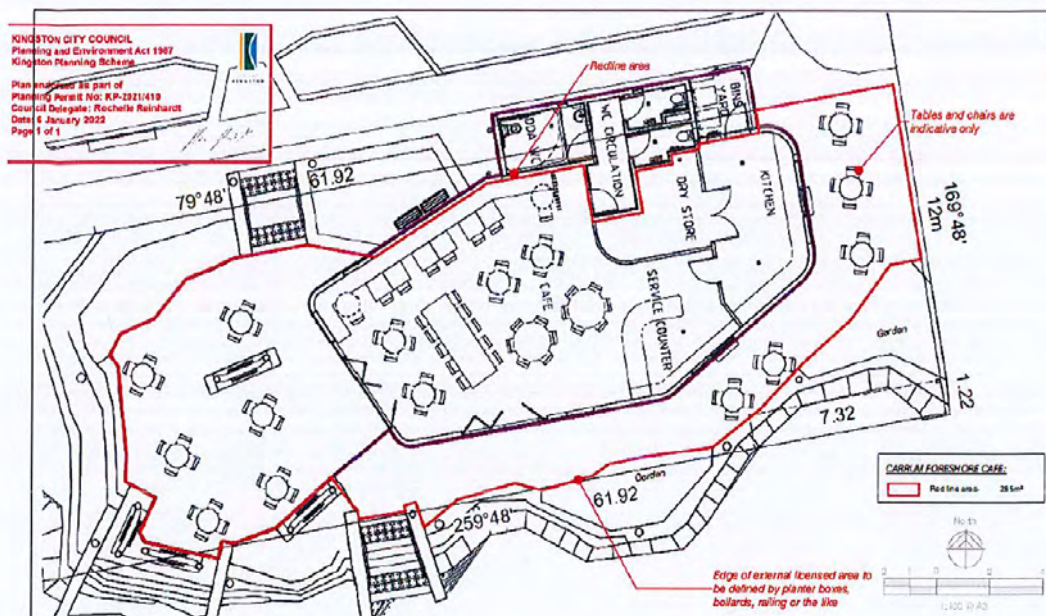
Yours faithfully

Kind regards



**Julian Harvey**  
MANAGER - PROPERTY SERVICES, CITY OF KINGSTON

## Lease & Licence Plan



# Ordinary Council Meeting

26 June 2023

**Agenda Item No: 12.3**

## **PROPOSED SALE OF 6 LOCHIEL AVENUE, EDITHVALE**

**Contact Officer: Peter Gillieron, Team Leader Property Services**

### **Purpose of Report**

For Council to consider selling 6 Lochiel Avenue Edithvale 3196 (the subject property) as:

- There is no identified Council use.
- The property is surplus to municipal requirements.

### **Disclosure of Officer / Contractor Conflict of Interest**

No Council officer/s and/or Contractor/s who have provided advice in relation to this report have declared a Conflict of Interest regarding the matter under consideration.

### **RECOMMENDATION**

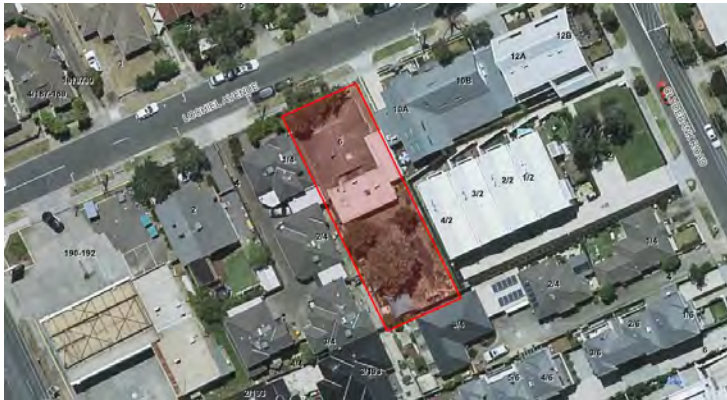
That Council, having given public notice on 10 April 2023 of its intention to sell the subject property under section 114 of the Local Government Act 2020 and Council's Community Engagement Policy, and having considered the one submission lodged in response to Council's Notice of Intention to Sell:

1. Advise suitable social and affordable housing providers that it is considering the future use of 6 Lochiel Avenue, Edithvale 3196;
2. Invite Expressions of Interest from social and affordable housing providers to develop the property for social and or affordable housing;
3. Receive a report following completion of the Expression of Interest campaign;
4. Authorise the Chief Executive Officer to act on Council's behalf in this matter; and
5. Authorise that net proceeds from the transaction to be held in a dedicated land reserve account for future strategic purchases as directed by Council.

### **1. Executive Summary**

6 Lochiel Ave, Edithvale is a Council owned property formerly used as a childcare centre and is now surplus to operational requirements. The property is shown on the aerial photograph below.





Council gave public notice of its intention to sell the subject property on 10 April 2023. One submission was lodged in response to the public notice the submitter has not requested to be heard in support of their submission.

Council has now completed the process under its Community Engagement Policy of its intention to sell the subject property and can now consider whether to sell, or not to sell, the subject property.

## **2. Background**

The former Lochiel Child Care operations transferred to the Edithvale Hub building located at Edithvale Road in Edithvale. The Lochiel building was used as a temporary facility for the provision of kindergarten services to enable works to be undertaken at other sites. The following chronology relates to the subject property.

- 26 April 2021: Council, noting that the subject property was surplus to operational requirements, resolved:
- *Authorise the CEO or their delegate to publish a public notice in accordance with Section 189 of the Local Government Act 1989 ("Act") stating Council's intention to sell 6 Lochiel Ave, Edithvale;*
  - *Authorise the CEO and delegated Council staff to carry out the necessary administrative procedures to allow Council to carry out its functions under section 223 of the Act.*
  - *Authorise the CEO and delegated Council staff to convene, if required, a Section 223 Committee on Tuesday 8 June 2021 at 5:00pm comprising Cr Staikos, Cr Saab, Cr Eden, General Manager City Assets and Environment, and the Manager Property and Arts to hear presentations from parties who wish to be heard in support of their written submissions; and*
  - *In the event no submissions are received, authorise the CEO or their delegate to proceed to sell 6 Lochiel Ave, Edithvale and that the sale price for the property shall be no less than an open-market valuation as determined by a valuer on Council's contracted valuation panel.*
- 6 May 2021: Public notice of Council's intention to sell.
- 8 June 2021: Council's section 223 sub-committee convened to hear two parties in support of their submissions:
- Edithvale Collective.
  - Local resident.

The submissions opposed the proposed sale and that the subject property should be retained for community use. Neither of the submitters detailed how the subject property would be financed and maintained.

17 January 2022: Council undertook an expression of interest with submissions closing on 16 February 2022. Submitters were requested to provide information on how the subject property was to be used. This included business operational model, financial capacity, program delivery, planning consideration, facility condition.

Submissions to use the subject property were received from;

- Edithvale Collective.
- Rayza Agencies

The submitters provided a very broad overview on how the property would be used without the all the detail that the expression of interest sought. Both submissions sought Council financial assistance to refurbish the property.

September 2022: In response to the expression of interest program, Council's Inclusive Communities team met with the Edithvale Collective to discuss the Collective's interest in local spaces to meet and their aspirations for community-based programs to be provided in the Edithvale area. Further information was provided by the Collective regarding their proposed operations as a group, and this will be the subject of ongoing discussions with them. The discussions also covered the refurbishment of the Edithvale shopping strip that was of particular interest to the Collective. Officers advised the Collective that the property was not fit for purpose and surplus to Council operational requirements and would not be available for ongoing community use.

27 March 2023: Council considered a report to commence the statutory procedures to sell the subject property and resolved:

1. *Give public notice under section 114 of the Local Government Act 2020 and Council's Community Engagement Policy of its intention to sell 6 Lochiel Avenue Edithvale 3196.*
2. *Authorise the Chief Executive Officer and delegated officers to convene a sub-committee, on a date to be set, comprising Cr Saab, Cr Eden, Chief Finance Officer, Manager Property Services, and Team Leader Property Services to hear any submitters who have requested to be heard in support of their submissions lodged in response to the public notice and report back to Council.*
3. *In the event that no submissions are received that require Council's consideration, authorise the Chief Executive Officer to sell 6 Lochiel Avenue Edithvale 3196 for not less than the market value of the property determined by an independent certified property valuer*

### **3. Discussion**

#### **3.1 Public Notice and Submission.**

In response to the Council resolution dated 27 March 2023:

- Council published a Notice of Intention to Sell on 10 April 2023.
- Placed the Notice on Council's website.
- Placed a copy of the Notice on the subject property.
- Posted a copy of the Notice to 34 properties surrounding the subject property.

In response to the Notice, Council received one submission, attached as Annexure "A: (Confidential).

The submission opposes the proposed sale and has requested that Council retain the property as a community house operated by a committee of volunteers. The submitter is unable to attend a sub-committee of Council and speak in support of the submission. Therefore, the submission is attached as a confidential attachment to this paper.

#### **3.2 Officer Response to the Submission**

Officers have carefully considered the submission and advise of the following considerations for Council:

- 6 Lochiel Ave, Edithvale is a Council owned property formerly used as a childcare centre and is now surplus to operational requirements.
- Council has no identified municipal services for the property. Future municipal services will be accommodated in newer purpose-built facilities in the Edithvale locality.
- The value of the property can be realised to facilitate land purchases or facility construction where Council has identified need.
- The building on the property is beyond economic repair and potential community uses of the site would be adversely affected by the state of the property. The building should be considered for demolition and the proposal to demolish will be reviewed closer to any sale following scenario costings, marketability and risk analysis.

#### **3.3 Kingston Social and Affordable Housing Strategy**

Council has adopted a strategy to address social and affordable housing which includes a combination of opportunities for affordable housing on appropriate Council owned land. In response to this, housing groups can be notified that Council is considering the future of the property and invited to submit expressions of interest in providing social and or affordable housing on the land. It is recommended that this EOI process be undertaken prior to Council determining if it wishes to sell or provide a ground lease for the property. The Strategy includes:

***Strategy 3: Consider opportunities for affordable housing on appropriate Council-owned land***

***Action 3.1 Investigate opportunities on Council owned land for affordable housing provision.***

#### **3.4 Timing to Expression of Interest**

If the recommendations in the report are adopted, then the following timelines to the proposed transaction would be:



July 2023:	Retain valuer. Undertake Expression of Interest to Social and Affordable Housing Providers.
August 2023:	Determine if demolition is advantageous.
September 2023:	Demolish building and make good site if advantageous. Prepare contract of sale
October 2023:	Commence marketing of property.
November 2023:	Sell property or transact in line with EOI.
December 2023:	Settlement and receive funds.

**3.5 Proceeds from Sale**

It is recommended that the net proceeds from sale be retained by Council in a dedicated property reserve, with the availability for Council to determine future application in property transactions (such as future site acquisitions).

**4. Consultation**

**4.1 Internal Consultation:**

Council's Inclusive Communities Department has been consulted and support the recommendations of this Report

**4.2 Community Consultation:**

As advised under 3.1 above.

**5. Compliance Checklist**

**5.1 Council Plan Alignment**

Strategic Direction: Well-governed - Council will be collaborative, accountable, transparent, responsive, well-informed and efficient.

Strategy: Focus all of our decision-making on the long-term best interests of the Kingston community

The recommendation(s), if adopted, would see the Council realise the value of the subject property, where municipal services are not required, and be able to acquire property where community services and facilities have been identified.

**5.2 Governance Principles Alignment**

Principle (a) - Council actions are to be made and actions taken in accordance with the relevant law

Principle (b) - priority is to be given to achieving the best outcomes for the municipal community, including future generations.

Principle (g) - the ongoing financial viability of the Council is to be ensured.

Principle (i) - the transparency of Council decisions, actions and information is to be ensured.

The proposed sale will be governed by the requirements of the Local Government Act 2020 and Council's Community Engagement Policy. The proposed sale will release funds to finance future property requirements for identified Council service and facilities.

**5.3 Financial Considerations  
Budget**

Previous marketing of the property with the building in situ failed to solicit an acceptable offer, as a result the recommendation is to consider the demolition of the existing building prior to marketing the property. The demolition if required will be tendered out. The cost of any demolition will be drawn from the proceeds of the sale or transaction. Prior to any demolition proceeding the cost benefit, risk and marketability of the property will be reviewed to maximise the return to Council from any sale or transaction.

A valuation will be undertaken closer to the date of the proposed sale or transaction to set the reserve. Net proceeds from any sale to be held in a dedicated land reserve account for future strategic purchases as directed by Council.

**Staff Resources**

The administration of the sale of the subject property will be undertaken within the existing staff establishment.

**5.4 Risk considerations**

The proposed sale will avoid Council having to spend unnecessary funds on a building that does not serve an operational requirement.

Demolishing the building before the sale may maximise the attractiveness of the property to the market and enhance the sale price which will be considered following advice from Councils Valuer, Estate Agent and Building Team.

**Appendices**

Appendix 1 - Email Ray Willis regarding submission 6 Lochiel Avenue Edithvale (Ref 23/130392) - Confidential

Author/s:	Peter Gillieron, Team Leader Property Services
Reviewed and Approved By:	Julian Harvey, Manager Property Services Bernard Rohan, Chief Financial Officer

# Ordinary Council Meeting

26 June 2023

**Agenda Item No: 12.4**

## **FUTURE OF 33 BALCOMBE ROAD, MENTONE**

**Contact Officer: Michael Major, Property Services Coordinator**

### **Purpose of Report**

For Council to consider the future of 33 Balcombe Road, Mentone on the following grounds:

- The building is currently vacant and has no demonstrated or identified Council use/need and is therefore surplus to municipal requirements;
- The building, in its current form, is functionally and economically obsolete.

### **Disclosure of Officer / Contractor Conflict of Interest**

No Council officer/s and/or Contractor/s who have provided advice in relation to this report have declared a Conflict of Interest regarding the matter under consideration.

### **RECOMMENDATION**

That Council:

1. Advise suitable social and affordable housing providers that it is considering the future use of 33 Balcombe Road Mentone;
2. Invite Expressions of Interest from social and affordable housing providers to develop the property for social and or affordable housing; and
3. Receive a report following completion of the Expression of Interest campaign.

### **1. Executive Summary**

The subject property is a Council owned asset formerly utilised by the Australian Turkish Association. The property has been vacant for approximately 18 months. The property is zoned "General Residential" under the Kingston Planning Scheme. The subject property has a land area of 723m<sup>2</sup>. with a 15.5 metre frontage.

The improvements erected on the site are functionally obsolescent, incorporating modified amenities to accommodate children, converted learning spaces and outdated living/work areas by contemporary standards for any Council use(s). In addition, the property's location has not been identified for a future Council service. In that context the property should be considered for sale or long term ground lease to further Councils strategic objectives.

An aerial photograph of the property is illustrated below:



## 2. Background

The property was originally built in 1948 as a brick veneer residential dwelling and purchased by the then City of Mordialloc in February 1980. Council subsequently modified the property for the purposes of a community hub.

Photographs of the property illustrating its current state of repair are illustrated below.



### **3. Discussion**

#### **3.1 Retain and lease the subject property**

The first option(s) for retention:

- Retain the subject property for an unidentified municipal purpose. The improvements erected on the land are considered functionally obsolete and beyond economic repair for any future intended use of the building. An immediate or future intended use of the building has not been identified following consultation with internal Council stakeholders.
- Lease the property also for an unidentified, possibly a semi-commercial use. A prospective tenant would not pay a full rental, noting the location, configuration of the building, funds required to refurbish and the site limitations.
- Retain the property and enter into a long term “ground rent” to a suitable social or affordable housing provider to construct dwellings on the property.

#### **3.2 Sell the subject property**

The second option, is to sell the property and to provide Council with the opportunity to deploy valuable capital into future strategic property acquisitions supporting existing or future Council services, greenfield sites for new facilities or income producing assets.

A prospective purchaser will have the option(s) of refurbishing/demolishing to suit a future use.

#### **3.3 Kingston Social and Affordable Housing Strategy**

Council has adopted a strategy to address social and affordable housing which includes a combination of opportunities for affordable housing on appropriate Council owned land. In response to this, housing groups can be notified that Council is considering the future of the property and invited to submit expressions of interest in providing social and or affordable housing on the land. It is recommended that this EOI process be undertaken prior to Council determining if it wishes to sell or provide a ground lease for the property. The Strategy includes:

***Strategy 3: Consider opportunities for affordable housing on appropriate Council-owned land***

***Action 3.1 Investigate opportunities on Council owned land for affordable housing provision.***

### **4. Consultation**

#### **4.1 Internal Consultation:**

Key Stakeholders within Council that have been consulted, in relation to the immediate and future uses of the subject property, include the following Departments:

- Inclusive Communities.
- Open Space
- Events & Libraries
- Family Youth & Children's Services

The Departments each advised there was no demonstrated Council need or use of the subject property opening the opportunity for the property to be considered for leasing to a suitable housing provider for social and or affordable housing.

**4.2 Community Consultation:**

Group	Method
General Community	Following the completion of the proposed targeted expression of interest campaign with social and affordable housing providers a report will be presented to Council to consider the potential future use of the property. Following that consideration an appropriate community consultation will commence.
Advisory Committees	Not applicable
Targeted Groups	Not applicable

**5. Compliance Checklist**

**5.1 Council Plan Alignment**

Strategic Direction: Well-governed - Council will be collaborative, accountable, transparent, responsive, well-informed and efficient.  
Strategy: Focus all of our decision-making on the long-term best interests of the Kingston community

The recommendation, if adopted by Council will enable consideration for the use of the property to further Councils objectives to enhance the supply of affordable housing in the municipality.

**5.2 Governance Principles Alignment**

- Principle (a) - Council actions are to be made and actions taken in accordance with the relevant law
- Principle (b) - priority is to be given to achieving the best outcomes for the municipal community, including future generations.
- Principle (g) - the ongoing financial viability of the Council is to be ensured.
- Principle (i) - the transparency of Council decisions, actions and information is to be ensured.

**5.3 Financial Considerations**

If a suitable housing provider is identified who is willing to develop the property on the basis of a long-term ground lease the property will be valued and a market based ground rental determined.

**Budget**

There is no budgetary impact from the proposed select EOI – in the event that a suitable housing provider is identified annual rental for the land will provide a financial return to Council whilst Council retains its land asset into the long term.

**Staff Resources**

The administration of the proposed select EOI for the subject property will be managed in house within the existing staff establishment.

**5.4 Risk considerations**

The proposed select EOI for the subject property will be undertaken in accordance with Council's Procurement Policy. By providing the opportunity of a long-term ground lease for the construction of social and or affordable housing on the land Council can ensure that the land is and continues to be used for that purpose for the term of the lease.



**City of Kingston  
Ordinary Council Meeting**

**Agenda**

**26 June 2023**

---

Author/s: Michael Major, Property Services Coordinator  
Reviewed and Approved By: Peter Gillieron, Team Leader Property Services  
Julian Harvey, Manager Property Services  
Bernard Rohan, Chief Financial Officer

26 June 2023

Agenda Item No: 12.5

## PROPOSED SALE OF COUNCIL RESERVE (PART) AT 40 REDWOOD DRIVE, DINGLEY VILLAGE

Contact Officer: Peter Gillieron, Team Leader Property Services

### Purpose of Report

For Council to consider a report in response to a Council Resolution dated 30 January 2023. That Report considered an earlier Council Report from 22 April 2022 where Council resolved to commence the statutory procedures (public notice) to sell part of the reserve, known as lot 1 (**subject land**) shown on the plan below, (the subject land) to Mitchell Laminates being the adjoining owner at 32-38 Redwood Drive.



### Disclosure of Officer / Contractor Conflict of Interest

No Council officer/s and/or Contractor/s who have provided advice in relation to this report have declared a Conflict of Interest regarding the matter under consideration.

### RECOMMENDATION

That Council:

1. In accordance with section 114 of the *Local Government Act 2020* and Council's Community Engagement Policy, give public notice of its intention to sell Lot 1 by auction and subsequent private treaty (if required);
2. Authorise the Chief Executive Officer to sell Lot 1 if there are no submissions lodged in response to the public notice that require Council's consideration; and
3. Direct the net proceeds of the sale to the Public Open Space Reserve for subsequent reinvestment by Council for future public open spaces.

## **1. Executive Summary**

In response to a Council resolution dated 22 April 2022 to commence the statutory procedures to sell the subject land, officers gave public notice, in August 2022, of Council's intention to sell the subject land to Mitchell Laminates, being the adjoining owner at 32-38 Redwood Drive, in accordance with Council's Community Engagement Policy.

The public notice was responded to by the other adjoining owner at 42-48 Redwood Drive who, at a presentation to Council's appointed sub-committee in November 2022, expressed a strong interest to also purchase the subject land. The presentation was followed up with a letter by the solicitor for the adjoining owner that, intentionally or otherwise, implied that Council was obliged to follow the *Principles in the Local Government Best Practice Guideline for the Sale, Exchange & Transfer of Land*, referred to below.

Council considered, at its 31 January 2023 meeting, the submission and the history of Council's previous efforts to sell the subject land. In response Council sought a deferral of the proposed sale of the subject land to allow for further community engagement.

## **2. Background**

The proposed sale of part of the Reserve to Mitchell Laminates was initially considered and resolved by Council in 2009. The proposed sale did not conclude due to a disagreement on price.

Mitchell Laminates again expressed interest in 2019 in purchasing part of the Reserve to expand its manufacturing operations. The chronology of Council resolutions in responding to this subsequent interest is as follows.

24 August 2020. Council resolved:

*"That consideration of this item be deferred until Council has:*

- *Undertaken a community consultation to elicit the views of local workers and other community members and groups on whether they would like the reserve to be sold or to be retained and redeveloped to provide picnic tables and other amenities;*
- *Considered any original landscape plan for the original Redwood Gardens development that might indicate the original plans and purpose for this reserve and the original provenance of the River Red Gums on the site;*
- *Asked the Biosis consultant to:*
  - (i) recommend on how the reserve should be managed should Council wish to preserve and enhance the indigenous vegetation on the site, and to*
  - (ii) evaluate the impact on the indigenous River Red Gums and wallaby grass of providing picnic tables and other amenities on the part of the reserve proposed to be retained.*
- *Included in any future report information outlined in points (i) to (iii) of the officer recommendation as follows:*
  - (i) options for expending the sale funds on green spaces in the municipality,*
  - (ii) options for the replacement plantings for the trees lost on that part of the reserve proposed for sale; and*
  - (iii) a concept development plan for the balance of the reserve proposed for retention having regard to the BIOSIS report."*

22 April 2022. Council resolved:

1. *Commence the statutory and administrative procedures to consider the sale of the subject land to Mitchell Laminates for the current market valuation referred to in this report;*
2. *Receive a further report at the conclusion of the statutory procedures to consider selling, or not to sell, the subject land; and*
3. *Direct that any funds derived from a future sale of part of the Reserve (should that occur) be directed to expenditure on Open Space in the Dingley area.*
4. *That the Kingston Residents Association is thanked for its submission*

30 January 2023:

The Report advised Council of the outcome of the community consultation process undertaken relating to Council's proposal to sell part of the reserve, comprising 2,340m<sup>2</sup>, at 40 Redwood Drive Dingley Village to the adjoining owner at 32-38 Redwood Drive being Mitchell Laminates. In response to the public notice, one submission was received from the adjoining owner, Mountain Star Australia of 42-48 Redwood Drive on the other side of the subject property who also wished to the subject property.

Council resolved:

*"That consideration of this item be deferred to allow for further community engagement on the proposed sale process".*

### **3. Discussion**

#### **3.1 Further Community Engagement**

In response to the Council's resolution on 30 January 2023, Council Officers met with and discussed the proposed sale of the subject land with:

- Kingston Residents Association.
- Mitchell Laminates.
- Mountain Star.

Subsequent to that engagement, each of the above parties provided a submission attached as annexures to this report. A summary of the response is listed below.

##### **3.1.1 Kingston Resident's Association (attached as annexure "A")**

Summary points are:

- Opposed to the proposed sale.
- Contrary to the purposes of Council's Urban Cooling Strategy.
- Retain the existing land and to undertake a masterplan for the site to include the provision in improved amenities and plantings.

##### **3.1.2 Mitchell Laminates-adjoining owner (attached as annexure "B").**

Summary points are:

- Confirmed decision to acquire the subject land.
- Factory extension proposed for business expansion and employment.
- Would object to the subject property being sold if it was unable to purchase.

3.1.3 Mountain Star-adjoining owner (attached as annexure “C”) Summary point.

- Confirms wanting opportunity to buy subject property.

The further engagement with the parties has confirmed their previously stated respective positions.

**3.2 Local Government Best Practice Guideline for the Sale, Exchange & Transfer of Land**

The Guideline was issued by the State Government in June 2009 as a supporting document to Council’s power to sell land under the then 1989 Local Government Act. While the Guideline has not been amended to reflect Council’s power to sell land being transferred to the 2020 Local Government Act, the Guideline is still recommended for observance. The General Principles in the Guideline, of relevance to this Report include:

- *Sales should be conducted through a public process (i.e., public auction, public tender or by registration of expressions of interest) unless circumstances exist that justify an alternative method of sale, for example the sale or exchange of land by private treaty.*
- *Sales, exchanges, and transfers of land should be in the best interests of the community and provide the best result, both financial and non-financial, for the Council and the community.*

**3.3 Options**

**3.3.1 Option One:** that is recommended, is to commence the statutory procedures to sell the subject land by auction and subsequent private sale (if required).

This option, if adopted, would be to engage a licensed real estate agent to sell the subject land by auction at a reserve not less than a current market valuation of the subject property. This option is recommended for the following reasons:

- A competitive market has emerged with the two adjoining owners possibly prepared to bid for the subject land to secure an adjoining land holding as opposed to the costs of relocating to an alternative location. The competitive market may also include an “outsider” wishing to purchase a smaller lot than otherwise exists in the surrounding subdivision. While there is a small risk of the existing proposed consideration not being realised, Council can withdraw the subject land from sale until its reserve is reached.
- The proposed public auction would meet the public accountability/ transparency tests that are expected in the Guideline and of public authorities generally.

This option, if adopted, would likely result in Mitchell Laminates being disappointed as it has followed Council’s processes for a considerable period of time in trying to acquire the subject land. Mitchell Laminates is aware of the statutory processes that Council must follow before Council can make a decision.

**3.3.2 Option Two:** Sell to Mitchell Laminates being an adjoining owner.

This option, that is not recommended, is to sell the subject land to Mitchell Laminates for a current market value as Council has initially proposed. The reason for not recommending this option is that a competitive market has emerged that now requires Council to act in the interest of maximizing the value of the land.

**3.3.3 Option Three:** Sell to Mountain Star being an adjoining owner.

This option, that is not recommended, is to sell the subject land to Mountain Star for a current market value. The reasons for not doing so are the same as for not selling to Mitchell Laminates and in addition the resultant land configuration does not represent orderly planning.

**3.3.4 Option Four: Not Sell the land and retain the existing Open Space**

This option, that is not recommended, would deprive Council of funds to:

- Improve the balance of the reserve to make it an attractive destination for the local workforce.
- Improve parkland in adjoining residential areas.

**3.4 Proceeds of sale**

Officers recommend that the net proceeds of the sale are directed to the Public Open Space Reserve for subsequent reinvestment by Council for future public open spaces.

**4. Consultation**

**4.1 Internal Consultation:**

Council's Open Space Department has previously advised that a small section of the reserve should be retained and redeveloped to meet the needs of the industrial estate.

**4.2 Community Consultation:**

Group	Method
General community.	Council published the Notice in the Age on 21 September 2022 and posted the Notice on its website
Adjoining properties.	A copy of the above public notice was posted to 25 owners in the industrial estate in the immediate area of subject land.
Key Stakeholders have been referred to in 3.1 above	Council Officers met with key stakeholders and discussed the proposed sale of the subject property. Subsequent to that engagement, each stakeholder provided a submission (attached).

**4.3 Results/Findings:**

Not applicable

**5. Compliance Checklist**

**5.1 Council Plan Alignment**

Strategic Direction: Well-governed - Council will be collaborative, accountable, transparent, responsive, well-informed and efficient.

Strategy: Focus all of our decision-making on the long-term best interests of the Kingston community.



The recommendation(s), if adopted will:

- See the Council maximise the return from the sale of the Lot.
- Ensure the Council adheres to the standards of accountability and transparency.

**5.2 Governance Principles Alignment**

Principle (b) - priority is to be given to achieving the best outcomes for the municipal community, including future generations.

Principle (i) - the transparency of Council decisions, actions and information is to be ensured.

The recommendation(s), if adopted will:

- See the Council maximise the return from the sale of the subject property.
- Ensure the Council adheres to the standards of accountability and transparency.

**5.3 Financial Considerations**

**Budget**

Not applicable



**Staff Resources**



The administration of the proposed sale is funded from Council's existing salaries budget

**5.4 Risk considerations.**

- Exposing the subject property to the open market via auction in light of the expression of interest from the other adjoining owner will reduce the risk of the proposed transaction.
- The recommendation to sell the subject property carries the risk that the proposed consideration will not be realised. This is a minor risk and can be managed.

**Appendices**

Appendix 1 - 2023-05-23 - ELT Report - Annex A - Kingston Residents Association(3)  
(Ref 23/130362)  

Appendix 2 - Email Mitchell Laminates advise their decision has not changed to acquire  
40 Redwood Drive Dingley Village (Ref 23/130146)  

Appendix 3 - Letter Mountain Star (Ref 23/130365)  

Author/s:	Peter Gillieron, Team Leader Property Services
Reviewed and Approved By:	Julian Harvey, Manager Property Services
	Bernard Rohan, Chief Financial Officer

# 12.5

## PROPOSED SALE OF COUNCIL RESERVE (PART) AT 40 REDWOOD DRIVE, DINGLEY VILLAGE

- 1    2023-05-23 - ELT Report - Annex A - Kingston Residents  
Association(3)..... 509
- 2    Email Mitchell Laminates advise their decision has not  
changed to acquire 40 Redwood Drive Dingley Village ..... 513
- 3    Letter Mountain Star..... 517



## **Submission to Kingston Council re-proposed sale of land in Redwood Gardens**

Our association opposes the proposed sale of parkland in Redwood Gardens for the following reasons:

1. We consider that workers in the Redwood Gardens Industrial Estate are entitled to some passive recreational open space just as residents in residential areas are.
2. Redwood Gardens was designed and named to create a pleasant garden ambience, and we feel it is important that this is preserved for the welfare and enjoyment of workers on the estate.
3. Selling off the parkland would damage the environment of Redwood Gardens by removing so many red gum trees. As officers could not find records relating to the development of Redwood Gardens, the provenance of the red gum forest on the site could not be established when Council officers recommended the sale in an officer report in August 2020. Still, the ecological report attached to the report indicated that they could either have been naturally recruited from seed or they could have been planted at the time the industrial estate was developed. As the estate was named after the red gums that are indigenous to the site, it is likely that if they were planted, it was with the purpose of restoring the original red gums. The site also has native wallaby grass, suggesting that red gum seed may have survived the development.
4. Council either has or is planning to adopt an urban forest strategy and should not be removing existing urban forests such as this one.
5. When the request by the adjacent factory owner to purchase the land was first put to Council, it was approved on condition that picnic tables and other amenities were provided on the remainder of the parkland. The offer by Council to sell the land was not taken up, and nothing was done to improve the amenity of the park to encourage workers to have their lunch there or perhaps to engage in outdoor exercise or just to enjoy the fresh air. This leads us to wonder whether the factory owner's expressed need for the extra was sincere or whether they were simply trying to increase the resale value of the land should that have become relevant.

6. At the time the sale was approved, Council was more mindful of the wishes of the adjacent manufacturer than of the needs of the workers and visitors for public open space and parkland. In the intervening years, Council has become more aware of the value of parkland, a lesson that has been driven home by the Covid-19 crisis.
7. In August 2020, Council resolved to defer this matter for some of the reasons above, at least until a number of steps had been taken. Please let us know whether those steps have been taken, or at least include this information in the officer report should the Councillors wish to allow it to proceed to another officer report.
8. We appreciate that one of those steps was community consultation and are glad to be able to add these comments. Please can you also let us know – or include in a council report – how widely you have circulated the notice and whether you have made sure that all staff working in the Redwood Gardens Estate have been notified of the proposed sale.
9. We note that the ecological report recommended that there would not be any room for replacement plantings or for improved amenities on what would be left of the park without adversely impacting the existing urban forest if the proposed sale went ahead. Yet the recommendation on Council's website is for another 29 trees to be planted and for improved amenities to be provided.
10. We submit that Council should not proceed with the sale but should retain the existing land and should undertake a masterplan for the site to include the provision of improved amenities and potentially – if there is room - some plantings of indigenous understorey plants and some replacement plantings from other areas where Council has had to remove trees but has been unable to comply with Council's three-for-one replacement policy.
11. Please refer to a copy of the Council's August 2020 resolution and to the reference in the 2020 Biosis ecological report (P. 405) that if the sale went ahead, there would not be room for replacement plantings or improved amenities on the site without impacting the red gum woodland and indigenous wallaby grass lawn on the remaining parkland.
12. Having met with Peter Gillieron and Michael Major at Council on 20 March to discuss Council's latest proposal to sell this parkland at auction, we wish to reaffirm our original submission that this parkland not be sold as set out above and to add the following further points.

13. We note that during debate on this matter in April 2022 and January 2023, Councillors expressed the views that:

13.1 They would only support the sale of this parkland if the environment would be protected,

13.2 Their original purpose of the sale was to assist the neighbouring factory owner who needed extra space to expand his business and thus possibly prevent him from needing to move his business out of Kingston.

13.3 The officer report stated that the funds raised by the sale would “make the balance of the land an attractive destination for the local workforce.”

14. We note that in light of the Biosis recommendation that if Council went ahead with the sale of the majority of this parkland, there would not be room for replacement plantings or improved amenities on the site without impacting the red gum woodland and wallaby grass lawn there, it would not be possible to protect the environment, nor would the remaining parkland be a more attractive destination for the local workforce. Thus, the purposes outlined in 13.1 and 13.3 above would not be achieved.

15. By damaging the red gum woodland and the wallaby grass lawn, the sale would also be contrary to the purposes of Council’s Biodiversity Strategy and (draft) Urban Forest Strategy, whose purposes include protecting and enhancing indigenous vegetation.

16. By replacing parkland with a factory extension. The sale would be contrary to the purposes of Council’s Urban Cooling Strategy and Open Space Strategy, which is to protect and expand parkland.

17. The officers informed us that the adjoining factory owner who initially asked Council to sell him the land had not indicated that he would need to relocate his business if the sale did not go through. This factory owner had not taken up Council’s earlier accession to his request for the sale of the land because he did not wish to pay market value.

18. As Council is now proposing to sell the land by auction on the open market, it may be purchased by the other adjacent landowner, who has now said he wants to buy the land. Or it may be purchased by a third party for warehouse development. In other words, the sale may not assist the neighbouring factory owner who originally requested it, and it may not assist any other manufacturing industry either.

19. We are concerned that the community engagement undertaken consisted only of notifying neighbouring factory owners of the proposed sale and that the park users were not notified, even by a sign on the park. We submit that Council needs to amend its community engagement policy to

ensure that if it proposes to sell or otherwise alienate any other parkland, at least park users need to be informed by a sign on the parkland proposed to be sold.

20. These extra points and more recently adopted strategies that were not taken into account by Council when it first considered this matter add weight to our original submission that Council should not proceed with the sale but should retain the existing land and should undertake a masterplan for the site to include the provision of improved amenities and potentially – if there is room and subject to further advice from the same ecologist - some plantings of indigenous understorey plants and some replacement plantings from other areas where Council has had to remove trees but has been unable to comply with Council's three-for-one replacement policy. (Point 10 above)

Yours sincerely,

Alex Cunningham,

President, Kingston Residents Association

Pace Cres, Chelsea

0432 184 348

Trevor Shewan.

President, Kingston Residents Association in 2021,

Westley Street, Carrum

0417 127 197



**Antoinette Cesario**

**From:** Marcus Mitchell <marcus@mitchelllaminates.com.au>  
**Sent:** Friday, 24 March 2023 1:03 PM  
**To:** Peter Gillieron  
**Cc:** Michael Major; Shane Mitchell; Brett Mitchell - MGA  
**Subject:** Re: Redwood Dve

Hi Peter,

Further to our meeting on Thursday 23<sup>rd</sup> March we advise that our decision to acquire the land re 40 Redwood Drive has not changed and we would like to make the following points:

- : it was Mitchell family who approached Council to sell the land
- : we have been in discussions for some 10 years
- : we fully intend the land to be an extension of our business for employment and economic growth
- : Mitchell Laminates at 32-38 Redwood Drive is approaching 75 Years in business
- : we have been in this street/location for over 30 years
- : we believe the land is only appropriate for adjoining acquisition to 32-38 Redwood Drive
- : should the owner of 32-38 Redwood Drive not be able to acquire the land then we would strongly object to it being sold

If you require anything further please let us know

Regards,  
Marcus Mitchell  
Financial Controller



Mitchell Group Australia  
32-38 Redwood Drive  
Dingley Victoria 3172  
m: 0413 879 893  
b: 03 9558 0800  
d: 03 8558 2109

[www.mitchellgroup.com.au](http://www.mitchellgroup.com.au)



Celebrating 70 years of supporting local business 1949 - 2019



PLEASE THINK OF THE ENVIRONMENT BEFORE YOU PRINT. The content in this electronic mail is privileged and confidential, intended only for use of the individual or entity named. If you are not the intended recipient, any dissemination, copying or use of the information is strictly prohibited. If you have received this transmission in error please inform us by return email and

then delete it immediately from your system.

---

**From:** Peter Gillieron <Peter.Gillieron@kingston.vic.gov.au>  
**Date:** Tuesday, 14 March 2023 at 5:13 pm  
**To:** Marcus Mitchell <marcus@mitchelllaminates.com.au>  
**Cc:** Michael Major <Michael.Major@kingston.vic.gov.au>, Shane Mitchell <shane@mitchelllaminates.com.au>, Brett Mitchell - MGA <brett@mitchelllaminates.com.au>  
**Subject:** RE: Redwood Dve

Thanks Marcus  
I'm still displaying some covid symptoms but testing negative, so wfh  
Could I suggest next week while I get this clarified please.  
Regards  
Peter

---

**From:** Marcus Mitchell <marcus@mitchelllaminates.com.au>  
**Sent:** Tuesday, 14 March 2023 12:14 PM  
**To:** Peter Gillieron <Peter.Gillieron@kingston.vic.gov.au>  
**Cc:** Michael Major <Michael.Major@kingston.vic.gov.au>; Shane Mitchell <shane@mitchelllaminates.com.au>; Brett Mitchell - MGA <brett@mitchelllaminates.com.au>  
**Subject:** Re: Redwood Dve

Hi Peter,

We are all free Thursday if that suits ?

Cheers

Regards,  
Marcus Mitchell  
Financial Controller



Mitchell Group Australia  
32-38 Redwood Drive  
Dingley Victoria 3172  
m: 0413 879 893  
b: 03 9558 0800  
d: 03 8558 2109

[www.mitchellgroup.com.au](http://www.mitchellgroup.com.au)





PLEASE THINK OF THE ENVIRONMENT BEFORE YOU PRINT. The content in this electronic mail is privileged and confidential, intended only for use of the individual or entity named. If you are not the intended recipient, any dissemination, copying or use of the information is strictly prohibited. If you have received this transmission in error please inform us by return email and then delete it immediately from your system.

**From:** Peter Gillieron <[Peter.Gillieron@kingston.vic.gov.au](mailto:Peter.Gillieron@kingston.vic.gov.au)>

**Date:** Friday, 10 March 2023 at 10:12 am

**To:** Marcus Mitchell <[marcus@mitchelllaminates.com.au](mailto:marcus@mitchelllaminates.com.au)>

**Cc:** Michael Major <[Michael.Major@kingston.vic.gov.au](mailto:Michael.Major@kingston.vic.gov.au)>, Shane Mitchell <[shane@mitchelllaminates.com.au](mailto:shane@mitchelllaminates.com.au)>, Brett Mitchell - MGA <[brett@mitchelllaminates.com.au](mailto:brett@mitchelllaminates.com.au)>

**Subject:** Redwood Dve

Marcus

Apologies for the delay responding to this matter.

Could you nominate some days/times from Wed 15/3 for Michael & I to come down and bring you up to speed on this matter please.

Regards

Peter

DISCLAIMER: This message is for the named person's use only. It may contain confidential, proprietary or legally privileged information. No confidentiality or privilege is waived or lost by any mistransmission. If you receive this message in error, please immediately delete it and all copies of it from your system, destroy any hard copies of it and notify the sender. You must not, directly or indirectly, use, disclose, distribute, print, or copy any part of this message if you are not the intended recipient. Kingston City Council and any of its subsidiaries each reserve the right to monitor all e-mail communications through its networks. Any views expressed in this message are those of the individual sender, except where the message states otherwise and the sender is authorized to state them to be the views of any such entity.

## MOUNTAIN STAR AUSTRALIA PTY LTD

42-48 REDWOOD DRIVE,DINGLEY VILLAGE VIC3172

ACN NO.:134271006

TEL:03 95809788

MOBILE:0411641321

E-MAIL:John@stonestar.com.au

Dear Kingston Council,

ATTN: Mr. Peter Gillieron,

I would like to express my sincerest gratitude for your visit and ongoing support. It means a lot to me and my team.

I am writing to inform you that we are keenly interested in purchasing Lot 1 of 40 Redwood Drive (40A redwood), Dingley VIC 3173. We are eagerly anticipating the upcoming land auction and plan to attend.

Thank you once again for your support and attention to this matter.

Best regards,

Feng Shi



**13. Notices of Motion**

## Ordinary Council Meeting

26 June 2023

Agenda Item No: 13.1



### **NOTICE OF MOTION NO. 4/2023 - CR DAVIES - FORESHORE GUIDELINES**

1. That Council Officers provide a report for the consideration of Council presenting a draft Guideline concerning the foreshore beach areas in Kingston, such Guideline to include, but not be limited to the following areas:
  - (a) The requirement of Council to acknowledge the dominant ecological vegetation class (EVC) established by the Department of Energy, Environment and Climate Action (DEECA) which applies to an area in Kingston where removal of vegetation and/or planting of vegetation or trees is proposed.
  - (b) The Guideline will set out in table format the location of each applicable EVC in Kingston so that any resident, councillor or council employee can discern easily which EVC is the dominant EVC in a particular area of foreshore.
  - (c) Any planting schedule is to comply with the dominant EVC with no vegetation or trees not included in that EVC to be planted.
  - (d) Planting of trees to be on a 1:1 basis and a deviation from a 1:1 ratio would only be considered if it can be shown that no adverse impact to the EVC will occur.
  - (e) Notify abutting residents of the proposed planting via addressed mail. Such notification to include why the plantings are important, EVC(s) which applies, why the plants will be planted and invite residents to meet staff on site to discuss the location of plants.
  - (f) Where possible plants/trees should not impact on the views of residents or users of the Bay Trail.
  - (g) Ensure that all Life Saving Clubs facilities in Kingston have unimpeded views of the beach.
  - (h) Have regard to DEECA's Bioregions and EVC Benchmark guidelines for Gippsland Plain which is relevant to Kingston.
2. The aim of the Guideline is to protect and support the dominant EVC that applies in each location in Kingston.
3. This draft Guideline should be prepared no later than March/April 2023.

Cr Tracey Davies



**Appendices**

Appendix 1 - Guidance Note - Notice of Motion No. 4/2023 - Cr Davies - Foreshore Guidelines - Ordinary Council Meeting 30 January 2023 (Ref 23/11267)  

# 13.1

## NOTICE OF MOTION NO. 4/2023 - CR DAVIES - FORESHORE GUIDELINES

- 1 Guidance Note - Notice of Motion No. 4/2023 - Cr Davies -  
Foreshore Guidelines - Ordinary Council Meeting 30 January  
2023 ..... 525

## Notice of Motion No. 4/2023 – Foreshore Guidelines

### Guidance Note

Date of Ordinary Council Meeting: 30 January 2023



### Notice of Motion

Cr. Davies has submitted the following Notice of Motion to the 30 January 2023 Council Meeting:

#### **Motion:**

1. That Council Officers provide a report for the consideration of Council presenting a draft guideline concerning the foreshore beach areas in Kingston, such Guideline to include, but not be limited to the following areas:
  - (a) The requirement of Council to acknowledge the dominate ecological vegetation class (EVC) established by the Department of Energy, Environment and Climate Action (DEECA) which applies to an area in Kingston where removal of vegetation and/or planting of vegetation or trees is proposed.
  - (b) The Guideline will set out in table format the location of each applicable EVC in Kingston so that any resident, councillor or council employee can discern easily which EVC is the dominant EVC in a particular area of foreshore.
  - (c) Any planting schedule is to comply with the dominant EVC with no vegetation or trees not included in that EVC to be planted.
  - (d) Planting of trees to be on a 1:1 basis and a deviation from a 1:1 ratio would only be considered if it can be shown that no adverse impact to the EVC will occur.
  - (e) Notify abutting residents of the proposed planting via addressed mail. Such notification to include why the plantings are important, EVC(s) which applies, why the plants will be planted and invite residents to meet staff on site to discuss the location of plants.
  - (f) Where possible plants/trees should not impact on the views of residents or users of the Bay Trail.
  - (g) Ensure that all Life Saving Clubs facilities in Kingston have unimpeded views of the beach.
  - (h) Have regard to DEECA's Bioregions and EVC Benchmark guidelines for Gippsland Plain which is relevant to Kingston.
2. The aim of the guideline is to protect and support the dominant EVC that applies in each location in Kingston.
3. This draft guideline should be prepared no later than March/April 2023.

#### **Officer Advice**

##### ***Current Council Strategies and Notice of Motion points 1a, 1b, 1c, 1h***

*Currently there are two Council endorsed documents that protect and enhance local biodiversity, being the Biodiversity Strategy 2018-2023 and the Coastal Marine Management Plan 2021.*

*The Urban Forest Strategy which is presently undergoing community consultation will also provide further support and guidance and outline objectives the Council holds to grow its vegetation canopy to foster greater biodiversity and reduce urban heat.*

*The Biodiversity Strategy 2018-2023 outlines Council's ongoing commitment and responsibility to protect the natural assets throughout all of Kingston.*

*Many of the Notice of Motion points listed (1a, 1b, 1c and 1h) are already addressed in the current Biodiversity Strategy, including EVC mapping. The strategy is due for renewal at the end of 2023 with Habitat Hectare assessment and updated mapping currently being carried out in preparation.*

*The Coastal Marine Management Plan 2021 (CMMP 2021) was developed as a requirement of the Marine and Coastal Act 2018 and has been endorsed by Council and is currently waiting for final ministerial approval. The CMMP relates directly to the foreshore and has several council wide objectives that guide current and future management including:*

*Objective 2: Protect and enhance the environment, from our catchments through to the Bay*

*2a: Continue vegetation management and habitat enhancement, integrating best practice methods into current approaches. This includes consideration of*

*ecological vegetation classes (EVCs), sensitive/rare species, indigenous species,*

*and diversity along with definition of clear performance indicators (i.e. weed/pest control, native cover, number/presence of species).*

*2d: Explore urban cooling opportunities in coastal areas, including vegetation-based shade management, pervious surfaces.*

*Objective 3: Respect the natural environment and proactively strengthen our resilience to changing climate*

*3a: Review Council's asset management process to incorporate the CMMP, ensuring consideration of changing conditions and State policy.*

#### ***Best practice in ecological restoration***

*Best practice in ecological restoration recognises that EVC's are a useful benchmarking tool based on a sub-set of typical species that contribute to a given plant community. The sub-set of typical species is not however a comprehensive species list, in recognition that vegetation types vary and can change seasonally (Biodiversity information explanatory document, DEECA (formally DELWP) 2017).*

*Where the goal is to achieve full ecological restoration, restoration works are best supported by a complete plant species list which is often far more complex than EVC benchmarking. Advice Council has received indicates that in some instances the pre and post settlement EVC or contributory vegetation may have changed and increasingly factors such as climate change are influencing the naturally reoccurring vegetation communities. Climate change will also consequentially influence the nature of replanting decisions around species selection.*

*Current restoration works throughout Kingston are based on this core principle supported by expert ecological advice provided through Habitat Hectare assessments. In response to this Notice of Motion should it proceed it is suggested that expert ecological advice on any guideline response is sought from ecologists familiar with the Kingston foreshore.*

**Notice of Motion points 1d, 1e, 1f, 1g**

*In response to the remaining Notice of Motion points:*

- *Planting of trees on a 1:1 replacement can be determined by Council and as identified above should be informed through ecological advice.*
- *Notifying abutting residents of proposed plantings, importance of the plantings and EVC's on a site-by-site basis could be implemented, however given the volume of planting that occurs during the planting season, an efficient process would need to be developed to enable engagement but also to ensure our revegetation planting occurs timeously to align with aspirations to increase habitat and vegetation cover. As an approach, public notice can be provided on Council's website explaining principles, EVC maps and species and information provided where new plantings are proposed along the foreshore. Such notice could reinforce any advice Council has received regarding plantings from ecologists around alignment with ecological reinstatement objectives held for the relevant part of the foreshore.*
- *In terms of ensuring plants and trees don't impact views, strategic location of canopy cover to minimise impact is already practiced in current ecological restoration works and the comments above regarding additional notification of abutting residents will further assist.*
- *Vegetation around Life Saving Clubs will be managed in a considered way to ensure lifesaving activities, including appropriate views, are supported as best as possible.*

**Summary**

*It is important that there is a consistent approach to vegetation management and ecological restoration works throughout Kingston's natural environment, including the foreshore, in line with Council strategies and broader national and state policies and guidelines.*

*On the basis the Notice of Motion proceeds, it will be important to consider the timing of developing the guidelines, relative to the Biodiversity Strategy (noting preparation work for its review is underway) and Coastal Marine Management Plan.*

*On the basis that the Notice of Motion proceeds, Council would need to give consideration to the appropriateness of exhibiting a draft guideline given the historical community interest and at times diverse views surrounding the management of existing and proposed replanting along the Kingston foreshore.*

## Ordinary Council Meeting

26 June 2023

Agenda Item No: 13.2

### **NOTICE OF MOTION NO. 19/2023 - CR DAVIES - TREE PLANTING**

That officers prepare a report and present it to the September Council meeting;

1. Reviewing and examining the efficacy, challenges and practicalities of the 3:1 tree replacement resolution since its adoption,
2. Provide any recommendations that would enhance/improve Council's operations and relationships with its residents regarding the implementation of Council and State Government policies in the management of the planning scheme and any environment act requirements, in particular the management of EVCs on the foreshore,
3. That Council will prioritise the implementation of the biodiversity strategy, urban forest strategy and street tree strategy without considering the 3:1 resolution until the outcome of this review.

Cr Tracey Davies



**Guidance Note**

**Notice of Motion No. 19/2023 – Cr Davies**

**Tree Planting**



**Officer Advice**

**Background**

The 3:1 tree replacement resolution refers to item 3 the Response to Resolution - The Need to Locate Vegetation Offsets Locally dated 27 September 2021 which states:

3. *Continue to seek replacement planting at a 3:1 ratio on land where practicable and possible;*

**Discussion with the author of the Notice of Motion**

An opportunity has been presented to discuss the Notice of Motion with Cr. Davies to further discuss the intent to aid the formulation of this guidance note:

In relation to Pt 1. of the Notice of Motion, it is understood that should the Motion proceed a report would be prepared for an upcoming Council Meeting to provide guidance to the Council on the work undertaken by Council with respect to expanding its tree canopy. This guidance would include the role and relevance of the application of 3 trees to every 1 tree removed ratio [3:1 ratio] as it relates to the intent of relevant Councils strategies. The extent of this assessment would include both public and private land where Council has jurisdiction.

In relation to Pt 2. of the Notice of Motion, following discussions with Cr. Davies it is understood that the intent is to specifically relate to the management of EVC's on the foreshore.

In relation to Pt 3. Officers have discussed with Cr. Davies that its interpretation of the Notice of Motion is that a report would be brought back to the Council for its consideration, should the Notice of Motion proceed. This report would evaluate the items outlined in Pt 3. and subsequently seek direction from Council. In discussing this matter with Cr. Davies, it is recognised that of relevance to responding to this part of the motion is the work also required in Pt 1.

**Initial Officer Advice**

Open Space Officers apply an evidence-based approach of "right tree in the right place" as the most appropriate, meaningful way to increase canopy across Kingston's diverse planting environments.

This is informed by strategies including the Biodiversity Strategy, Urban Forest Strategy and Street and Park Tree Management Strategy and is achieved through the targeted delivery of capital works, planned street tree planting and revegetation in open space and natural resource areas. To date public tree planting has largely focused on areas of low canopy cover and high heat vulnerability in accordance with Councils Street Tree Planting Plan.

The planting of over 4000 trees in 2023 will continue to strategically focus on areas of low tree canopy and high heat vulnerability, in addition to tree planting in open space in line with capital improvement works, in an endeavour to achieve proposed canopy targets and net gain of trees and native vegetation in Kingston.

**City of Kingston  
Ordinary Council Meeting**

**Agenda**

**26 June 2023**

---

Vegetation management officers apply this resolution on planning application or local law applications where the site area is available to allow for 3:1 replacement. Standard planning permit conditions for residential development require a minimum of two (2) trees planted on each newly created property where space is available. Depending on the trees removed, this can result in a 3:1 replacement ratio on some development sites. Our officers can also require the provision of green infrastructure that would serve as replacement of canopy cover.

Author/s: Jonathan Guttmann, General Manager Planning and Place  
Reviewed and Approved By: Jonathan Guttmann, General Manager Planning and Place  
Peter Bean, Chief Executive Officer

## 15. Confidential Items

## **15 Confidential Items**

This information is confidential information under section 3(1) of the *Local Government Act 2020* and therefore suitable for consideration in closed session. In accordance with the *Local Government Act 2020*, Council may resolve to consider these items in open or closed session.

### **15.1 Property Matter**

Agenda item *15.1 Property Matter* is designated confidential:

- because it is private commercial information, being information provided by a business, commercial or financial undertaking that if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage (section 3(1)(g(ii))), and
- The report contains financial information provided by a tenant on a commercial and in confidence basis that is market sensitive.

### **Confidential Appendices**

#### **10.2 Award of Contract - CON-23/034 Parkdale Yacht Club Carpark Construction**

*Appendix 1, CON-23/034 Tender Evaluation Matrix - Parkdale Yacht Club Construction* is designated confidential as it relates to (s3(1)(h))

#### **12.1 Springvalley Reimbursement**

*Appendix 1, Kingston v Monash Confidential Update* is designated confidential as it relates to (s3(1)(e))

#### **12.2 Proposed Lease of 640 Nepean Highway Carrum (Carrum Restaurant / Cafe)**

*Appendix 1, Expressions of Interest Summary - Carrum Café* is designated confidential as it relates to (s3(1)(f))

#### **12.3 Proposed Sale of 6 Lochiel Avenue, Edithvale**

*Appendix 1, Email Ray Willis regarding submission 6 Lochiel Avenue Edithvale* is designated confidential as it relates to (s3(1)(f))

### **RECOMMENDATION**

That in accordance with section 66(1) and 66(2)(a) of the *Local Government Act 2020*, the meeting be closed to members of the public for the consideration of the following confidential items:

#### **15.1 Property Matter**

*This agenda item is confidential information for the purposes of section 3(1) of the Local Government Act 2020:*

- because it is private commercial information, being information provided by a business, commercial or financial undertaking that if

**City of Kingston  
Ordinary Council Meeting**

**Agenda**

**26 June 2023**

---

released, would unreasonably expose the business, commercial or financial undertaking to disadvantage (section 3(1)(g(ii))), and

- The report contains financial information provided by a tenant on a commercial and in confidence basis that is market sensitive.

