

Agenda

Ordinary Meeting of Council

Monday, 26th November 2018

Commencing at 7.00pm

Council Chamber
1230 Nepean Highway, Cheltenham

kingston.vic.gov.au

John Nevins
Chief Executive Officer
Kingston City Council

community inspired leadership



City of
KINGSTON

**City of Kingston
Ordinary Meeting of Council**

Agenda

26 November 2018

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, 26 November 2018.

1. Apologies

2. Confirmation of Minutes of Previous Meetings

Minutes of Ordinary Council Meeting 22 October 2018

Minutes of Special (Statutory) Council Meeting 14 November 2018

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

Proposed Bus Stop - Warren Road Parkdale

5. Presentation of Awards

Chelsea SES

6. Reports from Delegates Appointed by Council to Various Organisations

7. Question Time

8. Planning and Development Reports

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10.1	Barkly Street (McDonald Street to Chute Street), Mordialloc - Road Reconstruction	
	Appendix 1 17143 - Tender Evaluation Matrix	

Explanation of Meeting Procedure



Meeting Procedure is Regulated by Local Law

The procedures for this Ordinary Meeting of Council are regulated by Council's Meeting Procedures Local Law.

Chairperson

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

Agenda

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

Motions

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

Voting

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

Amendments

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

Speaking at the Meeting

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

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

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

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Explanation of Meeting Procedure

Questions

Members of the public present at the meeting may put questions in writing to Council which will be dealt with during Question Time. The Question Box is located in the foyer. Questions must be placed in the Question Box by 7.30pm. You don't have to be a resident to ask a question.

Questions are to be 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, the question/s may be answered in writing at the direction of the Chairperson subsequent to the meeting.

Questions will be answered in the Council Chamber only if the questioner is present in the gallery. Where a questioner is not present, a response will be provided in writing.

Individual members of the public are permitted to ask a maximum of three (3) questions.

Confidential Business

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

Courtesy to the Mayor

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

Emergency Evacuation of Chamber

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

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

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

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

Explanation of Meeting Procedure

Do You Have a Hearing Difficulty?

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

Language Line



Recording of Meetings

Council Meetings are recorded and streamed live on the internet.

Recordings are archived and available on Council's website www.kingston.vic.gov.au.

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

8. Planning and Development Reports

Ordinary Meeting of Council

26 November 2018

Agenda Item No: 8.1

TOWN PLANNING APPLICATION DECISIONS - OCTOBER 2018

Contact Officer: Carly De Mamiel, Senior Customer Liaison and Administration Officer

Town Planning Application Decisions – October 2018

Approved By: Jonathan Guttmann - General Manager, Planning & Development

Author: Ian Nice – Manager, City Development

Attached for information is the report of Town Planning Decisions for the month of October, 2018.

A summary of the decisions is as follows:

Type of Decision	Number of Decisions Made	Percentage (%)
Planning Permits	134	77
Notice of Decision	22	12
Refusal to Grant a Permit	8	5
Other - Withdrawn (5) - Prohibited (0) - Permit not required (2) - Lapsed (4) - Failure to Determine (0)	11	6
Total	175	100

(NB: Percentage figures have been rounded)

OFFICER RECOMMENDATION

That the report be noted.

Appendices

Appendix 1 - Town Planning Application Decisions October 2018 (Ref 18/589108) [↓](#)

Author/s: Carly De Mamiel, Senior Customer Liaison and Administration Officer

Reviewed and Approved By: Naomi Crowe, Team Leader City Development Administration
Ian Nice, Manager City Development

8.1

TOWN PLANNING APPLICATION DECISIONS - OCTOBER 2018

1	Town Planning Application Decisions October 2018	9
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Planning Decisions October, 2018							
APPL. No.	PROPERTY ADDRESS	SUBURB	APPL. DATE	DATE DECIDED	PROPOSAL DESCRIPTION	DECISION	VCAT DECISION
KP-2017/862	210-218 Boundary Road	BRAESIDE	3/11/2017	1/10/2018	Develop the land for the construction of warehouses, use and develop the land for offices, in a Land Subject to Inundation Overlay, an associated reduction of the car parking requirements, and create access to a Road Zone Category 1	Permit Issued	No
KP-2018/270	5 Genoa Avenue	BONBEACH	13/04/2018	1/10/2018	Develop the land for the construction of four (4) dwellings	Notice of Decision	No
KP-2017/207	2 78 Voltri Street	MENTONE	14/03/2017	1/10/2018	Develop the land for the construction of alterations and additions to the existing factory	Refused	No
KP-2018/771	25 Waratah Avenue	MORDIALLOC	20/09/2018	1/10/2018	Construction of one (1) dwelling on land within a Special Building Overlay	Permit Issued	No
KP-2017/832	75 Bay Trail	MENTONE	27/10/2017	2/10/2018	Removal of native vegetation and alter access to a Road Zone, Category 1	Permit Issued	Yes
KP-2018/780	3 Mount View Road	HIGHETT	26/09/2018	2/10/2018	Subdivide the Land into Two (2) Lots	Permit Issued	No
KP-2018/167	37 Patterson Street	BONBEACH	8/03/2018	2/10/2018	Subdivide the Land into Ten (10) Lots	Permit Issued	No
KP-2018/766	82 Herald Street	CHELTENHAM	19/09/2018	2/10/2018	Alterations to the front facade of the existing building.	Permit Issued	No
KP-2018/774	67A Blantyre Avenue	CHELSEA	12/09/2018	2/10/2018	Construct a verandah in the rear garden	Permit Issued	No
KP-2018/392	Shop 2002-2003W 1156 Nepean Highway	CHELTENHAM	24/05/2018	2/10/2018	Use of the land for the sale and consumption of liquor in conjunction with cafe/restaurant	Permit Issued	No

Planning Decisions October, 2018							
APPL. No.	PROPERTY ADDRESS	SUBURB	APPL. DATE	DATE DECIDED	PROPOSAL DESCRIPTION	DECISION	VCAT DECISION
KP-2018/574	3 150-156 Chesterville Road	CHELTENHAM	17/07/2018	2/10/2018	The use of a restricted recreation facility	Notice of Decision	No
KP-2018/621	1 32 Houston Street	MENTONE	31/07/2018	2/10/2018	Develop the land for the construction of buildings and works to an existing dwelling	Permit Issued	No
KP-2018/785	1 47 Chute Street	MORDIALLOC	24/09/2018	2/10/2018	Replace current front fence with aluminium slat fence.	Permit Issued	No
KP-2018/489	55 Sylvander Street	CLAYTON SOUTH	21/06/2018	2/10/2018	Develop the land for the construction of two (2) side-by-side double storey dwellings	Permit Issued	No
KP-2017/1016	18A James Street	CLAYTON SOUTH	27/12/2017	3/10/2018	Use the land for Motor Vehicle sales (rental only) in conjunction with a Motor Repair Workshop and a reduction in the car parking requirement pursuant to Clause 52.06 of the Kingston Planning Scheme	Permit Issued	No
KP-2017/42	222 Centre Dandenong Road	DINGLEY VILLAGE	25/01/2017	3/10/2018	Develop the land for the construction of two (2) double storey dwellings with associated works	Refused	No
KP-2017/994/A	9 Bay Street	PARKDALE	3/09/2018	3/10/2018	Develop the land for the construction of three (3) double storey dwellings, on land subject to the Design and Development Overlay (Schedule 1)	Permit Issued	No
KP-2000/787/A	2A Crown Road	BONBEACH	30/07/2018	3/10/2018	Amend the endorsed plans to allow for an extension of the front fence	Permit Issued	No

Planning Decisions October, 2018							
APPL. No.	PROPERTY ADDRESS	SUBURB	APPL. DATE	DATE DECIDED	PROPOSAL DESCRIPTION	DECISION	VCAT DECISION
KP-2017/907	9 Elliot Street	PARKDALE	24/11/2017	4/10/2018	Develop the land for the construction of three (3) dwellings on land within a Special Building Overlay	Permit Issued	No
KP-2014/687/A	11 Turner Road	HIGHETT	4/04/2018	4/10/2018	Amending the ground floor layout of townhouse 1 and 3 and addition of a first floor to townhouse 3	Notice of Decision	No
KP-2018/796	19 Vialls Avenue	PARKDALE	1/10/2018	4/10/2018	Subdivide the Land into Two (2) Lots	Permit Issued	No
KP-2018/658	22 Bemboka Avenue	CLAYTON SOUTH	16/08/2018	4/10/2018	Develop the Land for the Construction of two (2) Dwellings	Withdrawn	No
KP-1998/424/B	11A Mena Avenue	CHELTENHAM	5/04/2018	4/10/2018	Extending one dwelling at the ground floor of 11B Mena Avenue, including the removal of title restriction PS419908K (relating to building envelope)	Permit Issued	No
KP-2018/646	Shop 10E 1239-1241 Nepean Highway	CHELTENHAM	9/08/2018	4/10/2018	Develop the land for facade alterations including new BIG W Logo sign, display screen, ACM cladding to the shop front, and a new block wall for an existing shop	Permit Issued	No
KP-2018/64	2A Latrobe Street	MENTONE	30/01/2018	5/10/2018	The development of three (3) dwellings	Notice of Decision	No
KP-2018/383	1 Houston Street	MENTONE	22/05/2018	5/10/2018	Develop the land for the construction of one (1) dwelling to the rear of an existing & alterations to the existing dwelling	Permit Issued	No
KP-2018/291	9 Saunders Street	CLAYTON SOUTH	18/04/2018	5/10/2018	Develop the land for the construction of three (3) double storey dwellings	Notice of Decision	No

Planning Decisions October, 2018							
APPL. No.	PROPERTY ADDRESS	SUBURB	APPL. DATE	DATE DECIDED	PROPOSAL DESCRIPTION	DECISION	VCAT DECISION
KP-2018/408	2 Harding Avenue	BONBEACH	25/05/2018	5/10/2018	Develop the land for the construction of a double storey dwelling to the rear of an existing dwelling	Lapsed	No
KP-2018/426	1 19 Fraser Avenue	EDITHVALE	29/05/2018	5/10/2018	Construction of a second storey to the existing dwelling on a lot less than 300m2	Lapsed	No
KP-2016/1007	22 Clare Street	PARKDALE	5/12/2016	8/10/2018	Development of the land for the construction of two double storey dwellings and one single storey dwelling in a General Residential Zone Schedule 3; and Construction of buildings and works within the specified Tree Protection Radius/Zone of a significant tree specified in the table to the Environme	Permit Issued	Yes
KP-2018/614	1228 Nepean Highway	CHELtenham	26/07/2018	8/10/2018	Installation of internally illuminated sign	Permit Issued	No
KP-2018/717	88 Chesterville Road	CHELtenham	6/09/2018	8/10/2018	Develop the land for construction of outdoor courtyard area and a reduction in the car parking requirement	Permit Issued	No
KP-2018/202	33 Eileen Road	CLAYTON SOUTH	20/03/2018	8/10/2018	Develop the land for the construction of a warehouse with a variation to the car parking requirements	Permit Issued	No
KP-2017/792	123 Station Street	ASPENDALE	12/10/2017	8/10/2018	Develop the land for the construction of two (2) dwellings	Permit Issued	No
KP-2018/572	16 Elora Road	OAKLEIGH SOUTH	16/07/2018	9/10/2018	Develop the land for construction of two (2) double storey dwellings	Lapsed	No

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Planning Decisions October, 2018							
APPL. No.	PROPERTY ADDRESS	SUBURB	APPL. DATE	DATE DECIDED	PROPOSAL DESCRIPTION	DECISION	VCAT DECISION
KP-2015/292/B	107 Wells Road	CHELSEA HEIGHTS	30/08/2018	9/10/2018	Use and develop the land for the construction of warehouses and retail and ancillary office, reduction in the car parking requirements and creation of access to a Road Zone Category 1	Permit Issued	No
KP-2017/868	435 Main Street	MORDIALLOC	9/11/2017	9/10/2018	Develop the land for the construction of five (5) three storey dwellings in the Design and Development Overlay (Schedule 10); reduce the visitor car parking requirements under Clause 52.06 (Car Parking) of the Kingston Planning Scheme and create/alter access to a road in a Road Zone Category 1	Refused	No
KP-2018/169	4 Broadway	BONBEACH	7/03/2018	9/10/2018	Develop the land for the construction of a single storey dwelling to the rear of an existing, and buildings and works associated with the existing dwelling	Notice of Decision	No
KP-2017/105/A	26 Mount View Avenue	PARKDALE	1/08/2018	9/10/2018	Amend KP-2017/105 by removing Mulberry tree and deleting conditions 1.K, 1.M and 1.N	Permit Issued	No
KP-2018/278	20 Barilla Road	MOORABBIN	16/04/2018	10/10/2018	Develop the land for the construction of Two (2) double storey dwellings	Permit Issued	No
KP-2016/822/A	1030 Nepean Highway	MOORABBIN	13/03/2018	10/10/2018	KP-2016/822 by altering ground and first floor footprint of both dwellings and materials schedule	Permit Issued	No

Planning Decisions October, 2018							
APPL. No.	PROPERTY ADDRESS	SUBURB	APPL. DATE	DATE DECIDED	PROPOSAL DESCRIPTION	DECISION	VCAT DECISION
KP-2017/199	415-416 Station Street	BONBEACH	16/03/2017	10/10/2018	Develop the land for the construction of four (4) double-storey dwellings	Permit Issued	No
KP-2018/464	3 Alden Court	CHELTENHAM	13/06/2018	10/10/2018	Develop the land for the construction of two (2) side-by-side double storey dwellings	Permit Issued	No
KP-2018/123	162 Cochranes Road	MOORABBIN	19/02/2018	10/10/2018	To construct buildings and works on the site (car wash)	Permit Issued	No
KP-2018/437	1 263-271 Wells Road	CHELSEA HEIGHTS	1/06/2018	10/10/2018	Use the land as an indoor recreational facility and for the installation of major promotional signage	Permit Issued	No
KP-2018/171	40 Ireland Road	CLAYTON SOUTH	8/03/2018	10/10/2018	Develop the land for the construction of three (3) double storey dwellings	Permit Issued	No
KP-2018/195	34 Henry Street	HIGHETT	16/03/2018	11/10/2018	Develop the land for the construction of two (2) dwellings which exceed the maximum building height requirement pertaining to Schedule 12 of the Design and Development Overlay	Notice of Decision	No
KP-2018/770	68-70 Fairbank Road	CLAYTON SOUTH	24/09/2018	11/10/2018	Change of use for car sales	Permit Issued	No
KP-2018/351	72 Keith Street	PARKDALE	11/05/2018	12/10/2018	Develop the land for the construction of two (2) side-by-side double storey dwellings	Permit Issued	No
KP-2017/983	86 Albert Street	MORDIALLOC	18/12/2017	12/10/2018	Develop the land for the construction of five (5) dwellings with basement car parking and associated works	Notice of Decision	No

Planning Decisions October, 2018							
APPL. No.	PROPERTY ADDRESS	SUBURB	APPL. DATE	DATE DECIDED	PROPOSAL DESCRIPTION	DECISION	VCAT DECISION
KP-2016/199/A	20 Bethell Avenue	PARKDALE	8/08/2018	12/10/2018	Develop the land for the construction of one (1) dwelling on land within a Special Building Overlay	Permit Issued	No
KP-2018/755	16 Embankment Grove	CHELSEA	18/09/2018	12/10/2018	The subdivision of land into three (3) lots	Permit Issued	No
KP-2017/928	138 Fairbank Road	CLAYTON SOUTH	30/11/2017	12/10/2018	Develop the land for the construction of 24 warehouses and use the land for a food and drinks premises, a reduction to the car parking in land subject to Special Building Overlay	Permit Issued	No
KP-2018/751	41 74-76 Gladesville Boulevard	PATTERSON LAKES	17/09/2018	12/10/2018	The development of a dwelling extension on a lot less than 300 square metres	Permit Issued	No
KP-2018/792	175 Beach Road	PARKDALE	1/10/2018	12/10/2018	The subdivision of land into two (2) lots	Permit Issued	No
KP-2018/710	47 Grange Road	CHELTENHAM	5/09/2018	12/10/2018	Subdivide the Land into Thirteen (13) Lots	Permit Issued	No
KP-2014/818/A	4 Gladstone Avenue	ASPENDALE	15/02/2018	15/10/2018	Develop the land for the construction of one (1) dwelling and a reduction of the car parking requirement	Refused	No
KP-2018/619	32 The Boulevard	PATTERSON LAKES	30/07/2018	15/10/2018	Buildings and work to an existing dwelling on a lot less than 300m2	Withdrawn	No
KP-2018/797	Wells Road	CHELSEA HEIGHTS	1/10/2018	15/10/2018	Develop the land for the construction of two (2) internally illuminated promotion signs - Bus Stop No. 11528	Permit Issued	No

Planning Decisions October, 2018							
APPL. No.	PROPERTY ADDRESS	SUBURB	APPL. DATE	DATE DECIDED	PROPOSAL DESCRIPTION	DECISION	VCAT DECISION
KP-2018/728	24 Bethell Avenue	PARKDALE	7/09/2018	15/10/2018	Develop the land for the construction of dwelling extension in a Special Building Overlay	Permit Issued	No
KP-2018/810	6 144-148 Wells Road	ASPENDALE GARDENS	8/10/2018	16/10/2018	Develop the land for construction of a swim spa and safety barriers	Permit Not Required	No
KP-2018/396	34 Second Street	CLAYTON SOUTH	24/05/2018	16/10/2018	Develop the land for the construction of two (2) double storey dwellings	Permit Issued	No
KP-2017/663	178-184 Boundary Road	BRAESIDE	23/08/2017	16/10/2018	Develop the land for the display of an animated major promotion sign	Permit Issued	No
KP-2018/610	1A Ninth Avenue	CHELSEA HEIGHTS	26/07/2018	16/10/2018	Alterations to an existing dwelling on a lot less than 300m2	Lapsed	No
KP-2017/804	95 Nepean Highway	MENTONE	17/10/2017	16/10/2018	Develop the land for the construction of three (3) double storey Dwellings and to create and alter access to land adjacent to a Road Zone Category 1	Permit Issued	No
KP-2018/251	2 Lehem Avenue	OAKLEIGH SOUTH	10/04/2018	17/10/2018	Subdivide the land into three (3) lots	Permit Issued	No
KP-2018/227	100 Lochiel Avenue	EDITHVALE	26/03/2018	17/10/2018	The development of two (2) dwellings on land affected by a Special Building Overlay	Notice of Decision	No
KP-2018/96	1 24 Oakes Avenue	CLAYTON SOUTH	12/02/2018	17/10/2018	Subdivide the Land into Four (4) Lots	Permit Issued	No
KP-2018/543	1 12 Matthieson Street	HIGHETT	9/07/2018	17/10/2018	Extension of a dwelling on a lot less than 300 square metres	Permit Issued	No

Planning Decisions October, 2018							
APPL. No.	PROPERTY ADDRESS	SUBURB	APPL. DATE	DATE DECIDED	PROPOSAL DESCRIPTION	DECISION	VCAT DECISION
KP-2018/641	Shop 7W 1156 Nepean Highway	CHELTENHAM	8/08/2018	18/10/2018	Use of the land for the sale and consumption of liquor as an ancillary use to the shop and application for internally illuminated advertising signage	Permit Issued	No
KP-2018/696	19 Seaview Court	CHELSEA HEIGHTS	30/08/2018	18/10/2018	Develop the land for the construction of one (1) double storey dwelling in a Land Subject to Inundation Overlay	Permit Issued	No
KP-2016/134	179-217 Centre Dandenong Road	DINGLEY VILLAGE	3/03/2016	18/10/2018	Subdivide the land, construct buildings and works including dwellings on lots less than 300sqm, alterations to land adjacent to Road Zone, Category 1 and removal of native vegetation	Permit Not Required	No
KP-2018/693	5 10 Broadway	BONBEACH	29/08/2018	18/10/2018	Development of dwelling additions and alterations	Permit Issued	No
KP-2018/782	15 Sullivan Street	MOORABBIN	26/09/2018	18/10/2018	Subdivide the Land into Ten (10) Lots	Permit Issued	No
KP-2018/832	25 Chapel Road	MOORABBIN	15/10/2018	18/10/2018	Subdivide the Land into Two (2) Lots	Permit Issued	No
KP-2017/131	7 Deals Road	CLAYTON SOUTH	23/02/2017	18/10/2018	Use and development of the land as a Residential Transfer Station	Notice of Decision	No
KP-2011/767/A	13 Shipston Road	CHELTENHAM	28/06/2018	19/10/2018	Develop the land for the construction of a dwelling extension in a Special Building Overlay	Permit Issued	No
KP-2018/452	532 Clayton Road	CLAYTON SOUTH	7/06/2018	19/10/2018	Develop the land for the construction of car parking areas and a covered walkway in a Special Building Overlay and to alter access in a road in a Road Zone Category 1	Permit Issued	No

Planning Decisions October, 2018							
APPL. No.	PROPERTY ADDRESS	SUBURB	APPL. DATE	DATE DECIDED	PROPOSAL DESCRIPTION	DECISION	VCAT DECISION
KP-2018/301	26 Elora Road	OAKLEIGH SOUTH	24/04/2018	19/10/2018	Develop the land for the construction of a double storey dwelling to the rear of an existing dwelling	Permit Issued	No
KP-2018/359	13 Bond Street	CLAYTON SOUTH	14/05/2018	19/10/2018	Develop the land for the construction of two (2) dwellings	Permit Issued	No
KP-2018/469	145 Nepean Highway	ASPENDALE	13/06/2018	19/10/2018	Use the land for the sale and consumption of liquor	Permit Issued	No
KP-2018/285	5 Higham Street	CHELtenham	18/04/2018	19/10/2018	Develop the land for the construction of two (2) dwellings	Notice of Decision	No
KP-2017/479	2 95-97 White Street	MORDIALLOC	23/06/2017	19/10/2018	The development of alterations and additions to construct one (1) dwelling	Permit Issued	No
KP-2016/957	6 Fairbank Road	CLAYTON SOUTH	17/11/2016	19/10/2018	Development of three (3) dwellings	Permit Issued	No
KP-2018/742	2 Mentone Parade	MENTONE	12/09/2018	19/10/2018	Develop the land for refurbishment and addition to the existing boardroom	Permit Issued	No
KP-2012/751/B	29 Grange Road	CHELtenham	11/09/2018	19/10/2018	Develop the land for the construction of buildings and works for the use of an office building associated with the existing warehouse complex and the display of internally-illuminated & pylon signage in a Special Building Overlay	Permit Issued	No
KP-2018/512	50 Kubis Avenue	ASPENDALE	28/06/2018	19/10/2018	The development of two (2) double storey dwellings (side by side)	Permit Issued	No
KP-2018/375	5 Irene Court	CHELSEA	17/05/2018	19/10/2018	Develop the land for the construction of two (2) double storey dwellings	Notice of Decision	No

Planning Decisions October, 2018							
APPL. No.	PROPERTY ADDRESS	SUBURB	APPL. DATE	DATE DECIDED	PROPOSAL DESCRIPTION	DECISION	VCAT DECISION
KP-2018/344	4 Stanley Avenue	CHELTENHAM	8/05/2018	19/10/2018	Develop the land for the construction of a three (3) storey building comprising seven (7) dwellings	Refused	No
KP-2018/630	33 The Boulevard	PATTERSON LAKES	2/08/2018	19/10/2018	Extension to existing dwelling on a lot less than 300m ² .	Permit Issued	No
KP-2018/18	Showroom Ground 48 Station Road	CHELTENHAM	8/01/2018	22/10/2018	Develop the land for the construction of a five (5) storey building in a Special Building Overlay comprising 18 dwellings and use of the land for retail	Refused	No
KP-2018/523	32-64 Linton Street	MOORABBIN	3/07/2018	22/10/2018	Buildings and works in a Special Building Overlay, in association with a minor sports and recreation facility and restricted place of assembly and to provide car parking to the satisfaction of the Responsible Authority	Permit Issued	No
KP-2016/222	5 Chesterville Road	CHELTENHAM	30/03/2016	22/10/2018	Development of the land for the construction of an eight (8) storey mixed use building containing up to thirty-six (36) dwellings, one (1) office and alter access to a Road Zone, Category 1	Notice of Decision	No
KP-2018/800	3 6-12 Mills Street	CHELTENHAM	4/10/2018	22/10/2018	Building and works associated with mezzanine floor level. A reduction in the required car parking spaces from nine to two car spaces	Permit Issued	No

Planning Decisions October, 2018							
APPL. No.	PROPERTY ADDRESS	SUBURB	APPL. DATE	DATE DECIDED	PROPOSAL DESCRIPTION	DECISION	VCAT DECISION
KP-2018/205	248-254 Osborne Avenue	CLAYTON SOUTH	21/03/2018	22/10/2018	Use and develop the land for Industry (Concrete batching plant) in a Special Building Overlay and create/alter access to a Road Zone Category 1	Refused	No
KP-2018/715	38 Farm Road	CHELTENHAM	6/09/2018	22/10/2018	Subdivide the Land into Two (2) Lots	Permit Issued	No
KP-2018/513	4 Bayliss Street	CHELTENHAM	2/07/2018	22/10/2018	Develop the land for the construction of two (2) dwellings	Notice of Decision	No
KP-2018/720	21 Long Street	MENTONE	5/09/2018	23/10/2018	Use the land as an education Centre on weekends	Withdrawn	No
KP-2018/735	1317A Nepean Highway	CHELTENHAM	12/09/2018	23/10/2018	Subdivide the Land into Seven (7) Lots	Permit Issued	No
KP-2001/139/A	26A Robert Street	PARKDALE	30/07/2018	23/10/2018	Develop the site for two (2) dwellings	Permit Issued	No
KP-2011/248/A	282-290 Lower Dandenong Road	MORDIALLOC	10/09/2018	23/10/2018	FACTORY AND OFFICE DEVELOPMENT WITH REDUCED CARPARKING	Permit Issued	No
KP-2002/265/B	146-150 Woodlands Drive	BRAESIDE	26/07/2018	23/10/2018	WAREHOUSE/OFFICE/REDUCTION IN CAR PARKING REQUIREMENTS	Permit Issued	No
KP-2017/478	5 Cobham Street	CHELTENHAM	22/06/2017	23/10/2018	Develop the land for the construction of two (2) Dwellings	Permit Issued	No
KP-2018/831	1 Robyn Court	OAKLEIGH SOUTH	11/10/2018	23/10/2018	Proposed granny flat and deck with spa	Withdrawn	No
KP-2018/844	5 Margaret Street	MOORABBIN	19/10/2018	24/10/2018	Subdivide the Land into Two (2) Lots	Permit Issued	No
KP-2017/417	9 Ireland Road	CLAYTON SOUTH	5/06/2017	24/10/2018	Develop the land for the construction of two (2) Dwellings	Permit Issued	No

Planning Decisions October, 2018							
APPL. No.	PROPERTY ADDRESS	SUBURB	APPL. DATE	DATE DECIDED	PROPOSAL DESCRIPTION	DECISION	VCAT DECISION
KP-2017/137	3 Roseberry Avenue	CHELSEA	24/02/2017	24/10/2018	Develop the land for the construction of one (1) dwelling to the rear of the existing	Permit Issued	No
KP-2017/437	1 Janice Avenue	CHELTENHAM	9/06/2017	24/10/2018	Construction of three (3) double storey dwellings	Permit Issued	Yes
KP-2017/316	37 Edithvale Road	EDITHVALE	27/04/2017	24/10/2018	Develop the land for the construction of three (3) dwellings on a lot	Permit Issued	Yes
KP-2018/141	3 Ivy Street	PARKDALE	1/03/2018	24/10/2018	Develop the land for the construction of two (2) double storey attached dwellings	Permit Issued	No
KP-2018/213	11 Broome Avenue	MENTONE	20/03/2018	24/10/2018	The development of two (2) dwellings	Permit Issued	No
KP-2018/307	1 Riviera Street	MENTONE	26/04/2018	24/10/2018	The development of a double storey dwelling, and buildings and works associated with the existing dwelling	Notice of Decision	No
KP-2018/627	88-94 Como Parade West	MENTONE	1/08/2018	24/10/2018	Construction of an extension to an existing storage shed for a section 2 use in the General Residential Zone	Permit Issued	No
KP-2018/415	1408-1418 Centre Road	CLAYTON SOUTH	28/05/2018	25/10/2018	Develop the land for the construction of a seven (7) storey building and a nine (9) storey building, comprising one hundred and sixty three (163) dwellings and two (2) townhouses, to alter access to a Road Zone Category 1 and associated car parking reduction	Notice of Decision	No
KP-2017/276	10 Winsome Street	MENTONE	18/04/2017	25/10/2018	Develop the land for the construction of Three (3) Double Storey Dwellings	Permit Issued	No

Planning Decisions October, 2018							
APPL. No.	PROPERTY ADDRESS	SUBURB	APPL. DATE	DATE DECIDED	PROPOSAL DESCRIPTION	DECISION	VCAT DECISION
KP-2018/805	5 Breeze Street	BONBEACH	5/10/2018	25/10/2018	Subdivide the Land into Two (2) Lots	Permit Issued	No
KP-2018/855	312 Nepean Highway	PARKDALE	23/10/2018	25/10/2018	Subdivide the Land into Two (2) Lots	Permit Issued	No
KP-2018/342	7 Wren Road	MOORABBIN	4/05/2018	25/10/2018	Develop the land for the construction of an extension to the existing building within a Heritage Overlay	Permit Issued	No
KP-2018/420	16 Barilla Road	MOORABBIN	28/05/2018	25/10/2018	The development of a second dwelling, the subdivision of land into two (2) lots, and associated buildings and works	Permit Issued	No
KP-2017/730	19 Imes Street	PARKDALE	15/09/2017	26/10/2018	Develop the land for the construction of three (3) dwellings with associated works	Notice of Decision	No
KP-2018/822	319 Warrigal Road	CHELTENHAM	4/10/2018	26/10/2018	Buildings and works for four (4) warehouses	Permit Issued	No
KP-2018/269	6 Elm Grove	PARKDALE	12/04/2018	26/10/2018	Develop the land for the construction of three (3) double storey dwellings	Permit Issued	No
KP-2018/282	630-632 Warrigal Road	OAKLEIGH SOUTH	17/04/2018	26/10/2018	Use and develop the land for a Child care centre and alter access to a Road Zone Category 1	Permit Issued	No
KP-2018/496	238 Centre Dandenong Road	CHELTENHAM	20/06/2018	26/10/2018	Use and develop the land for a child care centre and signage	Permit Issued	No
KP-2018/347	1 Swinden Avenue	CHELTENHAM	10/05/2018	29/10/2018	Subdivide the land into two (2) lots	Permit Issued	No
KP-2018/265	101 Springs Road	CLAYTON SOUTH	10/04/2018	29/10/2018	Use the site as a medical centre with associated buildings and works, and the display of advertising signage	Notice of Decision	No

Planning Decisions October, 2018							
APPL. No.	PROPERTY ADDRESS	SUBURB	APPL. DATE	DATE DECIDED	PROPOSAL DESCRIPTION	DECISION	VCAT DECISION
KP-2018/182	1 Natal Avenue	EDITHVALE	14/03/2018	29/10/2018	Develop the land for the construction of two (2) dwellings	Notice of Decision	No
KP-2018/211	7 Maude Street	CHELtenham	21/03/2018	29/10/2018	Develop the land for the construction of a four (4) storey building consisting of 34 apartments	Permit Issued	No
KP-2018/163	39 Bradshaw Street	MORDIALLOC	6/03/2018	29/10/2018	Develop the land for the construction of two (2) double storey dwellings	Notice of Decision	No
KP-2018/624	15 Ti-Tree Grove East	PARKDALE	31/07/2018	29/10/2018	The development of two (2) double storey dwellings	Permit Issued	No
KP-2018/178	7 Ashmore Avenue	MORDIALLOC	9/03/2018	29/10/2018	Develop the land for the construction of two (2) double storey dwellings	Permit Issued	No
KP-2007/311/A	18 Bruthen Street	MOORABBIN	24/07/2018	30/10/2018	The development of alterations and additions in a Special Building Overlay	Permit Issued	No
KP-2018/355	1 6-12 Mills Street	CHELtenham	14/05/2018	30/10/2018	The use the land for a Restricted Place of Assembly, the sale and consumption of liquor and reduction in the car parking requirements	Permit Issued	No
KP-2016/4/A	70 Kinross Avenue	EDITHVALE	7/06/2018	30/10/2018	Develop the land for additions to the existing dwelling and the construction of one additional dwelling	Permit Issued	No
KP-2018/753	23 Brixton Street	BONBEACH	18/09/2018	30/10/2018	The subdivision of land into three (3) lots	Permit Issued	No
KP-2018/276	1144 Nepean Highway	HIGHETT	16/04/2018	30/10/2018	Subdivide the Land into One Hundred and Fifty-four (154) Lots and to vary and remove easements	Permit Issued	No

Planning Decisions October, 2018							
APPL. No.	PROPERTY ADDRESS	SUBURB	APPL. DATE	DATE DECIDED	PROPOSAL DESCRIPTION	DECISION	VCAT DECISION
KP-1985/2482/A	128-130 Beach Road	PARKDALE	17/08/2017	30/10/2018	Develop the land for the construction of buildings and works comprising the conversion of an existing spa room into an office and extension of the residential building into common property	Permit Issued	Yes
KP-2018/565	53 Crawford Road	CLARINDA	12/07/2018	30/10/2018	Develop the land for the construction of one (1) double storey dwelling to the rear of an existing dwelling	Permit Issued	No
KP-2018/626	170 Centre Dandenong Road	CHELTENHAM	1/08/2018	30/10/2018	The development of two (2) double storey dwellings	Notice of Decision	No
KP-2018/811	8-18 James Street	CLAYTON SOUTH	8/10/2018	30/10/2018	Subdivide the Land into Ten (10) Lots	Permit Issued	No
KP-2018/781	210-218 Boundary Road	BRAESIDE	26/09/2018	30/10/2018	Removal of Easement	Permit Issued	No
KP-2018/851	26 Deepwater Drive	WATERWAYS	19/10/2018	30/10/2018	Develop the land for the construction of one (1) dwelling	Permit Issued	No
KP-2015/946/A	2 Anchor Street	ASPENDALE	27/03/2018	30/10/2018	Develop the land for the construction of (2) two dwellings (new double storey dwelling to the rear of the existing dwelling)	Permit Issued	No
KP-1997/830/A	74A Flinders Street	MENTONE	19/09/2018	30/10/2018	Develop and use the land for a dual occupancy	Permit Issued	No
KP-2018/589	3 6 Mac Crescent	PARKDALE	20/07/2018	30/10/2018	Develop the land for the construction of a first floor addition	Permit Issued	No
KP-2018/775	3 3 Edsall Street	HIGHETT	24/09/2018	30/10/2018	Develop the land for a veranda to the rear of existing dwelling	Withdrawn	No

Planning Decisions October, 2018							
APPL. No.	PROPERTY ADDRESS	SUBURB	APPL. DATE	DATE DECIDED	PROPOSAL DESCRIPTION	DECISION	VCAT DECISION
KP-2016/251/A	Unit 4 92 Latrobe Street	MENTONE	12/07/2018	30/10/2018	Four two storey dwellings.	Permit Issued	No
KP-2018/635	42 Sixth Street	PARKDALE	6/08/2018	30/10/2018	Develop the Land for the Construction of two (2) side-by-side Dwellings and the subdivision of the land into two (2) lots	Permit Issued	No
KP-2017/225	451 Station Street	BONBEACH	24/03/2017	30/10/2018	The construction of two (2) or more dwellings on a lot, in a General Residential Zone 2	Permit Issued	Yes
KP-2018/783	3 Wordsworth Avenue	CLAYTON SOUTH	26/09/2018	31/10/2018	The subdivision of land into three (3) lots	Permit Issued	No
KP-2018/768	58 Northcliffe Road	EDITHVALE	20/09/2018	31/10/2018	Develop the Land for the Construction of Two (2) Double Storey Dwellings	Notice of Decision	No
KP-2016/1055/A	254-258 Chesterville Road	MOORABBIN	27/08/2018	31/10/2018	Use and development of the land for office, food and drink premises (cafe) /convenience shop, restricted retail, restaurant and retail (market), for the display of advertising signage and a reduction in the car parking requirement; and Use and develop the Planning Unit shown as Area 1 on Survey Pla	Permit Issued	No
KP-2018/836	21 Rosebud Avenue	MOORABBIN	16/10/2018	31/10/2018	Internal renovations to existing dwelling	Permit Issued	No
KP-2018/575	52 Patterson Street	BONBEACH	16/07/2018	31/10/2018	Develop the land for construction of two (2) dwellings	Permit Issued	No

Planning Decisions October, 2018							
APPL. No.	PROPERTY ADDRESS	SUBURB	APPL. DATE	DATE DECIDED	PROPOSAL DESCRIPTION	DECISION	VCAT DECISION
KP-2016/1079	956 Nepean Highway	MOORABBIN	22/12/2016	31/10/2018	Develop the land for the construction of an eight (8) storey building comprising 39 dwellings, office and retail, use of the land for retail, a reduction of the car parking requirements and alter access to a Road Zone Category 1	Refused	No
KP-2018/816	132 Charman Road	MENTONE	9/10/2018	31/10/2018	Subdivide the Land into Four (4) Lots	Permit Issued	No
KP-2018/795	3 Stewart Avenue	PARKDALE	1/10/2018	31/10/2018	Subdivide the Land into Two (2) Lots	Permit Issued	No
KP-2018/799	34 Isabella Street	MOORABBIN	2/10/2018	31/10/2018	Subdivide the land into Two (2) Lots	Permit Issued	No
KP-2018/475	8 Glenbrook Avenue	BONBEACH	14/06/2018	31/10/2018	Develop the land for the construction of three (3) dwellings.	Permit Issued	No
KP-2018/762	1A Queen Street	PARKDALE	19/09/2018	31/10/2018	Alterations and additions to an existing dwelling on a lot less than 300sqm	Permit Issued	No
KP-2018/6	14-16 Meriton Place	CLAYTON SOUTH	29/12/2017	31/10/2018	Develop the land for the construction of, and use as, a cold storage warehouse	Permit Issued	No
KP-2018/868	5 Hicks Street	PARKDALE	26/10/2018	31/10/2018	The subdivision of land into two (2) lots	Permit Issued	No
KP-2017/732	8 Rennison Street	PARKDALE	20/09/2017	31/10/2018	Subdivide the Land into Two (2) Lots	Permit Issued	No
KP-2018/732	Unit 2 4 Lawrence Avenue	ASPENDALE	10/09/2018	31/10/2018	The development of a dwelling extension on a lot less than 300 square metres	Permit Issued	No
KP-2018/773	9 Wandoo Avenue	CLARINDA	24/09/2018	31/10/2018	Develop the Land for the Construction of Two (2) double storey Dwellings	Permit Issued	No

Planning Decisions October, 2018							
APPL. No.	PROPERTY ADDRESS	SUBURB	APPL. DATE	DATE DECIDED	PROPOSAL DESCRIPTION	DECISION	VCAT DECISION
KP-2018/849	Factory 5 80 Fairbank Road	CLAYTON SOUTH	19/10/2018	31/10/2018	Develop the land for the construction of building & works and a reduction in car parking	Permit Issued	No
KP-2018/850	32 Patty Street	MENTONE	18/10/2018	31/10/2018	Develop the land for the construction of one (1) dwelling on land within a Special Building Overlay	Permit Issued	No
KP-2017/715/A	21 Hinkler Road	MORDIALLOC	1/10/2018	31/10/2018	Buildings and works comprising the construction of four (4) warehouses and a reduction of the car parking requirement associated with the use of the land for warehouses on land affected by a Land Subject to Inundation Overlay	Permit Issued	No
KP-2018/391	40 Crawford Road	CLARINDA	23/05/2018	31/10/2018	The development of three (3) dwellings	Permit Issued	No
KP-2018/491	14 Ebb Street	ASPENDALE	21/06/2018	31/10/2018	Develop the land for the construction of two (2) double storey dwellings	Permit Issued	No
KP-2018/813	2 Mentone Parade	MENTONE	8/10/2018	31/10/2018	Develop the land for the alterations of existing year 12 common area	Permit Issued	No
KP-2018/860	Unit 1 54 White Street	MORDIALLOC	23/10/2018	31/10/2018	Develop the land for the construction of building & works	Permit Issued	No
KP-2018/856	27 Bevan Avenue	CLAYTON SOUTH	23/10/2018	31/10/2018	The subdivision of land into three (3) lots	Permit Issued	No
KP-2018/857	5 Wimmera Street	MOORABBIN	23/10/2018	31/10/2018	Develop the land for the construction of alterations and additions	Permit Issued	No

Planning Decisions October, 2018							
APPL. No.	PROPERTY ADDRESS	SUBURB	APPL. DATE	DATE DECIDED	PROPOSAL DESCRIPTION	DECISION	VCAT DECISION
KP-2018/863	1 Robyn Court	OAKLEIGH SOUTH	24/10/2018	31/10/2018	Buildings and works for the construction of a deck, spa, and verandah on land affected by a Special Building Overlay	Permit Issued	No

Ordinary Meeting of Council

26 November 2018

Agenda Item No: 8.2

KP-2017/821 - 2 TRENT COURT BONBEACH

Contact Officer: Hugh Charlton, Statutory Planner

Purpose of Report

This report is for Council to consider Planning Permit Application No. KP-2017/821 - 2 Trent Court Bonbeach.

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 Grant a Permit to Develop the land for the construction of three (3) dwellings at 2 Trent Court Bonbeach, subject to the conditions contained within this report.

This application requires a decision by Council, following a call in by Councillor Oxley.

PLANNING OFFICER REPORT	
APPLICANT	Neil Fletcher
ADDRESS OF LAND	2 Trent Court Bonbeach
PLAN OF SUBDIVISION REFERENCE	Lot 6 on PS 32277
PROPOSAL	Develop the land for the construction of three (3) dwellings
PLANNING OFFICER	Hugh Charlton
REFERENCE NO.	KP-2017/821
ZONE	Clause 32.08: General Residential Zone (Schedule 3)
OVERLAYS	None
OBJECTIONS	Nine (9)
CONSIDERED PLAN REFERENCES/DATE RECEIVED	Prepared by Neil Fletcher comprising Sheet No.s 1 to 9 inclusive, Revision B dated 2/5/18, submitted to Council on 6 July 2018
ABORIGINAL CULTURAL HERITAGE SENSITIVITY	Exempt

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 rectangular in shape with a street frontage of 20.12 metres, a maximum side depth of 58.7 metres, resulting in a site area of 922m². It currently contains a single storey weatherboard dwelling, and associated outbuildings near the eastern side boundary. The existing dwelling on the land enjoys a minimum 5.9 metre front setback to Trent Court.

2.2 The land is generally flat. The land is predominately void of any significant vegetation.

2.3 There is one (1) existing crossover and no street trees in the frontage.

2.4 There are no easements or restrictions listed on the Certificate of Title.

3.0 SURROUNDING ENVIRONS

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



- 3.2 The site is located in an established residential area where the predominant built form is a combination of single dwellings on single allotments, older single storey multi-dwelling development with lot sizes around 200-250m², and a growing number of recent examples of multi-dwelling development with lot sizes as low as 172m² in the surrounding area which would represent four (4) dwellings on a comparable sized lot as the subject site. The architectural style and built form of existing residential development in the surrounding area is varied and typically detached from at least one side boundary.
- 3.3 Dwellings range from one to two storeys at the front where double storey is present to the rear, notably the two double storey dwellings at the rear in the vicinity at 3 Trent Court. There is no predominant fencing style in the neighbourhood.
- 3.4 Land directly abutting the subject site and opposite is described as follows:

North (front) – Trent Court and single and double storey dwellings opposite.

South-west (rear): Four properties abut this boundary, each comprising a single or double storey dwelling with a large area of private open space adjacent to the common boundary. No.61 Scotch Parade comprises a recently constructed detached dwelling with a large area of private open space to the rear adjacent to the common boundary.

East (side): No. 4 Trent Court: A single-storey, brick dwelling occupies this property and features a minimum front setback of 6.7 metres from the Trent Court. A generous area of private open space is located to the rear. The maple tree at the rear near the common boundary and family/meals area of the proposed Dwelling 3 is incorrectly shown and is actually about 700mm from the common boundary.

West (side) – No. 98 Broadway: A single-storey, weatherboard dwelling occupies this property and features a minimum front setback of 5.5 metres from Broadway. A generous area of private open space is located to the rear.

- 3.5 The subject site is located within Area 9C – Bonbeach of the Clause 22.19 Public Open Space Contributions and the *Kingston Open Space Strategy* approved by Council in June 2012. The Policy seeks cash contributions to improve gaps in open space in the locality as part of any future subdivision.

4.0 PROPOSAL

- 4.1 The application seeks to develop the land for the construction of three (3) dwellings on a lot.

- 4.2 The proposed development comprises semi-detached, double storey dwellings. Dwellings are arranged in tandem with a common driveway providing access to all dwellings. All dwellings provide three (3) bedrooms. All dwellings have two (2) car spaces as per the requirement under Clause 52.06.

- 4.3 The design is a contemporary response that includes hipped roofs to an overall height of 7.4m. Built form is partially constructed for a total length of 9.4m along the western side boundary, a length of 6.5m along the eastern side boundary, and 1.7 metres on the southern rear boundary, to average heights of 3.2m.

- 4.4 Proposed materials include: brick, render and vertical cladding to walls, Colorbond roofs.

- 4.5 Secluded private open space ranges between 41m² to 61m² at ground level, and supplemented for Dwelling 1 with an additional POS of 90m² in the front setback.

- 4.6 All vegetation on site is to be removed. The one (1) single crossover is to be retained for access to all dwellings.

- 4.7 Site coverage is proposed to be 38 per cent, and permeability 34.8 per cent. Garden Area is proposed to be 36.2%.

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.

- 5.2 Pursuant to Clause 32.08-4, a lot must provide for the minimum garden area as set out in the following table:

Lot Size	Minimum percentage of a lot set aside as garden area
400 – 500 square metres	25%
501 – 650 square metres	30%
Above 650 square metres	35%

It is considered that the proposal in its current format complies with the mandatory garden requirement. A minimum of 36.4% garden area has been provided for the entire lot.

Particular Provisions

- 5.3 Clause 52.06 - Car Parking contains the following residential car parking rates:
- 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 6 resident spaces for the proposed development.

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

- 5.4 Clause 52.06 – 8 Design standards, including vehicle movements, access, garaging dimensions, tandem space dimensions, have been reviewed and are considered compliant.

- 5.5 To fully comply with Clause 52.06-8 and ensure that vehicles exit straight and allow adequate corner splays either side of the driveway at the footpath edge, a condition on any permit issued is recommended to require:

a) the driveway aligned with the crossover for a depth of 1.5 metres and positioned to provide reasonable corner splays either side;

- 5.6 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

- 5.7 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 ADVERTISING

- 6.1 The proposal and the amended 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.

- 6.2 A total of nine (9) objection(s) to the proposal and amended proposal which was re-advertised were received. It is noted that the amended proposal did not result in a withdrawal of any objection.

- 6.3 The grounds of objection raised are summarised as follows:

- Neighbourhood character
- Overdevelopment
- Visual bulk, setbacks
- Walls on boundary
- Overlooking
- Overshadowing
- Vegetation loss/impacts
- Landscaping
- Detail design
- Traffic and parking
- POS size
- Impervious surfaces
- solar access to new POS

- Energy efficiency to solar panels (61 Scotch Pde/6 Laraine Crt)
- Noise from future occupants

6.4 Outside of the scope of planning considerations:

- Property values
- Views

7.0 PLANNING CONSULTATION MEETING

7.1 A planning consultation meeting was held on 16 August 2018 with the relevant Planning Officer, the Permit Applicant and six (6) objector(s) in attendance. The above-mentioned issues were discussed at length.

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

7.3 Following the meeting the applicant sought to address an objector issue regarding the impact to the tree on the adjoining property at No.4 Trent Court. The applicant has voluntarily agreed to a condition, should a permit issue, to:

- a) set back Dwelling 3 from the eastern boundary (to No.4 Trent Court) by 1 metre;

This is included within the officer recommendations.

8.0 SECTION 57A – AMENDMENT TO PLANS

8.1 Following the initial advertising and prior to the preliminary conference meeting, the Permit Applicant lodged amended plans **on 6 July 2018**, pursuant to Section 57A of the *Planning and Environment Act 1987* the amended plans incorporated the following changes:

- Dwelling 3 ground floor reduced and southern wall setback off boundary instead of on-boundary
- Dwelling 3 first floor decreased and side/rear setbacks increased
- Dwelling 3 increased private open space
- Resultant decrease to site coverage, and increase to permeability and garden area by 1-2%.

8.2 It is these plans that form the basis of this recommendation and are described at section 4 of this report. The amended proposal has been readvertised to the objectors and the immediate area.

9.0 REFERRALS

9.1 The application was not required to be referred to any external referral authorities.

9.2 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 stormwater management and water sensitive urban design.

- Council's Vegetation Management Officer - raised no objection to the application, subject to conditions included on any permit issued relating to modification of Dwelling 3 to protect the tree on the adjoining property to the east, and provision of a full landscape plan.
- Council's Roads and Drains Department – raised no objection subject to standard conditions.

10.0 PLANNING CONSIDERATIONS:

Planning Policy Framework

The 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 2017-2050: Metropolitan Planning Strategy' (Department of Environment, Land, Water and Planning, 2017).

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

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

Clause 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.

Clause 15.01-1S 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 15.02-1S** promote energy and resource efficiency through improved building design, urban consolidation and promotion of sustainable transport.

Clause **15.03-2S (Aboriginal Cultural Heritage)** seeks to ensure the protection and conservation of places of Aboriginal cultural heritage significance.

The Subject Land **is** identified in an area of Aboriginal Cultural Heritage Sensitivity, however the proposed activity is **exempt** from requiring a Cultural Heritage Management Plan, as the development of three or more dwellings on a lot is (reg.10 of the *Aboriginal Heritage Regulations* 2018:

- less than 0.11 hectares in size; and

- not within 200 metres of the coastal waters of Victoria, any sea within the limits of Victoria or the Murray River.

Housing objectives are further advanced at **Clause 16** which seek to encourage increased diversity in housing.

Clause 16.01 (Residential Development) seeks to promote a housing market that meets community needs, and is located in areas which offer good access to jobs, services and transport. Clause 16.01-2R specifically requires consideration of population growth in locations that are considered major and neighbourhood activity centres, especially those with good public transport connections.

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.

Relevant objectives and strategies are contained at **Clause 21.05-3: Residential Land Use**. These essentially reinforce Planning Policy Framework relevant to housing, stressing the need to encourage urban consolidation in appropriate locations and to accommodate projected population increases.

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.

Clause 22.11 nominates the surrounding General Residential Zone Schedule 3 area for Incremental Housing Change, and states:

In suburban locations which are not within convenient walking distance of public transport and activity centres, encourage lower density housing forms with a predominance of single dwelling and the equivalent of dual occupancy developments on average sized lots. These areas are identified for 'incremental housing change' on the Residential Framework Plan within the MSS.

It is submitted that the proposed development satisfies the aforementioned Planning Policy Framework.

11.0 CLAUSE 55 (RESCODE ASSESSMENT)

- 11.1 The proposal has been assessed against the objectives and standards of Clause 55 (ResCode) of the Kingston Planning Scheme (refer to Appendix A). Clause 55 requires that a development **must** meet all of the objectives, and all of the standards of this clause **should** be met. Variations to the standards are able to be considered where it is determined that the overall objective is met.
- 11.2 The following assessment gives further discussion to that in the attached Appendix, particularly those standards where concessions are sought. Overall, it is noted that the application achieves a high level of compliance with the ResCode provisions, with only minor variations sought.

Clause 55.02 – Neighbourhood Character & Infrastructure

Standard B1 – Neighbourhood Character

- 11.3 The objectives of Clause 55.02-1 are *'to ensure that the design respects the existing neighbourhood character or contributes to a preferred neighbourhood character', and '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'.
- 11.4 The site is located in an established residential area where the predominant built form is a combination of single dwellings on single allotments, older single storey multi-dwelling development and a growing number of recent examples of multi-dwelling development. The architectural style and built form of existing residential development in the surrounding area is varied and typically detached from at least one side boundary. Dwellings range from one to two storeys at the front where double storey is present to the rear, notably the two double storey dwellings at the rear in the vicinity at 3 Trent Court. There is no predominant fencing style in the neighbourhood.
- 11.5 The proposal responds to the prevailing character by:
- Density is comparable to or less intensive than the existing multi-unit development in the surrounding area.
 - The proposal is highly comparable to the recent 5 dwelling development at No. 3 Trent Court, although provides a less intensive proposal with larger lots and more generous spacing between dwellings.
 - Transitions at the rear to a smaller double storey that sufficiently integrates with the existing rear character, and reflects the double storey that is present to the rear in the surrounding area, notably nearby at No. 3 Trent Court.
 - Building envelopes are generally detached from title boundaries and recessed from the lower level.
 - A permit condition has been previously recommended to set back Dwelling 3's ground floor 1 metre from the eastern side boundary to address tree protection, but also will achieve a fully detached character at the rear.
 - Garaging is subservient, being recessed to rear of each dwelling.
 - Architectural form and materials incorporates typical characteristics such as hipped roofs and face brickwork.
 - Site coverage is low.
 - Tandem arrangement and a single dwelling facing the street maintains the rhythm and spacing in the streetscape.
 - Proposed building envelopes and areas of POS align with existing built form and POS on adjoining properties.
 - Provides a reasonable detachment at first floor that responds to the existing detached dwelling character.
- 11.6 For these reasons it is considered that the proposal presents a site responsive design that will fit within the existing character of the surrounding area and does **not** have any hallmarks of an overdevelopment.

Standard B2 – Residential Policy

- 11.7 Clause 22.11 nominates the surrounding General Residential Zone Schedule 3 area for Incremental Housing Change Areas, and states:

In suburban locations which are not within convenient walking distance of public transport and activity centres, encourage lower density housing forms with a predominance of single dwelling and the equivalent of dual occupancy developments on average sized lots. These areas are identified for 'incremental housing change' on the Residential Framework Plan within the MSS. The type of housing change anticipated in these areas will take the form of extensions to existing houses, new single dwellings or the equivalent of new two dwelling developments.

- 11.8 It is noted that the site is not within convenient walking distance of public transport and activity centres. With comparison to existing density and lot size, the application proposes 3 lots each between 196m² to 306m² in area. The subdivision pattern of multi-dwelling development in the surrounding area generally exhibits a more intensive pattern, with older multi-dwelling development with lot sizes around 200-250m², and recent examples of multi-dwelling development with lot sizes as low as 172m² in the surrounding area.
- 11.9 As noted, the proposed density is comparable to or less intensive than the existing multi-unit development in the surrounding area. Using the typical lot sizes of existing multi-unit development, this would represent four (4) dwellings on a comparable sized lot to the subject site.
- 11.10 It is considered that the proposed density is consistent with the incremental change in the surrounding area. The proposed built form and density is consistent with the policy expectations for incremental change. It is considered that this site is able to accommodate the proposed finer grain subdivision pattern and would be consistent with the surrounding character.
- 11.11 It is considered that the proposed development generally complies and satisfies the State and Local Planning Policy Framework guidelines which aim to encourage well-designed medium density housing in appropriate locations.

12.0 RESPONSE TO GROUNDS OF OBJECTIONS

- 12.1 The objector concerns have been addressed in the body of this report or within Appendix A.

13.0 CONCLUSION:

- 13.1 On balance, the proposal is considered to substantially comply with the relevant planning policy and therefore should be supported.
- 13.2 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.
- 13.3 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 of the Kingston Planning Scheme.

14.0 RECOMMENDATION

That a Notice of Decision to Grant a Permit be issued to develop the land for the construction of three (3) dwellings at 2 Trent Court 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 amended plans prepared by Neil Fletcher comprising Sheet No.s 1 to 9 inclusive, Revision B dated 2/5/18, submitted to Council on 6 July 2018, but modified to show:
 - a. driveway aligned with the existing crossover for a depth of 1.5 metres into the site and positioned to provide reasonable corner splays either side;
 - b. set back Dwelling 3 from the eastern boundary by a minimum of 1 metre;
 - c. delete any notation or line showing previously advertised proposal;
 - d. the surface material of all driveways / accessways and car parking spaces nominated in all-weather coloured concrete sealcoat, or similar;
 - e. each rainwater tank nominated for each new dwelling as collected to toilets for flushing;
 - f. mail boxes within visibility splays to be no greater than 900mm in height;
 - g. the provision of a full colour palette, finishes and building materials schedule for all external elevations and driveways of the development;
 - h. 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) A planting schedule of all proposed trees and shrubs, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant with all plants to be to the satisfaction of the Responsible Authority;
 - ii) A survey, including, botanical names of all existing trees to be retained or removed on the site including Tree Protection Zones for trees to be retained calculated in accordance with AS4970-2009, and correctly showing the position of the *Acer* sp. (Maple) tree within the rear of No.4 Trent Court;
 - iii) A survey including botanical names, of all existing trees on neighbouring properties where the Tree Protection Zones of such trees calculated in accordance with AS4970-2009 fall partially within the subject site;
 - iv) The delineation of all garden beds, paving, grassed area, retaining walls, fences and other landscape works;
 - v) A range of plant types from ground covers to large shrubs and trees, provided at adequate planting densities (e.g. plants 1 metre width at maturity planted 1 metre apart); with the species chosen to comprise of a minimum 80% indigenous species by plant type and total quantities;
 - vi) Two (2) indigenous trees capable of growing to minimum mature dimensions of 12 metres in height and 8 metres in width to be planted in the front setback of the property;
 - vii) One (1) canopy tree capable of growing to minimum mature dimensions of 6 metres in height and 4 metres in width to be planted in the secluded private open space of each dwelling;

- viii) All trees provided at a minimum of 2 metres in height at time of planting, medium to large shrubs to be provided at a minimum pot size of 200mm;
- ix) Notes regarding site preparation, including the removal of all weeds, proposed mulch, soil types and thickness, subsoil preparation and any specific maintenance requirements;
- x) Tree protection measures including for street trees accurately drawn to scale and labelled as per the endorsed Tree Management Plan;
- i. The location of tree protection measures illustrated to scale and labeled on the Ground Floor Plan as per the endorsed Tree Management Plan; and
- j. Any changes to the building footprint or a notation specifying any root sensitive construction methods for Dwelling 3 as specified in the endorsed Tree Management Plan.

Endorsed Plans

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

Tree Protection Zones

- 3. Concurrent with the endorsement of plans, a Tree Management Plan prepared by a suitably qualified arborist in accordance with AS4970-2009, must be submitted to and be endorsed by the Responsible Authority and incorporating:
 - a. A Tree Management Plan (written report) must provide details of:
 - i. A non-destructive root investigation undertaken along the proposed building footprint of Dwelling 3 to determine the location and distribution of roots within the TPZ of the *Acer* sp. (Maple) located on the neighbouring property to the east (4 Trent Court).
 - ii. Proposed footings and construction methods for any buildings or structures within the Tree Protection Zone nominated on the Tree Protection Plan.
 - iii. How excavation impacts, including soil level changes, on trees to be retained will be managed.
 - iv. How the canopy of trees nominated on the Tree Protection Plan will be protected.
 - v. Any other measures required to demonstrate the successful ongoing retention and viability post-construction of any trees nominated on the Tree Protection Plan.
 - b. A Tree Protection Plan (scale drawing) must provide details of:
 - i. All trees on neighbouring properties correctly shown, particularly the *Acer* sp. (Maple) tree within the rear of No.4 Trent Court;
 - ii. The Tree Protection Zone and Structural Root Zone, calculated in accordance with AS4970-2009, for all trees to be retained on the site and for all trees on neighbouring properties where the Tree Protection Zone falls partially within the subject site.
 - iii. Tree protection fencing, or ground protection where required, provided in accordance with AS4970-2009.
 - iv. Stages of development at which inspections are required to ensure tree protection measures are adhered to must be specified.
 - v. Appropriate signage on any tree protection fencing prohibiting access, excavation, changes in soil levels, or any storage within the Tree Protection Zone in accordance with AS4970-2009 unless with the prior written consent and under the direct supervision of the consulting arborist.

- vi. Maintenance of the area(s) within the Tree Protection Zone in accordance with AS4970-2009.
 - vii. Any pruning to be undertaken being in accordance with AS4373-2007.
 - viii. A notation to refer to the Tree Management Plan.
4. All protection measures identified in the Tree Management Plan must be implemented, and development works undertaken on the land must be undertaken in accordance with the Tree Management Plan, to the satisfaction of the Responsible Authority.
5. Prior to the commencement of works, the name and contact details of the project arborist responsible for implementing the Tree Management Plan must be submitted to the Responsible Authority.

Drainage and Water Sensitive Urban Design

6. Unless with the prior written consent of the Responsible Authority, before the development commences, the following Integrated Stormwater Management documents must be prepared, by a suitably qualified person, to the satisfaction of the Responsible Authority.
- a. Stormwater Management/drainage (drainage) Plan(s) must be prepared, with supporting computations, showing the stormwater (drainage) works to the nominated point of discharge. The plan(s) must show all details of the proposed stormwater (drainage) works including all existing and proposed features that may have impact on the stormwater (drainage) works, including landscaping details.
 - b. The Stormwater Management (drainage) Plan must address the requirements specified within Council's "Civil Design requirements for Developers – Part A: Integrated Stormwater Management".
 - c. A STORM modelling report with results demonstrating water sensitive urban design treatments that achieve Victorian best practice objectives with a minimum 100% rating must be provided as part of the Stormwater Management (drainage) Plan to the satisfaction of the Responsible Authority. These may include the use of an infiltration or bio-retention system, rainwater tanks connected for reuse, or other treatments to the satisfaction of the Responsible Authority.
 - d. The water sensitive urban design treatments as per conditions above must be implemented on-site, unless an alternative agreement for stormwater quality in-lieu contribution is reached with the Responsible Authority.
7. Stormwater/drainage works must be implemented in accordance with the approved stormwater management/drainage plan(s) and to the satisfaction of the Responsible Authority including the following:
- a. All stormwater/drainage works must be provided on the site so as to prevent overflows onto adjacent properties.
 - b. The implementation of stormwater/drainage detention system(s) which restricts stormwater discharge to the maximum allowable flowrate of 8.3L/s.
 - c. All stormwater/drainage works must be maintained to the satisfaction of the Responsible Authority.

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8. Any relocation of pits/power poles or other services affected by this development must be relocated to the satisfaction of the relevant servicing authority and the Responsible Authority, at the cost of the owner/developer.
9. Property boundary and footpath levels must not be altered without the prior written consent from the Responsible Authority.
10. Any reinstatements and vehicle crossings are to be constructed to the satisfaction of the Responsible Authority.
11. The replacement of any footpaths, including offsets, 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.

General amenity conditions

13. 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.
14. 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 not be located where they will be highly visible from any public area to the satisfaction of the Responsible Authority.
15. All piping, 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.

Completion of Works

16. 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.
17. 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.

Time Limits

18. 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.

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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: The applicant/owner must provide a copy of this planning permit and any endorsed plans to any external contractor to ensure that all trees to be retained on site are protected during any works.

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: Any landscape plan prepared in accordance with conditions must comply with Council's Landscape Checklist.

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 and instead seeks to refuse the application, it can do so on the following grounds:

1. The proposal is inconsistent with neighbourhood character and fails to satisfy the objectives of Clause 22.11 and Clause 55.02-1 of the Kingston Planning Scheme.
2. The proposed extent of massing is visually intrusive and would result in unreasonable amenity impacts on adjoining properties.
3. The development would adversely impact on the health of the tree on the neighbouring properties, namely the *Acer* sp. (Maple) tree within the rear of No.4 Trent Court.
4. The front setback is inconsistent with the character of the surrounding area, contrary to Clause 55.03-1 of the Kingston Planning Scheme.

CLAUSE 55 - RESCODE ASSESSMENT

Two or more dwellings on a lot and residential buildings in a General Residential Zone – Schedule 2. ****MUST meet the objective, SHOULD meet the standard****

OBJECTIVE	STANDARD	LEVEL OF COMPLIANCE
<p>Clause 55.02-1 Neighbourhood Character objectives</p> <ul style="list-style-type: none"> • To ensure that the design respects the existing neighbourhood character or contributes to a preferred neighbourhood character. • To ensure that development responds to the features of the site and the surrounding area. 	<p>Standard B1</p> <ul style="list-style-type: none"> • The design response must be appropriate to the neighbourhood and site. • The proposed design must respect the existing or preferred neighbourhood character and respond to site features. 	<p>Complies with standard and objective</p>
<p>Assessment: See section 11 of the report.</p>		
<p>Clause 55.02-2 Residential Policy objectives</p> <ul style="list-style-type: none"> • To ensure that residential development is provided in accordance with any policy for housing in the MPS and the PPF. • To support medium densities in areas where development can take advantage of public transport and community infrastructure and services. 	<p>Standard B2</p> <ul style="list-style-type: none"> • An application must be accompanied by a written statement that describes how the development is consistent with relevant housing policy in the PPF & MPS 	<p>Complies with standard and objective</p>
<p>Assessment: See section 11 of the report.</p>		
<p>Clause 55.02-3 Dwelling Diversity objective</p> <p>To encourage a range of dwelling sizes and types in developments of ten or more dwellings.</p>	<p>Standard B3</p> <p>Developments of ten or more dwellings should provide a range of dwelling sizes and types, including:</p> <ul style="list-style-type: none"> • Dwellings with a different number of bedrooms. • At least one dwelling that contains a kitchen, bath or shower, and a toilet and wash basin at ground floor level. 	<p>N/A</p>

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<p>Clause 55.02-4 Infrastructure objectives</p> <ul style="list-style-type: none"> To ensure development is provided with appropriate utility services and infrastructure. To ensure development does not unreasonably overload the capacity of utility services and infrastructure. 	<p>Standard B4</p> <ul style="list-style-type: none"> Connection to reticulated services/sewerage, electricity, gas and drainage services Capacity of infrastructure and utility services should not be exceeded unreasonably Provision should be made for upgrading and mitigation of the impact of services or infrastructure where little or no spare capacity exists 	<p>Complies with standard and objective</p>
<p>Assessment: It is recommended that suitable condition(s) be included in any permit issued to address infrastructure considerations.</p>		
<p>Clause 55.02-5 Integration with the street objective</p> <ul style="list-style-type: none"> To integrate the layout of development with the street. 	<p>Standard B5</p> <ul style="list-style-type: none"> Provides adequate vehicle and pedestrian links that maintain or enhance local accessibility. Development oriented to front existing/proposed streets High fencing in front of dwellings should be avoided if practicable. Development next to existing public open space should be laid out to complement the open space. 	<p>Complies with standard and objective</p> <p>Complies</p> <p>Complies</p> <p>Complies</p> <p>Complies</p>
<p>Assessment: The proposed development includes habitable rooms at ground and first floors facing the street, therefore adequately integrates the development with the street.</p>		
<p>Clause 55.03-1 Street setback objective</p> <ul style="list-style-type: none"> To ensure that the setbacks of buildings from a street respect the existing or preferred neighbourhood character and make efficient use of the site. 	<p>Standard B6</p> <p>Walls of buildings should be set back from streets:</p> <ul style="list-style-type: none"> If no distance is specified in a schedule to the zone, the distance specified in Table B1 <p>Required: 8.25m Proposed: 5.8 - 12.6m</p>	<p>Variation to standard. Complies with objective</p>
<p>Assessment: The site has a substantial splay to the frontage thus the front wall of Dwelling 1 will appear to be substantially set back from the street. The proposal is also consistent with the front setback of the existing dwelling on the subject site. Overall the proposal will respect the street character which has large varying street setbacks comparable to the proposal, thus meets the overarching objective.</p>		
<p>Clause 55.03-2 Building height objective</p> <ul style="list-style-type: none"> To ensure that the height of buildings respects the existing or preferred neighbourhood character. 	<p>Standard B7</p> <p>Maximum: 9 metres (9 metres and no more than 3 storeys under GRZ3)</p>	<p>Complies with standard and objective</p>
<p>Assessment:</p>		

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The maximum height of 7.6 metres proposed is respectful to the existing and preferred character.		
Clause 55.03-3 Site Coverage objective <ul style="list-style-type: none"> To ensure that the site coverage respects the existing or preferred neighbourhood character and responds to the features of the site. 	Standard B8 Maximum: GRZ3 50%	Complies with standard and objective
Assessment: The proposal achieves a site coverage statistic of 38% which is substantially less than the 50% maximum standard.		
Clause 55.03-4 Permeability objectives <ul style="list-style-type: none"> To reduce the impact of increased stormwater run-off on the drainage system. To facilitate on-site stormwater infiltration. 	Standard B9 At least: 20%	Complies with standard and objective
Assessment: The permeability figure proposed of 34.8%, which is substantially greater than the 20% minimum standard.		
Clause 55.03-5 Energy Efficiency objectives <ul style="list-style-type: none"> To achieve and protect energy efficient dwellings and residential buildings. To ensure the orientation and layout of development reduce fossil fuel energy use and make appropriate use of daylight and solar energy. 	Standard B10 Orientation, siting & design of buildings should make appropriate use of solar energy. Further, siting & design should ensure that the energy efficiency of existing dwellings on adjoining lots is not unreasonably reduced. Siting & design should also ensure that the capacity of existing rooftop solar energy facilities on adjoining lots in GRZ, NRZ or TZ are not unreasonably reduced. Living areas & private open space should be located on the north side of the development, if practicable. Solar access to north-facing windows is maximised.	Complies with standard and objective
Assessment: Habitable rooms where possible are orientated northerly or have north-facing glazing to achieve good energy efficiency. Energy efficiency to existing solar panels at 61 Scotch Pde/6 Laraine Crt will not be detrimentally affected. The submitted shadow plans indicate the shadows cast will not be in proximity to the existing dwellings or their solar panels when measured at the equinox.		
Clause 55.03-6 Open Space objective <ul style="list-style-type: none"> To integrate the layout of development with any public and communal open space provided in or adjacent to the development. 	Standard B11 Public or communal open space should: <ul style="list-style-type: none"> Be substantially fronted by dwellings Provide outlook for dwellings Be designed to protect natural features. Be accessible and useable. 	N/A

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<p>Clause 55.03-7 Safety objectives</p> <ul style="list-style-type: none"> To ensure the layout of development provides for the safety and security of residents and property. 	<p>Standard B12</p> <p>Entrances to dwellings and residential buildings should not be obscured or isolated from the street and internal accessways.</p> <p>Planting should not create unsafe spaces along streets and accessways</p> <p>Good lighting, visibility and surveillance of car parks and internal accessways should be achieved.</p> <p>Private spaces should be protected from inappropriate use as public thoroughfares.</p>	<p>Complies with standard and objective</p>
<p>Assessment:</p> <p>Good opportunities for natural surveillance of common areas are provided by ground floor unobscured glazing.</p>		
<p>Clause 55.03-8 Landscaping objectives</p> <ul style="list-style-type: none"> 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. 	<p>Standard B13</p> <p>In summary, landscape layout & design should:</p> <ul style="list-style-type: none"> Protect predominant landscape features of the neighbourhood. Take into account the soil type and drainage patterns of the site. Allow for intended vegetation growth and structural protection of buildings. Provide a safe, attractive and functional environment for residents. <p>In summary, development should:</p> <ul style="list-style-type: none"> Provide for the retention or planting of trees, where these are part of the character of the neighbourhood. Provide for the replacement of any significant trees that have been removed in the 12 months prior to the application being made. Specify landscape themes, vegetation (location and species), paving and lighting. 	<p>Complies with standard and objective</p>
<p>Assessment:</p> <p>The <i>Acer</i> sp. (Maple) tree located on the neighbouring property to the east (4 Trent Court) may be impacted by the development as the northern wall of the family/meals area for Dwelling 3 extends within the SRZ. Conditions on any permit issued are recommended to:</p> <p>a) setback Dwelling 3 from the eastern boundary by a minimum of 1 metre;</p> <p>b) require any changes to the building footprint or a notation specifying any root sensitive construction methods for Dwelling 3 as specified in an endorsed Tree Management Plan;</p> <p>It is recommended that a landscape plan be required by way of a condition of any permit issued.</p>		
<p>Clause 55.03-9 Access objective</p> <ul style="list-style-type: none"> To ensure the number and design of vehicle crossovers respects the neighbourhood character. 	<p>Standard B14</p> <p>The width of accessways or car spaces should not exceed:</p> <ul style="list-style-type: none"> 33 per cent of the street frontage, or if the width of the street frontage is less than 20 metres, 40 per cent of the street frontage. <p>No more than one single-width crossover should be provided for each dwelling fronting a street.</p>	<p>Complies with standard and objective</p> <p>Complies</p> <p>Complies</p>

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	The location of crossovers should maximise the retention of on-street car parking spaces.	Complies
	The number of access points to a road in a Road Zone should be minimised.	N/A
	Access for service, emergency and delivery vehicles must be provided.	Complies
Assessment: Existing crossover is to be retained.		
Clause 55.03-10 Parking location objectives <ul style="list-style-type: none"> • To provide convenient parking for resident and visitor vehicles. • To protect residents from vehicular noise within developments 	Standard B15 Car parking facilities should: <ul style="list-style-type: none"> • Be reasonably close and convenient to dwellings and residential buildings. • Be secure. • Be well ventilated if enclosed. Shared accessways or car parks of other dwellings and residential buildings should be located at least 1.5 metres from the windows of habitable rooms. This setback may be reduced to 1 metre where there is a fence at least 1.5 metres high or where window sills are at least 1.4 metres above the accessway.	Variation to standard Complies with objective
Assessment: Parking facilities are conveniently located. Habitable room windows are not setback 1 metre from the driveway as recommended. A variation is deemed acceptable as these are secondary windows to living rooms or kitchens, thus unlikely to be impacted from vehicle noise.		

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<p>Clause 55.04-1 Side and rear setbacks objective</p> <ul style="list-style-type: none"> To ensure that the height and setback of a building from a boundary respects the existing or preferred neighbourhood character and limits the impact on the amenity of existing dwellings. 	<p>Standard B17 A new building not on or within 200mm of a boundary should be set back from side or rear boundaries:</p> <ul style="list-style-type: none"> 1 metre, plus 0.3 metres for every metre of height over 3.6 metres up to 6.9 metres, plus 1 metre for every metre of height over 6.9 metres. <p>Required: 1.60 metres Proposed: 1.75 – 5.4 metres</p>	<p>Complies with standard and objective</p>
<p>Assessment: Side and rear setbacks for the most part comfortably exceed the recommended standard.</p> <p>Where shallower setbacks are proposed, the wall length is short, and setbacks then expand to present a recessive building form.</p> <p>Visual amenity impacts are further limited by:</p> <ul style="list-style-type: none"> First floors are sited either opposite generous areas of private open space or aligned with existing outbuildings, avoiding any sense of dominance First floors are compact, particularly Dwelling 3 at the rear which is 2 bedroom Overall wall heights at 5.6 metres is conservative First floors are recessed from the lower level 		
<p>Clause 55.04-2 Walls on boundaries objective</p> <ul style="list-style-type: none"> To ensure that the location, length and height of a wall on a boundary respects the existing or preferred neighbourhood character and limits the impact on the amenity of existing dwellings. 	<p>Standard B18 A new wall constructed on or within 200mm of a side or rear boundary of a lot or a carport constructed on or within 1 metre of a side or rear boundary of lot should not abut the boundary:</p> <ul style="list-style-type: none"> 10 m plus 25% of the remaining length of the boundary of an adjoining lot, or Where there are existing or simultaneously constructed walls or carports abutting the boundary on an abutting lot, the length of the existing or simultaneously constructed walls or carports, whichever is the greater. 	<p>Complies with standard and objective</p>
<p>Assessment: Maximum length: 19.9 metres on western side, 22.2 metres on eastern side, 15.4 metres on southern rear; to 3.2 metres average height. Proposed length: 9.4m along the western side boundary, a 6.5m along the eastern side boundary, 1.7 meters on the southern rear boundary, to average heights of 3.2m.</p>		
<p>Clause 55.04-3 Daylight to existing windows objective</p> <ul style="list-style-type: none"> To allow adequate daylight into existing habitable room windows. 	<p>Standard B19 Buildings opposite an existing habitable room window should provide for a light court to the existing window that has a minimum area of 3m² and minimum dimension of 1m clear to the sky.</p> <p>Walls or carports more than 3m in height opposite an existing habitable room window should be set back from the window at least 50% of the height of the new wall if the wall is within a 55 degree arc from the centre of the existing window. The arc may be swung to within 35 degrees of the plane of the wall containing the existing window.</p>	<p>Complies with standard and objective</p> <p>N/A</p>
<p>Assessment:</p>		

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<p>Given the axis of the allotment and siting of the dwelling(s), the proposal will not have an unreasonable impact upon daylight to existing habitable room windows.</p>		
<p>Clause 55.04-4 North facing windows objective</p> <ul style="list-style-type: none"> To allow adequate solar access to existing north-facing habitable room windows. 	<p>Standard B20 Buildings should be setback 1m if an existing HRW is within 3m of the abutting lot boundary (add 0.6m to this setback for every metre of height over 3.6m & add 1m for every metre of height over 6.9m)</p>	<p>N/A</p>
<p>Clause 55.04-5 Overshadowing open space objective</p> <ul style="list-style-type: none"> To ensure buildings do not significantly overshadow existing secluded private open space 	<p>Standard B21 Where sunlight to the SPOS of an existing dwelling is reduced, at least 75%, or 40m² with min. 3m, whichever is the lesser area, of the SPOS should receive a min of 5hrs of sunlight btw 9am & 3pm on 22 September. If existing sunlight to the SPOS of an existing dwelling is less than the requirements of this standard, the amount of sunlight should not be further reduced.</p>	<p>Complies with standard and objective</p>
<p>Assessment: The majority of the shadow generated by the development will fall within the subject site or given the site's orientation, building positions, good setbacks and low average wall heights. When measured on the equinox, some existing areas of secluded POS will be partly overshadowed for an hour, however this not by any significant amount nor for a significant length of time, particularly when considering the generous areas of existing POS.</p>		
<p>Clause 55.04-6 Overlooking objective</p> <ul style="list-style-type: none"> To limit views into existing secluded private open space and habitable room windows. 	<p>Standard B22 A HRW, balcony, terrace, deck or patio should be located & designed to avoid direct views into the SPOS of an existing dwelling within 9m (refer to clause for exact specifications). Where within it should be either:</p> <ul style="list-style-type: none"> Offset a minimum of 1.5m from the edge of one window to the edge of the other. Have sill heights of at least 1.7m above floor level. Have fixed, obscure glazing in any part of the window below 1.7m above floor level. Have permanently fixed external screens to at least 1.7m above floor level & be no more than 25% transparent. 	<p>Complies with standard and objective</p>
	<p>Obscure glazing in any part of the window below 1.7 metres above floor level may be openable provided that there are no direct views as specified in this standard.</p>	<p>Complies with standard and objective</p>
	<p>Screens used to obscure a view should be:</p> <ul style="list-style-type: none"> Perforated panels or trellis with a maximum of 25% openings or solid translucent panels. Permanent, fixed and durable. Designed and coloured to blend in with the development. 	<p>N/A</p>
<p>Assessment: All first floor windows are either obscured or have sill heights at 1.7 metres above finished floor levels which complies with the Standard. Ground floor levels are constructed near natural ground level thus do not provide any opportunity to overlook.</p>		

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<p>Clause 55.04-7 Internal views objective</p> <ul style="list-style-type: none"> To limit views into the secluded private open space and habitable room windows of dwellings and residential buildings within a development. 	<p>Standard B23 Windows and balconies should be designed to prevent overlooking of more than 50% of the SPOS of a lower-level dwelling or residential building directly below and within the same development.</p>	<p>Complies with standard and objective</p>
<p>Assessment: No unreasonable internal overlooking will occur.</p>		
<p>Clause 55.04-8 Noise impacts objectives</p> <ul style="list-style-type: none"> To contain noise sources in developments that may affect existing dwellings. To protect residents from external noise. 	<p>Standard B24 Noise sources should not be located near bedrooms of immediately adjacent existing dwellings. Noise sensitive rooms and SPOS of new dwellings and residential buildings should take account of noise sources on immediately adjacent properties. Dwellings and residential buildings close to busy roads, railway lines or industry should be designed to limit noise levels in habitable rooms.</p>	<p>Complies with standard and objective</p>
<p>Assessment: The proposal has taken into account any relevant surrounding noise sources. The proposal does not create any noisy environments that would be unreasonable in a residential setting. A standard condition on permit will require any external heating and/or cooling units to be located away from existing habitable room windows.</p>		
<p>Clause 55.05-1 Accessibility objective</p> <ul style="list-style-type: none"> To encourage the consideration of the needs of people with limited mobility in the design of developments. 	<p>Standard B25 The dwelling entries of the ground floor of dwellings and residential buildings should be accessible or able to be easily made accessible to people with limited mobility.</p>	<p>Complies with standard and objective</p>
<p>Assessment: Dwellings could be readily adapted to accommodate for people of limited mobility.</p>		
<p>Clause 55.05-2 Dwelling entry objective</p> <ul style="list-style-type: none"> To provide each dwelling or residential building with its own sense of identity. 	<p>Standard B26 Entries to dwellings and residential buildings should:</p> <ul style="list-style-type: none"> Be visible and easily identifiable from streets and other public areas. Provide shelter, a sense of personal address and a transitional space around the entry. 	<p>Complies with standard and objective</p>
<p>Assessment: The proposed dwelling entries are readily identifiable in built form and when viewed from the street.</p>		
<p>Clause 55.05-3 Daylight to new windows objective</p> <ul style="list-style-type: none"> To allow adequate daylight into new habitable room windows. 	<p>Standard B27 HRW should be located to face:</p> <ul style="list-style-type: none"> Outdoor space clear to the sky or a light court with a minimum area of 3m² and min. dimension of 1m clear to the sky or Verandah provided it is open for at least 1/3 of its perimeter, or A carport provided it has 2 or more open sides and is open for at least 1/3 of its perimeter. 	<p>Complies with standard and objective</p>
<p>Assessment:</p>		

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<p>It is considered that all proposed windows offer adequate solar access and natural daylight into habitable rooms.</p>		
<p>Clause 55.05-4 Private open space objective</p> <ul style="list-style-type: none"> To provide adequate private open space for the reasonable recreation and service needs of residents. 	<p>Standard B28 GRZ3 - A dwelling or residential building should have POS consisting of:</p> <p>At ground level:</p> <ul style="list-style-type: none"> 40m² of POS for a 2 bedroom dwelling 60m² of POS for a 3 bedroom dwelling 80m² of POS for a 4 bedroom plus dwelling <p>Proposed: 41m² with an additional POS of 90m² in the front setback, or 61m² at ground level, for 3 bedroom dwellings.</p>	<p>Complies with standard and objective</p>
<p>Assessment: Each dwelling has been provided with adequate POS that meets the area and dimension requirements specified above and will service the social, recreational and passive needs of future residents.</p>		
<p>Clause 55.05-5 Solar Access to Open Space</p> <ul style="list-style-type: none"> To allow solar access into the secluded private open space of new dwellings and residential buildings. 	<p>Standard B29 The private open space should be located on the north side of the dwelling or residential building, if appropriate.</p>	<p>Complies with standard & meets objective</p>
	<p>The southern boundary of secluded private open space should be set back from any wall on the north of the space at least (2 + 0.9h) metres, where 'h' is the height of the wall.</p>	<p>Complies with standard & meets objective</p>
<p>Assessment: The proposal incorporates areas of secluded private open space each with an adequate depth from existing buildings to receive solar access.</p>		
<p>Clause 55.05-6 Storage objective</p> <ul style="list-style-type: none"> To provide adequate storage facilities for each dwelling. 	<p>Standard B30 Each dwelling should have convenient access to at least 6 cubic metres of externally accessible, secure storage space.</p>	<p>Complies with standard & meets objective</p>
<p>Assessment: Secure storage areas have been provided for each dwelling adjacent to their respective garage.</p>		
<p>Clause 55.06-1 Design Detail objective</p> <ul style="list-style-type: none"> To encourage design detail that respects the existing or preferred neighbourhood character 	<p>Standard B31 The design of buildings, including:</p> <ul style="list-style-type: none"> ▪ Facade articulation and detailing ▪ Window and door proportions, ▪ Roof form, and ▪ Verandahs, eaves and parapets, <p>should respect the existing or preferred neighbourhood character. Garages and carports should be visually compatible with the development and the existing or preferred neighbourhood character.</p>	<p>Complies with standard and objective</p>
<p>Assessment: Design detail is considered satisfactory and includes brick veneer, rendered and expressed joint clad walls, Colorbond roofing with deep eaves, and prominent architectural features over entries.</p>		

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<p>Clause 55.06-2 Front fences objective</p> <ul style="list-style-type: none"> To encourage front fence design that respects the existing or preferred neighbourhood character. 	<p>Standard B32 The design of front fences should complement the design of the dwelling or residential building and any front fences on adjoining properties.</p> <p>Required: 1.2m for other streets (Varied by GRZ Schedule 3) Proposed: 1.5m</p>	<p>Variation to standard Complies with objective</p>
<p>Assessment: Fence heights vary in the surrounding area, either 1.2m or 1.8m. The proposed height strikes a balance between and will respect the existing neighbourhood character, thus meets the overarching objective.</p>		
<p>Clause 55.06-3 Common property objectives</p> <ul style="list-style-type: none"> To ensure that communal open space, car parking, access areas and site facilities are practical, attractive and easily maintained. To avoid future management difficulties in areas of common ownership. 	<p>Standard B33 Developments should clearly delineate public, communal and private areas.</p> <p>Common property, where provided, should be functional and capable of efficient management.</p>	<p>Complies with standard & meets objective</p>
<p>Assessment: Where common property is proposed, it appears functional, well-designed and capable of efficient management through an owner's corporation arrangement.</p>		
<p>Clause 55.06-4 Site services objectives</p> <ul style="list-style-type: none"> To ensure that site services can be installed and easily maintained. To ensure that site facilities are accessible, adequate and attractive. 	<p>Standard B34 Dwelling layout and design should provide sufficient space and facilities for services to be installed and maintained efficiently and economically. Bin and recycling enclosures, mailboxes and other site facilities should be adequate in size, durable, waterproof and blend in with the development.</p>	<p>Complies with standard & meets objective</p>
<p>Assessment: Site services such as mailboxes, water tanks, bin/recycling enclosures have been nominated on the respective plans and located appropriately.</p>		

Appendices

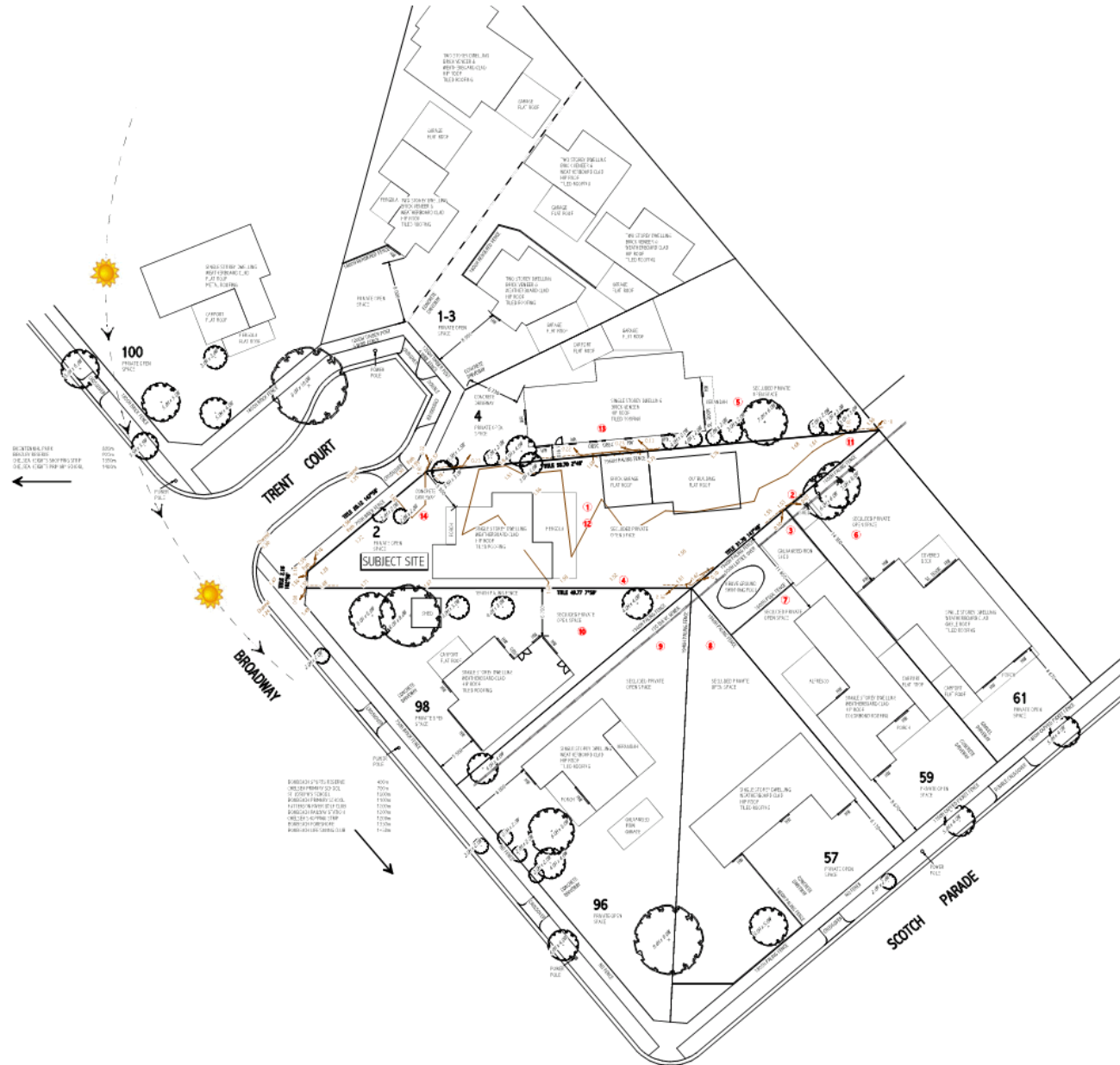
Appendix 1 - KP-2017/821 - 2 Trent Court, BONBEACH VIC 3196 - Plans for consideration by Committee (Ref 18/582233) [↓](#)

Author/s: Hugh Charlton, Statutory Planner
 Reviewed and Approved By: Jeremy Hopkins, Team Leader Statutory Planning
 Ian Nice, Manager City Development

8.2

KP-2017/821 - 2 TRENT COURT BONBEACH

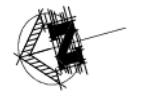
- 1 KP-2017/821 - 2 Trent Court, BONBEACH VIC 3196 - Plans
for consideration by Committee..... 57



NEIGHBOURHOOD & SITE DESCRIPTION PLAN

OPPORTUNITIES & CONSTRAINTS

- 1 OPPORTUNITY FOR FURTHER DEVELOPMENT ON A SITE PROVIDED WITH FULL SERVICE FACILITIES.
- 2 OPPORTUNITY NO EASEMENTS ON SITE.
- 3 OPPORTUNITY NEIGHBOURS SHEDS ADJACENT TO BOUNDARY.
- 4 OPPORTUNITY FOR WESTERN EXPOSURE OF SECLUDED PRIVATE OPEN SPACES.
- 5 CONSTRAINT. NEIGHBOURS SECLUDED PRIVATE OPEN SPACE & HABITABLE ROOM WINDOWS REQUIRE PROTECTION FROM UNLIE OVERLOOKING & OVERSHADOWING.
- 6 CONSTRAINT. NEIGHBOURS SECLUDED PRIVATE OPEN SPACE & HABITABLE ROOM WINDOWS REQUIRE PROTECTION FROM UNLIE OVERLOOKING & OVERSHADOWING.
- 7 CONSTRAINT. NEIGHBOURS SECLUDED PRIVATE OPEN SPACE & HABITABLE ROOM WINDOWS REQUIRE PROTECTION FROM UNLIE OVERLOOKING & OVERSHADOWING.
- 8 CONSTRAINT. NEIGHBOURS SECLUDED PRIVATE OPEN SPACE & HABITABLE ROOM WINDOWS REQUIRE PROTECTION FROM UNLIE OVERLOOKING & OVERSHADOWING.
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- 10 CONSTRAINT. NEIGHBOURS SECLUDED PRIVATE OPEN SPACE & HABITABLE ROOM WINDOWS REQUIRE PROTECTION FROM UNLIE OVERLOOKING & OVERSHADOWING.
- 11 CONSTRAINT. FRONT & REAR SECTIONS OF ALLLOTMENT UNSUITABLE FOR BUILDINGS.
- 12 CONSTRAINT. NORTH SOUTH ALIGNMENT OF ALLLOTMENT.
- 13 CONSTRAINT. NEIGHBOURS HABITABLE ROOMS WINDOWS REQUIRE 1.0m WIDE LIGHT COURT CLEAR TO SKY.
- 14 CONSTRAINT. MATURE VEGETATION ON SITE & ON ADJACENT PROPERTIES REQUIRES CONSIDERATION.



- LEGEND**
- DENOTES FINISHED SURFACE TO AUSTRALIAN HEIGHT DA TLM
 - DENOTES EXISTING SURFACE TO AUSTRALIAN HEIGHT DA TLM
 - DENOTES HABITABLE ROOM WINDOWS
 - DENOTES FIRST FLOOR HABITABLE ROOM WINDOWS
 - DENOTES EXISTING VEGETATION
 - DENOTES VEGETATION TO BE REFINISHED

- VOLUNTARY AMENDMENTS
- AMENDED TO COUNCIL'S REQUEST FOR FURTHER INFORMATION

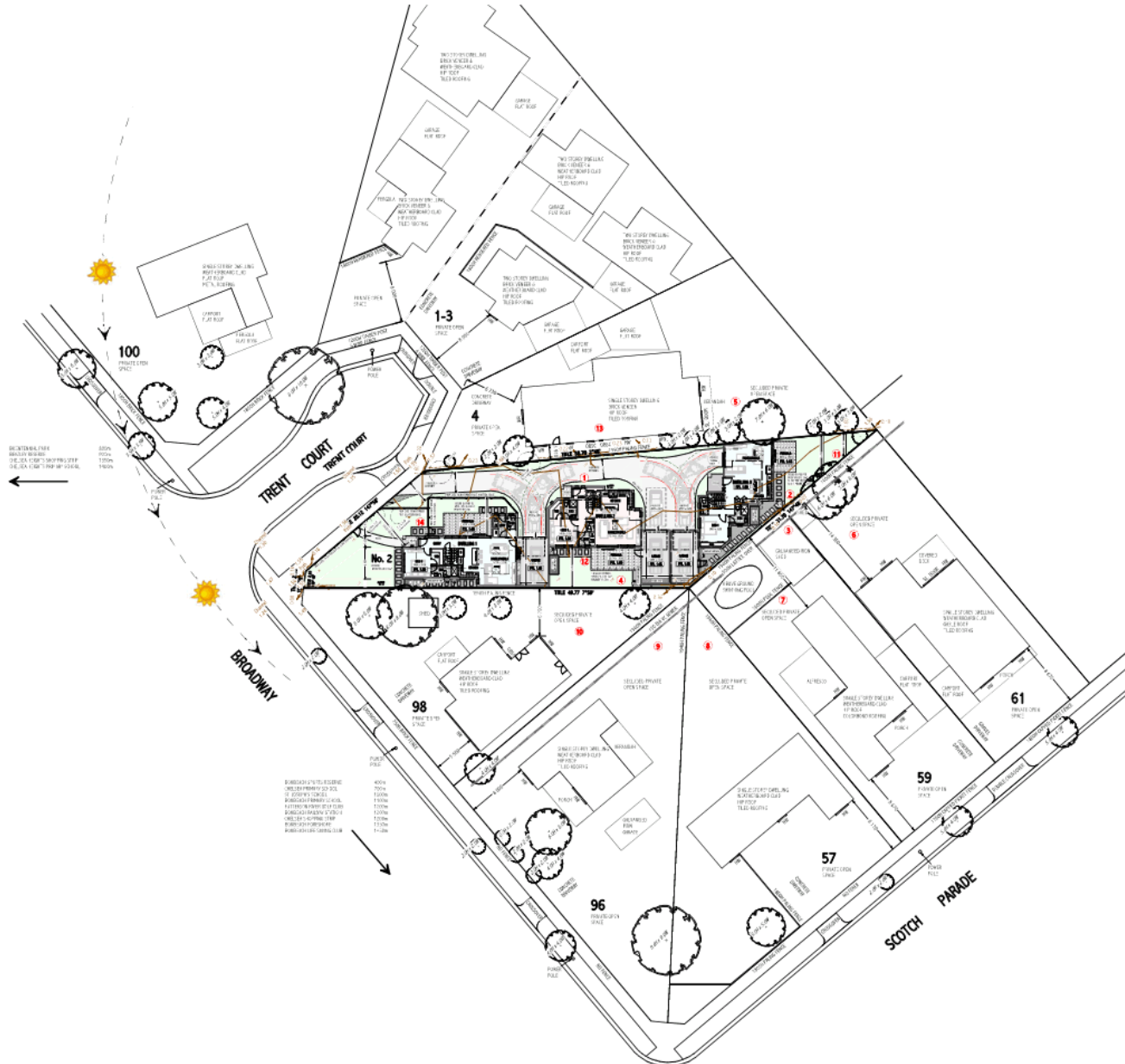
PROJECT
PROPOSED THREE DWELLINGS AT 2 TRENT COURT BONBEACH

PIR
P. & K. POORE

STAGE
3. TOWN PLANNING

DATE: 10.10.2017 JOB No: 105 SHEET No: 1 OF 5 SCALE: 1:250 AMEND No: **B**

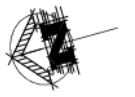
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 301 Balaclava Road, BONBEACH VIC 3196
 0772 965515 info@neilfletcherdesign.com.au @



DESIGN RESPONSE PLAN

DESIGN RESPONSE

- 1 PROPOSAL RESPONDS WITH THREE NEW DWELLINGS ON SITE.
- 2 PROPOSAL MAKES FULL USE OF REAR OF SITE WITHOUT EASEMENTS.
- 3 PROPOSAL RESPONDS WITH DWELLING 3 ADJACENT TO NEIGHBOURS SHEDS ON BOUNDARY.
- 4 PROPOSAL RESPONDS WITH DWELLINGS PROVIDED WITH NORTHERN & WESTERN EXPOSURE.
- 5 PROPOSAL RESPONDS TO LIMIT UNDUE OVERLOOKING & OVERSHADOWING OF NEIGHBOURS SECLUDED PRIVATE OPEN SPACE & HABITABLE ROOM WINDOWS.
- 6 PROPOSAL RESPONDS TO LIMIT UNDUE OVERLOOKING & OVERSHADOWING OF NEIGHBOURS SECLUDED PRIVATE OPEN SPACE & HABITABLE ROOM WINDOWS.
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- 10 PROPOSAL RESPONDS TO LIMIT UNDUE OVERLOOKING & OVERSHADOWING OF NEIGHBOURS SECLUDED PRIVATE OPEN SPACE & HABITABLE ROOM WINDOWS.
- 11 PROPOSAL RESPONDS WITH REDUCED STREET SETBACK TO MAKE USE OF UNUSUAL SHAPE OF ALLOTMENT FRONTAGE.
- 12 PROPOSAL RESPONDS WITH DWELLINGS DESIGNED TO MAXIMISE NORTHERN EXPOSURE WHERE POSSIBLE.
- 13 PROPOSAL RESPONDS WITH DRIVEWAY ADJACENT TO NEIGHBOURS PROPERTY ALLOWING UNRESTRICTED LIGHT INTO HABITABLE ROOM WINDOWS.
- 14 PROPOSAL RESPONDS WITH ARBORIST'S REPORT ON MATURE VEGETATION ON SITE & ON ADJACENT PROPERTIES.



- LEGEND**
- DENOTES FINISHED SURFACE TO AUSTRALIAN HEIGHT DATUM
 - DENOTES EXISTING SURFACE TO AUSTRALIAN HEIGHT DATUM
 - DENOTES HABITABLE ROOM WINDOWS
 - DENOTES FIRST FLOOR HABITABLE ROOM WINDOWS
 - DENOTES EXISTING VEGETATION
 - DENOTES VEGETATION TO BE REMOVED

- B** FOR IN SITU VEGETATION REMOVAL
- A** FOR IN SITU VEGETATION TO BE PRESERVED

NO.	DATE	REVISION

PROPOSED THREE DWELLINGS AT 2 TRENT COURT BONBEACH

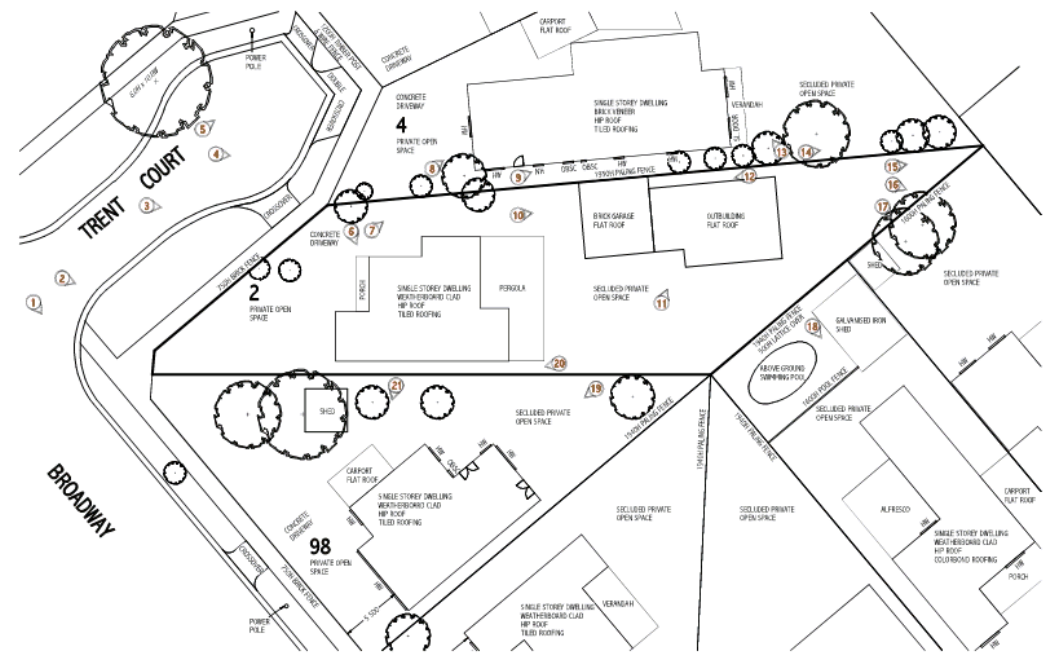
FOR P. & K. POORE

STAGE 3. TOWN PLANNING

DATE	JOB NO.	SHEET NO.	SCALE	AMEND NO.
10.10.2017	1033	3 of 3	1:500	B

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LEGEND

- DENOTES FINISHED SURFACE TO AUSTRALIAN HEIGHT DATUM
- DENOTES EXISTING SURFACE TO AUSTRALIAN HEIGHT DATUM
- DENOTES HABITABLE ROOM WINDOWS
- DENOTES FIRST FLOOR HABITABLE ROOM WINDOWS
- DENOTES EXISTING VEGETATION
- DENOTES VEGETATION TO BE REMOVED
- VOLUNTARY AMENDMENTS
- AMENDED TO COUNCIL'S REQUEST FOR FURTHER INFORMATION
- DATE
- AMENDMENT

PROJECT
PROPOSED THREE DWELLINGS AT 2 TRENT COURT BONBEACH

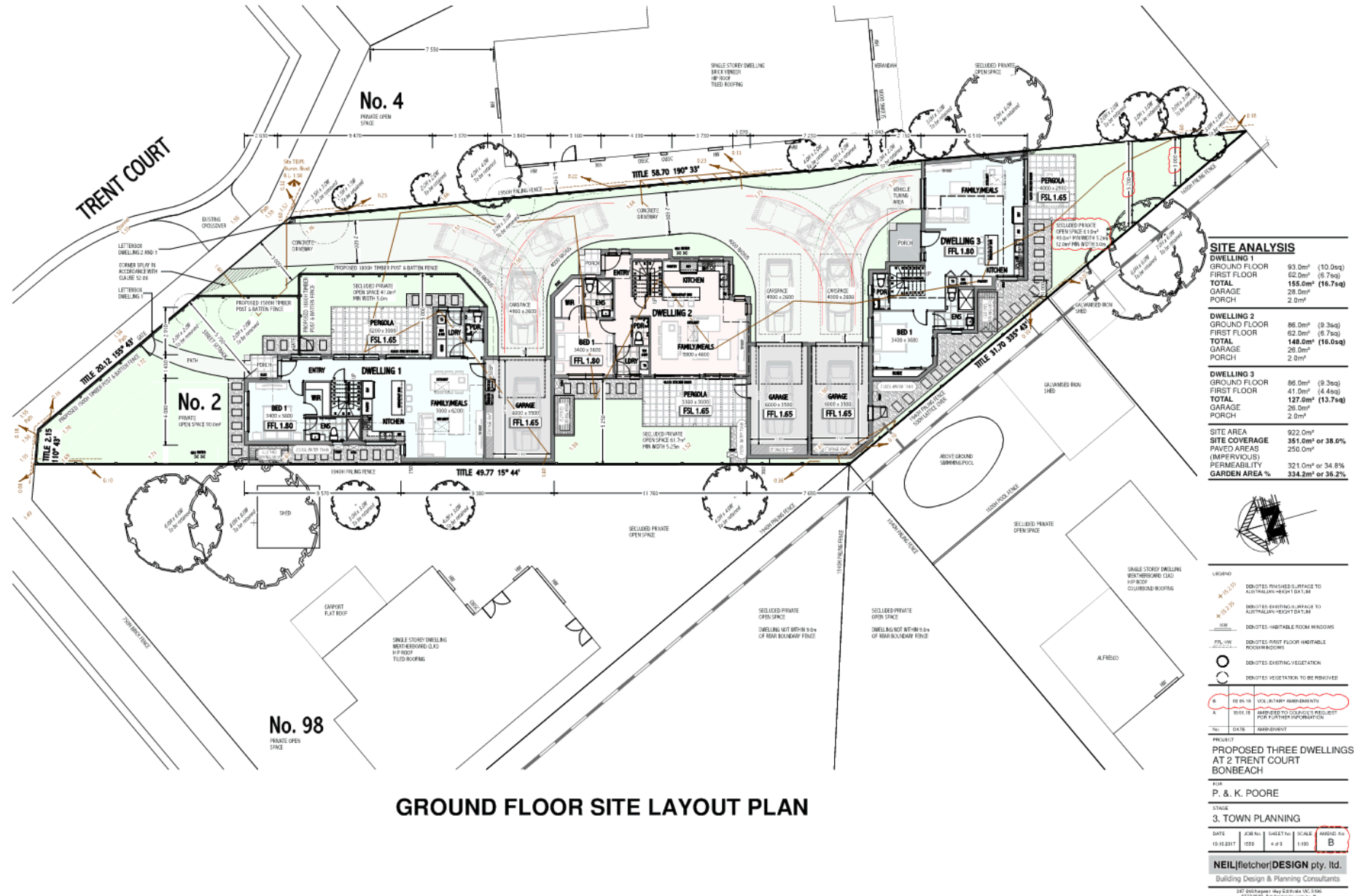
FOR
P. & K. POORE

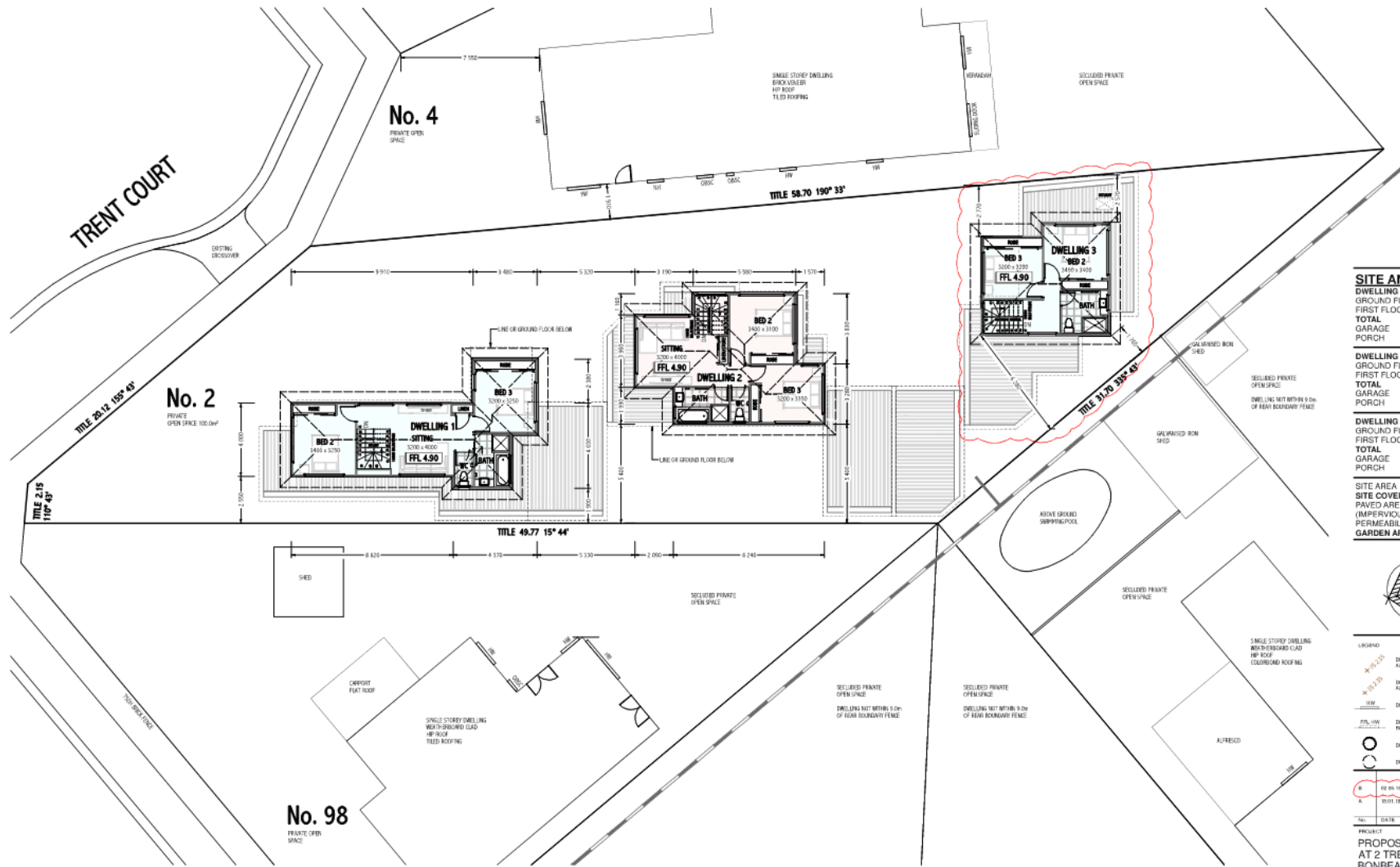
STAGE
3. TOWN PLANNING

DATE 19.10.2017 **JOB NO.** 1055 **SHEET NO.** 2 of 3 **SCALE** 1:200 **AMEND NO.** B

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NEIGHBOURHOOD PHOTO SURVEY





FIRST FLOOR SITE LAYOUT PLAN

SITE ANALYSIS	
DWELLING 1	
GROUND FLOOR	93.0m ² (10.0sq)
FIRST FLOOR	62.0m ² (6.7sq)
TOTAL	155.0m² (16.7sq)
GARAGE	28.0m ²
PORCH	2.0m ²
DWELLING 2	
GROUND FLOOR	86.0m ² (9.2sq)
FIRST FLOOR	62.0m ² (6.7sq)
TOTAL	148.0m² (16.0sq)
GARAGE	26.0m ²
PORCH	2.0m ²
DWELLING 3	
GROUND FLOOR	86.0m ² (9.2sq)
FIRST FLOOR	41.0m ² (4.4sq)
TOTAL	127.0m² (13.7sq)
GARAGE	26.0m ²
PORCH	2.0m ²
SITE AREA	922.0m²
SITE COVERAGE	351.0m² or 38.0%
PAVED AREAS (IMPERVIOUS)	250.0m²
PERMEABILITY	321.0m² or 34.8%
GARDEN AREA %	334.2m² or 36.2%

LEGEND

- DENOTES FINISHED SURFACE TO AUSTRALIAN HEIGHT DATUM
- DENOTES EXISTING SURFACE TO AUSTRALIAN HEIGHT DATUM
- DENOTES HABITABLE ROOM WINDOWS
- DENOTES FIRST FLOOR HABITABLE ROOM WINDOWS
- DENOTES EXISTING VEGETATION
- DENOTES VEGETATION TO BE REMOVED
- DENOTES VOLUNTARY IMPROVEMENTS
- DENOTES IMPROVEMENTS TO COUNCIL'S REQUEST FOR FURTHER INFORMATION
- DATE: 14/05/2017

PROJECT
PROPOSED THREE DWELLINGS AT 2 TRENT COURT BONBEACH

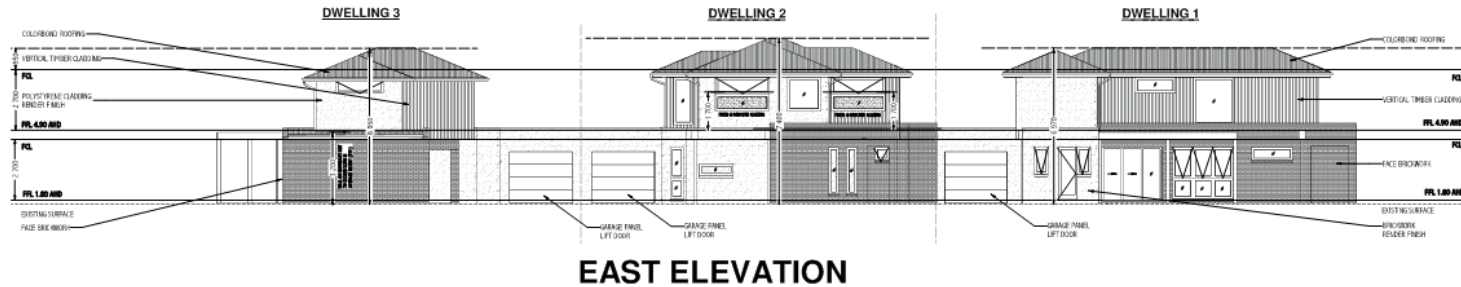
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P. & K. POORE

STAGE
3. TOWN PLANNING

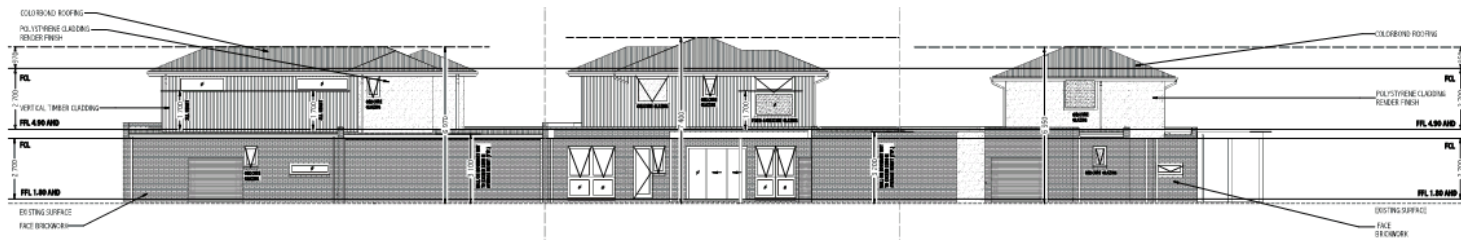
DATE	JOB No.	SHEET No.	SCALE	REVISION
15/05/2017	055	2 of 3	1:100	B

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EAST ELEVATION



WEST ELEVATION

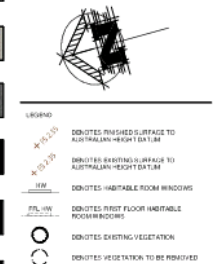
SITE ANALYSIS

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MATERIALS & FINISHES SCHEDULE

ALL DWELLINGS	
FACE BRICKWORK	- PGH Bricks McGarvie Red
BRICKWORK RENDER FINISH	- Colorbond "Evening Haze"
STYROFOAM CLADDING RENDER FINISH	- Colorbond "Evening Haze"
VERTICAL TIMBER CLADDING	- Colorbond "Evening Haze" paint finish
WINDOW FRAMES	- Colorbond "Night Sky"
STEEL DECK ROOFING GROUND FLOOR	- Colorbond "Night Sky"
COLORBOND ROOFING FIRST FLOOR	- Colorbond "Night Sky"
RAINHEADS, DOWNPIPES	- Colorbond "Evening Haze"
GARAGE DOORS	- Colorbond "Night Sky"
SITE WORKS	
DRIVEWAY PAVING	- All weather coloured concrete
FRONT FENCE	- Timber posts - Hardwood timber battens

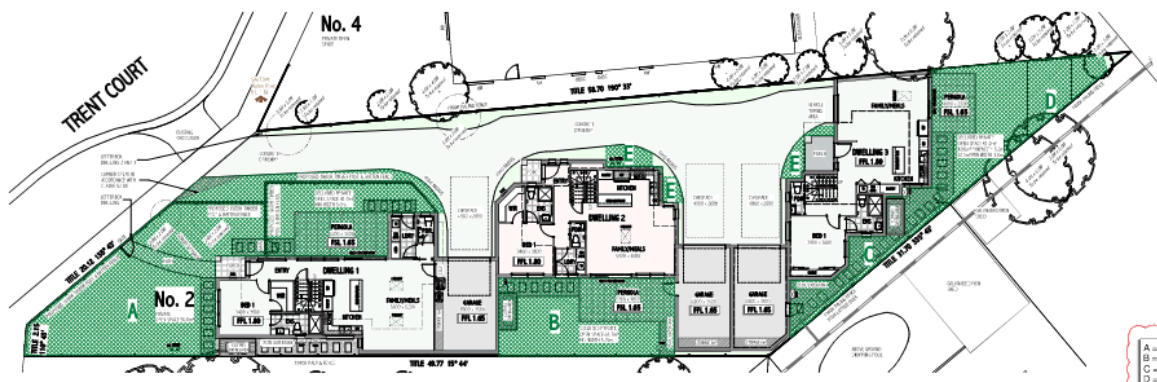


LEGEND
 --- FINISHED SURFACE TO AUSTRALIAN HEIGHT DATUM
 - - - EXISTING SURFACE TO AUSTRALIAN HEIGHT DATUM
 - - - HABITABLE ROOM WINDOWS
 - - - FIRST FLOOR HABITABLE ROOM WINDOWS
 ○ EXISTING VEGETATION
 ⊗ VEGETATION TO BE REMOVED

PROPOSED THREE DWELLINGS AT 2 TRENT COURT BONBEACH

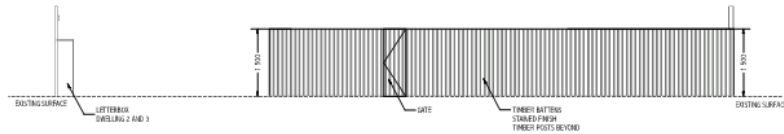
FOR P. & K. POORE
 STAGE 3. TOWN PLANNING
 DATE: 10.10.2017 JOB NO: 1030 SHEET NO: 6 OF 8 SCALE: AS SHOWN DRAWN BY: B

NEILflecherDESIGN pty. Ltd.
 Building Design & Planning Consultants
 257 Malvern Road, East Melbourne VIC 3002
 03 9593 8688 360 flecherdesign.com.au

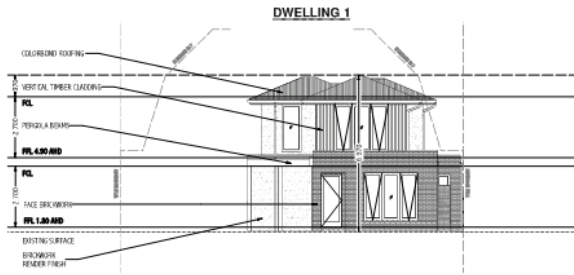


GARDEN AREA PLAN 1:150

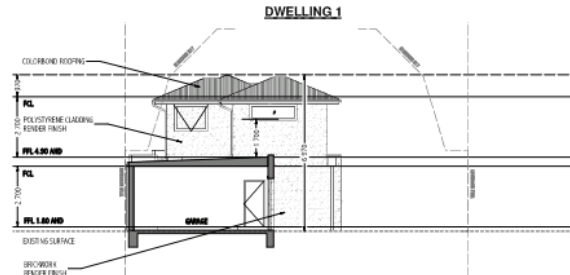
A = 172.0m²
 B = 61.7m²
 C = 25.6m²
 D = 84.5m²
 E = 10.2m²
 TOTAL = 334.2 or 36.2%



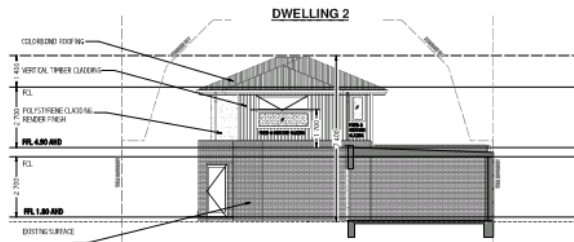
FRONT FENCE ELEVATION 1:50



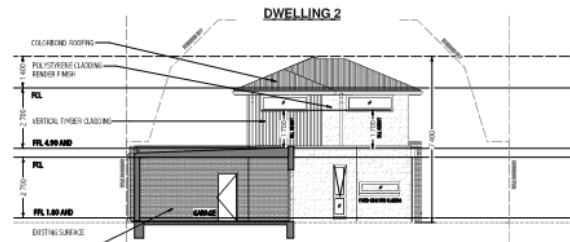
NORTH ELEVATION



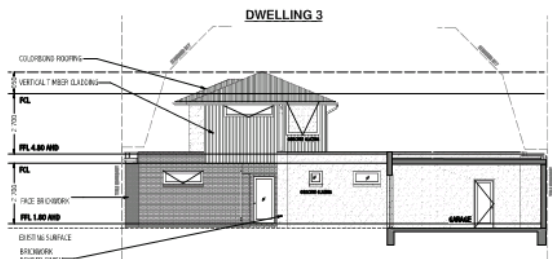
SOUTH ELEVATION



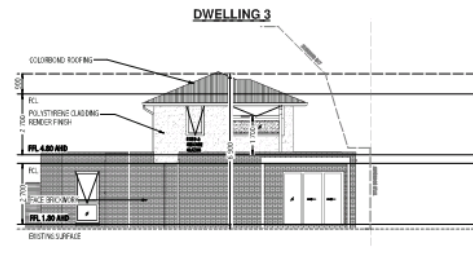
NORTH ELEVATION



SOUTH ELEVATION



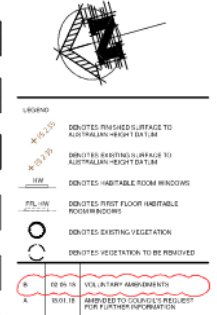
NORTH ELEVATION



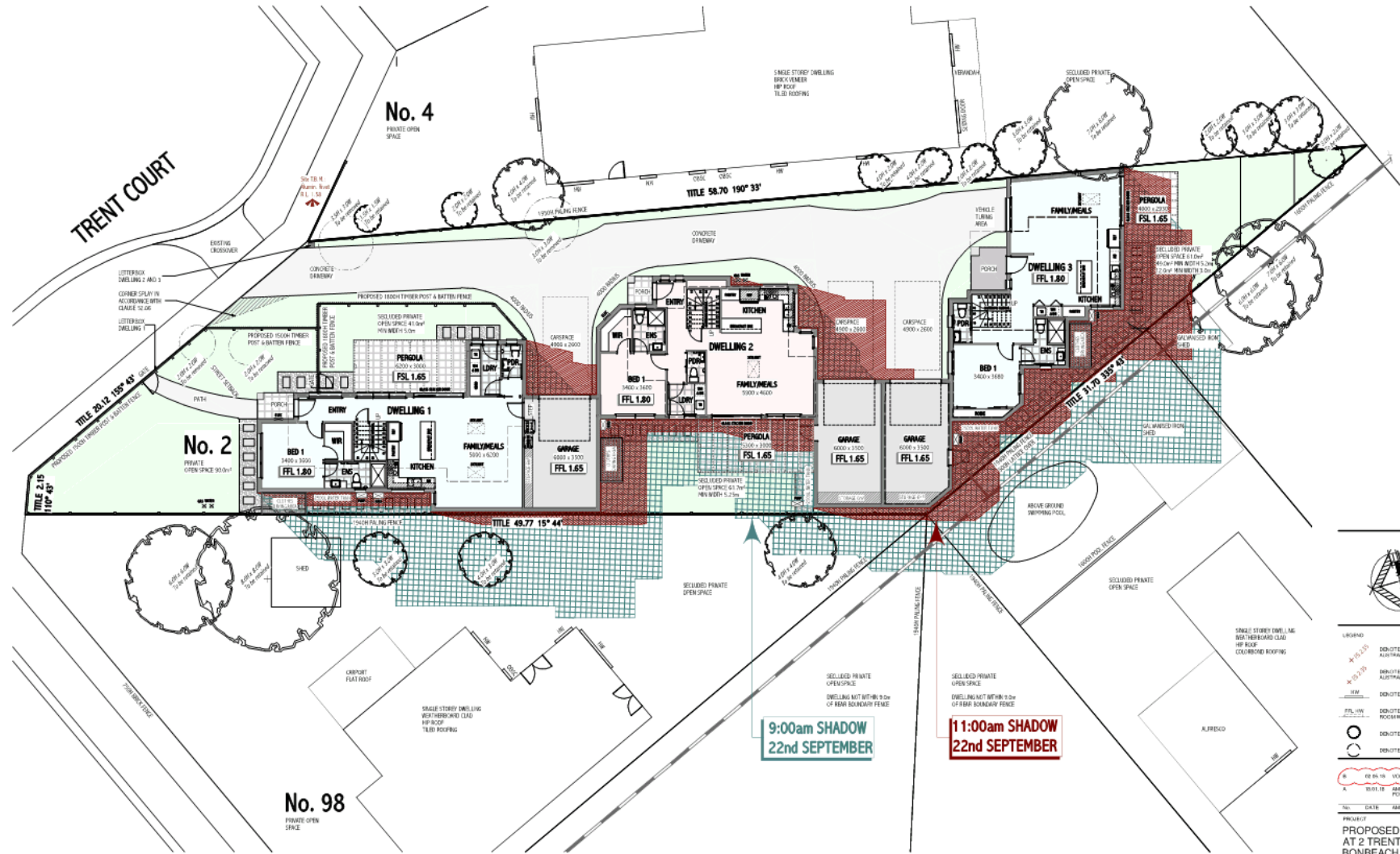
SOUTH ELEVATION

SITE ANALYSIS	
DWELLING 1	
GROUND FLOOR	93.0m ² (10.0sq)
FIRST FLOOR	62.0m ² (6.7sq)
TOTAL	155.0m² (16.7sq)
GARAGE	28.0m ²
PORCH	2.0m ²
DWELLING 2	
GROUND FLOOR	86.0m ² (9.3sq)
FIRST FLOOR	62.0m ² (6.7sq)
TOTAL	148.0m² (16.0sq)
GARAGE	26.0m ²
PORCH	2.0m ²
DWELLING 3	
GROUND FLOOR	86.0m ² (9.3sq)
FIRST FLOOR	41.0m ² (4.4sq)
TOTAL	127.0m² (13.7sq)
GARAGE	26.0m ²
PORCH	2.0m ²

MATERIALS & FINISHES SCHEDULE	
ALL DWELLINGS	
FACE BRICKWORK	- P&K Bricks McGarrig Red
BRICKWORK RENDER FINISH	- Colorbond 'Evening Haze'
STYROFOAM CLADDING RENDER FINISH	- Colorbond 'Evening Haze'
VERTICAL TIMBER CLADDING Seyon Stria	- Colorbond 'Evening Haze' paint finish
WINDOW FRAMES	- Colorbond 'Night Sky'
STEEL DECK ROOFING GROUND FLOOR	- Colorbond 'Night Sky'
COLORBOND ROOFING FIRST FLOOR	- Colorbond 'Night Sky'
RAIN-HEADS, DOWNPIPES	- Colorbond 'Evening Haze'
GARAGE DOORS	- Colorbond 'Night Sky'
SITE WORKS	- All weather coloured concrete
FRONT FENCE	- Timber posts - Hardwood timber battens



PROPOSED THREE DWELLINGS AT 2 TRENT COURT BONBEACH			
PREPARED BY			
P. & K. POORE			
STAGE			
3. TOWN PLANNING			
DATE	JOB NO.	SHEET NO.	SCALE
19/08/2017	055	7 of 9	1:100
			APPROVED BY
			B
NEIL/fletcher/DESIGN pty. Ltd.			
Building Design & Planning Consultants			
307 Balaclava Road, Balaclava VIC 3103 0772 9655 balac@design.com.au @			



AM SHADOW DIAGRAM

LEGEND

- FINISHED SURFACE TO AUSTRALIAN HEIGHT DATUM
- EXISTING SURFACE TO AUSTRALIAN HEIGHT DATUM
- HABITABLE ROOM WINDOWS
- FIRST FLOOR HABITABLE ROOM WINDOWS
- EXISTING VEGETATION
- VEGETATION TO BE REMOVED

NOTES

- TO BE IN ACCORDANCE WITH AUSTRALIAN STANDARDS
- TO BE IN ACCORDANCE WITH LOCAL GOVERNMENT REQUIREMENTS FOR FURTHER INFORMATION

NO. DATE REVISION

PRIORITY

PROPOSED THREE DWELLINGS AT 2 TRENT COURT BONBEACH

PKR

P. & K. POORE

STAGE

3. TOWN PLANNING

DATE 10.10.2017 **JOB NO.** 1055 **SHEET NO.** 2 of 2 **SCALE** 1:100 **ANNO. NO.** B

NEIL|fletcher|DESIGN pty. ltd.
Building Design & Planning Consultants

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Ordinary Meeting of Council

26 November 2018

Agenda Item No: 8.3

KP-2018/354 - 11 VENICE STREET & 1-3 REMO STREET MENTONE

Contact Officer: Jeremy Hopkins, Team Leader Statutory Planning

Purpose of Report

This report is for Council to consider Planning Permit Application No. KP-2018/354 - 11 Venice Street & 1-3 Remo Street, Mentone.

Disclosure of Officer / Contractor Direct or Indirect Interest

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

OFFICER RECOMMENDATION

That Council determine to support the proposal and issue a Planning Permit to develop the land for the construction of Buildings and works associated with an existing sports pavilion and informal car parking area at 11 Venice Street & 1-3 Remo Street, Mentone, subject to the conditions contained within this report.

PLANNING OFFICER REPORT	
APPLICANT	Hansen Partnership on behalf of the City of Kingston
ADDRESS OF LAND	No. 11 Venice Street & No. 1-3 Remo Street, Mentone
PLAN OF SUBDIVISION REFERENCE	Lot 1 on Title Plan No. 133325Q, Lot 1 on Title Plan No. 380952E & Lot 1 on Title Plan No. 621682T
PROPOSAL	Buildings & works associated with an existing sports pavilion ("G H Soppet Pavilion) and informal car parking area
PLANNING OFFICER	Jeremy Hopkins
REFERENCE NO.	KP-2018/354
ZONE	Clause 36.02 – Public Park & Recreation Zone Clause 37.08 – Activity Centre Zone (Schedule 2)
OVERLAYS	Clause 43.01 – Heritage Overlay Schedule 67 (HO67) Clause 43.02 – Design & Development Overlay (Schedule 1)
OBJECTIONS	None
CONSIDERED PLAN REFERENCES/DATE RECEIVED	Hede Architects Pty Ltd, Job No. 15045, Drawing No. AH0.00 to AH2.04 (Revision P8), dated the 27th July, 2018 and received by Council on the 6th September, 2018.
ABORIGINAL CULTURAL HERITAGE SENSITIVITY	No

1.0 RELEVANT LAND HISTORY

- 1.1 Council records indicate that no recent planning applications have been considered in relation to the subject site.

2.0 SITE PARTICULARS

- 2.1 The subject land comprises of three (3) lots bound by Brindisi Street (to the north), Mentone Parade (to the east), Remo Street (to the west) and Venice Street (to the south). The main portion of the site relates to the Mentone Reserve which covers an area of approximately 3.24 hectares and is currently owned and managed by Council. The two (2) smaller allotments, referred to as No. 1 & No. 3 Remo Street, feature a single dwelling only whilst the balance of the consolidated site is currently vacant.
- 2.2 Mentone Reserve is developed and used for a number of recreational and community facilities, including a sports oval, cricket nets, the Keith Styles Reserve, Kingston City Council offices and Central Bayside Community Health Services. The G H Soppet Pavilion is located at the south-west corner of the reserve directly adjacent to the intersection of Venice Street and Remo Street, Mentone. This structure was erected in 1928 and is considered typical of an inter-war grandstand featuring tiered seating with a social room and associated facilities located at the ground level. A number of established trees are located with close proximity to the existing grandstand which have been confirmed as planted specimens.
- 2.3 Vehicle access to the subject land is provided via either Venice Street (to the south) or Remo Street (to the west).
- 2.4 No easements are contained within the site. There are no restrictions listed on any of the three (3) separate Titles relating to the subject land.
- 2.5 The property is not located within an area of "cultural heritage sensitivity".

3.0 SURROUNDING ENVIRONS

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



3.2 The surrounding land to the north and east of the subject site forms part of the Activity Centre Zone (Schedule 2 – Mentone Activity Centre). The north-eastern corner of the subject site is identified as being located with the Public Use Zone 2 which forms part of the Kingston City Council municipal offices. To the south (opposite Venice Street), the land is developed and used for residential purposes and forms part of the General Residential Zone (Schedule 3).

3.3 At present, Remo Street is partially closed to local traffic located south of the existing residential property at No. 11 Remo Street with recent local government approval gazetted on the 17th May, 2018, to allow Council to carry out works for the full closure of the southern-most section of the road to the public. It is important to note that the property at No. 11 Remo Street is the only allotment currently occupied by a residential dwelling within the street. The road closure of the southern-most end of Remo Street was based on the premise that the land is currently underutilised and could be better served to accommodate future works associated with the Mentone Reserve in additional off-street car parking for local residents.

4.0 PROPOSAL

4.1 It is proposed to construct buildings and to construct and carry out works (including demolition) associated with the existing sports pavilion on this site in addition to the use and

development of an informal car park at No. 1-3 Remo Street, Mentone, generally in accordance with the revised plans received by Council on the 6th September, 2018.

4.2 Specifically, the proposal seeks to undertake an extensive re-development of the existing sports pavilion located at the south-west corner of the subject site which is identified as being of architectural and cultural heritage significance. The proposed works include:

- the construction of a new two-storey building to be used in conjunction with the existing sports pavilion (to be interconnected via a concrete ramp structure at the upper floor level). The new building is to be sited to the north-west of the existing heritage building and extend into the Remo Street road reserve which is to be formally closed. The proposed development would feature a maximum building height of 11 metres and be of a contemporary design incorporating a skillion-style roof. The design of the new building aims to compliment rather than detract from the heritage values associated with the existing sports pavilion;
- to carry out alterations to the existing heritage building, to undertake demolition works to the parts of the existing pavilion added to the existing pavilion in 1964 in addition to the removal of the existing change room and kiosk;
- key elements of the original sports pavilion constructed in 1928 would be retained with works to be undertaken to include repairing and maintaining existing elements of the building including the replacement of the metal sheet cladding on the sides of the grandstand seating area, replacing glass brick windows at the rear of the grandstand, relocating the existing stair access to the side of the building and replacing sections of the existing timber bench seating.

4.3 The external building materials and finishes specified for the new facilities would consist of face brickwork, painted rendered wall cladding, metal sheet cladding and metal shingles.

4.4 The existing use of the Mentone Reserve as an open sports ground is to be maintained as it has been since 1928. The proposed informal car park, to be located at No. 1 & No. 3 Remo Street to the west, is to be created as a separate use to the existing sports oval with the intention in providing off-street car parking for local residents as a result of the closure of the southern-most end of Remo Street. The new car parking area (understood to feature a gravel surface) would accommodate approximately 25 car spaces and be accessed from Venice Street only.

4.5 A number of established trees are required to be removed as a part of the proposal. However, all of the existing specimens to be removed do not require planning approval for their removal as it has been confirmed that they have been planted and therefore satisfy the exemption requirements under Clause 52.17 (Native Vegetation).

5.0 PLANNING PERMIT PROVISIONS

Zone

5.1 **Public Park & Recreation Zone:** In accordance with Clause 36.02 of the Scheme, a planning permit is not required as the use and building and works are to be carried out by or on behalf of a public land manager. With respect to this application, Council is the public land manager with regards to the proposed works which are to be undertaken within Mentone Reserve.

The proposed use maintains the existing open sports ground, included under Minor sports and recreation facility, and is a Section 1 as of right use, defined under Clause 73.03 as:

*Land used for sport, but which is available for informal outdoor leisure or recreation when not being used Open sports ground or prepared for an organised game. It may include lights, change rooms, **pavilions**, and shelters.*

- 5.2 Activity Centre Zone: Pursuant to Section 3.0 of Schedule 2 (Mentone Activity Centre) of the Activity Centre Zone, a planning permit is required to use the land at No. 1-3 Remo Street for the purpose of an informal car park.

A planning permit is also required to construct or to carry out buildings and works under Section 4.0 of the ACZ2. Existing use rights apply to the open sports ground and pavilion, which will be maintained in the proposal, thus a permit is not required to use the land under this zone.

Overlays

- 5.3 Heritage Overlay (HO67 - CH Soppitt Pavillion): Pursuant to Clause 43.01 of the Scheme, a planning permit is required to demolish or remove a building, to construct a building and to construct or carry out works. The Schedule to the Overlay indicates that external paint controls to the existing heritage building (sports pavilion) on this site.
- 5.4 Design & Development Overlay: Pursuant to Clause 43.02 of the Kingston Planning Scheme, a planning permit is required to construct a building or construct and carry out works. A building must not be greater than two (2) storeys in height (which may include a basement carpark with a maximum height of 1.2 metres above natural ground level).

Particular Provisions

- 5.5 Car Parking: Pursuant to Clause 52.06-6 of the Scheme, car parking spaces must be provided to the satisfaction of the Responsible Authority before a new use commences or the floor area or site area of an existing use is increased. It is acknowledged that the provision of new car parking at No. 1-3 Remo Street does not relate to the existing use of the land at No. 11 Venice Street as a sports oval and is to be created due to the closure of part of Remo Street (therefore reducing the availability of on-street car parking for local residents). The Applicant also states that the existing use of the Mentone Reserve would not be intensified as a result of the proposal due to the ability to be able to conduct only one (1) game at a time on the sports ground.

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.

1.

6.0 RELEVANT POLICIES

6.1 Planning Policy Framework (PPF)

Clause 11	Settlement
Clause 11.03-1R	Activity Centres – Metropolitan Melbourne
Clause 15	Built Environment and Heritage
Clause 15.03	Heritage
Clause 19.02-6R	Open Space – Metropolitan Melbourne

6.2 Local Planning Policy Framework (LPPF)

Clause 21.04	Vision
Clause 21.11	Open Space
Clause 21.13	Heritage
Clause 22.16	Heritage Policy

6.3 Zoning

Clause 36.02	Public Park & Recreation Zone
Clause 37.08	Activity Centre Zone (Schedule 2)

6.4 Overlay Controls

Clause 43.01	Heritage Overlay (Map Ref. No. 67)
Clause 43.02	Design & Development Overlay (Schedule 1)

6.5 Particular Provisions

Clause 52.06	Car Parking
Clause 52.17	Native Vegetation

7.0 ADVERTISING

7.1 The proposal was advertised by sending notices to adjoining and opposite property owners and/or occupiers and by maintaining 4 notices on site for fourteen (14) days. The advertising process was satisfactorily completed and no objections were received to the proposal.

8.0 PLANNING CONSULTATION MEETING

8.1 As no objections were received to the proposal, a Planning Consultation Meeting was not required to undertaken with respect to this application.

9.0 SECTION 57A – AMENDMENT TO PLANS

9.1 No formal amendments were made to the plans.

9.2 In response to Council's request for further information under Section 54 of the *Planning & Environment Act 1987*, the Applicant submitted revised plans to Council on the 6th September, 2018, showing a number of design modifications and additional information in response to matters outlined in the letter dated the 24th August, 2018. It is these plans that were advertised and now constitute the considered plans for this application.

10.0 REFERRALS

10.1 Pursuant to Clause 66.02 of the Scheme, the application was not required to be referred to any external referral authority.

10.2 *The application was referred to the following internal departments within Council (where appropriate, the revised plans have been re-referred):*

- Council's Traffic Engineers – offered no objection subject to a basic traffic management that maximises the informal parking design, and clarification of access points and pedestrian links.

- Council’s Development Engineer – offered no objection to the proposal, subject to the inclusion of a number of standard conditions to be imposed on any permit issued, relating to stormwater management.
- Council’s Roads & Drains Department – offered no objection to the proposal, subject to the inclusion of a number of standard conditions to be imposed on any permit issued. Detailed drawings for kerb changes were requested, however this falls outside the scope of planning considerations.
- Council’s Vegetation Management Officer/Street Trees – offered no objection to the proposal, subject to the inclusion of suitable permit conditions requiring the provision of a landscape plan and an associated planting schedule in addition to a Tree Management Plan where existing trees are to be retained and protected during the construction period. No significant trees are to be removed as a part of this application.
- Council’s Parks Dept. – offered no objection to the proposal subject to further considerations from Council’s Vegetation Department.
- Council’s Sustainable Development Advisor - offered no objection to the proposal, subject to the inclusion of a suitable permit condition requiring the Applicant to provide a Sustainable Design Assessment outlining the proposed sustainable design initiatives.
- Councils Consultant Heritage Advisor – had no objection to the proposed heritage building subject to further details of conservation works and materials scheduling.

11.0 PLANNING CONSIDERATIONS:

Planning Policy Framework

- 11.1 The Planning Policy Framework sets out the relevant state-wide policies for use and development at **Clause 11** (Settlement), **Clause 15** (Built Environment and Heritage) and **Clause 19.02-6R** (Open Space – Metropolitan Melbourne) under the Kingston Planning Scheme. The Victorian PPF requires Council to integrate the range of policies relevant to the issues to be determined and to balance conflicting objectives in favour of net community benefit and sustainable development.
- 11.2 The relevant policies at **Clause 11** (Settlement) of the Scheme seek to “anticipate and respond to the needs of existing and future communities through provision of zoned and serviced land for housing, employment, recreation and open space, commercial and community facilities and infrastructure”. Further to this, **Clause 11.03-1R** (Activity Centres – Metropolitan Melbourne) of the Scheme aims to “locate significant new education, justice, community, administrative and health facilities that attract users from large geographic areas in or on the edge of Metropolitan Activity Centres or Major Activity Centres with good public transport”.
- 11.3 **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. Of particular note, **Clause 15.03-1S** (Heritage Conservation) of the Scheme seeks “to ensure the conservation of places of heritage significance”.

- 11.4 Clause **15.03-2** (Aboriginal Cultural Heritage) seeks to ensure the protection and conservation of places of Aboriginal cultural heritage significance. However, the subject site is identified as not being located within an area of Aboriginal Cultural Heritage Sensitivity.
- 11.5 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 the surrounding area, 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.
- 11.6 **Clause 19.02-6R** (Open Space – Metropolitan Melbourne) of the Scheme aims “to strengthen the integrated metropolitan open space network”. It is considered that the redevelopment of the existing sports pavilion would enhance the viability of the existing local open space area without compromising its primary use.
- 11.7 It is submitted that the proposed development satisfies the afore-mentioned strategies and policy direction outlined by the Victorian State Government.

Local Planning Policy Framework

- 11.8 **Clause 21.04** (Vision) of the Scheme notes that “the City of Kingston Corporate Plan establishes the future corporate direction for the City and provides a framework for improving the social, physical, environmental and economic well-being of the community over the next three years”.
- 11.9 One of the key objectives of **Clause 21.11** (Open Space) of the Scheme is “to promote a diverse range of social and recreational opportunities which provide for the changing leisure needs of the municipality’s current and future populations”. The proposal is considered to support this policy by:
- allowing the development of “multi-use” open space facilities to maximise flexibility in facility use and to assist in reducing development and operational costs of facilities; and
 - ensuring that priority is given to open space acquisitions and location of new recreational facilities in areas of under-provision.
- 11.10 **Clause 21.13 (Heritage)** of the Scheme states that “the City of Kingston is committed to the conservation and enhancement of its places of heritage significance. It is important that heritage places are recognised, protected and retained, and that new development is effectively managed, and integrated sympathetically with the heritage values of the place and area”. With respect to this application, Council officers consider that the proposed development should achieve the above objective through ensuring that all new development located within Heritage Overlay (Map Ref. No. 67) visually and harmoniously integrate with and be recessive to the original character of the streetscape or heritage place.
- 11.11 **Clause 22.16 (Heritage Policy)** of the Scheme outlines a number of policies relating to the protection and conservation of heritage buildings and place where development and/or use applications are to be considered. Of particular relevance to this application, are:

- To allow demolition of non-contributory buildings in heritage precincts subject to an appropriate replacement building that sensitively integrates with the predominant location, bulk, form and appearance of the heritage precinct.
- To ensure that development on sites adjacent to heritage buildings and precincts is sympathetic to the heritage place in terms of bulk, setbacks, materials, colour scheme, form, and character of the place, streetscape and surrounding area.

The works associated with the existing heritage building (i.e. sports pavilion) are relatively minor with the more recent additions to be removed and minor internal modifications to the fabric of the building. The proposed new facilities to be constructed on the northern side of the existing grandstand will be of robust nature but will clearly distinguish itself from the heritage building.

In terms of its appropriateness within the adjoining streets, the closure of the southern end of Remo Street will allow for part of the new facility to extend into the existing road reserve. It is at the northern-most end where the new building will reach 11.0 metres in height. However, the properties located directly opposite the proposed development in Remo Street are currently not used for residential purposes. Council officers accept that the full road closure associated with Remo Street is intended to allow for part of the new facilities to extend west of the existing boundary associated with Mentone Reserve. This is now reflected in the submitted design associated with the proposed development.

- 11.12 It is considered that the proposed development generally complies and satisfies the Victorian and Local Planning Policy Framework guidelines that relate to the development of public open space areas, where applicable.

2. Zoning Provisions

- 11.13 Use:
The majority of the subject land forms part of the Public Park & Recreation Zone. The Applicant submits that the existing use of Mentone Reserve principally as a sports ground is to be maintained and has been an on-going use since its establishment in 1928. The proposed works satisfy the exemption requirements under Clause 36.02 of the Scheme given that Council is the public land manager and all of the works are to be undertaken on its behalf.

Existing use rights are relied on for the pavilion and it is understood there will not be any further intensification of the use by the sporting clubs who will be leased to. The 'social room' will potentially be available for hire by the community in addition to be available for functions by the occupying sporting clubs.

As per the current arrangement of the existing pavilion, it is understood that hire of the available space by the community will continue and will be regulated by Council's Property Services Department via the lease and hire agreement. Hire for teenage and 21st Birthday parties will not be allowed.

It is recommended that conditions be included that reflect the existing use and provide a framework to ensure that the future use is carried on in the same manner in the new pavilion. This also gives certainty that the existing amenity the residents enjoy in the surrounding area will be maintained. Such conditions will include the hours of operation that restricts community and other functions to be no later than 11.30pm (with the building to be vacated by 12am), and the maximum number of patrons at any one time for any functions.

11.14 A portion of the subject site is located within the Activity Centre Zone (Schedule 2 – Mentone Activity Centre), being No. 1-3 Remo Street located directly to the west of Mentone Reserve. With respect to this application, the relevant purposes of the Zone are, as follows:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To create through good urban design an attractive, pleasant, walkable, safe and stimulating environment.*
- *To facilitate use and development of land in accordance with the Development Framework for the activity centre.*

One of the preferred design outcomes identified for the Mentone Activity Centre aims “to encourage opportunities for consolidated and enhanced recreational open space at the Mentone Reserve”. Part of the site is located within Precinct 7 of the Activity Centre Zone (Schedule 2). Precinct 7 is identified as the “community activity precinct” which is bound by Brindisi Street to the north, Remo Street to the east and Venice Street to the south. The design objectives at Section 5.7 of Schedule 2 to the Zone seek to:

- *To ensure development is responsive to its sensitive residential interfaces.*
- *To encourage connections that link this precinct with the northern end of the Activity Centre.*
- *To encourage community and recreational based uses which provide improved utilisation of community buildings and provides a hub for community and recreational events.*
- *To create a major recreation open space area comprising outdoor recreation space for the co-location of sporting clubs.*

The proposed use for an informal car park at 1-3 Remo Street is directly associated to the pavilion and sports ground, and will provide a vital need for off street car parking in an informal manner. This use is consistent with the purpose to the zone as it supports the community and recreational uses sought by the ACZ2.

11.15 Development:

It is acknowledged that the proposed pavilion does not satisfy the ACZ “precinct requirements” which prefers a building height to be not more than two (2) storeys (8.5 metres). The maximum overall height of the new building would be 11.0 metres at two (2) storeys above ground level. No minimum building setbacks are specified for this precinct.

However, Council officers consider that the proposed development accords with the relevant design guidelines set out for Precinct 7 including:

- Public spaces should reflect the precinct’s functions.
- Buildings should be contemporary in architectural form and include use of light-weight materials.
- Buildings should only be erected where they are integral to the functioning of a sport, community, civic or recreational facility.
- Any new development should be sympathetic to the scale of the surrounding residential neighbourhood.
- Development should recognise the heritage elements and be appropriately setback from heritage feature within the precinct.
- Support the redevelopment of Remo Street for non-vehicular, community and recreational uses.

The proposed development would be appropriately setback from the existing heritage building by 5.2 metres and clearly distinguished through its contemporary and robust architectural style. Furthermore, the proposed works would “*support the redevelopment of Remo Street for non-vehicular, community and recreational uses*”.

It is important to acknowledge that the requirements for Precinct 7 are not mandatory and should be considered with regard to the location of the site and the design response itself.

Overlays

- 11.16 Clause 43.01 - Heritage Overlay (HO67): In accordance with Clause 43.01-1 of the Kingston Planning Scheme, a planning permit is required to demolish or remove a building, to construct and carry out works including external alterations to an existing building and to externally paint a building where paint controls apply.

The G H Soppet Pavilion is the heritage building affected by the HO67 which is located at the south-west corner of the Mentone Reserve. This building was constructed in 1928 and has been in continuous use as a sports pavilion since this time. It is identified as being of architectural and social significance at a local level. Specifically, the Statement of Significance for the G H Soppet Pavilion which forms part of the City of Kingston Heritage Study (2003) describes its significance as follows:

“Although considerably altered, the G H Soppet Pavilion situated within the Mentone Reserve, Remo Street, Mentone, is of social and architectural significance at a local level. It is socially significant for its relationship with the local sporting community. It is architecturally significant as the first pavilion built in Mentone dating from 1928 and as an exemplar of the simple massing and detailing of an interwar grandstand”.

The Applicant has submitted a written submission prepared by an independent Heritage Consultant, Peter Andrew Barrett, which suggests that the proposed works to the existing heritage building should not impact upon the architectural and social values of the G H Soppet Pavilion given that works to the existing fabric of the building should be largely limited to internal modifications and improvements. Further to this, the construction of the new sports pavilion on the northern side of the existing heritage building should result in a balanced development with the construction of a contemporary building whilst contrasting the interwar character of the heritage building. Additionally, the project also seeks to undertake works to conserve and enhance the original features of the grandstand.

Mr Barrett’s report also contends that the robust nature of the new sports pavilion would be visually distinct from the heritage fabric of the G H Soppet grandstand whilst ensuring that the original pavilion remains the focal point within the Mentone Reserve due to its physical separation from the new building. In an addendum report to Mr Barrett’s original submission, he cites the example of the recent redevelopment of the Richmond Football Club complex at Punt Road Oval in Richmond. In this case, the club’s new facilities resulted in the construction of a robust and bold development alongside the original grandstand which was constructed in 1914. Mr Barrett submits that such examples of new contemporary development matched with heritage buildings provides the ability to have a strong presence when juxtaposed with architecturally significant buildings.

For the above reasons, the proposal is considered to comprise a development that will be sensitive to the heritage place, and includes sympathetic restoration works to the original pavilion, all of which are designed in accordance with Clause 43.01 and Clause 22.16.

- 11.17 Clause 43.02 - Design & Development Overlay (Schedule 1): Pursuant to Clause 43.02-2 of the Scheme, a planning permit is required to construct a building or construct and carry out works.

As previously mentioned, the proposed development satisfies the maximum building height of not more than two (2) storeys under the DDO1. The proposed works associated with the re-development of the existing sports pavilion would be compatible with the surrounding area and in line with the preferred future development of the Mentone Reserve.

Particular Provisions

- 11.18 Clause 52.06 - Car Parking: The car parking rate associated with the use of the land at No. 1-3 Remo Street as a “car park” is unspecified and, as such, requires to be provided to the satisfaction of the Responsible Authority. Council’s Traffic Engineers have reviewed the application and have raised no major concerns with the proposed car parking and access arrangement, noting that car parking is generally a replacement of like for like. Car parking provision within the informal car park as proposed will allow for approx. 29 spaces based the Council Traffic Engineer recommendations below. This provision will be higher than the existing on-street parking of approx. 22 spaces to be removed as part of future Remo Street road closure. No intensification of the use is proposed thus car parking is considered adequate to meet the future demands of the sports ground. Council Traffic Engineer recommends the following design modifications to improve the proposed informal car parking area:

- The provision of a two-way access to the site at the north-west corner of Remo Street and Venice Street, in from one crossover and out from the other with parking signs and bollards or similar to manage a one-way thoroughfare and indicating the preferred layout that maximises the number of car parking spaces to be accommodated; and
- The provision of a gravel surface or other trafficable surface to the new car parking area.

Conditions are recommended by Council’s Vegetation Officer for retention and protection of the tree in the centre of the car park, along with protective fencing/barriers to prevent vehicles from impacting its roots.

- 11.19 Clause 52.17 - Native Vegetation: It is considered that all existing specimens to be removed satisfy the exemption requirements under Clause 52.17-7 of the Scheme given that all of the trees have been planted. Council’s Vegetation Management Officer has recommended that a condition of any permit issued requires the provision of a landscape plan and associated planting schedule which will allow the opportunity for suitable replacement plantings.

12.0 CONCLUSION:

- 12.1 On balance, the proposal is considered to substantially comply with the relevant planning policy and therefore should be supported.
- 12.2 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.
- 12.3 The proposed development and/or use 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 21.11 (Open Space), Clause 21.13 (Heritage), Clause 22.16 (Heritage Policy) and the design objectives of the HO67 and the DDO1.

13.0 RECOMMENDATION:

13.1 That Council determine to grant a Planning Permit for partial demolition and alterations and additions to the existing pavilion, develop the land for buildings and works, use the land for an informal car park, in the Activity Centre Zone and Heritage Overlay Schedule 67, at No. 11 Venice Street, No. 1-3 Remo Street, Mentone, 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 prepared by Hede Architects Pty Ltd, Drawing No. AH0.00 to AH2.04 (Revision P8), dated the 27 July, 2018 and received by Council on the 6 September, 2018, but modified to show:

- a. the provision of a landscape plan in accordance with the submitted development plan, with such plans to be prepared by a suitably qualified landscape professional to the satisfaction of the Responsible Authority and incorporating:
 - i) A planting schedule of all proposed trees and shrubs, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant with all plants chosen to be to the satisfaction of the Responsible Authority;
 - ii) A survey, including, botanical names of all existing trees to be retained or removed on the site including Tree Protection Zones for trees to be retained calculated in accordance with AS4970-2009;
 - iii) A survey including botanical names, of all existing trees on neighbouring properties where the Tree Protection Zones of such trees calculated in accordance with AS4970-2009 fall partially within the subject site;
 - iv) The delineation of all garden beds, paving, grassed area, retaining walls, fences and other landscape works;
 - v) Landscaping of the car parking area at 1 Remo Street;
 - vi) The retention of the *Morus sp.* (Mulberry) located at 1 Remo Street;
 - vii) A garden bed around the retained Mulberry that encompasses the entire tree protection zone of the tree which is 7.2 metres from the base of the tree;
 - viii) A range of plant types from ground covers to large shrubs and trees, provided at adequate planting densities (e.g. plants 1 metre width at maturity planted 1 metre apart);
 - ix) All trees provided at a minimum of 2 metres in height at time of planting, medium to large shrubs to be provided at a minimum pot size of 200mm;
 - x) Notes regarding site preparation, including the removal of all weeds, proposed mulch, soil types and thickness, subsoil preparation and any specific maintenance requirements; and
 - xi) Tree protection measures including for street trees accurately drawn to scale and labelled as per the endorsed Tree Management Plan;

- b. the location of tree protection measures illustrated to scale and labelled on the ground floor plan as per the endorsed Tree Management Plan, and any changes as required by Condition 6 of this permit;
- c. the provision of a Sustainable Design Assessment (SDA) in relation to the proposed works associated with the sports pavilion, in accordance with Condition 11 of this permit;
- d. provision of a detailed description of the proposed conservation works for the existing pavilion;
- e. provision of car parking management within the new car park showing two-way access, in from one crossover and out from the other crossover, and with parking signs and bollards or similar to manage a one-way thoroughfare and indicating the preferred parking layout that maximises parking;
- f. provision of a gravel surface or other trafficable surface to the car park; and
- g. the provision of a full colour palette, finishes and building materials schedule for all external elevations of the existing pavilion and new development.

Endorsed Plans

- 2. The development and/or use, as shown on the endorsed plans, must not be altered without the written consent of the Responsible Authority.
- 3. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced.

Other conditions

- 4. Functions held by the community or sporting clubs at night-time must operate no later than 11.30pm (with the building vacated by 12:00am).
- 5. The maximum number of persons allowed to be present within the new pavilion for community hire of the facilities must not exceed the maximum patron number approved under the Building Permit, unless with the written consent of the Responsible Authority.

Development Engineering

- 6. Unless with prior written consent of the Responsible Authority, before the development commences the following Integrated Stormwater Management (drainage) documents must be prepared, by a suitably qualified person, to the satisfaction of the Responsible Authority:
 - a. Stormwater Management (drainage) Plan(s) must be prepared, with supporting computations, showing the stormwater (drainage) works to the nominated point of discharge. The plan(s) must show all details of the proposed stormwater works including all existing and proposed features that may have an impact on the stormwater (drainage) works, including landscaping details.
 - b. Prior to submitting detailed plans, a comprehensive stormwater management (drainage) strategy for the site must be prepared that addresses the requirements specified within Council's "Civil Design requirements for Developers – Part A: Integrated Stormwater Management".
 - c. The stormwater management (drainage) strategy must include a report with MUSIC modelling results demonstrating water sensitive urban design treatments that achieve Victorian best practice objectives. These may include the use of an infiltration or bio retention system, rainwater tanks connected for reuse, or other treatments to the satisfaction of the Responsible Authority.

- d. The water sensitive urban design treatments as per conditions 6a, 6b, & 6c above must be implemented on-site, unless an alternative agreement for stormwater quality in-lieu contribution is reached with the Responsible Authority.
- 7. Stormwater (drainage) works must be implemented in accordance with the approved stormwater management (drainage) plan and to the satisfaction of the Responsible Authority including the following:
 - a. All stormwater (drainage) works must be provided onsite so as to prevent overflows onto adjacent properties.
 - b. The implementation of stormwater (drainage) detention system which restricts stormwater discharge to the maximum allowable flowrate calculated as per Council's "Civil Design requirements for Developers – Part A: Integrated Stormwater Management".
 - c. All stormwater (drainage) works must be maintained to the satisfaction of the Responsible authority.

Tree Management & Protection Plan

- 8. Concurrent with the endorsement of plans, a Tree Management Plan prepared by a suitably qualified arborist in accordance with AS4970-2009, must be submitted to and be endorsed by the Responsible Authority and incorporating:
 - a. A Tree Management Plan (written report) must provide details of:
 - i) Any non-destructive root investigation undertaken to determine the location and distribution of roots of trees nominated on the Tree Protection Plan.
 - ii) Proposed footings and construction methods for any buildings or structures within the Tree Protection Zone nominated on the Tree Protection Plan.
 - iii) How excavation impacts, including soil level changes, on trees to be retained will be managed.
 - iv) How the canopy of trees nominated on the Tree Protection Plan will be protected.
 - v) Any other measures required to demonstrate the successful ongoing retention and viability post-construction of any trees nominated on the Tree Protection Plan.
 - b. A Tree Protection Plan (scale drawing) must provide details of:
 - i) The Tree Protection Zone and Structural Root Zone, calculated in accordance with AS4970-2009, for all trees to be retained on the site and for all trees on neighbouring properties where the Tree Protection Zone falls partially within the subject site.
 - ii) Tree protection fencing, or ground protection where required, provided in accordance with AS4970-2009.
 - iii) Stages of development at which inspections are required to ensure tree protection measures are adhered to must be specified.
 - iv) Appropriate signage on any tree protection fencing prohibiting access, excavation, changes in soil levels, or any storage within the Tree Protection Zone in accordance with AS4970-2009 unless with the prior written consent and under the direct supervision of the consulting arborist.
 - v) Maintenance of the area(s) within the Tree Protection Zone in accordance with AS4970-2009.
 - vi) Any pruning to be undertaken being in accordance with AS4373-2007.
 - vii) A notation to refer to the Tree Management Plan.

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9. All protection measures identified in the Tree Management Plan must be implemented, and development works undertaken on the land must be undertaken in accordance with the Tree Management Plan, to the satisfaction of the Responsible Authority.
10. Prior to the commencement of works, the name and contact details of the project arborist responsible for implementing the Tree Management Plan must be submitted to the Responsible Authority.

Street Trees

11. Tree Protection Fencing is to be established around the street trees in the Venice Street nature strip adjacent to 1 Remo Street and the *Eucalyptus globulus*, *Melaleuca nesophila*, *Fraxinus angustifolia* and *Melaleuca armillaris* street trees in the Venice Street nature strip adjacent to the development site prior to demolition and maintained until all works on site are complete.
 - a. The fencing is to be a 1.8 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.
 - b. The fencing is to encompass the entire nature strip with each end 3 metres from the base of the tree at each end of the row(s) of street trees.
12. Prior to the construction of any crossovers as shown on the endorsed development plans, the *Agonis flexuosa* (Willow Myrtle) street tree located in the Remo Street nature strip must be removed by Council at the expense of the Developer/Owner. Payment of the removal and replacement fee for this tree/s must be made to Kingston City Council's customer service in accordance with Council's Tree Management Policy at least 2 weeks prior to its required removal date.

Sustainable Design Assessment

13. Prior to the endorsement of the Plans required pursuant to Condition 1 of this permit, the provision of a Sustainable Design Assessment (SDA) to be prepared by a suitably qualified professional must be submitted to and approved by the Responsible Authority. The SDA must include, but is not limited to, detailing initiatives for stormwater harvesting, insulation, building materials, daylighting, collective rainwater tanks and/or individual rainwater tanks, public and private landscape irrigation and car washing, energy efficient concepts, glazing and internal ventilation and the like.

Car Parking

14. Parking areas and access lanes must be kept available for these purposes at all times and maintained to the satisfaction of the Responsible Authority.
15. In areas set aside for car parking, measures must be taken to the satisfaction of the Responsible Authority, to prevent damage to fences or landscaped areas.
16. Concrete kerbs or other barriers must be provided to the satisfaction of the Responsible Authority to prevent direct vehicle access to an adjoining road other than by a vehicle crossing.

General amenity conditions

17. The amenity of the area must not be detrimentally affected by the development, through the:
 - i) Transport of materials, goods or commodities to or from the land.
 - ii) Appearance of any building, works or materials.

- iii) Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil.
- iv) Presence of vermin.
- v) Any other way.

- 18. The development and/or use of the site shall not cause nuisance or be detrimental to the amenity of the neighbourhood by the emission of noise. In this regard any nuisance shall be assessed in accordance with the Australian Standards AS1055 and AS2107 relating to the measurement of Environmental Noise and recommended sound levels.
- 19. Before occupation of the development hereby permitted, 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. 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.

Roads & Drains Department

- 21. Any relocation of pits/power poles or other services affected by this development must be relocated to the satisfaction of the relevant servicing authority and the Responsible Authority, at the cost of the owner/developer.
- 22. Property boundary and footpath levels must not be altered without the prior written consent from Council's Roads & Drains Department.
- 23. All reinstatements and vehicle crossings are to be constructed to the satisfaction of the relevant authority.
- 24. Vehicle crossings and other reinstatements must be constructed to council's higher strength specifications.
- 25. The replacement of all footpaths, including offsets, must be constructed to the satisfaction of Council's Roads and Drains Department.
- 26. Any redundant vehicle crossings must be removed (including redundant portions of vehicle crossings) to the satisfaction of the Responsible Authority.

Time limits

- 27. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.
- 28. 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 and/or use are not started within two (2) years from date of this permit.
 - The development is not completed within four (4) years from the date of this permit.
 - The use is discontinued for a period of two (2) years.

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

- 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:** The applicant/owner must provide a copy of this planning permit and any endorsed plans to any external contractor to ensure that all trees to be retained on site are protected during any works.
- Note:** The fee for removal of the *Agonis flexuosa* (Willow Myrtle) in the Remo Street nature strip is **\$2213.28** (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:** 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:** Any landscape plan prepared in accordance with conditions must comply with Council's Landscape Checklist.

OR

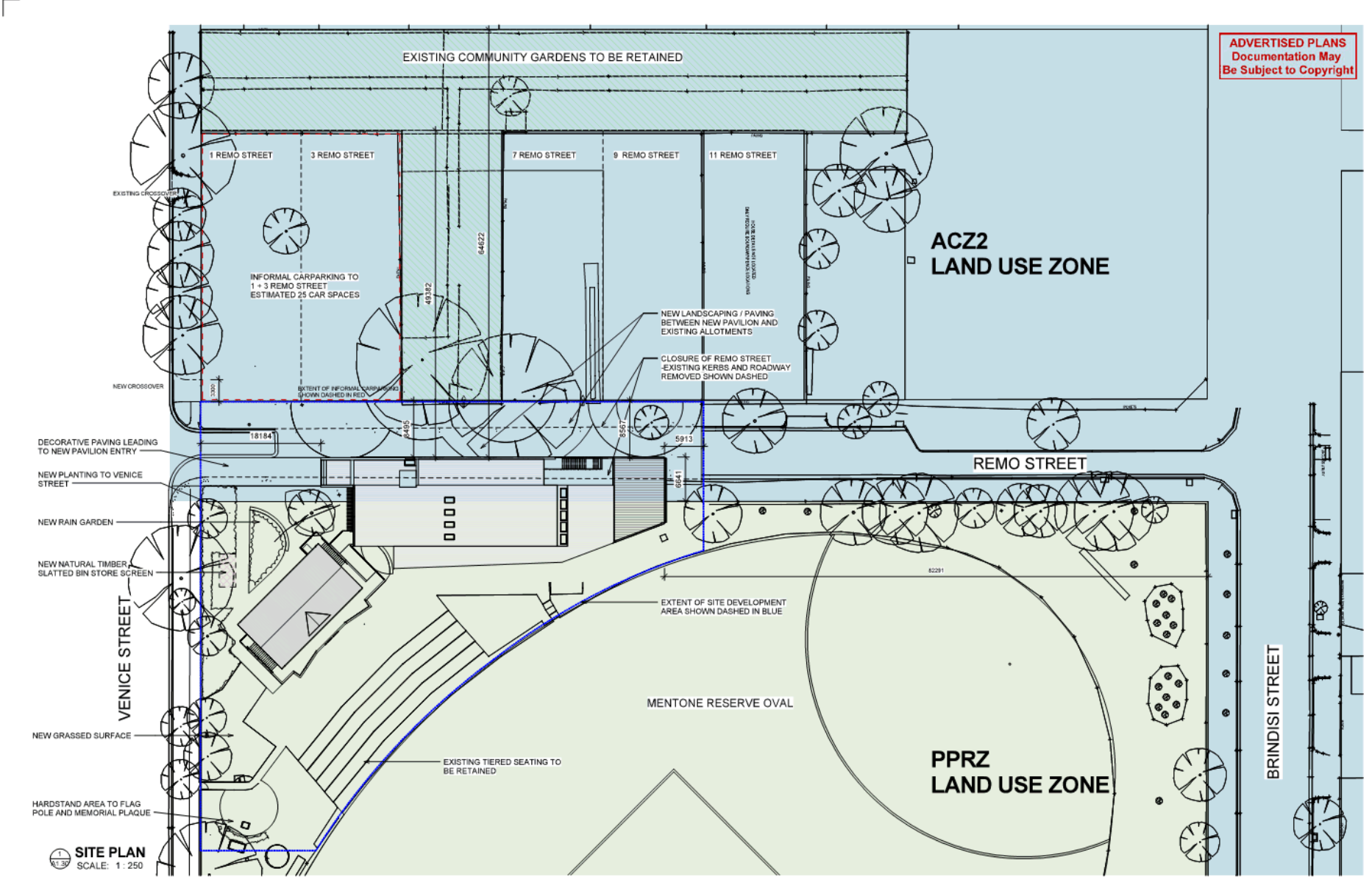
In the event that the Council wishes to oppose the Officer's recommendation and instead seeks to refuse the application, it can do so on the following grounds:

- The proposed buildings and works adversely impact on the existing heritage place contrary to Clause 43.01 – Heritage Overlay and Schedule 67 of the Kingston Planning Scheme.
- The proposed use and development is contrary to Clause 37.08 Activity Centre Zone and Schedule 2 of the Kingston Planning Scheme.
- The proposed development reads as a three storey building contrary to Clause 43.02 – Design & Development Overlay (Schedule 1) of the Kingston Planning Scheme.
- The proposal is inconsistent with Clause 52.06 of the Kingston Planning Scheme with an inadequate provision for the parking demand coupled with an inadequate car park design that would adversely affect the amenity of the locality.

8.3

KP-2018/354 - 11 VENICE STREET & 1-3 REMO STREET MENTONE

- 1 KP-2018/354 - Mentone Reserve Pavillion, 11 Venice Street,
MENTONE VIC - Plans for consideration by Committee 89**



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2018.07.23	PP	PLANNING PERMIT REGISTRATION
2019.05.20	PP	PLANNING PERMIT SITE PLAN-PP ITEM 1 CHANGES



PROJECT: GH SOPPET PAVILION
MENTONE RESERVE
KINGSTON CITY COUNCIL
OVERALL SITE PLAN

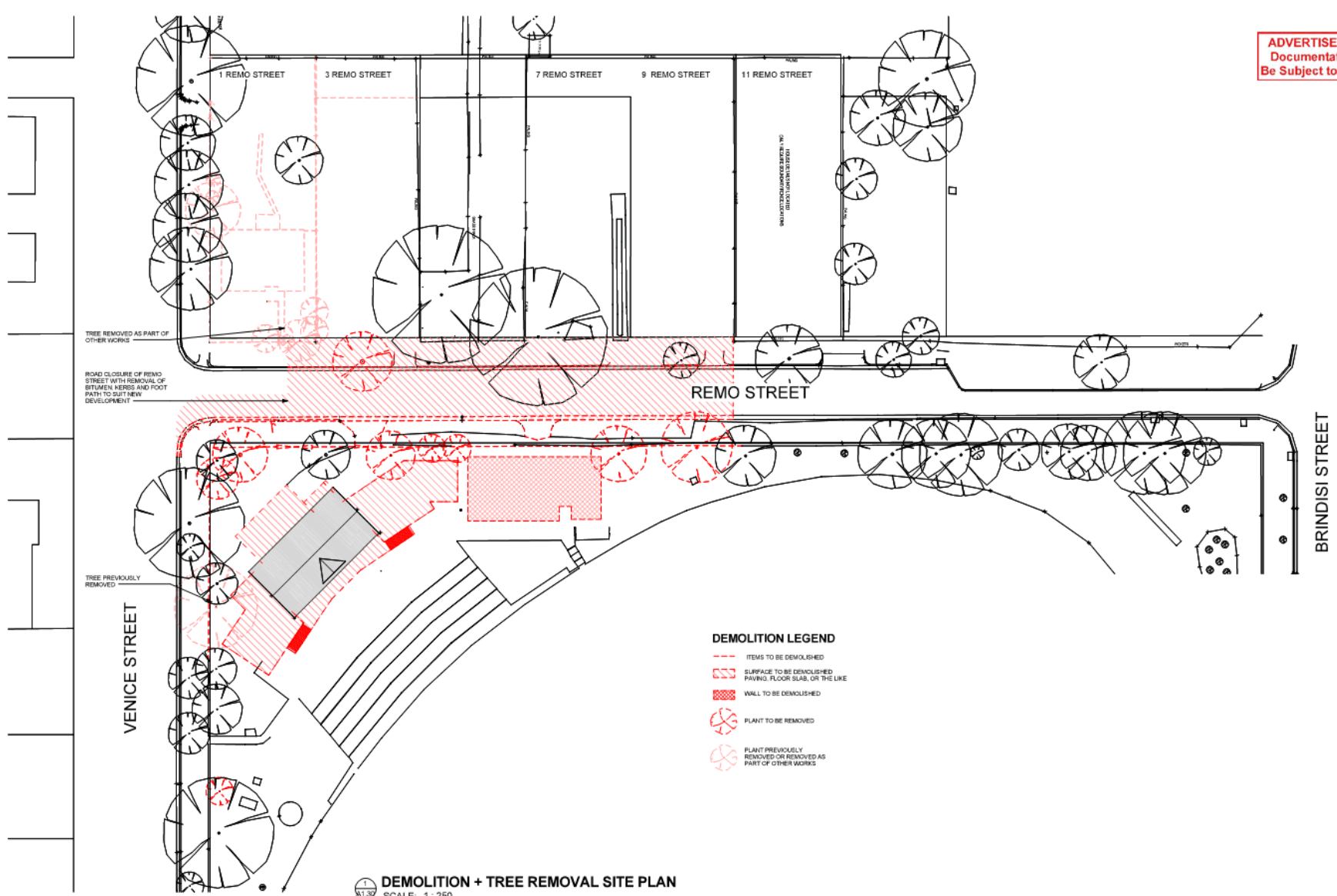
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SHEET NO: AH0.00 OF 10 P9

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DEMOLITION + TREE REMOVAL SITE PLAN
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Date	Rev.	Description
2018.04.16	PE	PLANNING PERMIT APPLICATION
2018.04.27	PS	ARBORIST LEGEND REVISED
2018.07.27	PR	PLANNING PERMIT RESUBMISSION



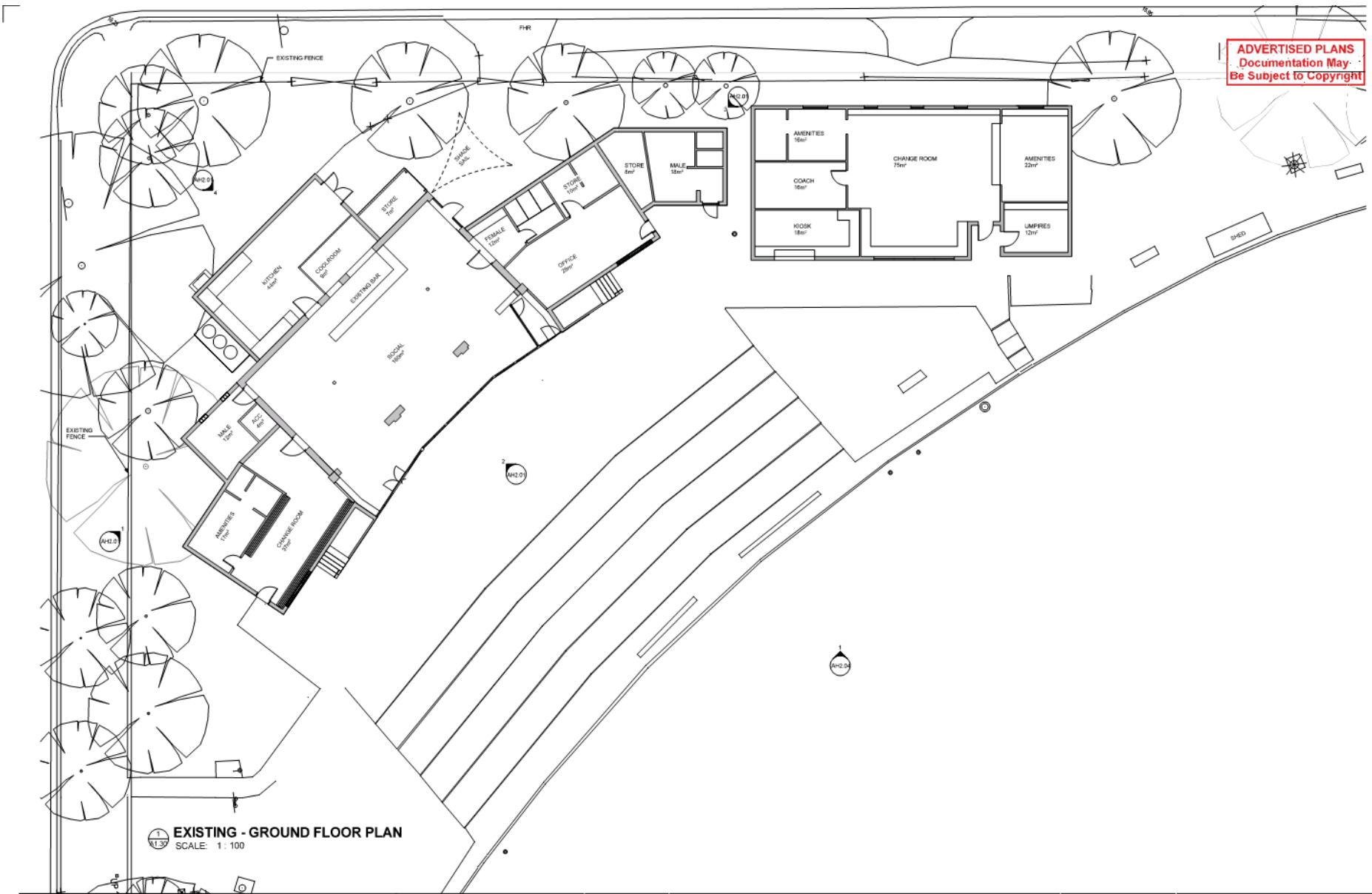
PROJECT	GH SOPPET PAVILION MENTONE RESERVE
CLIENT	KINGSTON CITY COUNCIL
TITLE	DEMOLITION + TREE REMOVAL SITE PLAN
DATE	JULY 2018
DRAWN	AR
CHECKED	HA
SCALE	As indicated
DATE	15045
PROJECT NO.	AH0.01 - P8

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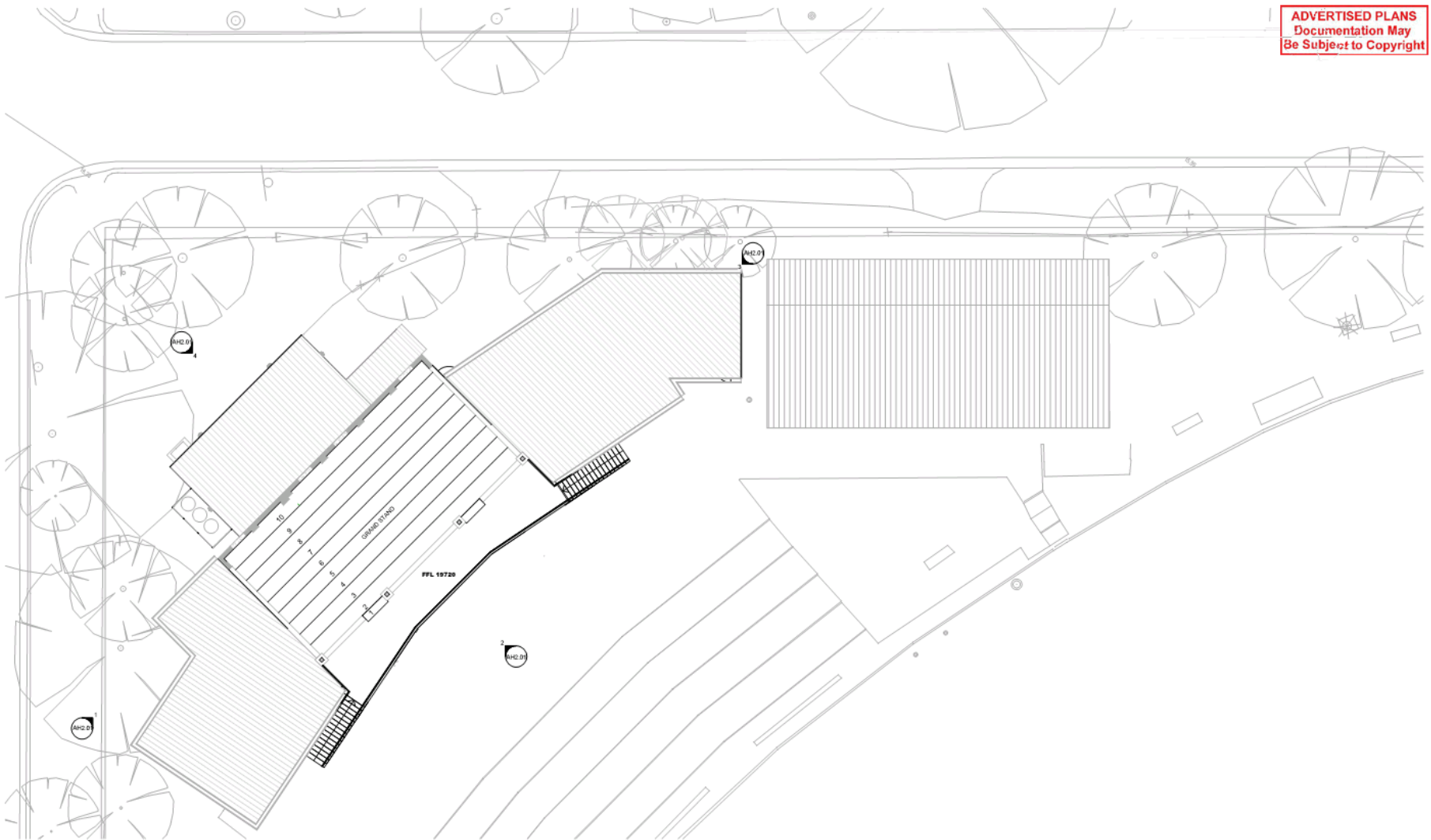
PROJECT: GH SOPPET PAVILION
MENTONE RESERVE
KINGSTON CITY COUNCIL
EXISTING - GROUND FLOOR PLAN

DATE: JULY 2018
DRAWN: JW
SCALE: 1 : 100
NO: 15045
SHEET: AH1.01 P8

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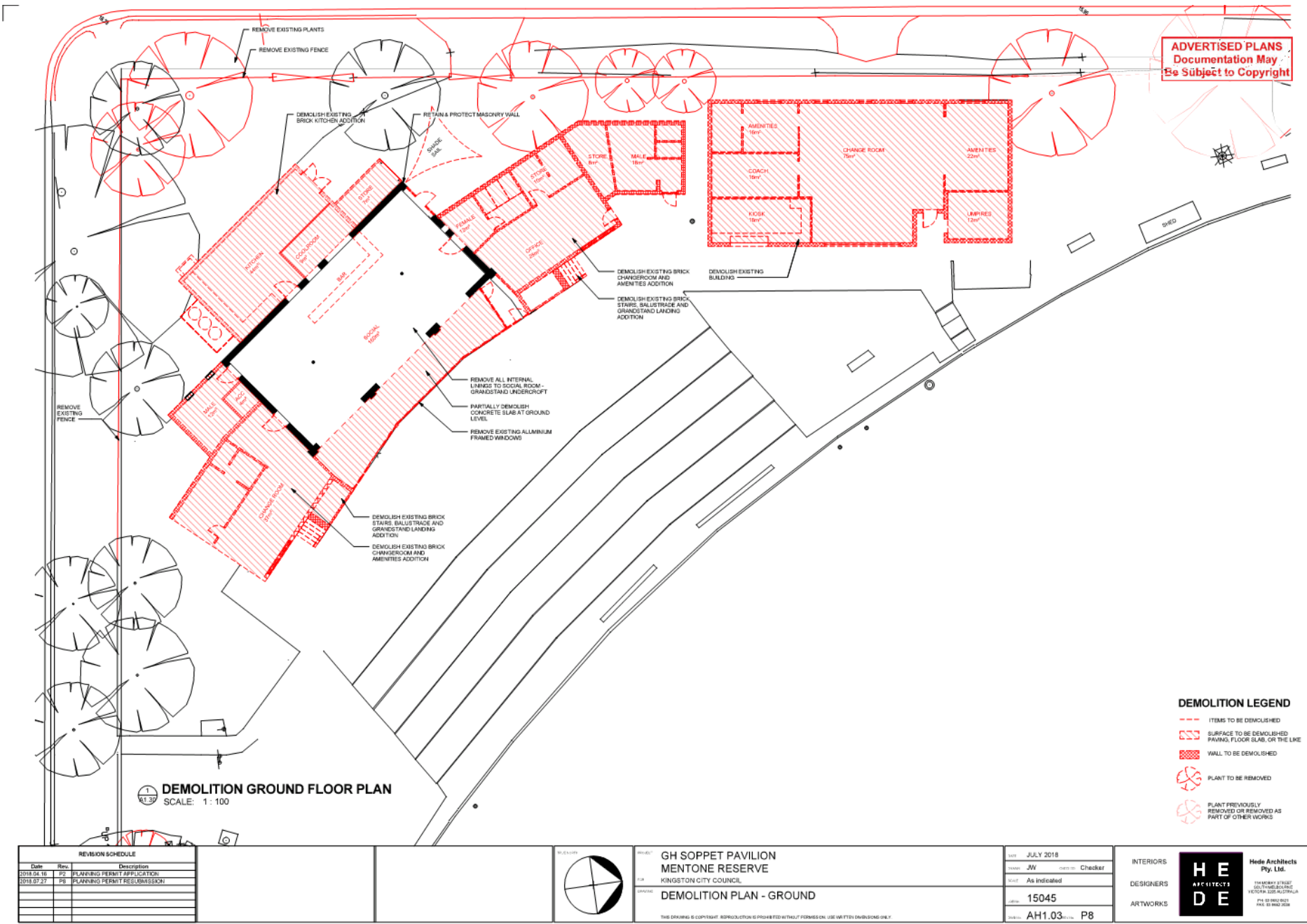
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2018/06/16	PE	PLANNING PERMIT APPLICATION
2018/07/27	PE	PLANNING PERMIT RESUBMISSION



PROJECT	GH SOPPET PAVILION MENTONE RESERVE
CLIENT	KINGSTON CITY COUNCIL
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2019.07.27	PS	PLANNING PERMIT RE-submission



PROJECT: **GH SOPPET PAVILION
MENTONE RESERVE**
KINGSTON CITY COUNCIL
SERVICE: **DEMOLITION PLAN - GROUND**

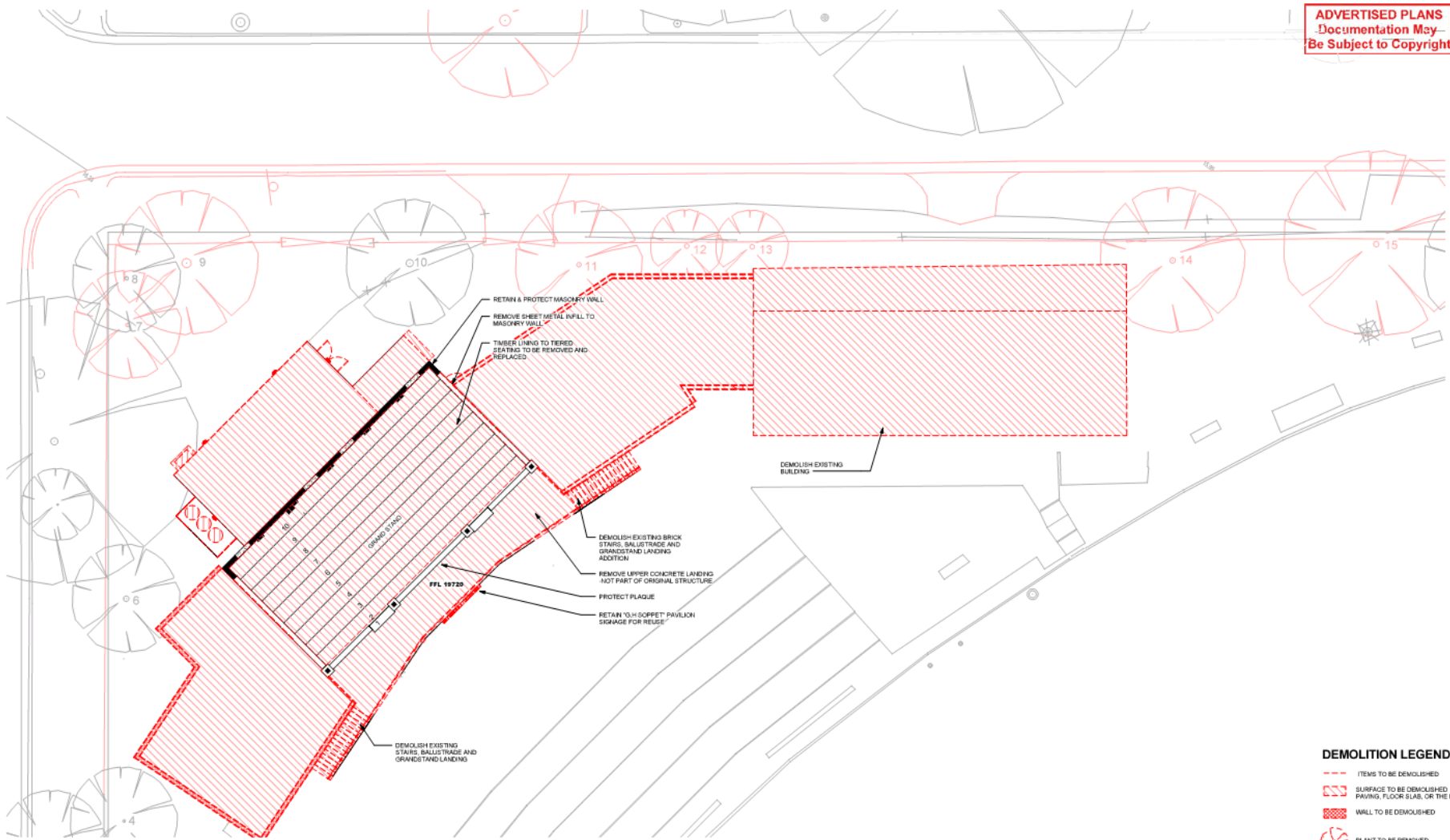
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SHEET NO: **AH1.03** OF **P8**

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DEMOLITION FIRST FLOOR PLAN
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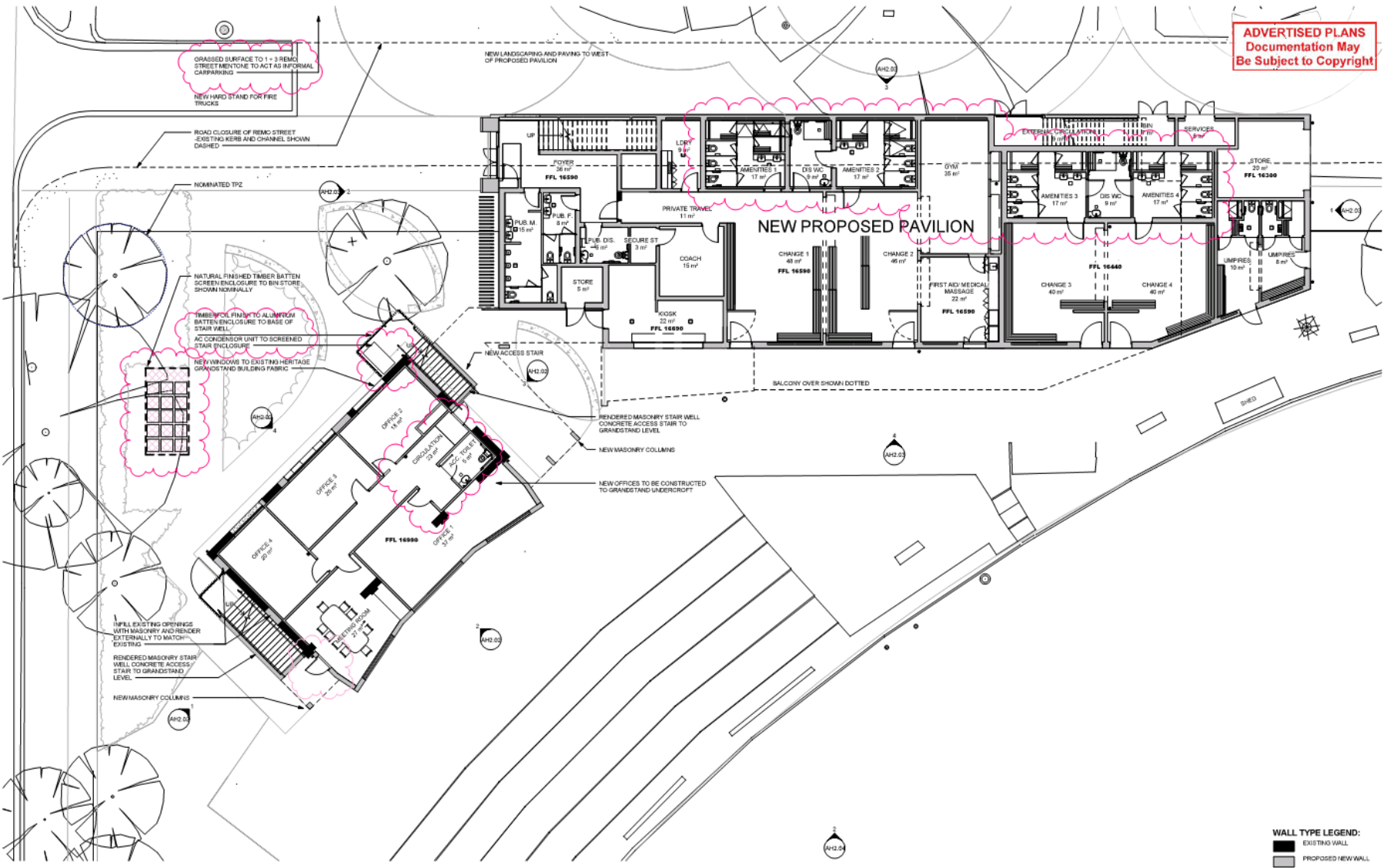
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	REVISION DATE: 11/07/2018 DRAWN BY: J.W. CHECKED BY: J.W. SCALE: AS INDICATED PROJECT NO: 15045 SHEET NO: AH1.04 OF P8
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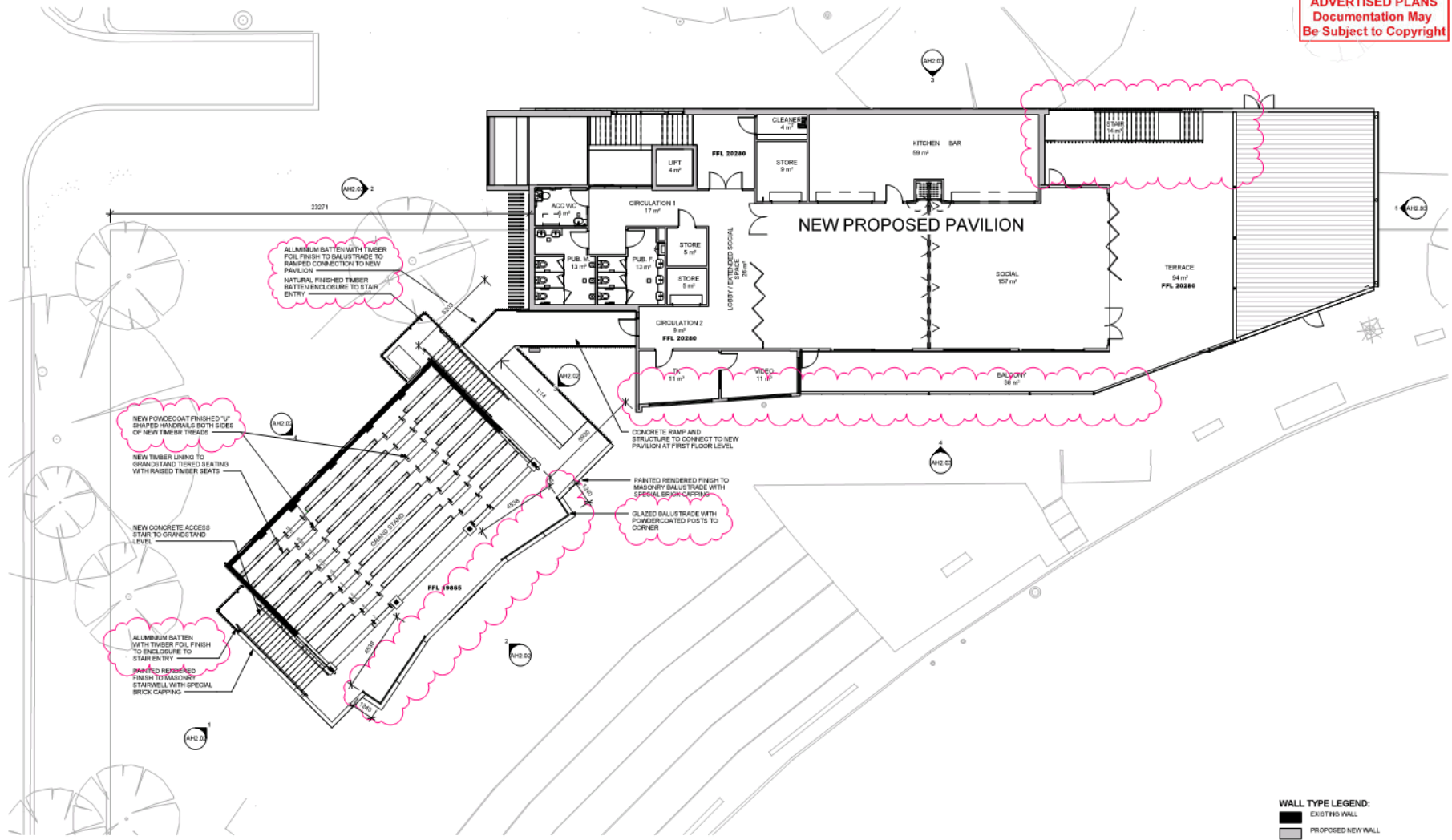


PROJECT	GH SOPPET PAVILION MENTONE RESERVE
CLIENT	KINGSTON CITY COUNCIL
DOCUMENT	PROPOSED GROUND FLOOR PLAN
DATE	JULY 2018
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Date	Rev.	Description
2018/06/16	PE	PLANNING PERMIT APPLICATION
2018/07/27	PE	PLANNING PERMIT RE-SUBMISSION

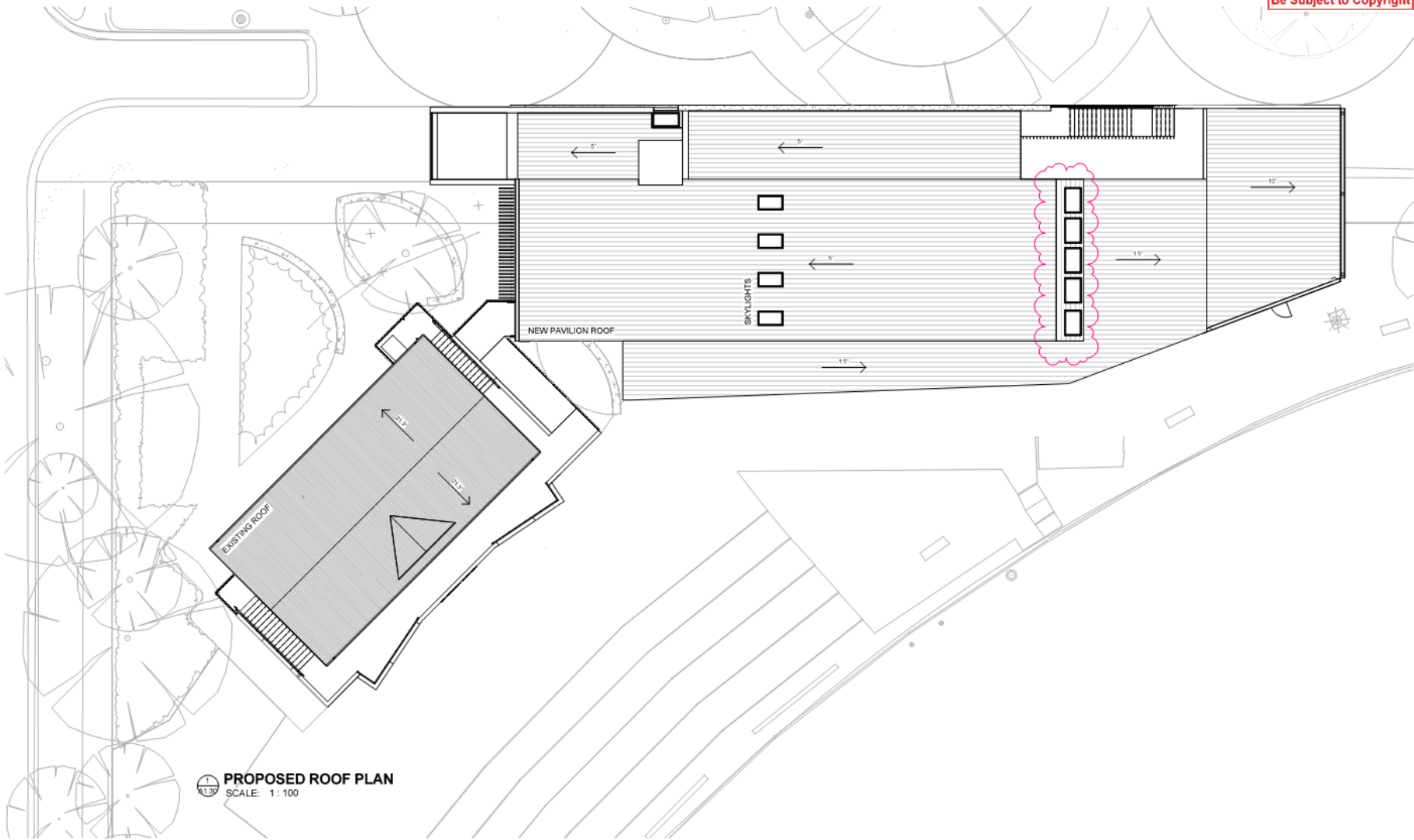


PROJECT	GH SOPPET PAVILION MENTONE RESERVE
CLIENT	KINGSTON CITY COUNCIL
DESIGN	PROPOSED FIRST FLOOR PLAN
DATE	JULY 2018
DRAWN	JW
CHECKED	AR
SCALE	1 : 100
NO.	15045
REV.	AH1.06 - P8

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PROPOSED ROOF PLAN
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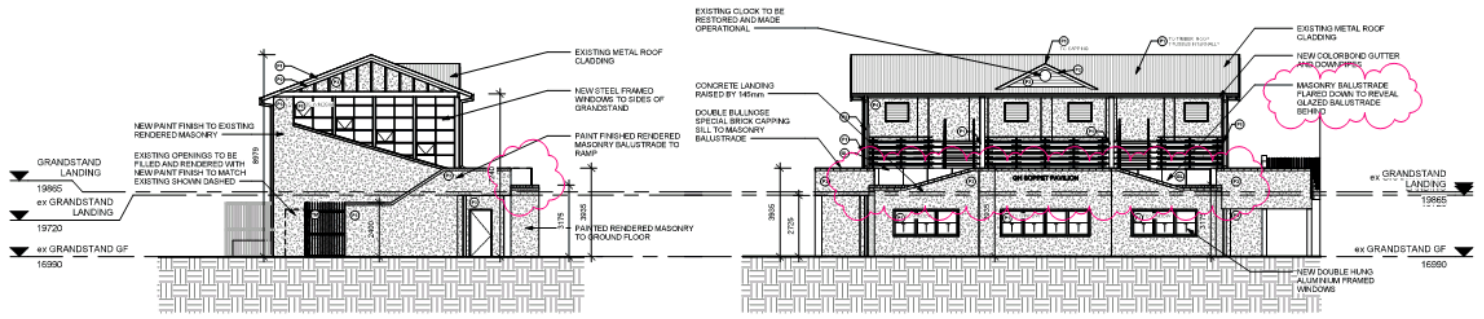
REVISION SCHEDULE		
Date	Rev	Description
2018.05.23	PS	SP1 REVISIONS TO LANDSCAPE CHANGES
2019.07.27	PS	PLANNING PERMIT RE-submission



PROJECT	GH SOPPET PAVILION MENTONE RESERVE KINGSTON CITY COUNCIL
DATE	JULY 2018
CLASS	AR OVERSEAS HA
SCALE	1:100
NO	15045
DATE	AH1.07 P8

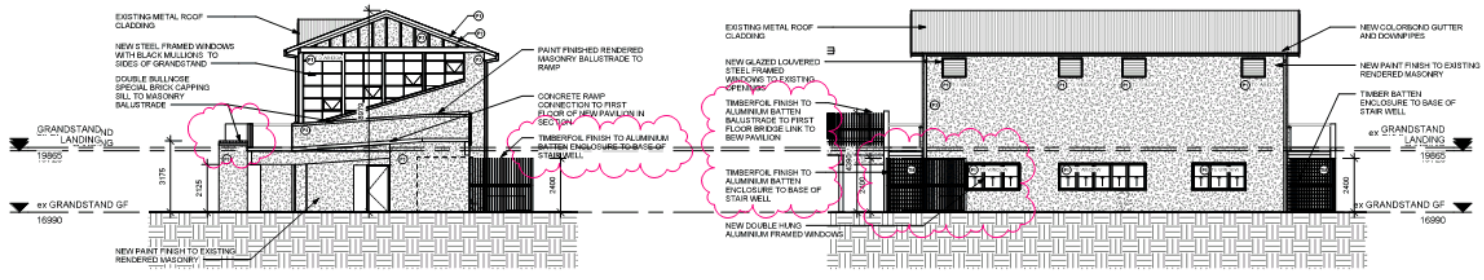
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PROPOSED NORTH ELEVATION
SCALE: 1: 100

PROPOSED EAST ELEVATION
SCALE: 1: 100



PROPOSED SOUTH ELEVATION
SCALE: 1: 100

PROPOSED WEST ELEVATION
SCALE: 1: 100

ELEVATIONS LEGEND

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- P1 - PAINT FINISH COLOUR: BRANSWICK GREEN TYPICALLY: TO TRIMS
- P2 - PAINT FINISH COLOUR: DAUX LIME WHITE TYPICALLY: EXTERNAL RENDERED WALLS
- P3 - PAINT FINISH COLOUR: LEAD COLOUR
- P4 - PAINT FINISH COLOUR: LEAD COLOUR
- T1 - TIMBER FOIL FINISH TO ALUMINUM BATTEN
- G1 - FRAMELESS GLASS BALUSTRADE

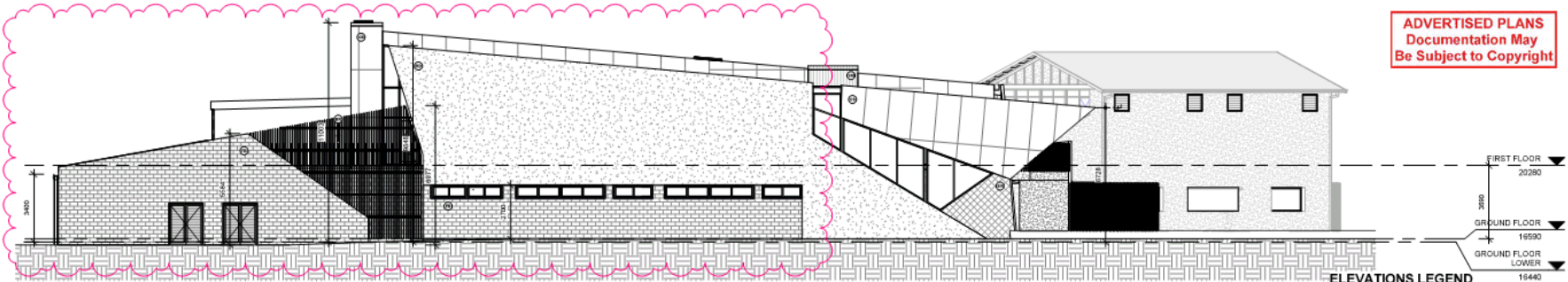
REVISION SCHEDULE		
Date	Rev	Description
2018.04.18	PS	PLANNING PERMIT APPLICATION
2019.07.27	PS	PLANNING PERMIT RE-submission

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PROJECT:	GH SOPPET PAVILION MENTONE RESERVE
CLIENT:	KINGSTON CITY COUNCIL
DATE:	JULY 2018
DESIGNER:	JWD/T
SCALE:	As Indicated
NO.:	15045
REV.:	AH2.02 P8

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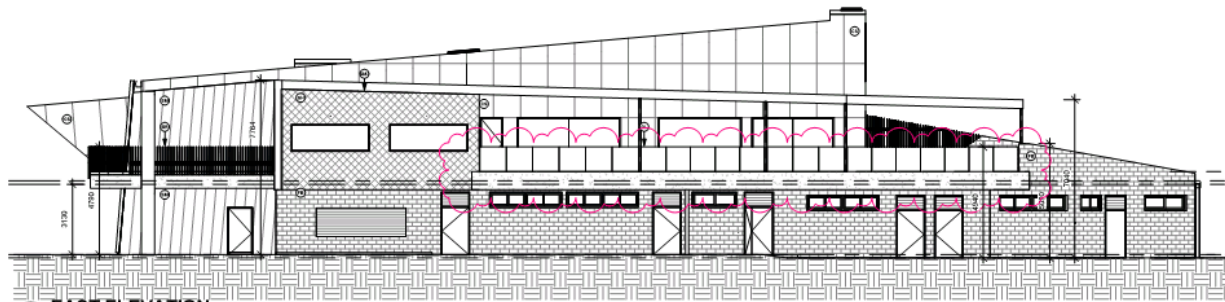
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SCALE: 1 : 100

ELEVATIONS LEGEND

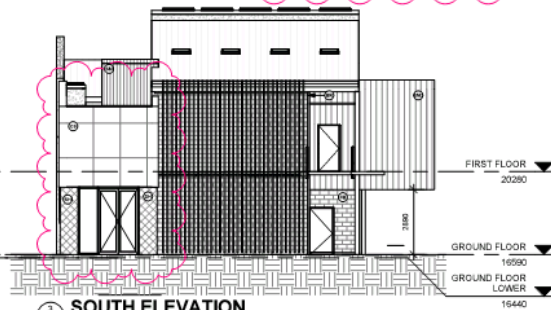
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- COLOUR: CHERRWOOD
- MC** - PAINTED RENDER FINISH
- COLOUR: DULUX LIME WHITE
- SH** - METAL SHINGLES
- COLOUR: MID GREY
- SM** - SHEET METAL CLADDING
- COLOUR: MID GREY
- SMR** - SHEET METAL CLADDING
- COLOUR: RUST
- BA** - BRONZE ANODISED ALUMINIUM
- TYPICALLY TO BALUSTRADES - SLATED FACADE
- CC** - PAINTED COMPRESSED SHEET
CLADDING
- COLOUR: DULUX LIME WHITE
- GL** - FRAMELESS GLAZED BALUSTRADE
WITH CLEAR GLASS



2 NORTH ELEVATION
SCALE: 1 : 100



3 EAST ELEVATION
SCALE: 1 : 100



4 SOUTH ELEVATION
SCALE: 1 : 100

REVISION SCHEDULE		
Date	Rev.	Description
2018/06/16	PE	PLANNING PERMIT APPLICATION
2018/07/27	PE	PLANNING PERMIT REASSESSION

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PROJECT	GH SOPPET PAVILION MENTONE RESERVE
CLIENT	KINGSTON CITY COUNCIL
NO.	
DESCRIPTION	PROPOSED NEW PAVILION ELEVATIONS
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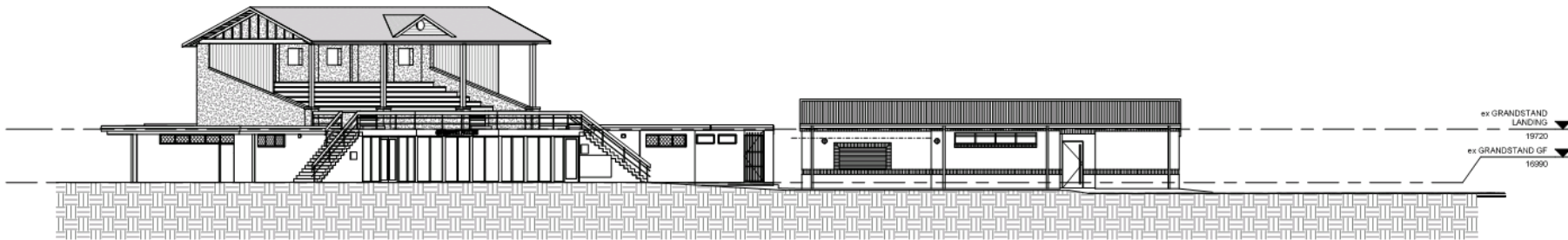
DATE	JULY 2018
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SCALE	As indicated
PROJECT NO.	15045
REVISION	AH2.03 - P8

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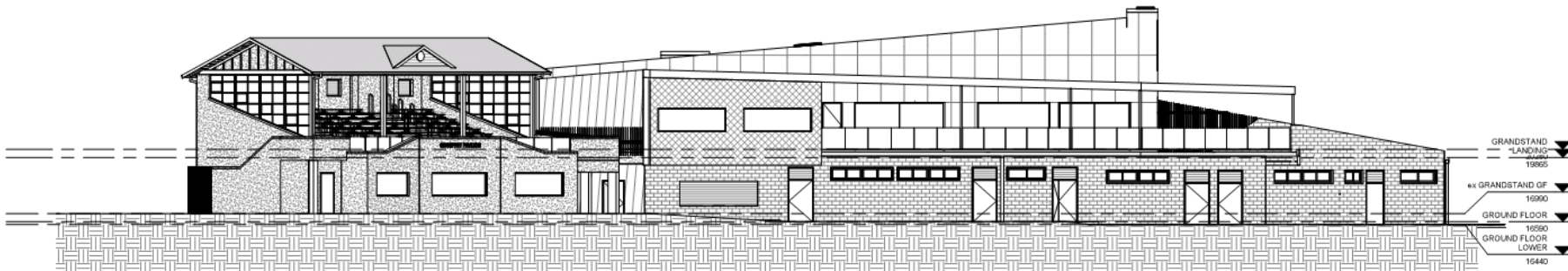
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1 EAST SITE ELEVATION - EXISTING GRANDSTAND
SCALE: 1 : 100



2 EAST SITE ELEVATION - PROPOSED GRANDSTAND
SCALE: 1 : 100

REVISION SCHEDULE			DATE	PROJECT	DATE	BY	REVISIONS
Date	Rev.	Description					
2018.04.18	PS	PLANNING PERMIT APPLICATION		GH SOPPET PAVILION MENTONE RESERVE	JULY 2018	AR	
2019.07.27	PS	PLANNING PERMIT RE-submission		KINGSTON CITY COUNCIL		HA	
				PROPOSED NEW PAVILION SITE ELEVATIONS			

<p>DATE: JULY 2018</p> <p>SCALE: 1 : 100</p> <p>NO: 15045</p> <p>DATE: AH2.04 P8</p>	<p>INTERIORS</p> <p>DESIGNERS</p> <p>ARTWORKS</p>	<p>HE ARCHITECTS DE</p> <p>Hedge Architects Pty. Ltd. 114 MORNEY STREET 601 THAMESBOROUGH VICTORIA 3204 AUSTRALIA PH: 03 9462 0021 WWW.HEARCHITECTS.COM</p>
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Ordinary Meeting of Council

26 November 2018

Agenda Item No: 8.4

KP16/960 - 13 - 15 JELLCOE STREET CHELTENHAM - VCAT AMENDED PLANS LODGED

Contact Officer: Alfred Carnovale, Appeals Advocate

Purpose of Report

The purpose of this report is to obtain a position from Council on amended plans substituted during the Victorian Civil and Administrative Tribunal (VCAT) process.

Planning Officers refused the original proposal for ten (10) double storey dwellings under delegation. The permit applicant has now substituted the application plans for a set of amended plans that Officers would now support. Having regard to Council's Planning Delegation Policy, a position of Council is therefore required before proceeding to the VCAT merits hearing.

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 based on the substituted amended plans:

1. Support the proposal subject to conditions contained at Appendix B; or
2. Amend the grounds of refusal to relate to the amended plans.

Relevant Site and Application History

Council has received two planning permit applications for the subject site.

The first is a three (3) storey apartment building with a basement comprising 26 apartments. Planning Officers refused to grant a permit for this application on 5 December 2017. An application for review against this decision was lodged to the VCAT on 1 February 2018. The application is now set to proceed to a Merits Hearing (a 2019 date to be advised).

The second application is the subject of this report. The original form of this application sought approval for the development of the land for ten (10) double storey dwellings. This has now been amended, with details outlined below.

The reason provided to Council for lodging the two applications is that the permit applicant wants to have multiple options with regards to the future development of the site.

Background

Planning Officers refused to grant a permit on 1 February 2018 for the proposed development of No. 13 & 15 Jellicoe Street, Cheltenham, for ten (10) double storey dwellings, on the following grounds:

1. *The proposal fails to comply with relevant state and local planning policies contained within of the Kingston Planning Scheme.*
2. *The proposal results in excessive bulk and massing to the detriment of adjoining dwellings.*
3. *The proposal results in poor internal amenity for future occupants.*
4. *The proposal fails to comply with the following objectives and standards of Clause 55 of the Kingston Planning Scheme (ResCode):*
 - *Clause 55.02-1 Neighbourhood character*
 - *Clause 55.02-2 Residential Policy*
 - *Clause 55.02-5 Integration with the street*
 - *Clause 55.03-7 Safety*
 - *Clause 55.04-5 Overshadowing open space*
 - *Clause 55.04-2 Walls on boundaries*
 - *Clause 55.04-6 Overlooking*
 - *Clause 55.05-4 Private open space*
 - *Clause 55.06-1 Design Detail*

Subsequent to this decision, the permit applicant lodged an application for review against Council's refusal to grant a Planning Permit and this has been listed for a final hearing on 17 December 2018 for 1 day.

The original application was advertised in August 2017 and attracted 10 objections and one (1) comment. Of which two (2) objectors have lodged statements of grounds and joined as parties to the proceeding. Their grounds of objection can be summarised as follows:

- *Overshadowing*
- *Walls on the boundary*
- *Noise from balconies*
- *Visual bulk*
- *Neighbourhood character*
- *Inefficient design with inappropriate boundary setbacks*
- *Lack of garden area*
- *Limited dwelling diversity*
- *Overlooking*
- *Lack of private open space*
- *Additional vehicles, increased traffic and reliance on-street car parking*

The Permit Applicant has now amended their plans and has notified all relevant parties in accordance with the requirements of the VCAT. The Applicant will seek to substitute these plans at the start of the hearing. The notified parties are able to lodge a new or revised statement of grounds to the VCAT no later than 14 November 2018 in response to the VCAT amended plans.

The VCAT amended plans address the concerns raised by Planning Officers, with Officers now comfortable that the proposal warrants support. In comparing the original plans refused by the Planning Officers and those amended and substituted, there are a number of changes, including:

- Reduction in the number of dwellings, from a total of ten (10) to a total of nine (9) dwellings.
- An increase in the proportion of dwellings configured in a 'traditional' layout with living, kitchen, dining areas and secluded private open space (SPOS) at the ground level (now a total of eight out of nine, previously six out of ten).
- Reduction in the reliance on balconies for private open space ('reverse living' layout dwellings reduced).
- Increase in on-site permeability from 23% to 36.76%.
- Increase in ground floor SPOS areas in compliance with the standard of Clause 55.03-3 (Site coverage objective).
- Reduce the number of crossovers to the site from three to two.
- Remove all walls on the boundary along the western boundary.
- Remove walls on the boundary from Dwelling 3 (previously Dwelling 4).
- Remove the on-site visitor car parking as the site is now included in the Principal Public Transport Network, while ensuring that the car parking provided on site complies with the requirements of Clause 52.06 (Car parking).
- Increased level of articulation to neighbouring properties with increased boundary setbacks to both side boundaries at first floor. The first floor increased setbacks are as follows:
 - Dwelling 1 increased from 1965mm to between 2840mm and 3140mm.
 - Dwelling 8 (previously Dwelling 9) increased from 3200mm to 3745mm.
 - Dwelling 7 (previously Dwelling 8) increased from 2400mm to between 3170mm and 4640mm.
 - Dwelling 6 (previously Dwelling 7) increased from 2340mm to between 3105mm and 4605mm.
 - Dwelling 5 (previously Dwelling 6) increased from 3145mm to 3730mm.
 - Dwelling 3 (previously Dwelling 4) increased from 2005mm to between 2020mm to 3245mm.
- Increased level of articulation to neighbouring properties with increased boundary setbacks to the rear boundary at first floor. The first floor increased setbacks are as follows:
 - Dwelling 7 (previously Dwelling 8) increased from 4770mm to 5040mm.
 - Dwelling 6 (previously Dwelling 7) increased from 4505mm to 4745mm.
- Greater separation between dwellings at first floor.
- Reduced reliance on window screening to address internal overlooking by offsetting and rearranging window positions.
- Compliance with the standard of Clause 55.04-5 (Overshadowing open space objective).

Given the nature of the changes and on the basis that there is time to do so, it is the view of Council's Planning Appeals Advocate that Council should form a position on the amended plans.

To this end, Council can form a view to support the proposal or continue to oppose the proposal. It is the recommendation of Council's Planning Appeals Advocate that the proposal now warrants support and provides an appropriate response to the relevant State and Local Planning Policies contained within the Kingston Planning Scheme. Refer to Appendix A for a full Clause 55 Assessment.

On the basis of Council forming this view, Council's position would align with that of Officers and the relevant Planning Officers would appear at the VCAT hearing.

Appendices

- Appendix 1 - KP-2016/960 - 13-15 Jellicoe Street, CHELTENHAM - VCAT amended plans Council report - Clause 55 Assessment - Appendix A (Ref 18/587346) [↓](#)
- Appendix 2 - KP-2016/960 - 13-15 Jellicoe Street, CHELTENHAM - VCAT amended plans Council report - Draft Conditions - Appendix B (Ref 18/587348) [↓](#)
- Appendix 3 - KP-2016/960 - 13-15 Jellicoe Street, CHELTENHAM - VCAT amended plans Council report - VCAT amended plans - Appendix C (Ref 18/587352) [↓](#)
- Appendix 4 - KP-2016/960 - 13-15 Jellicoe Street, CHELTENHAM - VCAT amended plans Council report - Original Development Advertising Plans - Appendix E (Ref 18/587359) [↓](#)
- Appendix 5 - KP-2016 960 - 13-15 Jellicoe Street, CHELTENHAM - VCAT amended plans Council report - ~ Appendix D (Ref 18/590613) [↓](#)

Author/s: Alfred Carnovale, Appeals Advocate
Reviewed and Approved By: Jaclyn Murdoch, Manager Compliance & Amenity
Jonathan Guttmann, General Manager Planning and Development

8.4

KP16/960 - 13 - 15 JELlicOE STREET CHELTENHAM - VCAT AMENDED PLANS LODGED

1	KP-2016/960 - 13-15 Jellicoe Street, CHELTENHAM - VCAT amended plans Council report - Clause 55 Assessment - Appendix A.....	109
2	KP-2016/960 - 13-15 Jellicoe Street, CHELTENHAM - VCAT amended plans Council report - Draft Conditions - Appendix B.....	121
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5	KP-2016 960 - 13-15 Jellicoe Street, CHELTENHAM - VCAT amended plans Council report - ~ Appendix D.....	157

APPENDIX A

CLAUSE 55 - RESCODE ASSESSMENT

Two or more dwellings on a lot and residential buildings in a General Residential Zone – Schedule 2 *****MUST meet the objective, SHOULD meet the standard*****

OBJECTIVE	STANDARD	LEVEL OF COMPLIANCE AGAINST STANDARD
<p>Clause 55.02-1 Neighbourhood Character objectives</p> <ul style="list-style-type: none"> • To ensure that the design respects the existing neighbourhood character or contributes to a preferred neighbourhood character. • To ensure that development responds to the features of the site and the surrounding area. 	<p>Standard B1</p> <ul style="list-style-type: none"> • The design response must be appropriate to the neighbourhood and site. • The proposed design must respect the existing or preferred neighbourhood character and respond to site features. 	<p>Complies with standard & meets objective</p>
<p>Assessment: The subject site is located within an established residential area that has been designated as suitable for 'increased housing diversity'. In the broader locality there are examples of multi-dwelling development formed by a mix of densities resulting in varied lot patterns and sizes. A more intensive built form is also found along Chesterville Road which is approximately 160m west of the site and comprises apartment style developments. Double storey built form and single storey dwellings are equally present in the area, building materials and roof forms are predominantly brick or render brick together tiled pitched roofs. The proposal has sought to incorporate, building height, design details and materials which are common to the area. The design allows for substantial areas for landscaping along the site's frontage and side boundaries which is consistent with the character of the street. The double storey built form and massing presented by the proposal is generally considered acceptable within the site's context, however the proposal has been amended to increase the separation between buildings which assists in reducing visual bulk and ensuring consistency with the street's character.</p>		

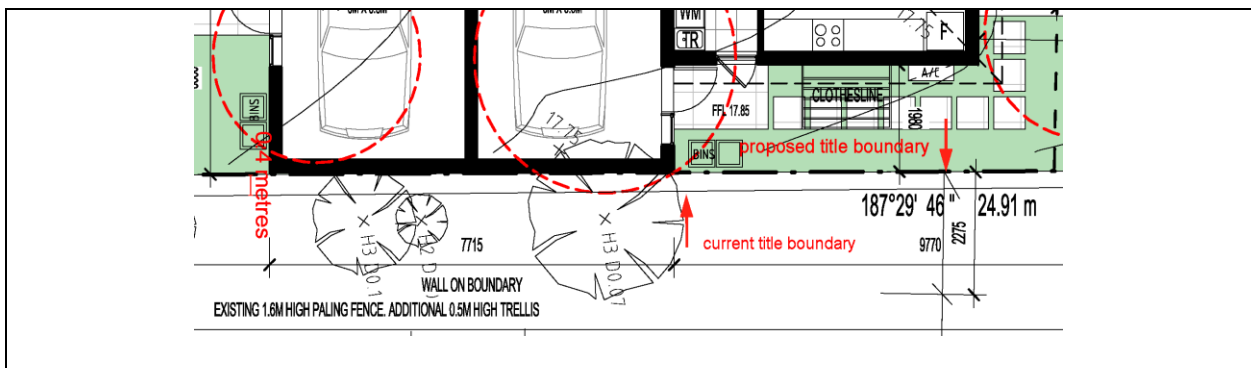
<p>Clause 55.02-2 Residential Policy objectives</p> <ul style="list-style-type: none"> To ensure that residential development is provided in accordance with any policy for housing in the MPS and the PPF. To support medium densities in areas where development can take advantage of public transport and community infrastructure and services. 	<p>Standard B2</p> <ul style="list-style-type: none"> An application must be accompanied by a written statement that describes how the development is consistent with relevant housing policy in the PPF & MPS 	<p>Complies with standard & meets objective</p>
<p>Assessment: The site is located within an 'Increased Housing Diversity Area', where increased residential densities and a wider diversity in housing types and sizes is encouraged. The proposal meets the requirements of this standard as it proposes the consolidation of land and development of the site for a multi-unit development in an appropriate location. The subject site is within close proximity to Public Transport and Commercial activities associated with Southland Shopping Centre which is an optimal location for an increased diversity development.</p>		
<p>Clause 55.02-3 Dwelling Diversity objective</p> <p>To encourage a range of dwelling sizes and types in developments of ten or more dwellings.</p>	<p>Standard B3</p> <p>Developments of ten or more dwellings should provide a range of dwelling sizes and types, including:</p> <ul style="list-style-type: none"> Dwellings with a different number of bedrooms. At least one dwelling that contains a kitchen, bath or shower, and a toilet and wash basin at ground floor level. 	<p>N/A</p>
<p>Assessment: only 9 dwellings proposed</p>		
<p>Clause 55.02-4 Infrastructure objectives</p> <ul style="list-style-type: none"> To ensure development is provided with appropriate utility services and infrastructure. To ensure development does not unreasonably overload the capacity of utility services and infrastructure. 	<p>Standard B4</p> <ul style="list-style-type: none"> Connection to reticulated services/sewerage, electricity, gas and drainage services Capacity of infrastructure and utility services should not be exceeded unreasonably Provision should be made for upgrading and mitigation of the impact of services or infrastructure where little or no spare capacity exists 	<p>Complies with standard & meets objective</p>
<p>Assessment: It is recommended that suitable conditions be included in any permit issued to address infrastructure considerations.</p>		
<p>Clause 55.02-5 Integration with the street objective</p> <ul style="list-style-type: none"> To integrate the layout of development with the street. 	<p>Standard B5</p> <ul style="list-style-type: none"> Provides adequate vehicle and pedestrian links that maintain or enhance local accessibility. 	<p>Complies with standard</p>
	<ul style="list-style-type: none"> Development oriented to front existing/proposed streets 	<p>Complies with standard</p>
	<ul style="list-style-type: none"> High fencing in front of dwellings should be avoided if practicable. 	<p>Complies with standard no fencing proposed</p>

	<ul style="list-style-type: none"> Development next to existing public open space should be laid out to complement the open space. 	N/A
<p>Assessment: The proposal has been amended to reduce the number of vehicle crossings along the frontage from three to two along with the relocation of garages for Dwellings 1 and 2 to the rear. This arrangement allows for additional windows at ground level to provide for the necessary activation of the front façade. Therefore the proposal complies with the requirements of this standard.</p>		
<p>Clause 55.03-1 Street setback objective</p> <ul style="list-style-type: none"> To ensure that the setbacks of buildings from a street respect the existing or preferred neighbourhood character and make efficient use of the site. 	<p>Standard B6 Walls of buildings should be set back from streets:</p> <ul style="list-style-type: none"> If no distance is specified in a schedule to the zone, the distance specified in Table B1 <p>Required: 6.7m Proposed: 6.4m (porches encroach within this setback however these structures are excluded as they are less than 3.6m in height)</p>	Variation sought to standard & meets objective
<p>Assessment: The proposed minimum front building setback of 6.4m for the proposed development is less than that required, however, the proposed setback is considered to be appropriate for the following reasons:</p> <ul style="list-style-type: none"> Although the proposed building setback from does not meet the technical requirements of this Standard, it is considered that the development provides a reasonable transition between the adjoining properties and meets the overriding objective of this Clause. The minimum building setback of the proposed development from Jellicoe Street would allow for the most efficient use of the subject site. There is no prevailing setback rhythm within this section of Jellicoe Street, which includes front setbacks ranging between 5m and 8m. As shown on the image below, the setbacks have been designed to be staggered to minimise any perception of building bulk when viewed from the street and adjoining properties with a minimum setback of 6.4m and a maximum of 7m The proposed building setback from this frontage is large enough to accommodate substantial landscaping including the provision of least three (3) canopy trees within the front setback area of the subject site. 		
<p>Clause 55.03-2 Building height objective</p> <ul style="list-style-type: none"> To ensure that the height of buildings respects the existing or preferred neighbourhood character. 	<p>Standard B7 Maximum: 9 metres (11 metres and no more than 3 storeys under GRZ2)</p>	Complies with standard
<p>Assessment: The proposal meets the heights parameters specified in this Standard.</p>		

<p>Clause 55.03-3 Site Coverage objective</p> <ul style="list-style-type: none"> To ensure that the site coverage respects the existing or preferred neighbourhood character and responds to the features of the site. 	<p>Standard B8</p> <p>Maximum: GRZ2 – 60%</p>	<p>Complies with standard</p>
<p>Assessment: The proposal achieves a site coverage statistic of 47%, which meets this Standard.</p>		
<p>Clause 55.03-4 Permeability objectives</p> <ul style="list-style-type: none"> To reduce the impact of increased stormwater run-off on the drainage system. To facilitate on-site stormwater infiltration. 	<p>Standard B9</p> <p>At least: 20%</p>	<p>Complies with standard</p>
<p>Assessment: The permeability figure proposed (i.e.36.76%) exceeds that specified in the Standard.</p>		
<p>Clause 55.03-5 Energy Efficiency objectives</p> <ul style="list-style-type: none"> To achieve and protect energy efficient dwellings and residential buildings. To ensure the orientation and layout of development reduce fossil fuel energy use and make appropriate use of daylight and solar energy. 	<p>Standard B10</p> <p>Orientation, siting & design of buildings should make appropriate use of solar energy. Further, siting & design should ensure that the energy efficiency of existing dwellings on adjoining lots is not unreasonably reduced. Siting & design should also ensure that the capacity of existing rooftop solar energy facilities on adjoining lots in GRZ,NRZ or TZ are not unreasonably reduced.</p> <p>Living areas & private open space should be located on the north side of the development, if practicable.</p> <p>Solar access to north-facing windows is maximised.</p>	<p>Complies with standard</p>
<p>Assessment: The internal layout of all dwellings has been designed to maximize on energy efficiency principles.</p>		
<p>Clause 55.03-6 Open Space objective</p> <ul style="list-style-type: none"> To integrate the layout of development with any public and communal open space provided in or adjacent to the development. 	<p>Standard B11</p> <p>Public or communal open space should:</p> <ul style="list-style-type: none"> Be substantially fronted by dwellings Provide outlook for dwellings Be designed to protect natural features. Be accessible and useable. 	<p>N/A</p>
<p>Assessment: There is no communal private open space adjoining the site.</p>		

<p>Clause 55.03-7 Safety objectives</p> <ul style="list-style-type: none"> To ensure the layout of development provides for the safety and security of residents and property. 	<p>Standard B12</p> <p>Entrances to dwellings and residential buildings should not be obscured or isolated from the street and internal accessways.</p> <p>Planting should not create unsafe spaces along streets and accessways</p> <p>Good lighting, visibility and surveillance of car parks and internal accessways should be achieved.</p> <p>Private spaces should be protected from inappropriate use as public thoroughfares.</p>	<p>Complies with standard & meets objective</p>
<p>Assessment: The proposal provides an acceptable level of consideration for safety & security of residents. This is evidenced by the highly visibly, identifiable & attainable dwelling entries the reduction of number of vehicle crossings and the proposed habitable room windows at ground level facing the street and the internal driveway.</p>		
<p>Clause 55.03-8 Landscaping objectives</p> <ul style="list-style-type: none"> 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. 	<p>Standard B13</p> <p>In summary, landscape layout & design should:</p> <ul style="list-style-type: none"> Protect predominant landscape features of the neighbourhood. Take into account the soil type and drainage patterns of the site. Allow for intended vegetation growth and structural protection of buildings. Provide a safe, attractive and functional environment for residents. <p>In summary, development should:</p> <ul style="list-style-type: none"> Provide for the retention or planting of trees, where these are part of the character of the neighbourhood. Provide for the replacement of any significant trees that have been removed in the 12 months prior to the application being made. Specify landscape themes, vegetation (location and species), paving and lighting. 	<p>Complies with standard & meets objective</p>
<p>Assessment: The application provides adequate space for the planting of various species, including canopy trees. As a condition of any permit issued, a detailed landscape plan will be required.</p>		
<p>Clause 55.03-9 Access objective</p> <ul style="list-style-type: none"> To ensure the number and design of vehicle crossovers respects the neighbourhood character. 	<p>Standard B14</p> <p>The width of accessways or car spaces should not exceed:</p> <ul style="list-style-type: none"> 33 per cent of the street frontage, or if the width of the street frontage is less than 20 metres, 40 per cent of the street frontage. <p>No more than one single-width crossover should be provided for each dwelling fronting a street.</p> <p>The location of crossovers should maximise the retention of on-street car parking spaces.</p> <p>The number of access points to a road in a Road Zone should be minimised.</p> <p>Access for service, emergency and delivery vehicles must be provided.</p>	<p>Complies with standard & meets objective</p> <p>Complies with standard & meets objective</p> <p>Complies with standard & meets objective</p> <p>N/A</p> <p>Complies with standard & meets objective</p>

Assessment: The proposal raises no concern with respect to traffic or access related matters. The proposal is for the construction of two crossings along the site's frontage which is considered appropriate for an application formed by two consolidated allotments.		
Clause 55.03-10 Parking location objectives	Standard B15 Car parking facilities should:	Complies with standard & meets objective
<ul style="list-style-type: none"> To provide convenient parking for resident and visitor vehicles. To protect residents from vehicular noise within developments 	<ul style="list-style-type: none"> Be reasonably close and convenient to dwellings and residential buildings. Be secure. Be well ventilated if enclosed. Shared accessways or car parks of other dwellings and residential buildings should be located at least 1.5 metres from the windows of habitable rooms. This setback may be reduced to 1 metre where there is a fence at least 1.5 metres high or where window sills are at least 1.4 metres above the accessway.	
Assessment: The proposal raises no concern with respect to the layout and design of on-site car parking. The application has referred to council's traffic engineers who provided no objections to the proposal subject to conditions.		
Clause 55.04-1 Side and rear setbacks objective	Standard B17 A new building not on or within 200mm of a boundary should be set back from side or rear boundaries:	Complies with standard & meets objective
<ul style="list-style-type: none"> To ensure that the height and setback of a building from a boundary respects the existing or preferred neighbourhood character and limits the impact on the amenity of existing dwellings. 	<ul style="list-style-type: none"> 1 metre, plus 0.3 metres for every metre of height over 3.6 metres up to 6.9 metres, plus 1 metre for every metre of height over 6.9 metres. 	
Assessment: All side and rear setbacks are designed to accord with the prescriptive requirement of standard B17.		
Clause 55.04-2 Walls on boundaries objective	Standard B18 A new wall constructed on or within 200mm of a side or rear boundary of a lot or a carport constructed on or within 1 metre of a side or rear boundary of lot should not abut the boundary:	Complies with standard & meets objective
<ul style="list-style-type: none"> To ensure that the location, length and height of a wall on a boundary respects the existing or preferred neighbourhood character and limits the impact on the amenity of existing dwellings. 	<ul style="list-style-type: none"> 10 m plus 25% of the remaining length of the boundary of an adjoining lot, or Where there are existing or simultaneously constructed walls or carports abutting the boundary on an abutting lot, the length of the existing or simultaneously constructed walls or carports, whichever is the greater. 	
Assessment: The proposal seeks to provide 11.68m of walls on the east. Carports along the western boundary have been set back a minimum of 500mm. Given the wall length of 63.4m along the eastern boundary, a maximum wall length of 23.3m is allowed. The wall heights do not exceed a maximum of 3.6m or an average of 3.2m complying with Standard B18. The provision of walls on the boundary meets the numerical value. As shown on the image below, the walls along the eastern boundary are proposed along the re-established boundary of the site where the current fence lies which is approximately 400mm west of where the title boundary is at present.		



<p>Clause 55.04-3 Daylight to existing windows objective</p> <ul style="list-style-type: none"> To allow adequate daylight into existing habitable room windows. 	<p>Standard B19</p> <p>Buildings opposite an existing habitable room window should provide for a light court to the existing window that has a minimum area of 3m² and minimum dimension of 1m clear to the sky.</p>	Complies with standard & meets objective
	<p>Walls or carports more than 3m in height opposite an existing habitable room window should be set back from the window at least 50% of the height of the new wall if the wall is within a 55 degree arc from the centre of the existing window. The arc may be swung to within 35 degrees of the plane of the wall containing the existing window.</p>	Complies with standard & meets objective

Assessment: Adequate daylight is provided to all existing windows.

<p>Clause 55.04-4 North facing windows objective</p> <ul style="list-style-type: none"> To allow adequate solar access to existing north-facing habitable room windows. 	<p>Standard B20</p> <p>Buildings should be setback 1m if an existing HRW is within 3m of the abutting lot boundary (add 0.6m to this setback for every metre of height over 3.6m & add 1m for every metre of height over 6.9m)</p>	N/A
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Assessment: there are no north facing windows

<p>Clause 55.04-5 Overshadowing open space objective</p> <ul style="list-style-type: none"> To ensure buildings do not significantly overshadow existing secluded private open space 	<p>Standard B21</p> <p>Where sunlight to the SPOS of an existing dwelling is reduced, at least 75%, or 40m² with min. 3m, whichever is the lesser area, of the SPOS should receive a min of 5hrs of sunlight btw 9am & 3pm on 22 September.</p> <p>If existing sunlight to the SPOS of an existing dwelling is less than the requirements of this standard, the amount of sunlight should not be further reduced.</p>	Complies with standard & meets objective
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Assessment: The submitted shadow diagrams, indicates that the morning shadows would be cast to the multi-dwelling development 11 Jellicoe Street. Whilst these dwellings have their primary SPOS areas of 28sqm to 41sqm at ground floor the submitted shadow diagrams indicate that the shadows would remain consistent with the existing shadows of the fence for most of the morning. Only at 9am shadows cast by Dwelling 1 and Dwelling 7 would extend beyond the shadows of the fence, however this is considered to comply with the requirements of this standard as follows:

- As shown on the image below, at 9am the secluded private open space of Unit 3/11 Jellicoe is covered by the shadow of the existing boundary fence (orange). The proposed shadows (blue) extend beyond the SPOS, therefore there is no change to the current status. At 10am the proposed shadows remain within the shadows cast by the boundary fence. Solar access to the secluded private open space of Unit 4/11 Jellicoe will remain unaltered.



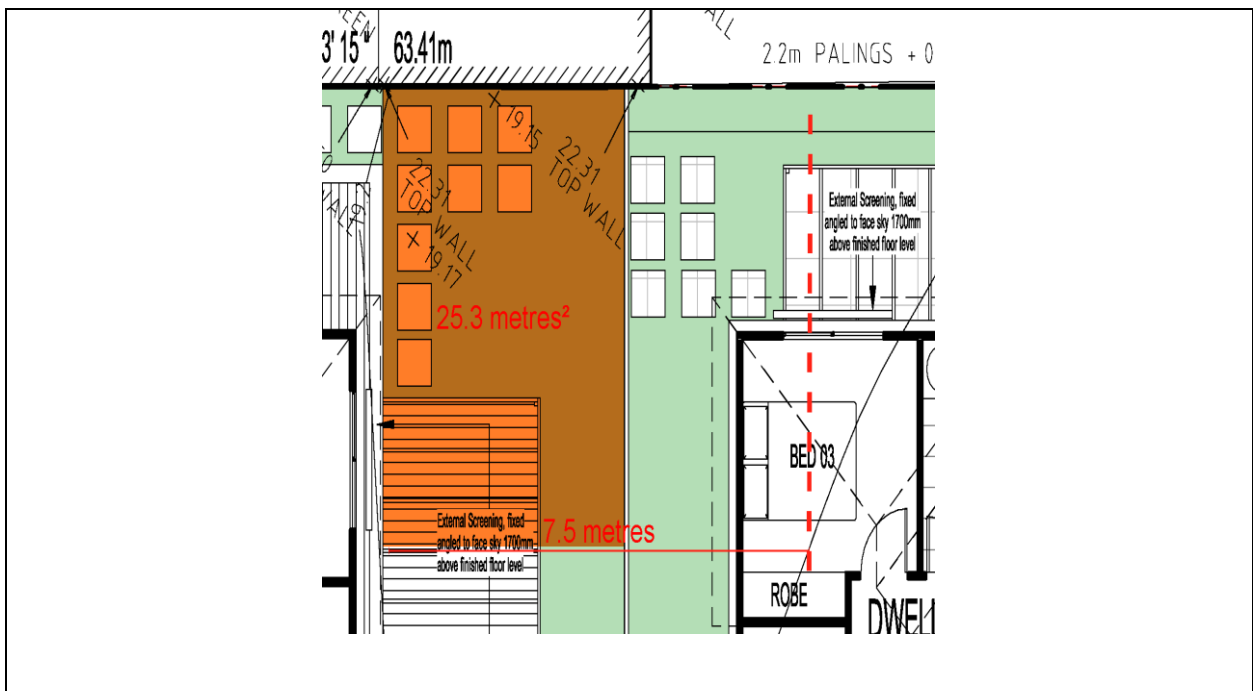
- The secluded private open space of Unit 1/11 Jellicoe is located to the side of the dwelling. Existing shadows cast by the boundary fence at 9am cover the whole area (orange). Whilst there is an additional shadow cast (blue) this falls outside of the secluded private open space area at 9am. At 10 am the shadows are within the existing shadows of the fence (orange)



<p>Clause 55.04-6 Overlooking objective</p> <ul style="list-style-type: none"> To limit views into existing secluded private open space and habitable room windows. 	<p>Standard B22</p> <p>A HRW, balcony, terrace, deck or patio should be located & designed to avoid direct views into the SPOS of an existing dwelling within 9m (refer to clause for exact specifications). Where within it should be either:</p> <ul style="list-style-type: none"> Offset a minimum of 1.5m from the edge of one window to the edge of the other. Have sill heights of at least 1.7m above floor level. Have fixed, obscure glazing in any part of the window below 1.7m above floor level. Have permanently fixed external screens to at least 1.7m above floor level & be no more than 25% transparent. 	<p>Complies with standard & meets objective</p>
	<p>Obscure glazing in any part of the window below 1.7 metres above floor level may be openable provided that there are no direct views as specified in this standard.</p>	<p>Complies with standard & meets objective</p>
	<p>Screens used to obscure a view should be:</p>	

	<ul style="list-style-type: none"> Perforated panels or trellis with a maximum of 25% openings or solid translucent panels. Permanent, fixed and durable. Designed and coloured to blend in with the development. 	Complies with standard & meets objective
<p>Assessment: Most of the first floor habitable room windows that are orientated towards a common boundary have been screened accordingly. In the event that a permit issues suitable conditions will be included to address any unreasonable overlooking potential from the northern window of dwelling 5 at first floor which has the potential to overlook adjoining secluded private open space.</p>		
<p>Clause 55.04-7 Internal views objective</p> <ul style="list-style-type: none"> To limit views into the secluded private open space and habitable room windows of dwellings and residential buildings within a development. 	<p>Standard B23</p> <p>Windows and balconies should be designed to prevent overlooking of more than 50% of the SPOS of a lower-level dwelling or residential building directly below and within the same development.</p>	Complies with standard & meets objective
<p>Assessment: The proposed windows at first floor have been staggered to ensure no unreasonable internal overlooking will occur. At ground level there are a number of small windows associated with living areas which are proposed to face other small windows within the development. These windows will be separated by a distance of 5.45m. Given this arrangement provides necessary passive surveillance to the driveway the proposal is considered to be an acceptable response.</p>		
<p>Clause 55.04-8 Noise impacts objectives</p> <ul style="list-style-type: none"> To contain noise sources in developments that may affect existing dwellings. To protect residents from external noise. 	<p>Standard B24</p> <p>Noise sources should not be located near bedrooms of immediately adjacent existing dwellings.</p> <p>Noise sensitive rooms and SPOS of new dwellings and residential buildings should take account of noise sources on immediately adjacent properties. Dwellings and residential buildings close to busy roads, railway lines or industry should be designed to limit noise levels in habitable rooms.</p>	Complies with standard & meets objective
<p>Assessment: Any noise generated by the proposal would be normal to a residential building and is considered to be reasonable for a residential zone.</p>		
<p>Clause 55.05-1 Accessibility objective</p> <ul style="list-style-type: none"> To encourage the consideration of the needs of people with limited mobility in the design of developments. 	<p>Standard B25</p> <p>The dwelling entries of the ground floor of dwellings and residential buildings should be accessible or able to be easily made accessible to people with limited mobility.</p>	Complies with standard & meets objective
<p>Assessment: The proposal is considered to accord with this Standard.</p>		
<p>Clause 55.05-2 Dwelling entry objective</p> <ul style="list-style-type: none"> To provide each dwelling or residential building with its own sense of identity. 	<p>Standard B26</p> <p>Entries to dwellings and residential buildings should:</p> <ul style="list-style-type: none"> Be visible and easily identifiable from streets and other public areas. Provide shelter, a sense of personal address and a transitional space around the entry. 	Complies with standard & meets objective
<p>Assessment: The proposed entries to all dwellings are clearly visible from the public realm.</p>		

<p>Clause 55.05-3 Daylight to new windows objective</p> <ul style="list-style-type: none"> To allow adequate daylight into new habitable room windows. 	<p>Standard B27 HRW should be located to face:</p> <ul style="list-style-type: none"> Outdoor space clear to the sky or a light court with a minimum area of 3m² and min. dimension of 1m clear to the sky or Verandah provided it is open for at least 1/3 of its perimeter, or A carport provided it has 2 or more open sides and is open for at least 1/3 of its perimeter. 	<p>Complies with standard & meets objective</p>
<p>Assessment: It is considered that all proposed windows all for adequate solar access and natural daylight into primary and secondary living areas.</p>		
<p>Clause 55.05-4 Private open space objective</p> <ul style="list-style-type: none"> To provide adequate private open space for the reasonable recreation and service needs of residents. 	<p>Standard B28 GR22 - A dwelling or residential building should have POS consisting of:</p> <ul style="list-style-type: none"> An area of 40m², with one part of the POS to consist of SPOS at the side or rear of the dwelling or residential building with a min. 25m², a min. dimension of 3m and convenient access from a living room, or A balcony of 8m² with a min. width of 1.6m and convenient access from a living room, or A roof-top area of 10m² with a min. width of 2m and convenient access from a living room. 	<p>Complies with standard & meets objective</p>
<p>Assessment: Each dwelling has been provided with adequate POS that meets the area and dimension requirements specified above and will service the social, recreational and passive needs of future residents. Only Dwelling 2 has been designed with a reverse living arrangement and includes a balcony at first floor comprising approximately 13.66m².</p>		
<p>Clause 55.05-5 Solar Access to Open Space</p> <ul style="list-style-type: none"> To allow solar access into the secluded private open space of new dwellings and residential buildings. 	<p>Standard B29 The private open space should be located on the north side of the dwelling or residential building, if appropriate.</p>	<p>Complies with standard & meets objective</p>
	<p>The southern boundary of secluded private open space should be set back from any wall on the north of the space at least (2 + 0.9h) metres, where 'h' is the height of the wall.</p>	<p>Does not comply with standard or objective (conditioned to comply with standard)</p>
<p>Assessment: The secluded private open space of Dwellings 2, 6, and 7 are located to face north in accordance with the requirements of this standard. The secluded open space of Dwellings 3, 4, 5, 8 and 9 are located to the south of proposed single storey garages and carports located to the north. As these areas have a minimum length of 8m, solar access is considered to be appropriate and complies with the requirements of this standard.</p> <p>The southern wall of the secluded private open space of Dwelling 1 is set back 6.16m from the north wall associated with Dwelling 9. Given the height of the wall (6.1m) the setback required under this standard is 7.49m. Therefore, the secluded private open space of this dwelling will not receive appropriate sunlight throughout the day. Increasing the distance between the south wall of this open space and the wall to the north associated only with bedroom 3 dwelling 9 to 7.49m would allow for a minimum of 25m² of the open space of dwelling 1 to comply with the requirements of this standard. As such, a condition is suggested to be included on any permit issued to address this concern.</p>		



<p>Clause 55.05-6 Storage objective</p> <ul style="list-style-type: none"> To provide adequate storage facilities for each dwelling. 	<p>Standard B30 Each dwelling should have convenient access to at least 6 cubic metres of externally accessible, secure storage space.</p>	<p>Complies with standard & meets objective</p>
<p>Assessment: Secure storage areas have been provided for each dwelling within their respective garage/POS areas or within the dwelling with external access</p>		
<p>Clause 55.06-1 Design Detail objective</p> <ul style="list-style-type: none"> To encourage design detail that respects the existing or preferred neighbourhood character 	<p>Standard B31 The design of buildings, including:</p> <ul style="list-style-type: none"> ▪ Facade articulation and detailing ▪ Window and door proportions, ▪ Roof form, and ▪ Verandahs, eaves and parapets, <p>should respect the existing or preferred neighbourhood character. Garages and carports should be visually compatible with the development and the existing or preferred neighbourhood character.</p>	<p>Complies with standard & meets objective</p>
<p>Assessment: The design incorporates brick, render and timber cladded wall materials which are common to the area, along with hipped roof forms with some flat roof elements and window proportions which are also dominant features of the locality.</p>		
<p>Clause 55.06-2 Front fences objective</p> <ul style="list-style-type: none"> To encourage front fence design that respects the existing or preferred neighbourhood character. 	<p>Standard B32 The design of front fences should complement the design of the dwelling or residential building and any front fences on adjoining properties.</p> <p>Schedule to GR22/3: A front fence within 3m of a street should not exceed:2m for streets in a RDZ1 or 1.2m for other streets</p>	<p>N/A</p>
<p>Assessment: No front fencing is proposed as part of this development application.</p>		

<p>Clause 55.06-3 Common property objectives</p> <ul style="list-style-type: none"> To ensure that communal open space, car parking, access areas and site facilities are practical, attractive and easily maintained. To avoid future management difficulties in areas of common ownership. 	<p>Standard B33</p> <p>Developments should clearly delineate public, communal and private areas.</p> <p>Common property, where provided, should be functional and capable of efficient management.</p>	<p>Complies with standard & meets objective</p>
<p>Assessment: The proposed common property is functional, well-designed and capable of efficient management through an owner's corporation arrangement.</p>		
<p>Clause 55.06-4 Site services objectives</p> <ul style="list-style-type: none"> To ensure that site services can be installed and easily maintained. To ensure that site facilities are accessible, adequate and attractive. 	<p>Standard B34</p> <p>Dwelling layout and design should provide sufficient space and facilities for services to be installed and maintained efficiently and economically.</p> <p>Bin and recycling enclosures, mailboxes and other site facilities should be adequate in size, durable, waterproof and blend in with the development.</p>	<p>Complies with standard & meets objective</p>
<p>Assessment: It is understood that all the facilities required for the development can be accommodated within the development. Site services such as mailboxes and bin/recycling enclosures have been nominated on the respective plans and located appropriately. A condition is recommended to demonstrate the bin store for Dwelling 2.</p>		

APPENDIX B

PERMIT APPLICATION NO:	P640/2018
LAND:	13-15 Jellicoe Street, Cheltenham
WHAT THE PERMIT ALLOWS:	
<ul style="list-style-type: none"> • Construct two or more dwellings on a lot under Clause 32.08-6; In accordance with the endorsed plans and subject to the following conditions: 	

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 VCAT submission plans dated October 2018 and known as TP06-12 of 15 Issue 5, but modified to show the following:
 - a) The provision of a landscape plan in accordance with the submitted development plan and , with such plans to be prepared by a suitably qualified landscape professional to the satisfaction of the Responsible Authority and incorporating:
 - i. A planting schedule of all proposed trees and shrubs, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant with all plants chosen to be to the satisfaction of the Responsible Authority;
 - ii. A survey, including, botanical names of all existing trees to be retained or removed on the site including Tree Protection Zones for trees to be retained calculated in accordance with AS4970-2009;
 - iii. A survey including botanical names, of all existing trees on neighbouring properties where the Tree Protection Zones of such trees calculated in accordance with AS4970-2009 fall partially within the subject site;
 - iv. The delineation of all garden beds, paving, grassed area, retaining walls, fences and other landscape works;
 - v. A range of plant types from ground covers to large shrubs and trees, provided at adequate planting densities (e.g. plants 1 metre width at maturity planted 1 metre apart);
 - vi. The provision of one (1) canopy tree capable of growing to minimum mature dimensions of 12 metres in height and 6 metres in width to be planted within the front setback of Dwellings 1, 2 and 3; a tree capable of reaching 8 metres in height in the garden bed between the driveway and Dwelling 2 and a canopy tree capable of reaching 10 metres in height between Dwellings 6 and 7, with the species chosen to be approved by the Responsible Authority;
 - vii. The provision of one (1) canopy tree capable of growing to a minimum mature height of 5 metres to be planted within the secluded private open space of Dwelling's 1, 4,5, 6, 7, 8 and 9, with the species chosen to be approved by the Responsible Authority;

- viii. All trees provided at a minimum of 2 metres in height at time of planting, medium to large shrubs to be provided at a minimum pot size of 200mm;
 - ix. The provision of notes regarding site preparation, including the removal of all weeds, proposed mulch, soil types and thickness, subsoil preparation and any specific maintenance requirements;
 - x. The location of any tree protection measures including for street trees accurately drawn to scale and labelled; and
 - xi. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced.
- b) The existing vehicle crossing on the west side of the property reconstructed and correctly aligned with the driveway;
 - c) Any changes as required by Condition 14;
 - d) Any changes as required by Condition 15;
 - e) The location of the bin store for Dwelling 2;
 - f) A minimum area of 25sqm within the SPOS of Dwelling 1 to comply with Standard B29 of the Kingston Planning Scheme with no increase in built form;
 - g) The north facing window of Dwelling 5 (bedroom 2) screened to comply with the requirements of Standard B22;
 - h) Swept path diagrams demonstrating vehicles exiting Dwelling 4 garage space with no encroachment on the tandem space of Dwelling 9. Swept paths are to comply with the Australian standards and be to the satisfaction of the Responsible Authority.
 - i) Gradients for tandem car spaces to comply with the Australian Standards, in particular Dwelling 1, 5 and 6.
 - j) The provision of minimum 2000 litre rainwater tank clearly nominated for each dwelling with water re-used for toilet flushing;
 - k) The provision of the required flood proof apex as per Condition 8; and
 - l) Vehicle crossings must be constructed at a 90 degree alignment with the kerb on Jellicoe Street and all internal driveways must align with the existing / proposed vehicle crossing.

Endorsed Plans

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

Street Trees

- 3 Tree Protection Fencing is to be established around the Liquidambar styraciflua street tree prior to demolition and maintained until all works on site are complete.
 - a) The fencing is to be a 1.8 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
 - b) The fencing is to encompass the entire nature strip with each end 3 metres from the base of the tree.

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- 4 Tree Protection Fencing is to be established around the *Lophostemon confertus* street tree prior to demolition and maintained until all works on site are complete.
- a) The fencing is to be a 1.8 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
 - b) The fencing is to encompass the entire nature strip with the west end 3 metres from the base of the tree and the east end at the edge of the existing crossover.
 - c) The removal of the existing cross over at 15 Jellicoe Street is to be undertaken under the supervision of a minimum Certificate 5 (Diploma) qualified arborist who is to photograph and document the works.
 - d) No roots greater than 30 mm are to be severed.
 - e) The contact details of the supervising arborist are to be provided to Council before works commence

Drainage and Water Sensitive Urban Design

- 5 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, but modified to show:
- a) the provision of a longitudinal section of the reverse fall driveways showing gradients, levels, distances, with headroom clearances complying with AS2890.1:2004 and the flood proof apex;
 - b) the provision of required flood proof apex of 350mm above the existing kerb and channel invert level for the entire road frontage of the subject site;
 - c) the provision of minimum 2000 litre rainwater tank clearly nominated for each dwelling with water re-used for toilet flushing;
- 6 Unless with the prior written consent of the Responsible Authority, before the development commences, the following Integrated Stormwater Management documents must be prepared, by a suitably qualified person, to the satisfaction of the Responsible Authority.
- a) Stormwater Management/drainage (drainage) Plan(s) must be prepared, with supporting computations, showing the stormwater (drainage) works to the nominated point of discharge. The plan(s) must show all details of the proposed stormwater (drainage) works including all existing and proposed features that may have impact on the stormwater (drainage) works, including landscaping details.
 - b) The Stormwater Management (drainage) Plan must address the requirements specified within Council's "Civil Design requirements for Developers – Part A: Integrated Stormwater Management".
 - c) A STORM modelling report with results demonstrating water sensitive urban design treatments that achieve Victorian best practice objectives with a minimum 100% rating must be provided as part of the Stormwater Management (drainage) Plan to the satisfaction of the Responsible Authority. These may include the use of an infiltration or

- bio-retention system, rainwater tanks connected for reuse, or other treatments to the satisfaction of the Responsible Authority.
- d) The water sensitive urban design treatments as per conditions 6a, 6b & 6c above must be implemented on-site, unless an alternative agreement for stormwater quality in-lieu contribution is reached with the Responsible Authority.
- 7 Stormwater/drainage works must be implemented in accordance with the approved stormwater management/drainage plan(s) and to the satisfaction of the Responsible Authority including the following:
- a) All stormwater/drainage works must be provided on the site so as to prevent overflows onto adjacent properties.
- b) The implementation of stormwater/drainage detention system(s) which restricts stormwater discharge to the maximum allowable flowrate of 17L/s.
- c) All stormwater/drainage works must be maintained to the satisfaction of the Responsible Authority.
- 8 A flood proof apex (ridge level) protecting the property from any overland flows must be provided. This apex is to be a minimum of 350mm above the existing kerb and channel invert along the entire road frontage of the subject site. 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.

Roads and Drains

- 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 to the satisfaction of the Responsible Authority.
- 11 All reinstatements and vehicle crossings must be constructed to the satisfaction of the Responsible Authority.
- 12 Vehicle crossing must be constructed to council's industrial strength specifications.
- 13 All redundant vehicle crossings must be removed (including redundant portions of vehicle crossings) to the satisfaction of the Responsible Authority.

Construction Management

- 14 Prior to the commencement of any buildings and works on the land (including demolition), a Construction Management Plan (CMP), to the satisfaction of the Responsible Authority, must be submitted to and approved by the Responsible Authority. The CMP must be prepared in accordance with the City of Kingston Construction Management Policy, July 2015 and Construction Management Guidelines, 1 November 2015 (and any superseding versions and / or documents). The CMP must specify and deal with, but is not limited to, the following elements:
- a) Public Safety, Amenity and Site Security

- b) Traffic Management
- c) Stakeholder Management
- d) Operating Hours, Noise and Vibration Controls
- e) Air Quality and Dust Management
- f) Stormwater and Sediment Control
- g) Waste and Materials Re-use

When approved, the plan will be endorsed and will then form part of the permit and shall thereafter be complied with during the undertaking of all works.

Sustainable Management Plan

15 Concurrent with the endorsement of plans, 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, including weather protection
- Water resources
- Stormwater management
- Building materials
- Bicycle parking
- Waste Management
- Urban Ecology
- Innovation
- Ongoing building and site management

Waste Management Plan

16 Concurrent with the endorsement of plans, 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) Details for the refuse/recycling collection vehicle including swept path diagrams to allow adequate access by this vehicle.
- b) The manner in which waste will be stored and collected including: type, size and number of containers.
- c) Spatial provision for on-site storage.
- d) Details whether waste collection is to be performed by Council's services or privately contracted.
- e) 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.

General Amenity

- 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 Service units, including air conditioning/heating units, where incorporated, must not be located where they will be highly visible from any public area to the satisfaction of the Responsible Authority and if located on the roof of a building, suitable screening and baffling must be provided to the satisfaction of the Responsible Authority.
- 19 All piping, 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.

Lighting

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

Completion of Works

- 21 Prior to the occupation of the development 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.
- 22 Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.

Time Limits


- 23 This permit will expire if one of the following circumstances applies:
 - a) The development is not started within two years of the issued date of this permit.
 - b) The development is not completed within four years of the issued date of this permit.

In accordance with Section 69 of the *Planning and Environment Act 1987*, an application may be submitted to the Responsible Authority for an extension of the periods referred to in this condition.

APPLICANT	2bscene Design
ADDRESS OF LAND	13 and 15 Jellicoe Street, CHELTENHAM VIC 3192
Plan of Subdivision Reference	Lot 1 on 824654S (13 Jellicoe St) Lot 1 on PS 920981Q (15 Jellicoe St)
PROPOSAL	Develop the land for the construction of ten (10) dwellings
PLANNING OFFICER	Amy Lin
REFERENCE NO.	KP-960/2016
ZONE	General Residential Zone Schedule 2
OVERLAYS	None
PARTICULAR PROVISIONS	Clause 52.06 – Car Parking Clause 55 – ResCode
OBJECTIONS	Twenty (20)
CONSIDERED PLAN REFERENCES	Project 13-15JEL TP01-TP15, dated 31/03/2017 by 2Bscene Design
DATE RECEIVED	7 July 2017
ABORIGINAL CULTURAL HERITAGE SENSITIVITY	No

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.




 Amy Lin
 Planning Officer

Date 30/01/18

I have checked the above officer's report. I agree with the recommendation and advise that as Council Delegate, I have determined to:-

- Refuse the application subject to the grounds specified in this report (Refusal).



 Jennifer Roche
 Team Leader - Statutory Planning

Date 31/1/18

1.0 RELEVANT LAND HISTORY

- 1.1 Council records indicate planning application KP16/829 was refused on 05 Dec 2017 on the same site to develop the land for the construction of a three storey budding containing thirty (30) dwellings.

2.0 SITE PARTICULARS

- 2.1 The site consists of two lots (Lot 1 on TP920981Q and Lot 1 TP824654S) located on the north side of Jellicoe Street. The two lots have a combined frontage width of 31.24m to Jellicoe Street and a side depth of 63.4m with a total overall area of 1980.6m². The site is currently contains two existing dwellings. A single storey weatherboard dwelling is located at No. 13 Jellicoe Street whilst a double storey brick veneer dwelling is located at No. 15 Jellicoe Street. There are two street trees adjacent to the lots and the site is considered to be moderately vegetated with shrubs and trees, particularly to the rear of the site. Existing vehicle access is via two single storey crossovers to their respective dwellings.
- 2.2 The land has a slight fall of approximately 2.5m from its road frontage down towards its rear northern corner.
- 2.3 There are no restrictions listed on the Certificate of Titles.

3.0 SURROUNDING ENVIRONS

- 3.1 The surrounding area generally comprises of residential development of a range of densities and scale. Infill development surrounds the subject site, and in the immediate area ranges from dual occupancy to multi-dwelling developments containing forty (40) dwellings, which is representative of the dominant character of this General Residential 2 zoned area and nearby Commercial 1 Zone.
- 3.2 Land directly abutting the subject site and opposite is described as follows:

North (rear): No. 1 - 6 Chaprowe Court - an older style 20 unit development consisting of single storey brick dwellings, located within the cul-de-sac. A row of single storey dwellings are located along the site's south boundary, shared with the subject site. Each dwelling is located approximately 3.05m from the shared boundary with a 1.6m timber paling fence separating the sites.

East (side): No. 17 Jellicoe Street- a dual occupancy set in tandem configuration featuring two single storey brick dwellings. The front dwelling is setback approximately 7.54m from the street frontage. Vehicle access is via a shared common driveway located along the eastern boundary. SPOS is located along the shared common boundary.

South (road): Jellicoe Street then residential development including single and double storey dwellings.

West (side): No. 11 Jellicoe Street - consists of four double storey semi attached dwellings, constructed along the length of the site and towards the eastern boundary, shared with the subject site. SPOS is located to the side or rear of each dwelling and

also through a terrace at first floor. Vehicle access is via a shared driveway located along the western boundary.

4.0 PROPOSAL

- 4.1 The proposal seeks to demolish the existing dwellings and outbuildings on the land and construct ten dwellings.
- 4.2 Dwellings 1 and 4 comprise a ground floor open living, kitchen, laundry, powder room, 30sqm of secluded private open space (SPOS) to the rear of the dwelling, additional open space along the street frontage, single garage and tandem car space. The first floor consists of three bedrooms and one bathroom. Both dwellings are designed to have direct pedestrian and vehicle access to Jellicoe Road.
- 4.3 Dwellings 2 and 3 comprise a ground floor sitting room, bathroom, bedroom, laundry, open space along the street frontage and double garage. The first floor consists of two bedrooms, one bathroom and an open kitchen living and dining room with 10.2sqm balcony (minimum width of 1.6m). Both dwellings are designed to have direct pedestrian and vehicle access to Jellicoe Road.
- 4.4 Dwellings 5 and 10 comprise a ground floor open living, kitchen, meals room, a separate powder room and European laundry, 28.9sqm of SPOS to the rear of the dwelling, single garage with tandem car space. The first floor consists of three additional bedrooms and one bathroom. The master's bedroom contains a separate walk in robe and ensuite.
- 4.5 Dwellings 6 and 9 comprise two bedrooms at ground floor, one bathroom, powder room, laundry and single garage with tandem car space. The first floor consists of one bedroom with ensuite, an open kitchen living and dining room and a 14.3sqm balcony (minimum width of 1.6m).
- 4.6 Dwellings 7 and 8 comprise a ground floor open living, kitchen, meals room, a separate powder room and laundry, 48.5sqm of SPOS to the rear of the dwelling, single garage with tandem car space. The first floor consists of three additional bedrooms and one bathroom. The master's bedroom contains a separate walk in robe and ensuite.
- 4.7 Two visitor car parking spaces are provided on site, located to the east of the garage associated with Dwellings 2 and 3.
- 4.8 The proposal has an overall site coverage of 48% and a permeability of 23%.

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.

- 5.2 Amendment VC110 introduced new mandatory requirements into the General Residential Zone on 27 March 2017, relating to height controls and minimum garden areas. Clause 32.08-14 outlines transitional provisions that apply to this application - the minimum garden area requirements and maximum building height do not apply to planning applications lodged before 27 March 2017.

Particular Provisions

- 5.3 Clause 52.06 – Car Parking contains the following residential car parking rates:

- 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 22 spaces (including 2 visitor spaces) for the proposed development.

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

- 5.4 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

- 5.5 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

6.1 State Planning Policy Framework (SPPF)

- Clause 11 Settlement
- Clause 11.06 Metropolitan Melbourne
- Clause 15 Built Environment and Heritage
- Clause 16 Housing

6.2 Local Planning Policy Framework (LPPF)

- Clause 21.05 Residential Land Use
- Clause 22.01 Southland Principal Activity Centre Policy
- 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 8 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. Ten objections and one comment to the proposal were received. The grounds of objection raised are summarised as follows:
- Neighbourhood character (insufficient setbacks), visual bulk,
 - Overdevelopment, visual bulk
 - Additional vehicles, increased traffic, safety measures and reliance on-street car parking (due to tandem car parking spaces).
 - Loss of amenity (overshadowing, overlooking/loss of privacy, noise, wall on boundary).
 - Loss of vegetation including street trees.
 - Waste management.
 - Impact during construction
 - Mistakes in report and plans

8.0 PLANNING CONSULTATION MEETING

- 8.1 A planning consultation meeting was held on 21 September 2017 with the relevant planning officer, all ward councillors, the permit applicants and nine groups of objectors in attendance. The above-mentioned issues were discussed at length.
- 8.2 The above concerns were unable to be resolved at the meeting, and the objections still stand.

9.0 SECTION 50 / 50A / 57A – AMENDMENT TO PLANS

- 9.1 No amendments were made. The plans that form the basis of this recommendation and are described at section 4 of this report. It is noted that the permit applicant provided preliminary plans after advertising, to address concerns raised by council officers and objectors. The changes discussed and presented in the preliminary plans required the submission of section 57A amendment to the plans. It is noted that the permit applicant decided not to pursue a formal amendment.

10.0 REFERRALS

- 10.1 The application was referred to the following internal departments:
- Council's Traffic Engineer – raised concerns in relation to turning circles provided, the width of the shared accessway at the property boundary and the requirement for pedestrian sight splays.
 - Council's Development Engineer – raised no objection to the application, subject to conditions included on any permit issued relating to stormwater management, rainwater tanks, and the provision of a flood proof apex to protect the property from overland flows.

- 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 landscaping plan and a tree management plan to protect the street trees.
- Council's Roads and Drains Department – raised no objection to the application, subject to standard conditions included on any permit issued and the provision of standard on street parking bays.
- Urban Design – raised concerns with the provision of three vehicle crossovers and recommends the use of one vehicle crossover for the development, an improved sense of address, redesign the proposal to be more site responsive (e.g. match existing walls on boundaries on the western boundary),

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 11.06 (Metropolitan Melbourne), 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, 2017-2050: Metropolitan Planning Strategy' (Department of Environment, Land, Water and Planning, 2017).
- 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 11.03-2 (Activity Centre Planning) places particular emphasis on providing a diversity of housing types at increased densities in and around activity centres or sites that have good access to a range of services, facilities and transport options.
- 11.4 Clause 11.06-2 (Housing Choice) aims to provide housing choice and growth that supports demand, and in locations that are close to infrastructure, services and employment. A number of strategies seek to facilitate a spectrum of housing change, commensurate with residential areas that are capable of supporting increased densities and encourage an increase in the supply of affordable and social housing across Melbourne.
- 11.5 Clause 11.06-5 (Neighbourhoods) aims to create inclusive, healthy and active neighbourhoods with strategies that seek to facilitate 20 minute neighbourhoods that enable people to meet their daily needs within a 20 minute walk, cycle or local public

- transport trip. Strategies aim to deliver neighbourhoods that support varying densities with access to social infrastructure and services, and local open spaces.
- 11.6 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.
- 11.7 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.
- 11.8 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.

Local Planning Policy Framework

- 11.9 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.
- 11.11 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.*
- 11.12 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.
- 11.13 Clause 22.01 Southland Principal Activity Centre Policy seeks to provide a more detailed regime of use and development objectives for the centre, as a basis for land use decision making within and around the centre. Within the applicable medium density residential precinct, the following is sought:
- *Medium density residential development be encouraged with a mixture of accommodation types and building scales.*
 - *Development optimises site utilisation, is innovative, responsive to its streetscape context and incorporates the following design features:*
 - *A high level of articulation in building setbacks, facades and roof lines.*
 - *Open landscaped front gardens.*
 - *Low or transparent front fencing styles.*
 - *Where site consolidation is proposed, the following design responses may be supported:*
 - *Where the amenity of adjoining properties will not be significantly reduced:*
 - *Multi-level buildings (up to a maximum of two storey plus attic, giving three levels).*
 - *Construction of single storey walls on side boundaries.*
 - *Flexibility in the size and layout of private open space.*
 - *Reduction in street frontage setbacks.*
- 11.14 The application proposes a development that significantly reduces the amenity of adjoining properties by proposing a non-site responsive built form which includes results in excessive visual bulk and additional walls on boundary adjacent to sensitive areas of adjoining dwellings. On balance, it is considered that the proposal fails to comply with the local policy. Further discussion is provided in section 12 of the report.
- 11.15 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.
- 11.16 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.*

11.17 It is submitted that the proposed development can be supported in principle and the site is appropriately located to provide for medium density housing as encouraged by State and Local Planning Policy Framework guidelines. However, State and Local Planning Policy, also encourages well-designed medium density housing which is respectful of the neighbourhood character. It is submitted that the current design response is not considered to be responsive to existing built form and results in unreasonable off site amenity impacts. On this basis, the proposal fails to comply adequate achieve State and Local Planning Policy Framework guidelines.

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). 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.

12.1 The proposal has been assessed against the standards of Clause 55 (ResCode) of the Kingston Planning Scheme (refer to Appendix A). The application fails to satisfy some key considerations of the development and is recommended to be redesigned to be more site responsive to the existing site context.

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

12.2 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.

- 12.3 The subject site is located within a residential area, located on the edge of the Southland Activity Centre and within a stretch of Jellicoe Street which is undergoing change with a varied mix of housing types, including single storey detached dwellings, older infill development and newer multi dwelling developments which have maintained the rhythm of the street.
- 12.4 The degree of multi dwelling development that has occurred is indicative of the Southland Principal Activity Centre 22.01 which applies to this site. This policy designates the site and surrounding area as a medium density residential precinct. It is policy to encourage a mixture of accommodation types and building scales, noting that the policy allows for *multi-level buildings (up to a maximum of two storey plus attic, giving three levels)* where there is site consolidation. However, these requirements include *that the scale, bulk and height of buildings reflects the local context and character of surrounding buildings.*
- 12.5 The siting of the built form under the current design is considered to be poor and is not responsive to existing adjoining dwellings. Concerns relate to the siting of proposed new walls on the boundary opposite existing SPOS and existing habitable room windows. Further, the proposal fails to take advantage of existing walls on boundary and also less sensitive areas such as garages and outbuildings.
- 12.6 The site has an overall length of 63.4m with dwellings proposed the length of the development separated by a central driveway. The dwellings are mirrored on the opposing sides of the driveway despite having differing site contexts. Further illustrating the proposal has not been designed in the context of the adjoining properties.
- 12.7 The proposal is also considered to have limited landscaping opportunities, as the current design incorporates a high degree of hard paving to account for multiple driveways, vehicle turning circles and car parking spaces. The three vehicle crossovers does not have Urban Design support from a streetscape perspective, as the use of multiple crossovers is considered to erode the public realm and creates addition vehicle/pedestrian conflict points. The multiple crossovers also contributes with a higher degree of hard paving and vehicle infrastructure (garages) visible from the street.
- 12.8 A review of the proposal also identifies a number of dwellings are designed to contain reverse living. Two of these dwellings are designed to rely on a balcony areas for secluded POS and a number of other dwellings are only provided with one main area of secluded POS which further reduces landscaping opportunities at ground level.
- 12.9 Council Officers consider that a townhouse development could be supported on this site, however the proposal put forth has a number of fundamental design flaws which require a redesign to obtain officer support.
- 12.10 In its current form, the proposal is considered to be an overdevelopment of the site and fails to be responsive to the existing adjoining built form. As discussed above, the proposal is also considered to have limited landscaping opportunities, a poor streetscape presentation and unreasonable impact on adjoining dwellings.

Standard B2 – Residential Policy

- 12.11 The Residential policy objective seeks to ensure that any proposed development accords with the relevant State and Local Planning Policy Framework. An assessment against relevant policies indicates there is clear policy direction to increase the housing diversity and density on the subject site due to the site's proximity to Southland, a Principal Activity Centre. However as discussed in section 11 of the report, the proposed built form fails to provide a well-designed medium density housing which is respectful of the neighbourhood character. On this basis, the proposal fails to achieve standard B2.

Standard B5 - Integration with the Street / Standard B12 - Safety

- 12.12 The objective of Clause 55.02-5 is 'to integrate the layout of development with the street' and the objective of Clause 55.03-7 is 'to ensure the layout of development provides for the safety and security of residents and property.'
- 12.13 Urban Design advice received, raises concerns with the three vehicle crossovers along the site frontage, considering the proposal erodes the public realm and creates additional vehicle/pedestrian conflict points. It was recommended for one vehicle crossover to be provided on site, with vehicle infrastructure (garages) setback behind the building line. A separate pedestrian access point was also recommended for the dwellings to reduce the likely potential conflicts between pedestrian and vehicles and to improve overall safety on site.

Standard B6 – Street setback

- 12.14 The objective of Clause 55.03-1 is 'to ensure that the setbacks of buildings from a street respect the existing or preferred neighbourhood character and make efficient use of the site.'
- 12.15 The adjoining dwelling at 1/11 Jellicoe Street is setback 5.87m and 7.54m at 1/17 Jellicoe Street. This results with a prescriptive requirement of 6.7m. The proposal seeks to provide a staggered street setback, with a minimum street setback of 6.5m to Dwelling 2 proposed and garages further recessed. In this instance the 0.2m variation for one wall is supported given, the west adjoining dwelling is setback 5.87m from the street. On balance, the street setbacks is considered to accord with the objective of the standard, and is respectful of the existing neighbourhood character.

Standard B21 - Overshadowing Open Space

- 12.16 The objective of Clause 55.04-5 are to "ensure buildings do not significantly overshadow existing secluded private open space."
- 12.17 A review of the submitted shadow diagrams, indicates the proposal will cast additional shadows to adjoining dwellings. Of concern are the additional shadows cast to the multi-dwelling development 11 Jellicoe Street, who have their primary SPOS areas of 28sqm to 41sqm at ground floor. Based on the submitted shadow diagrams, additional shadows will be cast in these areas between 9-11am. The proposal therefore fails to comply with Standard B21. This is considered to be unreasonable and requires a redesign of the townhouses to ensure any additional shadows cast fall within the prescriptive requirements of the standard.

- 12.18 The submitted shadows indicates additional shadows will be cast on dwellings at 17 Jellicoe Street in the afternoon from 1pm onwards. It is unclear if these dwellings are provided with adequate sunlight in accordance with the prescriptive requirements of the standard. Has the application been supported, amended plans or revised plans demonstrating full compliance with the prescriptive requirements with standard B21 would have been required to obtain officer support.

Standard B22 - Overlooking

- 12.19 The objective of Clause 55.04-6 are to "limit views into existing secluded private open space and habitable room windows."
- 12.20 The proposal is designed to incorporate screening treatments along the north, east and west boundaries to limit overlooking of adjoining dwellings. However additional screens are required or detailing clarified to ensure full compliance with the standard. This is applicable for the following areas:
- Permeability and angle of external screens to be clarified.
 - Clarify proposed screening heights above finished floor levels for all windows with screening treatments (e.g. omitted from north elevation, Bedroom 2 of Dwelling 7's east facing first floor window
 - The east facing balcony of Dwelling 6.
 - The west facing balcony of Dwelling 9.
- 12.21 The current design response, in particular locating the first floor footprints opposite habitable room windows of secluded private open spaces areas has resulted in the proposal requiring a high level of screening treatments to ensure there is no unreasonable overlooking opportunities. Dwellings located along the driveway are also provided with setbacks of less than 9.0m internally within the site, resulting in internal screening treatments. This results with limited outlooks for future residents and is considered to result in poor internal amenity.

Standard B28 – Private Open Space

- 12.22 The objective of Clause 55.05-4 is 'to provide adequate private open space for the reasonable recreation and service needs of residents.'
- 12.23 A variation is sought to Dwellings 5 and 10. These dwellings are provided with 28.9sqm of SPOS to the rear of the dwelling. Standard B28 requires 40sqm for each dwelling with one part of the private open space (POS) to consist of secluded POS at the side or rear of the dwelling or residential building with a minimum area of 25sqm, a minimum dimension of 3m and convenient access from a living room. In this instance the provision of POS fails to achieve the 40sqm prescriptive requirement of the standard. It is noted that this minimum standard is considered to be reasonable for a dwelling containing three bedrooms. The reduction to POS further affirms the proposal is an overdevelopment of the site.
- 12.24 A review of the other proposed dwellings indicates the provision of SPOS complies with standard B28. The following summary is provided:
- Dwelling's 1 and 4 are provided with 30sqm of SPOS to the rear of the dwelling and additional POS within the front setback, achieving a minimum 40sqm of POS.

- Dwellings 2 and 3 proposes a 10.2sqm balcony (minimum width of 1.6m) with direct access from the main living area.
- Dwellings 6 and 9 comprise of a 14.3sqm balcony (minimum width of 1.6m) with direct access from the main living area.
- Dwellings 7 and 8 comprise 48.5sqm of SPOS to the rear of the dwelling.

Standard B31 - Design Detail

- 12.25 The objectives of Clause 55.06-1 are to "encourage design detail that respects the existing or preferred neighbourhood character."
- 12.26 A review of the selected materials, colours and roof forms are generally considered to be respectful of the existing neighbourhood character, however in accordance with Urban Design, it was recommended for the following changes to be undertaken:
- The redesign of vehicle infrastructure (garages) to be recessed behind the main building line and for the proposal to rely on one vehicle crossovers on site on site only.
 - Adopting a more simplified palette of materials and finishes, but varied across each townhouse to providing a sense of address and individuality to each townhouse.
- 12.27 It is noted that the alteration to the vehicle infrastructure would require a redesign beyond the scope of additional conditions on the permit.

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.

14.0 CONCLUSION:

- 14.1 The proposed development is considered inappropriate for the site and does not appropriately responded to zoning requirements, local policy or the preferred neighbourhood character. A redesign would be required to achieve officer support to such an extent that would go reasonably beyond what could be rectified by permit condition.

15.0 RECOMMENDATION:

- 15.1 That a Refusal to Grant a Permit be issued to develop the land for the construction of ten (10) dwellings at 13-15 Jellicoe Street, Cheltenham, based on the following grounds:
1. The proposal fails to comply with relevant state and local planning policies contained within of the Kingston Planning Scheme.
 2. The proposal results in excessive bulk and massing to the detriment of adjoining dwellings.
 3. The proposal results in poor internal amenity for future occupants.
 4. The proposal fails to comply with the following objectives and standards of Clause 55 of the Kingston Planning Scheme (ResCode):
 - Clause 55.02-1 Neighbourhood character
 - Clause 55.02-2 Residential Policy

- **Clause 55.02-5 Integration with the street**
- **Clause 55.03-7 Safety**
- **Clause 55.04-5 Overshadowing open space**
- **Clause 55.04-2 Walls on boundaries**
- **Clause 55.04-6 Overlooking**
- **Clause 55.05-4 Private open space**
- **Clause 55.06-1 Design Detail**

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
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.	No	See section 12 of the report.
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.	No	See section 11 and 12 of the report.
B3 Dwelling Diversity Encourages a range of dwelling sizes and types in developments of ten or more dwellings.	Yes	Each dwelling contains three bedrooms. Dwelling diversity is provided as the dwellings are designed to contain both bedrooms, kitchen and bathrooms at ground and the first floor.
B4 Infrastructure Provides appropriate utility services and infrastructure without overloading the capacity.	Yes	It is recommended that suitable conditions be included in any permit issued to address infrastructure considerations.
B5 Integration with the Street Integrate the layout of development with the street	No	See section 12 of the report.
B6 Street Setback The setbacks of buildings from a street respect the existing or preferred neighbourhood character and make efficient use of the site.	No	Required: 6.7m Proposed: 6.5m See section 12 of the report.
B7 Building Height Building height should respect the existing or preferred neighbourhood character.	Yes	Maximum: 9m Proposed: 7.6m It is noted the submitted planning report states 8.08m.
B8 Site Coverage Site coverage should respect the existing or preferred neighbourhood character and respond to the features of the site.	Yes	Maximum: 60% Proposed: 48%

Title and Objective	Complies with Standard?	Requirement and Proposed
B9 Permeability Reduce the impact of stormwater run-off on the drainage system and facilitate on-site stormwater infiltration.	Yes	At least: 20% Proposed: 23%
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 dwelling and main SPOS areas generally oriented to the north, east or west and designed to make appropriate use of daylight and solar energy.
B11 Open Space Integrate layout of development with any public and communal open space provided in or adjacent to the development.	Yes	No communal open space is provided for within the development.
B12 Safety Layout to provide safety and security for residents and property.	No	See section 12 of the report.
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. • The retention of mature vegetation on the site. 	Yes	It is recommended that a landscape plan be required by way of a condition of any permit issued.
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.	Can comply subject to conditions.	Access to the site is provided by a three crossovers on site. Council's Traffic Engineer Department has reviewed the plans and recommends the provision of a passing bay along the frontage to improve vehicle access. It is noted that this change would further reduce landscaping opportunities, however would improve safety on site. It is also noted that Urban Design has recommended for driveways associated with Dwelling 1 and 4 to be deleted to increase on street car parking and to improve the site's integration with the street. It is noted that both these changes would require a significant redesign.

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	Each dwelling is provided with the required number of parks. It is noted updated turning circles were provided demonstrating vehicles accessing the common driveway can enter and exit the site in a forward direction.
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	All side and rear setbacks are designed to accord with the prescriptive requirement of standard B17.
<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 – standard met, however objective not met	<p>Maximum: 23.35m (based on a wall length of 63.4m) Proposed: 23.28m</p> <p>The proposal seeks to provide 23.28m of walls on the east and west boundary. The wall heights do not exceed a maximum of 3.6m or an average of 3.2m complying with Standard B18. The provision of walls on the boundary meets the numerical value, however the proposal fails to achieve standard's objective which seeks to limit the impact on the amenity of existing dwellings. As discussed above, the proposal fails to take advantage of existing walls on the boundary. The proposal is considered to fail to achieve the standard objective, which seeks to limit the amenity impacts on existing dwellings.</p>
<p>B19 Daylight to Existing Windows Allow adequate daylight into existing habitable room windows.</p>	Yes	Adequate daylight is provided to all existing windows.
<p>B20 North Facing Windows Allow adequate solar access to existing north-facing habitable room windows.</p>	N/A	There are no north facing windows.
<p>B21 Overshadowing Open Space Ensure buildings do not significantly overshadow existing secluded private open space.</p>	No	See section 12 of report.

Title and Objective	Complies with Standard?	Requirement and Proposed
B22 Overlooking Limit views into existing secluded private open space and habitable room windows.	No	See section 12 of report
B23 Internal Views Limit views into existing secluded private open space and habitable room windows of dwellings and residential buildings within the same development.	Yes, subject to conditions	The proposal is considered to provide excessive internal screening treatments, with dwellings mirrored along the common property driveway. It is recommended for a number of internal screening treatments to be deleted to provide additional surveillance opportunities along the driveway and to allow for additional outlooks to improve internal amenity,
B24 Noise Impacts Protect residents from external noise and contain noise sources in developments that may affect existing dwellings.	Yes	Any noise generated by the proposal would be normal to a residential building and is considered to be reasonable for a residential zone.
B25 Accessibility Consider people with limited mobility in the design of developments.	Yes	The proposal is considered to accord with this Standard with a number of dwelling containing bedroom and living facilities at ground floor.
B26 Dwelling Entry Provide a sense of identity to each dwelling/residential building.	Yes	Porch entries addressing Jellicoe Street, Dwelling 7 and 8 are considered to be appropriately designed to provide shelter and a sense of address. Entries to Dwellings 5, 6, 9 and 10 along the common property include a first floor overhang of approximately 0.5m above the main entry. If the proposal was to receive officer support, it would be recommended for a larger and more visible porch entry to be provided to each dwelling to improve shelter and a sense of address.
B27 Daylight to New Windows Allow adequate daylight into new habitable room windows.	Yes	The setbacks of the proposed development from the property boundaries allow the development to achieve adequate access to natural light.

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>	No	<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 8sqm with a minimum width of 1.6m and convenient access from a living room, OR A roof-top area of 10m² with a minimum width of 2.0m and convenient access from a living room.</p> <p>Proposed: See section 12 of the report.</p>
<p>B29 Solar Access to Open Space Allow solar access into the secluded private open space of new dwellings/buildings.</p>	Yes	The SPOS of Dwellings 5 and 10 is located to the south of their retrospective garage. It is noted the depth sought achieves the prescriptive requirements of Standard B29 and is consider to be acceptable.
<p>B30 Storage Provide adequate storage facilities for each dwelling.</p>	Yes	Storage has been provided for each dwelling.
<p>B31 Design Detail Encourage design detail that respects the existing or preferred neighbourhood character.</p>	No	See section 12 of the report.
<p>B32 Front Fences Encourage front fence design that respects the existing or preferred neighbourhood character.</p>	N/A	No front fencing is proposed, other than letter boxes.
<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 would be formed by shared areas such as the common property driveway, visitor parking and some landscaping strips. These areas are identifiable and would be able to be maintained.

Title and Objective	Complies with Standard?	Requirement and Proposed
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	Clotheslines have been provided for all dwellings with ground floor SPOS areas.



1 GROUND FLOOR PLAN
 1:100

NO.	DATE	DESCRIPTION
1	15/06/17	ISSUED FOR PERMIT
2	07/07/17	ISSUED FOR PERMIT
3		
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LEGEND

- Proposed Dwelling
- Proposed Driveway
- Proposed Parking
- Proposed Landscaping
- Proposed Fencing
- Proposed Retaining Wall
- Proposed Pathway
- Proposed Staircase
- Proposed Window
- Proposed Door
- Proposed Wall
- Proposed Floor
- Proposed Ceiling
- Proposed Roof
- Proposed Structure
- Proposed Foundation
- Proposed Footing
- Proposed Column
- Proposed Beam
- Proposed Joist
- Proposed Truss
- Proposed Rafter
- Proposed Sill
- Proposed Ledger
- Proposed Stud
- Proposed Batten
- Proposed Nail
- Proposed Bolt
- Proposed Nut
- Proposed Washer
- Proposed Plate
- Proposed Bracket
- Proposed Anchor
- Proposed Tie
- Proposed Wire
- Proposed Cable
- Proposed Pipe
- Proposed Duct
- Proposed Conduit
- Proposed Sleeve
- Proposed Grommet
- Proposed Plug
- Proposed Cap
- Proposed End
- Proposed Stop
- Proposed Limit
- Proposed Check
- Proposed Stop
- Proposed Limit
- Proposed Check

proposed dwelling development
 @ G.S. & S. (Vic) Pty. Ltd.
 DIRECTOR ACCOUNTANTS P/L
 Ground Floor Plan
 15/06/17
 21/06/2017
 1:100 @B1

07 JUL 2017

BY: [Signature]

www.2design.com.au
 2DESIGN Pty. Ltd.
 10/03/93/29/1082
 Level 1, 40-42 Smith St.
 North Melbourne 3041



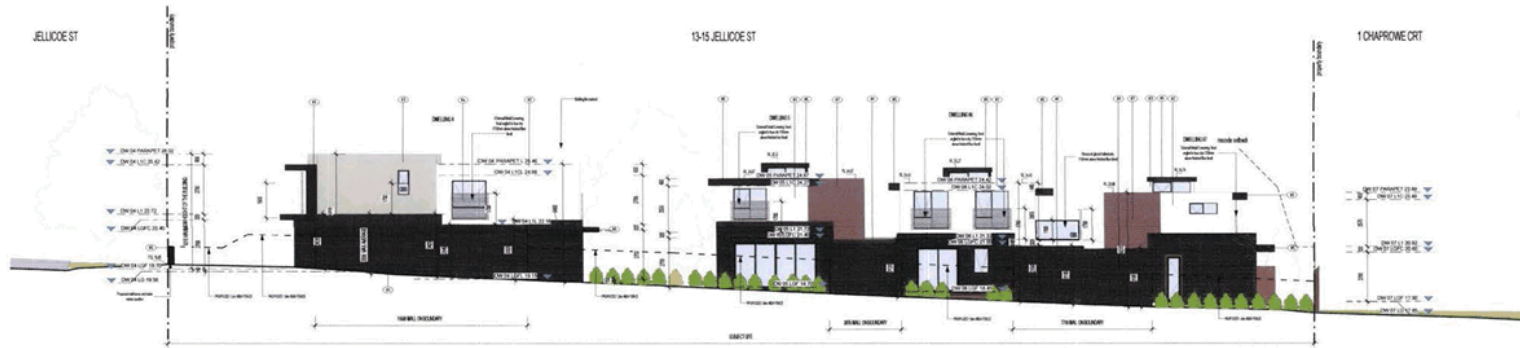
1 Ground Floor Plan
1:100



1 ROOF PLAN
 1:100



1 South Elevation - Streetscape
1:100



2 East Elevation
1:100

No.	Rev.	Date	Description
1	1	15/07/17	Issue for Council
1	2	15/07/17	Issue for Council
1	3	15/07/17	Issue for Council

MATERIAL SCHEDULE

- 01 BRICKWORK - APOLLO/HRESBROOKS OR SIMILAR
- 02 DULUX WHITE ON WHITE OR SIMILAR
- 03 DULUX FLOODED OLM OR SIMILAR
- 04 METAL LOURES - GREY POWDERCOATED OR SIMILAR
- 05 MONUMENT COLOUR OR SIMILAR
- 06 TIMBER FENCE STAIN FINISH OR SIMILAR
- 07 CLADDING - SLATS/TIMBER LOOK OR SIMILAR
- 08 POWDERCOATED WINDOW BLACK
- 09 ROOF-TILES-POHANK GREY OR SIMILAR
- 005 Privacy Glass Transparent Glazing

15/07/17

proposed dwelling development
 @ 13-15 Jellicoe Street, Cheltenham

DREWS ACCOUNTANTS PL
 15/15/EL
 21/02/2017
 Elevations 1
 1:100 @ E1

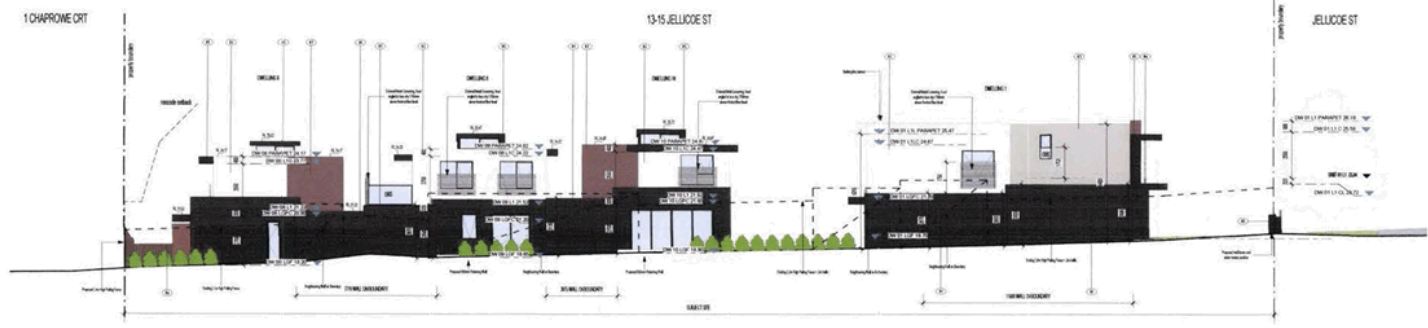
2
 SHIRKINE DESIGN

www.shirkinedesign.com.au
 info@shirkinedesign.com.au
 tel 08 9329 0282
 Level 1, 40-42 Spring St
 Perth, Western Australia 6001

RECEIVED
 07 JUL 2017



1 North Elevation
1:100



2 West Elevation
1:100

No.	Code	Description
1	1	CONCRETE
2	2	BRICKWORK
3	3	GLAZING
4	4	ROOFING
5	5	PAINT
6	6	LANDSCAPE
7	7	MECHANICAL
8	8	ELECTRICAL
9	9	PLUMBING
10	10	CLADDING
11	11	SCREENING
12	12	SCREENING
13	13	SCREENING
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- MATERIAL SCHEDULE**
- 01 BRICKWORK - SPOLDAHRESBRICKS OR SIMILAR
 - 02 DULUX WHITE ON WHITE OR SIMILAR
 - 03 DULUX FLOODED OAK OR SIMILAR
 - 04 METAL LOURES - GREY POWDERCOATED OR SIMILAR
 - 05 MONUMENT COLOUR OR SIMILAR
 - 06 TIMBER FENCE - STAIN FINISH OR SIMILAR
 - 07 CLADDING - SLATS TIMBER LOOK OR SIMILAR
 - 08 POWDERCOATED WINDOWS BLACK
 - 09 ROOF TILES - PINK DARK GREY OR SIMILAR
 - 005 Privacy Glass Translucent Glazing

07 JUL 2017
 11:00 AM
 11:00 AM

ST/PT/01

proposed dwelling development
 @ 13-15 Jellicoe Street Cheltenham

DWGOS 13-15-EL
 ACCOUNTANTS PR. 30/06/2017
 Drawings 2 1:100 @ B1

2
 BRACKEN DESIGN

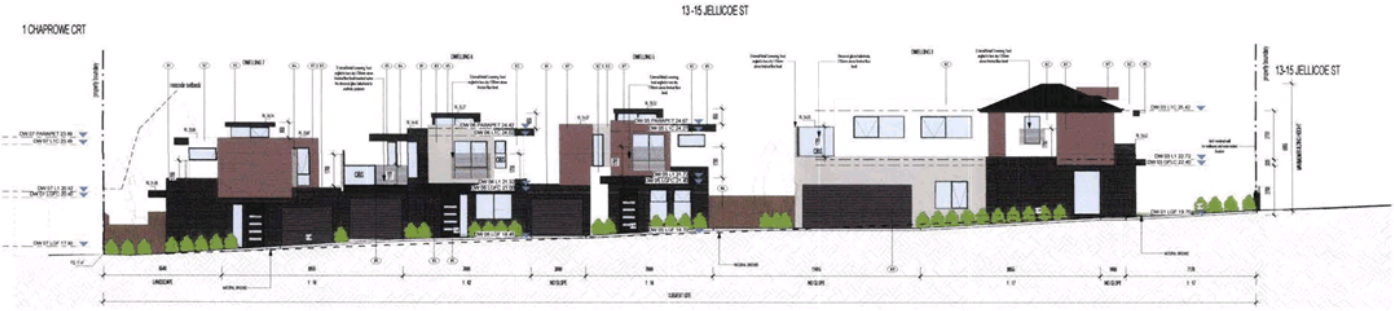
www.bracken.com.au
 info@bracken.com.au
 Tel 08 9329 0382
 Level 1/100-111 North Melbourne Road
 North Melbourne 3011

No.	Rev.	Description	Date
1	1	ISSUED FOR TENDERS	15/06/2017
2	1	FOR INFORMATION	15/06/2017
3	1	FOR INFORMATION	15/06/2017

- MATERIAL SCHEDULE**
- 01 BRICKWORK - APOLLO-H RES-BRICKS OR SIMILAR
 - 02 DULUX WHITE ON WHITE OR SIMILAR
 - 03 DULUX FLOODED GUM OR SIMILAR
 - 04 METAL LOULRES - GREY POWDERCOATED OR SIMILAR
 - 05 MONUMENT COLOUR OR SIMILAR
 - 06 TIMBER FENCE - STAIN FINISH OR SIMILAR
 - 07 CLADDING - SLATS TIMBER LOOK OR SIMILAR
 - 08 POWDERCOATED WINDOWS BLACK
 - 09 ROOF-TILES-PH-DARK GREY OR SIMILAR
 - 0BS Privacy Glass Translucent Cladding



SECTION A-A
1: 100



SECTION B-B
1: 100



SECTION C-C
1: 100

ADVERTISED

RECEIVED
07 JUL 2017

TP 11 of 15

proposed dwelling development
 @ 13-15 Jellicoe Street Cheltenham

DNESG ACCOUNTANTS PTL 13-15 JEL
 31/02/2017

Sections 1: 100

2

DNESG DESIGN

SECTION D-D
1:100

SECTION E-E
1:100

SECTION F-F
1:100

SECTION G-G
1:100

SECTION H-H
1:100

MATERIAL SCHEDULE

- 01 BRICKWORK - POLLOAR RESPIROKS OR SIMILAR
- 02 DULUX WHITE ON WHITE OR SIMILAR
- 03 DULUX FLOODED GUM OR SIMILAR
- 04 METAL LOUVERE - GREY POWDERCOATED OR SIMILAR
- 05 MONUMENT COLOUR OR SIMILAR
- 06 TIMBERFENCE - STANFINISH OR SIMILAR
- 07 CLADDING - SLATS TIMBERLOOK OR SIMILAR
- 08 POWDERCOATED WINDOWS BLACK
- 09 ROOF-TILES-PORPHYR GREY OR SIMILAR

OBS: Privacy Glass Translucent Cladding

07 JUL 2017

proposed dwelling development
@ 13-15 Jellicoe Street, Cheltenham
DREGG ACCOUNTANTS P/L
Sections 2
1:100 @ B1

www.dregg.com.au
info@dregg.com.au
tel 03 9329 0383
fax 03 9329 0381
last modified: 2017



APPLICANT	2bscene Design
ADDRESS OF LAND	13 and 15 Jellicoe Street, CHELTENHAM VIC 3192
Plan of Subdivision Reference	Lot 1 on 824654S (13 Jellicoe St) Lot 1 on PS 920981Q (15 Jellicoe St)
PROPOSAL	Develop the land for the construction of ten (10) dwellings
PLANNING OFFICER	Amy Lin
REFERENCE NO.	KP-960/2016
ZONE	General Residential Zone Schedule 2
OVERLAYS	None
PARTICULAR PROVISIONS	Clause 52.06 – Car Parking Clause 55 – ResCode
OBJECTIONS	Twenty (20)
CONSIDERED PLAN REFERENCES	Project 13-15JEL TP01-TP15, dated 31/03/2017 by 2Bscene Design
DATE RECEIVED	7 July 2017
ABORIGINAL CULTURAL HERITAGE SENSITIVITY	No

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.

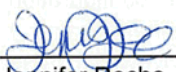


Amy Lin
Planning Officer

Date 30/01/18

I have checked the above officer's report. I agree with the recommendation and advise that as Council Delegate, I have determined to:-

- Refuse the application subject to the grounds specified in this report (Refusal).



Jennifer Roche
Team Leader - Statutory Planning

31/1/18

Date

1.0 RELEVANT LAND HISTORY

- 1.1 Council records indicate planning application KP16/829 was refused on 05 Dec 2017 on the same site to develop the land for the construction of a three storey budding containing thirty (30) dwellings.

2.0 SITE PARTICULARS

- 2.1 The site consists of two lots (Lot 1 on TP920981Q and Lot 1 TP824654S) located on the north side of Jellicoe Street. The two lots have a combined frontage width of 31.24m to Jellicoe Street and a side depth of 63.4m with a total overall area of 1980.6m². The site is currently contains two existing dwellings. A single storey weatherboard dwelling is located at No. 13 Jellicoe Street whilst a double storey brick veneer dwelling is located at No. 15 Jellicoe Street. There are two street trees adjacent to the lots and the site is considered to be moderately vegetated with shrubs and trees, particularly to the rear of the site. Existing vehicle access is via two single storey crossovers to their respective dwellings.
- 2.2 The land has a slight fall of approximately 2.5m from its road frontage down towards its rear northern corner.
- 2.3 There are no restrictions listed on the Certificate of Titles.

3.0 SURROUNDING ENVIRONS

- 3.1 The surrounding area generally comprises of residential development of a range of densities and scale. Infill development surrounds the subject site, and in the immediate area ranges from dual occupancy to multi-dwelling developments containing forty (40) dwellings, which is representative of the dominant character of this General Residential 2 zoned area and nearby Commercial 1 Zone.
- 3.2 Land directly abutting the subject site and opposite is described as follows:

North (rear): No. 1 - 6 Chaprowe Court - an older style 20 unit development consisting of single storey brick dwellings, located within the cul-de-sac. A row of single storey dwellings are located along the site's south boundary, shared with the subject site. Each dwelling is located approximately 3.05m from the shared boundary with a 1.6m timber paling fence separating the sites.

East (side): No. 17 Jellicoe Street- a dual occupancy set in tandem configuration featuring two single storey brick dwellings. The front dwelling is setback approximately 7.54m from the street frontage. Vehicle access is via a shared common driveway located along the eastern boundary. SPOS is located along the shared common boundary.

South (road): Jellicoe Street then residential development including single and double storey dwellings.

West (side): No. 11 Jellicoe Street - consists of four double storey semi attached dwellings, constructed along the length of the site and towards the eastern boundary, shared with the subject site. SPOS is located to the side or rear of each dwelling and

also through a terrace at first floor. Vehicle access is via a shared driveway located along the western boundary.

4.0 PROPOSAL

- 4.1 The proposal seeks to demolish the existing dwellings and outbuildings on the land and construct ten dwellings.
- 4.2 Dwellings 1 and 4 comprise a ground floor open living, kitchen, laundry, powder room, 30sqm of secluded private open space (SPOS) to the rear of the dwelling, additional open space along the street frontage, single garage and tandem car space. The first floor consists of three bedrooms and one bathroom. Both dwellings are designed to have direct pedestrian and vehicle access to Jellicoe Road.
- 4.3 Dwellings 2 and 3 comprise a ground floor sitting room, bathroom, bedroom, laundry, open space along the street frontage and double garage. The first floor consists of two bedrooms, one bathroom and an open kitchen living and dining room with 10.2sqm balcony (minimum width of 1.6m). Both dwellings are designed to have direct pedestrian and vehicle access to Jellicoe Road.
- 4.4 Dwellings 5 and 10 comprise a ground floor open living, kitchen, meals room, a separate powder room and European laundry, 28.9sqm of SPOS to the rear of the dwelling, single garage with tandem car space. The first floor consists of three additional bedrooms and one bathroom. The master's bedroom contains a separate walk in robe and ensuite.
- 4.5 Dwellings 6 and 9 comprise two bedrooms at ground floor, one bathroom, powder room, laundry and single garage with tandem car space. The first floor consists of one bedroom with ensuite, an open kitchen living and dining room and a 14.3sqm balcony (minimum width of 1.6m).
- 4.6 Dwellings 7 and 8 comprise a ground floor open living, kitchen, meals room, a separate powder room and laundry, 48.5sqm of SPOS to the rear of the dwelling, single garage with tandem car space. The first floor consists of three additional bedrooms and one bathroom. The master's bedroom contains a separate walk in robe and ensuite.
- 4.7 Two visitor car parking spaces are provided on site, located to the east of the garage associated with Dwellings 2 and 3.
- 4.8 The proposal has an overall site coverage of 48% and a permeability of 23%.

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.

- 5.2 Amendment VC110 introduced new mandatory requirements into the General Residential Zone on 27 March 2017, relating to height controls and minimum garden areas. Clause 32.08-14 outlines transitional provisions that apply to this application - the minimum garden area requirements and maximum building height do not apply to planning applications lodged before 27 March 2017.

Particular Provisions

- 5.3 Clause 52.06 – Car Parking contains the following residential car parking rates:

- 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 22 spaces (including 2 visitor spaces) for the proposed development.

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

- 5.4 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

- 5.5 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

6.1 State Planning Policy Framework (SPPF)

- Clause 11 Settlement
- Clause 11.06 Metropolitan Melbourne
- Clause 15 Built Environment and Heritage
- Clause 16 Housing

6.2 Local Planning Policy Framework (LPPF)

- Clause 21.05 Residential Land Use
- Clause 22.01 Southland Principal Activity Centre Policy
- 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 8 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. Ten objections and one comment to the proposal were received. The grounds of objection raised are summarised as follows:
- Neighbourhood character (insufficient setbacks), visual bulk,
 - Overdevelopment, visual bulk
 - Additional vehicles, increased traffic, safety measures and reliance on-street car parking (due to tandem car parking spaces).
 - Loss of amenity (overshadowing, overlooking/loss of privacy, noise, wall on boundary).
 - Loss of vegetation including street trees.
 - Waste management.
 - Impact during construction
 - Mistakes in report and plans

8.0 PLANNING CONSULTATION MEETING

- 8.1 A planning consultation meeting was held on 21 September 2017 with the relevant planning officer, all ward councillors, the permit applicants and nine groups of objectors in attendance. The above-mentioned issues were discussed at length.
- 8.2 The above concerns were unable to be resolved at the meeting, and the objections still stand.

9.0 SECTION 50 / 50A / 57A – AMENDMENT TO PLANS

- 9.1 No amendments were made. The plans that form the basis of this recommendation and are described at section 4 of this report. It is noted that the permit applicant provided preliminary plans after advertising, to address concerns raised by council officers and objectors. The changes discussed and presented in the preliminary plans required the submission of section 57A amendment to the plans. It is noted that the permit applicant decided not to pursue a formal amendment.

10.0 REFERRALS

- 10.1 The application was referred to the following internal departments:
- Council's Traffic Engineer – raised concerns in relation to turning circles provided, the width of the shared accessway at the property boundary and the requirement for pedestrian sight splays.
 - Council's Development Engineer – raised no objection to the application, subject to conditions included on any permit issued relating to stormwater management, rainwater tanks, and the provision of a flood proof apex to protect the property from overland flows.

- 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 landscaping plan and a tree management plan to protect the street trees.
- Council's Roads and Drains Department – raised no objection to the application, subject to standard conditions included on any permit issued and the provision of standard on street parking bays.
- Urban Design – raised concerns with the provision of three vehicle crossovers and recommends the use of one vehicle crossover for the development, an improved sense of address, redesign the proposal to be more site responsive (e.g. match existing walls on boundaries on the western boundary),

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 11.06 (Metropolitan Melbourne), 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, 2017-2050: Metropolitan Planning Strategy' (Department of Environment, Land, Water and Planning, 2017).
- 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 11.03-2 (Activity Centre Planning) places particular emphasis on providing a diversity of housing types at increased densities in and around activity centres or sites that have good access to a range of services, facilities and transport options.
- 11.4 Clause 11.06-2 (Housing Choice) aims to provide housing choice and growth that supports demand, and in locations that are close to infrastructure, services and employment. A number of strategies seek to facilitate a spectrum of housing change, commensurate with residential areas that are capable of supporting increased densities and encourage an increase in the supply of affordable and social housing across Melbourne.
- 11.5 Clause 11.06-5 (Neighbourhoods) aims to create inclusive, healthy and active neighbourhoods with strategies that seek to facilitate 20 minute neighbourhoods that enable people to meet their daily needs within a 20 minute walk, cycle or local public

- transport trip. Strategies aim to deliver neighbourhoods that support varying densities with access to social infrastructure and services, and local open spaces.
- 11.6 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.
- 11.7 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.
- 11.8 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.

Local Planning Policy Framework

- 11.9 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.
- 11.11 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 respond to special housing needs within the community.*
- 11.12 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.
- 11.13 Clause 22.01 Southland Principal Activity Centre Policy seeks to provide a more detailed regime of use and development objectives for the centre, as a basis for land use decision making within and around the centre. Within the applicable medium density residential precinct, the following is sought:
- *Medium density residential development be encouraged with a mixture of accommodation types and building scales.*
 - *Development optimises site utilisation, is innovative, responsive to its streetscape context and incorporates the following design features:*
 - *A high level of articulation in building setbacks, facades and roof lines.*
 - *Open landscaped front gardens.*
 - *Low or transparent front fencing styles.*
 - *Where site consolidation is proposed, the following design responses may be supported:*
 - *Where the amenity of adjoining properties will not be significantly reduced:*
 - *Multi-level buildings (up to a maximum of two storey plus attic, giving three levels).*
 - *Construction of single storey walls on side boundaries.*
 - *Flexibility in the size and layout of private open space.*
 - *Reduction in street frontage setbacks.*
- 11.14 The application proposes a development that significantly reduces the amenity of adjoining properties by proposing a non-site responsive built form which includes results in excessive visual bulk and additional walls on boundary adjacent to sensitive areas of adjoining dwellings. On balance, it is considered that the proposal fails to comply with the local policy. Further discussion is provided in section 12 of the report.
- 11.15 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.
- 11.16 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.*

11.17 It is submitted that the proposed development can be supported in principle and the site is appropriately located to provide for medium density housing as encouraged by State and Local Planning Policy Framework guidelines. However, State and Local Planning Policy, also encourages well-designed medium density housing which is respectful of the neighbourhood character. It is submitted that the current design response is not considered to be responsive to existing built form and results in unreasonable off site amenity impacts. On this basis, the proposal fails to comply adequate achieve State and Local Planning Policy Framework guidelines.

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). 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.

12.1 The proposal has been assessed against the standards of Clause 55 (ResCode) of the Kingston Planning Scheme (refer to Appendix A). The application fails to satisfy some key considerations of the development and is recommended to be redesigned to be more site responsive to the existing site context.

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

12.2 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.

- 12.3 The subject site is located within a residential area, located on the edge of the Southland Activity Centre and within a stretch of Jellicoe Street which is undergoing change with a varied mix of housing types, including single storey detached dwellings, older infill development and newer multi dwelling developments which have maintained the rhythm of the street.
- 12.4 The degree of multi dwelling development that has occurred is indicative of the Southland Principal Activity Centre 22.01 which applies to this site. This policy designates the site and surrounding area as a medium density residential precinct. It is policy to encourage a mixture of accommodation types and building scales, noting that the policy allows for *multi-level buildings (up to a maximum of two storey plus attic, giving three levels)* where there is site consolidation. However, these requirements include *that the scale, bulk and height of buildings reflects the local context and character of surrounding buildings.*
- 12.5 The siting of the built form under the current design is considered to be poor and is not responsive to existing adjoining dwellings. Concerns relate to the siting of proposed new walls on the boundary opposite existing SPOS and existing habitable room windows. Further, the proposal fails to take advantage of existing walls on boundary and also less sensitive areas such as garages and outbuildings.
- 12.6 The site has an overall length of 63.4m with dwellings proposed the length of the development separated by a central driveway. The dwellings are mirrored on the opposing sides of the driveway despite having differing site contexts. Further illustrating the proposal has not been designed in the context of the adjoining properties.
- 12.7 The proposal is also considered to have limited landscaping opportunities, as the current design incorporates a high degree of hard paving to account for multiple driveways, vehicle turning circles and car parking spaces. The three vehicle crossovers does not have Urban Design support from a streetscape perspective, as the use of multiple crossovers is considered to erode the public realm and creates addition vehicle/pedestrian conflict points. The multiple crossovers also contributes with a higher degree of hard paving and vehicle infrastructure (garages) visible from the street.
- 12.8 A review of the proposal also identifies a number of dwellings are designed to contain reverse living. Two of these dwellings are designed to rely on a balcony areas for secluded POS and a number of other dwellings are only provided with one main area of secluded POS which further reduces landscaping opportunities at ground level.
- 12.9 Council Officers consider that a townhouse development could be supported on this site, however the proposal put forth has a number of fundamental design flaws which require a redesign to obtain officer support.
- 12.10 In its current form, the proposal is considered to be an overdevelopment of the site and fails to be responsive to the existing adjoining built form. As discussed above, the proposal is also considered to have limited landscaping opportunities, a poor streetscape presentation and unreasonable impact on adjoining dwellings.

Standard B2 – Residential Policy

- 12.11 The Residential policy objective seeks to ensure that any proposed development accords with the relevant State and Local Planning Policy Framework. An assessment against relevant policies indicates there is clear policy direction to increase the housing diversity and density on the subject site due to the site's proximity to Southland, a Principal Acidity Centre. However as discussed in section 11 of the report, the proposed built form fails to provide a well-designed medium density housing which is respectful of the neighbourhood character. On this basis, the proposal fails to achieve standard B2.

Standard B5 - Integration with the Street / Standard B12 - Safety

- 12.12 The objective of Clause 55.02-5 is 'to integrate the layout of development with the street' and the objective of Clause 55.03-7 is 'to ensure the layout of development provides for the safety and security of residents and property.'
- 12.13 Urban Design advice received, raises concerns with the three vehicle crossovers along the site frontage, considering the proposal erodes the public realm and creates addition vehicle/pedestrian conflict points. It was recommended for one vehicle crossover to be provided on site, with vehicle infrastructure (garages) setback behind the building line. A separate pedestrian access point was also recommended for the dwellings to reduce the likely potential conflicts between pedestrian and vehicles and to improve overall safety on site.

Standard B6 – Street setback

- 12.14 The objective of Clause 55.03-1 is 'to ensure that the setbacks of buildings from a street respect the existing or preferred neighbourhood character and make efficient use of the site.'
- 12.15 The adjoining dwelling at 1/11 Jellicoe Street is setback 5.87m and 7.54m at 1/17 Jellicoe Street. This results with a prescriptive requirement of 6.7m. The proposal seeks to provide a staggered street setback, with a minimum street setback of 6.5m to Dwelling 2 proposed and garages further recessed. In this instance the 0.2m variation for one wall is supported given, the west adjoining dwelling is setback 5.87m from the street. On balance, the street setbacks is considered to accord with the objective of the standard, and is respectful of the existing neighbourhood character.

Standard B21 - Overshadowing Open Space

- 12.16 The objective of Clause 55.04-5 are to "ensure buildings do not significantly overshadow existing secluded private open space."
- 12.17 A review of the submitted shadow diagrams, indicates the proposal will cast additional shadows to adjoining dwellings. Of concern are the additional shadows cast to the multi-dwelling development 11 Jellicoe Street, who have their primary SPOS areas of 28sqm to 41sqm at ground floor. Based on the submitted shadow diagrams, additional shadows will be cast in these areas between 9-11am. The proposal therefore fails to comply with Standard B21. This is considered to be unreasonable and requires a redesign of the townhouses to ensure any additional shadows cast fall within the prescriptive requirements of the standard.

- 12.18 The submitted shadows indicates additional shadows will be cast on dwellings at 17 Jellicoe Street in the afternoon from 1pm onwards. It is unclear if these dwellings are provided with adequate sunlight in accordance with the prescriptive requirements of the standard. Has the application been supported, amended plans or revised plans demonstrating full compliance with the prescriptive requirements with standard B21 would have been required to obtain officer support.

Standard B22 - Overlooking

- 12.19 The objective of Clause 55.04-6 are to "limit views into existing secluded private open space and habitable room windows."
- 12.20 The proposal is designed to incorporate screening treatments along the north, east and west boundaries to limit overlooking of adjoining dwellings. However additional screens are required or detailing clarified to ensure full compliance with the standard. This is applicable for the following areas:
- Permeability and angle of external screens to be clarified.
 - Clarify proposed screening heights above finished floor levels for all windows with screening treatments (e.g. omitted from north elevation, Bedroom 2 of Dwelling 7's east facing first floor window
 - The east facing balcony of Dwelling 6.
 - The west facing balcony of Dwelling 9.
- 12.21 The current design response, in particular locating the first floor footprints opposite habitable room windows of secluded private open spaces areas has resulted in the proposal requiring a high level of screening treatments to ensure there is no unreasonable overlooking opportunities. Dwellings located along the driveway are also provided with setbacks of less than 9.0m internally within the site, resulting in internal screening treatments. This results with limited outlooks for future residents and is considered to result in poor internal amenity.

Standard B28 – Private Open Space

- 12.22 The objective of Clause 55.05-4 is 'to provide adequate private open space for the reasonable recreation and service needs of residents.'
- 12.23 A variation is sought to Dwellings 5 and 10. These dwellings are provided with 28.9sqm of SPOS to the rear of the dwelling. Standard B28 requires 40sqm for each dwelling with one part of the private open space (POS) to consist of secluded POS at the side or rear of the dwelling or residential building with a minimum area of 25sqm, a minimum dimension of 3m and convenient access from a living room. In this instance the provision of POS fails to achieve the 40sqm prescriptive requirement of the standard. It is noted that this minimum standard is considered to be reasonable for a dwelling containing three bedrooms. The reduction to POS further affirms the proposal is an overdevelopment of the site.
- 12.24 A review of the other proposed dwellings indicates the provision of SPOS complies with standard B28. The following summary is provided:
- Dwelling's 1 and 4 are provided with 30sqm of SPOS to the rear of the dwelling and additional POS within the front setback, achieving a minimum 40sqm of POS.

- Dwellings 2 and 3 proposes a 10.2sqm balcony (minimum width of 1.6m) with direct access from the main living area.
- Dwellings 6 and 9 comprise of a 14.3sqm balcony (minimum width of 1.6m) with direct access from the main living area.
- Dwellings 7 and 8 comprise 48.5sqm of SPOS to the rear of the dwelling.

Standard B31 - Design Detail

- 12.25 The objectives of Clause 55.06-1 are to “encourage design detail that respects the existing or preferred neighbourhood character.”
- 12.26 A review of the selected materials, colours and roof forms are generally considered to be respectful of the existing neighbourhood character, however in accordance with Urban Design, it was recommended for the following changes to be undertaken:
- The redesign of vehicle infrastructure (garages) to be recessed behind the main building line and for the proposal to rely on one vehicle crossovers on site on site only.
 - Adopting a more simplified palette of materials and finishes, but varied across each townhouse to providing a sense of address and individuality to each townhouse.
- 12.27 It is noted that the alteration to the vehicle infrastructure would require a redesign beyond the scope of additional conditions on the permit.

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.

14.0 CONCLUSION:

- 14.1 The proposed development is considered inappropriate for the site and does not appropriately responded to zoning requirements, local policy or the preferred neighbourhood character. A redesign would be required to achieve officer support to such an extent that would go reasonably beyond what could be rectified by permit condition.

15.0 RECOMMENDATION:

- 15.1 That a Refusal to Grant a Permit be issued to develop the land for the construction of ten (10) dwellings at 13-15 Jellicoe Street, Cheltenham, based on the following grounds:
1. The proposal fails to comply with relevant state and local planning policies contained within of the Kingston Planning Scheme.
 2. The proposal results in excessive bulk and massing to the detriment of adjoining dwellings.
 3. The proposal results in poor internal amenity for future occupants.
 4. The proposal fails to comply with the following objectives and standards of Clause 55 of the Kingston Planning Scheme (ResCode):
 - Clause 55.02-1 Neighbourhood character
 - Clause 55.02-2 Residential Policy

- Clause 55.02-5 Integration with the street
- Clause 55.03-7 Safety
- Clause 55.04-5 Overshadowing open space
- Clause 55.04-2 Walls on boundaries
- Clause 55.04-6 Overlooking
- Clause 55.05-4 Private open space
- Clause 55.06-1 Design Detail

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
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.	No	See section 12 of the report.
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.	No	See section 11 and 12 of the report.
B3 Dwelling Diversity Encourages a range of dwelling sizes and types in developments of ten or more dwellings.	Yes	Each dwelling contains three bedrooms. Dwelling diversity is provided as the dwellings are designed to contain both bedrooms, kitchen and bathrooms at ground and the first floor.
B4 Infrastructure Provides appropriate utility services and infrastructure without overloading the capacity.	Yes	It is recommended that suitable conditions be included in any permit issued to address infrastructure considerations.
B5 Integration with the Street Integrate the layout of development with the street	No	See section 12 of the report.
B6 Street Setback The setbacks of buildings from a street respect the existing or preferred neighbourhood character and make efficient use of the site.	No	Required: 6.7m Proposed: 6.5m See section 12 of the report.
B7 Building Height Building height should respect the existing or preferred neighbourhood character.	Yes	Maximum: 9m Proposed: 7.6m It is noted the submitted planning report states 8.08m.
B8 Site Coverage Site coverage should respect the existing or preferred neighbourhood character and respond to the features of the site.	Yes	Maximum: 60% Proposed: 48%

Title and Objective	Complies with Standard?	Requirement and Proposed
B9 Permeability Reduce the impact of stormwater run-off on the drainage system and facilitate on-site stormwater infiltration.	Yes	At least: 20% Proposed: 23%
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 dwelling and main SPOS areas generally oriented to the north, east or west and designed to make appropriate use of daylight and solar energy.
B11 Open Space Integrate layout of development with any public and communal open space provided in or adjacent to the development.	Yes	No communal open space is provided for within the development.
B12 Safety Layout to provide safety and security for residents and property.	No	See section 12 of the report.
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. • The retention of mature vegetation on the site. 	Yes	It is recommended that a landscape plan be required by way of a condition of any permit issued.
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.	Can comply subject to conditions.	Access to the site is provided by a three crossovers on site. Council's Traffic Engineer Department has reviewed the plans and recommends the provision of a passing bay along the frontage to improve vehicle access. It is noted that this change would further reduce landscaping opportunities, however would improve safety on site. It is also noted that Urban Design has recommended for driveways associated with Dwelling 1 and 4 to be deleted to increase on street car parking and to improve the site's integration with the street. It is noted that both these changes would require a significant redesign.

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	Each dwelling is provided with the required number of parks. It is noted updated turning circles were provided demonstrating vehicles accessing the common driveway can enter and exit the site in a forward direction.
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	All side and rear setbacks are designed to accord with the prescriptive requirement of standard B17.
<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 – standard met, however objective not met	<p>Maximum: 23.35m (based on a wall length of 63.4m) Proposed: 23.28m</p> <p>The proposal seeks to provide 23.28m of walls on the east and west boundary. The wall heights do not exceed a maximum of 3.6m or an average of 3.2m complying with Standard B18. The provision of walls on the boundary meets the numerical value, however the proposal fails to achieve standard's objective which seeks to limit the impact on the amenity of existing dwellings. As discussed above, the proposal fails to take advantage of existing walls on the boundary. The proposal is considered to fail to achieve the standard objective, which seeks to limit the amenity impacts on existing dwellings.</p>
<p>B19 Daylight to Existing Windows Allow adequate daylight into existing habitable room windows.</p>	Yes	Adequate daylight is provided to all existing windows.
<p>B20 North Facing Windows Allow adequate solar access to existing north-facing habitable room windows.</p>	N/A	There are no north facing windows.
<p>B21 Overshadowing Open Space Ensure buildings do not significantly overshadow existing secluded private open space.</p>	No	See section 12 of report.

Title and Objective	Complies with Standard?	Requirement and Proposed
B22 Overlooking Limit views into existing secluded private open space and habitable room windows.	No	See section 12 of report
B23 Internal Views Limit views into existing secluded private open space and habitable room windows of dwellings and residential buildings within the same development.	Yes, subject to conditions	The proposal is considered to provide excessive internal screening treatments, with dwellings mirrored along the common property driveway. It is recommended for a number of internal screening treatments to be deleted to provide additional surveillance opportunities along the driveway and to allow for additional outlooks to improve internal amenity,
B24 Noise Impacts Protect residents from external noise and contain noise sources in developments that may affect existing dwellings.	Yes	Any noise generated by the proposal would be normal to a residential building and is considered to be reasonable for a residential zone.
B25 Accessibility Consider people with limited mobility in the design of developments.	Yes	The proposal is considered to accord with this Standard with a number of dwelling containing bedroom and living facilities at ground floor.
B26 Dwelling Entry Provide a sense of identity to each dwelling/residential building.	Yes	Porch entries addressing Jellicoe Street, Dwelling 7 and 8 are considered to be appropriately designed to provide shelter and a sense of address. Entries to Dwellings 5, 6, 9 and 10 along the common property include a first floor overhang of approximately 0.5m above the main entry. If the proposal was to receive officer support, it would be recommended for a larger and more visible porch entry to be provided to each dwelling to improve shelter and a sense of address.
B27 Daylight to New Windows Allow adequate daylight into new habitable room windows.	Yes	The setbacks of the proposed development from the property boundaries allow the development to achieve adequate access to natural light.

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>	No	<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 8sqm with a minimum width of 1.6m and convenient access from a living room, OR A roof-top area of 10m² with a minimum width of 2.0m and convenient access from a living room.</p> <p>Proposed: See section 12 of the report.</p>
<p>B29 Solar Access to Open Space Allow solar access into the secluded private open space of new dwellings/buildings.</p>	Yes	The SPOS of Dwellings 5 and 10 is located to the south of their retrospective garage. It is noted the depth sought achieves the prescriptive requirements of Standard B29 and is consider to be acceptable.
<p>B30 Storage Provide adequate storage facilities for each dwelling.</p>	Yes	Storage has been provided for each dwelling.
<p>B31 Design Detail Encourage design detail that respects the existing or preferred neighbourhood character.</p>	No	See section 12 of the report.
<p>B32 Front Fences Encourage front fence design that respects the existing or preferred neighbourhood character.</p>	N/A	No front fencing is proposed, other than letter boxes.
<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 would be formed by shared areas such as the common property driveway, visitor parking and some landscaping strips. These areas are identifiable and would be able to be maintained.

Title and Objective	Complies with Standard?	Requirement and Proposed
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	Clotheslines have been provided for all dwellings with ground floor SPOS areas.

Ordinary Meeting of Council

26 November 2018

Agenda Item No: 8.5

2018 SUSTAINABLE COMMUNITIES NATIONAL SUMMIT REPORT FROM DELEGATES

Contact Officer: Serena Gillott, Environment Officer

Purpose of Report

This report provides Council with feedback provided by the community representatives sponsored by Council to attend the Municipal Association of Victoria (MAV) Sustainable Communities National Summit on 18 and 19 September 2018, and how learnings might be applied for the benefit of the community groups they represent.

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 this report.

1. Executive Summary

At the Ordinary Council Meeting on 27 August 2018 Council resolved to support four Community Group representatives to attend the Municipal Association of Victoria (MAV) Sustainable Communities National Summit on 18 and 19 September 2018.

The MAV Summit was convened in conjunction with Village Well, Sustain and Transition Australia with a focus on the need to grow social cohesion and resilience through local action, centred around community, food production and energy.

This report provides Council with a summary of feedback provided by the community representatives in relation the MAV Summit and learnings that might be applied for the benefit of the community groups they represent.

2. Background

At the Ordinary Meeting of Council on 27th August 2018 the following notice of motion was carried:

That Council sponsor up to four Kingston residents involved in community groups related to food and/or sustainability to attend the 2018 MAV National Sustainability Summit on 18 & 19 September at the community representative rate, currently \$176.00 per person.

That upon receiving funding such groups or residents provide a detailed written report to Council on their learnings and how they can assist their local community from such learnings.

In response to this motion, two places were made available in addition to two places already set aside by the Environmental Planning Department for Transition Kingston members.

3. Discussion

The Municipal Association of Victoria (MAV) Sustainable Communities National Summit was held on 18 and 19 September in Melbourne. Attendees from the City of Kingston included: Ali Street, Community Facilities and Partnerships Officer; Gillian Turnbull, Community Well-being Officer; and Serena Gillott, Environment Officer.

Four Kingston community members attended the Summit. All community members who nominated to attend are associated with Transition Kingston, a small and recently emerging group following the successful Transition Streets model aiming to encourage others in the community to transition to a low carbon emissions footprint and sustainable lifestyle.

The four sponsored attendees were:

- Pam Sutton (Transition Kingston)
- Anne-Marie Strickland (Transition Kingston),
- Jessie Lopez (Edithvale Community Green Grocer and Transition Kingston)
- Johnathon Leschinski (Edithvale Community Green Grocer and Transition Kingston)

A component of the notice of motion specified that attendees provide a report back to Council. In response, the community member delegates provided the following reports and reflections:

John and Jess from Edithvale Greengrocer:

“We found it exciting to hear about the projects already underway in other council areas, which are relevant to many of the same issues facing Kingston, for example innovative food strategies that tackle health and wellbeing and also try to address the increasing lack of productive land for food growing, and designing and implementing ambitious climate policies.

We hope to work with Kingston council to create local food strategies and climate policies, and continue to encourage Kingston to become a leader in both these areas. We were impressed with the summit as it provided compelling examples of councils with 'can do' attitudes. It showcased councils Victoria-wide who work alongside community groups for better environmental outcomes and of councils who take the lead on preparing for climate insecure futures. We were also happy to hear that connections to food growing and distribution are key-solutions to increase community wellbeing.”

Pam Sutton:

“The MAV 2018 Sustainable Communities National Summit showcased what is possible to achieve when local councils and members of the community come together to find local solutions for local problems. The focus of the 2 day event was on creating healthy, walkable, treed, sustainable, localised communities where people and places are at their heart.

The projects shared such as Renewable Newstead, Cardinia Food Circles, the Town Team Movement, Darebin Climate Emergency Response and the Food Next Door Co-op. were a few of the examples of innovative responses to the challenges communities face in a changing climate. We were challenged to start writing a new story for the future of our community. I believe our role as members of the community is central in helping to write this story and my role as a member of Transition Kingston is to encourage others to become a part of the solution."

Anne-Marie Strickland:

"The Sustainable Communities Summit... hosted more than 20 projects created by community groups from three states, with varying levels of complexity. They were deliberately localised, and presented within a discussion of The Commons, "commoning" (the verb) and how we might learn from history to create something new and useful ourselves, in the search for a sustainable community.

The main theme derived from the delegates' experience at the Summit was to continue to explore locally driven options to address climate change. Furthermore, that through examples presented, community group initiatives supported by Councils can be mutually beneficial on both the social and environmental level.

4. Conclusion

Moving forward these community representatives will potentially be able to draw knowledge and inspiration gained through attending the MAV Sustainable Communities National Summit. Council will continue to support the groups to foster mutually beneficial outcomes in community resilience and sustainability. It is recommended that Council note this Report and the feedback provided by the four community representatives.

Author/s: Serena Gillott, Environment Officer
Reviewed and Approved By: Emily Boucher, Environment Officer
Paul Marsden, Manager City Strategy
Jonathan Guttmann, General Manager Planning and Development

Ordinary Meeting of Council

26 November 2018

Agenda Item No: 8.6

LAND ADJACENT TO 2 & 2A STATION STREET MOORABBIN

Contact Officer: Tara Bell, Team Leader City Transformation
Angela Granter, Acting Team Leader Property Services

Purpose of Report

This report seeks direction from Council in relation to its willingness to consent to allowing the owner of 2 and 2A Station Street Moorabbin to lodge a planning permit application that includes an area of road reserve immediately abutting the subject site.

This report does not seek direction from the Council on the merits of the future planning permit application given this would be subject to further consideration in accordance with the provisions of the *Planning and Environment Act 1987*. Furthermore this report does not seek to authorise officers to sell or lease Council owned or controlled land, with these decisions also being subject to future reports to Council.

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. Authorise Pro-Urban Planning, Advisory & Management to lodge a planning permit application that includes land (road reserve) directly abutting the frontage of the subject site as identified in Appendix 1, and
2. Note that the inclusion of road reserve in the proposed planning permit application in no way predetermines the outcome of any future planning permit process or Council consideration as to whether to discontinue the road and sell the resultant land.

1. Executive Summary

The Moorabbin Structure Plan 2011 seeks to '*actively engage to bring Moorabbin to life by complementing its strong cultural role with a living population that calls it home*'. The strategy seeks to increase the accommodation role of the centre, prioritise sustainable transport and walking, increase employment opportunities, encourage architectural excellence and create a thriving centre.

Council has been approached by the owner of land at 2 and 2A Station Street Moorabbin seeking consent to lodge an application for a Planning Permit which would incorporate the road reserve immediately abutting the frontage of the subject site. The proposed planning permit application seeks the approval for the use and development of the land for a hotel.

The provision of consent to apply for an Application for Planning Permit to utilise the subject land does not obligate Council to sell the road reserve should a Planning Permit be issued. Any divestment of the land remains subject to the requirements of the Local Government Act 1989 and a further report to Council.

This report recommends that Council consent to allowing the owner of 2 and 2A Station Street Moorabbin to lodge a planning permit application that includes the road reserve immediately abutting the subject site (as identified in Appendix 1).

This report does not seek direction from Council on the merits of a future application for planning permit, nor does it provide an indication or intent that Council would be willing to sell, lease or licence the land to the adjoining owner. These decisions would be subject to future reports to Council.

2. Background

The Moorabbin Structure Plan 2011 seeks:

'To actively engage to bring Moorabbin to life by complementing its strong cultural role with a living population that calls it home'.

The strategy sets a series of objectives:

- *To create a significant accommodation role within and on the edge of Moorabbin Activity Centre*
- *To reinforce the centre's role as the entrance to the City of Kingston*
- *To build upon the existing employment opportunities in Moorabbin*
- *To encourage and prioritise the use of sustainable modes of transport to and from the centre, especially walking, cycling and public transport*
- *To encourage buildings that demonstrate architectural and environmental excellence.*

Following initial discussions with the proponent for the development of 2 and 2A Station Street Moorabbin for a hotel, the applicant and land owner have requested Council to consider the inclusion of the road reserve (as identified in Appendix 1) within a planning proposal.

The proposal (Appendix 2) seeks to develop the land for a nine storey hotel including:

- Lobby and two retail tenancies at ground floor
- First floor office
- 63 hotel rooms over 7 floors
- 24 car parking spaces within basement serviced by a valet

The building footprint is located outside of the nominated tree protection zone of the protected significant tree (Lemon Scented Gum).

The use of the land for a hotel and office do not require planning permission under Schedule 3 of the Activity Centre Zone. A permit for retail premises may be required if the uses are not confined to shop, food and drink premises or post office. Buildings and works permissions are triggered under the zone but will not be triggered under the Environmental Significance Overlay where works are outside of the tree protection zone (demonstrated in Appendix 2).

Permission for a minor car parking reduction will also need to form part of the application and the requirements under Clause 52.29 – Land adjacent to a Road Zone Category 1 may also be triggered in this instance.

Given the constraints of the irregular shaped consolidated allotments the owner has explored the potential use of the road reserve immediately abutting the sites frontage (currently footpath and indented short term centre parking). The preliminary plans indicate that the land would be used to provide additional floor space to the building. The subject land totals approximately 120m² as indicated in Appendix 1 of this report.

3. Discussion

3.1 Council Plan Alignment

Goal 4 - Our free-moving safe, prosperous and dynamic city

Direction 4.1 - Vibrant shopping centres and employment precincts

The redevelopment of the land has the potential to enable a vibrant and activated development at ground level whilst providing an accommodation and employment role within the hotel.

3.2 Consultation/Internal Review

Internal Consultation

The Property Services Team have provided advice on the internal process to enable the request for the proponent to make an application for planning permit that includes the road reserve. Importantly this report seeks specific direction from Council as to its view in relation to whether or not it consents to the use of the road reserve for the purpose of lodging an Application for Planning Permit. It does not mean that Council has formed a view of any planning permit application or any intent to discontinue, sell, lease or licence the road reserve. It simply allows for the request to be further considered and explored through a future planning permit application. Any road discontinuance or sale must be in accordance with Section 189 of The Local Government Act, Council would be required to give public notice of its intention to discontinue and sell the road.

Council's Urban and Sustainable Design advisor has indicated that the site has potential for a development of a similar height to the existing Bayside Towers with this to be explored in detail in the application. Opportunities arising from the active street edge and consistent pedestrian path along Station Street were also viewed as positive aspects of the proposal resulting from the incorporation of the road reserve. A detailed urban context report and design response report submitted as part of any future planning application would further explore urban design merits of the proposal.

The Traffic and Transport Department acknowledge the net loss of on street car parking arising from the conversion of parking adjacent to the sites frontage to parallel parking. However, the advice has also indicated that, from a safety perspective, parallel parking is preferred to the existing angle parking arrangement at this location given its close proximity to the Nepean Highway intersection. In the event that Council supports the road reserve forming part of a planning application, the merits of the car parking provision both within the development and on street would be considered in full detail.

Consultation was also undertaken with the Roads and Drains Department, ESD officer and Vegetation Management team.

External Consultation

A meeting involving Council officers, the land owner, the land owner's planning consultant and the land owner of 1001 Nepean Highway was held on 9th March 2018.

An on-site discussion with the land owners representatives, Council officers and available ward Councillors was held on site on the 29th March 2018.

3.3 Discussion

3.3.1 Opportunities arising from the use of Council land

It is acknowledged that the proposed reconfiguration of the footpath and kerbside parking would result in a net loss of on street parking from the current arrangement of six parking spaces reducing to two spaces. This should be considered in the context of the current development and land uses on site which provide zero parking spaces for 695m² of commercial floor area. The current arrangement requires existing employees and visitors to utilise existing parking available in the area.

The existing and proposed parking conditions are explored in the following table:

	Existing conditions	Proposed conditions
Parking Requirement		
Office	21	9
Retail (shop)	n/a	5
Hotel	n/a	13*
Total spaces required	21	27
Parking provision		
Total spaces provided	0	24
Parking Shortfall		
Parking space shortfall	21 spaces	3 spaces

* This provision is derived from the *RMS Guide to Traffic Generating Developments* for a number of parking spaces required per room for a hotel.

Whilst there is a loss of four spaces along the site's frontage in the new proposal, the overall provision of parking is significantly greater with a reduced shortfall of spaces.

Aside from parking considerations, the proposal should also consider the benefits to the centre from a strategic, safety and design perspective.

The inclusion of the road with the proposal provides an improvement to the urban environment along Station Street creating a consistent street edge from South Road to Nepean Highway, provides an active frontage with two retail tenancies and hotel lobby and renews aging building stock within a centre seeking to substantially increase its accommodation role.

3.3.2 Consent to Use Road Reserve

The matter that is presently before the Council is whether or not Council is prepared consent to the inclusion of the road reserve as indicatively outlined in appendix 1 and 2 for the purposes of an Application for Planning Permit.

The merits of any future Application for Planning Permit will require separate consideration in accordance with the Planning and Environment Act requirements.

The provision of consent to apply for an Application for Planning Permit to utilise the subject road does not obligate Council to discontinue the road or sell any resultant land should a Planning Permit be issued. Any divestment of Council land remains subject to the requirements of the Local Government Act and a further report to Council.

Officers have considered the preliminary plans prepared by the landowner and have determined that the inclusion of the road reserve within the proposal could provide an improved urban environment along Station Street. This would be achieved through the creation of a consistent street edge from South Road to Nepean Highway. It would also provide an active frontage with two retail tenancies and hotel lobby, facilitate the renewal of aging building stock within a centre seeking to substantially increase its accommodation role and address an existing safety concern in relation the current parking arrangement.

3.4 Options

3.4.1 Council consent to an Application for Planning Permit being made

Under this option Council would consent to an Application for Planning Permit being made on the Council road adjacent to 2 and 2A Station Street Moorabbin. It is understood that should this option be pursued an Application for Planning Permit would likely be prepared for consideration under the *Planning and Environment Act 1987*.

3.4.2 Council do not consent to an Application for Planning Permit being made

Under this option Council would advise the landowner that, in its capacity as the road authority, Council does not consent to an Application for Planning Permit being made on the Council road adjacent to 2 and 2A Station Street Moorabbin. Council. It would then be up to the owner of 2 and 2A Station Street Moorabbin to determine what they wished to do with their property and whether they wish to proceed with a Planning Permit application for their site in future.

4. Conclusion

Officers have been exploring the opportunities for the redevelopment of 2 and 2A Station Street with the proponents for the site that includes a short term accommodation role (hotel) and improvements to the public realm through an active and consistent street edge. An option that has been discussed is the possible use of some Council road I directly adjacent to the sites frontage. For the reasons outlined in this report, it is recommended that Council consent to the inclusion of the road as indicated in Appendix 1 as part of the planning permit application.

Appendices

Appendix 1 - 2 & 2A Station Street Moorabbin - land proposed for inclusion in planning application (Ref 18/603084) [↓](#)

Appendix 2 - 2 and 2A Station Street Moorabbin - March 2018 Plans for Council (Ref 18/603218) [↓](#)

Author/s: Tara Bell, Team Leader City Transformation
Angela Granter, Acting Team Leader Property Services



Reviewed and Approved By: Paul Marsden, Manager City Strategy
Julian Harvey, Manager Property and Arts
Jonathan Guttman, General Manager Planning and Development

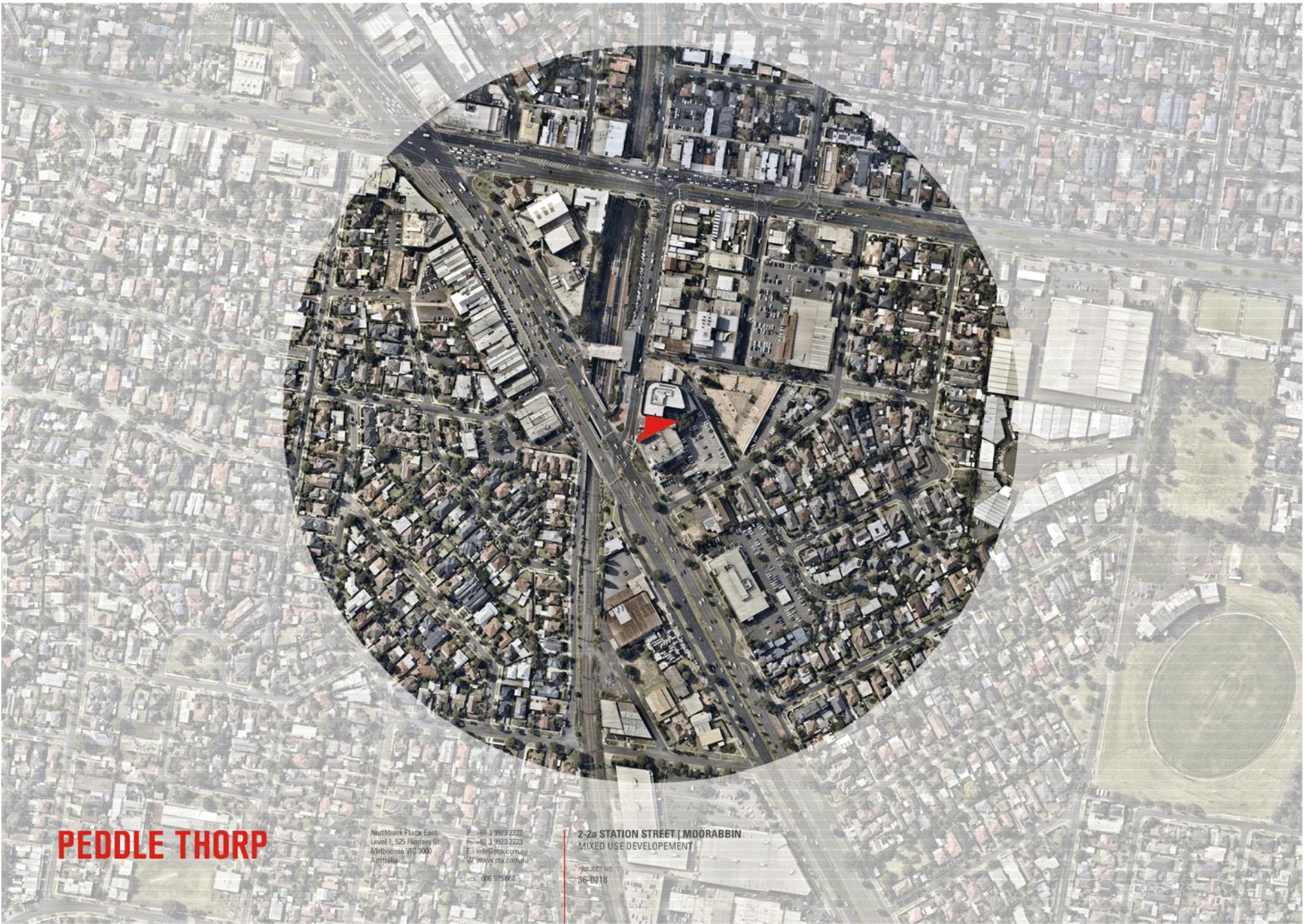
8.6

LAND ADJACENT TO 2 & 2A STATION STREET MOORABBIN

1	2 & 2A Station Street Moorabbin - land proposed for inclusion in planning application.....	189
2	2 and 2A Station Street Moorabbin - March 2018 Plans for Council	191



 City of KINGSTON	Land adjacent to 2 & 2A Station Street Moorabbin		
	9/11/2018		
<p><small>Disclaimer: This map contains Vicmap information, Department of Environment and Primary Industries, 2014. This material may be of assistance to you but the state of Victoria and its employees do not guarantee that the publication is without flaw of any kind or is wholly appropriate for your particular purposes and therefore disclaims all liability for any error, loss or consequences which may arise from your relying on any information contained in this material. Using or copying parts of this document is prohibited without Councils written Authority</small></p>			1:300



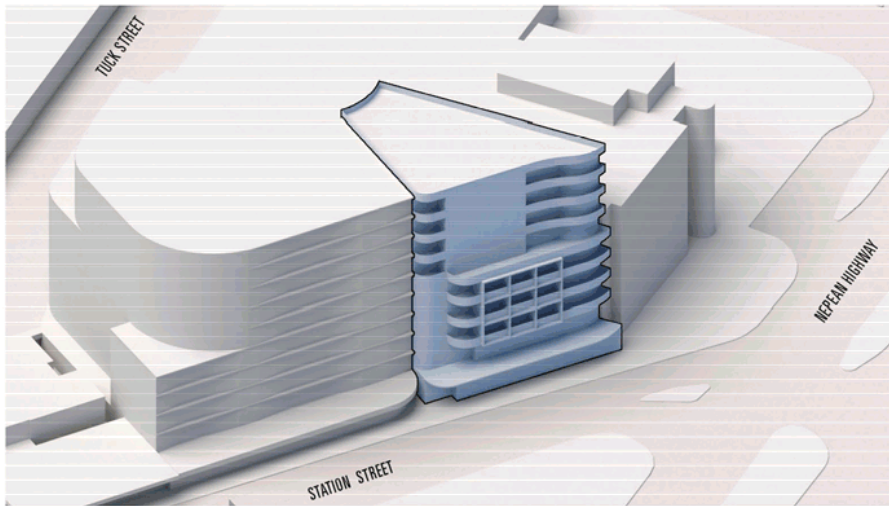
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Melbourne VIC 3000
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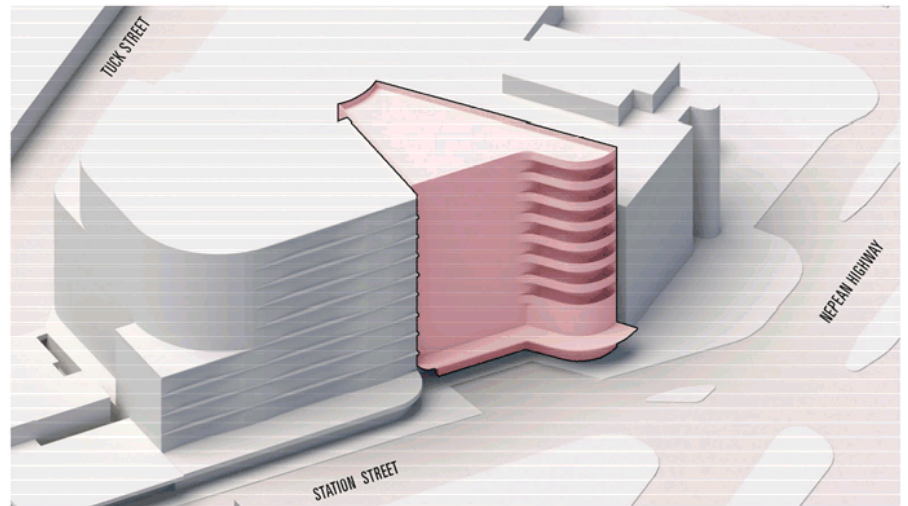
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2-2a STATION STREET | MOORABBIN
MIXED USE DEVELOPMENT

PROJ. NO.
36-0218



A. ACQUIRED CARPARK SCHEME



B. SCHEME WITHIN EXISTING TITLE

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2-2a STATION STREET | MOORABBIN
MIXED USE DEVELOPMENT

PROJECT NO:
36-0218

MASSING DIAGRAM

REVISION
1A

DATE
MAR '18

SCALE
N.T.S. @ A3



DRAWING NO:
TP-050

A. ACQUIRED CARPARK SCHEME

PEDDLE THORP

Northbank Place East
Level 1, 525 Rinders St
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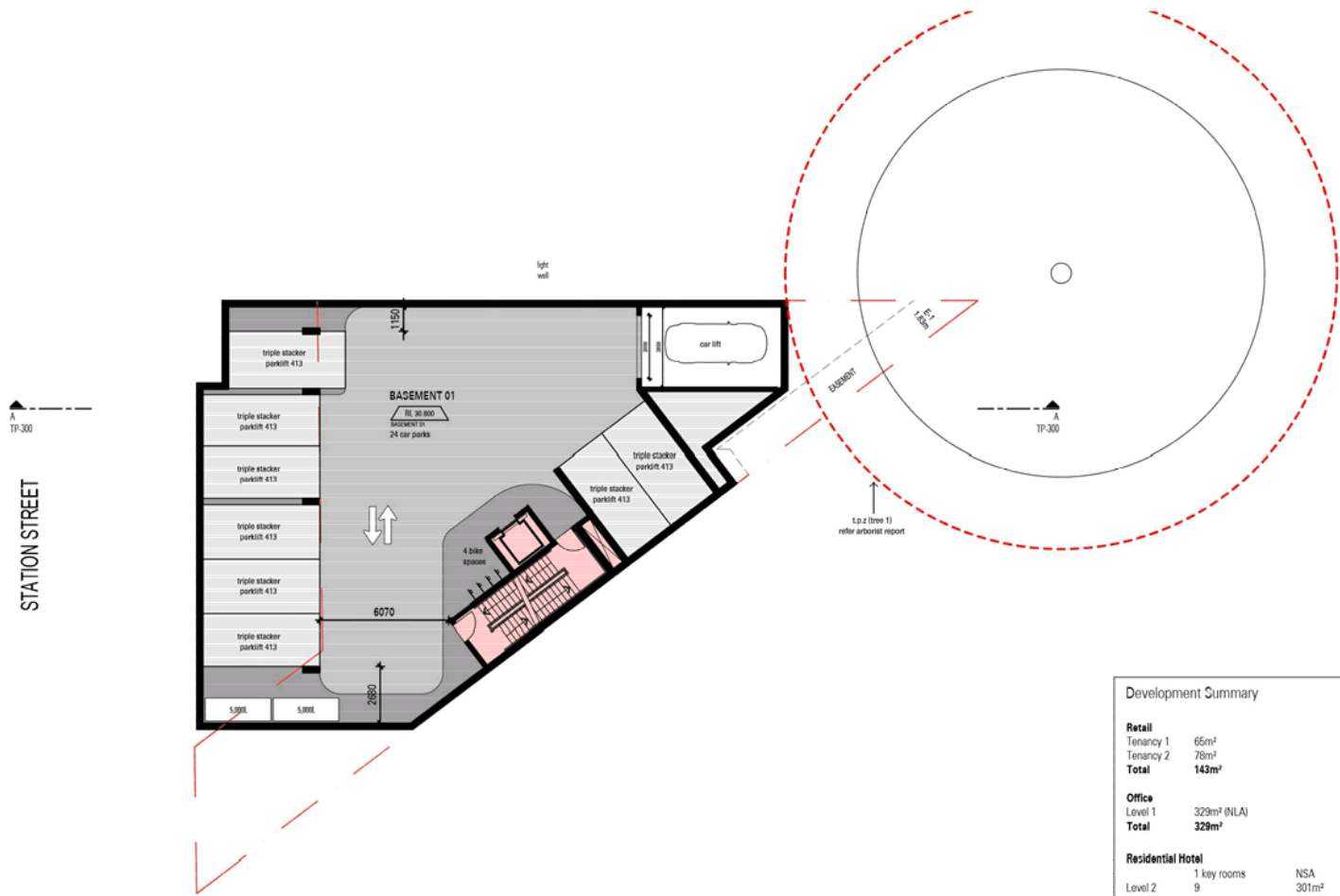
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2-2a STATION STREET | MOORABBIN
MIXED USE DEVELOPEMENT

PROJECT NO:
36-0218

REVISION:
1A

DATE:
MAR '18



Development Summary		
Retail		
Tenancy 1	65m ²	
Tenancy 2	78m ²	
Total	143m²	
Office		
Level 1	329m ² (NLA)	
Total	329m²	
Residential Hotel		
	1 key rooms	NSA
Level 2	9	301m ²
Level 3	9	301m ²
Level 4	9	301m ²
Level 5	9	280m ²
Level 6	9	280m ²
Level 7	9	280m ²
Level 8	9	280m ²
Total	63	2023m²
Parking Summary		
Basement Level 1		Total 24 car spaces
Staff bicycle spaces	4	
Visitor bicycle spaces	5	

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2-2a STATION STREET | MOORABBIN
MIXED USE DEVELOPMENT

PROJECT NO:
36-0218

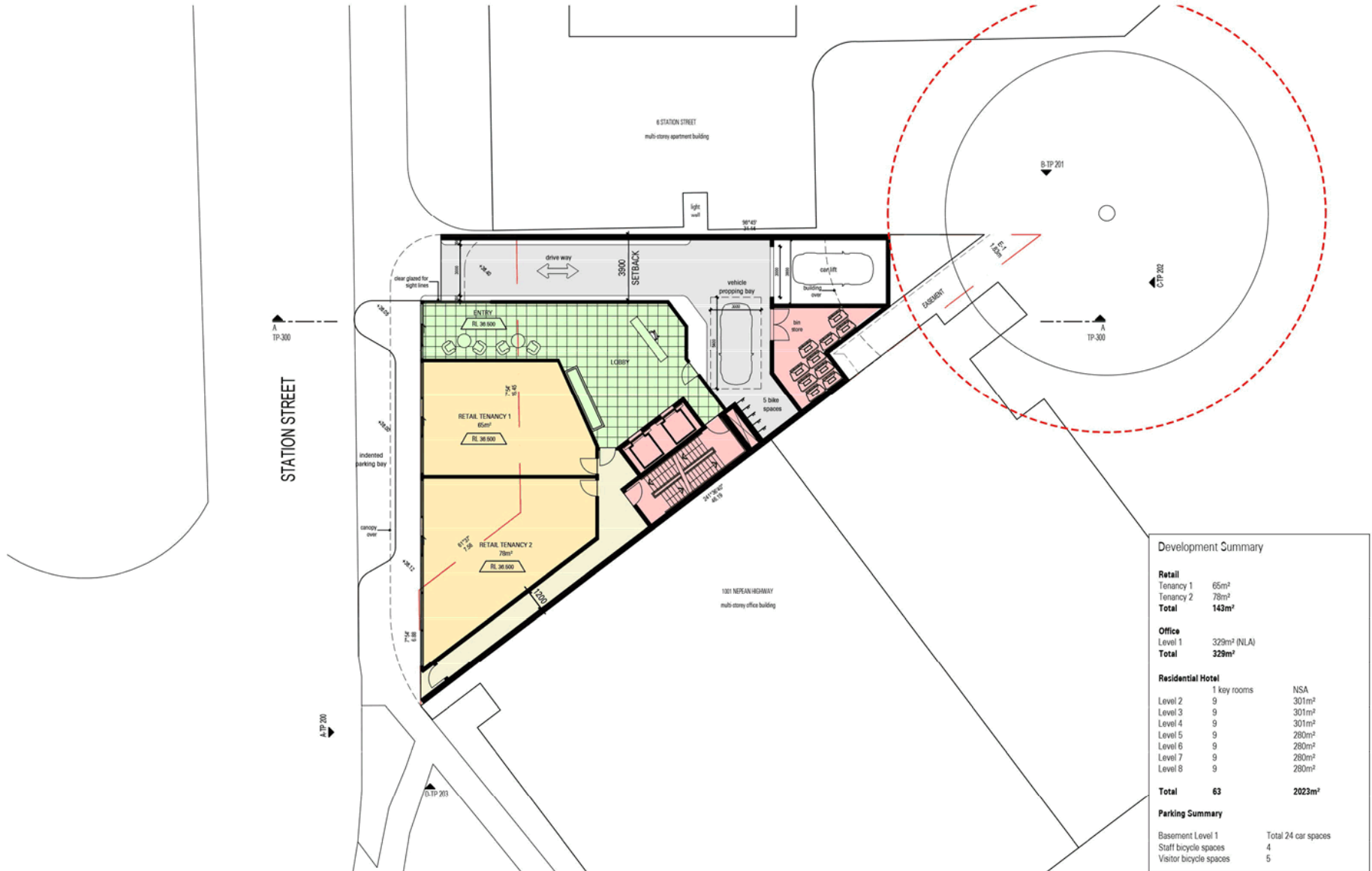
GENERAL ARRANGMENT
BASEMENT LEVEL

REVISION: 1A DATE: MAR '18

SCALE: 1 : 1000 @ A3



DRAWING NO:
TP-099



Development Summary

Retail		
Tenancy 1	65m ²	
Tenancy 2	78m ²	
Total	143m²	
Office		
Level 1	329m ² (NLA)	
Total	329m²	
Residential Hotel		
	1 key rooms	NSA
Level 2	9	301m ²
Level 3	9	301m ²
Level 4	9	301m ²
Level 5	9	280m ²
Level 6	9	280m ²
Level 7	9	280m ²
Level 8	9	280m ²
Total	63	2023m²
Parking Summary		
Basement Level 1		Total 24 car spaces
Staff bicycle spaces	4	
Visitor bicycle spaces	5	

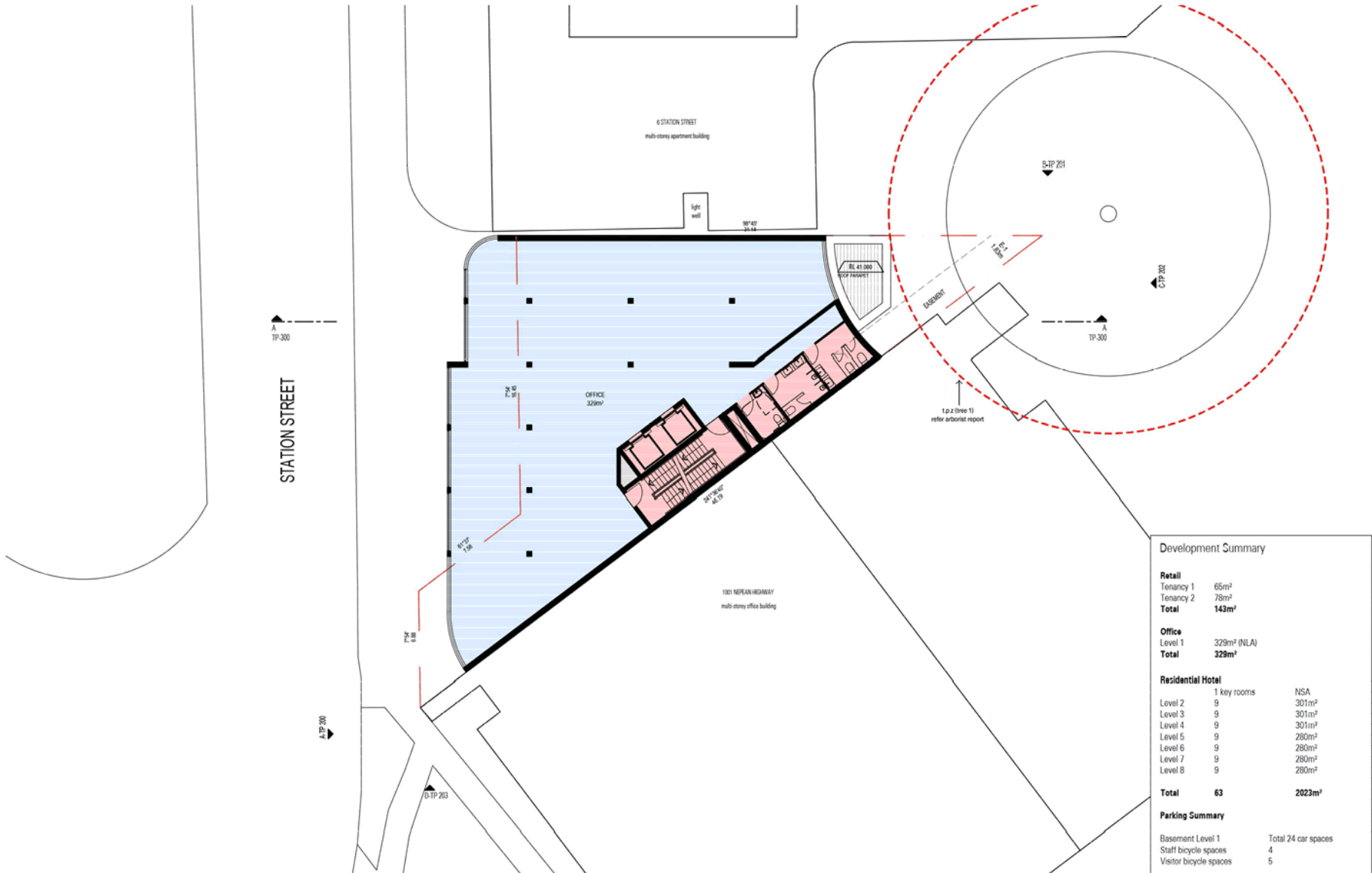
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**2-2a STATION STREET | MOORABBIN
MIXED USE DEVELOPMENT**
PROJECT NO:
36-0218

**GENERAL ARRANGEMENT
GROUND LEVEL**
REVISION: 1A DATE: MAR '18 SCALE: 1:200 @ A3

DRAWING NO:
TP-100



Development Summary

Retail		
Tenancy 1	65m ²	
Tenancy 2	78m ²	
Total	143m²	
Office		
Level 1	329m ² (NLA)	
Total	329m²	
Residential Hotel		
	1 key rooms	NSA
Level 2	9	301m ²
Level 3	9	301m ²
Level 4	9	301m ²
Level 5	9	280m ²
Level 6	9	280m ²
Level 7	9	280m ²
Level 8	9	280m ²
Total	63	2023m²
Parking Summary		
Basement Level 1		Total 24 car spaces
Staff bicycle spaces	4	
Visitor bicycle spaces	5	

PEDDLE THORP

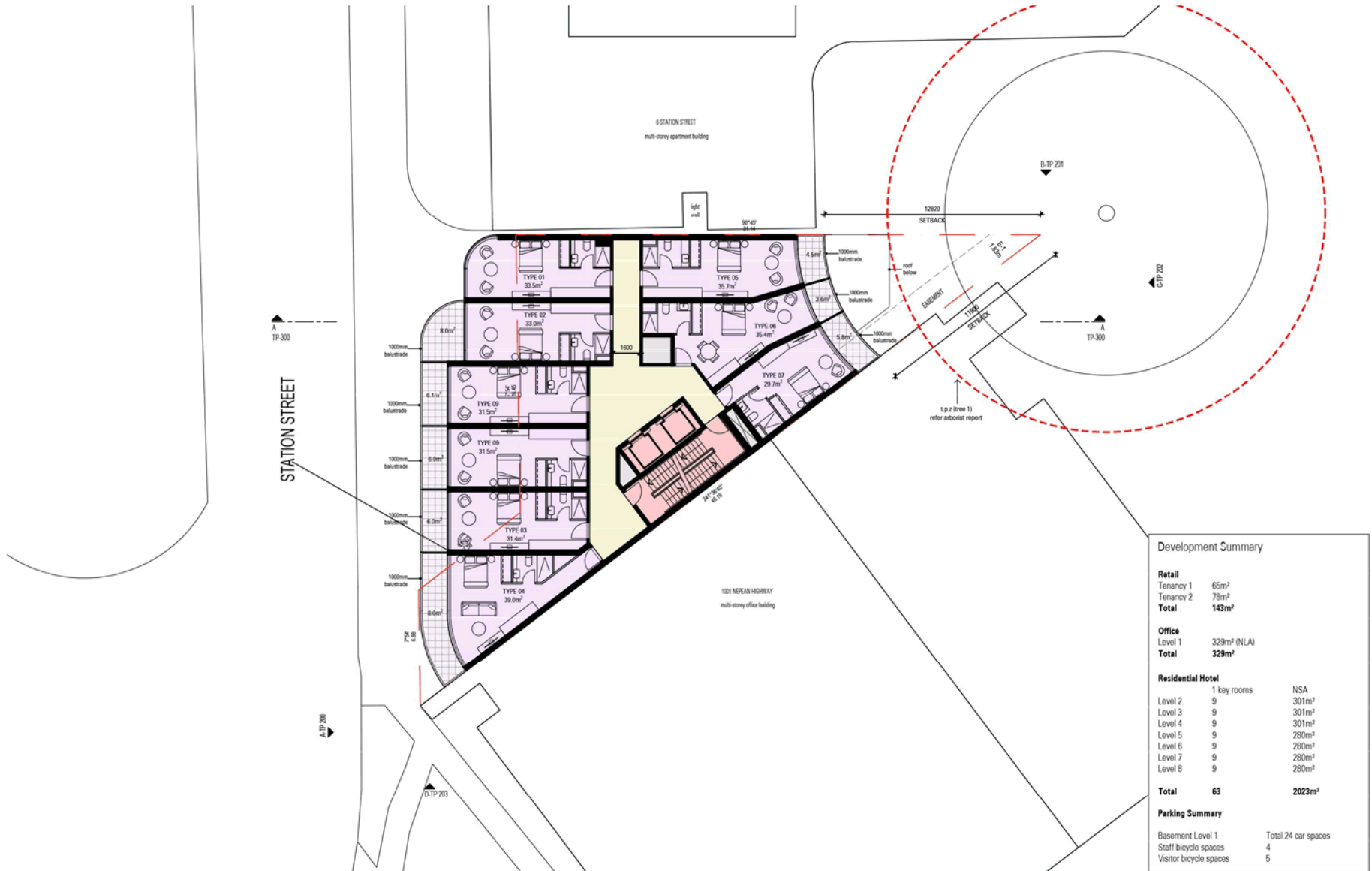
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2-2a STATION STREET | MOORABBIN
MIXED USE DEVELOPMENT
PROJECT NO:
36-0218

GENERAL ARRANGEMENT
LEVEL 1
REVISION: 1A
DATE: MAR '18
SCALE: 1:200 @ A3



DRAWING NO:
TP-101



Development Summary

Retail		
Tenancy 1	65m ²	
Tenancy 2	78m ²	
Total	143m²	
Office		
Level 1	329m ² (NLA)	
Total	329m²	
Residential Hotel		
	1 key rooms	NSA
Level 2	9	301m ²
Level 3	9	301m ²
Level 4	9	301m ²
Level 5	9	280m ²
Level 6	9	280m ²
Level 7	9	280m ²
Level 8	9	280m ²
Total	63	2023m²
Parking Summary		
Basement Level 1		Total 24 car spaces
Staff bicycle spaces	4	
Visitor bicycle spaces	5	

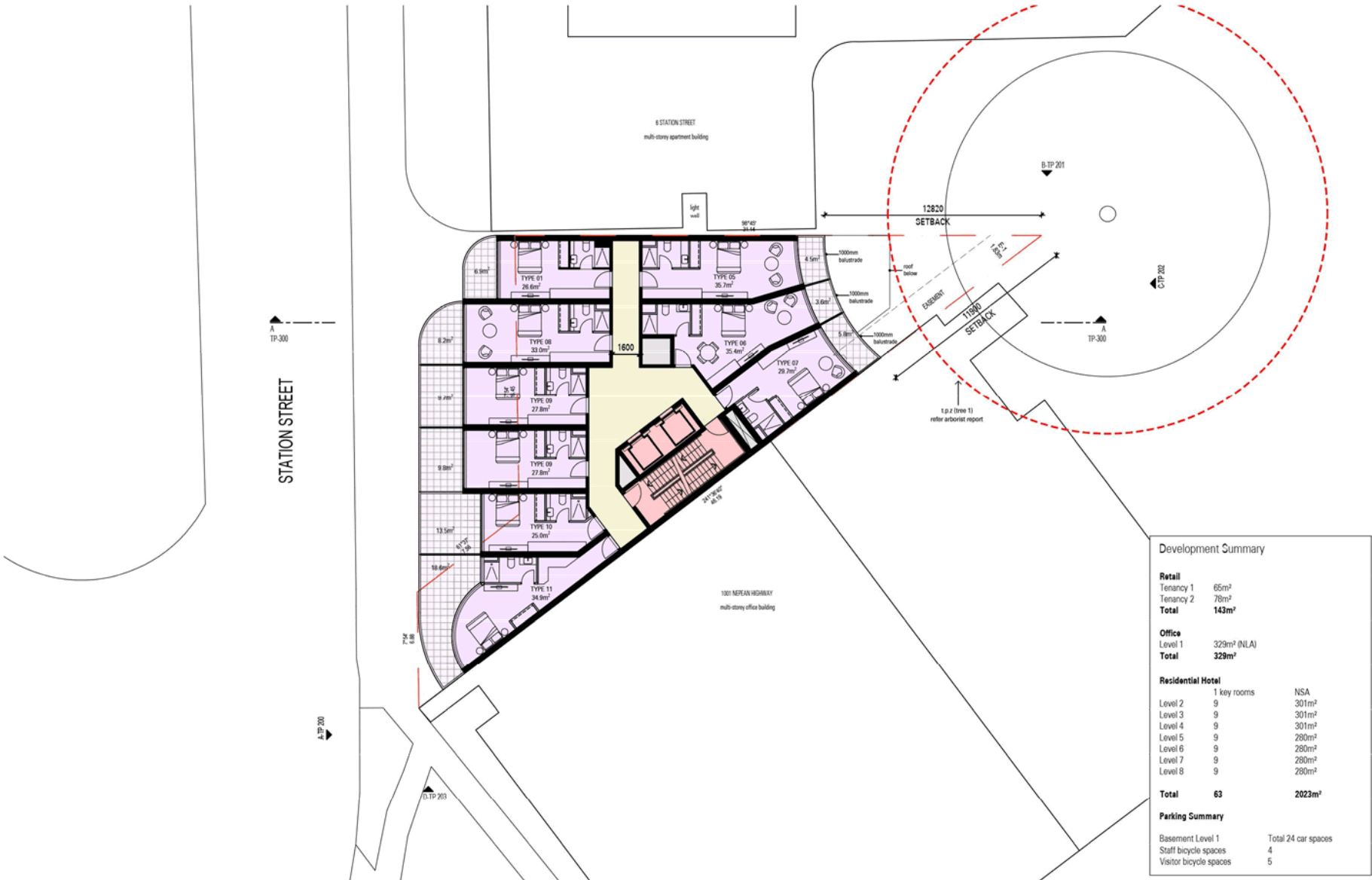
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**2-2a STATION STREET | MOORABBIN
MIXED USE DEVELOPMENT**
PROJECT NO:
36-0218

**GENERAL ARRANGEMENT
LEVEL 2-4**
REVISION: 1A DATE: MAR '18 SCALE: 1:200 @ A3

DRAWING NO:
TP-102



Development Summary

Retail		
Tenancy 1	65m ²	
Tenancy 2	78m ²	
Total	143m²	
Office		
Level 1	329m ² (NLA)	
Total	329m²	
Residential Hotel		
	1 key rooms	NSA
Level 2	9	301m ²
Level 3	9	301m ²
Level 4	9	301m ²
Level 5	9	280m ²
Level 6	9	280m ²
Level 7	9	280m ²
Level 8	9	280m ²
Total	63	2023m²
Parking Summary		
Basement Level 1		Total 24 car spaces
Staff bicycle spaces	4	
Visitor bicycle spaces	5	

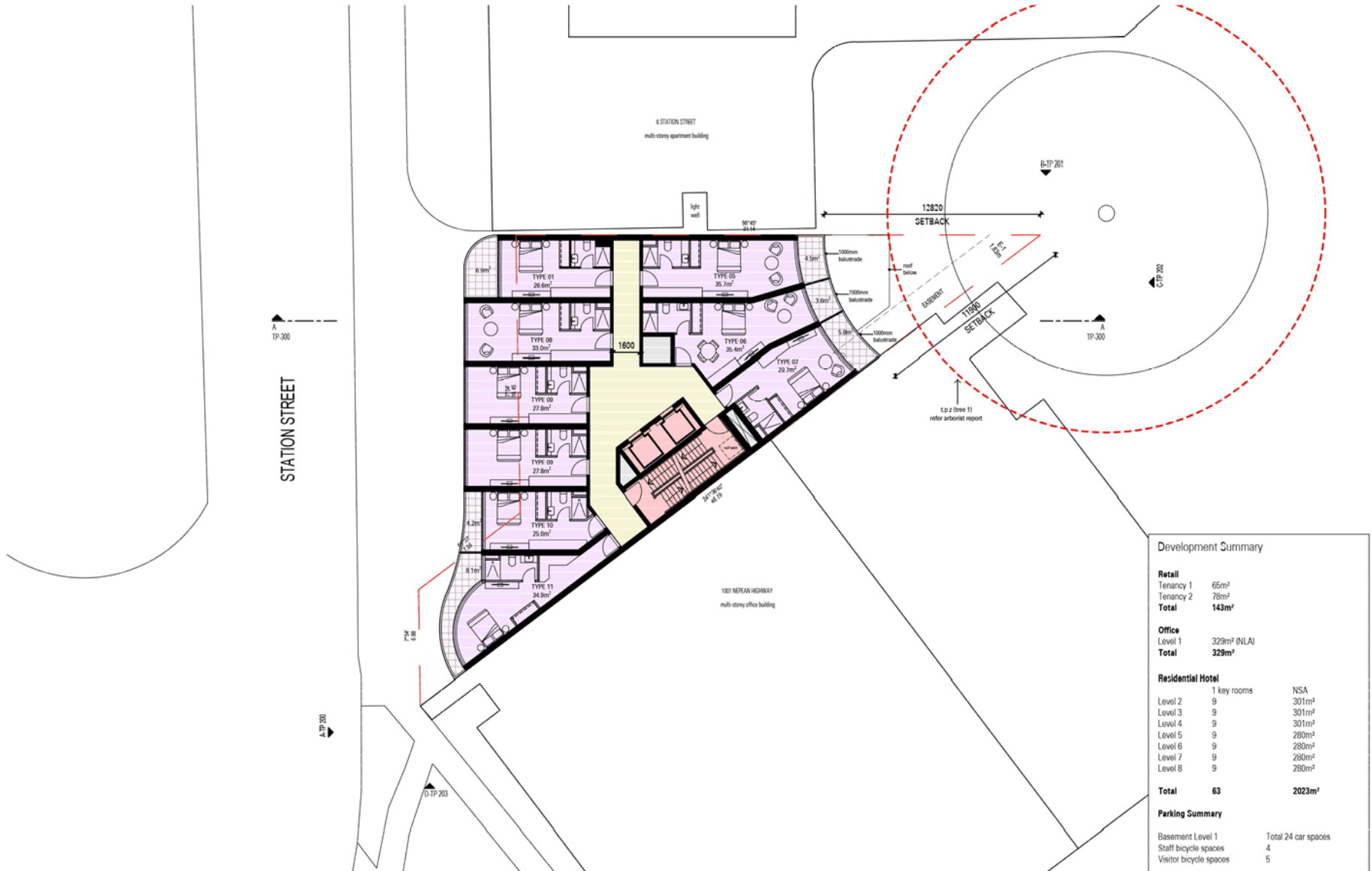
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**2-2a STATION STREET | MOORABBIN
MIXED USE DEVELOPMENT**
PROJECT NO:
36-0218

**GENERAL ARRANGEMENT
LEVEL 5**
REVISION: 1A
DATE: MAR '18
SCALE: 1 : 200 @ A3

DRAWING NO:
TP-103



Development Summary

Retail		
Tenancy 1	65m ²	
Tenancy 2	78m ²	
Total	143m²	
Office		
Level 1	329m ² (NLA)	
Total	329m²	
Residential Hotel		
	1 key rooms	NSA
Level 2	9	301m ²
Level 3	9	301m ²
Level 4	9	301m ²
Level 5	9	280m ²
Level 6	9	280m ²
Level 7	9	280m ²
Level 8	9	280m ²
Total	63	2023m²
Parking Summary		
Basement Level 1		Total 24 car spaces
Staff bicycle spaces	4	
Visitor bicycle spaces	5	

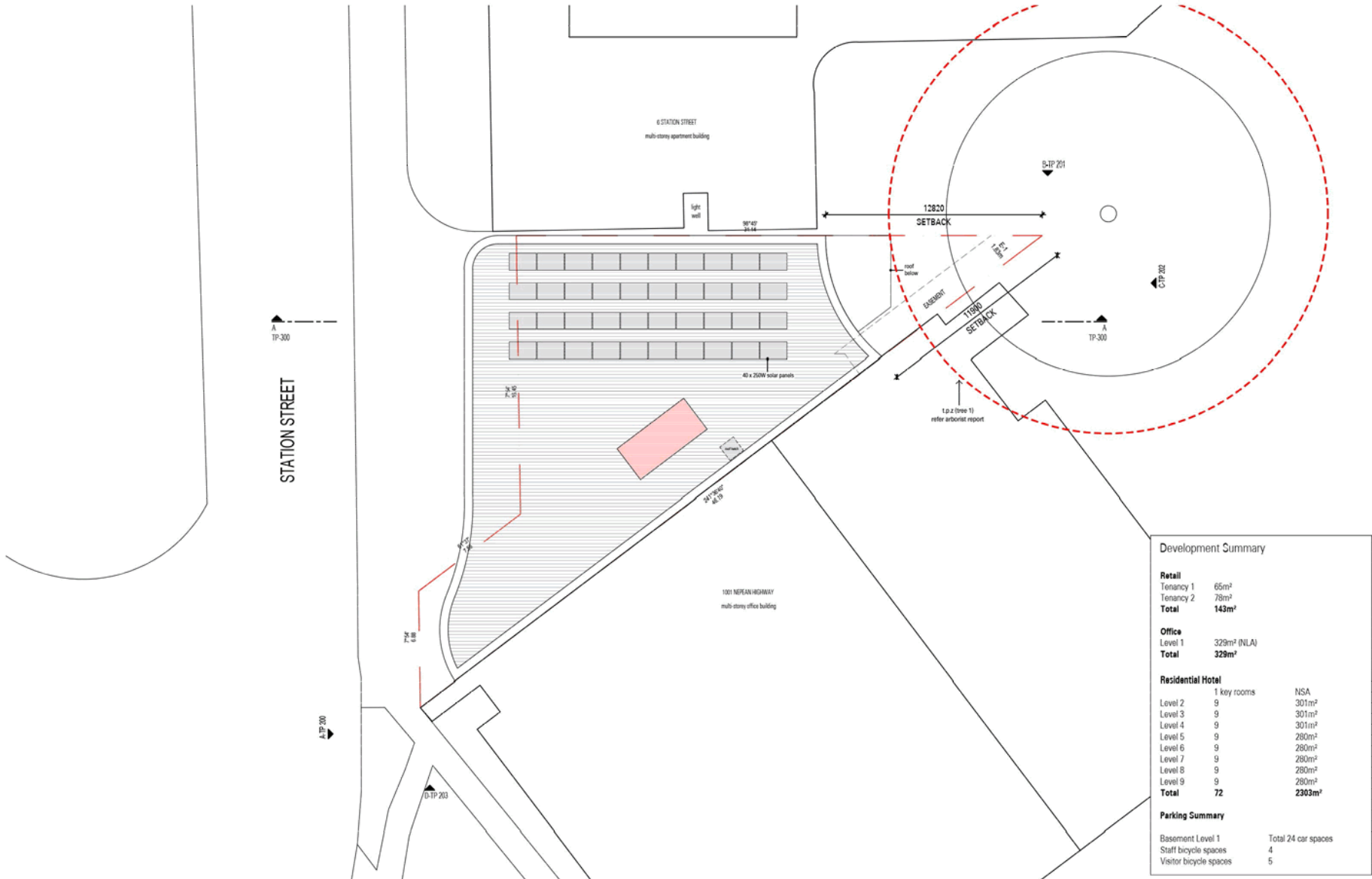
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2-2a STATION STREET | MOORABBIN
MIXED USE DEVELOPMENT
PROJECT NO:
36-0218

GENERAL ARRANGEMENT
LEVEL 6-8
REVISION:
1A
DATE:
MAR '18
SCALE:
1 : 200 @ A3

DRAWING NO:
TP-104



Development Summary

Retail		
Tenancy 1	65m ²	
Tenancy 2	78m ²	
Total	143m²	
Office		
Level 1	329m ² (NLA)	
Total	329m²	
Residential Hotel		
	1 key rooms	NSA
Level 2	9	301m ²
Level 3	9	301m ²
Level 4	9	301m ²
Level 5	9	280m ²
Level 6	9	280m ²
Level 7	9	280m ²
Level 8	9	280m ²
Level 9	9	280m ²
Total	72	2303m²
Parking Summary		
Basement Level 1		Total 24 car spaces
Staff bicycle spaces	4	
Visitor bicycle spaces	5	

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**2-2a STATION STREET | MOORABBIN
MIXED USE DEVELOPMENT**
PROJECT NO:
36-0218

**GENERAL ARRANGEMENT
ROOF PLAN**
REVISION: 1A
DATE: MAR '18
SCALE: 1 : 200 @ A3

DRAWING NO:
TP-105



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2-2a STATION STREET | MOORABBIN
MIXED USE DEVELOPMENT

PROJECT NO:
36-0218

ARTIST IMPRESSION

REVISION:
1A

DATE:
MAR '18

SCALE:
N.T.S. @ A3

DRAWING NO:
TP-600



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2-2a STATION STREET | MOORABBIN
MIXED USE DEVELOPMENT

PROJECT NO:
36-0218

ARTIST IMPRESSION

REVISION
1A

DATE
MAR '18

SCALE
N.T.S. @ A3

DRAWING NO:
TP-601

B. SCHEME WITHIN EXISTING TITLE

PEDDLE THORP

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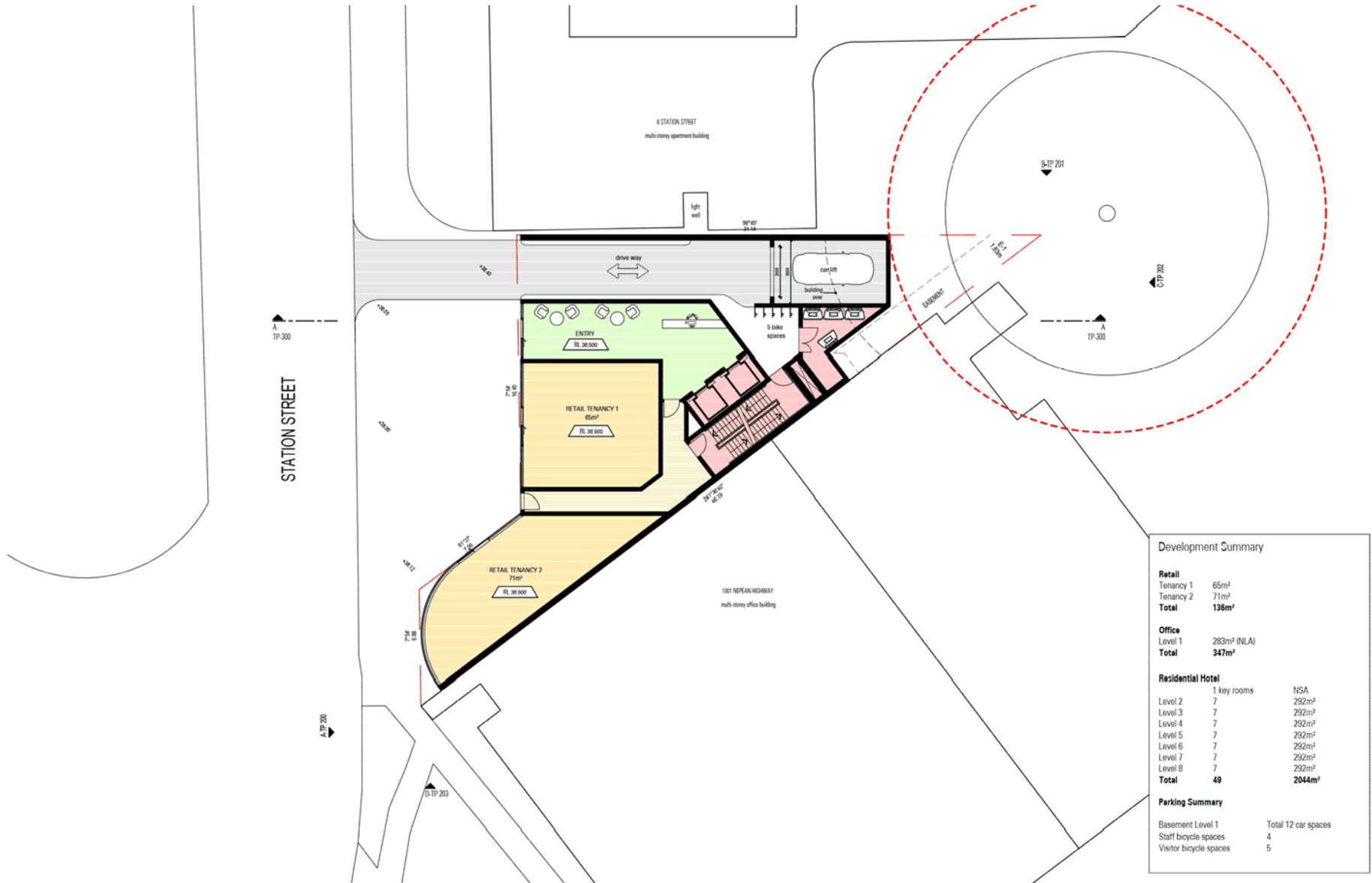
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2-2a STATION STREET | MOORABBIN
MIXED USE DEVELOPEMENT

PROJ.ECT NO.
36-0218

REV.ISION
1A

DATE
MAR '18



Development Summary		
Retail		
Tenancy 1	65m ²	
Tenancy 2	71m ²	
Total	136m²	
Office		
Level 1	283m ² (NLA)	
Total	347m²	
Residential Hotel		
	1 key rooms	NSA
Level 2	7	292m ²
Level 3	7	292m ²
Level 4	7	292m ²
Level 5	7	292m ²
Level 6	7	292m ²
Level 7	7	292m ²
Level 8	7	292m ²
Total	49	2044m²
Parking Summary		
Basement Level 1		Total 12 car spaces
Staff bicycle spaces	4	
Visitor bicycle spaces	5	

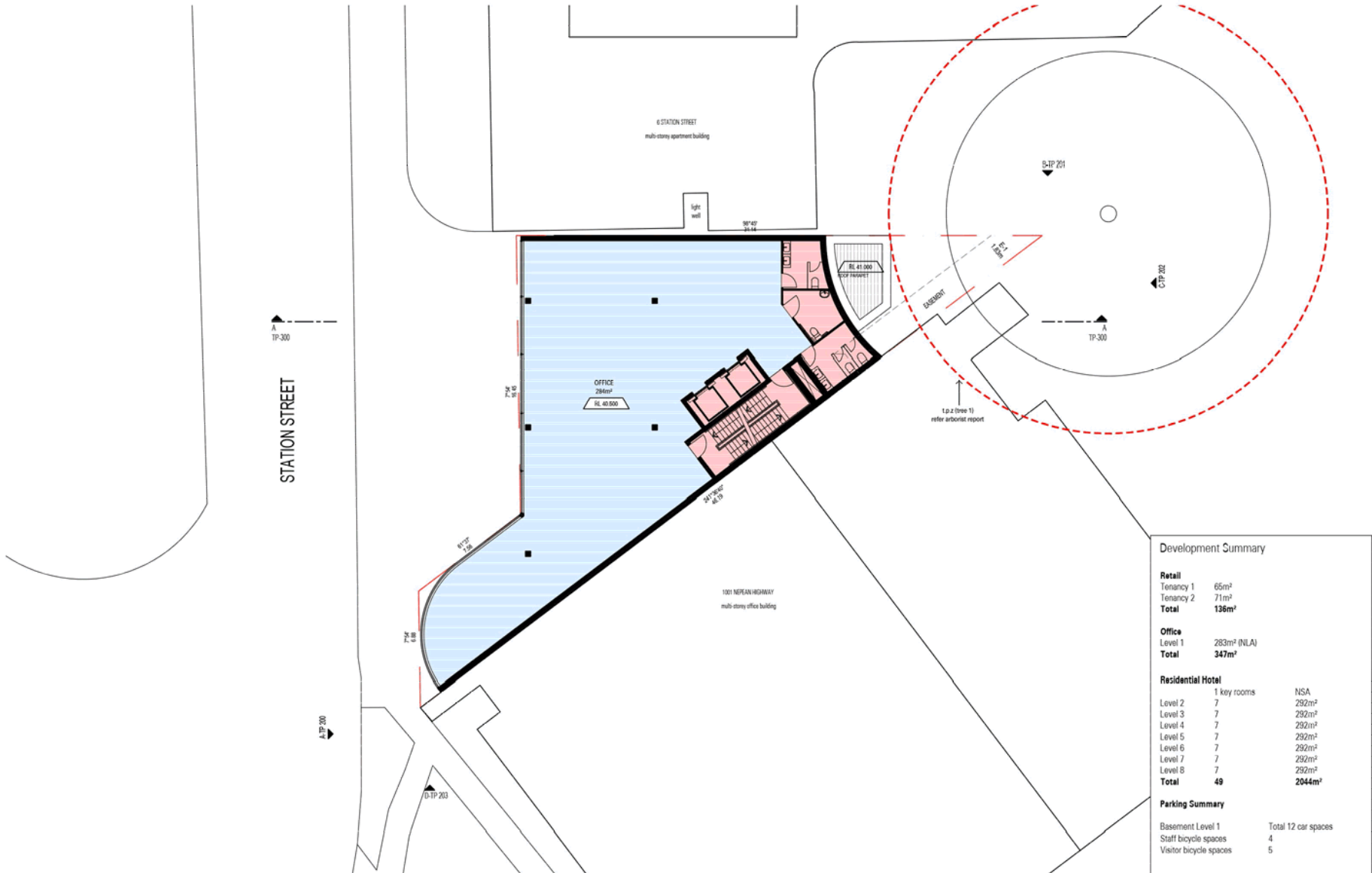
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**2-2a STATION STREET | MOORABBIN
MIXED USE DEVELOPMENT**
PROJECT NO:
36-0218

**GENERAL ARRANGEMENT
GROUND LEVEL**
REVISION: 1A DATE: MAR '18 SCALE: 1:200 @ A3

DRAWING NO:
TP-100



Development Summary

Retail		
Tenancy 1	65m²	
Tenancy 2	71m²	
Total	136m²	
Office		
Level 1	283m² (NLA)	
Total	347m²	
Residential Hotel		
	1 key rooms	NSA
Level 2	7	292m²
Level 3	7	292m²
Level 4	7	292m²
Level 5	7	292m²
Level 6	7	292m²
Level 7	7	292m²
Level 8	7	292m²
Total	49	2044m²
Parking Summary		
Basement Level 1		Total 12 car spaces
Staff bicycle spaces	4	
Visitor bicycle spaces	5	

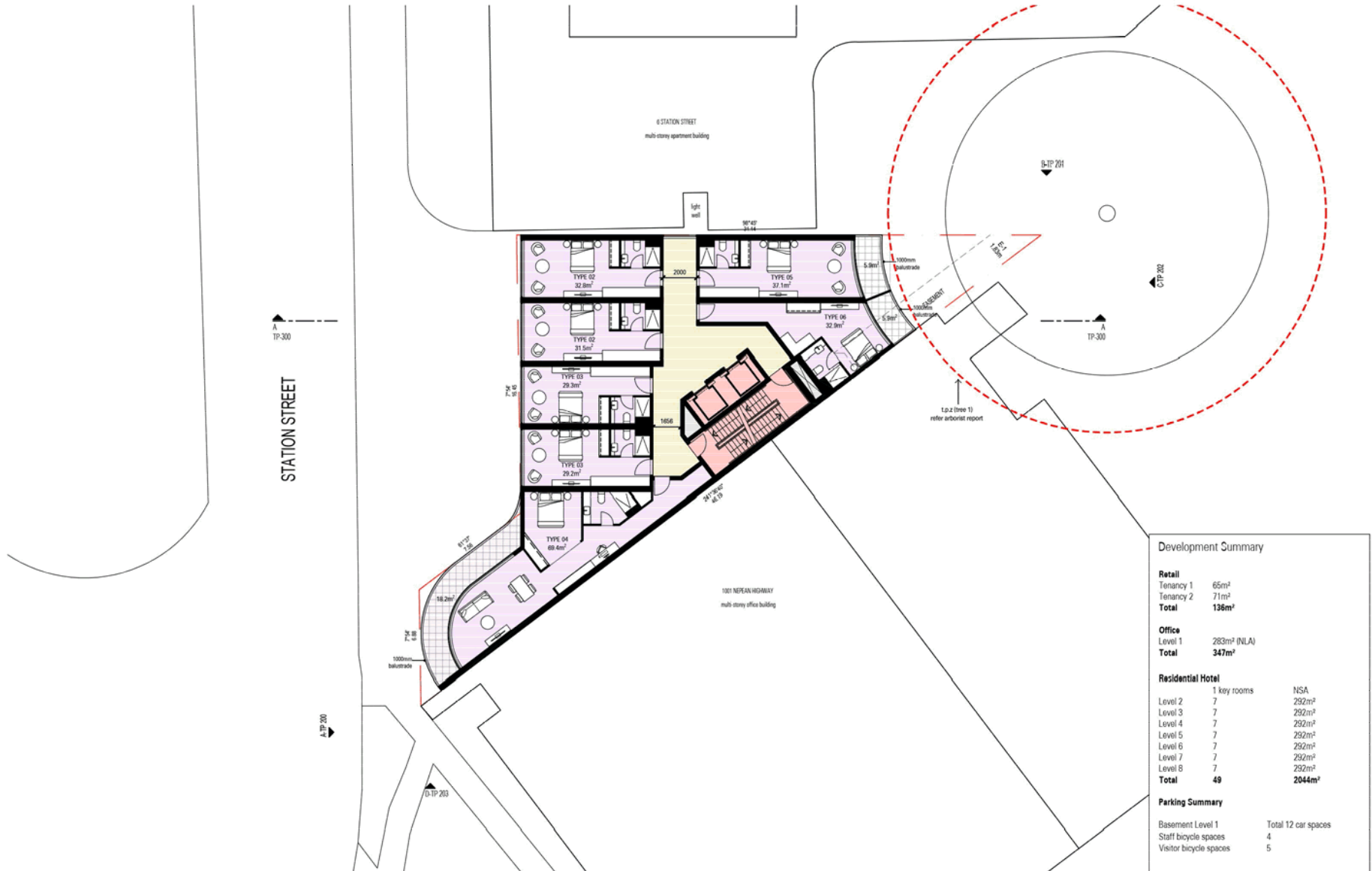
PEDDLE THORP

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2-2a STATION STREET | MOORABBIN
MIXED USE DEVELOPMENT
PROJECT NO:
36-0218

GENERAL ARRANGEMENT
LEVEL 1
REVISION: 1A
DATE: MAR '18
SCALE: 1:200 @ A3

DRAWING NO:
TP-101



Development Summary		
Retail		
Tenancy 1	65m ²	
Tenancy 2	71m ²	
Total	136m²	
Office		
Level 1	283m ² (NLA)	
Total	347m²	
Residential Hotel		
	1 key rooms	NSA
Level 2	7	292m ²
Level 3	7	292m ²
Level 4	7	292m ²
Level 5	7	292m ²
Level 6	7	292m ²
Level 7	7	292m ²
Level 8	7	292m ²
Total	49	2044m²
Parking Summary		
Basement Level 1	Total 12 car spaces	
Staff bicycle spaces	4	
Visitor bicycle spaces	5	

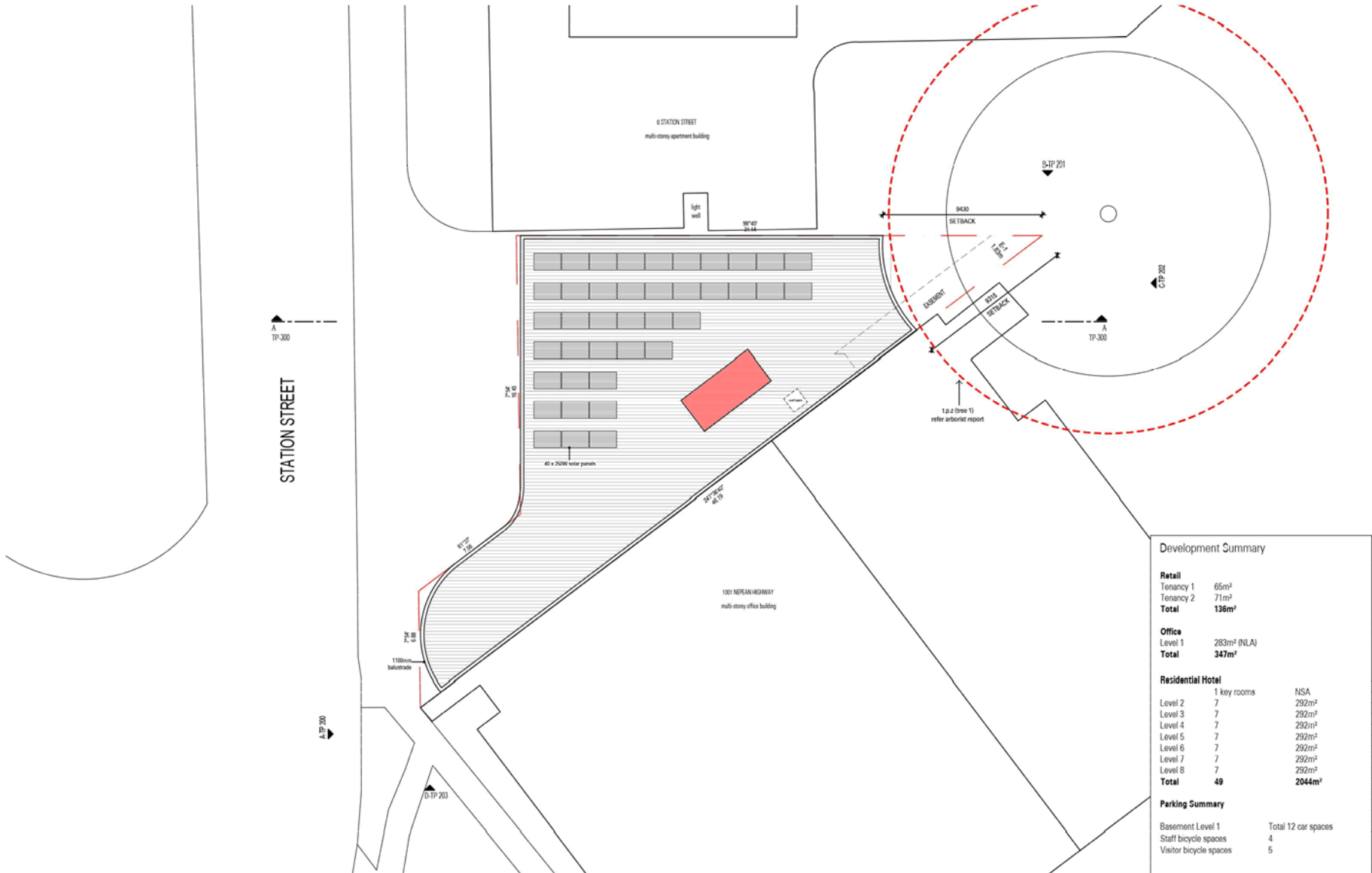
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2-2a STATION STREET | MOORABBIN
MIXED USE DEVELOPMENT
PROJECT NO:
36-0218

GENERAL ARRANGEMENT
LEVEL 2-8
REVISION:
1A
DATE:
MAR '18
SCALE:
1 : 200 @ A3

DRAWING NO:
TP-102



Development Summary

Retail		
Tenancy 1	65m ²	
Tenancy 2	71m ²	
Total	136m²	
Office		
Level 1	283m ² (NLA)	
Total	347m²	
Residential Hotel		
	1 key rooms	NSA
Level 2	7	292m ²
Level 3	7	292m ²
Level 4	7	292m ²
Level 5	7	292m ²
Level 6	7	292m ²
Level 7	7	292m ²
Level 8	7	292m ²
Total	49	2044m²
Parking Summary		
Basement Level 1		Total 12 car spaces
Staff bicycle spaces	4	
Visitor bicycle spaces	5	

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**2-2a STATION STREET | MOORABBIN
MIXED USE DEVELOPMENT**
PROJECT NO:
36-0218

**GENERAL ARRANGEMENT
ROOF PLAN**
REVISION: 1A DATE: MAR '18 SCALE: 1:200 @ A3

DRAWING NO:
TP-103



PEDDLE THORP

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ATN 006 975 666

2-2a STATION STREET | MOORABBIN
MIXED USE DEVELOPMENT

PROJECT NO:
36-0218

ARTIST IMPRESSION

REVISION:
1A

DATE:
MAR '18

SCALE:
N.T.S. @ A3

DRAWING NO:
TP-600



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ATN 006 975 666

2-2a STATION STREET | MOORABBIN
MIXED USE DEVELOPMENT

PROJECT NO:
36-0218

ARTIST IMPRESSION

REVISION
1A

DATE
MAR '18

SCALE
N.T.S. @ A3

DRAWING NO:
TP-601

9. Community Sustainability Reports

Ordinary Meeting of Council

26 November 2018

Agenda Item No: 9.1

CON-18/83 - REFURBISHMENT OF LEVEL 6 OAKLEIGH ROOM & BALCONY

Contact Officer: Leigh Stewart, Principal Maintenance Planning Officer

Purpose of Report

The purpose of this report is to advise Council of the available options for works to the Oakleigh Room and to seek Council's approval of a preferred refurbishment option of the Oakleigh Room.

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 proceed with Option 1 - Proceed with installation of roofing to balcony and exclude louvre windows (Officer Recommended Option)

1. Executive Summary

This report provides information on the available options for works to the Oakleigh Room and balcony to address ongoing water penetration and damage.

2. Background

Council's current Capital Programme includes provision for the improvement of the Oakleigh Room external doors and balcony 2018/19 and has been the subject of prior reports to CIS. This area is a prominent meeting place within the building but has suffered over recent years from water ingress, primarily due to driven rain finding its way through the seals on the sliding doors and through the limited capacity of the existing storm water system on the balcony itself.

Following a report to CIS in 22 January 2018, Officers from Community Buildings worked with Hede Architects to develop a package of works to address these water leak issues and to provide an enhanced environment for important Council meetings and events. These works were tendered and a further report was present to CIS in early October 2018 seeking approval to award a contract for works to provide a functional modern area with a physical connection the outdoors environment.

Councillors at that time requested that a further report on options be presented to a future CIS. This report provides further details on the available options to Council for the refurbishment of the Oakleigh Room.

3. Discussion

3.1 Council Plan Alignment

Goal 1 - Our well-planned, liveable city supported by infrastructure to meet future needs
Direction 1.3 - Infrastructure and property investment for a functional city now and into the future

Investment in creating an improved environment for visitors and staff within 1230 Nepean Highway will have a positive impact on organisational performance and improve the overall image of the organisation.

3.2 Consultation/Internal Review

Consultation has taken place with all relevant Council and APT staff.

3.3 Options

3.3.1 Option 1: Proceed with installation of roofing to balcony and exclude louvre windows (Officer Recommended Option)

This option is recommended by Officers as the best means of addressing the current water ingress problems associated with the room, whilst at the same time extending the balcony's usability and retaining the "indoor-outdoor" character of this important Council meeting room. The exclusion of the proposed mechanical louvres, louvre frames and external mechanical ventilation initially proposed would reduce the project cost with the advantage of the louvres being able to be being retro-fitted at a later date, should it be deemed necessary.

This option was recently tendered and the total cost of this reduced option was \$571,173.00 (ex GST). These works were proposed to be funded through the 2018/19 capital programme. The tender covering these works is valid until 22 November 2018 and, subject to Councillor approval, these works could proceed and be completed by mid-2019.

3.3.2 Option 2: Award Tender as originally received, including louvres and mechanical ventilation works to the balcony

As Councillors were advised at the CIS meeting in October 2018, this option is not recommended by Officers due to the cost (\$665,873.00, ex GST), which significant exceeds the available budget and on the basis that the glass louvres and mechanical ventilation can be retro-fitted at a later date, should it be determined that they are required.

Should Councillors wish to proceed with this option, the tender is valid until 22 November 2018 and works could be completed by mid-2019

3.3.3 Option 3: Replace Existing Balcony Doors, Improve Stormwater System and provide no roof to Balcony

This option is not recommended as Officers are concerned that, without the introduction of the proposed translucent roof, water penetration may still occur and impact on the functionality of the room.

Should Councillors wish to proceed with this option, however, there is still potential to negotiate a reduced price for these works using the current tenders, which expire on 22 November 2018.

3.3.4 Option 4: Replace Existing Balcony Doors, Improve Stormwater System and introduce partial roof directly above balcony doors

This option is not recommended as Officers are concerned that, without the introduction of the entire proposed translucent roof, water penetration may still occur and impact on the functionality of the room.

This option, however, would provide better weather protection than Option 3. This would still provide some uncovered balcony space and would extend the utilisation of the balcony area somewhat.

Should Councillors wish to proceed with this option there is still potential to negotiate a reduced price for these works using the current tenders, which expire on 22 November 2018.

3.3.5 Option 5: Remove Balcony Doors and Replace with Windows, improve Stormwater System and provide no roof

This option is not recommended as it would impact on the functionality of the room. It would, however, provide an effective solution to prevent water penetration to the Oakleigh Room. Access to the balcony would be via the existing double doors, which would be replaced.

This option would provide effective weather protection to the room, its impact on the room's current functionality would be reduced.

Should Councillors wish to proceed with this option it is recommended that an amended scope of works be retendered in January 2019 and works completed by 30 June 2019.

3.3.6 Option 6: Continue to undertake reactive maintenance only

This option is not recommended due to the ongoing cost of these reactive works and the impact on scheduling and utilisation of the Oakleigh Room.

3.4 Environmental Implications

Improvements within Council's offices will be made in accordance with the relevant standards set out within its adopted Environmental Sustainable Design (ESD) policy.

3.5 Social Implications

Proposed amenity improvements to the Oakleigh Room are intended to improve Council's overall presentation to the community and improve the functionality of the room as a primary meeting space within the building.

During the course of the works it will be necessary to relocate all meetings scheduled to be held within the Oakleigh Room, including CIS meetings, which will be held temporarily in alternative location(s) within the building.

3.6 Resource Implications

Subject to Councillor approval of the recommended works option (Option 1), the proposed works would be funded during 2018/19 as follows:-

Cost Code	Description	18/19
N0795	Refurbishment of Level 6 Oakleigh Room & Balcony	\$400,000.00
N0509	1230 Nepean Hwy – Programmed renewal Works.	\$80,000.00
N0026	NO026 Kitchen and Toilets Renewal Program.	\$50,000.00
1350-2255	Building Heating & Cooling	\$41,500.00
TOTAL		\$571,500.00

3.7 Legal / Risk Implications

The main risk issues arising from this report relate to the ongoing maintenance of the Oakleigh Room and the potential to prevent further problems resulting from water ingress. By undertaking the proposed works, this will ensure that the room is no longer flooded on regular occasions and that meetings are not cancelled or relocated at short notice as a result.

Author/s: Leigh Stewart, Principal Maintenance Planning Officer
Reviewed and Approved By: Steve Lewis, Manager Community Buildings
Mauro Bolin, General Manager Community Sustainability

Ordinary Meeting of Council

26 November 2018

Agenda Item No: 9.2

DALES PARK PAVILION REDEVELOPMENT - PROJECT UPDATE

**Contact Officer: Steve Lewis, Manager Community Buildings
Bridget Draper, Manager Kingston Active**

Purpose of Report

To provide an update to Council on the outcome of the Female Friendly Facilities Grant application to State Government for the pavilion redevelopment at Dales Park Netball facility and to seek approval for proposed budget adjustments to enable the detailed design of the project to proceed.

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 successful outcome of the SRV Female Friendly Facilities Grant application of \$500,000 for the proposed new pavilion at Dales Park Netball;
2. Approve the bringing forward of \$200,000 from within the Dales Park Pavilion budget allocation from 2019/20 into 2018/19, in order to facilitate the preparation of detailed design work, the seeking of statutory approvals and to enable further community consultation to be undertaken within the current financial year, as outlined in paragraph 4.3 of this report;
3. Directs officers to proceed with the redevelopment of the Dales Park Pavilion building, including the following actions:
 - detailed design development;
 - obtaining relevant statutory approvals;
 - undertaking further community consultation;
 - seek tenders; and
4. Develop a lease / licence as appropriate for the new building.

1. Executive Summary

At its meeting on 23 July 2018, Council endorsed the concept design for a new Dales Park Pavilion (Attachment 1) and authorised officers to work with Club representatives to advocate to State and Federal Government MPs to secure external financial support for the project.

Accordingly, following the above, officers prepared and submitted a grant application for State Government funding from within the Female Friendly Facilities 2018/19 program.

This report provides an update for Council on the outcome of this grant application and seeks approval to make minor adjustments in Council's 2018/19 Capital Programme in order to facilitate the early detailed design of the proposed new pavilion.

2. Background

Following its meeting on 23 July 2018, at which Council endorsed the submission of an application under this programme for the development of the netball pavilion located at Dales Park, officers have met several times with club representatives to consider and refine their facility needs and requirements.

Council has now been advised that its application for Sport & Recreation Victoria Female Friendly Facilities funding totalling \$500,000 has been successful and this report seeks approval to proceed with the development of detailed design work in order to facilitate the commencement of construction works in 2019/20, as previously reported to Council.

3. Discussion

3.1 Council Plan Alignment

Goal 1 - Our well-planned, liveable city supported by infrastructure to meet future needs
Direction 1.3 - Infrastructure and property investment for a functional city now and into the future

Investment in modern, fit for purpose sporting infrastructure provides significant health and well-being opportunities for the community and assists Council in the promotion of active lifestyles.

3.2 Consultation/Internal Review

Officers have now met with club representatives on several occasions, in order to refine their facility requirements and have collaborated in order to develop the attached concept design, which was endorsed by Council at its meeting in July 2018.

3.3 Operation and Strategic Issues

Proposed Implementation Programme Based on recent discussions with Club representatives, the following table outlines the proposed implementation timetable for the construction of the new Dales Park Pavilion:

Date	Event
July 2018	Council approval of pavilion concept design and notional project budget
October 2018	Confirmation of Female Facilities Grant Funding
December 2018 – June 2019	Seek statutory approvals, undertake further community consultation, prepare and complete detailed design
July/August 2019	Tender / Tender evaluation
September 2019	Council award of tender
October/ November 2019	Commence works on site
December 2020	Complete works on site

In order to facilitate the above implementation programme, Council is asked to approve the proposed budget adjustment, as outlined in paragraph 4.3 of this report, to enable detailed design of the project to proceed and relevant statutory approvals to be sought during the current financial year.

4. Conclusion

4.1 Environmental Implications

All Kingston Community Buildings are developed in accordance with Council's Building Environmental Sustainable Design Guidelines, which seek to maximize the environmental performance of Council's building facilities.

4.2 Social Implications

Community sport and recreation projects are expected to have a positive impact on health and wellbeing of the local community, as well as helping to increase the overall skill development level of sporting participants. Council has a good track record in improving such facilities for the local community. Collectively, 13 clubs currently utilize Dales Park Reserve and these clubs comprise 152 individual teams, with over 1500 regular participants ranging from 5 years old to over 50's. All of these participants will benefit from access to improved and compliant facilities that meet current standards.

4.3 Resource Implications

In view of the positive progress made with the club representatives and in order to enable the commencement of construction during 2019/20, Council is requested to approve the bringing forward of \$200,000 from the Dales Park Pavilion budget allocation from 2019/20 into 2018/19 to facilitate the preparation of detailed design work, the seeking of statutory approvals and to enable further community consultation to be undertaken.

In view of the above recommendation, the following tables provide summary of the proposed amended project budget allocations required to facilitate the effective implementation of the project:

Table 1 : Dales Park Pavilion Project	2018/19	2019/20	2020/21	Total
Current Approved Notional Budget Allocation (as per Council Decision 23 July 2018)				
C0315 Advanced Design Budget	\$ 30,000.00	\$ -	\$ -	\$ 30,000.00
C0450 Dales Park Pavilion	\$ -	\$ 1,100,000.00	\$ 2,820,000.00	\$ 3,920,000.00
Female Friendly Facilities Grant (Assumed)	\$ -	\$ -	\$ 500,000.00	\$ 500,000.00
Club Contribution (Offered)	\$ -	\$ -	\$ 50,000.00	\$ 50,000.00
TOTAL	\$ 30,000.00	\$ 1,100,000.00	\$ 3,370,000.00	\$ 4,500,000.00

Table 2 : Dales Park Pavilion Project	2018/19	2019/20	2020/21	Total
Proposed Amended Notional Budget Allocation				
C0315 Advanced Design Budget	\$ 30,000.00	\$ -	\$ -	\$ 30,000.00
C0450 Dales Park Pavilion	\$ 200,000.00	\$ 1,100,000.00	\$ 2,620,000.00	\$ 3,920,000.00
Female Friendly Facilities Grant (Now Secured)	\$ -	\$ 500,000.00	\$ -	\$ 500,000.00
Club Contribution (Offered)	\$ -	\$ -	\$ 50,000.00	\$ 50,000.00
TOTAL	\$ 230,000.00	\$ 1,600,000.00	\$ 2,670,000.00	\$ 4,500,000.00

4.4 Legal / Risk Implications

Through the improvement of its community sports infrastructure, Council is ensuring that participants have access to facilities that are safe and compliant with current standards. In doing so, this enables Council to improve the safety of participants at these facilities and reduces Council's overall risk in relation to non-compliant facilities.

Appendices

Appendix 1 - Dales Park Netball Pavilion - Concept Design Presentation - November 2018 (Ref 18/603788) [↓](#)

Author/s: Steve Lewis, Manager Community Buildings
Bridget Draper, Manager Kingston Active

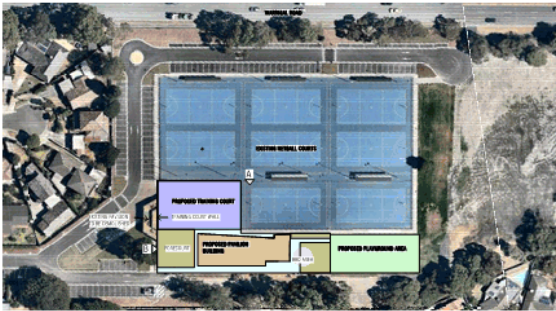
Reviewed and Approved By: Mauro Bolin, General Manager Community Sustainability
Daniel Freer, General Manager City Assets and Environment

9.2

DALES PARK PAVILION REDEVELOPMENT - PROJECT UPDATE

1	Dales Park Netball Pavilion - Concept Design Presentation - November 2018	223
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DALES PARK PAVILION
FLEX - CONCEPT DESIGN



PROPOSED SITE PLAN

1:1000 @ A1

EXISTING BUILDING TO BE DEMOLISHED
PROPOSED DOUBLE STORY BUILDING

DESIGN CONCEPT

Design Story - FLEX

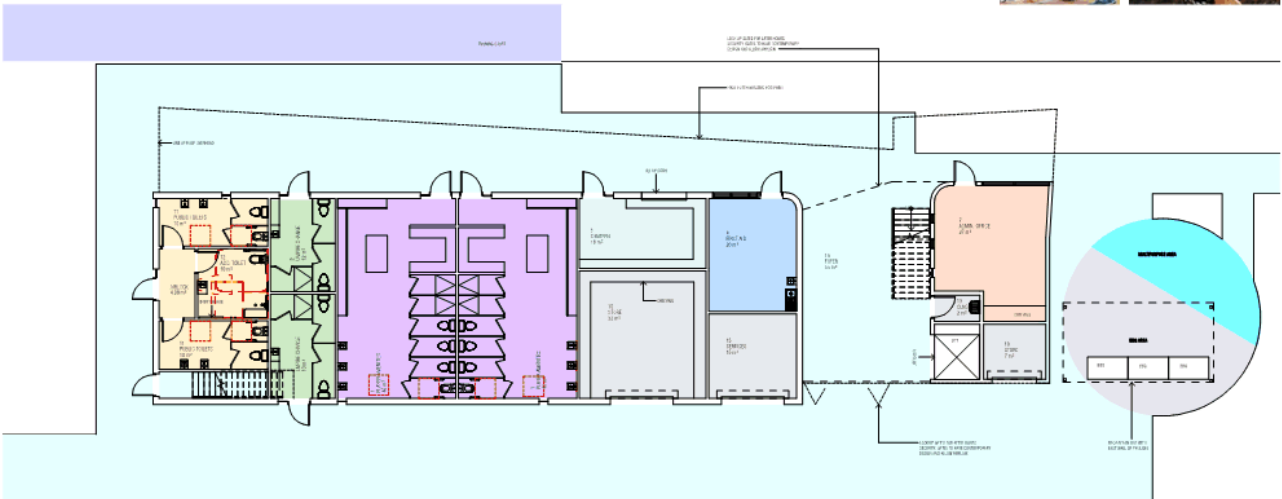
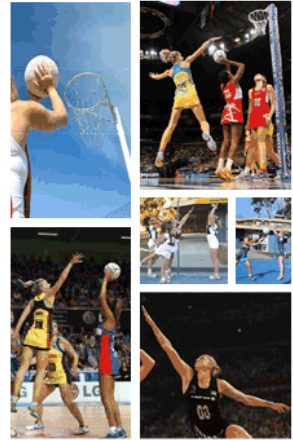
The Dales Park Netball Pavilion project at Whangārei in the Bay of Plenty is a site redeveloped by women's sporting organisations. The design celebrates the spirit of new team movements based on the play of netball, connecting being for the ball, being for passion, defence and being in one.

The proposed design response features the idea of being present in the play of netball, after the banking, before, during or being interrupted by, and the play of netball. The proposed pavilion building uses being not only to define the entry to the building, placing of elements in the building and its operation, of netball movements, changing the structure of the space and liberates an experience of spatial movement for a building towards its netball participants.

The proposed pavilion is located within a 3.5 Ha Reserve containing new netball courts which includes a new water sports area, a dog off-leash area and a proposed new playground. The new pavilion building offers an engaging, contemporary facility providing a strong identity for Whangārei Level Netball.

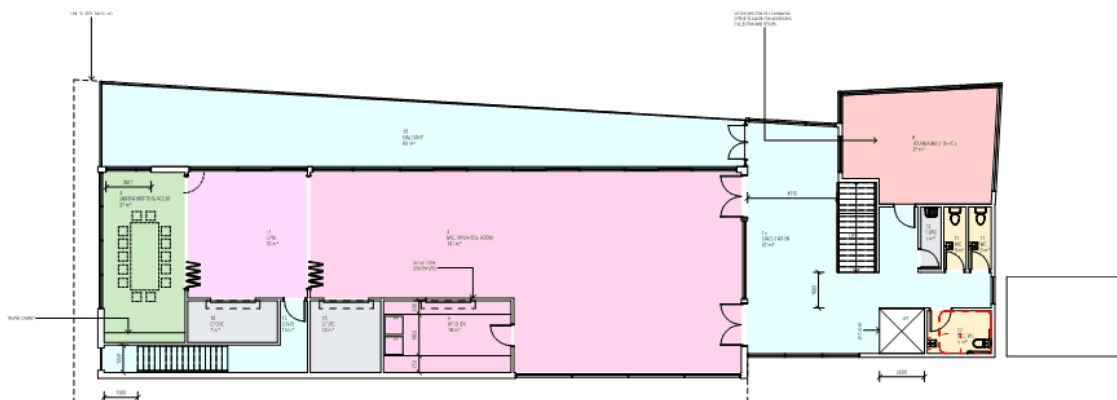
The design includes careful consideration to landscape form, environmental, sustainable inputs incorporating flexibility to support a sustainable natural light, reducing electricity, sound and maintenance measures, energy efficient services within building operations for suit of materials and structure, creating operation costs. The design response in the surrounding reserve area, providing two back side's access to all areas, the open of the space for expression of ideas in the building using use of built elements for netball team up and provision of unique sensory and ability for being using the facility. It is envisaged the proposed landscaping around the pavilion will use the idea of flex to provide the related characteristics of netball use defined in the new pavilion, new 2000 sqm green reserve space with the Netball Courts.

The design of pavilion spaces are based around the defined pavilion function, flexibility of use, and visual connection to and from the surrounding park. The design intent is to capture the true team experience of the Pavilion and to surrounding facilities providing a community hub for female participation in sport.



GROUND FLOOR PLAN

1:100 @ A1



FIRST FLOOR PLAN

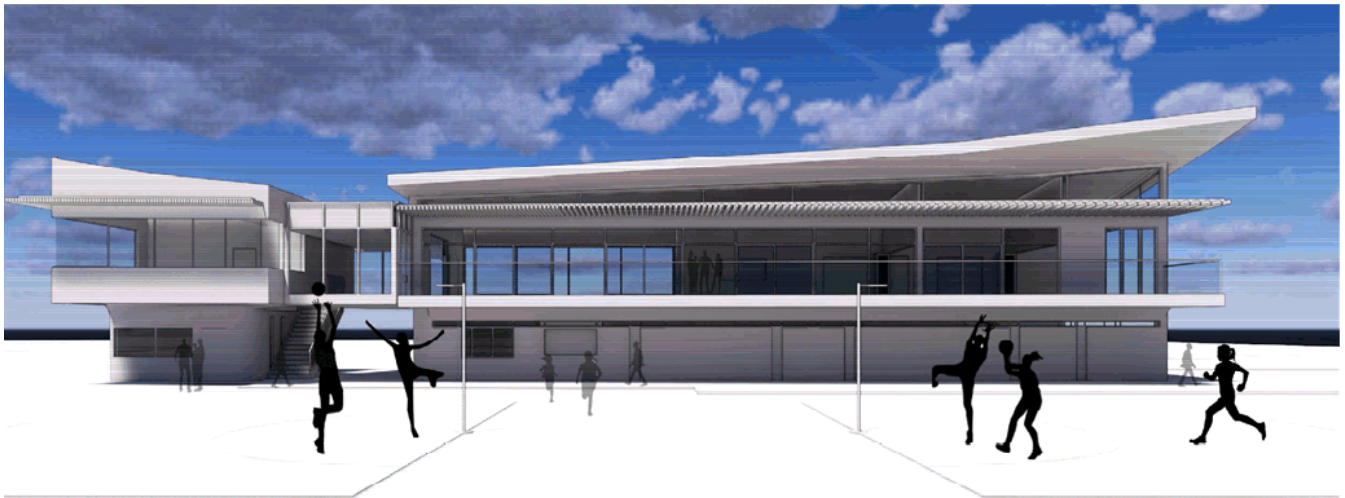
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DALES PARK PAVILION

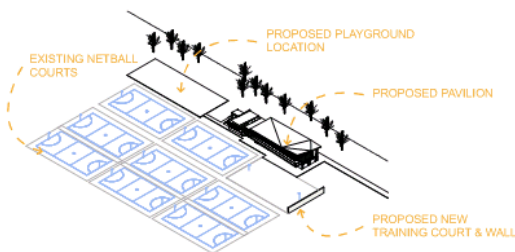
FLEX - CONCEPT DESIGN



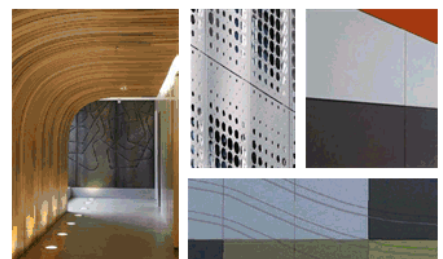
PERSPECTIVE - VIEW A



PERSPECTIVE - VIEW B



3D SITE PLAN



MATERIALS:

- MULTIBOARD CLADDING
- INNOVATIVE CLADDING
- PERFORATED SHEETING
- METAL SHEETING
- LOW / ZERO V.O.C. FINISHES
- DOUBLE-GLAZED WINDOWS
- BULK INSULATION

SUSTAINABILITY IDEAS:

- SITE ECOLOGY / BIODIVERSITY
- LOW MAINTENANCE
- DURABLE MATERIALS
- SOCIALLY WELCOMING
- PASSIVE SHADING
- NATURAL LIGHTING
- ENERGY EFFICIENCY
- NATURAL VENTILATION
- SOLAR COLLECTION
- WATER HARVESTING
- LIFECYCLE MATERIALS
- TRANSPORT - BICYCLE RACKS



10. City Assets and Environment Reports

Ordinary Meeting of Council

26 November 2018

Agenda Item No: 10.1

BARKLY STREET (MCDONALD STREET TO CHUTE STREET), MORDIALLOC - ROAD RECONSTRUCTION

Contact Officer: Brian Trower, Team Leader Roads & Drains

Purpose of Report

This report seeks Council's approval to award Contract No. 17/143 – Barkly Street, (McDonald Street to Chute Street), Mordialloc Road Reconstruction to Parkinson Group (VIC) Pty Ltd for the tender amount of \$809,387.65 ex GST.

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. 17/143 Barkly Street (McDonald Street to Chute Street), Mordialloc Road Reconstruction on a Lump Sum basis to Parkinson Group (VIC) Pty Ltd for the tendered price of \$809,387.65 ex GST from the 2018/2019 civil infrastructure capital allocation;
2. Approve a contingency allowance of \$80,938.77 ex GST (10% of contract sum) from within the allocated 2018/2019 civil infrastructure capital allocation to cover unexpected financial variations, and;
3. Authorise the CEO or their delegate to execute this contract.

1. Executive Summary

Officers have evaluated tender submissions received for Contract No. 17/143 and have ranked Parkinson Group (VIC) Pty Ltd as the highest scoring tenderer. This ranking has been arrived at after scoring of financial factors and company capabilities.

Council's estimate for this contract was \$910,000, recommended tender price, therefore a competitive price has been received from the preferred tenderer. The recommended tenderer has passed financial viability checks, and Parkinson Group (VIC) Pty Ltd has a long company history with an extensive list of successfully completed drainage and road reconstruction projects with local government and City of Kingston.

2. Background

Barkly Street (section between McDonald Street to Chute Street), Mordialloc, identified within a recent road condition assessment as in need of rehabilitation. Works under this contract include reconstructing the existing road pavement, installation of improved stormwater drainage and pedestrian safety improvements.

As part of the safety improvements, traffic calming measures for the two schools on Barkly Street will be implemented by installing raised asphalt pavements, kerb outstands and improved pedestrian crossings. These measures will help to slow traffic and improve pedestrian safety.

The total length of Barkly Street covered by these works is 480 metres. 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 rebuilding the road, Council is taking the opportunity to improve the underground drainage system along Barkly Street.

3. Discussion

3.1 Council Plan Alignment

Goal 1 - Our well-planned, liveable city supported by infrastructure to meet future needs

Direction 1.3 - Infrastructure and property investment for a functional city now and into the future

Works covered by Contract No. 17/143 have been identified by Council officers as necessary to sustain Council's road and drainage infrastructure in the vicinity of Barkly Street, Mordialloc.

3.2 Consultation/Internal Review

The project concept covered by Contract No. 17/143 was driven by community input and feedback and then followed up by the engineering design team. This resulted in project progression to the detailed design and tendering stages.

Feedback and input into the award of this contract has been sought from relevant internal departments including the Traffic and Transport Department. In addition to internal consultation there has been extensive consultation with external stakeholders that included the residents of Barkly Street via a design bulletin distributed on the 17th January, 2018.

In addition to the design bulletin, Council Traffic Engineers met with the representatives of Mordialloc Beach Primary School and St Brigid's Primary School to discuss in particular the detail on the proposed raised school crossing treatments and their preferred location for these.

Future Consultation Plan to keep the residents and other stakeholders informed on the construction phase of this project is as **follows**:

Stage	Activity
Upon award of contract	Web Page set up on Kingston's website with detailed project information
After contract awarded	Regular updates to be placed in CWU
1 week prior to construction	Construction Bulletin distributed
1 week prior to construction	Project signs to be erected on-site – showing Council and Contractor contact information
1 week prior to construction	VMS Boards on-site informing that works will soon commence

3.3 Operation and Strategic Issues

Road assets to be replaced and upgraded as part of this contract form part of the network required by the local community. As such, renewing these assets will reduce maintenance costs and provide residents with a satisfactory level of service.

3.4 Tender Evaluation

Prices were sought through an advertised public tender with tenders closing on Thursday, 27 September 2018, at 2:00PM.

A total of 5 tenders were received and evaluated by a Tender Evaluation Panel, consisting of Emad Nashed, Construction Engineer and Chang Wuol, Construction Engineer. Procurement procedures were followed in line with advice received from Council's procurement department for previous "standard" road contracts for a similar value.

Tender evaluation for contract 17/143 was undertaken by a two stage tender evaluation method which resulted in a shortlist of 2 tenderers after an initial assessment.

The 2 tenderers in the shortlist were subjected to a detailed evaluation. Appendix 1 includes a breakdown of the scoring for the preliminary and detailed evaluations. The detailed evaluation involved scoring tenderers against the following criterion:

- Occupational health and safety and certifications Mandatory (PASS/FAIL) Criteria
- Financial Capacity of organisation / business (PASS/FAIL) Criteria
- Tender price
- Experience and past performance
- Ability to meet set time constraints
- Construction Methodology
- Company and sub-contractor's Resourcing

Scoring for Parkinson Group (VIC) Pty Ltd was derived after conducting an interview and detailed analysis of their tender submission.

Parkinson Group (VIC) Pty Ltd obtained the highest overall score in the detailed evaluation. It is appropriate that Parkinson Group (VIC) 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.

3.6 Occupational Health and Safety

As per the attached, Council's Risk and Safety team has approved Parkinson Group (VIC) Pty Ltd OH&S system as Rapid Compliant.

4. Conclusion

Parkinson Group (VIC) Pty Ltd, is recommended as the preferred tenderer for the road works and therefore it is recommended that the Council award Contract No. 17/143 - Barkly Street, (McDonald Street to Chute Street), Mordialloc Road Reconstruction to Parkinson Group.

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 significant drainage/ flooding issue in the area.

4.2 Social Implications

The proposed works provide a solution to the road safety, footpath and drainage problems experienced by the residents in the vicinity of Barkly Street, Mordialloc.

Given the nature of the construction there will be some inconvenience during the works which are typical of a large road reconstruction contract such as this one. Staging of the works will 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 Civil Infrastructure renewal budget 2018/2019.

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 - 17143 - Tender Evaluation Matrix (Ref 18/578415) - Confidential

Appendix 2 - Barkly Street, Mordialloc Road Reconstruction - Face Sheet of drawing K5950 (Ref 18/572993) [↓](#)

Appendix 3 - OH&S Assessment for Tender for Parking Group (VIC) Pty Ltd Rapid - 20 Jan 2017 (Ref 18/578417) [↓](#)

Author/s: Brian Trower, Team Leader Roads & Drains
Reviewed and Approved By: Rachelle Quattrocchi, Manager Infrastructure
Daniel Freer, General Manager City Assets and Environment

10.1

BARKLY STREET (MCDONALD STREET TO CHUTE STREET), MORDIALLOC - ROAD RECONSTRUCTION

1	Barkly Street, Mordialloc Road Reconstruction - Face Sheet of drawing K5950.....	233
2	OH&S Assessment for Tender for Parking Group (VIC) Pty Ltd Rapid - 20 Jan 2017.....	235

BARKLY STREET, MORDIALLOC - RAISE & RESHEET (MCDONALD STREET TO CHUTE STREET)

WARNING
BEWARE OF UNDERGROUND SERVICES AND OVERHEAD POWERLINES
THE LOCATION OF UNDERGROUND SERVICES SHOWN ARE APPROXIMATE ONLY AND THEIR EXACT POSITION MUST BE PROVEN ON SITE

ASBESTOS
DRAINAGE PIPES, WATER PIPES, CABLE LOCATIONS AND SERVICES ARE TO BE IDENTIFIED AND BE PRESENT IN THE VICINITY OF THESE WORKS. ANY WORKS WITHIN THE VICINITY OF THESE ASSETS MUST BE CARRIED OUT IN ACCORDANCE WITH COMPANY ASBESTOS HANDLING PROCEDURES

NOTE
TRAFFIC MANAGEMENT
CONTRACTORS TO SUBMIT TRAFFIC MANAGEMENT PLAN WITH APPLICATION FOR APPROVAL OF TRAFFIC MANAGEMENT PLAN.

IMPORTANT
PROPOSED FOOTPATH LEVELS MUST BE SET CORRECTLY TO ENSURE DDA COMPLIANCE. INCORRECT LEVELS MAY RESULT IN THE CROSSING REQUIRING REPLACEMENT OR THE FITTING OF TACTILE INDICATORS

DRAWING LIST

- SHEET 1 FACE SHEET
- SHEET 2 NOTES, KERB SECTIONS
- SHEET 3 PAVEMENT SECTIONS
- SHEET 4 PIPE BACKFILL DETAILS
- SHEET 5 PIT & PIPE DETAILS
- SHEET 6 FOOTPATH DETAILS
- SHEET 7 PAVEMENT PLAN
- SHEET 8 PAVEMENT PLAN (I)
- SHEET 9 PAVEMENT PLAN (II)
- SHEET 10 ALIGNMENT SETOUT PLAN
- SHEET 11 PLAN & LONG SECTION
- SHEET 12 PLAN & LONG SECTION (I)
- SHEET 13 PLAN & LONG SECTION (II)
- SHEET 14 PLAN & LONG SECTION (I)
- SHEET 15 PLAN & LONG SECTION (II)
- SHEET 16 CROSS SECTIONS Ch 20m - 55m
- SHEET 17 CROSS SECTIONS Ch 60m - 95m
- SHEET 18 CROSS SECTIONS Ch 100m - 130m
- SHEET 19 CROSS SECTIONS Ch 13m - 30m
- SHEET 20 CROSS SECTIONS Ch 165m - 195m
- SHEET 21 CROSS SECTIONS Ch 234m - 256m
- SHEET 22 CROSS SECTIONS Ch 260m - 270m
- SHEET 23 CROSS SECTIONS Ch 295m - 325m
- SHEET 24 CROSS SECTIONS Ch 330m - 370m
- SHEET 25 CROSS SECTIONS Ch 372m - 407m
- SHEET 26 CROSS SECTIONS Ch 405m - 440m
- SHEET 27 CROSS SECTIONS Ch 445m - 475m
- SHEET 28 CROSS SECTIONS Ch 476m - 503m
- SHEET 29 CROSS SECTION Ch 503.787m
- SHEET 30 BARKLY ST & CHUTE ST INTERSECTION PLAN
- SHEET 31 BARKLY ST - NARROWING 'A' PLAN
- SHEET 32 BARKLY ST - NARROWING 'B' PLAN
- SHEET 33 BARKLY ST - NARROWING 'C' PLAN
- SHEET 34 DRAINAGE LONGITUDINAL SECTION
- SHEET 35 DRAINAGE LONGITUDINAL SECTION (I)
- SHEET 36 PIT SCHEDULE
- SHEET 37 SIGNAGE & LINESHARING PLAN
- SHEET 38 SIGNAGE & LINESHARING PLAN (I)
- SHEET 39 SIGNAGE & LINESHARING PLAN (II)
- SHEET 40 CROSS SECTIONS Ch 165m - 195m



LOCALITY PLAN
HELWYS REFERENCE MAP 92 F1
NOT TO SCALE

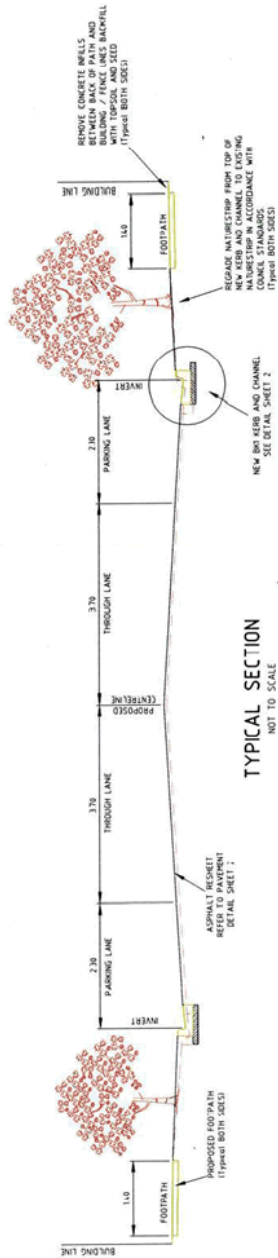
WORKS NEAR TREES

THE CONTRACTOR SHALL MAKE ALLOWANCE IN THE DESIGN FOR PROTECTING NEAR TREES. THE CONTRACTOR IS REQUIRED TO TAKE CARE WHEN REMOVING THE KERB & CHANNEL OR EXCAVATING NEAR TREES. ANY WORKS THAT EXPOSE TREE ROOTS GREATER THAN 300mm IN DIAMETER SHALL BE REFERRED TO THE SUPERINTENDENT REPRESENTATIVE FOR DIRECTION.

SERVICES PRESENT

- UNITED ENERGY
- MULTINET GAS
- SOUTH EAST WATER - SEWER, WATER
- TELSTRA
- KINGSTON CITY COUNCIL - DRAINAGE
- OPTUS

NOTE: INITIAL MARKERS INDICATE THE ABOVE SERVICES ARE PRESENT AT THE PROPOSED WORKS. THEIR EXACT LOCATION MUST BE PROVEN ON SITE.



TYPICAL SECTION
NOT TO SCALE

ENGINEERING DESIGN DEPARTMENT	DRAWING NUMBER
DA/TPM	K5950
DESIGNED BY SHANNER	B
DRAWN BY SHANNER	A
FILE No. 18/7347	SHEET 1 OF 39

BARKLY STREET, MORDIALLOC - RAISE & RESHEET (MCDONALD STREET TO CHUTE STREET) FACE SHEET

City of KINGSTON
1230 NEPEAN HWY, CHELSEA VIC 3192
PH: 100 033 356
PO BOX 1000, FLETCHER VICTORIA 3196

LEGEND

EXISTING DRAIN PIT	PROPOSED DRAIN PIT
EXISTING HYDRANT	PROPOSED HYDRANT
EXISTING TELECOM PIT	PROPOSED TELECOM PIT
EXISTING ELEC. CABLE	PROPOSED ELEC. CABLE
EXISTING A.C. CABLE	PROPOSED A.C. CABLE
EXISTING DRAIN	PROPOSED DRAIN

REF	DATE	CHECKED	ISSUED FOR	REVISION



Certificate of Compliance

Parkinson Group (VIC) Pty Ltd

Have been assessed and deemed Compliant as a Level 1 Contractor in Kingston's OHS Contractor management system.

Date: Friday, 20 January 2017

(This assessment remains valid for a period not exceeding 2 years from the issue date.)

Certification will be suspended upon the expiry of Insurance Policies, Licences and Certification documents.

Repeated or serious safety breaches may lead to the cancellation of this certification.

Compliance to Level 1 allows the contractor to undertake tasks assessed as High Risk Construction, Extreme, High, Medium and Low Risk

community inspired leadership



Ordinary Meeting of Council

26 November 2018

Agenda Item No: 10.2

EMERGENCY MANAGEMENT ANNUAL REPORT AND UPDATE

Contact Officer: Scott Hilditch, Emergency Management Coordinator

Purpose of Report

The purpose of this report is to provide a summary of emergency management activities over the past twelve months and provide a summary of future activities for the next three years both internally and externally that may impact on Council to assist strategic planning for future changes.

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 notes the update on emergency management over the past 12 months along with proposed future and emerging issues outlined in the report.

1. Executive Summary

This report provides an annual and forecast update on the Emergency Management activities for the 2017/18 financial year with emerging issues and trends over the next three years.

As detailed in the 2016/17 emergency management annual report a number of reforms have been introduced by the State Government, including Emergency Management Planning Legislation (2018), phase 2 of Department Environment Water Land and Planning (DEWLP) Councils and Emergencies Position Paper and changes to the Relief and Recovery Arrangements.

With the implementation of the Emergency Management Policy and Action Plan this has placed Kingston in a good position to better plan and respond to changes at a State and Local level with a strong focus on building capacity and capability within the organisation.

A focus over the last 12 months has been to provide a structure for emergency management roles and the introduction of standard operating procedures to assist staff within these roles.

This will be enhanced through the adoption of the MEMO / MRM Duty Handover Procedure providing an opportunity for delegated officers to use the systems, documents and structures in place on a more regular basis to maintain knowledge and skills outside of incident activation.

Another key focus over the last 12 months has been in the development of a preparedness manual in collaboration with the City of Frankston, Mornington, and City of Dandenong Councils, to assist build community resilience. Funding was received from the Natural Disaster Resilience for this project.

The proposed State reforms for Emergency Management will impact on the activities performed at a Local Government level that will change the relief and recovery arrangements requiring greater capacity for municipalities to respond to community needs.

2. Background

This report provides a summary of the emergency management activity for the municipality over the past twelve months that outlines future emergency management activity for the coming three years. The report is timed to coincide with preparations for summer which is traditionally the time of year that the municipality is most vulnerable to events such as heatwave, storms, floods, bush/grass fires, epidemic, prolonged utility disruption, civil disturbance and human error on the water.

2.1 Statutory Role

Local Government's role within emergency management is defined in the Local Government Act 1989; the Emergency Management Act 1986; the Emergency Management Planning Amendment Act 2018; and the Ministerial Guidelines (Emergency Management Manual Victoria).

Victorian Local Governments are the only 'agency' that has a defined role throughout all phases of emergency management with responsibility of:

- Community Risk identification;
- Community Risk reduction identification;
- Mitigation;
- Planning;
- Preparation for;
- Responding to;
- Provision and coordination of Relief; and
- Coordination and leadership of community Recovery.

At the State level emergency management reforms were introduced this year to include; Emergency Management Planning Legislation 2018; phase two of DELWP Councils and Emergencies Position Paper; and revised Relief and Recovery Arrangements.

Further emergency management changes will continue for another 4 to 5 years. This will likely change emergency management obligations at a local level, particularly the relief and recovery arrangements requiring greater capacity to respond to community needs.

3. Discussion

3.1 Council Plan Alignment

Goal 5 - Our well-governed and responsive organisation
Direction 5.4 - A responsive and well managed organisation

3.2 Consultation/Internal Review

Council officers have consulted both externally with All-Agency MEMPC and internal Departments.

3.3 Operation and Strategic Issues

3.3.1 Emergencies and Incidents

Emergency Management staff have dealt with a number of emergencies during the past year, with the majority being after-hours incidents.

Mostly notably three incidents highlighted the changing nature and expectations of local government being a park fire on the border of our municipality and a light plane crash in Mordialloc in June.

The third occurrence was a large flash flooding incident of an aged care facility in Mordialloc. This saw 30 frail dementia patients evacuated to a car park in the rain. Council was only notified some four months after the incident, highlighting that there are still communication improvements needed with control agencies.

The reverting back of non-major emergencies relief and recovery coordination to council has seen increase in contact over the past 12 months with the emergency management duty officer when compared to that of the previous 12 months. Agencies and Council personnel continue to work through the new reforms.

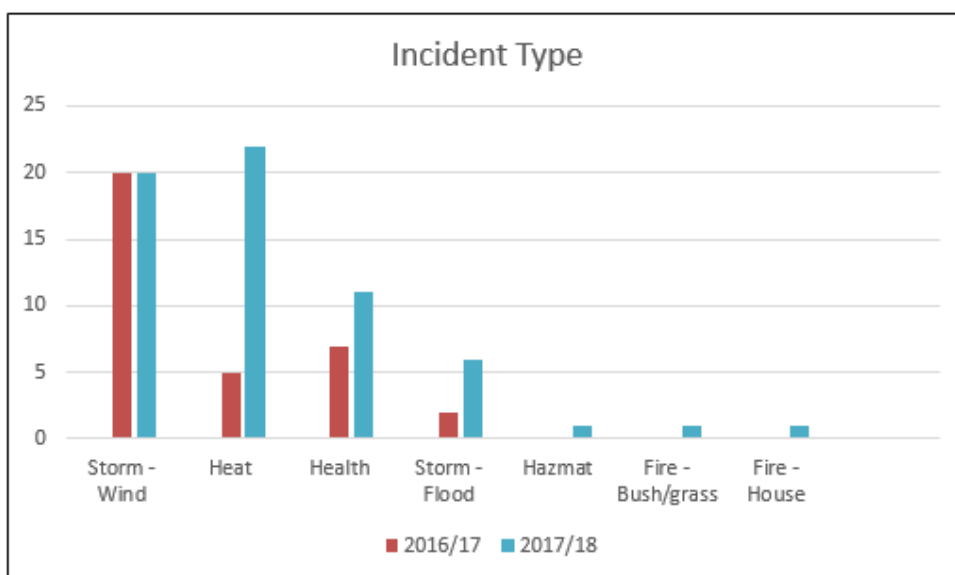


Figure 1. Comparative summary of incidents for 2016/17 and 2017/18 (October – September)

A summary of previous 12 month’s incidents has been shown above and below:

- 22 High Heat alerts;
- 20 wind storms incidents that caused damage to community facilities and trees down;
- 11 health alerts;
- 4 severe fire danger rating days;
- 6 rain storm incidents causing minor flash flooding;
- One bush fire (neighboring council impacting on Kingston);
- One hazmat chemical release (due to vandalism) impacting a council sporting facility; and
- One light plane crash.

3.3.2 Summary of Achievements 2017/18

The below is a summary of the achievements during 2017/2018:

- Successful transition and implementation of Municipal Emergency Management Planning Committee, ownership of the Municipal Emergency Management Plan;
- Successful roll out and implementation of Emergency Management Duty Roster;

Successful transition to the emergency service agencies owning, reviewing and improving a section of the Kingston MEMP quarterly;

- Development of National Disaster Resilience Grant Project material of Emergency Prepare Booklet, 8 animated videos, and emergency preparedness website portal;
- Closer working relationship with emergency service agencies and
- Continuation of further working with and assisting neighboring municipalities across the Southern Metro Region.

3.3.3 Training/Awareness and Knowledge Sharing

The City of Kingston, as part of the Southern Metro Collaboration, has continued to develop and share Standard Operating Procedures and Guidelines with other municipalities. Council has participated in Emergency Management Exercises with control agencies and other municipalities.

Unlike the previous four years, the Kingston Council emergency management officer has taken a slight step back in the running of emergency management training across the region. The focus has been building local capability and work on the National Disaster Resilience Grant project as well as a priority of projects at the City of Dandenong.

3.4 Forward Forecast Reporting

Emergency Management reforms have started to make an impact at a Local Government level and it is expected that there will be further changes in the coming years. While some of these changes are known and have been planned for, a large number are still to be workshopped and developed.

The Phase 2 of DEWLP 'Council and Emergencies' project will require the 'whole of organisation' to input into a self-assessment tool covering the level of capacity and capability of emergency management within Council. This assessment will also provide data for discussions with State Government to support Councils regarding emergency management.

3.4.1 Peak Season Preparations (October to May 2018/2019)

The 'Peak-season' better known through the media as the fire season, increases the risk of fire within the municipality. This peak season has started two months early within Victoria due to the dryness of winter and drought conditions along the eastern states.

East Gippsland and Wellington Shire notified their community of the Fire Danger Period commencing in early September, with Southern Metropolitan entering into the Fire Danger Period in early October. Any interruption in the level of power supply across the state can raise concerns on high heat days for people who are frail, have a disability or medical condition, new born and infants, nursing mothers and other vulnerable residents. This could impacted on Community Care Services and workforce.

3.4.2 12 month Forecast / Issues (2017/2018)

- Increased expectation on Local Government reporting 'up' to regional and state before known natural weather events and the development of consequence management during local incidents;
- Legislative 'All Community – All Emergencies' model on Risk Community Sub-plans (Heatwave, Storm, Flood, Fire, Pandemic, Animal Welfare) that includes the whole organisation's input and approach to emergency management planning;
- Increased inter-linking of council strategies and action plans with emergency management plans and vice versa;
- Proposed reforms from a State Government level requiring greater involvement of Local Government to respond to incidents involving mass gatherings and multi-level dwellings include:
 1. Large regional emergency management exercise in early 2019; and
 2. A multi-agency and Council exercise, focusing on the relief and recovery activities.
- Increased activity and activation in the relief and recovery area with the introduction of Class 3 emergencies (any incident Victoria Police are the agency in control of) into the emergency management space;
- Re-classification of 'single incidents' to 'non-major emergencies' will increase council's involvement and operating costs, especially after hours;
- Possible increased activation managing expectations and BAU impacts;
- Municipal involvement across the region to assist in consequence management during incidents. The duty MEMO and MRM will be expected to be available at short notice for regional teleconferences and
- Release of the AFL's Security and Integrity Guidelines for all grounds involving or hosting any AFL Club or AFL competition.

3.5 Emergency Management Future / Issues (12-36 months)

- Sector changes will likely continue for the next 4 years which will have an impact on Council.
- Current internal emergency management structure modelling moving from planning and response to mitigation, planning, relief and recovery.
- Increase in the threshold of the Natural Disaster Relief and Recovery Arrangement funding.
- Planning and consideration for the provision of relief for multi-level apartments, particularly during power black outs (ability for water and sewage services) or fires;

- Interlinking emergency management plans with business continuity planning;
- Increase in the number of Vulnerable Persons on the Council coordinated Vulnerable Persons register due to the National Disability Insurance Scheme;
- Increased expectation on Local Government on monitoring, assessing and reporting on Municipal Secondary Impact Assessment after an incident, including family violence;
- Exercise and testing of the full Emergency Management activation with the Business Continuity Plan;
- Further development of community emergency preparedness information.
- A full review of the Municipal Community Emergency Risks in August 2020 to provide current up to date risk assessment for the newly elected council later that year.

3.6 Options

3.6.1 Option 1

That Council notes and endorses this annual report update on emergency management over the past 12 months along with proposed future and emerging issues within emergency management.

4. Conclusion

This report provides an update on emergency management over the past 12 months and identifies emerging issues within emergency management over the next 3 to 4 years for consideration by council.

The incidents that have occurred within the past 12 months have been at a low risk level with a high consequence, however as highlighted within the report there is potential for larger scale events to occur within the municipality. With this in mind the focus for emergency management within the organisation is and will continue to be in preparedness and planning to build resilience within the community to better respond to an emergency event.

4.1 Environmental Implications

Nil

4.2 Social Implications

A large scale incident may see the need for some services to be reduced for a period of time.

4.3 Resource Implications

Building staff capacity is a critical component for improving the response at an organisational level to emergency management and being able to maintain core service delivery to the community.

It is also critical for the link to business continuity planning with emergency management planning to sustain core business even amongst recovery demands of a major emergency, which may be long term.

The proposed State reforms for emergency management will impact on the activities performed at a Local Government level. This will change the relief and recovery arrangements therefore requiring greater capacity for municipalities to respond to community needs.

Council should acknowledge that with the increased expectation on activation that staff and resource costs may increase, particularly out of hours with extra and increased demands on Managers with EM roles.

4.4 Legal / Risk Implications

There are risk implications for Council by not meeting its obligations under the Emergency Management Act/s and the Local Government Act as well as OH&S and wellbeing of staff consideration.

Author/s: Scott Hilditch, Emergency Management Coordinator
Reviewed and Approved By: Rachelle Quattrocchi, Manager Infrastructure
Daniel Freer, General Manager City Assets and Environment

Ordinary Meeting of Council

26 November 2018

Agenda Item No: 10.3

REVISED LEASE AND LICENCE POLICY

Contact Officer: Angela Granter, Acting Team Leader Property Services

Purpose of Report

The purpose of this report is to provide Council with results of the public consultation for the draft Lease and Licence Policy and recommends Council adopt a revised Lease and Licence Policy (*appendix 1* and *appendix 2* for a marked-up copy).

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 results of the public consultation process for the draft Lease and Licence Policy; and
2. Adopt the revised Lease and Licence Policy attached at appendix 1.

1. Executive Summary

Council at the Ordinary Meeting on 27 August 2018, adopted a draft policy for the purpose of public consultation.

The draft Lease and Licence policy was exhibited publicly via the *yourkingstonyoursay* website with a public notice in the Leader newspapers. Existing Group 1 (fully subsidised e.g. kindergartens), Group 2 (majority subsidised e.g. sporting clubs) and tenants were individually notified of the opportunity to provide feedback. Thirteen submissions were received – refer to *appendix 3* for a summary of the feedback received through the public consultation process.

A revised Lease and Licence Policy is now tabled for adoption by Council.

2. Background

In 2004, Council adopted a Leasing Policy to establish guiding principles to effectively manage Council's leased and licensed assets. This policy sought to standardise lease agreements and set fees and charges to be applied to occupancies of Council owned and controlled land. The key intent was provide consistency in the way Council managed its property portfolio.

Officers commenced an in depth review of the Leasing Policy in 2017 which included considerable internal consultation. Councillors have been briefed on a number of occasions throughout 2018 on the development of this policy.

At the Ordinary Meeting on 27 August 2018, Council adopted a draft Lease and Licence Policy for the purpose of public consultation. A summary of the changes to the draft Policy since it was adopted by Council in August 2018 for public consultation is provided below in part 3.3 of this report. *Appendix 2* is a marked-up version of the draft Policy as adopted on 27 August highlighting the subsequent changes that results in the version at *appendix 1*.

3. Discussion

3.1 Council Plan Alignment

Goal 1 - Our well-planned, liveable city supported by infrastructure to meet future needs
Direction 1.3 - Infrastructure and property investment for a functional city now and into the future

The revised policy will provide a framework for how Council deals with its property portfolio that is principled based, providing a consistent approach to property leasing and licencing.

3.2 Consultation

Councillors were briefed on the key aspects of the draft Lease and Licence Policy in late 2017. Internal consultation across the organisation undertaken with a further revised draft Lease and Licence Policy was presented at CIS in March 2018 and August 2018. Council at the Ordinary Meeting on 27 August 2018 adopted a draft policy for the purpose of public consultation.

The draft policy was exhibited publicly via the *yourkingstonyoursay* website with a public notice in the Leader newspapers. Existing Group 1 (fully subsidised e.g. kindergartens), Group 2 (majority subsidised e.g. sporting clubs) and tenants were individually notified of the opportunity to provide feedback on the draft policy.

13 submissions were received of which three acknowledged the policy intent with no impact on the draft policy. One submission raised the issue of sponsors' advertising signs at sporting grounds being restricted to times of use of the facility. Advertising signs are regulated by the Kingston Planning Scheme and accordingly the Policy is subordinate to State regulation which prescribes a preference for non-permanent signage. The policy position of temporary signage (clause 5.21) remains unchanged.

Refer to *appendix 3* for a summary of the feedback received through the public consultation process.

3.3 Operation and Strategic Issues

3.3.1 Lease [clause 5.1]

This has been amended to include in Group 3 category the Level Crossing Removal Authority (LXRA) with the statement that:

Nothing in this policy shall preclude the negotiation of individual agreements that produce a superior financial / or social return to Council and the community.

This aims to recognise the situations that may arise particularly with State Government tenants where compensation is aligned with the financial / or social return commensurate to the community benefit obtained.

3.3.2 Rental [clause 5.4]

Group 2 rental is calculated as 0.2% of the depreciated replacement asset value. One submission has queried who would make this assessment, when and how often?

Valuations currently occur every 2 years and are undertaken by a Valuer appointed from Council's Miscellaneous Valuation Services panel of qualified Valuers. The policy issue is how these regular valuations are captured in leasing charges.

When a lease has an option to renew, it is suggested that this is the point at which the revaluation would take effect – this would be the new base level and from then on, annual compounding increases would occur the prevailing CPI at the time of option renewal.

3.3.3 Shared Use Incentives [clause 5.6] and eligibility [clause 5.6.3]

Taking into consideration feedback concerning the profile of possible users to include small unincorporated community groups and groups of like-minded individuals seeking social engagement, clause 5.6.3 has been amended so that these groups can be considered eligible on the basis of the User Coordinator supporting their use.

3.3.4 Subletting [clause 5.14]

This clause has been amended to clarify that shared use (dealt with under clause 5.6) is not considered subletting.

3.3.5 Hours of Use [clause 5.15]

This clause has been amended to allow for occasional overnight usage of facilities. It recognises that there are properties that lend themselves to being used overnight and as a policy position, Council can facilitate this. The EPA State Environment Protection Policy (Control of Music Noise from Public Premises) have been included as a reference document in the Lease and Licence Policy.

Clause 5.15 now reads as follows:

Occupancy will be in accordance with relevant regulations, permits and EPA policy and is not to adversely impact surrounding neighbours.

3.3.6 End of Tenure [clause 5.24]

This clause has been amended to include the opportunity for the tenant to provide Council with a submission addressing the criteria that is used to assess the use of the Premises.

The criteria is:

- The Tenant's current services and programs, and the Tenant's capacity to provide proposed services and programs;
- Whether the Tenant's use of the property is well/fully utilised;
- Whether the Tenant has adhered to the terms of the agreement including rental payments and maintenance obligations;
- Whether the Tenant's service provides community benefit to the municipality; and
- Whether the Tenant's service continues to be relevant to and within the municipality

Clause 5.24 now includes:

Prior to Council commencing the review of use, the tenant will be provided with the opportunity to provide a submission addressing each of the above criteria.

3.3.7 Definitions [clause 9]

Subsidy Range (referred to in clause 1) is now a defined term as follows:

The Council funded component of the rent represented by the difference between commercial rent based on market value and the rent charged by Council

3.3.8 Minor stylistic changes

The revised Lease and Licence Policy has been amended to correct minor punctual and grammatical errors.

4. Conclusion

Council properties are valuable public assets and it is essential that they are managed transparently and equitably. The proposed Lease and Licence Policy guides Council officers, existing and potential tenants and improves community awareness of Council's approach for managing Council's property.

4.1 Environmental Implications

Not applicable.

4.2 Social Implications

Sporting and community groups occupy a substantial number of Council buildings with Council support through rental subsidy and capital investment, this supports community service delivery into the future.

4.3 Resource Implications

Council continues to bear the greatest burden of cost for maintenance, renewal, compliance and insurance for each tenanted or licensed property. The revised Policy, redirects the revenue from the 2% bar clause from Council to a tenant sinking fund and as a result Council will collect less in revenue.

4.4 Legal/ Risk Implications

After adoption of the revised Lease and Licence Policy, an external legal review of the standard lease templates will be undertaken to ensure alignment with the policy position. Any special conditions are added at the discretion of the Manager Property and Arts. It is proposed that template leases for Group 1 and 2 be made available online with standard terms and conditions to facilitate transparent leasing process.

Appendices

Appendix 1 - DRAFT Lease & Licence Policy (Ref 18/14839) [↓](#)

Appendix 2 - DRAFT Lease & Licence Policy - MARKED-UP COPY (Ref 18/588635) [↓](#)

Appendix 3 - Summary of public submissions received for the DRAFT Lease & Licence Policy (Ref 18/585283) [↓](#)

**City of Kingston
Ordinary Meeting of Council**

Agenda

26 November 2018

Author/s: Angela Granter, Acting Team Leader Property Services
Reviewed and Approved By: Julian Harvey, Manager Property and Arts
Daniel Freer, General Manager City Assets and Environment

10.3

REVISED LEASE AND LICENCE POLICY

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Lease & Licence Policy

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7	Related Documents and Resources	10
8	Transition arrangements.....	10
9	Definitions	10

1 Document Control

The electronic version of this document is the controlled version. Printed copies are considered uncontrolled. Before using a printed copy, verify that it is the current version.

RESPONSIBLE GENERAL MANAGER	General Manager City Assets and Environment
POLICY OWNER	Manager Property & Arts
ADOPTED BY	Council on Select date
REVIEW DATE	31/08/2022
CM REF AND VERSION	18/14839
VERSION HISTORY	

2 Purpose

The purpose of this policy is to provide a framework for a consistent, fair and transparent allocation of Council owned and managed facilities. This policy establishes guiding principles to maximise community access to Council facilities for existing and emerging communities.

3 Scope

This policy applies to all Council owned and controlled properties including freehold and Crown Land to which Council has been appointed as the Committee of Management. The policy does not apply to property that is occupied by Council.

4 Policy Statement

Council recognises the significant contribution community based clubs and organisations provide to the community in the achievement of the objectives set out in the Council Plan. The relationship with Council and its tenants is supported by Leases and Licences that:

- Maximise community benefit
- Protect the rights of tenants and Council
- Are fair and provide equity and inclusion
- Are simple and transparent

5 Policy Details

5.1 Lease

Leases are used to grant the exclusive use of a property for a term in excess of 1 year. The seasonal use of property by different sporting codes is accommodated by granting seasonal leases for pavilions. Council has three categories leases for the purposes of establishing the level of subsidy provided to determine the rental and maintenance regime:

- Group 1 - Fully subsidized - eg Kindergartens
- Group 2 - Majority subsidized - eg Sports Clubs
- Group 3 - No subsidy - Commercial tenants

Group 1	Example	Rent
Community not for profit groups. Have limited capacity to generate significant income. Must be an incorporated association. Subsidy Range: >99%	Kindergartens Historical Societies Life Saving Clubs Community Centres Seniors Groups	Minimum rent Set by User Fees and Charges in annual budget to cover administration costs.

Group 2	Example	Rent
<p>Community, sporting and recreational not for profit groups. Have some capacity to generate significant income (i.e. bar sales, commercial hall hire). Rent is subsidised by Council. Must be an incorporated association.</p> <p>Subsidy Range: 75%-99%</p>	<p>Tennis Clubs Pony Clubs Soccer Clubs Netball Clubs Yacht Clubs Football Clubs Cricket Clubs Hockey Clubs</p>	<p>Rent is a percentage of the depreciated replacement value of the facility. Where the Tenant has exclusive use of land then an additional rental calculation of a percentage of the value of the land is added.</p>
Group 3	Example	Rent
<p>Commercial Tenants</p> <p>Subsidy Range: 0%</p>	<p>Tour De Café APT SunnyBoy Cafe Level Crossing Removal Authority (LXRA)</p>	<p>Rent is market value.</p> <p>Nothing in this policy shall preclude the negotiation of individual agreements that produce a superior financial / or social return to Council and the community.</p>

5.2 Licence

Licences are used to grant a non-exclusive right to occupy a property for a term exceeding 1 year. Licences are granted for the use of a property shared with another licensee or the community generally. A license will be used to allocate a sports club with access to an oval for training and matches that at other times is available for use by the general community. Council will use licenses to maximise the use of property for the benefit of the community and recognise the seasonality of sporting uses of recreation facilities.

5.3 Occupation Agreement

Short term occupation on a perennial basis will be provided via an occupation agreement in recognition of the reoccurring use of property and associated community benefit.

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Council is committed to providing access to property for the benefit of the Kingston community. Council does not seek to derive profit from leases in Group 1 or Group 2.

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Group 2	0.2% of the depreciated replacement asset value
Group 3	To be based on market value.

Tenants that have a liquor licence are required to set aside, in an approved Sinking Fund, 2% of Gross Bar Sales to help fund improvements and maintenance of the Property. Funds must be directed to the renewal or replacement of improvements at the property. Funds are not be used for operational costs or tenants fixtures, fittings and chattels. The utilisation of funds is required to be reported in the annual report and accounts of the tenant.

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Council recognises that organisations need to be certain about their future to enable them to support the community, plan for investment and capitalize upon volunteerism. Lease terms fall into 4 Categories and are based upon the circumstances of the tenant and the strategic direction of Council:

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- **21 Years** – dedicated use facilities with established users who have historically established and built the facilities or make a significant financial contribution to the redevelopment of the property (greater than 20%), stable administration and foreseeable proper fit with Councils Strategic direction – Lifesaving clubs- Bowling Clubs, Yacht Clubs.
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- **1-3 Years** – Leases of up to 3 years are offered generally to new tenants to allow for the establishment of the tenant.

5.6 Shared Use Incentives

Councils aim's is to increase community usage of all facilities incentives as a way of encouraging clubs to share their facilities with the Community an incentive is available to Group 1 and Group 2 Tenants. **The incentive is not available to Group 3 tenants or facilities that include gaming. Liquor rental component does not attract a discount.**

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Council will credit a tenant's account with a maximum of 10% reduction of rent for each third party Community Group usage on a regular and recurring basis.

A tenant's rental can be reduced up to a maximum of 50% through third party community group usage.

5.6.2 Eligibility & Application

In order to qualify for the incentive tenants must provide the User Coordinator with documents as evidence of the benefit to the local community together with the terms of the third parties group's use of the facility. Based on the submission and benefit to the community, the User Coordinator will either recommend approval of the 10% reduction, reduce the percentage discount or reject the reduction in its entirety. Tenants are encouraged to discuss potential shared use with their User Coordinator prior to making commitments.

An example of the operation of the incentive scheme

Mordialloc Sports Club (MSC) occupy the Ben Kavanagh Pavilion paying \$10,000/year in rent. The Mordialloc Men's Shed would like a space to meet weekly on a Tuesday afternoon and cook a BBQ for their members. MSC offers their pavilion for \$1/week and a \$20/week contribution to utilities. Council approves the arrangement and authorises a reduction of 10%, equating to \$1,000 ($\$10,000 \times 10\% = \$1,000$).

5.6.3 Eligibility and selection of a tenant

- Have User Coordinator support;
- Be an incorporated association or equivalent or be supported by the User Coordinator;
- Be a not for profit community based organisation (unless a commercial Tenant);
- Have open membership to the general public or to residents of the City of Kingston;
- Maintain appropriate insurances, including public liability; and
- Have an appropriate risk management plan; and

5.7 Standard Conditions

Council is committed to reducing unnecessary administration and has adopted standard lease, licence, occupancy agreements and maintenance schedules which form the basis of all tenancy agreements. The Standard documents have been reviewed and legally drafted to ensure the rights of tenants and Council are protected. These standard documents will not be varied.

Special Conditions can be added to agreements to address specific circumstances at the discretion of the Manager Property, Arts and Leisure. No special condition shall be included to invalidate an essential term or to hamper the intent of Council. Council reserves its right to pass on any costs incurred as a result of requests for inclusion of Special Conditions.

Selecting the most appropriate agreement will be determined by the type of tenant, use, level of access required and length of occupation.

Negotiations and execution of a new lease or licence shall be finalised within six months of the lease or licence being given to the Tenant for signing. If the date for finalisation of the lease or licence has passed (and a further extension of the negotiation deadline has not been granted) the Tenant shall be deemed an occupier on a month to month arrangement subject to determination at Council's sole option..

Each lease or licence shall include (but not limited to) the following annexures:

- Plan of the premises;
- Standard maintenance schedule; and
- Service agreement. Special conditions may be included to meet specific requirements of Council or the Tenant.

5.8 Maintenance

A maintenance schedule is included in lease and licence agreements and outlines the obligations and responsibilities for each party. The level of maintenance required is based on the capacity of the Tenant to maintain the premise, generate income, fee structure and whether the tenant has installed assets, fittings and fixtures.

Tenants must ensure they budget for regular maintenance of their leased or licensed premises in accordance with their maintenance schedule. Prior written consent from Council must be obtained before undertaking any works on the facility. Council must be consulted prior to the Tenant applying for any grants for capital improvements, fittings or fixtures. Below is a summary table of what each schedule dictates in terms of maintenance, for more detail please read the schedule within the lease or licence.

Schedule 1	Schedule 2	Schedule 3
Generally for Group 1 tenants, schedule places the onus on Council to complete a majority of maintenance.	Generally for Group 2 tenants, schedule calls for Council to complete all structural maintenance whilst the tenant will complete all other maintenance items.	Generally for Group 3 tenants, the schedule calls for all maintenance to be completed by the tenant other than what is required by law as the landlord.

5.9 Insurance and Risk Management

Council will insure at full replacement value all Council owned improvements, excluding fencing, lighting, synthetic surfaces, chattels or contents.

All Tenants are required to take out public liability insurance noting the interest of Council. The minimum cover is \$20 million.

5.10 Occupational Health and Safety obligations

The Tenant or Licensee must have in place appropriate evacuation plans and participate in emergency drills. Tenants are required to adhere to occupational health and safety requirements and essential safety measures in the building.

5.11 Hazard and incident reporting

Tenants must inform Council immediately of any:

- Hazards that are related to Kingston City Council infrastructure and have the potential to cause injury to any person.
- Incidents which resulted in or had the potential to cause injury to any person whether a part of the tenant's organisation, or a member of the public.

5.12 Casual third party hire (not applicable to Group 3)

Some Tenants may be permitted to hire the premises to third parties for one off events. The Tenant must have an appropriate hire agreement, policy and schedule of fees available to the community and must be provided to Council upon request.

It is the responsibility of the Tenant to ensure the third party has appropriate insurances and permits.

The Tenant must agree to charge a maximum of cost plus 20% of the direct expenses incurred as a result of making the facility available for community groups.

Upon demand the tenant must provide to Council a statement of direct costs. A list of all hirers must be given to Council upon request. Council may also require that the Tenant contribute a percentage of the revenue received towards maintenance of the facility or provide evidence that the revenue has been spent on the facility.

5.13 Outgoings

All Tenants are required to pay for outgoings and in a multiuse facility shall be responsible for their portion of the outgoings. The relevant department manager shall determine the apportionment of outgoings.

5.14 Subletting

Council generally does not support subletting, however in some cases may approve on application a sublet to a complimentary use. Subletting is the assignment of part of the leased area to a third party for exclusive occupation. Shared Use (clause 5.6) is not considered subletting as it is not exclusive use occupation.

5.15 Hours of Use (not applicable to Group 3)

Occupancy will be in accordance with relevant regulations, permits and EPA policy and is not to adversely impact surrounding neighbours.

5.16 Liquor Licence

All Tenants must obtain written consent from Council prior to applying for a new liquor licence or applying for an amendment to a liquor licence. Council reserves its rights to object to any expansion or intensification and withhold any permission at its sole discretion.

5.17 Gambling

The Tenant must not permit any gambling or lotteries to be conducted in a Council facility without the appropriate Council approvals and permits. Council will have regard to the scale and intensity of any gaming activity conducted by a tenant determine the rental to be charged from the property. It is the policy of Council that no subsidy should apply to that part, or parts of the premises in which gaming activity is conducted or supported. **Council does not support any additional gaming on its property and will work with tenants to reduce gaming.**

5.18 Reporting

All Tenants are required to provide various reports as a condition of their agreement, which may include but not limited to: annual report (including office bearers, financial statements), a list of hirers that used the premises in the previous financial year, business plan or strategy.

5.19 Community Benefit (not applicable to Group 3)

All Tenants must deliver direct and indirect benefits to the community in areas such as health and wellbeing, support services, social inclusion, cultural and recreational activities. These community benefits are to be reported annually to the User Coordinator.

5.20 Environmental Sustainability

Council is committed to reducing its environmental footprint. Council strongly encourages tenants and users of its facilities to employ and utilize environmentally sustainable practices to improve the environment.

5.21 Signage

The Tenant must seek Council's prior written consent and obtain the necessary planning permits before erecting any signage at the Premises. Council will only support signage that identifies the tenant(s) occupying the space. Any and all advertising signs of sponsors are to be temporary signs that are removed at the end of each day.

5.22 Child Safe Standards

Any Tenant that is engaged in activities which involve children must comply with the Child Safe Standards pursuant to the Child Wellbeing and Safety Act 2005 (Vic) as amended from time to time.

5.23 Working with Children

The Tenant must ensure that the Tenant's employees and volunteers are required to apply for a Working with Children Check under the Working with Children Act 2005 have done so before working with children on Council land.

5.24 End of tenure

Prior to the expiry of the Term, Council will review the use of the premises to assess the strategic requirements of Council and to determine the suitability of entering into a new lease with the Tenant. This review is to be undertaken by the User Coordinator with the assistance of the existing tenant and Council's Community Buildings and Property Services Departments. The review will include

- The Tenant's current services, and programs, and the tenant's capacity to provide proposed services and programs.
- Whether the Tenants use of the Property is well/fully utilised;
- Whether the Tenant has adhered to the terms of the agreement including rental payments and maintenance obligations;
- Whether the Tenant's service provides community benefit to the municipality;
- Whether the Tenant's service continues to be relevant to and within the municipality.

Prior to Council commencing the review of use of the premises, the tenant will be provided with the opportunity to provide a submission addressing each of the above criteria.

5.25 Commercial Agreements

Council owns and manages several commercial properties within the municipality. Leases and Licences to occupy property for commercial purposes are set by either a competitive market mechanism such as an 'Expression of Interest' campaign (E.O.I) or by a market valuation by a suitability qualified property valuer.

5.26 New or Refurbished Buildings

Council will not allow access to a new or refurbished building without a prior lease or licence in place.

5.27 Diversity and inclusion (not applicable to Group 3)

Council recognises that a gender inclusion gap exists in sports. Council encourages clubs to achieve gender equality and diversity by actively pursuing strategies to include female participation in recreational sport at all levels including, on field, operations and administration.

5.28 Unpaid Rent & Compliance Reporting

Tenants with unpaid rent are ineligible to access the Annual Grants Program.

The process for collection of unpaid rent is as follows:

- Stage 1** Within the first 90 days, the Property Services Department will attempt to collect the unpaid rent. This will be done through regular contact with the tenant including, but not limited to, face to face discussion, telephone conversations and emails. Council officers will keep an accurate record of all action taken.
- Stage 2** After a further 60 days a payment plan arrangement will be offered to the tenant. The tenant will be informed at this time, that if there is no agreement to discuss payment plan options, the matter of unpaid rent will escalate.
- Stage 3** After a further 150 days the tenant will be informed that interest will now accrue from this date onwards on the unpaid rent.
- Stage 4** After a further 180 days Council's debt collection agency will be instructed to send a Final Demand Letter in an attempt to prompt a response from the tenant.
- Stage 5** At this stage Officers will provide for Council consideration a recommendation on the treatment of any outstanding debt supported by documentary evidence of each step having been undertaken, responses received and consideration of demonstrated circumstances on their merits.

Council will decide on the appropriate course of action. This includes:

- restricting access
- lease termination

A report will be presented annually to Council detailing each tenant's compliance with the essential terms of their lease over the preceding 12 months. This report will include recommendations to address any non-compliance matters and the status of unpaid rent collection based on the 5 stage process above.

6 Delegation Authority and Decision Guidelines

A variation or exemption from policy will only be approved by Council. Such an exemption request must be made in writing and outline the reason and rationale behind the requested exemption.

6.1 Human Rights Charter

This policy has been reviewed against and complies with the Charter of Human Rights and Responsibilities Act 2006.

7 Related Documents and Resources

Legislation

Building Act 1993

Children's Services Act 1996 and Children's Services Regulations 2004

Child Wellbeing and Safety Act 2005

Crown Land Reserves Act 1978

Education and Care Services National Law 2010

Equal Opportunity Act 2010

Gambling Regulation Act 2003

Liquor Control Reform Act 1998

Local Government Act 1989

Occupational Health and Safety Act 2004

Planning and Environment Act 1987

Retail Leases Act 2003

Tobacco Act 1978

Other resources

State Environment Protection Policy (Control of Music Noise from Public Premises)

8 Transition arrangements

This policy applies to all leases struck after the adoption of this policy by Council. Existing Group 1 and Group 2 tenants may request their current lease to be brought under the provisions of this Policy and upon agreement by Council a new lease will be provided and lease surrender will be executed.

9 Definitions

Committee of Management A committee appointed by the State Government to manage Crown Land.

Community Group	A recognised not-for-profit organisation or group of people who are link by social ties or share common perspectives who engage in joint action that is of altruistic motivation intended to advance the community.
Crown Land	Lands reserved and/or administered under the Crown Land (Reserves) Act 1978, Land Act 1958 and Forests Act 1958 forming the Crown Estate in Victoria.
Depreciated Asset Value	The current replacement cost of an asset less, accumulated depreciation calculated on the basis of such cost to reflect the already consumed or expired future economic benefits of the asset.
Lease	A contract under which the lessor (Council), grants exclusive possession of land to a tenant (group or organisation) for a specified purpose and term.
Licence	A contract under which the licensor (Council), grants non-exclusive use of land to a licensee (group or organisation) for a specified use and period.
Maintenance	Everyday repairs that need to be carried out as a result of fair wear and tear.
Permitted Use	The use to which Council agrees for a property to be used by a tenant.
Property	The land together with any improvements including buildings.
Outgoings	The expenses directly attributable to the operation, maintenance or repair of the Property. These include, gas, water, power, rubbish removal, grease traps, etc.
Seasonal Allocation	The short term licence granted by Council to a licensee to use an area on specific dates and times for a specific purpose.
Service Agreement	An agreement between Council and tenant whereby the tenant agrees to provide a specified service to the community in exchange for subsidised access to a property.
Sinking Fund	A bank account formed for the purpose of periodically setting aside money for the eventual refurbishment, renovation or replacement of a wasting asset.
Subsidy Range	the Council funded component of the rent represented by the difference between commercial rent based on market value and the rent charged by Council
Tenant Commercial Operator	An organisation or business that provides goods, services or activities for financial gain.
User Coordinator	The first port of call and main Council officer that acts as a conduit between a 'User' (tenant) and all of Council's departments.



Lease & Licence Policy

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1 Document Control

The electronic version of this document is the controlled version. Printed copies are considered uncontrolled. Before using a printed copy, verify that it is the current version.

RESPONSIBLE GENERAL MANAGER	General Manager City Assets and Environment
POLICY OWNER	Manager Property & Arts and Leisure Services
ADOPTED BY	Council on Select date
REVIEW DATE	31/08/2022
CM REF AND VERSION	18/14839
VERSION HISTORY	

2 Purpose

The purpose of this policy is to provide a framework for a consistent, fair and transparent allocation of Council owned and managed facilities. This policy establishes guiding principles to maximise community access to Council facilities for existing and emerging communities.

3 Scope

This policy applies to all Council owned and controlled properties including freehold and Crown Land to which Council has been appointed as the Committee of Management. The policy does not apply to property that is occupied by Council.

4 Policy Statement

Council recognises the significant contribution Community based clubs and organisations provide to the community in the achievement of the objectives set out in the Council Plan. The relationship with Council and its tenants is supported by Leases and Licences that:

- Maximise community benefit
- Protect the rights of tenants and Council
- Are fair and provide equity and inclusion
- Are simple and transparent

5 Policy Details

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The Tenant must vacate the leased area by midnight. All functions must cease at 11.30pm or earlier if in accordance with other relevant regulations and permits. Occupancy will be in accordance with relevant regulations, permits and EPA policy and is not to adversely impact surrounding neighbours.

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All Tenants are required to provide various reports as a condition of their agreement, which may include but not limited to: annual report (including office bearers, financial statements), a list of hirers that used the premises in the previous financial year, business plan or strategy.

5.19 Community Benefit (not applicable to Group 3)

All Tenants must deliver direct and indirect benefits to the community in areas such as health and wellbeing, support services, social inclusion, cultural and recreational activities. These community benefits are to be reported annually to the User Coordinator.

5.20 Environmental Sustainability

Council is committed to reducing its environmental footprint. Council strongly encourages tenants and users of its facilities to employ and utilize environmentally sustainable practices to improve the environment.

5.21 Signage

The Tenant must seek Council's prior written consent and obtain the necessary planning permits before erecting any signage at the Premises. Council will only support signage that identifies the tenant(s) occupying the space. Any and all advertising signs of sponsors are to be temporary signs that are removed at the end of each day.

5.22 Child Safe Standards

Any Tenant that is engaged in activities which involve children must comply with the Child Safe Standards pursuant to the Child Wellbeing and Safety Act 2005 (Vic) as amended from time to time.

5.23 Working with Children

The Tenant must ensure that the Tenant's employees and volunteers are required to apply for a Working with Children Check under the Working with Children Act 2005 have done so before working with children on Council land.

5.24 End of tenure

Prior to the expiry of the Term, Council will review the use of the pPremises to assess the strategic requirements of Council and to determine the suitability of entering into a new lease with the Ttenant. This review is to be undertaken by the User Coordinator with the assistance of the existing occupant-tenant and Council's Community Buildings and Property Services Departments. The review will include

- The Tenant's current services, and programs, and the tenant's capacity to provide proposed services and programs.
- Whether the Tenants use of the Property is well/fully utilised;
- Whether the Tenant has adhered to the terms of the agreement including rental payments and maintenance obligations;
- Whether the Tenant's service provides community benefit to the municipality;
- Whether the Tenant's service continues to be relevant to and within the municipality.

Prior to Council commencing the review of use of the premises, the tenant will be provided with the opportunity to provide a submission addressing each of the above criteria.

5.25 Commercial Agreements

Council owns and manages several commercial properties within the municipality. Leases and Licences to occupy P~~ro~~property for commercial purposes are set by either a competitive market mechanism such as an 'Expression of Interest' campaign (E.O.I) or by a market valuation by a suitability qualified property valuer.

5.26 New or Refurbished Buildings

Council will not allow access to a new or refurbished building without a prior lease or licence in place.

5.27 Diversity and inclusion (not applicable to Group 3)

Council recognises that a gender inclusion gap exists in sports. Council encourages clubs to achieve gender equality and diversity by actively pursuing strategies to include female participation in recreational sport at all levels including, on field, operations and administration.

5.28 Unpaid Rent & Compliance Reporting

Tenants with unpaid rent are ineligible to access the Annual Grants Program.

The process for collection of unpaid rent is as follows:

- Stage 1** Within the first 90 days, the Property Services Department will attempt to collect the unpaid rent. This will be done through regular contact with the tenant including, but not limited to, face to face discussion, telephone conversations and emails. Council officers will keep an accurate record of all action taken.
- Stage 2** After a further 60 days a payment plan arrangement will be offered to the tenant. The tenant will be informed at this time, that if there is no agreement to discuss payment plan options, the matter of unpaid rent will escalate.
- Stage 3** After a further 150 days the tenant will be informed that interest will now accrue from this date onwards on the unpaid rent.
- Stage 4** After a further 180 days Council's debt collection agency will be instructed to send a Final Demand Letter in an attempt to prompt a response from the tenant.
- Stage 5** At this stage Officers will provide for Council consideration a recommendation on the treatment of any outstanding debt supported by documentary evidence of each step having been undertaken, responses received and consideration of demonstrated circumstances on their merits.

Council will decide on the appropriate course of action. This includes:

- restricting access
- lease termination

A report will be presented annually to Council detailing each tenant's compliance with the essential terms of their lease over the preceding 12 months. This report will include recommendations to address any non-compliance matters and the status of unpaid rent collection based on the 5 stage process above.

6 Delegation Authority and Decision Guidelines

A variation or exemption from policy will only be approved by Council. Such an exemption request must be made in writing and outline the reason and rationale behind the requested exemption.

6.1 Human Rights Charter

This policy has been reviewed against and complies with the Charter of Human Rights and Responsibilities Act 2006.

7 Related Documents and Resources

Legislation

Building Act 1993

Children's Services Act 1996 and Children's Services Regulations 2004

Child Wellbeing and Safety Act 2005

Crown Land Reserves Act 1978

Education and Care Services National Law 2010

Equal Opportunity Act 2010

Gambling Regulation Act 2003

Liquor Control Reform Act 1998

Local Government Act 1989

Occupational Health and Safety Act 2004

Planning and Environment Act 1987

Retail Leases Act 2003

Tobacco Act 1978

Other resources

[State Environment Protection Policy \(Control of Music Noise from Public Premises\)](#)

8 Transition arrangements

This policy applies to all leases struck after the adoption of this policy by Council. Existing Group 1 and Group 2 tenants may request their current lease to be brought under the provisions of this Policy and, upon agreement by Council a new lease will be provided and lease surrender will be executed.

9 Definitions

Committee of Management A committee appointed by the State Government to manage Crown Land.

Community Group	A recognised not-for-profit organisation or group of people who are link by social ties or share common perspectives who engage in joint action that is of ultraistic -altruistic motivation intended to advance the community.
Crown Land	Lands reserved and/or administered under the Crown Land (Reserves) Act 1978, Land Act 1958 and Forests Act 1958 forming the Crown Estate in Victoria.
Depreciated Asset Value	The current replacement cost of an asset less, accumulated depreciation calculated on the basis of such cost to reflect the already consumed or expired future economic benefits of the asset.
Lease	A contract under which the lessor (Council), grants exclusive possession of land to a tenant (group or organisation) for a specified purpose and term.
Licence	A contract under which the licensor (Council), grants non-exclusive use of land to a licensee (group or organisation) for a specified use and period.
Maintenance	Everyday repairs that need to be carried out as a result of fair wear and tear.
Permitted Use	The use to which Council agrees for a property to be used by a tenant.
Property	The land together with any improvements including buildings.
Outgoings	The expenses directly attributable to the operation, maintenance or repair of the Property. These include, gas, water, power, rubbish removal, grease traps, etc.
Seasonal Allocation	The short term licence granted by Council to a licensee to use an area on specific dates and times for a specific purpose.
Service Agreement	An agreement between Council and tenant whereby the tenant agrees to provide a specified service to the community in exchange for subsidised access to a property.
Sinking Fund	A bank account formed for the purpose of periodically setting aside money for the eventual refurbishment, renovation or replacement of a wasting asset.
<u>Subsidy Range</u>	<u>the Council funded component of the rent represented by the difference between commercial rent based on market value and the rent charged by Council</u>
Tenant Commercial Operator	An organisation or business that provides goods, services or activities for financial gain.
User Coordinator	The first port of call and main Council officer that acts as a conduit between a 'User' (tenant) and all of Council's departments.

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#	Submitter	Feedback source	Submission	Relevant clause	Officer comment
1	Frank Edwards President Life Activities Club Cheltenham Inc	Replied to direct email notification sent to all Group 1 & 2 tenants	It makes a lot of sense to clearly set out the rules for all users of Council property and all of the relevant matters appear to us to be well covered. We are in general agreement with the proposed terms and have nothing to add	Not applicable	Noted
2	Rob Tennant President Mordialloc Life Saving Club	Replied to direct email notification sent to all Group 1 & 2 tenants	no real issues with me here	Not applicable	Noted
3	Paul McGarity	<i>yourkingstonyoursay</i>	It's precise and clear.	Not applicable	Noted
4	Jeff Mayes	<i>yourkingstonyoursay</i>	I am writing this response on behalf of Highmoor Uniting Tennis Club. Our club has a 9 year lease with council on the land our tennis courts are on. We have successfully negotiated with council the past 2 times our lease has been renewed to ensure that the club, and not he council, has the final say on whether our lease is terminated before the 9 years is up. Specifically we have objected to the following clause Clause 20.1.1 "If the Council desires, during the term of this lease, to carry out extensive renovations, additions or alterations to the building, or should the Council receive an offer to lease the Premises to another tenant on terms more favourable to the Council, the because it does not guarantee a security of tenure for the 9 years. Our negotiated past 2 leases include the following clause in place of the original 20.1.1 "The Council has no entitlement to require Tenant to relocate during the Term. However, the council may offer to relocate the Tenant and if both parties agree in writing, the Tenant may relocate during the Term." Renegotiating the lease to conditions that we believe give our club a secure 9 year lease is time consuming and we would like to see a more conciliatory attitude from council rather than repeatedly being told that this our standard lease and please sign it without question	5.7	<p>The standard clause is:</p> <p>21.1 Council's entitlement to require Tenant to relocate</p> <p>21.1.1 If the Council desires, during the term of this lease, to carry out extensive renovations, additions or alterations to the building, or should the Council receive an offer to lease the Premises to another tenant on terms more favourable to the Council, the Council may serve on the Tenant notice requiring the Tenant on a specified date, which is not less than three (3) months after the date of service of the notice, to vacate the Premises.</p> <p>21.1.2 An effective notice under this clause terminates this Lease and the Tenant's entitlement to possession of the Premises at the date when the Tenant is required to vacate the Premises under the notice.</p> <p>21.1.3 The notice, in order to be effective, must include an offer to relocate the Tenant in accordance with clause 21.2.</p> <p>As the property owner, Council has this entitlement however in practice Council would be discussing options with the Tenant to ensure there was a suitable alternate location. The Club's concerns are noted and a case-by-case approach has been taken.</p>

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#	Submitter	Feedback source	Submission	Relevant clause	Officer comment
5	Carly Middleton	<i>yourkingstonyoursay</i>	For kindergartens, as an employer and approved provider, we do not require Victorian Institute of Training registered Teachers to undertake a Working with Children Check. Clause 5.23 The Tenant must ensure that the Tenant's employees and volunteers are required to apply for a Working with Children Check under the Working with Children Act 2005 have done so before working with children on Council land.	5.23	Teachers currently registered with the Victorian Institute of Teaching (VIT) are exempt from the Working with Children Check. However, if their VIT registration is suspended or cancelled, there is no longer an exemption and the Teacher must apply for a Check. A teacher must, in writing, notify every organisation that engages them in child-related work within seven days of the suspension or cancellation of their registration. Officers' view is that where there is an exemption available under the Working with Children Act 2005, the tenant can rely upon this however the Lease template should address this. All lease templates will be reviewed after the adoption of the revised Lease Policy
6	Robert Lester	<i>yourkingstonyoursay</i>	I am the President of the Oakleigh Pistol Club (OPC) which has a lease with Kingston Council for land on the Deals Road reserve. OPC has occupied this site for 40 plus years and has invested in excess of \$300,00 in buildings and infrastructure and we find it difficult to find the classification of the club within the groupings in the proposed new lease agreement.	5.1	Group 2 includes sporting groups and this is the category applicable to the Oakleigh Pistol Club. Club will be advised of this.
7	RJ Nixon	<i>yourkingstonyoursay</i>	I am concerned with the idea of sponsors advertising signs only to be displayed during times of use of the facility. Sporting clubs rely on sponsorship to help defray the cost of running a club that is manned by volunteers. Sponsors are less likely to be involved if their signage is only displayed during these times. Sponsorship helps with costs of junior promotion, insurances, rent, supply of support facilities and we need to be getting support from sponsors to help promote healthy outdoor activity.	5.21	Draft policy states: <i>Any and all advertising signs of sponsors are to be temporary signs that are removed at the end of each day.</i> Kingston's Planning Scheme prescribes the following:

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#	Submitter	Feedback source	Submission	Relevant clause	Officer comment
	RJ Nixon	<i>yourkingstonyoursay</i>			<p>Public land</p> <p>Kingston is host to a number of land parcels reserved for public purposes. This land includes foreshore reserves, open space areas, railway land, schools and so on. These areas are afforded maximum signage limitation.</p> <ul style="list-style-type: none"> Discourage the display of animated signs, above verandah signs, sky signs, panel signs, major promotion signs, bunting signs, high wall signs, illuminated signs, reflective signs and V-board signs to reduce visual clutter. Discourage the proliferation of signs given that visual clutter and the dominance of signs would reduce the landscape value and amenity of the area. Encourage, where signs can be demonstrated to be appropriate or necessary particularly to local sports clubs, the appropriate location, siting, size and design of preferably non permanent signs, so as to have minimal impact on surroundings. Limit signs on sporting grounds and grandstands which would be visible from surrounding parkland. <p>Whilst the Planning Scheme does not prohibit signage, the policy preference is for temporary signage. Use of social media and internet can provide a great reach.</p>
8	Community and Assistance and Information Bureau	Replied to direct email notification sent to all Group 1 & 2 tenants	<p>In general, the Bureau has no concerns with the policy as outlined; The executive understands that when individual leases are presented there will be an opportunity to seek special clauses acknowledging an organisations particular needs and circumstances. We understand that this can be accommodated under the second paragraph of 5.7 Standard Conditions – Special Conditions can be added to agreements to address specific circumstances at the discretion of the Manager Property, Arts and Leisure. No special condition shall be included to invalidate an essential term or to hamper the intent of Council. Council reserves its right to pass on any costs incurred as a result of requests for inclusion of Special Conditions.</p> <p>Utilising t this clause if it, or something of a similar nature, is included in the final policy the Bureau will be seeking City of Kingston's agreement to finance and make alterations to the premises to ensure safety of the staff. The changes sought would be in accordance with the recommendations arising from a visit by representatives of the Victoria Police.</p>	5.7 & 5.10	OH&S is the responsibility of the tenant. On adoption of the revised Lease & Licence policy, the template documents will be reviewed.

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9	Greenwood Village	Replied to direct email notification sent to all Group 1 & 2 tenants	<p>We have read with interest your new policy and request clarification of our classification within this policy. We do not know whether the current rental levied is in any way subsidised.</p> <p>We are a Retirement Village which is owned and operated by itself, incorporated and managed on a not for profit basis. Under your definitions, we could fit into, either in Group 1 or Group 2.</p> <p>We lease a very small parcel of Council owned land which is used by garden enthusiasts amongst our residents. It provides a vital link in their health and welfare.</p> <p>A new lease was signed off by Council a few months ago and we would expect that this would be honored for its duration.</p> <p>We look forward to your response</p>	5.1 & 8	<p>The Tenant is considered a Group 1 on the basis of its status being similar to a Seniors Group.</p> <p>Clause 8 details the transition process, stating that the revised Policy will apply to all leases struck AFTER adoption of the revised Policy.</p> <p>Greenwood Village will be advised of the above.</p>
10	Gerry Green Committee	info@kingston.vic.gov.au	<p>I don't believe that Council should be utilising revenue from alcohol sales to support Councils community facilities. Council receives income from clubs from the hire of the venue, and this alcohol fee is an additional charge that is taxing local community sports clubs. Clubs are volunteer run and do not receive significant revenue, this tax is an unnecessary burden on clubs. Also, part of the fundraising abilities of clubs is via social events and drinks sales, so to further tax the club is not appropriate. There is also the administrative burden of volunteers needing to manage the financials, book keeping, finance processes etc related to this process.</p> <p>Council has a well documented desire to encourage community use of sporting pavilions. To truly make the Council building a functional multi-use community facility, Council should be helping community groups and clubs create sustainable relationships to facilitate the opportunity for shared use of Council buildings. The sports clubs should not need to reach out to random community groups who may or may not need support, but rather Council should be working with the community groups in need of support or needing a local community venue to hire, and introducing them to the sports clubs to help broker a shared use arrangement.</p> <p>Council is in the best position to understand the broader needs of the local community and better assign the shared building use to appropriate groups and those in need. Council has more intel into the needs of the local community, where the gaps are, and what groups are needing access to local facilities, and how the Council pavilion can play a role to support other local groups. Council will get a better outcome for the community using the knowledge and skills they have, and therefore supporting the groups in need.</p>	5.4 5.61 & 5.6.2	<p>Longstanding Council position that tenants that have the capacity to earn additional revenue, that this enhanced capacity be accessed in a small way to fund works.</p> <p>A strategic position on the management of facilities could be considered by Council. With Gerry Green Reserve available from December and Mentone Pavilion also being redeveloped, how are these facilities best managed to ensure they are vibrant active spaces, particularly during Mon-Fri business hours.</p>

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#	Submitter	Feedback source	Submission	Relevant clause	Officer comment
	Gerry Green Committee	info@kingston.vic.gov.au	<p>If community groups cause damage to the building, the community group should pay for it. If Council or club hires the venue to another group, that group should be responsible</p> <p>Who pays for the improvements to the fencing, lighting, synthetic, chattels and contents if Council is not?</p> <p>Council should be responsible for the evacuation plans of their Council buildings. Volunteers at a sports club are not qualified to document such important processes impacting peoples safety. These plans need to be completed by professionals, by Council staff or qualified contractors. The expectation to place the safety of the public into the hands of unqualified volunteers at a club is not appropriate or safe, and will create risks to the general public, the clubs and Council.</p> <p>The Buildings will be used by more people than just the sports clubs members, so the plans need to be clear, simple, and best practice to ensure the public are safe.</p> <p>We need more information of what this looks like, what can be permitted, This clause is too brief</p>	<p>5.8</p> <p>5.8</p> <p>5.10</p> <p>5.12</p>	<p>Noted - can be addressed through the licence agreement with the community group</p> <p>For Group 2 tenants (sporting clubs fall into this category) it is proposed that Council <i>complete all structural maintenance whilst the tenant will complete all other maintenance items.</i> The Maintenance schedules will be placed on the website for transparency that will assist tenants particularly prior to entering into negotiations to have access to information early.</p> <p>OH&S is the responsibility of the tenant. On adoption of the revised Lease & Licence policy, the template documents will be reviewed & if further clarification is needed, it will be included in the template document.</p> <p>Draft clause is: <i>Some Tenants may be permitted to hire the premises to third parties for one off events. The Tenant must have an appropriate hire agreement, policy and schedule of fees available to the community and must be provided to Council upon request. It is the responsibility of the Tenant to ensure the third party has appropriate insurances and permits.</i> <i>The Tenant must agree to charge a maximum of cost plus 20% of the direct expenses incurred as a result of making the facility available for community groups.</i> <i>Upon demand the tenant must provide to Council a statement of direct costs. A list of all hirers must be given to Council upon request. Council may also require that the Tenant contribute a percentage of the revenue received towards maintenance of the facility or provide evidence that the revenue has been spent on the facility</i></p>

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#	Submitter	Feedback source	Submission	Relevant clause	Officer comment
11	Mordialloc Sailing Club	Replied to direct email notification sent to all Group 1 & 2 tenants	<p>Clause 5.15 The tenant must vacate the leased area by midnight. All functions must cease at 11.30pm or earlier if in accordance with other relevant regulations and permits.</p> <p>The Executive felt this clause overly restrictive, it does not take into consideration events held by community clubs such as sleep overs for Junior members, nor community clubs holding New Years Eve functions for its members. The executive believes that current noise restrictions adequately maintain local ambience for near-by residences and that this clause does not add any value to the policy. The executive Committee requests that this clause be amended to allow community clubs to exercise discretion in setting hours of use, or as a minimum allow clubs to apply for extensions to hours of use as appropriate.</p>	5.15	<p>Clause will be amended to read as follows: <i>All licensed functions must cease at 11.30PM or in accordance with relevant regulations and permits, including liquor licence requirements. Any other occupancy will be in accordance with EPA guidelines and is not to adversely impact surrounding neighbours.</i></p>

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#	Submitter	Feedback source	Submission	Relevant clause	Officer comment
12	Chelsea Yacht Club	info@kingston.vic.gov.au	<p>Rental</p> <p>In respect of determining the depreciated replacement asset value, who would make this assessment, when and how often?</p> <p>How does building redevelopment affect this value and would such ongoing improvements cause significant rent increases from one year to the next?</p> <p>How do we determine and what is the CYC's depreciated replacement asset value?</p> <p>In respect of the statement "Where the Tenant has exclusive use of land then an additional rental calculation of a percentage of the value of the land is added."</p> <p>- Would this second rent component apply to the CYC operations?</p> <p>- Are we deemed to have 'exclusive use of land'?</p> <p>- What is the planned percentage rate?</p> <p>- What is the estimate of the land value of the yacht club site? Would</p>	5.4	<p>Valuations currently occur every 2 years and are undertaken by a valuer appointed from Council's Miscellaneous Valuation Services panel of qualified Valuers.</p> <p>The policy issue is how are these regular valuations captured in leasing charges.</p> <p>Currently - annual increases are 2% compounding</p> <p>When a lease has an option to renew, it is suggested that this is the point at which the revaluation could be take effect - the new base level and from then on, 2%.</p> <p>Does this change trigger the need for further consultation?</p> <p>Last valuation was at 1/1/2018</p> <p>Rent is per executed lease</p> <p>These are questions specific to the Chelsea Yacht Club (CYC) and will be responded to separately directly back to CYC.</p>

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#	Submitter	Feedback source	Submission	Relevant clause	Officer comment
	Chelsea Yacht Club	info@kingston.vic.gov.au	<p>Shared use</p> <p>The CYC understands the value of shared use of the facilities and does actively encourage and engage with a number of community groups and commercial users in the alternate use of the premises. Currently the club is used weekly by at least two dance groups covering classical and Irish dance elements, a spiritual and meditative group and monthly Irish music sessions as both an opportunity to practice and enable other social interactions. These users are all validly supporting the community for specific interests, yet it is unlikely that each are of a size and nature to be incorporated. For clarity, the CYC has had users we would defined as transient third parties, regular small unincorporated community groups and groups of like-minded individuals seeking social engagement. We have also had formal community users such as Rotary, Lions and the Scouting Association. Thus we consider that the eligibility factor, identifying the user as needing to be an incorporated association, is prohibitive and might deny any club of the opportunity to meet the incentive terms and some level of rent reduction. This despite use by valid community use organisations and groups</p> <p>Maintenance</p> <p>In respect of standard maintenance requirements, CYC would make the observation that the maintenance regime needed to maintain any beach-side located infrastructure, compared to structures located further away from the beach environment, will be greater in scope and potential cost. This is accepted as part of the beach location, however certainly in CYC's case, the potential for deriving higher levels of other income from use of our club building, is generally not achieved with hire rates having to be pretty consistent with other non-beach club facilities to be able to attract users. This places such clubs at some financial</p> <p>Casual third party hire</p> <p>This clause suggests that some percentage of revenue may need to be applied to maintenance of facilities. Has Council determined a percentage factor?</p>	<p>5.6</p> <p>5.8</p> <p>5.12</p>	<p>Draft policy prescribes under clause 5.6.3 Eligibility and selection of tenant that it be an incorporated association or equivalent.</p> <p>Flexibility needed - User Coordinator support and being a not-for-profit community based organisation / group with open membership would seem crucial</p> <p>Clause 5.6.3 amended to include:</p> <ul style="list-style-type: none"> • Be an incorporated association or equivalent or be supported by the User Coordinator <p>Noted, however activities such as yoga maybe more conducive to a beach club facility.</p> <p>Draft policy states the following: <i>Council may also require that the Tenant contribute a percentage of the revenue received towards maintenance of the facility or provide evidence that the revenue has been spent on the facility.</i></p> <p>No blanket percentage has been determined.</p>

#	Submitter	Feedback source	Submission	Relevant clause	Officer comment
	Chelsea Yacht Club	info@kingston.vic.gov.au	<p>In respect of the definition for "community Groups", CYC would make the observation that it believes the definition is quite restrictive to the potential recognition of some legitimate community participation groups. CYC wonders too about the intent of the use of the term "ultraistic" generally taken to mean those who advocate extreme points of view or actions.</p> <p>Broadly, we wonder whether a better definition could be struck to define a community group, with intent to cover both formal community organisations and groups of likeminded individuals aiming to provide some form of social enaaement and participation</p> <p>End of Tenure</p> <p>In respect of Council premise review near end of tenure, for decision on renewal or termination of lease, CYC notes that there is no mention of a Dispute process. It is solely at the behest of the council with no comeback. Clause 5.24 of the draft policy gives no such assurity, indeed the Council may decide that yachting is not consistent with their sporting strategy and the current policy wording means the club could cease to exist.</p> <p>This may be a component of the Standard Conditions, but without an annexure document available to permit review of the standard conditions Council is proposing to adopt, we can only comment in respect of the words put to us through this draft policy document. Perhaps the policy should include a statement such as that the current tenant/licence holder is to be given first right of refusal to renew the lease and/or licence</p>	<p>9</p> <p>5.24</p>	<p>Draft policy defines Community Groups as: <i>A recognised not-for-profit organisation or group of people who are linked by social ties or share common perspectives who engage in joint action that is of ultraistic motivation intended to advance the community.</i></p> <p><i>Ultraistic should read Altruistic - Clause 5.24 updated</i></p> <p>On adoption of the revised Lease & Licence policy, the template lease documents will be reviewed. These template documents will then be made available via Council's website. First right of refusal could be considered case by case and where appropriated included as a Special Condition. It is not considered prudent to include as a Standard Condition.</p>
13	Jill Anderson Clarinda Clayworkers Inc	Replied to direct email notification sent to all Group 1 & 2 tenants	<p>Item 5.1 - what is the definition of Subsidy Range</p> <p>Item 5.6.1 - Incentive formula - There appears to be a conflict with this and the policy of not subletting. The difference is not clear</p> <p>Item 5.7 - Suggested inclusion: that KCC be required to expedite negotiations and respond to applicant within xx days. (It took 18 months to negotiate our agreement -see end notes</p> <p>Item 5.8 – Suggested inclusion: that KCC will respond to agreed obligations and maintenance within a given time period</p>	<p>5.1</p> <p>5.6.1 & 5.14</p> <p>5.7</p> <p>5.8</p>	<p><i>Clause 9 Definition amended with the addition of: Subsidy range - the Council funded component of the rent represented by the difference between commercial rent based on market value and the rent charged by Council</i></p> <p><i>Clause 5.14 amended to include the following: Shared Use (clause 5.6) is not considered subletting as it is not exclusive use occupation.</i></p> <p>Customer Focus - business rules on what the community can expect when interacting with Council - is it a response within 24 hours, 48 hours? This can be addressed in a procedure (if need be)</p> <p>Works are scheduled and tenant should be informed of anticipated date. If this needs to change due to unforeseen circumstances, the tenant is to be updated. This can be addressed in a procedure. <i>Officer comment has been provided to Anthony Ziem for feedback</i></p>

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	Jill Anderson Clarinda Clayworkers Inc	Replied to direct email notification sent to all Group 1 & 2 tenants	Item 5.13 –Suggested inclusion: that KCC will provide accounts for outgoings with supporting documentation at least quarterly	5.13	Supporting documentation is provided to tenants eg. Utilities
			Item 5.24 – Suggested inclusion: review of lease or license will be based on agreed objective measures; - not subjective, not retrospective	5.24	<p>General criteria listed in clause 5.24 is:</p> <ul style="list-style-type: none"> • The Tenant's current services, and programs, and the tenant's capacity to provide proposed services and programs. • Whether the Tenants use of the Property is well/fully utilised; • Whether the Tenant has adhered to the terms of the agreement including maintenance obligations; • Whether the Tenant's service provides community benefit to the municipality; • Whether the Tenant's service continues to be relevant to and within the municipality. <p>Clause 5.24 amended to include the following: Prior to Council commencing the review of use, the tenant will be provided with the opportunity to provide a submission addressing each of the above criteria.</p>

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Draft Lease & Licence Policy - Summary of public submissions received.xlsx

#	Submitter	Feedback source	Submission	Relevant clause	Officer comment
	Jill Anderson Clarinda Clayworkers Inc	Replied to direct email notification sent to all Group 1 & 2 tenants	<p>Item 5.7: Regarding the standard lease/license document: The lease document has many clauses in it that we were told could not be changed or deleted despite not being applicable to our group. There were many emails to this effect, yet we have signed a legal document that effectively over rules these emails if there was to be a problem. It took many months of sending questions to Council to find this out. We were told we could not negotiate the deletion of these clauses or a signed crossing out of clauses where they did not apply to us. This made our decision to sign the lease a very drawn out process as we had to then consider the legal consequences of signing a lease with so many requirements that clearly did not apply to us. This could have been made easier and clearer with clear written statements by Council.</p> <p>For example: - 3.3 "The Tenant must pay for all services....." - 3.4 Costs and Duty: (None of these points apply to us....) - 3.5 Security Deposit (Does not apply to our group) - 7.17.1 We needed a clear explanation of several sections of the lease regarding our responsibilities eg. OH&S compliancy and payment of costs for repairs and when they would apply to us.- 10.2 Indemnity we needed explanation of exactly what space that applied to (in our case ie. "only studio space not the shared areas") - 14.2 Dealing with the Premises: (We were told won't apply to us.) - 23.4 Additional Clauses: The additional clauses override any inconsistent provisions in the lease. (We were told this means that Annexure A would override some clauses) It would have been helpful and far less time consuming if a council officer had taken the time to go through the lease and explain clearly which clauses would be applied instead of the months of questions and answers via emails - Annexure B: took 18 months to negotiate with KCC as the previous agreement was no longer applicable following the reduction of the pottery studio space. We needed to negotiate point by point what we could or could no longer do within that space. This process was unnecessarily drawn out, we believe, and made it difficult for us as a group to maintain the interest and enthusiasm of all involved. - As we went to sign the lease, there were pages attached to the lease that were not sent to us as a group in draft form. There were also differences between the two copies of the lease we were to sign. This further drew out the process</p>	5.7	<p>Standard lease / licence templates will be used and standard conditions will not be deleted, however the schedule A could detail the applicability of each clause</p> <p>Less than ideal experience noted</p>

18/585283

Ordinary Meeting of Council

26 November 2018

Agenda Item No: 10.4

OUTCOME OF DRAFT FENCING POLICY CONSULTATION

Contact Officer: Michelle Hawker, Senior Administration Officer
Angela Granter, Acting Team Leader Property Services

Purpose of Report

The purpose of this report is to advise Council on the outcome of the community consultation regarding the draft Fencing Policy and to recommend that Council adopt the revised Fencing Policy attached at appendix 1.

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 adopt the revised Fencing Policy.

1. Executive Summary

Council resolved at the July 2018 Ordinary Meeting to publicly advertise the draft Fencing Policy. The community was invited to provide comments on the draft Policy through public notices placed on 8 August 2018 in the Moorabbin and Mordialloc Leaders and Chelsea Mordialloc Mentone News on and also Council's *yourkingstonyoursay* website. The draft policy was available on Council's Website.

Submissions closed on 15 September 2018 and no submissions were received.

2. Background

At the July 2018 Ordinary Meeting, Council resolved the following:

10.6 Draft Fencing Policy

RECOMMENDATION

That Council:

1. Adopt the Draft Fencing Policy 2018 (Appendix 1) for the purpose of consultation with the community, and
2. Receive a further report including consultation findings and for further consideration.

Note: Refer to page 5 of the Minutes where this item was block resolved

Council's current Fencing Policy was adopted in 1997 (see appendix 2). This policy has worked well over the past 20 years however concerns have been raised internally and externally regarding when Council will contribute to the cost of fences adjoining Council owned and managed land.

The purpose of the draft Fencing Policy is to clearly outline Council's obligations and willingness to share fencing costs with adjoining property owners. The policy will also provide consistency in the information provided to both internal and external parties.

Appendix 3 highlights the changes between the current policy and the proposed policy. In summary these changes are:

- The *Fencing Act 2014* prescribed that Councils are no longer required to contribute to fencing of properties that adjoin Council reserves however it is proposed that Council will continue to contribute 50% of cost of a standard fence up to 1.9 meters.
- Exclusions have always been included in the Policy however these have been expanded to clearly include discontinued roads, walkways and other unoccupied spaces.

3. Discussion

3.1 Council Plan Alignment

Goal 1 - Our well-planned, liveable city supported by infrastructure to meet future needs
Direction 1.1 - Intergenerational land use planning for a sustainable community

3.2 Consultation/Internal Review

Community consultation was via Council's *yourkingstonyoursay* website and advertising in the local newspapers for a period of 28 days. No submissions were received.

In drafting the revised Fencing Policy officers had previously engaged with internal departments. The key internal stakeholders were:

- Community Buildings Programmed Maintenance.
- Community Buildings Reactive Maintenance.
- Parks.
- Customer Care.

3.3 Operation and Strategic Issues

3.3.1 Extent of requests

Email and phone queries from the community regarding fencing responsibilities will be reduced as with the improved clarity concerning which fences Council will equally share costs. The Policy will be published on Council's website, providing accessible information which will provide ratepayers with an opportunity to seek their own advice.

3.3.2 Sector review

Officers conducted a desktop review of other Local Government Authorities' Fencing Policies. In summary the policies reflected a similar position and contents to Council's draft Fencing Policy.

3.3.3 Contribution responsibilities

The review of the existing policy revealed a need to be explicit on those circumstances where Council does not contribute to boundary fencing. Council does not contribute to the cost of fences on roads, drains and Crown Land. However where an unused road or walkway forms part of a recreation reserve, it has been officers practice to contribute to fencing costs and this practice has been clarified and confirmed in the draft Fencing Policy.

3.4 Options

3.4.1 Option 1 – Officer recommendation

Adopt the updated Fencing Policy.

3.4.2 Option 2

Do not adopt the updated Fencing Policy.

4. Conclusion

4.1 Environmental Implications

Nil

4.2 Social Implications

To assist property owners, a fact sheet will be available on Council's website.

4.3 Resource Implications

The revised policy will have a positive impact on Council's resources. The number of queries on shared fencing costs from internal and external sources should reduce due to policy accessibility and improved clarity of information.

4.4 Legal / Risk Implications

The *Fencing Act 2014* does not require Council to make contributions towards the construction and maintenance of a common boundary fence with an adjoining owner in respect of land owned by, vested in or under the care, control or management of Council for the purpose of a public park.

Under the proposed Policy, Council will continue to contribute 50% of the cost of a standard fence adjoining Council owned land including parks.

Appendices

Appendix 1 - Draft Fencing Policy 2018 (Ref 18/90243) [↓](#)

Appendix 2 - Fencing Policy 1997 (Ref 12/23790[v2]) [↓](#)

Appendix 3 - Draft Fencing Policy 2018 - Marked up changes (Ref 18/586914) [↓](#)

Author/s: Michelle Hawker, Senior Administration Officer
Angela Granter, Acting Team Leader Property Services

Reviewed and Approved By: Julian Harvey, Manager Property and Arts
Daniel Freer, General Manager City Assets and Environment

10.4

OUTCOME OF DRAFT FENCING POLICY CONSULTATION

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City of
KINGSTON

Fencing Policy

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1 Document Control

The electronic version of this document is the controlled version. Printed copies are considered uncontrolled. Before using a printed copy, verify that it is the current version.

RESPONSIBLE GENERAL MANAGER	General Manager City Assets and Environment
POLICY OWNER	Manager Property & Arts
APPROVED/ADOPTED BY	Council on XX XXX 2018
EFFECTIVE DATE (If different from approval date)	
REVIEW DATE	30/06/2022
CM REF AND VERSION	18/90243
VERSION HISTORY	Version 1 adopted by Council 24 November 1997 Version 2 adopted by Council TBA

2 Purpose

The purpose of this policy is to set out clear responsibilities for the construction, maintenance or replacement of boundary fencing abutting Council owned land, which includes compliance with the *Fencing Act 1968*.

3 Scope

This policy applies to land owners where their property abuts Council owned or managed property who seek a Council contribution to the cost of construction, maintenance or repair of a boundary fence.

4 Policy Details

The *Fencing Act 1968* does not require Council to make contributions towards the construction and/or maintenance of a common boundary fence with an adjoining owner in respect of land owned by, vested in or under the care, control or management of the Council for the purpose of a public park.

Council is willing to contribute 50% of the cost for a standard fence in cases where the owner adjoins a Council owned public park.

4.1 Standard Fence

The standard fence for properties adjoining Council owned land will be a timber paling fence of no more than 1.9 metres in finished height (palings, posts and plinth). Construction standard and materials will be in accordance with the accepted industry standard.

The standard fence does not include enhancements such as trellis, fence toppings, gates or decorative timbers, this is at full cost to the adjoining owner.

4.2 Half Cost Share

If a fence adjoining a Council owned property requires replacement, Council will contribute 50% of the cost of replacement of a standard fence. Council will determine at its discretion if the fence requires replacement.

Council does not carry out any repairs or maintenance to adjoining boundary fences. All requests for fence repairs are to be carried out by a registered fencing contractor in accordance with this policy.

Construction of a new fence on a previously undefined boundary will require the adjoining owner to engage a qualified surveyor to prepare a boundary establishment plan at the owner's cost. Council will then contribute 50% of the cost of a standard fence.

Should there be any discrepancies with existing fence lines in regards to the correct title boundary; the owner will be requested to carry out a title re-establishment survey at their cost to define and set the boundary / fence line.

Pool fences / gates that lead onto council land are required to comply with the Australian Standards AS1926.1

4.3 Exclusions

Council does not accept responsibility for half cost fencing for the following:

- Land not in direct Council ownership or maintained under Council management.
- Crown Land and foreshore reservations.
- Road reservations.
- Right of ways, laneways, discontinued roads, walkways and other unoccupied spaces except where a walkway or road forms part of a recreation reserve.
- Buffer to a road, for example, plantation and tree reserves or other land
- Drainage reservations.
- Bicycle path.
- Non Council owned open space.
- Gates, trellis, enhancement, painting, decorative and other features.
- Pedestrian gates.
- Pool compliance fencing.

5 Delegation Authority and Decision Guidelines

5.1 Delegations/Authorisations

n/a

5.2 Exemptions

The policy does not apply to emergency works where public safety is of concern.

5.3 Human Rights Charter

This policy has been reviewed against and complies with the Charter of Human Rights and Responsibilities Act 2006. Property rights are a human right under the charter which states that a person must not be deprived of his or her property other than in accordance with law.

6 Related Documents and Resources

Legislation

- *Fencing Act 1968*
- *Australian Standard AS1926.1*

7 Definitions

Fence "fence" means a structure, ditch or embankment, or hedge or similar vegetative barrier, that encloses or bounds land.

POLICY

FENCING

INTRODUCTION

A policy to acknowledge Council's obligations under the Fencing Act 1968

1 Standard Fence

- 1.1 The "Standard" fence for properties adjoining Council owned lands will be 1.67m height (5 foot 6 inches) timber paling. Construction standard and materials will be in accordance with the accepted industry standard.

2 Half Cost Share

- 2.1 Should a fence adjoining a Council property require replacement, Council in accordance with the Fencing Act 1968 will be responsible for "Half cost share" of the replacement of a "Standard" fence.
- 2.2 Should one of the adjoining owners require a fence of a higher standard, that owner shall be required to pay in addition to their half cost share the full cost difference over that of a "Standard" fence.
- 2.3 Property boundary fences at walkways directly leading to Council reserves held in freehold title

3 Exclusions

- 3.1 Council does not accept responsibility for fences adjoining and that are not under direct ownership of Council, for example:
- Foreshore Reservations
 - Road Reservations
 - Right of Ways & Laneways
 - Tree Reserves, which act as a buffer to Main Roads
 - Drainage reservations.



Fencing Policy

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1 Document Control

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RESPONSIBLE GENERAL MANAGER	General Manager City Assets and Environment
POLICY OWNER	Manager Property & Arts & Leisure Services
APPROVED/ADOPTED BY	Council on 23 July XX XXXX 2018
EFFECTIVE DATE (If different from approval date)	
REVIEW DATE	30/06/2022
CM REF AND VERSION	18/90243
VERSION HISTORY	Version 1 adopted by Council 24 November 1997 Version 2 adopted by Council TBA

2 Purpose

~~A policy to acknowledge Council's obligations under the Fencing Act 1968~~

The purpose of this policy is to set out clear responsibilities for the construction, maintenance or replacement of boundary fencing abutting Council owned land, which includes compliance with the *Fencing Act 2014*.

3 Scope

This policy applies to land owners where their property abuts Council owned or managed property who seek a Council contribution to the cost of construction, maintenance or repair of a boundary fence.

4 Policy Details

The *Fencing Act 2014* does not require Council to make contributions towards the construction and/or maintenance of a common boundary fence with an adjoining owner in respect of land owned by, vested in or under the care, control or management of the Council for the purpose of a public park.

Council is willing to contribute 50% of the cost for a standard fence in cases where the owner adjoins a Council owned public park.

4.1 Standard Fence

The **standard** fence for properties adjoining Council owned lands will be a **timber paling fence of no more than 1.9 metres in finished height (palings, posts and plinth)**~~1.67m height (5 foot 6 inches) timber paling~~. Construction standard and materials will be in accordance with the accepted industry standard

The standard fence does not include enhancements such as trellis, fence toppings, gates or decorative timbers, this is at full cost to the adjoining owner.

4.2 Half Cost Share

~~Should~~If a fence adjoining a Council **owned** property requires replacement, Council ~~in accordance with the Fencing Act 1968 will be responsible for "Half cost share" of the replacement of a "Standard" fence.~~ will contribute 50% of the cost of replacement of a standard fence. Council will determine at its discretion if the fence requires replacement.

~~Should one of the adjoining owners require a fence of a higher standard, that owner shall be required to pay in addition to their half cost share the full cost difference over that of a "Standard" fence.~~

~~Property boundary fences at walkways directly leading to Council reserves held in freehold title~~

Council does not carry out any repairs or maintenance to adjoining boundary fences. All requests for fence repairs are to be carried out by a registered fencing contractor in accordance with this policy.

Construction of a new fence on a previously undefined boundary will require the adjoining owner to engage a qualified surveyor to prepare a boundary establishment plan at the owner's cost. Council will then contribute 50% of the cost of a standard fence.

Should there be any discrepancies with existing fence lines in regards to the correct title boundary; the owner will be requested to carry out a title re-establishment survey at their cost to define and set the boundary / fence line.

Pool fences / gates that lead onto council land are required to comply with the Australian Standards AS1926.1

4.3 **Exclusions**

Council does not accept responsibility for ~~fences adjoining and that are not under direct ownership of Council, for example:~~ half cost fencing for the following:

- Land not in direct Council ownership or maintained under Council management.
- Crown Land and foreshore reservations.
- Road reservations.
- Right of ways, laneways, discontinued roads, walkways and other unoccupied spaces, except where a walkway or road forms part of a recreation reserve.
- Buffer to a Roads, for example plantation and tree reserves or other land
- Drainage reservations.
- Bicycle path.
- Non Council owned open space.
- Gates, trellis, enhancement, painting, decorative and other features.
- Pedestrian gates.
- Pool compliance fencing.

5 Delegation Authority and Decision Guidelines

5.1 Delegations/Authorisations

n/a

5.2 Exemptions

The policy does not apply to emergency works where public safety is of concern.

5.3 Human Rights Charter

This policy has been reviewed against and complies with the Charter of Human Rights and Responsibilities Act 2006. Property rights are a human right under the charter which states that a person must not be deprived of his or her property other than in accordance with law.

6 Related Documents and Resources

Legislation

- *Fencing Act 1968*
- *Australian Standard AS1926.1*

7 Definitions

Fence "fence" means a structure, ditch or embankment, or hedge or similar vegetative barrier, that encloses or bounds land.

Ordinary Meeting of Council

26 November 2018

Agenda Item No: 10.5

SALE OF LAND - 22A RANDALL AVENUE, EDITHVALE

Contact Officer: Michelle Hawker, Senior Administration Officer
Angela Granter, Acting Team Leader Property Services

Purpose of Report

The purpose of this report is to seek Council's authorisation to sell a parcel of land adjoining 22 Randall Avenue Edithvale, known as 22A Randall Avenue Edithvale.

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. Authorise and direct the Chief Executive Officer or his delegate to publish a public notice in accordance with section 189 of the *Local Government Act 1989 (Act)* stating Council's intention to sell Volume 10795 Folio 017 Reserve 1 on PS523171F;
2. Authorise and direct the Chief Executive Officer or his delegate to remove the reserve status of Reserve 1 on PS523171F under section 24A of the Subdivision Act 1988;
3. Authorise and direct the Chief Executive Officer or his delegate to carry out the necessary administration procedures to allow Council to carry out its functions under section 223 of the Act;
4. Authorise and direct the Chief Executive Officer or his delegate to convene, if required, a section 223 committee of Council to include Councillors Bearsley, Eden and Oxley, General Manager City Assets and Environment and Manager Property and Arts to hear presentations from parties who wish to be heard in support of their written submissions and report back to Council; and
5. In the event no submissions are received, authorise and direct the Chief Executive Officer or his delegate to proceed to sell the land at 22A Randall Ave Edithvale for \$10,000 plus GST and all costs associated with the sale.

1. Executive Summary

Council has received a request from the owners of 22 Randall Avenue Edithvale to purchase the section of land which is enclosed within their title boundary. The section of land is known as 22A Randall Avenue Edithvale - Reserve 1 on Plan of Subdivision 523171 F Volume 10795 Folio 017, in the ownership of the City of Kingston. This parcel was set aside to remain open for South East Water to have access to their check meter. South East Water have now confirmed they have no objection to this portion of land being sold. The land will still have an easement in favour of South East Water thus providing access for South East Water.

Council's 'Discontinuance and Sale of Roads Rights of Way and Drainage Reserves Policy' allows for a 50% discount for land as a once only incentive. After applying the discount, the sale price equates to \$10,000 plus GST. The policy also makes provisions for the recovery of all costs associated with the disposal of land which will be recovered from the purchaser as part of the sale.

The proposal is to remove the reserve status and create a new lot for the land. The new lot of 51square meters can then be sold by private treaty to the adjoining owners of 22 Randall Avenue Edithvale.

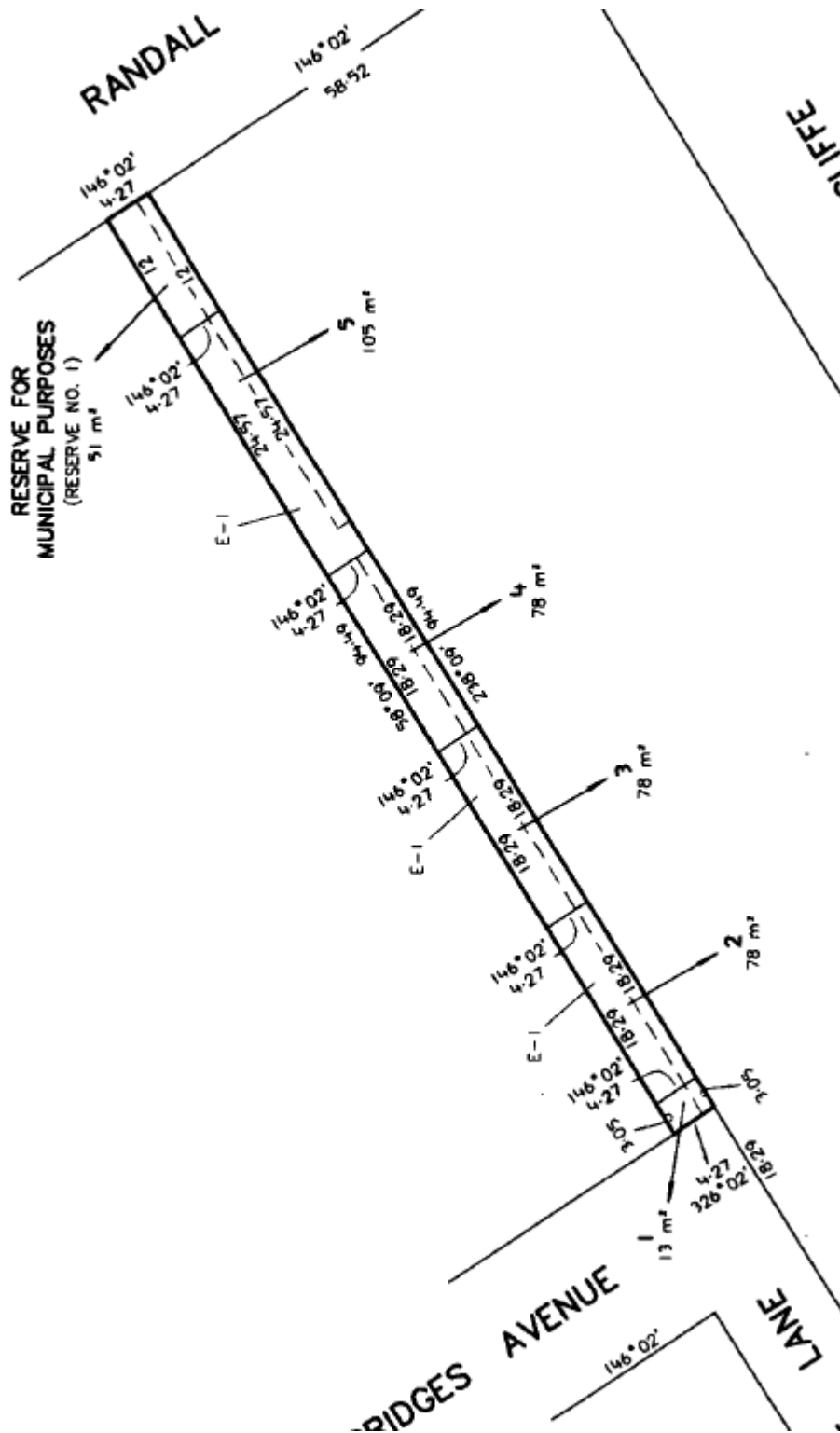
2. Background

On 23 June 2003 Council took the necessary steps to undertake the procedures under section 24A of the *Subdivision Act 1988* for the vesting in Council, the removal of 'reserve status' and subdivision of the land at the rear of 77 to 81 Northcliffe Road and adjacent to part 23 Bridges Avenue and part of Randall Avenue Edithvale.

On 28 June 2004 Council resolved having complied with section 189 and 223 of the *Local Government Act 1989* to sell the land from the former drainage reserve at the rear of 77 to 81 Northcliffe Road and adjacent to part 23 Bridges Avenue and part 22 Randall Avenue Edithvale shown on lots 1 to 5 on plan of Subdivision PS523171F by private treaty.

At the time South East Water had indicated that it had a sewer within the land and it would need an easement over the width of the reserve to protect this asset. In addition they had a check meter located within the section of reserve and required 24 hour access to this meter. This parcel is known as 22A Randall Ave Edithvale and remained open for South East Water access.





3. Discussion

3.1 Council Plan Alignment

Goal 1 - Our well-planned, liveable city supported by infrastructure to meet future needs

Direction 1.1 - Intergenerational land use planning for a sustainable community

3.2 Consultation/Internal Review

External

Officers referred the proposal to South East Water and no objections to the proposal have been received. Any building over the easement will require build over approval.

Adjoining property owner – no response was received.

Internal

The proposal was referred to the Roads and Drains and Parks Teams. Roads and Drains have no asset at this site and no objection to the sale. The Parks team agreed it should be sold if land could not be used as pedestrian link.

3.3 Operation and Strategic Issues

3.3.1 Compliance with the 'Discontinuance and Sale of Roads Rights of Way and Drainage Reserves Policy' (Policy)

3.3.1.1 Market Value

Clause 5.3.1 of the Policy prescribes that the market value of land shall be determined by a Certified Practising Valuer. A market valuation of \$20,000 as of 8 June 2018 was provided by Opteon, a member of Council's Miscellaneous Valuation Panel.

3.3.1.2 Notification to adjoining property owner

Clause 5.1 of the Policy requires Council to write to adjoining property owners informing them of the proposal to discontinue the reserve. Officers have written to the owner of 20 Randall Edithvale via registered post and no response has been received.

3.3.1.3 Price reduction

Clause 6.1.4 – there is no price reduction available (based on occupation criteria) as the owner of 22 Randall Avenue Edithvale has held this property for less than 10 years.

Clause 6.2 of the Policy prescribes that Council can offer a 'once only' discount of 50% from the market value and accordingly the sale price is \$10,000 plus GST.

3.3.2 Sale Process

It is intended that the land known as 22A Randall Avenue Edithvale be sold to the adjoining property owner at 22 Randall Avenue Edithvale by private treaty for \$10,000 plus GST and associated costs.

3.3.3 Statutory Process

In accordance with Section 189 of the *Local Government Act*, Council is required to give public notice of its intention to sell land. Any person may make a submission which must be considered under Section 223 of the *Local Government Act 1989*. If submissions are received, they will be considered by a committee of Council comprising of the South Ward Councillors, General Manager City Assets and Environment and Manager Property and Arts.

3.4 Options

3.4.1 Option 1

Proceed with the sale of the parcel of land known as 22A Randall Ave Edithvale on the following basis:

- Authorise and direct the CEO or his delegate to publish a public notice in accordance with section 189 of the *Local Government Act 1989* stating Council's intention to sell Volume 10795 Folio 017 Reserve 1 on PS523171F.
- Authorise and direct the CEO or his delegate to carry out the necessary administration procedures to allow Council to carry out its functions under section 223 of the Act.
- Authorise and direct the CEO or his delegate to convene, if required, a section 223 committee of Council to include Councillors Bearsley, Eden and Oxley, General Manager City Assets and Environment and Manager Property and Arts to hear presentations from parties who wish to be heard in support of their written submissions and report back to Council; and
- That in the even no submission are received authorise and direct the CEO or his delegate, to proceed to sell the land adjoining 20 Randall Ave Edithvale.

3.4.2 Option 2

Do not proceed with the sale.

4. Conclusion

4.1 Environmental Implications

Nil

4.2 Social Implications

Nil

4.3 Resource Implications

All costs associated with the sale will be borne by the purchaser.

4.4 Legal / Risk Implications

Section 189 of the *Local Government Act 1989* prescribes the statutory process for the sale of land and this report addresses those requirements.

Author/s:

Michelle Hawker, Senior Administration Officer
Angela Granter, Acting Team Leader Property Services

Reviewed and Approved By:

Julian Harvey, Manager Property and Arts
Daniel Freer, General Manager City Assets and Environment

11. Corporate Services Reports

Ordinary Meeting of Council

26 November 2018

Agenda Item No: 11.1

COMMUNITY LOCAL LAW - ANNUAL REVIEW

Contact Officer: Joanne Creedon, Governance Officer

Purpose of Report

The purpose of this report is to enable Council to adopt the Community (Amendment) Local Law No. 3 by completing the legislative requirements for making this Local Law.

Disclosure of Officer / Contractor Direct or Indirect Interest

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

OFFICER RECOMMENDATION

That Council, having completed the procedure pursuant to subsection 119(2) of the *Local Government Act 1989* and noting that no submissions were received in response to the public notice indicating that Council propose to make Community (Amendment) Local Law No. 3:

1. Make the Community (Amendment) Local Law No. 3 as attached in Appendix 1 (the Local Law) with a commencement date of 27 November 2018;
2. Authorise the Chief Executive Officer to:
 - a. Give public notice of the making of the Local Law; and
 - b. Send a copy of the Local Law to the Minister for Local Government.

1. Executive Summary

Council's Community Local Law (Local Law) was first adopted in August 2015. An annual review of the Community Local Law is now conducted as both a commitment to continuous improvement and to recognise the changing dynamics of community responsive laws that regulate actions and behaviour within the City of Kingston.

The 2017 review resulted in the adoption of the Community (Amendment) Local Law No. 2 in December last year.

It is proposed that the Local Law again be updated to incorporate the amendments proposed during this year's review.

2. Background

An annual review allows the Local Law to be updated should Council change any of its policy positions over the previous 12 months and allows for Council to be responsive as community needs change.

Since the 2017 review two issues have been raised by internal stakeholders. These issues have been considered and incorporated into the proposed Community (Amendment) Local Law No. 3, attached in Appendix 1.

The amendments include changes to clauses 42 – 45 regarding Tree Protection and clause 158.1 which relates to the use of moveable/portable barbeques in open space. A copy of the proposed Community Local Law (Consolidated) is attached in Appendix 2.

3. Discussion

3.1 Council Plan Alignment

Goal 5 - Our well-governed and responsive organisation

Direction 5.4 - A responsive and well managed organisation

An effective Local Law ensures the well-being of the community is protected and that Council's facilities and associated risks are managed effectively. A frequent review of the local law is undertaken to ensure it is effective and addresses both the community need as well as reflecting Council adopted policy.

3.2 Consultation/Internal Review

Content review meetings have been held with internal stakeholders. The feedback received in these meetings has been incorporated into the proposed Local Laws attached to this report.

The proposed Community (Amendment) Local Law No. 3 and proposed Community Local Law (Consolidated) have been reviewed by Maddocks Lawyers. No issues were relating to content change were identified in this review.

A public consultation process has also been conducted in line with the statutory process pursuant to sections 119(2) and 223 of the Local Government Act 1989. The consultation period ran from 5 October to 2 November. During this time no submissions were received.

3.3 Operation and Strategic Issues

3.3.1 Content Change

The proposed changes to the content of the Community Local Law are outlined below.

3.3.1.1 Amend Clauses 42 – 45 (Tree Protection)

Clause 43 of the Local Law states:

A person must not carry out, or direct, authorise or allow to be carried out, any works near a protected tree or vegetation contrary to the guidelines in the Australian Standard AS4970-2009 Protection of Trees on Development Sites.

In its current form, clause 43 of the Local Law prohibits any development activities to be undertaken near a protected tree. This is contrary to the guidelines in *Australian Standard AS4970-2009 Protection of Trees on Development Sites* (the Standard) which allows for such works to take place under certain conditions.

The Standard which is referenced in the Local Law provides guidance on the principles for protecting trees on land subject to development. It follows the stages of development from planning to implementation. The Standard aims to assist those concerned with trees in relation to development. In order to provide consistency with the Standard clause 42 will be amended to allow for works to take place near a protected tree subject to obtaining a permit from Council.

This change improves the control that Council's Vegetation Management Officers have in regard to development activities near protected trees by placing conditions on any permit approved. Such conditions will ensure that development activities near a protected tree are managed and the construction method tailored to the specific site. At present no permit exists and development activities are difficult to monitor and control.

In amending clause 42 to regulate works near a protected tree, clause 43 becomes redundant and so will be deleted from the Local Law. Clause 42 will now read:

42. *A person must not without a permit:*
- 42.1. *remove, damage, kill or destroy or direct, authorise or allow to be removed, damaged, killed or destroyed; or*
 - 42.2. *cut, trim, lop or prune or allow to be cut, trimmed, lopped or pruned contrary to the guidelines recommended in the Australian Standard AS4373 – 2007 Pruning of Amenity Trees; or*
 - 42.3. *carry out, or direct or allow to be carried out, any work contrary to the guidelines in the Australian Standard AS4970-2009 Protection of Trees on Development Sites near any protected tree.*

Further, clauses 44 and 45 will be amended to correlate with the deletion of clause 43. This includes deleting references to 'vegetation' as vegetation encompasses more than what the Local Law intends to protect, which is a 'protected tree' as defined in the Local Law. Reference to 'vegetation' is also considered impractical with respect to the enforcement of any penalties for development activities contrary to the Standard and in turn a Council permit.

3.3.1.2 Amend Clause 158.1 (Permit trigger in relation to the use of moveable/portable barbeques in open space.)

Clause 158.1 of the Local Law states:

A person must not, without a permit (or a permit or licence granted by an agency of the State Government), while in or upon any Council land or foreshore reserve light any fire or permit any fire to remain alight unless in a fireplace provided by Council or in a moveable non-solid fuel burning barbeque.

At the Ordinary Meeting of Council on 26 February 2018 regarding Item 10.4 – Response to Notice of Motion No. 24/2017 - BBQs in Kingston, Council resolved:

That Council:

1. *Officers continue using the Open Space Strategy, Playground Strategy, population data and community consultation to guide the development of appropriate facilities including barbeques within different categories of open space; and*

2. *Trial for 12 months the removal of the permit trigger (Clause 158.1 of the Community Amenity Local Law) in relation to the use of moveable/portable barbeques, in open space areas.*

In order to enact this resolution, clause 158.1 will be amended on a trial basis for 12 months. The amended clause will now read:

A person must not, without a permit (or a permit or licence granted by an agency of the State Government), while in or upon any Council land or foreshore reserve light any fire or permit any fire to remain alight unless in a fireplace provided by Council.

3.3.1.3 Reference and Typographical Updates

A small number of references and typographical errors have also been identified in this review.

Firstly, the table on page 53 of the Local Law Consolidated, 'Schedule 1 (Penalties for Offences Against this Local Law)' has been updated so that the page and clause numbers are correctly referenced.

Secondly, the title of a number of reference documents in 'Part 8 Reference Documents' on page 7 have been updated to reflect changes to legislation and internal guidelines.

These changes have no impact on the workings of the Local Law.

4. Conclusion

4.1 Environmental Implications

Not applicable

4.2 Social Implications

The Charter of Human Rights requires that Local Laws not be incompatible with human rights. The current review has been undertaken with the view of this not occurring.

4.3 Resource Implications

Not applicable.

4.4 Legal / Risk Implications

The proposed Community (Amendment) Local Law No. 3 and proposed Community Local Law (Consolidated) have been reviewed by Maddocks Lawyers. No issues were relating to content change were identified in this review.

Section 119(2)(c) of the LGA requires after a Local Law is made Council must give notice in the Government Gazette and a public notice specifying –

- (a) the title of the Local Law;
- (b) the purpose and general purport of the Local Law; and
- (c) that a copy of the Local Law may be inspected at the Council office.

Also after a Local Law is made Council must send a copy to the Minister (section 119(4)).

Appendices

Appendix 1 - Community (Amendment) Local Law No. 3 (Ref 18/499323) [↓](#)

Appendix 2 - Community Local Law (Consolidated) (Ref 18/482658) [↓](#)

Author/s: Joanne Creedon, Governance Officer

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Paul Franklin, General Manager Corporate Services

11.1

COMMUNITY LOCAL LAW - ANNUAL REVIEW

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CITY OF KINGSTON
COMMUNITY (AMENDMENT) LOCAL LAW NO. 3
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COMMUNITY (AMENDMENT) LOCAL LAW NO. 3**PART 1
INTRODUCTION****1. Title**

This Local Law will be known as the "Community (Amendment) Local Law No. 3".

2. Purpose Of This Local Law

The purpose of this Local Law is to amend **Council's** Community Local Law 2015 by:

2.1 revising the regulation of:

2.1.1 protected trees; and

2.1.2 the use of Council Land and Foreshore Reserves;

3. Authorising Provision

This Local Law is made under section 111(1) of the *Local Government Act 1989*.

4. Operation Date

This Local Law operates from the day after the day upon which it is made by **Council**.

5. Revocation

Unless sooner revoked, this Local Law ceases to operate on the same day on which **Council's** Community Local Law 2015 ceases to operate.

6. Application

This Local Law applies and has operation throughout the whole of **Council's** municipal district.

7. Interpretation

Unless the contrary intention appears in this Local Law, the following words and phrases are defined as indicated:

"**Council**" means Kingston City Council.

"**Principal Local Law**" means **Council's** Community Local Law 2015.

KINGSTON CITY COUNCIL

COMMUNITY (AMENDMENT) LOCAL LAW 2

**PART 2
AMENDMENTS TO COMMUNITY LOCAL LAW**

8. Amendments to the Principal Local Law

8.1 Immediately after clause 42.2 of the **Principal Local Law**, add:

“42.3 carry out, or direct or allow to be carried out, any work contrary to the guidelines in the Australian Standard AS4970-2009 Protection of Trees on Development Sites near”

8.2 Delete clause 43 of the **Principal Local Law**

8.3 Delete clause 158.1 of the **Principal Local Law**.

Council resolved to give notice of its intention to adopt the Community (Amendment), Local Law No.3 on 24 September 2018 and resolved to adopt the Community (Amendment), Local Law No.3 on 26 November 2018.

The **Common Seal** of the City of Kingston was hereby affixed in the presence of:

.....**Councillor**

.....**Chief Executive Officer**



COMMUNITY LOCAL LAW [consolidated]

Consolidated Community Local Law (Community Local Law – Adopted by Council 24 August 2015 and Community (Amendment) Local Law No. 1 - Adopted by Council 19 September 2016 and Community (Amendment) Local Law No. 2 – Adopted by Council 11 December 2017)
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PART 1 – PRELIMINARY, OBJECTIVES & DEFINITIONS

Title

1. This Local Law is called Community Local Law

What are the objectives of this Local Law?

2. The objectives of this Local Law are to:
 - 2.1 provide for the peace, order and good government of the *municipal district*; and
 - 2.2 provide for the administration of *Council's* powers and functions; and
 - 2.3 promote a physical and social environment free from hazards to health, in which the residents of the *municipal district* can enjoy a quality of life that meets the general expectations of the community; and
 - 2.4 prevent and suppress nuisances which may adversely affect the enjoyment of life within the *municipal district* or the health, safety and welfare of persons within the municipal district; and
 - 2.5 consolidate *Council's* previous Local Laws 1, 2, 3, 4, 5 and 6and to achieve these objectives by:
 - 2.6 regulating and controlling activities of people within the *municipal district* which may be dangerous, unsafe or detrimental to the quality of life of other people in, or the environment of, the *municipal district*; and
 - 2.7 providing standards and conditions for specified activities to protect the safety and the welfare of people within, and the environment of, the *municipal district*.

What authorises this Local Law?

3. This Local Law is made under section 111 of the *Act* and section 42 of the *Domestic Animals Act 1994*.

When does this Local Law commence?

4. This Local Law commences on 1 November 2015.

When does this Local Law end?

5. Unless revoked sooner, this Local Law ends on 31 October 2025.

To what part of the municipal district does this Local Law apply?

6. This Local Law applies throughout the whole of the *municipal district*.

What does this Local Law replace?

7. From the commencement of this Local Law, the following Local Laws are revoked:

Consolidated Community Local Law (Community Local Law – Adopted by Council 24 August 2015 and Community (Amendment) Local Law No. 1 - Adopted by Council 19 September 2016, Community (Amendment) Local Law No. 2 – Adopted by Council 11 December 2017 and Community (Amendment) Local Law No. 3 – Adopted by Council xx/xx/xx)
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- 7.1 Public Health Local Law (Local Law No.1 of 2005)
- 7.2 Roads and Traffic Local Law (Local Law No. 2 of 2005)
- 7.3 Roads and Traffic (Amendment) Local Law 2006
- 7.4 Management of Council Property Local Law (Local Law No. 3 of 2005)
- 7.5 Foreshore Reserves Local Law (Local Law No. 4 of 2005)
- 7.6 Environment and Amenity Local Law (Local Law No. 5 of 2005)
- 7.7 Birds, Animals, Poultry, Rodents and Bees Local Law (Local Law No. 6)

Reference documents

- 8. Reference is made to the following documents, as amended from time to time:
 - 8.1 *Australian Standard AS4373 – 2007 Pruning of Amenity Trees*, which is incorporated into and forms part of this Local Law
 - 8.2 *Australian Standard AS4970 – 2009 Protection of Trees on Development Sites*, which is incorporated into and forms part of this Local Law
 - 8.3 *Busking Guidelines*, which are incorporated into and form part of this Local Law
 - 8.4 *Building Site Stormwater Code of Practice*, which is incorporated into and forms part of this Local Law
 - 8.5 *Catchment and Land Protection Act 1994*
 - 8.5A *City of Kingston Environmental Weed List*, which is incorporated into and forms part of this Local Law
 - 8.5B *Construction Management Guidelines*, which are incorporated into and form part of this Local Law
 - 8.6 *Domestic Animal Act 1994*
 - 8.7 *Firearms Act 1996*
 - 8.8 *Footpath Activities Policy*, which is incorporated into and forms part of this Local Law
 - 8.9 *Food Act 1984*
 - 8.10 *Gambling Regulation Act 2003*
 - 8.11 *A ‘Good Neighbour’ Code of Practice for a Circus or Carnival* which is incorporated into and forms part of this Local Law
 - 8.12 *Guideline on Asset Protection Permits*
 - 8.13 *Guideline on Domestic Waste, Green Waste, Recyclable Material and Hard Waste Collection Service*, which is incorporated into and forms part of this Local Law

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- 8.14 *Guideline on Property Numbers: Size, Location and Visibility*
- 8.15 *Heavy Vehicle National Law (Victoria)*
- 8.16 *Infringements Act 2006*
- 8.17 *Interpretation of Legislation Act 1984*
- 8.18 *Kingston Planning Scheme*
- 8.19 *Liquor Control Reform Act 1998*
- 8.20 *Livestock Disease Control Act 1994*
- 8.21 *Local Government Act 1989*
- 8.22 *Motor Car Trader Act 1986*
- 8.23 *Nature Strip Planting Guidelines*, which are incorporated into and form part of this Local Law
- 8.23A *Parking Management Policy*, which is incorporated into and forms part of this Local Law
- 8.24 *Planning and Environment Act 1987*
- 8.25 *Prevention of Cruelty to Animals Act 1986*
- 8.26 *Public Health and Wellbeing Act 2008*
- 8.27 *Road Management Act 2004*
- 8.28 *Road Safety Act 1986*
- 8.29 *Sentencing Act 1991*
- 8.30 *State Environment Protection*
- 8.31 *Street Numbering Policy*
- 8.32 *Summary Offences Act 1996*
- 8.33 *Wildlife Act 1975*
- 8.34 *Wildlife Regulations 2013*

Definition of Words used in this Local Law

9. The words identified in italics throughout this Local Law are intended to have the following meanings, unless the context suggests otherwise:

Act means the *Local Government Act 1989*.

advertising sign means any board, notice, structure, banner or other similar device used for the purpose of soliciting sales or notifying people of the presence of an adjacent property or other address, whether real, internet-based or

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otherwise, where goods or services may be obtained.

animal includes every species of quadruped and every species of bird (including, without limitation, poultry).

agricultural animal includes a pig, cow, sheep, horse, donkey and goat.

appointed agent means the person authorised in writing by an *owner* of a *building* or *land* to make an application, appeal, referral or representation on the *owner's* behalf.

approved means approved in writing by *Council*.

Asset Protection Permit means a written *permit* issued by *Council* for the protection of *public infrastructure assets* during *building work*.

assistance animal means any animal trained to support people with a disability in *public places*, in employment and when accessing goods and services and includes sight dogs, hearing dogs, mobility dogs and psychiatric service dogs.

audible intruder alarm means a device, installed or retained in a *premises* by or at the direction of the *owner* or *occupier* of the *premises*, which is designed to be (or which has the effect when switched on of being) activated by the presence of any intruder on the *premises* so as to emit noise capable of being heard beyond the boundary of the *premises* in which it is installed.

Authorised Officer means a person appointed by *Council* to be an Authorised Officer under section 224 of the *Act*.

bicycle means a *vehicle* with two or more wheels built to be propelled partly or wholly by human power, but does not include a *wheeled recreational device* or a *wheeled toy*.

bin means a *Council* approved wheeled mobile collection container having a capacity of 80 litres, 120 litres, 240 litres, 360 litres or 660 litres supplied to *premises* by *Council* in connection with *Council's* regular trade or *domestic waste*, *green waste* or recycling waste collection service.

bin skip means a container or other structure designed or used for holding a substantial quantity of *rubbish* that is unable to be lifted without mechanical assistance but does not include *bins* used in connection with *Council's* regular collection of *domestic waste*, *green waste*, commercial, industrial or trade waste.

builder means a person who has applied to *Council* (or any other person by whom such an application may be made) for a *building permit* or, if no such application has been made, the person in charge of any *building work* being carried out.

building includes any structure or building, whether temporary or permanent, or any part of such building or structure.

building site means any *land* on which, or on part of which, *building work* is being carried out.

building work means any activities, events and practices for or in connection with the construction, renovation, alteration, demolition, relocation or removal of a *building* or any landscaping or excavation works which may impact on *public infrastructure assets*.

camp includes to:

- a) erect, occupy or use any tent, caravan or *vehicle* or any temporary makeshift or similar structure for the purpose of accommodation; and
- b) park, occupy or use any caravan or other moveable form of accommodation.

carriageway means the portion of the *road* generally available for traffic by registered *motor vehicles*, whether sealed, formed or unconstructed.

cat means a cat of either sex over the age of 12 weeks, and includes any de-sexed cat over the age of 12 weeks.

charity or clothing recycling bin means any bin placed by or on behalf of any charitable or non-profit organisation and dedicated to the collection of used clothing or small household items.

Chief Executive Officer has the meaning ascribed to it by the *Act*.

construction period means the period during which *building work* is carried out.

contractor means a person who contracts to provide *building work*.

Council means Kingston City Council.

Council building means any *building* (and its grounds) owned, occupied, controlled and/or managed by *Council* which has some or all areas designated for public access irrespective of whether it also has some or all areas designated for *Council* staff access only.

Council land means any land either vested in or under the control of *Council*, including *roads*, reserves, water courses and *foreshore reserves*.

designate and *designated by Council* means set or having set out any matter or thing by resolution of Council or determination of a person with the necessary delegated authority.

dog means a dog of either sex over the age of 12 weeks, and includes any de-sexed dog over the age of 12 weeks.

domestic waste means all waste or *rubbish* produced or accumulated in or on any *land* but excludes:

- a) *hard waste* and *recyclable material*;
- b) waste that is not effectively sealed, including any slops or liquid waste or any moist refuse unless such moist refuse has been previously drained and effectively wrapped;
- c) burning or hot material;
- d) night soil, medical waste or other matter which could cause injury or danger to any person;
- e) oil, paint, solvents, chemicals or similar substances or any other thing, substance or material whatsoever which may damage such bin or receptacle or reduce its strength or effectiveness; and
- f) any item of material which takes the total weight of the contents of a *bin* over 70 kilograms.

dwelling means any structure that is designed to be used for human habitation and is capable of being so used.

environmental weed has the meaning ascribed to it by the *City of Kingston Environmental Weed List*

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foreshore reserve means all *land* whether owned or managed by the *Council* adjacent to the waters of Port Phillip Bay extending to the low water mark but excluding any *road reserve*.

green waste means all organic waste produced or accumulated in or on any *land*, including grass clippings, branches, garden prunings and leaves but excluding any log, stump, soil, rubbish, *domestic waste* or portion of a tree, shrub, trunk or branch which has a diameter exceeding 75 millimetres or a length exceeding 400 millimetres.

hard waste is any waste *designated* by *Council* but excludes *domestic waste*, *green waste* and *recyclable waste*.

heavy vehicle has the meaning ascribed to it by the *Road Safety Act 1986*.

Infringement Notice means an Infringement Notice issued by an *Authorised Officer*.

land has the meaning ascribed to it by the *Interpretation of Legislation Act 1984*.

large bird means any pigeon, cockatoo, parrot or other bird but does not include poultry or *small birds*.

liquor means a beverage intended for human consumption with an alcoholic content greater than 0.5 per centum by volume at a temperature of 20 degrees Celsius.

motor vehicle has the meaning ascribed to it by the *Road Safety Act 1986*.

municipal district means the municipal district of *Council*.

night soil means all human excrement or faecal matter, human urine and animal faeces.

Notice to Comply means a notice to comply issued under this Local Law.

noxious weed has the meaning ascribed to it by the *Catchment and Land Protection Act 1994*.

occupier includes the *owner* or tenant, and the person in charge or having the management or control of any *premises*.

offence means an offence against or breach of a provision of this Local Law or a breach of a *permit*, notice or direction issued under it.

owner:

- a) in relation to a *vehicle* has the same meaning as the *Road Safety Act 1986*;
- b) in relation to *building work* means the person who owns the *land* on which the *building work* is or is due to be carried out; and
- c) in relation to a *premises* means the person entitled to receive the rent of the *land* or *premises* (whether on that person's own account or as the agent of or as trustee for any other person) or who would be entitled to receive the same if the *land* was, or *premises* were, let.

parking permit means a permit issued in accordance with the *Parking Management Policy*

pen means any *building* or structure or part thereof for the housing or use of *animals* and includes any area of *land* adjacent to any such *building* or structure or any part thereof used as a compound or yard for *animals*, and includes but is not limited to a kennel, cattery, bird cage, stable or poultry house.

penalty means the maximum fine that may be imposed by a court of appropriate jurisdiction.

penalty unit has the meaning ascribed to it by section 110 of the *Sentencing Act 1991*.

permit means a permit issued in writing in accordance with or under the provisions of this Local Law.

person in charge means the person immediately responsible in the absence of the *owner* or *occupier* for the *building works* being carried out on a *building site*.

premises includes the whole or part of any *land*, *building* and any *building* under construction, whether or not a *public place*.

private property means land other than Council Land and land occupied, managed or controlled by a public authority.

protected tree means any:

- a) tree with a trunk circumference greater than 110 centimetres measured at its base; or
- b) multi-stemmed tree where the circumference of its exterior stems measured at its base is greater than 110 centimetres; or
- c) tree planted as required by a replanting condition of a *permit* issued for the removal of a *protected tree*,

excluding species which are *environmental weeds* or *noxious weeds*.

Public Holidays means the days appointed as Public Holidays under sections 6 and 7 of the *Public Holidays Act 1993*, and those days substituted as Public Holidays under section 8 of that Act, that are applicable to the *municipal district*.

public infrastructure assets means items, facilities or systems owned, managed or otherwise controlled by *Council* which provide or facilitate a public service, including (but not limited to) *roads*, footpaths, stormwater systems, lighting, fencing, retaining walls, trees, landscaping, kerb and channel, traffic management devices, traffic signals, signs, line marking, nature strips, street furniture, car parks, bridges, *buildings* and structures.

public place has the meaning ascribed to it by the *Summary Offences Act 1966*.

recyclable material means any jars, bottles, cans, plastic containers, paper, cardboard and other materials *designated* by *Council*.

rubbish includes food waste and discarded food, and any offensive matter other than sewage and manure.

road has the meaning ascribed to it by the *Act*.

schedule means a schedule to this Local Law.

second-hand goods means any goods which have been worn or otherwise used.

sell includes sell (whether by wholesale or retail or by means of any machine or mechanical device), barter or exchange, agreeing to sell, offering or exposing for sale, keeping or having in possession for sale, sending, forwarding, delivering or receiving for or on sale, and attempting, directing, causing, suffering, or admitting any such acts or things.

Senior Officer has the meaning ascribed to it by the *Act*.

Service Authority means an entity (whether publicly or privately owned) which provides, or intends to provide, water, sewerage, drainage, gas, electricity, telephone, telecommunications or like services under the authority of an Act of Victoria or the Commonwealth.

shopping trolley means a wheeled container or receptacle supplied by a retailer to enable customers to transport goods.

small bird means budgerigars, canaries or finches and other similarly sized birds.

small premises means any lot of less than 530 metres² or any lot where two or more dwellings are constructed on the same parcel of *land*.

state road has the meaning ascribed to it by the *Road Management Act 2004*.

state road authority has the meaning ascribed to it by the *Road Management Act 2004*.

street festival means an organised recreational, cultural, commercial or social gathering of people, which is held on a *road*.

street party means an organised social gathering of people resident in one or several adjacent *roads*, which is held on a *road*.

street procession includes a march, parade, fun run, triathlon, *bicycle* race or other such organised activity on a *road*.

supplier means a person responsible for the delivery or collection of materials (including timber, concrete, bricks, debris and waste) or equipment to, from or near *land* prior to, during or after *building work* and in connection with the *building work*.

temporary vehicle crossing means a constructed form of wooden panels or other *Council* approved structure over a bed of sand, that extends from the boundary of *land* over any *public infrastructure asset* to a *road*, and is designed to minimise damage to *public infrastructure assets* caused by *motor vehicles* and materials entering and leaving the *land* during the *construction period*.

tree prunings means the items identified by *Council* by public notice published in a newspaper generally circulated throughout the *municipal district* or on the *Council* website.

unlawful game has the meaning ascribed to it by the *Gambling Regulation Act 2003*.

vehicle has the meaning ascribed to it by the *Road Safety Act 1986*.

vehicle crossing is a bridge or crossing constructed to *Council* specifications, over any footpath or channel next to a *road* to enable a person using the *road* to have access to *land* on the other side of the footpath or channel.

wheeled recreational device has the meaning ascribed to it by the *Road Safety Road Rules 2009*.

wheeled toy has the meaning ascribed to it by the *Road Safety Road Rules 2009*.

Explanation of Words used in this Local Law

10. Words, the meaning of which are defined in clause 9 of this Local Law or elsewhere in it, appear in italic type in the text.
11. Introductions to Parts, headings and notes are explanatory only and do not form part of this Local Law. They are provided to assist understanding.
12. Unless the contrary intention appears, words in the singular include the plural and words in the plural include the singular.

PART 2 – YOUR PROPERTY, TREES AND PETS

Your Property

Property Numbers

13. *Council* or an *Authorised Officer* may allocate a property number to each property in the *municipal district* and, from time to time, may make changes to property numbers in accordance with *Council's Street Numbering Policy*.
14. For each property that has been allocated a property number under clause 13, the *owner* of the property must ensure that the property is marked with the number allocated and that the number is of sufficient size, in such a position, made of such material and kept in such state of repair as to be clearly readable from the nearest *road* under all normal lighting conditions.

Penalty: 2 penalty units

NOTE

Refer to the *Guideline on Property Numbers: Size, Location and Visibility* for determining the sufficiency of size, location and visibility of property numbers.

Domestic Waste, Green Waste, Recyclable Material & Hard Waste

15. Each *occupier* of *premises* to which *Council* provides a waste collection service (including *domestic waste*, *green waste*, *recyclable material* and *hard waste*) must comply with the *Guideline on Domestic Waste, Green Waste, Recyclable Material and Hard Waste Collection Service*.

Penalty: 10 penalty units

Bins

16. Each *occupier* of *premises* must keep at such *premises* a *bin* in compliance with the *Guideline on Domestic Waste, Green Waste, Recyclable Material and Hard Waste Collection Service* to be used for the deposit and collection of all *domestic waste* and *recyclable material* produced or accumulated in or about such *premises*.

Penalty: 10 penalty units

17. Clause 16 does not *apply* to a person who causes *domestic waste*, *green waste* and *recyclable material* to be recycled within the *premises*, provided the recycling takes place in a way which does not cause a nuisance to the *occupier's* neighbours

Bin - Flats & Units

18. The *owner* of any flats or units must, when required by *Council*, provide on the *premises* on which the flats or units are located a clearly defined area for the storage of all *bins*, and cause that area to be kept in a clean and sanitary condition at all times.
19. The *occupier* of each flat or unit must, when directed in writing by *Council*, keep the *bin* designated for the use by such flat or unit in the defined area required under clause 18, except on the days appointed or advertised by *Council* as waste collection days in relation to such *premises*.

Hard Waste

20. Each *occupier* of *premises* to which *Council* provides a *hard waste* collection service must:
 - 20.1 not place out for collection items or material other than *hard waste* on the days *designated* or advertised by *Council* from time to time as *hard waste* collection days; and
 - 20.2 place out the *hard waste* in front of the *premises* so as to allow collection by a collection *vehicle*, and arrange it in a manner consistent with any details that have been provided in writing by *Council*; and
 - 20.3 remove items or materials so placed out for collection which are not *hard waste* upon being directed to do so by an *Authorised/ Delegated Officer*.

Penalty: 2 penalty units

Tree Prunings

21. Each *occupier* of *premises* to which *Council* provides a *tree prunings* collection service may deposit *tree prunings* on the nature strip or, when permitted by *Council*, footpath, in front of the *premises*, for collection on days *designated* by *Council* from time to time as collection days, and:
 - 21.1 must not deposit items or items other than *tree prunings* on the days *designated* by *Council* from time to time as tree prunings collection days; and
 - 21.2 must not deposit *tree prunings* before the time approved by *Council*; and
 - 21.3 must place the *tree prunings* in front of the *premises* so as to allow collection by a collection *vehicle*, and arrange them in a manner consistent with any details that have been provided in writing by *Council*; and
 - 21.4 must remove items of material deposited on the nature strip or footpath which are not *tree prunings*, upon being directed to do so by an *Authorised/ Delegated Officer*.

Penalty: 2 penalty units

Disposal of Refrigerators & other Compartments

22. A person must not place or leave or allow to remain any disused refrigerator, icechest, ice-box, trunk, chest or any other similar article having a compartment which has a capacity of 0.04 cubic metres or more on any *Council land* without first:
- 22.1 removing every door and lid; and
 - 22.2 removing every lock, catch and hinge attached to a door or lid;
or
 - 22.3 otherwise rendering every door and lid incapable of being fastened; and
 - 22.4 placing the item on its back.

Penalty: 10 penalty units

Chimneys

23. The *owner* or *occupier* of any *premises* must not cause or allow any chimney on that *land* to discharge dust, grit, ash or smoke to such an extent that it is dangerous to health or is offensive to another person.

Penalty: 5 penalty units

Audible Intruder Alarms

24. The *owner* or *occupier* of any *premises* must not install or allow to be installed or cause to be retained in an active state upon any such *premises* any *audible intruder alarm* which emits a noise audible beyond the boundary of such *premises*, unless the *audible intruder alarm* is constructed or regulated so as to ensure that:
- 24.1 whenever it is activated, the *audible intruder alarm* is rendered inaudible beyond the boundary of the *premises* within 10 minutes of being activated;
and
 - 24.2 it cannot reactivate until it has been manually reset.

Penalty: 10 penalty units

25. Despite clause 24, an *audible intruder alarm* may operate for a further period of 10 minutes should it be activated by a different cause following the cessation of the *audible intruder alarm* in accordance with sub-clauses 24.1 and 24.2.
26. Where *Council* receives a complaint that an *audible intruder alarm* operates in *premises* in a way which does not comply with clause 24 (whether modified by clause 25 or not), it may investigate the complaint.

Dangerous or Unsightly Premises

27. The *owner* or *occupier* of any *premises* must not keep the *premises* or allow the *premises* to be kept in a manner which is, or which results in the *premises* being dangerous or unsightly.

Penalty: 10 penalty units

28. In determining whether there has been a breach of clause 27 and any enforcement action should be taken, an *Authorised Officer* must have regard to whether:

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- 28.1 there are any materials or substances on the *premises* that are kept in such a way that they may be dangerous, flammable or explosive; or
- 28.2 the way in which the *premises* is kept or items are stored on the *premises* may constitute or contribute to it being a health hazard; or
- 28.3 the condition of the *premises*, or any part of it, may promote the presence of vermin and pests; or
- 28.4 the appearance of the *premises* is one of neglect and is out of character with other *premises* in the vicinity; or
- 28.5 in any other condition determined by *Council* to be dangerous or likely to cause danger to health, life or property.

29. Where the *owner* or *occupier* of the *premises* fails to comply with the requirements of clause 27, *Council* or an *Authorised Officer* may carry out or cause to be carried out the work required and recover the reasonable costs of doing so.

30. The *owner* or *occupier* of any *premises* in a residential, commercial, industrial or mixed use zone as determined by reference to the Kingston Planning Scheme, must at all times maintain the *premises* in a neat and tidy condition by keeping them clear of all *rubbish*, and by mowing, slashing or otherwise removing undergrowth and overgrown grass and weeds.

Penalty: 10 penalty units

31. For the purposes of clause 30 any *premises* identified by *Council* as containing remnant and/or protected vegetation, or identified as being in a conservation area, may be exempted from the operation of that clause by *Council*.

32. *Council* or an *Authorised Officer* may, by notice in writing, direct the *owner* or *occupier* of any vacant *premises* to:

- 32.1 erect; or
- 32.2 repair; or
- 32.3 replace; or
- 32.4 modify

fencing enclosing the vacant *premises*.

33. A notice under clause 32 may specify:

- 33.1 the material with which any fencing to be erected must be constructed; and
- 33.2 the height and other dimensions of the fencing to be erected.

34. The *owner* or *occupier* of any *premises* who receives a notice under clause 32 must perform any work specified in the notice within the time stated in the notice.

Penalty: 5 penalty units

Noxious Weeds

35. The *owner* or *occupier* of any *premises* must not allow to grow on those *premises* any *noxious weed* except with the approval of *Council*.

Penalty: 5 penalty units

Moveable Dwelling

36. A person must not, for a period exceeding 28 days in any one calendar year and without a *permit*, inhabit any moveable *dwelling* on *private property* unless that property is a licensed caravan park.

Penalty: 5 penalty units

37. Clause 36 does not apply to an *occupier* of any *private property* storing thereon one moveable *dwelling* owned by him/her provided such moveable *dwelling* is not at any time, while so stored, occupied by any person for the purpose of sleeping or living.

Motor Vehicles, Machinery & Second-hand Goods

38. A person must not, without a *permit*, use any *premises* (other than *premises* in an area where such activity is permitted under the Kingston Planning Scheme) for the storage, repair, servicing, assembly or disassembly of any *motor vehicle* or machinery other than a *motor vehicle* registered at those *premises*.

Penalty: 5 penalty units

39. Clause 38 does not apply to a maximum of two *vehicles* owned by the *occupier* of the *premises* for the purposes of restoration.

40. A person must not, without a *permit*, use any *premises* (other than *premises* in an area where such activity is permitted under the Kingston Planning Scheme) for the assembly, dismantling or storage of *second-hand goods*.

Penalty: 5 penalty units

41. In determining whether to grant a *permit* for the storage of *motor vehicles*, machinery or *second-hand goods*, or for the assembly or dismantling of such *motor vehicle*, machinery or *second-hand goods*, *Council* must take into account:

- 41.1 the zoning of the *premises*; and
- 41.2 the proximity of the *premises* to adjoining properties; and
- 41.3 the amenity of the area; and
- 41.4 the capacity to screen the proposed use from adjoining *premises* or from any *road*; and
- 41.5 the capacity to protect neighbours from noise from activities on the *premises*; and
- 41.6 the nature of the *motor vehicles*, machinery or *second hand goods*; and
- 41.7 the purposes for which the *motor vehicles*, machinery or *second hand goods* are kept; and
- 41.8 any other matter relevant to the circumstances associated with the application.

Your Trees

Tree Protection

42. A person must not without a *permit*:
- 42.1 remove, damage, kill or destroy or direct, authorise or allow to be removed, damaged, killed or destroyed; or

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42.2 cut, trim, lop or prune or allow to be cut, trimmed, lopped or pruned contrary to the guidelines recommended in the *Australian Standard AS4373 – 2007 Pruning of Amenity Trees*: or

42.3 carry out, or direct or allow to be carried out, any work contrary to the guidelines in the *Australian Standard AS4970-2009 Protection of Trees on Development Sites* near

any *protected tree*.

Penalty: 20 penalty units

- 42A. All applications for *permits* under clause 42 must be accompanied by the written consent of the owner of the *land* on which the tree is located.
- 42B. In determining whether to grant a *permit* under clause 42, *Council* must take the following into consideration:
- 42B.1 the effect of the removal of the *protected tree* on the aesthetics of the neighbouring area; and
- 42B.2 whether the *protected tree* is dead or there are health and safety reasons justifying removal of the *protected tree*; and
- 42B.3 whether it is likely that the *protected tree* gives rise to a risk of damage to property or to the safety of the public; and
- 42B.4 whether the *protected tree* is causing a public nuisance or creating an undue nuisance to adjoining landowners; and
- 42B.5 any other matter which *Council* considers relevant to the circumstances associated with the application.

43. [clause deleted]

Penalty: 20 penalty units

44. Clause 42 does not apply:
- 44.1 to a person who is acting in accordance with the instructions or directions of an *Authorised Officer*; or
- 44.2 in respect of a tree that is an *environmental weed*.
45. If a *protected tree* is interfered with in any of the circumstances specified in clause 42, the *owner* of any private property on which the *protected tree* is located is guilty of an offence, whether or not the person who actually interfered with the *protected tree* is identified or prosecuted, unless the *owner* can prove that the interference was undertaken by another party without the authorisation of the *owner*.

Penalty: 20 penalty units

Trees or Plants Causing Damage to Council Land, or on Council Land

46. An *owner* or *occupier* of any *premises* must not allow trees or plants on those *premises* to cause damage to or interfere with any:
- 46.1 *Council land*; or
- 46.2 *building*, fixture or drain owned by, vested in or under the control of *Council*; or
- 46.3 footpath, kerb and channel or *road* pavement.

Penalty: 10 penalty units

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Your Pets

47. Clauses 48 – 58A (inclusive) do not apply to:
- 47.1 any *land* on which the location of a pet shop is permitted under the Kingston Planning Scheme applicable to that *land*; or
 - 47.2 any *land* on which the location of an *animal* hospital or veterinary practice is permitted under the Kingston Planning Scheme applicable to that *land*; or
 - 47.3 any person licensed pursuant to the *Wildlife Act 1975*, and who complies with the *Wildlife Act 1975* and *Wildlife Regulations 2002* in the keeping of an *animal*.

Keeping of Animals

48. Unless permitted under the Kingston Planning Scheme, a person must not, without a *permit*, keep or allow to be kept on any *premises* any more of each species or group of *animals* than is stated in the following table:

Type of Animal	Premises greater than 4000m2	Premises less than 4000m2	Small Premises
<i>Cat</i>	4	2	2
<i>Dog</i>	4	2	1
Rodent/Reptile	10	5	2
Game Bird	25	2	0
Poultry	25	10	0
Large Bird	5	5	2
Small Bird	50	50	10
Rooster	0	0	0
Swine/Pig	0	0	0
<i>Agricultural Animal</i>	0	0	0

Penalty: 5 penalty units

49. Unless permitted under the Kingston Planning Scheme or an Act, a person must not, without a *permit*, keep an *animal* of a species not listed in the table in clause 48 in any *dwelling* or on any *land* or *premises*.

Penalty: 5 penalty units

50. The *owner* or *occupier* of any *dwelling* within the boundaries of Governor Road south to the Mordialloc Main Drain, and Springvale Road west to the Mornington Peninsula Freeway, known as "The Waterways", must not keep or *permit* or allow to be kept any *cat* in such *dwelling*.

Penalty: 5 penalty units

51. Clause 49 does not apply to persons who purchased a *dwelling* during stage one of "The Waterways" and who owned one or more *cats* at the time of purchase, provided that:
- 51.1 the *cat* is confined indoors or in a totally enclosed *pen* or yard on the *premises*; and
 - 51.2 when the *cat* is outside the *owner's dwelling*, it is confined within an enclosed cage.

NOTE

Clause 50 does not apply to a person who was not the original purchaser of a dwelling during stage one of the "The Waterways". So, second and subsequent *owners* of such dwellings are subject to clause 49.

Animals & Amenity

52. An *owner* or *occupier* of any *dwelling* or *land* and/or *premises*, must not keep an *animal* in that *dwelling* or on that *land* and/or *premises*, if there is a loss of or an adverse impact on the residential amenity of others by reason of odour, existence of vermin or the like.

Penalty: 5 penalty units

53. An *owner* or *occupier* of any *land* on which an *animal* is kept must prevent any unreasonable noise at unreasonable times being emitted by an *animal* from the *land*.

Penalty: 5 penalty units

54. For the purposes of clause 53 unreasonable times are times outside the hours of 7am to 8pm Monday to Friday and 9am to 8pm Saturdays, Sundays and *Public Holidays*.

NOTE

Clause 54 does not apply to *cats* or *dogs*. Nuisances caused by *cats* or *dogs* are regulated by the *Domestic Animals Act 1994*.

Litters of Animals

55. For the purpose of calculating the maximum number of *animals* kept, the progeny of any *dog* or *cat* lawfully kept will be exempt for a period of 12 weeks after their birth.

Housing of Animals

56. Any person applying for a *permit* for the keeping of *animals* must include:
- 56.1 a full description of the *dwelling* or *land* and/or *premises*, together with all other relevant information regarding the place and manner in which the animals are to be kept, or the *building* to be erected or constructed; and
 - 56.2 a block plan with measurements showing the portion of the *dwelling* or *land* and/or *premises*, in which it is intended to keep the *animals*, or to erect or construct the *building*; and
 - 56.3 such further information as *Council* may require.

Permits Relating to the Number of Animals Kept

57. In determining whether to grant a *permit* for the keeping of *animals* where the number exceeds that determined by *Council* and which is set out in this Local Law, *Council* must take into account:
- 57.1 the zoning of the *land*; and
 - 57.2 the extent of compliance with any guidelines for the siting of structures or housing of *animals* issued by *Council*; and
 - 57.3 the amenity of the area; and

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- 57.4 the type and additional numbers of *animals* to be kept; and
 - 57.5 the likely effects on adjoining *owners* or *occupiers*; and
 - 57.6 any relevant provisions of the Kingston Planning Scheme; and
 - 57.7 the adequacy of any *animal* shelters on the *premises, dwelling* or other *land*.
58. In determining what may be adequate shelter, consideration should be given to:
- 58.1 the type of *animals* to be kept; and
 - 58.2 the height of the shelter; and
 - 58.3 the distance from the street frontage of the property; and
 - 58.4 the distance from any other *road*; and
 - 58.5 whether the minimum distance from the boundary of any adjoining property is one metre; and
 - 58.6 whether the minimum distance from any *dwelling* is nine metres; and
 - 58.7 any other matter relevant to the circumstances associated with the application.
- 58A. All *animal* shelters must be maintained so that:
- 58A.1 all manure and other waste is removed and/or treated as often as necessary so that it does not cause a nuisance or offensive condition; and
 - 58A.2 all manure and other waste is to be stored in a fly and vermin proof receptacle until removed from the *premises* or otherwise disposed of; and
 - 58A.3 the area of *land* within 1.5 metres of the area or structure in which the *animal* is kept is kept free from dry grass, weeds, refuse, rubbish or other material capable of harbouring vermin; and
 - 58A.4 all food, grain or chaff is kept in vermin proof receptacles; and
 - 58A.5 the area where *animals* are kept is thoroughly cleaned and maintained at all times in a clean and sanitary manner; and
 - 58A.6 all poultry houses are a minimum of 1.5 metres from any boundary fence; and
 - 58A.7 they are a minimum of 4 metres from any *dwelling*; and
 - 58A.8 if an excess animal permit is granted, the poultry house must be constructed a minimum of 9 metres from any *dwelling*.

Penalty: 5 penalty units

Keeping of Bees & Wasps

59. The *owner* or *occupier* of any *dwelling, land or premises* must not keep or allow to remain in that *dwelling* or on that *land or premises* any
- 59.1 European or English wasps nest, or
- 59.2 honeybee swarm or feral honeybee nest
- and, upon receiving notice to do so from an *Authorised Officer*, must within the timeframe set out in the notice eradicate or cause to be eradicated any wasps or honeybee nest.
- Penalty: 10 penalty units**
60. An *Authorised Officer* may remove bees or wasps from any property if he or she is satisfied that they present a risk to the health and safety of any person.

Grazing Animals

61. The *owner* or *occupier* of any *premises* used or partly used for the grazing of livestock must ensure that fencing on the *premises* is adequate for the purpose of preventing livestock from straying onto any adjacent *road*.
- Penalty: 10 penalty units**
62. A person must not, without a *permit*:
- 62.1 allow a grazing *animal* owned by him or her to wander, graze or otherwise be at large; or
- 62.2 fail to prevent a grazing *animal* owned by him or her from wandering, grazing or otherwise being at large
- on any *road, Council Land* or other *land*.
- Penalty: 5 penalty units**

PART 3 – VEHICLES & ROADS

Vehicles

Parking Management

63. A *parking permit* is required to leave a *vehicle* standing in a range of specific parking precincts as defined in the *Parking Management Policy*.
64. An application for a *parking permit* must be in the form contained in the *Parking Management Policy*.
65. *Parking permits* will be granted in accordance with the *Parking Management Policy*.
66. A *parking permit* holder must:
- 66.1 comply with any conditions imposed on the *parking permit*; and
- 66.2 comply with any conditions imposed by the *Parking Management Policy*, provided always that, in the case of any inconsistency, the conditions imposed on the *parking permit* will prevail.
- Penalty: 10 penalty units**

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67. A *parking permit* holder must:
- 67.1 not assign, transfer or encumber his or her *parking permit*; and
 - 67.2 ensure that the *parking permit* is firmly affixed to the lower interior of the passenger's side corner of the front windscreen of the relevant *vehicle*; and
 - 67.3 ensure that all printed information on the *parking permit* is capable of being read by any person standing beside the *vehicle*.

Penalty: 2 penalty units

68. A *parking permit* applies to a specific *vehicle* and a *parking permit* holder and is non-transferrable.
69. A *parking permit* ceases to be valid on a change of residence or on a change of *vehicle* of the *parking permit* holder, whichever occurs first.
70. [clause deleted]
71. [clause deleted]
72. [clause deleted]

Repair & Display of Vehicles

73. A person must not on any *road* or *Council land* or in any *public place* paint, service, dismantle or rebuild any *vehicle* or repair any *vehicle* (except where necessary to enable it to be removed).

Penalty: 20 penalty units

74. A person must not, without a *permit*, display for sale a *vehicle* or trailer on any *road* or *Council land* or in any *public place*.

Penalty: 20 penalty units

Abandoned, Derelict & Unregistered Vehicles

75. A person must not park or leave standing an abandoned, derelict or unregistered *vehicle* or cause or allow such a *vehicle* owned by that person to be parked or left standing on a *road* for more than 24 consecutive hours.

Penalty: 10 penalty units

76. Any *vehicle* found on *Council land* or a *road* and considered by an *Authorised Officer* to be abandoned, derelict or unregistered may be dealt with under the provisions of Schedule 11 of the Act.

77. A *vehicle* which has been impounded must be surrendered if:
- 77.1 in the event of a claim being made by the *owner* or a person acting on behalf of the *owner*, satisfactory evidence is provided of that person's ownership or authority from the *owner*; and
 - 77.2 any *penalties* for illegal parking have been paid and/or fees for the removal or impounding of the *vehicle* have been paid to *Council*.

Roads

Obstruction to free use of a road

78. A person must not, without a *permit*, place or keep any object (including but not limited to a *vehicle*) on a *road* so as to obstruct the free use of that *road*.

Penalty: 20 penalty units

- 78A. A person must not leave or permit to be left on a road or *Council land* any *charity* or *clothing recycling bin*.

Penalty: 20 penalty units

Transportation of Waste

79. A person must not convey or cause to be conveyed in any *vehicle* on any *road* any manure, dead *animal* or remains, offal, bones, hides, skins, offensive matter, *rubbish*, *green waste* or other waste matter unless the *vehicle* is constructed, fitted, loaded and covered so that:

79.1 no leakage occurs or other material is dropped or deposited on any *road* or adjacent area from the *vehicle*; and

79.2 the possibility of escape of offensive odours is reduced.

Penalty: 10 penalty units

Street Parties, Street Festivals and Processions

80. A person must not, without a *permit*, hold a *street party*, *street festival* or *street procession* on a *road*.

Penalty: 10 penalty units

81. In determining whether to grant a *permit* for a *street party*, *Council* must take into account the following:

81.1 whether the *road* can be closed to vehicular traffic for the duration of the *street party*; and

81.2 whether all *owners* or *occupiers* of properties with any vehicular access via the section of *road* to be closed have been advised; and

81.3 whether a person on behalf of the applicant has been nominated to erect and remove the barriers which close the *road* at locations and times specified in the *permit*; and

81.4 whether an indemnity and guarantee has been provided to *Council*; and

81.5 any other matter relevant to the circumstances of the application.

82. In determining whether to grant a *permit* for a *street festival* or *street procession*, *Council* must take into account the following:

82.1 whether the *road* can be closed to vehicular traffic, or partly closed with safe and effective separation of vehicular traffic and *street festival/procession* patrons and equipment; and

82.2 whether the agreement of the Victoria Police and the Roads Corporation has been obtained and their requirements met, including an appropriate traffic detour sign scheme; and

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- 82.3 whether an indemnity and guarantee has been provided to *Council*; and
- 82.4 whether all *owners* or *occupiers* of properties with any vehicular access via the section of *road* to be closed have been advised by letter and given seven days to comment or object; and
- 82.5 whether a person who may be liable for injury caused by the *street festival* or *street procession* is insured against that risk; and
- 82.6 any other matter relevant to the circumstances of the application.

Restriction of Use of a Road by Heavy Vehicles

- 83. If, in the opinion of *Council*, a *road*, or part of a *road*, is likely to be damaged by a particular class of *vehicle*, it may prohibit such *vehicles* from using that *road* or part of the *road*, for as long as it considers is necessary to prevent the damage.
- 84. Before prohibiting any class of *vehicle*, *Council* must give public notice of its intention in a newspaper circulating in the *municipal district* and cause a notice to be displayed on or adjacent to the *road*.
- 85. *Council* must erect a sign at each point where *vehicles* can enter the *road* or part of the *road* in respect of which the prohibition applies.
- 86. *Council* must obtain any additional approvals required by any Act or regulation prior to the installation of the sign.
- 87. A person must not, without a *permit*, use a *road* contrary to any sign erected pursuant to clause 85.

Penalty: 3 penalty units

- 88. In determining whether to grant a *permit* for a *vehicle* exceeding the load limit on a *road* to use that *road*, *Council* must take into account:
 - 88.1 the amount of damage (if any) likely to be caused to the *road* by the *vehicle* mentioned in the application; and
 - 88.2 the type and weight of the *vehicle*; and
 - 88.3 the goods to be transported and the weight of those goods; and
 - 88.4 alternative *roads* which are available; and
 - 88.5 the necessity to impose special speed limits; and
 - 88.6 any other matter relevant to the circumstances of the application.

Storing or Servicing of Heavy Vehicles

- 89. A person must not, without a *permit*, store, service, repair or wash any *heavy vehicle* on *land* within a residential area unless such activity is permitted under the Kingston Planning Scheme.

Penalty: 5 penalty units

- 90. In considering any application for a *permit* under clause 89, *Council* must take into account:
 - 90.1 the zoning of the *land* upon which the *heavy vehicle* is to be stored, serviced, repaired or washed; and
 - 90.2 the proximity of adjoining properties to the *land*; and
 - 90.3 the likely effect on the *occupiers* / *owners* of the adjoining properties; and

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- 90.4 the distance of the *heavy vehicle* from *dwellings*; and
- 90.5 any other matter relevant to the circumstances associated with the application.

PART 4 - HEALTH

91. A person must not, without a *permit*, deposit any *night soil* or any liquid mix of *night soil* on any *land* or in water or any water course.

Penalty: 20 penalty units

PART 5 – BUSINESS & BUILDERS

Business

Road Regulation of Trading

92. A person must not, without a *permit*, on any *road*, or on any other *Council land*, *sell* goods or services or distribute goods or literature.

Penalty: 20 penalty units

Moveable Advertising Signs & Display of Goods

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

Penalty: 10 penalty units

- 93A An owner of a *vehicle* must not, without a *permit*, place or cause or allow to be placed any *advertising sign*, or display any goods, on or in that *vehicle* on any *road* or *Council land*.

Penalty: 10 penalty units

- 93B An owner of an *advertising sign* must not, without a *permit*, place or cause or allow to be placed that *advertising sign* on any *road* or *Council land*.

Penalty: 10 penalty units

94. In determining whether to grant a *permit* to allow the placement of *advertising signs* and/or display of goods on *Council land* or a *road*, *Council* must take into account:

- 94.1 whether the proposed location of the *advertising sign* or goods is hazardous; and
- 94.2 the width and height of the *advertising sign* or display; and
- 94.3 any other signs from the applicant's *premises*; and
- 94.4 whether persons who may be liable for injury caused by the placing of the *advertising sign* or display of goods are insured against that risk; and
- 94.5 whether an indemnity and guarantee has been provided to *Council*; and
- 94.6 whether the *advertising sign* will be placed or goods will be displayed outside the applicant's *premises*; and
- 94.7 whether adequate lighting of the area can be achieved if the usual

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business hours include hours of darkness; and

94.8 any other matter relevant to the circumstances of the application.

Busking

95. A person must not, without a *permit* issued in accordance with the *Busking Guidelines*, busk on any:

95.1 *road*; or

95.2 other *Council land*

with the object, or apparent object, of collecting money.

Penalty: 5 penalty units

Outdoor Eating Facilities

96. A person must not, without a *permit*, place any chair, table or other similar facilities on any *road* or other *Council land* (except a park or recreational reserve) or any *designated* site.

Penalty: 10 penalty units

97. In determining whether to grant a *permit* for outdoor dining facilities, *Council* must have regard to the *Footpath Activities Policy*.

Shopping Trolleys

98. A person must not leave a *shopping trolley* on any part of a *road* or on any other *Council land* or on any other *land* which is not under the care and control of the *owner* of the *shopping trolley*.

Penalty: 10 penalty units

99. The manager of a shopping complex must immediately collect *shopping trolleys* ordinarily kept within that complex from:

99.1 *Council land*; or

99.2 any other *land* which is not under the care and control of the *owner* of the *shopping trolley*

when notified to do so by *Council* or an *Authorised Officer*.

Penalty: 10 penalty units

100. *Council* may *designate* areas on *Council land* for the purposes of storing *shopping trolleys*.

101. Any *land* under the care and control of the *owner* of a *shopping trolley* and *designated* for the purposes of storing *shopping trolleys* must be signposted to that effect.

102. A person leaving a shopping trolley in an area designated under clause 100 does not commit an offence under clause 97.

103. An *Authorised Officer* may impound any *shopping trolley* which has been left in any area which is neither *designated* by *Council* for the purpose of leaving *shopping trolleys* nor on *land* under the care and control of the *owner* of the *shopping trolley*.

104. *Council* may determine a charge for releasing *shopping trolleys* impounded by it.

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105. A retailer must not make available for use, or permit to be used, a *shopping trolley* which does not have a coin mechanism attached to it.

Penalty: 10 penalty units

106. Clause 105 does not apply when a retailer makes available for use, or allows to be used, 20 *shopping trolleys* or less.

107. A retailer may apply in writing for a *permit* for an exemption from the application of clause 105.

Street Appeals

108. A person must not, without a *permit*, solicit or collect on any *Council land* or from house to house any gifts of money or subscriptions for any purpose.

Penalty: 10 penalty units

109. A person must not seek to solicit contributions from the occupants of *vehicles* that are stationary in compliance with traffic control signals other than with the permission of *Council* and after obtaining an appropriate permit for a "Highway Collection" from the Victoria Police.

Penalty: 10 penalty units

110. A person must not, without a *permit*, provide a windscreen cleaning or similar service on any *Council land* (including a *road*).

Penalty: 10 penalty units

Street Stalls

111. A person must not, without a *permit*, *sell* goods or services from a temporary stall on any *road* or other *Council land*.

Penalty: 10 penalty units

Wheeled Recreational Devices, Wheeled Toys & Bicycles

112. *Council* may *designate* areas in which *wheeled recreational devices*, *wheeled toys* or *bicycles* must not be used or ridden and must erect signs in or at the entrance to any such area so *designated* indicating those prohibitions.

113. A person must not ride or otherwise use a *wheeled recreational device*, *wheeled toy* or *bicycle* in an area *designated* by *Council* under clause 112.

Penalty: 2 penalty units

114. A person must not ride or otherwise use a *wheeled recreational device*, *wheeled toy* or *bicycle*, or authorise another person to ride or otherwise use a *wheeled recreational device*, *wheeled toy* or *bicycle*, on a *road* in a manner so as to cause inconvenience or obstruct, hinder, endanger, alarm or prevent the free passage of any pedestrian or other user of the *road*, whether in or on another *vehicle* or not.

Penalty: 2 penalty units

115. Where a person continues to ride or otherwise use a *wheeled recreational device*, *wheeled toy* or *bicycle* in contravention of clause 113 or 114 and acts contrary to a direction from an *Authorised Officer* to cease such contravention, such *wheeled recreational device*, *wheeled toy* or *bicycle* may be removed by an

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Authorised Officer and impounded.

- 115A A person must not, without a *permit*, use any *wheeled recreational device* for recreational purposes in any *public place* (other than a *road*) or on any *private property*.

Penalty: 5 penalty units

- 115B A person must not in any *public place* or on any *private property* ride or otherwise use any *wheeled recreational device*:

- 115B.1 which does not have, securely fixed to the engine thereof, a silencing device, constructed so that all the exhaust from the engine passes through the silencing device in such a manner as to effectively prevent undue noise; or
- 115B.2 which has attached thereto a cut-out or any device capable of producing an open exhaust; or
- 115B.3 which causes undue noise by reason of -
- 115B.3.1 being in a state of disrepair; or
- 115B.3.2 the manner in which such *wheeled recreational device* is loaded, ridden or used; or
- 115B.3.3 the construction or adjustment of the machinery of such *wheeled recreational device*; or
- 115B.3.4 the construction or adjustment or condition of the silencing device.

Penalty: 5 penalty units

- 115C If a person breaches clause 115A or 115B, or continues to ride or otherwise use any *wheeled recreational device*, *wheeled toy* or *bicycle* in contravention of a direction issued by an *Authorised Officer*:

- 115C.1 an *Authorised Officer* may impound a *wheeled recreational device* being ridden or used, or which has been ridden or used, in contravention of this Local Law;
- 115C.2 within 48 hours of impoundment of a *wheeled recreational device* under clause 115C.1, an *Authorised Officer* must serve notice in writing of the impoundment on the owner of the *wheeled recreational device*;
- 115C.3 subject to sub-clause 115C.4, upon payment of a fee determined by *Council*, which is not to exceed an amount that reasonably represents the cost to *Council* of impounding, keeping and releasing the *wheeled recreational device*, an *Authorised Officer* must release the *wheeled recreational device* to its owner, or any agent of the owner;
- 115C.4 the owner or any agent of the owner of an impounded *wheeled recreational device* will not be entitled to its release where it has been impounded following:
- 115C.4.1 a first offence against clauses 115A or 115B, until the expiry of 6 months from the date of impoundment; or

- 115C.4.2 a second or subsequent offence against clauses 115A or 115B, until the expiry of 12 months from the date of impoundment;
- 115C.5 If the owner of a *wheeled recreational device* impounded under clause 115C.1 has not paid the relevant fee within 28 days of service of the notice under clause 115C.2, *Council* may destroy, give away or otherwise dispose of that *wheeled recreational device*; and
- 115C.6 If the identity or whereabouts of the owner of a *wheeled recreational device* impounded under clause 115C.1 is unknown, an *Authorised Officer* must take reasonable steps to ascertain the owner's identity and/or whereabouts and:
- 115C.6.1 if the identity or whereabouts of the owner can be ascertained, comply with the process set out in clause 115C.2, 115C.3 and 115C.4; or
- 115C.6.2 if the identity or whereabouts of the owner cannot be ascertained, an *Authorised Officer* may, after 28 days of impoundment destroy, give away or otherwise dispose of the *wheeled recreational device*."

Industrial, Trade & Commercial Rubbish

116. Each *occupier* of *premises* must ensure that any container used for the storage of industrial, trade or commercial *rubbish* is:
- 116.1 constructed of *approved* impervious materials so as to prevent the escape by leakage, or otherwise, of any of the contents of such container and the absorption or accumulation of any *rubbish* that may be deposited therein; and
- 116.2 provided with a removable drainage plug of adequate size in the floor or in the side immediately adjacent to the floor of the container for the purpose of cleaning when required by an *Authorised Officer*; and
- 116.3 thoroughly cleaned after each emptying of the contents, and when required by an *Authorised Officer*; and
- 116.4 where the container holds putrescible waste be:
- 116.4.1 constructed so as to be water tight, fly and vermin proof; and
- 116.4.2 provided with a fly and vermin proof close fitting lid or lids with overlapping flanges on top of the container which is or are kept closed except when *rubbish* is being deposited or discharged; and
- 116.5 kept at all times in good order and in a clean and sanitary condition; and
- 116.6 where the container is to be emptied by *Council* or its agents, of a type which complies with this Local Law unless otherwise approved by *Council*.

Penalty: 20 penalty units

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117. The *occupier* of any *premises* must, when required by an *Authorised Officer*, ensure that the area within the *premises* on which such trade, industrial or commercial *rubbish* container is stored or kept is:

117.1 provided with an approved impervious surface, graded and drained to the sewer or an approved outlet with such silt traps or other treatment devices as required by the *Authorised Officer* and supplied with a tap connected to reticulated water supply and a hose of approved size; and

117.2 screened in such a way and with such material as is required by the *Authorised Officer*; and

117.3 adequately fenced or otherwise constructed so as to deny access to the public.

Penalty: 20 penalty units

118. The *occupier* of any *premises* must ensure that the container referred to in clause 116 only remains on a *road* or other *Council land* on the day of collection and in a location which does not interfere with vehicular or pedestrian traffic or which is otherwise approved by an *Authorised Officer*.

Penalty: 20 penalty units

119. The *occupier* of any *premises* must ensure that the area on which any container used for the storage of industrial, trade or commercial *rubbish* and its surrounding area is maintained at all times in a clean and sanitary condition.

Penalty: 20 penalty units

Sale of Aerosol Spray Paint Containers

120. A person who:

120.1 offers for sale any aerosol spray paint container; or

120.2 owns, operates or manages a business from *premises* on which an aerosol spray paint container is offered for sale

must not

120.3 store or display; or

120.4 cause to be stored or displayed; or

120.5 allow to be stored or displayed

any aerosol spray paint container in an area that is accessible to the public.

Penalty: 5 penalty units

121. An *Authorised Officer* may seize or impound any aerosol spray paint container which is found in circumstances where clause 120 has been contravened.

Builders

Tapping into Drains

122. A person must not, without a *permit*, destroy, damage or tap into a *Council* drain.

Penalty: 20 penalty units

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Interference with Water Courses

123. A person must not, without a *permit*, destroy, damage or interfere with a water course, ditch, creek, gutter, drain, tunnel, bridge, levee, culvert or fence which is the property or under the control or management of *Council*.

Penalty: 20 penalty units

Management of Stormwater

124. A *person in charge* must comply with any requirements imposed by the *Building Site Stormwater Code of Practice* in respect of any *building work* on a *building site*.

Penalty: 20 penalty units

125. If requested to do so by an *Authorised / Delegated Officer*, a *person in charge* must, to the best of that person's knowledge, identify or attempt to identify any person responsible for contravening the *Building Site Stormwater Code of Practice* while on that *building site*.

Penalty: 20 penalty units

Road Occupation & Works

126. A person must not, without a *permit*, occupy or fence off part of a *road*, undertake any trenching, under boring or reinstatement works, use a mobile crane or travel tower, or erect a hoarding or overhead protective awning in, on, under or over a *road* or other *Council land*.

Penalty: 20 penalty units

127. In determining whether to grant a *permit* for *road* opening, reinstatement or works under clause 126, *Council* must take into account:

127.1 the nature and duration of the works; and

127.2 the likely hazard to users of the *road*; and

127.3 whether persons who may be liable for injury caused by the works are insured against that risk; and

127.4 the impact of the works on the amenity of the adjoining area; and

127.5 whether an indemnity and security bond have been provided to *Council*; and

127.6 any other matter relevant to the circumstances of the application.

128. Clause 126 does not apply to the works of *Service Authorities*:

128.1 in an emergency or urgent circumstances; or

128.2 when works are being carried out in accordance with the *Road Management Act 2004*.

Vehicle Crossings

129. A person must not, without a *permit*, construct a *vehicle crossing*.

Penalty: 20 penalty units

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130. An *owner* or *occupier* of any *premises* must ensure that any *vehicle crossing* constructed to service those *premises* is constructed and sited to the satisfaction of *Council*.

Penalty: 20 penalty units

131. *Council* may by notice in writing to the *owner* or *occupier* of *premises* require:
- 131.1 the construction of a satisfactory *vehicle crossing* to any *premises*, with the full cost of such works to be borne by the *owner* or *occupier*; or
 - 131.2 the repair of a *vehicle crossing* which is in a state of disrepair, with the full cost of such works to be borne by the *owner* or *occupier*; or
 - 131.3 the removal of a *vehicle crossing* and reconstruction of the kerb and channel and footpath where the *vehicle crossing* is, in the opinion of *Council*, no longer required, with the full cost of such works to be borne by the *owner* or *occupier*.
132. An *owner* or *occupier* of *land* to whom a notice in writing is given under clause 131 must comply with the requirements of such notice.

Penalty: 20 penalty units

Asset Protection

133. The
- 133.1 *owner* of any *land*;
 - 133.2 *builder* engaged to carry out *building work* on *land*;
 - 133.3 *appointed agent*; or
 - 133.4 *demolition contractor* engaged to carry out the demolition of a structure on the *land*, in the case of *building work* involving demolition,
- must:
- 133.5 obtain an *Asset Protection Permit* before carrying out the *building work*; or allowing the *building work* to be carried out on that *land*; and
 - 133.6 not carry out or allow to be carried out any *building work* on that *land* unless an *Asset Protection Permit* has been obtained.

Penalty: 20 penalty units

134. An *Asset Protection Permit* expires on the date specified in the *Asset Protection Permit* or, if not specified, 24 months after the date of its issue, unless it is renewed.
135. A security bond is required to be paid on granting an *Asset Protection Permit*, the amount of which will be determined by *Council*.
136. Upon completion of the *building work*, the amount of the security bond may be:
- 136.1 retained by *Council* to offset the costs of repairing any damage; or
 - 136.2 refunded to the person who lodged it, upon that person requesting that it be refunded and *Council* being satisfied that no damage has been caused, or that any damage caused has been repaired by, or on behalf of, that person to *Council's* satisfaction.
137. If an *Asset Protection Permit* has expired and the security bond to which it relates

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has not been retained or refunded in accordance with clause 136, the security bond will become the property of *Council* absolutely and may be used by *Council* in any way that it thinks fit.

Construction Management

137A Unless otherwise agreed by *Council*, a *person in charge* must comply with any requirements imposed by the *Construction Management Guidelines* in respect of any *building work* on the *building site*.

Penalty: 20 penalty units

Inspections of a Building Site

138. *Council* may determine if and when inspections of a *building site* may be conducted.

139. An *Authorised Officer* may enter any *land* or *building* at any reasonable time for the purpose of inspecting any *public infrastructure asset*, *building work*, sewerer toilet, portable toilet (closed) system, *vehicle*, plant, facility, *temporary vehicle crossing* or other thing referable to complying with this Part.

140. If, as a result of an inspection of a *building site*, an *Authorised / Delegated Officer* identifies any damage which appears to result from non-compliance with this Local Law, the *Authorised / Delegated Officer* may direct the responsible person to reinstate the damage within a specified time.

141. The *Authorised / Delegated Officer* giving the direction under clause 140 must provide the responsible person with written confirmation of that direction either at the time of the inspection or within a reasonable timeframe.

142. A person to whom a direction is given under clause 140 must comply with such direction.

Penalty: 20 penalty units

Temporary Toilet Facilities on Building Sites

143. The:

143.1 *owner* of the *land* on which the *building work* is being or is to be carried out;

143.2 *builder* engaged to carry out the *building work* ; or

143.3 *appointed agent*

must not carry out or allow to be carried out any *building work* or other work necessitating the employment or engagement of persons on a *building site* unless a sewerer toilet or a fresh water flush with water seal type portable toilet (closed) system is provided, and is serviced as required (at least monthly) for the use of persons on that *building site* to the satisfaction of *Council* or an *Authorised / Delegated Officer*.

Penalty: 10 penalty units

PART 6 - COUNCIL BUILDINGS

Behaviour in Council Buildings

144. A person must not in any *Council building* or its surrounds:
- 144.1 behave in a manner which is boisterous or harmful or which interferes with the quiet enjoyment of any person using the *Council building*; or
 - 144.2 act in any way that endangers any person who is in a *Council building*; or
 - 144.3 use indecent, insulting, offensive or abusive language; or
 - 144.4 destroy, damage, write upon or interfere with any structure or any *Council* property contained in a *Council building*; or
 - 144.5 act contrary to a sign; or
 - 144.6 deposit any litter except in a receptacle provided for that purpose; or
 - 144.7 except for a child under the age of 6 years in the care of a responsible person, enter or use any dressing room, shower convenience or any passage leading thereto in a *Council building* which has been appointed or appropriated to persons of the opposite sex; or
 - 144.8 without a *permit*, hawk, *sell* or hire out any goods, articles or services; or
 - 144.9 obstruct, hinder or interfere with any person apparently managing, any attendant of, any member of *Council's* staff working in or any person employed at a *Council building* in the performance of their duties.

Penalty: 10 penalty units

Availability & Hire

145. A person must not, without a *permit* or other form of *Council* consent organise or undertake any event in a *Council building*.

Penalty: 10 penalty units

Management Committees

146. *Council* may appoint a committee, known as a Management Committee, to advise it on the management of any *Council building*.

Hours

147. Subject to clause 149, *Council buildings* will be open to the public during such hours as *Council* determines.
148. *Council* or an *Authorised Officer* may at any time close a *Council building* or any part of it for any purpose, including maintenance and cleaning.
149. *Council* or an *Authorised Officer* may, at any time, restrict or prohibit normal entry to a *Council building*.
150. *Council* or an *Authorised Officer* may from time to time hire out a *Council building* or any designated part or parts thereof to any person, organisation or group and for such purposes as the *Council* or an *Authorised Officer* deems fit.
151. During any period for which a *Council building* or any part thereof has been so

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hired out, the *Authorised Officer* may refuse admission thereto to any person other than persons associated with the purpose of the hirer.

152. *Council* or an *Authorised Officer* may provide for such conditions on any hiring as the *Council* or Manager deems fit.

Prohibition on Entry

153. A person must not, without the approval of *Council*:
- 153.1 enter or remain in a *Council building* while under the influence of intoxicating liquor or any prohibited drug, or bring liquor or any prohibited drug into a *Council building*; or
 - 153.2 bring any *animal* into a *Council building* or allow any *animal* under his or her control to remain in a *Council building*; or
 - 153.3 re-enter a *Council building* within 24 hours after being directed by the *Authorised Officer* to leave for any breach of this Local Law or any other law; or
 - 153.4 enter or remain in a *Council building* other than during the hours when the *Council building* is open to the public, without the approval of the *Chief Executive Officer* or a *Senior Officer*;
 - 153.5 enter a *Council building* other than through an entrance provided for the purpose of public entry; or
 - 153.6 enter or remain in any part of a *Council building* not set aside for public use; or
 - 153.7 enter or remain in a *Council building* if he or she is under the age of 10 years, unless he or she is in the care of a responsible adult.

Penalty: 10 penalty units.

154. Sub-clause 153.2 does not apply to the bringing of any *assistance animal* into a *Council building*.
155. Sub-clauses 153.5, 153.6 and 153.7 do not apply to a member of *Council* staff or any other person authorised to be present by *Council*.

Prohibited Articles

156. A person must not bring into or cause or permit to be brought into or remain in any part of a *Council building* any:
- 156.1 *wheeled recreational vehicle, wheeled toy or bicycle*; or
 - 156.2 chemical, substance, liquid or powder which is dangerous or injurious to health or has the potential to foul, pollute or soil any part of a *Council building* or to cause discomfort to any persons in a *Council building*, whether by offensive or noxious smell or otherwise.

Penalty: 10 penalty units.

PART 7 – COUNCIL LAND & FORESHORE RESERVES

Behaviour on Council Land & Foreshore Reserves

157. A person must not, in or upon any *Council land* or *foreshore reserve*:
- 157.1 damage or interfere with any structure, notice, *building* or part thereof, seat, tree or plant; or
 - 157.2 walk on natural resource areas, flower beds or borders, climb trees, or enter any prohibited areas as *designated* by *Council* from time to time; or
 - 157.3 climb, get on or over any fence or gate or write on or disfigure or post bills or advertisements on any of the fences, gates, walls, seats or other structures; or
 - 157.4 roll or throw stones or missiles; or
 - 157.5 leave any litter except in bins provided; or
 - 157.6 spit upon or otherwise foul any path or structure; or
 - 157.7 remove, displace, disfigure or damage any noticeboard, scoreboard or other fixture; or
 - 157.8 carry firearms or shoot, attempt to shoot, snare, attempt to snare, destroy or attempt to destroy any bird or *animal* therein or thereon except with the written authority of *Council* or unless specifically authorised to do so being a person who is a member of the Victoria Police in the course of his or her duties or another person authorised under the *Firearms Act 1996*; or
 - 157.9 play any *unlawful game* or make any wager for money or carry on any form of gambling or by any unseemly or indecent conduct or otherwise interfere with the comfort or enjoyment of other persons; or
 - 157.10 interfere with or in any way hinder or interrupt any member of *Council's* staff or any *Authorised Officer*; or
 - 157.11 act in any way that endangers any person; or
 - 157.12 behave in a manner which is boisterous or harmful or which interferes with another person's use and enjoyment of the *Council land* or *foreshore reserve* or any part thereof; or
 - 157.13 use any indecent or abusive language; or
 - 157.14 enter or remain while in a drunken or intoxicated condition or while under the influence of any hallucinatory drug; or
 - 157.15 remain at any time when lawfully directed to leave by any *Authorised Officer* or member of *Council's* staff notwithstanding that a fee or charge for admission may have been paid; or
 - 157.16 act contrary to any lawful direction of any member of *Council's* staff or any *Authorised Officer*, including any direction to leave the *Council land* or *foreshore reserve*; or
 - 157.17 commit any nuisance; or
 - 157.18 act contrary to any sign; or
 - 157.19 shift or remove any rubbish bin or container provided by *Council*.

Penalty: 10 penalty units

Use of Council Land & Foreshore Reserves

158. A person must not, without a *permit* (or a permit or licence granted by an agency of the State Government), while in or upon any *Council land or foreshore reserve*:
- 158.1 light any fire or permit any fire to remain alight unless in a fireplace provided by *Council*; or
 - 158.2 conduct any event; or
 - 158.3 establish, erect or affix any permanent memorial; or
 - 158.4 erect, fix, distribute, or place any advertisements for any commercial, charitable, cultural or community purposes; or
 - 158.5 organise, hold or attend any rally, procession, demonstration or other public gathering; or
 - 158.6 conduct, organise or participate in any competitive game or sport; or
 - 158.7 engage in, play or practise cricket, football, bowls, tennis, lacrosse, golf, archery or any like games that may interfere with the use and enjoyment of the *Council land or foreshore reserve* or any part thereof by any other person; or
 - 158.8 *sell* any article or operate or cause to be operated any amusement for which a charge is made or make a collection of money for any purpose; or
 - 158.9 ride, drive or use any horse, *motor vehicle*, motor cycle, recreation vehicle, *bicycle*, *wheeled recreational device*, *wheeled toy* or other *vehicle*.
 - 158.10 enter or remain within or upon any playing area during the progress of any sports match or sports gathering, except where the person is a player, official or competitor at such sports match or sports gathering authorised under this Part; or
 - 158.11 enter any plots or areas which are set aside for the planting or growing of plants, unless the person is a member of *Council's* staff or a member of the Management Committee.

Penalty: 10 penalty units

159. Sub-clause 158.9 does not apply to:
- 159.1 the parking of any *motor vehicle*, motor cycle, *bicycle* or other *vehicle* in any parking area set aside for that purpose by *Council*; or
 - 159.2 the wheeling of *bicycles*, prams, wheelchairs, child or baby carriages and children's toys; or
 - 159.3 the riding or use of a *wheeled recreational device*, *wheeled toy* or *bicycle* in such a manner that does not interfere with the use or enjoyment of the *Council land or foreshore reserve* or any part thereof by any other person, except where *Council* has by sign provided to the contrary; or
 - 159.4 any *Authorised Officer* or member of *Council's* staff acting in the course of his or her duties; or
 - 159.5 any roadway *designated* by *Council* resolution as being an exception to

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sub-clause 158.9.

Access to Council Land & Foreshore Reserves

160. *Council* or an *Authorised Officer* may *approve* days and times upon which charges or entrance fees may be made for the use of *Council land and foreshore reserves*.
161. *Council* or an *Authorised Officer* may grant permission to use *Council land and foreshore reserves* on such terms and conditions as it or he/she thinks fit, and may demand a security bond to be held by *Council* for the duration of any works and returned if *Council's* terms and conditions are met.
162. *Council* or an *Authorised / Delegated Officer* may from time to time resolve or determine that certain *Council land and foreshore reserves* or parts thereof be provided for public access or withdrawn from public access.
163. A person must not:
- 163.1 enter or exit any *Council land* or *foreshore reserve* other than via a designated access point/s (where applicable); or
- 163.2 park a *vehicle* on *Council land* or a *foreshore reserve* other than in a dedicated parking area.

Penalty: 10 penalty units

164. A person must not, without a *permit*, access a property abutting *Council land* or *foreshore reserve* via the *Council land* or *Foreshore Reserve*.

Penalty: 10 penalty units

Animals in or on Council Land & Foreshore Reserves

165. A person must not cause or permit any horse or other *animal* belonging to that person or in respect of which he or she is in charge to be brought onto, enter or remain on any part of *Council land* or *foreshore reserve*, other than an area or areas identified by the erection of signs.
- Penalty: 5 penalty units**
166. Clause 165 does not apply to the use of any *assistance animals*.
167. Any *animal* found on *Council land* or a *foreshore reserve* contrary to this Local Law may be seized and impounded by an *Authorised Officer*.

Enclosures

168. A person must not, except where and in accordance with any conditions authorised by *Council*, enter any area on *Council land* or a *foreshore reserve* enclosed for plantation of young trees, shrubs, marrum grass, grass plots, dune restoration or for the growth or preservation of native flora.

Penalty: 5 penalty units

Fires

169. A person must not, without a *permit*, light, cause to be lit or remain alight any fire on any part of *Council land* or a *foreshore reserve*

Penalty: 10 penalty units

Stranded Vehicles

170. An *Authorised Officer* may remove or cause to be removed any *vehicle* causing an obstruction or parked, stranded or left on *Council land* or a *foreshore reserve* provided that the removal of the *vehicle*:
- 170.1 is agreed to by its *owner* or driver; or
- 170.2 is reasonable having regard to the obstruction being caused and the means readily available to remove that obstruction.
171. Any *vehicle* left on *Council land* or a *foreshore reserve* for a continuous period exceeding 24 hours may be removed by *Council* and impounded.
172. A person must not park or leave standing any *vehicle* on a *Council land* or a *foreshore reserve* so as to cause an obstruction to any other *vehicle* or persons other than in a parking area *designated* for the parking of such a *vehicle*.

Penalty: 5 penalty units

Bathing Boxes & Boathouses

173. A person must not use or allow to be used:
- 173.1 any bathing box on *Council land* or a *foreshore reserve* for any purpose other than for passive recreation, dressing, undressing and the storage of bathing suits and beach accessories; or
- 173.2 any boat house or fishing box on *Council land* or a *foreshore reserve* for any purpose other than:
- 173.2.1 a purpose mentioned in sub-clause 173.1; or
- 173.2.2 the storage of boats and fishing gear.

Penalty: 5 penalty units

174. Every person granted permission to occupy any site on *Council land* or a *foreshore reserve*, whether in the form of a *permit* or otherwise, must pay *Council* the fees determined by *Council* from time to time.
175. *Council* may remove from *Council land* or a *foreshore reserve* any bathing box, boathouse, fishing box or other *building* on *Council land* in the event of non-payment of fees or for any other reason deemed sufficient by *Council*.
176. *Council* may allow the transfer of any permission to occupy a site on *Council land* (including a *permit*) but no person must sublet or sub-license or part with possession or occupation of any site or structure in or on *Council land* or a *foreshore reserve*.

Penalty: 5 penalty units

177. The renewal of any permission to occupy a site on *Council land* (including a *permit*) is at all times at the discretion of *Council*.
178. Without limiting the generality of clause 177, *Council* may remove from *Council land* or a *foreshore reserve* any bathing box, boathouse, fishing box or other *building* if there has been:
- 178.1 a failure to comply with any notice to comply in respect of rectifying any structural defect, dangerous state, unsightliness, regular or periodic use for purposes other than those permitted under clause 173; or
- 178.2 any prolonged disuse or termination of a lease, licence or *permit*; or

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- 178.3 any program of removal agreed to by *Council* for reasons of addressing tidal effects, beach stabilisation, erosion or other purposes; or
- 178.4 any direction for removal issued by any Coastal Management or other Government Agency.

Defacing Council Land

- 179. A person must not
 - 179.1 destroy, damage, deface or interfere with any *road* or other *Council land*; or
 - 179.2 destroy, damage or interfere with any trees or plants on any *road* or other *Council land*; or
 - 179.3 remove any thing belonging to the *Council* from any *road* or other *Council land*; or
 - 179.4 destroy, damage or interfere with any *Council* property or assets (owned or managed by *Council*) located on any *road* or other *Council land*.

Penalty: 20 penalty units

- 180. A person must not plant or place any trees, plants or shrubs or associated landscape features on any *road* or other *Council land* unless such features are consistent with the *Nature Strip Guidelines*.

Penalty: 20 penalty units

Bin Skips

- 181. An *owner* of a *bin skip* must not, without a *permit*, place or cause or allow to be placed a *bin skip* for the removal of *building* or industrial, *green* or *domestic* waste or vegetation on any *road* or other *Council land*.

Penalty: 10 penalty units

- 182. The *owner* of a *bin skip* placed on private property must ensure that the *bin skip* does not discharge or drain directly or flow onto any *road* or other *Council land*.

Penalty: 10 penalty units

- 183. In determining whether to grant a *permit* for the placement of a *bin skip* on a *road* or other *Council land*, *Council* must take into account:

- 183.1 whether the placement will obstruct the passage of *vehicles* and pedestrians, obscure the view of motorists or present a physical hazard; and
- 183.2 where relevant, whether the applicant holds a relevant accreditation with *Council*; and
- 183.3 whether the placement will contravene the restrictions or limitations imposed by the inscription on any traffic control signs; and
- 183.4 whether hazard lights can be securely attached on the side nearest passing traffic or placed on a *carriageway* or adequate reflective tape can be attached at either end of the *bin skip*, so that an approaching motorist can identify the extent and form of the *bin skip* container; and
- 183.5 the protection of any *Council* assets; and
- 183.6 whether any indemnity and guarantee has been provided; and

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- 183.7 whether the person or persons who may be liable for injury caused by the placing of the *bin skip* is or are insured against that risk; and
- 183.8 any other matter relevant to the circumstances of the application.

Materials on Roads or Council Land

184. A person must not, without a *permit*, place, store, leave or cause or allow to be placed, stored or left on any *road* (whether or not a public highway) or other *Council land* any item/s or material/s.

Penalty: 20 penalty units

185. Any items or materials left on any *road* (whether or not a public highway) or other *Council land* may be removed by an *Authorised Officer*, and he or she may request the person who placed, stored, left or caused or allowed to be placed stored or left on the *road* or *Council land* the item/s or material/s to remove the item/s or material/s, which may be disposed of in any manner convenient and any items or equipment may be impounded.
186. A person must comply with a request made by an *Authorised Officer* under clause 185.

Penalty: 20 penalty units

187. In determining whether to grant a *permit* under clause 184, *Council* must have regard to:
- 187.1 the area of *land* to be affected by the deposit, storage or leaving of the item/s or material/s; and
- 187.2 the use to which that *land* is normally put; and
- 187.3 the safety in using that land for the proposed purpose; and
- 187.4 the nature of signs or lighting to be required (if any) relating to such use; and
- 187.5 the duration of the proposed use; and
- 187.6 whether the person or persons who may be liable for injury caused by the placing of the item/s or material/s is or are insured against that risk; and
- 187.7 whether an indemnity and guarantee has been provided; and
- 187.8 what arrangements are in place for restoring the area; and
- 187.9 whether there is a need to comply with section 223 of the *Act*; and
- 187.10 any other matters considered relevant to the circumstances.
188. Nothing in clause 185 or 186 applies to any person who parks or leaves standing any *motor vehicle* on a *road* or who leaves any item or material/s on a *road* in accordance with this Local Law.

Substances from Livestock

189. A person must not, without a *permit*, drive, ride or lead any livestock on any *road* or other *Council land*.

Penalty: 20 penalty units

NOTE

Where the *road* is a *state road*, the permission of the relevant state *road* authority must also be obtained.

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190. A person driving, riding or leading livestock on a *road* must take all reasonable steps to promptly remove any substance on the *road* that has fallen from, or been deposited by, the livestock, and must make good any damage and remove any consequent hazard.

Penalty: 20 penalty units

191. Where any damage or hazard remains on a *road* as a result of the driving, riding or leaving of livestock, the person referred to in clause 190 must promptly notify *Council* and Victoria Police of the damage or hazard.

Penalty: 20 penalty units

Camping on Council Land & Public Places

192. Unless permitted under the Kingston Planning Scheme, a person must not, without a *permit*:

192.1 *camp*; or

192.2 keep, erect, place or occupy a caravan, tent or similar structure on *Council land* or in a *public place*.

Penalty: 5 penalty units

Trees & Plants Overhanging Roads Council Property

193. The *owner* or *occupier* of any *premises* abutting any *road* must not allow trees and or plants to grow on or from those *premises* in such a manner that they cause danger to traffic or drivers by preventing an unobstructed passage and a clear view of other *vehicles* or signs or signals installed to control, direct, guide, regulate or warn drivers.

Penalty: 5 penalty units

194. The *owner* or *occupier* of any *premises* must not allow any trees or plants growing on or from those *premises* to overhang a footway or other *Council land* at a height of less than 2.4 metres.

Penalty: 5 penalty units

195. The *owner* or *occupier* of any *premises* must not allow any trees or plants growing on or from those *premises* to overhang the *carriageway* of a *road* at a height of less than 4.5 metres.

Penalty: 5 penalty units

Circuses & Carnivals

196. A person must not, without a *permit*, conduct a circus, carnival or similar event on any *land*.

Penalty: 20 penalty units

197. Clause 196 does not apply where the Kingston Planning Scheme allows a circus, carnival or other similar event to be held subject to a planning permit being obtained, and it is conducted in compliance with the "*Good Neighbour Code of Practice for Circus or Carnival*".

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198. In determining whether to grant a *permit* under clause 196, *Council* must take into account:
- 198.1 the location of the *land*; and
 - 198.2 the suitability of the *land*; and
 - 198.3 the duration of the event; and
 - 198.4 the proposed hours of operation; and
 - 198.5 the availability of sanitary facilities to the *land*; and
 - 198.6 the likely damage to be caused; and
 - 198.7 the amenity of the area; and
 - 198.8 the availability of parking; and
 - 198.9 whether the person who may be liable for injury caused as a result of the holding of the circus, carnival or other similar event is insured against that risk; and
 - 198.10 the likely effects on traffic in the area; and
 - 198.11 whether an indemnity and guarantee has been provided; and
 - 198.12 any other matter relevant to the circumstances associated with the application.

PART 8 - CONSUMPTION OF LIQUOR IN PUBLIC PLACES

Consumption of Liquor

199. A person must not, without a *permit*, consume any *liquor* or have in his or her possession a bottle, can, wine cask or other receptacle which has been opened and which contains *liquor* in any *public place* between 6 p.m. on 31 December and 10 am on 1 January in the following year.
- Penalty: 5 penalty units**
200. *Council* may from time to time *designate* areas where *liquor* may not be consumed or possessed in opened containers.
201. A person must not, without a *permit*, consume *liquor* or have *liquor* in his or her possession in an opened container in an area *designated* in accordance with clause 200.
- Penalty: 5 penalty units**
202. Despite clauses 199 and 201, a person who consumes *liquor* or has *liquor* in his or her possession in an opened container does not commit an offence if:
- 202.1 he or she is taking part in a procession, function, *street party* or other activity on a *road* or other *public place* in respect of which a licence or *permit* has been granted to possess *liquor* in an opened container or drink alcohol in accordance with any other Act; or
 - 202.2 he or she is in or on licensed premises or an extension of licensed premises in respect of which consumption of *liquor* and possession in opened containers is permitted; or
 - 202.3 in respect of an area *designated* under clause 200 the area is not signposted with a sign indicating the nature of the prohibition.

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203. *Council* may grant a *permit* for the consumption of any *liquor* or for the possession of *liquor* in unsealed containers in any *public place* as may be designated by *Council*.

PART 9 - FIRE

Lighting Fires in the Open & Incinerators

204. A person must not, without a *permit*, light, allow to be lit or remain alight a fire in the open air.
Penalty: 10 penalty units
205. A person must not leave any fire burning in the open air unattended.
Penalty: 10 penalty units
206. *Council* may only grant a *permit* to burn within the area designated rural, industrial or commercial under the Kingston Planning Scheme for the purpose of fuel reduction, regeneration of indigenous plants, eradication of prohibited weeds or diseased plants or for any other purpose *Council* sees fit.
207. *Council* may issue a *permit* for the purpose of cooking for cultural activities or for the purpose of enabling religious observance.
208. A person must not light or allow to be lit or remain alight a fire in the open air that causes a nuisance by odour, smell, smoke or any other means.
Penalty: 5 penalty units
209. Clauses 204 and 205 do not apply to a barbecue while being used for the purpose of cooking food for human consumption.
210. A person must not light or allow to be lit or remain alight a fire in any incinerator or other structure used for the purpose of burning solid fuel materials to create heat outdoors.
Penalty: 5 penalty units
211. A person must not construct, erect, install, use or allow to be constructed, erected, installed or use an incinerator on any *land* or allow any incinerator to remain on any *land*.
Penalty: 5 penalty units
212. A person must not, on any *road*, light or allow to be lit or remain alight any fire, unless that person is an officer or employee or authorised contractor of a public body and engaged in an activity for or on behalf of that public body.
Penalty: 10 penalty units
213. A person must not light or allow to be lit or remain alight a fire in the open air or in a barbecue that causes a hazard to any person, property or vegetation.
Penalty: 10 penalty units
214. Clauses 210 and 211 do not apply in respect of any incinerator which is the subject of a planning permit.
215. A person must not burn or cause or allow to burn any offensive or toxic material
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or matter, substance or materials consistent with rubber, plastic, oil or oil waste, petrol waste, paint, chemicals, food waste, pressured can, textile fabric, faecal matter or any offensive or noxious matter.

Penalty: 10 penalty units

Barbecue

216. A person must not construct or re-construct or allow or cause to be constructed or re-constructed any solid fuel barbecue within three metres of any fence or structure (whether fixed or portable) or within three metres of any overhanging tree or foliage.

Penalty: 5 penalty units

217. A person must not light or allow to be lit or remain alight any barbecue in the open air that causes a nuisance by odour, smoke or any other means.

Penalty: 5 penalty units

218. A person must not light or allow to be lit or remain alight any fire in a barbecue for purposes other than cooking food for human consumption.

Penalty: 5 penalty units

Directive Powers

219. An *Authorised Officer* or an officer of the Country Fire Authority, Metropolitan Fire Brigade or Victoria Police may direct the *owner* or *occupier* or person in charge of any *land* on which a fire is alight in the open air contrary to any provision of this Local Law to immediately extinguish the fire.

220. An *owner* or *occupier* or person in charge of *land* must comply with a direction under clause 219.

Penalty: 5 penalty units

221. If any person fails to extinguish a fire when directed to do so by an *Authorised Officer* such *Authorised Officer* may extinguish or cause to be extinguished such fire.

222. An *Authorised Officer* may extinguish or cause to be extinguished a fire left unattended in the open air.

PART 10 – PERMITS & DELEGATION

Applying for a Permit

223. A person who wishes to apply for a *permit* may do so by:

223.1 lodging with *Council* an application in a form or to the effect prescribed by *Council*; and

223.2 paying to *Council* the appropriate application fee.

224. *Council* may require an applicant to provide additional information before further considering an application for a *permit*.

225. *Council* may require a person applying for a *permit* to give public notice of the

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application, and entitle any person to make a submission and be heard about it.

Fees

226. *Council* may by resolution, from time to time, determine fees for the purposes of this Local Law, and:
- 226.1 in determining any fees and charges, may establish a system or structure of fees and charges, including a minimum or maximum fee or charge if it considers it is appropriate to do so; and
- 226.2 may waive, reduce or alter a fee with or without conditions.

Issue of Permits

227. *Council* may:
- 227.1 issue a *permit* with or without conditions; or
- 227.2 refuse to issue a *permit*.

Conditional Permits

228. A *permit* may be subject to conditions which *Council* considers to be appropriate in the circumstances, including:
- 228.1 the payment of a fee or charge; and
- 228.2 a time limit to be applied whether specifying the duration commencement or completion date; and
- 228.3 the happening of an event; and
- 228.4 the rectification, remedying or restoration of a situation or circumstance; and
- 228.5 where the applicant is not the *owner* of the subject *land*, the consent of the *owner*; and
- 228.6 the granting of some other *permission* or authorisation; and
- 228.7 any other matter considered relevant to a particular application.
229. The conditions of a *permit* must be set out in the *permit*.
230. *Council* may, during the currency of a *permit*, alter the conditions of a *permit* if it considers it to be appropriate to do so, after providing the *permit* holder with an opportunity to make comment on the proposed alteration.
231. A person who undertakes an activity for which *Council* has issued a *permit* must comply with the conditions of the *permit*.

Penalty: 10 penalty units

Duration of a Permit

232. A *permit* is in force until the expiry date indicated on the *permit*, unless it is cancelled before the expiry date.
233. If no expiry date is indicated on a *permit*, the *permit* expires on 30 June next after the day on which it is raised.

Cancellation of a Permit

234. *Council* may cancel a *permit* if it considers that:
- 234.1 there has been a serious or ongoing breach of the conditions of the *permit*; or
 - 234.2 a *notice to comply* has been issued but not complied with within the time specified in the *notice to comply*; or
 - 234.3 there was a significant error or misrepresentation in the application for the *permit* or
 - 234.4 in the circumstances, the *permit* should be cancelled.
235. Before it cancels a *permit*, *Council* must, if it is practicable to do so, provide to the *permit* holder an opportunity to make comment on the proposed cancellation.
236. If a *permit* holder is not the *owner* of the subject *land*, and the *owner's* consent was required to be given to the application for the *permit*, the *owner* must be notified of any *notice to comply* and of the reason why it has been served.

Correction of Permits

237. *Council* may correct a *permit* in relation to:
- 237.1 a clerical mistake or an error arising from any accident, slip or omission; or
 - 237.2 an evident material miscalculation or an evident material mistake of description of a person, thing or property.
238. *Council* must notify a *permit* holder in writing of any correction.

Registers

239. *Council* must maintain a register of *permits*, including details of corrections and cancellations.
240. *Council* must maintain a register of determinations made and of guidelines prepared for the purpose of this Local Law.

Service Authorities

241. A *Service Authority* or a person employed or acting on behalf of a *Service Authority* is not required to obtain a *permit* in respect of work which is for the purposes of the *Service Authority*.
242. A person who would, but for this clause, be required to obtain a *permit* in respect of any activity must notify *Council* of the activity prior to its commencement.

Exemptions

243. *Council* may by written notice exempt any person or class of persons from the requirement to obtain a *permit*, either generally or at specified times.
244. *Council* may require an applicant to provide additional information before dealing with an application for an exemption.
245. An exemption from the requirement to obtain a *permit* may be granted subject to conditions.
246. A person must comply with the conditions of an exemption from the requirement
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to obtain a *permit*.

Penalty: 10 penalty units

247. An exemption from the requirement to obtain a *permit* may be cancelled or corrected as if it were a *permit*.

Offences

248. A person who makes a false representation or declaration (whether oral or in writing), or who omits relevant information, in an application for a *permit* or exemption is guilty of an *offence*.

Penalty: 10 penalty units

Delegation

249. In accordance with section 114 of the *Act*, *Council* delegates to:
- 249.1 the *Chief Executive Officer* and to each *Senior Officer* and to any person for the time being acting for such persons all the powers, discretions and authorities of *Council* under this Local Law including the powers and discretions to issue or refuse *permits*, fix conditions and durations relevant to such *permits*, cancel *permits*, require additional information, apply guidelines or policies of *Council*, to waive the need for any *permit*, to waive, fix or reduce fees or charges or to do any act, matter or thing necessary or incidental to the exercise of any function or power of *Council*; and
- 249.2 an *Environmental Health Officer* and to any person for the time being acting for that person the power to issue or refuse *permits* and apply conditions, exercise discretions and require additional information.
250. Nothing in clause 249 prevents *Council* from revoking any delegation to any member of *Council* staff or from delegating any or any other duty imposed or function or power conferred by this Local Law to any member of *Council* staff.

Part 11 – ENFORCEMENT

Impounding

251. An *Authorised Officer* may seize and impound any thing which has been or is being used or possessed in contravention of this Local Law.
252. Where any thing has been impounded under this Local Law, *Council* or an *Authorised Officer* must, if it is practicable to do so, serve Notice of Impounding personally or by mail on the person who appears to be the *owner* of the impounded thing.
253. An impounded thing must be surrendered to:
- 253.1 its *owner*; or
- 253.2 a person acting on behalf of its *owner* who provides evidence to the satisfaction of an *Authorised / Delegated Officer* of his or her authority from the *owner* –
- 253.2.1 evidence to the satisfaction of the *Authorised / Delegated Officer* being provided of the *owner's* right to the thing; and

253.2.2 payment of any fee determined by *Council* or an *Authorised / Delegated Officer* from time to time.

254. If an impounded thing has not been surrendered to its owner or a person acting on the *owner's* behalf within 14 days of the Notice of Impounding being served or, if no Notice of Impounding has been served, of the act of impounding, *Council* may, at its discretion,
- 254.1 *sell*;
 - 254.2 give away; or
 - 254.3 destroy,
- the impounded thing.

Notice to Comply

255. An *Authorised / Delegated Officer* may, by serving a *Notice to Comply*, direct a person who appears to be in breach of this Local Law to remedy any situation which constitutes a breach under this Local Law.

Time to Comply

256. A *Notice to Comply* must state the time and date by which the situation must be remedied.
257. The time required by a *Notice to Comply* must be reasonable in the circumstances having regard to:
- 257.1 the amount of work involved; and
 - 257.2 the degree of difficulty; and
 - 257.3 the availability of necessary materials or other necessary items; and
 - 257.4 climatic conditions; and
 - 257.5 the degree of risk or potential risk; and
 - 257.6 any other relevant factor.

Failure to Comply with a Notice to Comply

258. A person who fails to comply with a *Notice to Comply* served on that person is guilty of an *offence*.

Penalty: 10 penalty units.

Power of Authorised / Delegated Officer to Act in Urgent Circumstances

259. In urgent circumstances arising as a result of a failure to comply with this Local Law, an *Authorised / Delegated Officer* may take action to remove, remedy or rectify a situation without first serving a *Notice to Comply* if:
- 259.1 the *Authorised / Delegated Officer* considers the circumstances or situation to be sufficiently urgent and that the time involved or difficulties associated with the serving of a *Notice to Comply* may place a person, *animal*, property or thing at risk or in danger; and
 - 259.2 wherever practicable, a *Senior Officer* is given prior notice of the proposed action.
260. In deciding whether circumstances are urgent, an *Authorised Officer* must take

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into consideration:

- 260.1 whether it is practicable to contact the person by whose default, permission or sufferance that situation has arisen; or
 - 260.2 the *owner* or the *occupier* of the *premises* or property affected; and
 - 260.3 whether there is an urgent risk or threat to public health, public safety, the environment or *animal* welfare.
261. The action taken by an *Authorised / Delegated Officer* under clause 259 must not extend beyond what is necessary to cause the immediate abatement of or minimise the risk or danger involved.
262. An *Authorised / Delegated Officer* who takes action under clause 259 must ensure that as soon as practicable:
- 262.1 details of the circumstances and remedying action are forwarded to the person on whose behalf the action was taken; and
 - 262.2 a report of the action taken is submitted to the *Chief Executive Officer* or a *Senior Officer* to whom the *Authorised Officer* reports.

Offences

263. A person who:
- 263.1 contravenes or fails to comply with any provision under this Local Law; or
 - 263.2 contravenes or fails to comply with any condition contained in a *permit* issued under this Local Law; or
 - 263.3 contravenes or fails to comply with a *Notice to Comply* within the time specified in the *Notice to Comply*,
- is guilty of an *offence* and is liable to:
- 263.4 the *penalty* stated under a provision, or, if no *penalty* is stated, a *penalty* not exceeding five *penalty units* for a first offence;
 - 263.5 a further *penalty* of two *penalty units* for each day after conviction during which the contravention continues; and
 - 263.6 upon conviction for a second or subsequent *offence*, double the *penalty* stated under a provision or 20 *penalty units*, whichever is the lesser, or, if no *penalty* is stated, a *penalty* not exceeding 20 *penalty units*.
264. As an alternative to prosecution for an offence, a person may be served with an *Infringement Notice*.

Infringement Notices

265. An *Authorised Officer* may issue an *Infringement Notice* under this Local Law.
266. The penalty fixed in respect of an *Infringement Notice* is the amount set out in Schedule 1.
267. A person issued with an *Infringement Notice* may pay the penalty indicated to an *Authorised Officer* at *Council's* offices.
268. To avoid prosecution, the penalty indicated must be paid in accordance with the *Infringements Act 1996*.
269. A person issued with an *Infringement Notice* is entitled to disregard the *Infringement Notice* and defend the prosecution in court.

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SCHEDULE 1 – PENALTIES FOR OFFENCES AGAINST THIS LOCAL LAW

For Local Laws a *penalty unit* is currently fixed by the State Government at a value of \$100 per *penalty unit* (but this may vary from time to time).

<u>Page</u>	<u>Clause</u>	<u>Offence</u>	<u>Maximum Penalty Units</u>	<u>Infringement Notice Penalty Units</u>
14	14	Failure to provide a suitable property number	2	1
14	15 and 16	Failure to comply with domestic waste, green waste and recyclable requirements	10	2
15	20	Failure to comply with hard waste requirements	2	2
15	21	Disposal of tree prunings contrary to the Local Law	2	2
16	22	Disposal of refrigerators/compartments contrary to the Local Law	10	2
16	23	Chimney discharge contrary to Local Law	5	2
16	24	Audible Intruder Alarm contrary to Local Law	10	5
16-17	27 and 30	Dangerous or unsightly land contrary to Local Law	10	2
17	34	Failure to undertake repair or restorative works contrary to Local Law	5	2
17	35	Growing of noxious weed species contrary to Local Law	5	2
18	36	Placement of moveable dwelling contrary to Local Law	5	1
18	38 and 40	Storage, assembly or dismantling of vehicles contrary to Local Law	5	2
18	42	Damage to or interference with protected trees contrary without a permit	20	10
19	45	Damage to protected trees (indirect responsibility)	20	10

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<u>Page</u>	<u>Clause</u>	<u>Offence</u>	<u>Maximum Penalty Units</u>	<u>Infringement Notice Penalty Units</u>
19	46	Damage to Council land or on Council land caused by trees and plants	10	10
20	48 and 49	Keeping of animals contrary to Local Law	5	2
20	50	Keeping of cats in restricted areas	5	2
21	52 and 53	Animals and amenity contrary to Local Law	5	2
22	58A	Animal shelters not maintained in accordance with the Local Law	5	2
22	59	Keeping of bees and wasps contrary to Local Law	10	2
23	61	Failing to adequately fence grazing animals	10	2
23	62	Grazing animals at large contrary to Local Law	5	2
23	66	Non-compliance with parking permit conditions and parking management policy	10	2
24	67	Parking permit not kept and displayed in accordance with Local Law	2	
24	73	Repair and display of vehicles contrary to Local Law	20	2
24	74	Display of a vehicle for sale contrary to Local Law	20	2
24	75	Parking of abandoned, derelict or unregistered vehicles contrary to Local Law	10	2
25	78	Obstruction to free use of a road contrary to Local Law	20	5
25	78A	Charity or clothing recycling bin left on a road or Council land	20	4
25	79	Transportation of waste contrary to Local Law	10	1
25	80	Holding of street parties, festivals or processions contrary to Local Law	10	2

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<u>Page</u>	<u>Clause</u>	<u>Offence</u>	<u>Maximum Penalty Units</u>	<u>Infringement Notice Penalty Units</u>
26	87	Use of road contrary to any sign erected on it	3	2
26	89	Storing/servicing heavy vehicles contrary to Local Law	5	2
27	91	Night soil contrary to Local Law	20	10
27	92	Trading on a road or Council land contrary to Local Law	20	4
27	93, 93A and 93B	Use of moveable advertising or display of goods contrary to Local Law	10	2
28	95	Busking contrary to Local Law	5	3
28	96	Use of outdoor eating facilities contrary to Local Law	10	2
28	98 and 99	Use and storage of shopping trolleys contrary to Local Law	10	1
29	105	Permit use of shopping trolleys without a coin mechanism	10	1
29	108 – 110	Street appeals contrary to Local Law	10	2
29	111	Street stalls contrary to Local Law	10	2
29	113 and 114	Use of wheeled recreational devices, wheeled toys or bicycles contrary to Local Law	2	5
30	115A and 115B	Use of wheeled recreational device contrary to Local Law	5	
31-32	116 – 119	Storage of industrial, trade and commercial rubbish contrary to Local Law	20	10
32	120	Storage of aerosol paint containers contrary to Local Law	5	2
32	122	Tapping into drains contrary to Local Law	20	5
33	123	Interference with water courses contrary to Local Law	20	5
33	124 – 125	Management of stormwater contrary to Local Law	20	10

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<u>Page</u>	<u>Clause</u>	<u>Offence</u>	<u>Maximum Penalty Units</u>	<u>Infringement Notice Penalty Units</u>
33	126	Road occupation and works contrary to Local Law	20	5
33-34	129, 130 and 132	Construction of vehicle crossings contrary to Local Law	20	5
34	133	Failure to obtain and Asset Protection Permit	20	5
35	137A	Construction management contrary to Construction Management Guidelines	20	5
35	142	Failure to comply with a notice to following a site inspection.	20	5
35	143	Temporary toilet facilities on building sites contrary to Local Law	10	2
36	144	Behaviour in Council buildings contrary to Local Law	10	2
36	145	Use of Council buildings contrary to Local Law	10	2
37	153	Entry to Council buildings contrary to Local Law	10	2
37	156	Prohibited articles in Council buildings	10	2
38	157	Behaviour on Council land contrary to Local Law	10	2
39	158	Use of Council land and foreshore reserves contrary to local Law	10	2
40	163 and 164	Access to Council land contrary to Local Law	10	2
40	165	Animals on Council land or foreshore reserves contrary to Local Law	5	2
40	168	Entry to enclosures contrary to Local Law	5	2
40	169	Fires on Council land or foreshore reserves contrary to Local Law	10	2
41	172	Vehicles on Council land or foreshore reserves contrary to Local Law	5	2
41	173	Bathing boxes and boathouse on Council land or foreshore reserves contrary to Local Law	5	2

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<u>Page</u>	<u>Clause</u>	<u>Offence</u>	<u>Maximum Penalty Units</u>	<u>Infringement Notice Penalty Units</u>
41	176	Subletting of bathing boxes and boathouse on Council land or foreshore reserves contrary to Local Law	5	2
42	179 - 180	Defacing Council land	20	2
42	181 - 182	Use of skip bins contrary to Local Law	10	2
42	184	Materials on roads or Council land contrary to Local Law	20	2
43	186	Failure to comply with a notice in relation to materials on roads	20	2
43-44	189 - 191	Substances from livestock contrary to Local Law	20	2
44	192	Camping on Council land contrary to Local Law	5	2
44	193 - 195	Trees and plants overhanging roads contrary to Local Law	5	1
44	196	Conduct of circuses and carnivals contrary to Local Law	20	4
45	199 - 201	Consumption of liquor contrary to Local Law	5	2
46	204	Lighting of fires in open air contrary to Local Law	10	2
46	205	Leaving a burning fire unattended	10	2
46	208	Allowing fire to cause a nuisance contrary to Local Law	5	2
46	210	Use of incinerators or other structures to light fires contrary to Local Law	5	2
46	211	Construction or install of incinerators contrary to Local Law	5	2
46	212	Lighting of fires on a road contrary to Local Law	10	2

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<u>Page</u>	<u>Clause</u>	<u>Offence</u>	<u>Maximum Penalty Units</u>	<u>Infringement Notice Penalty Units</u>
46	213 and 215	Allowing fire to cause a hazard contrary to Local Law	10	2
47	216	Location of barbeques contrary to Local Law	5	2
47	217	Nuisance of barbeque odour and smoke	5	2
47	218	Lighting or allowing a barbeque to remain alight for a purpose other than cooking food	5	2
47	220	Non-compliance with a direction from an Authorised Officer	5	2
48	231	Failure to comply with a condition of a permit	10	2
49	246	Failure to comply with a condition of an exemption	10	2
50	248	False representation or omission relating to an application	10	2
51	258	Failure to comply with a notice to comply	10	2

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Ordinary Meeting of Council

26 November 2018

Agenda Item No: 11.2

KINGSTON PERFORMANCE REPORT 2018/19 - QUARTER 1 AND QUARTERLY FINANCIAL STATEMENTS AS AT 30 SEPTEMBER 2018

Contact Officer: Annette Forde, Corporate Planning and Performance Officer

Purpose of Report

This report provides an update on the progress of the Council Plan 2017-2021 through Council's key actions and performance indicators and the Quarterly Financial Statements to the end of September 2018.

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 Kingston Performance Report, July-Sept. 2018 and the Quarterly Financial Statements as at 30 September 2018.

1. Discussion

Council achieved excellent performance results in the July to September quarter, with progress targets for the majority of key actions achieved and most performance indicators being within the expected or acceptable range.

Highlights for the quarter include:

- Developed a sport and leisure strategy to respond to the increasing current and future demands on facilities in Kingston.
- Transitioned Maternal Child Health services to a new integrated state-wide software platform (CDIS).
- Completed works on the old Maternal Child and Health building in Parkdale for use as a Heritage and History Centre.
- Held a deliberative community panel to develop overarching principles for the Kingston Housing and Neighbourhood Character Strategy.
- Supported Transition Kingston to deliver the Local Food Summit.
- Adopted Kingston's Climate Change Strategy 2018-25.
- Opened a 'Changing Places' toilet at the Riding for the Disabled Centre in Moorabbin.
- Hosted the South East Jobs Fair.
- Adopted the Arts and Cultural Strategy 2018-22.

Actions

The majority (95.3%) of the 150 actions in the performance report are 'on track' or 'in progress' with 3.3% (5 actions) 'off track'. The off track items are expected to be completed by the end of the financial year.

Of the off track actions, one is in Goal 2, three in Goal 4, and three in Goal 5. These actions are shown below, with comments:

Off Track Action	Comment
Find a suitable location for seniors recreation play equipment, in conjunction with Rotary	<p>Moorabbin Reserve has been selected as the most appropriate location as it provides the opportunity to include the fitness equipment as part of the reserve development plan implementation.</p> <p>This action has been placed on hold to allow for high priority works to be undertaken and allow for the Moorabbin Reserve building works to be completed.</p>
Develop and implement an Integrated Transport Strategy	<p>The Integrated Transport Strategy will be developed during 2019 and consider walking, cycling, public transport, freight and passenger vehicles.</p>
Review, update and implement the Cycling Strategy	<p>The review will be conducted in 2019.</p>
Review potential alternative revenue generating opportunities across Kingston	<p>This project is still in its early stages.</p>
Develop asset management plans for Council assets, including the establishing of acceptable levels of service in terms of quality, quantity, reliability, cost and responsiveness	<p>An internal audit of asset management practices is in progress to guide priorities for continuous improvement of asset management planning and delivery.</p> <p>A review of the corporate Asset Management Policy and Strategy documents has been completed with services defined to enable tracking of operational and capital expenditure to indicate total service costs, not costs of individual sites.</p> <p>We are currently linking assets to service outcomes to enable reporting by service as well as asset type.</p>

Performance Indicators

Most (87.1%) of the 31 performance indicators are 'on track' or 'in progress' (within the acceptable or expected variance range) with 12.9% (4) 'off track' as shown below.

Of the indicators off track – three are in Goal 1 and one in Goal 2. These will be addressed in the coming quarter.

Off Track Indicator	Comment
SP1 Time taken to decide planning applications (financial year to date)	The implementation of new processes, as well as staff leave, has impacted the time taken to process planning applications. An improvement is expected next quarter.
SP2 Planning applications decided within required timeframes	There has been an improvement on previous months, as we continue to focus on improving timeframes.
Rights of Way – sales completed by Council	Two sales were completed in the first quarter; we anticipate being on target by year end.
Missed bins – domestic (garbage, recycling & green waste) YTD	September was the last month of a 10-year contract, with a new contractor commencing in October 2018 so we expect this result to improve.

2. Quarterly Financial Statements

The Quarterly Financial Statements for the three months ending 30 September, 2018 are attached.

3. Conclusion

Council achieved excellent performance results in the July to September quarter, with progress targets for the majority of key actions achieved and most performance indicators being within the expected or acceptable range.

Appendices

Appendix 1 - Kingston Performance Report, July-Sept 2018 (Ref 18/578403) [↓](#)

Appendix 2 - Quarterly Financial Statements Report September 2018 (Ref 18/573834) [↓](#)

Author/s: Annette Forde, Corporate Planning and Performance Officer
Reviewed and Approved By: Caroline Reidy, Manager Finance and Corporate Performance
Paul Franklin, General Manager Corporate Services

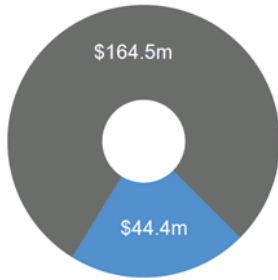
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KINGSTON PERFORMANCE REPORT 2018/19 - QUARTER 1 AND QUARTERLY FINANCIAL STATEMENTS AS AT 30 SEPTEMBER 2018

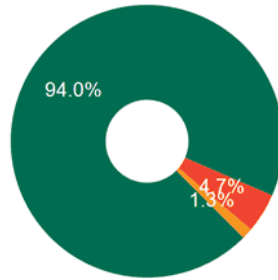
1	Kingston Performance Report, July-Sept 2018.....	389
2	Quarterly Financial Statements Report September 2018.....	427

Kingston Performance Report

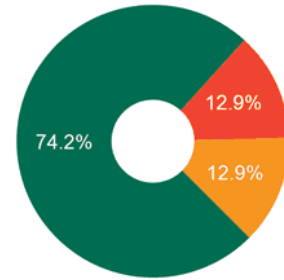
JULY - SEPTEMBER 2018



Expenditure



Actions



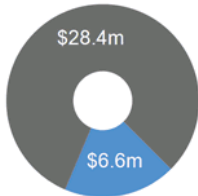
Performance Indicators

- BUDGET SPENT
- BUDGET REMAINING
- ON TRACK
- IN PROGRESS
- OFF TRACK

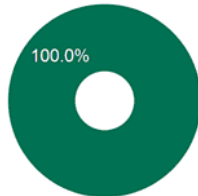
Annual Service Highlights

<p>16,619</p> <p>Total volunteer hours</p>	<p>73,843</p> <p>Rateable properties</p>	<p>161,089</p> <p>Municipal population</p>
<p>4,321,250</p> <p>Bin lifts</p>	<p>1,841</p> <p>Babies born in Kingston</p>	<p>\$182 million</p> <p>Annual Council expenditure</p>

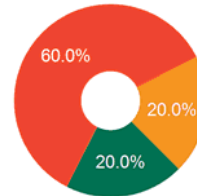
1 Our well-planned, liveable city supported by infrastructure to meet future needs



Expenditure



Actions



Performance Indicators

● BUDGET SPENT
 ● BUDGET REMAINING
 ● ON TRACK
 ● IN PROGRESS
 ● OFF TRACK

Annual Service Highlights

<p>13,000 km</p> <p>Streets swept</p>	<p>1,014</p> <p>New planning applications received</p>	<p>6 km</p> <p>Kilometres of footpath renewed</p>
<p>279</p> <p>Buildings and public toilets maintained on a daily basis</p>	<p>693</p> <p>Asset protection permits issued</p>	<p>\$603 million</p> <p>Approximate value of development</p>

Our Services



HOME

- Building permits
- Planning permits
- Urban land use policy & planning



LIFESTYLE

- Maintenance & development of Council's buildings



ENVIRONMENT

- Drain maintenance
- Manage Council's property portfolio
- Planning & design for community assets



TRAVEL

- Footpaths, bicycle paths & road maintenance

Our well-planned, liveable city supported by infrastructure to meet future needs



1.1. Intergenerational land use planning for a sustainable community






INDICATOR	COMMENT	FULL YEAR TARGET	QUARTERLY TARGET	QUARTERLY RESULT	STATUS
Adopted Council annual capital budget - Quarterly % spent	Capital Expenditure at end of first quarter is slightly ahead of the forecast 11.37%. The Capital works delivery program for 2018/19 is on track.	86.60%	11.30%	11.54%	 on track

ACTION	PROGRESS	STATUS
Develop the Kingston Housing and Neighbourhood Character strategy using innovative engagement methods	From July 2018, a deliberative community panel was established to develop a set of overarching principles for the project. The outcomes of this work will be presented to Council at the October Ordinary Council Meeting.	 on track
Utilise the planning system to influence the provision of car parking in areas where significant change is occurring	A Kingston Parking Study was conducted by consultant MR Cagney, with Issues Opportunities report provided to Councillors. A further study was required about residential street parking outside activity centres. Community consultation is due to start in October and November 2018 with further care factors surveys in February and March.	 on track
Develop an Affordable Housing Implementation Plan to work with State Government, Housing Associations and developers to increase the availability of affordable housing	SGS Economics and Planning has been appointed to prepare an Affordable Housing Implementation Plan. It is anticipated that a draft Plan will be presented to Council in early 2019.	 on track
Review planning mechanisms and local planning policy and legislation to proactively contribute to increase the supply of social and affordable housing in Kingston.	SGS Economics and Planning has been appointed to prepare an Affordable Housing Implementation Plan, anticipated to be completed by the end of 2018. This will consider the scope of changes required to planning mechanism and local planning policy.	 on track
Prepare a draft Kingston Social and Affordable Housing Policy to sit alongside Councils Housing Strategy	SGS Economics and Planning has been appointed to prepare an Affordable Housing Implementation Plan. A draft of the plan is anticipated to be presented to Council in early 2019.	 on track
Review previous findings and recommendations of the Social Housing Committee (2008-2012)	SGS Economics and Planning has been appointed to prepare an Affordable Housing Implementation Plan. A draft of the plan is anticipated to be presented to Council in early 2019. This work will be informed by officers consideration and review of the findings and recommendations of the Social Housing Committee (2008-2012).	 on track
Implement the new residential zones in accordance with the Practice Notes	The Housing Strategy and Neighbourhood Character Study will inform implementation of the new residential zones. This work will continue into next financial year as forecast.	 on track
Participate in forums in the southern region to influence strategic planning for infrastructure, employment and housing investment	Ongoing participation in the State Government's development of a Southern Metropolitan Region Land Use Framework Plan has included attendance at regular meetings with the appointed consultant team and representatives of the Department of Environment, Land, Water and Planning, with a draft report to be released late 2018.	 on track



ACTION	PROGRESS	STATUS
Capitalise on the opportunities for Kingston presented in the Monash National Employment and Innovation Cluster planning	Council continued to work with the Victorian Planning Authority (VPA) and land owner Goodman Group Australia on a proposed planning scheme amendment to rezone the Clayton Business Park site in the Monash National Employment and Innovation Cluster (NEIC). It is anticipated that a Planning Scheme Amendment will be lodged with Council in 2019.	 on track
Develop strategies and undertake required Planning Scheme Amendments in areas including stormwater quality, public open space provision and potentially contaminated land	Amendments in relation to public open space and stormwater quality were approved by the Minister for Planning and came into effect on 26 April 2018 and 31 May 2018 respectively. Investigations are currently being undertaken to inform strategies around potentially contaminated land.	 on track







1.2. Effectively influence the urban and architectural design of the City





INDICATOR	COMMENT	FULL YEAR TARGET	QUARTERLY TARGET	QUARTERLY RESULT	STATUS
SP1 Time taken to decide planning applications (financial year to date)	The implementation of new processes, as well as staff leave, has impacted the time taken to process planning applications. An improvement is expected next quarter.	85.00 Days	75.00 Days	107.00 Days	 off track
SP2 Planning applications decided within required timeframes	There has been an improvement on previous months, as we continue to focus on improving timeframes.	56.00%	56.00%	51.38%	 off track

ACTION	PROGRESS	STATUS
Embrace the opportunities presented through 'City Shaping' infrastructure projects (e.g. Level Crossing Removal Work) to plan for innovative new community meeting spaces	<p>The Cheltenham Structure Plan Review and the Mentone Station and Gardens Urban Design Framework were adopted by Council in December. Resolutions to be implemented include the assembly of land and use of Council's mortuary car park to provide for new public open space and increase in car parking.</p> <p>Officers continue to provide feedback to the LXRA on removal sites within the southern corridor with Council being represented on the Carrum Revitalisation Reference Group.</p>	 on track
Implement the updated Neighbourhood Character Guidelines following the completion of its Housing and Neighbourhood Character work	The consultant team appointed to undertake the Housing Strategy and Neighbourhood Character Study is currently preparing a background analysis and a consultation strategy. The updated Neighbourhood Character Guidelines to be implemented once completed.	 on track
Provide an integrated development approvals (planning and building applications) service to meet the needs of residents and businesses	<p>Over the past three months, Council has implemented paperless lodging & acknowledging of planning objections, and advertising and endorsement of plans electronically as we move towards a paperless environment.</p> <p>We also commenced using an external provider to print and mail out over 30,000 advertising letters, per year, which will speed up the mail out process by 3 days.</p>	 on track
Continually review opportunities to enhance the ability of our customers to understand the planning process and access relevant information	The Planning and Building Counter was moved to the ground floor, with all Council transactions, including payments, now in one location.	 on track
Maintain a proactive relationship with representatives of the construction industry when undertaking works in the municipality	<p>The Getting It Right on Your Building Site has been updated and published on the Council's construction webpage, reflecting the current requirements for management of stormwater on building sites. Getting It Right postcards have also been produced to hand out to builders and developers.</p> <p>Council's Construction Engagement Officer continues to attend monthly on-site meetings with the Construction Liaison Officer to meet builders and to highlight the importance of compliance with CMP requirements.</p>	 on track

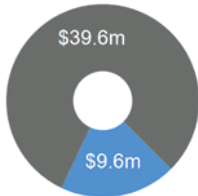
1.3. Infrastructure and property investment for a functional city now and into the future

INDICATOR	COMMENT	FULL YEAR TARGET	QUARTERLY TARGET	QUARTERLY RESULT	STATUS
Leases / Licence renewal completed	One new lease and two licences completed for the quarter.	26.00	6.51	5.00	 in progress
Rights of Way - sales completed by Council	Two sales were completed in the first quarter; we anticipate being on target by year end.	10.00	3.00	2.00	 off track

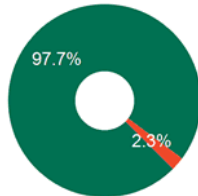
ACTION	PROGRESS	STATUS
Plan and facilitate the mechanisms to secure the required infrastructure to support key, large scale development projects (Clayton Business Park, etc.)	Investigations are being undertaken to determine the infrastructure required for large scale developments. This includes consideration of Section 173 Agreements and/or an Infrastructure Contributions Plan for the Clayton Business Park site.	 on track
Plan and build drainage upgrades to reduce local and major flooding	The program is on target, with a number of drainage improvement projects listed on the 2018/19 capital works program currently under construction including major works in Edithvale Commons at the rear of Kinross Ave in Edithvale (\$2.07M). A number of other project are in the final stages of design, including drainage improvements along French Ave in Edithvale, McDonald St in Mordialloc, Monaco St in Parkdale, Rodney St in Moorabbin and Thames Pde in Chelsea.	 on track
Footpath Program	Contracts have been awarded for footpath reconstruction in McLeod Road Carrum, Bricker Reserve Moorabbin, and Station Street, Chelsea. Projects currently in design phase include: Wells Road, Patterson Lakes; Mernda Lane, Bonbeach; Whatley's Drain, Carrum; Chandler Street, Parkdale; Heatherton Road, Clayton South; Nepean Highway, Moorabbin; Lehem and Luain Avenues Oakleigh South and Karen Street Cheltenham.	 on track
Road - Reconstruction Program	Road reconstruction in McDonald Street, Mordialloc has been completed. Projects currently in progress include Governor Road, Mordialloc. Projects in design phase include: Barkly Street, Mordialloc; French Avenue, Edithvale; Centre Dandenong Road, Dingley Village service road; Bourke Road, Oakleigh South; Woodlands Court, Mordialloc; Tootal Road, Dingley Village; Yarella Lane, Edithvale; Rowans Road, Highett and Chelsea Road, Chelsea.	 on track
Work with telecommunication providers to develop a detailed roll out calendar of NBN works within Kingston and ensure notice be given to residents and adequate remediation works to Council's assets are carried out in a timely manner.	Following meetings with NBN representatives, we have achieved timeframes which take into account the size of the area covered and factor in delays due to weather conditions and conflicts of work. The NBN has also advised that information can be obtained from their website on the 'Rollout Map' which shows where works are occurring, and where the NBN is already available to connect.	 on track
Implement footpath connections along Clayton Road in Clayton South	This project is currently in design stage, with surveying to be completed by December.	 on track

ACTION	PROGRESS	STATUS
Work with VicRoads on key strategic road considerations including the Westall Bypass, Mordialloc Bypass and South Road Study	<p>Officers are reviewing the Environmental Effects Statement for the Mordialloc Bypass and considering shared path alignments and intersection designs. The South Road study is nearing completion and VicRoads has advised that it will be released in quarter 3, 2018.</p> <p>The Westall Road extension was not successful in receiving funding through the 2018/19 budget.</p>	 on track
Request State Government undertake an Environmental Impact Assessment on the potential impacts of the Mornington Peninsula Freeway extension on Braeside Park, Waterways wetlands, Green Wedge, Aboriginal and Culture Heritage and amenity issues.	<p>The State Government announced in 2017 that an Environmental Effects Statement is required for the Mordialloc Freeway project. Council officers attended Technical Reference Group meetings and prepared a submission on the Environmental Effects Statement draft scoping requirements for the Mordialloc Freeway. Council will be represented through any future EES Advisory Committee process.</p>	 completed
Continue to work with the LXRA in creating land access, lease or maintenance agreements for assets on State Government land that Council will own and/or maintain	<p>Council continues to work with LXRA, entering into two licences in relation to the Carrum section of the project - Carrum Community Hub and Carrum Beach car parking.</p>	 on track
Acquire the land 2-8 Balcombe Rd Mentone from VicRoads to develop open space	<p>Sale documentation is currently being reviewed.</p>	 on track

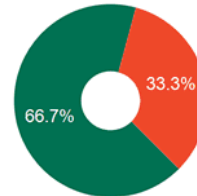
2 Our sustainable green environment with accessible open spaces



Expenditure



Actions



Performance Indicators

● BUDGET SPENT
 ● BUDGET REMAINING
 ● ON TRACK
 ● IN PROGRESS
 ● OFF TRACK

Annual Service Highlights

<p>4,000 T</p> <p>Tonnes of hard waste collected</p>	<p>90,000</p> <p>Street and park trees</p>	<p>75</p> <p>Playing fields</p>
<p>367</p> <p>Parks and reserves</p>	<p>7,128,374 L</p> <p>Litres of recycled water used across all parks and reserves</p>	<p>4,700</p> <p>Drainage pits cleaned</p>

Our Services



- Waste collection

HOME



- Sports & recreation

LIFESTYLE



- Foreshore management & maintenance
 - Maintaining parks, sports grounds & streetscapes
 - Parks & sports ground master plan projects
 - Stormwater management
 - Sustainable environmental management


ENVIRONMENT

Our sustainable green environment with accessible open spaces








2.1. Environmental resilience and sustainability









INDICATOR	COMMENT	FULL YEAR TARGET	QUARTERLY TARGET	QUARTERLY RESULT	STATUS
Missed bins - domestic (garbage, recycling & green waste) YTD	September was the last month of a 10-year contract, with a new contractor commencing in October 2018 so we expect this result to improve.	3,350.00	838.00	1,538.00	 off track
WC5 Kerbside collection waste diverted from landfill (audited)		50.00%	50.00%	50.14%	 on track

ACTION	PROGRESS	STATUS
Develop a Climate Change Strategy and strategic actions that build resilient environments, infrastructure, facilities and communities	The Climate Change Strategy 2018-25 was adopted at the August Ordinary Meeting of Council.	 completed
Review the outcomes of the Environmental Effects Statement (EES) to be undertaken by the State Government on the impacts of Grade Separation works on the environmentally significant Edithvale - Seaford Wetlands. If appropriate appoint an expert environmental consultant to review and advocate for the best environmental outcomes for the wetland.	Council officers attended Technical Reference Group meetings and, with legal assistance, presented Council's submission through the Environmental Effects Statement Advisory Committee Hearing process. The Minister's decision approving the EES was released in August 2018.	 completed
Promote education programs such as community sustainability workshops, schools sustainability leadership program and Big Green School festivals	Council supported Transition Kingston to deliver the Local Food Summit in August. A decluttering workshop will be held in October in the lead up to hard rubbish and the Garage Sale Trail. Support of schools has continued and the Big Green School festival for 2018 saw over 100 students come together to learn and be inspired by each other. The Dolphin Research Institute continues to deliver the I sea, I care marine ambassador program to almost all primary schools in Kingston.	 on track
Develop advocacy strategies to the State Government seeking support for a ban on the distribution of free single use plastic bags, both acting alone and in cooperation with other organisations and groups including Council's Business and Economic Advisory Committee and Public Spaces and Environment Advisory Committee	Both major supermarkets have voluntarily banned free single use plastic bags, significantly reducing the number used in Victoria and aiding consumers behavior and attitude towards them.	 completed





ACTION	PROGRESS	STATUS
Plan and build Kingston's water quality and reuse master plan using developer contributions to harvest stormwater to irrigate sports fields	<p>Council approved an ongoing scheme where developers can make an optional monetary contribution to Kingston's stormwater harvesting as an alternative to achieving stormwater quality requirements onsite.</p> <p>Contributions will be used to implement future stormwater treatment and reuse projects once sufficient funds have been collected.</p> <p>Conceptual designs are being prepared for Moorabbin Reserve as it has the potential to treat a large catchment that extends into the industrial area.</p>	 on track
Improve the economic recovery of waste and reduce reliance on landfill for waste generated by Council, through development of a waste minimisation strategy	<p>A Waste Strategy commenced development in February 2018 and the existing Waste Education Strategy will continue until the new Waste Strategy is formally adopted by Council.</p>	 on track
Develop strategies to ensure that Council's waste management practices are responsive to the changing ways in which people live and work within the municipality	<p>A Waste Minimisation Strategy commenced development in February 2018 and is expected to be presented to Council in November 2018. This will cover the major waste management issues facing Council at present.</p>	 on track

2.2. Greening Kingston and place making



INDICATOR	COMMENT	FULL YEAR TARGET	QUARTERLY TARGET	QUARTERLY RESULT	STATUS
Parks Community Engagement Program - Total Hours YTD	In this quarter the community provided a total of 1,216 hours towards Parks environmental programs. Activities by school groups, school-based apprentices, corporate groups, 'Friends' groups included: propagation in Council's nursery, revegetation, nation tree planting day, weed control in reserves and litter removal.	2,000.00	500.00	1,216.00	 on track
ACTION	PROGRESS				STATUS
Work with landowners in the Green Wedge to encourage alternate land use activities where uses are incompatible with the Green Wedge Plan	Currently there is only one application (materials recycling) within the Green Wedge for consideration.				 on track
	Proactive initiatives by Council officers to increase compliance and understanding from owners and tenants within the Green Wedge, has resulted in a large reduction in the number of illegal activity sites. In addition, Council officers will undertake a thorough audit regime to ensure that any previous land use approvals and/or compliance details of sites within this area are documented for future reference.				on track
Identify opportunities to expedite the Chain of Parks Project by delivering a range of passive and active recreational activities in the Green Wedge	Advocacy for trail connections along the Mordialloc Freeway continues with expectations a continuous link between Karkarook Park and Braeside Park will be delivered.				 on track
	Council has written to the Minister Environment to encourage the purchase of the Henry Street landfill now that rehabilitation works have been completed. A concept plan has been developed for the Delta site for the development of sporting fields.				on track
Play a leadership role in facilitating a key opportunity identified in State Planning Policy to provide opportunities for renewable energy generation in the Green Wedge	The Climate Change Strategy 2018-25, including references to large-scale solar and renewable energy opportunities, was endorsed by Council in August. A feasibility study for large-scale solar in the Green Wedge will be presented to Council in the second half of 2018.				 on track
	Consultants have been engaged to look at the feasibility of solar in the Green Wedge. Council is also working with land occupiers on the transition of landfill land to parkland e.g. Victory Road landfill.				 on track
Advocate to the Commonwealth Airports Minister asking the Commonwealth Government to review the Moorabbin Airport Masterplan with a view to minimising the risk to pilots and to surrounding residents by halting any more non-aviation, non- Green-Wedge-compliant development on Moorabbin airport	A letter has been sent to the Minister.				 completed
Engage Planisphere to review the existing Green Wedge Plan in line with Ministerial Direction to review after five years, rename to Green Wedge Management Plan and undertake a community consultation process	Council Officers have prepared a brief for the Green Wedge Plan Review project which is currently working through the procurement process to appoint Ethos Urban to undertake the work in line with the adopted position of Council.				 on track

ACTION	PROGRESS	STATUS
Advise Council on the preparation of a planning scheme amendment to incorporate the Green wedge plan into Kingston Planning Scheme	Council Officers have prepared a brief for the Green Wedge Plan Review project and are currently working through the procurement process to appoint Ethos Urban to undertake the work in line with the adopted position of Council.	 completed
Consider the preparation of a planning scheme amendment to rezone Special Use 2 and Green Wedge Zone land to Green Wedge A Zone - explicitly excluding golf courses which are zoned Special Use 1 Zone.	Council Officers have prepared a brief for the Green Wedge Plan Review project and are currently working through the procurement process to appoint Ethos Urban to undertake the work in line with the adopted position of Council.	 completed
Consider the feasibility to authorise a planning scheme amendment to rezone the Waterways wetlands and other Melbourne Water land into the Kingston Green Wedge.	A scoping report was considered at the 26 February 2018 Council Meeting. Officers have prepared a brief for the Green Wedge Plan Review project and are currently working through the procurement process to appoint Ethos Urban to undertake the work in line with the adopted position of Council.	 completed
Determine the potential impacts of the Southern Metropolitan Cemeteries Trust's proposed cemetery on the current uses within the Green Wedge.	Council Officers have prepared a brief for the Green Wedge Plan Review project and are currently working through the procurement process to appoint Ethos Urban to undertake the work in line with the adopted position of Council.	 completed
Develop a Kingston Agricultural Study that protects a land owners right to farm by managing the placement and compatibility of other green wedge uses	Officers have prepared a brief for the Green Wedge Plan Review project which will include the concurrent commissioning of an Agricultural Feasibility Study.	 on track
Advocate for green rail and road corridors within Kingston	The Parks team are undertaking establishment maintenance of 5,000 plants along the Wells Road corridor, south of Springvale Road. Weed control along Station Street, between Carrum to Aspendale continues, along with managing the vegetation along Wells Road between Mordialloc and Patterson Lakes. Discussions and feedback relating to proposed landscaping with LXRA continues, with additional green space along Kingston's rail corridors anticipated.	 on track
Advocate to Parks Victoria for Patterson River beautification works	Council continues to advocate to Parks Victoria for asset renewal and improvements to the amenities of this area. Work continues with LXRA, with ongoing feedback provided on landscape treatments at the interface of level crossing works with the Patterson River and Carrum Station.	 on track
Prepare a draft plan for community consultation that is supported by Vic Roads and Vic Track that outlines maintaining and enhancing existing plantings along Nepean Hwy	A report was presented at the October council meeting seeking approval to engage a consultant to develop plans and implementation costings for landscaping the Nepean Highway outer separators, centre median and nature strips for stage 1. Stage 1 spans from north of McDonald Street, Mordialloc to South Road Moorabbin.	 on track










2.3. Activating and protecting the foreshore through strategic partnerships









ACTION	PROGRESS	STATUS
Progressively implement the Coastal Management Plan 2014 to protect the foreshore and waters of Port Phillip Bay	<p>Indigenous revegetation works have now been completed in Parkdale, Edithvale and Chelsea. Beach access boardwalk construction was completed at Alexandra St, Edithvale. Final planning and approvals process is now underway for beach access boardwalks at Roseberry Ave, Chelsea and Carrington St, Edithvale.</p> <p>I sea I care, the marine ambassador student leadership program was held successfully in Carrum during September 2018.</p>	 on track
Develop and implement the Mentone Foreshore Precinct Plan	<p>The Department of Environment Land Water and Planning has provided comments on the concept proposal for the Life Saving Club and precinct plan. Following State Government feedback, plans will be further developed for approval by Council in early 2019, prior to broader consultation.</p>	 on track
Prepare a concept design for the Mentone Lifesaving Club and seek funding	<p>Following announcement of \$2m of State Government funding for the redevelopment of the LSC building in May 2018, officers have met with club representatives and have developed an agreed concept plan, which will be reported to Council later in 2018/19 to seek funding for the remainder of the development costs.</p>	 on track
Redevelop the Edithvale Lifesaving Club	<p>Council approved a planning permit for the new building in June 2018 and awarded a contract to construct the new life saving club at its September 2018 meeting. Demolition will commence in early November 2018.</p>	 on track

2.4. Review and implement the Open Space Strategy to ensure high quality and increased capacity of the open space network

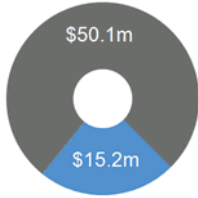
ACTION	PROGRESS	STATUS
Conduct an open space needs assessment and review the open space allocation across areas within Kingston	The demand for use of sports ovals by seasonal clubs was met through a winter seasonal allocation process and increased supply of fields. This included shared use of Keeley Reserve west and Edithvale Common, activation of Walter Galt Reserve No. 2 and sporting fields at Cornish College for community use, and increased use of Chadwick Reserve.	 completed
Undertake a Dingley sports ground feasibility study including investigation of the suitability of the Spring Road land in Dingley for sports grounds	Advancing feasibility planning, with community consultation likely to occur in late 2018.	 on track

2.5. Provide for a variety of sport and recreation opportunities across Kingston through the Sport and Leisure Strategy

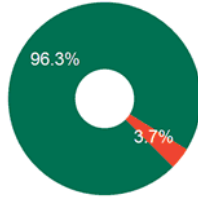
ACTION	PROGRESS	STATUS
Develop a sport and leisure strategy to respond to the increasing current and future demands on facilities in Kingston	Strategy adopted by Council in September 2018.	 completed
Continue to invest to increase the capacity of existing sports fields	Sports field improvement works are planned for LePage Reserve and Keeley Park in 2018.	 on track
Undertake a feasibility study and concepts for a high ball stadium development in Kingston and make provision for implementation in the long term financial plan	Further investigations currently being undertaken.	 completed
Undertake a review of all indoor sports court provision throughout Kingston to ensure they meet the current and future needs of residents.	Council is monitoring external funding opportunities for identified sites. An update was presented to Council in June 2018, and further planning and design work will now commence at Bonbeach Reserve and Mordialloc College.	 on track
Review the installation of a cooling system for the Chelsea Basketball Club	Completed, a new air conditioning system was installed early 2018/19 and funded through the 2018/19 budget.	 completed
Look for opportunities to increase passive recreation through all Master plans	Planning for the development of master plans at Le Page and GR Bricker Reserve has commenced.	 on track
Partner with agencies and clubs to promote new opportunities for sport and recreation participation	The Southern Metro Football Facility Strategy has been completed, with a launch to be programmed before end of football season. The strategy was developed with AFL Victoria, Southern Football Netball League, Southern Metro Junior Football League and other councils.	 completed
Investigate locations and requirements for a permanent Disc Golf Course within the City of Kingston	Following Council's endorsement of Bald Hill Park as the preferred site for a disc golf course, a risk assessment has been completed and community consultation will commence in late 2018.	 on track
Prepare a facilities development plan for the Roy Dore Reserve including a multi-use pavilion and make provision for implementation in the long term financial plan.	The Facility Development Plan has been prepared and presented to Councillors. Council has written to State and Commonwealth governments seeking funding support and Councillors are discussing the next steps to advocate for the project. A funding application for \$800,000 was submitted to the State Government's Major Facilities Funding program and AFL Victoria has committed \$100,000 in partnership funding towards the project.	 on track

ACTION	PROGRESS	STATUS
Deliver a multi-use pavilion development at Mentone Reserve	Currently working with the State Government to secure its funding of \$1.5M toward the project. The planning permit has been lodged, with the detailed design also being completed.	 on track
Develop the Le Page Reserve Masterplan	Project plan completed and stakeholder consultation commenced.	 on track
Work with local sporting clubs and residents to plan and deliver facility improvements at Regents Park	Implementation is focused upon the completion of floodlighting and approvals for the construction of two outdoor netball courts.	 on track
Continue to implement the Playground Strategy and ensure trees in playgrounds are considered for shade in all playground designs and master plans	Works completed at Peter Scullin included a new shelter and BBQs; works completed at Southern Rd Reserve included tree planting, shelter and a BBQ. New BBQ to be installed in 2018/19 within existing park upgrades include: Moorabbin Reserve as part of Masterplan implementation and Dales Park as part of playground upgrade.	 on track
Implement the Moorabbin Reserve master plan	Works programmed for 2018/19 at Moorabbin Reserve include: car park at the bowling club (due for completion November), concrete path network (completed), public lighting along the path network (complete, waiting on United Energy to connect new power), basketball half court (due for completion late October), shelter/ BBQ area and ping pong (due for completion late October/ November). Additional works to occur 2019/20 pending budget approval.	 on track
Construct the Cliff Sambell Pavilion at Gerry Green reserve	Council agreed to award a tender to DURA Construction in August 2017 and demolition work commenced during October 2017, with the building due for completion in November/December 2018.	 on track
Consult with the local community on the construction of two floodlit netball courts at Bonbeach Recreation Reserve; one floodlit netball court at Chelsea Recreation Reserve; one floodlit netball court and planning for a second netball court and / or match-day warm up area at Regents Park	Consultation has been completed.	 completed
Report on the provision of BBQs across Kingston's Open Space to assess benefits and constraint of current and future locations and the need for any policy change	A report was provided to Council in February 2018. Officers continue to use the Open Space Strategy, Playground Strategy, population data and community consultation to guide the development of appropriate facilities including barbeques within different categories of open space; as resolved by Council. Recent installation of BBQs in Q1, 2018/19 include two additional BBQs at Peter Scullin Reserve, where use is extremely high, and Southern Rd Reserve. Additional facilities are planned at Moorabbin Reserve as part of Masterplan implementation, and Dales Park as part of playground upgrade.	 completed

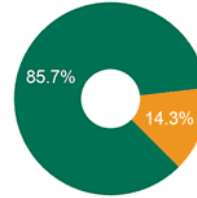
3 Our connected, inclusive, healthy and learning community



Expenditure



Actions



Performance Indicators

● BUDGET SPENT
 ● BUDGET REMAINING
 ● ON TRACK
 ● IN PROGRESS
 ● OFF TRACK

Annual Service Highlights

<p>3,044</p> <p>Yearly enrolments in Learn to Swim program</p>	<p>227</p> <p>Number of community groups supported by Social Development team</p>	<p>1,032,182</p> <p>Library loans</p>
<p>15,874</p> <p>Immunisations administered</p>	<p>221,943</p> <p>Community care hours delivered to people who are older and/or have a disability</p>	<p>787</p> <p>Children attending family and children's centres each week on average</p>

Our Services



HOME

- Home maintenance for the elderly & people with disabilities



LIFESTYLE

- Community centres
- Early years childcare & education
- Grants
- Libraries
- School aged childcare programs












HEALTH


- Community development & social planning
- Domestic, personal & respite care for the elderly & people with disabilities
- Maternal & child health & immunisation
- Leisure & aquatic centres
- Volunteering & delivered meals
- Youth services & family support

Our connected, inclusive, healthy and learning community


3.1. Respond to our community's social needs






INDICATOR	COMMENT	FULL YEAR TARGET	QUARTERLY TARGET	QUARTERLY RESULT	STATUS
People presenting to the Community Connection Program as homeless or at risk of homelessness		72.00	18.00	14.00	 on track
Family Support Team - contacts with vulnerable families		1,600.00	400.00	1,929.00	 on track

ACTION	PROGRESS	STATUS
Promote health and wellbeing through the development and implementation of evidence-based priorities in the Municipal Public Health and Wellbeing Plan	The Kingston Public Health and Wellbeing Plan 2017-21 was adopted by Council in October 2017. Health and wellbeing programs and actions will be implemented throughout 2018, including healthy exercise clubs at neighborhood houses and community centers.	 on track
Update Council's social strategies when due for renewal	Consultation was held for the Multicultural Action Plan 2013-17 in quarter one with results used to develop action plans to be implemented. The draft Community Safety 2018-21 Action Plan has been developed and year 1 will be implemented in 2018.	 on track
Support the community to understand the causes of family violence and work towards prevention strategies	Council endorsed the Draft Family Violence Action Plan for feedback in August, with community consultation held in September. The second draft will be presented to Council in October.	 on track
Utilise opportunities to reduce the density of poker machines in the municipality.	Council renewed membership for the group of Councils for the Alliance for Gambling Reform in June 2018. Katherine Copsey - Alliance Gambling Advisor - will conduct a presentation in October. Council continues to undertake and assess activities and advocacy campaigns.	 on track
Support Council teams with the implementation of the Child Safe Standards and facilitate the 1-4 year old reporting frameworks.	The organisation-wide Child Safe Improvement Plan has been approved and includes initiatives to raise awareness and to review the code of conduct, policy and reporting procedures.	 on track
Develop a Prevention of Violence Against Women (PVAW) Working Group to determine and report on the prevalence of domestic/family violence in Kingston	A Prevention of Violence Against Women (PVAW) working group has been established and continues to meet quarterly.	 on track
Develop and implement a Kingston Domestic and Family Violence Prevention Action Plan.	Council endorsed the Draft Family Violence Action Plan for feedback in August, with community consultation held in September. The final draft will be presented to Council in October for ratification.	 on track

ACTION	PROGRESS	STATUS
Advocate to the State and Federal Government on behalf of the Berkeley Living Facility in Patterson Lakes and other similar facilities to protect the rights and well-being of its residents from potential rogue operators.	An advocacy letter was sent to the State and Federal governments.	 on track

3.2. Provide equitable access to services and facilities for all community members, irrespective of background and ability

INDICATOR	COMMENT	FULL YEAR TARGET	QUARTERLY TARGET	QUARTERLY RESULT	STATUS
Home Care Packages delivered by AccessCare Southern		150.00	150.00	251.00	 on track

ACTION	PROGRESS	STATUS
Continue to implement the aged and disability care reforms and explore the implications and opportunities for Council.	<p>Council officers continually review the latest information on aged and disability sector reforms and provide feedback through State and Commonwealth Government consultation papers.</p> <p>For the past 6 months our National Disability Insurance Scheme (NDIS) transition workers have been educating and assisting Kingston's clients eligible for NDIS to prepare for the change and support them through the process.</p>	 on track
Prepare eligible residents for the introduction of the National Disability Insurance Scheme (NDIS)	Council NDIS transition officers are engaging with other councils, Department of Health and Human Services and NDIS within the region to ensure accurate information is made available to clients to facilitate their transition.	 on track
Build public, accessible 'Changing Places' and toilets for people with disabilities at strategic locations and deliver upgrades to existing public toilets	A Changing Places toilet has been developed as part of the Westall Hub and a further facility was opened at the Riding for the Disabled Centre in Moorabbin. A further project is currently under design for Bicentennial Park Playground, which will be opened later in 2018/19.	 on track
Complete phase one of the Dingley Village Neighbourhood House renewal project	Detailed design work has been progressed and tenders are to be sought in October 2018. Work is expected to commence in January/February 2019.	 on track
Support vibrant, well utilised community centres in appropriate locations	Council continued to promote the multipurpose use of its facilities.	 on track


3.3. Enhance the wellbeing and participation of families and children

INDICATOR	COMMENT	FULL YEAR TARGET	QUARTERLY TARGET	QUARTERLY RESULT	STATUS
Volunteer hours provided in community programs - Youth and Family Services	Increased hours due to a review of the reporting hours undertaken by young people via an online program (Basecamp). Young people in Freeza and Universal Magazine committees complete actions and tasks and share outcomes on this online platform.	1,620.00	405.00	339.00	 in progress
Before School Care Utilisation rate		65.00%	65.00%	88.33%	 on track
After School Care Utilisation rate		75.00%	75.00%	79.25%	 on track











ACTION	PROGRESS	STATUS
Transition Maternal Child Health services to a new integrated state-wide software platform (CDIS)	Migration of software occurred in September. Ongoing staff training and issue trouble shooting currently in place.	 on track
Provide an accessible immunisation service targeting children and families	In addition to Meningococcal W immunisations being rolled out to all the schools in our municipality for a second year, the Victorian Dept of Health has also announced a new campaign to vaccinate all children aged from 6 months to under 6 years with the flu vaccine this winter. Planning is underway as the extra workload will impact Council's infant sessions.	 on track
Develop Councils Youth Strategy (2017-2021)	A literature review of the current research and information about young people and their needs has been completed. A review of the actions and their outcomes from 2016-17 has also been completed, with a full report of the 2017 Resilience Survey findings completed in May 2018. This stage involves conducting community consultation with parents, service providers and schools to understand current youth needs. It is envisaged that a draft Council Report of the new Youth Strategy will be available in the first quarter of 2019.	 on track

3.4. Promote an active, healthy and involved community life

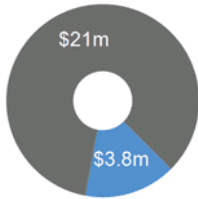
INDICATOR	COMMENT	FULL YEAR TARGET	QUARTERLY TARGET	QUARTERLY RESULT	STATUS
AF6 Utilisation of aquatic facilities (per head of municipal population) (audited)		4.63	1.15	1.31	 on track

ACTION	PROGRESS	STATUS
Undertake a review of services at Don Tatnell Leisure Centre to ensure it meets the needs of the community	Work was undertaken to present the operational costs for the potential upgrades to the facilities. Further reports currently being developed regarding the building condition, due for completion in December 2018.	 on track

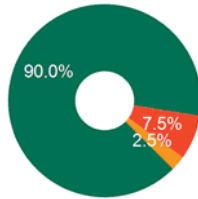
3.5. Learning and development

ACTION	PROGRESS	STATUS
Position Libraries and Social Development for the future through community consultation and strategy development	Substantial community consultation activities have been undertaken, and a Request For Proposal has been released for the development of the Library Strategy.	 on track
Implement a new library management system and library website to further enhance customer service	The tender evaluation process has been completed and the new vendor was approved in September 2018. The implementation phase of the project has now commenced.	 on track
Support increased community literacy, including digital literacy	Council continues to support community literacy through providing many activities and resources for the public at all stages of life. This includes 1:1 digital literacy support.	 on track
Provide integrated library and community services for the new Westall Community Hub	The construction of the new Westall Community hub was completed with doors opened to the public in October 2017.	 on track
Ensure further multi purposing of libraries and community centres as community learning spaces	Libraries and community centres continue to deliver a range of programs and community learning spaces. The recent addition of Westall Community Hub has enabled a significant expansion of services to meet the diverse needs of the Kingston community.	 on track
Draft a policy to provide funding for professional development opportunities for residents and members of community groups within the City of Kingston.	The Quick Response Grants Guidelines are currently under review and due to be presented to Councillors in the November cycle. As part of this review Officers are considering a specific type of grant allocation for professional development opportunities for Kingston residents.	 on track
Develop a Heritage and History Centre	Works have now been completed on the old Maternal Child and Health building in Parkdale for use as a Heritage and History Centre. Equipment and historical artefacts are now being moved in.	 on track
Investigate the establishment of a Farm Museum	The family member managing the Le Bon estate has re-established contact with Kingston. He has indicated an intent to recommence discussions about making the historical items available for display and will be in contact in January 2019.	 in progress
Consider the restoration of the Heritage Nylax Sign on the Nepean Highway	Council resolved to seek funding from external parties to pay for the restoration of the sign. Council officers facilitated a meeting with community members in April 2018 about funding strategies. Further enquiries are now being made with the landowner and an update will be brought to Councillors in the second half of 2018.	 on track
Develop a business case to advocate with State Government for the Cheltenham Court House to be used by Kingston Council for potential community uses.	Some discussions have been undertaken with Cheltenham Police regarding how the facility is currently being used. Further investigation about potential community use to be considered in 2018.	 on track

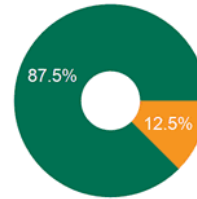
4 Our free-moving safe, prosperous and dynamic city



Expenditure



Actions



Performance Indicators

● BUDGET SPENT
 ● BUDGET REMAINING
 ● ON TRACK
 ● IN PROGRESS
 ● OFF TRACK

Annual Service Highlights

<p>75</p> <p>School crossings</p>	<p>21,196</p> <p>Pets registered in Kingston</p>	<p>35,014</p> <p>Parking infringements issued annually by Parking Contractor</p>
<p>354</p> <p>Food samples taken annually</p>	<p>16,256</p> <p>Businesses in Kingston</p>	<p>20,932</p> <p>Annual hours of use of City of Kingston arts and cultural venues</p>

Our Services



HOME

- Community local law enforcement



LIFESTYLE

- Animal management
- Arts & cultural services
- Economic development & business support
- Festivals & events
- Urban activity centre development



HEALTH

- Food safety regulation & health monitoring services








TRAVEL

- Community transport for the elderly & people with disabilities
- Street lighting maintenance
- Parking enforcement & prosecutions
- Parking management
- Road safety
- Traffic engineering
- Transport planning







Our free-moving safe, prosperous and dynamic city

4.1. Vibrant shopping centres and employment precincts







INDICATOR	COMMENT	FULL YEAR TARGET	QUARTERLY TARGET	QUARTERLY RESULT	STATUS
Footpath Trading applications processed within 15 days	27 footpath trading applications were processed in this quarter, with 95% achieved within 15 days.	90.00%	90.00%	95.00%	 on track
ACTION	PROGRESS				STATUS
Develop and implement a capital and renewal program to improve the amenity of activity/retail centres	Investigations continued into the development of the capital and renewal plan for minor activity centres with civil asset conditions rating confirmed.				 on track
Review the existing planning controls that apply to the Edithvale and Chelsea Activity Centres to determine whether structure plans should be formulated for these centres	Council officers prepared a report for Council on this issue. Council resolved to allocate funding for a Structure Plan for the Chelsea Activity Centre, and to utilise the level crossing removal project at Edithvale to improve urban outcomes in that centre. The Structure Plan will review the existing planning controls that apply in these centres.				 completed
Continue the implementation of the Moorabbin Junction Urban Renewal Strategy	Officers continue to work with private developers and the business community, with the east west link enabled through the approval of the development of a key urban renewal site (Harvey Norman) and financial commitments to deliver Stage 1 of the Moorabbin Reserve Park Plan.				 on track
Implementation of the key initiatives identified in the Mentone Renaissance project	A contract has been awarded for delivery of Stages 1 and 2 of the Mentone Renaissance project with delivery anticipated in 2019.				 on track
Work with the Level Crossing Removal Authority to ensure that the works in Bonbeach, Edithvale and Carrum provide opportunities to further enhance the existing retail centres	Liaison with the LXRA has continued, with meetings to encourage the support of each of the retail centres along the southern corridor. Officers are meeting fortnightly with the Southern Alliance Program to discuss the urban design outcomes of the level crossing and revitalisation program.				 on track
Review the requirement for a Structure Plan for Clayton South to include Westall Activity Centre, Industrial areas, Non Green Wedge landfill sites, traffic, open space, street trees, passive and active recreation and residential amenity.	<p>Following a review of the extensive strategic work already occurring it was considered that a Structure Plan for Clayton South is not required at this time.</p> <p>Council is working closely with the Victorian Planning Authority (VPA) and Goodman Limited to develop a Comprehensive Development Plan for Clayton Business Park in Clayton South for the redevelopment of the site for mixed use over the long term. The VPA are also undertaking planning work for the Monash National Employment and Innovation cluster and will take advantage of the benefits offered by its access to Westall Station, Westall Road, Monash University and Monash Medical Precinct.</p> <p>The development of Council's Housing Strategy, Neighbourhood Character Study and Car Parking Strategy will consider a wide range of development and land use issues within the Clayton South area.</p>				 completed

ACTION	PROGRESS	STATUS
<p>Advocate to the State Government for the inclusion of the following projects as part of the Carrum Revitalisation project: additional storage facilities for Carrum Lifesaving Club (\$150,000); further contribution to Carrum Sailing and Motor Boat Club (\$350,000) to cover the shortfall in their upcoming facility redevelopment and project management costs; others as required</p>	<p>Officers are meeting fortnightly with the LXRA to work through the Carrum level crossing and revitalisation project. This includes advocacy for additional funding for the Carrum Lifesaving Club and Sailing and Motor Boat Club.</p>	<p> on track</p>
<p>Consider how to improve the viability and street scape of the shopping strips of Chelsea (Nepean Highway) and Edithvale (Nepean Highway)</p>	<p>In April 2018, Council resolved to undertake a Structure Plan for Chelsea Activity Centre. Consultant briefs have been prepared to undertake the work which with a procurement process to commence late 2018.</p>	<p> on track</p>
<p>Consider in consultation with the local business owners and residents, improvements to the viability and streetscape of the Parkdale Shopping Centre in Como Parade West</p>	<p>Following engagement with the traders and nearby residents, the design team and other internal stakeholders have commenced discussions about the scope of works. Collaboration with the traffic team will ensure that planned Local Area Traffic Management measures are implemented along with the proposed streetscape improvements.</p>	<p> on track</p>
<p>Find a suitable location for seniors recreation play equipment, in conjunction with Rotary</p>	<p>Moorabbin Reserve has been selected as the most appropriate location as it provides the opportunity to include the fitness equipment as part of the reserve development plan implementation. This action has been placed on hold to allow for high priority works to be undertaken and allow for the Moorabbin Reserve building works to be completed.</p>	<p> off track</p>





4.2. Understand and support our thriving profitable local economy






INDICATOR	COMMENT	FULL YEAR TARGET	QUARTERLY TARGET	QUARTERLY RESULT	STATUS
Level of satisfaction of participants at business education initiatives	The average rating from participants at business education initiatives is "very high" to "excellent".	90.00%	90.00%	95.00%	 on track
ACTION	PROGRESS				STATUS
Analyse economic data on the regional economy and employment trends to inform decision making	Economic impact statements have been prepared to support grant applications by others in the organisation. Briefings on Economy ID and the key data points have been provided to the Social Development and Libraries teams to assist in their awareness of available economic data.				 on track
Work across the peak regional bodies to support economic investment in Kingston and in the broader South East Region	South East Economic Development managers continue to meet monthly to discuss matters arising from South East Melbourne Board meetings and other regional activities. The South East Jobs Fair was hosted in Kingston this quarter, an initiative of the South East Auto Sector Transition Taskforce of which Council is a member. The Digital Direction Day (an initiative of Frankston, Kingston and Mornington Peninsula Councils) and associated master classes were also held in this quarter, with more master classes planned over the next nine months.				 on track
Encourage local job seekers to register on the Kingston Jobs portal and undertake data analytics to better understand trends in the Kingston employment market	The Kingston Jobs Portal continues to grow, with the number of jobs posted and page views steadily increasing. Targeted marketing and promotion for the Portal has resulted in a corresponding spike in page views each month.				 on track
Facilitate business education and skills development	Business education events delivered in this quarter provided opportunities for skill development in marketing a business and digital directions.				 on track
Work with telecommunication providers to ensure Kingston businesses have access to appropriate high speed broadband services and promote the internet as an essential service	Discussions are ongoing with experts in the Internet of Things to help inform Council's role in assisting the local economy to embrace such opportunities. We will continue to monitor and promote such opportunities through our networks.				 on track

4.3. Rich in arts, innovation and tourism

INDICATOR	COMMENT	FULL YEAR TARGET	QUARTERLY TARGET	QUARTERLY RESULT	STATUS
Attendances at Kingston Arts events		20,150.00	4,650.00	4,923.00	 on track
ACTION	PROGRESS				STATUS
Work with investors in Kingston seeking to introduce 'tourist or lifestyle based' businesses that will add to its ability to attract visitors to the City	Discussions have occurred with several potential investors who are looking to establish new visitor-focused developments in the municipality. At this stage, all are still in the 'site search' phase.				 on track
Develop and implement the Arts and Culture Strategy	The final draft of the Arts and Cultural Strategy 2018-22 was endorsed by Council on 27 August 2018 and is currently being professionally designed to be printed.				 completed
Support arts and entertainment focused businesses and entrepreneurship in our urban centres	Council continues to work with a local arts operative that has established a creative arts studio. Links between the arts sector and the Aspire program have also been fostered with positive outcomes for re-use of materials.				 on track
Identify opportunities to support emerging arts and entertainment focused industries to establish and grow within Kingston	Discussions with key internal stakeholders have commenced to identify existing networks that could be leveraged to identify opportunities. A networking event (Meet Your Mates) will be held at an entertainment focused-business in the next quarter.				 on track
Undertake an assessment of the opportunities for an arts precinct in Chelsea for potential State Government funding	This action is pending a report that has been submitted to Council by Property, Arts and Leisure Services which proposes a means for identifying and exploring strategic opportunities for the future use and development of LF Payne Hall in Chelsea. A community consultancy committee will be established to identify the arts and cultural needs of the community in Chelsea and the surrounding area in November 2018.				 on track





4.4. Integrated accessible transport and free moving city

ACTION	PROGRESS	STATUS
Develop and implement an Integrated Transport Strategy	The Integrated Transport Strategy will be developed during 2019 and consider walking, cycling, public transport, freight and passenger vehicles.	 off track
Provide facilities for cyclists to support and encourage cycling, particularly at train stations	Provision for improved bicycle facilities at each of the upgraded stations is part of the reference designs for the stations to be replaced by LXRA. As part of the level crossing removals, a 'Copenhagen' separated bicycle lane is being proposed for the length of Station Street. Council is working with LXRA to progress the design of this path and seek funding for its completion. The newly opened Patterson Bridge includes a short section of Copenhagen bicycle path. Council has met with LXRA and VicRoads about Active Transport for Edithvale and Bonbeach.	 in progress
Develop and implement safe and effective local area traffic management solutions	Parkdale local area traffic management stage 1 works have been completed. There was a slight delay with the installation of the Warren Road pedestrian operated signals between Parkdale Hub and Don Tatnell Leisure Centre, however, work will commence on this project in December for completion in February.	 on track
Develop a Parkdale Local Area Traffic Management (LATM) Study incorporating residential and trader parking protections and parking demand on Parkdale Station	Stage 1 of the traffic measures (i.e. this year's funding) has been completed and implemented.	 completed
Monitor and review the car parking within local streets surrounding Regents Park following the development of netball courts and work with residents and clubs to explore a parking permit system and parking changes for the numbered streets.	Following broader initial consultation, we are now undertaking targeted consultation with residents of three specific streets in the area.	 on track
Consult with residents on a proposal to implement suitable traffic treatments such as speed humps, speed cushions and one-way narrow points in Imes Street, MacGregor Street, Victoria Street and Keith Street; with the intent to encourage walking and cycling through the area to reduce motor vehicle trips.	Consultation will commence shortly on the Parkdale East Local Area Traffic Management following a study completed earlier this year and report to Council in May. Concept plans and costings have been produced and we are seeking joint funding from VicRoads under the Safe Travel in Local Streets Program.	 on track
Consider the South East Regional Freight Strategy	The main priority of this strategy in Kingston is the construction of the Mordialloc Bypass, which is being progressed. On a smaller scale, recommended access improvements to Braeside are being progressed through a proposed special charge scheme with the property owners. We are working with South East Melbourne Integrated Transport Group and South East Melbourne to take this forward.	 on track
Appropriately manage and enforce Council's parking areas particularly around schools	Local Laws and our parking contractors continue to patrol all school crossings and issue infringements to any vehicles observed offending.	 on track

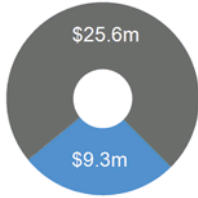
ACTION	PROGRESS	STATUS
Identify opportunities and advocate for more parking with the removal of level crossings	<p>More car parking is being proposed at the Carrum and Cheltenham level crossing removals, following advocacy from Council given the strong road connections to these stations.</p> <p>The preliminary car park design for Carrum shows an additional seven car parking spaces, with Council's comments suggesting a further change that will provide an additional 20 spaces. In addition, a further 45 car parking spaces have been provided opposite the shopping centre.</p>	 on track
Investigate the need for ticketed parking for non-residents near the foreshore and shopping strips	<p>This is explored as part of the draft Car Parking Strategy which is being refined by Councillors ahead of planned consultation later in 2018. Council will start consultation on the Issues and Opportunities Paper in Oct and November.</p>	 on track
Identify opportunities and advocate for cycle and walkway connections with the removal of level crossings	<p>The Mentone and Cheltenham level crossing removals enhance the walking connections to the stations and through the activity centres.</p> <p>Council is working closely with LXRA and other stakeholders on developing a separated bicycle path along Station Street from Mordialloc to Carrum. The new bridge at Patterson River has opened and will include a segregated cycle path.</p> <p>The design for Carrum Station includes a second entry at Walkers Road to improve pedestrian connections from the residential part of Carrum.</p>	 on track
Review, update and implement the Cycling Strategy	<p>The review will be conducted in 2019.</p>	 off track
Confirm alignment of the remaining section of the Bay Trail and undertake construction works	<p>Council granted a notice of decision for the planning permit to remove vegetation and modify vehicle cross overs for this project. This has been challenged at VCAT with the decision pending.</p> <p>Coastal Management Act consent and Public Transport Victoria approval for the bus stops has been obtained and VicRoads have provided in-principle approval for the detailed design, pending a few minor changes. A tender process has been conducted to obtain a price for the works; however award of the contract is on hold pending the outcome of the VCAT hearing.</p>	 on track

4.5. Keeping our community safe and protected

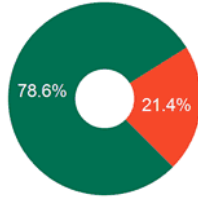
INDICATOR	COMMENT	FULL YEAR TARGET	QUARTERLY TARGET	QUARTERLY RESULT	STATUS
Health Services - Inspections of registered premises	The target has been exceeded, with 483 inspections over the past quarter ensuring the calendar year statutory requirements are met.	1,795.00	450.00	483.00	 on track
Fines and official warnings issued for animal offences	Slightly lower than expectation, this figure varies from month to month.	1,000.00	240.00	233.00	 in progress
Health Services - Food samples taken and analysed	The sampling program is continuing for the 2018 calendar year (statutory period). The September monthly result was slightly below target due to staff vacancies and acting arrangements, which has affected the quarterly result. Sampling numbers will be increased next period.	400.00	117.00	130.00	 on track
Health Services - Customer requests received for investigations and/or action		870.00	205.00	199.00	 on track
AM2 Animals reclaimed [percentage of collected registered and unregistered animals impounded (including feral cats), returned to their owner]		60.00%	60.00%	61.07%	 on track
ACTION	PROGRESS				STATUS
Explore opportunities for a 24/7 dog off leash beach in the southern part of the municipality	Currently in the formal consultation phase for designating an area on the Edithvale foreshore.				 on track
Review and consult the community for other opportunities for dog off leash areas given the changing nature of the housing stock within the City	Local Laws regularly receives requests from the community for consideration of new dog off leash areas. These areas are assessed and, if suitable, reported to Council for further consideration.				 on track
Update the Spring Road Reserve Park Plan to include a designated off leash area within the Spring Road Reserve, Dingley Village and develop a communication strategy to promote the new area within the Reserve.	The Spring Road Reserve Master Plan has been completed with a designated dog off leash area in the northern section of the park. Signage has been installed within the reserve and border of the off lead area.				 on track

ACTION	PROGRESS	STATUS
Review animal management policies to encourage responsible pet ownership - focusing on returning dogs to their homes, first offence option, reduced registration fees for dogs over 12 years old, better micro chipping and more robust tags and alternative pound facilities	A report is being drafted for Council discussing these practices.	 completed
Ensure Kingston is prepared for disaster through the implementation of strategic emergency management and disaster recovery plans	The Emergency Management Policy and Action Plan was adopted in December 2017. Draft Guidelines and a template for incident-specific relief and recovery and a community engagement strategy template have been developed, understand capacity and capability work is underway to identify personnel for EM operational roles to undertake training.	 on track
Implement Kingston's Road Safety Strategy	<p>Active travel programs are being developed and implemented with local primary schools. Additionally, Council has taken over the delivery of road safety training for pre-school students across Kingston. We are delivering this across the municipality through school terms two and three. Approximately 11 active travel programs have been undertaken.</p> <p>Kingston has led the development of a Mandarin language version of VicRoads 'Wiser Driver' road safety program for older adults in conjunction with the Cities of Whitehorse, Greater Dandenong and Monash.</p>	 on track
Ensure Council's enforcement functions remain relevant to the key changes occurring in the City	We are continually assessing methods and areas of enforcement as changes are made within the municipality - e.g. modifying enforcement practices around building sites and rail crossing projects.	 on track

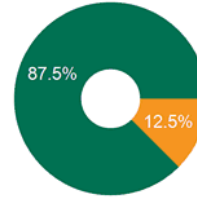
5 Our well-governed and responsive organisation



Expenditure



Actions



Performance Indicators

● BUDGET SPENT
 ● BUDGET REMAINING
 ● ON TRACK
 ● IN PROGRESS
 ● OFF TRACK

Annual Service Highlights

6,568 Live chat sessions	133,956 Incoming correspondence registered	1,350 Employees
5 Citizenship ceremonies held	114,569 Calls to customer service	3,777 Annual hits on Council Meeting web streaming

Our Services



HOME

- Customer service
- Property rating & collection services



LIFESTYLE

- Communications & community relations
- Lobbying on behalf of the community





HEALTH

- Emergency management coordination




Our well-governed and responsive organisation




5.1. Support decision making to provide an efficient and effective Council which embodies the principles of democracy

INDICATOR	COMMENT	FULL YEAR TARGET	QUARTERLY TARGET	QUARTERLY RESULT	STATUS
Requests actioned through the Customer Request Management System (CRM) within service standards (year to date %)	Our year to date performance is slightly under target however, there were strong performances from waste and maintenance contracts, parks, local laws and parking.	90.00%	90.00%	87.40%	 in progress
Proportion of positive versus negative references about Council in the media	In the July to September quarter, there were 77 mentions of Council with 4 negative (5%), 14 neutral (18%) and 59 positive (77%).	75.00%	75.00%	77.00%	 on track

ACTION	PROGRESS	STATUS
Prepare a report detailing the process to be adopted to allow for recording of the gallery in the Council Chamber during Ordinary Council meetings and Planning Committee Meetings.	At the Ordinary Meeting of Council on 24 September 2018, Council adopted the Recording of Public Meetings Policy which includes a process for the recording of the public gallery at Council meetings.	 completed
Embed a community engagement component in all key Council projects from commencement of the project	The Communications and Events team have begun working with key teams across the organisation to ensure that they are considering their approach to engagement at the beginning of their projects and building this into their project planning. An organisation wide approach to community engagement and consultation will be captured as part of a new Engagement Policy and associated strategy and guidelines.	 on track
Establish local ward based committees and review existing Advisory Committees	The review of the Advisory Committees is complete. At the September Ordinary Meeting of Council resolved to establish Ward Committees with a commencement date of February 2019. At this meeting Council also adopted the Committee Terms of Reference and Guidelines.	 completed


5.2. Responsible and sustainable financial management

INDICATOR	COMMENT	FULL YEAR TARGET	QUARTERLY TARGET	QUARTERLY RESULT	STATUS
Organisational labour costs, variance from budget		10.00%	10.00%	3.00%	 on track
Rates revenue received as a percentage of rates outstanding		96.00%	15.00%	15.98%	 on track
Supplementary property valuations completed		3,000.00	750.00	2,080.00	 on track




ACTION	PROGRESS	STATUS
Continue to encourage increased take-up of electronic rates notices	A new eNotice platform was released in July 2017, making it easier for ratepayers to sign up to receive rates notices electronically. In July, we trialled sending bulk emails to a commercial real estate agent with 300 notices transferred from paper to email. The feedback from the agent was very positive so we are looking at ways we can extend this service to other real estate agents.	 on track
Review potential alternative revenue generating opportunities across Kingston	This project is still in its early stages.	 off track
Implement and administer Patterson Lakes Beach Maintenance Special Charge	The special charge commenced 31 August 2017. All notices have been issued and collection of the levy is aligned with the rate notice payment cycles.	 completed


5.3. Foster staff health and wellbeing, promote our organisational values and encourage leadership and high productivity

INDICATOR	COMMENT	FULL YEAR TARGET	QUARTERLY TARGET	QUARTERLY RESULT	STATUS
E3 Resignations and terminations compared to average staff (permanent staff) (audited)		10.00%	10.00%	0.00%	 on track

ACTION	PROGRESS	STATUS
Develop and implement the Kingston Business Continuity Plan	The Business Continuity Plan has been completed, with the roll out of team-specific sub-plans continuing. In September, a Business Continuity Plan mock exercise was run with the Business Recovery Team and delegates and three other departments.	 on track

5.4. A responsive and well managed organisation

INDICATOR	COMMENT	FULL YEAR TARGET	QUARTERLY TARGET	QUARTERLY RESULT	STATUS
Customer Service - First point of contact resolution (YTD)	Good results in first three months illustrate the consistency of the customer service team's performance.	80.00%	80.00%	85.00%	 on track
Customer Service telephone calls answered within service standard (20 seconds) YTD	We have focused on effective call queue management over the past three months. The implementation of a workforce management solution by the end of the year will assist the team in forecasting and rostering to continue to manage our call traffic and resources effectively.	80.00%	80.00%	87.00%	 on track
ACTION	PROGRESS				STATUS
Develop asset management plans for Council assets, including the establishing of acceptable levels of service in terms of quality, quantity, reliability, cost and responsiveness	An internal audit of asset management practices is in progress to guide priorities for continuous improvement of asset management planning and delivery.				 off track
	A review of the corporate Asset Management Policy and Strategy documents has been completed with services defined to enable tracking of operational and capital expenditure to indicate total service costs, not costs of individual sites. We are currently linking asset to service outcomes to enable reporting by service as well as asset type.				
Develop a list of all new assets that will be constructed as part of the LXRA projects along the Frankston train line, with indicative future maintenance and replacement costs	Regular communication and planning meetings with LXRA are working towards clarification of responsibilities and ownership of assets to be created during this project. This includes protection of existing Council assets that may be impacted during construction.				 on track
Prepare an asset management plan and a compliance risk assessment for the Edithvale Public Golf Course	Council is working with the Golf Club to identify the scope of works, prior to engaging specialist expertise to prepare an asset management plan and risk compliance assessment. A draft plan is expected to be prepared in 2018/19 and will inform the sub lease agreement between Council and the Golf Club.				 on track
Review the staff Performance Management System	Work has started on an online performance management system.				 completed
Provide customer service with a major IT focus	Telephony enhancements have been implemented in Customer Care to assist in how we manage calls into the contact centre. A work force management system is in the implementation stage to assist with forecasting and rostering. We are also implementing new technology to track, report on and manage interactions into the contact centre to help us understand the other reasons customers call and assist the team in handling more queries at the first point of contact. In October we commenced implementation planning for IGNITE (to improve our data capture from calls received in the call centre) and AGYLE Time which is our workforce management solution to improve forecasting and rostering for the Customer Care call centre. These will be delivered by the end of the calendar year.				 on track
Enhance online payment and service requests options for residents and ratepayers	Work has continued on developing the electronic rate notice portal. Ratepayers can now make online rates payments, change their address details and make direct debit applications through the portal.				 on track

ACTION	PROGRESS	STATUS
Manage the Governance Framework and the Compliance Policy	The Compliance Register for the 2017/18 financial year was presented to the Audit Committee on 18 September, with the Audit Committee satisfied with the process. All managers and general managers have signed off on their individual compliance checklists, with the process to be finalised in October.	 on track

Kingston City Council
Quarterly Financial Statements
For the 3 Months ending 30 September 2018

Income Statement

	Actual YTD to Sept 18 \$000	<i>Published Budget</i> Budget YTD to Sept 18 \$000	Favourable/ (Unfavourable) \$000	Favourable/ (Unfavourable) %	Ref
Revenue					
Rates and Charges	139,096	138,967	129	0.1%	
Grants - Operating	9,017	8,317	700	8.4%	
Grants - Capital	641	708	(67)	-9.5%	
Contributions, Reimbursements & Donations	103	92	11	12.0%	1
Statutory fees and fines	2,326	2,109	217	10.3%	2
User Fees & Charges	5,133	5,117	16	0.3%	
Interest	805	652	153	23.5%	3
Other Revenue	171	80	91	113.8%	4
Total Revenue	157,292	156,042	1,250	0.8%	
Expenses					
Employee Benefits	19,414	20,015	601	3.0%	
Materials and Services	19,325	19,973	648	3.2%	
Bad and Doubtful Debts	1	0	(1)		
Depreciation & Amortisation	6,750	6,750	0	0.0%	
Finance Costs	72	63	(9)	-14.3%	5
Total Expenses	45,562	46,801	1,239	2.6%	
Net Gain(Loss) on Disposal of Infrastructure, Property, Plant and Equipment	31	0	31		
Surplus	111,760	109,241	2,519	2.3%	

Variance Explanations

Ref	Item	Explanation
1	Contributions, Reimbursements and Donations	Contributions total revenue is \$103k and is \$11k favourable to budget. Payments received largely relate to Tree Planting and Chelsea Seniors' Group contributions.
2	Statutory fees and fines	Statutory Fees and Fines total revenue is \$2.3 million and is \$217k favourable to budget. Planning and Development division is \$106k favourable mainly within the Planning (\$75k) and Planning & Building Services (\$59k) teams, reflecting the high volume of planning applications being lodged. Community Sustainability division (\$58k) and City Assets and Environment division (\$53k) are also favourable to budget.
3	Interest	Interest Income total revenue is \$0.8 million and is \$153k favourable to budget due to higher than expected cash holdings.
4	Other Revenue	Other Income is \$171k and is \$91k favourable to budget due to the unbudgeted Fire Services Property Levy funding (\$95k).
5	Finance Costs	Interest / Borrowing Costs total expenditure is \$72k and is \$9k unfavourable to budget.

Kingston City Council
Quarterly Financial Statements
For the 3 Months ending 30 September 2018

Cash Flow Statement

	Actual YTD to Sept 18 \$000	Budget YTD to Sept 18 \$000	Favourable/ (Unfavourable) \$000	Favourable/ (Unfavourable) %	Ref
Cash Flows from Operating Activities					
Rates	28,974	29,400	(426)	-1.4%	
Grants - Operating	6,488	7,005	(517)	-7.4%	
Grants - Capital	641	205	436	212.7%	1
Contributions, Reimbursements & Donations	2,357	97	2,260	2329.9%	2
Statutory fees and fines	2,326	2,424	(98)	-4.0%	
User charges	5,105	5,028	77	1.5%	
Interest	805	500	305	61.0%	3
Other Receipts	171	124	47	37.9%	4
Increase (Repayment) of Trust Funds and Deposits	3,199	0	3,199		
Payments to Employees	(19,400)	(19,990)	590	-3.0%	
Payments to Suppliers	(31,445)	(23,130)	(8,315)	35.9%	5
Net Cash Provided by Operating Activities	(779)	1,663	(2,442)	-146.8%	
Cash Flows from Investing Activities					
Payment for Infrastructure, Property, Plant & Equipment	(3,756)	(7,496)	3,740	49.9%	5
Proceeds from sale of Infrastructure, Property, Plant & Equipment	31	0	31	100.0%	
Net Cash Provided by Investing Activities	(3,725)	(7,496)	3,771	50.3%	
Cash Flows from Financing Activities					
Borrowing Costs	(72)	(99)	27	27.3%	6
Increase/(Repayment) of interest bearing loans & borrowings	(1,054)	(1,497)	443	29.6%	7
Net Cash (used in) Financing Activities	(1,126)	(1,596)	470	29.4%	
Net Increase in Cash and Cash Equivalents	(5,630)	(7,429)	1,799	24.2%	
Cash and Cash Equivalents at the Beginning of the Financial Year	136,627	100,110	36,517	36.5%	
Cash and Cash Equivalents at the End of Period	130,997	92,681	38,316	41.3%	

Variance Explanations

Ref	Item	Explanation
1	Grants - Capital	Capital grants received are \$0.4 million favourable. This includes \$0.6 million in roads to recovery funding received earlier than expected.
2	Contributions, Reimbursements & Donations	Contributions total \$2.4 million and are \$2.3 million favourable to budget. This includes unbudgeted open space contributions from developers of \$2.2 million.
3	Interest	Interest received is \$0.3 million favourable to budget due to higher than expected cash holdings.
4	Other Receipts	Other receipts total \$171k and are \$47k favourable to budget due to the unbudgeted Fire Services Property Levy funding (\$95k).
5	Payments to Suppliers & Payments for Infrastructure, Property, Plant and Equipment	Payments to suppliers total \$31.4 million and are \$8.3 million unfavourable to budget. This is partially offset by a favourable variance of \$3.7 million for Payments for Infrastructure, Property, Plant and Equipment. Variances are expected to even out as the year progresses.
6	Borrowing Costs	Borrowing costs are \$72k and are \$27k favourable to budget.
7	Increase (Repayment) of interest bearing loans and borrowings	Repayment of interest bearing loans and borrowings are favourable to budget by \$0.4 million due to a better than expected one-year interest rate on Council's main loan for 1230 Nepean Highway purchase.

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Balance Sheet

	Actual as at Sept 18 \$000	Annual Budget \$000	Favourable/ (Unfavourable) \$000	Favourable/ (Unfavourable) %	Ref
Current Assets					
Cash and Cash Equivalents	130,997	90,055	40,942	45.5%	1
Trade and Other Receivables	124,441	7,841	116,600	1487.1%	2
Non-current Assets classified as Held for Sale	885	0	885		
Other Assets	691	0	691		
Total Current Assets	257,014	97,896	159,118	162.5%	
Non Current Assets					
Trade and Other Receivables	0	20	(20)	-100.0%	
Infrastructure, Property, Plant & Equipment	2,414,162	2,315,298	98,864	4.3%	
Investment Property	4,473		4,473		
Intangible Assets	526		526		
Total Non Current Assets	2,419,161	2,315,318	103,843	4.5%	
Total Assets	2,676,175	2,413,214	262,961	10.9%	
Current Liabilities					
Trade and Other Payables	5,659	13,680	8,021	58.6%	3
Provisions	16,059	17,355	1,296	7.5%	
Interest Bearing Loans and Borrowings	3,207	5,446	2,239	41.1%	4
Trust Funds and Deposits	8,951	3,184	(5,767)	-181.1%	5
Fire Services Property Levy Payable	3,908	0	(3,908)		6
Total Current Liabilities	37,784	39,665	1,881	4.7%	
Non Current Liabilities					
Provisions	1,446	1,346	(100)	-7.4%	
Interest Bearing Loans and Borrowings	8,821	1,761	(7,060)	-400.9%	4
Total Non Current Liabilities	10,267	3,107	(7,160)	-230.4%	
Total Liabilities	48,051	42,772	(5,279)	-12.3%	
Net Assets	2,628,124	2,370,441	257,683	10.9%	
Equity					
Accumulated Surplus	1,485,433	1,383,734	101,699	7.3%	
Asset Revaluation Reserve	1,105,315	964,623	140,692	14.6%	
Other Reserves	37,376	22,084	15,292	69.2%	7
Total Equity	2,628,124	2,370,441	257,683	10.9%	

Variance Explanations

Ref	Item	Explanation
1	Cash & Cash Equivalents	Cash and Cash Equivalents are favourable to budget by \$40.9 million. The budget does not take into account the \$36.5 million higher opening cash position. The budget is a year end position and variance is expected to reduce as key payments for capital and operational expenditure are met during the year.
2	Trade & Other Receivables	Trade and Other Receivables are \$116.6 million higher than budget due to the rate debtors for 2018/19 which will decline as the rates are paid during the year.
3	Trade & Other Payables	Trade and Other Payables includes expenditure accruals and invoices payable; \$8.0 million favourable to budget.
4	Interest Bearing Loans and Borrowings	The budget for Interest Bearing Loans & Borrowings (current and non-current) is a year-end position and is \$4.8 million unfavourable to budget as at September 2018. The budget will be achieved by year-end as repayments occur. No further borrowing is planned for the 2018/19 financial year.
5	Trust Funds & Deposits	Trust Funds and Deposits are unfavourable to budget by \$5.8 million and include asset protection permits and other sundry deposits. The budget is a year-end position.
6	Fire Services Property Levy Payable	The fire services property levy is collected with rates and is payable to the State Government to fund the MFB and CFA.
7	Other Reserves	Other reserves are \$15.3 million favourable to budget. Other Reserves include \$18.7 million in Open Space reserve contributions, \$6.3 million for Aged & Community Care Reserves, \$10.2 million in reserve contributions for the Kingston Foreshore and Green Wedge Reserves which are for the renewal and development of Councils foreshore and non-urban areas.

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Capital Works

Asset	Actual YTD to Sept 18 \$000	Annual Budget \$000	% Complete	Ref
Property				
Land	95	3,640	3%	1
Buildings	3,445	25,068	14%	
Plant & Equipment				
Plant, machinery and equipment	0	300	0%	2
Computers and telecommunications	208	2,605	8%	3
Library Books	399	1,056	38%	
Infrastructure				
Roads	818	5,632	15%	
Footpaths & cycleways	213	5,729	4%	4
Drainage	217	4,707	5%	5
Recreational, leisure & community facilities	960	4,022	24%	
Parks, open space and streetscapes	591	7,098	8%	6
Off street car parks	2	339	1%	7
Other infrastructure	33	420	8%	8
Total capital works expenditure	6,981	60,616	12%	
Projects Represented by:				
New asset expenditure	340	7,807	4%	
Asset expansion expenditure	977	5,492	18%	
Asset renewal expenditure	4,117	28,304	15%	
Asset upgrade expenditure	1,260	15,268	8%	
Non Asset	287	3,745	8%	
Total capital works expenditure	6,981	60,616	12%	

Variance Explanations

Ref	Item	Explanation
1	Land	Land includes EPA compliance requirements across four former Landfill sites including Elder St and the budget is expected to be spent. There are presently \$250k of contractual commitments in place.
2	Plant, machinery and equipment	Capital expenditure on plant, machinery and equipment includes orders for \$260k of Trucks which have now been placed and delivery expected Nov/Dec.
3	Computers and telecommunications	Capital expenditure on computers and telecommunications is currently only 8% of budget. Orders for \$1.5m of computers, Laptops and associated hardware have been placed with delivery rollout between Nov 2018 and Feb 2019.
4	Footpaths & Cycleways	4% of the budget for footpaths and cycleways is spent as at the end of September 2018. \$2.9m is allocated to Bay Trail Implementation pending Report to Council in December and works planned to commence Feb/March 2019. Approximately \$430k of contractual committed works at various locations are in progress.
5	Drainage	Capital expenditure on drainage is currently only 5% of total budget. \$1.7m of contractual committed works are in progress, the largest being \$1.5m in Kinross Avenue, Edithvale.
6	Parks, open space and streetscapes	Currently only 8% of the parks, open space and streetscapes budget is spent as at 30 September 2018. A tender for \$2.9m of streetscape works in Mentone was approved by Council at its 24 September Meeting.
7	Off street car parks	Capital expenditure on off street car parks is currently 1% of total budget. Tender for carpark construction at Walter Galt Reserve to be advertised Nov/Dec with works to commence early 2019.
8	Other infrastructure	Other infrastructure includes \$150k for Christmas decorations to be spent in Nov 2018 and \$100k of Smart City Initiatives to progress in early 2019.

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Agenda Item No: 11.3

QUICK RESPONSE GRANTS

Contact Officer: Gabrielle Pattenden, Governance Officer

Purpose of Report

To seek Council's consideration of Quick Response Grant applications received.

Disclosure of Officer / Contractor 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 approve the following grant applications:

- Avellino Circolo Pensioners of Springvale Inc - \$500.00
- Bonbeach Preschool - \$1000.00
- Kingston Creative Studios - \$1000.00
- L'Chaim Chabad – Kingston - \$1000.00
- Kingston Residents Association - \$500.00 (subject to acquittal of previous grant)
- St Andrews Parish - \$1000.00
- Carrum Indigenous Nursery - \$1000.00
- Unified Filipino Elderly Association Inc - \$500.00 (subject to acquittal of previous grant)
- Highett Preschool - \$1000.00
- Mordialloc Sailing Club - \$1000.00
- Mordialloc Sailing Club - \$800.00
- Cook Islands Women's Federation - \$880.00

That Council not approve the following grant applications:

- Chelsea Heights Primary School
- Housing First Ltd
- Dingley Primary School

1. Executive Summary

The Quick Response Grants Program gives individuals and community groups the opportunity to apply for small grants to help them achieve their goals and ambitions.

This Program responds to the community's need for a form of grant that is flexible and efficient in terms of the time between application and approval and applies to smaller amounts of funding to a maximum of \$2,000.00.

Quick Response Grants are a category under Council's Community Grants Program.

2. Background

In November 2015 Council adopted the Quick Response Grants Program and Guidelines. Grant applications are checked for eligibility in line with a set of criteria outlined in the Guidelines. An application must be submitted to Council and considered for approval at an Ordinary Meeting of Council.

Any not-for-profit group, school or community organisation providing services within the City of Kingston may apply.

Individuals must be a resident of the City of Kingston and participating in an activity in an unpaid capacity and not as a requirement of any formal course of study or of their employment. Individuals can apply for a grant to assist them to participate in a sporting, educational, recreational or cultural activity; other pursuit of a personal development nature; or who is in needing circumstances.

Community groups can apply for a grant to assist with the provision of a service, program or activity used by or of benefit to Kingston residents.

3. Discussion

3.1. Council Plan Alignment

Goal 3: Our connected, inclusive, healthy and learning community
Direction 3.4 Promote an active, healthy and involved community life

3.2. Operation and Strategic Issues

3.2.1. Assessment of Application Criteria

Applications for Quick Response Grants are assessed against the criteria outlined in the guidelines as follows:

- Does the proposed activity/event/project support the delivery of one or more of Council Plan strategic goals?
- Does the proposed activity/event/project benefit the City of Kingston residents?
- Has the applicant demonstrated a clear need for funds?
- If the applicant is an organisation, that it is a not-for-profit and has a bank account in the name of organisation.
- If the applicant is an organisation, are funds needed at short notice or can they wait for the Annual Grants program?
- Can the project be funded under any other Council grant program?

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4. Applications

Name:	Chelsea Heights Primary School	
Amount requested:	\$2000.00	
Description of Project/Event:	Primary school community fete and fun fair. This is a major fundraising event that the school runs every 2 years. This will only be the third time that the fete and fun fair has been held.	
How the funds will be used:	The funds will be put towards the initial costs that the school will have to outlay otherwise. We would look to hire an animal petting farm, and also help with the cost of purchasing the food, drinks and ice that will be for sale on the day. In addition, the funds requested will also contribute to the cost of hiring outdoor lawn games and a jumping castle for the community to enjoy on the day.	
Assessment Criteria:	<ul style="list-style-type: none"> • The activity/event/project supports one or more of the Council Plan strategic goals • The activity/event/project benefits the City of Kingston residents • The applicant has demonstrated a clear need for funds • The applicant is an individual or not for profit organisation • Funds are needed at short notice • The project cannot be funded under any other Council Grant program 	 ✓ ✓ ✓
Grants received in current or last financial year		
2016/17 - School Development Award - \$213		
2017/18 - School Development Award - \$213		
2018/19 - School Development Award - \$213		
Officer Comment:		
This application is not recommended for approval as it is proposed not to grant funds to schools that have a State Government funding source or for activities that are for fundraising purposes.		

Name:	Avellino Circolo Pensioners of Springvale Inc	
Amount requested:	\$500.00	
Description of Project/Event:	During tomato season we come together to make our much loved homemade pasta sauce preserve which is used in our pasta dishes throughout the year. The funds would help fund the cost of the tomatoes and other items used for preserving the tomato sauce.	
How the funds will be used:	The purchase of tomatoes, salt, bottle tops to seal the bottles.	
Assessment Criteria:	<ul style="list-style-type: none"> • The activity/event/project supports one or more of the Council Plan strategic goals • The activity/event/project benefits the City of Kingston residents • The applicant has demonstrated a clear need for funds • The applicant is an individual or not for profit organisation • Funds are needed at short notice • The project cannot be funded under any other Council Grant program 	 ✓ ✓ ✓ ✓ ✓ ✓
Grants received in current or last financial year		
2016/17 – Annual Community Grant - \$900		
2017/18 – Quick Response Grant - \$500		
2017/18 – Community Grant - \$927		
2018/19 – Partnership Grant - \$955		
Officer Comment:		
This application meets the assessment criteria and is recommended for a grant of \$500.00.		

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Name:	Bonbeach Preschool	
Amount requested:	\$1493.58	
Description of Project/Event:	We would love to purchase 2 pieces of outdoor equipment to replace old and damaged equipment that are used regularly in our Preschool program and one climbing piece of outdoor equipment to extend an existing climbing frame. Unfortunately due to years of use, wear and tear, the existing mini trampoline and crash mat are unsafe to be used at our Preschool and are sorely missed. We are not able to provide a full and comprehensive gross motor program without them.	
How the funds will be used:	The funds will be used to purchase a mini trampoline, a crash mat and a 'Hooper Dooper' climbing frame attachment for our outdoor Pre-school program.	
Assessment Criteria:		
<ul style="list-style-type: none"> • The activity/event/project supports one or more of the Council Plan strategic goals • The activity/event/project benefits the City of Kingston residents • The applicant has demonstrated a clear need for funds • The applicant is an individual or not for profit organisation • Funds are needed at short notice • The project cannot be funded under any other Council Grant program 		<ul style="list-style-type: none"> ✓ ✓ ✓ ✓ ✓ ✓
Grants received in current or last financial year		
2016/17 – Annual Community Grant - \$1600		
2017/18 – Annual Community Grant - \$2200		
2018/19 – Annual Community Grant - \$2200		
Officer Comment:		
This application meets the assessment criteria and is recommended for a grant of \$1000.00.		

Name:	Kingston Creative Studios	
Amount requested:	\$1600.00	
Description of Project/Event:	Kingston Creative Studios is presenting its first exhibition of work of local community artists and craftspeople in Kingston. We will be showcasing artists, many of whom are exhibiting for the first time, across a wide range of mediums. We have been accepted for a 4 week exhibition by Kingston Arts, at G3 Artspace in February 2018. As a not for profit Kingston Creative Studios is nurturing new and emerging artists as well as providing low cost workshops to the local community.	
How the funds will be used:	\$700 exhibition cost, \$500 launch event, \$400 advertising and marketing.	
Assessment Criteria:		
<ul style="list-style-type: none"> • The activity/event/project supports one or more of the Council Plan strategic goals • The activity/event/project benefits the City of Kingston residents • The applicant has demonstrated a clear need for funds • The applicant is an individual or not for profit organisation • Funds are needed at short notice • The project cannot be funded under any other Council Grant program 		<ul style="list-style-type: none"> ✓ ✓ ✓ ✓ ✓ ✓
Grants received in current or last financial year		
Nil		
Officer Comment:		
This application meets the assessment criteria and is recommended for a grant of \$1000.00.		

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Name:	Housing First Ltd	
Amount requested:	\$2000.00	
Description of Project/Event:	Christmas is an isolating and lonely time for many of our tenants. Our Christmas Celebration brings tenants from across our properties together to celebrate the end of the year without having to worry about transport or money. HousingFirst, with the support of our partners, provides a hearty meal, festive activities and a small gift to each tenant on the day. This year, we aim to hold our celebration at the St. Kilda Botanical Gardens on 5 December, with approximately 500 tenants and their families attending. This is a drug and alcohol free event.	
How the funds will be used:	Food and catering (consisting of a roast main meal, dessert and drinks); and - entertainment (band and festive games).	
Assessment Criteria:	<ul style="list-style-type: none"> • The activity/event/project supports one or more of the Council Plan strategic goals • The activity/event/project benefits the City of Kingston residents • The applicant has demonstrated a clear need for funds • The applicant is an individual or not for profit organisation • Funds are needed at short notice • The project cannot be funded under any other Council Grant program 	<ul style="list-style-type: none"> ✓ ✓ ✓ ✓
Grants received in current or last financial year		
Nil		
Officer Comment:		
This application does not meet the assessment criteria and is not recommended for approval. The proposed event is to be held outside the City of Kingston.		

Name:	L'Chaim Chabad - Kingston	
Amount requested:	\$2000.00	
Description of Project/Event:	Help with the budget of organising the annual Chanukah Function at Hazel Pierce Reserve, Mordialloc	
How the funds will be used:	The only annual Chanukah function in Kingston takes place in the presence of Kingston Councillors, members of Federal and State Parliament and over 600 locals every year on the Festival of Chanukah. (This year Dec 2 2018) All activities and foods are provided for free and all costs, including setup and activities are borne by L'Chaim Chabad - Kingston. We solicit Council's help towards the function and thank them for their assistance.	
Assessment Criteria:	<ul style="list-style-type: none"> • The activity/event/project supports one or more of the Council Plan strategic goals • The activity/event/project benefits the City of Kingston residents • The applicant has demonstrated a clear need for funds • The applicant is an individual or not for profit organisation • Funds are needed at short notice • The project cannot be funded under any other Council Grant program 	<ul style="list-style-type: none"> ✓ ✓ ✓ ✓ ✓
Grants received in current or last financial year		
2018/19 – Children's Week Grant - \$1000		
Officer Comment:		
This application meets the assessment criteria and is recommended for a grant of \$1000.00.		

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Name:	Dingley Primary School	
Amount requested:	\$250.00	
Description of Project/Event:	At Dingley Primary School, we believe that language is the common thread that links all people in its written, spoken and visual forms. Language enables us to access information, enhance intellectual growth, foster communication, develop social skills, as well as reflect and maintain culture and examine who we are. Over 42% of our current student population speak a language other than English at home. There are thirty-five different mother tongues spoken in our school community. The predominant mother-tongue languages at Dingley PS are: Vietnamese, Chinese (not further defined), Mandarin, Greek, Japanese, Turkish and Khmer. Given the diverse backgrounds of students in our school, we believe it is important to honour each student's mother-tongue as a necessary component of respecting and learning about each student's culture. In order to do so, we would like to purchase mother-tongue picture story books in a variety of languages to reflect the languages spoken at home by our students.	
How the funds will be used:	To purchase mother-tongue books to reflect the languages spoken at home by students at our school.	
Assessment Criteria:		
<ul style="list-style-type: none"> • The activity/event/project supports one or more of the Council Plan strategic goals • The activity/event/project benefits the City of Kingston residents • The applicant has demonstrated a clear need for funds • The applicant is an individual or not for profit organisation • Funds are needed at short notice • The project cannot be funded under any other Council Grant program 		 ✓ ✓ ✓ ✓
Grants received in current or last financial year		
2017/18 – Friendship Room Grant - \$1100, School Development Award - \$213		
2107/18 – School Development Award - \$213		
Officer Comment:		
This application is not recommended for approval as it is proposed not to grant funds to schools that have a State Government funding source.		

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Name:	Kingston Residents Association	
Amount requested:	\$2000.00	
Description of Project/Event:	Running costs for the Kingston Residents Association, with a charter to advocate for community members and organisations within the City of Kingston to get a better outcome for all concerned. We are committed to effective advocacy and developing strategic alliances in the City of Kingston.	
How the funds will be used:	1) Meeting room hire Mordialloc Neighbourhood House \$65 per month Monthly meetings, AGM, Community Forums, State Election Forum - \$780.00 Cost of stationary, printing and postage - \$150 2) Costs of one off public liability insurance - \$320 - Sausage sizzle at Woolworths Chelsea	
Assessment Criteria:		
<ul style="list-style-type: none"> • The activity/event/project supports one or more of the Council Plan strategic goals • The activity/event/project benefits the City of Kingston residents • The applicant has demonstrated a clear need for funds • The applicant is an individual or not for profit organisation • Funds are needed at short notice • The project cannot be funded under any other Council Grant program 		<ul style="list-style-type: none"> ✓ ✓ ✓ ✓ ✓ ✓
Grants received in current or last financial year		
2017/18 – Quick Response Grant - \$500		
Officer Comment:		
This application meets the assessment criteria and is recommended for a grant of \$500.00, subject to the acquittal of the previous grant allocated in January 2018.		

Name:	St Andrews Parish	
Amount requested:	\$2000.00	
Description of Project/Event:	Carols by Candlelight Event to be held on 8th December 7pm to 9 pm. the Church oval. This event is open to anyone. The various choirs of the church will be performing carols and the crowd can sing along. This is not a fund raising event for the Church and hence it is difficult to meet the expenses of the night particularly the cost of the sound. There will be sale of candles purchased by the church and a sausage sizzle put on by the volunteers.	
How the funds will be used:	Primarily for the sound for the night.	
Assessment Criteria:		
<ul style="list-style-type: none"> • The activity/event/project supports one or more of the Council Plan strategic goals • The activity/event/project benefits the City of Kingston residents • The applicant has demonstrated a clear need for funds • The applicant is an individual or not for profit organisation • Funds are needed at short notice • The project cannot be funded under any other Council Grant program 		<ul style="list-style-type: none"> ✓ ✓ ✓ ✓ ✓ ✓
Grants received in current or last financial year		
2016/17 – Annual Community Grant - \$990		
2017/18 – Annual Community Grant - \$1020		
2018/19 – Partnership Grant - \$1050		
Officer Comment:		
This application meets the assessment criteria and is recommended for a grant of \$1000.00.		

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Name:	Carrum Indigenous Nursery	
Amount requested:	\$2000.00	
Description of Project/Event:	Carrum Indigenous Nursery (CIN) is a not-for-profit organisation staffed by volunteers propagating plants that are native to the area, which we supply at low cost to the community. We advise customers that these plants are generally easier to establish and are more robust, requiring less care and less water than exotics. In addition there are benefits to the local ecology, including wildlife, to restoring more indigenous fauna, providing benefits - some subtle - to the community. Our greatest cost, other than a meagre allowance for a manager, is water. Our proposal is to buy a water tank (16.5kL) plumbed to capture water from the roof of our building and a pump to get the water to the watering system, plus an upgraded watering control system which will be responsive to rainfall, and be able to be remotely monitored and controlled. These would give us a more reliable system for plant propagation without so much need to buy in water, so that we are able to continue to provide cheap indigenous plants using volunteer labour.	
How the funds will be used:	Purchase and installation of a rainwater tank (16.5KL). Purchase and installation of an upgraded irrigation control system.	
Assessment Criteria:		
<ul style="list-style-type: none"> • The activity/event/project supports one or more of the Council Plan strategic goals • The activity/event/project benefits the City of Kingston residents • The applicant has demonstrated a clear need for funds • The applicant is an individual or not for profit organisation • Funds are needed at short notice • The project cannot be funded under any other Council Grant program 		<ul style="list-style-type: none"> ✓ ✓ ✓ ✓ ✓ ✓
Grants received in current or last financial year		
Nil		
Officer Comment:		
This application meets the assessment criteria and is recommended for a grant of \$1000.00.		

Name:	Unified Filipino Elderly Association, Inc.	
Amount requested:	\$2000.00	
Description of Project/Event:	UFEA Christmas Lunch for the Elderly. To be held at Melaleuca Activity Hub on Saturday 8 th December 2018.	
How the funds will be used:	Food and drinks, festive decorations, music, table wares (cutleries, plates, drinking glasses, table cloths, napkins, etc) and party prizes	
Assessment Criteria:		
<ul style="list-style-type: none"> • The activity/event/project supports one or more of the Council Plan strategic goals • The activity/event/project benefits the City of Kingston residents • The applicant has demonstrated a clear need for funds • The applicant is an individual or not for profit organisation • Funds are needed at short notice • The project cannot be funded under any other Council Grant program 		<ul style="list-style-type: none"> ✓ ✓ ✓ ✓ ✓ ✓
Grants received in current or last financial year		
2017/18 – Gambling Prevention Grant - \$1500, Seniors Festival Grant - \$400, Quick Response Grant - \$1000		
2018/19 - Annual Community Grant, \$900		
Officer Comment:		
This application meets the assessment criteria and is recommended for a grant of \$500.00, subject to the acquittal of previous grant allocated in June 2018.		

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Name:	Highett Preschool	
Amount requested:	\$2000.00	
Description of Project/Event:	To increase outside water to harvest garden and bush habitat. There is currently no outside tap to these areas. The kindergarten would need to support new plantings with a watering schedule. They currently are unable to do this.	
How the funds will be used:	To pay for plumbing to run new taps to the garden	
Assessment Criteria:		
<ul style="list-style-type: none"> • The activity/event/project supports one or more of the Council Plan strategic goals • The activity/event/project benefits the City of Kingston residents • The applicant has demonstrated a clear need for funds • The applicant is an individual or not for profit organisation • Funds are needed at short notice • The project cannot be funded under any other Council Grant program 		<p>✓</p> <p>✓</p> <p>✓</p> <p>✓</p> <p>✓</p> <p>✓</p>
Grants received in current or last financial year		
2017/18 – Children’s Week Grant - \$968, Annual Community Grant - \$5500		
2018/19 – Children’s Week Grant - \$880		
Officer Comment:		
This application meets the assessment criteria and is recommended for a grant of \$1000.00.		

Name:	Mordialloc Sailing Club	
Amount requested:	\$2000.00	
Description of Project/Event:	To fund the installation of photovoltaic system on club room roof to afford savings of approx \$1,200.00 per year. These savings will allow the continuation of funding of sponsored sail training places for financially disadvantaged school students.	
How the funds will be used:	Partially fund the installation of our new photovoltaic system due to be installed in the second half of December	
Assessment Criteria:		
<ul style="list-style-type: none"> • The activity/event/project supports one or more of the Council Plan strategic goals • The activity/event/project benefits the City of Kingston residents • The applicant has demonstrated a clear need for funds • The applicant is an individual or not for profit organisation • Funds are needed at short notice • The project cannot be funded under any other Council Grant program 		<p>✓</p> <p>✓</p> <p>✓</p> <p>✓</p> <p>✓</p> <p>✓</p>
Grants received in current or last financial year		
2016/17 – Quick Response Grant - \$500, Annual Community Grant - \$10,669		
2017/18 – Quick Response Grant - \$1000		
Officer Comment:		
This application meets the assessment criteria and is recommended for a grant of \$1000.00.		

**City of Kingston
Ordinary Meeting of Council**

Agenda

26 November 2018

Name:	Mordialloc Sailing Club	
Amount requested:	\$800.00	
Description of Project/Event:	A successful trial was conducted in February 2018 with Mordialloc College, to provide sponsored sail training for secondary school aged children from financially disadvantaged families in the Kingston community. Through the Wellbeing team at Mordialloc College, we are seeking funds to allow a second group of 4 students to access a 6 week sail training program commencing on 9 th February 2019.	
How the funds will be used:	To cover delivery costs of a 6 week sail training program for 4 participants incorporated into the scheduled program due to commence on the 9th of February 2019. This will allow 4 young people to undertake this activity at no cost. Those wishing to continue after the successful completion of the course will be offered junior membership for the remainder of the 2019 sailing season using club owned sailing dinghies.	
Assessment Criteria:	<ul style="list-style-type: none"> • The activity/event/project supports one or more of the Council Plan strategic goals • The activity/event/project benefits the City of Kingston residents • The applicant has demonstrated a clear need for funds • The applicant is an individual or not for profit organisation • Funds are needed at short notice • The project cannot be funded under any other Council Grant program 	<ul style="list-style-type: none"> ✓ ✓ ✓ ✓ ✓ ✓
Grants received in current or last financial year		
2016/17 – Quick Response Grant - \$500, Annual Community Grant - \$10,669		
2017/18 – Quick Response Grant - \$1000		
Officer Comment:		
This application meets the assessment criteria and is recommended for a grant of \$800.00.		

Name:	Cook Islands Women's Federation	
Amount requested:	\$880.00	
Description of Project/Event:	Cook Islands Community is running a Netball Competition on Melbourne Cup Day to bring their community together and to build a strong connection with the wider community. This event will be looking at being attended by well over 350 people from the Cook Islands Community living in Kingston and the surrounded areas.	
How the funds will be used:	Pay for Dingley Netball Court Hire	
Assessment Criteria:	<ul style="list-style-type: none"> • The activity/event/project supports one or more of the Council Plan strategic goals • The activity/event/project benefits the City of Kingston residents • The applicant has demonstrated a clear need for funds • The applicant is an individual or not for profit organisation • Funds are needed at short notice • The project cannot be funded under any other Council Grant program 	<ul style="list-style-type: none"> ✓ ✓ ✓ ✓ ✓ ✓
Grants received in current or last financial year		
Nil		
Officer Comment:		
This application meets the assessment criteria and is recommended for a grant of \$880.00.		

5. Conclusion

The grant applications in this report have been assessed according to the assessment criteria approved by Council in the Quick Response Guidelines.

5.1. Environmental Implications

Not applicable to this report.

5.2. Social Implications

The allocation of Quick Response 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.

5.3. Resource Implications

Funds for Quick Response Grants are allocated by Council through its annual budget process.

5.4. Legal / Risk Implications

Not applicable to this report.

Author/s: Gabrielle Pattenden, Governance Officer
Reviewed and Approved By: Phil DeLosa, Manager Governance
Paul Franklin, General Manager Corporate Services

Ordinary Meeting of Council

26 November 2018

Agenda Item No: 11.4

ASSEMBLY OF COUNCILLORS RECORD REPORT

Contact Officer: Stephanie O'Gorman, 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

1. That Council 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

Goal 5 - Our well-governed and responsive organisation

Direction 5.1 - Support decision making to provide an efficient and effective council which embodies the principles of democracy

The reporting of Assembly of Councillors meets the requirements of the Act and is critical to Direction 5.1.

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.

Appendices

Appendix 1 - Assembly of Councillors Record - Strategic Councillor Information Session
- 12 November 2018 (Ref 18/605510) [↓](#)

Appendix 2 - Assembly of Councillors Record - Strategic Councillor Information Session
- 19 November 2018 (Ref 18/610884) [↓](#)

Author/s: Stephanie O'Gorman, Governance Officer
Reviewed and Approved By: Phil DeLosa, Manager Governance
Paul Franklin, General Manager Corporate Services

11.4

ASSEMBLY OF COUNCILLORS RECORD REPORT

1	Assembly of Councillors Record - Strategic Councillor Information Session - 12 November 2018	453
2	Assembly of Councillors Record - Strategic Councillor Information Session - 19 November 2018	457

Assembly of Councillors Record

This Form MUST be completed by;

- (i) The appropriate attending Council Officer or;
- (ii) Chairperson of any Council Advisory Committee where there is no Council Officer present and returned IMMEDIATELY to the Manager Governance for filing.

Assembly details:

Date: 12 November 2018

Time: 5.45pm

Assembly Location: 1230 Nepean Highway Cheltenham

Assembly Reason: Strategic Councillor Information Session

Attendees:

Councillors

Cr Steve Staikos (Mayor)
Cr Tamsin Bearsley (arrived at 6.34pm)
Cr Ron Brownlees OAM
Cr David Eden
Cr Georgina Oxley
Cr Rosemary West OAM

Officers

John Nevins, Chief Executive Officer
Mauro Bolin, General Manager Community Sustainability
Paul Franklin, General Manager Corporate Services
Daniel Freer, General Manager City Assets and Environment
Jonathan Guttman, General Manager Planning and Development
Keryn Fisher, Team Leader Communications and Events
Joanne Creedon, Governance Officer
Ian Nice, Manager City Development
Jaclyn Murdoch, Manager Amenity and Compliance
Margie Hanrahan, Manager AccessCare
Ross Gregory, Manager Traffic and Transport
Nick Ivanoff, Community Connections Case Manager
Julian Harvey, Manager Property and Arts

Guests

Brendan Pauwels, Major Roads Projects Authority
Daniel Kollmorgen, Major Roads Projects Authority
Renee Shankar, Major Roads Projects Authority

Apologies:

Cr Geoff Gledhill
Cr George Hua
Cr Tamara Barth

Assembly of Councillors Record

This Form MUST be completed by;

- (i) The appropriate attending Council Officer or;
- (ii) Chairperson of any Council Advisory Committee where there is no Council Officer present and returned IMMEDIATELY to the Manager Governance for filing.

Matter/s Discussed:

1. Apologies
2. Disclosures by Councillors, Officers and Contractors of any Conflict of Interest
3. Notes of the Strategic CIS Meeting of 15 October 2018
4. Planning Delegation Policy E-mails - October 2018
5. Planning Compliance in the Green Wedge - Quarterly Report November 2018
6. KP16/960 - 13 - 15 Jellicoe Street Cheltenham - VCAT amended plans lodged
7. Emergency Management Annual Report and Update
8. Barkly Street (McDonald Street to Chute Street), Mordialloc - Road Reconstruction
9. Mordialloc Freeway Environmental Effects Statement - Presentation from Major Roads Projects Authority
10. Mordialloc Freeway - Draft Landscape and Visual Design Assessment
11. Invitations
12. Partnered Centred Housing Model
13. Confidential Council Owned Strategic Sites
14. Level Crossing Removal Authority - Land Occupation - Cheltenham, Mentone, Carrum, Edithvale and Bonbeach
15. Confidential Response to Notice of Motion No. 30/2018 - Cr Staikos - Abbeyfield Society Dingley Village Inc.
16. Outcome of Draft Fencing Policy Consultation
17. Revised Lease and Licence Policy
18. Confidential 62 Mills Road - Consideration of Options
19. Report on Legal Advice
20. SEM (South East Melbourne) Canberra Delegation
21. Draft Agenda - Ordinary Meeting of Council
22. Councillor/CEO Only Discussion
23. Special (Statutory) Meeting of Council 14 November 2018 - Running Sheet

Conflict of Interest Disclosures:

Did senior officer present ask for disclosure of Conflicts of Interest?

Yes

Councillor Disclosures: (refer 2 over page)

Nil

Record if a Councillor left the meeting during the discussion:

NA

Officer Disclosures: (refer 4 over page)

Nil

Completed by: Joanne Creedon

Date: 12/11/2018

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 3(1) 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;

- (i) The appropriate attending Council Officer or;
- (ii) Chairperson of any Council Advisory Committee where there is no Council Officer present and returned IMMEDIATELY to the Manager Governance for filing.

Assembly details:

Date: 19 November 2018

Time: 5.45pm

Assembly Location: 1230 Nepean Highway, Cheltenham, 3192

Assembly Reason: Strategic Councillor Information Session

Attendees:

Councillors

Cr Steve Staikos (Mayor)
 Cr Tamara Barth (arrived at 5.52pm)
 Cr Ron Brownlees OAM
 Cr David Eden
 Cr Georgina Oxley
 Cr Rosemary West OAM

Officers

John Nevins, Chief Executive Officer
 Mauro Bolin, General Manager Community Sustainability
 Paul Franklin, General Manager Corporate Services
 Daniel Freer, General Manager City Assets and Environment
 Jonathan Guttman, General Manager Planning and Development
 Phil De Losa, Manager Governance
 Tracey Cheeseman, Senior Advisor, Stakeholder Relations and Strategic Communications

Apologies

Cr Geoff Gledhill
 Cr George Hua
 Cr Tamsin Bearsley

Matter/s Discussed:

1. Sale of Land - 22A Randall Avenue, Edithvale
2. CON-18/83 - Refurbishment of Level 6 Oakleigh Room & Balcony
3. Dales Park Pavilion Redevelopment - Project Update
4. 2018 Sustainable Communities National Summit Report from Delegates
5. Land Adjacent to 2 & 2A Station Street Moorabbin
6. Quick Response Grants Guidelines Review
7. Appointment of Member to the Sport and Recreation Advisory Committee
8. Invitations
9. Moorabbin Boxing Gym
10. Councillor/CEO Only Discussion

Assembly of Councillors Record

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Conflict of Interest Disclosures:

Did senior officer present ask for disclosure of Conflicts of Interest? Yes

Councillor Disclosures: (refer 2 over page).

Nil

Record if a Councillor left the meeting during the discussion.

NA

Officer Disclosures: (refer 4 over page)

Completed by: Phil De Losa

Date: 19 November 2018

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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

26 November 2018

Agenda Item No: 12.1

NOTICE OF MOTION NO. 34/2018 - CR STAIKOS - POKIES ADVOCACY CAMPAIGN IN THE CITY OF KINGSTON

Electronic gaming machine player losses as at July 2018 totalled approximately \$7.5 million across 16 venues in Kingston. This amounts to the 10th highest dollar figure losses of any municipality in Victoria – the City of Kingston acknowledges that this is a priority social issue for action.

I move :

That officers prepare a report for the first Ordinary Council Meeting of 2019 that outlines an advocacy strategy to curtail this issue and minimise harm caused by electronic gaming machines in the City of Kingston, including:

1. Bringing Kingston's electronic gaming machines cap down from over 1,200 to 898.
2. Reducing the hours of operation of local gaming venues to 10am to midnight for gaming areas
3. Call on the State Government to use the machine approval process to remove designs from machines that contribute to gambling harm, such as losses discussed as wins, linked jackpots and free spins.
4. The introduction of a \$1 bet limit per button push on electronic gaming machines.
5. Any other measures recommended by officers.

Cr Steve Staikos

Ordinary Meeting of Council

26 November 2018

Agenda Item No: 12.2

NOTICE OF MOTION NO. 35/2018 - CR STAIKOS - KINGSTON CITY HALL MASTERPLAN STAGE 2

Considering that Kingston City Hall (KCH) is an important civic function, performance, arts and cultural venue for the south east of Melbourne, and that the first master plan for building improvements at KCH has been completed.

I move :

That Council officers prepare a report at the first meeting of Council in 2018 that explores the development of a stage 2 masterplan, which considers community requirements, the business case and structural feasibility of the venue.

The following key issues are to be addressed under these criteria:

1. Community requirements

An analysis of community and professional requirements that identifies:

- a. Current usage
- b. Unmet community needs; and
- c. Anticipated future usage

2. Business case

- a. Investigation of trends within the current sector;
- b. Consideration of current and future competitors, e.g. commercial, government and private arts venues
- c. Capacity and amenability of venue to mount large-scale, traditional and popular contemporary performance forms and events (e.g. circus, opera, live music, theatre, digital art and other cultural events); and
- d. Identifying the optimum configuration of existing and potential spaces, including capacity of maximise a wider range of events for the community in the venue.

3. Structural feasibility

- a. Ensuring the protection and preservation of the nationally Heritage Listed Wurlitzer theatre organ
- b. Restoration of the proscenium
- c. Options to implement fit-for-purpose backstage and stage facilities, including the installation of a fly system, new green room and changing rooms;
- d. Parity with contemporary compliance regulations around arts and cultural venues;
- e. Upgrades and repairs to the existing building not addressed in stage one of the masterplan; and
- f. Consideration of a mezzanine balcony, tiered and/or retractable seating, and enhancements to the façade to enhance the presence of the hall.

Cr Steve Staikos

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 62 Mills Road - Consideration of Options

Agenda item 14.1 62 Mills Road - Consideration of Options is designated confidential as it relates to contractual matters (s89 2d)

14.2 Response to Notice of Motion No. 30/2018 - Cr Staikos - Abbeyfield Society Dingley Village Inc.

Agenda item 14.2 Response to Notice of Motion No. 30/2018 - Cr Staikos - Abbeyfield Society Dingley Village Inc. is designated confidential as it relates to any other matter which the Council or special committee considers would prejudice the Council or any person (s89 2h)

14.3 52-60 Victory Road, Clarinda

Agenda item 14.3 52-60 Victory Road, Clarinda is designated confidential as it relates to any other matter which the Council or special committee considers would prejudice the Council or any person (s89 2h)

Confidential Appendices

10.1 Barkly Street (McDonald Street to Chute Street), Mordialloc - Road Reconstruction

Appendix 1, 17143 - Tender Evaluation Matrix is designated confidential as it relates to (s89 2d)

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 62 Mills Road - Consideration of Options

This agenda item is confidential in accordance with the Local Government Act s89(2) as it relates to contractual matters (s89 2d)

14.2 Response to Notice of Motion No. 30/2018 - Cr Staikos - Abbeyfield Society Dingley Village Inc.

This agenda item is confidential in accordance with the Local Government Act s89(2) as it relates to any other matter which the Council or special committee considers would prejudice the Council or any person (s89 2h)

14.3 52-60 Victory Road, Clarinda

This agenda item is confidential in accordance with the Local Government Act s89(2) as it relates to any other matter which the Council or special committee considers would prejudice the Council or any person (s89 2h)

Confidential Appendices

10.1 Barkly Street (McDonald Street to Chute Street), Mordialloc - Road Reconstruction

Appendix 1, 17143 - Tender Evaluation Matrix

This appendix is confidential in accordance with the Local Government Act s89(2) as it relates to (s89 2d)