



City of
KINGSTON

Ordinary Meeting of Council Agenda

Monday, 27th October 2014

Commencing at 7.00pm

Council Chamber
1230 Nepean Highway, Cheltenham

<http://www.kingston.vic.gov.au>

John Nevins
Chief Executive Officer
Kingston City Council

**City of Kingston
Ordinary Meeting of Council**

Agenda

27 October 2014

Notice is given that an Ordinary Meeting of Kingston City Council will be held at 7.00pm at Council Chamber, 1230 Nepean Highway, Cheltenham, on Monday, 27 October 2014.

1. Apologies

2. Confirmation of Minutes of Previous Meetings

Minutes of Ordinary Council Meeting 22 September 2014

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

Objection to Grant Planning Permit, 37-71 Barkly Street Mordialloc

5. Presentation of Awards

Greg McMahon - Services to Parkdale Secondary College and the City of Kingston
Parkdale Secondary College 50th Anniversary

Ken Carney - Services to Aspendale Gardens Residents Association

6. Reports from Delegates Appointed by Council to Various Organisations

7. Question Time

8. Sustainable Planning and Development Reports

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Confidential Attachments

10.1	Bayside Avenue, Edithvale - Road Reconstruction Tender Report Appendix 1 14105 Bayside Avenue Road Reconstruction Evaluation Matrix.xls
11.1	CEO Performance Criteria and Re-appointment Appendix 1 CEO Performance Criteria - Councillor Form
11.1	CEO Performance Criteria and Re-appointment Appendix 2 CEO Performance Criteria - Review Form Staff
11.1	CEO Performance Criteria and Re-appointment Appendix 3 Draft CEO Contract

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- 11.1 CEO Performance Criteria and Re-appointment
Appendix 4 Maddocks - Kingston CEO Contract Letter



City of
KINGSTON

Explanation of Meeting Procedure

Meeting Procedure Regulated by Local Law

The procedure for this Ordinary Council Meeting is regulated by Local Law 7.

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 (in which this document is included). 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.

Amendments

A Councillor may move an amendment to a motion prior to the resolution being determined. Any amendment moved shall be dealt with in the same way as a motion, except that there is no right of reply. If carried, the amendment becomes the motion (the previous motion is abandoned).

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Addressing the Meeting

No gallery member may speak to the meeting, except for:

Village Committee Chairpersons presenting Committee recommendations to Council;

The applicant (or his/her representative) and one objector in relation to an application for a town planning permit;

Special circumstances in which leave to speak is granted by the Chairperson.

Unless special circumstances apply, the Mayor will limit the presentation of a speaker to three minutes duration.

Questions

Gallery members may put questions in writing to Council which will be dealt with during Question Time. The Question Box is located in the foyer. Residents asking a question must be present in the gallery during Question Time, or the question will not be responded to.

Questioners are asked to keep their questions as succinct as possible. Questions which cannot be accommodated on the single sided question form provided are likely to require research, and are more appropriately directed to Council in the form of a letter. In such cases, a response will be provided in writing subsequent to the meeting.

Confidential Business

The meeting may be closed at any time to deal with confidential items in camera. In these instances the gallery will be cleared, 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 Mayor when speaking, and not the public gallery. 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.

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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 public gallery. 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 just beyond and to the right of the media 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.

Are You Hard of Hearing?

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

Language Line



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8. Sustainable Planning and Development Reports

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27 October 2014

Agenda Item No: 8.1

TOWN PLANNING APPLICATION DECISIONS - SEPTEMBER 2014

Contact Officer: Heidi Heath, Senior Customer Liaison & Administration Officer

Town Planning Application Decisions – September 2014

Approved By: Rachel Hornsby -General Manager, Environmental Sustainability

Author: Ian Nice – Manager, Planning

Attached for information is the report of Town Planning Decisions for the month of September, 2014.

A summary of the decisions is as follows:

<i>1.1. Type of Decision</i>	Number of Decisions Made	Percentage (%)
Planning Permits	128	71
Notice of Decision	24	13
Refusal to Grant a Permit	3	2
Other - Withdrawn (7) - Prohibited (0) - Permit not required (4) - Lapsed (15) - Failure to Determine (0)	26	14
Total	181	100

(NB: Percentage figures have been rounded)

Recommendation

That the report be noted.

Appendices

Appendix 1 - Town Planning Application Decisions - September 2014 (Trim No 14/127327)

Author/s: Heidi Heath, Senior Customer Liaison & Administration Officer

Reviewed and Approved By: Naomi Crowe, Team Leader Planning & Building Administration

8.1

TOWN PLANNING APPLICATION DECISIONS - SEPTEMBER 2014

1	Town Planning Application Decisions - September 2014	11
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Planning Decisions September, 2014							
APPL. No.	PROPERTY ADDRESS	SUBURB	APPL. DATE	DATE DECIDED	PROPOSAL DESCRIPTION	DECISION	VCAT DECISION
KP-71/2014/A	184-190 Chesterville Road	MOORABBIN	16/07/2014	1/09/2014	Subdivide the Land into Fourteen (14) Lots	Permit Issued	No
KP-457/2014	6 Stevens Street	HIGHETT	17/06/2014	1/09/2014	Subdivide the land into three (3) lots	Permit Issued	No
KP-95/2014	40 Ella Grove	CHELSEA	18/02/2014	1/09/2014	Develop the Land for the Construction of Three (3) Dwellings and Subdivide into Three (3) Lots	Refused	No
KP-542/2014	52 Embankment Grove	CHELSEA	7/07/2014	1/09/2014	Subdivide the land into three (3) lots and common property	Permit Issued	No
KP-225/2014	97 Chute Street	MORDIALLOC	2/04/2014	1/09/2014	Develop the Land for the Construction of Two (2) Dwellings	Notice of Decision	No
KP-686/2014	9 Crown Road	BONBEACH	19/08/2014	1/09/2014	Subdivide the land into two (2) lots	Permit Issued	No
KP-539/2014	Unit 1 7 Burns Avenue	CLAYTON SOUTH	2/07/2014	1/09/2014	Subdivide the Land into Six (6) Lots and creation of an easement	Permit Issued	No
KP-499/2014	1 9 Embankment Grove	CHELSEA	24/06/2014	1/09/2014	Subdivide the Land into Five (5) Lots	Permit Issued	No
KP-169/2014	12 Mascot Avenue	BONBEACH	18/03/2014	1/09/2014	Develop the land for the construction of two (2) dwellings and subdivision into two (2) lots	Permit Issued	No
KP-515/2014	49 Matthieson Street	HIGHETT	25/06/2014	1/09/2014	Subdivide the Land into Three (3) Lots	Permit Issued	No
KP-669/2014	8 Gayle Court	CLAYTON SOUTH	18/08/2014	1/09/2014	Subdivide the land into two (2) lots and common property	Permit Issued	No
KP-570/2011/A	35 Argus Street	CHELTENHAM	23/12/2013	1/09/2014	Develop the land for the construction of two (2) dwellings	Permit Issued	No

Planning Decisions September, 2014							
APPL. No.	PROPERTY ADDRESS	SUBURB	APPL. DATE	DATE DECIDED	PROPOSAL DESCRIPTION	DECISION	VCAT DECISION
KP-645/2011/A	66 Keith Street	PARKDALE	13/06/2014	1/09/2014	Develop the land for the construction of two (2) dwellings on land affected by a Special Building Overlay	Permit Issued	No
KP-466/2014	94 Embankment Grove	CHELSEA	20/06/2014	1/09/2014	Develop the Land for the Construction of a Fence in a Special Building Overlay	Permit Issued	No
KP-865/2011/A	12-14 Canterbury Road	BRAESIDE	22/04/2014	2/09/2014	Develop the Land for the Construction of One (1) Warehouse and Three (3) Industrial Units and a Reduction in Car Parking Requirements	Permit Issued	No
KP-634/2014	Factory 4 17-23 Walter Street	MOORABBIN	5/08/2014	2/09/2014	Develop the land for the construction of Buildings and Works (Warehouse Extension) and a reduction in the car parking requirement.	Permit Issued	No
KP-474/2014	10 Rennison Street	PARKDALE	24/06/2014	2/09/2014	Develop the Land for an extension to an existing garage on a Lot Size Less than 300 square metres	Permit Issued	No
KP-436/2014	836-854 Springvale Road	BRAESIDE	10/06/2014	3/09/2014	Use the land for a Weekly Market selling items that are second hand, recycled hand made and home grown	Lapsed	No
KP-297/2014	486 Nepean Highway	CHELSEA	29/04/2014	3/09/2014	Subdivide the Land into Seven (7) Lots and Remove Easement	Lapsed	No
KP-652/2008/A	1124 Nepean Highway	HIGHETT	12/08/2014	3/09/2014	Develop the Land for the Construction of Three (3) Dwellings	Permit Issued	No
KP-301/2014	47 Weymar Street	CHELTENHAM	2/05/2014	3/09/2014	Develop the Land for the Construction of One (1) Dwelling to the rear of an existing Dwelling	Permit Issued	No

Planning Decisions September, 2014							
APPL. No.	PROPERTY ADDRESS	SUBURB	APPL. DATE	DATE DECIDED	PROPOSAL DESCRIPTION	DECISION	VCAT DECISION
KP-444/2014	34 74-76 Gladesville Boulevard	PATTERSON LAKES	10/06/2014	4/09/2014	Develop the Land for the Construction of a Dwelling Extension on a Lot Size Less than 300 square metres	Lapsed	No
KP-586/2014	116-122 Keys Road	CHELTENHAM	15/07/2014	4/09/2014	Subdivide the land into two (2) lots	Permit Issued	No
KP-319/2014	413A Nepean Highway	CHELSEA	8/05/2014	4/09/2014	Develop the Land for Construction of Additions to the existing Food and Drink Premises.	Permit Issued	No
KP-650/2013	34 Melaleuca Drive	CARRUM	14/10/2013	4/09/2014	Develop the land for the construction of three (3) dwellings on land affected by a Special Building Overlay	Permit Issued	No
KP-660/2014	164 Como Parade West	PARKDALE	15/08/2014	4/09/2014	Develop the Land for the Construction of a Fence (1.8 metres high)	Permit Not Required	No
KP-313/2014	1 Swan Walk	CHELSEA	12/05/2014	4/09/2014	Develop the land for the construction of five (5) dwellings, a waiver of the visitor car parking requirement and buildings and works within the tree protection zone of a tree listed on the significant tree register	Notice of Decision	No
KP-198/2014	24 Byron Street	CLAYTON SOUTH	26/03/2014	4/09/2014	Develop the land for the construction of three (3) dwellings	Notice of Decision	No
KP-122/2014	17 Wordsworth Avenue	CLAYTON SOUTH	25/02/2014	4/09/2014	Develop the Land for the Construction of Four (4) Dwellings	Notice of Decision	No
KP-20/2014	9 Dawn Street	HIGHETT	9/01/2014	5/09/2014	Develop the land for the construction of two (2) dwellings	Permit Issued	No

Planning Decisions September, 2014							
APPL. No.	PROPERTY ADDRESS	SUBURB	APPL. DATE	DATE DECIDED	PROPOSAL DESCRIPTION	DECISION	VCAT DECISION
KP-654/2014	3 Elm Grove	PARKDALE	14/08/2014	5/09/2014	Subdivide the Land into Two (2) Lots	Permit Issued	No
KP-689/2013	2 Biscop Road	MOORABBIN	31/10/2013	5/09/2014	Develop the land for the construction of two (2) dwellings	Permit Issued	Yes
KP-647/2014	6 Cochranes Road	MOORABBIN	13/08/2014	8/09/2014	Use the Land for Motor Vehicle Repairs with a Reduction in Car Parking	Permit Not Required	No
KP-401/2014	11 Central Avenue	MOORABBIN	3/06/2014	8/09/2014	Develop the Land for the Construction and Display of Advertising Signage	Lapsed	No
KP-373/2013	35 Tennyson Street	HIGHETT	28/06/2013	8/09/2014	Develop the Land for the Construction of Twenty-one (21) Dwellings	Permit Issued	No
KP-387/2013	1 356 Lower Dandenong Road	BRAESIDE	3/07/2013	8/09/2014	Develop the Land for the Construction and Display of a Floodlit Major Promotion (Sky) Sign	Permit Issued	Yes
KP-201/2014	70 Ella Grove	CHELSEA	28/03/2014	9/09/2014	Develop the Land for the Construction of Three (3) Dwellings	Permit Issued	No
KP-258/2014	7 Harold Street	BONBEACH	14/04/2014	9/09/2014	Develop the land for the construction of three (3) dwellings	Permit Issued	No
KP-631/2014	172 Beach Road	PARKDALE	4/08/2014	9/09/2014	Develop the land for the construction of one (1) dwelling in a Design and Development Overlay (DD01)	Permit Issued	No
KP-302/2014	11 Matthieson Street	HIGHETT	2/05/2014	9/09/2014	Develop the Land for the Construction of Three (3) Dwellings	Notice of Decision	No
KP-599/2014	111 Benkel Avenue	CHELTENHAM	11/07/2014	10/09/2014	Subdivide the land (amend common property entitlements)	Permit Issued	No
KP-646/2014	7 First Street	CLAYTON SOUTH	12/08/2014	10/09/2014	Subdivide the Land into Three (3) Lots	Permit Issued	No

Planning Decisions September, 2014							
APPL. No.	PROPERTY ADDRESS	SUBURB	APPL. DATE	DATE DECIDED	PROPOSAL DESCRIPTION	DECISION	VCAT DECISION
KP-263/2014	2 19 Schofield Street	MOORABBIN	15/04/2014	10/09/2014	Develop the land for the construction of a first floor extension	Permit Issued	No
KP-729/2013	3 Jean Street	CHELTENHAM	20/11/2013	10/09/2014	Develop the Land for the Construction of Nine (9) Dwellings	Notice of Decision	No
KP-226/2014	435 Station Street	BONBEACH	4/04/2014	10/09/2014	Develop the Land for the Construction of Six (6) Dwellings	Notice of Decision	No
KP-155/2014	439 Main Street	MORDIALLOC	6/03/2014	10/09/2014	Develop the Land for the Construction of Three (3) Dwellings	Permit Issued	No
KP-145/2004/B	53 Naples Road	MENTONE	2/07/2014	10/09/2014	THREE (3) DWELLINGS	Permit Issued	No
KP-486/2014	62 Davey Street	PARKDALE	25/06/2014	10/09/2014	Develop the Land for the Construction of a Dwelling Extension in a Special Building Overlay	Permit Issued	No
KP-447/2014	8 Garfield Street	CHELTENHAM	16/06/2014	10/09/2014	Develop the Land for the Construction of Nineteen (19) Dwellings	Lapsed	No
KP-427/2014	8 Glenola Road	CHELSEA	10/06/2014	11/09/2014	Subdivide the Land into Three (3) Lots	Permit Issued	No
KP-331/2014	22 Myola Street	CARRUM	16/05/2014	11/09/2014	Develop the Land for the Construction of Three (3) Dwellings	Permit Issued	No
KP-189/2012	98 Gladesville Boulevard	PATTERSON LAKES	26/03/2012	11/09/2014	The use and development of the land for a food and drink premises (cafe), the construction of thirteen dwellings, a reduction in the car parking requirement for a food and drink premises, the waiver of the requirement for a loading bay for a food and drink premises and a reduction in the requirement	Permit Issued	Yes

Planning Decisions September, 2014							
APPL. No.	PROPERTY ADDRESS	SUBURB	APPL. DATE	DATE DECIDED	PROPOSAL DESCRIPTION	DECISION	VCAT DECISION
KP-3663/1992/A	20 Latrobe Street	MENTONE	8/08/2014	11/09/2014	the erection and construction of buildings and works on land situated at and known as 20 Latrobe Street, Mentone and to be used for the purpose of a dual occupancy	Permit Issued	No
KP-244/2014	75 Nepean Highway	MENTONE	11/04/2014	11/09/2014	Develop the Land for the Construction of Three (3) Dwellings and creation of access from a Road Zone Category 1	Permit Issued	No
KP-633/2014	14A Maidenhair Mews	ASPENDALE GARDENS	5/08/2014	11/09/2014	Develop the land for one (1) double storey dwelling on land subject to inundation overlay	Permit Issued	No
KP-180/2014	11 Central Avenue	MOORABBIN	24/03/2014	11/09/2014	Develop the land for the construction of a seven (7) storey mixed use development with a car parking reduciton.	Permit Issued	No
KP-37/1999/A	27A Childers Street	MENTONE	19/12/2013	11/09/2014	Develop the land for the Construction of two (2) dwellings on land Subject to Special Building Overlay	Permit Issued	No
KP-674/2014	1 Alleyne Avenue	BONBEACH	21/08/2014	11/09/2014	Subdivide the Land into Two (2) Lots	Permit Issued	No
KP-593/2014	4A Swanpool Avenue	CHELSEA	22/07/2014	12/09/2014	Subdivide the Land into Two (2) Lots	Permit Issued	No
KP-625/2014	14 Somme Parade	EDITHVALE	31/07/2014	12/09/2014	Subdivide the land into two (2) lots and creation of easements	Permit Issued	No
KP-639/2014	60 Corporate Drive	HEATHERTON	7/08/2014	12/09/2014	Develop the land for the construction of buildings and works comprising a new ground floor entry and alterations to the car parking area	Withdrawn	No

Planning Decisions September, 2014							
APPL. No.	PROPERTY ADDRESS	SUBURB	APPL. DATE	DATE DECIDED	PROPOSAL DESCRIPTION	DECISION	VCAT DECISION
KP-792/2012/A	658-660 South Road	MOORABBIN	11/09/2014	12/09/2014	Develop the site for the construction of twenty-one (21) warehouses, reduction in car parking requirements pursuant to Clause 52.06 (car parking) and create and alter access to a Road in a Road Zone Category 1	Withdrawn	No
KP-387/2014	490-492 Nepean Highway	CHELSEA	30/05/2014	15/09/2014	Use the Land for an Indoor Recreation Facility (Clinical Pilates Studio) and a reduction of the car parking requirement associated with the Medical Centre (Physiotherapy)	Permit Issued	No
KP-611/2014	75-77 Parkers Road	PARKDALE	21/07/2014	15/09/2014	Develop the Land for a Dwelling Extension in a Design and Development Overlay	Permit Issued	No
KP-706/2014	50 Coorong Circle	WATERWAYS	2/09/2014	15/09/2014	Develop the Land for the Construction of One (1) new Dwelling	Permit Issued	No
KP-242/2014	4-6 442-444 Warrigal Road	HEATHERTON	10/04/2014	15/09/2014	Use the land for the Sale of Packaged Liquor	Permit Issued	No
KP-433/2014	1408-1418 Centre Road	CLAYTON SOUTH	3/06/2014	15/09/2014	Develop the land for the construction and display of temporary signs publicising the sale of property on which they are displayed	Permit Issued	No

Planning Decisions September, 2014							
APPL. No.	PROPERTY ADDRESS	SUBURB	APPL. DATE	DATE DECIDED	PROPOSAL DESCRIPTION	DECISION	VCAT DECISION
KP-686/2011	9 Chesterville Road	CHELTENHAM	9/09/2011	15/09/2014	Development of a Five (5) storey building (comprising office and not more than 38 dwellings), a reduction in the Car Parking Requirement pursuant to Clause 52.06-1, to alter access to a road in a Road Zone Category 1, the creation of an Easement and to use the land for dwellings	Permit Issued	Yes
KP-604/2014	84 Keith Street	PARKDALE	28/07/2014	15/09/2014	Develop the land for alterations and additions to an existing dwelling in a Special Building Overlay	Permit Issued	No
KP-812/2008/A	1440 Centre Road	CLAYTON SOUTH	18/03/2014	15/09/2014	Develop the land for the construction of eight (8) dwellings and associated basement car parking	Permit Issued	No
KP-421/2014	40 Bevan Avenue	CLAYTON SOUTH	10/06/2014	15/09/2014	Alterations and additions to an existing Church	Notice of Decision	No
KP-644/2014	9 Walkers Road	CARRUM	11/08/2014	15/09/2014	Develop the land for buildings and works and to externally paint a building on land subject to a Heritage Overlay	Permit Issued	No
KP-284/2013/A	1233-1237 Nepean Highway	HIGHETT	28/05/2014	15/09/2014	Use and develop the land for two (2) Restricted Recreation Facilities, alter access to a Road Zone Category 1, and the display of business identification signs, high-wall signs and an internally illuminated business identification sign	Notice of Decision	No

Planning Decisions September, 2014							
APPL. No.	PROPERTY ADDRESS	SUBURB	APPL. DATE	DATE DECIDED	PROPOSAL DESCRIPTION	DECISION	VCAT DECISION
KP-1120/2008/A	92 Tootal Road	DINGLEY VILLAGE	14/05/2014	15/09/2014	The use of the land as a contractors depot in accordance with the endorsed plans provided for in the following conditions which are to be the conditions in relation to this permit	Permit Issued	No
KP-516/2011/A	252 Gladesville Boulevard	PATTERSON LAKES	9/04/2014	15/09/2014	Develop the Land for the Construction of Two (2) Dwellings	Permit Issued	No
KP-557/2014	72 Keys Road	CHELTENHAM	10/07/2014	15/09/2014	Use the land for an indoor recreation studio (Personal Training Studio)	Permit Issued	No
KP-434/2014	Boatshed 909	EDITHVALE	6/06/2014	15/09/2014	Develop the Land for Alterations to Boat Shed No. 909	Permit Issued	No
KP-335/2014	25 Boundary Road	MORDIALLOC	19/05/2014	15/09/2014	Use the Land for the purpose of Motor Vehicle Sales and erect two (2) panel signs	Permit Issued	No
KP-560/2014	Unit 1 39 Embankment Grove	CHELSEA	15/07/2014	15/09/2014	Develop the Land for the Construction of One (1) Dwelling in a Special Building Overlay	Permit Issued	No
KP-723/2014	486-487 Nepean Highway	CHELSEA	9/09/2014	15/09/2014	Subdivide the land into seven (7) lots	Permit Issued	No
KP-449/2014	2 Bricker Street	CHELTENHAM	17/06/2014	15/09/2014	Use and Develop the Land for a Brothel	Lapsed	No
KP-339/2014	572 South Road	MOORABBIN	20/05/2014	15/09/2014	Develop the land for the construction of two (2) dwellings	Permit Issued	No
KP-540/2014/A	9A-9B 79 Centre Dandenong Road	DINGLEY VILLAGE	21/08/2014	15/09/2014	Display of Business Identification Signs comprising one (1) Internally Illuminated Sign and two (2) Floodlit Signs	Permit Issued	No

Planning Decisions September, 2014							
APPL. No.	PROPERTY ADDRESS	SUBURB	APPL. DATE	DATE DECIDED	PROPOSAL DESCRIPTION	DECISION	VCAT DECISION
KP-399/2014	5 Capital Court	BRAESIDE	3/06/2014	16/09/2014	Develop the Land for the Construction of a Warehouse	Permit Issued	No
KP-291/2014	30 Fletcher Street	MOORABBIN	28/04/2014	16/09/2014	Develop the land for the construction of two (2) double storey dwellings on land affected by a Special Building Overlay	Permit Issued	No
KP-6/2002/A	148 Nepean Highway	ASPENDALE	26/06/2014	16/09/2014	Amendment to construct an internal fence and rear year to Dwelling 10 and remove condition 1 (n) from Planning Permit KP6/2002 (Sixteen Dwellings)	Notice of Decision	No
KP-470/2014	1 Church Road	CARRUM	23/06/2014	16/09/2014	Develop the Land for the Construction of three (3) Dwellings	Lapsed	No
KP-645/2014	1 164 Charman Road	MENTONE	7/08/2014	16/09/2014	Subdivide the Land into Two (2) Lots	Permit Issued	No
KP-422/2014	4 Manhattan Court	PATTERSON LAKES	5/06/2014	16/09/2014	Develop the Land for the Construction (replacement) of a Jetty (concrete pontoon)	Permit Issued	No
KP-708/2014	6 Bruthen Street	MOORABBIN	3/09/2014	16/09/2014	Subdivide the land into two (2) lots	Permit Issued	No
KP-323/2013	1A Kingston Drive	DINGLEY VILLAGE	4/06/2013	17/09/2014	Section 24 A - Remove Reserve and Subdivide the Land	Withdrawn	No
KP-455/2014	252 Gladesville Boulevard	PATTERSON LAKES	12/06/2014	17/09/2014	Develop the land for the construction of two (2) jetties (replacement)	Notice of Decision	No

Planning Decisions September, 2014							
APPL. No.	PROPERTY ADDRESS	SUBURB	APPL. DATE	DATE DECIDED	PROPOSAL DESCRIPTION	DECISION	VCAT DECISION
KP-86/2013/A	574A Main Street	MORDIALLOC	22/07/2014	17/09/2014	Develop the land for the construction of a flue, heaters and alterations to the rear elevation (including partial demolition), to use the land for the sale and consumption of liquor (restaurant / cafe licence) and a reduction of the car parking requirements	Withdrawn	No
KP-649/2014	77 Thames Promenade	CHELSEA	11/08/2014	17/09/2014	Subdivide the Land into Two (2) Lots and common property	Permit Issued	No
KP-722/2014	1 9 Main Road	CLAYTON SOUTH	8/09/2014	17/09/2014	Subdivide the land into two (2) lots	Permit Issued	No
KP-605/2014	56-58 Fairbank Road	CLAYTON SOUTH	28/07/2014	17/09/2014	Subdivide the Land into Two (2) Lots	Permit Issued	No
KP-703/2014	490-492 Nepean Highway	CHELSEA	1/09/2014	18/09/2014	Use the Land for a Medical Clinic (Physiotherapy) with a reduction in Carparking	Withdrawn	No
KP-879/2010/A	Factory 2 47-49 Malcolm Road	BRAESIDE	17/06/2014	18/09/2014	Develop the Land for the Construction of Buildings and Works to Transfer Station	Lapsed	No
KP-583/2014	1 Trent Court	BONBEACH	10/07/2014	18/09/2014	Subdivide the Land into Five (5) Lots	Permit Issued	No
KP-744/2014	3 Eulinga Avenue	ASPENDALE	15/09/2014	18/09/2014	Subdivide the land into two (2) lots	Permit Issued	No
KP-65/2014/B	23 Broome Avenue	MENTONE	29/08/2014	18/09/2014	Subdivide the Land into Two (2) Lots and creation of easements in a Special Building Overlay	Permit Issued	No
KP-675/2014	1 197B Nepean Highway	ASPENDALE	21/08/2014	18/09/2014	Section 32 Plan - Subdivide into Two (2) Lots	Permit Issued	No

Planning Decisions September, 2014							
APPL. No.	PROPERTY ADDRESS	SUBURB	APPL. DATE	DATE DECIDED	PROPOSAL DESCRIPTION	DECISION	VCAT DECISION
KP-145/2014/A	SHOP 230-234 Como Parade West	PARKDALE	30/06/2014	18/09/2014	Develop the Land for alterations and additions to the existing building in a heritage overlay	Lapsed	No
KP-743/2014	26 Second Street	CLAYTON SOUTH	12/09/2014	18/09/2014	Subdivide the land into two (2) lots	Permit Issued	No
KP-67/2010/B	139 Como Parade East	PARKDALE	16/05/2014	18/09/2014	Develop the land for the construction of four (4) dwellings	Notice of Decision	No
KP-236/2013	514 Main Street	MORDIALLOC	2/05/2013	18/09/2014	Subdivide the Land into Two (2) Lots	Permit Issued	No
KP-191/2008/A	18 Maury Road	CHELSEA	30/01/2014	22/09/2014	The construction of three dwellings on a lot, in accordance with the endorsed plans and on the following conditions:	Permit Issued	No
KP-312/2010/A	15 Luntar Road	OAKLEIGH SOUTH	29/08/2014	22/09/2014	Two (2) Dwellings	Permit Issued	No
KP-367/2014	6-8 Roper Street	MOORABBIN	26/05/2014	22/09/2014	Develop the land for the construction of two (2) warehouses, a reduction in the car parking requirements and a reduction in the loading and unloading requirements.	Permit Issued	No
KP-600/2014	14 93 Wells Road	CHELSEA HEIGHTS	21/07/2014	22/09/2014	Section 32 Plan - subdivide into Four (4) Lots	Permit Issued	No
KP-627/2014	39 Golden Avenue	CHELSEA	31/07/2014	22/09/2014	Subdivide the Land into Five (5) Lots	Permit Issued	No
KP-471/2014	39 Cleeland Road	OAKLEIGH SOUTH	23/06/2014	22/09/2014	Use the Land for an Indoor Recreation Facility	Notice of Decision	No
KP-751/2014	1 57 Centre Dandenong Road	DINGLEY VILLAGE	18/09/2014	23/09/2014	Develop the land for the construction of a front fence on a lot less than 300 square metres and within 3 metres of the boundary	Permit Not Required	No

Planning Decisions September, 2014							
APPL. No.	PROPERTY ADDRESS	SUBURB	APPL. DATE	DATE DECIDED	PROPOSAL DESCRIPTION	DECISION	VCAT DECISION
KP-538/2014	Unit 1 5 Hayden Road	CLAYTON SOUTH	2/07/2014	24/09/2014	Subdivide the land into three (3) lots and common property	Permit Issued	No
KP-635/2014	85 Beatrice Street	CHELTENHAM	5/08/2014	24/09/2014	Develop the Land for the Construction of Two (2) Dwellings	Withdrawn	No
KP-372/2014	62 Thames Promenade	CHELSEA	27/05/2014	24/09/2014	Develop the Land for the Construction of Three (3) Dwellings and Subdivide into Three (3) Lots	Notice of Decision	No
KP-233/2013/A	22 Valetta Street	CARRUM	21/08/2014	24/09/2014	Construction of six (6) dwellings and waiver of one (1) visitor car parking space	Permit Issued	No
KP-665/2008/B	584 Main Street	MORDIALLOC	5/08/2014	24/09/2014	The construction of buildings and works within a Heritage Overlay and to use the site for a licensed premises in association with an as of right use as a food and drink premises (convenience restaurant), and a waiver of the parking requirements.	Permit Issued	No
KP-488/2014	92 Nepean Highway	MENTONE	25/06/2014	24/09/2014	A reduction in the Car Parking Requirement associated with the Food and Drink premises use	Lapsed	No
KP-688/2012/A	93-94 Nepean Highway	ASPENDALE	28/07/2014	24/09/2014	Develop the land for the construction of three (3) dwellings and a shop	Permit Issued	No
KP-91/2014	49 Seventh Street	PARKDALE	17/02/2014	24/09/2014	Develop the land for the construction of two (2) dwellings	Permit Issued	No
KP-649/2013	243 Centre Dandenong Road	CHELTENHAM	14/10/2013	24/09/2014	Develop the land for the construction of two (2) dwellings	Permit Issued	No
KP-522/2014	27 Clarevale Street	CLAYTON SOUTH	27/06/2014	24/09/2014	Develop the Land for the Construction of Two (2) Dwellings	Lapsed	No

Planning Decisions September, 2014							
APPL. No.	PROPERTY ADDRESS	SUBURB	APPL. DATE	DATE DECIDED	PROPOSAL DESCRIPTION	DECISION	VCAT DECISION
KP-388/2014	21-23 Lanark Street	CLAYTON SOUTH	30/05/2014	25/09/2014	Develop the land for the construction of five (5) dwellings	Lapsed	No
KP-468/2011/A	151 Westall Road	CLAYTON SOUTH	4/09/2014	25/09/2014	To use and develop the land for offices with a reduction in the car parking requirements and to alter access to a Road Zone, Category 1	Permit Issued	No
KP-574/2014	1 2 Stanley Avenue	CHELTENHAM	17/07/2014	25/09/2014	Develop the Land for the Construction of a Dwelling Extension on a Lot less than 300 square metres	Permit Issued	No
KP-185/2014	108 Warren Road	MORDIALLOC	25/03/2014	25/09/2014	Develop the land for the Construction of Two (2) Dwellings and Subdivide into Two (2) Lots in a Special Building Overlay	Permit Issued	No
KP-492/2014	10-12 Phillip Street	MENTONE	25/06/2014	25/09/2014	Develop the Land for the Construction of Nine (9) Dwellings	Lapsed	No
KP-630/2014	Lot 3 Lower Dandenong Road	BRAESIDE	1/08/2014	25/09/2014	Develop the Land for the Construction of Buildings and Works (Shed)	Permit Issued	No
KP-575/2014	230-232 Como Parade West	PARKDALE	18/07/2014	25/09/2014	Use of the Land for a Medical Centre (Podiatry Clinic) with a reduction in the car parking requirements pursuant to Clause 52.06 of the Kingston Planning Scheme	Permit Issued	No
KP-548/2014	31 Kalimna Street	CARRUM	8/07/2014	25/09/2014	Develop the land for the construction of two (2) dwellings	Permit Issued	No
KP-424/2014	31A Boundary Road	MORDIALLOC	10/06/2014	25/09/2014	Use the site as an Education Centre (Licensing Centre)	Permit Issued	No
KP-505/2014	18 Graham Daff Boulevard	BRAESIDE	27/06/2014	25/09/2014	Develop the land to construct and carry out works in a Land Subject to Inundation Overlay, associated with the use of the land for a warehouse	Permit Issued	No

Planning Decisions September, 2014							
APPL. No.	PROPERTY ADDRESS	SUBURB	APPL. DATE	DATE DECIDED	PROPOSAL DESCRIPTION	DECISION	VCAT DECISION
KP-659/2014	149 La Perouse Boulevard	BONBEACH	15/08/2014	25/09/2014	Develop the Land for the Construction of a Dwelling Extension in a Land Subject to Inundation Overlay	Permit Issued	No
KP-229/2014	85 Wilson Street	CHELTENHAM	3/04/2014	25/09/2014	Develop the Land for the Construction of Two (2) Dwellings	Permit Issued	No
KP-564/2014	27-29 Nepean Highway	MENTONE	16/07/2014	25/09/2014	Use the land for the Sale of Packaged Liquor (Packaged Liquor Licence)	Permit Issued	No
KP-478/2014	83 Lower Dandenong Road	MENTONE	23/06/2014	25/09/2014	Develop the land for the construction of one (1) dwelling to the rear of an existing dwelling	Permit Issued	No
KP-735/2014	58 Church Road	CARRUM	10/09/2014	26/09/2014	Subdivide the land into two (2) lots	Permit Issued	No
KP-672/2014	10 19-25 Grange Road	CHELTENHAM	21/08/2014	26/09/2014	Use the Land for Motor Vehicle Sales	Permit Not Required	No
KP-269/2014	2-6 Independence Street	MOORABBIN	17/04/2014	26/09/2014	Develop the land for the construction of twenty one (21) warehouses and a reduction in the car parking and loading requirements	Permit Issued	No
KP-128/2014	36 Mount View Road	HIGHETT	28/02/2014	26/09/2014	Develop the land for the construction of two (2) dwellings	Permit Issued	No
KP-666/2014	10 Jarrah Drive	BRAESIDE	20/08/2014	26/09/2014	Use the Land for the purpose of non display Motor Vehicle Sales	Permit Issued	No
KP-89/2014	44 McLeod Road	CARRUM	14/02/2014	26/09/2014	Develop the Land for the Construction of One (1) Dwelling to the rear of an existing dwelling	Refused	No
KP-283/2014	590 Main Street	MORDIALLOC	28/04/2014	26/09/2014	Develop the land for the display of advertising signage (mural) on land located within a Heritage Overlay	Permit Issued	No

Planning Decisions September, 2014							
APPL. No.	PROPERTY ADDRESS	SUBURB	APPL. DATE	DATE DECIDED	PROPOSAL DESCRIPTION	DECISION	VCAT DECISION
KP-517/2013	1 Collins Street	MENTONE	20/08/2013	26/09/2014	Develop the Land for the Construction of Three (3) Dwellings	Refused	No
KP-598/2011/A	10 Argyle Avenue	CHELSEA	10/09/2014	26/09/2014	Develop the Land for the Construction of Four (4) Dwellings	Permit Issued	No
KP-751/2013	11 Jellicoe Street	CHELTENHAM	27/11/2013	26/09/2014	Develop the Land for the Construction of Four (4) Dwellings	Permit Issued	No
KP-230/2014	84 Whatley Street	CARRUM	8/04/2014	26/09/2014	Develop the Land for the Construction of Two (2) Dwellings	Notice of Decision	No
KP-769/2013	17 Albert Street	MORDIALLOC	4/12/2013	26/09/2014	Develop the Land for the Construction of Two (2) Dwellings and a Two (2) Lot Subdivision	Permit Issued	Yes
KP-186/2014	1 6-12 Mills Street	CHELTENHAM	26/03/2014	26/09/2014	Use the land for a Place of Assembly (Art Gallery & Performance Space), a cafe, the sale and consumption of liquor (On-Premises Licence) and a reduction in the car parking requirements	Permit Issued	No
KP-330/2010/A	130 Nepean Highway	ASPENDALE	3/12/2013	26/09/2014	Use the land as a medical centre and associated waiver of the car parking requirement	Permit Issued	No
KP-857/2011/A	21 Randall Avenue	EDITHVALE	10/09/2014	26/09/2014	Develop the Land for the Construction of Two (2) Dwellings	Permit Issued	No
KP-764/2013	1 Ivy Street	PARKDALE	4/12/2013	26/09/2014	Develop the Land for the Construction of Two (2) Dwellings	Permit Issued	No
KP-701/2014	150 Howard Road	DINGLEY VILLAGE	2/09/2014	29/09/2014	Develop the land for the construction of a front fence in a Special Building Overlay	Permit Issued	No
KP-261/2014	248-254 Osborne Avenue	CLAYTON SOUTH	15/04/2014	29/09/2014	Use and Development of the land for a Transfer Station and Materials Recycling and a Reduction of the Car Parking Requirement	Notice of Decision	No

Planning Decisions September, 2014							
APPL. No.	PROPERTY ADDRESS	SUBURB	APPL. DATE	DATE DECIDED	PROPOSAL DESCRIPTION	DECISION	VCAT DECISION
KP-623/2014	32 French Avenue	EDITHVALE	24/07/2014	29/09/2014	Subdivide the land into two (2) lots	Lapsed	No
KP-725/2013/A	539-541 Clayton Road	CLAYTON SOUTH	28/04/2014	29/09/2014	Amend Planning Permit KP725/2013 for the use and development of the land for the construction of an Educational Facility (Kindergarten).	Permit Issued	No
KP-418/2014	69 Madden Road	HEATHERTON	5/06/2014	29/09/2014	Develop the land for the construction of a shed	Permit Issued	No
KP-272/2014	151-165 Spring Road	DINGLEY VILLAGE	16/04/2014	29/09/2014	Develop the Land for the Construction of One (1) Dwelling in a Green Wedge Zone	Permit Issued	No
KP-748/2013	53 Tootal Road	DINGLEY VILLAGE	22/11/2013	29/09/2014	Develop the land for the construction of nine (9) double storey dwellings	Notice of Decision	No
KP-792/2013	1 9 Woods Avenue	MORDIALLOC	17/12/2013	29/09/2014	Develop the land for the construction of four (4) dwellings	Notice of Decision	No
KP-197/2014	340 Como Parade West	PARKDALE	26/03/2014	29/09/2014	Develop the land for the construction of one (1) dwelling, use the land for an indoor recreation facility (Yoga Studio), car parking reduction, business identification signage and internally illuminated signage.	Notice of Decision	No
KP-340/2014	25 Canterbury Road	BRAESIDE	20/05/2014	30/09/2014	Develop the land for the construction of one (1) garage	Permit Issued	No
KP-567/2014	590-598 Clayton Road	CLAYTON SOUTH	16/07/2014	30/09/2014	Develop the land for the construction of buildings and works to the existing building	Permit Issued	No

Planning Decisions September, 2014							
APPL. No.	PROPERTY ADDRESS	SUBURB	APPL. DATE	DATE DECIDED	PROPOSAL DESCRIPTION	DECISION	VCAT DECISION
KP-32/2014/A	408 Nepean Highway	PARKDALE	2/09/2014	30/09/2014	Develop the land for the construction of three (3) dwellings and create access to a road in a Road Zone Category 1	Permit Issued	No
KP-690/2014	2 Mentone Parade	MENTONE	27/08/2014	30/09/2014	Develop the Land for the Construction of Buildings & Works to the existing Educational Facility	Permit Issued	No
KP-341/2013/A	12 Harding Avenue	BONBEACH	2/09/2014	30/09/2014	Develop the land for the construction of two (2) dwellings	Permit Issued	No
KP-746/2014	13 Waterside Drive	WATERWAYS	16/09/2014	30/09/2014	Develop the land for construction of one (1) dwelling in Waterways	Permit Issued	No
KP-188/2014	25 Judd Parade	CHELTENHAM	21/03/2014	30/09/2014	Develop the Land for the Construction of Two (2) Dwellings	Permit Issued	No
KP-14/2014	1 31 Swanpool Avenue	CHELSEA	9/01/2014	30/09/2014	Develop the land for the construction of three (3) dwellings	Notice of Decision	No
KP-177/2014	7 63-65 Voltri Street	CHELTENHAM	21/03/2014	30/09/2014	Use the land for an Indoor Recreation Facility	Notice of Decision	No
KP-228/2014	6 Hazel Avenue	EDITHVALE	3/04/2014	30/09/2014	Develop the land for the construction of three (3) double storey dwellings	Notice of Decision	No
KP-320/2014	13 Curlew Point Drive	PATTERSON LAKES	9/05/2014	30/09/2014	Develop the Land for the Construction of Jetty 104	Notice of Decision	No
KP-246/2014	179 Wickham Road	MOORABBIN	11/04/2014	30/09/2014	Develop the land for the construction of two (2) dwellings	Permit Issued	No
KP-114/2014	43 Mentone Parade	MENTONE	21/02/2014	30/09/2014	Develop the land for the construction of two (2) dwellings	Notice of Decision	No

Planning Decisions September, 2014							
APPL. No.	PROPERTY ADDRESS	SUBURB	APPL. DATE	DATE DECIDED	PROPOSAL DESCRIPTION	DECISION	VCAT DECISION
KP-523/2014	1 31 First Street	CLAYTON SOUTH	26/06/2014	30/09/2014	Develop the Land for the Construction of One (1) Dwelling on Land contained Thirteen (13) existing Dwellings	Lapsed	No
KP-141/2014	Factory 1 9-19 Levanswell Road	MOORABBIN	5/03/2014	30/09/2014	Develop and use the land for the construction of buildings and works for storage units, a caretakers dwelling and convenience shop and reduction in car parking requirements	Permit Issued	No
KP-512/2014	58-60 Berry Avenue	EDITHVALE	26/06/2014	30/09/2014	Develop the land for the construction of three (3) double storey dwellings	Permit Issued	No
KP-537/2014	66 Keith Street	PARKDALE	27/06/2014	1/10/2014	Subdivide the land into two (2) lots within a Special Building Overlay	Permit Issued	No
KP-556/2014	1220 Nepean Highway	CHELTENHAM	10/07/2014	1/10/2014	Prune a Significant Tree	Permit Issued	No
KP-692/2010/A	Unit 1 72 Woodbine Grove	CHELSEA	1/10/2014	1/10/2014	THREE (3) DWELLINGS	Withdrawn	No

Ordinary Meeting of Council

27 October 2014

Agenda Item No: 8.2

KP14/215 - 1157 NEPEAN HIGHWAY HIGHETT

Contact Officer: Hugh Charlton, Senior Planner

Purpose of Report

This report is for Council to consider Planning Application 1157 Nepean Highway Highett – Planning Permit Application No. KP215/2014

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 determine to support the proposal and issue a Notice of Decision to Develop the land for the construction of 11 dwellings with a reduction in the visitor car parking requirements at 1157 Nepean Highway Highett, subject to the conditions contained within this report.

1157 Nepean Highway Highett – Planning Permit Application No. KP215/2014

Executive Summary for the Ordinary Meeting of Council

APPLICATION No:	KP215/2014
LAND:	1157 Nepean Highway Highett
PLANNING OFFICER:	Hugh Charlton
PROPOSAL:	Develop the land for the construction of 11 dwellings with a reduction in the visitor car parking requirements
PERMIT TRIGGER:	Construction of a residential building
EXISTING SITE CONDITIONS:	Single dwelling
APPLICANT:	Clarke Planning
ZONE / OVERLAYS:	General Residential Zone Schedule 2, Design and Development Overlay Schedule 12 (DDO12)
RESIDENTIAL POLICY AREA	Increased Housing Diversity
OBJECTIONS	Four (4)

1.0 DESCRIPTION OF PROPOSAL

1.1 The application seeks to develop the land for the construction of 11 dwellings in a three (3) storey apartment building with basement car parking accessed via the existing crossover to Turner Road.

1.2 The complex comprises the following:

- One bedroom dwellings: 2
- Two bedroom dwellings: 8
- Three bedroom dwellings: 1
- Car parking: 12 car spaces total
 - 1 space per 2 bedroom dwellings
 - 2 spaces per 3 bedroom dwelling
 - No visitor parking

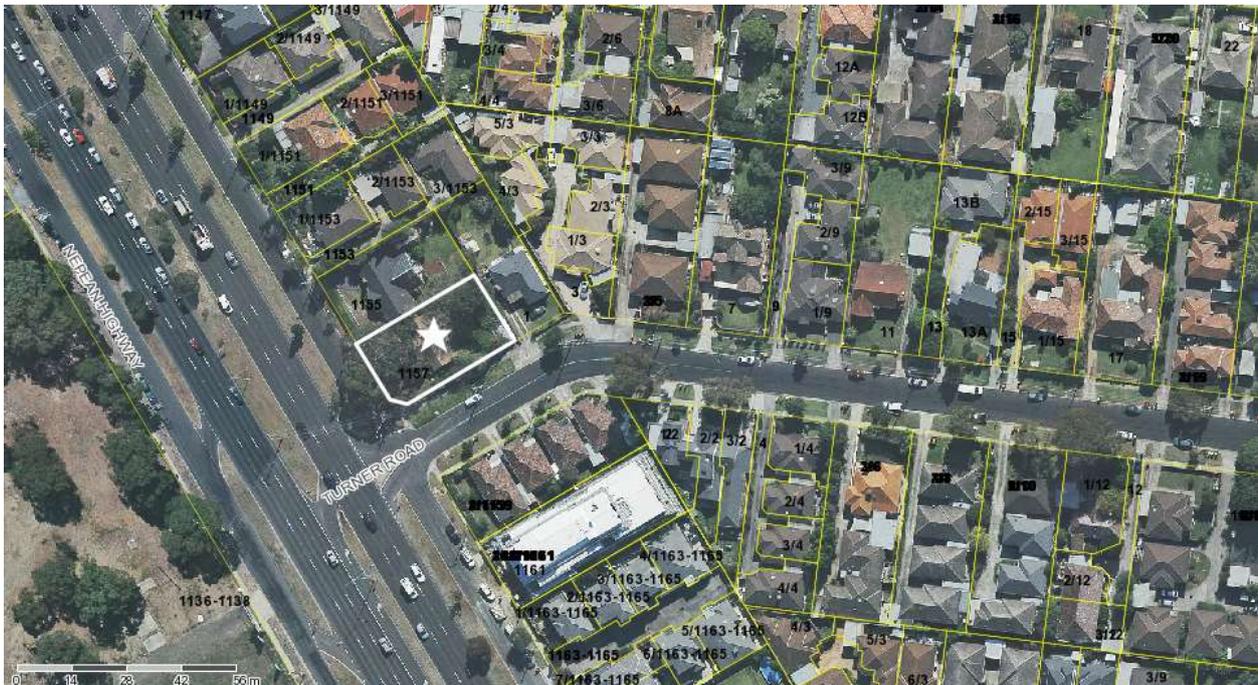
1.3 Built form is fully detached and can be described as follows:

- Overall height varies from 9.4m to 10.5m (10.9m if including the small centralised lift overrun) due to moderately sloped land from Nepean Highway down towards the rear (eastern) boundary.
- Fully detached building from all boundaries with a front setback to Nepean Highway of 5.9m to 10m, a 4m setback to Turner Street, and side and rear setbacks at ground level between 1.2m to 4m respectively.
- Three (3) storey sheer walls present to each road frontage, whereas the upper levels recede from the adjoining residential properties to the north and east as the building rises.

- Secluded private open space within ground level gardens ranges between 20.8m² to 78.6m², within first floor and second floor balconies between 8.1m² to 29.2m².
- Architectural design is contemporary, comprising minimalist rectilinear styling accentuated by boxed elements and rectangular window framing, to a flat roof.
- Materials are predominantly tiles, a range of timber cladding, clear and frosted glazing, on a muted palette of predominantly natural selections.
- The large Smooth Bark Apple tree in the front set back is to be retained.
- Overall site coverage of 53.4% and permeability of 34.9%.

2.0 SUBJECT SITE AND SURROUNDS

2.1 The following map illustrates the subject site in its surrounding context.



- 2.5 The surrounding area generally comprises residential development ranging between single and double storey in scale. The site is in proximity to the Highett Activity Centre 250m to the north-west which includes a railway station and bus connections. Southland Principal Activity Centre is approximately 800m to the south-east. A new railway station has been approved on the western side of Southland due to commence construction in 2015 and to open in 2016.

3.0 KEY PLANNING CONSIDERATIONS

- 3.1 The key planning considerations relate to:

(a) Neighbourhood character

This consideration was also raised as a concern by Objectors that the development proposes a built form which is uncharacteristic of the neighbourhood.

This locality will be subject to extensive change as recognised via local policy. Clause 22.17 – Highett Activity Centre Policy and Schedule 12 to the Design and Development Overlay (DDO12) outlines the expectations for a divergence from the existing character. The site and areas along the eastern side of Nepean Highway to the north and south (and north and south of the activity centre) are selected as ‘Preferred Medium Density Residential Areas’. This area encourages *‘the development of contemporary medium density housing in the form of well designed apartment developments rather than villa unit and town house style developments’*, and seeks to *‘promote development with a maximum of three storeys on consolidated lots’*. The proposal provides a high quality, compact three storey development that is consistent with the preferred character.

The design fits well within the Nepean Highway streetscape due to the following aspects: a detached footprint and reasonable depth of side and rear setbacks at ground level; reasonable street setbacks provide areas of substantial landscaping to each frontage and retention of the large Smooth Bark Apple tree; and a sunken building reducing its overall height adjacent to Nepean Highway.

The development has an interface to the rear along Turner Street which is typified by lower prevailing scale of one to two storeys, and abuts an ‘Incremental housing change area’ directly to the east. The scale of the three storey development as it transitions down to Turner Street is considered excessive. A condition on permit is recommended to delete Apt 2.3 located at the rear of the second storey.

Additional recommended conditions to improve the Turner Street interface include re-facing the eastern (rear) elevation with a timber cladding and partially around the Turner Street elevation, and adding a range of shrubs and small trees within the Apt 0.4 garden adjacent to the vehicle crossover.

(b) Local Policy

The proposal offers a real ability to capitalise on the ‘Increased Housing Diversity Area’ and provide additional diversity in housing stock in an appropriate location to cater for the changing needs within the municipality. Strategically the land is well positioned between the Highett Activity Centre 250m to the north that complements the Southland Principal Activity Centre approximately 800m to the south-east of the site. Highett is serviced by an existing railway station and bus connections. Southland includes numerous bus connections and an anticipated future rail

connection slated for delivery in 2016.

The proposed intensity and typology of the development is consistent with the intent of the local planning policy objectives seeking a well-designed three (3) storey apartment development on appropriate lots. The proposed apartment and dwelling density will assist with achieving the vision to revitalise the Hihett Activity Centre and support its growth. Increased residential opportunities are sought with a greater diversity of dwelling types. This is achieved by the proposed 1 to 3 bedroom offer, variations to the floor plates and generous internal and garden space, which will appear attractive to a wider range of residents.

Schedule 12 to the Design and Development Overlay (DDO12) provides the most detailed policy guidance for the future character of built form. The policy recommends certain scales and types of residential development depending on certain conditions, where the height limits can be exceeded to achieve the design objectives. The width of the site indicates that there is opportunity for a three storey apartment complex, added to the opportunities of a corner allotment and a southern road boundary which limit potential offsite amenity impacts. It is considered that in-principle the site is suitable for an apartment development up to three storeys subject to compliance with the relevant objectives.

(c) Visual bulk

This was also an issue raised by an objector that the built form would result in adverse impacts in terms of visual bulk.

As mentioned, a condition on permit is recommended to delete Apt 2.3 located at the rear of the second storey. The second storey runs the length of the site and is located directly opposite a primary area of secluded private open space within No.1155 Nepean Highway. The visual impact of a three level development opposite a sensitive area of the dwelling is considered to be unreasonable, especially as the building rises in height at the rear and would appear greater than a typical three storey development.

Further, a condition on permit is recommended to require additional landscaping along the entire northern side of the building at ground level, (and managed by an Owner's Corporation where possible) which will soften the form of the development behind.

- 3.2 The subject site is identified within Area 7 of the Kingston Neighbourhood Character Study (May 2003). However, the average lot size within this area has not been calculated as the subject site is not located within a General Residential Zone Schedule 3.

4.0 OBJECTOR CONCERNS

- 4.1 Four (4) objections were received to the application. A summary of the concern and response to each ground is provided below:

a) Car parking and traffic

The provision of car parking was considered inadequate by objectors who also raise concerns about the increase in traffic on local streets that could arise due to the proposal. Parking surveys were also considered to be inaccurate.

It is noted that the application provides all 12 of the required number of car spaces for occupants under Clause 52.06 (Car parking) however there is a deficiency of two (2) spaces for visitors, as no visitor spaces are provided. Council's Traffic Engineers supports the reduction of the visitor parking requirement. It is considered that the demand for visitor parking will not adversely affect the surrounding area.

State and local planning policy support the clustering of increased housing density around activity centres, and in particular where existing public transport can be a viable option for alternative transport by occupants. Highett Activity Centre and Southland Principal Activity Centre are both situated within walking distance of 300-800m via the street network. Train and bus connections are available at Highett Activity Centre, whereas bus connections are available at Southland and a new railway station is due to open in 2016. These must be considered as a viable option and reasonable alternative that can alleviate the reliance on additional cars.

b) Safety

Safety concerns have been raised by an objector, that vehicles entering Turner Street from Nepean Highway do so at high speed. The proposal provides an appropriate design to mitigate safety and access issues. The entry to the basement parking uses the existing access point from Turner Street, located at the very furthest from Nepean Highway. Clear views from vehicles exiting to the street are achieved by a basement ramp which flattens out to the street and an open corner or vehicle splay adjacent to the drive entrance.

With respect to on-site arrangements, Council's Traffic Department confirm that car spaces and accessway dimensions within the basement are compliant with the requirements of design standard 2 – Car parking spaces of Clause 52.06 and therefore results in a useable and accessible basement, and allows all vehicles to enter and exit in a forwards manner.

c) Overlooking

It appears that the proposal meets the minimum requirements to protect from unreasonable overlooking to sensitive areas within existing properties. Obscure glazing and louvered screens are intended along the eastern and northern elevations. Subject to recommended conditions on permit to address plan discrepancies, the proposal will comply with Standard B22 (Overlooking) of Clause 55.

d) Loss of trees

A concern was raised by an objector regarding the loss of the large tree (Smooth Bark Apple) in the front setback. The development features a substantial cutaway of the building in order to safely retain this tree. This proposal is commended and is important to integrate the development with the surrounding landscape character. Root explorations by the Permit Applicant's arborist in conjunction with Council's Vegetation Management Officer confirm that the development is adequately set back from the tree's root zone. A condition included on any permit issued will

require a tree management plan for the future health and protection of the Smooth Bark Apple tree in accordance with the recommendations by the Permit Applicant's arborist.

Further, the landscape plan shows a range of good landscaping adjacent to each road frontage and raised planter boxes adjacent to the rear boundary that includes 12 small trees and one (1) large tree. As mentioned, a condition on permit is recommended to further increase landscaping to the northern side and on the Turner Street side, therefore a good perimeter of landscaping will be achieved.

- 4.2 The remaining objector concerns have been addressed in the assessment above and within the attached Appendix A of this report.

5.0 CONCLUSION

- 5.1 Based on a thorough assessment of the application against the relevant provisions of the Kingston Planning Scheme and taking into consideration the concerns raised by objectors, the proposal, subject to the inclusion of conditions, is deemed appropriate and should therefore be supported.

6.0 RECOMMENDATION

That a Notice of Decision to grant a Planning Permit be issued to Develop the land for the construction of 10 dwellings and a reduction in the visitor car parking requirement, subject to the following conditions:

1. Before the development starts amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be substantially in accordance with the plans submitted to Council on 13th June 2014, but modified to show:
 - a. deletion of Apt 2.3;
 - b. direct access from the Apt 0.4 living room to the adjacent private open space;
 - c. the living room to Apt 0.3 rearranged to the eastern side with direct access to the secluded private open space;
 - d. a timber cladding finish to the eastern elevation of the ground and first storeys and partially wrapping around the Turner Street elevation in an integrated manner;
 - e. notations on the elevations to be consistent with the floor plan notations for frosted glazing on north and east facing windows with a 25 per cent maximum transparency and comply with Standard B22 of Clause 55;
 - f. privacy blinkers locations to be nominated on plans and elevations and comply with Standard B22 of Clause 55;
 - g. over-bonnet storage relocated outside of car spaces in an appropriate location to comply with Clause 52.06-8;

- h. additional landscaping adjacent to the length of the building and northern boundary to comprise a range of shrubs and small trees in raised boxes and in part managed by an Owner's Corporation where appropriate;
- i. additional landscaping area of a minimum 6sqm to comprise a range of shrubs and small trees in the Apt 0.4 garden adjacent to the vehicle crossover;
- j. tree management plan for the Smooth Bark Apple tree in accordance with the recommendations by Molloy Arboriculture within the report dated 24 May 2015;
- k. vehicle crossover reconstructed to industrial strength;
- l. longitudinal section of basement ramp with gradients, levels and headroom clearance as per AS2890.1:2004 including a flood proof apex as specified in Condition 3 of this permit;
- m. the provision of a full colour palette, finishes and building materials schedule for all external elevations and driveways of the development; and
- n. the sustainable design initiatives outlined in the endorsed Sustainable Management Plan (SMP) as per Conditions 11 and 12 of this permit.

Endorsed Plans

- 2. The development as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.

Drainage and Water Sensitive Urban Design

- 3. A flood proof apex (ridge level) protecting the property from any overland flows must be provided in accordance with Kingston City Council's 'Basement Policy Guidelines'. This apex is to be at RL 37.8 to Australian Height Datum (AHD). This apex is to continue through any driveways or pathways that may cross it. The apex is to be a permanent structure (eg. rise in concrete driveway/pathway, sleeper retaining wall, solid brick fence/wall). Low mounded soil on its own is unlikely to be acceptable due to the likelihood of future disturbance.
- 4. The development of the site must be provided with stormwater works which incorporates the use of water sensitive urban design principles to improve stormwater runoff quality and which also retains on site any increase in runoff as a result of the approved development. The system must be maintained to the satisfaction of the Responsible Authority. Council's Development Engineer can advise on satisfactory options to achieve these desired outcomes which may include the use of an infiltration or bioretention system, rainwater tanks connected for reuse and a detention system.
- 5. Before the development commences, a comprehensive stormwater management strategy of the site must be prepared to the satisfaction of the Responsible Authority including MUSIC model output or equivalent incorporating Rainwater Tanks for water reuse for toilet flushing and other Water Sensitive Urban Design Treatments to achieve best practice objectives as per Council's "*Civil Design Requirements for Developers - Part A – Integrated Stormwater Management*" to the satisfaction of the Council.
- 6. Before the development commences, a Stormwater Management Plan showing the stormwater works to the nominated point of discharge must be prepared to the satisfaction of the Responsible Authority. The Stormwater Management Plan must be prepared by a qualified person and show all details of the proposed stormwater works including all existing and proposed features that may have impact (e.g. trees to be retained, crossings, services, fences, abutting buildings, existing boundary surface levels, etc.). The Stormwater Management Plan must be prepared as per Council's "*Civil Design Requirements for Developers - Part A – Integrated Stormwater Management*".

7. Overall outflow from the development to Council drainage system must be limited to the predevelopment level outflow of the site.
8. Stormwater works must be provided on the site so as to prevent overflows onto adjacent properties.
9. All basement and subsurface construction must be fully-tanked with no AG rain collection or disposal and an allowance made for any hydrostatic pressures.
10. A Groundwater Assessment Report (GAR) prepared by a qualified hydrogeologist assessing any possible impact of the proposed development upon existing ground water table and surrounding land and buildings to the satisfaction of the Council. Pending the results of the GAR, Council will assess whether the site is likely to experience issues associated with groundwater management. Developers may be required to submit a Groundwater Management Plan (GMP) at Council's discretion.

Environmental Sustainable Design

11. Before the development commences, a Sustainable Management Plan (SMP) that outlines proposed sustainable design initiatives must be submitted to and approved by the Responsible Authority.

The SMP must incorporate consideration of the following sustainable design criteria:

- Indoor environment
- Energy efficiency
- Water resources
- Stormwater management
- Building materials
- Bicycle parking
- Waste Management
- Urban Ecology
- Innovation
- Ongoing building and site management

12. Before the development commences, a MUSIC report (or similar) to demonstrate that the development meets Victoria's best practice stormwater targets pursuant to Clause 19.03-2 must be submitted to and approved by the Responsible Authority. Achieving compliance with this condition must not conflict with other conditions contained within the permit.

Ongoing involvement of the architect

13. As part of the ongoing consultant team Architects EAT Pty Ltd or an architectural firm to the satisfaction of the Responsible Authority must be retained to complete the design and provide architectural oversight of the delivery of the detailed design as shown in the endorsed plans during the construction unless with the prior written approval of the Responsible Authority.

Construction Management

14. Before the commencement of any buildings and works on the Land, a Construction Management Plan (CMP), to the satisfaction of the Responsible Authority, must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed as evidence of its approval and will then form part of the permit and shall thereafter be complied with. The CMP must specify and deal with, but not limited to, the following:

- a) a detailed schedule of works including a full project timing;
 - b) a traffic management plan for the site, including when or whether any access points would be required to be blocked; an outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services; and preferred routes for trucks delivering to the site;
 - c) the location for the parking of all construction vehicles and construction worker vehicles during construction;
 - d) delivery of materials including times for loading/unloading; unloading points; expected frequency; and details of where materials will be stored and how concrete pours would be managed
 - e) proposed traffic management signage indicating any inconvenience generated by construction;
 - f) fully detailed plan indicating where construction hoardings would be located;
 - g) a waste management plan including the containment of waste on site: disposal of waste, stormwater treatment and on-site facilities for vehicle washing;
 - h) containment of dust, dirt and mud within the site and method and frequency of clean up procedures in the event of build up of matter outside the site;
 - i) business operations on the site during construction;
 - j) site security;
 - k) public safety measures;
 - l) construction times, noise and vibration controls;
 - m) restoration of any Council assets removed and/or damaged during construction;
 - n) protection works necessary to road and other infrastructure (limited to an area reasonable proximate to the site);
 - o) remediation of any damage to road and other infrastructure (limited to an area reasonably proximate to the site);
 - p) an emergency contact that is available for 24 hours per day for residents and the Responsible Authority in the event of relevant queries or problems experience;
 - q) traffic management measures to comply with provisions of AS 1742.3-2002 Manual of uniform traffic control devices – Part 3: Traffic control devices for works on roads; and
 - r) all contractors associated with the construction of the development must be made aware of the requirements of the Construction Management Plan.
15. A pre construction site and immediate surrounds inspection and condition assessment of all road ways and footpaths abutting the development is to be submitted to and approved in writing by the Responsible Authority. This must occur in a media (photos/video) which is able to accurately illustrate the full condition of all potentially impacted assets prior to the construction commencing. In the event of damage during construction, such damage will be required to be repaired by the developer, at the developer's cost and to the satisfaction of the Responsible Authority.
16. During the construction, the following must occur:
- a) any stormwater discharged into the stormwater drainage system is to comply with EPA guidelines;
 - b) stormwater drainage system protection measures must be installed as required to ensure that no solid waste, sediment, sand, soil, clay or stones from the premises enters the stormwater drainage system;
 - c) vehicle borne material must not accumulate on the roads abutting the site;
 - d) the cleaning of machinery and equipment must take place on site and not on adjacent footpaths, roads or parks;
 - e) all litter (including items such as cement bags, food packaging and plastic strapping) must be disposed of responsibly; and

- f) all site operations must comply with the EPA Publication TG302/92 (including all revisions or replacement guidelines).

Waste Management Plan

- 17. Before the commencement of any buildings and works on the Land, a Waste Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. Three copies of the plan must be submitted. The plan must include but is not limited to:
 - a. The manner in which waste will be stored and collected including: type, size and number of containers.
 - b. Spatial provision for on-site storage.
 - c. Details whether waste collection is to be performed by Council's services or privately contracted.
 - d. The size of the collection vehicle and the frequency, time and point of collection.

The waste management plan must be implemented to the satisfaction of the Responsible Authority. The waste management plan must not be modified unless without the written consent of the Responsible Authority.

Road and Drains Engineering

- 18. Vehicle crossings and other reinstatements must be constructed to Council's industrial strength specifications.
- 19. Property boundary and footpath levels must not be altered without the prior written consent from the Responsible Authority.
- 20. The replacement of all footpaths, including offsets, must be constructed to the satisfaction of the Responsible Authority.
- 21. All reinstatements and vehicle crossings must be constructed to the satisfaction of the Responsible Authority.
- 22. Any redundant vehicle crossings must be removed (including redundant portions of vehicle crossings) to the satisfaction of the Responsible Authority.
- 23. All front and side fences must be contained wholly within the title property boundaries of the subject land.

Lighting

- 24. Exterior lighting must be installed in such positions as to effectively illuminate all communal areas and laneway areas adjacent to the basement ramp. Such lighting must be designed, baffled and located to the satisfaction of the Responsible Authority to prevent any adverse effect on neighbouring land.

General amenity conditions

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25. All works on or facing the boundaries of adjoining properties must be finished and surface cleaned to a standard that is well presented to neighbouring properties in a manner to the satisfaction of the Responsible Authority.
26. All piping and ducting above the ground level storey of the development (other than rainwater guttering and downpipes) must be concealed to the satisfaction of the Responsible Authority.
27. All externally-located heating and cooling units, exhaust fans and the like must not be located adjacent to bedroom windows on adjoining properties and must be concealed from the street, unless with the further written consent of the Responsible Authority.

Completion of Works

28. Prior to the occupation of the dwellings hereby permitted, all buildings and works and the conditions of this permit must be complied with to the satisfaction of the Responsible Authority, unless with the further prior written consent of the Responsible Authority.
29. Prior to the occupation of the dwellings hereby permitted, the landscaping works as shown on the endorsed plans must be completed to the satisfaction of the Responsible Authority. Thereafter, the landscaping shall be maintained to the satisfaction of the Responsible Authority.
30. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.

Time Limits

31. In accordance with section 68 of the Planning and Environment Act 1987 (The Act), this permit will expire if one of the following circumstances applies:
 - The development is not started within two (2) years from the date of permit issue.
 - The development is not completed within four (4) years from the date of permit issue.

In accordance with section 69 of The Act, the responsible authority may extend the periods referred to if a request is made in writing:

- before the permit expires; or
- within six (6) months after the permit expiry date, where the development allowed by the permit has not yet started; or
- within twelve (12) months after the permit expiry date, where the development allowed by the permit has lawfully started before the permit expires.

Note: Environment Protection Authority (EPA) Victoria set out the requirements pertaining to site construction hours and permissible noise levels.

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

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

Note: Council does not accept sub-surface water (groundwater) into the stormwater system. Sub-surface water (groundwater) is the responsibility of the property owner to dispose of on site or reach an agreement with the local sewer authority.

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Note: The development includes part of the basement to be built within/under the easement. Separate consent from Council and the relevant service authority is required to build within/under the easement and will need to be obtained prior to the issue of a Building Permit.

Note: Prior to the occupation of any building approved under this permit, written confirmation from the author of the endorsed SMP is to be submitted to the Responsible Authority that all of the required measures specified in the SMP have been implemented.

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

Note: The allocation of street numbering and addressing of properties is vested in Council. Any reference to addressing or dwelling/unit/apartment and street numbers or street names on any endorsed plan is indicative only. The onus is on the Permit Applicant/Land Owner to contact Council's Property Data Department to determine the official dwelling/unit/apartment street numbers, street name details and the like for the approved development.

If the Permit Applicant/Land Owner adopts the street numbering or addressing from the endorsed plans, or where advertising and/or sales transact (off the plan) prior to Council's official allocation of the street numbering and addressing, it will be viewed to be non-compliant with the guideline and standard applied (*Australian/New Zealand Standard for Rural & Urban Addressing / AS/NZS 4819:2011*).

OR

In the event that the Council wishes to oppose the Officer's recommendation to approve the application, it can do so on the following grounds:

1. The proposal is inconsistent with the existing scale and character for the area and fails to satisfy the objectives of Clause 22.11 and Clause 55.02-1 of the Kingston Planning Scheme.
2. The proposal is inconsistent with Clause 22.17 and Schedule 12 to the Design and Development Overlay of the Kingston Planning Scheme.
3. The proposed extent of massing throughout the length of the site is visually intrusive and would result in unreasonable amenity impacts on adjoining properties.
4. The proposed height and transition when viewed from Turner Street is excessive and fails to meet the objective of Clause 55.03-2 of the Kingston Planning Scheme.
5. The reduction in the visitor car parking requirement will result in unreasonable impacts to the amenity of the surrounding area.
6. The proposal fails to address opportunities for overlooking and does not satisfy the requirements of Clause 55.04-6 (Overlooking) of the Kingston Planning Scheme.
7. The application fails to demonstrate sound Environmental Sustainable Design, and fails to satisfy Clause 55.03-5 of the Kingston Planning Scheme.

PLANNING OFFICER REPORT	
APPLICANT	Clarke Planning
ADDRESS OF LAND	1157 Nepean Highway Highett
PLAN OF SUBDIVISION REFERENCE	Lot 1 on PS 023165
PROPOSAL	Develop the land for the construction of 11 dwellings with a reduction in the visitor car parking requirements
PLANNING OFFICER	Hugh Charlton
REFERENCE NO.	KP215/2014
ZONE	Clause 32.08: General Residential Zone Schedule 2
OVERLAYS	Design and Development Schedule 12 (DDO12)
OBJECTIONS	Four (4)
CONSIDERED PLAN REFERENCES/DATE RECEIVED	13 June 2014
ABORIGINAL CULTURAL HERITAGE SENSITIVITY	No

1.0 RELEVANT LAND HISTORY

1.1 Council records indicate that there is no relevant planning history relating to this site.

2.0 SITE PARTICULARS

2.1 The site is generally regular in shape with a frontage to Nepean Highway of 17.1m and a depth of 35m to a longer rear boundary of 20.1m, resulting in a site area of approximately 708.6m² on a single allotment. It currently contains a single storey brick veneer dwelling and associated outbuildings at the rear. The existing dwelling on the land has a 7.5m front setback to Nepean Highway and vehicle access via a crossover onto Turner Street.

2.2 The land slopes moderately from Nepean Highway down towards the rear (eastern) boundary with an elevation change of approximately 3.5m. The large Smooth Bark Apple tree in the front set back is proposed to be retained, and the remaining trees and vegetation removed.

2.3 The Certificate of Title is not encumbered by any restrictive covenants or agreements. A small drainage and sewerage easement is located in the very north-eastern corner.

3.0 SURROUNDING ENVIRONS

3.1 The surrounding area generally comprises residential development ranging between single and double storey in scale. The site is in proximity to the Highett Activity Centre 250m to the north-west which includes a railway station and bus connections. Southland Principal Activity Centre is approximately 800m to the south-east. A new railway station has been approved on the western side of Southland due to commence construction in 2015 and to open in 2016.

3.2 Land directly abutting the subject site and opposite is described as follows:

North (side): 1155 Nepean Highway comprises a single storey dwelling set back approximately 9m from the street and set back a minimum of 2.3m from the shared boundary. A large area of secluded private open space is located to the rear adjacent to the shared boundary.

South (Side): Turner Road, and opposite are a range of single storey dwellings.

East (rear): 1 Turner Road, and comprises a single storey dwelling setback approximately 8m from the street and set back a minimum of 3.7m from the shared boundary where the driveway is located. Secluded private open space is located to the rear and includes an outbuilding.

West: Nepean Highway, and opposite are dwellings within the General Residential Zone Schedule 2.

4.0 PROPOSAL

4.1 The application seeks to develop the land for the construction of 11 dwellings in a three (3) storey apartment building with basement car parking accessed via the existing crossover to Turner Road.

4.2 The complex comprises the following:

- One bedroom dwellings: 2
- Two bedroom dwellings: 8
- Three bedroom dwellings: 1
- Car parking: 12 car spaces total
1 space per 2 bedroom dwellings
2 spaces per 3 bedroom dwelling
No visitor parking

4.3 Built form is fully detached and can be described as follows:

- Overall height varies from 9.4m to 10.5m (10.9m if including the small centralised lift overrun) due to moderately sloped land from Nepean Highway down towards the rear (eastern) boundary.
- Fully detached building from all boundaries with a front setback to Nepean Highway of 5.9m to 10m, a 4m setback to Turner Street, and side and rear setbacks at ground level between 1.2m to 4m respectively.
- Three (3) storey sheer walls present to each road frontage, whereas the upper levels recede from the adjoining residential properties to the north and east as the building rises.
- Secluded private open space within ground level gardens ranges between 20.8m² to 78.6m², within first floor and second floor balconies between 8.1m² to 29.2m².
- Architectural design is contemporary, comprising minimalist rectilinear styling accentuated by boxed elements and rectangular window framing, to a flat roof.

- Materials are predominantly tiles, a range of timber cladding, clear and frosted glazing, on a muted palette of predominantly natural selections.
- The large Smooth Bark Apple tree in the front set back is to be retained.
- Overall site coverage of 53.4% and permeability of 34.9%.

5.0 PLANNING PERMIT PROVISIONS

Zone

- 5.1 General Residential Zone (Schedule 2): Pursuant to Clause 32.08-4 of the Kingston Planning Scheme, a planning permit is required to construct a residential building. A development must meet the requirements of Clause 55 of the Scheme. Schedule 2 to the zone includes a variation to one standard within Clause 55.
- 5.2 General Residential Zone: Pursuant to Clause 32.08-1 of the Kingston Planning Scheme, a planning permit is required to use the site for accommodation.

Overlay

- 5.3 Design and Development Overlay Schedule 12 (DDO12). Pursuant to Clause 43.02-2, a planning permit is required to construct a building or carry out works. Buildings and works must be constructed in accordance with the requirements of Schedule 12 (Highett Activity Centre). The site is located in area H5.

Particular Provisions

- 5.4 Car Parking: Planning Scheme Amendment VC90, introduced into the Kingston Planning Scheme on 5 June 2012 contains the following residential car parking rates at Clause 52.06:
- 1 space to each 1 or 2 bedroom dwelling;
 - 2 spaces to each 3 or more bedroom dwelling; and
 - 1 visitor space for every 5 dwellings.

The proposed development comprises:

- One bedroom dwellings: 2
- Two bedroom dwellings: 8
- Three bedroom dwellings: 1
- Car parking: 12 car spaces total
 - 1 space per 2 bedroom dwellings
 - 2 spaces per 3 bedroom dwelling
 - No visitor parking

This equates to a parking requirement of 14 spaces (including two (2) visitor spaces) for the proposed development. All 12 required spaces are provided for residents, however the

two (2) visitor spaces have not been provided thus a planning permit is triggered for a reduced visitor car parking rate pursuant to Clause 52.06-3.

The design of all parking facilities and access predominantly complies with the Design Standards specified under Clause 52.06-8, and allows all vehicles to enter and exit in a forwards manner. A condition on permit is recommended to relocate over-bonnet storage outside of car spaces in an appropriate location to comply with Clause 52.06-8.

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

General Provisions

- 5.6 The Decision Guidelines of Clause 65 of the Kingston Planning Scheme are relevant to this application and require consideration to be given to a variety of matters including planning scheme policies, the purpose of the zone, orderly planning and the impact on amenity.

6.0 RELEVANT POLICIES

6.1 State Planning Policy Framework (SPPF)

Clause 11 Settlement

Clause 15 Built Environment and Heritage

Clause 16 Housing

6.2 Local Planning Policy Framework (LPPF)

Clause 21.05 Residential Land Use

Clause 22.11 Residential Development Policy

6.3 Other

Neighbourhood Character Area Guidelines (Incorporated Document under Clause 21.05 – Residential Land Use of the LPPF). The land is located within Area 7 of the Neighbourhood Character Guidelines.

Design Contextual Housing Guidelines (April 2003 – reference document within Clause 22.11 – Residential Development Policy). The Design Contextual Housing Guidelines offer a range of design techniques and suggestions to assist with residential design, which is responsive to local character.

An assessment against the above is provided within section 11 of this report.

7.0 ADVERTISING

- 7.1 The proposal was advertised by sending notices to adjoining and opposite property owners and occupiers and by maintaining a notice on site for fourteen (14) days.
- 7.2 Four (4) objections to the proposal were received. The valid grounds of objection raised are summarised as follows:
- Neighbourhood Character
 - Overdevelopment
 - Visual bulk
 - Overlooking
 - Insufficient parking provision
 - Inaccurate parking surveys
 - Traffic and safety
 - Loss of trees
- 7.3 Non planning related grounds included:
- Increased pollution
 - Noise relating to construction

8.0 PLANNING CONSULTATION MEETING

- 8.1 A planning consultation meeting was held on 2 September 2014 with Planning Officers, the Permit Applicant and three (3) residents in attendance. The above-mentioned valid grounds of objection were discussed at length.
- 8.2 The above concerns were unable to be resolved at the meeting, and the objections still stand.

9.0 AMENDMENT TO PLANS

- 9.1 No formal amendments to the plans were submitted. In response to concerns raised by Council Officer's, revised plans and documentation were received on 13 June 2014.

10.0 REFERRALS

- 10.1 The application was referred to the following internal departments:
- Council's Traffic Department – initially raised concerns regarding the original application proposal, including allocation of tandem parking spaces to the appropriate dwelling; basement design including an impeding structural wall and installation of a

convex mirror. These concerns were addressed by the amended plans. The waiver of two (2) visitor parking spaces was supported.

- Council's Development Engineer – raised no objection to the application, subject to conditions included on any permit issued relating to restriction to the outflow of stormwater onto the Council drainage system and adjoining properties, submission of a comprehensive stormwater management plan including water sensitive design initiatives, and provision of a flood proof apex in the driveway to protect the property from overland flows.
- Council's Roads and Drains Department – raised no objection to the application, subject to standard conditions included on any permit issued.
- Council's Vegetation Management Officer – raised no objection to the submitted landscape plan subject to a recommendation that a tree management plan for the large Smooth Barked Apple in the front setback be submitted in accordance with the recommendations by Molloy Arboriculture. A condition on permit will require this.
- Council's Urban Design Advisor – raised no objection to the application subject to recommendations to reduce the height of built form when viewed from Turner Road, consider visually recessive materials to the upper level, bicycle racks in the basement may impede on access to the adjacent storage cages.
- Council's Sustainable Design Advisor – was unable to provide a complete assessment based on the information provided, thus a condition included on any permit issued will require submission of a Sustainable Management Report that outlines sustainable design initiatives, and where deemed satisfactory are committed to.

10.2 The application was not required to be referred to any external departments.

11.0 PLANNING CONSIDERATIONS:

State Planning Policy Framework

11.1 The State Planning Policy Framework sets out the relevant state-wide policies for residential development at Clause 11 (Settlement), Clause 15 (Built Environment and Heritage) and Clause 16 (Housing). Essentially, the provisions within these clauses seek to achieve the fundamental objectives and policy outcomes sought by 'Plan Melbourne: Metropolitan Planning Strategy' (Department of Transport, Planning and Local Infrastructure, 2014).

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

- *Planning for urban growth, should consider:*
 - *Opportunities for the consolidation, redevelopment and intensification of existing urban areas.*

- *Neighbourhood character and landscape considerations.*
 - *The limits of land capability and natural hazards and environmental quality.*
 - *Service limitations and the costs of providing infrastructure.*
- 11.3 Clause 11.01-2 places particular emphasis on providing increased densities of housing in and around activity centres or sites that have good access to a range of services, facilities and transport options.
- 11.4 Clause 11.04-2 places particular emphasis on providing a diversity of housing in defined locations that cater for different households and are close to jobs and services, with strategies such as reducing the cost of living by increasing housing supply near services and public transport, and facilitating the supply of social housing and affordable housing.
- 11.5 Clause 11.04-4 aims to create healthy and active neighbourhoods and maintain Melbourne's identity as one of the world's most liveable cities, with strategies such as protecting Melbourne and its suburbs from inappropriate development; creating neighbourhoods that support safe communities and healthy lifestyles; and promoting design excellence.
- 11.6 **Clause 13** (Environmental Risks) aims to ensure that planning adopts a best practice environmental management and risk management approach which aims to avoid or minimise environmental degradation and hazards. Further, planning should identify and manage the potential for the environment, and environmental changes, to impact upon the economic, environmental or social well-being of society.
- 11.7 **Clause 15** (Built Environment and Heritage) aims to ensure all new land use and development appropriately responds to its landscape, valued built form and cultural context, and protect places and sites with significant heritage, architectural, aesthetic, scientific and cultural value.
- 11.8 Clause 15.03-2 (**Aboriginal Cultural Heritage**) seeks to ensure the protection and conservation of places of Aboriginal cultural heritage significance.
- 11.9 The Subject Land **is not** identified in an area of Aboriginal Cultural Heritage Sensitivity.
- 11.10 Policies pertaining to urban design, built form and heritage outcomes are found at **Clause 15** of the State Planning Policy Framework. Of particular significance, **Clause 15.01** encourages development to achieve high quality architectural and urban design outcomes that contribute positively to neighbourhood character, minimises detrimental amenity impacts and achieves safety for future residents, and the community, through good design. The provisions of **Clause 15.02** promote energy and resource efficiency through improved building design, urban consolidation and promotion of sustainable transport.
- 11.11 Housing objectives are further advanced at **Clause 16**. This Clause aims to encourage increased diversity in housing to meet the needs of the community through different life stages and respond to market demand for housing. In much the same vein as Clause 11, this Clause advances notions of consolidation of existing urban areas, particularly in and around activity centres and employment corridors that are well served by all infrastructure and services.
- 11.12 The policies contained within **Clause 16.01-4** encourage the provision of range of housing types to meet the increasingly diverse needs of the community. Emphasis is placed on development of well-designed medium density housing with respect to neighbourhood character. Further, this Clause aims to make better use of the existing infrastructure and provide more energy efficient housing.

11.13 It is submitted that the proposed development satisfies the aforementioned State strategies and policy direction. Specifically, the subject site is located on land earmarked for residential purposes, whereby residential development is an 'as of right' use under the zoning provisions. Subject to appropriate conditions on any permit issued, the development itself achieves an acceptable design outcome for the site and its immediate abuttals, whilst enjoying convenient and direct access to community facilities and the like, including public transport nodes.

Local Planning Policy Framework

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

11.15 Relevant objectives and strategies in Clause 21.05-3: Residential Land Use include:

- *To provide a range of housing types across the municipality to increase housing diversity and cater for the changing housing needs of current and future populations, taking account of the capacity of local areas in Kingston to accommodate different types and rates of housing change. This is to be achieved through encouraging residential development within activity centres via mixed-use development, and on transitional sites at the periphery of activity centres.*
- *To ensure new residential development respects neighbourhood character and is site responsive, and that medium density dwellings are of the highest design quality. This is to be achieved through promoting new residential development, which is of a high standard, responds to the local context and positively contributes to the character and identity of the local neighbourhood.*
- *To promote more environmentally sustainable forms of residential development. To be achieved through promoting medium density housing development in close proximity to public transport facilities, particularly train stations.*
- *To ensure residential development does not exceed known physical infrastructure capacities.*

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

11.17 **Clause 22.11 Residential Development Policy** extends upon the provision contained at **Clause 21.05 (Residential Land Use)**, relating to increased housing diversity areas, incremental housing change areas, minimal housing change areas, residential renewal areas and neighbourhood character. It provides design guidance on how new residential development should achieve architectural and urban design outcomes that positively respond to neighbourhood character.

11.18 Relevant objectives in **Clause 22.11-2 Residential Development Policy** include:

- *To promote a managed approach to housing change, taking account of the differential capacity of local areas in Kingston to accommodate increased housing diversity, incremental housing change, residential renewal or minimal housing change, as identified within the MSS.*

- *To encourage new residential development to achieve architectural and urban design outcomes that positively respond to neighbourhood character having particular regard to that identified in the Kingston Neighbourhood Character Guidelines – August 2007.*
- *To promote on-site car parking which is adequate to meet the anticipated needs of future residents.*
- *To ensure that landscaping and trees remain a major element in the appearance and character of the municipality's residential environments.*
- *To limit the amount and impact of increased stormwater runoff on local drainage systems.*
- *Ensure that any upper storey components towards the rear of sites are sensitively designed to avoid unreasonable adverse amenity impacts on neighbours.*

11.19 It is considered that the proposed development generally complies with the State and Local Planning Policy Framework guidelines which aim to encourage well-designed medium density housing in appropriate locations. This is discussed in the Clause 55 assessment, later within this report.

12.0 CLAUSE 55 (RESCODE ASSESSMENT)

12.1 The proposal has been assessed against the standards of Clause 55 (ResCode) of the Kingston Planning Scheme (refer to Appendix A). Overall, it is noted that the application achieves a high level of compliance with the ResCode provisions, with only minor variations sought. Eight (8) of the 33 ResCode standards are sought to be varied, noting that seven (7) of these standards can achieve compliance subject to the recommended permit conditions. The remaining relevant standards are satisfied by the proposal.

12.2 The following assessment considers the relevant standards and objectives of ResCode where they require further discussion to that provided in the attached Appendix, particularly those standards where concessions are sought.

Clause 55.02-1 – Neighbourhood Character & Infrastructure Standard B1 – Neighbourhood Character

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

12.4 This locality will be subject to extensive change as recognised via local policy. Clause 22.17 to *'recognise the character of Highett's established residential areas and manage change that responds to their character and proximity to public transport and activity centres.'* This policy expands on the expectations for an emerging character, and echoed under Schedule 12 to the Design and Development Overlay (DDO12), to designate the site and areas along the eastern side of Nepean Highway to the north and south (and north and south of the activity centre) as 'Preferred Medium Density Residential Areas'. This area encourages *'the development of contemporary medium density housing in the form of well designed apartment developments rather than villa unit and town house style developments'*, and seeks to *'promote development with a maximum of three storeys on*

consolidated lots'. The proposal provides a high quality, compact three storey development that is consistent with the preferred character. This is elaborated on below in the assessment against the DDO12 design standards in the Residential Policy section of the report.

- 12.5 The existing character of the locality contains quite a varied mix of housing types, with single storey detached dwellings and older infill development with both single and double storey forms. The pattern of multi-dwelling development is very established in the surrounding area and typically comprises tandem developments on lots between 150-200m². The land to the rear and to the north of Turner Street is also subject to a variation in zoning and residential policy. This land is designated for incremental change of two dwellings on a standard size 600m² lot, identified by the application of Schedule 3 to the General Residential Zone.
- 12.6 The scale of the three storey development as it transitions down to the modest buildings along Turner Street is considered excessive. A condition on permit is recommended to delete Apt 2.3 located at the rear of the second storey. Additional recommended conditions to improve the Turner Street interface include re-facing the eastern (rear) elevation with a timber cladding and partially around the Turner Street elevation, and adding a range of shrubs and small trees within the Apt 0.4 garden adjacent to the vehicle crossover.
- 12.7 The remainder of the development is considered to sufficiently respond to the Nepean Highway streetscape, for the following reasons:
- The building setbacks increase from Nepean Highway to 10m to retain the large Smooth Bark Apple tree in the front setback which will soften the development and assist with its integration with the existing character.
 - A detached footprint is achieved by reasonable depth of side and rear setbacks at ground level and avoids any walls on boundary.
 - The building is partially sunken into the ground at the front, reducing its overall height when viewed from Nepean Highway.
 - The existing rhythm and spacing in the street will be achieved by good setbacks from side boundaries to upper levels that exceed the required Standard B17 (Side and rear setbacks).
 - Internalising of car parking areas reduces the dominance of garaging and car parking when viewed from Turner Street and utilises the existing crossover.
 - An active frontage at ground level will be achieved by street facing glazing, particularly the habitable rooms at each level that will have a clear view to the public realm.

Standard B2 – Residential Policy

- 12.8 The Residential policy objective seeks to ensure that any proposed development accords with the relevant State and Local Planning Policy Framework. The proposal is considered to be consistent with all relevant sections of the SPPF, LPPF (including Council's MSS) and local planning policies, namely Council's Residential Development Policy under Clause 22.11 of the Kingston Planning Scheme and Highett Activity Centre Policy under Clause 22.17, both of which encourage medium density development in this locality.

- 12.9 The proposal offers a real ability to capitalise on the 'Increased Housing Diversity Area' and provide additional diversity in housing stock in an appropriate location to cater for the changing needs within the municipality. Strategically the land is well positioned between the Highett Activity Centre 250m to the north that complements Southland Principal Activity Centre approximately 800m to the south-east of the site. Highett is serviced by an existing railway station and bus connections. Southland includes numerous bus connections and an anticipated future rail connection slated for delivery in 2016.
- 12.10 The proposed intensity and typology of the development is consistent with the intent of the local planning policy objectives seeking a well-designed three (3) storey apartment development on appropriate lots. The vision for the Highett (Neighbourhood) Activity Centre under local policy Clause 22.17 is to revitalise the centre for a wide range of local retail and services, and employment, and promote a strong and positive identity. The proposed apartment and dwelling density will assist with achieving this vision. Increased residential opportunities are sought with a greater diversity of dwelling types. This is achieved by the proposed 1 to 3 bedroom offer, variations to the floor plates and generous internal and garden space, which will appear attractive to a wider range of residents.
- 12.11 Schedule 12 to the Design and Development Overlay (DDO12) provides the most detailed policy guidance for the future character of built form. The policy recommends certain scales and types of residential development depending on certain conditions, where the height limits can be exceeded to achieve the design objectives. On sites of 1,000m² or less and with a frontage width of 20m or less, buildings are suggested to be a maximum of 2 storeys. Whereas on consolidated land greater than 1,000m², or a frontage 20m or greater, the policy indicates a preference for apartment style development of up to three storeys, rather than villa units or townhouses.
- 12.12 The site does not fall neatly into either category having an area of 708.6m² and a frontage width of 20.1m. The width of the site indicates that there is opportunity for a three storey apartment complex, added to the opportunities of a corner allotment and a southern road boundary which limit potential offsite amenity impacts. It is considered that in-principle the site is suitable for an apartment development up to three storeys subject to compliance with the relevant objectives discussed in detail below.
- 12.13 The proposal accords with remaining relevant design standards of DDO12, as demonstrated:

DDO12 - H5 Design Standard	Response
<i>Where sites are consolidated new development must be setback a minimum of 6 metres from the front property boundary</i>	Partially achieved. A front setback of 5.9m is proposed, extending to a setback of 10m. As the site is not a consolidated lot, a 6m minimum can be varied. Although ultimately the area in non-compliance is minor and is offset by the deeper setback.
<i>New development must be setback from side and rear boundaries to provide greater side and rear setbacks than the standards of Clause 55 of this Scheme. Setbacks are to provide for substantial landscaping and to preserve the amenity of adjoining</i>	Partially achieved. In relation to neighbouring properties, the building is set back slightly in excess of Clause 55 Standard B17 (Side and rear setbacks) A condition on permit has been recommended to delete Apt 2.3 located at the rear of the second storey which will ensure the amenity of the adjoining residences are preserved to achieve the intent of this objective.

<i>residences.</i>	<p>Landscaping opportunities are not fully realised especially along the northern side boundary and in part adjacent to Turner Street.</p> <p>Conditions on permit have been recommended to require additional perimeter landscaping adjacent to these northern and southern boundaries, and where possible, to be managed by an Owner's Corporation to ensure ongoing maintenance.</p>
<i>Car parking spaces be provided primarily within new developments rather than at ground level, in order to maximize the opportunity to use ground level areas for landscaping, and communal open space.</i>	<p>Achieved. A basement level car park provides all spaces which allows for substantial landscaping adjacent to each road frontage.</p>

- 12.14 It is submitted that the proposed development satisfies State strategies and policy direction, particularly Clause 11.01 that seeks to *'encourage a diversity of housing types at higher densities in and around activity centres'* or to *'improve the social, economic and environmental performance and amenity of the centre'*. The proposal meets the objectives of Clause 16.01 that encourages high density housing that is strategically located within and around activity centres well serviced by public transport and employment opportunities. Moreover, the policy seeks to ensure housing growth meets the need of the community and provide a mix of housing types and higher density housing around activity centres.

Clause 55.03 – Site Layout and Building Massing

Standard B7 – Building height

- 12.15 The objective of Clause 55.03-2 is *'to ensure that the height of buildings respects the existing or preferred neighbourhood character.'*
- 12.16 Subject to recommended conditions, the proposal will achieve the objective and comply with Standard B7. A condition on permit has been recommended to delete Apt 2.3 located at the rear of the second storey. This condition will ensure a graduated transition and reduction to the visual impact and potential overbearing nature when viewed along Turner Street.
- 12.17 The proposal adequately responds to Nepean Highway which has a policy expectation under DDO12 for a three storey development up to a maximum of 11m in height; however the proposal does not adequately mitigate the height difference to the rear. The land slopes moderately from Nepean Highway to the rear with an elevation change of 2m (slope of 3.3 degrees). The scale of the three storey development as it transitions down to Turner Street is considered excessive. The proposed rear setback to the second storey is considered to be insufficient to provide a graduated transition down to the lower scale of Turner Street.

Standard B13 - Landscaping

- 12.18 The objectives of Clause 55.03-8 include:
- *To encourage development that respects the landscape character of the neighbourhood.*

- *To encourage development that maintains and enhances habitat for plants and animals in locations of habitat importance.*
- *To provide appropriate landscaping.*
- *To encourage the retention of mature vegetation on the site. 'to provide appropriate landscaping'.*

12.19 The landscape plan shows a range of good landscaping adjacent to each road frontage and raised planter boxes adjacent to the rear boundary that includes 12 small trees, 1 large tree, and the retention of the Smooth Bark Apple tree in the front setback. A condition included on any permit issued will require a tree management plan in accordance with the recommendations by the Permit Applicant's arborist.

12.20 Landscaping opportunities are not fully realised especially along the northern side boundary and in part adjacent to Turner Street. Conditions on permit are recommended to increase landscaping to a range of shrubs and small trees in raised boxes along the northern boundary where adjacent to the building. This will work in conjunction with a further condition to rearrange Apt 0.3 at ground level which will remove the need for pedestrian pathways adjacent to the northern boundary. Further, a condition on permit is recommended to add landscaping comprising a range of shrubs and small trees in the Apt 0.4 garden adjacent to the vehicle crossover. Landscaping areas are recommended to be managed by an Owner's Corporation to ensure ongoing maintenance wherever possible.

Clause 55.04 – Amenity Impacts

Standard B17 - Side and Rear Setbacks

12.21 The objective of this clause is to: *'Ensure the height and setback respects the existing or preferred neighbourhood character and limits the amenity impacts on existing dwellings'.*

12.22 Whilst the standards are technically met by the proposal, the proposal fails to meet the objective and will result in unreasonable amenity impacts. A condition on permit has been recommended to delete Apt 2.3 located at the rear of the second storey. The second storey runs the length of the site and is located directly opposite a primary area of secluded private open space within No.1155 Nepean Highway. The visual impact of a three level development opposite a sensitive area of the dwelling is considered to be unreasonable, especially as the building rises in height at the rear and would appear greater than a typical three storey development.

12.23 This recommendation is consistent with the policy position for the area under DDO12 which mandates that:

New development must be setback from side and rear boundaries to provide greater side and rear setbacks than the standards of Clause 55 of this Scheme. Setbacks are ... to preserve the amenity of adjoining residences.

Standard B22 - Overlooking

12.24 The objective of this clause is to: *'Limit views into existing secluded private open space and habitable room windows'.*

12.25 Subject to recommended conditions on conditions on permit, should one issue, the proposal will comply with Standard B22.

12.26 Floor plans show that overlooking from new habitable room windows and balconies to sensitive areas on adjoining properties within 9.0 metres has been addressed at upper levels by nominated frosted glazing. However elevation plans are inconsistent in this regard as they show clear glazing. Louvered window frames or 'privacy blinkers' are shown on Drawing TP2.13 and appear to address overlooking from upper floor windows, however

the locations are not nominated on elevations or floor plans. Conditions on permit, should one issue, will require the notations on the elevations to be consistent with the floor plan notations for frosted glazing on north and east facing windows, and 'privacy blinkers' locations to be nominated and be compliant with Standard B22.

- 12.27 For the remainder, potential overlooking has been adequately controlled. Gardens at ground level are screened by 1.7m high fencing as measured from the new floor level on the subject site.

Clause 55.06 – Detailed Design

Standard B31 - Detailed Design

- 12.28 Council's Urban Designer is supportive of the overall design detail subject to a recommendation to consider visually recessive materials to the upper level to the northern side. This recommendation is no longer relevant if the rear of the second storey is deleted as recommended by this report.
- 12.29 A condition has been recommended to improve the Turner Street interface by re-facing the eastern (rear) elevation with a timber cladding and partially around the Turner Street elevation. This will soften the visual impact of this two and a half storey wall adjacent to the basement entry.
- 12.30 The detailed design of the proposed development is considered successful due to the following features:
- A high level of architectural detailing that relies on consistent rectilinear framing and boxed fenestration to articulate surfaces.
 - Exhibits a building mass that is balanced at each level with a streamlined design and a prominent third level adjacent to the Nepean Highway frontage.
 - Tiled cladding and liberal application of timber finishes presents a natural palette that will not compete with the materials and finishes in the area.
 - A contemporary style that avoids unnecessarily attempting to replicate a past era, but designed in a manner that will adequately integrate with the character of the surrounding area, subject to the aforementioned recommended permit conditions.

Traffic and car parking

Carparking requirement

- 12.31 The application provides all 12 car spaces for dwelling occupants as required by Clause 52.06 (Car parking) within basement parking:

- One bedroom dwellings: 2
 - Two bedroom dwellings: 8
 - Three bedroom dwellings: 1
 - Car parking: 12 car spaces total
- 1 space per 2 bedroom dwellings
2 spaces per 3 bedroom dwelling

No visitor parking

- 12.32 As no visitor parking is provided, a reduction in the parking requirement by two (2) spaces is sought, pursuant to Clause 52.06-3.
- 12.33 A reduction of the car parking requirement may also be considered appropriate where alternate means of transportation are available. The site is located within walking distance to Highett Railway Station including several bus connections approximately 300m to the north-west. Further, a new railway station has been approved on the western side of Southland, due to open in 2016 which will be within an acceptable walking distance. In the immediate area, seven (7) main bus routes are accessible from Southland able to transit passengers to many desirable destinations such as St Kilda, Clayton and Monash University, Black Rock, Sandringham and the foreshore, Chadstone Shopping Centre.
- 12.34 Further alternative transport means are provided with the provision of four (4) bicycle parking spaces. It is noted that no bicycle spaces are required by the planning scheme for a 3 storeys or lower residential building pursuant to Clause 52.34.
- 12.35 Council's Traffic Engineers supported the reduction of the visitor parking requirement and agree with the findings of the traffic report provided by the Permit Applicant:

'The traffic report by ZAV traffic dated 20 March 2014 has undertaken a parking assessment on page 5 of the report. The development requires a total statutory parking requirement of 12 spaces and 2 visitor spaces. A review of the plans drawing No TP1.01 dated 24/3/14 has shown a total of 12 parking spaces provided. The traffic report has supplied a reasonable traffic survey, undertaken on 16th September 2013, which has shown 19 available parking spaces within 150m of the subject site. Traffic Engineering is satisfied with the assessment and support the waiver of 2 visitor parking spaces.'

Design and access

- 12.36 With respect to on-site arrangements, Council's Traffic Department confirm that car spaces and accessway dimensions within the basement are compliant with the requirements of design standard 2 – Car parking spaces of Clause 52.06 and therefore results in a useable and accessible basement, and allows all vehicles to enter and exit in a forwards manner.
- 12.37 Safety concerns have been raised by an objector, that vehicles entering Turner Street from Nepean Highway do so at high speed. The proposal provides an appropriate design to mitigate safety and access issues. The entry to the basement parking uses the existing access point from Turner Street, located at the very furthest from Nepean Highway. Clear views from vehicles exiting to the street are achieved by a basement ramp which flattens out to the street and an open corner or vehicle splay adjacent to the drive entrance.
- 12.38 In light of the above the considered plans suitably address safety issues, and provide a sufficient number of car spaces for occupants and visitors to mitigate any potential impact on the existing street network.

13.0 RESPONSE TO GROUNDS OF OBJECTIONS

- 13.1 Four (4) objections were received to the application. A summary of the concern and response to each ground is provided below:

a) Car parking and traffic

The provision of car parking was considered inadequate by objectors who also raise concerns about the increase in traffic on local streets that could arise due to the proposal. Parking surveys were also considered to be inaccurate.

It is noted that the application provides all 12 of the required number of car spaces for occupants under Clause 52.06 (Car parking) however there is a deficiency of two (2) spaces for visitors, as no visitor spaces are provided. Council's Traffic Engineers supports the reduction of the visitor parking requirement. It is considered that the demand for visitor parking will not adversely affect the surrounding area.

State and local planning policy support the clustering of increased housing density around activity centres, and in particular where existing public transport can be a viable option for alternative transport by occupants. Highett Activity Centre and Southland Principal Activity Centre are both situated within walking distance of 300-800m via the street network. Train and bus connections are available at Highett Activity Centre, whereas bus connections are available at Southland and a new railway station is due to open in 2016. These must be considered as a viable option and reasonable alternative that can alleviate the reliance on additional cars.

b) Safety

Safety concerns have been raised by an objector, that vehicles entering Turner Street from Nepean Highway do so at high speed. The proposal provides an appropriate design to mitigate safety and access issues. The entry to the basement parking uses the existing access point from Turner Street, located at the very furthest from Nepean Highway. Clear views from vehicles exiting to the street are achieved by a basement ramp which flattens out to the street and an open corner or vehicle splay adjacent to the drive entrance.

With respect to on-site arrangements, Council's Traffic Department confirm that car spaces and accessway dimensions within the basement are compliant with the requirements of design standard 2 – Car parking spaces of Clause 52.06 and therefore results in a useable and accessible basement, and allows all vehicles to enter and exit in a forwards manner.

c) Overlooking

It appears that the proposal meets the minimum requirements to protect from unreasonable overlooking to sensitive areas within existing properties. Obscure glazing and louvered screens are intended along the eastern and northern elevations. Subject to recommended conditions on permit to address plan discrepancies, the proposal will comply with Standard B22 (Overlooking) of Clause 55.

d) Loss of trees

A concern was raised by an objector regarding the loss of the large tree (Smooth Bark Apple) in the front setback. The development features a substantial cutaway of the building in order to safely retain this tree. This proposal is commended and is important to integrate the development with the surrounding landscape character. Root explorations by the Permit Applicant's arborist in conjunction with Council's Vegetation Officer confirm that the development is adequately set back from the

tree's root zone. A condition included on any permit issued will require a tree management plan for the future health and protection of the Smooth Bark Apple tree in accordance with the recommendations by the Permit Applicant's arborist.

Further, the landscape plan shows a range of good landscaping adjacent to each road frontage and raised planter boxes adjacent to the rear boundary that includes 12 small trees and one (1) large tree. As mentioned, a condition on permit is recommended to further increase landscaping to the northern side and on the Turner Street side, therefore a good perimeter of landscaping will be achieved.

- 13.2 The remaining objector concerns have been addressed in the assessment above and within the attached Appendix A of this report.

14.0 CONCLUSION:

- 14.1 On balance, the proposal is considered to substantially comply with the relevant planning policy and therefore should be supported.
- 14.2 As outlined above, 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.
- 14.3 The proposed development is considered appropriate for the Site, subject to conditions, as evidenced by:
- The compatibility of the design and siting with the surrounding area;
 - The mitigation of off-site amenity impacts; and
 - A suitable level of compliance with all relevant policies, including Clause 55 and Design and Development Overlay Schedule 12 of the Kingston Planning Scheme.

APPENDIX A – RESCODE ASSESSMENT

Standard of the Kingston Planning Scheme

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

Title and Objective	Complies with Standard?	Requirement and Proposed
<p>B1 Neighbourhood Character Design respects existing neighbourhood character or contributes to a preferred neighbourhood character. Development responds to features of the site and surrounding area.</p>	Yes	See section 12 of the report.
<p>B2 Residential Policy Residential development is consistent with housing policies in the SPPF, LPPF including the MSS and local planning policies. Support medium densities in areas to take advantage of public transport and community infrastructure and services.</p>	Yes	See section 12 of the report.
<p>B3 Dwelling Diversity Encourages a range of dwelling sizes and types in developments of ten or more dwellings.</p>	Yes	The proposal comprises 2 x 1 bedroom dwellings, 8 x 2 bedroom dwellings, and 1 x 3 bedroom dwelling, offering a reasonable range in dwelling sizes and types. Further, four (4) of the dwellings are accessible from ground level.
<p>B4 Infrastructure Provides appropriate utility services and infrastructure without overloading the capacity.</p>	Yes	It is recommended that suitable condition(s) be included in any permit issued to address infrastructure considerations.
<p>B5 Integration with the Street Integrate the layout of development with the street</p>	Yes	The proposed development includes a readily identifiable communal entry point on the Turner Street side of building marked with paving, landscaping, and covered porch entry. The development adequately integrates with the street by habitable rooms at ground level and a mix of unfenced and low fencing to each street

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Title and Objective	Complies with Standard?	Requirement and Proposed
		frontage.
<p>B6 Street Setback The setbacks of buildings from a street respect the existing or preferred neighbourhood character and make efficient use of the site.</p>	No	<p>Required: 9m Proposed: 5.9m -10m</p> <p>See section 12 of the report.</p>
<p>B7 Building Height Building height should respect the existing or preferred neighbourhood character.</p>	Can comply, subject to conditions	<p>Maximum: 10m (for sloping land) Proposed: 10.5m (10.9m to the lift overrun)</p> <p>See section 12 of the report.</p>
<p>B8 Site Coverage Site coverage should respect the existing or preferred neighbourhood character and respond to the features of the site.</p>	Yes	<p>Maximum: 60% Proposed: 53.4%</p>
<p>B9 Permeability Reduce the impact of stormwater run-off on the drainage system and facilitate on-site stormwater infiltration.</p>	Yes	<p>At least: 20% Proposed: 34.9%</p>
<p>B10 Energy Efficiency Achieve and protect energy efficient dwellings and residential buildings. Ensure orientation and layout reduces fossil fuel energy use and makes appropriate use of daylight and solar energy.</p>	Can comply, subject to conditions	<p>All dwellings have direct access to natural light and do not rely on borrowed light. A condition on permit will require submission of a Sustainable Management Plan (SMP) that outlines sustainable design initiatives, and where deemed satisfactory are committed to.</p>
<p>B11 Open Space Integrate layout of development with any public and communal open space provided in or adjacent to the development.</p>	N/A	No communal open space proposed.
<p>B12 Safety Layout to provide safety and security for residents and property.</p>	Yes	The revised plans satisfy Council's Traffic Engineering Department, and provides a workable and safe parking and access, and includes appropriate splays for visibility of pedestrians from

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Title and Objective	Complies with Standard?	Requirement and Proposed
		vehicles entering and exiting the site.
<p>B13 Landscaping To provide appropriate landscaping. To encourage:</p> <ul style="list-style-type: none"> • Development that respects the landscape character of the neighbourhood. • Development that maintains and enhances habitat for plants and animals in locations of habitat importance. • The retention of mature vegetation on the site. 	Can comply, subject to conditions	<p>Further conditions will require additional perimeter landscaping adjacent to the northern and southern boundaries. A condition included on any permit issued will require a tree management plan in accordance with the recommendations by the Permit Applicant's arborist.</p> <p>See section 12 of the report</p>
<p>B14 Access Ensure the safe, manageable and convenient vehicle access to and from the development. Ensure the number and design of vehicle crossovers respects neighbourhood character.</p>	Yes	<p>The existing crossover is proposed to be retained. A condition on permit has been recommended to upgrade the existing crossover to industrial strength construction as per Council's Roads and Drains comments.</p>
<p>B15 Parking Location Provide resident and visitor vehicles with convenient parking. Avoid parking and traffic difficulties in the development and the neighbourhood. Protect residents from vehicular noise within developments.</p>	Can comply, subject to conditions	<p>The proposal provides convenient access to parking for occupants of the development within the basement. Council's Traffic Engineering Department advises that the basement design is satisfactory.</p> <p>A condition on permit will required the new habitable room windows at ground level facing the basement entry to be constructed using double glazing or similar to protect from vehicle noise.</p>
<p>B16 – no longer exists following Planning Scheme Amendment VC90 approved on 5 June 2012.</p>		

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Title and Objective	Complies with Standard?	Requirement and Proposed	
<p>B17 Side and Rear Setbacks Ensure the height and setback respects the existing or preferred neighbourhood character and limits the amenity impacts on existing dwellings.</p>	<p>Yes, but does not comply with the objective. See section 12 of the report.</p>	<p>Required: <u>Ground level</u> N: 0,1m S: N/A street E: 0,1m W: N/A front <u>Second level</u> N: 1.81-2.29m E: 2.29m <u>Third level</u> N: 3.59-3.79m E: 4.59m – 5.49m</p>	<p>Proposed: N: 1.2m E: 3.7m N: 2.5m E: 3.7m N: 4.5m E: 5.9m</p>
<p>B18 Walls on Boundaries Ensure the location, length and height of a wall on a boundary respects the existing or preferred neighbourhood character and limits the amenity impacts on existing dwellings.</p>	<p>N/A</p>	<p>No walls on boundary proposed.</p>	
<p>B19 Daylight to Existing Windows Allow adequate daylight into existing habitable room windows.</p>	<p>Yes</p>	<p>Complies.</p>	
<p>B20 North Facing Windows Allow adequate solar access to existing north-facing habitable room windows.</p>	<p>N/A</p>	<p>There are no existing north-facing habitable room windows on adjoining properties within 3m for consideration.</p>	
<p>B21 Overshadowing Open Space Ensure buildings do not significantly overshadow existing secluded private open space.</p>	<p>Yes</p>	<p>The level of overshadowing generated would fall predominantly on Turner Street and thus would not overshadow existing secluded POS.</p>	

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Title and Objective	Complies with Standard?	Requirement and Proposed
<p>B22 Overlooking Limit views into existing secluded private open space and habitable room windows.</p>	Can comply, subject to conditions	<p>Plan and elevation inconsistencies need to be addressed.</p> <p>See section 12 of the report.</p>
<p>B23 Internal Views Limit views into existing secluded private open space and habitable room windows of dwellings and residential buildings within the same development.</p>	Yes	Complies.
<p>B24 Noise Impacts Protect residents from external noise and contain noise sources in developments that may affect existing dwellings.</p>	Yes	A condition of any permit issued for the proposal should require details of the location of any external heating and/or cooling units.
<p>B25 Accessibility Consider people with limited mobility in the design of developments.</p>	Yes	Complies. Four (4) of the 11 dwellings are located at ground level and appear accessible.
<p>B26 Dwelling Entry Provide a sense of identity to each dwelling/residential building.</p>	Yes	The proposed shared apartment entry is readily identifiable in built form and when viewed from the street.
<p>B27 Daylight to New Windows Allow adequate daylight into new habitable room windows.</p>	Yes	The development allows adequate daylight to new HRW and does not rely on borrowed light.

**City of Kingston
Ordinary Meeting of Council**

Agenda

27 October 2014

Title and Objective	Complies with Standard?	Requirement and Proposed
<p>B28 Private Open Space Provide reasonable recreation and service needs of residents by adequate private open space.</p>	<p>Can comply subject to condition</p>	<p>Required: 40m² for each dwelling with one part of the private open space to consist of secluded POS at the side or rear of the dwelling or residential building with a minimum area of 25m², a minimum dimension of 3m and convenient access from a living room OR A balcony of 8 square metres with a minimum width of 1.6 metres and convenient access from a living room</p> <p>Proposed: Areas of secluded private open space complies. These are provided within ground level gardens ranging between 20.8m² to 78.6m², and within first floor and second floor balconies between 8.1m² to 29.2m². Apt 0.3 at ground level does not comply with the Standard as the living room is not directly accessible to the secluded private open space. A condition on permit will require it to be rearranged accordingly.</p>
<p>B29 Solar Access to Open Space Allow solar access into the secluded private open space of new dwellings/buildings.</p>	<p>Yes</p>	<p>Complies. The majority of secluded POS benefits from a northern aspect. The depth or orientation to all areas of secluded POS is predominantly adequate to gain adequate solar access.</p>

**City of Kingston
Ordinary Meeting of Council**

Agenda

27 October 2014

Title and Objective	Complies with Standard?	Requirement and Proposed
<p>B30 Storage Provide adequate storage facilities for each dwelling.</p>	<p>Can comply, subject to conditions</p>	<p>Two dwellings are provided with above bonnet storage in car spaces within the basement. This method is out-dated as it is known to impinge on access to vehicles and prevent useability. A condition on permit is recommended to require externally accessible storage elsewhere in accordance with Standard B30.</p>
<p>B31 Design Detail Encourage design detail that respects the existing or preferred neighbourhood character.</p>	<p>Yes</p>	<p>Council's Urban Designer is generally supportive of the design in its current form. See section 12 of the report</p>
<p>B32 Front Fences Encourage front fence design that respects the existing or preferred neighbourhood character.</p>	<p>Yes</p>	<p>Maximum: 2m to Nepean Highway Proposed: 0.8m to Nepean Highway</p>
<p>B33 Common Property Ensure car parking, access areas and other communal open space is practical, attractive and easily maintained. Avoid future management difficulties in common ownership areas.</p>	<p>Yes</p>	<p>Areas of common property appear to be practical, attractive and able to be maintained easily.</p>
<p>B34 Site Services Ensure site services and facilities can be installed and easily maintained and are accessible, adequate and attractive. Avoid future management difficulties in common ownership areas.</p>	<p>Yes</p>	<p>Bin storage locations within the basement are appropriately located. A condition on permit should one issue will require mail boxes to be nominated and submission of a waste management plan.</p>

Appendices

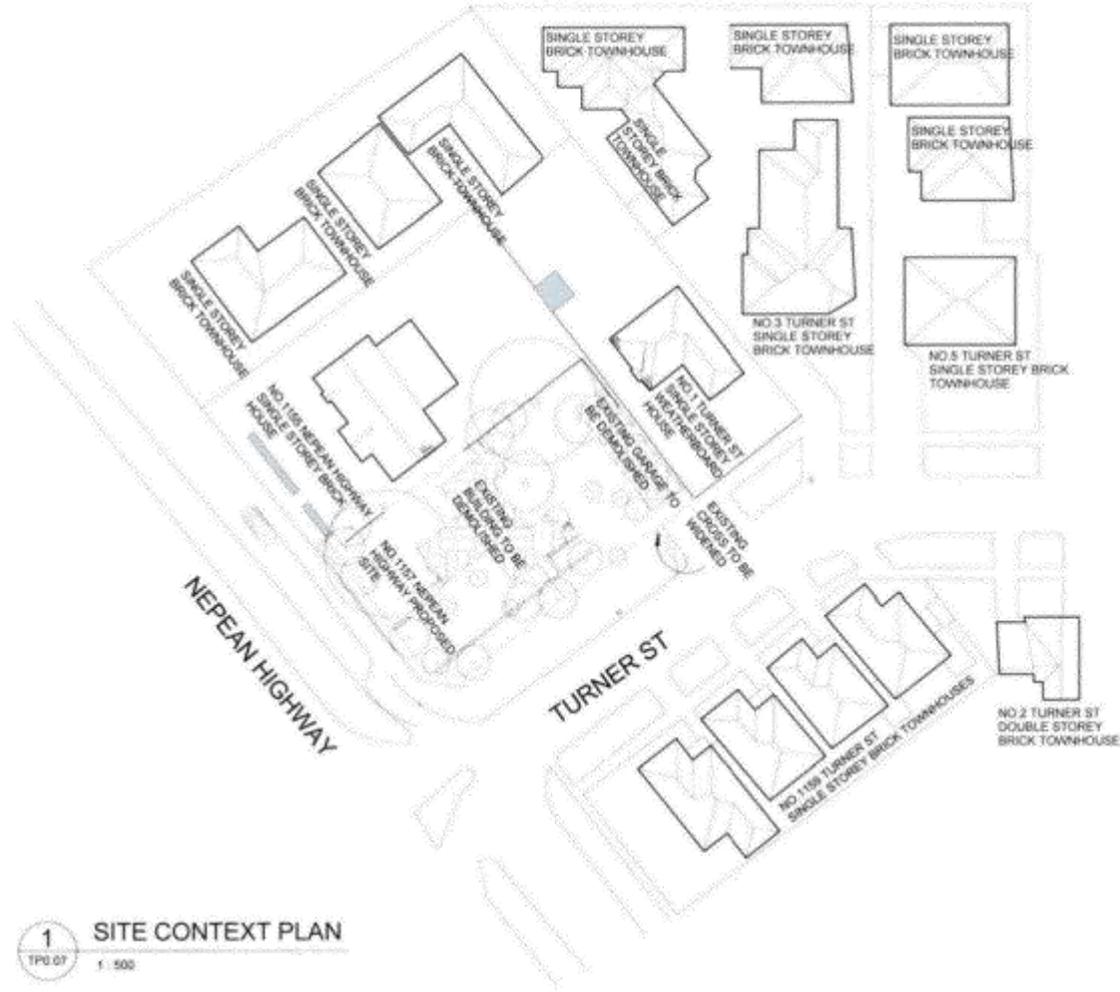
Appendix 1 - KP14/215 - 1157 Nepean Highway Highett - Plans for consideration at Planning Committee Agenda Review Meeting 06 October 2014 (Trim No 14/126541)

Author/s: Hugh Charlton, Senior Planner
Reviewed and Approved By: Jeremy Hopkins, Principal Statutory Planner

8.2

KP14/215 - 1157 NEPEAN HIGHWAY HIGHETT

1	KP14/215 - 1157 Nepean Highway Highett - Plans for consideration at Planning Committee Agenda Review Meeting 06 October 2014	71
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1 SITE CONTEXT PLAN
TP0.07 1:500

RECORDED
1.3 JUN 2014

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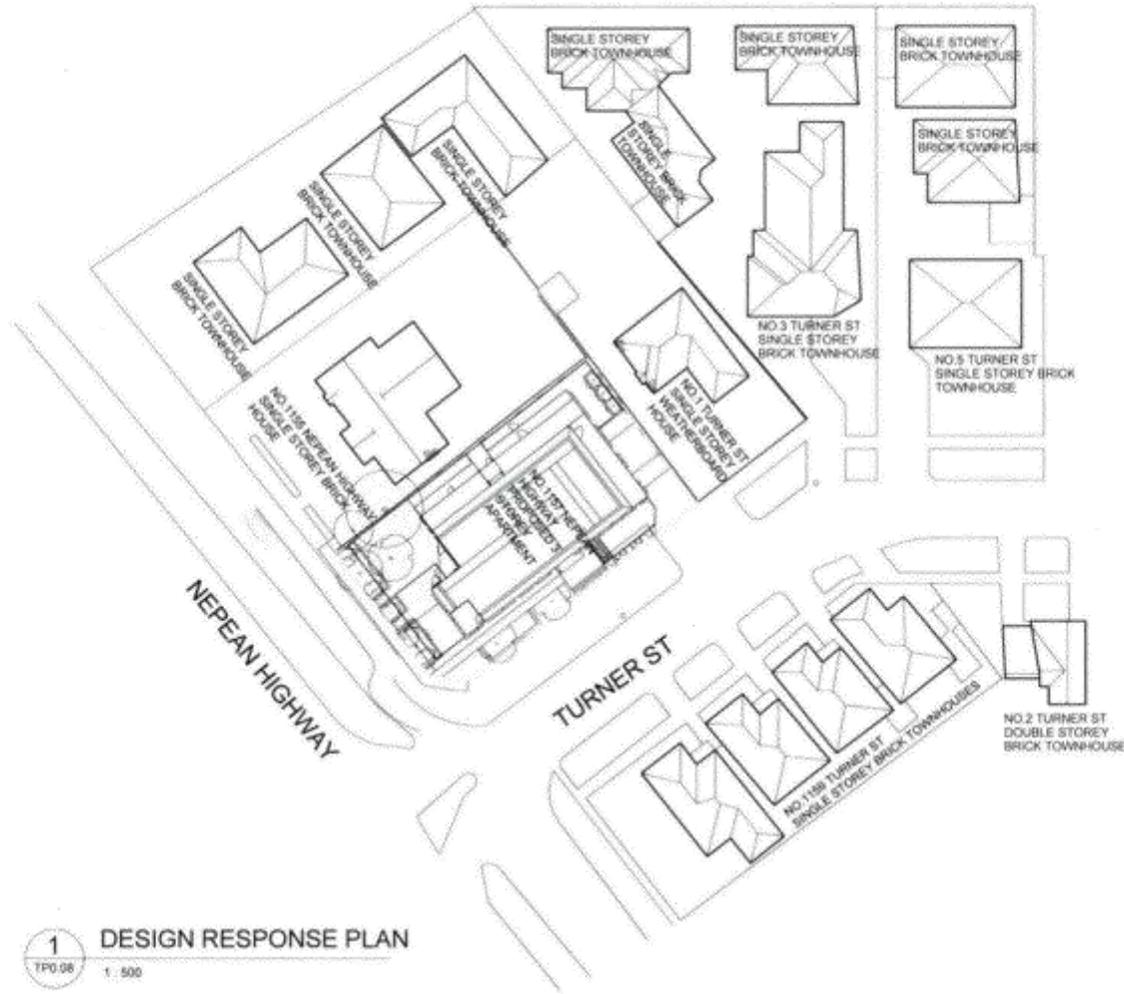
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Client: BUDEN INDUSTRIES Pty Ltd
Project Title: 1157 NEPEAN HWY, HIGHETT, VIC, 3190

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1 DESIGN RESPONSE PLAN
TP0.08 1:500

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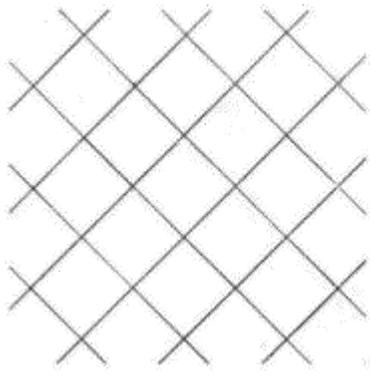
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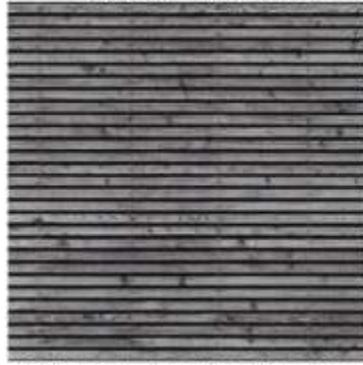


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(TL1) - WHITE TILE FINISH



(CT1) - TIMBER CLADDING



(PL1) PAILING FENCE



BLACK METAL FINISH



TIMBER WINDOW FRAME FINISH

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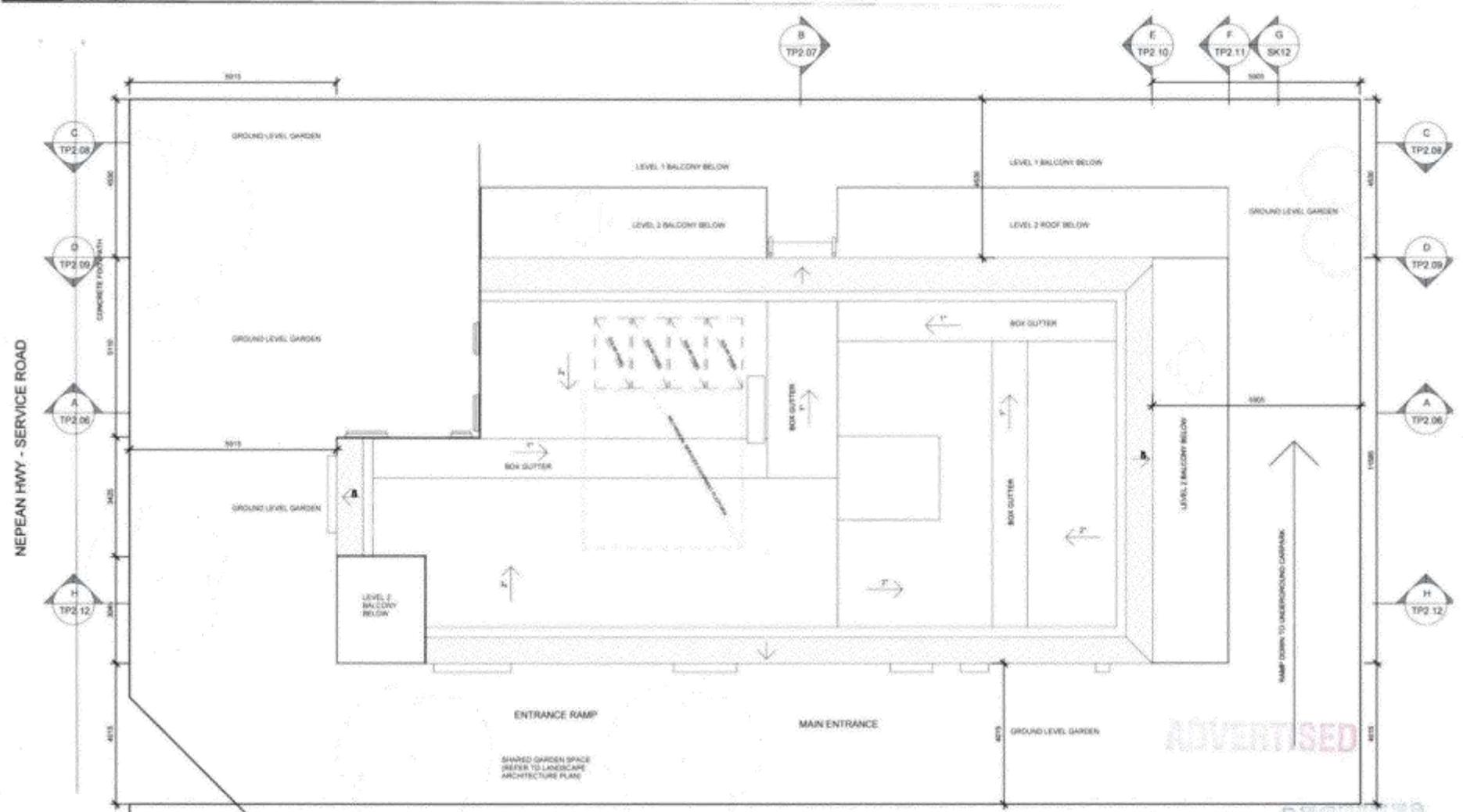


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13 JUN 2014



1 PROPOSED SITE & ROOF PLAN
TP1.00 1:100

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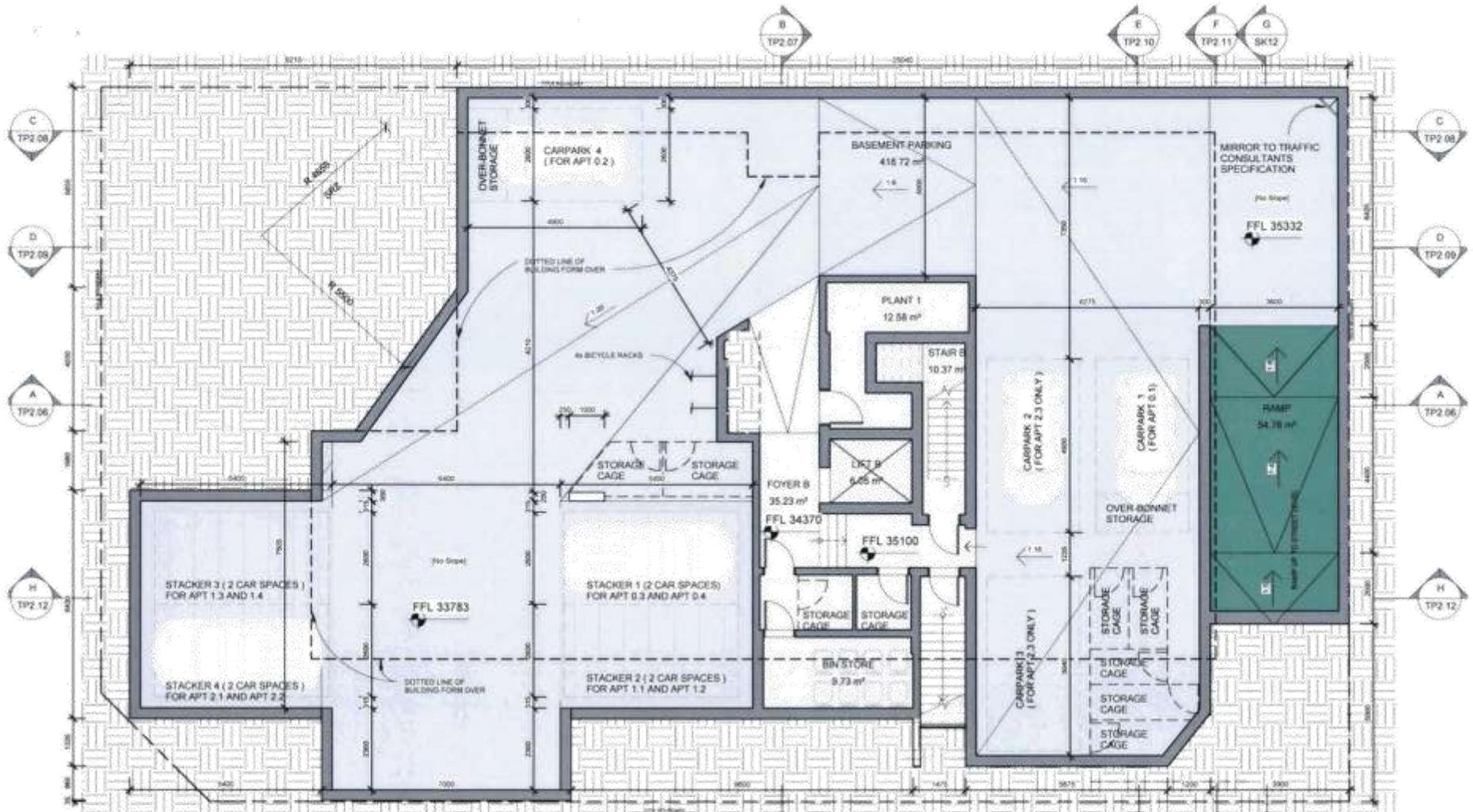
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1 PROPOSED BASEMENT FLOOR PLAN
TP1.01 1:100

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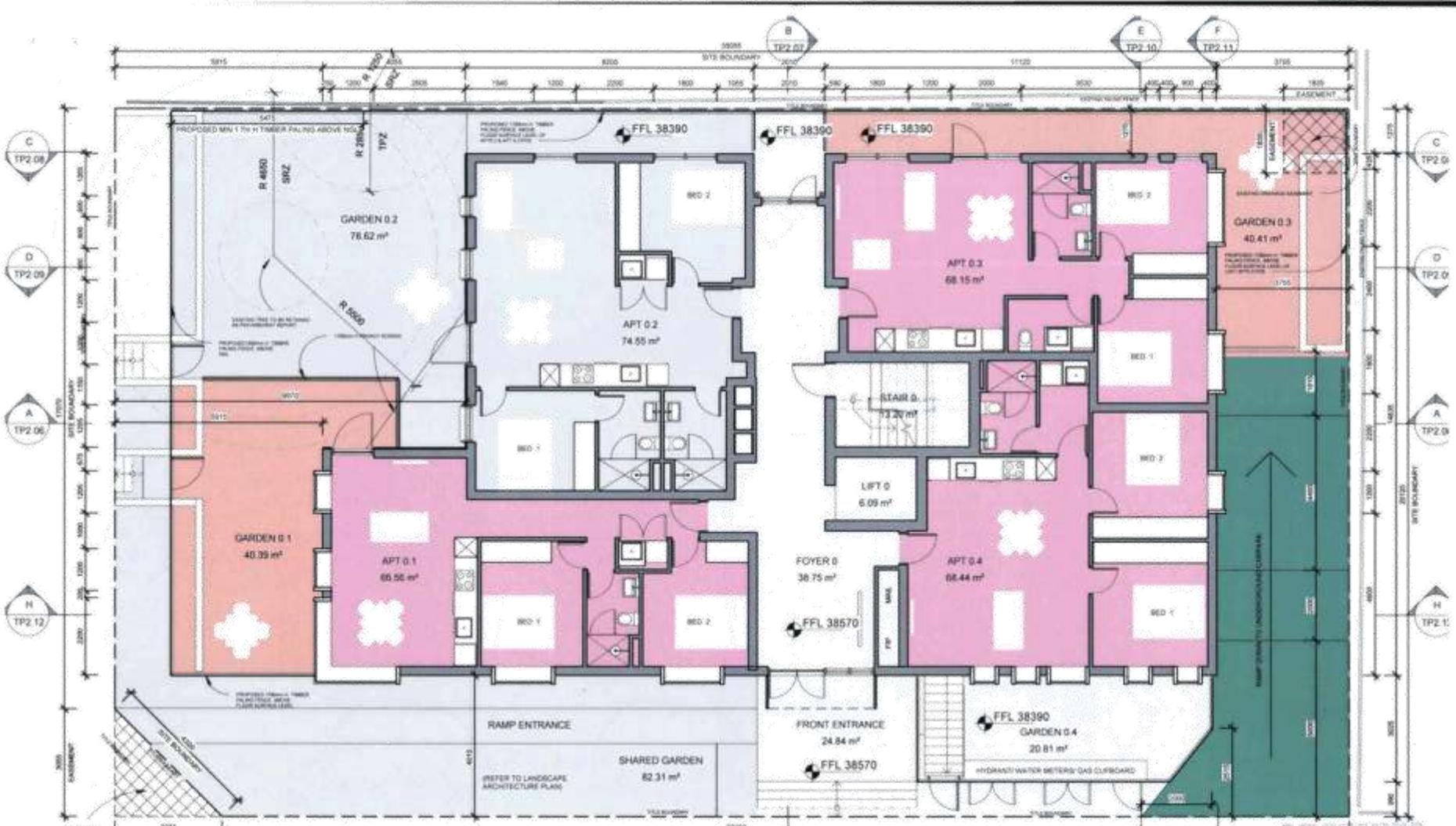
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1 PROPOSED GROUND FLOOR PLAN
1:100

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1 PROPOSED LEVEL ONE FLOOR PLAN
TP1.03 1:100

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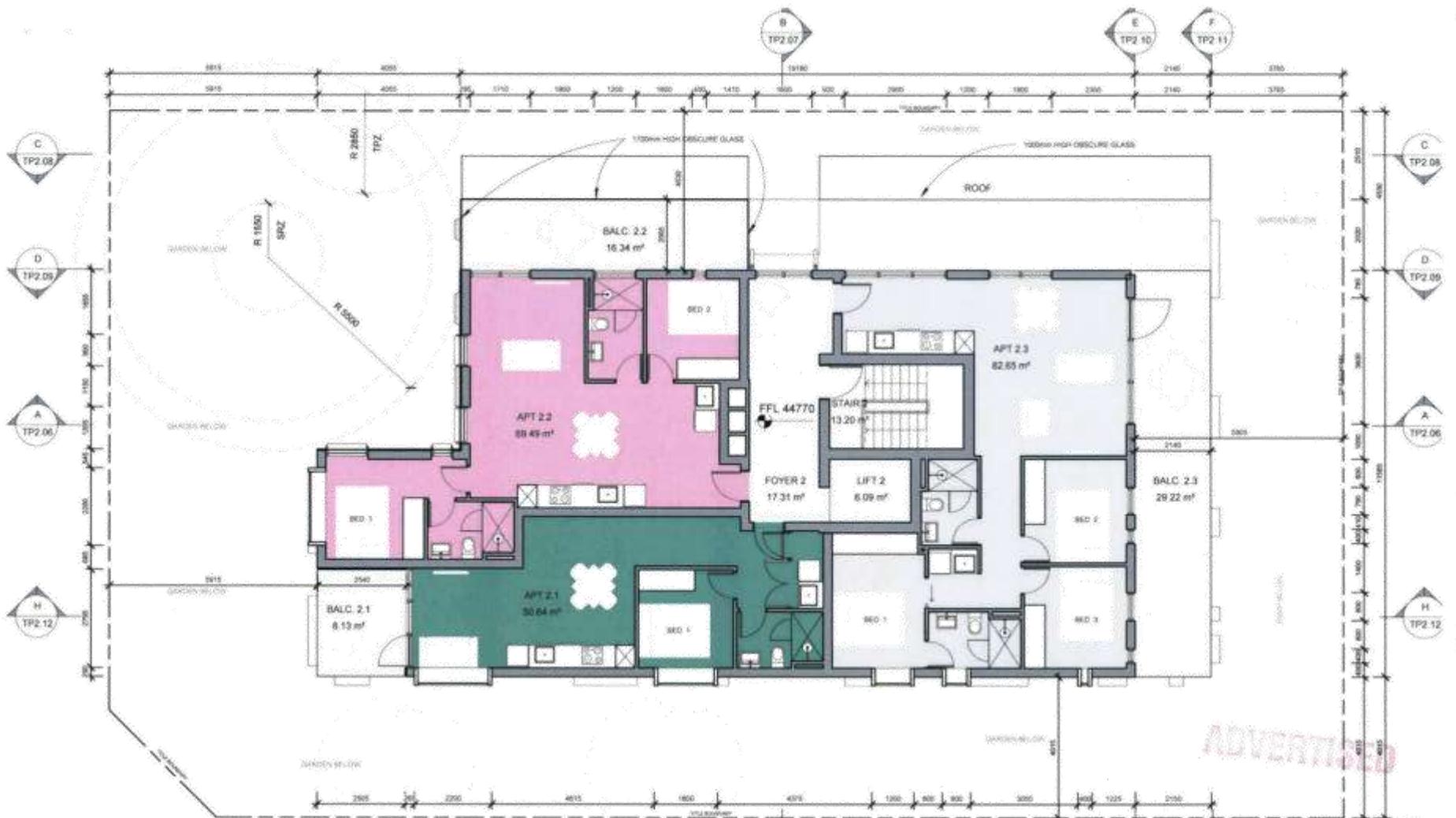
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1 PROPOSED LEVEL TWO FLOOR PLAN
TP1.04 1:100

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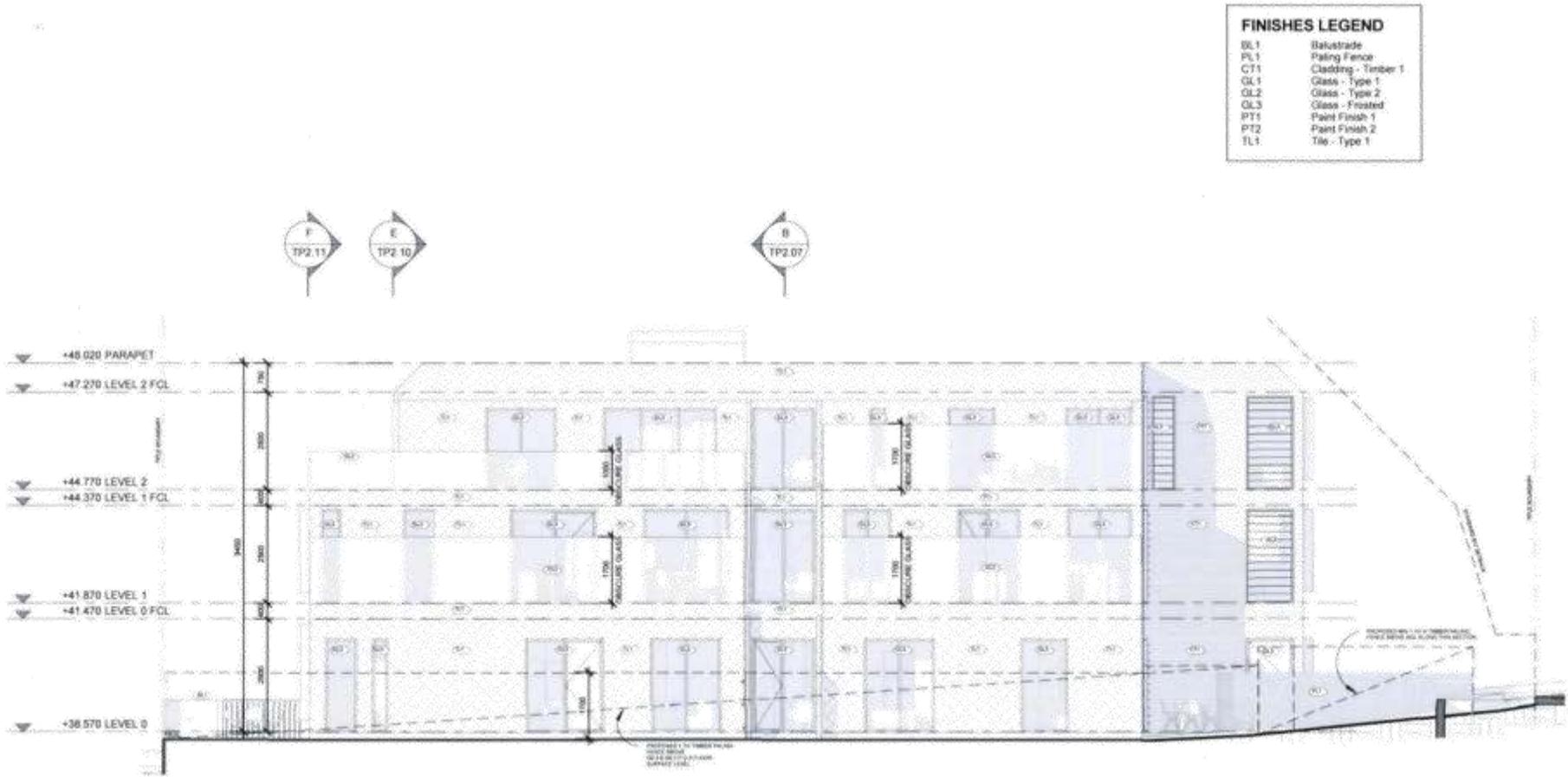


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1 PROPOSED NORTH ELEVATION
TP2.01 1:100

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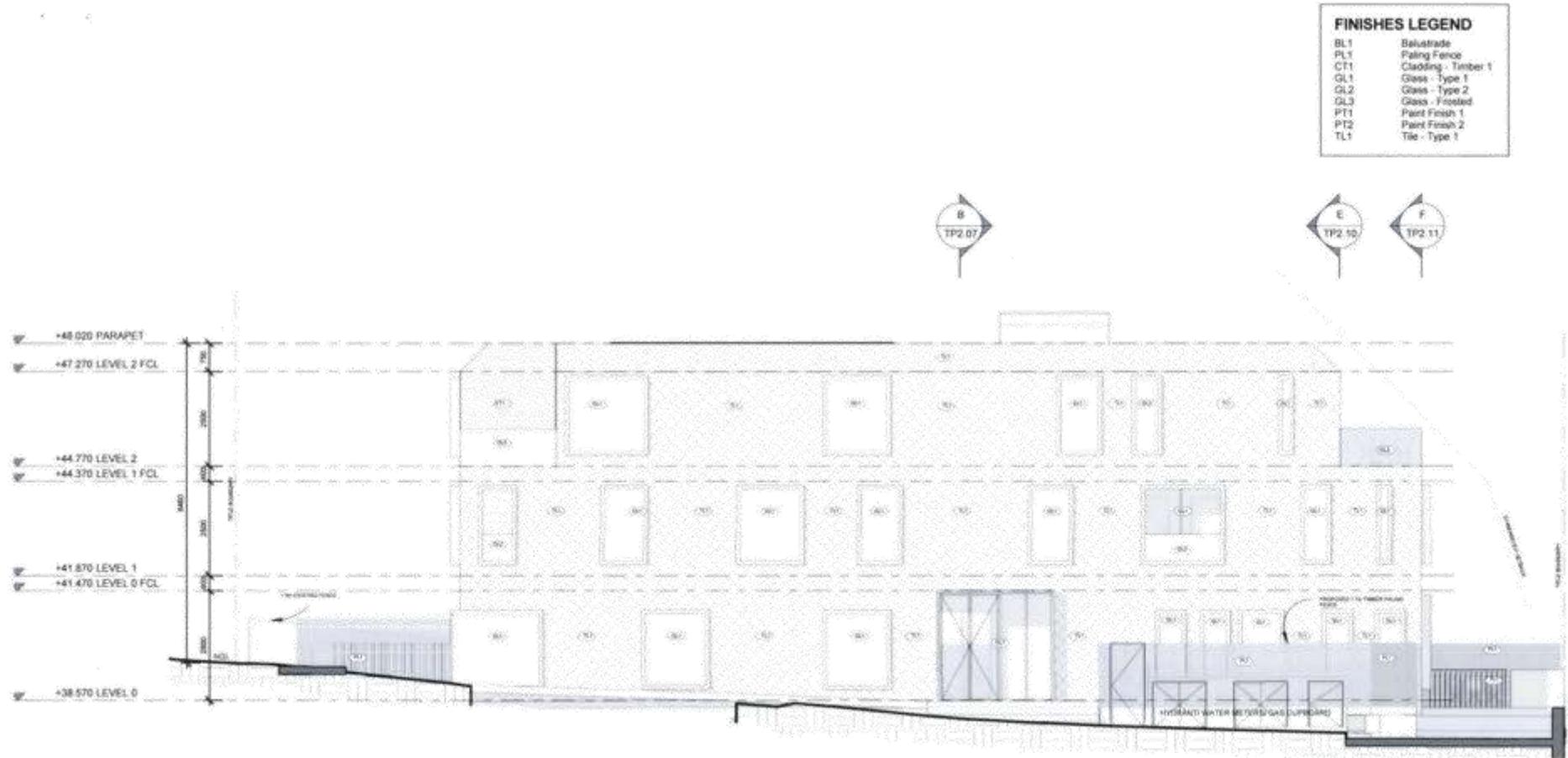


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FINISHES LEGEND	
BL1	Belustrade
FL1	Faling Fence
CT1	Clothing - Timber 1
GL1	Glass - Type 1
GL2	Glass - Type 2
GL3	Glass - Frosted
PT1	Paint Finish 1
PT2	Paint Finish 2
TL1	Tile - Type 1

1 PROPOSED SOUTH ELEVATION
TP2.03 1:100

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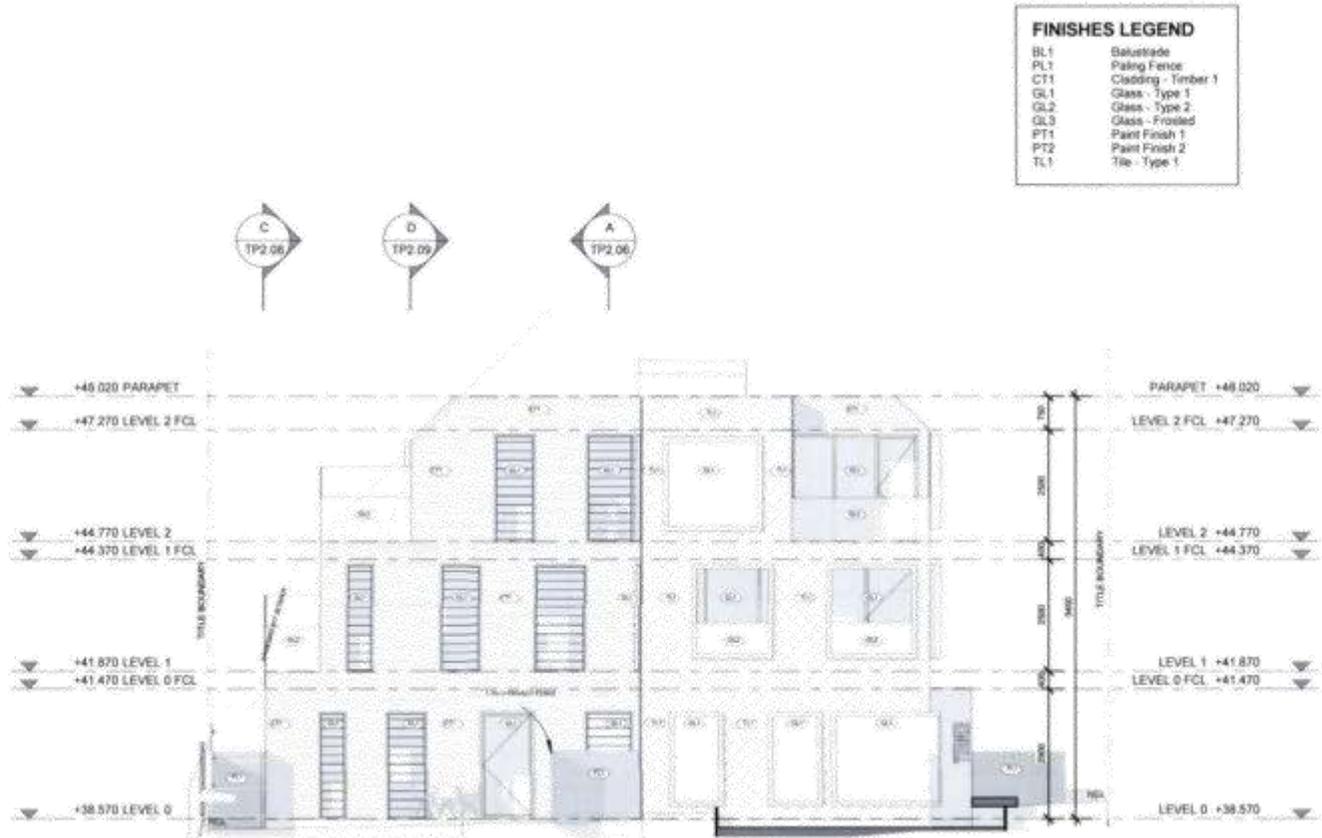
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1 PROPOSED WEST ELEVATION
TP2.04 1:100

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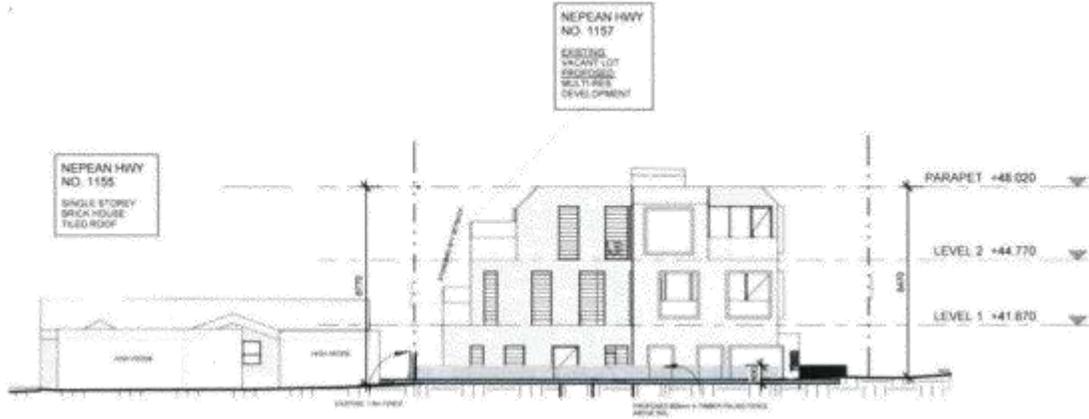
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1 PROPOSED NEPEAN HIGHWAY ELEVATION (WEST)
TP2.05 1:200



2 PROPOSED TURNER ROAD ELEVATION (SOUTH)
TP2.05 1:200

DEVELOPMENT SUMMARY

SITE BOUNDARY AREA: 106.80m² TOTAL

PROPOSED:

		Level One	
Basement:		Apartment 1.1	84.67m ²
Carpark area	463.38m ²	Apartment 1.2	57.65m ²
Circulation + Services	130.2	Apartment 1.3	66.25m ²
		Apartment 1.4	83.22m ²
		Circulation + Services	38.43m ²
Ground Level		Level Two	
Apartment 0.1	61.71m ²	Apartment 2.1	72.40m ²
Apartment 0.2	56.08m ²	Apartment 2.2	64.54m ²
Apartment 0.3	59.54m ²	Apartment 2.3	82.65m ²
Apartment 0.4	68.15m ²	Circulation + Services	36.95m ²
Apartment 0.5	65.44m ²		
Circulation + Services	88.6m ²		

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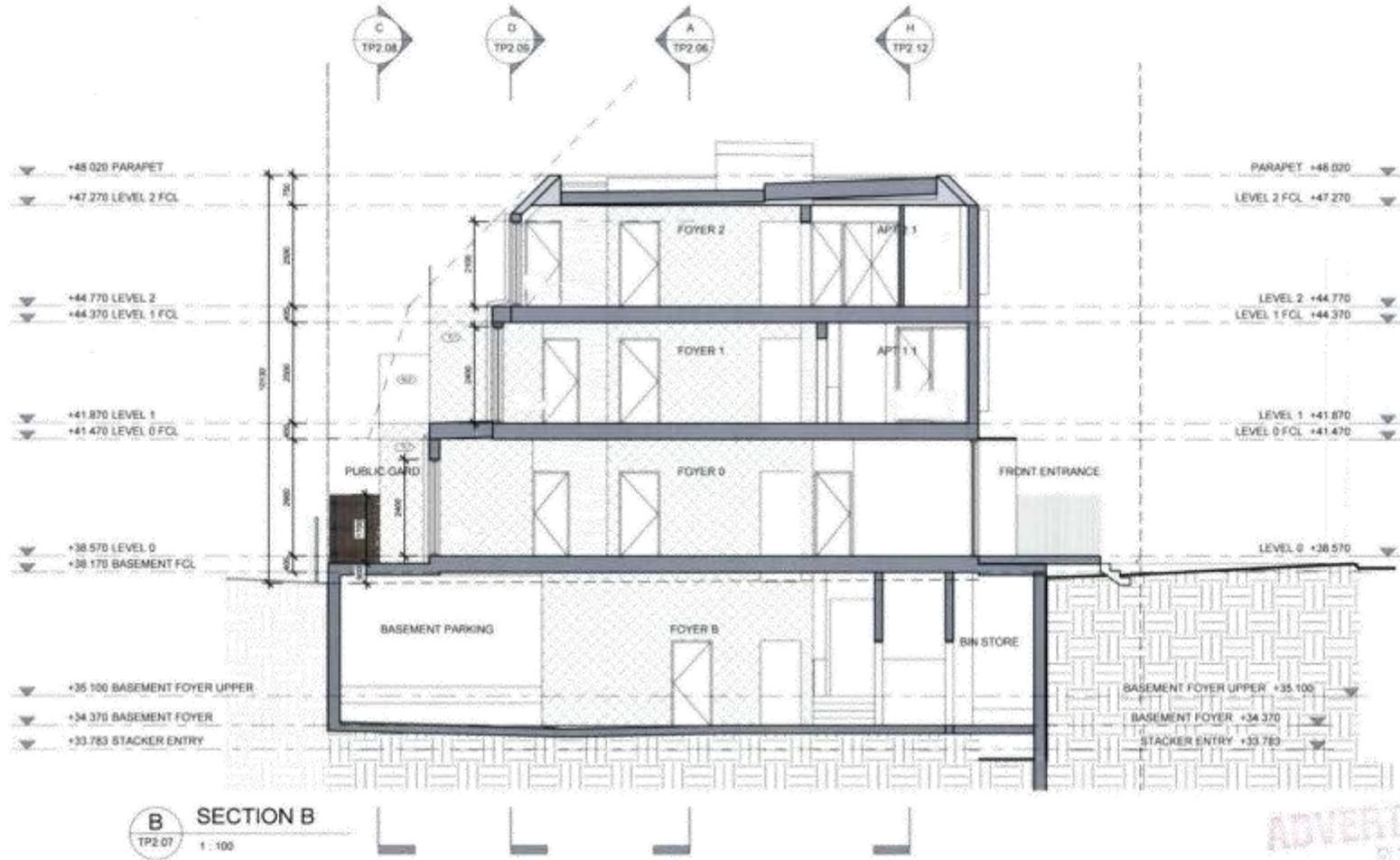
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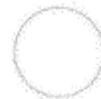


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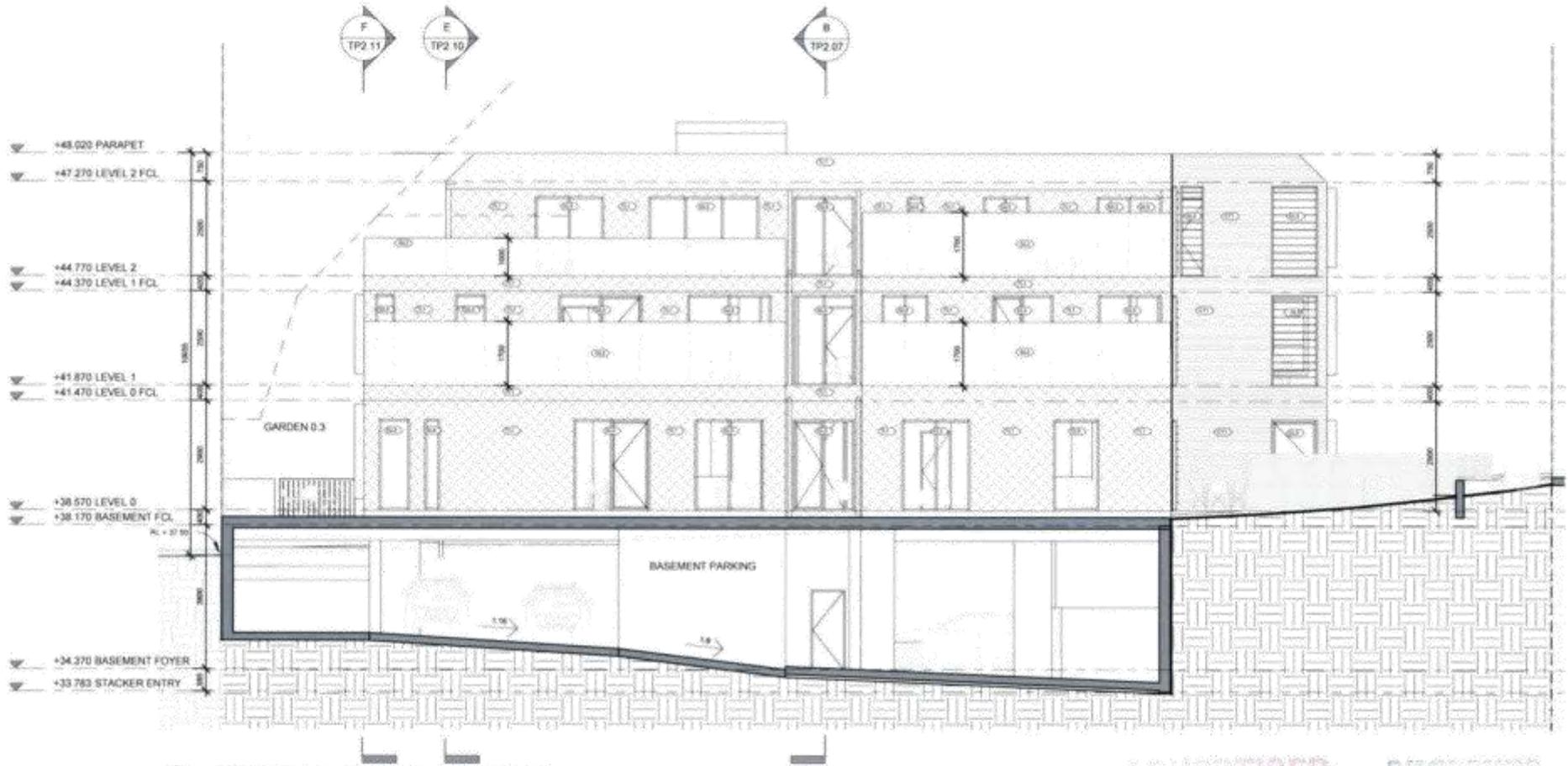


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TP2.07 A

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C SECTION C - NORTH L0 SETBACK
TP2.08 1 - 100

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D SECTION D - NORTH L2 SETBACK
TP2.09 1:100

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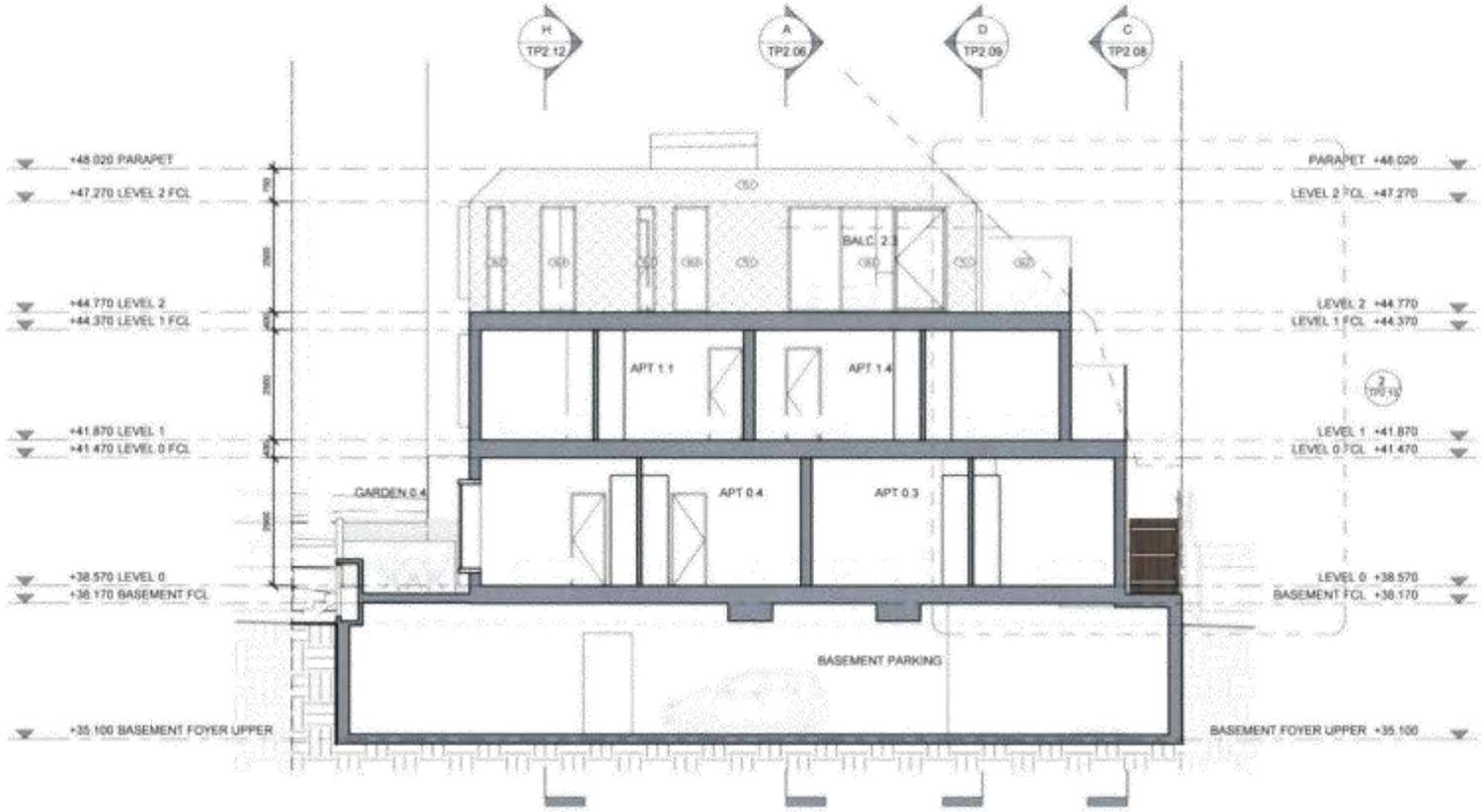
Project No. 13209
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Project Title 1157 NEPEAN HWY, HIGHETT, VIC, 3190

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Scale 1:100	Project Date
Drawn by JC	Issued Date 04/05/14
Drawing Number TP2.09	Status/Revision A

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E SECTION E - EAST L2 SETBACK
 TP2.10 1:100

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 Project Title 1157 NEPEAN HWY, HIGHETT, VIC, 3190

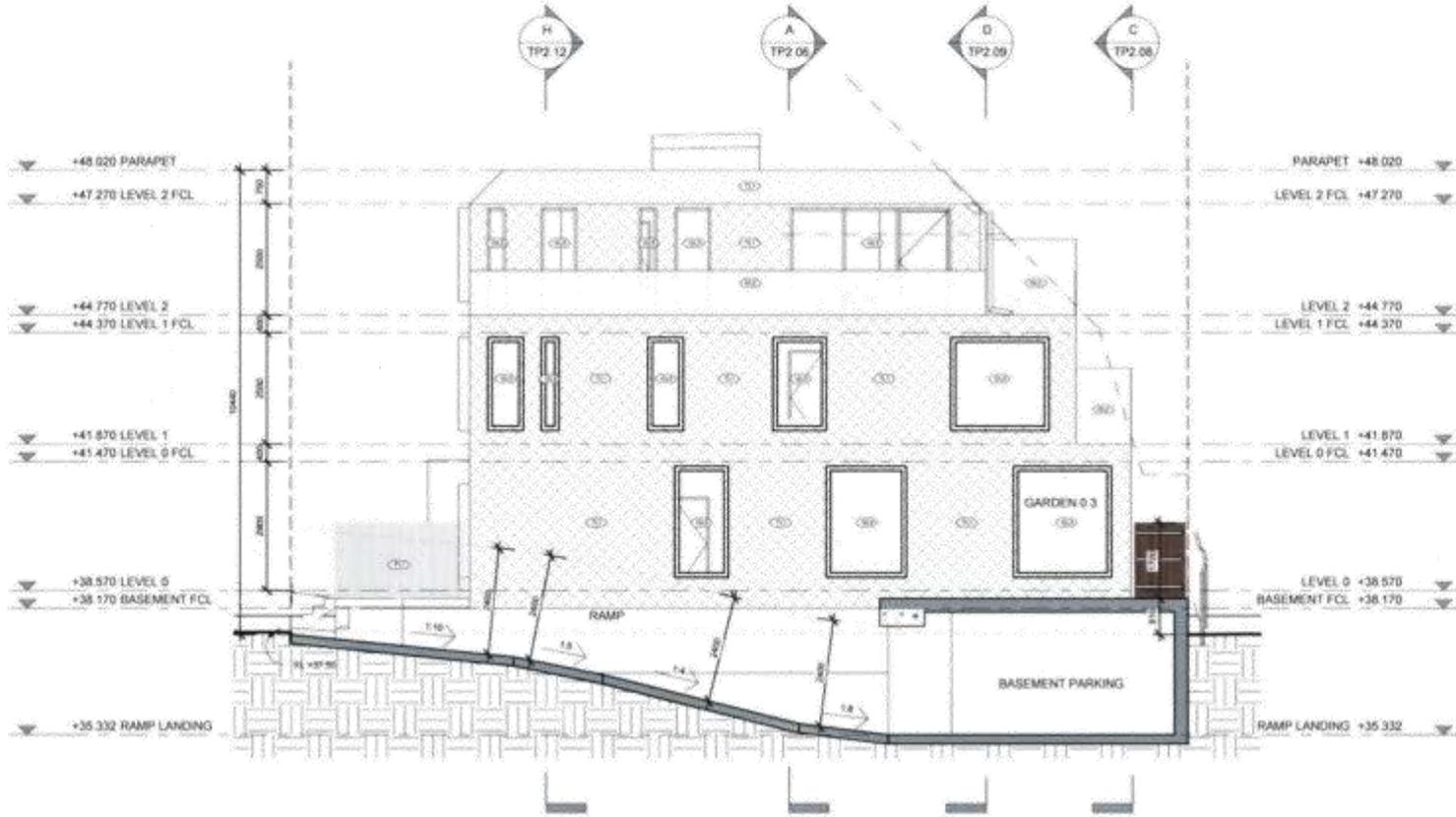
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Drawn by	JC	Issued Date	04/06/14
Drawing Number	TP2.10	Status/Revision	A

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F SECTION F - EAST L0 SETBACK
TP2.11 1:100

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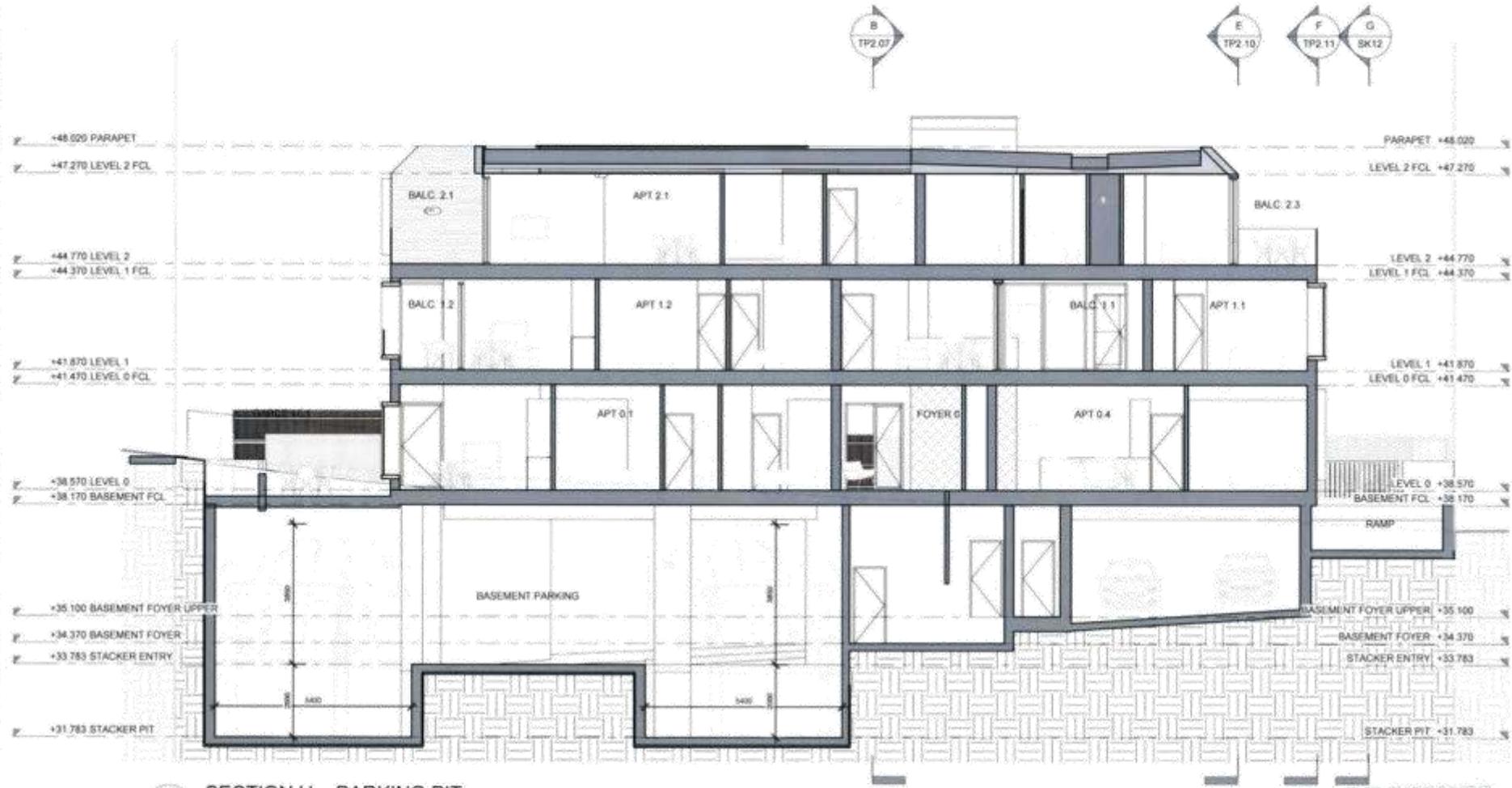
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Scale 1:100	Project Date
Drawn by JC	Issued Date 04/06/14
Drawing Number TP2.11	Status/Revision A

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H SECTION H - PARKING PIT
 TP2.12 1:100

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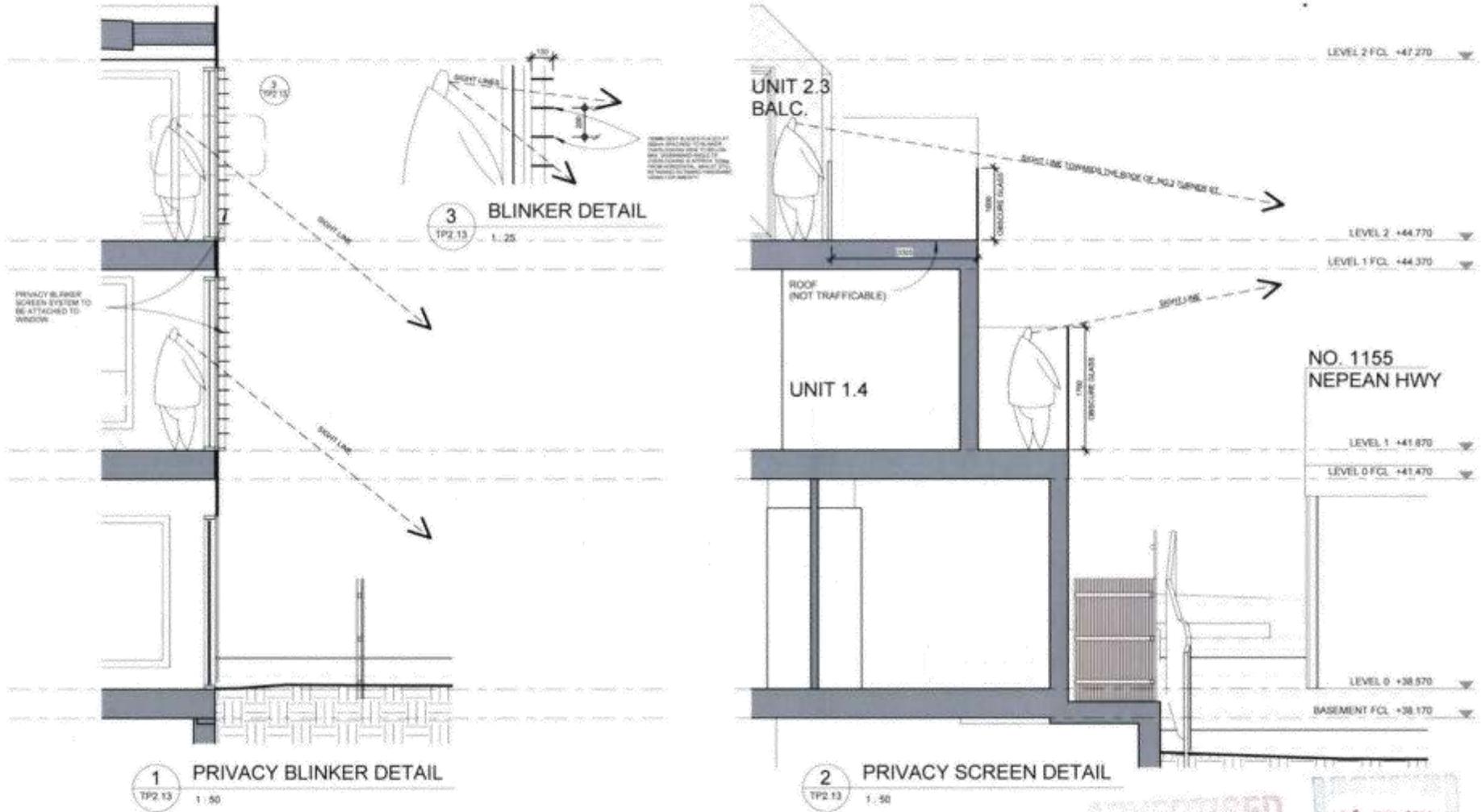
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Scale 1:100	Project Date
Drawn by JC	Issued Date 04/06/14
Drawing Number TP2.12	Status/Revision A

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Scale	As indicated	Project Date	
Drawn by	WK	Issued Date	04/06/14
Drawing Number	TP2.13	Status/Revision	A

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1 Shadow Diagram 22 September 9AM
TP3.01

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Client: BUDEN INDUSTRIES Pty Ltd
Project Title: 1157 NEPEAN HWY, HIGHETT, VIC, 3190

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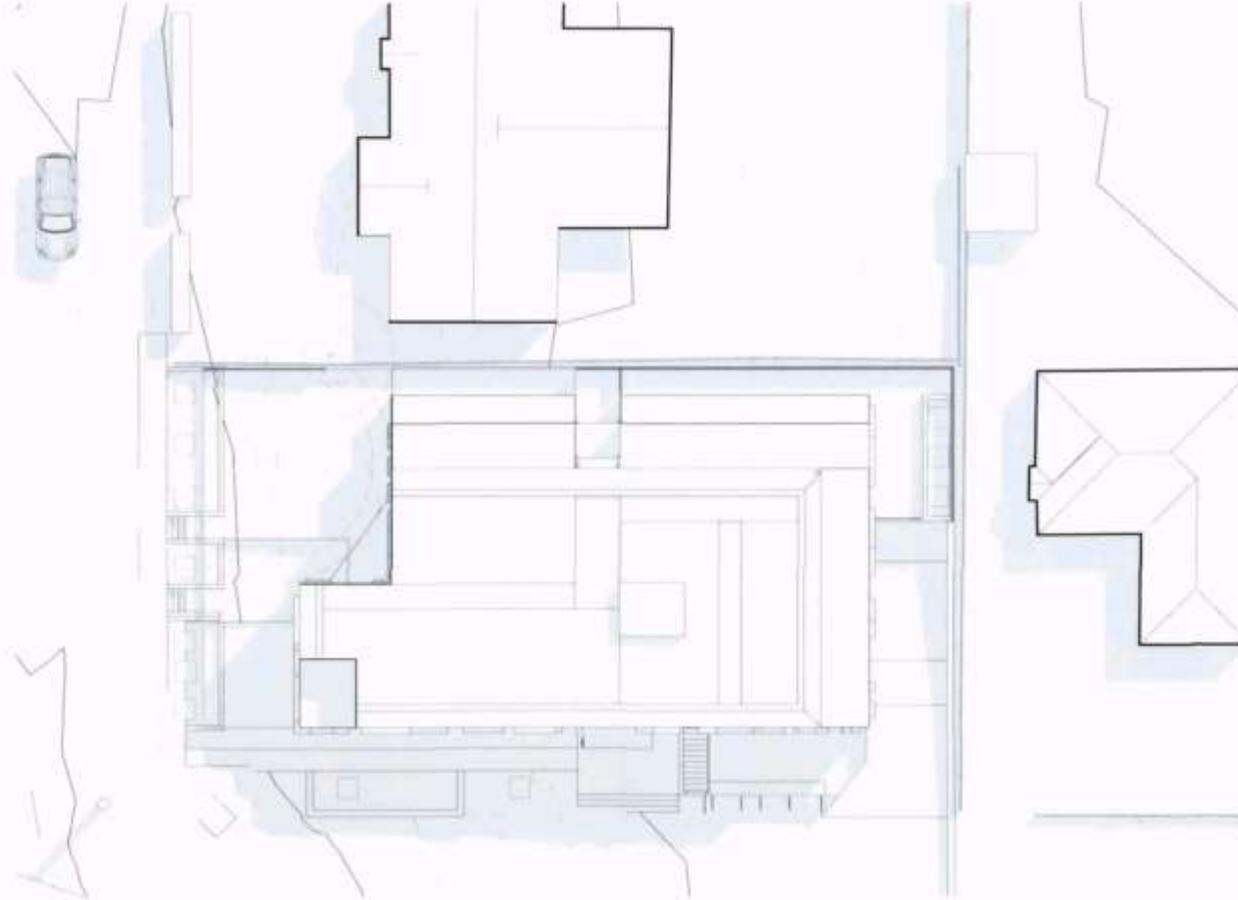


Scale	Project Date
Drawn by MB	Issued Date 04/05/14
Drawing Number TP3.01	Status/Revision A

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13 JUN 2014

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1 Shadow Diagram 22 September 12PM
TP3.02

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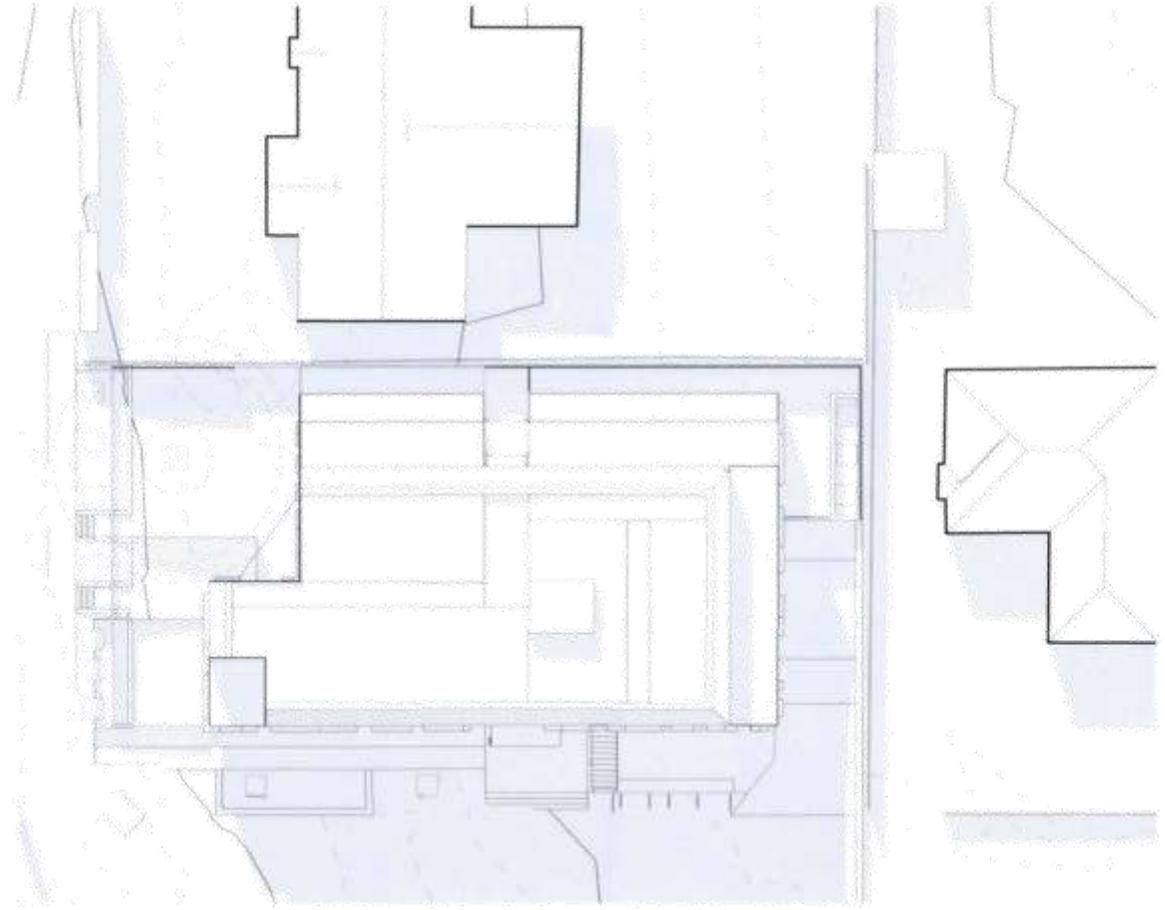


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Scale	Project Date
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Drawing Number TP3.02	Status/Revision A

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1 Shadow Diagram 22 September 3PM
TP3.03

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Scale	Project Date
Drawn by MB	Issued Date 04/06/14
Drawing Number	Status/Revision
TP3.03	A

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Client: BUDEN INDUSTRIES Pty Ltd
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Scale	Project Date 3 JUN 2014
Drawn by JC	Issued Date 04/06/14
Drawing Number	Status/Revision
TP4.02	A

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Client **BUDEN INDUSTRIES Pty Ltd**
Project Title **1157 NEPEAN HWY, HIGHETT, VIC, 3190**

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Scale	Project Date
Drawn by WK	Issued Date 04/06/14
Drawing Number TP4.02a	Status/Revision A

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Project Title 1157 NEPEAN HWY, HIGHETT, VIC, 3190

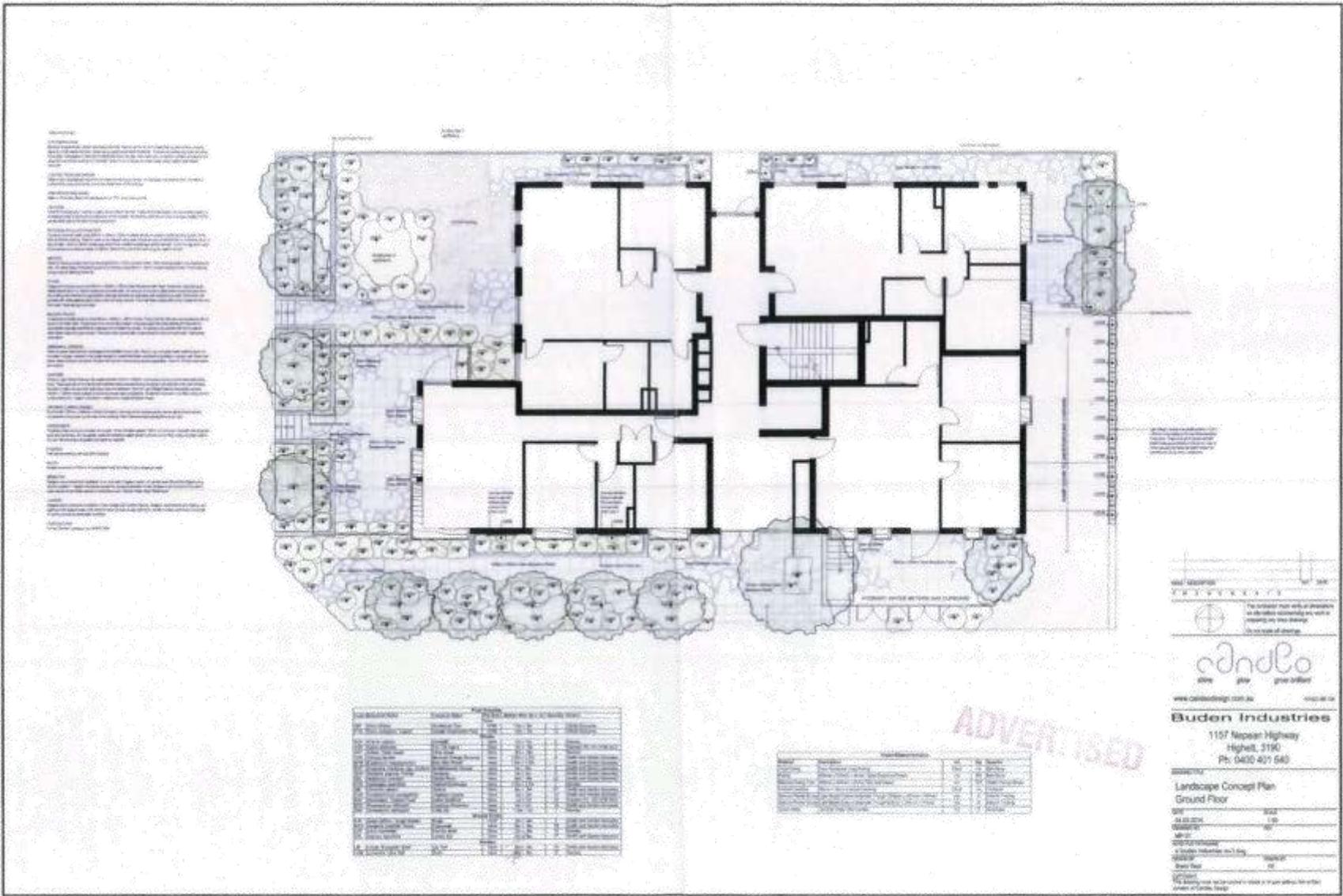
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Scale	Project Date
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Drawn by	Status/Revision
TP4.03	A

13 JUN 2014

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NOTES

1. All dimensions are to the face of the building unless otherwise stated.
2. All levels are to the finished ground level unless otherwise stated.
3. All materials and finishes are to be as specified in the schedule of materials.
4. All landscaping is to be as specified in the landscape concept plan.
5. All electrical and plumbing work is to be as specified in the relevant specifications.
6. All structural work is to be as specified in the structural drawings.
7. All fire-rated walls and doors are to be as specified in the fire-rated schedule.
8. All glass is to be as specified in the glass schedule.
9. All doors are to be as specified in the door schedule.
10. All windows are to be as specified in the window schedule.
11. All stairs are to be as specified in the stair schedule.
12. All lifts are to be as specified in the lift schedule.
13. All lifts are to be as specified in the lift schedule.
14. All lifts are to be as specified in the lift schedule.
15. All lifts are to be as specified in the lift schedule.
16. All lifts are to be as specified in the lift schedule.
17. All lifts are to be as specified in the lift schedule.
18. All lifts are to be as specified in the lift schedule.
19. All lifts are to be as specified in the lift schedule.
20. All lifts are to be as specified in the lift schedule.

ITEM	QUANTITY	UNIT	PRICE	TOTAL
1. Concrete	100	m ³	100	10000
2. Bricks	1000	no.	100	100000
3. Mortar	100	m ³	100	10000
4. Sand	100	m ³	100	10000
5. Labour	100	hr	100	10000
6. Steel	100	kg	100	10000
7. Glass	100	m ²	100	10000
8. Windows	100	no.	100	10000
9. Doors	100	no.	100	10000
10. Stairs	100	no.	100	10000
11. Lifts	100	no.	100	10000
12. Electrical	100	hr	100	10000
13. Plumbing	100	hr	100	10000
14. Fire-rated	100	hr	100	10000
15. Glass	100	hr	100	10000
16. Windows	100	hr	100	10000
17. Doors	100	hr	100	10000
18. Stairs	100	hr	100	10000
19. Lifts	100	hr	100	10000
20. Electrical	100	hr	100	10000
21. Plumbing	100	hr	100	10000
22. Fire-rated	100	hr	100	10000
23. Glass	100	hr	100	10000
24. Windows	100	hr	100	10000
25. Doors	100	hr	100	10000
26. Stairs	100	hr	100	10000
27. Lifts	100	hr	100	10000
28. Electrical	100	hr	100	10000
29. Plumbing	100	hr	100	10000
30. Fire-rated	100	hr	100	10000
31. Glass	100	hr	100	10000
32. Windows	100	hr	100	10000
33. Doors	100	hr	100	10000
34. Stairs	100	hr	100	10000
35. Lifts	100	hr	100	10000
36. Electrical	100	hr	100	10000
37. Plumbing	100	hr	100	10000
38. Fire-rated	100	hr	100	10000
39. Glass	100	hr	100	10000
40. Windows	100	hr	100	10000
41. Doors	100	hr	100	10000
42. Stairs	100	hr	100	10000
43. Lifts	100	hr	100	10000
44. Electrical	100	hr	100	10000
45. Plumbing	100	hr	100	10000
46. Fire-rated	100	hr	100	10000
47. Glass	100	hr	100	10000
48. Windows	100	hr	100	10000
49. Doors	100	hr	100	10000
50. Stairs	100	hr	100	10000
51. Lifts	100	hr	100	10000
52. Electrical	100	hr	100	10000
53. Plumbing	100	hr	100	10000
54. Fire-rated	100	hr	100	10000
55. Glass	100	hr	100	10000
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58. Stairs	100	hr	100	10000
59. Lifts	100	hr	100	10000
60. Electrical	100	hr	100	10000
61. Plumbing	100	hr	100	10000
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67. Lifts	100	hr	100	10000
68. Electrical	100	hr	100	10000
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75. Lifts	100	hr	100	10000
76. Electrical	100	hr	100	10000
77. Plumbing	100	hr	100	10000
78. Fire-rated	100	hr	100	10000
79. Glass	100	hr	100	10000
80. Windows	100	hr	100	10000
81. Doors	100	hr	100	10000
82. Stairs	100	hr	100	10000
83. Lifts	100	hr	100	10000
84. Electrical	100	hr	100	10000
85. Plumbing	100	hr	100	10000
86. Fire-rated	100	hr	100	10000
87. Glass	100	hr	100	10000
88. Windows	100	hr	100	10000
89. Doors	100	hr	100	10000
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91. Lifts	100	hr	100	10000
92. Electrical	100	hr	100	10000
93. Plumbing	100	hr	100	10000
94. Fire-rated	100	hr	100	10000
95. Glass	100	hr	100	10000
96. Windows	100	hr	100	10000
97. Doors	100	hr	100	10000
98. Stairs	100	hr	100	10000
99. Lifts	100	hr	100	10000
100. Electrical	100	hr	100	10000

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11. Lifts	100	no.	100	10000
12. Electrical	100	hr	100	10000
13. Plumbing	100	hr	100	10000
14. Fire-rated	100	hr	100	10000
15. Glass	100	hr	100	10000
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17. Doors	100	hr	100	10000
18. Stairs	100	hr	100	10000
19. Lifts	100	hr	100	10000
20. Electrical	100	hr	100	10000
21. Plumbing	100	hr	100	10000
22. Fire-rated	100	hr	100	10000
23. Glass	100	hr	100	10000
24. Windows	100	hr	100	10000
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27. Lifts	100	hr	100	10000
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31. Glass	100	hr	100	10000
32. Windows	100	hr	100	10000
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41. Doors	100	hr	100	10000
42. Stairs	100	hr	100	10000
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45. Plumbing	100	hr	100	10000
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71. Glass	100	hr	100	10000
72. Windows	100	hr	100	10000
73. Doors	100	hr	100	10000
74. Stairs	100	hr	100	10000
75. Lifts	100	hr	100	10000
76. Electrical	100	hr	100	10000
77. Plumbing	100	hr	100	10000
78. Fire-rated	100	hr	100	10000
79. Glass	100	hr	100	10000
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81. Doors	100	hr	100	10000
82. Stairs	100	hr	100	10000
83. Lifts	100	hr	100	10000
84. Electrical	100	hr	100	10000
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94. Fire-rated	100	hr	100	10000
95. Glass	100	hr	100	10000
96. Windows	100	hr	100	10000
97. Doors	100	hr	100	10000
98. Stairs	100	hr	100	10000
99. Lifts	100	hr	100	10000
100. Electrical	100	hr	100	10000

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PROJECT
Landscape Concept Plan
Ground Floor

DATE 10/10/14
SCALE 1:50
NO. 10/10/14
DESIGNED BY [Name]
DRAWN BY [Name]
CHECKED BY [Name]
DATE 10/10/14

NOTES
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10. All stairs are to be as specified in the stair schedule.
11. All lifts are to be as specified in the lift schedule.

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Legend

Symbol	Description
(Symbol)	Proposed Building Footprint
(Symbol)	Proposed Building Footprint (Shaded)
(Symbol)	Proposed Building Footprint (Dashed)
(Symbol)	Proposed Building Footprint (Dotted)
(Symbol)	Proposed Building Footprint (Thin Solid)
(Symbol)	Proposed Building Footprint (Thick Solid)
(Symbol)	Proposed Building Footprint (Double Solid)
(Symbol)	Proposed Building Footprint (Triple Solid)
(Symbol)	Proposed Building Footprint (Quadruple Solid)
(Symbol)	Proposed Building Footprint (Quintuple Solid)
(Symbol)	Proposed Building Footprint (Sextuple Solid)
(Symbol)	Proposed Building Footprint (Septuple Solid)
(Symbol)	Proposed Building Footprint (Octuple Solid)
(Symbol)	Proposed Building Footprint (Nonuple Solid)
(Symbol)	Proposed Building Footprint (Decuple Solid)
(Symbol)	Proposed Building Footprint (Undecuple Solid)
(Symbol)	Proposed Building Footprint (Dodecuple Solid)
(Symbol)	Proposed Building Footprint (Tridecuple Solid)
(Symbol)	Proposed Building Footprint (Tetradecuple Solid)
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(Symbol)	Proposed Building Footprint (Heptadecuple Solid)
(Symbol)	Proposed Building Footprint (Octadecuple Solid)
(Symbol)	Proposed Building Footprint (Eicoseuple Solid)
(Symbol)	Proposed Building Footprint (Hicaseuple Solid)
(Symbol)	Proposed Building Footprint (Myriaseuple Solid)
(Symbol)	Proposed Building Footprint (Other Solid)
(Symbol)	Proposed Building Footprint (Other Dashed)
(Symbol)	Proposed Building Footprint (Other Dotted)
(Symbol)	Proposed Building Footprint (Other Thin Solid)
(Symbol)	Proposed Building Footprint (Other Thick Solid)
(Symbol)	Proposed Building Footprint (Other Double Solid)
(Symbol)	Proposed Building Footprint (Other Triple Solid)
(Symbol)	Proposed Building Footprint (Other Quadruple Solid)
(Symbol)	Proposed Building Footprint (Other Quintuple Solid)
(Symbol)	Proposed Building Footprint (Other Sextuple Solid)
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(Symbol)	Proposed Building Footprint (Other Decuple Solid)
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(Symbol)	Proposed Building Footprint (Other Dodecuple Solid)
(Symbol)	Proposed Building Footprint (Other Tridecuple Solid)
(Symbol)	Proposed Building Footprint (Other Tetradecuple Solid)
(Symbol)	Proposed Building Footprint (Other Pentadecuple Solid)
(Symbol)	Proposed Building Footprint (Other Hexadecuple Solid)
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(Symbol)	Proposed Building Footprint (Other Octadecuple Solid)
(Symbol)	Proposed Building Footprint (Other Eicoseuple Solid)
(Symbol)	Proposed Building Footprint (Other Hicaseuple Solid)
(Symbol)	Proposed Building Footprint (Other Myriaseuple Solid)
(Symbol)	Proposed Building Footprint (Other Other Solid)
(Symbol)	Proposed Building Footprint (Other Other Dashed)
(Symbol)	Proposed Building Footprint (Other Other Dotted)
(Symbol)	Proposed Building Footprint (Other Other Thin Solid)
(Symbol)	Proposed Building Footprint (Other Other Thick Solid)
(Symbol)	Proposed Building Footprint (Other Other Double Solid)
(Symbol)	Proposed Building Footprint (Other Other Triple Solid)
(Symbol)	Proposed Building Footprint (Other Other Quadruple Solid)
(Symbol)	Proposed Building Footprint (Other Other Quintuple Solid)
(Symbol)	Proposed Building Footprint (Other Other Sextuple Solid)
(Symbol)	Proposed Building Footprint (Other Other Septuple Solid)
(Symbol)	Proposed Building Footprint (Other Other Octuple Solid)
(Symbol)	Proposed Building Footprint (Other Other Nonuple Solid)
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(Symbol)	Proposed Building Footprint (Other Other Other Solid)

Site Information

Property Name	Address	Area (sqm)	Volume (m ³)	Height (m)	Other Info
1157 Nepean Highway	Highett, VIC 3190	10,000	10,000	10	...

Project Information

Item	Description	Value
Project Name	1157 Nepean Highway Highett	...
Client	Buden Industries	...
Architect	adnlo	...
Scale	1:100	...
Date	06/10/2014	...

adnlo
architects

Buden Industries
1157 Nepean Highway
Highett, 3190
Ph: 0400 401 040

Project Information

Item	Description	Value
Project Name	1157 Nepean Highway Highett	...
Client	Buden Industries	...
Architect	adnlo	...
Scale	1:100	...
Date	06/10/2014	...

Project Information

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Architect	adnlo	...
Scale	1:100	...
Date	06/10/2014	...

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Buden Industries
1157 Nepean Highway
Highett, 3190
Ph. 0430 421 640

Landscape Concept Plan
Second Floor

Scale: 1:100
Date: 18.01.2014
Drawing No: 150

This drawing may not be altered without the written approval of Buden Industries.

Ordinary Meeting of Council

27 October 2014

Agenda Item No: 8.3

KP14/214 - 431 STATION STREET BONBEACH

Contact Officer: Tara Bell, Senior Statutory Planner

Purpose of Report

This report is for Council to consider Planning Application 431 Station Street Bonbeach – Planning Permit Application No. KP14/214

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 determine to support the proposal and issue a Notice of Decision to develop the land for the construction of six (6) dwellings at 431 Station Street Bonbeach, subject to the conditions contained within this report.

431 Station Street Bonbeach – Planning Permit Application No. KP14/214

Executive Summary for Ordinary Meeting of Council

APPLICATION No:	KP14/214
LAND:	431 Station Street Bonbeach
PLANNING OFFICER:	Tara Bell
PROPOSAL:	Develop the land for the construction of six dwellings
PERMIT TRIGGER:	Two or more dwellings on a lot
EXISTING SITE CONDITIONS:	Single dwelling and outbuilding
APPLICANT:	Peter Thomas Building Design
ZONE / OVERLAYS:	General Residential Zone - Schedule 2
RESIDENTIAL POLICY AREA	Increased Housing Diversity
OBJECTIONS	Five objections

1.0 DESCRIPTION OF PROPOSAL

- 1.1 It is proposed to demolish the existing dwelling and outbuildings on the land and construct six dwellings on the land. The townhouses are attached at ground floor, with a 3.5m separation provided between Dwellings 4 and 5 at floor, creating two upper floor elements. A clearly visible open visitor parking space is provided at the rear of the site, at the end of the driveway.
- 1.2 Each of the dwellings have two bedrooms, with each having a single width garage. Dwelling 1 has independent vehicle access and benefits from having a tandem space in front of its garage. The remaining dwellings are accessed via a shared driveway.

2.0 SUBJECT SITE AND SURROUNDS

- 2.1 The subject site is located on the east side of Station Street in Bonbeach, with a frontage width of 15.24 metres, site depth of 66.27 metres and overall area of 968 square metres. It currently contains a detached, single-storey brick veneer dwelling which is setback 7.3 metres from the street frontage. A single brick and weatherboard clad garage is located adjacent to the site's south (side) property boundary in addition to a small fibro-cement sheet clad bungalow with the private open space area to the rear of the existing dwelling. The existing front fence is a solid brick construction of 1.7 metres height.
- 2.2 The surrounding area is typically comprised of a combination of older housing stock with single detached dwellings on allotments and more recent examples of medium density/infill development. The architectural style and built form of existing residential development in the surrounding area is varied and reflective of an evolving character due to the introduction of newer development, however, the majority of dwellings feature front setbacks of at least 5 metres with setbacks from at least one side boundary, and parking generally to the side of dwellings.
- 2.3 The site is located within proximity of the Bonbeach Railway Station (approximately 250 metres to the north), local shops, primary and secondary schools, public recreation reserves including the Bonbeach foreshore reserve (approximately 185 metres to the west).
- 2.4 The following map illustrates the subject site in its surrounding context.



3.0 KEY PLANNING CONSIDERATIONS

3.1 The key planning considerations relate to:

(a) Built form

The development is representative of new forms of medium density housing being approved along Station Street within the increased housing diversity areas and within proximity of activity centres, fixed rail and alternative transport opportunities. The development meets the siting provisions of Clause 55, with the exception of the front setback, however the variation is deemed reasonable.

The development is contemporary, with a variety of materials incorporated into the design, with a variety of 'light' materials utilised at first floor to reduce the perception of bulk and massing.

(b) Amenity

The development complies with overlooking, overshadowing, solar and daylight provisions. Noise emitted from the development will be limited to a residential nature, with the use of the land in accordance with the purpose of the General Residential Zone.

3.2 The subject site is identified within Area 6 of the Kingston Neighbourhood Character Study (May 2003). However, the average lot size within this area has not been calculated as the subject site is not located within Schedule 3 of the General Residential Zone.

4.0 OBJECTOR CONCERNS

4.1 Eight objections were received to the application, with three of these objections withdrawn. A summary of the concern and response to each ground is provided below:

(a) Built form

See Section 3.1

(b) Amenity

See Section 3.1

(c) Insufficient car parking

Car parking exceeds the requirements of Clause 52.06 of the Kingston Planning Scheme, with the second parking space for dwelling 1 not required by the Scheme. Visitor parking is also provided on site. Whilst the introduction of one new crossover may impact on on-street parking provision, conditions have been recommended to ensure that at least one on-street parking space can be maintained.

(d) Vegetation

Council's Vegetation Management Officer is supportive of the removal of existing vegetation on the land, provided that coastal indigenous canopy trees are replanted on the site alongside other vegetation to be specified within a landscape plan.

(e) Waste Management

It would not be unreasonable to expect that the development would utilise kerbside collection. Whilst this may result in additional bins being located on the nature strip during collection days, this is not an unreasonable outcome.

5.0 CONCLUSION

5.1 Based on a thorough assessment of the application against the relevant provisions of the Kingston Planning Scheme and taking into consideration the concerns raised by objectors, the proposal, subject to the inclusion of conditions, is deemed appropriate and should therefore be supported.

RECOMMENDATION

That Council determine to support the proposal and issue a Notice of Decision to Grant a Permit to develop the land for the construction of six dwellings at No. 431 Station Street Bonbeach, subject to the following conditions:

1. Before the development starts amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be substantially in accordance with the plans submitted to Council on 4 August 2014, but modified to show:
 - a. the provision of a landscape plan in accordance with the submitted development plan and the City of Kingston Landscape Plan Checklist, with such plans to be prepared by a suitably qualified landscape professional and incorporating:
 - i. an associated planting schedule showing the proposed location, species type, mature height and width, pot sizes and number of species to be planted on the site. The schedule must be shown on the plan
 - ii. the delineation of all garden beds, paving, grassed areas, retaining walls, fences and other landscape works including areas of cut and fill throughout the development
 - iii. all existing trees on the site and within three (3) metres to the boundary of the site on adjoining properties, accurately illustrated to represent actual canopy width and labelled with botanical name, height and whether the tree is proposed to be retained or removed
 - iv. a range of plant types from ground covers to large shrubs and trees, species must comprise a minimum of 80% indigenous coastal species
 - v. adequate planting densities (e.g.: plants with a mature width of 1 metre, planted at 1 metre intervals)
 - vi. the provision of two (2) suitable medium to large sized (at maturity) indigenous coastal canopy tree and four (4) small sized (at maturity) indigenous coastal canopy trees within rest of the site, with species chosen to be approved by the Responsible Authority
 - vii. sustainable lawn areas and plant species taking current water restrictions into consideration
 - viii. all trees provided at a minimum of two (2) metres in height at time of planting
 - ix. medium to large shrubs to be provided at a minimum pot size of 200mm
 - x. the provision of notes on the landscape plan regarding site preparation, including the removal of all weeds, proposed mulch, soil types and thickness, subsoil preparation and any specific maintenance requirements
 - b. the obscured awning windows provided with fixed winders to limit outwards views
 - c. the provision of adequate lighting within the common areas dwelling entry points
 - d. provision of minimum 2000 litre rainwater tank with water reused for toilet flushing for each dwelling
 - e. vehicle crossings nominated to be constructed at a 90 degree alignment with the kerb on Station Street and all internal driveways to align with the existing / proposed vehicle crossing

- f. the existing vehicle crossing nominated to be reconstructed to Council's industrial strength requirements
- g. the proposed vehicle crossing separated from the existing vehicle crossing at 2 Cannes Avenue
- h. a standard on street parking bay at least 5.4m between vehicle crossings shown
- i. the provision of a full colour, finishes and building materials schedule, including samples (illustrated on an A4 or A3 sheet), for all external elevations and driveways of the development
- j. the location of all any externally-located heating and cooling units, exhaust fans and the like shown.

Endorsed Plans

- 2. The development as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.

Melbourne Water Condition

- 3. Pollution and sediment laden runoff shall not be discharged directly or indirectly into Melbourne Water's drains or waterways.

Street Trees

- 4. Prior to the removal of the *Allocasuarina verticillata* (Drooping She Oak) street tree from the Station Street nature strip, payment must be made to Kingston City Council's customer service in accordance with Council's Street Tree Removal Procedures. The removal of these trees must be undertaken by Council at the expense of the Developer/Owner.

Drainage and Water Sensitive Urban Design

- 5. The development of the site must be provided with stormwater works which incorporates the use of water sensitive urban design principles to improve stormwater runoff quality and which also retains on site any increase in runoff as a result of the approved development. The system must be maintained to the satisfaction of the Responsible Authority. Council's Development Engineer can advise on satisfactory options to achieve these desired outcomes which may include the use of an infiltration or bioretention system, rainwater tanks connected for reuse and a detention system.
- 6. Before the development commences, a Stormwater Management Plan (SMP) showing the stormwater works to the nominated point of discharge must be prepared to the satisfaction of the Responsible Authority. The Stormwater Management Plan must be prepared by a qualified person and show all details of the proposed stormwater works including all existing and proposed features that may have impact (e.g. trees to be retained, crossings, services, fences, abutting buildings, existing boundary surface levels, etc.). The Stormwater Management System must be prepared as per Council's "Civil Design Requirements for Developers – Part A: Integrated Stormwater Management".

Should the SMP require changes the development layout or design of the development, amended plans must be submitted and approved by the Responsible Authority. These plans may include those endorsed pursuant to condition 1 and the Sustainable Design Assessment.

- 7. Stormwater works must be provided on the site so as to prevent overflows onto adjacent properties.
- 8. Stormwater outflow from the development to the Council drainage system must be limited to the predevelopment level of outflow of the site.

Construction Traffic Management Plan

9. Before the commencement of any buildings and works on the Land, a Construction Traffic Management Plan (CTMP), to the satisfaction of the Responsible Authority, must be submitted to and approved by the Responsible Authority and when approved shall thereafter be complied with. The CMP must specify and deal with the parking of vehicles during construction and delivery of materials to ensure that access along Station Street is appropriately maintained.

Road Infrastructure

10. Prior to the commencement of development, property boundary, footpath and vehicle crossing levels must be obtained from Council's Roads and Drains Department with all levels raised or lowered to the satisfaction of the Responsible Authority.
11. The replacement of all footpaths, including offsets, must be constructed the satisfaction of the Responsible Authority.
12. All reinstatements and vehicle crossings must be constructed to the satisfaction of the Responsible Authority.
13. Vehicle crossings and other reinstatements must be constructed in accordance with Council's industrial strength specifications.
14. All redundant vehicle crossings must be removed (including redundant portions of vehicle crossings) to the satisfaction of the Responsible Authority.
15. Any existing vehicular crossing not in accordance with the endorsed plan must be removed and the kerb reinstated in a manner satisfactory to the Responsible Authority and any proposed vehicular crossing must be fully constructed to the Responsible Authority's standard specification.
16. All front and side fences must be contained wholly within the title property boundaries of the subject land.

Completion of Development

17. All works on or facing the boundaries of adjoining properties must be finished and surface cleaned to a standard that is well presented to neighbouring properties in a manner to the satisfaction of the Responsible Authority.
18. All piping and ducting above the ground floor storey of the development (other than rainwater guttering and downpipes) must be concealed to the satisfaction of the Responsible Authority.
19. Prior to the occupation of the dwellings hereby permitted, the landscaping works as shown on the endorsed plans must be completed to the satisfaction of the Responsible Authority. The landscaping must then be maintained to the satisfaction of the Responsible Authority.
20. Prior to the occupation of the dwellings hereby permitted, all buildings and works and the conditions of this permit must be complied with, unless with the further prior written consent of the Responsible Authority.
21. Prior to the occupation of the dwellings hereby permitted, or by such later date as is approved by the Responsible Authority in writing, the nature strip, kerb and channel, vehicle crossover and footpath must reinstated to the satisfaction of the Responsible Authority.
22. Prior to the occupation of the dwellings hereby permitted, boundary fences must be repaired and/or replaced as necessary to the satisfaction of the Responsible Authority, at the cost of the applicant/owner.
23. Prior to the occupation of the dwellings hereby permitted, areas set aside for parking vehicles and access as shown on the endorsed plans must be:

- a. Constructed to the satisfaction of the Responsible Authority.
- b. Properly formed to such levels that they can be used in accordance with the plans.
- c. Surfaced in accordance with the endorsed plans under this permit or in an all-weather coloured concrete seal-coat, to the satisfaction of the Responsible Authority.
- d. Drained and maintained to the satisfaction of the Responsible Authority.

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

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

Permit Expiry

25. In accordance with section 68 of the *Planning and Environment Act 1987 (Act)*, this permit will expire if one of the following circumstances applies:

- The development is not started before within (2) years from the date of this permit.
- The development is not completed within four (4) years from the date of permit issue.

In accordance with section 69 of the Act, the responsible authority may extend the periods referred to if a request is made in writing:

- before the permit expires; or
- within six (6) months after the permit expiry date, where the development allowed by the permit has not yet started; or
- within twelve (12) months after the permit expiry date, where the development allowed by the permit has lawfully started before the permit expires.

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

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

Note: Environment Protection Authority (EPA) Victoria set out the requirements pertaining to site construction hours and permissible noise levels

Note: Information available at Melbourne Water indicates that the property is not subject to flooding from Melbourne Water's drainage system, based on a flood level that has a probability of occurrence of 1% in any one year. As such, no additional construction criteria will apply.

For the purposes of the Building Code of Australia - Building in Flood Hazard Areas, Melbourne Water recommends that the applicant should seek flow rate velocity information for local flows from council.

Note: The fee for removal of the street tree(s) from the nature strip is (\$605.25 including GST), payable to Kingston City Council's Customer Service Department - refer to cashier code "STRE". Customer Service will confirm payment to the Parks Department. The removal of the tree requires a minimum of 2 weeks notice from the Developer/Owner.

Note: The allocation of street numbering and addressing of properties is vested in Council. Any reference to addressing or dwelling/unit/apartment and street numbers or street names on

any endorsed plan is indicative only. The onus is on the Permit Applicant/Land Owner to contact Council's Property Data Department to determine the official dwelling/unit/apartment street numbers, street name details and the like for the approved development.

If the Permit Applicant/Land Owner adopts the street numbering or addressing from the endorsed plans, or where advertising and/or sales transact (off the plan) prior to Council's official allocation of the street numbering and addressing, it will be viewed to be non-compliant with the guideline and standard applied (*Australian/New Zealand Standard for Rural & Urban Addressing / AS/NZS 4819:2011*).

OR

In the event that Council determines to refuse the application, it should do so on the following grounds:

1. The development fails to adequately respond to State and Local Planning Policy including Clause 15 (Built Environment and Heritage), Clause 21.05 (Residential Land Use) and Clause 22.11 (Residential Development).
2. The proposed displays an excessive level of visual bulk.
3. The proposal does not provide an adequate response to neighbourhood character.
4. The development fails to adequately address on and off site amenity.

**City of Kingston
Ordinary Meeting of Council**

Agenda

27 October 2014

PLANNING OFFICER REPORT	
APPLICANT	Peter Thomas Building Design
ADDRESS OF LAND	431 Station Street Bonbeach
PLAN OF SUBDIVISION REF	Lot 1 on TP318375U
PROPOSAL	Develop the land for the construction of six dwellings
PLANNING OFFICER	Tara Bell
REFERENCE NO.	KP14/214
ZONE	Clause 32.08: General Residential Zone - Schedule 2
OVERLAYS	None applicable
OBJECTIONS	Five objections
CONSIDERED PLAN REFERENCES/DATE RECEIVED	4 August 2014
ABORIGINAL CULTURAL HERITAGE SENSITIVITY	No

1.0 RELEVANT LAND HISTORY

- 1.1 Planning Permit No. KP259/11 was issued at the direction of the Victorian Civil and Administrative Tribunal on the 19 September 2012 for the development of the land for the construction of eleven (11) dwellings within a two (2) storey building with a basement car park.

2.0 SITE PARTICULARS

- 2.1 The subject site is located on the east side of Station Street in Bonbeach, with a frontage width of 15.24 metres, site depth of 66.27 metres and overall area of 968 square metres. It currently contains a detached, single-storey brick veneer dwelling which is setback 7.3 metres from the street frontage. A single brick and weatherboard clad garage is located adjacent to the site's south (side) property boundary in addition to a small fibro-cement sheet clad bungalow with the private open space area to the rear of the existing dwelling. The existing front fence is a solid brick construction of 1.7 metres height.
- 2.2 A number of established trees exist within the front setback of the existing dwelling (including a 9 metre high Norfolk Island Pine), however, the site does not contain any significant vegetation. No easements encumber the land, however, there is evidence showing that a sewer line is located adjacent to the site's east (rear) property boundary.
- 2.3 Vehicle access to the site is currently via a single width crossover located towards the southern site boundary. A power pole and a Telstra pit are also located within the nature strip to the front of the site.
- 2.4 The permit applicant has completed the planning application form declaring that there is no restrictive covenant on the title.

3.0 SURROUNDING ENVIRONS

- 3.1 Adjoining the site to the south is a single storey detached dwelling with a concrete tiled, hipped roof and generous private open space located to its rear. Abutting the subject site to the north are four (4) properties on Cannes Avenue, each containing a detached single

storey dwelling, constructed of either brick or weatherboard, all with concrete tiled hipped roof forms. Abutting the site to the east at No. 3 Brixton Street is a single storey detached dwelling, also with a concrete tiled hipped roof. All dwellings contain private open spaces to their rear.

- 3.2 The surrounding area is typically comprised of a combination of older housing stock with single detached dwellings on allotments and more recent examples of medium density/infill development. The architectural style and built form of existing residential development in the surrounding area is varied and reflective of an evolving character due to the introduction of newer development, however, the majority of dwellings feature front setbacks of at least 5 metres with setbacks from at least one side boundary, and parking generally to the side of dwellings. Examples of multi-dwelling developments within proximity of the subject site can be found at No. 4-6 Brixton Street, which is an older development of single storey dwellings with flat roofs. Newer infill development is located at No. 434 Station Street, with three (3) double storey dwellings. A permit was issued on 3 November 2010 for the construction of twelve (12) double storey dwellings at No's 422 and 423 Station Street, approximately 100 metres north of the subject site. That development would entail 6 attached dwellings in a tandem arrangement on each lot, with a central accessway. Most existing dwellings in the locality are single-storey or double-storey in form. There is no predominant fencing style in the neighbourhood.
- 3.3 The site is located within proximity of the Bonbeach Railway Station (approximately 250 metres to the north), local shops, primary and secondary schools and public recreation reserves including the Bonbeach foreshore reserve (approximately 185 metres to the west).

4.0 PROPOSAL

- 4.1 It is proposed to demolish the existing dwelling and outbuildings on the land and construct six dwellings on the land. The townhouses are attached at ground floor, with a 3.5m separation provided between Dwellings 4 and 5 at floor, creating two upper floor elements. A clearly visible open visitor parking space is provided at the rear of the site, at the end of the driveway.
- 4.2 The development has a front setback that varies between 6.0m – 6.4m, with the rear of the development set back 2.4m from its boundary. The garage of Dwelling 1 and northern wall of Dwelling 6 are located on the north property boundary, with the remainder of the development at ground floor being set back 1.5m from this boundary. This setback is increased to 1.9m at first floor, with the exception of the balconies, which are set back 1.4m.
- 4.3 To the south, a minimum setback of 4.2m is achieved, with modulations provided due to the setbacks of the garages and, porches and bedrooms. Cantilevered elements feature within the development, with the upper floor achieving setbacks of at least 3.8m.
- 4.4 Each of the dwellings are two (2) bedroom, with each having a single width garage. Dwelling 1 has independent vehicle access and benefits from having a tandem space in front of its garage. The remaining dwellings are accessed via a shared driveway.
- 4.5 Further details of the dwellings are as follows:

Dwelling	Description
1	Two bedrooms at ground floor with ensuite and bathroom Open plan living, kitchen and dining area at first floor, with small study. A 14.3sqm balcony wraps around the dining area with a minimum dimension of 1.6m
2-5	One bedroom with ensuite and study nook at ground floor Open plan living, kitchen, dining area and bedroom at first floor 10.7sqm, north oriented balconies with a minimum dimension of 2.1m
6	Open plan living, kitchen and dining area at ground floor Two bedrooms, ensuite, bathroom and open sitting area at first floor 55.8sqm ground floor open space, with 29.5sqm having a minimum dimension of 3m.

4.6 Varied materials are proposed within the development including:

- Face brickwork - Macedon brown and boral graphite
- Vertical cladding – Ash blue
- Express panel – Dulux hog bristle and woodland grey
- Render – Dulux hog bristle and deep sky blue
- Metal flashing and roofing – Woodland grey
- Window frames – Anodised grey
- Driveway – Dark Grey coloured all weather concrete.

4.7 The proposal has an overall site coverage of 47.9% and a permeability of 24%.

5.0 PLANNING PERMIT PROVISIONS

Zone

5.1 General Residential Zone (Schedule 2): Pursuant to Clause 32.08 of the Kingston Planning Scheme, a planning permit is required to construct two (2) or more dwellings on a lot. A development must meet the requirements of Clause 55 of the Scheme. The Schedule to the General Residential Zone includes a variation to a number of standards within Clause 55.

Particular Provisions

5.2 Car Parking: Planning Scheme Amendment VC90, introduced into the Kingston Planning Scheme on 5 June 2012 contains the following residential car parking rates at Clause 52.06:

- 1 space to each 1 or 2 bedroom dwelling;
- 2 spaces to each 3 or more bedroom dwelling; and
- 1 visitor space for every 5 dwellings.

5.3 This equates to a parking requirement of six spaces (including one visitor space) for the proposed development.

- 5.4 As the required number of car parking spaces are provided on the site, a planning permit is not required for a reduced car parking rate pursuant to Clause 52.06-3.

General Provisions

- 5.5 The Decision Guidelines of Clause 65 of the Kingston Planning Scheme are relevant to this application and require consideration to be given to a variety of matters including planning scheme policies, the purpose of the zone, orderly planning and the impact on amenity.

6.0 RELEVANT POLICIES

State Planning Policy Framework (SPPF)

- Clause 11 Settlement
- Clause 13 Environmental Risks
- Clause 15 Built Environment and Heritage
- Clause 16 Housing

Local Planning Policy Framework (LPPF)

- Clause 21.05 Residential Land Use
- Clause 22.11 Residential Development Policy

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

- 6.1 The land is located within Area 78 of the Neighbourhood Character Guidelines where the following characteristics are identified as typical features:
- Perceived lot pattern – depth 40-45m, frontage width 15-20m
 - Building footprint – varied
 - Type and height of the development – single storey, detached and oriented to the street
 - Window shape – grouped vertically oriented windows with varied gaps between the eave and window.
 - Front boundary and garden – low wall or fenced with landscaping
 - Other features - porches
- 6.2 The following characteristics are identified as having a major contribution to the character of the area:
- Building placement - front setback 5-7m, narrower side setback 1m, wider side setback 2-4m
 - Roof Shape – pitched roof forms in many varieties
 - Materials – mainly white weatherboard, with tiled roofs in various colours.
- 6.3 Details regarding the response of the proposed development to this character profile can be found within the table at Appendix A of this report.

7.0 ADVERTISING

7.1 The proposal was advertised by sending notices to adjoining and opposite property owners and occupiers and by maintaining a notice on site for fourteen (14) days. Eight (8) objection(s) to the proposal were received. The valid grounds of objection raised are summarised as follows:

Amenity Impacts

- Overshadowing
- Overlooking
- Loss of sun and daylight
- Increased noise

Built Form

- Building on the boundary
- Overdevelopment
- Neighbourhood Character
- Continuous Built Form (2 built forms)
- Visual Bulk

Traffic and Car Parking

- Pressures placed on on-street parking
- Loss of on-street parking due to second crossover
- Concern with safety of the intersection of Brixton Street and Station Street

Vegetation and Landscaping

- Removal of existing vegetation
- Lack of opportunity to replant canopy trees

Other Matters

- Waste management

8.0 PLANNING CONSULTATION MEETING

8.1 A planning consultation meeting was held on 19 June 2014 with the relevant Planning Officer, chairperson, the Permit Applicant and three objectors in attendance. The above-mentioned issues were discussed at length.

8.2 Following discussions at the meeting and further discussions after the meeting, three objections were withdrawn, leaving five objections to the proposal.

9.0 SECTION 57A – AMENDMENT TO PLANS

9.1 Following the preliminary conference meeting the Permit Applicant lodged amended plans on the 4 August 2014, pursuant to Section 57A of the *Planning and Environment Act 1987* the amended plans incorporated the following changes:

- The relocation of the visitor car parking space to the rear of the site, at the termination of the common driveway
- A continuous built form at ground floor
- The relocation of the break at first floor between Dwellings 4 and 5

9.2 It is these plans that form the basis of this recommendation and are described at section 4 of this report.

10.0 REFERRALS

10.1 The application was referred to the following internal departments:

- Council's Development Approvals Engineer – raised no objection to the application, subject to conditions included on any permit issued relating to the provision of rainwater tanks, provision of water sensitive urban design treatments and a stormwater management plan.
- Council's Vegetation Management Officer - raised no objection to the application, subject to conditions included on any permit issued relating to the provision of a landscape plan and planting of canopy trees within the site. Conditions relating to the removal of the street tree were also recommended.
- Council's Roads and Drains Department – requested a number of conditions to be included on any approval issued, including requirements for reconstruction of the existing driveway, provision for on street parking and reinstatement of existing infrastructure.
- Council's Traffic and Transport Department – raised no objection to the application however required conditions to be included on any approval issued including details of headroom clearances and the provision of a construction traffic management plan. Swept paths were also discussed, with the planning officer deeming the turning areas to be appropriate.
- Council's Urban and Sustainable Design Officer – raised no objections subject to the applicant considering further stormwater treatments which are also addressed under recommendations put forward by Council's Development Approvals Engineers.

10.2 Melbourne Water was also notified of the application under section 52 of the Act and did not object, subject to the inclusion of a standard condition and footnotes on any approval issued. Melbourne Water also advised that the site is not affected by sea level rise.

11.0 PLANNING CONSIDERATIONS:

11.1 The State Planning Policy Framework sets out the relevant state-wide policies for residential development at Clause 11 (Settlement), Clause 15 (Built Environment and Heritage) and Clause 16 (Housing). Essentially, the provisions within these clauses seek to achieve the fundamental objectives and policy outcomes sought by 'Plan Melbourne: Metropolitan Planning Strategy' (Department of Transport, Planning and Local Infrastructure, 2014).

11.2 The settlement policies at Clause 11 seek to ensure a sufficient supply of land is available for all forms of land use in Victoria. Of particular relevance to housing, Clause 11 promotes housing diversity and urban consolidation objectives in the established urban

realm. Clause 11.02-1 states that Planning Authorities should plan to accommodate projected population growth over at least a 15 year period, taking account of opportunities for redevelopment and intensification of existing urban areas as well consideration being had for environmental aspects, sustainable development and the costs associated with providing infrastructure. This clause states:

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

- 11.3 Clause 11.01-2 places particular emphasis on providing increased densities of housing in and around activity centres or sites that have good access to a range of services, facilities and transport options.
- 11.4 Clause 11.04-2 places particular emphasis on providing a diversity of housing in defined locations that cater for different households and are close to jobs and services, with strategies such as reducing the cost of living by increasing housing supply near services and public transport; and facilitating the supply of social housing and affordable housing.
- 11.5 Clause 11.04-4 aims to create healthy and active neighbourhoods and maintain Melbourne's identity as one of the world's most liveable cities, with strategies such as protecting Melbourne and its suburbs from inappropriate development; creating neighbourhoods that support safe communities and healthy lifestyles; and promoting design excellence.
- 11.6 Clause 13 (Environmental Risks) aims to ensure that planning adopts a best practice environmental management and risk management approach which aims to avoid or minimise environmental degradation and hazards. Further, planning should identify and manage the potential for the environment, and environmental changes, to impact upon the economic, environmental or social well-being of society.
- 11.7 Clause 15 (Built Environment and Heritage) aims to ensure all new land use and development appropriately responds to its landscape, valued built form and cultural context, and protect places and sites with significant heritage, architectural, aesthetic, scientific and cultural value.
- 11.8 Clause 15.03-2 (Aboriginal Cultural Heritage) seeks to ensure the protection and conservation of places of Aboriginal cultural heritage significance. The Subject Land is not identified in an area of Aboriginal Cultural Heritage Sensitivity.
- 11.9 Housing objectives are further advanced at Clause 16. This Clause aims to encourage increased diversity in housing to meet the needs of the community through different life stages and respond to market demand for housing. In much the same vein as Clause 11, this Clause advances notions of consolidation of existing urban areas, particularly in and around activity centres and employment corridors that are well served by all infrastructure and services.
- 11.10 Policies pertaining to urban design, built form and heritage outcomes are found at Clause 15 of the State Planning Policy Framework. Of particular significance, Clause 15.01 encourages development to achieve high quality architectural and urban design outcomes that contribute positively to neighbourhood character, minimises detrimental amenity

impacts and achieves safety for future residents, and the community, through good design. The provisions of Clause 15.02 promote energy and resource efficiency through improved building design, urban consolidation and promotion of sustainable transport.

- 11.11 The policies contained within Clause 16.01-4 encourage the provision of range of housing types to meet the increasingly diverse needs of the community. Emphasis is placed on development of well-designed medium density housing with respect to neighbourhood character. Further, this Clause aims to make better use of the existing infrastructure and provide more energy efficient housing.
- 11.12 It is submitted that the development adequately addresses state planning policy in relation to the location of housing within areas that are within walking distances of activity centres and train routes. Whilst the development would contribute to the overall diversity of housing choice, the development essentially seeks to provide six (6), two (2) bedroom dwellings on the land.
- 11.13 It is submitted that the proposed development satisfies the aforementioned State strategies and policy direction. Specifically, the subject site is located on land earmarked for residential purposes, whereby residential development is an 'as of right' use under the zoning provisions. Subject to appropriate conditions on any permit issued, the development itself achieves an acceptable design outcome for the site and its immediate abuttals, whilst enjoying convenient and direct access to community facilities and the like, including public transport nodes.

Local Planning Policy Framework

- 11.14 The City of Kingston's MSS at Clause 21.05 (Residential Land Use) of the Kingston Planning Scheme, seeks to provide guidance to development in residential zoned land, mixed use zoned lands and land within activity centres. The Residential Land Use Framework Plan illustrates the range of housing outcomes sought across the City of Kingston.
- 11.15 Relevant objectives and strategies in Clause 21.05-3: Residential Land Use include:
- *To provide a range of housing types across the municipality to increase housing diversity and cater for the changing housing needs of current and future populations, taking account of the capacity of local areas in Kingston to accommodate different types and rates of housing change. This is to be achieved through encouraging residential development within activity centres via mixed-use development, and on transitional sites at the periphery of activity centres.*
 - *To ensure new residential development respects neighbourhood character and is site responsive, and that medium density dwellings are of the highest design quality. This is to be achieved through promoting new residential development, which is of a high standard, responds to the local context and positively contributes to the character and identity of the local neighbourhood.*
 - *To promote more environmentally sustainable forms of residential development. To be achieved through promoting medium density housing development in close proximity to public transport facilities, particularly train stations.*
 - *To manage the interface between residential development and adjoining or nearby sensitive/strategic land uses.*
- 11.16 Council's Local Planning Policy at Clause 21.05 essentially reinforces State Planning Policy relevant to housing, stressing the need to encourage urban consolidation in appropriate locations and to accommodate projected population increases.

- 11.17 Clause 22.11 Residential Development Policy extends upon the provision contained at Clause 21.05 (Residential Land Use), relating to increased housing diversity areas, incremental housing change areas, minimal housing change areas, residential renewal areas and neighbourhood character. It provides design guidance on how new residential development should achieve architectural and urban design outcomes that positively respond to neighbourhood character.
- 11.18 Relevant objectives in Clause 22.11-2 Residential Development Policy include:
- *To promote a managed approach to housing change, taking account of the differential capacity of local areas in Kingston to accommodate increased housing diversity, incremental housing change, residential renewal or minimal housing change, as identified within the MSS.*
 - *To encourage new residential development to achieve architectural and urban design outcomes that positively respond to neighbourhood character having particular regard to that identified in the Kingston Neighbourhood Character Guidelines – August 2007.*
 - *To promote on-site car parking which is adequate to meet the anticipated needs of future residents.*
 - *To ensure that landscaping and trees remain a major element in the appearance and character of the municipality's residential environments.*
 - *To limit the amount and impact of increased stormwater runoff on local drainage systems.*
 - *To ensure that the siting and design of new residential development takes account of interfaces with sensitive and strategic land uses.*
- 11.19 It is considered that the proposed development fails to comply with the Local Planning Policy Framework guidelines which aim to encourage well-designed medium density housing in appropriate locations. This is discussed in the Clause 55 assessment, later within this report.

12.0 CLAUSE 55 (RESCODE ASSESSMENT)

- 12.1 The proposal has been assessed against the standards of Clause 55 (ResCode) of the Kingston Planning Scheme (refer to Appendix A). Overall, it is noted that the application achieves a high level of compliance with the ResCode provisions, with only minor variations sought. Two of the thirty-three (33) ResCode standards are sought to be varied, with the remaining 31 standards satisfied by the proposal.
- 12.2 The following assessment considers the relevant standards and objectives of ResCode where they require further discussion to that provided in the attached Appendix, particularly those standards where concessions are sought.

Standard B1 – Neighbourhood Character

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

- 12.4 It is acknowledged that planning policy suggests that the character of increased housing diversity areas is evolving, with more contemporary housing styles present. It is considered that the development responds appropriately to the existing and changing character of the area. The development draws reference from existing approvals at No. 212 Station Street, 216 Station Street, 421 Station Street, 422 Station Street and 2 Cannes Avenue, where more highly massed built forms have been adopted in a form that combined townhouse and apartment style living.

Standard B2 – Residential Policy

- 12.5 The site is suitable for medium density development given its proximity and access to services within activity centres and the principal public transport network as discussed at Section 3 of this report.
- 12.6 Whilst the built form is more highly massed than most building stock to the east of the railway line, which is typically single storey and detached it is reflective of the new housing forms that have been constructed and approved (as discussed at Section 12.4).
- 12.7 Where double storey to the rear is proposed, it has been sited appropriately, with a break between the building situated at a point that will be readable from the adjacent property to the south and the length of the built form to the front of the site reflective of the approval at No. 2 Cannes Avenue. Side and rear setbacks are compliant, with overlooking and overshadowing also complying with the requirements of the Scheme. As such it is deemed that the built form appropriately mitigates off site amenity impacts and provides a reasonable built form outcome on the land.

Standard B6 – Street Setback

- 12.8 A 7.2m front setback should be provided, with a setback of 5 - 6.4m achieved.
- 12.9 The setbacks along Station Street are varied, with more recent developments adopting reduced setback of 4 – 5 metres. Given the evolving nature of development along Station Street, the reduced setback is deemed appropriate.

Standard B32 – Front Fence

- 12.10 A 1.5m high front fence is proposed, in excess of 1.2m sought under the Schedule to the Zone. Noting that Station Street is highly trafficked, many dwellings have high front fencing, including No. 432 Station Street and 433 Station Street to minimise noise intrusions.

13.0 RESPONSE TO GROUNDS OF OBJECTIONS

- 13.1 The objector concerns have largely been addressed in the attached Appendix A and, where necessary, further elaborated on in the assessment above.
- 13.2 The following objector concerns, however, remain outstanding:

Increased noise

- 13.3 Whilst the increase in density may result in a modest increase in noise emitted from the site, noise would be residential in nature in an area where moderate housing growth is encouraged. It should also be noted that the Environment Protection Authority Victoria regulates noise and sets limitation both during construction times and post construction.

Overdevelopment

- 13.4 The development achieves a high level of compliance with the requirements of the Scheme, with the only siting variation relating to the front setback. It is noted that the previous approval was for 11 dwellings, with the proposal reducing the overall yield and site coverage with greater setbacks to the south achieved.

Loss of on-street parking due to second crossover and pressures placed on on-street parking

- 13.5 The development complies with the on-site parking requirements including the provision of a visitor parking space. In addition, Dwelling 1 has a tandem space that is not required by the Scheme, therefore the loss of one on street space is deemed to be balanced by the provision of additional parking on the site.
- 13.6 Further to this a condition has been recommended by Council's Roads and Drains Department to require one on street parking bay to be provided between the two driveways.

Safety of the intersection of Brixton Street and Station Street

- 13.7 It is considered that the development of the site should not compromise the safety of this intersection. Sufficient onsite parking is proposed with Council's Traffic Engineers proposing a construction traffic management plan to be required to manage traffic during the conditions period.

Waste management

- 13.8 It would not be unreasonable to expect that the development would utilise kerbside collection. Whilst this may result in additional bins being located on the nature strip during collection days, this is not an unreasonable outcome.

14.0 CONCLUSION:

- 14.1 On balance, the proposal is considered to substantially comply with the relevant planning policy and therefore should be not supported.
- 14.2 As outlined above, 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.
- 14.3 The development of the land should not be supported based on the following grounds:
- The compatibility of the design and siting with the surrounding area;
 - The mitigation of off-site amenity impacts; and
 - A suitable level of compliance with all relevant policies, including Clause 55 of the Kingston Planning Scheme

APPENDIX A – RESCODE ASSESSMENT

Standard of the Kingston Planning Scheme - Two or more dwellings on a lot and residential buildings (Clause 55 and Schedule 2 to the General Residential Zone)

Title and Objective	Complies with Standard?	Requirement and Proposed
<p>B1 Neighbourhood Character</p> <p>Design respects existing neighbourhood character or contributes to a preferred neighbourhood character.</p> <p>Development responds to features of the site and surrounding area.</p>	<p>Yes</p>	<p>The development achieves a front setback of 5.0 metres, complying with the identified setback of 5-7m. The location of the driveway creates a 4.2m wide setback which is consistent with the siting of dwellings and units within the area.</p> <p>The narrower side setback of 1m has been achieved for the majority of the site, with the exception of two garages located on the north boundary.</p> <p>Modulations within the development contribute to the varied character of the area.</p> <p>The character along Station Street is evolving, with a number of medium density developments being approved which vary from the typical detached town house developments.</p> <p>Approvals for 212 Station Street, 216 Station Street, 2 Cannes Avenue (adjacent to the site) and 421 Station Street have all adopted a combination of apartment and townhouse style living with attached built form throughout the site and first floor living areas with balconies providing for recreational space.</p> <p>The skillion roof responds to the hipped and gabled roofs in the area, providing a contemporary response to the typical feature.</p> <p>Lighter colours and lightweight materials have been adopted within the materials and finished schedule particularly at first floor. These materials should complement existing weatherboards, however façade finishes vary within the area, with more recent developments adopting materials such as render and cladding.</p> <p>Vertical windows are proposed throughout the design along areas visible from the communal and public realm. Whilst some are singular rather than grouped, they draw reference from more traditional window forms. Horizontal windows</p>

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Title and Objective	Complies with Standard?	Requirement and Proposed
		(singular and grouped) have been adopted along the interfaces with adjacent dwellings to limit privacy infringements. The 1.5m high front fence is reflective of other fences along Station Street, which carries a reasonably high level of traffic.
<p>B2 Residential Policy Residential development is consistent with housing policies in the SPPF, LPPF including the MSS and local planning policies. Support medium densities in areas to take advantage of public transport and community infrastructure and services.</p>	No	See Section 12 of this report
<p>B3 Dwelling Diversity Encourages a range of dwelling sizes and types in developments of ten or more dwellings.</p>	N/A	Less than 10 dwellings proposed.
<p>B4 Infrastructure Provides appropriate utility services and infrastructure without overloading the capacity.</p>	Can comply	Council's Development Approvals Engineers have recommended conditions to be included on any approval issued requiring management plans for stormwater and drainage.
<p>B5 Integration with the Street Integrate the layout of development with the street</p>	Yes	Dwelling 1 is oriented to Station Street with the balcony providing opportunities for natural surveillance.
<p>B6 Street Setback The setbacks of buildings from a street respect the existing or preferred neighbourhood character and make efficient use of the site.</p>	No	A 7.2m front setback should be provided, with a setback of 5 - 6.4m achieved. The setbacks along Station Street are varied, with more recent developments adopting reduced setback of 4 – 5 metres. Given the evolving nature of development along Station Street, the reduced setback is deemed appropriate.
<p>B7 Building Height Building height should respect the existing or preferred neighbourhood character.</p>	Yes	Maximum: 9 metres Proposed: Dwelling 1 has a maximum height of 7.5m which is due to the skillion roof. Aside from the solar panel sections, the remainder of the development has a maximum height of 6.9 metres.
<p>B8 Site Coverage Site coverage should respect the existing or preferred neighbourhood character and respond to the features of the site.</p>	Yes	Maximum: 60% Proposed: 47.9%

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<p>B9 Permeability Reduce the impact of stormwater run-off on the drainage system and facilitate on-site stormwater infiltration.</p>	Yes	<p>At least: 20% Proposed: 24% Water tanks have been recommended by Council's development approval engineers.</p>
<p>B10 Energy Efficiency Achieve and protect energy efficient dwellings and residential buildings. Ensure orientation and layout reduces fossil fuel energy use and makes appropriate use of daylight and solar energy.</p>	Yes	<p>Dwellings are provided with northern oriented open space, with each dwelling also having north windows provided for each living area. The setbacks from the south ensure that the built form does not unreasonably reduce sunlight to north facing windows.</p>
<p>B11 Open Space Integrate layout of development with any public and communal open space provided in or adjacent to the development.</p>	Yes	<p>Common area within the development is limited to the driveway and visitor parking space. All dwelling entry points are via the common driveway. The driveway is overlooked by the 'nook' windows and the bedroom windows of Dwellings 4 and 5.</p>
<p>B12 Safety Layout to provide safety and security for residents and property.</p>	Yes	<p>The study nooks at ground floor and the bedroom windows of Dwellings 4 and 5 provide opportunities for passive surveillance within the development. Lighting within the development could be addressed by way of planning permit condition.</p>
<p>B13 Landscaping To provide appropriate landscaping. To encourage:</p> <ul style="list-style-type: none"> • Development that respects the landscape character of the neighbourhood. • Development that maintains and enhances habitat for plants and animals in locations of habitat importance. • The retention of mature vegetation on the site. 	Can comply	<p>Standard conditions have been recommended by Council's Vegetation Management Officer to require replanting within the site. Given the limitations within the private open spaces of the dwellings, canopy trees have been recommended within the front setback and within the common driveway area.</p>
<p>B14 Access Ensure the safe, manageable and convenient vehicle access to and from the development. Ensure the number and design of vehicle crossovers respects neighbourhood character.</p>	Yes	<p>Site frontage is 15.24m, with 33% being 6.096 metres. Two (2) crossovers result in a 6 metre wide area. Infrastructure within the nature strip would need to be addressed via separate applications for approval.</p>

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Title and Objective	Complies with Standard?	Requirement and Proposed
<p>B15 Parking Location Provide resident and visitor vehicles with convenient parking. Avoid parking and traffic difficulties in the development and the neighbourhood. Protect residents from vehicular noise within developments.</p>	Yes	<p>Nook windows and bedroom 2 window of dwelling 1 located 1m from the driveway. Bedroom window is 1.6m above driveway, with nook windows 1m above driveway. Given the limited use of this space (eg. for sleeping) noise from the driveway should not affect the study nook spaces.</p>
B16 – no longer exists following Planning Scheme Amendment VC90 approved on 5 June 2012.		
<p>B17 Side and Rear Setbacks Ensure the height and setback respects the existing or preferred neighbourhood character and limits the amenity impacts on existing dwellings.</p>	Yes	As demonstrated on the elevation plans which include the setback diagram, the development complies with the side and rear setback requirements of this clause.
<p>B18 Walls on Boundaries Ensure the location, length and height of a wall on a boundary respects the existing or preferred neighbourhood character and limits the amenity impacts on existing dwellings.</p>	Yes	<p>Maximum: 11.55m on the east and 24m on the north boundary (length). Maximum average height of 3.2m. Proposed: 15.5m proposed on the north property boundary, with approximately half of Dwelling 1's garage to be constructed adjacent to an existing wall (if the approved proposal is not constructed). 7.8m of Dwelling 6 is to be constructed adjacent to No. 6 Cannes Avenue, behind their bungalow. An outdoor kitchen wall is proposed on the east property boundary, with a length of 3m and a height of 2.4m (similar to a high fence). The height of the walls on the boundaries is nominated to not exceed the 3.2m height requirement.</p>
<p>B19 Daylight to Existing Windows Allow adequate daylight into existing habitable room windows.</p>	Yes	<p>Existing windows are generally located well away from the property boundaries or from the proposed built form. The approved ground floor dwellings within 2 Cannes Avenue are located 3 metres from the shared property boundary, allowing for sufficient daylight to these rooms.</p>
<p>B20 North Facing Windows Allow adequate solar access to existing north-facing habitable room windows.</p>	Yes	First floor setbacks of at least 3.8m have been achieved, in excess of the 2.8m requirement.
<p>B21 Overshadowing Open Space Ensure buildings do not significantly</p>	Yes	No. 432 has a large area of SPOS, therefore the effect of the shadowing cast

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overshadow existing secluded private open space.		is limited. The siting of the driveway to the south of the buildings also limits the impact of shadow. Shadow onto No. 3 Brixton is limited, with a carport and garage located near the shared property boundary to the east. Shadowing to the west falls within the road and front yard of 432 Station Street.
<p>B22 Overlooking</p> <p>Limit views into existing secluded private open space and habitable room windows.</p>	Yes	<p>All habitable room windows (with the exception of the study nooks) are screened, protecting off site amenity. The only dwellings with living room outlooks are Dwelling 6, with ground floor living areas and Dwelling 1 with an outlook to Station Street.</p> <p>Where awning windows are obscured, a general notation should be shown on the plans to require the winders to be limited to ensure that no unreasonable overlooking occurs.</p>
<p>B23 Internal Views</p> <p>Limit views into existing secluded private open space and habitable room windows of dwellings and residential buildings within the same development.</p>	Yes	Views within the development are screened to meet the overlooking requirements of Standard B22.
<p>B24 Noise Impacts</p> <p>Protect residents from external noise and contain noise sources in developments that may affect existing dwellings.</p>	Yes	<p>A standard condition could deal with air-conditioning location. Units could be grouped with the solar panels which are centrally located on the roof.</p> <p>Properties either side are used for residential purposes and should not have an unreasonable noise impact on the development.</p> <p>A 1.5m fence may provide some noise protection from the ground floor bedroom oriented to the street.</p>
<p>B25 Accessibility</p> <p>Consider people with limited mobility in the design of developments.</p>	Yes	The dwelling entry points should be able to made accessible for those with limited mobility.
<p>B26 Dwelling Entry</p> <p>Provide a sense of identity to each dwelling/residential building.</p>	Yes	<p>Dwelling 1 is provided with a porch area, accessed via the independent driveway with the front door visible from the street.</p> <p>The 'porch' areas for dwellings 2 to 6 are achieved via cantilevered elements. Entry spaces are defined with vegetation around a paved area, with the cantilevered elements providing shelter for people</p>

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		waiting at the porch area. Vegetation also provides some distinguishing of the space.
<p>B27 Daylight to New Windows Allow adequate daylight into new habitable room windows.</p>	Yes	Eave overhangs are setback 1m from the property boundary achieving compliance for daylight to new windows.
<p>B28 Private Open Space Provide reasonable recreation and service needs of residents by adequate private open space.</p>	Yes	<p>Required: 40m² for each dwelling with one part of the private open space to consist of secluded POS at the side or rear of the dwelling or residential building with a minimum area of 25m², a minimum dimension of 3m and convenient access from a living room, OR</p> <p>A balcony of 8 square metres with a minimum width of 1.6 metres and convenient access from a living room, OR</p> <p>A roof-top area of 10m² with a minimum width of 2m and convenient access from a living room.</p> <p>Provided: Dwellings 1 – 5 are provided with balconies to satisfy the requirement with ground floor open space provided for Dwelling 6.</p> <p>D1 – 14.3m² D2 – 10.7m² D3 – 10.7m² D4 – 10.8m² D5 – 10.7m² D6 – 29.5m² with minimum dimension of 3m plus 25m² with a lesser dimension</p> <p>Dwelling 1 also has a large area of front open space; however this is accessed via the front door only.</p>
<p>B29 Solar Access to Open Space Allow solar access into the secluded private open space of new dwellings/buildings.</p>	Yes	<p>Dwellings 1 to 5 are provided with SPOS along the northern side of the dwelling, with Dwelling 6 having open space to the north-east.</p> <p>The open space for the adjacent property to the south is extensive and therefore the development meets the setback requirements, with the driveway located along the south of the site.</p>
<p>B30 Storage Provide adequate storage facilities for each</p>	Yes	The garages of Dwellings 1 - 5 are provided with additional length within the garage to accommodate externally

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dwelling.		accessible storage. Dwellings 6 has an externally accessible shed within the rear open space of the dwelling.
<p>B31 Design Detail Encourage design detail that respects the existing or preferred neighbourhood character.</p>	Yes	<p>The upper footprint of the development has reference to the adjacent property to the south and to the approved development (not yet constructed) at 2 Cannes Avenue with the element of separation provided opposite the open space areas of the adjacent properties in a readable location.</p> <p>The form is similar to the recent approvals at 212 Station Street, 216 Station Street, 2 Cannes Avenue (adjacent to the site) and 421 Station Street, where a mix of apartment and townhouse style has been adopted.</p> <p>The skillion roof form is a contemporary adaption of the traditional pitched roofs in the area.</p> <p>Further detailed discussion is included under Standard B2 – Neighbourhood Character.</p>
<p>B32 Front Fences Encourage front fence design that respects the existing or preferred neighbourhood character. Note: Schedule 2 to the General Residential Zone includes a variation to this standard</p>	No	A 1.5m high front fence is proposed, in excess of 1.2m sought under the Schedule to the Zone. Noting that Station Street is highly trafficked, many dwellings have high front fencing, including No. 432 Station Street and 433 Station Street to minimise noise intrusions.
<p>B33 Common Property Ensure car parking, access areas and other communal open space is practical, attractive and easily maintained. Avoid future management difficulties in common ownership areas.</p>	Yes	Common property within the development is limited to the driveway area and visitor parking space. The delineation public and private spaces are generally clear, with cantilever / overhangs generally over private garage areas.
<p>B34 Site Services Ensure site services and facilities can be installed and easily maintained and are accessible, adequate and attractive. Avoid future management difficulties in common ownership areas.</p>	Yes	<p>Mail box facilities are to be located within the front setback, with a maximum height of 900mm to allow adequate visibility for vehicles exiting the site.</p> <p>Bin storage areas are located to the rear of the garages for dwellings 2 to 6, with Dwelling 1 having additional space within the garage (additional length for the garage provided).</p>

Appendices

Appendix 1 - KP214/14 - 431 Station Street Bonbeach - Considered Plans (Trim No
14/119369)

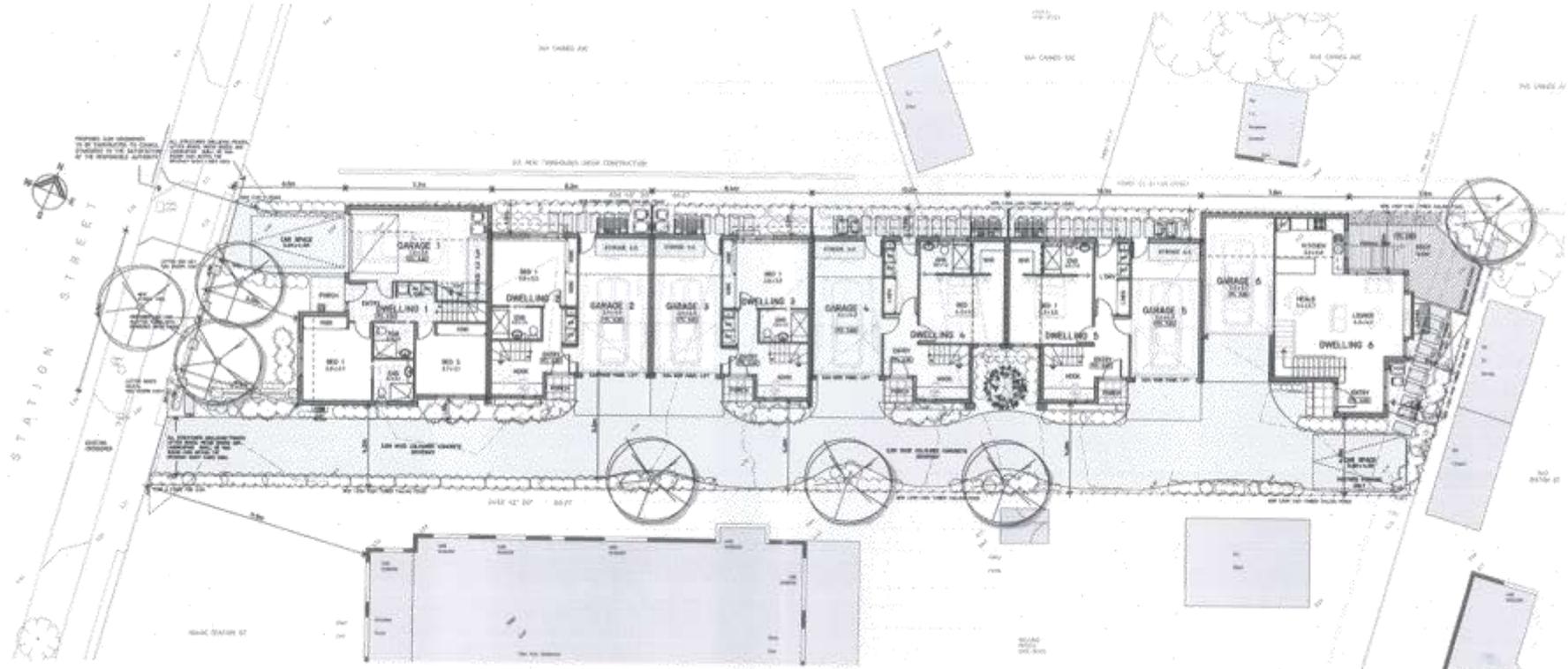
Author/s: Tara Bell, Senior Statutory Planner

Reviewed and Approved By: Jeremy Hopkins, Principal Statutory Planner

8.3

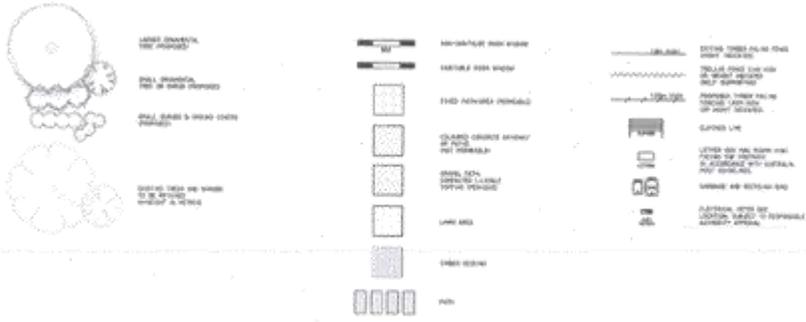
KP14/214 - 431 STATION STREET BONBEACH

- 1 KP214/14 - 431 Station Street Bonbeach - Considered Plans.. 133



SITE LAYOUT - GROUND FLOOR PLAN

LEGEND



SITE ANALYSIS

Category	Area (sqm)	% of Total
Site Area	2847	
Building Footprint	284	
Garages	214	
Landscaping	140	4.9%
Lawns	270	
TOTAL IMPAVED	708	24.8%
TOTAL PERMEABLE	2139	75.2%

Area	Area (sqm)	Area (sqm)	Area (sqm)
AREA: DWELLING 01	450	450	450
AREA: DWELLING 02	450	450	450
AREA: DWELLING 03	450	450	450
AREA: DWELLING 04	450	450	450
AREA: DWELLING 05	450	450	450
AREA: DWELLING 06	450	450	450

DATE: 04 AUG 2014

BY:

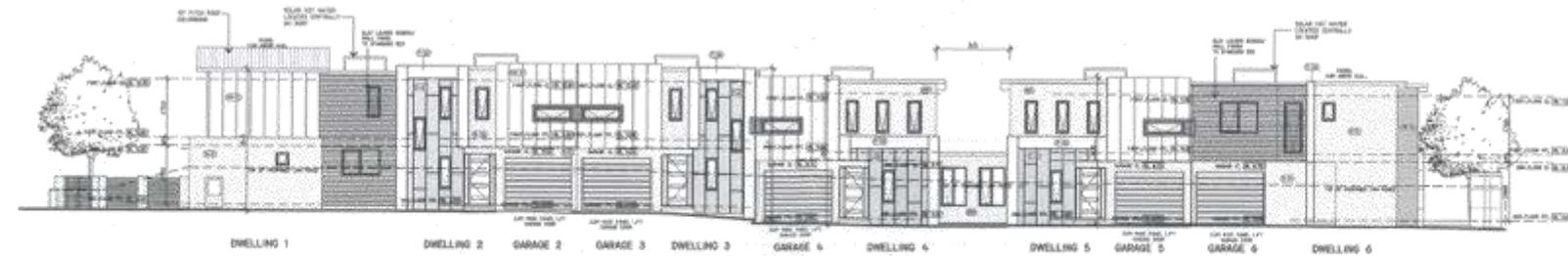
NAME	Peter Thomas
ROLE	Architect

Peter Thomas Building Design

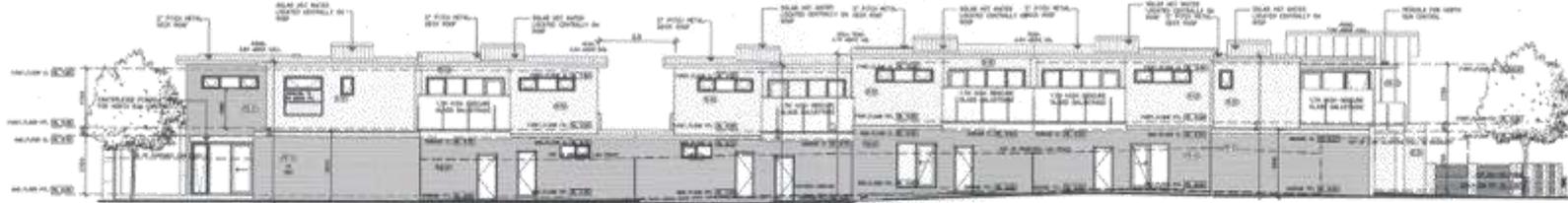
431 STATION STREET
BONBEACH
PROJECT No. 1382

**SITE LAYOUT
GROUND FLOOR PLAN**

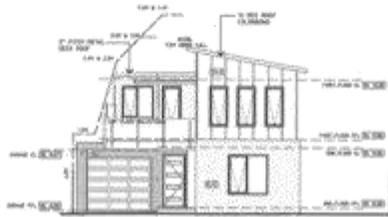
TP-03(A)



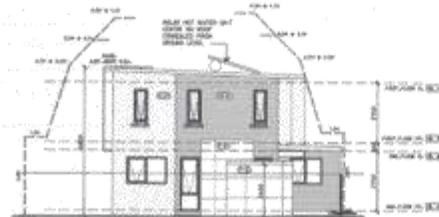
SOUTH ELEVATION
SCALE 1:50



NORTH ELEVATION
SCALE 1:50



DWELLING 1
WEST ELEVATION
SCALE 1:50



DWELLING 6
EAST ELEVATION
SCALE 1:50

COLOUR AND MATERIALS SCHEDULE

	FAC BRICK F-01		PAVED GRASSY DRIVE OR TERRACE		CONCRETE PANEL F-01		PAVED GRASSY DRIVE OR TERRACE		WALLS WITH COLORBOND
	FAC BRICK F-02		PAVED GRASSY DRIVE OR TERRACE		CONCRETE PANEL F-02		WALLS WITH COLORBOND		WALLS WITH COLORBOND
	VERTICAL SLATINGS W-01		PAVED GRASSY DRIVE OR TERRACE		CONCRETE PANEL F-03		WALLS WITH COLORBOND		WALLS WITH COLORBOND
	PAVED GRASSY DRIVE OR TERRACE		PAVED GRASSY DRIVE OR TERRACE		CONCRETE PANEL F-04		WALLS WITH COLORBOND		WALLS WITH COLORBOND
	PAVED GRASSY DRIVE OR TERRACE		PAVED GRASSY DRIVE OR TERRACE		CONCRETE PANEL F-05		WALLS WITH COLORBOND		WALLS WITH COLORBOND
	PAVED GRASSY DRIVE OR TERRACE		PAVED GRASSY DRIVE OR TERRACE		CONCRETE PANEL F-06		WALLS WITH COLORBOND		WALLS WITH COLORBOND

ALL MATERIALS, COLOURS AND FINISHES TO BE AS SHOWN. ALL MATERIALS TO BE SUPPLIED BY THE CONTRACTOR. ALL MATERIALS TO BE SUPPLIED BY THE CONTRACTOR. ALL MATERIALS TO BE SUPPLIED BY THE CONTRACTOR.

04 AUG 2014

BY:

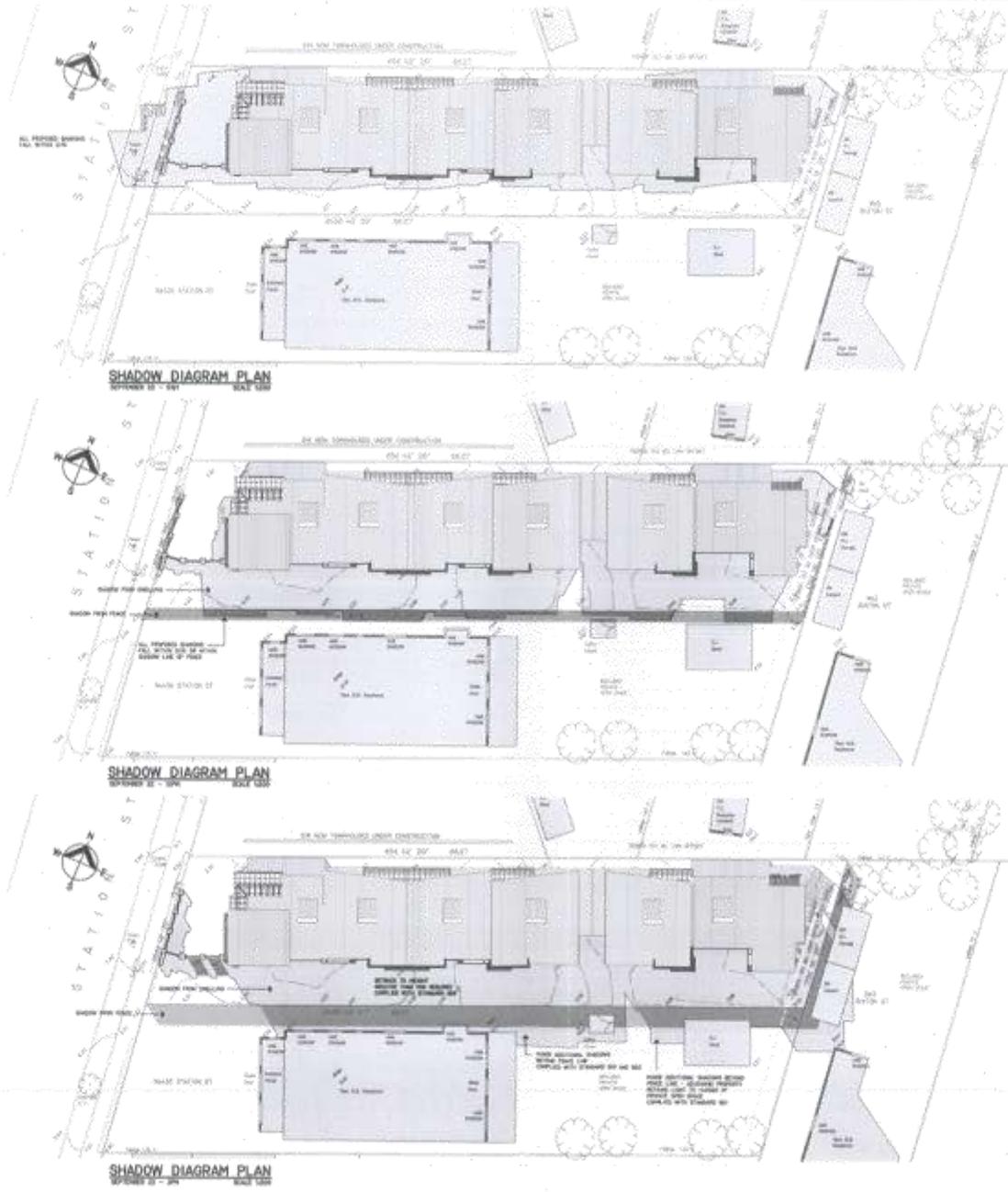
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PROJECT	
CLIENT	
ADDRESS	
PHONE	
EMAIL	

Peter Thomas
Building Design

431 STATION STREET
BONBEACH
NSW 2211

ELEVATIONS
TP-05(A)

DATE: 20/08/2014 © Copyright 2014



06 AUG 2014
 BY:

Project	431 Station Street Bonbeach
Client	TP-07 (A)
Drawn	
Checked	
Approved	

**Peter Thomas
Building Design**

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 Email: peter@peterthomas.com.au
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**431 STATION STREET
BONBEACH**
 3086 VIC, AUSTRALIA

SHADOW DIAGRAMS

TP-07 (A)

DATE: 06/08/2014 © Peter Thomas

Ordinary Meeting of Council

27 October 2014

Agenda Item No: 8.4

KP14/231 - 95 BROADWAY BONBEACH

Contact Officer: Hugh Charlton, Senior Planner

Purpose of Report

This report is for Council to consider Planning Application 95 Broadway Bonbeach – Planning Permit Application No. KP231/2014

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 determine to support the proposal and issue a Notice of Decision to Develop the land for the construction of five (5) dwellings including retaining the existing dwelling and a wavier of the visitor car parking requirement at 95 Broadway Bonbeach, subject to the conditions contained within this report.

95 Broadway Bonbeach – Planning Permit Application No. KP231/2014

Executive Summary for Planning Committee Agenda Review

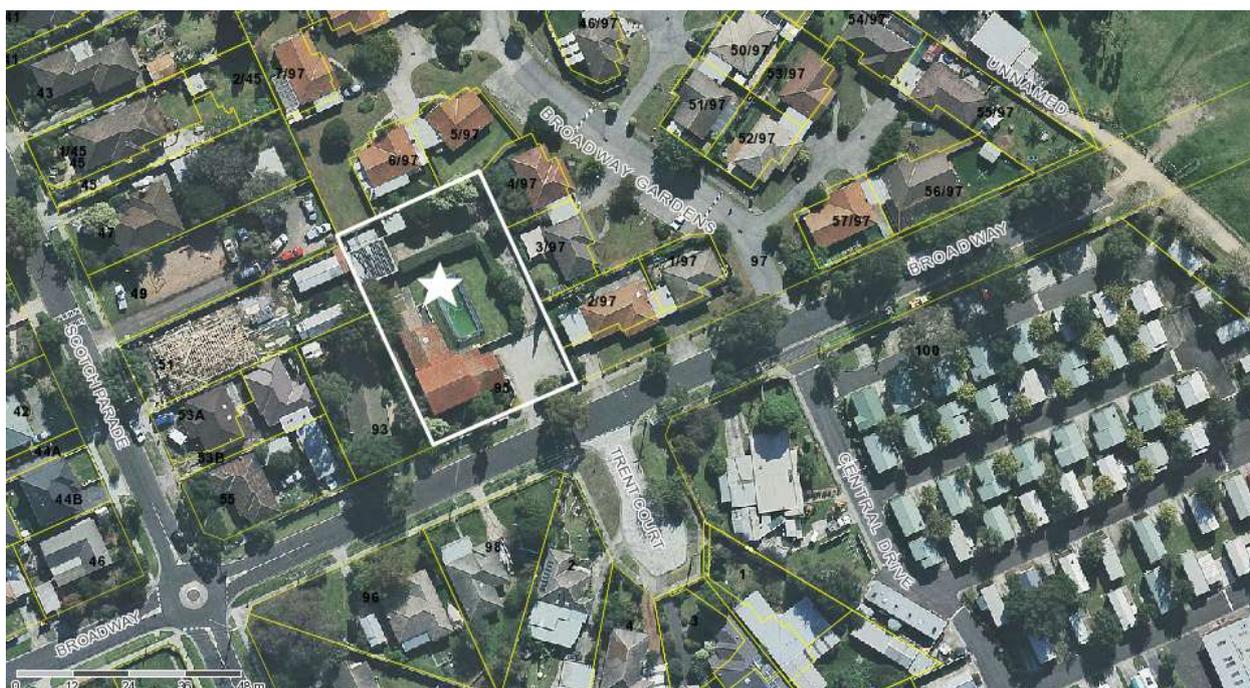
APPLICATION No:	KP231/2014
LAND:	95 Broadway Bonbeach
PLANNING OFFICER:	Hugh Charlton
PROPOSAL:	Develop the land for the construction of five (5) dwellings including retaining the existing dwelling and a waiver of the visitor car parking requirement
PERMIT TRIGGER:	Clause 32.08-4 – construction of two or more dwellings on a lot Clause 52.06-3 – waive one visitor car parking space
EXISTING SITE CONDITIONS:	One double storey dwelling, pool, gardens and outbuildings.
APPLICANT:	Finlay Roberts Design
ZONE / OVERLAYS:	General Residential Zone (Schedule 3)
RESIDENTIAL POLICY AREA	Incremental Housing Change
OBJECTIONS	One

1.0 DESCRIPTION OF PROPOSAL

- 1.1 The application seeks to develop the land for the construction of five (5) double storey dwellings, including the retention of and alterations to the existing double storey dwelling. The application also seeks approval for the waiver of one visitor space.
- 1.2 All dwellings are provided with the required car parking and secluded private open space. The development as proposed meets the variations of the Schedule to the General Residential Zone (GRZ3) and the objectives of Clause 55.

2.0 SUBJECT SITE AND SURROUNDS

- 2.1 The following map illustrates the subject site in its surrounding context.



2.2 The site is generally rectangular in shape with a frontage to Broadway of 33.53 metres, a side depth of 49.38 metres, resulting in a site area of 1639 square metres. It currently contains a double storey brick dwelling with a tiled gable end roof, part of which is within a two storey form and part which is within a single storey form. The dwelling is currently setback approximately 7 metres from the street.

2.3 The surrounding area is a predominantly residential area, comprising of single and double storey, mostly detached dwellings. The area is undergoing change given the larger allotments and age of the housing stock.

3.0 KEY PLANNING CONSIDERATIONS

3.1 The key planning considerations relate to:

(a) Double storey components of the dwellings

The existing dwelling on the land is to be retained and altered as part of this application. The dwelling includes gable end roof form which also results in sheer two storey walls.

The proposed dwellings have sought to draw on characteristics of the existing dwelling, incorporating elements common to more contemporary forms of development in the area. Four of the five dwellings proposed are two storeys, with a single storey dwelling to the rear (north-eastern) corner. The double storey components of each of the other four dwellings are recessed in part and use materials and colours to provide visual interest and articulation. The eaves at the upper level also assist in breaking up the dwelling facades.

The dwellings are not 'box-like' and while there are double storey components towards the rear of the site, these do not have an adverse amenity impact on adjoining properties given the orientation of the land and the size of the site.

(b) Waiver of visitor car parking space

The application seeks approval for the waiver of the one required visitor car parking space. While the space cannot be accommodated on the land, the required number of car parking spaces for the dwellings has been provided. Further, the design response has introduced only one crossover into a frontage of 33 metres (approximately). This provides for ample opportunity for one or more cars to be parked along the frontage of the site. Council Officers are satisfied that based on this the proposal is acceptable.

3.2 The subject site is identified within Area 6 of this Study. The average lot size within this area has been calculated to be 578.1m², which results in a suggested development density of 1 dwelling per 289.05m². It is therefore considered that this proposal would meet this strategy as the subject site has an area of 1,639.41m² and a density of 1 dwelling per 327.8m².

4.0 OBJECTOR CONCERNS

4.1 One objection was received to the application. A summary of the concern and response to each ground is provided below:

(a) Waiver of visitor car parking space and traffic congestion

The application seeks approval for the waiver of the one required visitor car parking space. The objector to the application raised concern with the waiver, suggesting that the street is already congested and that the waiver of the space will only worsen the congestion.

One space is required to be waived through this application. This can be provided for along the frontage of the site given that the design response accommodates only one single width crossover.

5.0 CONCLUSION

- 5.1 Based on a thorough assessment of the application against the relevant provisions of the Kingston Planning Scheme and taking into consideration the concerns raised by the objector, the proposal, subject to the inclusion of conditions, is deemed appropriate and should therefore be supported.

6.0 RECOMMENDATION

That Council determine to support the proposal and issue a Notice of Decision to Grant a Permit to Develop the land for the construction of five (5) dwellings including retaining the existing dwelling and a waiver of the visitor car parking requirement at No. 95 Broadway, Bonbeach, subject to the following conditions:

1. Before the development starts amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be substantially in accordance with the advertised plans submitted to Council on 11 June 2014 (and known as Rev A RFI May 2014) but modified to show:
 - a. the provision of a landscape plan prepared by a suitably qualified landscape professional and incorporating:
 - i. an associated planting schedule showing the proposed location, species type, mature height and width, pot sizes and number of species to be planted on the site. The schedule must be shown on the plan;
 - ii. the delineation of all garden beds, paving, grassed areas, retaining walls, fences and other landscape works including areas of cut and fill throughout the development;
 - iii. all existing trees on the site and within three (3) metres to the boundary of the site on adjoining properties, accurately illustrated to represent actual canopy width and labelled with botanical name, height and whether the tree is proposed to be retained or removed;
 - iv. a range of plant types from ground covers to large shrubs and trees at adequate planting densities (e.g.: plants with a mature width of 1 metre, planted at 1 metre intervals);
 - v. the provision of one (1) suitable medium sized (at maturity) canopy tree within the front setback of each dwelling (proposed or existing); with species chosen to be approved by the Responsible Authority;
 - vi. the provision of one (1) small (at maturity) tree within the private open space area of each dwelling (proposed or existing), with species chosen to be approved by the Responsible Authority;

- vii. the deletion of the proposed garden sheds located behind proposed garage one (1) and garage two (2);
 - viii. all trees provided at a minimum of two (2) metres in height at time of planting and medium to large shrubs to be provided at a minimum pot size of 200mm; and
 - ix. the provision of notes on the landscape plan regarding site preparation, including the removal of all weeds, proposed mulch, soil types and thickness, subsoil preparation and any specific maintenance requirements.
 - x. the provision of a notation of the Tree Protection Details as provided in Conditions 3, 4 and 5 of this permit. This includes all nominated tree protection zones to be drawn to scale on the plans.
- b. provision of a minimum 2000 litre rainwater tank with water reused for toilet flushing for each new dwelling;
 - c. clarify whether or not there is a window to bedroom 4 of dwelling 1 at the upper level on the floor plans and elevations and if there is a window, details of the window with appropriate screening to meet Standard B22 of Clause 55.04-6;
 - d. screen or obscure windows of bedroom 3 and bedroom 1 windows in the north-western elevation of dwelling 2 to meet Standard B22 of Clause 55.04-6 of the Kingston Planning Scheme;
 - e. bin storage locations;
 - f. reduction in driveway width from the front of the site to the rear of Dwelling 1 to no more than 3 metres with the additional areas created used for landscaping along the south-eastern side of the driveway;
 - g. the door of each garage nominated as a panel lift door, or similar; and
 - h. provision of a full colour, finishes and building materials schedule, including samples (illustrated on an A4 or A3 sheet), for all external elevations and driveways of the development.
2. The development as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.
3. A Tree Protection Zone (TPZ) must be installed at a distance of 5.5 metres from the *Liquidambar styraciflua* (Liquidambar) located on the neighbouring property at 93 Broadway Bonbeach. The following must be observed within 5.5m of the tree:
- a) the existing soil level must not be altered either by fill or excavation;
 - b) the soil must not be compacted or the soil's drainage changed;
 - c) no fuels, oils, chemicals, poisons, rubbish and other materials harmful to trees are to be stored or dispersed;
 - d) no storage of equipment, machinery or material is to occur;
 - e) open trenching to lay underground services e.g.: drainage, water, gas, etc. must not be used;
 - f) tree roots must not be severed or injured; and
 - g) machinery must not be used to remove any existing concrete, bricks or other materials.

**City of Kingston
Ordinary Meeting of Council**

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4. Prior to the commencement of the demolition and development hereby permitted, a Tree Protection Fence defined by a 1.2 metre high temporary fence constructed using steel or timber posts fixed in the ground or to a concrete pad, with the fence's side panels to be constructed of cyclone mesh wire or similar strong metal mesh or netting, must be erected 5.5m in a radius from the *Liquidambar styraciflua* (Liquidambar). The above requirements in condition 3 of this permit must be observed within this area.
5. All tree pruning work on the neighbour's *Liquidambar styraciflua* (Liquidambar) must be in accordance with the Australian Standards AS4373 (2007) "Pruning of Amenity Trees" and be undertaken by a qualified and experienced Arborist.
6. Prior to the commencement of any works on the site including demolition, a tree protection barrier must be installed at three (3) metres from the base of the Eucalyptus sideroxylon (Red Flowering Iron Bark) and the Pyrus sp. (Ornamental Pear Tree) street tree located on the Broadway nature strip.
7. Prior to the occupation of the dwellings hereby permitted, the landscaping works as shown on the endorsed plans must be completed to the satisfaction of the Responsible Authority. The landscaping must then be maintained to the satisfaction of the Responsible Authority.
8. Prior to the occupation of the dwellings hereby permitted, all buildings and works and the conditions of this permit must be complied with, unless with the further prior written consent of the Responsible Authority.
9. Property boundary and footpath levels must not be altered without the prior written consent from the Responsible Authority.
10. The replacement of all footpaths, including offsets, must be constructed the satisfaction of the Responsible Authority.
11. Any reinstatements and vehicle crossings must be constructed to the satisfaction of the Responsible Authority.
12. Any redundant vehicle crossings must be removed (including redundant portions of vehicle crossings) to the satisfaction of the Responsible Authority.
13. All front and side fences must be contained wholly within the title property boundaries of the subject land.
14. The development of the site must be provided with stormwater works which incorporates the use of water sensitive urban design principles to improve stormwater runoff quality and which also retains on site any increase in runoff as a result of the approved development. The system must be maintained to the satisfaction of the Responsible Authority. Council's Development Engineer can advise on satisfactory options to achieve these desired outcomes which may include the use of an infiltration or bioretention system, rainwater tanks connected for reuse and a detention system. The overall outflow of the site to Council drainage system must be limited to 14.7l/s.
15. Before the development commences, a Stormwater Management Plan showing the stormwater works to the nominated point of discharge must be prepared to the satisfaction of the Responsible Authority. The Stormwater Management Plan must be prepared by a qualified person and show all details of the proposed stormwater works including all existing and proposed features that may have impact (e.g. trees to be retained, crossings, services, fences, abutting buildings, existing boundary surface levels, etc.). The Stormwater Management System must be prepared as per Council's "Civil Design Requirements for Developers – Part A: Integrated Stormwater Management".

16. Stormwater works must be provided on the site so as to prevent overflows onto adjacent properties.
17. All works on or facing the boundaries of adjoining properties must be finished and surface cleaned to a standard that is well presented to neighbouring properties in a manner to the satisfaction of the Responsible Authority.
18. All piping and ducting above the ground floor storey of the development (other than rainwater guttering and downpipes) must be concealed to the satisfaction of the Responsible Authority.
19. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.
20. In accordance with section 68 of the *Planning and Environment Act 1987 (Act)*, this permit will expire if one of the following circumstances applies:
 - The development is not started before within (2) years from the date of this permit.
 - The development is not completed within four (4) years from the date of permit issue.
In accordance with section 69 of the Act, the responsible authority may extend the periods referred to if a request is made in writing:
 - before the permit expires; or
 - within six (6) months after the permit expiry date, where the development allowed by the permit has not yet started; or
 - within twelve (12) months after the permit expiry date, where the development allowed by the permit has lawfully started before the permit expires.

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

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

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

Note: Environment Protection Authority (EPA) Victoria set out the requirements pertaining to site construction hours and permissible noise levels.

Note: The allocation of street numbering and addressing of properties is vested in Council. Any reference to addressing or dwelling/unit/apartment and street numbers or street names on any endorsed plan is indicative only. The onus is on the Permit Applicant/Land Owner to contact Council's Property Data Department to determine the official dwelling/unit/apartment street numbers, street name details and the like for the approved development.

If the Permit Applicant/Land Owner adopts the street numbering or addressing from the endorsed plans, or where advertising and/or sales transact (off the plan) prior to Council's official allocation of the street numbering and addressing, it will be viewed to be non-compliant with the guideline and standard applied (*Australian/New Zealand Standard for Rural & Urban Addressing / AS/NZS 4819:2011*).

OR

In the event that the Council wishes to oppose the Officer's recommendation to approve the application, it can do so on the following grounds:

1. The proposal is inconsistent with the existing and emerging massing, scale and character for the area and fails to satisfy the objectives of Clause 55.02-1 of the Kingston Planning Scheme.
2. The proposal fails to comply with the objectives of Clause 22.11-3 of the Kingston Planning Scheme (built form, siting and scale of development), in particular to encourage the siting of double-storey components towards the front of the site.
3. The design is not considered to be innovative or of a high architectural standard, and fails to consider its visual impact on the surrounding environment. The proposed design is not sufficiently recessed from lower levels and is devoid of adequate visual interest, and fails to satisfy the objectives of Clause 55.04-1 and Clause 55.06 of the Kingston Planning Scheme.

PLANNING OFFICER REPORT	
APPLICANT	Finlay Roberts Design
ADDRESS OF LAND	95 Broadway, Bonbeach
PLAN OF SUBDIVISION REFERENCE	Lot 1 on Title Plan 105008M
PROPOSAL	Develop the land for the construction of four (4) dwellings, retaining the existing dwelling and a waiver of the visitor car parking requirement.
PLANNING OFFICER	Hugh Charlton
REFERENCE NO.	KP231/2014
ZONE	Clause 32.08: General Residential Zone (Schedule 3)
OVERLAYS	None
OBJECTIONS	One
CONSIDERED PLAN REFERENCES/DATE RECEIVED	Advertised plans received by Council on 27 May 2014 and noted as Rev A – RFI May 2014.
ABORIGINAL CULTURAL HERITAGE SENSITIVITY	Yes – to be discussed further

1.0 RELEVANT LAND HISTORY

- 1.1 Planning Permit Application KP55/2014 was lodged with Council on 31 January 2014 seeking approval for the development of the land for a total of five dwellings, including four new dwellings and alterations to the existing dwelling. This application lapsed on 1 April 2014.
- 1.2 Council records indicate that there is no other relevant planning history relating to this site.

2.0 SITE PARTICULARS

- 2.1 The site is generally rectangular in shape with a frontage to Broadway of 33.53 metres, a side depth of 49.38 metres, resulting in a site area of 1639 square metres.
- 2.2 It currently contains a double storey brick dwelling with a tiled gable end roof, part of which is within a two storey form and part which is within a single storey form. The dwelling is currently setback approximately 7 metres from the street.
- 2.3 There are a number of outbuildings within the site boundaries, including a large brick garage and a number of smaller fibro sheds. There is also a large in-ground pool to the rear of the dwelling and extensive landscaping and gravel areas.
- 2.4 The land is generally flat in topography. The land has extensive landscaping, including large lawn areas and shrubs to larger planted trees around the sites perimeter.
- 2.5 The land does not have any easements within the boundaries of the site; however there is an easement on the adjoining property at No. 93 Broadway. There are no restrictions or agreements registered to the Certificate of Title.

3.0 SURROUNDING ENVIRONS

3.1 The surrounding area is a predominantly residential area, comprising of single and double storey, mostly detached dwellings. The area is undergoing change given the larger allotments and age of the housing stock.

3.2 Land directly abutting the subject site and opposite is described as follows:

North:

To the north of the site is a series of single storey dwellings which form part of the larger residential development known as Broadway Gardens. These dwellings are Nos. 5/97 and 6/97 Broadway. These dwellings are oriented towards the common property driveways which provide these dwellings with vehicle access. The secluded private open space areas for these dwellings are located to the south of the dwellings.

East:

To the immediate east of the site is three single storey dwellings that form part of the Broadway Gardens development at No. 97 Broadway. No. 2/97 Broadway fronts the street, with a carport located adjacent to the boundary shared with the site. For No. 3/97 and No. 4/97 Broadway, the private open space area is located to the west of the dwellings.

South:

To the south of the site is the Broadway road reserve. To the south of this Trent Court which has a number of single storey dwellings which utilise this as a point of vehicle access.

West:

To the west of the land is the single storey dwelling at No. 93 Broadway, with a setback of approximately 6.8 metres and a carport located to the eastern boundary of the land. This site is has a large Liquid Amber tree located within proximity to the boundary shared with the subject site and will be discussed in further detail.

3.3 At No. 100 Broadway, diagonally opposite the site to the south-east is the Tourist/Caravan Park.

4.0 PROPOSAL

4.1 It is proposed to develop the land for the construction of four dwellings, retaining the existing dwelling with some alterations and additions, and a waiver of the visitor car parking requirement.

4.2 The existing dwelling is part single and part double storey. It is proposed to undertake some alterations and additions to accommodate the construction of four double storey dwellings on the land. The alterations include the reduction in the single storey building envelope at the front of the dwelling by 2.6 metres to the west (approximately 13 square metres) and a small reduction to the single storey envelope to the rear of the dwelling by 2.5 metres towards the street (approximately 6 square metres).

4.3 The dwelling will be internally reconfigured to accommodate the change to the footprint. The upper level will not change as a result of the proposal.

4.4 The outbuildings, swimming pool and some of the landscaping within the balance of the land is proposed to be removed to accommodate the construction of four new dwellings.

- 4.5 Three of the four new dwellings will be double storey. The fourth dwelling will be single storey. Details of these dwellings are as follows:
- 4.6 Dwelling 1 (existing) incorporates four bedrooms in total, including one at the ground level and three at the upper level. The dwelling is provided with a new double garage to the rear of the dwelling, satisfying the car parking requirement for this dwelling. The secluded private open space of this dwelling is a total of 78 square metres with the required 5 metre dimension oriented towards the north. There is also an area of 60 square metres to the side (west) of the dwelling adjoining the laundry and the front setback area which is to remain unchanged, providing a further 52 square metres of private open space.
- 4.7 Dwelling 2 to the rear (north-western) corner of the site is proposed to be double storey, with the living, kitchen and dining area at the ground floor level. At the first floor there are three bedrooms, with the master bedroom provided with an ensuite and walk-in-robe. There is also a main bathroom. The secluded private open space for the dwelling is located at the ground level directly adjoining the living areas. The space has a total area of 61 square metres and is oriented towards the north-west of the land.
- 4.8 Dwelling 3 to the rear (north-eastern) corner of the land is proposed to be single storey. The dwelling has two bedrooms and a single car garage. The living area directly adjoins an area of 40 square metres of secluded private open space which has good solar access towards the north and the minimum 5 metre dimension.
- 4.9 Dwelling 4 is located between dwelling 3 and 5 along the eastern side boundary of the site. The dwelling is double storey with a large master bedroom, ensuite and walk-in-robe provided at the upper level, while the second bedroom is provided at the ground floor level. A single car garage is provided for the dwelling and there is an area of secluded private open space of 40 square with a minimum dimension of 5 metres directly adjoining the living areas at the ground level with good solar orientation.
- 4.10 Dwelling 5 is located at the front of the site, with a setback to the street of 6.4 metres, responding to the existing dwelling at No. 2/97 Broadway which is setback a minimum of 5.7 metres. This dwelling contrasts with the accommodation provided on the balance of the land, as it provides for three bedrooms at the ground floor level, and reverse living at the upper level. Car parking for this dwelling is provided within a double garage to the rear of the dwelling. There is a terrace of 10 square metres provided at the upper level, while the required secluded private open space area of 44 square metres is provided at the ground level to satisfy the requirements of the zone.
- 4.11 The style of each dwelling is generally consistent with the existing dwelling style, incorporating pitched and hipped tiled roof forms with large eaves, while the materials include rendered and face brick work. There are feature elements surrounding the entrances.
- 4.12 Each dwelling is provided with a porch area providing for shelter and good dwelling identification.
- 4.13 The proposal has an overall site coverage of 46.56% and a permeability of 38.35%.

5.0 PLANNING PERMIT PROVISIONS

Zone

- 5.1 General Residential Zone: Pursuant to Clause 32.08-4 of the Kingston Planning Scheme a planning permit is required to construct two (2) or more dwellings on a lot. A development

must meet the requirements of Clause 55 of the Scheme. Schedule 3 to the General Residential Zone includes a variation to a number of standards within Clause 55.

Particular Provisions

5.2 Car Parking: Planning Scheme Amendment VC90, introduced into the Kingston Planning Scheme on 5 June 2012 contains the following residential car parking rates at Clause 52.06:

- 1 space to each 1 or 2 bedroom dwelling;
- 2 spaces to each 3 or more bedroom dwelling; and
- 1 visitor space for every 5 dwellings.

This equates to a parking requirement of 9 spaces (including 1 visitor spaces) for the proposed development.

All of the car parking required for the dwellings has been provided. However, a waiver of the one visitor car parking space required by Clause 52.06 is required given that this space is not provided on site. An assessment will be provided.

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

General Provisions

5.4 The Decision Guidelines of Clause 65 of the Kingston Planning Scheme are relevant to this application and require consideration to be given to a variety of matters including planning scheme policies, the purpose of the zone, orderly planning and the impact on amenity.

6.0 RELEVANT POLICIES

6.1 State Planning Policy Framework (SPPF)

Clause 11 Settlement

Clause 15 Built Environment and Heritage

Clause 16 Housing

6.2 Local Planning Policy Framework (LPPF)

Clause 21.05 Residential Land Use

Clause 22.11 Residential Development Policy

6.3 Other

6.4 Neighbourhood Character Area Guidelines (Incorporated Document under Clause 21.05 – Residential Land Use of the LPPF). The land is located within Area 74 of the Neighbourhood Character Guidelines.

6.5 Design Contextual Housing Guidelines (April 2003 – reference document within Clause 22.11 – Residential Development Policy). The Design Contextual Housing Guidelines offer a range of design techniques and suggestions to assist with residential design, which is responsive to local character.

7.0 ADVERTISING

7.1 The proposal was advertised by sending notices to adjoining and opposite property owners and occupiers and by maintaining a notice on site for fourteen (14) days. One objection to the proposal was received. The grounds of objection raised are summarised as follows:

- Waiver of the visitor car parking space given existing congestion and parking pressure in the street.

8.0 PLANNING CONSULTATION MEETING

8.1 In accordance with Council's Planning Consultation Meeting Policy, no meeting was required as one objection to the application was received. However, Planning Officers discussed concerns extensively prior to the objection being received by Council. These discussions were unable to resolve the concerns raised and the objection was subsequently lodged. The objections still stand.

9.0 AMENDMENT TO PLANS

9.1 Council received a full set of plans in response to Council's request for further information. The content of the plans was not substantially different to those that were originally enclosed with the application.

10.0 REFERRALS

10.1 The application was referred to the following internal departments:

- Council's Development Engineer – raised no objection to the application, subject to conditions included on any permit issued relating to drainage and water tanks.
- Council's Roads and Drains Officer – raised no objection to the application subject to conditions included on any permit issued.
- Council's Vegetation Management Officer - raised no objection to the application, subject to conditions included on any permit issued relating to the requirement for a landscape plan and tree protection measures to ensure the protection of the tree on the adjoining property at No. 93 Broadway.

10.2 The application was not required to be referred to any external departments.

11.0 PLANNING CONSIDERATIONS:

State Planning Policy Framework

11.1 The State Planning Policy Framework sets out the relevant state-wide policies for residential development at Clause 11 (Settlement), Clause 15 (Built Environment and Heritage) and Clause 16 (Housing). Essentially, the provisions within these clauses seek to achieve the fundamental objectives and policy outcomes sought by 'Plan Melbourne: Metropolitan Planning Strategy' (Department of Transport, Planning and Local Infrastructure, 2014).

11.2 The settlement policies at Clause 11 seek to ensure a sufficient supply of land is available for all forms of land use in Victoria. Of particular relevance to housing, Clause 11 promotes housing diversity and urban consolidation objectives in the established urban realm. Clause 11.02-1 states that Planning Authorities should plan to accommodate projected population growth over at least a 15 year period, taking account of opportunities

for redevelopment and intensification of existing urban areas as well consideration being had for environmental aspects, sustainable development and the costs associated with providing infrastructure. This clause states:

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

- 11.3 Clause 11.01-2 places particular emphasis on providing increased densities of housing in and around activity centres or sites that have good access to a range of services, facilities and transport options.
- 11.4 Clause 11.04-2 places particular emphasis on providing a diversity of housing in defined locations that cater for different households and are close to jobs and services, with strategies such as reducing the cost of living by increasing housing supply near services and public transport, and facilitating the supply of social housing and affordable housing.
- 11.5 Clause 11.04-4 aims to create healthy and active neighborhoods and maintain Melbourne's identity as one of the world's most liveable cities, with strategies such as protecting Melbourne and its suburbs from inappropriate development; creating neighbourhoods that support safe communities and healthy lifestyles; and promoting design excellence.
- 11.6 Clause 15 (Built Environment and Heritage) aims to ensure all new land use and development appropriately responds to its landscape, valued built form and cultural context, and protect places and sites with significant heritage, architectural, aesthetic, scientific and cultural value.
- 11.7 Clause 15.03-2 (**Aboriginal Cultural Heritage**) seeks to ensure the protection and conservation of places of Aboriginal cultural heritage significance.
- 11.8 Importantly, the Subject Land is identified in an area of Aboriginal Cultural Heritage Sensitivity.
- 11.9 "The Aboriginal Heritage Act 2006 (the Act) and Aboriginal Heritage Regulations 2007 provides for the protection and management of Victoria's Aboriginal heritage with streamlined processes linked to the Victorian planning system. The Act also provides clear guidance to planners and developers about when, and how, Aboriginal cultural heritage needs to be considered, and in some situations work cannot proceed until compliance is met. Large developments and other high impact activities in culturally sensitive landscapes can cause significant harm to Aboriginal cultural heritage". [Source: DCPD website].
- 11.10 In this instance, as the proposed activity is not exempt under the Regulations of the Aboriginal Heritage Act 2006, the Permit Applicant is required to prepare and submit a Cultural Heritage Management Plan (CHMP) to Council.
- 11.11 In this instance, a due diligence assessment has been undertaken by a suitably qualified professional and provided to Council demonstrating that it is highly likely that the entirety of the site has been subject to significant ground disturbance as a result of the removal of the top soil by machinery. Given this disturbance it was concluded that there would be unlikely to be any Aboriginal cultural heritage materials remaining on the property. This is an opinion that has been accepted by Council's Officers.
- 11.12 Housing objectives are further advanced at Clause 16. This Clause aims to encourage increased diversity in housing to meet the needs of the community through different life

stages and respond to market demand for housing. In much the same vein as Clause 11, this Clause advances notions of consolidation of existing urban areas, particularly in and around activity centres and employment corridors that are well served by all infrastructure and services.

- 11.13 Policies pertaining to urban design, built form and heritage outcomes are found at **Clause 15** of the State Planning Policy Framework. Of particular significance, **Clause 15.01** encourages development to achieve high quality architectural and urban design outcomes that contribute positively to neighbourhood character, minimises detrimental amenity impacts and achieves safety for future residents, and the community, through good design. The provisions of **Clause 15.02** promote energy and resource efficiency through improved building design, urban consolidation and promotion of sustainable transport.
- 11.14 The policies contained within **Clause 16.01-4** encourage the provision of range of housing types to meet the increasingly diverse needs of the community. Emphasis is placed on development of well-designed medium density housing with respect to neighbourhood character. Further, this Clause aims to make better use of the existing infrastructure and provide more energy efficient housing.
- 11.15 It is submitted that the proposed development satisfies the aforementioned State strategies and policy direction. Specifically, the subject site is located on land earmarked for residential purposes, whereby residential development is an 'as of right' use under the zoning provisions. Subject to appropriate conditions on any permit issued, the development itself achieves an acceptable design outcome for the site and its immediate abuttals, whilst enjoying convenient and direct access to community facilities and the like, including public transport nodes.

Local Planning Policy Framework

- 11.16 The City of Kingston's MSS at Clause 21.05 (Residential Land Use) of the Kingston Planning Scheme, seeks to provide guidance to development in residential zoned land, mixed use zoned lands and land within activity centres. The Residential Land Use Framework Plan illustrates the range of housing outcomes sought across the City of Kingston.
- 11.17 Relevant objectives and strategies in Clause 21.05-3: Residential Land Use include:
- *To provide a range of housing types across the municipality to increase housing diversity and cater for the changing housing needs of current and future populations, taking account of the capacity of local areas in Kingston to accommodate different types and rates of housing change. This is to be achieved through encouraging residential development within activity centres via mixed-use development, and on transitional sites at the periphery of activity centres.*
 - *To ensure new residential development respects neighbourhood character and is site responsive, and that medium density dwellings are of the highest design quality. This is to be achieved through promoting new residential development, which is of a high standard, responds to the local context and positively contributes to the character and identity of the local neighbourhood.*
 - *To promote more environmentally sustainable forms of residential development. To be achieved through promoting medium density housing development in close proximity to public transport facilities, particularly train stations.*

- *To manage the interface between residential development and adjoining or nearby sensitive/strategic land uses.*
 - *To ensure residential development does not exceed known physical infrastructure capacities.*
 - *To recognise and response to special housing needs within the community.*
- 11.18 Council's Local Planning Policy at Clause **21.05** essentially reinforces State Planning Policy relevant to housing, stressing the need to encourage urban consolidation in appropriate locations and to accommodate projected population increases.
- 11.19 **Clause 22.11 Residential Development Policy** extends upon the provision contained at **Clause 21.05 (Residential Land Use)**, relating to increased housing diversity areas, incremental housing change areas, minimal housing change areas, residential renewal areas and neighbourhood character. It provides design guidance on how new residential development should achieve architectural and urban design outcomes that positively respond to neighbourhood character.
- 11.20 Relevant objectives in **Clause 22.11-2 Residential Development Policy** include:
- *To promote a managed approach to housing change, taking account of the differential capacity of local areas in Kingston to accommodate increased housing diversity, incremental housing change, residential renewal or minimal housing change, as identified within the MSS.*
 - *To encourage new residential development to achieve architectural and urban design outcomes that positively respond to neighbourhood character having particular regard to that identified in the Kingston Neighbourhood Character Guidelines – August 2007.*
 - *To promote on-site car parking which is adequate to meet the anticipated needs of future residents.*
 - *To ensure that landscaping and trees remain a major element in the appearance and character of the municipality's residential environments.*
 - *To limit the amount and impact of increased stormwater runoff on local drainage systems.*
 - *To ensure that the siting and design of new residential development takes account of interfaces with sensitive and strategic land uses.*
- 11.21 Initial concern was raised with the Applicant regarding the size of the upper levels and the visual bulk that the development exhibited. While the upper levels of the four double storey dwellings are large, they incorporate recession in part, utilise different materials and colours at both levels, and incorporate different roof forms at both levels. All of these measures assist with the articulation of the dwellings, ensuring that the outcome is not 'box-like'.
- 11.22 It is considered that the proposed development generally complies and satisfies the State and Local Planning Policy Framework guidelines which aim to encourage well-designed medium density housing in appropriate locations. This is discussed in the Clause 55 assessment, later within this report.

12.0 CLAUSE 52.06 – CAR PARKING

- 12.1 This application seeks a waiver of the visitor car parking requirement of one for every five dwellings.
- 12.2 Some of the relevant considerations include the availability of on-street car parking, the impact of not providing the required car parking and access to or provision of alternative transport modes to and from the land.
- 12.3 The permit applicant in support of the waiver of the visitor car parking space, has suggested that there is ample on street car parking available to accommodate the single visitor car parking space. In reviewing the design response proposed, there is one single width crossover provided for access to all dwellings on the land. Given that the frontage of the site is approximately 33 metres wide, there is almost 30 metres available for on-street car parking.
- 12.4 Council Officers consider that based on this alone; there is sufficient justification for the waiver proposed. However, for completeness, it is noted that the Bonbeach Railway Station is approximately 1.3 kilometres from the site, and while not immediately adjacent, is accessible for visitors if required.
- 12.5 The only concern raised in the one objection received was regarding car parking and traffic. However, the number of car parking spaces to be waived by this application is one. If this number was higher it would be likely to have a greater impact on the amenity, car parking availability and accessibility of the area. Based on the above assessment, the waiver is considered to be reasonable and Council Officers do not consider the concern raised to warrant refusing the application.

13.0 CLAUSE 55 (RESCODE ASSESSMENT)

- 13.1 The proposal has been assessed against the standards of Clause 55 (ResCode) of the Kingston Planning Scheme (refer to Appendix A). Overall, it is noted that the application achieves a high level of compliance with the ResCode provisions, with only minor variations sought.
- 13.2 The following assessment considers the relevant standards and objectives of ResCode where they require further discussion to that provided in the attached Appendix, particularly those standards where concessions are sought.

Clause 55.02-1 – Neighbourhood Character & Infrastructure

Standard B1 – Neighbourhood Character

- 13.3 The objective of this Clause 55.02-1 is *'to ensure that the design respects the existing neighbourhood character and responds to the features of the site and surrounding area'*. Standard B1 of ResCode suggests that the proposed design should respect the existing or preferred neighbourhood character and respond to the features of the site.
- 13.4 The subject site is located within a predominantly residential area where there are a number of characteristics described within the Neighbourhood Character Guidelines (area 74) are described as making a major contribution to the area. These include, a varied building footprint, predominantly single storey detached dwellings, materials which are generally tiled roofs of various shapes and white weatherboard walls, front boundary and well landscaped gardens which generally include low walls and fences. The porches and verandahs are also seen to make a major contribution to the area.

- 13.5 The area has not recently undergone extensive change. This is evident when considering the large number of single storey detached dwellings which occupy large allotments such as the subject site. There are larger residential developments such as Broadway Gardens, which also contribute to the character.
- 13.6 It is evident that the area will undergo further change given that the area is well served by local infrastructure and public transport. The allotments are large and the policy that applies to the site is seeking incremental change, a level of change which is consistent with the current proposal.
- 13.7 While the area has not undergone extensive change, the existing housing stock is broadly consistent with the characteristics described within the Guidelines that apply to this area.
- 13.8 To this end, the proposed development incorporates a number of these characteristics. These are discussed as follows:
- The roof forms proposed are hipped and pitched tiled roof forms.
 - While the dwellings are not proposed to be constructed of white weatherboard, the proposal is taking its cues from the existing rendered brick dwelling on the site which is to be retained and altered as part of this application. This is considered to be appropriate.
 - The front setbacks proposed are deep enough to provide for well landscaped front gardens, and while there is a high fence to be retained in front of the existing dwelling, the balance of the frontage is open.
 - All of the dwellings are single or double storey and all are detached at the upper level. While they are attached at the ground level, they read as separate dwellings from the street and within the development itself.
- 13.9 The proposal is therefore considered to be sympathetic to and respectful of the existing neighbourhood character.

Standard B2 – Residential Policy

- 13.10 The Residential policy objective seeks to ensure that any proposed development accords with the relevant State and Local Planning Policy Framework. An assessment against Kingston's MSS and Residential Development Policy has been provided, with the proposal considered to be consistent with what is sought.
- 13.11 Further to the above assessment, as the site is located within a Residential 3 Zone, Clause 22.11 seeks to manage development pressures by instituting a requirement to achieve averaged lot sizes within Incremental Housing Change Areas.
- 13.12 To achieve this, Council's Strategic Planning Department undertook a study across the municipality in 2003 (Kingston Neighbourhood Character Study) to identify any emerging patterns with regard to average lot sizes. As such, six (6) areas were identified within the municipality, each having their own 'average lot size' calculation.
- 13.13 The subject site is identified within Area 6 of this Study. The average lot size within this area has been calculated to be 578.1m², which results in a suggested development density of 1 dwelling per 289.05m². It is therefore considered that this proposal would meet this strategy as the subject site has an area of 1,639.41m² and a density of 1 dwelling per 327.8m².

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

Standard B31 – Design Detail

- 13.15 The proposed development has been designed to take its cues from the existing dwelling on the land which is to be retained and altered as part of this application. This dwelling is two storeys and incorporates pitched and gabled roof forms and has a rendered brick finish.
- 13.16 The four new dwellings proposed for the balance of the land are either single storey or double storey, with the single storey dwelling located at the most sensitive interface, the north-eastern corner of the land where three adjoining single storey dwellings have located their secluded private open space. The other double storey dwellings have been located adjacent to carports of dwellings on adjoining allotments, or are physically separated from areas of secluded private open space.
- 13.17 The design of the four proposed dwellings incorporates face brick at the lower levels, with rendered upper levels. The roof forms proposed are traditional, with both hipped and pitched forms being incorporated into the design. The dwellings are also provided with large eaves which is consistent with those dwellings in the existing context. Each dwelling is provided with a porch to clearly identify the entrance. The garage for each of the dwellings is provided within the development itself, removing the potential for the streetscape to be crowded by vehicle storage and accessways. The window and door proportions appear to be consistent with the facades on which they are located, with aspects of each of the facades adopting features around the entrances to create visual interest.
- 13.18 The proposal, the response itself and its detailed design is considered to be an acceptable response to the existing and preferred neighbourhood character context.

14.0 RESPONSE TO GROUNDS OF OBJECTIONS

- 14.1 The objector concerns have largely been addressed above, however the concern remains and the objection has not been withdrawn.

15.0 CONCLUSION:

- 15.1 On balance, the proposal is considered to substantially comply with the relevant planning policy and therefore should be supported.
- 15.2 As outlined above, 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.
- 15.3 The proposed development is considered appropriate for the site, subject to conditions, as evidenced by:
- The compatibility of the design and siting with the surrounding area;
 - The mitigation of off-site amenity impacts; and

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- A suitable level of compliance with all relevant policies, including Clause 52.06 and 55 of the Kingston Planning Scheme

APPENDIX A – RESCODE ASSESSMENT

Standard of the Kingston Planning Scheme Two or more dwellings on a lot and residential buildings (Clause 55 and Schedule 3 to the General Residential Zone)

Title and Objective	Complies with Standard?	Requirement and Proposed
<p>B1 Neighbourhood Character Design respects existing neighbourhood character or contributes to a preferred neighbourhood character. Development responds to features of the site and surrounding area.</p>	Yes	See report for detailed discussion.
<p>B2 Residential Policy Residential development is consistent with housing policies in the SPPF, LPPF including the MSS and local planning policies. Support medium densities in areas to take advantage of public transport and community infrastructure and services.</p>	Yes	See report for detailed discussion.
<p>B3 Dwelling Diversity Encourages a range of dwelling sizes and types in developments of ten or more dwellings.</p>	N/A	The proposal is for five dwellings.
<p>B4 Infrastructure Provides appropriate utility services and infrastructure without overloading the capacity.</p>	Yes	It is recommended that suitable conditions be included in any permit issued to address infrastructure considerations.
<p>B5 Integration with the Street Integrate the layout of development with the street</p>	Yes	There is an existing 1.8 metre high brick fence enclosing the front setback of dwelling 1, however the balance of the frontage is free from fencing. Dwellings 1 and 5 have porches which are oriented towards the street, and given the siting of dwelling 4, this dwelling is also visible from the street, ensuring that the development integrates well.
<p>B6 Street Setback The setbacks of buildings from a street respect the existing or preferred neighbourhood character and make efficient use of the site.</p>	Yes	<p>Required: 6.25 metres Proposed: 6.4 metres</p> <p>The existing dwelling is maintaining its 7.3 metre setback to the street. Dwelling 5 is proposed to be setback 6.4 metres with the porch encroaching into this area. The setbacks proposed are adequate.</p>
<p>B7 Building Height Building height should respect the existing or preferred neighbourhood character.</p>	Yes	<p>Maximum: 9 metres Proposed: 7.4 metres</p> <p>The existing dwelling is 7.3 metres.</p>

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Title and Objective	Complies with Standard?	Requirement and Proposed
		The heights of the proposed dwellings are consistent with this.
B8 Site Coverage Site coverage should respect the existing or preferred neighbourhood character and respond to the features of the site.	Yes	Maximum: 50% Proposed: 46.56%
B9 Permeability Reduce the impact of stormwater run-off on the drainage system and facilitate on-site stormwater infiltration.	Yes	At least: 20% Proposed: 38.33%
B10 Energy Efficiency Achieve and protect energy efficient dwellings and residential buildings. Ensure orientation and layout reduces fossil fuel energy use and makes appropriate use of daylight and solar energy.	Yes	The proposed development has been designed to provide private open space areas and windows oriented towards the north to ensure good solar access. Only one dwelling (dwelling 5) has open space which is not oriented towards the north, which is a consequence of providing car parking which is accessible from within the development.
B11 Open Space Integrate layout of development with any public and communal open space provided in or adjacent to the development.	N/A	There is no communal open space proposed.
B12 Safety Layout to provide safety and security for residents and property.	Yes - condition required	All dwellings are provided with porch areas which are highly visible from either the street or within the development. While planting is proposed along the driveway access, the spaces are small and are unlikely to provide for large plantings which will compromise the safety of residents and visitors. Bollard lighting could also be provided within the driveway areas as a condition of permit.
B13 Landscaping To provide appropriate landscaping. To encourage: <ul style="list-style-type: none"> • Development that respects the landscape character of the neighbourhood. • Development that maintains and enhances habitat for plants and animals in locations of habitat importance. 	Yes – conditions required	A landscape plan will be required as a condition of any permit issued. There is an adjoining Liquid Amber located on the adjoining property at No. 93 Broadway. Tree protection conditions will be required on any permit issued.

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Title and Objective	Complies with Standard?	Requirement and Proposed
<ul style="list-style-type: none"> The retention of mature vegetation on the site. 		
<p>B14 Access Ensure the safe, manageable and convenient vehicle access to and from the development. Ensure the number and design of vehicle crossovers respects neighbourhood character.</p>	Yes	The width of the site is 33 metres. One 3.5 metre wide crossover is proposed for vehicle access to the site. This allows for a significant portion of the frontage to be available for on-street car parking. This also allows for the large street tree to be retained.
<p>B15 Parking Location Provide resident and visitor vehicles with convenient parking. Avoid parking and traffic difficulties in the development and the neighbourhood. Protect residents from vehicular noise within developments.</p>	Yes – conditions required	The location of the car parking is conveniently located for the dwelling residents. The window for bedroom 3 of dwelling 5 requires a window sill height of 1.4 metres. All other windows facing the accessway are either provided with the required setback or not habitable room windows, and are therefore considered to be satisfactory.
<p>B16 – no longer exists following Planning Scheme Amendment VC90 approved on 5 June 2012.</p>		
<p>B17 Side and Rear Setbacks Ensure the height and setback respects the existing or preferred neighbourhood character and limits the amenity impacts on existing dwellings.</p>	Yes	At the ground floor level, the narrowest setback provided from a side or rear boundary is 1 metres to the lounge room wall of dwelling 3 (eastern side boundary). The wall height at this point is 3 metres. the required setback for a wall of this height (and up to 3.6 metres) is 1 metre. This setback complies with the standard. At the first floor, the narrowest setback provided from a side or rear setback is 2.095 metres to the eastern façade of dwelling 5 from the eastern side boundary. At this point, the wall height is 5.9 metres to the top of the guttering. The required setback at this point is 1.69 metres. The setback provided meets the standard.

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Title and Objective	Complies with Standard?	Requirement and Proposed
<p>B18 Walls on Boundaries Ensure the location, length and height of a wall on a boundary respects the existing or preferred neighbourhood character and limits the amenity impacts on existing dwellings.</p>	Yes	<p>There is a length of 3.9 metres to the rear boundary. This complies with the requirements of the standard. There is The 19.8 metres is allowable on the eastern boundary as a result of its 49.8 metre length. A length of 14.5 metres along the eastern side boundary of the land. This complies with the requirements of the standard.</p>
<p>B19 Daylight to Existing Windows Allow adequate daylight into existing habitable room windows.</p>	Yes	<p>The required light courts are maintained to the existing habitable room windows of adjoining dwellings. This proposal will not compromise this.</p>
<p>B20 North Facing Windows Allow adequate solar access to existing north-facing habitable room windows.</p>	Yes	<p>There are no north facing windows affected by the proposal as a result of the orientation of the land.</p>
<p>B21 Overshadowing Open Space Ensure buildings do not significantly overshadow existing secluded private open space.</p>	Yes	<p>Due to the orientation of the land, the worst impact is to the west at 9am, where the shadow cast is beyond the existing shadows cast by the fence, however this falls on the existing shed at the adjoining property. Further the shadows are gone for the balance of the day. All other shadows case are within the site itself or within existing fence shadows and comply with the standard.</p>
<p>B22 Overlooking Limit views into existing secluded private open space and habitable room windows.</p>	Yes – conditions required	<p>The upper level window of bedroom 4 for dwelling 1 needs to be shown on elevations, with appropriate screening. The upper level bedroom 1 and bedroom 3 windows of dwelling 2 need to be screened or obscured to meet Standard B22 to the satisfaction of Council.</p>

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Title and Objective	Complies with Standard?	Requirement and Proposed
<p>B23 Internal Views Limit views into existing secluded private open space and habitable room windows of dwellings and residential buildings within the same development.</p>	Yes	The separation provided between dwellings is sufficient to protect the privacy of secluded private open space of dwellings within the development. Further most of the windows have been designed and sited to ensure that unreasonable views are not possible.
<p>B24 Noise Impacts Protect residents from external noise and contain noise sources in developments that may affect existing dwellings.</p>	Yes – condition required.	The proposal is for a residential development, where a certain level of noise is considered to be reasonable. The services for the site have been shown on the plans and are not located adjacent to any noise sensitive rooms on adjoining properties. A standard condition requiring this will be placed on any planning permit issued.
<p>B25 Accessibility Consider people with limited mobility in the design of developments.</p>	Yes	The dwelling entries of the dwellings are located at the ground level, with one or two steps from the driveway level to the entrance of the dwelling. This could be made to be accessible for people with limited mobility. Further, many of the dwellings are provided with living areas and a bedroom at the ground floor level providing alternative living options.
<p>B26 Dwelling Entry Provide a sense of identity to each dwelling/residential building.</p>	Yes	Each of the dwellings is provided with a porch area at the front of the dwelling. This provides an area of shelter, safety and clearly identifies the entrance from within the driveway.
<p>B27 Daylight to New Windows Allow adequate daylight into new habitable room windows.</p>	Yes	All new windows are provided with the required light courts to meet this standard.

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Title and Objective	Complies with Standard?	Requirement and Proposed
<p>B28 Private Open Space Provide reasonable recreation and service needs of residents by adequate private open space.</p> <p>Note: Schedule 3 to the General Residential Zone includes a variation to this standard</p>	<p>Yes – minor variation given reverse living for dwelling 5</p>	<p>Required: An area of 40m², with one part of the POS to consist of secluded POS at the side or rear of the dwelling or residential building with a minimum area of 40m², a minimum dimension of 5m and convenient access from a living room. If a dwelling has more than 2 bedrooms an additional ground level POS area of 20m² with a minimum width of 3m is required to be provided for each additional bedroom, with a maximum of 80m² of POS required for the dwelling.</p> <p>Proposed: Dwelling 1 (existing): 4 bedrooms – 78sqm SPOS with minimum dimension and accessible from living area. Further 60+52 sqm POS. Dwelling 2: 3 bedrooms – 61sqm SPOS with minimum dimensions. Further 16sqm POS Dwelling 3: 2 bedrooms – 40sqm SPOS with minimum dimensions. Dwelling 4: 2 bedrooms – 40sqm SPOS with minimum dimensions Dwelling 5: 3 bedrooms – 44sqm SPOS with minimum dimensions at the ground level, however upper level living areas, so minor variation. Front setback of 35 sqm provided as POS and 10sqm balcony at the upper level.</p>
<p>B29 Solar Access to Open Space Allow solar access into the secluded private open space of new dwellings/buildings.</p>	<p>Yes</p>	<p>All areas of SPOS are provided to the north of the dwelling, or where this is not possible are provided with the required depth to meet the Standard, i.e. Dwelling 4 has a depth of 9 metres where the wall to the north (2.7 metres) would only require a depth of 4.4 metres Dwelling 5 has a two storey wall to the north of the ground level SPOS. This would require a depth of 7.13m and 9 metres is provided.</p>

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Title and Objective	Complies with Standard?	Requirement and Proposed
B30 Storage Provide adequate storage facilities for each dwelling.	Yes	Each dwelling is provided with 6m ³ which is externally located, either within the garage itself or within an external storage shed.
B31 Design Detail Encourage design detail that respects the existing or preferred neighbourhood character.	Yes	See report for detailed discussion.
B32 Front Fences Encourage front fence design that respects the existing or preferred neighbourhood character. Note: Schedule 3 to the General Residential Zone includes a variation to this standard	Yes	Maximum: 1.2m The existing dwelling has an existing 1.8 metre high brick fence to its frontage. Given that this is an existing condition, and it does not extend for the length of the frontage, it is considered appropriate for this to remain on site.
B33 Common Property Ensure car parking, access areas and other communal open space is practical, attractive and easily maintained. Avoid future management difficulties in common ownership areas.	Yes	There is no communal open space. The vehicle access for all dwellings is common and will need to be managed. However, it this is clearly delineated and is considered appropriate.
B34 Site Services Ensure site services and facilities can be installed and easily maintained and are accessible, adequate and attractive. Avoid future management difficulties in common ownership areas.	Yes – condition required	Mail boxes are provided for each dwelling at the front of the site, with the exception of dwelling 1 which is proposed to be in front of the dwelling itself. Bin storage needs to be shown on plans.

Appendices

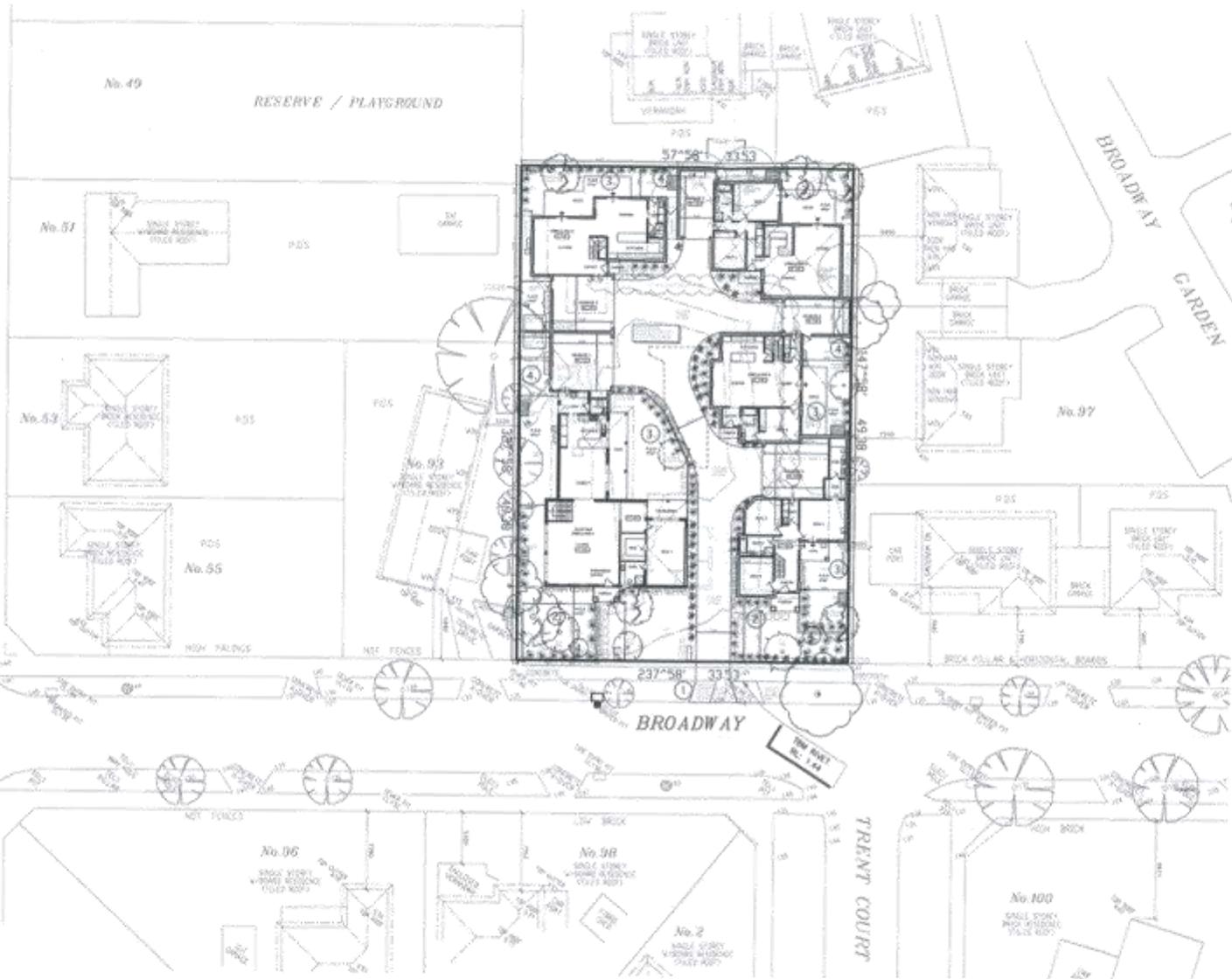
Appendix 1 - KP14/231 - Considered Plans (Trim No 14/129719)

Author/s: Hugh Charlton, Senior Planner
 Reviewed and Approved By: Ian Nice, Manager City Development

8.4

KP14/231 - 95 BROADWAY BONBEACH

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Developer Design Assessment 2 - the Planning Process

The applicant has prepared this Design Assessment 2 in accordance with the requirements of the Planning and Environment Act 2001 and the Planning and Environment Regulations 2002. The applicant has prepared this Design Assessment 2 in accordance with the requirements of the Planning and Environment Act 2001 and the Planning and Environment Regulations 2002.

Introduction

- 1. The applicant has prepared this Design Assessment 2 in accordance with the requirements of the Planning and Environment Act 2001 and the Planning and Environment Regulations 2002.
- 2. The applicant has prepared this Design Assessment 2 in accordance with the requirements of the Planning and Environment Act 2001 and the Planning and Environment Regulations 2002.

Site Objectives

- 1. The applicant has prepared this Design Assessment 2 in accordance with the requirements of the Planning and Environment Act 2001 and the Planning and Environment Regulations 2002.
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CAR PARKING

1. DWELLINGS 1, 2 & 5 HAVE DOUBLE GARAGES, WITH SINGLE GARAGES TO DWELLINGS 3 & 4. ALL DWELLINGS HAVE INTERNAL SECURITY ENTRANCES WITH STEEL SHUTTER STORAGE AREAS OR EXTERNAL ENTRANCE UNDER ACCESS TO ALL DWELLINGS TO USE A NEW CENTRAL 4.0m WIDE CROSSOVER IN APPROXIMATELY THE SAME POSITION AS THE EXISTING CROSSOVER.

STREET SETBACKS

2. THE EXISTING 1.0m SETBACK TO DWELLINGS 1 IS TO BE RETAINED AT 7.325m WITH A PROPOSED SETBACK OF 6.175m TO DWELLING 5.

PRIVATE OPEN SPACE

3. DWELLING 1 HAS BEEN PROVIDED WITH A TOTAL OF 79m² OF NORTH FACING OPEN SPACE. DWELLING 2, 61m²; DWELLING 3 & 4, 40m²; & DWELLING 5, 14m².

FENCING

4. THE EXISTING 1.0m HIGH WESTERN RED CEDAR FENCING IS TO BE RETAINED. THE EXISTING 1.0m HIGH WESTERN RED CEDAR FENCING IS TO BE RETAINED. THE EXISTING 1.0m HIGH WESTERN RED CEDAR FENCING IS TO BE RETAINED. THE EXISTING 1.0m HIGH WESTERN RED CEDAR FENCING IS TO BE RETAINED. THE EXISTING 1.0m HIGH WESTERN RED CEDAR FENCING IS TO BE RETAINED.



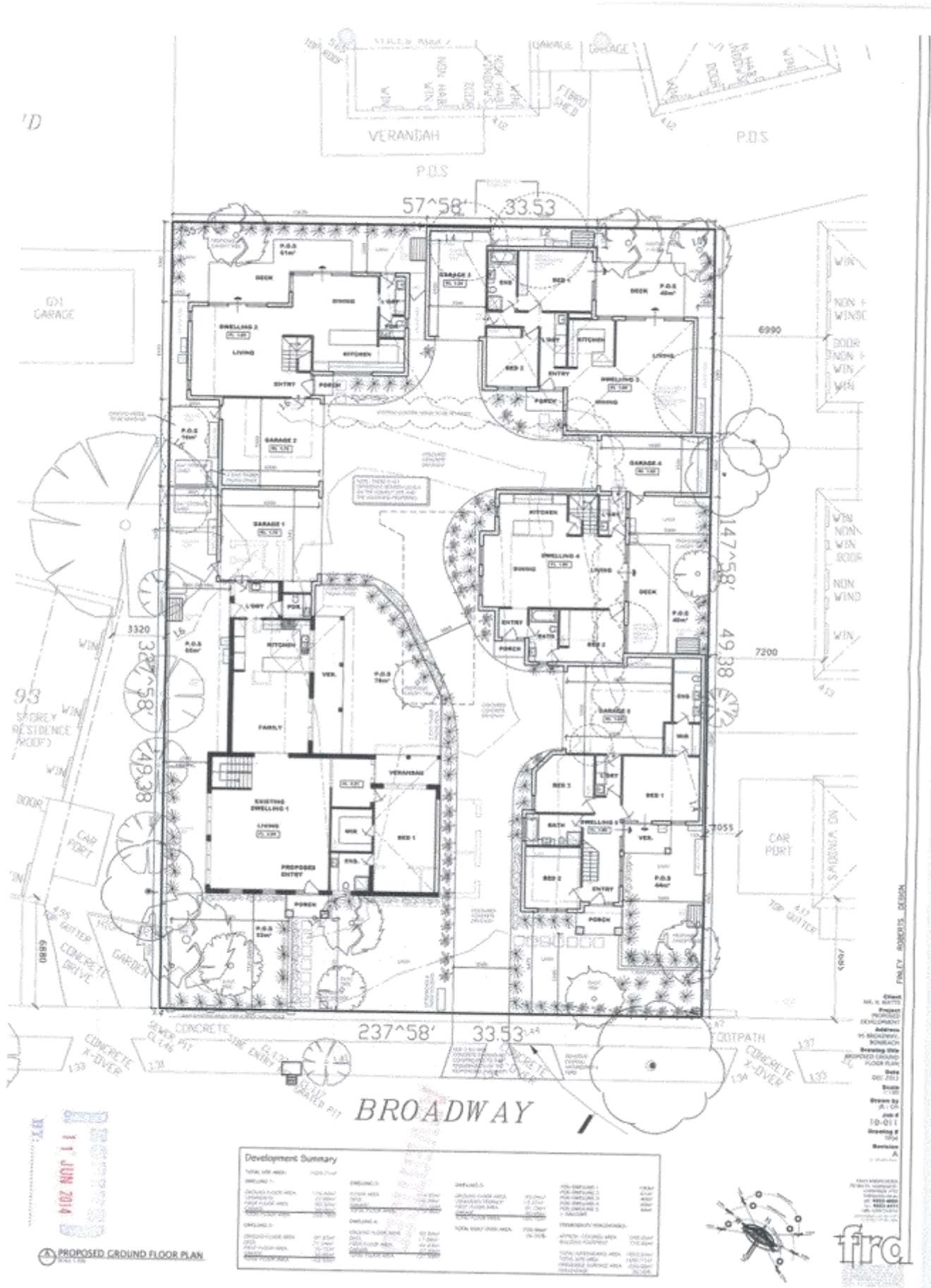
1-1 JUN 2014



FAMILY ROBERTS DESIGN

Client: FAMILY ROBERTS DESIGN
 Project: PROPOSED DEVELOPMENT
 Address: 95 BROADWAY, BONBEACH
 Drawing No: 10-011
 Drawing Date: 19/01
 Revision: A

Date: 19/01
 Scale: 1:200
 Drawn by: J. L. L.
 Job #: 10-011
 Drawing #: 1001
 Revision: A



Development Summary

Total site area: 1028.00sqm		Dwelling 3		Dwelling 4		TOTAL GROSS FLOOR AREA		TOTAL GROSS FLOOR AREA	
Dwelling 1	170.00sqm	Dwelling 3	170.00sqm	Dwelling 4	170.00sqm	RESIDENTIAL	170.00sqm	RESIDENTIAL	170.00sqm
Dwelling 2	170.00sqm	Dwelling 4	170.00sqm	Garage	170.00sqm	Garage	170.00sqm	Garage	170.00sqm
Garage	170.00sqm	Verandah	170.00sqm	Verandah	170.00sqm	Verandah	170.00sqm	Verandah	170.00sqm
Verandah	170.00sqm	Verandah	170.00sqm	Verandah	170.00sqm	Verandah	170.00sqm	Verandah	170.00sqm
Verandah	170.00sqm	Verandah	170.00sqm	Verandah	170.00sqm	Verandah	170.00sqm	Verandah	170.00sqm
Verandah	170.00sqm	Verandah	170.00sqm	Verandah	170.00sqm	Verandah	170.00sqm	Verandah	170.00sqm
Verandah	170.00sqm	Verandah	170.00sqm	Verandah	170.00sqm	Verandah	170.00sqm	Verandah	170.00sqm
Verandah	170.00sqm	Verandah	170.00sqm	Verandah	170.00sqm	Verandah	170.00sqm	Verandah	170.00sqm
Verandah	170.00sqm	Verandah	170.00sqm	Verandah	170.00sqm	Verandah	170.00sqm	Verandah	170.00sqm

1 JUN 2014

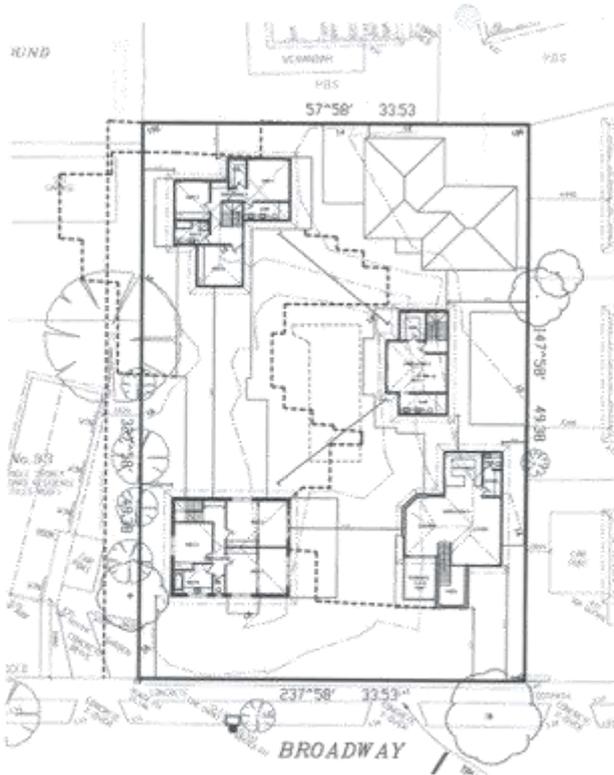
PROPOSED GROUND FLOOR PLAN



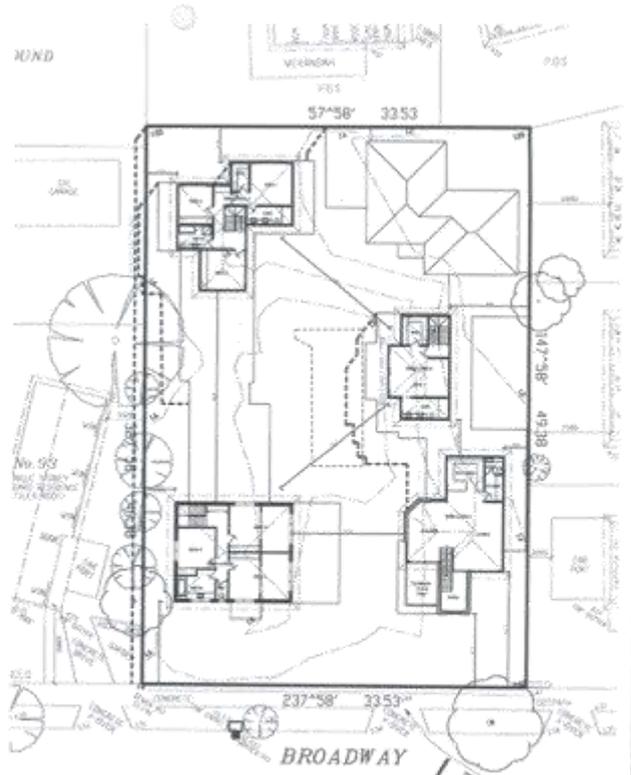
firo

Client: Mr. R. ROBERTS
 Project: PROPOSED DEVELOPMENT
 Address: 95 BROADWAY, BONBEACH
 Drawing Title: PROPOSED GROUND FLOOR PLAN
 Date: 06/05/14
 Scale: 1:100
 Drawn by: J. J. COOPER
 Date: 10/01/14
 Drawing # 1004
 Revision: A





SHADOWS 9AM

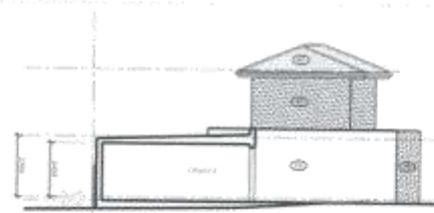


SHADOWS 12 NOON



SHADOWS 3PM

NOTE: SHADOWS CALCULATED ON 22nd SEPTEMBER EQUINOX



NORTH-WEST ELEVATION - DWELLING 4



NORTH-WEST ELEVATION - DWELLING 5

FINLEY, ROBERTS, USISON

Client: MR & MRS [unreadable]
 Proposed DEVELOPMENT:
 Address: 95 BROADWAY, BONBEACH
 Drawing title: SHADOWS PLAN
 Date: 04.05.11
 Scale: 1:500
 Drawn by: JR-01
 Job #: 10-011
 Drawing #: 1001
 Revision: A

ADVERTISED



Ordinary Meeting of Council

27 October 2014

Agenda Item No: 8.5

KP14/531 - 316-322 KINGSTON ROAD, CLARINDA

Contact Officer: Andrew Stubbings, Senior Planner

Purpose of Report

This report is for Council to consider Planning Application 316 - 332 Kingston Road, Clarinda – Planning Permit Application No. KP14/531

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 determine to support the proposal and issue a Planning Permit to develop the land for the construction of alterations and additions to the existing Education Facility at 316 - 332 Kingston Road, Clarinda, subject to the conditions contained within this report.

316 - 332 Kingston Road, Clarinda – Planning Permit Application No. KP14/531

Executive Summary for Planning Ordinary Council Meeting

APPLICATION No:	KP14/531
LAND:	316 - 332 Kingston Road, Clarinda
PLANNING OFFICER:	Andrew Stubbings
PROPOSAL:	construction of alterations and additions to the existing Education Facility
PERMIT TRIGGER:	Clause 37.01-4 Buildings and Works
EXISTING SITE CONDITIONS:	Buildings associated with an Education Centre (Heatherton Christian College)
APPLICANT:	DKO Architects
ZONE / OVERLAYS:	Clause 36.04 Road Zone Clause 37.01 Special Use Zone Schedule 5 Clause 45.01 Public Acquisition Overlay
POLICY AREA	Clause 21.10 Non Urban Areas
OBJECTIONS	N/A

1.0 DESCRIPTION OF PROPOSAL

1.1 The application seeks to develop the land for the construction of buildings and works comprising an extension/alterations to the existing school building on this site. The main works proposed include the partial enclosure of the existing courtyard located within the northern section of the site. The proposal also includes the construction of glass house and green house to the rear of the land.

2.0 SUBJECT SITE AND SURROUNDS

2.1 The following map illustrates the subject site in its surrounding context.



- 2.2 The subject site comprises a total site area of 23,145m² and is located on the south-west corner of the Kingston Road and Old Boundary Road intersection in Clarinda. It is currently occupied by an existing, single storey, building which is used for the purpose of a place of assembly (church) and education centre (Primary and Secondary School) and associated car parking. The building extends along the northern end of the site towards the Kingston Road frontage.
- 2.3 Land abutting the west boundary of the subject land is zoned as Green Wedge Schedule 4 and it is currently developed for a market and vegetables farm. Land to the south is reserved for the construction of the Dingley Bypass under a Public Acquisition Overlay. Land to the north and east are occupied by Kingston Road and Boundary Road respectively.

3.0 KEY PLANNING CONSIDERATIONS

- 3.1 The key planning considerations relate to:

(a) Design & Built Form

The proposed extensions and additions are considered to be consistent with the planning scheme requirements and with the existing building. The proposed extensions will not cause material detriment to adjoining properties and will provide for increased visual interest in the building.

(b) Compliance with the requirements of the Heatherton College Master Plan 2007.

The proposal is generally in accordance with the Heatherton College Master Plan 2007.

4.0 CONCLUSION

- 4.1 Based on a thorough assessment of the application against the relevant provisions of the Kingston Planning Scheme and taking into consideration the concerns raised by objectors, the proposal, subject to the inclusion of conditions, is deemed appropriate and should therefore be supported.

RECOMMENDATION

That Council determine to support the proposal and issue a Planning Permit to develop the land for the construction of alterations to existing building at No. 316 -332 Kingston Road, Clarinda subject to the following conditions:

1. The development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.
2. The proposed building alteration/extensions must be constructed and thereafter maintained in materials, styles and colours compatible with the existing building, to the satisfaction of the responsible authority.
3. All external surfaces of the building elevations must be finished in accordance with the schedule on the endorsed plans and maintained in good condition to the Responsible Authority's satisfaction.
4. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.

5. In accordance with section 68 of the *Planning and Environment Act 1987 (The Act)*, this permit will expire if one of the following circumstances applies:

- The development is not started before two (2) years from date of this permit.
- The development is not completed before four (4) years from the commencement of works.
- The use is discontinued for a period of two (2) years.

In accordance with Section 69 of The Act, the responsible authority may extend the periods referred to if a request is made in writing:

- before the permit expires; or
 - within six (6) months after the permit expiry date, where the development allowed by the permit has not yet started; or
 - within twelve (12) months after the permit expiry date, where the development allowed by the permit has lawfully started before the permit expires.
-

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

OR

In the event that the Council wishes to oppose the Officer's recommendation to approve the application, it can do so on the following grounds:

1. The proposal fails to comply with the purpose of the Schedule 5 to Clause 37.01 Special Use Zone of the Kingston Planning Scheme; and
2. The proposal is inconsistent with the orderly planning of the area pursuant to Clause 65 of the Kingston Planning Scheme.

**City of Kingston
Ordinary Meeting of Council**

Agenda

27 October 2014

PLANNING OFFICER REPORT	
APPLICANT	DKO Architects
ADDRESS OF LAND	316 – 322 Kingston Road, Clarinda
PLAN OF SUBDIVISION REFERENCE	Lot 2 on PS434823H
PROPOSAL	Extensions to an existing building associated with an education centre
PLANNING OFFICER	Andrew Stubbings
REFERENCE NO.	KP14/531
ZONE	Clause 36.04 Road Zone Clause 37.01 Special Use Zone Schedule 5
OVERLAYS	Clause 45.01 Public Acquisition Overlay
OBJECTIONS	N/A
CONSIDERED PLAN REFERENCES/DATE RECEIVED	1 July 2014
ABORIGINAL CULTURAL HERITAGE SENSITIVITY	No

1.0 KEY ISSUES

1.1. The main issues arising from this proposal relate to:

- Design & Built Form; and
- Compliance with the requirements of the Heatherton College Master Plan 2007.

2.0 SITE & SURROUNDS

- 2.1. The subject site comprises a total site area of 23,145m² and is located on the south-west corner of the Kingston Road and Old Boundary Road intersection in Clarinda. It is currently occupied by an existing, single storey, building which is used for the purpose of a place of assembly (church) and education centre (Primary and Secondary School) and associated car parking. The building extends along the northern end of the site towards the Kingston Road frontage.
- 2.2. Land abutting the west boundary of the subject land is zoned as Green Wedge Schedule 4 and it is currently developed for a market and vegetables farm. Land to the south is reserved for the construction of the Dingley Bypass under a Public Acquisition Overlay. Land to the north and east are occupied by Kingston Road and Boundary Road respectively.

3.0 TITLE DETAILS

- 3.1. There are no restrictions listed on the Certificate of Title.

4.0 PROPOSAL

- 4.1. The proposal is for the construction of buildings and works comprising an extension to the existing school building on this site:

4.2. Further details of the proposal include;

- the buildings and works will consist of an 300m² extension to the existing building to partially cover the courtyard area located on the north side of the site. The proposed extension would be a maximum of 5m in height.
- the works associated with this extension will include a combination of metal with timber battens and painted CFC panellings for the roof and a combination of timber with concrete for the flooring;
- the proposal also includes an upgrade of the existing classrooms, kitchen areas and admin area for more flexible uses (internal); and
- a new garden shed, green house and glass house is also proposed for the site. They will be located towards the south-western corner of the subject site.

4.3. Council officers note that the proposal does not include an increase in the maximum number of students as required by the schedule 5 of the Special Use Zone.

5.0 PLANNING CONTROLS

5.1. The subject site is located within an a Special Use Zone - Schedule 5 (Heatherton Christian College)

5.2. The subject site is also subject to a Public Acquisition Overlay. This applies to the southern boundary of the site which is adjacent to the proposed Dingley Bypass.

5.3. Kingston Road is in a Road Zone Category 1.

6.0 PLANNING PERMIT REQUIREMENTS

6.1. Pursuant to Clause 37.01-4 – Special Use Zone, a Planning Permit is required to construct Buildings and Works. The Schedule does not exempt any buildings and works.

6.2. Given the proposed works would not result in changes to car parking or existing access to the site a planning permit is not required under Clause 52.29 – Land Adjacent to a Road Zone or Clause 52.06 Park Parking of the Kingston Planning Scheme.

6.3.

7.0 RELEVANT HISTORY

7.1. Council records indicate that numerous planning permits have been issued for the subject site with the following been the most important/recent ones:

- Amendment C94 was gazetted on 12 February 2009, which approved the rezoning of the Heatherton Christian College land at No. 316-322 Kingston Road, Clarinda, from Green Wedge Zone 4 to Special Use Zone 5 and introduces an incorporated document titled ' Heatherton Christian College Master Plan, 2007' to facilitate the future staged expansion of the Heatherton Christian College.
- Planning Permit No. KP98/406 was issued by the City of Moorabbin on 12 October 1998, which allowed the use of the site for an education centre.
- Planning Permit No. KP-931/2008 issued by the City of Kingston on the 30 December 2009 for the erection of a portable classroom.
- Planning Permit No. KP -626/2009 issued by the City of Kingston on 5 February 2010 to construct buildings an works associated with the existing education centre/school

generally in accordance with the requirements of the Schedule 5 to the Special Use Zone.

8.0 AMENDMENT TO THE APPLICATION BEFORE NOTIFICATION

8.1. Amendments to the application were made by the applicant on 1 July 2014. The amendments included further information of the proposed works with updated plans showing dimensions of existing and proposed buildings on site.

9.0 ADVERTISING

9.1. Pursuant to section 6 of the Schedule 5 to the Special Use Zone an application to construct a building or construct or carry out works which is generally in accordance with the Heatherton Christian College Master Plan. June 2007 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.

10.0 REFERRALS

10.1. No external referrals were required in respect of this application.

11.0 RELEVANT POLICIES

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

- Clause 17 – Economic Development
- Clause 19 – Infrastructure

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

- Clause 21.10 – Non Urban Areas

11.3. **Zoning**

The site is located in the following Zone:

- Clause 37.01 – Special Use Zone Schedule 5

11.4. **Overlays**

The following Overlay Controls apply to this site:

- Clause 45.01 – Public Acquisition Overlay

11.5. **Particular Provisions**

- N/A

11.6. **General Provisions**

Clause 65: Decision Guidelines

12.0 PLANNING CONSIDERATIONS:

12.1. State Planning Policy Framework

The application has been assessed against the State Planning Policy Framework and it is considered that the proposed development is consistent with relevant policies contained within this section of the Kingston Planning Scheme. It is considered that the proposed works would make a positive contribution to the existing education facility operating from the site providing for an improved building and facilities for students attending this site. This is consistent with the general objectives of both **Clause 15** Building Environment and Heritage and **Clause 19.02** (Education Facilities) of the Kingston Planning Scheme.

12.2. Local Planning Policy Framework

The application has been assessed against the Local Planning Policy Framework and it is considered that the proposed development is consistent with relevant policies contained within this section of the Kingston Planning Scheme. It is also considered that the proposed works would improve the functionality of the existing courtyard in benefit of the students and staff attending the site, also the internal works and the proposed new garden shed, green house and glass house would allow for further educational horticultural activities to occur on site. The proposed works are also considered to be in line with the existing building on the land. This is consistent with the requirements of **Clause 21.04** Vision and **Clause 21.05** Residential Land Use of the Kingston Planning Scheme.

12.3. Zoning Provisions

The application has been assessed against the relevant zoning (General Residential Zone) and it is considered that the proposed development is consistent with the purpose of the zoning controls contained within the Kingston Planning Scheme.

The proposal is considered to be appropriate due to the following reasons:

- The proposal is generally in accordance with the Heatherton Christian College Master Plan. The proposal is consistent with the goals of the master plans which included a ground floor extension comprising of a kitchen area and the construction of a covered outdoor area and amenities. It is noted that the stages of this master plan have not been fully implemented;
- The proposed works allow the continuation of the existing education facility to meet the needs of the community.
- As the works proposed within the courtyard area would be within the internal courtyard it is not anticipated that the proposal would be visible from the street or adjoining properties. The proposed works associated with the green house and glass house should not result in adverse amenity impacts to adjoining properties as they would be minor in nature and setback from the western boundary of the site.
- The proposed structures would be constructed with high-standard materials that would both be consistent with the existing buildings on the land and the existing rural infrastructure and provide for an improved appearance.

12.4. Overlay Provisions

The application has been assessed against the relevant overlays (Public Acquisition Overlay) and it is considered that a permit is not required in this instance as the overlay only applies to the southern section of the land and the proposed work are outside of this area.

12.5. Particular Provisions

No particular provisions apply in this instance.

12.6. Aboriginal Cultural Heritage

It is important to note that the Subject Land is not identified in an area of Aboriginal Cultural Heritage Sensitivity.

13.0 GENERAL COMMENT

13.1. The proposed extensions and additions are considered to be consistent with the planning scheme requirements and with the existing building. The proposed extensions will not cause material detriment to adjoining properties and will provide for increased visual interest in the building.

13.2. The proposal is generally in accordance with the Heatherton College Master Plan 2007. There are no other planning issues considered applicable to this development.

14.0 CONCLUSION:

14.1. On balance, the proposal is considered to substantially comply with the relevant planning policy and therefore should be supported.

14.2. As outlined above, 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.

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

- The design and siting of the proposed development to be compatible with the surrounding area;
- The proposal should not have a detrimental impact on surrounding properties (subject to appropriate conditions); and,
- The proposal satisfies the requirements of the Kingston Planning Scheme, including the SPPF, MSS, Zoning / Overlay controls and Particular Provisions.

Appendices

Appendix 1 - KP14/531 - 316-322 Kingston Road, Clarinda - Considered Plans - (Trim No 14/122542)

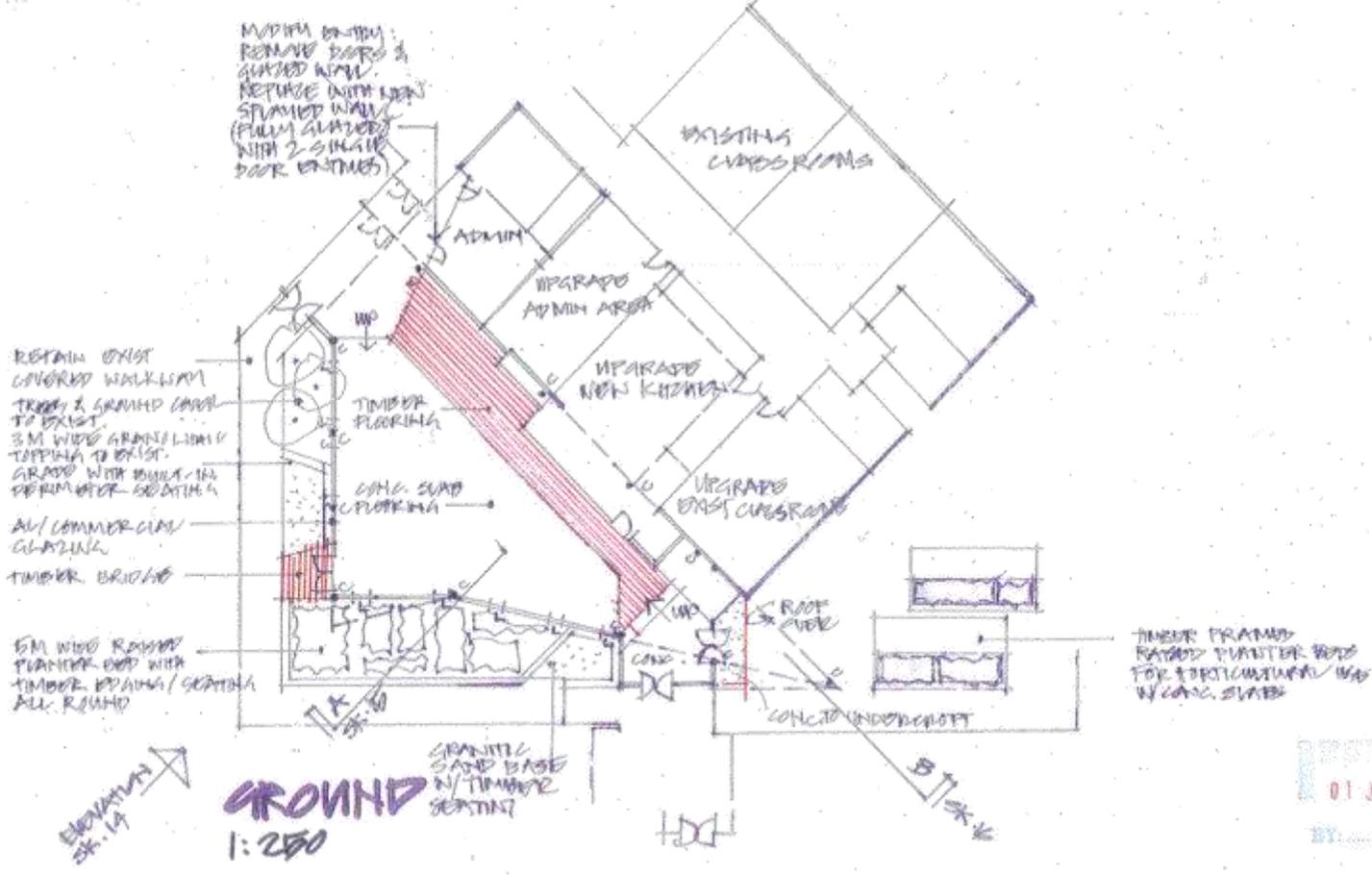
Author/s: Andrew Stubbings, Senior Planner

Reviewed and Approved By: Ian Nice, Manager City Development

8.5

KP14/531 - 316-322 KINGSTON ROAD, CLARINDA

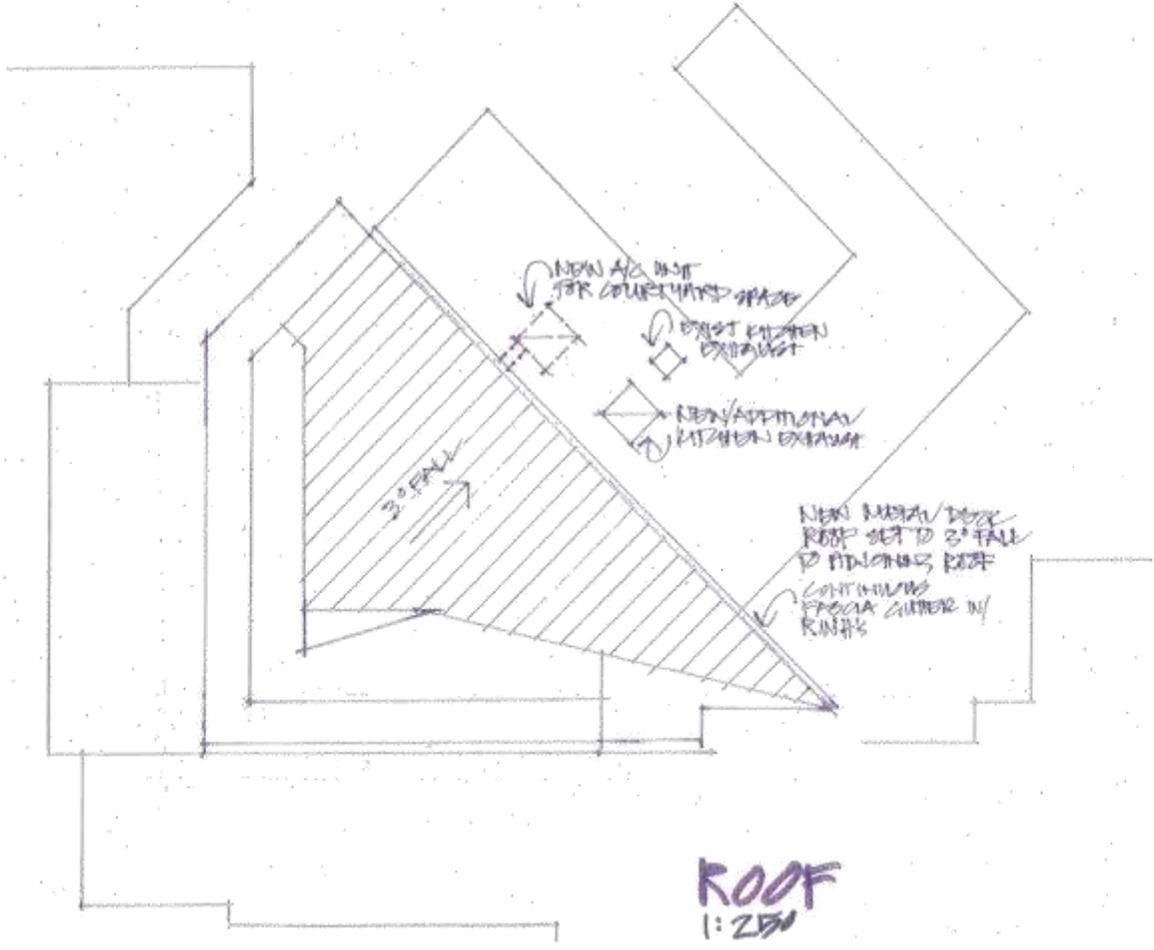
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heatherton christian college clarinda

town planning application / June 2014 TP06

01 JUL 2014
BY:

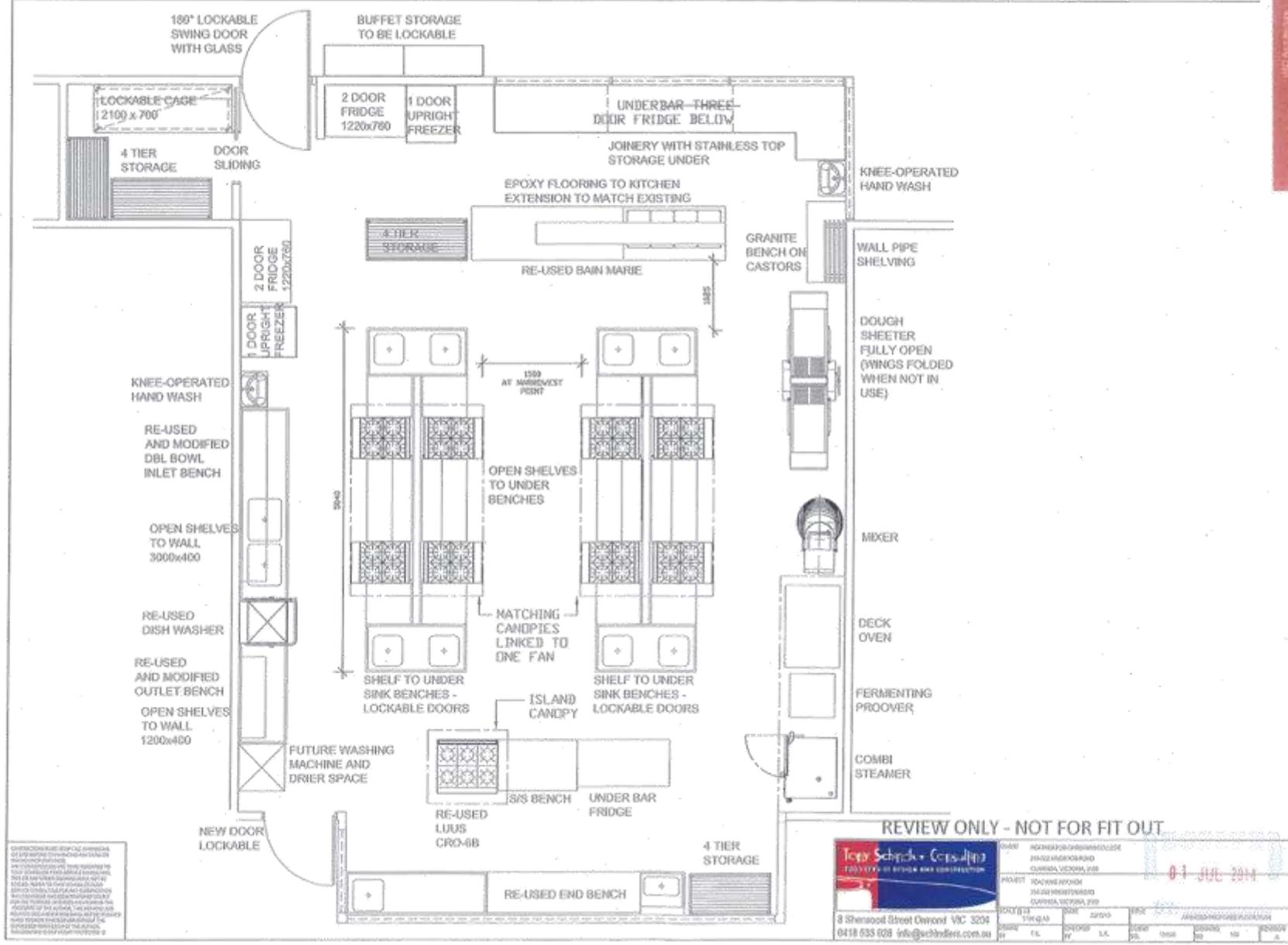


01 JUL 2014

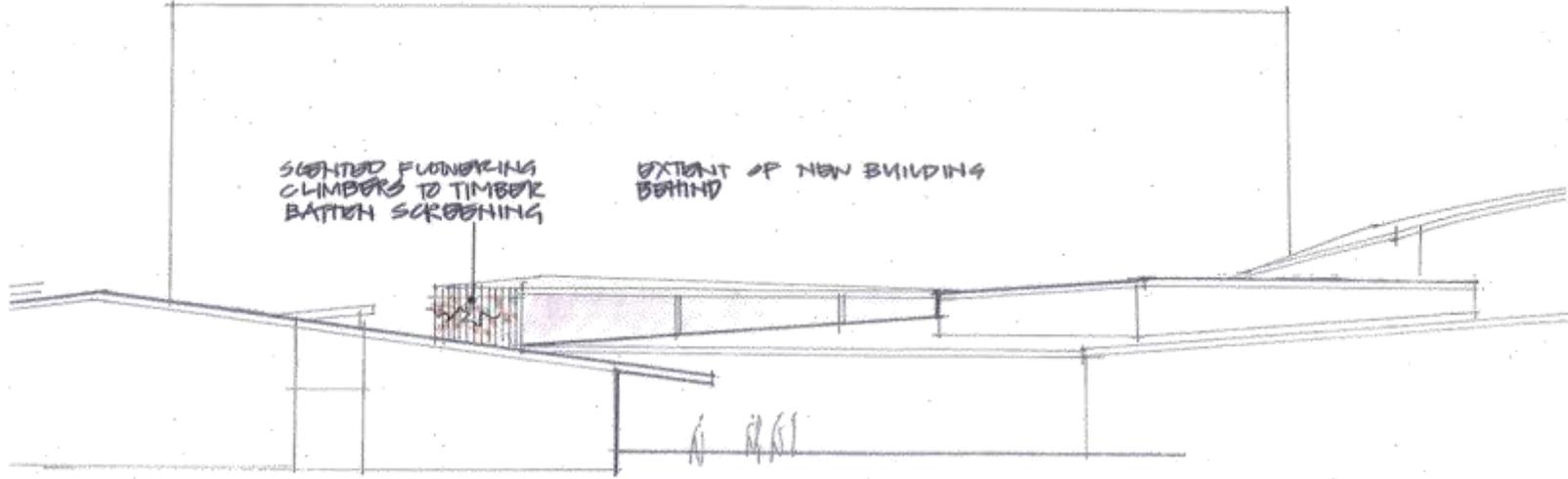


heatherton christian college clarinda

town planning application June 2014 TP07



heatherton christian college clarinda
town planning application / june 2014 TP08



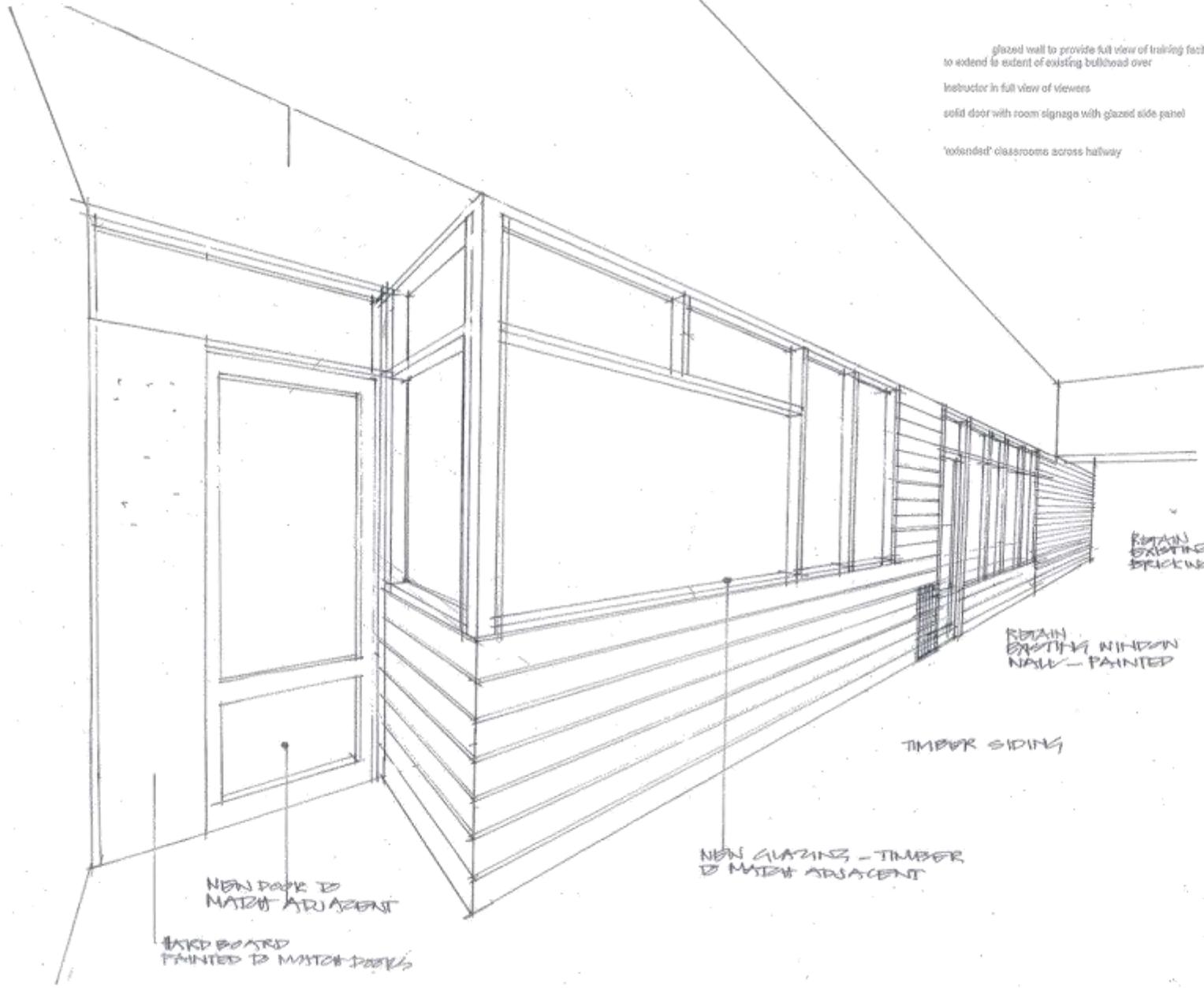
SOUTH ELEVATION
 FROM SCHOOL YARD
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RECEIVED
 01 JUL 2014



heatherton christian college clarinda

town planning application /june 2014 TP16



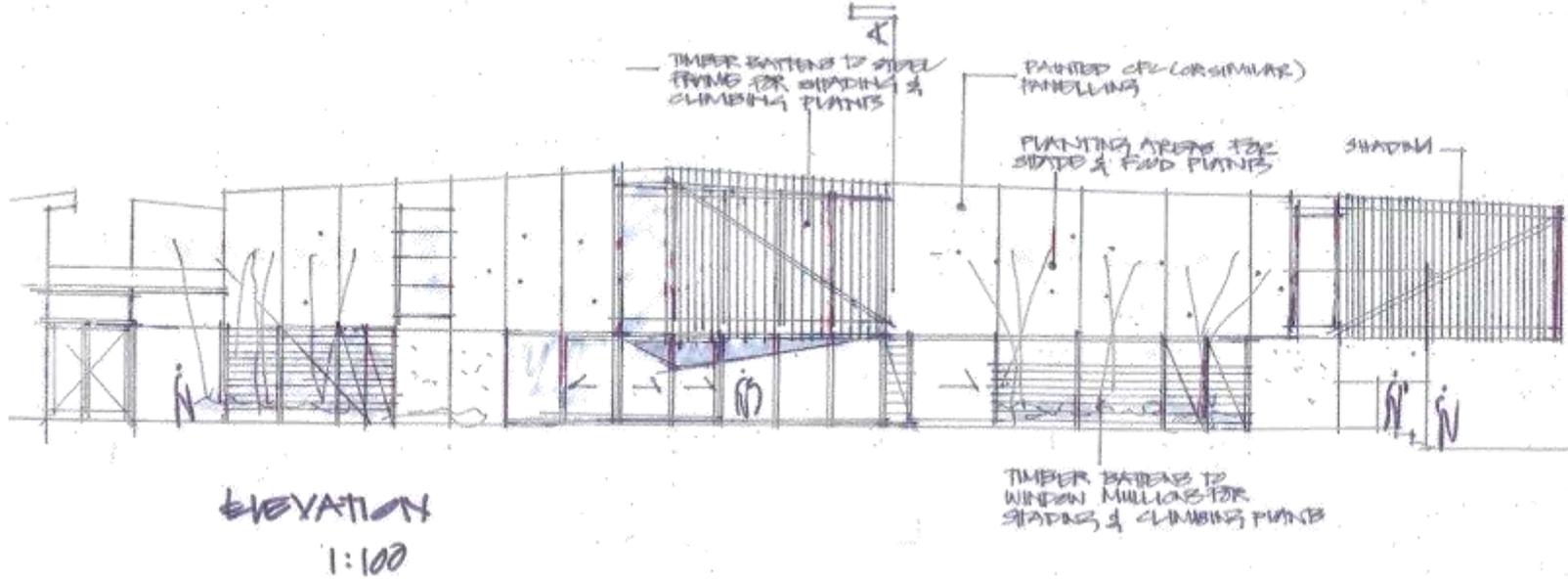
glazed wall to provide full view of training facility to extend to extent of existing bulkhead over instructor in full view of viewers
 solid door with room signage with glazed side panel
 'extended' classrooms across hallway



heatherton christian college clarinda

town planning application / june 2014 TP09

01 JUL 2014



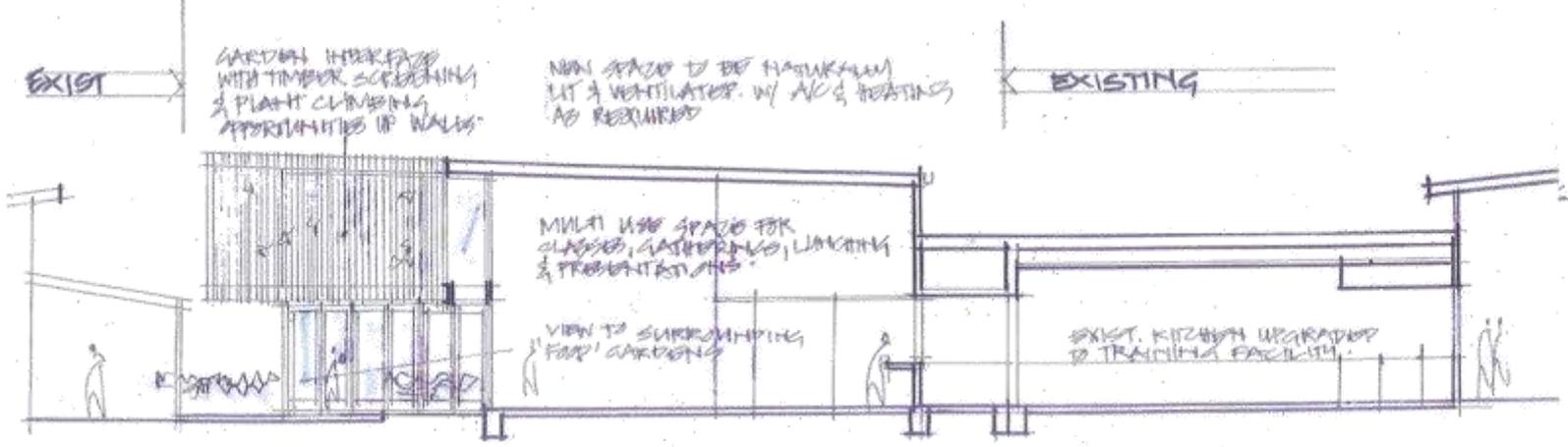
ELEVATION
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RECEIVED
01 JUL 2014



heatherton christian college clarinda

town planning application / June 2014 TP10



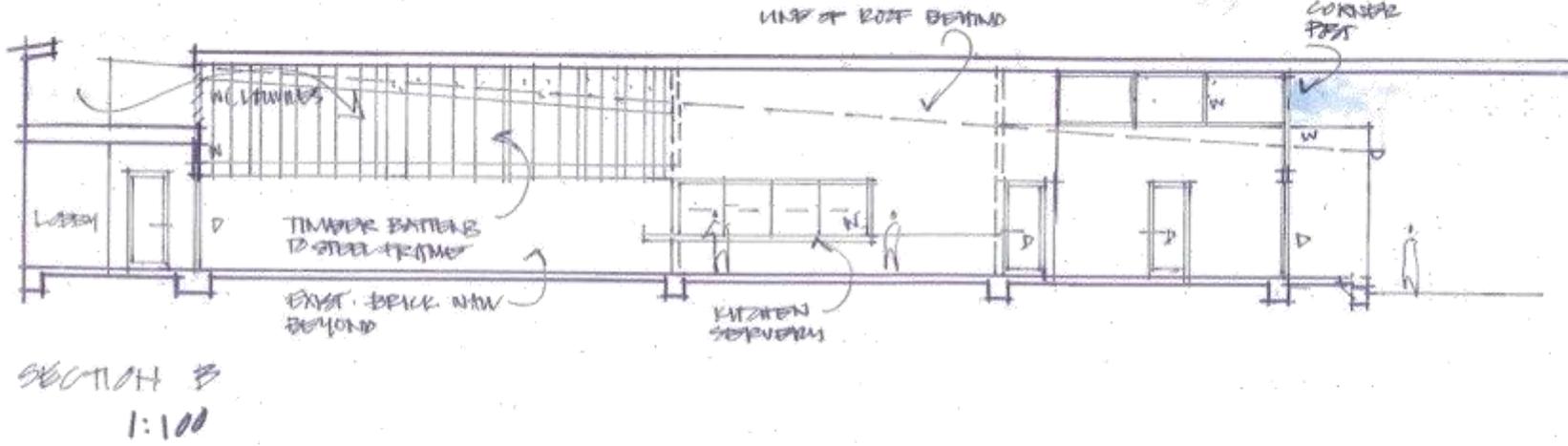
SECTION A
1:100



heatherton christian college clarinda

town planning application / june 2014 TP11





MATERIAL SCHEDULE

External

- ROOFING: timdek / off white colour
- CLADDING: CFC paneling with expressed fixings / painted to match existing buildings
- WINDOWS: aluminium framed with powdercoat finish / off white colour
- DOORS: aluminium framed with powdercoat finish / off white and toughened glass
- SCREENING: timber battens / stained fixed to galv steel framing

Internal

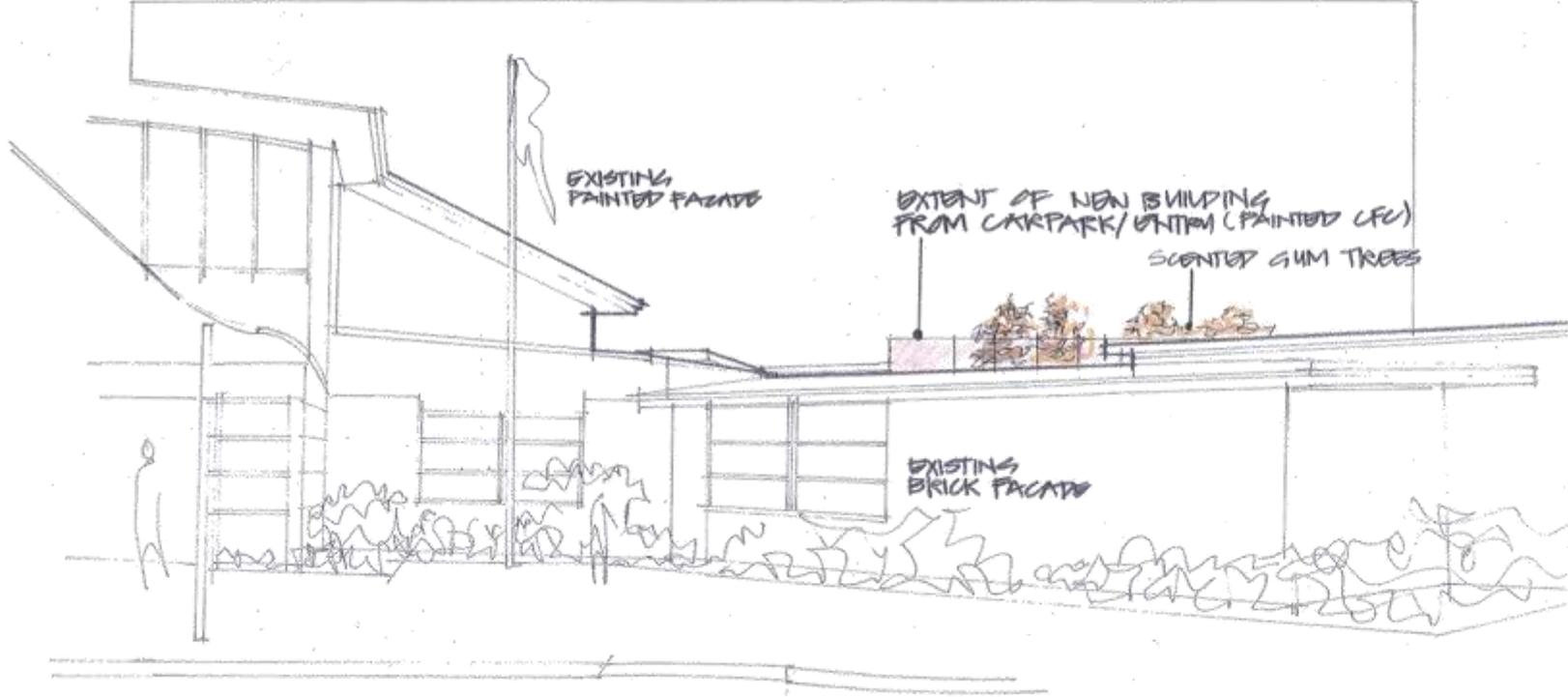
- CEILING: acoustic paneling / painted
- WALLS: plasterboard / painted typically
- WINDOW: Timber boarding to kitchen/corridor wall. Stained and sealed
- FLOORING: carpet squares to selected pattern
- Kitchen flooring / troweled granular finish to match existing.



heatherton christian college clarinda

town planning application / June 2014 TP12

RECEIVED
01 JUL 2014
BY: _____



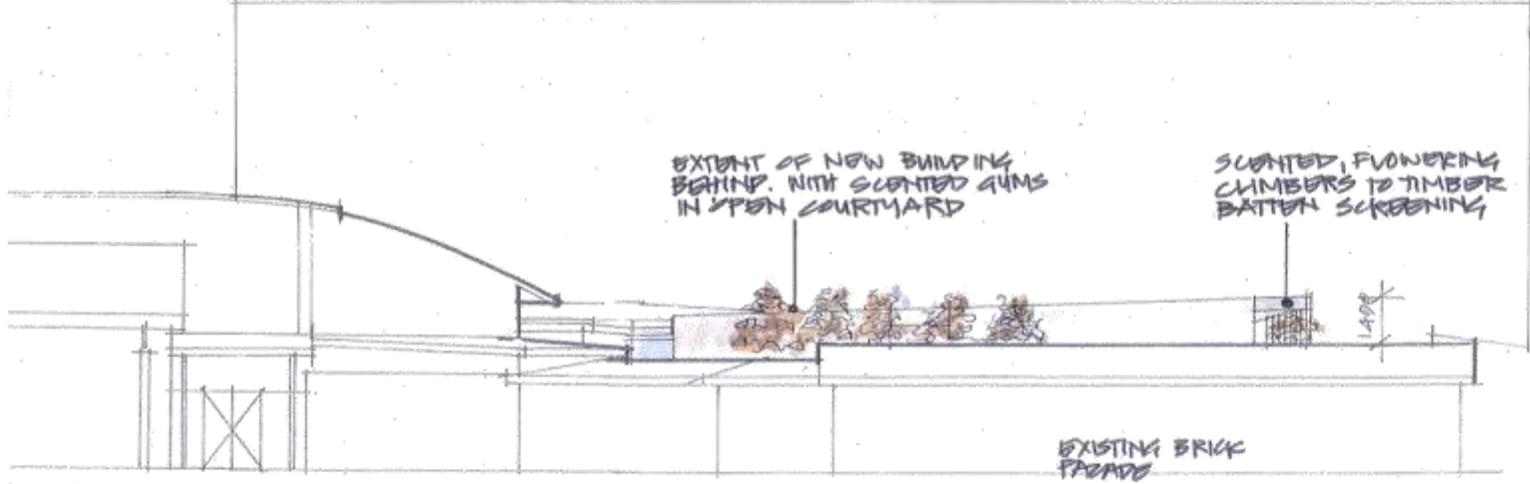
VIEW AT FRONT ENTRY.
N.T.S.

01 JUL 2014

heatherton christian college clarinda

town planning application /june 2014 TP13





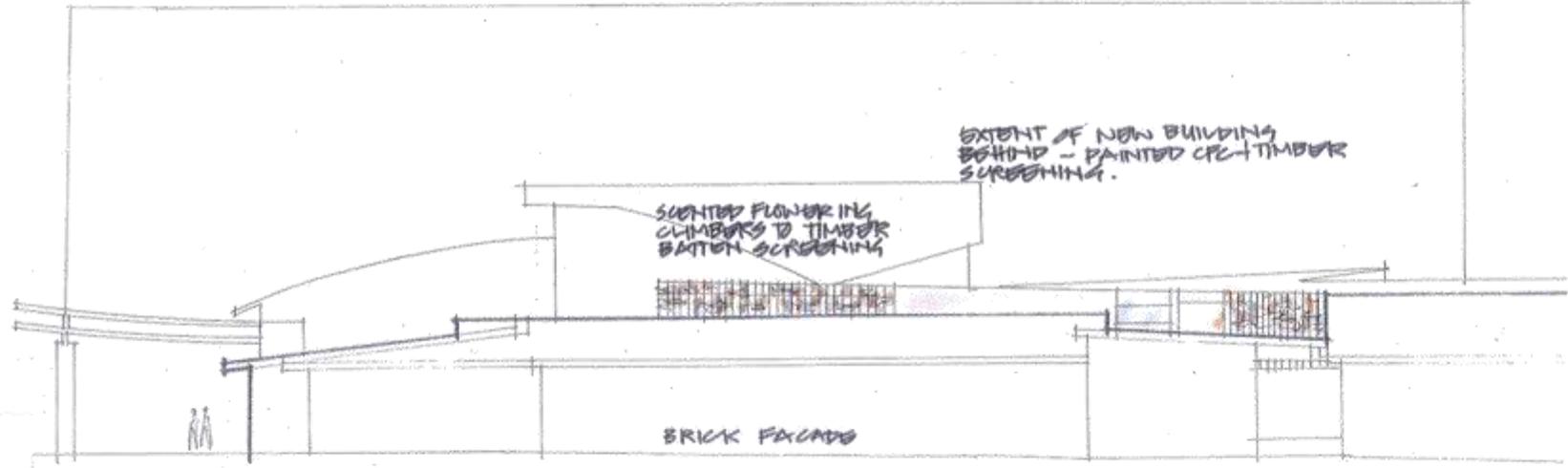
NORTH / KINGSTON RD
ELEVATION
1:200

01 JUL 2014

heatherton christian college clarinda

town planning application / june 2014 TP14



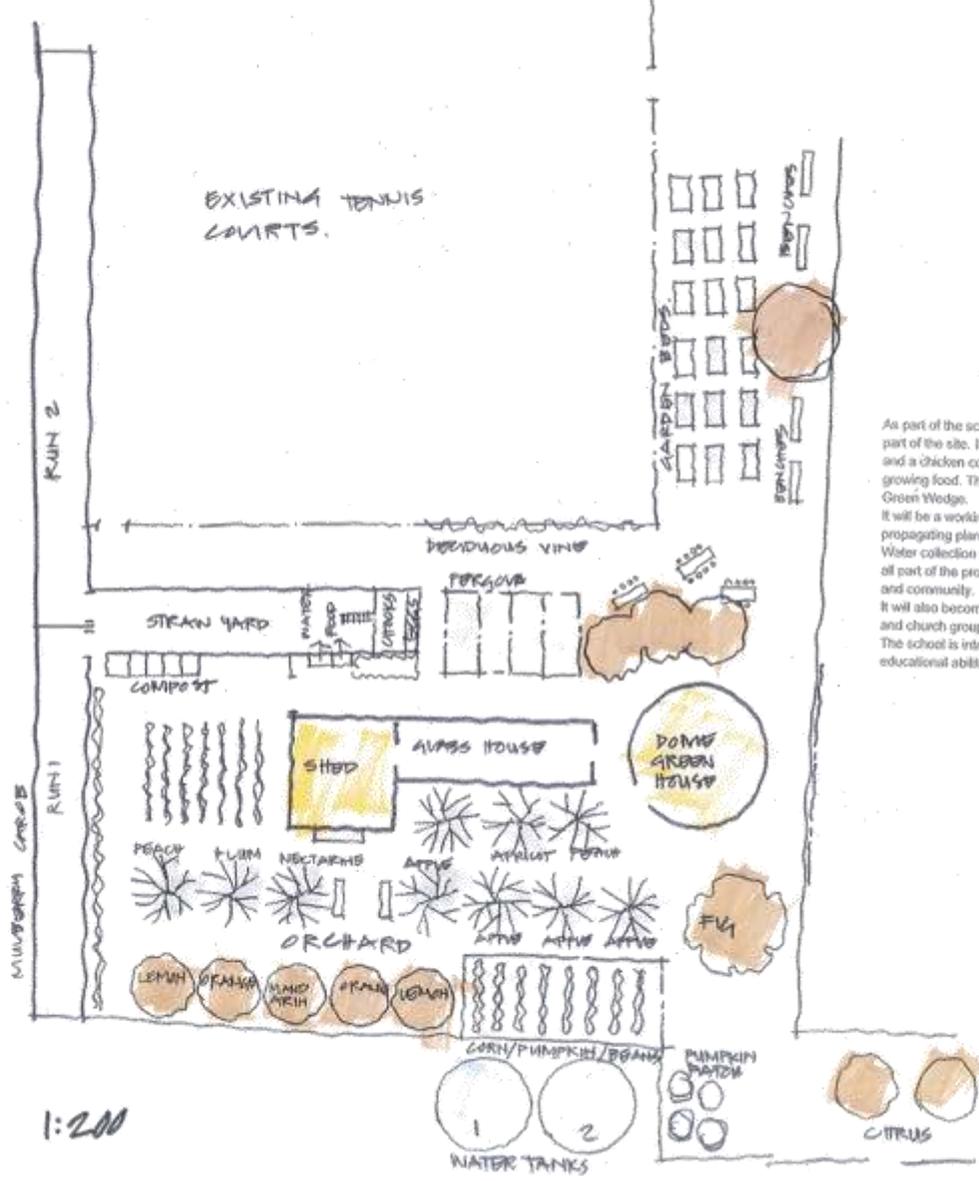


WEST ELEVATION
1:250

01 JUL 2014



heatherton christian college clarinda
town planning application /june 2014 TP15



As part of the school's horticultural program, it proposes a garden setting in the SE part of the site. It is a living garden including vegetables and herbs, a fruit orchard and a chicken coop. It is intent on showing the full process of raising a garden and growing food. This is particularly relevant in this market garden district of the Kingston's Green Wedge.

It will be a working garden with storage for tools and fertilizers, green house for propagating plants and a glass house for working with plants in an educational forum. Water collection and reuse, composting, fresh eggs and chicken manure fertilizer are all part of the program as well as growing food to eat going directly to the training kitchen and community.

It will also become a point of interest for other structured school activities with parents and church groups.

The school is intent on creating a quality 'permaculture' course that will enhance the school's educational abilities.

01 JUL 2014



heatherton christian college clarinda
town planning application / june 2014 TP17



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VOLUME 10691 FOLIO 311

Security no : 124651150167V
Produced 27/06/2014 12:44 pm

LAND DESCRIPTION

Lot 2 on Plan of Subdivision 434823H.
PARENT TITLES :
Volume 02872 Folio 988 Volume 10664 Folio 814
Created by instrument PS434823H 26/11/2002

REGISTERED PROPRIETOR

Estate Fee Simple
Sole Proprietor
KINGSTON CITY COUNCIL INC of 316-322 KINGSTON ROAD HEATHERTON VIC 3282
AB952544U 04/02/2003

ENCUMBRANCES, CAVEATS AND NOTICES

MORTGAGE AX6480348 16/10/2013
COMMONWEALTH BANK OF AUSTRALIA

CAVEAT as to part AJ599725J 13/04/2012

Caveator
UNITED ENERGY DISTRIBUTION PTY LTD
Capacity SEE CAVEAT
Lodged by
O'DONNELL SALZANO LAWYERS
Notices to
O'DONNELL SALZANO LAWYERS of LEVEL 4 170 QUEEN STREET MELBOURNE VIC 3000

Any encumbrances created by Section 38 Transfer of Land Act 1958 or Section 24 Subdivision Act 1988 and any other encumbrances shown or entered on the plan set out under DIAGRAM LOCATION below.

DIAGRAM LOCATION

SEE PS434823H FOR FURTHER DETAILS AND BOUNDARIES

ACTIVITY IN THE LAST 125 DAYS

NIL

-----END OF REGISTER SEARCH STATEMENT-----

Additional information: (not part of the Register Search Statement)

Street address: 316-322 KINGSTON ROAD CLARINDA VIC 3169

DOCUMENT END



Imaged Document Cover Sheet

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Number of Pages (excluding this cover sheet)	2
Document Assembled	27/06/2014 14:13

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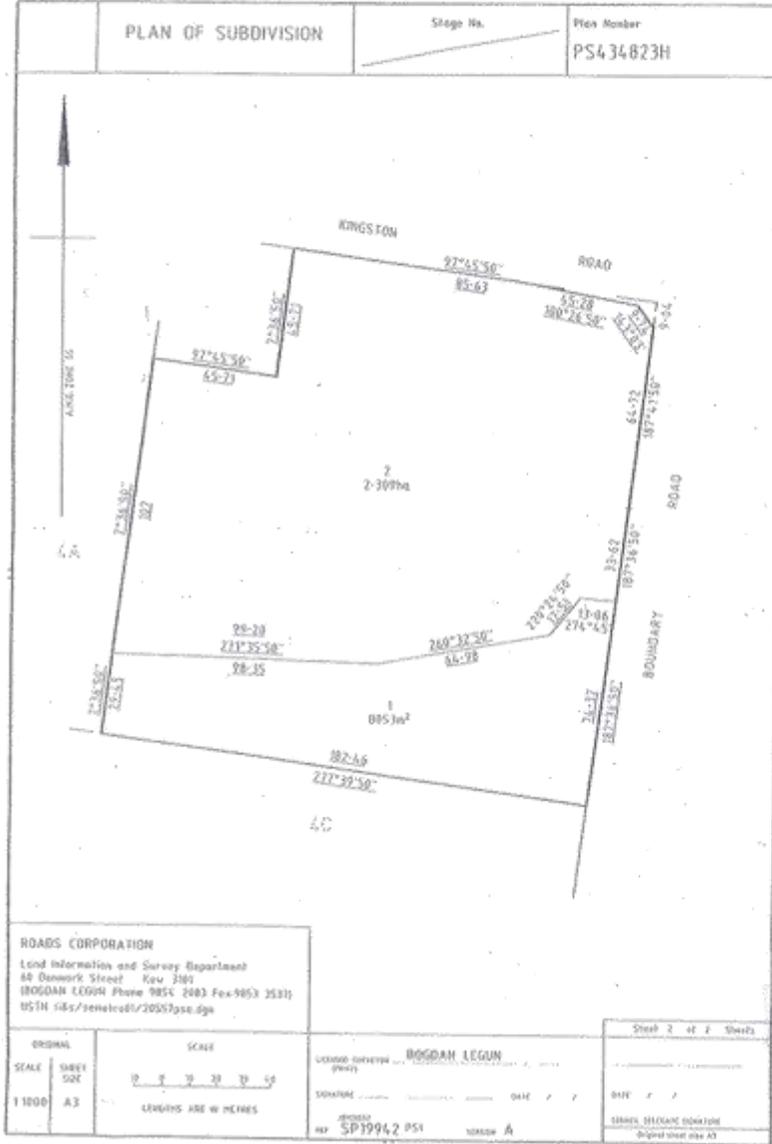
heatherton christian college clarinda
town planning application June 2014 TP18



Delivered by LANDATA®: Land Victoria timestamp 27/06/2014 13:58 Page 1 of 2

PLAN OF SUBDIVISION		STAGE NO.	LTO use only EDITION 1	Plan Number PS434823H
Location of Land Parish: MORDALLOE Township: _____ Section: 15 Crown Allotment: 4B (PART) Crown Portion: _____ LTO Base Record: VEMAP DIGITAL PROPERTY (URBAN) Title Reference: C/T 1064/874 C/T 8877/988		Council Certification and Endorsement Council Name: KINGSTON CITY COUNCIL Ref: K3001456 1. This plan is certified under section 6 of the Subdivision Act 1988. 2. This plan is certified under section 122 of the Subdivision Act 1988. 3. This is a statement of compliance issued under section 27 of the Subdivision Act 1988. 4. A requirement for public open space under section 18 of the Subdivision Act 1988 has/has not been made. 5. The requirement has/has not been satisfied. 6. The requirement is to be satisfied in Stage _____.		
Lost Plan Reference: PS4301AL L&S Partial Address: BOGDAN ROAD Sub Area of Subdivision: HEATHERTON 3101 AMG Co-ordinates: E 334600 N 5794900 ZONE: 55		ROAD SPACE 10. A requirement for public open space under section 18 of the Subdivision Act 1988 has/has not been made. 11. The requirement has/has not been satisfied. 12. The requirement is to be satisfied in Stage _____. Council Delegate: _____ Council Seat: _____ Date: ____/____/____ Re-certified under section 102 of the Subdivision Act 1988. Council Delegate: _____ Council Seat: _____ Date: ____/____/____		
Vesting of Roads and / or Reserves Roads and reserves vest in the council/body/person named when the appropriate vesting date is provided or transfer registered. The roads and related matters that do not vest upon registration of this plan.		Notations Staging: This block is a staged subdivision. Planning Permit No. _____ Depth Limitation: DOES NOT APPLY		
DIMENSIONS UNDERLINED ARE NOT THE RESULT OF THIS SURVEY AREA OF LOT 1 IS DEDUCED BY SUBTRACTION FROM TITLE. AREA OF LOT 2 IS DEDUCED BY ADDITION TO TITLE.		The land being subdivided is enclosed within thick continuous lines. Survey: This plan is based on a survey and is compiled from Survey Corporation SP19942. This survey has been connected to permanent marks held by Survey Corporation in Proclaimed Survey Area No. _____.		
Easement Information Legend: E - Easement Easement or Easement in Gross Shown in the Picture of an Easement A - Appurtenant Easement R - Encumbering Easement (Road)		LTO use only Statement of Compliance/Exemption Statement Received <input checked="" type="checkbox"/> Date 26/11/2014		
Easements marked with an existing easement. Easements marked with an arrow show the appropriate vesting date is recorded or transfer registered. Easements marked with an arrow show the appropriate vesting date is recorded or transfer registered.		LTO use only PLAN REGISTERED Time 8:07am Date 26/11/2014 Signature: _____ Assistant Registrar of Titles Sheet 1 of 2 Sheets		
ROADS CORPORATION Land Information and Survey Department 40 Donopark Street, Row 3101 (BOGDAN LEGUN Phone 9854 2083 Fax 9853 3531) USTN: 084/Service01/20551psa.dgn		BOGDAN LEGUN SIGNATURE: _____ DATE: 27/07/2014 TIME: 04:30 PM ORIGINAL BOGDAN LEGUN Original sheet size A3		

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heatherton christian college clarinda
 town planning application / June 2014 TP19

07 JUL 2014

Ordinary Meeting of Council

27 October 2014

Agenda Item No: 8.6

FUNDING REQUEST - KINGSTON GREEN WEDGE

Contact Officer: Emily Boucher, Acting Team Leader Environment Planning

Purpose of Report

This report responds to the Council resolution on 22 September 2014 for Officers to prepare a funding submission to the State Government and Opposition relating to projects in Kingston's Green Wedge. This report responds to the Council resolution.

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. Support the sending of the attached letter to the State Government and Opposition to highlight State Government funding opportunities in the Kingston Green Wedge.

1. Executive Summary

Council was briefed on a range of opportunities for enhancements to the Kingston Green Wedge at its 22 September 2014 Ordinary Council Meeting.

Opportunities included advocating to the State Government to provide funding for the relevant State Government Department or Agency to commence the acquisition and open space development of parts of 91 – 185 Kingston Road, Heatherton (where filling is nearing completion) and for land connecting the Deals Road Reserve with Clayton Road proximate to Ryans Road. Opportunities were also identified to progress some projects outlined in the Kingston Green Wedge Landscape Plan.

With the time available since that meeting a brief letter has been prepared highlighting the support sought for these initiatives from the State Government and Opposition.

2. Background

The Green Wedge Plan clearly identifies that the Chain of Parks Concept as an important key direction for the future of the Green Wedge that will provide important open space for the surrounding community. Action 96 of the Green Wedge Plan states "continue implementation of the Sandbelt Open Space Project Development Plan May 1994 (known as the Chain of Parks Concept Plan)"

3. Discussion

3.1. Council Plan Alignment

Planned Outcome 2 - A Sustainable Natural and Built Environment

Strategy 2.2 - Green wedge planned and improved for current and future generations

The proposed action directly supports Strategy 2.2 of the Council Plan.

3.2. Consultation/Internal Review

Following the resolutions from the Council Meeting on the 22 September 2014, staff from across Council have been consulted in order to come up with estimated project costings recognising at this time no detailed project design has occurred.

Andrew Roberts – Acting Team Leader Public Place Projects

Hung Pham – Traffic Engineer

Newton Gattoff – Team Leader Property, Arts & Leisure

Michael Hayley – Acting Team Leader Sport & Recreation

3.3. Operation and Strategic Issues

3.3.1. State Government Land Acquisition

The Chain of Parks Concept identifies a number of land parcels in the Kingston Green Wedge that are/were former landfill sites and through a Public Acquisition Overlay (PAO) in favour of Parks Victoria, would one day become regional parkland. In most instances key sites which are contained within the Public Acquisition Overlay are not yet filled / rehabilitated and therefore unlikely to be readily acquired in the short term. Although this is generally the case, some opportunities exist for parcels to be assembled for the Chain of Parks Concept over coming years.

One such significant opportunity is part of the land at 91-185 Kingston Road, Heatherton. The western most portion of this site is in the process of being clean filled. Given the sites immediate proximity to established housing in Nicholas Grove, Heatherton, it could provide an opportunity to add substantially to the available open space immediately adjacent to the Henry Street Trail. This would provide an open space resource to local Heatherton residents and given its abuttal with the Bakers and Henry Street Trails would open access from other residential communities and Karkarook Park.

A further opportunity exists on the eastern side of Clayton Road where the Public Acquisition Overlay is applied to both the northern and southern side of Ryans Road. In the immediate future the acquisition of the land on the northern side of Ryans Road could be pursued and this would provide an opportunity to enhance the presentation of Ryans Road and formulate a link into the Deals Road Reserve. This project would help build upon the Chain of Parks work already advanced on the western side of Clayton Road between Leslie Road and Victory Road where public access to the informal parkland now exists.

Given the Kingston Planning Scheme recognises the acquiring authority as Parks Victoria for the purpose of Public Open Space it is appropriate that the required work to undertake the acquisition is completed by the acquiring authority.

3.3.2. State Government Support for Green Wedge Landscape Plan Projects

On 22 September 2014 Councillors identified four projects from the Green Wedge Landscape Plan which they requested a draft funding submission to be prepared for the State Government and opposition. The sites were:

H04 – Complete off-road link between the Barkers Street and Henry Street Trails. This directly links with the request for Land Acquisition above.

Advice received is that this project is likely to cost \$120,000.

H16 – provide for path network from Henry Street Trail to the Elder Street South road underpass along Old Dandenong Road.

Advice received is that this project is likely to cost \$300,000.

C06 – Create a single gated common entrance to the existing race track, pistol club and motorcycle track. Upon further consultation with staff a revised approach, placing a gate on Simpson Road, Clayton South to form a secure entrance to the Pistol and Motor Cycle Clubs, is recommended.

Advice received is that this project is likely to cost \$5,000.

D05 – prepare a master plan for Rowans Road former landfill site, to include two sports grounds.

Advice received is that the preparation of a master plan for this site has been costed at \$100,000.

A draft letter has been prepared outlining the opportunities and associated preliminary costs for those projects. The letter also recommends the acquiring authorities to advance the work required to acquire the sites set out in part 3.3.1 of this report.

3.4. Options

3.4.1. Option 1

That Councillors resolve to proceed with distribution of the letter included in Appendix 1 to the State Government and Opposition.

3.4.2. Option 2

That Councillors resolve to not proceed with the distribution of the letter included in Appendix 1 to the State Government and Opposition.

4. Conclusion

4.1. Environmental Implications

The Kingston Green Wedge Plan is explicit in recommending actions on the basis that it brings environmental and amenity improvements to the area. If support is gained for the land acquisition these will be instrumental in achieving the Chain of Parks Concept. Seeking support for projects identified in the Kingston Green Wedge Landscape Plan will also assist in the presentation of the Kingston Green Wedge.

4.2. Social Implications

The Council undertook a thorough process of engagement in developing its Kingston Green Wedge Plan and it is appropriate that actions relating to works in the Green Wedge continue to be advanced. Requesting support from the State Government and opposition in progressing the Chain of Parks concept is consistent with the intent of the Kingston Green Wedge Plan.

4.3. Resource Implications

The attached letter if approved can be distributed to State Government and opposition without any need for additional resources.

4.4. Legal / Risk Implications

The report does not present any legal implications for the Council as it seeks funding support.

Appendices

Appendix 1 - State Government Election Candidates Chain of Parks Advocacy Letter Oct 2014 (Trim No 14/129238)

Author/s: Emily Boucher, Acting Team Leader Environment Planning
Reviewed and Approved By: Jonathan Guttman, Manager City Strategy
Rachel Hornsby, General Manager Sustainable Planning and Development

8.6

FUNDING REQUEST - KINGSTON GREEN WEDGE

1	State Government Election Candidates Chain of Parks Advocacy Letter Oct 2014.....	207
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28 October 2014

Name Surname
Address Line 1
Address Line 2
City STATE 0000

Dear salutation

Re: Implementation of Kingston Chain of Parks concept

Following a resolution of the Council at its Ordinary Council Meeting on the 27 October 2014, I am writing to seek your support for projects the Council has identified as important in further enhancing the Kingston Green Wedge.

As you may be aware the implementation of the Chain of Parks within the Kingston Green Wedge is a key part of the Kingston Green Wedge Plan. Specifically we seek your commitment to commencing the acquisition and open space development of two parcels of land at 91-185 Kingston Road, Heatherton and land on the northern side of Ryans Road, connecting Deals Road Reserve with Clayton Road. We believe these parcels of land which are covered in the Kingston Planning Scheme by a Public Acquisition Overlay in favour of Parks Victoria can be acquired over the coming years in order to provide very important linkages in the identified Chain of Parks.

In addition to the acquisition of land, we ask that you provide \$525,000 of funding for four projects within the Kingston Green Wedge which Council believes will assist in improving pedestrian access and linkages within the Green Wedge. An allocation of funding of the amount requested would enable:

- Upgrading and completing the linkage between Barkers Street and Henry Street Trails in Heatherton (\$120,000)
- Provision of a path along Old Dandenong Road between the Henry Street Trail and the Elders Street South road underpass as part of the Dingley By-pass (\$300,000)
- Creation of a secure entrance on Simpson Road, Clayton South to the Motor Cycle and Pistol Clubs (\$5,000)
- Preparation of a master plan for Rowans Road, Dingley Village (\$100,000)

The request for support follows recent resolutions of the Council where it has already committed funds through its Green Wedge Reserve to support a range of on the ground initiatives that are helping to enhance its overall presentation.

Should you wish to further discuss these important opportunities please contact Rachel Hornsby, General Manager Sustainable Planning and Development on 9581 4707.

Yours sincerely

John Nevins
CEO, CITY OF KINGSTON

9. Community Sustainability Reports

Ordinary Meeting of Council

27 October 2014

Agenda Item No: 9.1

FEE SCHEDULE FOR THE FAMILY AND CHILDREN'S CENTRES 2014/15

Contact Officer: Tim Bearup, Acting Manager Family Youth & Children's Services

To seek approval of the fee schedule for the new Family and Children's Centres which commence operations in 2015.

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. Approve the following fee schedule for the Parkdale & Edithvale Family and Children's Centres for the period January – June 2015:
 - Child Care \$107 p/day
 - Sessional 4 y/o kindergarten \$400 per term

Provision is made within the ratified fee structure/policy for the Manager Family, Youth and Children's Services to apply:

- a) A full-time child care discount to be determined and applied as appropriate.
- b) The application of a fee policy framework that allows discretion to be exercised in situations where financially vulnerable families would be adversely impacted by the higher fees.

1. Executive Summary

In March 2013, Council resolved to build, manage and operate the Parkdale and Edithvale Family and Children's Centres. The proposed fee schedule is commensurate with the quality of the facilities and services to be provided and also seeks to ensure that the set prices do undercut the fee structures of other early years services in nearby locations.

Council has a long and proud history of delivering high quality child care services which are highly regarded within the community. Council has now coupled these programs with 'state of the art' facilities and playgrounds. As a full package, Council is providing a premium child care / kindergarten service.

Eligible families will receive the Commonwealth Government's Child Care Rebate and means-tested Child Care Benefit to assist in reducing the out-of-pocket expense.

In order to ensure Council's child care services remain accessible to all families it is proposed that the fee structure and policy includes provisions to reduce fees for full-time families and also for those who are assessed as being financially vulnerable.

2. Background

The construction of the physical infrastructure

In 2011 and 2012 the Department of Education and Early Childhood Development (DEECD) awarded Council grants totalling \$3M to contribute toward the capital to build the Parkdale and Edithvale Family and Children's Centres costs (totalling approx. \$12.5M).

The services to be operated from the Parkdale Family & Children's Centre are:

- Maternal Child Health and Allied Health Services;
- Two kindergarten rooms licensed for between 44 – 55 places (ie. having capacity to provide 88 – 110 funded kindergarten places each week ;
- Three child care rooms with capacity to provide 93 places combined with integrated funded kindergarten places for 4 year-olds;
- A multipurpose group space; and
- Observatory areas to facilitate training and enhanced employment opportunities for individuals seeking to enter the Early Years Education industry.

The services to be operated from the Edithvale Family & Children's Centre are:

- Maternal Child Health and Allied Health Services;
- Two kindergarten rooms licensed for approximately 55 places (ie. having capacity to provide 110 funded kindergarten places each week;
- Child care rooms with capacity to provide 62 places combined with integrated funded kindergarten places for 4 year-olds; and
- Two rooms for multipurpose group space.

The Parkdale Family and Children's Centre is now complete and Maternal Child Health nursing staff have commenced operating from the Centre as of October 2014. The remaining services will commence in January 2015.

The Edithvale Family and Children's Centre is still under construction and is projected to be complete and ready for all services to commence in January 2015.

The 'construction' of the professional practice and team culture

Equally as important as the physical build of the Centres, is the service and practice culture that will operate within the Family and Children's Centres. The practice culture within Council's existing Centres has long been highly valued by the community and there has been much focus on further enhancing this in the context of what will be a substantial change to the department's service delivery model. Therefore, to ensure consistency and a shared practice approach, the Family Youth and Children's Services department have reviewed and re-articulated their service culture whilst ensuring strong alignment with Council's community inspired values.

The Family Youth and Children's Services department's practice culture is expressed through the following statements:

Vision of the Family Youth and Children's Service Department:

A community, in which all families thrive; where children and young people are seen, heard and celebrated.

Purpose Statement:

Using an integrated approach, we partner with our community to improve the care education, health and wellbeing of families, children and young people.

Guiding Principles:

1. Our services are vibrant, engaging and optimistic.
2. We believe in the inherent strength and diversity of families, children and young people and ensure their voices are heard.
3. We are intentional and tenacious in supporting families where children and young people are encountering vulnerability.
4. We understand that sometimes it's not a 'level playing field' and everyone's situation is different; so we tailor our approach.
5. We value the insights and perspectives of others and critically reflect on ourselves to do better.
6. We are informed by current practice, data and research, and we contribute to a professional learning community.
7. Integration is essential, so we actively work together to eliminate gaps.
8. Our success is determined by the strength of our relationships.

3. Discussion

3.1. Council Plan Alignment

Planned Outcome 3 - Healthy, Strong and Connected Communities
Strategy 3.2 - A city responsive to the needs and aspirations of the community

The development of the Family and Children's Centres has been in response to the current and future needs of Kingston families to be able to access local and high quality early years services.

3.2. Consultation/Internal Review

Families have been instructed that information about the new fee schedules for the Centres will be released in late October/early November 2014 and it is expected that there will be a fee increase given the investment that has been required to develop and operate the new Centres.

3.3. Operation and Strategic Issues

- 3.3.1. Financial strategy to operate the Parkdale and Edithvale Family and Children's Centres and the Carrum Child Care Centre.

The existing service configuration with the 4 x stand-alone Centres delivers 108 early years places from 4 rooms. The new service configuration will deliver 249 early years places from 9 rooms, along with the variety of other services and programs referred to above.

In order to off-set the increased operating costs of the new Centres with significantly expanded capacity (in particular the increased labor costs), it is proposed that current fees for child care users increase by \$7.50 to \$107 per day. Once the Child Care Rebate and Child Care Benefit is applied to eligible families, the additional out of pocket expense per day is reduced (although Government subsidy is capped at \$7500, so some families only eligible for CCR would be paying the full amount for a portion of the year).

A term fee of \$400 is proposed for the 4 year-old kindergarten program.

It is not presently anticipated that 3 year old kindergarten will be operated from the Family and Children's Centres in 2015. However if demand levels indicate this is required, officers would intend to apply a similar market positioning to the fee setting as proposed for the 4 year-old kindergarten.

It is intended that the fee levels at the Carrum Child Care Centre remain unchanged at this time.

3.3.2. Other Fee Considerations

Commonwealth Government fee subsidy and out-of-pocket expenses for families

The Commonwealth Government subsidises the expense of child care for families through the Child Care Rebate (CCR) and the Child Care Benefit (CCB). The CCR is a universal subsidy which covers 50% of child care costs up to a ceiling amount per annum (approximately \$7,500). The CCB is a means-tested subsidy which reduces the remaining out-of-pocket expense on a sliding scale relative to the income status of the household.

Proposed discount for full-time families

The costs of full-time child care for families is a substantial financial burden. This is particularly the case given that the subsidy ceiling of \$7500 will have been reached before the end of the 12 month period. Thus any child care used beyond that point is a full out-of-pocket expense to families.

For this reason it is proposed that a discount be applied to families using the child care at the Family and Children's Centres on a full-time basis. It is proposed that the discount be set at approximately \$2 per day/per child. This equates to an annual saving of approximately \$480 p/a per child for full-time families.

The number of days per week that families use Council's child care service broadly reflects a bell-shaped curve centered around 2-3 days utilisation per week. It is a minority of users that require fulltime child care in the Centres, and thus the above discount would have minimal impact on Council's revenue base. It would however, be of substantial benefit to those individual families.

Therefore as part of the ratified fee structure, approval is sought for officers to use discretion in incorporating a discounted amount for fulltime users.

Vulnerable children and families

The integrated Family & Children's Centres provide a unique opportunity to engage holistically with children and families. This integration has particular importance when engaging with families deemed to be vulnerable or 'at risk'. Council is well positioned to support these families beyond what many within the

private sector is likely to provide due to our experienced workforce, our strong customer and quality driven philosophy and our commitment to supporting vulnerable families within the Kingston community. However, the higher positioning of fees could serve to make the service financially inaccessible to these families. For this reason it is proposed that the fee structure includes provision to develop and apply a framework that allows discretion to be exercised in situations where financially vulnerable families are adversely impacted.

3.4. Options

3.4.1. Option 1

That Council approves the proposed fee structure as described:

Child Care (and integrated kindergarten) places \$107 p/day
Sessional 4 y/o kindergarten \$400 per term

Provision is made within the ratified fee structure/policy for the Manager Family, Youth and Children's Services to apply:

- a) A fulltime discount to be determined and applied as appropriate.
- b) The application of a fee policy framework that allows discretion to be exercised in situations where financially vulnerable families would be adversely impacted by the higher fees.

3.4.2. Option 2

That Council approve an alternative fee schedule.

4. Conclusion

4.1. Environmental Implications

There are no adverse environmental implications.

4.2. Social Implications

Access to high quality early years education and care has a profound impact on the development and wellbeing of children and families. The integrated Early Years Hub developments provide a unique opportunity to engage holistically with children and families. This integration has particular importance when engaging with families deemed to be vulnerable or 'at risk'. Council is well positioned with an experienced workforce and strong customer driven philosophy to support these families.

4.3. Resource Implications

On the basis of projected utilisation levels, it is anticipated that the proposed fee levels will ensure there is no negative net impact on the Council budget arising from the increased service provision.

4.4. Legal / Risk Implications

Council officers have undertaken various forms of consultation during the planning and development phases of the Family and Children's Centres.

Further community consultation regarding the ongoing and future operations of the Centres will be undertaken in relation to these and the soon to be constructed Westall Learning and Early Years Centre and the Carrum Family and Children's Centre.

**City of Kingston
Ordinary Meeting of Council**

Agenda

27 October 2014

Author/s: Tim Bearup, Acting Manager Family Youth & Children's Services
Reviewed and Approved By: Mauro Bolin, General Manager Community Sustainability

10. City Assets and Environment Reports

Ordinary Meeting of Council

27 October 2014

Agenda Item No: 10.1

BAYSIDE AVENUE, EDITHVALE - ROAD RECONSTRUCTION TENDER REPORT

Contact Officer: Brian Trower, Team Leader Roads & Drain

Purpose of Report

This report seeks Council's approval to accept tenders for Contract No. 14/105 – BAYSIDE AVENUE, EDITHVALE ROAD RECONSTRUCTION. It is proposed that NASI PTY LTD be accepted as the preferred tenderer for this contract based on their submitted tender of \$1,340,168.46.

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. Award CONTRACT NO. 14/105 – BAYSIDE AVENUE, EDITHVALE ROAD RECONSTRUCTION – on a Lump Sum basis to NASI PTY LTD for the tendered price of \$1,340,168.46.
2. Approve a Contingency Allowance of \$134,017 (10% of contract sum) from within the allocated 2014/15 budgeted project resources to cover unexpected financial variations.

1. Executive Summary

Officers have evaluated tender submissions received for Contract No. 14/105 and have ranked NASI PTY LTD as the highest scoring tenderer. This ranking has been arrived at after scoring of financial factors and company capabilities.

While the recommended tender price is below the council estimate of \$1.41M, it is not surprising given the current state of the civil construction tendering market which is currently experiencing volatility in pricing. A number of regular council contractors are reporting low levels of work available for tendering which is keeping market rates low. As the recommended tenderer has passed financial viability checks and has extensive history in the construction industry, the submitted tender price is deemed to be the current market rate for successfully delivering the works covered by this contract.

2. Background

Bayside Avenue, Edithvale has been highlighted through road condition surveys and drainage investigations as requiring both an upgrade to the existing drainage system and reconstruction of the existing road pavement. The 560m long section of Bayside Avenue covered by these works is from Station Street to Munro Avenue. The existing guttering and road surface has reached the end of its' expected life and is due for replacement to maintain a satisfactory road for local residents. Whilst reconstructing the road, council is taking the opportunity to improve the underground drainage system along Bayside Avenue, Edithvale.

3. Discussion

3.1. Council Plan Alignment

Planned Outcome 1 - Facilities and Assets that are Well Used and Effectively Managed

Strategy 1.1 - Assets are managed and used to meet the needs and provide for current and future generations

Works covered by Contract No. 14/105 have been identified by Council officers as necessary to sustain Council road and drainage infrastructure in the vicinity of Bayside Avenue, Edithvale.

3.2. Consultation/Internal Review

The project concept covered by Contract No. 14/105 was driven by community input and complaints which were verified as being valid by Council's Engineering Design Team. This resulted in project progression to the detailed design and tendering stages.

Community feedback was obtained during the design phase of this project through a bulletin circulated to residents in the affected road. Prior to commencement of works, residents will receive a further bulletin advising them of the commencement date and contact details for issues arising during construction. For a project of this duration, it is expected that up to 5 community bulletins will be circulated by council to residents during construction to advise of any changes to timelines. These council bulletins to be distributed during construction will be in addition to bulletins circulated by the successful contractor to individual residents advising of issues specific to individuals properties. Such issues would include dates for reconstruction of property vehicle crossings or alterations to property services. For the duration of the works, council erected project signs will be in place advising residents and all road users of contractor details and a brief project summary.

3.3. Operation and Strategic Issues

Resident Concern

Resident concern has been raised regarding flooding in the surrounding street network. This project is an important component of addressing these concerns.

Timelines

Works will commence in the period of November 2014 to January 2015 and will be completed within 6 months of commencement. The actual commencement date will be determined by contractor availability and lead times in obtaining approval to commence works.

During the Christmas period there will be no site works for two weeks for the construction industry shut down. During this period the site will still be maintained in a safe state and the road open to public.

3.4. Tender Evaluation

Prices were sought by Advertised Public Tender on Saturday, 06 September 2014 in The Age with tenders closing on Thursday, 02 October 2014, at 2:00PM.

Six tenders were received.

Danielle Watts, Procurement Coordinator was consulted prior to, during and post evaluation, to provide advice on probity issues and to ensure that the process was equitable and conducted with integrity.

Tender evaluation for Contract No. 14/105 was undertaken by a two stage tender evaluation method which resulted in a shortlist of five tenderers after an initial assessment.

Five tenderers included in the shortlist were subjected to a detailed evaluation. Appendix 1 includes a list of all tender submissions and a breakdown of the scoring for five of the tenders in both the preliminary and detailed evaluations.

The detailed evaluation involved scoring tenderers against the following criterion:

- Tender price
- Company History in similar projects
- Quality of work in previous projects
- Works Programming
- Access to suitable plant and equipment
- Access to suitable sub-contractors/ in-house trades
- Relationship with contract principal and residents
- Insurances
- OH&S Compliance
- Financial viability

Scoring for the NASI PTY LTD was derived after conducting an interview, evaluating material submitted by tenderer, reference checking and site visits to previous works completed by tenderer.

NASI PTY LTD obtained the highest overall score in the detailed evaluation. Having successfully completed prior local government projects with City of Maroondah and City of Port Philip, it is appropriate that NASI PTY LTD be the recommended tenderer for this project.

3.5. Additional Project Costs

In addition to the contract sum to be awarded, it is recommended that Council approve a contingency allowance of 10% of the contract sum to cover unexpected project variations. It is prudent to allow for variations of this magnitude as it is not possible to fully predict subsurface ground conditions and service authority asset locations prior to commencement of excavation works. This allowance is standard for projects of this nature.

4. Conclusion

NASI PTY LTD, as the preferred tenderer for the road works covered by Contract No. 14/105, represents the best value for council in providing a solution to the footpath, road and drainage problems experienced by the residents in the vicinity of Bayside Avenue, Edithvale.

4.1. Environmental Implications

Environmental impacts during construction of these works will be minimised due to measures put in place for controlling stormwater runoff quality, including silt barriers and straw bales. The final outcome of the works will alleviate a significant drainage/flooding issue in the area.

4.2. Social Implications

There will be inconveniences during the works which are typical of a large road reconstruction contract such as this one. A Special Clauses document was prepared as part of the contract package, which outlines a number of requirements set out by Council to stage the works and minimise community disruption as much as possible.

4.3. Resource Implications

The submitted price from the preferred tenderer is within the engineering estimate range and also within Council's budget.

4.4. Legal / Risk Implications

For the subject contract the preferred tenderer represents the best outcome to Council in terms of value for money and level of risk.

Appendices

Appendix 1 - 14105 Bayside Avenue Road Reconstruction Evaluation Matrix.xls (Trim No 14/130225) - Confidential

Author/s: Brian Trower, Team Leader Roads & Drain
Reviewed and Approved By: Peter Bain, Manager Infrastructure
Paul Franklin, Acting General Manager City Assets and Environment

27 October 2014

Agenda Item No: 10.2

BASEMENTS AND DEEP BUILDING CONSTRUCTION POLICY

Contact Officer: Peter Bain, Manager Infrastructure

Purpose of Report

The purpose of this report is to present the proposed Kingston Basements and Deep Building Construction Policy and associated technical guidelines for consideration.

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. Receive the information; and
2. Adopt the Basements and Deep Building Construction Policy.

1. Executive Summary

The Kingston Basements and Deep Building Construction Policy and related technical guidelines addresses a perceived existing weakness in Council's management of developments which involve underground structures within sensitive environmental areas, in particular areas where groundwater is near the surface.

For large parts of Kingston the water table is very close to the surface. Southern Rural Water classifies all of Kingston to have a water table less than 2 metres below natural ground surface and a recent scientific report for the Catchment Management Authority shows most of Kingston with a water table depth of -1 metre grading to -5 metres in the north. The high water table also produces conditions for Acid Sulfate Soils.

In recent times council has started to see developments with significant underground structures, such as basement garages. These structures are likely to interact with the water table and be subject to ground water penetrating the building. Alternatively, ground water may be diverted to the potential detriment of adjacent properties or the environment.

In late 2013, a new development of 3 townhouses in Aspendale was found to have been actually constructed within the wet zone and began taking on an estimated 70,000 litres per day through the basement. The developer attempted to dispose of the ground water through the stormwater system which ended up on the beach to the concern of council and local residents. Officers sought legal opinion on our possible powers to eliminate this occurring again and this policy and guidelines are a direct response to that advice.

2. Background

In the geological sense, Kingston lies wholly within the Port Phillip basin which is sunken land between the Selwyn Fault in the east and the Rowsley Fault in the west. The western side of the bay is capped by lava flows from volcanic activity however on the Kingston side it is characterized by a deep series of dunes and sandstone and alluvial formations. These layers vary from the very recent to many of millions of years old. The main faults run principally north-south however there is another fault which runs more east-west, which is the Beaumaris Monocline, and is visible as the Beaumaris cliffs.

The geomorphology of Kingston is separated into basically two zones. North of Beaumaris Monocline the area is dominated by tertiary sandy deposits, which are sometimes known as the Brighton Group Sands, overtopping a sandstone formation to a depth varying between 2 and 6 metres. This all overlays the Fyansford Formation which is a layer of sands, clays and chalks which also contain large amounts of fossils. The sandstone formation and the Fyansford Formation are aquifers and the water table extends into the sandy deposits depending on seasonal rainfall and minor local variations.

The area south of the Beaumaris Monocline is primarily made up of the recent deposits of the Carrum Swamp and the primary barrier dune system which created the swamp. These deposits also overlay the Fyansford Formation. Key facts about ground water in this area are:

- The dune area conducts a large amount of ground water from the Dandenong Creek basin to the east, to Port Phillip Bay.
- The water table is very close to surface varying from basically 0 to -3 metres AHD

The high water table geohydrology of Kingston has always been a considerable issue to council officers as, for example, constructing drainage systems in wet conditions has presented many engineering challenges. It is fair to say that council has considerable practical knowledge of construction issues although there is much less understanding of the complex geohydrology in Kingston.

The increasing value of land at specific locations within Kingston has led to a rapid, recent increase in development applications involving basements and other deep building constructions such as retaining walls.

In mid-2013, officers became aware of issues with a new development at 8 – 10 Bona Vista Avenue, Aspendale **where substantial amounts of ground water was being pumped through the approved stormwater system into the municipal drain which discharges immediately onto the beach. Local residents were understandably concerned as the flow was up to 70,000 litres per day and clearly an anomaly on bright sunny days.**

Officers tested the water and found it to be slightly brackish water with no pollutants. However, the ground water contained a lot of naturally occurring organic fines which had the impact of creating an impervious layer on the beach and in the on-site soak wells causing them to both cease to work as soak pits.

This incident highlighted potential risks to the natural environment and to the built environment to the detriment of Council, future owners of the property and adjacent property owners.

3. Discussion

3.1. Council Plan Alignment

Planned Outcome 2 - A Sustainable Natural and Built Environment
Strategy 2.5 - Adopt and implement sustainable practices

3.2. Consultation/Internal Review

The initial investigation of the policy was a joint exercise by City Planning and Infrastructure with advice from Russell Kennedy Solicitors. City Strategy and the Municipal Building Surveyor have also contributed to the discussion.

3.3. Operation and Strategic Issues

3.3.1. Powers of Council

Council is the responsible authority for the local management of storm water. This is enabled in the Local Government Act and referenced in the Water Act. Council has no specific powers regarding groundwater which is the responsibility of Southern Rural Water in our region in accordance with the Water Act. **Council has the right to refuse or accept the disposal of groundwater through the storm water system.**

Council has no specific powers to prescribe building design. Private Building Surveyors will normally accept the design of registered structural engineers and the advice of geologists. **Council can establish conditions around protection of the site, adjacent sites and council infrastructure during construction and excavation through the planning process and local laws.**

Not all basements and deep construction developments are visible to council before approval. Single dwellings, not requiring a planning permit and not within an existing special building overlay, are not visible to council until notification of the issue of building certificate by the relevant building surveyor.

3.3.2. Managing Water & Drainage

There are four separate agencies responsible for managing drainage / water in Kingston:

- Kingston City Council is responsible for local storm water management and through our Integrated Water Strategy we promote water sensitive design which incorporates water harvesting and reuse. Council can accept or reject applications to dispose of ground water to the storm water network.
- Melbourne Water is responsible for the catchment and the major storm water drains and waterways. They also promote an integrated approach to water quality and use.
- South East Water is responsible for the drainage and management of wastewater including sewage. They are also responsible for the management of industrial or trade waste water.
- Southern Rural Water is responsible for groundwater including the licensing of extraction and use of groundwater.

The range of responsibilities is very complex because the natural interdependence of the systems is complex, for example:

- Ground water recharges our rivers, wetlands and creeks.
- Ground water enters our storm water system via infiltration or through springs.

- Storm water recharges the water table through soak wells, rivers, wetlands and creeks.
- Fresh water in the water table and sea water mixes at a complex boundary beneath the primary dune.

3.3.3. Risks to be managed

The following risks with basements and other deep building constructions need to be mitigated by planning schemes, policy and engineering standards:

- Excessive ground water entering the storm water system and causing issues for disposal.
- Contaminated ground water entering the storm water system and then to environmentally sensitive areas such as wetlands or the foreshore.
- Long term structural damage to buildings with deep construction exposed to ground water over time.
- Structural damage to adjacent properties and infrastructure through changes in the water table caused by changes to water table by deep constructions.
- Flooding from surface drainage, in particular storm events.
- Entrances and ramps to underground car parks that do not meet the safety design standards of AS/NZS 2890.1

It should be noted that protection from overland flow and adherence to traffic standards has been routinely inserted as planning conditions for many years. The ability to set design parameters to accommodate 1 in 100 storm events is enabled by a Special Building Overlay.

Since 2013, Infrastructure has inserted planning conditions for groundwater and basements where applicable. These conditions need to be supported by a policy and supporting council resolution.

3.4. Options

3.4.1. Three phases to be considered

There are three phases to be considered:

1. Influencing the design of the basement or deep construction to minimize environmental impact and long term risk to the building. (See points below).
2. Manage groundwater, stability of excavations and dewatering during construction. (To be included in the proposed Construction Management Plan).
3. Enhancement of enforcement regarding disposal of groundwater and protection of work sites. (To be included in an enhanced Infrastructure Local Law).

3.4.2. Introduce a Policy and Technical Guidelines to influence design

A draft policy and guidelines have been developed (attached) to provide clear guidance to builders and developers on council's expectations when building deep constructions in sensitive areas.

The documents place the onus on the developer to ensure they receive relevant technical advice prior to finalizing a building design.

Officers will be able to insert suitable conditions in the planning permit, for example:

- Require the construction of a waterproof structure;
- Require the construction of systems to manage ground water flow around the construction;
- Require the installation of a system to capture, treat and dispose of ground water both during construction and after;
- Require the construction of basement car parks to design standard AS/NZS 2890.1; and
- Require the construction of protective works to mitigate damage to adjacent properties and council infrastructure.

The trigger will be the planning permit process and the policy and guidelines would be provided during the pre-application stage.

Because we do not have definitive maps of ground water in the municipality, the information would need to be provided to all applicants with underground structures.

3.4.3. Introduce an environmental overlay

Russell Kennedy advised that we should consider introducing an Environmental Overlay for areas sensitive to a high water table so that all construction activity, including single dwellings, is included.

At this stage we do not have sufficiently detailed knowledge of ground water sensitive areas and the cost to obtain this information will be quite high.

Alternatively, we can assume the sensitive areas, such as adjacent to the foreshore, where underground structures are likely to be built could be declared. This would probably not stand up to scrutiny on appeal. It is recommended that we continue to build our knowledge, in conjunction with Southern Rural Water, and revisit the possibility of an environmental overlay at a later date.

4. Conclusion

It is recommended that Council approves the introduction of the attached Policy and associated Technical Guidelines. Officers will also need to include some specific recommendations in the revision to Local Laws later this year to provide specific enforcement powers.

Secondly, that officers contact individual Building Surveyors known to operate in the area and also the Victorian Chapter of the Australian Institute of Building Surveyors to advise them of the new technical guidelines.

Thirdly, officers commence work on developing a more detailed understanding of the water table in Kingston with a view to a possible future introduction of an Environmental Overlay.

4.1. Environmental Implications

Introducing guidelines and enforceable planning conditions will help to mitigate the risks to water resources as mentioned above.

4.2. Social Implications

Introducing guidelines and enforceable planning conditions will help to mitigate risks to buildings and adjacent properties.

4.3. Resource Implications

Introducing this policy and guidelines will increase the workload of planners and development engineers when assessing applications.

4.4. Legal / Risk Implications

The conditions and guidelines have been worded to place the onus on the developer and Council should not be seen to approve or endorse a ground water solution.

Appendices

Appendix 1 - Basements and Deep Building Construction Policy (Trim No 14/67838)

Appendix 2 - Basements and Deep Building Construction Guidelines - Draft Version
(Trim No 14/127983)

Author/s: Peter Bain, Manager Infrastructure

Reviewed and Approved By: Paul Franklin, Acting General Manager City Assets and
Environment

10.2

BASEMENTS AND DEEP BUILDING CONSTRUCTION POLICY

1	Basements and Deep Building Construction Policy	231
2	Basements and Deep Building Construction Guidelines - Draft Version	239

DRAFT

Basements and Deep Building Construction Policy 2014

APPROVAL	Council / CEO adoption date
VERSION NO:	Version 0.5
TRIM REF:	14/67838
REVIEW	30/10/2019
RESPONSIBLE EXECUTIVE	General Manager City Assets and Environment
POLICY OWNER	Manager Infrastructure

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1. Purpose of the Policy

The purpose of the Kingston Basements and Deep Building Construction Policy (2014) (Policy) is to assist Kingston City Council manage the construction of buildings and other structures with below ground level elements for the benefit of the whole community.

The Policy states the approach, methods, principles and procedures that Council will follow in order to manage the construction of underground structures to ensure consistent, equitable and transparent outcomes are achieved.

2. Scope

This policy is applicable to all properties in the City of Kingston. This includes all private, Council and Government owned properties involving significant excavation for structures below native surface levels. Examples include, but are not limited to, basements, underground car parks, dwellings, tanks, swimming pools and retaining walls.

3. Definitions

- a. **Acid Sulfate Soils** – means naturally occurring soils, sediments or organic substrates that are formed under water logged conditions which contain iron sulphide minerals or related oxides. These soils commonly occur within Kingston.
- b. **Aquifer** – means a geological structure or formation or an artificial land fill permeated or capable of being permeated permanently or intermittently with water.
- c. **Stormwater** – refers to water that runs off all urban surfaces such as roofs, foot paths, car parks, roads, gardens and vegetated open spaces and is captured in constructed storages and drainage systems. This excludes roof water captured directly by rainwater tanks, water captured in natural rivers, creeks, streams and lakes, and water sourced from private dams for primary production purposes.
- d. **Groundwater** – refers to any water occurring in or obtained from an aquifer and includes any matter dissolved or suspended in any such water.

4. Responsible Executive

The **General Manager City Assets and Environment** has responsibility for this policy.

5. Policy owner

The position responsible for writing and / or reviewing the policy and ensuring it is kept up-to-date with any legislative or operational changes is the **Manager Infrastructure**. This position can be contacted for assistance and information about this Policy.

6. Related Documents

This policy refers to the following State legislation, local laws and standards –

- a) Local Government Act 1989
- b) Water Act 1989

- c) Environment Protection Act 1970
- d) Building Regulations 2006
- e) Kingston Local Law 2
- f) AS/NZS 2890.1 – Off Street Car Parking

This policy refers to the following internal plans and strategies:

- a) Kingston One Vision, Council Plan 2013-2017
- b) Kingston Council Civil Design Standards
 - i. Civil Design Requirements for Developers - Part A: Integrated Stormwater Management
 - ii. Civil Design Requirements for Developers - Part B: Road Works & Construction Plans
- c) Kingston Flood Mitigation Strategy
- d) Kingston Integrated Water Cycle Strategy
- e) Kingston Basements and Deep Building Construction Guidelines 2014

7. Delegation Authority

Delegations under the following Acts and Regulations that apply to this Policy:

- Local Government Act 1989

8. Policy Statement

Developers of projects within the City of Kingston shall be required to design and construct underground structures in a manner which is consistent with the Kingston Basements and Deep Building Construction Guidelines and Kingston Civil Design Standards.

Council's goal is to promote sustainable design principles, protect natural resources and ensure a safe environment.

9. Objectives

The objectives of this Policy are to:

- Promote sustainable designs for underground structures;
- Protect natural groundwater resources;
- Prevent inundation of underground structures due to poor design and construction techniques;
- Reduce potential for damage to properties, adjacent properties and council infrastructure due to consolidation or subsidence of soil;
- Ensure a safe, accessible and sustainable road environment for all users near underground car parks;
- Ensure the design of vehicle crossings and footpaths adhere to relevant design standards;

10. Basement Design and Construction Principles

10.1. Protection of Natural Resources

Groundwater is a valuable natural resource that should be protected. Underground structures should minimise their impact on the natural state of groundwater equilibrium.

10.2. Sustainable Development

Council encourages the adoption of sustainable development principles, including minimising energy consumption by developments. Underground structures should use sustainable groundwater management practices.

10.3. Safety

Council has a responsibility to ensure the safety of all residents. Vehicle crossings and driveways associated with underground structures must not create hazards to pedestrians and other road users. Vehicle crossings into underground structures must comply with design standards. The relevant conditions are given in 'AS/NZS 2890.1 - Off street car parking'.

10.4. Minimise Flood Risks

Entrances into basement car parks shall be designed to minimise the risk of inundation from overland flows from the stormwater network

11. Underground Construction – Techniques

There are several different methods of basement construction; however, most will fall into the category of wet or dry (tanked).

11.1. Wet Basement

Wet basements typically have a slotted subsurface drainage collection system on the outside of the wall to collect groundwater and relieve hydrostatic pressures. This is usually collected into pits that are pumped out. Since the water in this type of system is groundwater, Council has no obligation to accept this to the legal point of stormwater discharge.

Risks associated with this type of construction include the potential for large amounts of groundwater being collected in the drainage system. If discharged to the street network, this will overload the system. **This water is not stormwater and must be disposed of on site or via a trade waste agreement reached with the local sewer authority. Other risks are those associated with changes to the local water table level. This may cause subsidence in adjacent properties.**

Closed systems to re-inject the groundwater back into the water table are acceptable however Kingston has many areas of ground water with high levels of organic fines which may not make this method practical.

11.2. Dry (Tanked) Basement

A tanked basement is considered waterproof and is designed to withstand the hydrostatic pressures of a saturated soil. Waterproofing agents are applied to the concrete during construction to prevent ingress of water. **This type of construction requires no groundwater collection and is the preferred method of construction by Council.**

11.3. Retaining Walls

Retaining walls are an engineered method of holding soil at unstable angles to create or protect usable spaces. Most retaining walls rely on the soil behind the wall being drained in a similar way to a wet basement. Kingston allows the drainage of some retaining walls to be connected to the Legal Point of discharge if simple requirements are met. Alternatively retaining walls should be designed to withstand hydrostatic pressures and constructed using appropriate materials.

11.4. Soil Management

Stockpiling of excavated materials must be conducted to best practice guidelines, especially in areas of Coastal Acid Sulphate Soils. Leachates must be prevented from contaminating the environment.

Details of the requirements for Underground Construction Techniques can be found in the Basement and Deep Building Construction Guidelines (2014).

12. Control of Groundwater and Stormwater

Legal advice provided to Council is that stormwater and groundwater are separate entities.

The Victorian Water Act 1989 recognizes that the Crown has control over groundwater, while the Responsible Drainage Authority (either Kingston City Council or Melbourne Water) have control over stormwater drainage. Within the municipality, Southern Rural Water is the Responsible Authority for groundwater.

Kingston City Council, acting as the drainage authority, is not legally required to accept any groundwater into the stormwater drainage network. It may do so on a case by case basis under delegation.

It should also be noted that the Building Code of Australia relates specifically to stormwater, not groundwater.

13. Requirements for Developers

All areas of Kingston have potential issues with groundwater for deep constructions as the predicted water table varies between 0 and -5 metres from natural ground surface. Some areas are known to be very high risk with respect to high water table and related issues such as prevalence of Acid Sulfate Soils.

Prior to application for a building permit, developers must conduct a site investigation to assess the local hydrology. The results of the site investigation must be presented to Council in the form of a Groundwater Assessment Report (GAR).

Pending the results of the GAR, Council will assess whether the site is likely to experience issues associated with groundwater management. Developers may be required to submit a Groundwater Management Plan (GMP) at the discretion of Council's Development Approvals Engineer.

Details of the requirements for the GAR and GMP can be found in the Basements and Deep Building Construction Guidelines (2014).

13.1. Design Phase

Prior to detail design stage, site limitations should be fully explored. This may include a GAR where natural surface levels on the site are low (below 10.000 AHD) or

groundwater is known to be close to the surface. Basement and floor levels shall set to a safe level above the water table.

13.2. Construction Phase

Site limitations with respect to groundwater that have been identified in the initial design phase should be considered prior to the commencement of construction. Any excavation within 1.00 metre of the groundwater table will require a documented management plan to be submitted as part of or in conjunction with a Construction Management Plan. All necessary permits for the drainage of or de-watering of the site shall be in-place prior to construction commencing.

14. Specific Wording

For wording specific to legal documents (i.e. legal point of discharge and planning permits), refer to the Basements and Deep Building Construction Guidelines (2014).

15. Decision Guidelines

There are no exemptions to this policy except where noted below:

- i. **Groundwater Assessment Report (GAR).** The proposed construction of underground services, stormwater drains, sewers, strip footings and swimming pools do not require the submission of a GAR unless otherwise determined by the Manager Infrastructure.
- ii. **Groundwater Management Plan (GMP).** A GMP is not required where the geotechnical assessment indicates that the groundwater table is more than 2.0 metres below the proposed structure at its lowest level surveyed relative to the Australian Height Datum unless otherwise determined by the Manager Infrastructure

An exemption based on geotechnical advice obtained prior to construction does not remove a developer's obligation to submit a GMP should groundwater be encountered during construction.

16. Enforcement

Where a property owner or developer contravenes the conditions of an Infrastructure permit or the planning permit, enforcement action will be pursued.

17. Transition/Translation arrangements

Policy commencement date is 30 November 2014. All new constructions commencing after this date will be subject to the Policy.

18. Review

The Policy shall be reviewed before 30 October 2019.

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Basements and Deep Building Construction Guidelines 2014

APPROVAL	Manager Infrastructure
VERSION NO:	Version 0.6
TRIM REF:	14/127983
REVIEW	30/10/2019
OWNER	GM City Assets & Environment

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1. Purpose of the Guidelines

The purpose of the Underground Structure Guidelines (2014) is to describe the processes which the City of Kingston utilizes to manage construction of underground structures within the municipality.

The Underground Structure Policy states the approach, tools, principles and procedures that Council will follow in order to manage underground structures to ensure consistent, equitable and transparent outcomes are achieved.

2. Scope

The Guidelines apply to all properties in the City of Kingston. This includes all Private, Council and Government owned properties that have basements, underground car parking or other below ground structures.

3. Background

In recent years, the prevalence of underground basement structures as part of new building developments has increased in Kingston.

4. Related Documents

- a) Basement and Deep Building Construction Policy (2014)
- b) Local Government Act 1989 – Section 200
- c) Water Act 1989 – Section 7
- d) AS/NZS 2890.1 – Off Street Car Parking
- e) Kingston One Vision, Council Plan 2013-2017
- f) Kingston Council Civil Design Requirements for Developers : Part A
- g) Kingston Flood Mitigation Strategy
- h) Kingston Integrated Water Cycle Strategy
- i) Kingston Construction Management Plan Guidelines 2014

5. Definitions

- a. **Acid Sulfate Soils** – means naturally occurring soils, sediments or organic substrates that are formed under water logged conditions which contain iron sulphide minerals or related oxides. These soils commonly occur within Kingston.
- b. **Aquifer** – means a geological structure or formation or an artificial land fill permeated or capable of being permeated permanently or intermittently with water.
- c. **Stormwater** – refers to water that runs off all urban surfaces such as roofs, foot paths, car parks, roads, gardens and vegetated open spaces and is captured in constructed storages and drainage systems. This excludes roof water captured directly by rainwater tanks, water captured in natural rivers, creeks, streams and lakes, and water sourced from private dams for primary production purposes.
- d. **Groundwater** – refers to any water occurring in or obtained from an aquifer and includes any matter dissolved or suspended in any such water.

6. Technical Issues

There are many technical issues associated with the construction of underground structures.

6.1. Groundwater Management

Background

Groundwater is an important part of the water cycle, contributing to the replenishment of downstream water bodies. Consideration needs to be given for groundwater before, during and after construction.

Soil profile

Before construction it is necessary to consider the chemical composition of the groundwater on site. This will aid in choosing an appropriate material for construction. It is recommended that a geotechnical investigation be undertaken prior to any design or construction work commencing. This investigation should determine the soil structure at the site and the level and flow regime of groundwater beneath the site. A minimum of 3 locations on site should be investigated to allow triangulation of results to determine flow direction and hydraulic gradient.

Construction Phase

During construction, it is common practice to pump groundwater to drawdown the water table below the level of construction. This is typically not an issue with regard to groundwater equilibrium, as it is not sustained for long periods. However, it may cause problems in areas containing acid sulfate soils. Exposure to oxygen can lead to a change in chemical composition in the soil, creating sulphuric acid. After construction has been completed, pumping ceases and the water table rises to its previous level, where it then becomes contaminated by the acidic soil. Coastal Acid Sulfate Soils are prevalent in Kingston.

Design

The design of the structure is particularly important when considering the long-term performance requirements. Wet basement designs require ongoing pumping to remove water from the structure, leading to high costs and energy requirements. These designs are typically considered unsustainable. Tanked designs eliminate the need for pumping, but require more detailed design to take into account hydrostatic forces that will act on the structure. They can also lead to long-term changes in the groundwater equilibrium position.

Siting

The location of the development is also an important factor. Sites close to the coast may be susceptible to saline intrusion of groundwater if there is long-term pumping. This contaminates the groundwater over time, leading to environmental problems. Local flora may not be able to survive with the increased levels of salinity. It may also lead to other problems, such as increased rates of corrosion in structures, due to the higher concentration of salts.

Extraction

Consideration should be given for the disposal of any groundwater that is extracted. As mentioned previously, exposure to oxygen can cause changes in chemical composition that may be detrimental to the natural ecosystem. This should be investigated prior to reuse or reinjection of groundwater. Possible sources of local site contamination, such as greywater used for garden watering, should also be investigated. All sources, including those likely to occur in the future, should be given consideration.

Under relevant legislation, Council is not required to accept groundwater discharge to the stormwater system. Discharging groundwater to the stormwater drain reduces the capacity of the drain to handle rainfall events, and can lead to excessive flooding. Groundwater may be discharged to a wastewater drain under a relevant trade waste agreement with the local sewer authority.

6.2. Soil Properties

Groundwater management is closely linked to soil structure. Changes in the water table can lead to changes in soil properties, particularly soil strength or bearing capacity, and consolidation, whereby the soil compacts due to removal of pore water.

Consolidation is a key issue that may lead to severe structural damage. Depending on the soil properties, it is possible for different areas to consolidate by different amounts. This can lead to damage due to excessive shear forces. The effect may also extend to neighbouring properties, depending on the amount of groundwater being removed. Investigation of soil properties should be undertaken prior to any pumping.

Coastal Acid Sulphate Soils are widely spread in Kingston. Removal of groundwater from this type of soil profile, under certain conditions can cause contamination of the vicinity. For this reason a comprehensive analysis of the soil properties may be required as part of a GMP.

6.3. Underground Construction Techniques

There are several different methods of basement construction; however most will fall into the category of wet or dry (tanked).

6.3.1 Wet basement

Wet basements typically have a slotted subsurface drainage collection system on the outside of the wall to collect groundwater and relieve hydrostatic pressures. This is usually collected into pits that are pumped out. Since the water in this type of system is groundwater, Council has no obligation to accept this to the legal point of stormwater discharge.

Risks associated with this type of construction include the potential for large amounts of groundwater being collected in the drainage system. . If discharged to the street network, this will overload the system. This water is not stormwater and must be disposed of on site or via a trade waste agreement reached with the local sewer authority. Other risks are those associated with changes to the local water table level. This may cause subsidence in adjacent properties.

Closed systems to re-inject the groundwater back into the water table are acceptable however Kingston has many areas of ground water with high levels of organic fines which may not make this method practical.

6.3.2 Dry (Tanked) Basement

A tanked basement is considered waterproof and is designed to withstand the hydrostatic pressures of a saturated soil. Waterproofing agents are applied to the concrete during construction to prevent ingress of water. Concrete is often sprayed onto the walls, similar to a swimming pool construction. This type of design requires no groundwater collection and is the preferred method of construction by Council.

6.3.3 Retaining Walls

Retaining walls are an engineered method of holding soil at unstable angles to create or protect usable spaces. Most retaining walls rely on the soil behind the wall being drained in a similar way to a wet basement.

Kingston allows the drainage retaining walls to be connected to the Legal Point of discharge if all of the following requirements are met:

- the retaining wall is less than 1.0m high or
- has a small upstream catchment (less than 200m²)
- does not intercept a groundwater table
- is not within 2m of an existing dwelling

Alternatively retaining walls should be designed to withstand hydrostatic pressures and constructed using appropriate materials.

6.3.4 Soil Management

Stockpiling of excavated materials must be conducted to best practice guidelines, especially in areas of Coastal Acid Sulphate Soils. Leachates must be prevented from contaminating the environment.

For further guidelines relating to this issue, refer EPA Victoria Publication 655.1:2009.

6.3.5 Dewatering

Dewatering is considered to be when groundwater or surface water is removed from a construction site. Dewatering has the potential to cause a range of issues with local groundwater regimes and must be treated the same as a wet basement.

If dewatering is required during the construction process only, a temporary Trade Waste Agreement will be required to discharge to the sewer network. South East Water have information about how this can be arranged.

7. Groundwater Requirements

All proposed works in Kingston that involve dewatering or excavation for any form of underground structure requiring a Building Permit will need to prepare a Groundwater Assessment Report. The Senior Development Engineer at the City of Kingston is responsible for deciding if a Groundwater Management Plan is required.

7.1. Groundwater Assessment Report

The Groundwater Assessment Report contains the findings of an initial site investigation. This helps determine if detailed investigation is required to develop a Groundwater Management Plan.

The following must be reported as a minimum:

- Depth to water table
- Recharge characteristics of water table

- Presence of contaminated soils
- Presence of contaminated surface water
- Presence of contaminated groundwater
- Salinity level of groundwater
- Potential for underground structure to interact with the groundwater flow regime
- Proximity to nearby structures and how they may be affected by the proposed works.

7.2. Groundwater Management Plan

Properties where the GAR indicates there may be issues with groundwater are required to submit a GMP prior to approval of a building permit.

The GMP must include the following:

- Summary of findings of GAR
- More detailed information on local hydrogeology, including flow rates
- Chemical composition of groundwater, including–
 - presence of ions
 - pH level
 - electrical conductivity
 - presence of organic/inorganic compounds
 - presence of nutrients
 - presence of microbiological organisms
- Proximity to nearby structures
- Soil properties
- In the case of contamination, remediation measures to be undertaken prior to any construction
- Potential for consolidation due to extraction of groundwater
- Measures to be employed to manage interference to groundwater

Sufficient detail should be provided as to the measures to manage groundwater interference to demonstrate that such measures will provide acceptable performance.

- Options for the disposal or recycling of any groundwater to be extracted
- How the existing groundwater regime will be maintained
- An ongoing monitoring program to determine any impacts the structure will have on the groundwater regime
- Contingency plans for substandard performance of groundwater management measures

7.3. Construction Management Plan

Development issues that are affected as part of the Basements and Deep Building Policy will be required to be listed in the approved Construction Management Plan for the particular site. Any non-conformance will be subject to the enforcement provisions of the Construction Management Policy.

8. Traffic and Safety

Underground car parking requires consideration for vehicle access. Sufficient length should be provided to allow a comfortable grade on the access ramp. Sightlines, grades, clearances and dimensions should also comply with relevant standards (AS/NZS 2890.1

– Off Street Car Parking). Sightlines are particularly important to ensure the safety of pedestrians that may cross the driveway.

The design of the vehicle crossing into the property is also important for flooding protection. Developers may be tempted to lower the level of the crossing to allow for gentler ramp grades. This is not a recommended practice, as it can lead to flooding problems during rainfall events. A lowered vehicle crossing allows stormwater to flow from the gutter into the driveway and basement. A raised vehicle crossing acts as a levee, preventing this.

Kingston City Council reserves the right to nominate an apex height for the highest point of the basement access ramp to prevent stormwater inundation of the property from adjacent land. The reduced level provided by Kingston may affect the floor levels of the proposed structures and should be considered early in the design process.

8.1. Key Design Standards

The following design standards are excerpts from AS/NZS 2890.1 Off Street Car Parking. They are provided here as a guide to the minimum design requirements that should be addressed. The complete AS/NZS 2890.1 document should be referenced for the full design requirements.

Table 3.1 – Selection of Access Facility Category

Class of parking facility (see Table 1.1)	Frontage road type	Access facility category				
		Number of parking spaces (Note 1)				
		<25	25 to 100	101 to 300	301 to 600	>600
1, 1A	Arterial	1	2	3	4	5
	Local	1	1	2	3	4
2	Arterial	2	2	3	4	5
	Local	1	2	3	4	4
3, 3A	Arterial	2	3	4	4	5
	Local	1	2	3	4	4

NOTES:

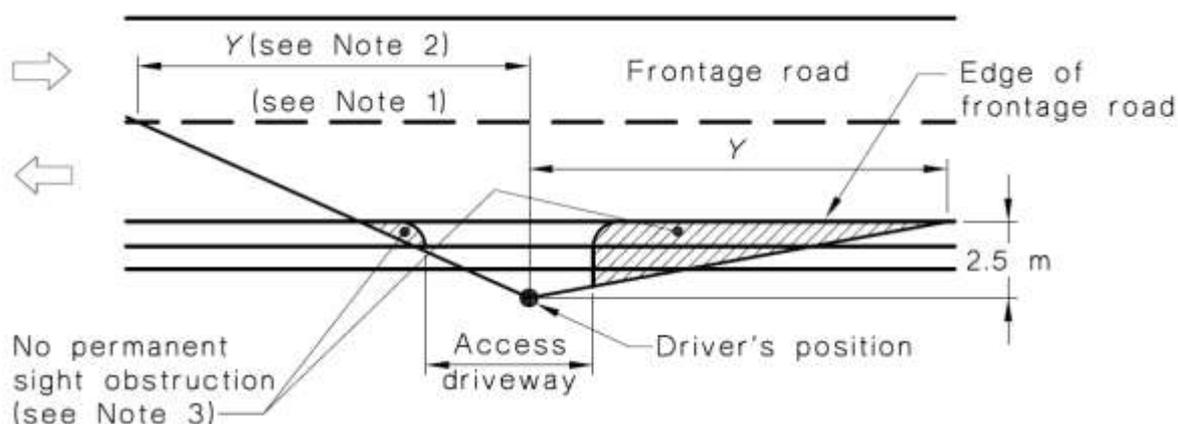
- 1 When a car park has multiple access points, each access should be designed for the number of parking spaces effectively served by that access.
- 2 This Table does not imply that certain types of development are necessarily suitable for location on any particular frontage road type. In particular, access to arterial roads should be limited as far as practicable, and in some circumstances, it may be preferable to allow left-turn-only movements into and out of the access driveway.

Table 3.2 – Access Driveway Widths

Category	Entry width	Exit width	Metres
			Separation of driveways
1	3.0 to 5.5	(Combined) (see Note)	N/A

2	6.0 to 9.0	(Combined) (see Note)	N/A
3	6.0	4.0 to 6.0	1 to 3
4	6.0 to 8.0	6.0 to 8.0	1 to 3
5	To be provided as an intersection, not an access driveway, see Clause 3.1.1		

NOTE: Driveways are normally combined, but if separate, both entry and exit widths should be 3.0m min



Frontage road speed (Note 4) Km/h	Distance (Y) along frontage road M		
	Access driveways other than domestic (Note 5)		Domestic property access (Note 6)
	Desirable 5s gap	Minimum SSD	
40	55	35	30
50	69	45	40
60	83	65	55
70	97	85	70
80	111	105	95
90	125	130	Use values from 2 nd and 3 rd columns
100	139	160	
110	153	190	

Figure 3.2 – Sight Distance Requirements at Access Driveways

NOTES:

- 1 Centre-line or centre of road (undivided road), or right hand edge of right hand through lane (divided road).
- 2 A check to the left is not required at a divided road where the median is wide enough to shelter a vehicle leaving the driveway.
- 3 Parking on this side of the frontage road may need to be restricted on either side of the driveway so that the sight distance required by the above table to an approaching vehicle is not obstructed.

- 4 This is the posted or general speed limit unless the 85th percentile speed is more than 5km/h above the limit in which case the tabulated speed nearest the 85th percentile shall be adopted.
- 5 The values in the table apply only to left turn and right turn manoeuvres into two-way roads up to four lanes wide and one-way streets regardless of width, either for a 5s gap, desirable at lower frontage road speeds, or minimum stopping sight distance based on 2s reaction time.

Crossing manoeuvres (e.g. from an access opposite the stem of a T-junction) over four lanes or more, and turning manoeuvres into a six lane two-way road would require longer gaps unless there was a median wide enough to store a vehicle and allow a two stage manoeuvre.
- 6 These distances are based on stopping sight distances with reaction time of 1.5s for traffic approaching along the frontage road and are applicable to a frontage road speed of up to 80km/h only. Wherever practicable sight distance provided at domestic property accesses should meet the values given in the second or third columns of the Table.
- 7 When checking sight distance the driver's eye height and the height of the object (approaching vehicle) are to be taken as 1.15m above the road surface.

3.3 Gradients of Access Driveways

At entry and exit points, the access driveway should be graded to minimise problems associated with crossing the footpath and entering the traffic in the frontage road.

Maximum gradients on or near access driveways, other than at domestic properties (see Clause 2.6), shall be as follows:

- (a) *Property line/building alignment/pedestrian path* – max. 1 in 20 (5%) between edge of frontage road and the property line, building alignment or pedestrian path (except as provided in Item (d)), and for at least the first 6m into the car park (except as provided below).

The grade of the first 6m into the car park may be increased to 1 in 8 (12.5%) provided all three of the following conditions are met:

- (i) The grade is a downgrade for traffic leaving the property and entering the frontage road.
- (ii) The user class is 1, 1A or 2 only.
- (iii) The maximum car park size is-
 - (1) For entry into an arterial road – 25 car spaces, or
 - (2) For entry onto a local road – 100 spaces

The maximum grade across the property line shall remain at 1 in 20 (5%).

- (b) *Vehicular control points* – max. 1 in 20 (5%) for at least 6m prior to the control point.
- (c) *Queuing area* – max. 1 in 10 (10%) for not less than 0.8 of the queue length determined in Table 3.3
- (d) *Across footpaths* – where the driveway crosses a footpath, the driveway grade shall be 1 in 40 (2.5%) or less across the footpath over a lateral distance of at least 1.0m.

NOTE: The advice of the relevant regulatory authority should be sought to obtain grade requirements for footpaths.

9. Standard Clauses

These clauses are to be placed in the documents listed below

9.1. Legal Point of Discharge

Council does not accept sub-surface water (groundwater) into the stormwater system. This is the responsibility of the property owner to dispose on site or reach an agreement with local sewer authority. This is particularly relevant for basements and sub-surface structures.

9.2. Planning Permit

Should the condition be located within the body of the permit only:

3. Prior to the commencement of works, a Groundwater Assessment Report (GAR), to the satisfaction of the Responsible Authority, must be submitted. The GAR must be prepared by a qualified hydro-geologist and assess any possible impact of the proposed development upon existing ground water table and surrounding land and buildings to the satisfaction of the Council.

Should the results of the GAR indicate that the site is likely to experience issues associated with groundwater management the following documentation must be submitted and approved by the Responsible Authority prior to the commencement of works:

- a) a Groundwater Management Plan (GMP); and
- b) development plans that demonstrate a fully-tanked dry basement with no AG drain collection or disposal and an allowance made for any hydrostatic pressures.

Once approved the plans will be endorsed and form part of the planning permit.

NOTE TO BE PLACED ON THE PLANNING PERMIT

Council does not accept any groundwater (including AG drain) into the stormwater system. Sub-surface water (groundwater) is the responsibility of the property owner to dispose of on site or reach an agreement with the local sewer authority.

Should the condition be both within Condition 1 and the body of the permit:

- c) a Groundwater Assessment Report (GAR) prepared by a qualified hydrogeologist that assesses any possible impact of the proposed development upon existing ground water table and surrounding land and buildings;
 - d) the provision of a fully-tanked dry basement with no AG drain collection or disposal and an allowance made for any hydrostatic pressures, should the findings of the report under condition 1c) demonstrate that the site is likely to experience issues surrounding ground water management
4. Prior to the commencement of works, a Groundwater Management Plan (GMP) must be submitted and approved by the Responsible Authority. The GMP must consider.....

NOTE TO BE PLACED ON THE PLANNING PERMIT

Council does not accept any groundwater (including AG drain) into the stormwater system. Sub-surface water (groundwater) is the responsibility of the property owner to dispose of on site or reach an agreement with the local sewer authority.

Other conditions for inclusion:

A flood proof apex (ie ridge level) of minimum XXXmm higher than the existing driveway at the boundary of Site Address, Suburb must be provided to protect the basement from flooding. This apex is to fully surround the proposed development to ensure that no water can enter the underground portions of the property via other routes such as doors, windows, vents and openings to the basement carpark. This apex is to continue through any driveways or pathways that may cross it. The apex is to be a permanent structure (e.g. rise in concrete driveway/pathway, sleeper retaining wall, solid brick fence/wall). Low mounded soil on its own is unlikely to be acceptable due to the likelihood of future disturbance.

Ordinary Meeting of Council

27 October 2014

Agenda Item No: 10.3

FORESHORE BIN REPLACEMENT PROGRAM

Contact Officer: Jared Megens, Foreshore Coordinator

Purpose of Report

To inform Council of the proposed foreshore bin replacement program and obtain endorsement to implement the foreshore bin replacement program.

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. Endorse the implement of the foreshore bin replacement program.

1. Executive Summary

To improve Council's waste management practices and to provide a clean foreshore for beachgoers, Council is proposing to replace its foreshore bins. The existing 'swing-style' 110 litre rubbish bins, which have become out-dated and ineffective, are proposed to be replaced with new dual 240 litre bin stations providing both general litter and recycling capabilities.

The new foreshore bin stations will introduce recycling facilities to Kingston's beach areas, aiming to significantly reduce the amount of recyclable waste deposited in land-fill. To educate beachgoers and to encourage them to collect litter, it is proposed that the new bin stations feature educational stickers containing the '*take 3 for the sea*' campaign material. The '*take 3*' initiative encourages beach-goers to pick up three pieces of litter and put it in the bin when they visit the beach.

The cost of the foreshore bin replacement program, including the addition of recycling bins, is funded from the Council's Foreshore Reserve Fund. The removal of existing bins and installation of the new dual bin stations will begin in November/December. The effectiveness of the new dual bin station will be monitored over the next year.

2. Background

Council provides and maintains foreshore bins for use by the general public. The existing foreshore bins are a steel, open lid design which swing to allow for easier emptying. In addition to being out-dated, the existing design has several flaws:

- The open lid allows for rubbish to be blown out of the bin by wind. Birds can get into the bin, and provides opportunity to dump household rubbish.

- The design creates an occupational, health and safety issue for Council's contractors, as to empty the bins they need to manually transfer the rubbish into another bin and lift that second bin into the rubbish collection truck.
- It is expensive to replace any damaged bins (\$544.50 per unit)

As part of the 2013/14 budget process, Council approved \$125,000 from the Foreshore Reserve Fund to replace foreshore bins. While the old bins could have been replaced with new 240L rubbish bins, officers believed that this was an opportunity to improve Council's waste collection processes on the beach by also installing recycling bins. A new initiative bid to provide the recycling bins (\$74,352) was approved as part of the 2014/15 budget process. The new dual bin station design is discussed under section 3.3.

To educate the public on the issue of litter in the bay and to encourage beach-goers to pick up litter, it is proposed that the bins feature educational stickers containing the '*take 3 for the sea*' initiative. The '*take 3*' initiative encourages beach-goers to pick up three pieces of litter when they visit the beach. Kingston's Environment Planning team have been using the '*take 3*' initiative to educate primary school students via give-aways and information at the 'Big green schools' event. The Environment Planning team also screened the '*take 3 for the sea*' documentary for the general public and Kingston staff.

3. Discussion

3.1. Council Plan Alignment

Planned Outcome 2 - A Sustainable Natural and Built Environment

Strategy 2.3 - Leader in foreshore management, ensuring a vibrant, accessible and enhanced foreshore

Action 2.3.2 Implement Kingston's Coastal Management Plan

The 2014 Kingston Coastal Management Plan states the Council will '*Replace Foreshore Litter Bins*' as a key project under section 3.4 - *Use of the Coast* (pg. 16).

3.2. Consultation/Internal Review

The Environment Planning and Communications teams have been consulted throughout the project to obtain their ideas and information on the use of the educational '*take 3*' stickers. Council's contract supervisor and the beach cleaning contractors who empty the foreshore bins have both been involved in the bin design process and provided operational information.

To inform the general public of the new bins and to promote recycling on the foreshore, it is suggested that Council:

- Place an advertisement/article in the local newspapers
- Place an article in *Kingston: Your City*
- Provide information about the foreshore bin replacement program on Council's website.

3.3. Operation and Strategic Issues

3.3.1. Bin Station Design

The new bin stations will contain a 240 litre recycling bin and a 240 litre general waste bin. These will be able to hold significantly more rubbish than the previous 110L steel swing bins.

The bins will be situated on a concrete slab and held in place by a double bin stand. The bin stand will limit how far the bin lids can open; this will stop the dumping of household rubbish in foreshore bins and will stop bin lids being left open allowing birds to access the rubbish.

By installing 240 litre bins, the contractors are able to collect the rubbish without manually having to lift the bins into the truck. The new bins will be emptied via a mechanical arm (similar to household bin collection).

3.3.2. Bin Location

Currently there are 133 bins located on the sand area along the foreshore (not including those in foreshore parks and car parks). Most of these bins are the small 110L steel swing bins. The number of bins on the sand has increased over time since the initial bin installation due to requests from residents.

It is proposed to replace the 133 existing bins with 88 dual 240 litre bin stations. The new bin stations will be installed on the sand at each foreshore access path with additional bins being located in Foreshore Activity Precincts. It was thought that by placing bin stations at these locations any beachgoer will, at a minimum, need to pass a bin station when they enter and exit the foreshore area. The additional bins at the Foreshore Activity Precincts will allow beachgoers who visit for a long time to have a bin station in close proximity.

Council will still continue to provide additional temporary bins during heat waves (several days over 35 degrees) as is the current practice.

The total bin volume on the foreshore will increase from approx. 18,610 to 42,240 litres albeit in fewer locations. In Foreshore Activity Precincts, there will be an increase in bin volume from 10,470 to 19,200 litres.

A review of the 88 locations will be conducted by the Manager Parks and Recreation following the 2014/15 summer season to ascertain the effectiveness and adequacy of the proposed installations.

3.3.3. Collection frequency

The recycling bins are emptied three times a week during the peak period (November to April) and twice a week during off peak times, both with additional collections during heat waves as required. The general waste bin collection frequency will not change.

4. Conclusion

4.1. Environmental Implications

There will be a significant benefit to the environment via the separation of recyclable materials from general waste and therefore a reduction in recyclables entering landfill. The new bins should also reduce litter escaping the bins due to the new design having a closeable lid.

4.2. Social Implications

The bin stickers will help promote the 'take 3' initiative which attempts to reduce the amount of rubbish entering waterways and killing wildlife. The bin stickers will also encourage beachgoers to pick up existing litter on the foreshore and put it in the bin.

The installation of recycling bins on the foreshore will encourage residents to recycle while they are in public areas, not just when they are at home. This will help improve the mindset of residents and will reinforce Council's commitment to recycling.

4.3. Resource Implications

The additional cost to empty the new recycling bins is \$74,352 per annum. This additional funding was approved via the 2014/15 budget process. During the 2013/14 budget process, Council approved \$125,000 from the Foreshore Reserve Fund for the removal of existing bins and installation of new bin stations.

The new bins are cheaper to replace than the existing steel bins (new bins \$42: old steel bins \$544.50).

4.4. Legal / Risk Implications

The new bin stations will reduce the risk to contractors of a manual injury when emptying the bins.

Author/s: Jared Megens, Foreshore Coordinator
Reviewed and Approved By: Nigel Brown, Acting Manager, Parks, Recreation and Depot Services
Paul Franklin, Acting General Manager City Assets and Environment

Ordinary Meeting of Council

27 October 2014

Agenda Item No: 10.4

COMMERCIAL USE OF COUNCIL LAND APPROVAL

Contact Officer: **Newton Gatoff, Team Leader Property Services**
Julian Harvey, Manager Property, Arts and Leisure

Purpose of Report

To inform Council of the community consultation feedback received in relation to the Commercial Use of Council Land draft policy; and seek Council's adoption of the policy with the proposed wording amendments.

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:

Adopts the Commercial Use Of Council Land 2014 policy with the proposed wording amendments.

1. Executive Summary

The draft policy was released for consultation on 26th May 2014 for a period of six weeks closing on the 27th June 2014.

The policy objective is to enable Council to respond to all requests for the Commercial Use of Council owned land for both Profit and Not for Profit organisations. The policy was drafted following consultation with a large number of Council departments and Officers who issue permits for a variety of services and activities on Council land.

The policy contemplates requests for a wide variety of potential uses for Council land and sets out assessment criteria which include:

- Nature of Activity
- Suitability of Site
- Scale of the Activity
- Public Safety
- Impact on Community & Amenities
- Ability to Conduct the Activity
- Return to Council
- Community Benefit
- Compliance with the Kingston Planning Scheme and other agency's requirements

Feedback from the public with comments about the draft policy itself are summarised in 3.2.1 and full copies of submissions are attached in Appendix 1.

2. Background

Kingston currently has no policy to guide the receipt of applications for commercial activities to occur on Council owned or controlled land. Permits for some activities are currently issued by appropriate departments of Council under local law or specific policies related to an activity.

The events team currently utilises an application process for weddings, public and community events. Applicants for these events include cycling and triathlon races, as well as concerts, festivals etc. Whilst no fees are currently charged for these events, Council proposes applying fees during 2014.

Sport and Recreation currently permit commercial Personal Trainers seasonal use of Council sporting grounds, via the Seasonal Allocation process. A charge of \$516 per season is currently charged.

Property Services currently runs an EOI process every three years, licensing Mobile Food Vendors in certain pre-determined locations within the municipality. Council receives over \$30,000 per annum in licence fees from licensing these fixed sites.

Generally, most other requests for commercial use of Council land, where Council has not called for Expressions of Interest or Tender, are denied.

Officers recommend that Council adopt an over-arching, non-prescriptive policy, which references procedures and guidelines already in place and where necessary allows for guidelines and procedures to be developed where there are none. A policy in this format will allow consideration to be given to proposals that Council may never have considered.

This proposed policy replaces the following Council policies:

- Triathlon Events
- On-Road Cycling Events
- Foreshore Commercial Activities

At the May Ordinary Council meeting Council resolved *“That Council endorses the proposed Commercial Use of Council Land draft policy and releases the document for public consultation, following which Officers should present a report to Council to include a summary of the outcomes of the consultation.”*

3. Discussion

3.1. Council Plan Alignment

Planned Outcome 1 - Facilities and Assets that are Well Used and Effectively Managed

Strategy 1.1 - Assets are managed and used to meet the needs and provide for current and future generations

The utilisation of Council land by Commercial organisations and local residents is intended to provide current and future businesses the opportunity to access services in locations which the community may otherwise be unable to receive.

3.2. Consultation/Internal Review

Officers have not received any submissions speaking against the policy.

3.2.1. There were a number of constructive suggestions received which may be summarised as follows:

Nola Baker on behalf of Kingston Residents' Association – *“Consider aspects of our environment before the final policy is drafted which specifically protect natural and NRA areas/flora and fauna habitat or aboriginal sites.”*

Patrick Lum – *“This proposal is not only beneficial for the community in the City of Kingston but one that is long overdue.”*

Mrs Nina Earl – General Comments – *“It does make sense for Council to have a policy on use of open spaces for For-Profit and Not-For-Profit groups and individuals”.*

“It is vital to protect our wonderful public open space assets from being ‘loved to death’ – please prevent trampling on native vegetation; keep quiet green spaces; keep vistas free of structures other than trees; discourage litter; resist adding leisure infrastructure or new buildings that removes green space; and discourage the feeding of birds.”

3.2.2. Other responses received during the consultation were from parties expressing interest in licensing land:

The Gnocchi Nook – requesting a mobile food vendor site

Nanna Cool Markets – wanting to site 3X3 marquees for market entertainment in Showers Avenue Chelsea

13CABS – request to erect signage on traffic signs providing information for those seeking cabs (by texting from a particular pole the cab company automatically knows where to pick up)

Vaia Gounis – request to open a kiosk style café in the residential estate located off Warrigal and Kingston roads

3.2.3. Officers have incorporated many of the suggestions summarised in 3.2.1 which enhance the intent of the draft policy. All amendments to the draft policy following the period of consultation are highlighted in yellow in the attached draft [version 2] of the policy (see Appendix 2).

3.3. Operation and Strategic Issues

3.3.1. Event Application and Guidelines

Applicants wishing to hold an event (ie provide a service or offer a product for sale) where the use of Council land is required, will be required in the first instance to apply in writing utilising a Council application form and guidelines for a public or private event, setting out the proposal in detail accompanied with the appropriate application fee.

If the event is requested to occur on a regular basis a Commercial Activity Licence may be required and the applicant may be asked to provide further details before the application can be assessed by Council. All Commercial Activity Licences will be assessed by the Property Services team.

All applicants will be required to address the assessment criteria set out in the policy.

3.3.2. Commercial Activity Licence Application by EOI

Council may seek applications via an Expression of Interest process where a number of parties have shown an interest in providing a similar service such as a Market or Food Vendor or where a variety of service providers all wish to access a specific site.

3.3.3. Appealing a decision

Applicants who disagree with a Council Officer decision not to issue a Commercial Activity Licence can apply to have the decision reviewed by a review committee which will include at a minimum one Councillor from each ward and a Council Officer. If the review committee determine that the Council Officer decision is to be overturned, a recommendation to Council will be drafted and the matter will be referred to Council for a final decision to determine if a permit is to be issued.

3.4. Options

3.4.1. Option 1

Adopt the Commercial Use of Council Land 2014 policy with the proposed amendments.

3.4.2. Option 2

That Council determines any further changes or requirements with respect to the Commercial Use of Council Land 2014 policy.

4. Conclusion

Officers conclude that by introducing an overarching policy, Council will be in a position to fairly and equitably assess applications for the commercial use of Council owned or controlled land for the purposes of licensing services or events.

Having completed a period of consultation, received feedback and further reviewed the draft policy, Officers now recommend that Council formally adopts the policy.

Officers will also provide a response to submitters following adoption of the policy.

4.1. Environmental Implications

The assessment criteria for each application will consider the effects of the service or activity on amenity and the suitability of the site.

4.2. Social Implications

The draft policy statement recognises that some commercial activities are best suited to being conducted on public land and to even complement the area. The draft policy also ensures that the use of Council land must be balanced against the needs of public users.

4.3. Resource Implications

Income derived from licence fees will be utilised as consolidated income to offset general Council expenditure. A minimum fee of \$500 will be applied for each licence issued for commercial licensees and fees will be reviewed as part of Councils annual budget process.

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4.4. Legal / Risk Implications

Whilst a policy and regulations seeks to ensure that all commercial activity on public land is subject to a permit or licence, Council may ultimately face criticism that public assets are being used for commercial advantage to the detriment of the public and/or private business.

Appendices

Appendix 1 - Commercial Use of Council Land Submissions (Trim No 14/99255)

Appendix 2 - Version 2 Draft Commercial Use of Council Land (Trim No 14/98314)

Author/s: Newton Gatoff, Team Leader Property Services
Julian Harvey, Manager Property, Arts and Leisure

Reviewed and Approved By: Paul Franklin, Acting General Manager City Assets and Environment

10.4

COMMERCIAL USE OF COUNCIL LAND APPROVAL

1	Commercial Use of Council Land Submissions	263
2	Version 2 Draft Commercial Use of Council Land	279

Mrs Nina Earl
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phone: 9587 9448
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11 July 2014

Property Services Team
 City of Kingston
 PO Box 1000, Mentone 3194

info@kingston.vic.gov.au

Dear Property Services Team

COMMENTS ON CITY OF KINGSTON COMMERCIAL USE OF COUNCIL LAND DRAFT POLICY 2014

As a Kingston resident who is very appreciative of Kingston's wonderful owned and managed public open spaces, and the good work by Council in caring for them, I comment on this policy with interest.

GENERAL COMMENTS

1. As population increases in the Kingston region, and tourism is encouraged, more people are organising passive and active recreation in open spaces or visiting them. And, it is important for people's fitness and well-being to be doing things outdoors in open spaces. So it does make sense for Council to have a policy on use of open spaces by For-Profit or Not-For-Profit groups and individuals.
2. Overall, this policy seeks to keep activity at a level that does little or no harm to open spaces or people's enjoyment of them. And it is good to see people enjoying and respecting Kingston's public open spaces in a variety of ways, passive or active, and to see outdoor educational activities for all ages. However, in encouraging visitation and activities, it is vital to protect our wonderful public open space assets from being 'loved to death'—please prevent trampling on native vegetation; keep quiet green spaces; keep vistas free of structures other than trees; discourage litter; resist adding leisure infrastructure or new buildings that removes green space; and discourage feeding of birds and animals. Council already does such things fairly well, but more protection would be needed with more visitation and activities.
3. Suggest, for ease of reference, that all sections have a hierarchy of numbering through the policy.

SPECIFIC COMMENTS

1. Aims

Comment: please include in 1.2 below *appropriate and conditional*, otherwise this aim suggests automatic, unconditional approval; in 1.4 below state who would regulate activities:

- 1.2 Be recognised as a Council which receives requests for *appropriate and conditional* use of land positively and one which promotes innovation, supporting the enterprise and entrepreneurial spirit of its community;
- 1.3 Provide a framework for the Council's consideration of proposals for commercial activities on beaches, parks and other Council owned or Council-controlled land;
- 1.4 Provide for the appropriate regulation of these activities—*by whom*—Kingston Local Laws, police?

2. Scope

Comment: for clarity in 2.3 below, *explain why buildings are excluded*; if another policy covers commercial use of Council owned or controlled buildings, then say so:

- 2.1 Council owned or controlled land (including roads);
- 2.2 Crown reserves where Council is appointed Committee of Management;
- 2.3 This policy does not apply to Council owned or controlled buildings, *because...* This policy does not apply to Council-organised events. Nothing in this policy or permits issued under it shall contravene any planning instrument, common law or Council's local laws.

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3. Objectives

Comment: please *include* a first objective about *environmental and cultural heritage protection*; for clarity in 3.3 say *equitable for whom*:

- 3.1 *Protect environmental and cultural heritage values from detrimental or excessive commercial activities;*
- 3.2 Respond to all requests received by Council for Commercial use of Council owned or controlled land;
- 3.3 Promote equitable (*for whom?*) use of land which creates community benefit;
- 3.4 Protect public use of land while providing equitable access to those entities wishing to utilise public land;
- 3.5 Facilitate access to commercial activities and other community facilities which may otherwise not be available in Kingston while balancing the needs of public users.

4. Policy Statement

Comment: whilst the statements below reflect public interest, missing is *recognition of natural environmental values on public land and that disruption should be minimised in these areas* also. Although flora and fauna are listed under Assessment Criteria on page 7, it is important to reinforce protection of them. Please *include* a statement, such as:

- 4.1 *Protect areas with environmental or cultural heritage values, such as natural habitat for native plants and animals, areas prone to erosion, significant landscapes or cultural sites, and minimise disruption in these areas.*
- 4.2 Council is committed to the principle that public land is for the benefit of the community. Any use of public land should minimise disruption to the everyday user;
- 4.3 Council also recognises that some commercial activities are best suited to being conducted on public land and to even complement that area. Where these uses have a community benefit, then Council may consider giving its approval.

6. Policy owner

Comment: Whilst Property Services are used to handling commercial matters, perhaps the statement below, or elsewhere in the policy, should refer to *collaboration with Parks and Gardens* who usually care for public land and would be familiar with the impact of activities on open spaces:

- 6.1 The position responsible for writing and / or reviewing the policy and ensuring it is kept up-to-date with any legislative or operational changes is the **Manager Property Services**. This position can be contacted for assistance and information about this policy.

9. Council Land Licensing Principles

9.1. General

Comment: the principles below seem logical.

- a) A Licence or permit gives the licensee a right to occupy land (not exclusively), which without the Licence would be unlawful;

Nature of Interest:

- b) Licence does not create an interest in land;
- c) The rights created by the Licence are personal and do not run with the land;
- d) A Licence cannot be assigned;
- e) A Licence will terminate where the owner ceases to own or control the land.

9.2. Definitions

Comment: the definitions below seem adequate, should this policy be approved:

- a) Commercial Enterprise An organisation (including Not-for-Profits) providing goods, services or activities for financial return;
- b) Commercial Activity An event (including those events undertaken by Not-for-Profits) which provides goods, services or activities for financial return;
- c) Council Land Land owned or controlled by Council;



- d) Commercial Activity Licence A licence or lease which provides consent for the (**or Lease**) operation of a commercial activity on or across a public place within the Council owned or controlled land. Where this document refers to 'Licence' it also applies to Permit(s);
- e) Licence/Lease Fee The fee payable to Council by the licensee/lease holder for a specified period for the purposes of undertaking commercial, recreational or sporting activities by providing a service or product available to the public.

9.3. Crown Land Reserves in Kingston

Comment: the description below is self-explanatory:

The State Government–Department Environment & Primary Industries (DEPI), has appointed Council as the Committee of Management for a number of Crown Land reserves including those foreshore reserves in the City of Kingston. This appointment was made under Section 14 of the Crown Land (Reserves) Act 1978. Any policies or guidelines set by DEPI will be the governing document for Crown Land controlled by Council.

DEPI represents the Crown as the landowner of the Foreshore Reserves. Approvals for the use and development of coastal Crown land is required in accordance with Section 37 of the Coastal Management Act 1995.

9.4. Activities not requiring a Commercial Activity Licence

Comment: support the non-licensed activities below on public land:

- a) Emergency services performed by recognised emergency service organisations;
- b) Passive recreational activities;
- c) Informal social gatherings;
- d) Spreading of Ashes;
- e) Volunteer Rescue Organisation – Training Days.

The activities listed in this clause are permitted provided that they are not undertaken for commercial gain.

9.5. Activities not requiring a Commercial Activity Licence but requiring other Council permits/approvals

Comment: support the non-licensed activities below on public land, but *query d) that is at variance with exclusion of buildings* under Scope on page 3:

- a) Filming – refer to Council's Filming Policy;
- b) Footpath / Street Trading – refer to Council's Footpath & Street Trading Policy;
- c) Busking - refer to Council's Busking Policy;
- d) Activities occurring in Council owned or controlled buildings or in accordance with a seasonal allocation.

9.6. Restrictions–Commercial Activities that will NOT be approved

Comment: agree with excluding the activities below on public land. Please *add a first restriction to exclude environmentally damaging activities:*

- a) *Activities which are deemed to be a significant detriment to environmental values in public space;*
- b) Activities involving the promotion or advertising of tobacco, or gambling;
- c) Activities which are illegal, or are likely to promote or incite violence;
- d) Activities that do not meet the goals and objectives of the Council plan;
- e) Activities which are deemed to be a significant detriment to public accessing public space.

9.7. Commercial Exclusion Zone

Comment: for clarity and completeness, please *include the additions* indicated below:

Unless the activity is designated as a use under a lease or licence from Council or a sub-lease or sub-licence of a Council tenancy, no commercial activities will be permitted on or close to the following areas:



- a) Socially or culturally sensitive areas, including *aboriginal heritage sites*, memorials, shrines and public art works;
- b) Any designated sportsground without a specific written approval by the sports and recreation team;
- c) Tree reserves, garden beds or vegetation, *including natural reserves*;
- d) Any other areas that may be nominated by Council at any time.

10. Assessment Criteria

Comment: The assessment criteria below seem comprehensive:

The following criteria will be considered when determining whether or not a proposed activity shall be granted a Commercial Activity Licence:

- 10.1 Nature of Activity: Does the commercial activity complement the local community;
- 10.2 Suitability of Site: Consider compatibility with the land purpose, or any plans of management, and whether the activity will have an unreasonable adverse effect on free and equitable access to the land or its use;
- 10.3 Scale of the Activity: Consideration of local area's population and growth, and the ability for the location to support the activity;
- 10.4 Public Safety: The applicant must demonstrate ability to meet appropriate safety requirements and show awareness of duty of care responsibilities, and demonstrate capability to promote interpretive and educational information that ensures clients will receive instruction in minimal impact techniques, environmental protection and ethics of appropriate behaviour;
- 10.5 Impact on Community & Amenity, including but not limited to:
 - a) Noise and other pollution;
 - b) Visual impacts;
 - c) Flora and fauna;
 - d) Access;
 - e) Safety;
 - f) Increased use and degradation of the space;
 - g) The local community's desire and tolerance for the proposed activity.
- 10.6 Ability to Conduct the Activity: The applicant must demonstrate experience in carrying out the proposed activity to a high professional standard;
- 10.7 Return to Council: The applicant must demonstrate they have the capacity to meet licence conditions, including the keeping of records and prompt payment of fees;
- 10.8 Community Benefit, including but not limited to:
 - a) Promoting the primary purpose of the land; or
 - b) Support or servicing the needs of the users of that land; or
 - c) Contributing to tourism.
- 10.9 Compliance with the Kingston Planning Scheme and other agency's requirements.

11. General Applications

Comment: liaison between teams is vital for effective assessment and management of permits, perhaps *Parks and Gardens* should be listed below as a team to collaborate with about events:

- 11.1 A number of Council teams will assess and manage permits by applying processes and application guidelines for relevant activities to enable Council to issue permits on Council land. These include:
 - a) Personal Training--Sport & Recreation Team;
 - b) Promotional Activities--Property Services;
 - c) Weddings--Events Team;
 - d) Public Events--Events Team;
 - e) Triathlons / Cycling / Other major sporting events--Events Team.

All other uses shall be considered on a case by case basis.

- 11.2 Applicants for all events must apply in writing utilising the Council application form, setting out the proposal in detail and accompanied with the appropriate application fee. Any application for a licence that fails to meet the requirements as outlined in the Application Guidelines shall be rejected.



12. Licence Applications (e.g. Markets, Food Vendors, etc.) by EOI

Comments: these conditions for license applications and EOI seem comprehensive:

- 12.1 Council may seek applications via an advertised Expression of Interest process, from suitably qualified individuals or organisations who wish to conduct commercial activities on Council land within the City of Kingston. Some categories may be offered by EOI on an annual, bi-annual or triannual basis.
- 12.2 Respondents must set out their proposal in detail, and address all criteria set out in the EOI specification. Respondents may be required to submit further documentation to support an application, i.e. Risk Management Plan, Site Management Plan, Waste Management Plan, Emergency Management Plan, Traffic Management Plan, signage permits etc.
- 12.3 All applications for licences under this clause shall be assessed and determined by the Property, Arts and Leisure Manager (or his/her delegate). Applications may be referred to other internal departments for comment as part of the assessment.
- 12.4 Annual permits and licences will generally operate for 1 year commencing 1 July to 30 June. Permits and licences for longer than one year may be considered on a case by case basis, taking into consideration set-up costs etc.
- 12.5 An approximate timeline for an Annual EOI is as follows:
 - a) Expression of Interest opens May;
 - b) Applications Close: June;
 - c) Assessment: July - September;
 - d) Approvals October.

13. Appealing a Decision

Comments: the decision appeal process below seems fair:

- 13.1 Applicants who disagree with Council's decision not to issue a Commercial Activity Licence can apply to have the decision reviewed by a Review Committee, which will consist at a minimum of one Councillor from each Ward.

14. Insurance

Comments: the requirements below correctly put insurance onus on licence holders:

- 14.1 All Licence holders are required to hold Public Liability insurance indemnifying Council (minimum \$10M but higher limits may be required for higher risk activities). Prospective Licence holders will be required to provide a Certificate of Currency for such insurance to Council prior to the issue of the Licence and will be required to provide proof of continuance of that insurance as requested.

15. Standard Conditions for Licences

Comment: the standard licence conditions below seem reasonable and necessary:

The following standard conditions will apply to all licences:

- 15.1 Licences are non-assignable and non-transferrable to any party. If the business operating under a Licence is sold then the subject licence will automatically terminate and the new business owner must apply for a new licence if required;
- 15.2 A Licence holder will be required to maintain compliance with operating requirements for the nominated activity;
- 15.3 All signage and other uses must comply with Council's signage policy;
- 15.4 All parking and vehicle usage is subject to Council's parking restrictions, local laws and state road rules. If required by the Council, the applicant must develop and implement site management and traffic management plans in accordance with Council's requirements;
- 15.5 Activities must meet all legal requirements, including obtaining approvals related to building occupancy, health and planning;
- 15.6 Council officers may consult other agencies as they consider appropriate, including Victoria Police and VicRoads, in considering applications and imposing conditions.



16. Termination of Licence

Comment: the standard licence conditions below seem reasonable and necessary:

The Licence may be terminated in the following circumstances:

- 16.1 if any fees owing remain in arrears for 30 days;
- 16.2 if any insurance the holder is required to have is cancelled or if the holder fails to provide proof of that insurance to Council within 14 days of any request by Council;
- 16.3 if the Licensee breaches any condition of the Licence;
- 16.4 if the Licensee commits an act of bankruptcy or, being a corporation, has receivers appointed; or
- 16.5 If the Licensee commits an unlawful act or breaches requirements of any other relevant Authority.

Council reserves the right to terminate any Licence at any time for management reasons including, but not limited to environmental protection, public safety, changes in policy and/or legislation, or if Council determines that another use requires the land for any period.

If a Licence is terminated or suspended by Council for reasons (other than those set out in 16a - 16e [16.1-5] above), then Council shall reimburse the Licence fee on a pro-rata basis—however, Council will not be responsible for any losses incurred by the Licence holder as a result of that termination.

COUNCIL SHALL NOT BE RESPONSIBLE FOR LOSS OF INCOME TO A LICENSEE ARISING FROM THE TEMPORARY OR PERMANENT CLOSURE (OR ACCESS) OF THE LICENSED AREA.

17. Licence Fees

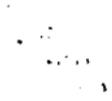
Comment: the standard licence fee conditions below seem reasonable and necessary:

- 17.1 Licence fees are required to be paid annually or otherwise in advance;
- 17.2 Council will determine the minimum fees through the annual budget process, listing in the fees and charges section or as varied by Council resolution;
- 17.3 Fees above the minimum will be set via commercial competition or at the discretion of the Manager Property Arts and Leisure based upon market evidence;
- 17.4 Fees for community or charity events may be reduced or waived as deemed appropriate. Requests for fee waivers or reductions must accompany applications;
- 17.5 Licence holders will be required to reimburse Council for the cost of any restoration or repairs which are required as a result of damage occurring during the carrying out of the activity. A bond in advance may be required which will be returned at the end of a licence period provided there is no damage to Council property;
- 17.6 Security bonds are required for some activities at Council's discretion.

Thank you for devising this policy and for the opportunity to comment, and I hope my suggestions are useful.

Yours Sincerely

Nina Earl



Commercial Use of Public Land Submission

Dear Sir/madam,

On reading your policy on commercial use of public land, I noticed that this draft:

- mentions environmental protection only twice, re public safety and termination of licence
- refers to culturally sensitive areas, re commercial zones, but not specifically to cultural heritage or aboriginal sites.

Unless these are covered by related policies, there seems to be no specific protection from commercial activities for natural and NRA areas/flora and fauna habitat or aboriginal sites such as middens.

Please consider these important aspects of our environment before the final policy is drafted.

Thanks

Nola Baker

Nolamay1@hotmail.com

On behalf of Kingston Residents' Association.

E-mail Message

From: Patrick Lum [SMTP:patrick@kitsu-mi.com.au]
To: Info [SMTP:info@kingston.vic.gov.au]
Cc:
Sent: 14/6/2014 at 3:46 PM
Received: 16/6/2014 at 11:31 AM
Subject: Commercial Use of Council Land - Draft Paper

Dear Sir/Madam,

I read the above draft paper with interest and this proposal is not only beneficial for the community in the City of Kingston but one that is long overdue. I trust that there will be no further delay in finalising this proposal.

Regards,

Patrick Lum

Mobile: 0412 545 005

DRAFT

Commercial Use of Council Land 2014

APPROVAL	Council adoption date <i>proposed 27th October 2014</i>
VERSION NO:	Version 2
TRIM REF:	14/98314
REVIEW	30/09/2018
RESPONSIBLE EXECUTIVE	General Manager City Assets and Environment
POLICY OWNER	Manager Property, Arts and Leisure Services

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1. Aim of the Policy

The aim of this policy is to:

- be recognised as a Council which receives requests for **appropriate** use of land positively and one which promotes innovation, supporting the enterprise and entrepreneurial spirit of its community.
- provide a framework for the Council's consideration of proposals for commercial activities on beaches, parks and other Council owned or Council-controlled land.
- provide for the appropriate regulation of these activities.

2. Scope

This policy applies to all public places under the control of Council, including:

- Council owned or controlled land (including roads)
- Crown reserves where Council is appointed Committee of Management
- This policy does not apply to Council owned or controlled buildings **as Council has a Leasing Policy which refers to buildings**. This policy does not apply to Council-organised events. Nothing in this policy or permits or **licences** issued under it shall contravene any planning instrument, common law or Council's local laws.

3. Objectives

The objectives of the Commercial Use of Council Land Policy (2014) are to:

- Respond to all requests received by Council for Commercial use of Council owned or controlled land
- Promote equitable use of land which creates community benefit
- Protect public use of land **including environmental, cultural heritage and aboriginal sites** while providing equitable access to those entities wishing to utilise public land;
- Facilitate access to commercial activities and other community facilities which may otherwise not be available in Kingston while balancing the needs of public users.

4. Policy Statement

Council is committed to the principle that public land is for the benefit of the community. Any use of public land should minimise disruption to the everyday user.

Council also recognises that some commercial activities are best suited to being conducted on public land and to even complement that area. Where these uses have a community benefit, then Council may consider giving its approval.

5. Responsible Executive

The **General Manager Assets and Environment** has responsibility for this policy.

6. Policy owner

The position responsible for writing and / or reviewing the policy and ensuring it is kept up-to-date with any legislative or operational changes is the **Manager Property Arts and Leisure Services**. This position can be contacted for assistance and information about this policy.

7. Related Documents

This policy refers to the following State legislation and local laws –

- (a) Local Government Act 1989
- (b) Coastal management Act 1995
- (c) Road Safety (Traffic Management) Regulations 2005
- (d) Building Act 1993
- (e) Kingston Local Law No. 4
- (f) Planning and Environment Act 1987

This policy refers to the following internal plans and strategies:

- a) Event Application Guidelines
- b) Seasonal Allocation of Sports Grounds
- c) Leasing Policy 2004

8. Delegation Authority

Delegations under the following Acts and Regulations that apply to this Policy:

- Local Government Act 1989

9. Council Land Licencing Principles

9.1. General

A Licence or permit gives the licensee a right to occupy land (not exclusively) which without the Licence would be unlawful

9.2. Nature of Interest

A Licence does not create an interest in land

The rights created by the Licence are personal and do not run with the land

A Licence cannot be assigned

A Licence will terminate where the owner ceases to own or control the land

9.3. Definitions

Commercial Enterprise	An organisation (including Not-for-Profits) providing goods, services or activities for financial return
Commercial Activity	An event (including those events undertaken by Not-for-Profits) which provides goods, services or activities for financial return
Council Land	Land owned or controlled by Council
Commercial Activity Licence (or Lease)	A licence or lease which provides consent for the operation of a commercial activity on or across a public place within the Council owned or controlled land. Where this document refers to 'Licence' it also applies to Permit(s).
Licence/Lease Fee	The fee payable to Council by the licensee/lease holder for a specified period for the purposes of undertaking commercial, recreational or sporting activities by providing a service or product available to the public.

9.4. Crown Land Reserves in Kingston

The State Government – Department Environment & Primary Industries (DEPI), has appointed Council as the Committee of Management for a number of crown land reserves including those foreshore reserves in the City of Kingston. This appointment was made under Section 14 of the Crown Land (Reserves) Act 1978. Any policies or guidelines set by DEPI will be the governing document for Crown Land controlled by Council.

DEPI represents the Crown as the landowner of the Foreshore Reserves. Approvals for the use and development of coastal Crown land is required in accordance with Section 37 of the Coastal Management Act 1995.

9.5. Activities not requiring a Commercial Activity Licence

- a) Emergency services performed by recognised emergency service organisations.
- b) Passive recreational activities
- c) Informal social gatherings
- d) Spreading of Ashes
- e) Volunteer Rescue Organisation – Training Days

The activities listed in this clause are permitted provided that they are not undertaken for commercial gain.

9.6. Activities not requiring a Commercial Activity Licence but requiring other Council permits/approvals

- a) Filming – refer to Council’s Filming Policy
- b) Footpath / Street Trading – refer to Council’s Footpath & Street Trading Policy
- c) Busking - refer to Council’s Busking Policy
- d) An activity occurring in conjunction with a Council owned or controlled building which is leased or licensed under the Leasing Policy or which is in accordance with a seasonal allocation procedure.

9.7. Restrictions – Commercial Activities that will NOT be approved

- Activities involving the promotion or advertising of tobacco, or gambling;
- Activities which are illegal, or are likely to promote or incite violence;
- Activities that do not meet the goals and objectives of the Council plan;
- Activities which are deemed to be a significant detriment to public accessing public space;
- Activities which may be significantly detrimental to the environment.

9.8. Commercial Exclusion Zone

Unless the activity is designated as a use under a lease or licence from Council or a sub-lease or sub-licence of a Council tenancy, no commercial activities will be permitted on or close to the following areas:

- Socially or culturally sensitive areas, including memorials, aboriginal heritage sites, shrines and public art works;
- Any designated sportsground without a specific written approval by the sports and recreation team;
- Tree reserves, garden beds or vegetation including natural reserves;
- Any other areas that may be nominated by Council at any time.

10. Assessment Criteria

The following criteria will be considered when determining whether or not a proposed activity shall be granted a Commercial Activity Licence .

- Nature of Activity
Does the commercial activity complement the local community

- **Suitability of Site**
Consider compatibility with the land purpose, or any plans of management, and whether the activity will have an unreasonable adverse effect on free and equitable access to the land or its use
- **Scale of the Activity**
Consideration of local area's population and growth, and the ability for the location to support the activity
- **Public Safety**
The applicant must demonstrate ability to meet appropriate safety requirements and show awareness of duty of care responsibilities, and demonstrate capability to promote interpretive and educational information that ensures clients will receive instruction in minimal impact techniques, environmental protection and ethics of appropriate behaviour
- **Impact on Community & Amenity**
Including but not limited to:
 - noise and other pollution
 - visual impacts
 - flora and fauna
 - access
 - safety
 - increased use and degradation of the space
 - the local community's desire and tolerance for the proposed activity
- **Ability to Conduct the Activity**
The applicant must demonstrate experience in carrying out the proposed activity to a high professional standard
- **Return to Council**
The applicant must demonstrate they have the capacity to meet licence conditions, including the keeping of records and prompt payment of fees
- **Community Benefit**
Including but not limited to:
 - promoting the primary purpose of the land; or
 - support or servicing the needs of the users of that land; or
 - contributing to tourism.
- **Compliance with the Kingston Planning Scheme and other agency's requirements**

11. General Applications

A number of Council teams will assess and manage permits by applying processes and application guidelines for relevant activities to enable Council to issue permits on Council land. These include:

- Personal Training –Sport & Recreation team

- Promotional Activities – Property Services
- Weddings – Events team
- Public Events – Events team
- Triathlons / Cycling / Other major sporting events – Events team

All other uses shall be considered on a case by case basis.

Applicants for all events must apply in writing utilising the Council application form, setting out the proposal in detail and accompanied with the appropriate application fee. Any application for a licence that fails to meet the requirements as outlined in the Application Guidelines shall be rejected.

12. Licence Applications (e.g. Markets, Food Vendors, etc.) by EOI

Council may seek applications via an advertised Expression of Interest process, from suitably qualified individuals or organisations who wish to conduct commercial activities on Council land within the City of Kingston. Some **usage** categories may be offered by EOI on an annual, bi-annual or tri-annual basis.

Respondents must set out their proposal in detail, and address all criteria set out in the EOI specification. Respondents may be required to submit further documentation to support an application, ie Risk Management Plan, Site Management Plan, Waste Management Plan, Emergency Management Plan, Traffic Management Plan, signage, permits etc.

All applications for licences under this clause shall be assessed and determined by the Property, Arts and Leisure Manager (or his/her delegate). Applications may be referred to other internal departments for comment as part of the assessment.

Annual permits and licences will generally operate for 1 year commencing 1 July to 30 June. Permits and licences for longer than one year may be considered on a case by case basis, taking into consideration set-up costs etc.

An approximate timeline for an Annual EOI is as follows:

- | | |
|--------------------------------|------------------|
| • Expression of Interest opens | May |
| • Applications Close: | June |
| • Assessment: | July - September |
| • Approvals | October |

13. Appealing a Decision

Applicants who disagree with Council Officers decision not to issue a Commercial Activity Licence can apply to have the decision reviewed by a review committee which will include at a minimum one Councillor from each ward and a Council Officer. **If the review committee determine that the Council**

Officer decision is to be overturned, the matter will be referred to Council for a final decision to determine if a permit or licence is to be issued.

14. Insurance

All Licence holders are required to hold Public Liability insurance indemnifying Council (minimum \$10M but higher limits may be required for higher risk activities). Prospective Licence holders will be required to provide a Certificate of Currency for such insurance to Council prior to the issue of the Licence and will be required to provide proof of continuance of that insurance as requested.

15. Standard Conditions for Licences

The following standard conditions will apply to all licences:

- a) Licences are non-assignable and non- transferrable to any party. If the business operating under a Licence is sold then the subject licence will automatically terminate and the new business owner must apply for a new licence if required.
- b) A Licence holder will be required to maintain compliance with operating requirements for the nominated activity.
- c) All signage and other uses must comply with Councils signage policy.
- d) All parking and vehicle usage is subject to Council's parking restrictions, local laws and state road rules. If required by the Council, the applicant must develop and implement site management and traffic management plans in accordance with Council's requirements.
- e) Activities must meet all legal requirements, including obtaining approvals related to building occupancy, health and planning.
- f) Council officers may consult other agencies as they consider appropriate, including Victoria Police and VicRoads, in considering applications and imposing conditions.

16. Termination of Licence

The Licence may be terminated in the following circumstances:

- a) if any fees owing remain in arrears for 30 days;
- b) if any insurance the holder is required to have is cancelled or if the holder fails to provide proof of that insurance to Council within 14 days of any request by Council;
- c) if the Licensee breaches any condition of the Licence;
- d) if the Licensee commits an act of bankruptcy or, being a corporation, has receivers appointed; or

- e) If the Licensee commits an unlawful act or breaches requirements of any other relevant Authority.

Council reserves the right to terminate any Licence at any time for management reasons including, but not limited to environmental protection, public safety, changes in policy and/or legislation or if Council determines that another use requires the land for any period.

If a Licence is terminated or suspended by Council for reasons (other than those set out in 16a - 16e. above), then Council shall reimburse the Licence fee on a pro-rata basis – however, Council will not be responsible for any losses incurred by the Licence holder as a result of that termination.

COUNCIL SHALL NOT BE RESPONSIBLE FOR LOSS OF INCOME TO A LICENSEE ARISING FROM THE TEMPORARY OR PERMANENT CLOSURE (OR ACCESS) OF THE LICENSED AREA.

17. Licence Fees

- Licence fees are required to be paid annually or otherwise in advance
- Council will determine the minimum fees through the annual budget process, listing in the fees and charges section or as varied by Council resolution.
- Fees above the minimum will be set via commercial competition or at the discretion of the Manager Property Arts and Leisure based upon market evidence.
- Fees for community or charity events may be reduced or waived as deemed appropriate. Requests for fee waivers or reductions must accompany applications
- Licence holders will be required to reimburse Council for the cost of any restoration or repairs which are required as a result of damage occurring during the carrying out of the activity. A bond in advance may be required which will be returned at the end of a licence period provided there is no damage to Council property.
- Security bonds are required for some activities at Council's discretion.

18. Transition/Translation arrangements

Policy commencement date is October 1st 2014.

19. Review

This Policy is to be reviewed by – September 30th 2019.

Ordinary Meeting of Council

27 October 2014

Agenda Item No: 10.5

MOORABBIN RESERVE REDEVELOPMENT UPDATE

Contact Officer: Julian Harvey, Manager Property, Arts and Leisure

Purpose of Report

To update Councillors of the progress of the Moorabbin Reserve Redevelopment and seek Council approval for the execution of the funding agreement for \$8 million.

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. Receive the information
2. Authorise the CEO to execute a Funding Agreement with the State Government of \$8 million for the redevelopment of the Moorabbin Reserve.

1. Executive Summary

Over the past 2 years officers have worked collaboratively with the St Kilda Football Club, the AFL, South Metro Junior League (SMJL) and Southern Football League (SFL) to prepare a case for the funding of a redevelopment of Moorabbin Reserve. The Project has received a funding commitment from the State Government of \$8M.

Officers have completed the required paperwork to give effect to the stated commitment by The Treasurer and now seek the approval of Council to execute a funding agreement to secure the State's contribution to the project. (refer Appendix 1).

2. Background

The Moorabbin Reserve is a significant piece of open space that has remained under developed for a number of years. The site is leased to the St Kilda Football Club until 2040. Whilst much of the site is open to the public, the comprehensive redevelopment of the reserve into a park commensurate with Kingston's other reserve has been hampered by the operation of the Lease.

The proposed redevelopment of the reserve as a community football hub to serve the south east has gained the support of the AFL the local football leagues, St Kilda FC and the State Government.

Key outcomes of the proposed development include:

- A new sports pavilion
- Office accommodation for SMJL, SFL and Sandringham Dragons including function/ community space

- Floodlighting of the oval
- Community access to oval for approximately 60% of the year
- New children's district playground
- Redevelopment of the northern section of the park to support the emerging new community in Moorabbin
- Paths, running tracks and landscaping throughout the reserve
- Parking and associated civil works

To achieve the redevelopment a number of key documents need to be put in place:

- Grant Application
- Funding Agreement with the State
- Memorandum of Understanding between the parties
- Memorandum of Understanding between St Kilda and Council

The pressing need is for the execution of the Grant application and Funding Agreement prior to the State entering its caretaker period on 4 November 2014.

3. Discussion

3.1. Council Plan Alignment

Planned Outcome 1 - Facilities and Assets that are Well Used and Effectively Managed

Strategy 1.1 - Assets are managed and used to meet the needs and provide for current and future generations

The redevelopment of Moorabbin Reserve will intensify the use of a significant parcel of open space for organised community based sports and for passive recreation in an area that is rapidly developing with high density housing.

3.2. Consultation/Internal Review

The project has required significant collaboration between the parties to the redevelopment. Internal consultation has been initiated with a project group headed up by the General Manager City Assets and Environment. A Project Control Group (PCG) has been established to operate as an advisory and reference point for the project.

Further consultation with the community will be required as the detailed plan for the reserve improvements is developed.

3.3. Operation and Strategic Issues

3.3.1. Project Budget

The project has been the subject of initial cost estimates to support the application for funding to the State. These estimates formed the basis of the State's commitment of \$8Million. Officers have reviewed the project budget and the funding commitments which are:

State Government	\$8.0M
City of Kingston	\$1.5M
AFL	\$750K
AFL Victoria	\$250K
Southern Football League	\$250K
South Metro Juniors	\$150K
Total	\$10.9M

The football funding partners have expressed concern that this may not be sufficient funding to achieve the outcomes envisaged in the proposal to the state, specifically the funding partners believe a total budget of \$12.4M is required. AFL have written to Council requesting that Council underwrite additional funding of \$1.5M they believe is required to complete the project (refer appendix 2). Officers believe that a commitment of this type prior to detail design and costing is premature. The architect and other consultants will be instructed to design and specify within the budget parameters. Importantly Council, as the principal, will have the opportunity to manage the project accordingly following discussion and consultation with the funding partners through the PCG while ensuring the project's outcomes are achieved.

In order to commence the project Council has recently advertised an EOI to seek suitable architects to undertake the project. Following a tender, a report will be presented to Council recommending the appointment of the successful architectural practice.

3.3.2. Documentation

The Funding Agreement must be executed prior to the State entering its period of caretaker in the lead up to the November poll.

3.3.3. Leases

A number of new lease arrangements will be developed with the parties including St Kilda Football Club. The outline of these arrangements are to be included in the Memoranda of Understanding. Upon settling of the Drafts these will be provided to Council for consideration and execution if appropriate.

4. Conclusion

4.1. Environmental Implications

The redevelopment of Moorabbin Reserve will have a positive impact on the local environment by enhancing existing open space and developing new facilities that incorporate ESD principals.

4.2. Social Implications

Organised community sport such as football has a positive effect on social connectivity - the local leagues are committed to enhancing opportunities for all members of the community and have an active juniors and female competition. The enhancement of the reserve will also provide for a meeting place for the current and future communities in the Moorabbin area.

4.3. Resource Implications

Council has committed \$1.5M in its Capital Budget. This funding was first approved in the 2007 budget and has been carried forward subsequently. This funding, as it is derived from Open Space Contributions, is required by legislation to be directed to improvements to the public realm open space at the reserve. Council is also providing the governance, administration and project management of the project as an in kind contribution.

4.4. Legal / Risk Implications

The documentation has been reviewed by Council's solicitor and has advised that it is appropriate to be executed. Other documentation is being developed under legal oversight. Council, as principal and land owner, will be carrying the construction risk of the project. This risk will be managed and reduced to acceptable levels through the careful documentation and supervision of the project.

Appendices

Appendix 1 - Header Agreement - Moorabbin Reserve Recreation Redevelopment (Trim No 14/137964)

Appendix 2 - Moorabbin Reserve Redevelopment Linton St Support Funding (Trim No 14/134283)

Author/s: Julian Harvey, Manager Property, Arts and Leisure

Reviewed and Approved By: Paul Franklin, Acting General Manager City Assets and Environment

10.5

MOORABBIN RESERVE REDEVELOPMENT UPDATE

1	Header Agreement - Moorabbin Reserve Recreation Redevelopment.....	297
2	Moorabbin Reserve Redevelopment Linton St Support Funding	305

HEADER AGREEMENT - ACTIVITY SCHEDULE

Re: Moorabbin Recreation Reserve Redevelopment

Agreement to deliver Activities as set out in this Activity Schedule

- > KINGSTON CITY COUNCIL has a Header Agreement for grant funded Activity with the Department of Transport, Planning and Local Infrastructure (DTPLI).
 - (a) The Header Agreement sets out terms and conditions that apply to any grant funded Activity from the Department. These terms and conditions are available online at the Municipal Association of Victoria and DTPLI websites.
 - (b) The terms 'You' and 'Yours' in this Activity Schedule and in the Header Agreement refer to KINGSTON CITY COUNCIL and are used as required. The terms 'the Department', 'Us', 'We', or 'Our' refer to the Department of Transport, Planning and Local Infrastructure and are used as required.
- > In signing below, You are agreeing to add this Activity Schedule to Your existing agreement with the Department, and to use Funds provided by the Department in a way that meets requirements set out in:
 - (a) Your Header Agreement with the Department
 - (b) This Activity Schedule and any attachments that are named herein.
- > If there is a conflict or inconsistency between the terms and conditions of Your Header Agreement with the Department and this Activity Schedule, then the Activity Schedule has precedence, to the extent of the conflict or inconsistency.
- > This Activity Schedule can be varied only with the written consent of both parties, except when the Department may increase payments for the purpose of indexation.

EXECUTED for and on behalf of the STATE OF VICTORIA represented by and acting through the Department of Transport, Planning and Local Infrastructure, ABN 17 441 396 042, by:

Name and position of authorised representative

Sign here: Date:

EXECUTED for and on behalf of KINGSTON CITY COUNCIL, **ABN 74 149 638 164**, by the following authorised delegates of KINGSTON CITY COUNCIL

Complete this section including your name and position details

Name and position of authorised representative

Sign here: Date:

Item 1: Activity details

(read with 'Terms and Conditions', clause *About the Funded Activities*)

What the Funding is for

- > Project includes the redevelopment of the reserve for community football, including a community football pavilion, floodlighting, reserve upgrade, regional play space and other amenities to support community football use and for use by St Kilda's proposed VFL team..

Why the Department is Funding this Activity

- > The Strategic Sporting Infrastructure Program is a targeted grants program that will:
 - Provide funding for strategic large scale or regionally significant sporting infrastructure requiring State Government support;
 - Increase the capacity of regional cities and outer metropolitan areas to accommodate major sporting events by providing funding for sustainable events infrastructure;Develop sports specific facilities aimed at supporting state sporting organisations' elite and sports development programs.

Activity start date and end date

- > The Activity described in this Schedule starts on 31/10/2014 and ends on 31/10/2016

The people/groups who are intended to benefit most from this Activity are:

- > The general community

This Activity is intended to benefit people or groups living in the following places:

- > KINGSTON CITY COUNCIL

Item 2: Funding

(read with 'Terms and Conditions', clause *About the Funding*)

Funding

- > The funding for this Activity comes from the Strategic Sporting Infrastructure Program
- > The funding for the Activity is \$8,000,000.00. This amount is excluding GST.

Payment of funding

- > The Funding will be paid as outlined in the Activity Deliverables and Payments Table and within thirty (30) Business Days of the Organisation providing accepted evidence that demonstrates that the Organisation has completed agreed actions.

Item 3: Activity deliverables and payments

(read with 'Terms and conditions', clause *About the Funded Activities, About the Funding and Your/Council Contributions and Other Contributions to this Activity*)

Activity Deliverables and Payments Table			
Deliverable or milestone	Demonstrating the deliverable is complete	Due date	Payment amount (excluding GST)
Endorsement of Activity Schedule, Confirm Funding and Site Signage.	<ul style="list-style-type: none"> • Signed Activity Schedule • Updated Project Management Framework (Project Plan) • Confirm Scope of Works and Project funding • Site signage installed indicating Victorian Government Partnership Contribution 	30/09/2014	\$1,200,000
Approve Plans and Engage Builder	<ul style="list-style-type: none"> • Approval Architectural Brief including Universal Design and ESD • Approval of final plans* • Confirm facility management arrangements • Letter of Contractor Engagement 	30/04/2015	\$3,000,000
Construction mid-point	<ul style="list-style-type: none"> • Demonstrate mid-point of construction and evidence of contractor payment • Confirm scope of Activation Activities/Programming. 	30/01/2016	\$3,000,000
Completion	<ul style="list-style-type: none"> • Final report including the signed financial acquittal received and accepted by the Department and other required information including: <ul style="list-style-type: none"> ○ Evidence of actual expenditure incurred on the Activity ○ Evidence to SRVs satisfaction that the project has been completed ○ Submission of Final Report. • Provision of Schedule of Use 	30/06/2016	\$800,000
Outcomes Report	Completed outcomes report received and approved by the Department	15/06/2017	

*Approval of final plans will not be unreasonably withheld.

Inclusion of Application

- > Your application and any additional information that is requested by the Department prior to this Schedule being executed is part of this Agreement. The Activity delivered must be consistent with those documents. If there is a conflict or inconsistency between the Organisation's application and the Organisation's Agreement then the Agreement has precedence, to the extent of the conflict of inconsistency.

Completion requirements

- > You must complete the Activity as agreed, meeting all actions and providing evidence as required in the Activity Deliverables and Payments Table.

Project plan requirement

- > A project plan, project management plan or other similar plan must be provided to the Department as soon as possible, and not later than thirty (30) Business Days after the start date of the Activity. This plan must:
 - (a) detail how the Activity will be delivered
 - (b) include timeframes for action
 - (c) be endorsed by the Department

Reports must report on progress against the project plan.

Variations

- > The Organisation may from time to time propose to the Department a variation to the Activity, the Start Date, the End Date and any Activity deliverables or budget specified in the Schedule, but not, for the avoidance of doubt, to the amount of the Funding.

If the Department, in its sole discretion agrees to the Organisation's proposed amendment, then the Activity, the Start Date, the End Date and any Activity deliverables or budget specified in the Schedule, as applicable, will be deemed to be amended accordingly.

Item 4: Budget

(read with 'Terms and conditions', clause *About the Funding* and *Your/Council Contributions and Other Contributions to this Activity*)

Activity forecast budget

- > The budget for this Activity as set out in the Organisation's application forms part of this Agreement. This budget details Activity income from the Department, the Organisation and other contributors, and forecast expenditure.

Item 5: Reporting requirements

(read with 'Terms and conditions', clauses on *Reporting* and on *Assets*)

Progress reports

- > The Organisation can provide the report in any format that clearly identifies agreed actions and progress. The Department, however, may not accept reports that are not clear, concise and in line with the Activity Deliverables and Payments Table or the attached Activity plan if there is one.

Final or yearly report

- > The final or yearly report must be submitted by the date written in the Activity Deliverables and Payments Table.
- > The final or yearly report must be completed using the Department's template. It includes a financial acquittal report. This report must be signed by an authorised delegate from the Organisation.

Outcomes report

- > Twelve (12) months after the completion of this Activity, You must provide a report and/or data on outcomes, using the Department's template.

Additional reporting

- > The Organisation must provide additional information that the Department requests in relation to the evaluation of the program(s) through which this Funding is provided. The Department must make only reasonable requests and should give notice of at least twenty (20) Business Days.

Item 6: Activity specific requirements

Acknowledgement (read with 'Terms and conditions' clauses on *Reporting* and on *Assets*)

- > The Organisation will acknowledge any financial and other support from the Victorian Government according to the *Acknowledgement and Publicity Guidelines* as amended from time to time, which can be found at www.dtpli.vic.gov.au/manage-my-grant
- > The Department reserves the right to publicise and report on awarding the Funding to the Organisation.

Activity governance

- > A steering committee, working party or other similar group will be established to manage the Activity. A representative from the Department must be invited to be a part of this group. Having Department representation on a group to manage the Activity does not limit the Organisation's obligations under this Agreement.

Tendering and contracting

- > The designs must be endorsed by the Department prior to appointment of any consultant or contractor.
- > Tender documentation must include universal design principles and environmental sustainability as being fundamental requirements in the design of the facility
- > The Department reserves the right to be involved in the tender and contracting process, as required.
- > Universal Design workshop to be held prior to approval of final plans.

Specific Policies, Standards & Guidelines

- > The Organisation agrees to report to the Department any breaches, of standards, guidelines, policies and procedures in carrying out this Activity of which the Organisation becomes aware.
- > The Department is committed to promoting the Victorian Code of Conduct for Community Sport (VCCCS). For the purposes of this clause:
 - (a) 'Breach of the VCCCS' includes any conduct which the Department, in its discretion, reasonably believes is, or may lead to, a contravention of the VCCCS
 - (b) 'Facility' means any place where the Activity is performed, and includes any part of the Facility
 - (c) 'Timely Notice' means giving notice in writing within the earlier of five (5) Business Days, or as soon as practicable
 - (d) the Organisation agrees to give the Department timely notice of any unresolved Breach of the VCCCS of which the Organisation becomes aware
 - (e) the Organisation agrees to give the Department timely notice of any investigation into an unresolved Breach of the VCCS by any sporting body, club or association who are tenants or licensees of the Facility, of which the Organisation becomes aware
 - (f) the Organisation agrees that the Department may, in its discretion, suspend or cancel payments under this Agreement in whole or in part if any sporting body, club or association who are tenants or licensees of the Facility, refuses or fails to resolve any Breach of the VCCCS to its satisfaction.
- > The Organisation must comply with the requirements of the Victorian Industry Participation Policy for this Activity as described in the attachments.

Key Contacts for this Activity

(read with 'Terms and conditions', clause on *Notice*)

Our contact is

Philip Saikaly
Department of Transport, Planning and Local Infrastructure
Level 26, 1 Spring St
Melbourne VIC 3000
Philip.saikaly@sport.vic.gov.au
03 9208 3416

Your contact is

xxxx

Guidelines for acknowledging Victorian Government funding support in promotions, media and other forms of publicity

A common condition of government grants is that recipients must agree to follow guidelines for acknowledging the government's funding. A breach of these guidelines is considered a breach of your funding agreement.

The guidelines are as follows:

You may be required to keep the funding confidential until a public announcement is made

Once approved, many grants remain highly confidential until the relevant Minister or their representative has publicly announced funding has been approved. If that applies to an activity for which your organisation has been funded, you will have been advised of this in writing at the time you were offered funding.

The department is responsible for coordinating participation by the Minister or their representative.

You can expect the department and/or the Minister's office to contact your organisation to make arrangements for the announcement. If you are aware of any upcoming events that might provide a good opportunity to make the announcement, let your departmental contact know.

You must give the government's representative an opportunity to open or launch the funded activity, and invite them to events

If your organisation will launch the activity at a public event or similar, you must give the relevant Minister the opportunity to officially open or launch the activity.

You must also invite the department and the Minister to all significant events associated with the activity.

You will need to give adequate notice (the department recommends at least two months' lead time) and work with the department to coordinate the Minister's and his or her representative's role in an opening or launch, or their attendance at events.

At all openings, launches and events supported by or associated with government funding support, you must prominently display government signs or banners

Signs and banners can be borrowed through your departmental contact. Your organisation is responsible for organising for their collection and their prompt return.

You must acknowledge the government's funding support on written materials, in speeches and other forms of presentations, and on plaques

The Victorian Government's funding support and key messages about the funding program (if there are any) should be acknowledged:

- in speeches and presentations about the activity
- in press releases
- in relevant job advertisements
- on documents, publications, reports, brochures, posters, fliers and the like. The government should also be given the opportunity to contribute a sponsor's message for any relevant publication
- on plaques

- on websites; websites developed with the government's funding support should also include a link to the [department's web site](#).

You must use the Victorian Government's logo in accordance with the [Victorian Government Branding Policy](#)



Diagram 1: The Victorian Government logo.

The logo shown in diagram 1 must be included on all published or printed materials – please contact your departmental contact for a high-resolution version of the Victorian Government logo.

Under no circumstances may this logo be altered without permission.

For capital projects, it is expected that the government's funding support is acknowledged, by displaying the Victorian Government logo on:

- temporary signs erected while the work is being done.
- permanent signage, such as a plaque.

You will need to ensure that the Victorian Government Branding Guidelines are adhered to when using the Victorian Government logo.

Please forward draft mock-ups of all signage featuring the Victorian Government logo to your departmental contact for approval.

Reporting on how you have acknowledged the government's funding support

You may be asked to provide details of how the government's funding support was or is being acknowledged in reports to the department. If this is the case this will be part of your reporting template or instructions.

Your departmental contact has access to Victorian Government logos, key messages and other communication tools and templates that will help you promote your Victorian Government funded program or project.

If you have any questions or need to clarify details please contact the departmental officer named in your funding agreement.



Friday, 26 September 2014

Mr John Nevins
Chief Executive Officer
Kingston City Council
PO Box 1000
Mentone, VIC 3194

Dear John,

Re: Moorabbin Reserve, Linton St - Support Funding.

Thank you for meeting with the project partners last week as we try and establish a clear way forward.

Since mid-2013, all of the interested partners have been members of a Project Working Party (including Council representation) in order to collaboratively develop the project proposal, share knowledge and understand the respective expectations as we moved forward, especially in developing the submission to the State Government for funding.

It is difficult for the project partners to understand the council position of not committing to the project beyond the planned parks upgrade as already budgeted by council before this project was even conceived. Equally to expect such a project to be developed to fit a 5 year capital plan makes taking advantage of opportunities for Kingston all the more difficult. Whilst there is a gap in the funding from the council's view, the budget is the same as has always been held in the project group and available to council.

What is before us now is a project almost fully funded by parties other than the Kingston Council. The State contribution of \$8M, which the football stakeholders were successful in lobbying for, is thought to be the largest single grant to a community sporting facility (outside of aquatic centres) provided in Victoria. This was recognition by the State Government of the multiple users of the facility, the significant outcomes that could be achieved and that it was time to 'fix' Moorabbin.

The project will be fully funded once an additional \$1.5M is committed. In requesting such funding from Council you indicated that we would have to demonstrate the benefits for council its ratepayers.

Moorabbin Reserve is identified within Kingston Councils own strategic documents as being an important site servicing the Moorabbin community. Relevant extracts of these documents include:

- Kingston's Open Space Strategy recommends:
 - "Create a community sports focus, more play opportunities and improved sports training facilities at Moorabbin Reserve."
 - It identifies Moorabbin Reserve as "Councils regional Australian rules football facility."
- Kingston's Active Leisure Strategy identifies:
 - "Partnerships are often formed with external agencies that assist Council to facilitate an active leisure outcome for the community that it otherwise would not be able to deliver."
 - "Maintain and upgrade existing active leisure facilities over building new ones."
- Kingston's Moorabbin Junction Urban Renewal Strategy indicates:
 - "The reserve is a major draw card of life in Moorabbin..."
 - "A rejuvenation of the reserve..., is set to transform it into a significant regional attraction...."

In addition, key benefits to Kingston ratepayers for investment in the project include:

Australian Football League



AFL House 140 Harbour Esplanade Docklands Victoria 3008 Telephone 613 9643 1999 Facsimile 613 96431872
All correspondence to GPO Box 1449 Melbourne Victoria 3001 Australia www.afl.com.au ABN 97 489 912 318

INSTITUTED 1896

- 2 -

- o Improved open space/sports ground. Increased activation of the reserve, drawing more residents to sporting events and activities at the site.
- o Significant benefit to Kingston football clubs and residents involved in the Sandringham Dragons, SFL and SMJFL for training, education, club development and matches.
- o Use of the new community room for community meetings and gatherings of various community groups.

In an effort to respond to your position at the end of our September 16 meeting when considering options to address the \$1.5M request, I submit the following:

- Council underwrite the current \$1.5M shortfall in the project and the partners will agree to minimise this amount by:
 - o Using the interest earned from the State Government grant held on deposit and;
 - o Value management of the project to support this Council underwriting.
- AFL funds are committed to this project at a level well above what we have contributed to other similar projects and no other funds are available from the AFL's community facility fund.
- All the partners to agree on the project outcomes linked to the respective funding to be provided.

The funds available for the project (beyond St Kilda's work on the first floor of the Huggins Stand) would be:

State	\$8M
Kingston	\$TBC - plus reserve works to be completed as in Council plans - \$1.5M
AFL-AFLV	\$1M
SFL	\$0.25M
SMJFL	\$0.15M
Interest	\$0.15M - estimate

We see this project as a great opportunity for Council to significantly improve Council's own asset for community use and achieve its undertakings in its own strategic documents, all for less than 10% of the total project cost.

After speaking to the State Government, we also understand that there is no requirement from them, for a detailed MoU to be signed for the project before a Funding Agreement with the State can be executed. An agreement on the scope of the project will be required however. As such, we ask that Council move quickly with the State to finalise and sign the Funding Agreement.

Should you have any queries on the above, please feel free to contact me. I look forward to hearing from you on the above.

Yours sincerely



Ken Gannon
Community Facilities and Projects Manager

27 October 2014

Agenda Item No: 10.6

PUBLIC NOTICES FOR SALE OF 101 COLLINS STREET AND LEASE OF AGED CARE PROPERTIES

Contact Officer: Newton Gatoff, Team Leader Property Services

Purpose of Report

This report seeks Council's approval to publish statutory notices stating Council intention to sell 101 Collins Street and to lease four Council owned properties, for the purposes of aged care.

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 resolves to:

1. authorise and direct the Chief Executive Officer or his delegate to publish public notices in accordance with sections 189 and 190 of the Local Government Act 1989 ("Act") stating Council's intention to sell 101 Collins Street, Mentone and to lease four Council properties at 9-15 Brindisi Street, Mentone; 10 Brindisi Street, Mentone; 27 Chute Street, Mordialloc; and 8-12 Northcliffe Road, Edithvale;
2. authorise and direct the CEO and other relevant Council staff to carry out the necessary administrative procedures to allow Council to carry out its functions under section 223 of the Act; and
3. authorise and direct the CEO and other relevant Council staff to convene, if required, a Special meeting of Council on December 8th 2014, or such other date if required, commencing at 6pm to hear presentations from parties who wish to be heard in support of their written submissions..

1. Executive Summary

Council has resolved to seek requests for proposals to manage Council's aged care facilities including the non-Council operated facility at 9-15 Brindisi Street, Mentone. Council also wishes to consider proposals from parties to construct and operate an aged care facility at 101 Collins Street, Mentone. The proposal includes the prospective sale and lease of Council land as detailed in this report.

Prior to receiving any proposals, it is appropriate to notify the community in accordance with Section 189 and 190 of the Local Government Act 1989 ("Act") of Council's intentions. Any party that wishes to make a submission, in response to Council's proposal to sell and lease the properties, may do so and the submitter or their representative may, at their election, be heard in person.

2. Background

Further to Council resolutions of 25th March 2013 and 22nd September 2014, Council is preparing to seek requests from interested parties wishing to operate four Council owned properties as aged care facilities and to seek requests for the construction and operation of an aged care facility at 101 Collins Street Mentone. Respondents to the request for proposal may offer to:

- enter into Leases for properties at:
 - 9-15 Brindisi Street, Mentone;
 - 10 Brindisi Street, Mentone;
 - 27 Chute Street, Mordialloc;
 - 8-12 Northcliffe Road, Edithvale; and
- offer to purchase 101 Collins Street, Mentone for the purpose of constructing an aged care facility.

The intent of Council to sell or lease land, before any commitment is made, requires notice under, respectively:

- section 189 for a potential sale; and
- section 190 for potential leases.

In turn this allows submissions to be made, that must be considered by Council pursuant to section 223 of the Act.

3. Discussion

3.1. Council Plan Alignment

Planned Outcome 1 - Facilities and Assets that are Well Used and Effectively Managed
Strategy 1.1 - Assets are managed and used to meet the needs and provide for current and future generations

Seeking proposals for the leasing four of Council properties to operate the existing aged care facilities and the sale of Council land for the construction and use as an aged care facility is an effective use of Council assets to meet the current and future needs of the community to access high quality aged care facilities.

3.2. Consultation/Internal Review

It is now appropriate for Council to publish public notices stating Council's intention to sell 101 Collins Street and to lease four Council owned properties, for the purposes of aged care. The process will enable all parties wishing to be heard by Council, to be able to do so on December 8th 2014 and for Council to then consider such submissions at a Council meeting on December 15th 2014.

3.3. Operation and Strategic Issues

3.3.1. Proposed dates

Subject to Council's decision arising from this report the following dates are applicable;

30th October 2014 - Public Notices Appear in The Age

28 th November 2014	- All submission to be received by Council
5 th December 2014	- All Councillors to receive a synopsis of all submissions
8 th December 2014	- Special Council meeting to hear submitters
15 th December 2014	- Ordinary Council Meeting to decide whether to proceed, including consideration of all submissions.

4. Conclusion

4.1. Environmental Implications

N/A

4.2. Social Implications

Publishing the notices of Council's intention to sell and lease land in accordance with section 189 and 190 Local Government Act process will enable members of the public wishing to make a submission with the opportunity to do so and if they elect to do so, be heard by Council.

4.3. Resource Implications

N/A

4.4. Legal / Risk Implications

The publishing of public notices at this stage is deemed appropriate by Council's legal advisers.

Appendices

Appendix 1 - Advertisements for Sale Lease of Council Owned Land (Trim No 14/137910)

Author/s:	Newton Gatoff, Team Leader Property Services
Reviewed and Approved By:	Paul Franklin, Acting General Manager City Assets and Environment
	Julian Harvey, Manager Property, Arts and Leisure

10.6

PUBLIC NOTICES FOR SALE OF 101 COLLINS STREET AND LEASE OF AGED CARE PROPERTIES

- 1 Advertisements for Sale Lease of Council Owned Land 313**

CITY OF KINGSTON LOGO

PROPOSED SALE OF COUNCIL OWNED LAND

In accordance with Section 189 of the Local Government Act 1989 (**“the Act”**) Kingston City Council (**Council**) hereby gives notice of its intention to sell land at:

101-103 Collins Street Mentone

Being the land (or part thereof) described in Certificate of Title Volume 10385 Folio 131 and being Lot 1 on PS 416812 shown below (**“Land”**).



The proposal to sell is intended to include the following elements:

- sale by private treaty;
- sale at not less than market value;
- requirements (secured by a Section 173 agreement under the Planning and Environment Act 1987) that:
 - the Land must be developed and used, only for a Residential Aged Care Facility; and
 - control building heights and setback.

In accordance with Section 223 of the Act, any person wishing to make a submission on the proposal must do so in writing to the undersigned by Friday, November 28 2014.

If a person wishes to be heard in support of their submission they must include the request to be heard in the written submission and this will entitle them to appear in person or by a person acting on their behalf before a Special meeting of Council scheduled to be held on the 8 December 2014 commencing at 6pm at 1230 Nepean

Highway Cheltenham. If such a request is made the submitter will be notified about hearing arrangements.

All submissions will be considered in accordance with Section 223 of the Act.

Submissions should be marked to the attention of: Mr Julian Harvey, Property, Arts and Leisure Services, PO Box 100, Mentone Vic 3194 or via email to info@kingston.vic.gov.au.

John Nevins
Chief Executive Officer
Kingston City Council

CITY OF KINGSTON LOGO

PROPOSED LEASES OF COUNCIL OWNED LAND

In accordance with Section 190 of the Local Government Act 1989 (**“the Act”**) Kingston City Council (**Council**) hereby gives notice of its intention to lease land at:

9-15 Brindisi Street Mentone – Known as “Corben House”

Being the land (or part thereof) described in Certificates of Title Volumes 3497 & 3539 Folios 216 & 703 and being Lots 63 & 65 on Plan LP 503 shown below (**“Land”**).



The proposal to lease is intended to include the following elements:

- the tenant must be a licensed residential aged care provider;
- the permitted use must be for a residential aged care facility;
- the lease may contain options to renew on particular terms;
- the tenant, through the lease or a separate agreement with Council, providing commitments regarding management of the residential aged care facility.

27 Chute Street Mordialloc – Known as “Nixon Hostel”

Being the land (or part thereof) described in Certificate of Title Volume 10269 Folio 666 and being Lot 2 on Plan PS 334994 shown below (**“Land”**).



The proposal to lease is intended to include the following elements:

- the tenant must be a licensed residential aged care provider;
- the permitted use must be for a residential aged care facility;
- the lease may contain options to renew on particular terms;
- the tenant, through the lease or a separate agreement with Council, providing commitments regarding management of the residential aged care facility;
- that the tenant or a related entity must complete a new residential aged care facility at 101 Collins Street, Mentone (“New Facility”);
- the lease to terminate upon completion and occupation of the New Facility.

8-12 Northcliffe Road Edithvale– Known as “Northcliffe Lodge”

Being the land (or part thereof) described in Certificate of Title Volume 9108 Folio 737 and being Lot143 and 158 on Plan LP 9213 and lots 1,2,3,4 and 5 on TP 709860 shown below (“Land”).



The proposal to lease is intended to include the following elements:

- the tenant must be a licensed residential aged care provider;
- the permitted use must be for a residential aged care facility;
- the lease may contain options to renew on particular terms;
- the tenant, through the lease or a separate agreement with Council, providing commitments regarding management of the residential aged care facility;
- that the tenant or a related entity must complete a new residential aged care facility at 101 Collins Street, Mentone (“New Facility”);
- the lease to terminate upon completion and occupation of the New Facility.

10 Brindisi Street Mentone – Known as “Mordialloc Community Nursing Home”

Being part of the land (or part thereof) described in Certificate of Title Volume 9687 Folio 425, all of the land in Certificate of Title Volume 6727, Folio 337 and being Part of PC 161639 and Part of Crown Allotment E shown below (“Land”).



The proposal to lease is intended to include the following elements:

- the tenant must be a licensed residential aged care provider;
- the permitted use must be for a residential aged care facility;
- the lease may contain options to renew on particular terms;
- the tenant, through the lease or a separate agreement with Council, providing commitments regarding management of the residential aged care facility;
- that the tenant or a related entity must complete a new residential aged care facility at 101 Collins Street, Mentone (“New Facility”);
- the lease to terminate upon completion and occupation of the New Facility.

In accordance with Section 223 of the Act, any person wishing to make a submission on the proposal must do so in writing to the undersigned by Friday, November 28 2014.

If a person wishes to be heard in support of their submission they must include the request to be heard in the written submission and this will entitle them to appear in person or by a person acting on their behalf before a Special meeting of Council scheduled to be held on the 8 December 2014 commencing at 6pm at 1230 Nepean Highway Cheltenham. If such a request is made the submitter will be notified about hearing arrangements.

All submissions will be considered in accordance with Section 223 of the Act.

Submissions should be marked to the attention of: Mr Julian Harvey, Property, Arts and Leisure Services, PO Box 100, Mentone Vic 3194 or via email to info@kingston.vic.gov.au.

John Nevins
Chief Executive Officer
Kingston City Council

Ordinary Meeting of Council

27 October 2014

Agenda Item No: 10.7

LAND ACQUISITION - FRASER AVENUE DRAINAGE SCHEME

Contact Officer: Newton Gatoff, Team Leader Property Services
Alan West, Team Leader Engineering Design

Purpose of Report

To provide Council with an outline of the \$4M stormwater improvement project, the additional funding and the ongoing negotiations with Melbourne Water and to recommend a partial acquisition of land by Council at the Chelsea Public Golf Course.

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 authorises the Chief Executive Officer or his delegate to:

1. Execute a Memorandum of Understanding with Melbourne Water and;
2. Purchase the land hatched in yellow, being part of the land described in certificate of title volume 8718 folio102 situated at Edithvale Road and known as the Chelsea Public Golf Course and Edithvale Recreation Reserve to the satisfaction of Council's legal and valuation advisors and thereafter execute all legal documentation to complete the purchase of the same land and;
3. Utilise funds to meet the cost of purchase from Council's 2014/15 infrastructure budget which will be offset from a grant provided by Melbourne Water and;
4. Lease the remaining balance of land being part of the land described in certificate of title volume 8718 folio102 situated at Edithvale Road and known as the Chelsea Public Golf Course to the satisfaction of Council's legal and valuation advisors and thereafter execute all legal documentation to complete the lease of the same land.

1. Executive Summary

Following a decision at the May 2014 Ordinary Council meeting, when Council decided not to proceed with a purchase of the Chelsea Public Golf Course land, Council has since received a grant for a further \$300,000 from the 'Office of Living Victoria' for the water harvesting and reuse system which Council intends to install at the site. Total grants for the project including \$300,000 from Melbourne Water now stands at \$600,000, provided Council undertakes the works by August 2015.

Council will be constructing infrastructure of around \$4M on part of Melbourne Water land and Officers consider that such an investment (together with Council's existing velodrome which is also constructed on the subject part of Melbourne Water land), merits at the very least a partial acquisition of the Chelsea Golf Course land by Council.

Following a request from Melbourne Water for a commitment in principle to enable a valuation to be undertaken, Officers from Property Services and Infrastructure recommend Council enters into a Memorandum of Understanding which sets out the intention of the parties by providing for a partial acquisition by Council and for a lease (as per the May 27th 2014 Council resolution) but for only the balance of the land.

2. Background

Council is preparing to construct a \$4M stormwater improvement project almost entirely on Melbourne Water land.

This project incorporates the following components:

STAGE 1

- Melbourne Water has allocated \$300,000 towards improving stormwater quality and the Office of Living Victoria has recently allocated a further \$300,000 to increase stormwater storage for irrigating the reserve. The second grant is conditional on the works being advertised during November 2014 to allow works to be constructed by August 2015.

The estimated cost of this stage is \$800,000 plus the cost of acquiring the land.

STAGE 2

- Flood mitigation works (funded by Council) with the solution based on a detailed joint venture Council/MW study.

These works are scheduled to be constructed under two separate contracts commencing in 2015/2016 and programmed to minimise the impact of construction works on the operation of the golf course.

The estimated cost of this stage is \$3.5M subject to ground conditions encountered during deep construction works.

Most of the proposed works will be located on land owned by Melbourne Water.

Appendix 1 shows the title boundary for the Melbourne Water land (shown in red including the yellow hatched area) which incorporates Council uses being a public golf course, part of a car park and part of the velodrome.

The Melbourne Water land is currently leased by Council, which is sub-leased to the Australasian Golf Course and the lease (and therefore sub-lease) is in over hold.

At the Ordinary Council meeting in May 2014, Council resolved to “enter into a new ten year lease with Melbourne Water for the subject land for a rental figure of no more than \$10,000 p.a. and simultaneously negotiate a new sub-lease with the Australasian Golf Club. Further that Council negotiate an additional lease with Melbourne Water for the utilisation of the subject land for Council pump infrastructure to support the major storm water drainage project.”

Following the May resolution, Melbourne Water advised that a new valuation for lease would be required.

Officers requested new lease terms from Melbourne Water for a long lease. In discussing the best means to provide for a lease for uses in addition to a golf course, Officers from Council and Melbourne Water consider the only appropriate option would be for Council to negotiate a partial acquisition of the land hatched in Appendix 2 and for Council to lease the balance of the land as a golf course.

Melbourne Water has requested a Memorandum of Understanding setting out the basis for a valuation and showing Council’s intent. Officers from Council and Melbourne Water have drafted a proposed MOU (see Appendix 3.)

3. Discussion

3.1. Council Plan Alignment

Planned Outcome 6 - A Well Managed and Effective Organisation

Strategy 6.4 - Robust and accountable business and financial processes

Any authority constructing enduring and significant public assets should secure as long a term for occupancy as possible, including outright ownership.

3.2. Operation and Strategic Issues

3.2.1. Recommend acquisition of yellow hatched land and lease balance of the land

3.2.1.1. **Officers only recommended option** is for Council to acquire the hatched land in Appendix 2 as this enables Council to own all of the improvements into the future and resolves the fact that Council’s velodrome is currently built across Council AND Melbourne Water land. This leaves a balance of land which, in accordance with the intent of the May 2014 resolution of Council, can be leased for the purposes of a Golf Course.

3.2.2. New Facts arising since Council’s resolution on May 27th 2014

3.2.2.1. Since Council resolved NOT to acquire the whole of the subject land, Council has received a further grant of \$300,000 from Office of Living Victoria.

3.2.2.2. It is possible that a valuation for a lease for the whole golf course will be in excess of \$10,000 p.a. and therefore possible that a further Council resolution on leasing part of the Golf Course would have been required.

3.2.2.3. Melbourne Water has stated that given the nature of works proposed, Council should purchase the subject land, as a lease or easement over land where Council is making such a significant investment is not appropriate.

3.2.2.4. Melbourne Water has requested that Council sets down proposals so that the intentions of both parties can be agreed; to enable project works to be tendered; funding opportunities secured; and that the key property issues finally resolved.

3.2.3. Timing

To enable Council to take up the bulk of the funding from the Office Of Living Victoria, Council must finalise a scope of works and have tendered the project by November 2014. Delays in tendering the works may jeopardise this element of the funding and expediting an MOU as per Appendix 3 will provide both parties with the comfort that the works will be able to proceed.

3.2.3.1. Completion of Stage 1 by August 2015 would allow Council to claim \$250,000 from Office of Living Victoria.

3.2.3.2. Completion of Part of stage 2 (estimated to be completed by December 2015) would need to be fast tracked to claim the remaining \$50,000.

3.2.3.3. Purchase by Council of hatched yellow area ('partial purchase')

The entire site was valued at \$800k and Officers expect the partial acquisition to be at a cost of \$100k and \$200k (Council will receive a valuation to be considered at the Ordinary Council meeting on October 27th 2014). If Council decides to proceed with a partial purchase, Officers will be required to undertake a project which involves seeking to subdivide the land to enable a sale and transfer of land to take place.

3.2.4. Lease of remaining land for Golf Course Use

Officers expect the balance of the golf course land to be leased by Melbourne Water to Council for a sum greater than \$10,000p.a.(Council will receive a valuation to be considered at the Ordinary Council meeting on October 27th 2014).

4. Conclusion

Council is about to invest \$4M in land it currently does not own. The MOU between the parties sets out the intention for Council to purchase the land upon which a significant part of the project will be undertaken and for Council to lease the balance of the land as a golf course.

4.1. Environmental Implications

Council is proposing to make significant environmental improvements to the subject land including the provision of water tanks and a bio-retention basin, to provide an alternate non-potable water supply for irrigation of the adjoining sports grounds on Edithvale Recreation Reserve.

4.2. Social Implications

A lease of the subject land will provide Council with greater ongoing certainty of providing golf as a recreation activity in this location.

4.3. Resource Implications

Funds from Council's 2014/15 Infrastructure budget would be utilised to meet the costs of purchase.

4.4. Legal/Risk Implications

Council's purchase and lease will be overseen by Council's legal and valuation advisors. The risk of not proceeding on the recommended basis could jeopardise external funding arrangements and the optimum benefits sought in the project.

Appendices

Appendix 1 - Appendix 1 Chelsea Golf Course - Proposed Council Acquisition
Dimensions (Trim No 14/127328)

Appendix 2 - Appendix 2 Chelsea Golf Course - Proposed Council Acquisition
Dimensions (Trim No 14/127332)

Appendix 3 - Appendix 3 Memorandum of Understanding for Chelsea Public Golf Course
Land (Trim No 14/127335)

Author/s: Newton Gatoff, Team Leader Property Services
Alan West, Team Leader Engineering Design

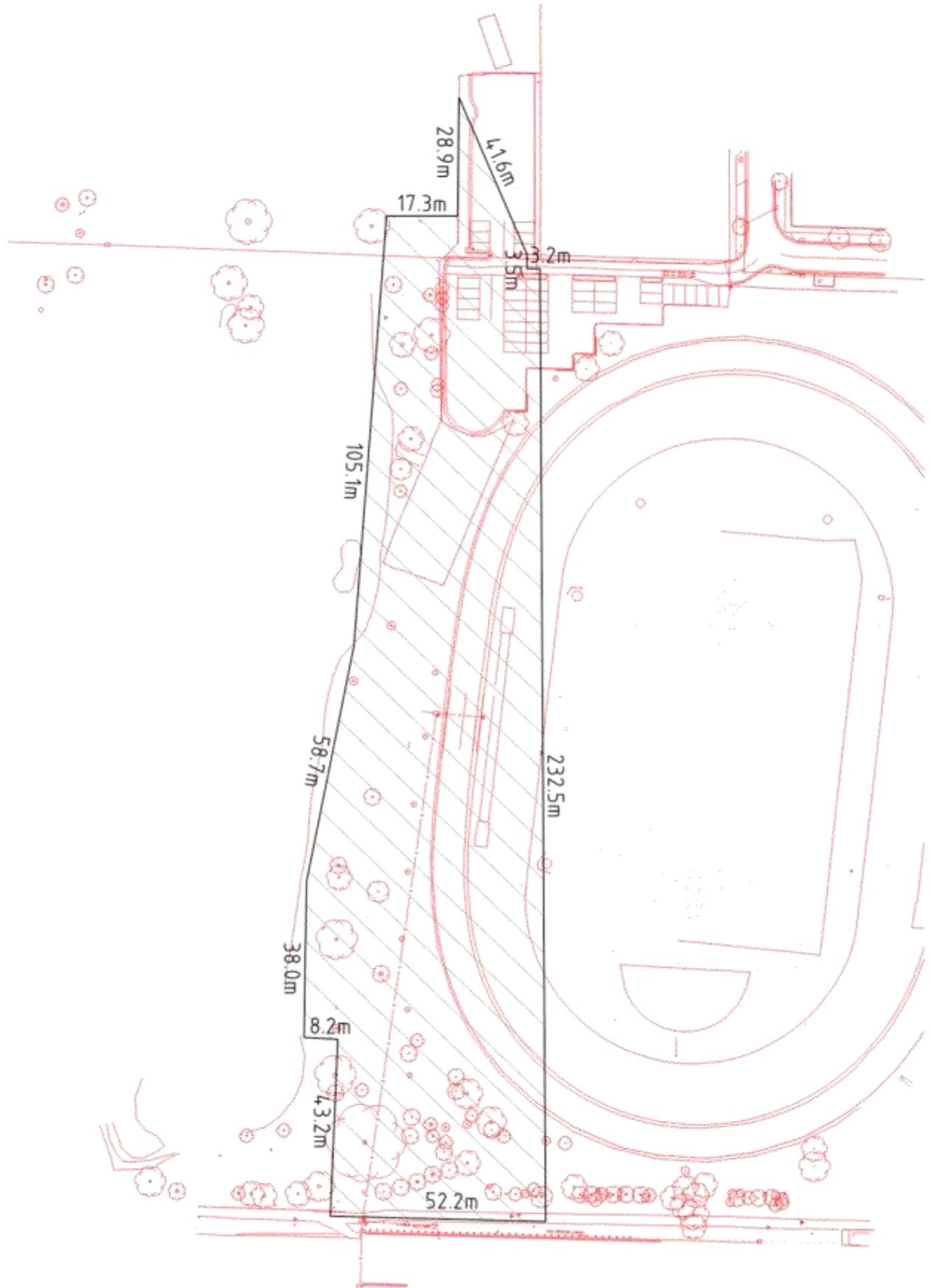
Reviewed and Approved By: Julian Harvey, Manager Property, Arts and Leisure
Paul Franklin, Acting General Manager City Assets and
Environment

10.7

LAND ACQUISITION - FRASER AVENUE DRAINAGE SCHEME

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3	Appendix 3 Memorandum of Understanding for Chelsea Public Golf Course Land.....	331





Memorandum of Understanding for Chelsea Public Golf Course Land

Parties:

MELBOURNE WATER

AND

KINGSTON CITY COUNCIL

Background

- A. The Chelsea Golf Club Land being Lot 1 & 2 TP820833P Edithvale Road, Certificate of Title Volume 8718 Folio 102 (**The Land**) – is owned by Melbourne Water.
- B. City of Kingston currently occupies **The Land** under a head lease which is currently in over hold and City of Kingston sub leases **The Land** to the Australasian Golf Club. Part of **The Land** also forms part of the adjoining the City of Kingston’s velodrome.
- C. City of Kingston intends to undertake flood mitigation, water quality treatment, and a harvesting and reuse system (**The Works**) on a section of **The Land** being 11,900sqm shown hatched as indicated in Appendix 1 (**Part of the Land**) as stage one of a \$3M flood mitigation Council project which is to be part funded (under separate agreements) by Melbourne Water (\$300k) and by the Office of Living Victoria (\$300k).
- D. The area of land to be utilized for **The Works** and the area of land that forms part of the adjoining City of Kingston athletics track forms the **Part of the Land** to be purchased by the City of Kingston.
- E. To enable the project to proceed Council wishes to:
Purchase **Part of the Land** and to lease the balance of **The Land**
- F. The parties have agreed to enter into this Memorandum of Understanding to record their commitment to enter into an agreement to satisfy the objective set out in E.

1. Purpose

1.1 The Purpose of this Memorandum of Understanding is to outline the agreement between the parties.

1.2 The Parties agree to act in good faith by acting fairly and to be reasonable in the spirit of collaboration and co-operation.

2. Purchase and Lease

2.2 The Parties agree that Council will

Purchase **Part of the Land** and Lease the remaining balance of **The Land**

2.3 Melbourne Water will obtain and provide Council with a Valuer-General, Victoria valuation for;

2.3.1 The lease of the remaining balance of **The Land** and;

2.3.2 The purchase of **Part of The Land**

2.4 The Parties agree to execute the contract of sale and lease documents to be prepared by Melbourne Waters legal representatives within 90 days of the Valuer Generals determination.

3. Payment of Valuers & Legal Fees

3.1 Council agrees to meet the cost of the Melbourne Water valuation for 2.3 and all reasonable legal costs associated with the purchase of **Part of the Land** and the lease of the remaining balance of **The Land**.

4. Payment for Lease or Part Lease and Part Purchase

4.1 The Parties agree that, Council will pay Melbourne Water a sum to be determined by the Valuer General Victoria. For;

4.1.1 a lease for the remaining balance of **The Land** and

4.1.2 a purchase for **Part of the Land**.

5. Council to Finalise the Scope of Works and to Tender the Works

5.1 The Parties agree that upon signing this Memorandum of Understanding, Council will finalise the scope of works and as soon as possible thereafter commence a tender process to undertake and complete The Works.

6. Indemnification of Melbourne Water

6.1 The Parties agree that prior to Council commencing **The Works** Council will enter into a construction licence with Melbourne Water that will include appropriate indemnities to the satisfaction of Melbourne Water.

Signing Page

Executed by the Parties

Signed for and behalf of by Kingston City Council)

in the presence of:) Name:

Title

.....

(Signature of Witness)

.....

(Name of Witness)

Signed for and behalf of by Melbourne Water)

in the presence of:) Name:

Title

.....

(Signature of Witness)

.....

(Name of Witness)

Ordinary Meeting of Council

27 October 2014

Agenda Item No: 10.8

FINAL BUSKING GUIDELINES

Contact Officer: Suzanne Snooks, Arts & Cultural Development Coordinator

Purpose of Report

This report presents feedback on the draft Busking Guidelines after a period of community consultation and presents the final Busking Guidelines (Appendix 1) for Council consideration and adoption.

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

Officers recommend that Council:

1. Adopt the final Busking Guidelines.

1. Executive Summary

This report presents feedback on the draft Busking Guidelines that have been out for a period of public consultation and presents the final Guidelines for Council consideration and adoption.

The consultation process resulted in no submissions and therefore no changes have been made to the draft Guidelines.

The purpose of this report is to present the final Busking Guidelines for Council consideration and adoption.

2. Background

The Guidelines have been developed in response to the 2011-2015 Arts and Cultural Strategy and 2012-2016 Public Art Strategy which include strategic actions to provide direction for and encourage manageable busking throughout Kingston.

Currently there is a local law in place preventing busking without a permit however no mechanism exists for buskers to obtain a permit. However there is no mechanism for issuing permits for busking in Kingston.

As a result, an internal working group was formed to oversee the development of Busking Guidelines and an application process for buskers to obtain a permit. Officers developed a proposed framework consisting of Guidelines and a permit process and put the draft Guidelines out for a period of public consultation.

This report presents the final Busking Guidelines for Council consideration and formal adoption.

3. Discussion

3.1. Council Plan Alignment

Planned Outcome 4 - A Prosperous and Dynamic City
Strategy 4.1 - Vibrant active urban centres

3.2. Consultation/Internal Review

The draft Busking Guidelines were released for public comment on Tuesday 1 July for a four week period. The release of the Guidelines was publicised through Council's website including the 'Have Your Say' website, as well as Kingston Arts website.

The four week public consultation period resulted in no submissions and therefore no changes have been made to the draft Guidelines.

4. Conclusion

4.1. Environmental Implications

The final Busking Guidelines propose sustainability as part of busking activity. Messages, pictures or representations on a pavement must be applied with biodegradable, non-permanent chalk and easily washable. Permit holders must ensure that the site is not stained with any material, chemical or other residue.

The Guidelines also outline noise restrictions in line with the Environmental Protection Authority's (EPA) Guidelines to restrict noise pollution for traders and residents.

4.2. Social Implications

The final Busking Guidelines support Kingston as a liveable, creative city, encouraging buskers from all backgrounds, abilities and through different mediums to showcase their craft in the municipality. Importantly, the Guidelines will assist in activating Kingston's public spaces by creating more opportunities for creative engagement throughout the municipality.

4.3. Resource Implications

The Guidelines are to be undertaken within existing operating budgets and human resources.

Enabling busking activity not only makes a positive contribution to the liveability of Kingston but also creates a competitive advantage, in particular with regard to attracting new residents and businesses. Simultaneously, busking will stimulate revenue for local traders by attracting higher visitor numbers to Kingston.

4.4. Legal / Risk Implications

Currently, Council's Local Law 5 prohibits busking in the municipality without a permit however there is currently no structured policy frame work or mechanism for issuing permits for busking in the City of Kingston. The Busking Guidelines would provide direction for and encourage manageable busking throughout Kingston.

Appendices

Appendix 1 - Busking Guidelines (Trim No 13/122324)

Appendix 2 - Busking Permit Application (Trim No 13/122398)

Author/s: Suzanne Snooks, Arts & Cultural Development Coordinator
Reviewed and Approved By: Julian Harvey, Manager Property, Arts and Leisure
Paul Franklin, Acting General Manager City Assets and Environment

10.8

FINAL BUSKING GUIDELINES

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Busking Guidelines

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APPROVAL / VERSION NO.	27 th October 2014, Version 1
VERSION NO:	Version 1
TRIM REF:	13/122324
REVIEW	Policy to be reviewed by 27 th October 2018
RESPONSIBLE EXECUTIVE	General Manager City Assets and Environment
POLICY OWNER	Arts and Cultural Development Coordinator

1. Purpose of the Policy

Provides guidelines for busking activity across the municipality. To be used in conjunction with the Busking Permit Application Form.

2. Scope

Applies to buskers, traders, residents, and visitors.

3. Definitions

Busking

Busking may be categorised as actively providing a public performance in a public space in exchange for a donation. In the City of Kingston, busking refers to activities which include a musical instrument and/or singing, conjuring, juggling, mime, mimicry, dance, puppetry, performance art, recitation and other appropriate theatrical and visual forms. It may also include activities such as drawing any message, picture or representation on a pavement, paper or canvas surface.

4. Responsible Executive

General Manager Corporate Services

5. Policy owner

Arts and Cultural Development Coordinator

6. Related Documents

- Arts and Cultural Strategy 2011-2015 available from www.kingston.vic.gov.au
- Public Art Strategy 2012-2016 available from www.kingston.vic.gov.au
- Footpath Trading Policy available from www.kingston.vic.gov.au
- Living Kingston 2035 available from www.kingston.vic.gov.au
- Local Laws available from www.kingston.vic.gov.au
- Busking Permit Application Form available from www.kingston.vic.gov.au

7. Delegation Authority

- Arts and Cultural Project Officer
- Local Laws Officers
- Victoria Police

8. Policy Statement

The City of Kingston is proud of its reputation for supporting lively street culture and values the diversity of entertainment that buskers provide. Artistic and cultural life is integral to Kingston as a liveable, creative city, encouraging buskers from all backgrounds, abilities and through different mediums to showcase their craft in the municipality.

The City of Kingston also recognises the importance of having a structured policy framework to provide a safe, accessible and culturally sensitive environment for buskers, traders, residents, and visitors.

9. Policy Details

1. What is busking?

Busking may be categorised as actively providing a public performance in a public space in exchange for a donation. In the City of Kingston, busking refers to activities which include a musical instrument and/or singing, conjuring, juggling, mime, mimicry, dance, puppetry, performance art, recitation and other appropriate theatrical and visual forms. It may also include activities such as drawing any message, picture or representation on a pavement, paper or canvas surface.

1.1 What type of busking is not permitted in Kingston?

- Acts with dangerous goods (includes the use of substances that are flammable, toxic or use hazardous implements such as swords, knives and whips); and
- Acts which include animals.

1.2 What is not busking?

The activities listed below are not considered busking and are not supported by Council:

- vendors of any kind – including glow sticks, flowers, jewellery and other merchandise sellers;
- charity collectors and promoters;
- touting or spruiking;
- political rallying;
- religious spruiking;
- tarot card reading, palmistry and fortune telling;
- massage, chiropractic treatment or any other physical manipulation;
- artists selling pre-fabricated work – pavement artists must be actively engaged in producing their artistic medium and not simply selling displayed goods;
- temporary tattoo applications; and
- begging (begging is illegal under the Summary Offences Act and enforcement is the responsibility of the Victoria Police).

2. How do I apply?

There is no interview or audition process required to engage in busking in Kingston however permits are required.

Applications for a busking permit are available for a 12 month period and are available to download at the City of Kingston's website at www.kingston.vic.gov.au, Kingston Arts' website at www.kingstonarts.com.au and from all Customer Service Centres.

All applicants are asked to read these Busking Guidelines and agree to the terms and conditions therein before a permit is issued. By accepting the permit, the applicant agrees to fully comply with all of the terms and conditions of the permit and the Busking Guidelines on the understanding that the permit may be suspended, cancelled or revoked on non-compliance of any condition contained within these Guidelines.

Applications for a busking permit must be submitted to Arts and Cultural Development Coordinator for assessment before being made available to Local Laws who will be responsible for issuing permits.

Buskers are required to display their permit at all times when carrying out activities. Permits are non-transferable and apply only to the nominated holder.

The City of Kingston does not charge a fee for busking permits.

In the situation where a trader directly commissions an artist for a fee to perform outside their premises, performers are required to adhere to the Footpath Activities Policy. For more information on the Footpath Activities Policy, please contact Council's Economic Development unit on 1300 653 356.

2.1 Is there an age limit?

Buskers under the age of 16 must have parental or legal guardian consent. It is mandatory that children under this age have parental or legal guardian supervision at all times whilst performing.

2.2 Do I need insurance?

Buskers are required to hold their own public liability insurance for the life of the permit (twelve months) and supply a certificate of currency as part of the application process. Absence of appropriate coverage may expose them to personal liability. In the instance where a busker does not hold public liability insurance, they can apply for insurance through Council via the Arts and Cultural Development Coordinator.

2.3 What about donations?

Buskers may give audiences an opportunity to provide voluntary donations by placing a container on their site but in a way that doesn't constitute a tripping hazard. Buskers are not permitted to approach individuals requesting money or solicit funds in a way that is overtly offensive to members of the public.

3. Where can I perform?

Busking in the City of Kingston is applicable within all public spaces as long as buskers adhere to the Busking Guidelines.

Busking permits are necessary for those wishing to perform on Council land. For those wishing to perform on privately owned land such as the Forecourt steps at Mordialloc Shopping Centre, Aspendale Gardens or Southland Shopping Centre they will need to obtain permission from shopping centre management.

Any site may become temporarily unavailable due to an organised special event. Buskers must follow the direction of City of Kingston Authorised Officers if a site becomes unavailable either temporarily or permanently.

In the case of an organised event, buskers should not attempt to associate themselves with that event unless otherwise advised or invited by an event organiser.

3.1 What are prohibited areas for busking?

The following locations are prohibited for buskers wishing to perform in the City of Kingston:

- directly in front of shop doorways during business hours, businesses, dining areas and cafes, bus stops, fire escapes, roads, residential doorways and Automatic Teller Machines;
- within ten (10) metres of any intersection, pedestrian crossing, traffic signal or public telephone booths unless otherwise designated;
- private property (particularly where access and safety are considerations i.e. train stations, kindergartens, schools and hospitals);
- outside accommodation hotels and motels;
- outside, adjacent to or on the grounds of places of worship, religious, and memorial sites; and
- narrow streets and footpaths with inadequate pedestrian capacity and against the building line.

4. Are there any limitations or restrictions?

4.1 Can I draw on the pavement?

Pavement Art (chalk) must be applied with biodegradable, non-permanent and non-slippery chalk and easily washable. Works can be no larger than one square metre and not explicit in nature. There is no warranty for pavement art being removed by Council Officers or any other third parties, particularly overnight as part of Council's maintenance schedule. Permit holders must ensure that the site is not stained with any material, chemical or other residue.

4.2 What are the performance times?

Buskers can only perform between 9.00am to 9.00pm throughout the week.

Pavement Artists are permitted to remain in one location for a day.

Up to a maximum of four (4) buskers can apply under the one permit.

Buskers can only perform for a maximum of two (2) hours per day at any one location. Buskers are encouraged to take breaks. At the end of the two (2) hour maximum for that location, the busker must move to another location (at least more than four building frontages away) and not return to that location again that day.

4.3 Are there noise restrictions?

Sound performers must be at least 30 metres from the other sound performer.

Activity should operate at a level:

- So that a passer-by would not have to strain their voice to be heard above the sound;
- It is not readily audible over other background noise when a person is more than two standard building frontages from the source of sound; and
- In line with the Environmental Protection Authority's (EPA) Guidelines, which sets the maximum noise limit for noise sensitive areas at 65DB, Kingston Authorised Officers will allow for an additional 10 decibels of background noise making the maximum noise level 75DB.

Amplification that does not actually cause, or threaten to cause, disruption at locations is allowed via the use of portable battery operated amplifiers only. Main voltage amplification is strictly prohibited.

The sound levels from a performance shall at no time disrupt business trading including retail and dining establishments, affect workplace performance or detract from public amenity, unless in the case where an artist has been commissioned by the business.

Buskers generating sound need to consider other buskers who may not use sound. Buskers who generate sound are expected to negotiate appropriate distances with silent or quieter artists such as pavement artists, statue acts and magicians.

If the noise output has generated complaints and is determined to be intrusive, City of Kingston Authorised Officers will assess appropriate noise levels via decibel readers in line with Environmental Protection Authority's (EPA) Guidelines.

The busker must cease performance immediately. Repeated excessive noise may result in the cancellation of a permit.

4.4 What about access and safety?

Buskers are responsible for ensuring pedestrian flow and public amenity at all times. They must ensure free and safe access for pedestrians along any pathways or thoroughfares near the performance site and leave 1.5 metres of footpath for use by pedestrians. Buskers must publicly announce and direct crowds either before and/or during the performance to maintain essential access clearances as indicated above.

Buskers must work to ensure that, neither themselves nor their audience, pedestrians or the general public are put at risk at any time during their performance. Buskers must accept responsibility for any impact that their performance may have on other city services and activities.

Wheelchair access around a site must be maintained at all times. To enable unobstructed access and safety for people who are blind or have low vision, performing against the building line is not permitted.

Buskers must keep the site clean while they are working, ensure that their use of the site does not pose a threat to public safety and that the site is left in the condition that it was found.

5. What if there is a complaint?

In the interests of creating and maintaining a lively, safe and entertaining community environment, the City of Kingston encourages self-regulation of busking activities. The Guidelines encourage buskers to work co-operatively and take responsibility for managing performance spaces and to solve disputes and complaints at a local level.

Following a complaint or a report of a breach of permit conditions or any requirements under the Guidelines, an Authorised Council Officer will visit the site and seek rectification if a breach is identified.

If, after all reasonable steps have been taken to rectify a complaint, the Authorised Council Officer or any member of the Victoria Police, may direct that a busker cease or relocate to another site, if the officer is of the opinion that the performance is:

- in breach of these guidelines;
- displaying unacceptable behaviours;
- loud or intrusive;
- excessively repetitive;
- causing public inconvenience; or
- likely to cause harm to the public or property.

The busker must immediately comply with such a request which may also result in suspension or cancellation of the permit. Failure to comply with such a request is a breach of Council's Local Law and may result in a penalty notice being issued.

In addition, Authorised Council Officers or any member of the Victoria Police may direct that a busker cease, if the Officer is of the opinion that the busker is displaying unacceptable behaviours:

- illicit, aggressive, abusive, offensive or hostile behaviour;
- use of obscene expletives;
- unwillingness to cooperate with retailers, residents, other buskers; Authorised Council Officers and any members of Victoria Police;
- personal attacks or insults;
- hostility; and
- threats of physical violence.

Applications for a permit are available for a 12 month period and are available to download at the City of Kingston's website at www.kingston.vic.gov.au, Kingston Arts' website at www.kingstonarts.com.au and from all Customer Service Centres.

For further information on the City of Kingston Busking Guidelines please contact Council's Arts and Cultural Development Coordinator on 9556 4440.

10. Transition/Translation arrangements

Upon adoption of Policy by Council.

11. Review

Policy to be reviewed by 27th October 2018.

Office Use Only:	
Date Received:	
TRIM Ref: /	
Approval: <input type="checkbox"/> Yes <input type="checkbox"/> No	
Approving Officer:	
Application Details	
Contact Name:	
Telephone:	
Email Address:	
Postal Address:	
Preferred Contact Method:	<input type="checkbox"/> Email <input type="checkbox"/> Post Please help us be sustainable by selecting the email option.
Activity	
Character Name / Stage Name:	
Number of buskers (up to four per group):	
Please list the names of all the buskers in the group:	
Type of activity (i.e. singer with acoustic guitar, pavement artist, juggler):	
Type of musical instrument(s) (if applicable):	
Items to be placed on footpath (if applicable):	
Proposed location of activity:	
Proposed time of activity:	
Parental Consent	
<p>The below parental consent is required for each busker in the group ages 16 years and under. I (parent or guardian) of (address) hereby consent to my child (name) to busk in the Kingston City Council Local Government Area.</p> <p>I understand that Kingston City Council provides no supervision for buskers and that all buskers must agree to adhere to Kingston City Council's Busking Guidelines.</p>	
Signature:	
Print Name:	
Dated:	
Insurance	
<p>The permit holder indemnifies Council against all suits, proceedings, judgements, claims, demands, costs, expenses, losses or damages for which Council becomes or may become liable in relation to the death or injury to any person or the damage to any property in connection with the busker activity as authorised by the permit whosoever arising, except to the extent that Council is negligent.</p>	
Do you hold your own Public Liability Insurance:	<input type="checkbox"/> Yes Please submit a copy of your current certificate of currency to the value of 20 million dollars along with this application. <input type="checkbox"/> No If you selected no, please contact the Arts and Cultural Development Coordinator on 9556 4468.

Contact Details Permission

The City of Kingston is collecting the personal information requested on this form for the purpose of issuing and enforcing permits for buskers within the City of Kingston in line with its Local Law No. 5. The personal information will be used solely by the City of Kingston for this primary purpose. You are obliged by law to provide your name and address. If you do not provide the personal information requested, Council may be unable to process your application. Council is collecting this personal information from you in order to identify and process your application.

From time to time requests are received in this office for the names, addresses and telephone numbers of buskers (usually from people wishing to engage the services of the busker). Please tick appropriate box.

Yes. I am agreeable to my details being given. No. I do not wish my details to be given out.

Privacy Statement

Personal information collected by Council is used for municipal purposes as specified in the Local Government Act 1989. The personal information will be held securely and used solely by Council for these purposes and/or directly related purposes. Council may disclose this information to other organisations if required or permitted by legislation. The applicant understands that the personal information provided is for the above purpose and that he or she may apply to Council for access to and/or amendment of the information. Requests for access and/or correction should be made to Council's Privacy Officer. A full copy of our Privacy Policy may be obtained from the Kingston website: <http://www.kingston.vic.gov.au> or from one of our Customer Service Centres.

Declaration

I/we declare that I am the applicant; and that all information in this application is true and correct. I have read and accepted the Busking Guidelines and the terms and conditions therein. I/we agree to comply with all permit conditions, local laws and all relevant legislation (see website for Guidelines). I/we will ensure that the permit is not transferred or assigned to another party. I acknowledge that failure to comply with these conditions will result in cancellation of the permit.

Signature:

Print Name:

Dated:

Contact

Please forward your application to:
 Arts and Cultural Development Coordinator
 City of Kingston
 PO Box 1000
 Mentone VIC 3194
 Email: arts@kingston.vic.gov.au
 If you have any queries please contact 9556 4468.

Office Use Only:

Assessment	Yes	No
Activity approved:		
Parental consent (if under 16):		
Insurance (Cashier code RC – PLI \$33 includes GST):		
Read and accepted the Busking Guidelines:		

27 October 2014

Agenda Item No: 10.9

KINGSTON CITY HALL LIQUOR LICENSE PERMIT REVIEW AND OUTDOOR EVENTS

Contact Officer: Adrian Nunes, Team Leader Arts & Cultural Services

Purpose of Report

This report responds to a resolution of Council on 26 May 2014 to cease to operate the 'Pop Up Bar' activities in the car park subject to a review of current practice and review the existing Liquor Licence permit. The purpose of the report is to:

1. Provide an update on the Kingston permit for the City Hall liquor license application; and,
2. Clarify the context of any event in the outdoor spaces around the City Hall.

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. Amend the planning permit to reduce the extend of the 'red line' in accordance with appendix 1, and changes in appendix 2.
2. Permit the use of outdoor areas for activities that will not have an adverse impact on the amenity of adjoining residents subject to the following:
 - All events to be licenced by temporary liquor licences
 - No amplified music in the carpark beyond 9:00pm
 - No amplified music at the front of the premises beyond 11:00pm
 - No more than 8 licenced outdoor events be held in any calendar year

1. Executive Summary

Council resolved on 26 May 2014 to revisit the operational parameters of the Container Bar and the permanent liquor licence for the Kingston City Hall.

A revised planning permit application has been made to Kingston's Planning department that addresses the Red Line (alcohol and consumption area) concerns. The Red Line is now recommended as the footprint of the City Hall which includes part of the front awning.

The permanent liquor licence does not preclude, however, on the ability to deliver outdoor events in the car park and forecourt of the City Hall. Any outdoor events could be delivered under a temporary licence as it has done in the past.

Events in the car and forecourt of the City Hall have proved to be very successful with excellent feedback from patrons, local traders and media. Management of traffic pedestrians and security continue to be a high priority for the team as is the consideration of the type of

event in the car park in relation to sound production to protect the residential amenity of adjoining sites.

To continue building on the profile, activity and audience development opportunities that outdoor events in the Moorabbin precinct provide, endorsement of outdoor events within a set of delivery parameters as follows:

- The Red Line area for the venue will be contained to the footprint of the City Hall, the only outdoor space to be included is the front awning;
- All outdoor events would operate under temporary licenses, not a permanent license;
- Outdoor events would cease operation by 12 midnight;
- Any event held in the car park would cease operation by 10.00pm and no amplified music would be permitted beyond 9.00pm to protect residential amenity, unless so varied by council resolution.

2. Background

As part of a strategy to invigorate activity at the Kingston City Hall and the broader Moorabbin Junction rejuvenation plan, the Kingston Arts team believes a shift towards programming more live music.

Council has recognised the need for a permanent licence at Kingston City Hall due to the number of bar services required, outgrowing the number of temporary liquor license applications allowed per year.

Councillors have endorsed the application for a permanent licence and approved a Kingston permit. On 26th May 2014 councillors resolved to review the permit conditions. The concern to councillors is:

- The extent of the Red Line extending to the service road in front of the City Hall and to the courtyard between the Arts Centre and City Hall; and,
- The use of the outdoor areas for events in regards to sound production and resident amenity for those living in the apartment building behind the City Hall.

The Pop Up Bar (Summer Music Series) emerged two years ago. The fit out of the shipping container as a service area has been the only expense to council in the first year and the event registered a marginal profit in 2014. The real benefit has been the development of audience associated with live music, the positive publicity associated with the event for the City of Kingston and the ability to reach a different demographic.

Since its inception the container bar has also been used for the annual Night Art Market in the City Hall car park and an exhibition opening.

Only the 2014 live music series has raised complaints from the residents of the housing at the rear of the City Hall due to sound, not alcohol service. The car park was used as a result of capital works activity at the front of the City Hall.

Council has issued a planning permit for a permit licence for the City Hall and has as a result of amenity concerns Council resolved to review that permit and the operation of events in the outdoor area of the City Hall.

3. Discussion

3.1. Council Plan Alignment

Planned Outcome 3 - Healthy, Strong and Connected Communities
Strategy 3.4 - A diverse and inclusive community

Planned Outcome 3 - Healthy, Strong and Connected Communities
Strategy 3.4 - A diverse and inclusive community

Outdoor events at Kingston City Hall have done much to facilitate the development and use of the Moorabbin site. These events contribute meaningfully towards the arts hub and Moorabbin Junction concepts by engaging with local community and traders and increasing opportunity to access recreational spaces in the northern Kingston precinct.

Events already delivered in the City Hall car park and forecourt have demonstrated a community and trader interest in activating these spaces. Attendances by all age groups, general feedback and media interest has shown a genuine readiness to engage in a different way in the area. Outdoor events have proven to be an instant success with the community.

3.2. Feedback

Prior to the delivery of the first outdoor music series, face to face conversations were held with local Moorabbin businesses to gauge interest in the concept which was received enthusiastically.

During and after each event patrons have directly contributed comments via Facebook or direct to the Kingston Arts team to congratulate Kingston on the initiative and express their delight that a local government authority would deliver events such as this.

3.3. Operation and Strategic Issues

3.3.1. Kingston Permit for Liquor License

A submission has been made to Kingston's planning department to amend the conditions on the permit in accordance with the resolution of council.

The amendment seeks to reduce the Red Line area of the permanent license to the footprint of the City Hall. The only outdoor area included in the Red Line would be under the front awning of the building. Diagram attached in *Appendix 1*

Any future outdoor events requiring bar service would operate under a temporary license for the event time only.

As a result of this review Vic Roads has advised its previous concerns no longer apply and that some conditions can be removed from the Planning Permit.

The current planning permit with highlighted clauses to be removed can be found in *Appendix 2*. The response from Vic Roads can be found in *Appendix 3*.

3.3.2. Sound production for outdoor events

In the history of outdoor events in the City Hall car park and forecourt, the 2014 music series has been an issue for residents in the housing development at the rear of City Hall. The complaints were a result of sound levels associated with music, not the service of alcohol.

The Maker's Market, which also has live music, and recent exhibition opening drew no attention from the residents, nor did the 2013 outdoor music series delivered at the front of the building due to its superior exposure and benefits to promoting Moorabbin as a vibrant destination for entertainment.

The music series in 2014 was delivered in the car park only because capital works at the front of the building didn't allow production. It is intended to produce any future outdoor music series at the front of the building.

Despite complaints from the residents, the event was delivered within EPA requirements with 100db production at speaker point which registered as 75db in the driveway between the two buildings.

The police who were called and attended the site once during the season noted that as the louder music ceased at 11pm we didn't fall outside reasonable and fair Friday night expectation. The police left the site satisfied with the way the event was managed in every respect. Irrespective, it is not the intention of the operation to unfairly impact on the residential amenities of our neighbours.

3.4. Options

3.4.1. Option 1

Cease the operation of licenced outdoor events with bar service at City Hall.

Ceasing outdoor events in the Moorabbin arts precinct reduces responsiveness, promotion and activation of the City Hall.

3.4.2. Option 2

Promote and embrace the development of outdoor events at Kingston City Hall.

Feedback from residents indicates the importance of outdoor events at City Hall and the positive promotion that the events give Kingston.

The quirky and interesting delivery of outdoor events seems to strike a chord with the Melbourne sensibility that presents a development opportunity for the Moorabbin precinct.

Managing events within the context of the residential apartments behind the City Hall became apparent for the first time during the 2014 music series.

4. Conclusion

4.1. Environmental Implications

Sound production has presented as the only issue. This can be contained by holding ongoing music events at the front and inside of the building which has been successfully achieved in the past with no complaint from residents at the rear of the building. Music production for any event in the car park would be delivered within EPA guidelines.

4.2. Social Implications

Developing audience capacity and interest in live music (strategic direction for City Hall) whilst cross promoting the Kingston City Hall as a venue for hire is key to the success of the building into the future. Events that attract large numbers of people to the site in a positive way are more effective than hardcopy or on line advertising.

Positive spin off stories via traditional media as a result of successful events contribute to the profile growth of the venue and Kingston. Kingston Arts could not afford the equivalent cost of purchasing this type of reach.

4.3. Resource Implications

The purchase and fit out of the container as a bar has been the only outstanding cost to council which was noted in the first year of the Pop Up Bar music series. The event showed a marginal positive position in 2014 and therefore has no cost implication for Council.

4.4. Legal / Risk Implications

Music volume and alcohol service are the two most likely risk elements to manage for outdoor events at City Hall. Kingston Arts has worked within legal requirements for all events.

Appendices

Appendix 1 - Current and Intended Red Line for Kingston City Hall (Trim No 14/70686)

Appendix 2 - Kingston Permit with highlighted changes (Trim No 14/106962)

Appendix 3 - Advice from Vic Roads about Red Line changes (Trim No 14/79690)

Author/s: Adrian Nunes, Team Leader Arts & Cultural Services
Reviewed and Approved By: Julian Harvey, Manager Property, Arts and Leisure
Paul Franklin, Acting General Manager City Assets and Environment

10.9

KINGSTON CITY HALL LIQUOR LICENSE PERMIT REVIEW AND OUTDOOR EVENTS

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3	Advice from Vic Roads about Red Line changes	367

Appendix 1

Current and intended Red Line for Kingston City Hall – 14/70686

Red line in current Kingston permit.

Includes courtyard between Arts Centre and City Hall, footpath and a portion of the road reserve.



Intended amendment to Red Line

Now reduced to just the building footprint with just the area under the awning at the front of the building included.



APPENDIX 2 TRIM:

CURRENT PERMIT WITH SUGGESTED CHANGES HIGHLIGHTED

PLANNING PERMIT	Permit Number:	KP-114/2013
	Planning Scheme:	KINGSTON
	Responsible Authority:	KINGSTON CITY COUNCIL

ADDRESS OF THE LAND:

985 Nepean Highway, MOORABBIN

THE PERMIT ALLOWS:

To use the land for the sale and consumption of liquor in association with a Place of Assembly

THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

1. Before the use commences amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be substantially in accordance with the plans submitted to Council on 5th March, 2013, but modified to show:
 - a. The provision of an improved Standard Operation Procedures Plan (SOPP) to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The improved SOPP must include (where appropriate), but is not limited to, the following:
 - i) documentation provided to event holders regarding the effective management of the events;
 - ii) any signage to be used to encourage responsible off-site patron behaviour;
 - iii) the training of staff in the management of patron behaviour;
 - iv) the training of staff (except kitchen staff) in Responsible Serving of Alcohol and First Aid Level 2;
 - v) details of any management measures required to control noise emissions from the premises (e.g. operation of an access to the sound limiter);
 - vi) the nomination of the person responsible for the implementation of this management plan;
 - vii) the management of any queuing of patrons outside the premises;

Date Issued: 30-Dec-2013

Signature for the Responsible Authority.....

PLANNING PERMIT NO. KP-114/2013
ADDRESS: 985 Nepean Highway, MOORABBIN

- viii) management of patrons leaving the venue after the conclusion of an event;
- ix) processes for monitoring patron numbers within the premises, including on each level;
- x) a formal complaint procedure with contact person and contact number nominated.

b. the provision of a Management Plan to address and mitigate the risks related to the supply and consumption of liquor within the road reserve (including examples of physical barriers to separate patrons from the carriageway of the service lane), demonstrating measure to be put into place to ensure ongoing compliance with conditions required by Vic Roads at Condition 4 to 6 of this permit.

2. The sale and consumption of liquor must only occur within the hours of:

- 12:00pm to 1:00am the following day - Seven (7) days a week

Unless with the prior written consent of the Responsible Authority.

3. Not more than 1200 patrons are to be permitted on the land at any one time.

Conditions required by Vic Roads

4. The supply and consumption of liquor within the road reserve, including any primary or associated activities, must be managed at all times such that no vehicles are caused to queue within the service road.

5. The supply and consumption of liquor within the road reserve must be managed at all times such that no patrons are within the service road or Nepean Highway carriageway.

6. Prior to the commencement of the permitted use, three (3) copies of an amended plan to the satisfaction of Vic Roads, drawn to scale and generally in accordance with Plan 1: Ground Floor and Outdoor Area (Site Plan, Sheet Number 3 of 3, March 2013) be submitted showing:

- a. the extent of the liquor licence boundary including the dimensions in metres;
- b. demarcation of the property boundary and the road reserve;
- c. demarcation of the service land carriageway, parking bays, kerb and channel and footpath; and
- d. deleting the label 'Point Nepean Highway' and replacing it with the words 'Nepean Highway Service Lane'.

NOTED FOR
CORRECTION

7. The layout of the use and licensed area on the endorsed plans must not be altered without the written consent of the Responsible Authority

8. Noise emissions must comply with the State Environment Policy or any other standard recommended by the Environmental Protection Authority to the satisfaction of the Responsible Authority.

Date Issued: 30-Dec-2013

Signature for the
Responsible Authority.....

Planning and Environment Regulations 2005 S.R. No. 33/2005 - Form 4 - Sections 63 and 86 Page 2 of 3

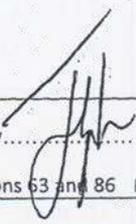
PLANNING PERMIT NO. KP-114/2013
ADDRESS: 985 Nepean Highway, MOORABBIN

- 9. During all operating hours of the use hereby authorised, there must be present on the site a person above the age of 18 years, who has been authorised by the occupier of the land and that person will be responsible for the good conduct of patrons arriving, using or leaving the land (For the purposes of this permit, this person is known as "The Manager"), to the satisfaction of the Responsible Authority.
DUPLICATE OF CLAUSE 1-9-IV
- 10. All staff on the premises (except kitchen staff) are to be appropriately trained in the responsible serving of alcohol, to the satisfaction of the Responsible Authority.
- 11. The Manager (as referred to at Condition 5 of this permit) must be qualified in operating in accordance with the policies and guidelines prescribed by the Victorian Commission for Gambling and Liquor Regulation, to the satisfaction of the Responsible Authority.
- 12. In accordance with Section 68 of the *Planning and Environment Act 1987 (The Act)*, this permit will expire if one of the following circumstances applies:
 - The use is not started within two (2) years from the date of permit issue.
 - The use ceases for a period of two (2) years.

In accordance with Section 69 of The Act, the responsible authority may extend the periods referred to if a request is made in writing:

- before the permit expires.

Date Issued: 30-Dec-2013

Signature for the Responsible Authority.....

Planning and Environment Regulations 2005 S.R. No. 33/2005 - Form 4 - Sections 63 and 86 Page 3 of 3

From: Adrian Nunes [EX:/O=KINGSTON/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=NUNEA1]
To: Adrian Nunes [SMTP:Adrian.Nunes@kingston.vic.gov.au]
Received-Date: 26/6/2014
Received-Time: 12:47 AM
Sent-Date: 26/6/2014
Sent-Time: 12:47 AM
Subject: Changes to liquor license application for Kingston City Hall in reference to Vic Roads interest

From: Ronch.Willner@roads.vic.gov.au [mailto:Ronch.Willner@roads.vic.gov.au]
Sent: Wednesday, 21 May 2014 12:29 PM
To: Adrian Nunes
Subject: RE: Changes to liquor license application for Kingston City Hall in reference to Vic Roads interest

Hi Adrian,

Thanks for the clarification.

I realise that perhaps some confusion has arisen due to the specific technical wording around 'road' and how this relates to VicRoads interests.

The image above broadly demonstrates the following for the purpose of this discussion: (without it being accurate or a statement of fact) the black line is approximately the property boundary and the area shaded in red is, for VicRoads purposes, the approximate 'road.' This 'road' includes things like the service lane, the footpath (or at least, some of it) and various pieces of infrastructure.

The conditions arose as a response to the application to serve / consume liquor within the 'road' (the red area) - and the two conditions (Condition 4 vehicles queuing and Condition 5 no patrons on the service road bitumen) place a positive obligation on the permit holder so to broadly ensure an ongoing requirement that the service / consumption will not interfere / conflict with the functions of the road for vehicles etc. The condition relating to the map was so that there could be a common document attached to the permit which showed, to some degree of accuracy, where the liquor was going to be consumed / served.

If the liquor red line is wholly inside of the property boundary (as in, doesn't encroach in any way into the area approximated as the red shaded 'road') then I would suggest that Conditions 4 and 5 would be dormant (as in, they only impose an obligation when liquor is being sold / consumed within the area approximated as red shaded 'road' area) and not related to the permit activity.

Also, if the red line is wholly inside of the property boundary then I can't see that the plan would need to show kerb, channel, parking bays and the like (though it may be useful to yourself.)

I trust this provides some clarity regarding property / 'road' boundaries and interactions.

If you want to amend the red line so that is wholly within the property boundary, VicRoads would not object and would be willing to revise it's response.

I'm happy if you provide a copy of this email with your application as an indication of VicRoads position - but the response will be formalised with a

revised referral response (which will occur if the application for the amended permit is forwarded to VicRoads.)

Trust this assists,

Ronch Willner
Road Access Planning Engineer
VicRoads
12 Lakeside Drive, Burwood East
T (03) 9881 8089
E HYPERLINK
"mailto:ronch.willner@roads.vic.gov.au"ronch.willner@roads.vic.gov.au
W www.vicroads.vic.gov.au

Ordinary Meeting of Council

27 October 2014

Agenda Item No: 10.10

ANNUAL REPORT 2013/14

Contact Officer: Louise Barren, Program Leader Organisational Planning and Performance

Purpose of Report

The purpose of this report is for Council to consider the City of Kingston's 2013/14 Annual Report.

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:

Receive the 2013/14 Annual Report.

1. Executive Summary

The purpose of this report is for Council to consider the City of Kingston's 2013/14 Annual Report. The Annual Report 2013/14 conveys Council's achievements recorded against the six Planned Outcomes and the Financial results. The Annual Report also presents the unqualified Victorian Auditor-General's Office certified financial statements for 2013/14.

2. Background

In accordance with Council's obligations under the Local Government Act 1989, Council's 2013/14 Annual Report was submitted to the Minister for Local Government by 30 September 2014. The Annual Report has been placed on the Ordinary Council Agenda for 27th October 2014 in accordance with the Local Government (Finance and Reporting) Regulations 2004, which require Council to consider the Annual Report by 30 October 2014.

3. Discussion

3.1. Council Plan Alignment

Planned Outcome 6 - A Well Managed and Effective Organisation
Strategy 6.1 - A well-governed, efficient and responsive organisation

The Annual Report directly demonstrates the City of Kingston's accountability by delivering open and transparent Council and organisational decision making and reporting processes.

3.2. Consultation/Internal Review

Council has complied with Local Government Act requirements to place the Annual Report on public exhibition for 14 days prior to this Ordinary Council Meeting. The Annual Report has been available from Customer Service Centres, Libraries and the

City of Kingston's website since 2nd October 2014. As required, a public notice was placed in The Age on Friday 9th October. A large print version of the Annual Report is also available to residents upon request.

3.3. Operation and Strategic Issues

The 2013/14 Annual Report clearly conveys, through the achievements recorded against the six Planned Outcomes and the Financial results, that performance in 2013/14 continues to be something of which Council can be very proud.

The Annual Report also presents the unqualified Victorian Auditor-General's Office certified financial statements for 2013/14.

The 2013/14 Annual Report provides details of:

- How Council has performed in relation to the six planned outcomes in the 2013-2017 Council Plan;
- Key achievements for the past financial year against Council Plan targets; and
- Information about what Council is planning for the future.

Performance highlights included:

Goal 1 – Facilities and assets that are well used and effectively managed

- Completed projects included Carrum Life Saving Club, Clayton South playground, and HD Bert Thomas Pavilion.
- Commenced construction of the new Family and Children's Centres in Parkdale and Edithvale

Goal 2 – A sustainable natural and built environment

- Replacement of out-of-date sports ground lighting
- Introduced new on-call hard waste collections

Goal 3 – Health, strong and connected communities

- The Kingston Charitable Fund reached \$1,000,000.
- Council's new Public Health and Wellbeing Plan, Community Safety Strategy, and Multicultural Action Plan 2013-2017 were launched.

Goal 4 – A prosperous and dynamic city

- Securing funding of \$750,000 from Living Libraries for the Westall Hub.
- Council secured government funding for the CCTV community safety project.

Goal 5 – An effective voice

- Council worked with automotive businesses affected by the downturn in the economy and welcomed the State Government's recently announced \$30 million assistance package to the sector for reskilling automotive supply chain workers.
- Progress traffic changes in South Road to support the enhancements and revitalisation of the Moorabbin Junction.

Goal 6 – A well-managed and effective organisation

- Council scored higher than the state average on five core performance measures in the Local Government Community Satisfaction Survey.
- Kingston's new 24-hour language line services was implemented in with one contact number for all languages.

4. Conclusion

4.1. Environmental Implications

Recycled paper and waterless inks will be used where possible in the production of hard copy versions to reduce its environmental impact. An online version will still be available via the City of Kingston's website for the community to view as required. Hard copies will also be available for public inspection at the three Customer Service Centres and eight Libraries.

4.2. Social Implications

The Annual Report is an important document in the ongoing process of communicating with the Kingston community. A highlights summary is expected to be available to increase the use and distribution of the information contained in the Annual Report.

4.3. Resource Implications

The costs associated with the production of the 2013/14 Annual Report are within budget. Printed copies of the 2013/14 Annual Report will be available in November and electronic copies will be available through the Kingston website.

4.4. Legal / Risk Implications

Not applicable

Author/s: Louise Barren, Program Leader Organisational Planning and Performance

Reviewed and Approved By: Bernard Byrden, Manager Financial Services
Paul Franklin, Acting General Manager City Assets and Environment

Ordinary Meeting of Council

27 October 2014

Agenda Item No: 10.11

INVESTMENT POLICY REPORT - SEPTEMBER 2014 QUARTER

Contact Officer: Bernard Byrden, Manager Financial Services

Purpose of Report

In accordance with Council's adopted Investment Policy, the purpose of this report is to advise Council where Kingston's working capital is currently invested. Kingston's funds that are not immediately required for operating purposes are invested in accordance with the relevant legislative requirements and policy requirements, with consideration of risk and at the most favourable rate of interest available to it at the time, for that investment type, while ensuring that our liquidity requirements are being met.

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:

Note that its funds as at 30 September 2014 are invested in line with the risk management profile prescribed in Council's Investment policy.

1. Executive Summary

Council has invested its funds of \$39.1 million as at 30 September 2014 in line with the requirements of Council's Investment Policy. The cash reserves are consistent with expectations at the end of September.

2. Background

Council's Investment Policy that was adopted by Council in October 2008 requires Council to be updated on our investment portfolio each quarter and the General Manager Corporate Services to be updated monthly. This quarterly report compares our investments as at 30 September 2014 compared to the overall portfolio limits specified in the Investment Policy.

3. Discussion

3.1. Council Plan Alignment

Planned Outcome 6 - A Well Managed and Effective Organisation

Strategy 6.4 - Robust and accountable business and financial processes

3.2. Council Investments

Cash has been invested in the following ways:

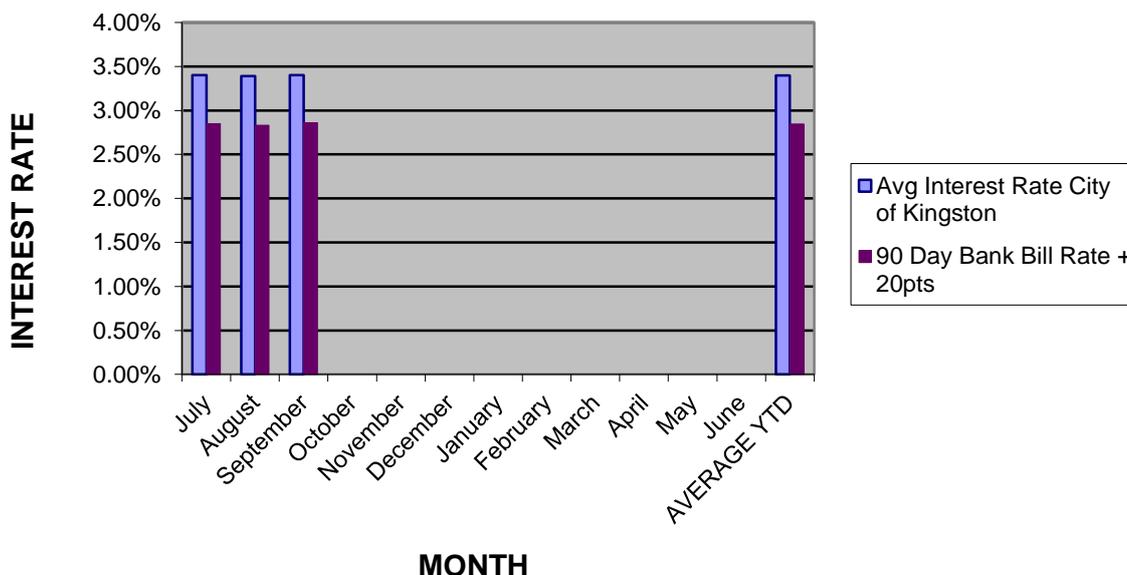
Type of Investment	Sept 2014 Amount (\$'000)	Sept 2013 Amount (\$'000)
Cash at Bank	12,007	6,173
Cash At Call	5,000	10,000
Funds Invested (Fixed term investments)	22,101	6,101
Total	39,108	22,274

Council had funds of \$39.1 million invested as at 30th September 2014. The investments have been made for fixed term periods from 1 month to 12 months. The interest rates achieved as at 30 September 2014 were in the range of 3.35% to 3.55% p.a. Note the funds invested are higher than the previous year largely due to the 1st instalment for rates in 2013 being extended from 30th September to 18th October 2013.

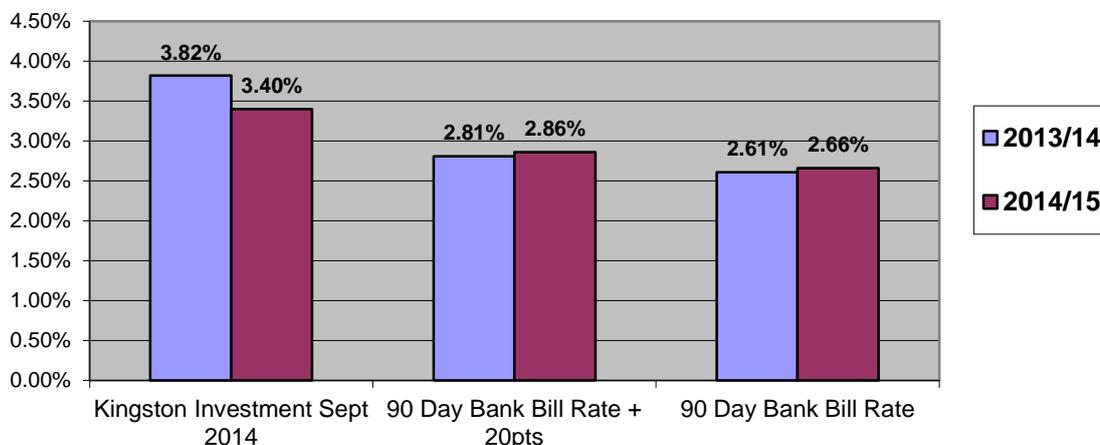
The attached Investment Schedule details our investments by credit rating, by bank and by maturity and demonstrates compliance with the Investment Policy. The schedule shows that 95% of funds are invested in AA or AAA rated investments (prescribed minimum is 75%). The majority of funds are invested as follows: Bank West 36% and NAB 41%. Both are below the 60% maximum single institution investment stipulated by the Investment Policy. 100% of funds are invested for less than 1 year. Note the Standard and Poor's credit ratings are current as at 30 September 2014.

3.3. Portfolio Performance

AVERAGE INTEREST RATE 2014/2015

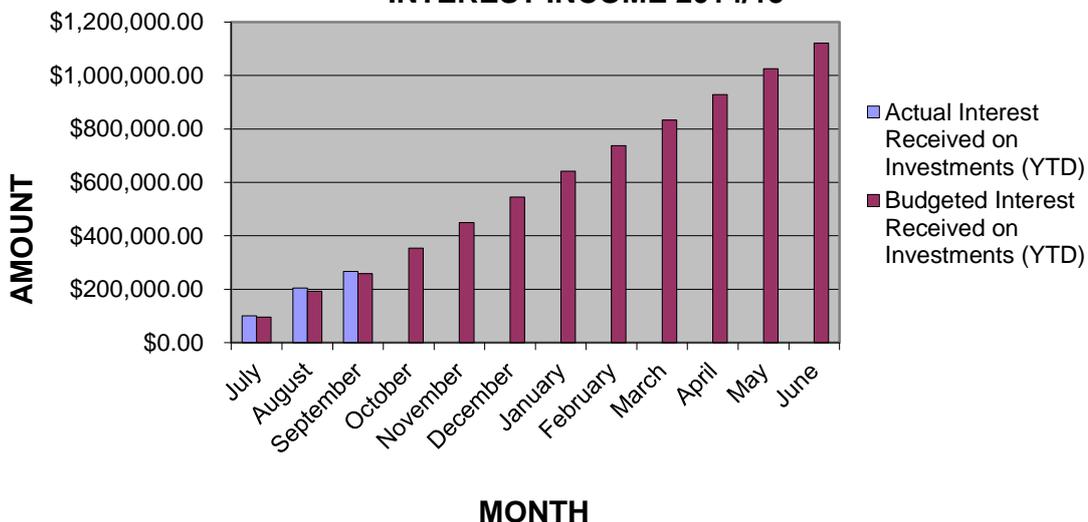


YTD AVERAGE INTEREST RATE COMPARISON



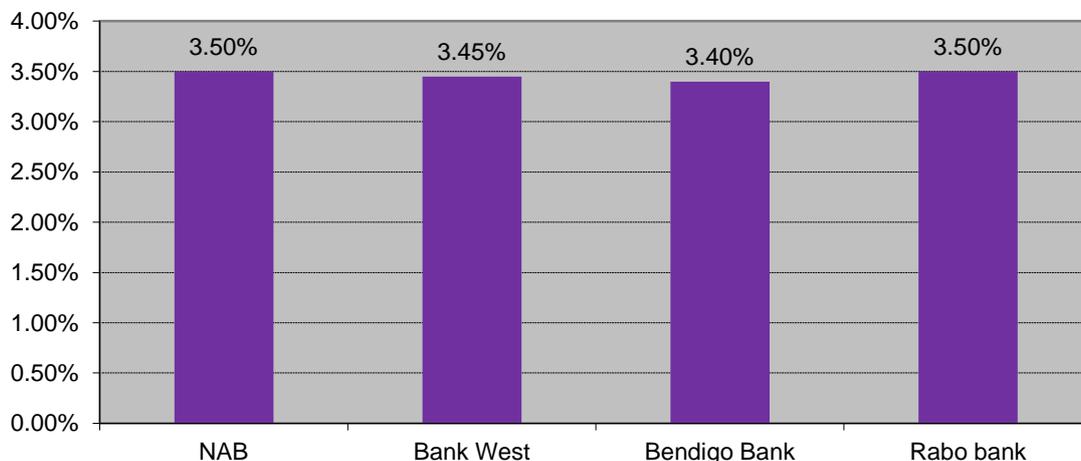
The average YTD interest rate at 30 September, 2014 was 3.40% (Sept 13 – 3.82%) which is 74pts ahead of the average 90 Day Bank Bill Rate of 2.66% (Sept 13 – 2.61%) and 54pts ahead of the investment policy target of the average 90 Day Bank Bill Rate plus 20pts of 2.86% (Sept 13– 2.81%). Interest rates have continued to decline and yields compress. Kingston’s investments continue to outperform the benchmark 90 Day Bank Bill Rate.

INTEREST INCOME 2014/15



Interest Income received on investments at 30 September 2014 totals \$267k which is \$9k favourable to the budget of \$258k.

Average Weighted Interest Rate by Institution (Fixed Term Deposits)

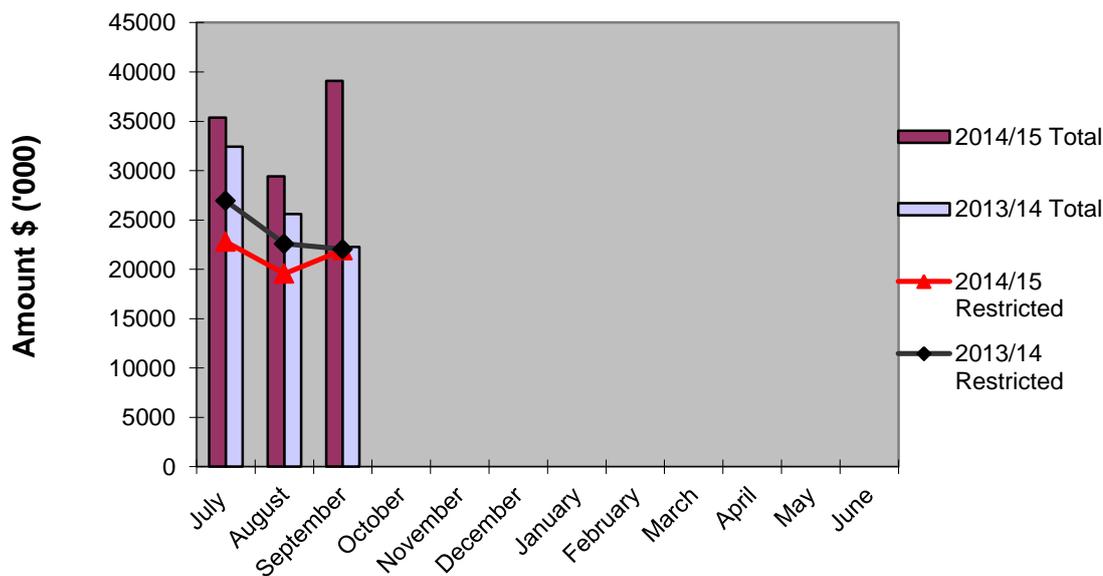


4. Conclusion

At the 30 September 2014 Council has a total of \$39.1 million held in Cash and Investments. These funds were held in the following categories.

Category	Sept 2014	Sept 2013
	Amount (\$'000)	Amount (\$'000)
Unrestricted Cash / Working Capital	17,173	243
Restricted Assets – Asset Development Reserve	8,822	8,698
Restricted Assets – Trust Funds and Deposits	13,113	13,333
Total	39,108	22,274

CASH LEVELS



Appendices

Appendix 1 - Investment Schedule 14-15 September (Trim No 14/129865)

Author/s: Bernard Byrden, Manager Financial Services
Reviewed and Approved By: Paul Franklin, Acting General Manager City Assets and Environment

10.11

INVESTMENT POLICY REPORT - SEPTEMBER 2014 QUARTER

1	Investment Schedule 14-15 September	381
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SNAP SHOT OF CASH/INVESTMENT BALANCES

2014/15

Current Bank Balance	12,006,508.46	31/09/2014
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<u>\$12,006,508.46</u>

At Call	RaboBank	\$5,000,000.00	3.15%
		<u>\$5,000,000.00</u>	
		\$0.00	Chk

FIXED TERM INVESTMENTS	S & P Long/ Short Term Rating	Bank	Amount	Maturity Date	Interest Rate
Fixed Term	A	Bendigo Bank- Parkdale	\$500,000.00	Thu 29-Jan-2015	3.45%
Fixed Term	AA	Bank West	\$5,000,000.00	Mon 17-Nov-2014	3.45%
Fixed Term	A	Bendigo Bank - Highett	\$50,000.00	Sun 26-Oct-2014	3.35%
Fixed Term	A	Bendigo Bank- Aspendale	\$51,483.00	Wed 12-Nov-2014	3.45%
Fixed Term	A	Bendigo Bank - Dingley	\$500,000.00	Mon 22-Jun-2015	3.35%
Fixed Term	AA	NAB	\$3,000,000.00	Mon 03-Nov-2014	3.50%
Fixed Term	AA	NAB	\$6,000,000.00	Tue 21-Oct-2014	3.50%
Fixed Term	AA	Bank West	\$3,000,000.00	Thu 04-Dec-2014	3.40%
Fixed Term	AA	Rabo	\$2,000,000.00	Wed 26-Nov-2014	3.40%
Fixed Term	AA	Rabo	\$2,000,000.00	Thu 26-Feb-2015	3.55%

<u>\$22,101,483.00</u>

\$0.00	Chk
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TOTAL INVESTMENTS	<u>\$22,101,483.00</u>
-------------------	------------------------

TOTAL INVESTMENTS PLUS CASH AT CALL	<u>\$27,101,483.00</u>
-------------------------------------	------------------------

TOTAL INVESTMENTS PLUS CASH AT CALL PLUS CASH IN BANK	<u>\$39,107,991.46</u>
---	------------------------

	Sep-14	Sep-13
Cash At Bank	\$12,006,508.46	\$6,173,000.00
Cash At Call	\$5,000,000.00	\$10,000,000.00
Funds Invested (Fixed Term)	\$22,101,483.00	\$6,101,000.00
	<u>\$39,107,991.46</u>	<u>\$22,274,000.00</u>

Unrestricted Cash	\$17,173,392.69	\$243,000.00
Restricted Assets - Asset Development Reserve	\$8,821,492.56	\$8,698,000.00
Restricted Assets - Long Service Leave		\$0.00
Restricted Assets - Trust Funds & Deposits	\$13,113,106.21	\$13,333,000.00
	<u>\$39,107,991.46</u>	<u>\$22,274,000.00</u>
	\$0.00	\$0.00

INVESTMENT SCHEDULE

2014/2015

TOTAL AMOUNT INVESTED **\$22,101,483** 31/09/2014

Investment Percentages - by Credit Rating			
S & P Long Term Rating	Amount	Percentage of Total Investments	
AAA	\$0.00	0%	
AA	\$21,000,000.00	95%	
A	\$1,101,483.00	5%	
BBB+	\$0.00	0%	
	\$22,101,483.00	100%	
	\$0.00 Check		

Investment Policy (per credit rating)		
AAA	75%	Minimum (if available)
AA	25%	Maximum (conditional on AAA availability)
A	15%	Maximum
BBB+	10%	Maximum

Investment Percentages - by Bank			
Bank	S & P Long Term Rating	Amount	Percentage of Total Investments
NAB	AA	\$9,000,000.00	41%
Bendigo Bank (A)	A	\$1,101,483.00	5%
Bank West	AA	\$8,000,000.00	36%
Rabo	AA	\$4,000,000.00	18%
Comm Bank	AA	\$0.00	0%
		\$22,101,483.00	100%
		\$0.00 Check	

Investment Policy (per bank)		
AAA	60%	Maximum
AA	35%	Maximum (conditional on AAA availability)
A	20%	Maximum
BBB	10%	Maximum

Investment Percentages - by Maturity Date			
Maturity Limit	Amount	Percentage of Total Investments	
Less than 1 year	\$22,101,483.00	100%	
Between 1 year and 3 years	\$0.00	0%	
Between 3 years and 5 years	\$0.00	0%	
	\$22,101,483.00	100%	
	\$0.00 Check		

Investment Policy (maturity limit)		
<1 yr	100%	Maximum
<1 yr	50%	Minimum
>1 < 3yrs	50%	Maximum
>3 < 5yrs	15%	Maximum

11. Corporate Services Reports

Ordinary Meeting of Council

27 October 2014

Agenda Item No: 11.1

CEO PERFORMANCE CRITERIA AND RE-APPOINTMENT

Contact Officer: Belinda Ayres, Acting General Manager Corporate Services

Purpose of Report

To provide Councillors with the performance criteria and the contract of employment for the re-appointment process of the Chief Executive Officer.

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. Agree to enter into a contract of employment in accordance with the performance criteria developed by the Committee of Councillors (comprising of all Councillors) and the contract of employment prepared by Council's legal advisors to appoint Mr John Nevins to the position of Chief Executive Officer for a period of 4-years commencing 9 November 2014.

1. Executive Summary

This report provides the performance criteria developed by the Committee of Councillors and the contract of employment prepared by Council's legal advisors for the re-appointment of the Chief Executive Officer.

2. Background

At its August 2014 Ordinary Meeting, Council resolved to:

"Authorise officers to engage SACS Consulting:

- a) *facilitate the development of performance criteria for the position of the Chief Executive Officer and to assist with the re-appointment process of the Chief Executive Officer; and*
- b) *form a committee of Councillors, to work with the appointed consultant to develop performance criteria for the position of the Chief Executive Officer and finalise the Chief Executive Officer re-appointment process.*

Following the Council resolution, SACS Consulting was engaged to facilitate two workshops with the Committee of Councillors on the 15 September and the 6 October. The purpose of these workshops was to develop the performance criteria and also facilitate the preparation of the contract of employment by Council's legal advisors for the re-appointment process of the Chief Executive Officer.

3. Discussion

3.1. Council Plan Alignment

Planned Outcome 6 - A Well Managed and Effective Organisation

Strategy 6.1 - A well-governed, efficient and responsive organisation

3.2. Consultation/Internal Review

Following the two workshops facilitated by SACS Consulting, on the 15 September and 6 October 2014, documentation relating to the outcomes of these workshops was provided to all Councillors on the 26 September and 7 October 2014 to provide any additional feedback on the performance criteria and/or contract of employment prepared by Council's legal advisors.

3.3. Options

3.3.1. Option 1

That Council agrees to enter into a contract of employment for the re-appointment process of the Chief Executive Officer for the reasons outlined in this report.

4. Conclusion

4.1. Environmental Implications

N/A

4.2. Social Implications

N/A

4.3. Resource Implications

N/A

4.4. Legal / Risk Implications

Council has specific responsibilities under the Local Government Act 1989 (Vic) in relation to the employment of a Chief Executive Officer and under the current Chief Executive Officer's current contract of employment. These responsibilities have the subject of legal advice and a specific briefing at CIS on 21 July 2014.

Appendices

Appendix 1 - CEO Performance Criteria - Councillor Form (Trim No 14/137582) - Confidential

Appendix 2 - CEO Performance Criteria - Review Form Staff (Trim No 14/137581) - Confidential

Appendix 3 - Draft CEO Contract (Trim No 14/137579) - Confidential

Appendix 4 - Maddocks - Kingston CEO Contract Letter (Trim No 14/138310) - Confidential

Author/s: Belinda Ayres, Acting General Manager Corporate Services
Reviewed and Approved By: John Nevins, Chief Executive Officer

Ordinary Meeting of Council

27 October 2014

Agenda Item No: 11.2

MUNICIPAL/DISTRICT COOPERATION AGREEMENT WITH THE TIMOR-LESTE GOVERNMENT

Contact Officer: Belinda Ayres, Acting General Manager Corporate Services

Purpose of Report

To advise Council of a request from Local Government Victoria regarding entering into a Municipal/District Cooperation Agreement with a Timor-Leste District (Manatuto) and to seek feedback from Councillors about Kingston's involvement.

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. Receive the information at the 27 October Ordinary Meeting of Council to formally resolve Councils position on the LGV request.

1. Executive Summary

The City of Kingston community currently has a Friendship Agreement in place with the Sub-District of Manatuto in Timor-Leste, which was signed in 2005. The Agreement outlines the intent of the relationship between the City of Kingston community and Manatuto.

Local Government Victoria (LGV) first contacted Kingston in January 2014 seeking in-principle support of the Protocol of Cooperation. Officers sought further detail from LGV regarding the level of support being sought so as to be able to adequately brief Council. This information is now available and is contained in the Municipal/District Cooperation Agreement with additional information provided to Council through a presentation made at Strategic CIS by the LGV on 6 October 2014.

LGV have made further contact seeking a formal indication of Councils ability to commit to the Municipal/District Cooperation Agreement and have advised that five other Councils have signed a Cooperation Agreement.

2. Background

To provide context to this discussion the reports, notes and minutes of the relevant Council meetings and briefings from 2005 have been attached for reference.

The Protocol of Cooperation implementation relies heavily on the goodwill and resources of local government.

Kingston's Friends of Manatuto (FoM) community group has been actively involved in raising funds for projects in Manatuto sub-district for over 10 years. The main project has been the establishment of a kindergarten in the Obrato suco on the outskirts of Manatuto township.

While still an active group, membership has reduced as older members have passed-on or are unable to continue participation. The group now has 6 – 10 regular attendees at its monthly meetings which are held at the Cheltenham office.

FoM has been kept informed of LGVs proposal for local councils to sign a formal Protocol with Districts in Timor Leste to facilitate skills transfer as they move towards decentralisation. At its August meeting, the group was told that the matter had been discussed by Kingston's executive and that a report would be prepared for Council's consideration. This new arrangement raised questions from the group regarding the impact on the Friendship Networks, which need to be understood.

Council's representative on FoM community group is Councillor Barth.

3. Discussion

3.1. Council Plan Alignment

Planned Outcome 6 - A Well Managed and Effective Organisation

Strategy 6.3 - An organisation that demonstrates community inspired leadership

3.2. Consultation/Internal Review

Officers have attended a briefing from LGV and spoken with LGV representatives on a number of occasions. Officers also attended the recent 'Working Together with Timor-Leste – The Next ten years' conference held in late July.

A presentation has been made to Councillors at the Strategic CIS meeting on 6 October 2014 providing further information on the Agreement and required resourcing.

3.3. Operation and Strategic Issues

3.3.1. Kingston Involvement

As described in the background Kingston Council has been supportive of the friendship arrangement with Timor-Leste District of Manatuto, but has not been directly involved.

The proposed Municipal/District Cooperation Agreement would change the relationship that Kingston has had with Timor-Leste from one of being community driven with Council support to a commitment by the organisation to support capacity building, skills and knowledge transfer and assist with attracting development opportunities to the District.

The current Friendship Agreement states that:

“...It is envisaged that this partnership will involve the transfer of knowledge, skills and resources as appropriate...”.

This is somewhat similar to the proposed Municipal/District Agreement; however the existing Friendship Agreement also says:

“...that any strategy or project should be based on needs identified through local decision making processes and should take into account the capacity of the City of Kingston community to resource and support them.”

The impact of the Municipal/District Agreement on the current friendship agreement and the group’s relationship with Manatuto District is unclear; however the FoM have advised officers that they are happy to continue to support Manatuto.

3.3.2. Proposed Municipal/District Cooperation Agreement Activities

The Municipal/District Cooperation Agreement includes the following activities that could be undertaken between the Council and Timor-Leste District:

- Economic, cultural, social, educational interchanges between local community representative organisations;
- Sharing advice, professional experience and mentoring;
- Organising study and working visits between Timor-Leste and Kingston or vice versa for private and public sectors;
- Provision of technical advice; and
- Networking, collaboration and interchange of information.

For these activities to be organised by Council there would need to be an allocation of additional staff resources or a re-allocation of existing staff resources.

3.3.3. Budget and Funding

There is currently no budget allocation for the type of commitment that is outlined in the proposed Municipal/District Cooperation Agreement. Whilst the idea has strong merits in terms of local support for international development with a close neighbouring country and ally, it would require the allocation of officer time and resources to participate.

An indicative allocation would be at least 0.2 EFT or one day per week. This may be able to be added to an existing employees hours. A position description would need to be developed and banding assessment undertaken; however based on the requirements of a role like this; it is likely to require a band 5 or 6 officer. This would equate to \$12,500 to \$16,500 per annum plus on costs. In addition, there would need to be a further materials allocation to support any initiatives. The level of commitment would determine the allocation required. A trial with a 12 month review may be an appropriate approach.

Officers are not currently aware of any grant or funding opportunities available to support Councils working with Timor-Leste in the manner outlined in the Agreement.

3.4. Options

3.4.1. Option 1

That Council maintains the existing community led support without entering into the proposed Municipal Agreement and advises LGV accordingly.

3.4.2. Option 2

That Council provides a commitment to the proposed Municipal/District Cooperation Agreement on a 12 month trial, authorises the Chief Executive Officer to allocate additional resources and advise LGV of its intention to formally resolve on the matter at the 27 October Ordinary Meeting of Council.

4. Conclusion

4.1. Environmental Implications

Nil

4.2. Social Implications

Participation in this type of initiative allows Kingston to demonstrate Community Inspired Leadership and support an emerging democracy.

4.3. Resource Implications

The level of resources required to fulfill the proposed Municipal Agreement depends on the level of commitment provided; however at a minimum there is at least a proportion of a senior officers time to coordinate activities as well as other officers technical expertise and time, as well as possible materials costs for hosting and visiting arrangements. All of which is currently unbudgeted.

4.4. Legal / Risk Implications

Nil

Appendices

- Appendix 1 - Email from Mark Grant - LGV - August 2014 (Trim No 14/106681)
- Appendix 2 - Draft Municipal Agreement Timor-Leste (Trim No 14/90245)
- Appendix 3 - DOC-CENTRAL_n2669252_v1_Municipal-District_Agreement_-_Darebin (Trim No 14/106684)
- Appendix 4 - DOC-CENTRAL_n2669251_v1_Municipal-District_Agreement_-_Ballarat (Trim No 14/106690)
- Appendix 5 - DOC-CENTRAL_n2669253_v1_Municipal-District_Agreement_-_Wangaratta (Trim No 14/106686)
- Appendix 6 - DOC-CENTRAL_n2669254_v1_Municipal-District_Agreement_-_Yarra (Trim No 14/106689)
- Appendix 7 - Victorian Government Protocol of Cooperation with the Timor-Leste Government (Trim No 14/93045)
- Appendix 8 - Protocol of cooperation.27-05-2013 (Trim No 14/90246)
- Appendix 9 - Letter from Tomas Cabral (Trim No 14/90243)
- Appendix 10 - City of Kingston and Manatuto Sub-District Friendship Agreement signed 21 June 2005 (Trim No 14/90242)
- Appendix 11 - Minutes of Ordinary Council Meeting - G45 Memorandum of Understanding between the City of Kingston Community and the Community of the Sub-District of Manatuto in East Timor - 23 May 2005 (Trim No 14/90882)
- Appendix 12 - Notes of Strategy and Planning Meeting - 9 May 2005 (Trim No 05/23530)
- Appendix 13 - Report to Strategy & Planning 9th May 2005 regarding Visit by District Administrator of Manatuto and signing of a Memorandum of Understanding, by Suzanne Ferguson (Trim No 05/22904)

Author/s: Belinda Ayres, Acting General Manager Corporate Services
Reviewed and Approved By: John Nevins, Chief Executive Officer

11.2

MUNICIPAL/DISTRICT COOPERATION AGREEMENT WITH THE TIMOR-LESTE GOVERNMENT

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9	Letter from Tomas Cabral.....	411
10	City of Kingston and Manatuto Sub-District Friendship Agreement signed 21 June 2005.....	413
11	Minutes of Ordinary Council Meeting - G45 Memorandum of Understanding between the City of Kingston Community and the Community of the Sub-District of Manatuto in East Timor - 23 May 2005	415
12	Notes of Strategy and Planning Meeting - 9 May 2005.....	417
13	Report to Strategy & Planning 9th May 2005 regarding Visit by District Administrator of Manatuto and signing of a Memorandum of Understanding, by Suzanne Ferguson	423

Anthony Basford

From: Mark.Grant@dtpli.vic.gov.au
Sent: Tuesday, 12 August 2014 11:07 AM
To: ceo@portphillip.vic.gov.au; c.niemann@bendigo.vic.gov.au; domenici@hume.vic.gov.au; eaceo@moreland.vic.gov.au; John Nevins; michaelk@mornpen.vic.gov.au; mtyler@casey.vic.gov.au; nsmith@mvcc.vic.gov.au; phillip.storer@boroondara.vic.gov.au; toby@vlga.org.au; jmcMahon@geelongcity.vic.gov.au; Gerry Smith
Cc: Yannick_Thoraval%DPC@cenitex.vic.gov.au; filomena.capela@dpc.vic.gov.au; anthonySchinck@ballarat.vic.gov.au; vijaya.vaidyanath@yarracity.vic.gov.au; rdev@darebin.vic.gov.au; b.mcgrath@wangeratta.vic.gov.au; helen.molner@boroondara.vic.gov.au; richardb@hume.vic.gov.au; Peter.Jones@dpd.vic.gov.au; Jessen, Pat; geoff.carson@mornpen.vic.gov.au; a.young@wangeratta.vic.gov.au; Craig Skelton; Pauline Gordon; gary@vlga.org.au; slevakis@geelongcity.vic.gov.au; nick.foa@dtpli.vic.gov.au; Colin.Morrison@dtpli.vic.gov.au; Suzanne Ferguson; nevilleivey@ballarat.vic.gov.au
Subject: Timor Leste District/Municipal Agreements Request for formal response by September 12
Attachments: DOC-CENTRAL_n2669254_v1_Municipal-District_Agreement_-_Yarra.pdf; DOC-CENTRAL_n2669253_v1_Municipal-District_Agreement_-_Wangeratta.pdf; DOC-CENTRAL_n2669252_v1_Municipal-District_Agreement_-_Darebin.pdf; DOC-CENTRAL_n2669251_v1_Municipal-District_Agreement_-_Ballarat.pdf

Good morning,

As was highlighted in Local Government News last week, a signing ceremony took place at the recent Working Together with Timor Leste - The Next Ten Years conference on 25 July 2014. This was an exciting milestone as the first four Victorian municipalities co-signed the agreement with Sr Samuel Mendonca, Secretary of State for Local Development, on behalf of Tomas Cabral, Secretary of State for Administrative Decentralisation.

The initial signed agreements were between:

- Cities of Yarra and City of Darebin - Baucau District;
- City of Ballarat - Ainaro District;
- Rural City of Wangaratta - Oecussi District

Copies are provided below for your reference.

For those council's still considering the request to enter into an agreement, I would appreciate your council's formal response to Peter Jones at Local Government Victoria by 12 September 2014.

Peter's email address is: peter.jones@dtpli.vic.gov.au

If you would like further information or would like myself or Peter to speak with your councillors in person we would be more than happy to assist.

Attached below are the signed Agreements which were finalised at the conference.

(See attached file:
 DOC-CENTRAL_n2669254_v1_Municipal-District_Agreement_-_Yarra.pdf)

(See attached file:
DOC-CENTRAL_n2669253_v1_Municipal-District_Agreement_-_Wangaratta.pdf)

(See attached file:
DOC-CENTRAL_n2669252_v1_Municipal-District_Agreement_-_Darebin.pdf)

(See attached file:
DOC-CENTRAL_n2669251_v1_Municipal-District_Agreement_-_Ballarat.pdf)

Kind regards,

Mark Grant

Acting Director, Sector Development & Performance Local Government Victoria Department of Transport, Planning and Local Infrastructure Level 7, 1 Spring Street Melbourne 3000

Phone: 03 9208 3797

Fax: 03 9208 3339

Mobile: 044 857 4578

Email: mark.grant@dtpli.vic.gov.au

DRAFT

MUNICIPAL AGREEMENT

Formalising the desire to develop and strengthen cooperation between Timorese Districts and Victorian Municipalities and their populations, it is agreed to:

1. Consider economic, cultural, social, educational and/or other interchange between local community representative organisations.
2. The Victorian Municipality of will cooperate with the Timorese District Management of according to their respective resources and through the following support:
 - Contributing to strengthen professional knowledge and skills of’s district officers according to their needs and mainly through sharing advice, professional experience and mentoring;
 - Organising study and working visits by municipal delegations from Timor-Leste to Victoria and from Victoria to Timor-Leste by the public and the private sectors.
 - Providing support with technical advice to assist with implementation of district programs and projects under the direction of the Secretariat of State for Administrative Decentralisation.
 - Regular networking, collaboration and interchange of information between District Management and Municipal officers and interested parties;
3. The Municipality of and the District Management of will be able to effectively communicate and cooperate in all aspects of their activities, which are aimed to provide better services to their local population.
4. The Municipality of..... will cooperate with the District Management of..... in projects where the objectives are the development of trading skills, creation of business opportunities and economic independence of’s population.
5. The Municipality of and the District Management of will undertake procedures to obtain support to assist with implementing this municipal agreement.
6. This protocol may be amended at any time by the mutual consent of the Victorian Municipality and the Secretariat of State for Administrative Decentralization, Timor-Leste.

MR/S
CHIEF EXECUTIVE OFFICER
CITY OF -----

MR TOMÁS DO ROSÁRIO CABRAL
SECRETARY OF STATE FOR AMINISTRATIVE
DECENTRALISATION

Key contacts for communication relating to this protocol and any initiatives flowing from it:

CITY OF -----;
MR/S

DISTRICT MANAGEMENT OF -----;
MR/S

Tel:
Mob:
Fax:
Email:

Tel:
Mob:
Fax:
Email:

MUNICIPAL/DISTRICT COOPERATION AGREEMENT

Formalising the desire to develop and strengthen cooperation between Timorese Districts and Victorian Municipalities and their populations, it is agreed to:

1. Consider economic, cultural, social, educational and/or other interchange between local community representative organisations.
2. The Victorian Municipality of Darebin will cooperate with the Timorese District Management of Bacau according to their respective resources and through the following support:
 - Contributing to strengthen professional knowledge and skills of Bacau's district officers according to their needs and mainly through sharing advice, professional experience and mentoring;
 - Organising study and working visits by municipal delegations from Timor-Leste to Victoria and from Victoria to Timor-Leste by the public and the private sectors.
 - Providing support with technical advice to assist with implementation of district programs and projects under the direction of the Secretariat of State for Administrative Decentralisation.
 - Regular networking, collaboration and interchange of information between District Management and Municipal officers and interested parties;
3. The Municipality of Darebin and the District Management of Bacau will be able to effectively communicate and cooperate in all aspects of their activities, which are aimed to provide better services to their local population.
4. The Municipality of Darebin will cooperate with the District Management of Bacau in projects where the objectives are the development of trading skills, creation of business opportunities and economic independence of Bacau's population.
5. The Municipality of Darebin and the District Management of Bacau will undertake procedures to obtain support to assist with implementing this municipal agreement.
6. This protocol may be amended at any time by the mutual consent of the Victorian Municipality and the Secretariat of State for Administrative Decentralization, Timor-Leste.

for 
 MR RASIAH DEV
 CHIEF EXECUTIVE OFFICER
 CITY OF DAREBIN

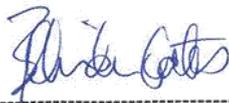

 MR TOMÁS DO ROSÁRIO CABRAL
 SECRETARY OF STATE FOR ADMINISTRATIVE
 DECENTRALISATION



MUNICIPAL/DISTRICT COOPERATION AGREEMENT

Formalising the desire to develop and strengthen cooperation between Timorese Districts and Victorian Municipalities and their populations, it is agreed to:

1. Consider economic, cultural, social, educational and/or other interchange between local community representative organisations.
2. The City of Ballarat will cooperate with the Timorese District Management of Ainaro according to their respective resources and through the following support:
 - Contributing to strengthen professional knowledge and skills of Ainaro's district officers according to their needs and mainly through sharing advice, professional experience and mentoring;
 - Planning study and working visits by municipal delegations from Timor-Leste to Victoria and from Victoria to Timor-Leste by the public and the private sectors.
 - Providing support with technical advice to assist with implementation of district programs and projects under the direction of the Secretariat of State for Administrative Decentralisation.
 - Regular networking, collaboration and interchange of information between District Management and Municipal officers and interested parties;
3. The City of Ballarat and the District Management of Ainaro will be able to effectively communicate and cooperate in all aspects of their activities, which are aimed to provide better services to their local population.
4. The City of Ballarat will cooperate with the District Management of Ainaro in projects where the objectives are the development of trading skills, creation of business opportunities and economic independence of Ainaro's population.
5. The City of Ballarat and the District Management of Ainaro will undertake procedures to obtain support to assist with implementing this municipal agreement.
6. This protocol may be amended at any time by the mutual consent of the Victorian Municipality and the Secretariat of State for Administrative Decentralization, Timor-Leste.



MR ANTHONY SCHINCK
CHIEF EXECUTIVE OFFICER
CITY OF BALLARAT



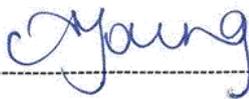
MR TOMÁS DO ROSÁRIO CABRAL
SECRETARY OF STATE FOR ADMINISTRATIVE
DECENTRALISATION



MUNICIPAL/DISTRICT COOPERATION AGREEMENT

Formalising the desire to develop and strengthen cooperation between Timorese Districts and Victorian Municipalities and their populations, it is agreed to:

1. Consider economic, cultural, social, educational and/or other interchange between local community representative organisations.
2. The Rural City of Wangaratta will cooperate with the Timorese District Management of Oecussi according to their respective resources and through the following support:
 - Contributing to strengthen professional knowledge and skills of Oecussi's district officers according to their needs and mainly through sharing advice, professional experience and mentoring;
 - Organising study and working visits by municipal delegations from Timor-Leste to Victoria and from Victoria to Timor-Leste by the public and the private sectors.
 - Providing support with technical advice to assist with implementation of district programs and projects under the direction of the Secretariat of State for Administrative Decentralisation.
 - Regular networking, collaboration and interchange of information between District Management and Municipal officers and interested parties;
3. The Rural City of Wangaratta and the District Management of Oecussi will be able to effectively communicate and cooperate in all aspects of their activities, which are aimed to provide better services to their local population.
4. The Rural City of Wangaratta will cooperate with the District Management of Oecussi in projects where the objectives are the development of trading skills, creation of business opportunities and economic independence of Oecussi's population.
5. The Rural City of Wangaratta and the District Management of Oecussi will undertake procedures to obtain support to assist with implementing this municipal agreement.
6. This protocol may be amended at any time by the mutual consent of the Victorian Municipality and the Secretariat of State for Administrative Decentralization, Timor-Leste.



MR BRENDAN MCGRATH
CHIEF EXECUTIVE OFFICER
RURAL CITY OF WANGARATTA



MR TOMÁS DO ROSÁRIO CABRAL
SECRETARY OF STATE FOR ADMINISTRATIVE
DECENTRALISATION



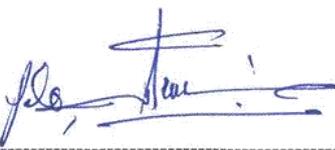
MUNICIPAL/DISTRICT COOPERATION AGREEMENT

Formalising the desire to develop and strengthen cooperation between Timorese Districts and Victorian Municipalities and their populations, it is agreed to:

1. Consider economic, cultural, social, educational and/or other interchange between local community representative organisations.
2. The Victorian Municipality of Yarra will cooperate with the Timorese District Management of Bacau according to their respective resources and through the following support:
 - Contributing to strengthen professional knowledge and skills of Bacau's district officers according to their needs and mainly through sharing advice, professional experience and mentoring;
 - Organising study and working visits by municipal delegations from Timor-Leste to Victoria and from Victoria to Timor-Leste by the public and the private sectors.
 - Providing support with technical advice to assist with implementation of district programs and projects under the direction of the Secretariat of State for Administrative Decentralisation.
 - Regular networking, collaboration and interchange of information between District Management and Municipal officers and interested parties;
3. The Municipality of Yarra and the District Management of Bacau will be able to effectively communicate and cooperate in all aspects of their activities, which are aimed to provide better services to their local population.
4. The Municipality of Yarra will cooperate with the District Management of Bacau in projects where the objectives are the development of trading skills, creation of business opportunities and economic independence of Bacau's population.
5. The Municipality of Yarra and the District Management of Bacau will undertake procedures to obtain support to assist with implementing this municipal agreement.
6. This protocol may be amended at any time by the mutual consent of the Victorian Municipality and the Secretariat of State for Administrative Decentralization, Timor-Leste.



 **MS VIJAYA VAIDYANATH**
CHIEF EXECUTIVE OFFICER
CITY OF YARRA



MR TOMÁS DO ROSÁRIO CABRAL
SECRETARY OF STATE FOR ADMINISTRATIVE
DECENTRALISATION



Sharon Banks

From: Jaye.Couper@dtpli.vic.gov.au on behalf of Mark.Grant@dtpli.vic.gov.au
Sent: Friday, 11 July 2014 5:10 PM
To: John Nevins
Cc: Suzanne Ferguson
Subject: Municipal/District Agreement proposed by the Timor-Leste Government
Attachments: Draft Municipal Agreement Timor-Leste.pdf; Protocol of cooperation.27-05-2013.pdf; Letter from Tomas Cabral.pdf

Dear John,

I am writing following our meeting of May 13, where Nick Foa and I outlined the details behind the Victorian Government's Protocol of Co-operation with the Timor-Leste Government, and the Victorian Government's ongoing commitment (through Local Government Victoria) to support the process of decentralisation in Timor-Leste.

At that meeting it was agreed that the Victorian Government would request the more detailed agreement which the Timor-Leste Government intended to use to give effect to the protocol at Municipal level.

Please find attached the Municipal/District Agreement proposed by the Timor-Leste Government.

I would appreciate you indicating formally whether your municipality is in a position to undertake this commitment.

As you would also be aware, later this month the Victorian Local Governance Association is hosting a Conference in Melbourne "Working Together With Timor Leste: The Next 10 Years", which will be held at the Darebin Arts and Entertainment Centre, Preston from 24-26 July. The Hon Tim Bull, Minister for Local Government, will address the conference and will be outlining some of the successes of the past ten years of partnership between Victoria and Timor-Leste and the Victorian Government's ongoing commitment to working with the Timor-Leste Government.

The conference will also be attended by Sr Agio Pereira, Minister of State & President of the Timor-Leste Council of Ministers and Sr Tomas Cabral, Secretary of State for Decentralisation and a range of other senior officials from Timor-Leste. Minister Pereira and Secretary of State Cabral will update the conference on the decentralisation process in Timor-Leste thus far.

The conference organising committee is currently planning a signing ceremony on the morning of July 25 at 10.15am for those municipalities that are in a position to sign the Agreement at that time, although it is noted that not all municipalities will be in a position to sign this month.

I have also attached again the Protocol and relevant correspondence.

I will call you next week to discuss the agreement and get an indication as to whether your municipality would be in a position to participate in the signing ceremony at the Conference.

Regards
Mark

Mark Grant
Acting Director, Sector Development
Local Government Victoria
Department of Transport, Planning and Local Infrastructure Level 7, 1 Spring Street Melbourne 3000
Phone: 03 9208 3797
Fax: 03 9208 3339

Mobile: 044 857 4578
Email: mark.grant@dtpli.vic.gov.au

Draft agreement:
(See attached file: Draft Municipal Agreement Timor-Leste.pdf)

Documents provided previously:
Protocol:
(See attached file: Protocol of cooperation.27-05-2013.pdf)

Original Letter from Tomas Gabral:
(See attached file: Letter from Tomas Cabral.pdf)



PROTOCOL OF COOPERATION

between

LOCAL GOVERNMENT VICTORIA, STATE GOVERNMENT OF VICTORIA, AUSTRALIA
and
SECRETARIAT OF STATE FOR ADMINISTRATIVE DECENTRALIZATION
TIMOR-LESTE GOVERNMENT

Continuing to develop and strengthen friendship and cooperation between the Timor-Leste Secretariat of State for Administrative Decentralization and Local Government Victoria, it is agreed to:

1. Support the development of cooperation agreements between Victorian Municipalities and Timor-Leste Municipalities (or/and Timor-Leste Municipalities' Preparatory Committees).
2. Assist and support programs of cooperation, with a view to sharing knowledge and mutual development, on the basis of interests of each Government.
3. Support Victorian Municipalities and Timor-Leste Municipalities' Preparatory Committees to consider economic, cultural, social, educational, or other interchange between their populations while mobilizing adequate resources, incentives and representative arrangements.
4. Local Government Victoria, Victorian Government, Australia will cooperate with the Secretariat of State for Administrative Decentralization, Timor-Leste through the following support:
 - a. Assisting with development of programs for visiting Timorese delegations to Victoria;
 - b. Contributing to the professional development of senior executive directors from the Secretariat of State for Administrative Decentralization in the area of local government administration;
 - c. Providing expert advice to assist with strategic planning and future implementation of decentralisation in Timor-Leste according to Timor-Leste government programs;

- d. Regular collaboration and interchange of knowledge, experiences and information between Local Government Victoria and the Secretariat of State for Administrative Decentralization officers and interested parties;
 - e. Undertaking procedures to obtain support and funding when such circumstances are within the context of this protocol of cooperation, or when requested by the Secretariat of State for Administrative Decentralization.
5. Local Government Victoria, State Government of Victoria, Australia will cooperate with the Secretariat of State for Administrative Decentralization, Timor-Leste in all aspects of their activities, that are considered useful, and when necessary conditions are in place for their implementation, and when resources permit.
 6. Local Government Victoria will cooperate with the Secretariat of State for Decentralization in projects which objectives are the development and implementation of the Timor-Leste future Municipalities.
 7. This protocol may be amended at any time by the mutual consent of Local Government Victoria, Australia and the Secretariat of State for Administrative Decentralization, Timor-Leste.



MS. KENDREA POPE
ACTING EXECUTIVE DIRECTOR
LOCAL GOVERNMENT VICTORIA
DEPARTMENT OF PLANNING AND
COMMUNITY DEVELOPMENT



MR. TOMÁS DO ROSÁRIO CABRAL
SECRETARY OF STATE FOR ADMINISTRATIVE
DECENTRALIZATION
MINISTRY OF STATE ADMINISTRATION

Key contacts for communication relating to this protocol and any initiatives flowing from it:

Victoria:
 Ms. Filomena Capela
 Manager, Timor-Leste Programs
 Department of Planning and Community
 Development
 Tel: +61 3 9208 3749 and +61 400859591
 Email: filomena.capela@dpcd.vic.gov.au

Timor-Leste:
 Sr. Abilio José Caetano
 Director Geral
 Ministry of State Administration
 Tel: +670 77311662
 Email: abiliojosecaetano@yahoo.com.br



REPÚBLICA DEMOCRÁTICA DE TIMOR-LESTE
 MINISTÉRIO DA ADMINISTRAÇÃO ESTATAL
 Secretário de Estado da Descentralização Administrativa
 V Governo Constitucional

Gabinete do
 Secretário de Estado da
 Descentralização Administrativa

Ref. n.º/MAE/SEDA/IV/2014

Dili, April 24th 2014

Para: Mr Nick Foa, Executive Director, Local Government Victoria

Assunto: Municipal agreements between Timor-Leste and Victoria

Dear Mr Nick Foa,

Thank you for the invitation to participate in a meeting on 7 May 2014 with yourself, your directors and Chief Executive Officers of City Councils and Shires who agreed to sign municipal agreements on behalf of their councils and shires, as a way to formalise their support to the decentralisation process in Timor-Leste.

Unfortunately, I will be overseas in Guiné-Bissau during that week and will be unavailable to attend, however, would like to explain to all CEOs about the current implementation status of the decentralisation process, and would appreciate it very much if you please pass on this message to them on 7 May 2014.

Matching districts of Timor-Leste with City Councils and Shires of Victoria and signing municipal agreements are important steps to all our districts that are now preparing to start implementing the decentralization process, which eventually will lead to the establishment of municipalities with elected Presidents and elected Councillors.

Similar agreements have also been signed last year with 26 municipalities of Portugal, who intend to support our 13 districts and their leaders with their important job of preparing all mechanisms and systems needed to their transition into municipalities.

As you may be aware the decentralisation process and the introduction of a new level of municipal elected governments are objectives of our Nation's Strategic Development Plan 2011-2030. It is expected that this process will take some time and that some districts will be ready for municipal elections some time in 2017.

The decentralisation process most important steps are:

- Merging of administrative jurisdictions at the sub-district and district levels to form consolidated and efficient administrative units with representative assemblies at the present district level.
- Selecting and recruiting competent managers and secretaries who will lead these administrative units and implement the decentralisation process. These units will be responsible to deliver effective and efficient services to local communities.
- Approving organisational structures introduce systems, develop processes and procedures in all areas of public management and local governance.

Ministério da Administração Estatal
 Rua Jacinto Cândido
 Dili, Timor-Leste
 ☎ +670 (390) 333 9077
 ✉ geral.seda@estatal.gov.tl

-
- Developing and strengthening our human resources to effectively plan, operate and monitor programs and service delivery to our local communities according to our government's goals and objectives.

At the moment, I can inform you that two important decree-laws have been passed by the Council of Ministers last month. These decree-laws regulate our district structures and selection processes for recruitment of district managers and their secretaries, respectively.

My office is also working with the United Nations Development Programs (UNDP) and the National Secretary of State for Institutional Strengthening (SEPI) and a training package has been developed to deliver a three-week training development course to district managers and secretaries after their selection and recruitment.

We expect that training will occur in July and that by August all 26 new managers and secretaries will take office in the districts.

They will be responsible for the establishment of systems, development of processes and procedures in all areas of public management and governance for local administration of the districts and will report to me and to my General Director.

It is in this context, and under the Protocol of Cooperation signed by your predecessor and myself last year in May, that I would like to invite the CEOs of Councils and Shires, their directors, managers and other staff, to share their knowledge, skills and experience, as well as their advice and mentoring, that will be most important and valuable to our district managers and their staff in every aspect of local service delivery of health, education, youth, water and sanitation, economic and business development, local infrastructure and tourism opportunities, waste management, etc, etc.

It will be also important for those matched districts and councils to consider mutual economic, cultural and social interchange between local communities' representative organisations, as well as forging links and create business opportunities between local private sectors of Victoria and Timor-Leste.

I will be honoured to sign municipal agreements with the CEOs of Councils and Shires in Victoria and discuss opportunities of common benefits for all of us, and I take the opportunity to send you attached a possible draft of the agreement for your comments.

The decentralisation process in Timor-Leste is a great task and I believe that with the support of Local Government Victoria and Victorian Councils and Shires we can look forward to find solutions to the many challenges that may come our way.

I am looking forward to meet you personally in July during the Melbourne conference.

Yours sincerely



Tomás do Rosário Cabral

Secretary of State for Administrative Decentralization



City of Kingston and Manatuto Sub-District

Friendship Agreement

In the spirit of mutual respect and co-operation between the peoples of Australia and Timor-Leste we affirm our intention to facilitate a Friendship Relationship between the community of the Sub-District of Manatuto in Timor-Leste and the City of Kingston community in Victoria, Australia.

The Kingston community seeks to develop the Friendship Relationship to assist in the reconstruction of Manatuto. The City of Kingston recognises the strong desire of individuals and organisations in the community to contribute to the re-building of Timor-Leste and is committed to facilitating community-to-community links with Manatuto. It is envisaged that this partnership will involve the transfer of knowledge, skills and resources as appropriate, and will result in improved understanding and the establishment of long-term relationships between the communities.

It is recognised that there will be short-term and long-term goals for the re-building of Manatuto and that any strategy or project should be based on needs identified through local decision-making processes and should take account of the capacity of the City of Kingston community to resource and support them.

It is intended that all initiatives undertaken under the Friendship Relationship should be directed towards strengthening the community of Manatuto. These initiatives should aim to build capacity and advance the self-sufficiency of the people of Manatuto, and should be consistent with the principles of environmental, social and cultural sustainability.

It is also intended that the Friendship Relationship between the Sub-District of Manatuto and the City of Kingston community will be reviewed and reaffirmed by any administrations which might follow those currently responsible.

Dated: 21st June 2005

Signed:

Handwritten signature of Cr Topsy Petchey.

Cr Topsy Petchey
Mayor
City of Kingston

Handwritten signature of Sr Elvino Bonaparte do Rego.

Sr Elvino Bonaparte do Rego
District Administrator
Manatuto



A Cidade de Kingston e o Sub-distrito de Manatuto

Acordo de Amizade

No espírito de mútuo respeito e cooperação entre o povo australiano e de Timor-Leste afirmamos nossa intenção de facilitar um Relacionamento de Amizade entre a comunidade do Sub-distrito de Manatuto em Timor-Leste e a comunidade da Cidade de Kingston em Victoria, Austrália.

A comunidade de Kingston busca desenvolver o Relacionamento de Amizade a fim de ajudar na reconstrução de Manatuto, pois a Cidade de Kingston reconhece o forte desejo, da parte de indivíduos e organizações na comunidade, de contribuir à reconstrução do Timor-Leste e está comprometida a facilitar os laços inter-comunitários com Manatuto. Pretende-se que esta parceria irá envolver a transferência de tecnologia, habilidades e recursos tal como adequado, e resultar em melhorada compreensão, bem como no estabelecimento de relacionamentos inter-comunitários a longo prazo.

Reconhece-se que irá haver objectivos de curto e longo prazo para a reconstrução de Manatuto, e que qualquer estratégia ou projecto deverá basear-se em carências identificadas por processos locais de tomada de decisões, devendo eles levar em conta a capacidade da comunidade da Cidade de Kingston para os prover de recursos e suporte.

Tenciona-se que todas as iniciativas empreendidas sob o Relacionamento de Amizade deverão orientar-se para com o fortalecimento da comunidade de Manatuto, devendo as mesmas visar desenvolver capacidade e avançar a auto-suficiência do povo de Manatuto, bem como ser consistente com os princípios de sustentabilidade meio-ambiental, social e cultural.

Tenciona-se, outrossim, que o Relacionamento de Amizade entre o Sub-distrito de Manatuto e comunidade da Cidade de Kingston será revistado e reafirmado por quaisquer administrações que sucederem as que presentemente estão encarregadas.

Datado: 21 de Junho de 2005

Assinado:

Sr Elvino Bonaparte do Rego
Administrador Distrital
Manatuto

Vereador Topsy Petchey
Presidente da Câmara Municipal
Cidade de Kingston

**City of Kingston
Ordinary Council Meeting**

Minutes**23 May 2005**

G 45 Memorandum of Understanding Between the City of Kingston Community and the Community of the Sub-district of Manatuto in East Timor

Approved: Warren Ashdown-Acting General Manager City Development
Author: Suzanne Ferguson – Manager Economic Development

1 Purpose of the Report

To seek Council's endorsement of a request by the Friends of Manatuto for the City of Kingston to formalise by way of a Memorandum of Understanding the friendship relationship between the City of Kingston community and the Manatuto community in East Timor.

2 Background

At the Ordinary Council meeting of 23rd September 2002, Council endorsed the formation of a Friendship Relationship between the City of Kingston community and the Manatuto community. This decision followed from an approach by members of the Kingston community for Council to participate in the Friendship Cities program which was developed by the Australian Local Government Association in 1999.

A member of the Friends of Manatuto, delivered the initial letter from the Mayor of Kingston offering 'a hand of friendship' on behalf of the Kingston community. (Refer Attachment A). This offer was gratefully accepted.

Following the Council decision a community committee was established which has met on a monthly basis to plan fund raising activities to support the Manatuto community. The Friends Group has raised in excess of \$20,000 for Manatuto projects. The most significant to date has been a pipeline to provide clean drinking water for 54 families.

Membership of the Friends group is drawn from a broad cross section of the Kingston community and includes representatives from churches, schools and Rotary Clubs as well as many individuals. The regular meetings and fund raising activities have proved to be an excellent local community building activity.

There are currently 20 East Timor friendship relationships in Victoria with 15 having formal Council support and 5 being solely community based. There are a further 10 relationships spread among other Australian States. The level of Council involvement in their respective Friendship relationships varies from the provision of a part-time project worker and other support to the facilitation of the relationship and the use of some Council resources such as meeting rooms and photocopying.

3 Memorandum of Understanding

An opportunity has arisen for the Mayor of Kingston and the District Administrator of Manatuto to formalise the Friendship relationship on behalf of their respective communities. This opportunity, if accepted would occur during a visit to Australia in

**City of Kingston
Ordinary Council Meeting**

Minutes

23 May 2005

G 45

mid June by the District Administrator, Sr Elvino Bonaparte do Rego. The visit is to coincide with a conference on Cooperating with Timor Leste.

Council's support for the formation of a Friendship relationship was on the basis that this was to be a community-to-community relationship. This intention is reflected in the proposed Memorandum of Understanding (refer Attachment B) which acknowledges Council's role as a facilitator of the Friendship relationship but clearly reaffirms the underlying principles of a community-to-community partnership. It also makes provision for the relationship to be reviewed and reaffirmed by any subsequent administration.

4 Conclusion

The Friends of Manatuto community committee have been meeting on a regular basis for nearly 3 years. Participation is drawn from a diverse cross section of the Kingston community and attendance at meetings and fund raising activities remains strong. The committee has requested Council formalise the friendship relationship on their behalf. The Memorandum of Understanding does not commit any resources of the City of Kingston and provides for Council to review involvement at any time in the future.

Recommendation

1. That Council agrees to enter into a Memorandum of Understanding with the District Administrator of Manatuto on behalf of the City of Kingston community.
2. That arrangements be made for this signing by the Mayor to take place during the District Administrator's visit to Melbourne in June 2005.

(See Attachments)

Crs Ronke/West

That the recommendation be adopted.

Carried



Notes of Strategy & Planning Meeting

Date: 9 May 2005

Present:

Cr Topsy Petchey
Cr Arthur Athanasopoulos
Cr Elizabeth Larking
Cr Rosemary West
Cr Andrew Adams
Cr John Ronke
Cr Bill Nixon
Paul Franklin
Trevor McCullough
Gill Kay
Michael Petit
Amara Hamid (Item 4)
Lisa Gallagher (Item 4)
Suzanne Ferguson (Items 6 & 7)
Jonathan Guttman (Items 13 & 14)
Peter Frost (Item 5)

Apologies:

Tony Rijs

- 1. Apologies: Nil**
- 2. Declaration of Interest**

No interest or conflicts of interest were declared.

4. Connecting the Community Progress Report

Lisa Gallagher outlined the background to the Connecting the Community Project and its focus on the specific needs of the Clayton South community. Lisa also highlighted the achievements of the project and the options for its continuation after the Commonwealth Funding ceases in 2005/06.

Councillors accepted the first recommendation:-

“That Council support the process of advocating to the Commonwealth Government to continue the project funding for a further 3 years beyond 2006.”

Cr Nixon proposed a revised second recommendation:-

“That this Council recommend to the new Council their consideration of funding for the continuation of the project in 2006/07. This potentially may be in partnership with Federal and State Government.”

Amara circulated the progress report on the project.

The Mayor thanked Lisa and Amara for the presentation.

5. MAV State Council Motions

Councillors were asked to convey thoughts on Council’s position on any motion to the Mayor or CEO by close of business 10 May 2005.

At the meeting Councillors indicated support for resolutions No. 30 and 50. Item 48 to be amended to guided by the debate.

6. A Prosperous Community Strategic Briefing

Suzanne Ferguson spoke about the areas in the broad economy that Council can influence. Suzanne highlighted that our efforts are largely advocacy in matters that relate to issues of competitiveness of Kingston’s industry / commercial centre eg: land tax; workcover; skills shortages; youth employment opportunities. Suzanne also provided further detail on the projects currently being facilitated by the Economic Development Department.

7. Manatuto District Administrator / Memorandum of Understanding

Suzanne Ferguson outlined the history of Kingston’s informal friendship relationship with Manatuto and options for the next steps in the relationship.

A draft Memorandum of Understanding is to be circulated to Councillors at Agenda Review on 16 May 2005.

Action: Suzanne Ferguson

Cr Nixon requested a copy of the letter to Manatuto which extended a hand of friendship.

Action: Suzanne Ferguson

Cr Ronke stressed that Council should be supportive of the Friends of Manatuto Group in maintaining the relationship and not be the lead “agency” in the relationships.

Report to be resubmitted to agenda review with a draft Memorandum of Understanding.

13. Residential 3 Zone

Jonathan Guttman outlined the community consultation process that was followed to seek comments regarding the Residential 3 Zone. Jonathan noted that the feedback received was varied.

The Mayor asked for the location and number of residences that are in the Increased Diversity Zone but not covered by the existing DDO.

Action: Jonathan Guttman

The Mayor also requested for Council's Neighbourhood Character Guidelines to be revisited with a view to including height.

Action: Jonathan Guttman

Jonathan Guttman offered to prepare an example of how an application would be assessed under Residential 3 Zone and Councils C8 provisions.

Action: Jonathan Guttman

The Mayor asked that each submitter receive a response as soon as possible.

Action: Jonathan Guttman

14. Omni Letter

John Nevins circulated a revised letter for Councillors consideration. Councillors authorised the letter be sent to Omni subject to minor amendments that were discussed and agreed to.

Dinner

Cr Athanasopoulos left the meeting at this time.

3. Confirmation of Notes

4 April 2005 – Notes were confirmed.

2 May 2005 – Notes were confirmed.

12. Council Planning Day Notes

Notes were confirmed.

Item 2.3 to record that the Patterson Lakes Library will be included in the 5 year Capital Works Program in conjunction with the expansion of the Patterson Lakes Community Centre.

Item 4.3 to note that Soccer upgrade funding to be added to Reserve / Pavilion upgrade line item in Capital Budget.

8. Quality Leadership & Governance

The report was noted.

9. Policy for Sporting Reserves – Fees & Charges

Councillors accepted the recommendations:-

“That Council:

- *Adopt the policy for Sporting Reserves Fees and Charges*
- *Begin implementation of the policy in summer season 2005/06.”*

10. Moorabbin Reserve (Confidential Report)

Trevor McCullough explained the feedback received from the community and the subsequent changes to the draft masterplan. Trevor highlighted the main implementation issues of:-

- Financing – who will pay?;
- Gaming; and
- Sale of land.

Councillors discussed various aspects of the proposal and the financing proposal put forward by the St Kilda Football Club.

The attached revised confidential recommendation was adopted.

11. Community Service Recognition Award

Suggestions include:-

Nicholas – Life Saving Club

Sarah – to be held over to a future Council Meeting

David Grants – Mentone Life Saving Club

Shari to obtain background to each of the above for presentation to the Agenda Review meeting.

Meeting closed at 10.35pm.

Notes prepared by Paul Franklin.

CONFIDENTIAL ATTACHMENT
(Relates to Item 10)**Recommendation**

1. That Council adopt the revised masterplan as a basis for further detailed design development and further negotiation with the St Kilda Football Club and other stakeholders.
2. That Council advise the St Kilda Football Club that it agrees, in principle, to sell the land on the South Road frontage to the St Kilda Football Club on the following conditions:
 - (i) That the joint use car park at the South Road end of the site be limited to 250 spaces and that the extent of the development of the football club Social Club and Administration facility be therefore limited in size;
 - (ii) That the football club further develop plans for the Social Club/Administration development and the training facility development including a traffic report clearly demonstrating how car parking requirements will be met in accordance with the restriction on the numbers mentioned above;
 - (iii) A favourable audit report on the nature of the financial arrangement by Deloitte;
 - (iv) Evidence from the St Kilda Football Club of the viability of the proposed development on the site;
 - (v) A Section 189 process is to be carried out for the sale of the land;
 - (vi) Rezoning of the Social Club area and appropriate planning permits being obtained;
 - (vii) A Section 173 Agreement on the sale of the land restricting the conditions of future development of the land;
 - (viii) That the financial arrangement should be cost neutral to Council. In particular, Council will not advance funds to the Football Club in exchange for the sale of land.
3. That, subject to all of the conditions in 2. above being accepted by the St Kilda Football Club, Council officers negotiate a Memorandum of Understanding (MOU) with the Club to progress the development of the site. The MOU would be submitted for formal Council consideration once further legal and financial advice is received.



REPORT

Listed for: Strategy and Planning (9 May 2005)

Author: Suzanne Ferguson

Date: 5 May 2005

Trim No: 05/22904

Subject: Visit by District Administrator of Manatuto and signing of a Memorandum of Understanding

1. Purpose of Report

To seek Council's endorsement of a request by the Friends of Manatuto for Kingston to host the District Administrator of Manatuto so as to formalise by way of a Memorandum of Understanding the friendship relationship between Kingston and Manatuto.

2. Background

At the Ordinary Council meeting held on 23 September 2002, Council endorsed the formation of a formal Friendship Relationship between the people of the City of Kingston and the people of Manatuto in East Timor. Since that time, the Friends of Manatuto, a dedicated community committee has met on a monthly basis to plan fund raising activities to support the Manatuto community. Membership of the Friends group is drawn from a broad cross section of the community. Most have had no other contact with Council.

The issue of when Council intends to formalise the relationship with Manatuto has been raised at a number of the committee meetings since the inception of the friendship group. Shane Marshall, a member of the Friends of Manatuto, delivered the initial letter from the Mayor of Kingston offering 'a hand of friendship' to Manatuto when he was travelling to Dili as part of a Justice education program. However, no Memorandum of Understanding (MOU) has yet been signed.

There are currently 20 East Timor friendship relationships in Victoria with 15 having formal Council support and 5 being solely community based. There are a further 10 relationships spread among other Australian States. It is understood that the majority of Council sponsored relationships have been formalised with a MOU. One of the newest relationships involves Mansfield Shire where the Mayor will be travelling to East Timor in May.

Communication is a constant constraint on the activities of most East Timor Friendship groups. In an effort to overcome this, Council funded Suzanne Ferguson and Brian McNamara to travel to East Timor for one week in late 2003 to see first hand the priorities of the Manatuto community. This visit allowed a communication channel to be opened with Michael Jones who is a US Peace Corps volunteer in Manatuto. Michael has acted as an intermediary by communicating with the District Administrator's Office on Friends of Manatuto's behalf. Unfortunately Michael is due to finish his 2 year commitment in July.

Suzanne and Brian were in Manatuto on the day the current District Administrator was sworn in. Because of the festivities associated with the event there was no time to arrange for a meeting with him to discuss the friendship arrangements, nor to seek his advice on the priorities for his community. However a meeting was held with the Assistant DA and the sub-district administrators.

Originally it was considered that the Kingston's relationship would be with the whole of Manatuto District which stretches from the north to the south coast of East Timor, but it has now been decided that Kingston should concentrate on the sub-District of Manatuto. Bega Shire has joined the friendship movement and has taken on Nattabora in the south of Manatuto District. They have already formalised their relationship with a visit last year.

3. Issues

Council's initial decision to support the formation of a Friendship relationship made it clear that this was to be a community-to-community relationship and not take on any of the attributes of a Sister City relationship which has often been perceived in a negative light by the community. Notwithstanding this decision, the Friends of Manatuto are of the view that the relationship would be strongly enhanced by the signing of a formal Memorandum of Understanding as other Council's have done.

At its meeting on 2 March 2005, the Friends of Manatuto passed an unanimous motion asking for the Mayor of Kingston to travel to Manatuto to sign an MOU and to see first hand the progress on the first major project funded by the Friends of Manatuto, a clean water pipeline to a small village on the edge of Manatuto township. It should be noted that, whilst the Mayor attends most Friends of Manatuto meetings, she was not present on this occasion due to another Council commitment.

The motion stated:

“The Friends of Manatuto are of the view that the relationship between the communities of Kingston and Manatuto should be cemented by the formal signing of a Memorandum of Understanding between the Mayor of the City of Kingston and the District Administrator of Manatuto as the heads of their respective communities.

The Friends group considers that such an action is required to reinforce to the people of Manatuto the sincerity of our long-term commitment and to demonstrate the high level of support from our community.

Therefore the Friends of Manatuto formally request Council to approve the sending of the Mayor of Kingston to Manatuto to conduct this signing. Further it is deemed that the most appropriate time for this to occur would be at the anniversary of independence on 20th May 2005.”

(Although the Friends of Manatuto requested that the Mayor go to East Timor the timelines made it impossible for this to occur for the suggested Independence Day celebrations given the Mayor's other commitments.)

District Administrator to visit Kingston

An alternate proposal was put to the Friends of Manatuto at its May meeting. This involves Council inviting the District Administrator to visit Kingston and for the signing of the MOU to occur at a formal Mayoral reception.

This proposal has a number of positive elements.

- The signing of an MOU in Kingston would allow all members of the Friends of Manatuto and other community supporters to participate.
- It would provide the District Administrator with the opportunity to learn first hand about local government processes. Education of officials in governance procedures has been identified as one of the major needs for the East Timorese community. This need and subsequent benefits were clearly demonstrated recently when the Friends of Manatuto facilitated the visit of Felicidade de Sousa Guterres, an East Timorese woman, who spent a week in Kingston. Ms Guterres informed us that the DA would accept an invitation should it be issued.
- A visit by the DA would raise the profile of the Friends of Manatuto and the work that they are doing to assist this small community.
- There is a major conference entitled “Cooperating with Timor-Leste” being held in Melbourne on 17th & 18th June. A number of Friendship groups are sponsoring their relevant District Administrators to attend. As the Friendship program is about Community to Community partnerships it is considered vital that East Timorese decision makers are involved in the conference so that actions are appropriate to their needs and not dictated by Australian communities.
- Costs would be minimal as the District Administrator would be hosted in the homes of members of Friends of Manatuto. Some of the airfare costs may also be shared with the Shire of Bega which has a Friendship relationship with Nattabora in southern Manatuto. The Friends of Manatuto believes that the education value alone warrants the group paying for the DA to come here. There would be a cost to Council in holding a reception but protocol would suggest that this is essential. (See below for estimates).
- A visit of approximately 2 weeks is suggested to accommodate the conference and allow sufficient time for the DA to learn about Council’s processes.

Past Expenditure

Since the formation of the Friendship Relationship in 2002, Council has only expended a total of \$10,600 on this initiative despite being willing to allocate a higher budget. This financial year a budget of \$4,000 was approved with around \$1,000 being expended to date. Consequently there is sufficient budget to support a visit by the District Administrator in conjunction with the Friends of Manatuto.

4. Options

There are three options for Council to consider:

1. Maintain the relationship as it currently stands

Kingston has exchanged letters with the District Administrator. This offered a ‘Hand of Friendship’ but did not specify any time period for the relationship. As such it could be considered open-ended which may or may not be a problem as most Sister City relationships are open-ended. The majority of MOU’s outline a 10 year time frame in recognition of the amount of re-building that is required and the need for a reasonable commitment.

Friends of Manatuto would need to find better communications channels so as to ensure that they are working to support projects that are the priority of the people of Manatuto and would need to rely on others for monitoring the progress of funded projects.

2. Formalise the relationship by inviting the District Administrator of Manatuto to visit Kingston

Kingston could invite and pay for the District Administrator to visit Kingston to sign an MOU and to learn about local democracy in Australia. This would allow all members of Friends of Manatuto to participate. The DA would be billeted with members of the Friends of Manatuto or other

community representatives. The costs would include airfares and other miscellaneous travel costs, a Civic reception and possibly a small allowance for personal use. There would also be a time commitment from the Mayor and Councillors, Council staff and Friends of Manatuto members to ensure that his visit was worthwhile. Council and Friends of Manatuto fund-raising could jointly fund the visit by the DA.

3. Formalise the Relationship by the Mayor of Kingston visiting Manatuto

Friends of Manatuto believe that a formal visit by the Mayor of Kingston would open up the communication channels and would therefore greatly enhance the relationship. Whilst they were of the view that the ideal time for the Mayor to be in East Timor would be for the Independence Day celebrations the timelines did not make this possible. At this stage it is considered that it would be more beneficial for the DA to be invited to Kingston but at some stage it would be appropriate for a Council representative to visit Manatuto to observe the completion of projects funded by the Kingston community.

5. Triple Bottom Line Checklist

5.1 Budget/Financial impact

Airfares at current discounts are \$583 return to Darwin and \$620 return Darwin to Dili making a total of \$1203 (plus taxes and charges). Obviously these prices are subject to change and may vary either up or down. Civic Reception for around 100 is estimated to cost \$2,000. Attendance at the conference would be approx \$250.

Council has budgeted \$4,000 for 2004/05 to support the Manatuto Friendship. There are sufficient funds in the budget to cover the cost of the reception and make a contribution to the transport costs. Friends of Manatuto would meet the other costs.

5.2 Social impact

The Friends of Manatuto are a strong community group committed to helping the Manatuto community rebuild their lives. This initiative has been a great example of local community building as well as delivering a benefit to a developing country. There is frustration in the group because of the poor communication channels. Signing an MOU in Kingston would allow this community group to actively participate.

5.3 Environmental impact

Nil

6. Summary and Conclusion

Currently Kingston's Friendship Relationship with Manatuto is open-ended. Like many of the other relationships communication is a constant challenge. The majority of other Council Friendship relationships have been formalised by the signing of an MOU which also serves to put a time-frame around the relationship. This action has significantly improved communication between the relevant communities. Communication will be even more difficult when Michael Jones, the US Peace Corp volunteer, leaves in July 2005.

7. Recommendation

That Council agrees to:

Formalise the Friendship relationship between the communities of Manatuto and Kingston by signing a Memorandum of Understanding;

Formally invite the District Administrator of Manatuto to visit Kingston;

Host a civic reception in his honour at which a Memorandum of Understanding is signed

Ordinary Meeting of Council

27 October 2014

Agenda Item No: 11.3

COUNCIL WARD GRANTS

Contact Officer: Gabrielle Pattenden, Governance Administration Officer

Purpose of Report

To seek Council approval of recommended ward grants in accordance with Council's approved 'Council Ward Grants Policy' and the Local Government Act 1989.

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. Approve the recommended Council Ward Grants in accordance with the table of Councillor recommendations in Appendix 1.

1. Executive Summary

This report presents individual Councillor recommendations for Council Ward Grants and seeks approval of the Council Ward Grants requests by individual Councillors as required under Council's *Council Ward Grants Policy* and Section 76B of the Local Government Act 1989.

2. Background

Council adopted the *Council Ward Grants Policy* (the Policy) at its meeting on 23 September 2013. The Policy was drafted in response to the Local Government Investigations & Compliance Inspectorate's sector wide review of Councillor Discretionary Funds and review of Council's previous *Expenditure of Ward Funds Policy*.

Each financial year during a Council term, each Councillor is allocated \$6,000 in ward grants for utilisation in accordance with the Policy. Clause 9.4.1 of the Policy, which outlines the application criteria for ward grants, specifies that Council Ward Grants are to be granted for initiatives that aim to:

- a) Assist a recognised community group (including sporting/recreational body, arts/cultural group, charity, youth group, pre-school, playgroup, senior citizens club, historical society, friendship group, environmental group, trader organisation or toy library) which provides a service, program or activity used by or of benefit to Kingston residents; or
- b) Assist an individual who is a resident of the City of Kingston to participate in a sporting, recreational or cultural activity, or other pursuit of a personal development nature, or who is in needing circumstances; or

- c) *Support an event or activity which will be of benefit or interest to residents of the City of Kingston.*

It should be noted that the Policy also provides that Council Ward Grants may be distributed outside of the Councillor's specific ward, provided that the ward grants are expended for the benefit of the Kingston community, and that one or more of the criteria set out above are met.

Council Ward Grants must be approved by a Council resolution in accordance with the Policy.

3. Discussion

3.1. Council Plan Alignment

Planned Outcome 6 - A Well Managed and Effective Organisation

Strategy 6.4 - Robust and accountable business and financial processes.

3.2. Consultation/Internal Review

Not applicable to this report.

3.3. Operation and Strategic Issues

3.3.1. Assessment of Application Criteria

Clause 9.6.1 of the Policy states that each application for Council Ward Grants will be assessed against the following:

- a) the requirements of the Policy;
- b) the criteria as per paragraph 9.4.1; and
- c) support the delivery of one or more of the Council Plan strategic goals.

Clause 9.6.2 states that the Council Ward Grants Report will include a summary of the assessment to ensure there is public evidence of the assessment process.

In line with the Policy, applications have been assessed against the above criteria and an assessment summary of whether the request is compliant with the terms of the Policy has been provided in Appendix 1.

If a request does not comply with the terms of the Policy, a Councillor may request an exemption from the Policy in writing under clause 11.2. The exemption requires a Council resolution and must be granted prior to the relevant Council Ward Grant application being considered by Council.

3.3.2. Conflicts of Interest

The Policy requires that Councillors complete a Disclosure of Conflict of Interest declaration for each funding application they are recommending, which forms part of the funding application. If a conflict of interest exists a Councillor may still support the Council Ward Grant application by signing the application form, but must declare the conflict of interest in accordance with the Act.

4. Conclusion

The attached table lists the Councillor recommendations for the expenditure of Council Ward Grants received since the last Ordinary Meeting of Council and assesses whether each request meets the application criteria as outlined in the Policy.

4.1. Environmental Implications

Not applicable to this report.

4.2. Social Implications

The allocation of Council Ward Grants allows for Council to provide funds on a small scale to groups and individuals or towards projects or events that are consistent with Council's strategic directions and of benefit to Kingston's residents and community.

4.3. Resource Implications

Funds for Council Ward Grants are allocated by Council through its annual budget process.

Not applicable to this report.

Appendices

Appendix 1 - Assessment of Council Ward Grants - October 2014 (Trim No 14/138499)

Appendix 2 - Completed Council Ward Grant Application Form - SUBUD Melbourne - Cr West OAM October 2014 (Trim No 14/124222)

Appendix 3 - Completed Council Ward Grant Application Form - Kingston Conservation and Environment Coalition Inc. - Cr West OAM October 2014 (Trim No 14/124231)

Appendix 4 - Completed Council Ward Grant Application Form - Chelsea Baseball Club - Cr Bearsley October 2014 (Trim No 14/134207)

Appendix 5 - Completed Council Ward Grant Application Form - Clayton Fishing Club - Cr Staikos (Trim No 14/136365)

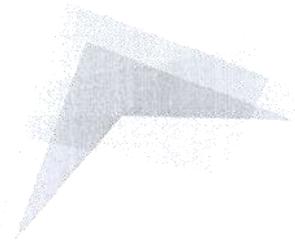
Appendix 6 - Completed Council Ward Grant Application Form - Chelsea Activity Hub Working Group - Cr Brownlees (Trim No 14/138320)

Author/s: Gabrielle Pattenden, Governance Administration Officer
Reviewed and Approved By: Phil De Losa, Program Leader Governance
Belinda Ayres, Acting General Manager Corporate Services

11.3

COUNCIL WARD GRANTS

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Council Ward Grants Application Form

Name of benefiting Organisation or Individual: SUBUD MELBOURNE

Contact person for enquires: STEVEN MURPHY (Vic Chair)

Mailing address for correspondence: PO BOX 5105 CLAYTON
3168 or 164 ELDER ST STH, CLAYTON
3169

Email address: steve1084@gmail.com

Telephone number: 0450562021

Does your group have its own bank account? Yes No

Is your group incorporated? Yes No

Incorporation number: A0013575W

Does your group operate on a not-for-profit basis? Yes No
(A not for profit cannot distribute surplus funds or assets to members)

ABN: 54 320 269 704

Are you registered for GST? Yes No

The funds from this request are to be used for (please provide detail in the space provided).

assisting a recognised community group which provides a service, program or activity used by or of benefit to Kingston residents
SUBUD MELBOURNE community Garden
Purchase TRACTOR to help expand and develop Garden

assisting an individual who is a resident of the City of Kingston to participate in a sporting, educational, recreational or cultural activity, or other pursuit of a personal development nature, or who is in needing circumstances

supporting an event or activity which will be of benefit or interest to residents of Kingston (please include details of when and where the event will take place)

How much are you requesting from the Ward Grants? \$ \$5,000

What is the total cost? \$ \$6,000 Does this include GST? Yes No

If yes, how much GST? \$ \$500

Have any other funds been raised? Yes No

13/83379

If yes, how much? \$ 100

How were the funds raised? Donation from Member

Have funds been received from Kingston City Council? Yes No

If yes, when and how much? 2 years ago \$2,800 1 year ago \$1,650

From which Councillor are you seeking a Ward Grant?

- | | | |
|---|--|---|
| North Ward | Central Ward | South Ward |
| <input type="checkbox"/> Cr Tamara Barth | <input type="checkbox"/> Cr Ron Brownlees OAM | <input type="checkbox"/> Cr Tamsin Bearsley |
| <input type="checkbox"/> Cr Paul Peulich | <input type="checkbox"/> Cr Geoff Gledhill | <input type="checkbox"/> Cr David Eden |
| <input type="checkbox"/> Cr Steve Staikos | <input checked="" type="checkbox"/> Cr Rosemary West OAM | <input type="checkbox"/> Cr John Ronke |

Have you attached all supporting documentation? Yes No

Council respects all personal and confidential information you give and will do everything possible to protect information from unauthorised access, loss or misuse. Information collected from you is required for the delivery of Council Services in accordance with Council's powers, functions and purposes under the Local Government Act 1989 and other relevant legislation. The information will be used to write a Council report and detail from the form including the applicant/recipients name/organisation will be on the report. The report forms part of the Council Agenda which is available on our website and is a public document.

As required under the Local Government Regulations, information about grants and donations must be reported to the public. Only the recipient's name and donation amount is included. In accordance with the Kingston Council Ward Grants Policy these details are also included in Council's Annual Report.

Declaration:
Signed: [Signature]

Print name: STEVEN MURPHY Date: 18 SEP 2014

Any questions regarding this form contact Customer Service on 1300 653 356

To be completed by Councillor:
Name of Councillor recommending application: Rosemary West
Intended funding amount: \$ 500

Councillor Disclosure of Conflict of Interest

I, Rosemary West declare;
that I have / don't have a Conflict of Interest in regard to this Council Ward Grant application.

Councillor Signature: [Signature] Date: 18/9/14

Office Use Only		
Date formed received: _____	Officer signature: _____	Officer name: _____
Council Meeting date: _____	Amount Contributing: \$ _____	
How funded? One Councillor: _____	Multiple Councillors: _____	
Date sent to Finance _____	_____	

Phil Dehara

Council Ward Grants Application Form

Name of benefiting Organisation or Individual: Kingston Conservation & Environment Coalition Inc

Contact person for enquires: BronwenBiggs

Mailing address for correspondence: 37 McDonald St Mordialloc 3195

Email address: bronwenbiggs@hotmail.com

Telephone number: 0434 043 416

Does your group have its own bank account? Yes

Is your group incorporated? Yes

Incorporation number: A0032198D

Does your group operate on a not-for-profit basis? Yes

(A not for profit cannot distribute surplus funds or assets to members)

ABN:

Are you registered for GST? No

The funds from this request are to be used for (please provide detail in the space provided).

X assisting a recognised community group which provides a service, program or activity used by or of benefit to Kingston residents

To assist in venue hire for meetings. To assist in providing guest speakers - when members of the community are invited. Advertising such events.

[Symbol] assisting an individual who is a resident of the City of Kingston to participate in a sporting, educational, recreational or cultural activity, or other pursuit of a personal development nature, or who is in needing circumstances

[Symbol] supporting an event or activity which will be of benefit or interest to residents of Kingston (please include details of when and where the event will take place)

How much are you requesting from the Ward Grants?

What is the total cost? \$ 500 Does this include GST? No

If yes, how much GST? \$ _____

Have any other funds been raised? No X

If yes, how much? \$ _____

How were the funds raised? _____

Have funds been received from Kingston City Council? Yes

If yes, when and how much? 2013 for \$500

From which Councillor are you seeking a Ward Grant?

North Ward	Central Ward	South Ward
[Symbol] Cr Tamara Barth	[Symbol] Cr Ron Brownlees OAM	[Symbol] Cr Tamsin Bearsley
[Symbol] Cr Paul Peulich	[Symbol] Cr Geoff Gledhill	[Symbol] Cr David Eden
[Symbol] Cr Steve Staikos	X Cr Rosemary West OAM	[Symbol] Cr John Ronke

Have you attached all supporting documentation? Yes

Council respects all personal and confidential information you give and will do everything possible to protect information from unauthorised access, loss or misuse. Information collected from you is required for the delivery of Council Services in accordance with Council's powers, functions and purposes under the Local Government Act 1988 and other relevant legislation. The information will be used to write a Council report and detail from the form including the applicant/recipient's name/organisation will be on the report. The report forms part of the Council Agenda which is available on our website and is a public document. As required under the Local Government Regulations, information about grants and donations must be reported to the public. Only the recipient's name and donation amount is included. In accordance with the Kingston Council Ward Grants Policy these details are also included in Council's Annual Report.

Declaration:

Signed: Bronwen Biggs

Print name: BronwenBiggs

Date: 18. 09.2014

Any questions regarding this form contact Customer Service on 1300 653 356

To be completed by Councillor:
Name of Councillor recommending application:
Intended funding amount: \$

Rosemary West

Councillor Disclosure of Conflict of Interest

I, declare:
that I have / don't have a Conflict of Interest in regard to this Council Ward Grant application.

Councillor Signature:

Rosemary West

Date:

22/9/14

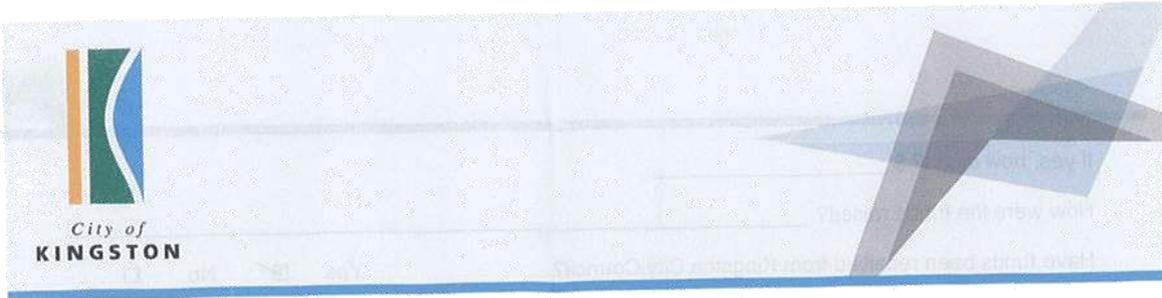
Office Use Only

Date form received: _____ Officer signature: _____ Officer name: _____

Council Meeting date: _____ Amount Contributing: \$ _____

How funded? One Councillor: _____ Multiple Councillors: _____

Date sent to Finance _____



Council Ward Grants Application Form

Name of benefiting Organisation or Individual: Chelsea Baseball Club

Contact person for enquires: Belinda Worton

Mailing address for correspondence: Po Box 8095
Garum Downs Vic 3201

Email address: belinda.worton@zggreko.com.au

Telephone number: 0417 735 651

Does your group have its own bank account? Yes No

Is your group incorporated? Yes No

Incorporation number: A0018692P

Does your group operate on a not-for-profit basis?
(A not for profit cannot distribute surplus funds or assets to members) Yes No

ABN: 42 249 926 702

Are you registered for GST? Yes No

- The funds from this request are to be used for (please provide detail in the space provided).
- assisting a recognised community group which provides a service, program or activity used by or of benefit to Kingston residents
scorers box to protect scorers from inclement weather
 - assisting an individual who is a resident of the City of Kingston to participate in a sporting, educational, recreational or cultural activity, or other pursuit of a personal development nature, or who is in needing circumstances
 - supporting an event or activity which will be of benefit or interest to residents of Kingston (please include details of when and where the event will take place)

How much are you requesting from the Ward Grants? \$ 1,000

What is the total cost? \$ 4,500 Does this include GST? Yes No

If yes, how much GST? \$ _____

Have any other funds been raised? Yes No

13/83379

If yes, how much? \$ _____

How were the funds raised? _____

Have funds been received from Kingston City Council? Yes No

If yes, when and how much? \$500 August Ward Grant Cr John Ronke

From which Councillor are you seeking a Ward Grant?

North Ward

Cr Tamara Barth

Cr Paul Peulich

Cr Steve Staikos

Central Ward

Cr Ron Brownlees OAM

Cr Geoff Gledhill

Cr Rosemary West OAM

South Ward

Cr Tamsin Bearsley

Cr David Eden

Cr John Ronke

Have you attached all supporting documentation? Yes No

Council respects all personal and confidential information you give and will do everything possible to protect information from unauthorised access, loss or misuse. Information collected from you is required for the delivery of Council Services in accordance with Council's powers, functions and purposes under the Local Government Act 1989 and other relevant legislation. The information will be used to write a Council report and detail from the form including the applicant/recipients name/organisation will be on the report. The report forms part of the Council Agenda which is available on our website and is a public document.

As required under the Local Government Regulations, information about grants and donations must be reported to the public. Only the recipient's name and donation amount is included. In accordance with the Kingston Council Ward Grants Policy these details are also included in Council's Annual Report.

Declaration:

Signed: [Signature]

Print name: Belinda Worton Date: 1.10.2014

Any questions regarding this form contact Customer Service on 1300 653 356

To be completed by Councillor:

Name of Councillor recommending application: Tamsin Bearsley

Intended funding amount: \$ 1000

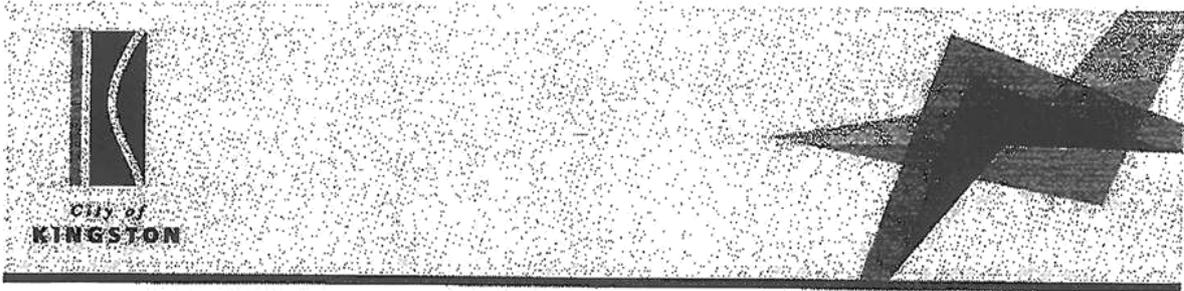
Councillor Disclosure of Conflict of Interest

I, Tamsin Bearsley declare;

that I ~~have~~ don't have a Conflict of Interest in regard to this Council Ward Grant application.

Councillor Signature: T.S. Bearsley Date: 14.10.2014

Office Use Only		
Date formed received: _____	Officer signature: _____	Officer name: _____
Council Meeting date: _____	Amount Contributing: \$ _____	
How funded? One Councillor: _____	Multiple Councillors: _____	
Date sent to Finance _____	_____	



Council Ward Grants Application Form

Name of benefiting Organisation or Individual: CLAYTON FISHING CLUB.

Contact person for enquires: STEVE PAPAIRIKOU

Mailing address for correspondence: P.O-Box 54 CLARINDA 3169

Email address: ooec@optusnet.com.au

Telephone number: 0419993881

Does your group have its own bank account? Yes No

Is your group incorporated? Yes No

Incorporation number: VIC A0034420V

Does your group operate on a not-for-profit basis? Yes No
(A not for profit cannot distribute surplus funds or assets to members)

ABN: _____

Are you registered for GST? Yes No

The funds from this request are to be used for (please provide detail in the space provided).

assisting a recognised community group which provides a service, program or activity used by or of benefit to Kingston residents

assisting an individual who is a resident of the City of Kingston to participate in a sporting, educational, recreational or cultural activity, or other pursuit of a personal development nature, or who is in need of circumstances

supporting an event or activity which will be of benefit or interest to residents of Kingston (please include details of when and where the event will take place)

The club's annual Christmas Party.

How much are you requesting from the Ward Grants? \$ 1000

What is the total cost? \$ 4400 Does this include GST? Yes No

If yes, how much GST? \$ 400

Have any other funds been raised? Yes No

If yes, how much? \$ 3200
 How were the funds raised? Meetings, raffles, donations, comps
 Have funds been received from Kingston City Council? Yes No

If yes, when and how much? _____

From which Councillor are you seeking a Ward Grant?

North Ward

- Cr Tamara Barth
- Cr Paul Peulich
- Cr Steve Staikos

Central Ward

- Cr Ron Brownlees OAM
- Cr Geoff Gledhill
- Cr Rosemary West OAM

South Ward

- Cr Tamsin Bearsley
- Cr David Eden
- Cr John Ronke

Have you attached all supporting documentation? Yes No

Council respects all personal and confidential information you give and will do everything possible to protect information from unauthorised access, loss or misuse. Information collected from you is required for the delivery of Council Services in accordance with Council's powers, functions and purposes under the Local Government Act 1988 and other relevant legislation. The information will be used to write a Council report and detail from the form including the applicants/recipients name/organisation will be on the report. The report forms part of the Council Agenda which is available on our website and is a public document.

As required under the Local Government Regulations, information about grants and donations must be reported to the public. Only the recipient's name and donation amount is included. In accordance with the Kingston Council Ward Grants Policy these details are also included in Council's Annual Report.

Declaration:

Signed: _____

Print name: Steve Papadimitriou

Date: 23/09/14

Any questions regarding this form contact Customer Service on 1300 653 356

To be completed by Councillor:

Name of Councillor recommending application: Cr Steve Staikos

Intended funding amount: \$ 1,000.00

Councillor Disclosure of Conflict of Interest

I, Cr Steve Staikos declare;

that I ~~have~~ don't have a Conflict of Interest in regard to this Council Ward Grant application.

Councillor Signature: _____

Date: 17.10.2014

Office Use Only	
Date formed received: _____	Officer signature: _____ Officer name: _____
Council Meeting date: _____	Amount Contributing: \$ _____
How funded? One Councillor: _____	Multiple Councillors: _____
Date sent to Finance _____	_____



Council Ward Grants Application Form

Name of benefiting Organisation or Individual: CHELSEA ACTIVITY HUB WORKING GROUP

Contact person for enquires: JAMES FOLINO

Mailing address for correspondence: 3-5 SHOWERS AVENUE
CHELSEA 3196

Email address: ChelseaActivityHub@Kingston.vic.gov.au

Telephone number: (03) 9773 9735

Does your group have its own bank account? Yes No * KCC GL CODE 1835.1104 WORKING GROUP ACCOUNT

Is your group incorporated? Yes * No MOU WITH KCC

Incorporation number: _____

Does your group operate on a not-for-profit basis? Yes No
(A not for profit cannot distribute surplus funds or assets to members)

ABN: _____

Are you registered for GST? Yes No

The funds from this request are to be used for (please provide detail in the space provided).

assisting a recognised community group which provides a service, program or activity used by or of benefit to Kingston residents TO PURCHASE DEFIB MACHINE TO BE LOCATED AT THE CHELSEA ACTIVITY HUB AND PROVIDE FIRST AID TO COMMUNITY MEMBERS

assisting an individual who is a resident of the City of Kingston to participate in a sporting, educational, recreational or cultural activity, or other pursuit of a personal development nature, or who is in needing circumstances

supporting an event or activity which will be of benefit or interest to residents of Kingston (please include details of when and where the event will take place)

How much are you requesting from the Ward Grants? \$ 2,500.00

What is the total cost? \$ 2500.00 Does this include GST? Yes No

If yes, how much GST? \$ NIL

Have any other funds been raised? Yes No

13/83379

If yes, how much? \$ _____

How were the funds raised? _____

Have funds been received from Kingston City Council? Yes No

If yes, when and how much? _____

From which Councillor are you seeking a Ward Grant?

North Ward

- Cr Tamara Barth
- Cr Paul Peulich
- Cr Steve Staikos

Central Ward

- Cr Ron Brownlees OAM
- Cr Geoff Gledhill
- Cr Rosemary West OAM

South Ward

- Cr Tamsin Bearsley
- Cr David Eden
- Cr John Ronke

Have you attached all supporting documentation? Yes No

Council respects all personal and confidential information you give and will do everything possible to protect information from unauthorised access, loss or misuse. Information collected from you is required for the delivery of Council Services in accordance with Council's powers, functions and purposes under the Local Government Act 1989 and other relevant legislation. The information will be used to write a Council report and detail from the form including the applicant/recipients name/organisation will be on the report. The report forms part of the Council Agenda which is available on our website and is a public document.

As required under the Local Government Regulations, information about grants and donations must be reported to the public. Only the recipient's name and donation amount is included. In accordance with the Kingston Council Ward Grants Policy these details are also included in Council's Annual Report.

Declaration:

Signed: _____

Print name: JAMES FOLINO Date: 21 OCTOBER 2014.

Any questions regarding this form contact Customer Service on 1300 653 356

To be completed by Councillor:

Name of Councillor recommending application: CR RON BROWNLEES

Intended funding amount: \$ 1000.00

Councillor Disclosure of Conflict of Interest

I, CR RON BROWNLEES declare;

that I ~~have~~ / don't have a Conflict of Interest in regard to this Council Ward Grant application.

Councillor Signature: [Signature] Date: 22/10/14

Office Use Only	
Date formed received: _____	Officer signature: _____
Council Meeting date: _____	Amount Contributing: \$ _____
How funded? One Councillor: _____	Multiple Councillors: _____
Date sent to Finance _____	_____

Ordinary Meeting of Council

27 October 2014

Agenda Item No: 11.4

ASSEMBLY OF COUNCILLORS RECORD REPORT

Contact Officer: Joanne Creedon, Governance Officer

Purpose of Report

To provide copies of the Assembly of Councillors records in line with Section 80A of the Local Government Act 1989 to support openness and transparency of Governance processes.

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 the contents of this report for the public record.

1. Executive Summary

This report contains records for all meetings defined as an Assembly of Councillors under Section 80A of the Local Government Act 1989, (the Act).

2. Background

The Act requires that Assembly of Councillors records are reported to the next possible meeting of Council. This seeks to promote openness and transparency of Council decision making and to place on public record any declarations of direct or indirect interests by Councillors.

3. Discussion

3.1. Council Plan Alignment

Planned Outcome 5 - Efficient and Innovative Stewardship of the Organisation and Resources

Strategy 5.2 - An organisation with transparent, innovative and robust business and financial processes facilitating strong accountability to the community

The reporting of Assembly of Councillors meets the requirements of the Act and is critical to Strategy 5.3.

3.2. Consultation/Internal Review

Not applicable to this report.

3.3. Operation and Strategic Issues

3.3.1. Legislative Requirements

As prescribed by section 80A of the Act, the written record only needs to be a simple document that records:

- The names of all Councillors and staff at the meeting;
- A list of the matters considered;
- Any conflict of interest disclosed by a Councillor; and
- Whether a Councillor who disclosed a conflict leaves the assembly.

A standard Assembly of Councillors form will be used as the record for the purposes of the Act. These form the appendices to the report. At times, however to avoid duplication, minutes of some meetings may be attached as the record of the Assembly if they include the required information, including disclosures.

Section 80A of the Act requires a Councillor attending an assembly to disclose a conflict of interest and leave the room whilst the matter is being considered.

This requirement is explained in further detail in Practice Note No. 6 Assemblies of Councillors which was authored by Local Government Victoria. This Practice Note advises that unlike Council meetings, it is not necessary for a Councillor to disclose any details of the conflict of interest. It is sufficient to just disclose that the conflict of interest exists and this is all that should be recorded.

The rationale behind this limited requirement is to protect Councillors' privacy. In Council or Special Committee meetings, Councillors have an option under the Act to disclose a conflict of interest in writing to the CEO, which allows for the nature and type of the conflict of interest to remain private. The Act does not provide this option in relation to Assemblies of Councillors and thus Councillors are only required to disclose the existence of a conflict of interest and not the nature and type of interest at an assembly.

4. Conclusion

The report is provided in line with Section 80A of the Act which requires that the record of an assembly must be reported to the next practical Ordinary Meeting of Council and recorded in the minutes of that meeting.

4.1. Environmental Implications

Nil

4.2. Social Implications

Tabling Assembly of Council records supports disclosure and transparency of Council operations.

4.3. Resource Implications

Nil

4.4. Legal / Risk Implications

Reporting Assemblies of Councillors to Council meets the legislative requirement contained in section 80A of the Act.

**City of Kingston
Ordinary Meeting of Council**

Agenda

27 October 2014

Appendices

- Appendix 1 - Assembly of Councillors Record - Planning CIS - 6 October 2014 (Trim No 14/129989)
- Appendix 2 - Assembly of Councillors Record - Strategic CIS - 13 October 2014 (Trim No 14/134877)
- Appendix 3 - Assembly of Councillors Record Strategic CIS 20 October 2014 (Trim No 14/138068)

Author/s: Joanne Creedon, Governance Officer
Reviewed and Approved By: Phil De Losa, Program Leader Governance
Belinda Ayres, Acting General Manager Corporate Services

11.4

ASSEMBLY OF COUNCILLORS RECORD REPORT

1	Assembly of Councillors Record - Planning CIS - 6 October 2014	453
2	Assembly of Councillors Record - Strategic CIS - 13 October 2014	457
3	Assembly of Councillors Record Strategic CIS 20 October 2014	461

Assembly of Councillors Record

This Form MUST be completed by;

- (i) The appropriate attending Council Officer or;
- (ii) Advisory Officer of a Village Committee or;
- (iii) Chairperson of any Council Advisory Committee where there is no Council Officer present and returned IMMEDIATELY to the Program Leader Governance for filing.

Assembly details:

Date: 06/10/2014

Time: 5.45pm

Assembly Location: 1230 Nepean Highway Cheltenham 3192

Assembly Reason: Planning CIS

Attendees:

Councillor/s:

Cr Paul Peulich
Cr Ron Brownlees OAM
Cr Tamsin Bearsley
Cr David Eden
Cr Geoff Gledhill
Cr Rosemary West OAM

Officer/s:

John Nevins, Chief Executive Officer
Paul Franklin, Acting General Manager City Assets and Environment
Mauro Bolin, General Manager Community Sustainability
Rachel Hornsby, General Manager Sustainable Planning and Development
Belinda Ayres, Acting General Manager Corporate Services
Keryn Fisher, Team Leader Communications and Events
Joanne Creedon, Governance Officer
Jonathan, Guttman, Manager City Strategy
Ian Nice, Manager City Development
Jaclyn Murdoch, Senior Statutory Planner
Jeremy Hopkins, Principal Planner

Guests:

Andrew Marty, Director, SACS Consulting
Mark Grant, Acting Director, Sector Development and Performance Local Government Victoria
Peter Jones, Senior Adviser, Sector Development and Performance Local Government Victoria

Apologies:

Cr John Ronke
Cr Tamara Barth

Assembly of Councillors Record

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- (iii) Chairperson of any Council Advisory Committee where there is no Council Officer present and returned IMMEDIATELY to the Program Leader Governance for filing.

Matter/s Discussed:

1. Apologies
2. Declaration by Councillors, Officers and Contractors of any Conflict of Interest
3. Notes of CIS of 15 September 2014
4. Discussion: CEO Performance Criteria with Andrew Marty from SACS Consulting
5. Timor-Leste - Opportunities for exchange/education presented by Local Government Victoria
6. Individual Ward Briefings
7. Planning Committee Agenda Review
 - 7.1. KP14/214 – 431 Station Street, Bonbeach
 - 7.2. KP14/231 – 95 Broadway, Bonbeach
 - 7.3. KP14/215 – 1157 Nepean Highway, Highett
 - 7.4. KP14/531 – 316-322 Kingston Road, Clarinda
8. Planning Committee Agenda Review – see separate agenda
9. KP675/2013 - 3 Canberra Street, Patterson Lakes - seeking Council's position on amended plans circulated in advance of VCAT hearing.
10. KP325/2011 - 36, 38 & 40 Jean Street Cheltenham - seeking Council's position on the proposed section 87A amendment through the VCAT
11. KP14/650 - 165 - 169 Nepean Highway and 8 -10 Lower Dandenong Road Mentone - Update on planning application
12. Significant Development Briefing
13. Monash NEC Update
14. Invitations

Conflict of Interest Disclosures:

John Nevins, Chief Executive Officer disclosed a Conflict of Interest in Item 5 – Discussion: CEO Performance Criteria with Andrew Marty from SACS Consulting

Assembly of Councillors Record

This Form MUST be completed by;

- (i) The appropriate attending Council Officer or;
- (ii) Advisory Officer of a Village Committee or;
- (iii) Chairperson of any Council Advisory Committee where there is no Council Officer present and returned IMMEDIATELY to the Program Leader Governance for filing.

Did senior officer present ask for disclosure of Conflicts of Interest? Yes

Councillor Disclosures: (refer 2 over page).

Record if a Councillor left the meeting during the discussion.

Officer Disclosures: (refer 4 over page)

Completed by: Joanne Creedon, Governance Officer
Date: 07/10/2014

Assembly of Councillors Record - Any record of an Assembly of Councillors is reported at next practicable Council meeting and recorded in the Minutes.

Requirements and explanation:

1. Section 80A(1) and (2) Officer Requirements (re Written Record to be made of disclosure of Conflicts of Interest):

Section 80A(1) and (2) of the Local Government Act 1989, stipulates:

- "(1) At an assembly of Councillors, the Chief Executive Officer must ensure that a written record is kept of:
- (a) the names of all Councillors and members of Council staff attending,
 - (b) the matters considered,
 - (c) any conflict of interest disclosures made by a Councillor attending under subsection (3),
 - (d) whether a Councillor who has disclosed a conflict of interest as required by subsection (3) leaves the assembly."
- (2) The Chief Executive Officer must ensure that the written record of an assembly of Councillors is, as soon as practicable-
- (a) reported at an ordinary meeting of the Council; and
 - (b) incorporated in the minutes of that Council meeting."

2. Section 80A(3) and (4) Councillor Requirements (re Conflict of Interest):

Section 80A(3) and (4) of the Local Government Act 1989, stipulates:

- "(3) If a Councillor attending an assembly of Councillors knows, or would reasonably be expected to know, that a matter being considered by the assembly is a matter that, were the matter to be considered and decided by Council, the Councillor would have to disclose a conflict of interest under section 79, the Councillor must, at the time set out in subsection (4), disclose to the assembly that he or she has a conflict of interest and leave the assembly whilst the matter is being considered by the assembly. Penalty: 120 penalty units.
- (4) A Councillor must disclose the conflict of interest either-
- (a) immediately before the matter in relation to which the Councillor has a conflict of interest is considered; or
 - (b) if the Councillor realises that he or she has a conflict of interest after consideration of the matter has begun, as soon as the Councillor becomes aware that he or she has a conflict of interest."

3. Section 76AA definition:

"**Assembly of Councillors**" (however titled) means a planned or scheduled meeting of at least five Councillors and one member of Council staff, or an advisory committee of the Council where one or more Councillors are present which considers matters that are intended or likely to be:

- the subject of a decision of the Council; or
- subject to the exercise of a function, duty or power of the Council that has been delegated to a person or Committee; or

but does not include a meeting of the Council, a Special Committee of the Council, a club, association, peak body, political party or other organisation."

Brief Explanation:

Some examples of an *Assembly of Councillors* will include:-

- Meeting / briefing of five Ward Councillors;
- Advisory committee or Village Committee Meeting where 1 or more Councillor is present
- Other Councillor briefing sessions;
- Budget discussions;
- Workshops re key Council priorities;
- Site inspections / preliminary planning conferences;

providing **at least five Councillors and one Council Staff member is present** and the matter/s considered are intended **or likely to be** subject of a future decision by the Council **OR** an officer decision under delegated authority.

As a matter of good practice, it would be considered exceptional not to deem any scheduled / planned meeting of five or more Councillors and an officer/s as an Assembly of Councillors. If you require further clarification, please call the Governance team.

4. Section 80B Officer Requirements (re Disclosure of Conflicts of Interest):

A member of Council staff who has a conflict of interest in a matter in which they also have delegated power, duty or function must:

- not exercise the power or discharge the duty or function; and
- disclose the type of interest and the nature of the interest to the Chief Executive Officer, in writing, as soon as he or she becomes aware of the conflict of interest in the matter, including those situations when the Officer is exercising a statutory power or duty of the Chief Executive Officer.

Assembly of Councillors Record

This Form MUST be completed by:

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- (ii) Advisory Officer of a Village Committee or;
- (iii) Chairperson of any Council Advisory Committee where there is no Council Officer present and returned IMMEDIATELY to the Program Leader Governance for filing.

Assembly details:

Date: 13 October 2014

Time: 5.45pm

Assembly Location:

Assembly Reason: Strategic Councillor Information Session

Attendees:

Councillor/s:

Cr Tamara Barth
Cr Tamsin Bearsley
Cr Ron Brownlees OAM
Cr Rosemary West OAM

Officer/s:

John Nevins, Chief Executive Officer
Paul Franklin, Acting General Manager City Assets and Environment
Mauro Bolin, General Manager Community Sustainability
Belinda Ayres, Acting General Manager Corporate Services
Megan O'Halloran, Manager Communications & Community Relations
Phil De Losa, Program Leader Governance
Jared Megans, Foreshore Coordinator
Tim Bearup, Acting Manager Family, Youth and Children's Services
Peter Bain, Manager, Infrastructure Mangement
Julian Harvey, Manager Property, Arts and Leisure
Newton Gatoff, Team Leader Property Services
Alan West, Team Leader Engineering Design

Apologies:

Cr Paul Peulich (Mayor)
Cr David Eden
Cr Geoff Gledhill
Cr John Ronke
Cr Steve Staikos
Rachel Hornsby, General Manager Sustainable Planning and Development

Assembly of Councillors Record

This Form MUST be completed by;

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- (ii) Advisory Officer of a Village Committee or;
- (iii) Chairperson of any Council Advisory Committee where there is no Council Officer present and returned IMMEDIATELY to the Program Leader Governance for filing.

Matter/s Discussed:

1. Apologies
2. Declaration by Councillors, Officers and Contractors of any Conflict of Interest
3. Notes of CIS of 6 October 2014
4. Foreshore Bin Replacement Program
5. Fee Schedule for the Family and Children's Centres 2014/15
6. Basements and Deep Building Construction Policy
7. Final Busking Guidelines
8. Arts and Cultural Services Programming Overview
9. Kingston City Hall Liquor License Permit Review and Outdoor Events
10. Victory Road Clarinda Landfill
11. This report is designated as confidential by the CEO in accordance with S77(2) of the Local Government Act
12. Land Acquisition - Fraser Avenue Drainage Scheme
13. This report is designated as confidential by the CEO in accordance with S77(2) of the Local Government Act
14. Commercial Use of Council Land Approval
15. Councillor Discretionary Funds
16. Ordinary Council Agenda Review - See Separate Agenda
17. Request to present to Councillors from AFL/Southern Football League for Council to provide additional \$1.5m for Moorabbin Reserve Redevelopment
18. Invitations
19. Councillor/CEO Discussion

Conflict of Interest Disclosures:

Cr Brownlees disclosed a conflict of interest in Item 15 - Request to present to Councillors from AFL/Southern Football League for Council to provide additional \$1.5m for Moorabbin Reserve Redevelopment.

Did senior officer present ask for disclosure of Conflicts of Interest? Yes

Councillor Disclosures: (refer 2 over page).

Record if a Councillor left the meeting during the discussion.

Officer Disclosures: (refer 4 over page)

Completed by: Joanne Creedon
Date: Governance Officer

Assembly of Councillors Record - Any record of an Assembly of Councillors is reported at next practicable Council meeting and recorded in the Minutes.

Requirements and explanation:

1. Section 80A(1) and (2) Officer Requirements (re Written Record to be made of disclosure of Conflicts of Interest):

Section 80A(1) and (2) of the Local Government Act 1989, stipulates:

- "(1) At an assembly of Councillors, the Chief Executive Officer must ensure that a written record is kept of:
- (a) the names of all Councillors and members of Council staff attending,
 - (b) the matters considered,
 - (c) any conflict of interest disclosures made by a Councillor attending under subsection (3),
 - (d) whether a Councillor who has disclosed a conflict of interest as required by subsection (3) leaves the assembly."
- (2) The Chief Executive Officer must ensure that the written record of an assembly of Councillors is, as soon as practicable-
- (a) reported at an ordinary meeting of the Council; and
 - (b) incorporated in the minutes of that Council meeting."

2. Section 80A(3) and (4) Councillor Requirements (re Conflict of Interest):

Section 80A(3) and (4) of the Local Government Act 1989, stipulates:

- "(3) If a Councillor attending an assembly of Councillors knows, or would reasonably be expected to know, that a matter being considered by the assembly is a matter that, were the matter to be considered and decided by Council, the Councillor would have to disclose a conflict of interest under section 79, the Councillor must, at the time set out in subsection (4), disclose to the assembly that he or she has a conflict of interest and leave the assembly whilst the matter is being considered by the assembly. Penalty: 120 penalty units.
- (4) A Councillor must disclose the conflict of interest either-
- (a) immediately before the matter in relation to which the Councillor has a conflict of interest is considered; or
 - (b) if the Councillor realises that he or she has a conflict of interest after consideration of the matter has begun, as soon as the Councillor becomes aware that he or she has a conflict of interest."

3. Section 76AA definition:

"**Assembly of Councillors**" (however titled) means a planned or scheduled meeting of at least five Councillors and one member of Council staff, or an advisory committee of the Council where one or more Councillors are present which considers matters that are intended or likely to be:

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but does not include a meeting of the Council, a Special Committee of the Council, a club, association, peak body, political party or other organisation."

Brief Explanation:

Some examples of an *Assembly of Councillors* will include:-

- Meeting / briefing of five Ward Councillors;
- Advisory committee or Village Committee Meeting where 1 or more Councillor is present
- Other Councillor briefing sessions;
- Budget discussions;
- Workshops re key Council priorities;
- Site inspections / preliminary planning conferences;

providing **at least five Councillors and one Council Staff member is present** and the matter/s considered are intended **or likely to be** subject of a future decision by the Council **OR** an officer decision under delegated authority.

As a matter of good practice, it would be considered exceptional not to deem any scheduled / planned meeting of five or more Councillors and an officer/s as an Assembly of Councillors. If you require further clarification, please call the Governance team.

4. Section 80B Officer Requirements (re Disclosure of Conflicts of Interest):

A member of Council staff who has a conflict of interest in a matter in which they also have delegated power, duty or function must:

- not exercise the power or discharge the duty or function; and
- disclose the type of interest and the nature of the interest to the Chief Executive Officer, in writing, as soon as he or she becomes aware of the conflict of interest in the matter, including those situations when the Officer is exercising a statutory power or duty of the Chief Executive Officer.

Assembly of Councillors Record

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- (iii) Chairperson of any Council Advisory Committee where there is no Council Officer present and returned IMMEDIATELY to the Program Leader Governance for filing.

Assembly details:

Date: Monday 20 October 2014 **Time:** 5.45pm

Assembly Location: 1230 Nepean Highway, Cheltenham VIC 3192

Assembly Reason: Councillor Information Session

Attendees:

Councillor/s:

Cr Paul Peulich (Mayor)
Cr Tamara Barth
Cr Tamsin Bearsley
Cr Ron Brownlees OAM
Cr David Eden
Cr Geoff Gledhill
Cr Steve Staikos
Cr Rosemary West OAM

Officer/s:

John Nevins, Chief Executive Officer
Paul Franklin, Acting General Manager City Assets and Environment
Mauro Bolin, General Manager Community Sustainability
Rachel Hornsby, General Manager Sustainable Planning and Development
Belinda Ayres, Acting General Manager Corporate Services
Megan O'Halloran, Manager Communications & Community Relations
Phil De Losa, Program Leader Governance
Joanne Creedon, Governance Officer
Louise Barren, Program Leader Performance Plan
Fiona Baxter, Senior Facilities Development Planning Co-ordinator
Emily Boucher, Team Leader Environmental Planning
Newton Gatoff, Team Leader Property Services
Julian Harvey, Manager Property, Arts and Leisure
Adrian Nunes, Team Leader Arts and Cultural Services

Apologies:

Cr John Ronke

Assembly of Councillors Record

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Matter/s Discussed:

- 1 Apologies
- 2 Declaration by Councillors, Officers and Contractors of any Conflict of Interest
- 3 Notes of CIS of 13 October 2014
- 4 Annual Report 2013/14
- 5 Update on Redevelopment of Mentone Seniors' Building
- 6 Funding Request - Kingston Green Wedge
- 7 Expressions of Interest for New Lease for Bluey's Kiosk
- 8 Victory Road Clarinda Landfill (This report is designated as confidential by the CEO in accordance with S77(2) of the Local Government Act)
- 9 Council Consultation Framework
- 10 AFL Community Football Representatives re request for extra Council funding
- 11 Moorabbin Reserve Redevelopment Update
- 12 Arts and Cultural Services Programming Overview
- 13 Kingston City Hall Liquor License Permit Review and Outdoor Events
- 14 Councillor Workshop November 2014 Agenda Discussion
- 15 Village Committees Recognition Event
- 166 Arrangements for the Special (Statutory) Meeting of Council
- 177 Marriage Equality - Request from Byron Shire Council
- 188 Municipal/District Cooperation Agreement with the Timor-Leste Government
- 19 Invitations
- 20 Councillor/CEO Discussion

Conflict of Interest Disclosures:

Cr Brownlees disclosed a conflict of interest in Items 10 and 11 and left the room prior to any discussion on these Items.

Cr Eden disclosed a conflict of Interest in Item 7 and left the meeting prior to any discussion on this Item.

Did senior officer present ask for disclosure of Conflicts of Interest? Yes

Councillor Disclosures: (refer 2 over page).

Record if a Councillor left the meeting during the discussion.

Officer Disclosures: (refer 4 over page)

Completed by: Joanne Creedon, Governance Officer
Date: 20 October 2014

Assembly of Councillors Record - Any record of an Assembly of Councillors is reported at next practicable Council meeting and recorded in the Minutes.

Requirements and explanation:

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- “(1) At an assembly of Councillors, the Chief Executive Officer must ensure that a written record is kept of:
- (a) the names of all Councillors and members of Council staff attending,
 - (b) the matters considered,
 - (c) any conflict of interest disclosures made by a Councillor attending under subsection (3),
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- (a) reported at an ordinary meeting of the Council; and
 - (b) incorporated in the minutes of that Council meeting.”

2. Section 80A(3) and (4) Councillor Requirements (re Conflict of Interest):

Section 80A(3) and (4) of the Local Government Act 1989, stipulates:

- “(3) If a Councillor attending an assembly of Councillors knows, or would reasonably be expected to know, that a matter being considered by the assembly is a matter that, were the matter to be considered and decided by Council, the Councillor would have to disclose a conflict of interest under section 79, the Councillor must, at the time set out in subsection (4), disclose to the assembly that he or she has a conflict of interest and leave the assembly whilst the matter is being considered by the assembly. Penalty: 120 penalty units.
- (4) A Councillor must disclose the conflict of interest either-
- (a) immediately before the matter in relation to which the Councillor has a conflict of interest is considered; or
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- the subject of a decision of the Council; or
- subject to the exercise of a function, duty or power of the Council that has been delegated to a person or Committee; or

but does not include a meeting of the Council, a Special Committee of the Council, a club, association, peak body, political party or other organisation.”

Brief Explanation:

Some examples of an *Assembly of Councillors* will include:-

- Meeting / briefing of five Ward Councillors;
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- Other Councillor briefing sessions;
- Budget discussions;
- Workshops re key Council priorities;
- Site inspections / preliminary planning conferences;

providing **at least five Councillors and one Council Staff member is present** and the matter/s considered are intended **or likely to be** subject of a future decision by the Council **OR** an officer decision under delegated authority.

As a matter of good practice, it would be considered exceptional not to deem any scheduled / planned meeting of five or more Councillors and an officer/s as an Assembly of Councillors. If you require further clarification, please call the Governance team.

4. Section 80B Officer Requirements (re Disclosure of Conflicts of Interest):

A member of Council staff who has a conflict of interest in a matter in which they also have delegated power, duty or function must:

- not exercise the power or discharge the duty or function; and
- disclose the type of interest and the nature of the interest to the Chief Executive Officer, in writing, as soon as he or she becomes aware of the conflict of interest in the matter, including those situations when the Officer is exercising a statutory power or duty of the Chief Executive Officer.

12. Notices of Motion

Ordinary Meeting of Council

27 October 2014

Agenda Item No: 12.1

NOTICE OF MOTION (RESCISSION) NO. 38/2014 - 2 LESLIE ROAD, CLARINDA - CRS EDEN, WEST & STAIKOS

Re Item 8.4 of the Ordinary Meeting of Kingston Council 22 September 2014; Re Council resolution to approve an application to subdivide land at 2 Leslie Road in the Kingston Green Wedge.

We move to rescind the motion, such rescission to be dealt with at the next Ordinary Meeting in October.

Cr David Eden
24 September 2014

Cr Rosemary West
24 September 2014

Cr Steve Staikos
24 September 2014

Author/s:

Phil De Losa, Program Leader Governance

Reviewed and Approved By:

Ordinary Meeting of Council

27 October 2014

Agenda Item No: 12.2

NOTICE OF MOTION NO. 39/2014 - LEGAL LIABILITY FOR DAMAGES FOLLOWING APPROVAL OF DEVELOPMENTS ON UNSTABLE LAND - CR WEST

1. Considering that:

1. Council currently has no standard strategy or process to guide our deliberations when applications to rezone land adjacent to former landfills on flood plains or otherwise unstable are lodged and/or approved.
2. There has been at least one application, for a sawmill on the corner of Boundary and Heatherton Roads, where neither the applicant nor Council planners were aware the site was a former landfill. This was only discovered as a result of an objection from a former Oakleigh councillor.
3. Significant damages have been incurred by ratepayers of the City of Casey, on the basis of Casey Council's involvement in the approval of houses being built on a land fill dump at the Brooklands Green Estate Cranbourne and the consequential environmental issues, after methane leaching from the adjacent landfill required the houses to be temporarily evacuated. <http://www.theaustralian.com.au/news/ombudsman-report-into-methane-gas-leaks-at-cranbournes-brookland-greens-estate-criticises-epa-city-of-casey-former-shire-of-cranbourne-and-frankston-council/story-e6frg6n6-1225787055877>
4. More recently it has been reported that , Melton Council may face a certain level of legal liability to the home owners who face major damage to their homes, due to the homes being built on a known sink hole plain, of which the Council had prior knowledge. <http://www.theage.com.au/victoria/thousands-of-suburban-home-owners-facing-financial-ruin-20140607-39q4z.html>
5. Recent and current examples which could have similar results for the rate[payers of Kingston include:
 - The rezoning of land at First Ave adjacent to the Edithvale Wetlands from Urban Floodway to a residential zone;
 - The application for subdivision of land bounded on two sides by former landfills at Leslie Road Clarinda on tonight's agenda;
 - The approval of industrial development on flood plain land at Braeside land;
 - Council's proposal for Rural Living (i.e. residential) subdivision on Green Wedge land south of Heatherton Road includes some land that has been filled (including the example at point 2 (above)).

I move that:

- Council request an assessment from our lawyers of what Kingston Council's (ie councillors' and rate payers') legal liability would be if Kingston Council staff and Councillors approve developments on known flood plains or unstable ground and damage occurs.
- officers to prepare a report based on the legal advice regarding whether Council can require developers and/or landowners and future home-owners to retain liability for for any future potential damage.

Cr Rosemary West
22 September 2014

Appendices

Appendix 1 - Age Article Thousands of Suburban Home Owners Facing Financial Ruin
(Trim No 14/134157)

Appendix 2 - The Australian Article Ombudsman Report into Methane Gas Leaks (Trim
No 14/134158)

Author/s: Phil De Losa, Program Leader Governance

Reviewed and Approved By:

12.2

NOTICE OF MOTION NO. 39/2014 - LEGAL LIABILITY FOR DAMAGES FOLLOWING APPROVAL OF DEVELOPMENTS ON UNSTABLE LAND - CR WEST

1	Age Article Thousands of Suburban Home Owners Facing Financial Ruin	473
2	The Australian Article Ombudsman Report into Methane Gas Leaks	475



Thousands of suburban home owners facing financial ruin

Simon Johanson
Published: June 8, 2014 - 3:00AM

Thousands of near-new homes are cracking up in Melbourne's western and northern suburbs, leaving their owners facing financial ruin and long battles to fix them.

Estimates suggest up to 4300 homes in Wyndham, Melton and Hume local government areas may be suffering from "slab heave" where volatile soil movements under a home's foundations cause walls to crack, doors and windows to jam, and floors to tilt.

But the actual number may be far higher, said former academic and consulting engineer Peter Yttrup. Hundreds of other homes in Melton West have been built on a "sinkhole plain".

A report revealed in a legal case this week shows Melton Council knew about extreme soil conditions in the new housing estate but did nothing to inform builders or potential home owners.

Melton Council would not comment because of the legal action.

Concerns about slab heave have prompted 160 Melbourne home owners to contact Slater & Gordon Lawyers, solicitor Robert Auricchio said.

Others are taking individual legal action. If they are successful, the state government, which from January this year underwrites all builders warranty insurance, may ultimately foot the bill.

New estates from Grovedale on

Geelong's outskirts to Doreen in Melbourne's north are also affected in an epidemic being blamed on "waffle slab" foundations and poor classification of highly reactive volcanic clay soils.

Waffle slabs "float" on top of compacted ground and are cheaper and quicker to build than traditional footings.

Grovedale home owner Jamie Crouch is living with his young family on a "dam of sewer" that is collecting under his seven-year-old house, causing its slab to heave.

"We noticed some internal cracking and we patched it on numerous occasions. It just kept opening up. It's impacting on our personal and financial life," he said.

Internal walls were lifting off the floor, objects roll off the benchtops, and windows and doors won't shut in the Bailey Street home.

Mr Crouch blamed poor drainage and broken sewer pipes left by the builders for triggering the problem.

Both the previous Labor government and current Planning Minister Matthew Guy have sped up land releases in Melbourne's fast-growing outer suburbs, many in areas with volatile soils, to encourage affordable new housing.

Between 2003 and 2011, 82,738 building permits were issued in Wyndham, Melton and Hume, the Victorian Building Authority said. A VBA investigation of 625 homes found 5.3 per cent had faults.

The problem of slab heave is "systemic", widespread and needs urgent government action to fix, Mr Yttrup said.

He said waffle slabs, poorly trained and regulated soil testers, and builders failing to follow the AS2870 standard for home footings were at the root of the problem.

Others say the standards themselves are not tough enough.

Melton West home owner Annette Watson this week took builder Cavalier Homes North Western to Victoria's planning tribunal, seeking at least \$30,000 to fix problems with her home caused by soil movement under a waffle slab. Ms Watson said her difficulties began six years ago when cracks appeared in the walls and cornices dropped off as her new \$225,000 house moved.

Now, the front bedroom is 71 millimetres higher than the rear of the home. Many neighbours are suffering similar issues, she said.

Barrister for Cavalier Homes Robert Squirrell told the Victorian Civil and Administrative Tribunal up to 80 other houses built by Cavalier could be affected.

"This is but one of many, this is the thin edge of the wedge," he said.

Mr Squirrell sought to have Melton Council, the soil tester and engineer joined to the case because a report given to the council, which labelled the area "sinkhole plain", showed thick expansive clay soil posed a hazard to development.

Earlier this year, a home owner in Melbourne's newest suburb, Tarneit, won \$289,589 for the cost of replacing his home in Hollows Circuit. Metricon, Australia's largest new home builder, has since appealed the decision but faces a similar case in September.

Tribunal member Margaret Lothian said home owners are facing "toxic costs" - where legal fees outweigh recompense - when they seek to fix their problems in court.

Do you know more? sjhanson@fairfaxmedia.com.au

This story was found at: <http://www.theage.com.au/victoria/thousands-of-suburban-home-owners-facing-financial-ruin-20140607-39q4z.html>

THE AUSTRALIAN

Ombudsman report into methane gas leaks at Cranbourne's Brookland Greens Estate criticises EPA, City of Casey, former Shire of Cranbourne and Frankston council

AAP AAP OCTOBER 15, 2009 12:28PM

VICTORIA'S environmental watchdog failed to ensure a local council met requirements to line a landfill which last year leached explosive gas into a housing estate, forcing residents to evacuate.

The Ombudsman's report into methane gas leaks at Cranbourne's Brookland Greens Estate, released today, found the Environment Protection Authority (EPA) failed to efficiently process a works approval for the Stevensons Road landfill lodged by the former Shire of Cranbourne in 1992.

The EPA provided conflicting advice to the council, causing an unreasonable delay, the Ombudsman's report said.

The watchdog failed to assess the shire's applications "partly through lack of expertise and partly through allowing the outcome to be the subject of negotiation", Ombudsman George Brouwer said.

About 30 families moved out of the estate at the height of the drama in September last year after being told methane gas drifting into their homes could explode.

Mr Brouwer said his investigation found the EPA had intended the landfill to be lined with compacted clay, which would have minimised the risk of methane gas leaching out through the soil.

But despite this, the EPA agreed after a series of meetings with the shire, to allow an unlined landfill at Stevensons Road.

"A more thorough assessment of the Shire's applications for works approval was required," Mr Brouwer said.

Mr Brouwer also criticised the current municipality, the City of Casey, for failing to comply with further works approval conditions to provide a leaching gas collection system.

He said the appointment of the South Eastern Regional Waste Management Group as manager of the landfill did not absolve the City of Casey of overall responsibility.

Both the former Shire of Cranbourne and the City of Casey failed to protect the environment, the report said.

"The (Cranbourne) Shire's actions in gaining approval for the landfill were consistently motivated by financial considerations, at the expense of the environment," the report said.

It said Casey council, through the South Eastern Regional Waste Management Group, was also motivated by cost when it rejected a 1995 environmental consultant's recommendation that a landfill liner be used.

The council said carrying out the consultant's recommendation would be "unnecessary and expensive".

Casey council and Frankston council, which also used the landfill, failed to monitor the performance of many contractors and consultants involved with the landfill.

Mr Brouwer said while Frankston council had accepted his criticisms, Casey Council still refused to take accountability.

Brookland Greens Housing estate developer Peet was criticised for failing to highlight the issues surrounding the landfill to potential purchasers.

"In my view, residents of the estate were placed at unnecessary risk by both the City of Casey and the EPA in failing to ensure that appropriate actions were taken in a timely manner to mitigate the risk of landfill gas escaping from the landfill into the estate," Mr Brouwer said.

Ordinary Meeting of Council

27 October 2014

Agenda Item No: 12.3

NOTICE OF MOTION NO. 40/2014 - TRADER PARKING - CR BEARSLEY

Preamble

At the Ordinary Council meeting on 28th July 2014, Council resolved to introduce a pilot trader parking permit scheme in Chelsea.

Following this decision all businesses in Chelsea were invited to 'Express an Interest' in purchasing up to four permits. There has been significant interest in the scheme so the total number of permits available has increased slightly and will continue to be monitored to ensure that the scheme is meeting both traders and shoppers needs.

The Council resolution of July 28 specifically stated that a business could purchase up to four permits. However, in recognition of the major employment contribution made by Woolworths, as the largest employer in the Chelsea shopping precinct I believe it appropriate that Woolworths and other large employers in the area have an opportunity to increase the number of permits available to them.

As per the original resolution, the operation of the scheme will be monitored on a regular basis to ensure that it meets the objectives of improving parking allocations in the Chelsea Shopping centre.

That Council:

1. Alter the position adopted at the July 28 Ordinary Meeting of Council to allow businesses with over 30 employees the opportunity to purchase up to an additional 10 permits.
2. Reduce the cost of each permit to \$200 from \$268 as an introductory fee for all businesses.

Cr Tamsin Bearsley
21 October 2014

Author/s: Phil De Losa, Program Leader Governance

Reviewed and Approved By:

Ordinary Meeting of Council

27 October 2014

Agenda Item No: 12.4

NOTICE OF MOTION NO. 41/2014 - AFFORDABLE STORAGE FOR COMMUNITY GROUPS - CR BEARSLEY

Preamble

As many community groups are now co-locating, storage of equipment and materials has become an increasing issue for clubs, A number of clubs have approached Council asking for assistance, I would like officers to investigate affordable storage options in Kingston as well as suggestion on how clubs may be able to reduce their overall storage needs.

I move that Council Officers prepare a report on affordable storage options for community groups within Kingston. The report is to be presented Council by the end of February 2015.

Cr Tamsin Bearsley
21 October 2014

Author/s: Phil De Losa, Program Leader Governance
Reviewed and Approved By:

Ordinary Meeting of Council

27 October 2014

Agenda Item No: 12.5

NOTICE OF MOTION NO. 42/2014 - MENTONE SENIORS BUILDING AND MASTER PLAN FOR MENTONE RESERVE - CR WEST

Preamble

Considering that:

1. Council originally budgeted to renovate (*renew*) the Mentone Senior Citizens Building on Mentone Reserve on the basis that it would also accommodate the Turkish Senior Citizens (who would vacate the Council building they currently occupy on Balcombe Road) and the Mentone and Mordialloc Art Group whose current home, in the Florence Street car-park, needs to be demolished.)
2. As it became clear that the MMAG need for exclusive use of a space to replace their current home in the Florence St. carpark meant the renovations would be more extensive and as the Mentone Seniors Building proved to be structurally in too poor a state for such extensive renovations, officers decided instead to demolish and build a new building to accommodate the three groups at a cost of \$1.3m.
3. Council has commenced a Master plan for Mentone Reserve. It normal practice for the Master plan to precede major works on a reserve and for community consultation to be part of the Master plan process.
4. St Bedes Mentone Tigers Football Club and the Mentone Cricket Club have made a joint submission and presentation to councillors and officers expressing their urgent need for a new pavilion to wrap around and preserve the existing heritage pavilion and grandstand. Their plan, drawn up by SBMT president Mark Tyquin also includes two netball courts south of No 11 Remo Street (see attached).
5. The Mentone Structure Plan provides that eventually the CAB building on Florence Street, which is shared with the Mentone Subscription Library, also needs to move.
6. Council's intention in purchasing the Cheltenham building was originally to move staff out of the former council office in Brindisi Street Mentone, but a number of staff are still there. The CEO has advised that there is room to move some staff across to Cheltenham, while perhaps leaving others (eg the HACCC teams and Access Southern) based in Mentone where there is ample parking.
7. Council is now planning for community and sporting facilities in terms of shared use hubs in suburbs including Westall, Highett and Edithvale. In Mentone council has the opportunity to establish a flexible community space to replace dispersed existing old buildings into the Brindisi St Council Offices.
8. If the Mentone Seniors Building is not needed, the land could be added to the Styles Reserve and the \$1.3m put towards a new pavilion for the football and cricket clubs, along with funds from the future sale of the Balcombe Road building if that is no longer needed.

**City of Kingston
Ordinary Meeting of Council**

Agenda

27 October 2014

9. Councillors have not been fully briefed on the options and my questions loom large for the Council to better plan for the future of what could be a Mentone community and sporting precinct, for instance:
- Could the senior citizens groups share space in the current and future SBMT pavilion, now that the Central Bayside Community Health groups are no longer using this space?
 - Could the MM Arts Group be relocated to the front office of the Mentone Council building, now that it is no longer needed for customer service?
 - When the CAB and Mentone Library need to move out of the Florence Street building, could they also be housed in the Mentone Council Building?
 - Could a Mentone Community Centre be established in the Mentone Council building?
 - Could a coffee shop be operated from the lunchroom (with windows over the Styles reserve)?
 -

I move that Council

1. Halt any further work on a tender to demolish and rebuild the Mentone Seniors Building.
2. Broaden the current Mentone Reserve Master Plan process to include a uses analysis of all current and projected buildings on the Mentone Reserve and a needs analysis for Mentone user groups including the Mentone and Turkish Senior Citizens Groups, the Mentone and Mordialloc Art Group, CAB, Mentone Subscription Library and SBMT Football Club and consideration of how their needs might best be met and whether there might be more community benefit in developing a sporting hub and community hub on the reserve.
3. Officers prepare a report with options for Councillors to consider to address the apparent need for this building and whether more appropriate accommodation might be provided elsewhere on the reserve for the Mentone and Turkish Senior Citizens Groups and MMAG.

Cr Rosemary West OAM
22 October 2014

Appendices

Appendix 1 - MP Context Plan (6-9-14) (Trim No 14/138242)

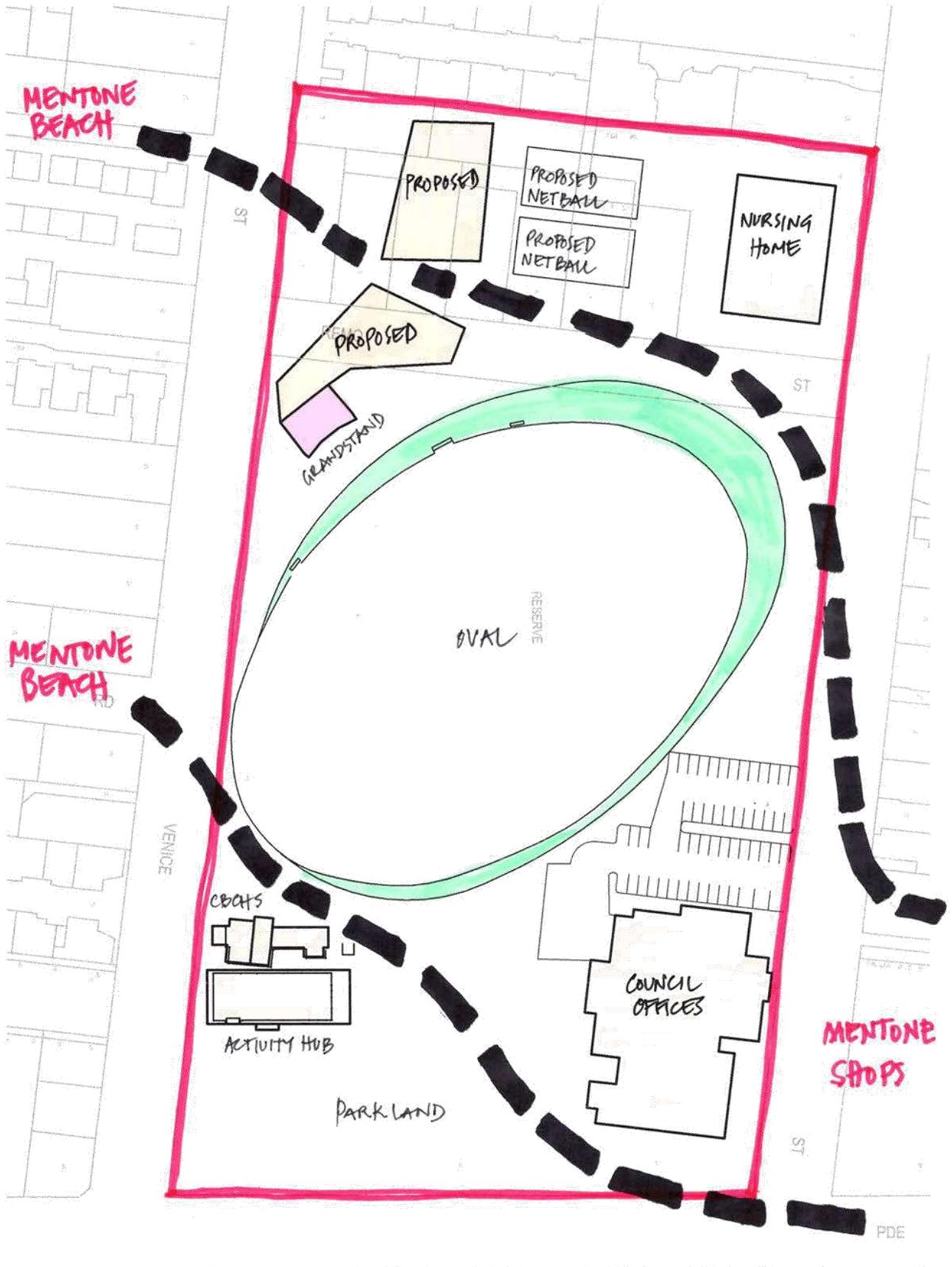
Author/s: Phil De Losa, Program Leader Governance

Reviewed and Approved By:

12.5

NOTICE OF MOTION NO. 42/2014 - MENTONE SENIORS BUILDING AND MASTER PLAN FOR MENTONE RESERVE - CR WEST

1	MP Context Plan (6-9-14)	485
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Ordinary Meeting of Council

27 October 2014

Agenda Item No: 12.6

NOTICE OF MOTION NO. 43/2014 - HANSARD RIGHT OF REPLY STATEMENTS ABOUT COUNCILLORS - CR WEST

I move that Council:

note that the following right of reply statements about Kingston Councillors and other members of the Kingston community who have been mentioned in State Parliament have been published in the Hansard Parliamentary record by order of the Parliamentary Privileges Committee.

Cr Rosemary West OAM
22 October 2014

Appendices

- Appendix 1 - Letter - Tabling Right of Reply Report - Legislative Assembly - 14 October 2014 (Trim No 14/138257)
- Appendix 2 - Legislative Assembly Privileges Committee - Persons referred to in the Legislative Assembly - October 2014 (Trim No 14/138258)

Author/s: Phil De Losa, Program Leader Governance
Reviewed and Approved By:

12.6

NOTICE OF MOTION NO. 43/2014 - HANSARD RIGHT OF REPLY STATEMENTS ABOUT COUNCILLORS - CR WEST

- 1 Letter - Tabling Right of Reply Report - Legislative Assembly
- 14 October 2014..... 491
- 2 Legislative Assembly Privileges Committee - Persons
referred to in the Legislative Assembly - October 2014..... 493



Legislative Assembly of Victoria

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Cr Rosemary West
14 Dudley Grove
Edithvale Vic 3196

14 October 2014

Dear Cr West

Right of Reply Report tabled

I wish to advise that the report of the Privileges Committee was tabled on 14 October 2014 in the Legislative Assembly, and a copy is attached for your information.

An electronic copy has also been placed on the Parliament of Victoria's web page, and is available for viewing at www.parliament.vic.gov.au/la-privileges/article/1931.

If you have any questions regarding the process, please contact me by email or by phone on 03 9651 8671.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Anne Sargent'.

Anne Sargent
Secretary, Privileges Committee



PARLIAMENT OF VICTORIA



Legislative Assembly Privileges Committee

Persons Referred to in the Legislative Assembly

Cr David Eden
Mr Nick Eden
Ms Maureen Lim
Cr Rosemary West

Ordered to be printed

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No 373 Session 2010–14

The Committee

Members

Hon Peter Walsh MP (Chair)
Mrs Ann Barker MP (Deputy Chair)
Hon Robert Clark MP
Ms Danielle Green MP
Hon David Hodgett MP
Mr David Morris MP
Mr Don Nardella MP
Hon Michael O'Brien MP
Hon John Pandazopoulos MP

Staff

Ms Anne Sargent, Assistant Clerk Committees, Legislative Assembly
Ms Kate Murray, Manager, Procedure Office, Legislative Assembly

Privileges Committee
Legislative Assembly
Parliament House, Spring Street
East Melbourne Vic 3002
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Report

- 1 In May and June 2014, four members of the public made submissions to the Speaker of the Legislative Assembly seeking redress under Standing Order 227 relating to the protection of persons referred to in the Legislative Assembly: Cr David Eden, Mr Nick Eden, Ms Maureen Lim and Cr Rosemary West.
- 2 The submissions referred to statements made by the Member for Mordialloc, Ms Lorraine Wreford MP, during members' statements on 10 December 2013 (see Appendix 1). The Speaker accepted the submissions for the purposes of the Standing Order and referred them to the Committee in June 2014.
- 3 The Committee met in private session on 12 June 2014 and decided to invite all four applicants to prepare a draft response.
- 4 The Committee met again in private session on 7 August 2014. The Committee considered the draft responses from Cr David Eden and Mr Nick Eden and agreed to ask them to revise their responses.
- 5 At the meeting on 7 August 2014, the Committee also noted that Ms Lim and Cr West had not responded to the Committee's invitation to prepare a draft response. The Committee agreed to write to Ms Lim and Cr West and request that a draft response be provided by 19 August 2014, otherwise the Committee would consider the matters closed.
- 6 The Committee met again in private session on 21 August 2014 and considered Ms Lim and Cr West's responses. The Committee agreed to ask Ms Lim and Cr West to revise their responses.
- 7 The Committee met again in private session on 18 September 2014. The Committee decided to accept an application for a right of reply under Standing Order 227(10) and accepted the revised response from Cr David Eden, Mr Nick Eden, Ms Maureen Lim and Cr Rosemary West. In agreeing to accept the responses, the Committee did not consider it necessary to consult further.
- 8 The Committee draws attention to Standing Order 227(9) which requires that, in considering a submission under this Standing Order and reporting to the House, the Committee shall not consider or judge the truth of any statements made in the House or in the submission.
- 9 Standing Order 227 is attached as Appendix 6.

Recommendations

- 1 That the response by Cr David Eden, specified at Appendix 2, be published with this report.
- 2 That the response by Mr Nick Eden, specified at Appendix 3, be published with this report.
- 3 That the response by Ms Maureen Lim, specified at Appendix 4, be published with this report.
- 4 That the response by Cr Rosemary West, specified at Appendix 5, be published with this report.

**Parliament House
18 September 2014**

Appendix 1 — Statement by the Member for Mordialloc

Extracted from *Hansard*, pp 4447–8, 10 December 2013

Ms WREFORD (Mordialloc) — I applaud grassroots involvement in our community. The Mordialloc electorate is fortunate to have many residents actively making our community a better place. However, it came as a surprise to organisers of the recent Kingston Residents Association (KRA) annual general meeting that I attended to see the list of pre-approved invitees. Mark Dreyfus, MP, was invited, as were, according to the KRA minutes, ALP branch election helpers. Of the 15 well-known local Labor identities who make up the KRA membership, three are Labor pre-selection hopefuls: Chris Ranson, Tim Richardson and Nick Eden, father of Kingston Labor councillor, David Eden.

At the meeting, the treasurer's report said Kingston Labor councillors have propped up this front with \$2500 in ratepayer funded councillor ward funds. This includes sums of ratepayers money funnelled into the group by Cr David Eden, who has not declared a conflict in supplying this group with funny money, despite the fact that his father is one of the faceless men running this group. The Kingston Residents Association is a closed shopfront for local Labor campaign activities fuelled by Kingston ratepayers money. The KRA is a desperate attempt by Labor's faceless men in the south east to try to cover up the 11 years of neglect Labor inflicted on the Mordialloc community while in government.

Appendix 2 — Response by Cr David Eden under Standing Order 227

In a member's statement to the Legislative Assembly on 10 December 2013, Lorraine Wreford made allegations against me that struck at the core of my integrity as a Councillor.

I felt persecuted by the remarks made by Ms Wreford, particularly given that such a grant sought to help improve local services and the quality of life of local residents. My fundamental belief has always been that the community has a right to knowledge, a right to advocacy, and a right to improved services — by making allegations that I am somehow supporting a clandestine front is severely damaging to my reputation and undermines the continual work that I have done to highlight the importance within our local community of advocacy.

I believe that these allegations have severely undermined my ability to be a strong voice within Kingston, and in turn have harmed my ability to highlight the questionable activities occurring in the local area.

The Council grants have supported advocacy activities, which have resulted in additional traffic measures, disability access improvements, and mail services. My integrity has been severely damaged by Ms Wreford's remarks which seek to imply that support of the KRA was not warranted.

In relation to the impugned grants, at Ordinary Council meetings, Councillors unanimously resolved to approve the minor allocation of ward funds to the Kingston Residents Association, along with grants to numerous other community based organisations — in fact, from Feb 2012 through to Nov 2013 over 200 small grants have been made, by consent of the Council. At no point in time have I had a conflict of interest with respect to voting on allocating ward grants to the Kingston Residents Association.

Appendix 3 — Response by Mr Nick Eden under Standing Order 227

Lorraine Wreford MLA, in a Members Statement in the Victorian Legislative Assembly dated 10 December 2013, has made a number of allegations against me. At neighbours social functions, a number of my neighbours have questioned me about the allegations. They do not seem as friendly to me as they used to be. In fact some of the neighbours have recently been overly agitated in their dealings with me and my family.

My rebuttals to those remarks are:

A. I feel victimised and persecuted by the attacks of Lorraine Wreford on me.

B. The Kingston Residents Association (KRA) is a non-political community organisation, which has successfully undertaken numerous projects to the benefit of the local community, and her statement denigrates by implying this is not the case.

These include:

- i) Procuring the upgrade of the disabled access ramp at the Edithvale Lifesaving Club;
- ii) Lobbying Council for upgrade of the Thames Promenade, Chelsea Heights;
- iii) Procuring installation of a mail box at Chelsea Holiday Park.

C. I am not a 'faceless man' secretly 'running' the KRA. Due to work commitments I attend few meetings and my involvement generally comes in the form of assisting at activities such as sausage sizzles (cooking the sausages and preparing them for customers).

D. Any suggestion that I received or controlled any ratepayers' ward funds provided to the KRA is entirely false; I am not 'running' the KRA and therefore have no access to or control over the KRA's limited funds, however received.

Appendix 4 — Response by Ms Maureen Lim under Standing Order 227

Ms Wreford's statements in Parliament and her subsequent statements in the local paper have damaged my reputation as President of Kingston Residents Association (KRA).

The adverse effects on me as a result of Ms Wreford's comments have become obvious as I know that I have been refused as a speaker to a group who now count me as a political front. I also know KRA (through me) was bypassed by another group who wanted to ask me to stand with them on an issue but felt the notoriety experienced by KRA could be harmful to them. Whereas my phone rang daily with requests from groups and individuals I now hardly hear from anyone. So yes I know Ms Wreford's comments have successfully made people think twice before being aligned with myself as they know I am President of KRA.

She claimed we are a Labor front because we have members from the Labor Party included in our membership. We never ask anyone who they vote for at Government elections. We only ask if they are residents of the City of Kingston.

Ms Wreford states we must be Labor aligned because we discussed whether or not to invite the Federal Member to speak at our AGM. A Federal Minister takes precedence over State Ministers and our City of Kingston covers several State Areas whereas the Federal seat covers nearly our entire City. We decided against it anyway as we felt it would be more appropriate at our first AGM to hear from a resident group who have been doing what we now do for many years. Our decision was correct. Our speaker gave us insights into how to deal with politicians at all levels.

Ms Wreford stated the work we do is politically motivated. When residents approach us we never ask what political party they follow before we will help them neither do we look to see if the outcome would benefit anyone politically before responding. The requests we take on are as small as getting a no U turn for a street in Patterson Lakes to trying to get a road in Chelsea Heights upgraded as the traffic flow now makes it continuously more dangerous for pedestrians and there is a primary school and a kindergarten that use it. We successfully lobbied the Council to get the Edithvale Life Saving disabled ramp completely rebuilt after a disabled resident took a terrible fall. We have successfully lobbied Council to have a school crossing put into Eel Race Road, Carrum with the introduction of a School Crossing Attendant. We are presently speaking to Council in regard to a ramp for an elderly resident living in Bonbeach who has to manoeuvre 3 steps and her disability makes her fall and to see what safety measures can be put in place to stop cricket balls/footballs going into resident's backyards from the Bonbeach Oval.

The latest large venture for KRA is trying to get the Traders Association up and running again to give the traders some leverage with the Council.

As you can see we mainly work within the parameters of the Council speaking to Council Officers and Councillors to see if KRA can get a better outcome for their grievances.

Appendix 5 — Response by Cr Rosemary West under Standing Order 227

Ms Wreford's allegations are damaging as I have been elected to Council on a platform of bringing: 'honesty, energy and unstinting effort to my responsibilities as a councillor (and) faithful representation and fearless advocacy for residents' concerns'.

Ms Wreford alleged that I acted improperly as a City of Kingston Councillor by using ratepayers' funds to assist 'a closed shopfront for local Labor campaign activities' by making ward fund donations — which she described as 'funny money' — to the Kingston Residents Association (KRA).

Ms Wreford described me as a Kingston Labor councillor. Since I have four times been elected as an Independent candidate who has never belonged to a political party, this implies I am untruthful.

While Ms Wreford did not name me in her statement, I was easily identified from a Chelsea Mordialloc News article that named me as one of four councillors who made ward fund donations to Kingston Residents Association.

As KRA is not a 'closed shop-front for local Labor campaign activities.' I have not, as alleged by Ms Wreford, 'funnelled' Kingston 'ratepayers money' to a 'Labor front'. Nor have I provided KRA with 'funny money,' which implies something corrupt or improper about the grants I made to KRA.

As far as I know, KRA has undertaken no Labor campaign activities. I am told KRA membership is not closed. The presence of ALP members does not make KRA a 'front'.

I nominated KRA for ward fund grants to facilitate its advocacy work and achievements including: obtaining a mailbox for elderly residents at Chelsea Holiday Park; obtaining disabled parking at Chelsea Heights; making safe the disabled access to Edithvale Beach; supporting Heatherton residents with a rally against concrete crushers; supporting Edithvale, Chelsea and Dingley Village residents in VCAT cases; opposing gaming machine applications and producing a newsletter. These grants accorded with council policy and were approved by Ordinary Meetings of Council.

I now feel unable to contact my local MLA about council or constituent matters. I fear some people may believe her statements: one constituent asked whether I have ever been a member of the Labor Party. When Ms Wreford addressed my Rotary Club, I was embarrassed to be told her office had phoned to ask if I would be present.

Appendix 6 — Extract from the standing orders

227 Citizen's right of reply procedure

- (1) Where a person (the applicant) has been referred to in the House by name, or in such a way as to be readily identified, he or she can send a written submission (the submission) to the Speaker asking for an appropriate response to be incorporated into the parliamentary record.
- (2) The submission must include a claim that, as a result of the reference:
 - (a) the applicant has been adversely affected:
 - (i) in reputation; or
 - (ii) in relation to dealings or associations with others; or
 - (b) the applicant has been injured in connection with his or her occupation, trade, office or financial credit; or
 - (c) the applicant's privacy has been unreasonably invaded.
- (3) The Speaker will refer the submission to the Privileges Committee (the Committee) if the Speaker is satisfied that:
 - (a) the subject of the submission is not so obviously trivial, or the submission so frivolous, vexatious or offensive in character, as to make it inappropriate that it be considered by the Committee; and
 - (b) that it is practicable for the Committee to consider the submission under this Standing Order.
- (4) When a submission is referred, the secretary of the Committee will contact the applicant to draw his or her attention to the Committee's guidelines for preparing a brief draft statement in a correct form for incorporation.
- (5) The Committee may decide not to consider a submission referred to it if:
 - (a) it considers that the subject of the submission is not sufficiently serious; or
 - (b) it considers that the submission is frivolous, vexatious or offensive in character; or
 - (c) the submission was received more than six months after the relevant comments were made in the House and the applicant has not shown exceptional circumstances to explain the delay —and will report any such decision to the House.
- (6) If the Committee decides to consider a submission, it may hold discussions with the applicant and any member who referred to the applicant in the House.
- (7) The Committee will meet privately when considering a submission.
- (8) The Committee will not publicly release a submission, or its proceedings in relation to a submission, but may present to the House minutes of its proceedings and all or part of a submission.

- (9) In considering a submission and reporting to the House, the Committee will not consider or judge the truth of:
- (a) any statements made in the House; or
 - (b) the submission.
- (10) In its report to the House, the Committee may make either of the following recommendations:
- (a) that no further action should be taken by the House in relation to the submission; or
 - (b) that a response by the applicant, set out in the report and agreed to by the applicant and the Committee, should be published by the House or incorporated in Hansard.
- (11) The Committee will not make any other recommendations.
- (12) A document presented to the House under paragraphs (8) or (10):
- (a) in the case of a response by an applicant, will be succinct and strictly relevant to the questions in issue and will not contain anything offensive in character; and
 - (b) will not contain any matter, the publication of which would have the effect of unreasonably:
 - (i) adversely affecting or injuring a person; or
 - (ii) invading a person's privacy, in the manner referred to in paragraph (2); or
 - (iii) adding to or aggravating any such adverse effect, injury or invasion of privacy.
- (13) The Committee may agree to guidelines and procedures relating to its consideration of submissions, providing they are consistent with this Standing Order.

Ordinary Meeting of Council

27 October 2014

Agenda Item No: 12.7

NOTICE OF MOTION NO. 44/2014 - COLLINS STREET AND REMO STREET PLANS - CR WEST

Preamble

Considering that:

- 1) Council's plan involves the sale of Council-owned land to a private developer in an area where that land is urgently needed for public open space;
- 2) This breaches the provision of Council's Open Space Strategy which requires that Council-owned land be considered for public open space in areas that fall short of the 2.4 ha/1000 standard for open space provision;
- 3) There is no other opportunity to provide anywhere near adequate parkland for the rapidly growing number of residents in this part of Mentone;
- 4) The only other possible public open space in this area, as nominated in the Mentone Structure Plan, is the Mentone Bowling Club, whose members have no intention of selling or relocating to the Remo Street site and whose neighbours value it as a much-needed local recreational asset;
- 5) Even if the Bowling Club land were available as public open space, both it and the Collins Street depot land would be needed to provide for the open space needs of residents in this local area, which would still fall well below the general standard advocated in Council's open space strategy;
- 6) Council has approximately \$3 million in the Open Space Reserve for Central Ward, with more to come from the nine-storey tower now under construction on Balcombe Road which could be used to offset the expense of relocating the Council depot and remediating and converting the Collins Street depot site into parkland, instead of spending it on more expensive and less useful smaller house blocks in areas already better provided with public open space.
- 7) Council's May 2013 and September 2014 motions on Collins Street have been put to Council in camera with unseemly haste and without the opportunity to consider choices in an orderly manner;
- 8) Council made the May 2013 decision without adequate information such as the relative land sizes of Council land that might be available on Remo Street and Collins Street and the timing involved in the proposal. We now know that the land sizes are almost identical: Remo Street, including the backyard, adjacent road and vegie garden is 4349m² (see attached map) compared with 4629m² at Collins Street;
- 9) Council made the May 2013 decision in an attempt to stem the likely financial losses brought about by the failure of the previous strategy to divest the Northcliffe Lodge aged care beds and relocate residents to a new private facility in Kingston, without properly considering whether this purpose was likely to be achieved or whether it is worth the sacrifice of much needed public open space in the local area that includes Collins Street. In fact, the strategy failed: Corben House and Nixon Hostel both had four empty beds at last report which, with Northcliffe

more than half empty, leaves Council having to find \$1.3m in this year's budget and possibly more as time goes by;

- 10) It will be more beneficial to future elderly residents to be housed in a new 70-bed facility on the Mordialloc Community Nursing Home site in Remo Street next to the Mentone reserve, where they can take their elderly relatives to the park or the footy than in a three-storey, 90-120 bed institution next to the railway line in Collins Street.
- 11) Rather than proceeding with a pre-emptive and far-reaching motion to sell the Collins Street site, this community and council needs time to consider a number of important questions about our aged care services including:
 - a) whether Council should seek approval from the Committee of Management for the Mordialloc Community Nursing Home to offer to an aged care provider the Remo Street north and west of no 11 & the road reservation to renovate or redevelop the current MCNH to accommodate 70 beds as shown in the attached map (as an alternative to the proposed 90- 120-bed institution proposed for Collins Street);
 - b) whether we should seek a not-for-profit provider or go to the open market?
 - c) how to block any unintended consequences as happened with Chicquita Park, where Council supported the sale to an aged care provider with the expectation that a nursing home would be built on the site. Then as soon as the sale was settled, the aged care developer proposed a gated community of 86 units. Then when Council said no to that, the developer made a private sale (without advertising) to a housing developer.
 - d) How the benefits to the residents and to the community, the financial costs to council and feasibility of developing a new aged care facility on the Remo Street site (to be run in conjunction with Corben House) compares with the benefits, costs and feasibility of developing a new aged care facility on the Collins Street site.
- 12) Since Council's current and projected financial difficulties with the operation of MCNH, Corben House and Nixon Hostel have been in part precipitated by Commonwealth funding changes on 1 July, whether Council should request transitional assistance from the Commonwealth Government to assist with the costs of supporting residents in our existing aged care homes until the Council and community have time to consider the above questions and/or until a new or refurbished facility can be provided.

I move that Council

- 1) invites a Not-For-Profit provider to take over management of the Mordialloc Community Nursing Home and of Corben House and in time to redevelop an expanded aged care facility on the MCNH site, to be run in conjunction with Corben House (via an additional Request for Proposal process, to be run simultaneously with the RFP Council has resolved to undertake for the Collins Street site).
- 2) request transitional assistance from the Commonwealth Government to assist with the costs of supporting residents in our existing aged care homes until a new or refurbished facility can be provided.

Cr Rosemary West OAM
22 October 2014

Appendices

Appendix 1 - Aerial View - Remo St Mentone (Trim No 14/138519)

Author/s: Phil De Losa, Program Leader Governance

Reviewed and Approved By:

12.7

NOTICE OF MOTION NO. 44/2014 - COLLINS STREET AND REMO STREET PLANS - CR WEST

1	Aerial View - Remo St Mentone	511
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14. Confidential Items

14 Confidential Items

The following items were deemed by the Chief Executive Officer to be suitable for consideration in closed session in accordance with section 89 (2) of the Local Government Act 1989. In accordance with that Act, Council may resolve to consider these issues in open or closed session.

14.1 Victory Road Clarinda Landfill

Agenda item 14.1 *Victory Road Clarinda Landfill* is designated confidential as it relates to contractual matters (s89 2d)

Confidential Appendices

10.1 Bayside Avenue, Edithvale - Road Reconstruction Tender Report

Appendix 1, 14105 Bayside Avenue Road Reconstruction Evaluation Matrix.xls is designated confidential as it relates to (s89 2d)

11.1 CEO Performance Criteria and Re-appointment

Appendix 1, CEO Performance Criteria - Councillor Form is designated confidential as it relates to (s89 2a)

11.1 CEO Performance Criteria and Re-appointment

Appendix 2, CEO Performance Criteria - Review Form Staff is designated confidential as it relates to (s89 2a)

11.1 CEO Performance Criteria and Re-appointment

Appendix 3, Draft CEO Contract is designated confidential as it relates to (s89 2a)

11.1 CEO Performance Criteria and Re-appointment

Appendix 4, Maddocks - Kingston CEO Contract Letter is designated confidential as it relates to (s89 2a)

RECOMMENDATION

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

14.1 Victory Road Clarinda Landfill

This agenda item is confidential in accordance with the Local Government Act s89(2) as it relates to contractual matters (s89 2d)

Confidential Appendices

10.1 Bayside Avenue, Edithvale - Road Reconstruction Tender Report Appendix 1, 14105 Bayside Avenue Road Reconstruction Evaluation Matrix.xls

This appendix is confidential in accordance with the Local Government Act s89(2) as it relates to (s89 2d)

- 11.1 CEO Performance Criteria and Re-appointment**
Appendix 1, CEO Performance Criteria - Councillor Form
This appendix is confidential in accordance with the Local Government Act s89(2) as it relates to (s89 2a)
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This appendix is confidential in accordance with the Local Government Act s89(2) as it relates to (s89 2a)