

Minutes

Planning Committee Meeting

Wednesday, 17th February 2021

**City of Kingston
Planning Committee Meeting**

Minutes

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The meeting commenced at 7.03pm via the Zoom platform.

Present: Cr Steve Staikos (Mayor)
Cr Hadi Saab (Deputy Mayor)
Cr Tamsin Bearsley
Cr Tim Cochrane
Cr Tracey Davies
Cr Jenna Davey-Burns
Cr David Eden
Cr Chris Hill
Cr Cameron Howe
Cr George Hua
Cr Georgina Oxley

In Attendance: Paul Franklin, Acting Chief Executive Officer
Jonathan Guttmann, General Manager Planning and Development
Jaclyn Murdoch, Manager City Development
Alfred Carnovale, Planning Appeals Coordinator
Phil DeLosa, Manager Governance
Patrick O’Gorman, Governance Officer
Gabrielle Pattenden, Governance Officer
Lindsay Holland, Facilities Officer

1. Apologies

There were no apologies submitted to the meeting.

2. Confirmation of Minutes of Previous Meetings

Moved: Cr Oxley

Seconded: Cr Hua

That the Minutes of the Planning Committee Meeting held on 16 September 2020 be confirmed.

CARRIED

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

There were no Conflicts of Interest submitted to the meeting.

4. Planning and Development Reports

4.1 Town Planning Application Decisions - December 2020

Moved: Cr Oxley

Seconded: Cr Saab

That the report be noted.

CARRIED

4.2 Town Planning Application Decisions - January 2021

Moved: Cr Davies

Seconded: Cr Bearsley

That the report be noted.

CARRIED

4.3 KP-2020/223 - 189-199 and 201 Nepean Highway Mentone

It is recorded that Lorenzo Rigoni spoke on behalf of the applicant.

Moved: Cr Davies

Seconded: Cr Bearsley

That the Planning Committee determine to issue a notice of refusal to grant a planning permit for the use of the land as a residential hotel and dwellings, the construction of a mixed-use, seven (7) storey building comprising a residential hotel (sixty one (61) serviced apartments), twenty three (23) dwellings and two retail premises, basement car parking, alterations to the access to a road in a Road Zone, Category 1 and the removal of an easement at 189-191 and 201 Nepean Highway, Mentone, on the following grounds:

1. The proposal fails to meet the objectives and strategic directions of the Municipal Strategic Statement – Settlement contained at Clause 21.02, Built Environment and Heritage contained at Clause 21.06 and Housing contained at Clause 21.07 of the Kingston Planning Scheme.
2. The proposal fails to satisfy all the requirements of Clause 58 of the Kingston Planning Scheme, in particular Clause 58.02-1 Urban context, 58.02-2 Residential policy and 58.04-1 Building setbacks.
3. The proposal is not consistent with the purpose and objectives of the Commercial 1 Zone of the Kingston Planning Scheme.
4. The proposal is not consistent with the purpose and objectives of the Design and Development Overlay Scheduled 20 of the Kingston Planning Scheme.
5. The proposal fails to satisfy Clause 52.06-6 (Car Parking to the satisfaction of the Responsible Authority) in relation to the residential hotel as the car parking will adversely affect the amenity of the locality by virtue of the increased demand for on-street car parking.

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6. The proposal will cause an adverse traffic impact to the area.
7. The proposal fails to provide an acceptable built form outcome having regard to the physical and policy context. In particular, the proposal includes an unacceptable building height and transition to the surrounding built form character.
8. The proposal represents an overdevelopment of the subject site providing an inappropriate response to local policy expectations and the character of the area.

Cr Hua left the meeting at 7:13pm

Cr Hua returned to the meeting at 7:15pm

CARRIED

4.4 KP-2020/218 - 92 Wilson Street, Cheltenham

Cr Hua left the meeting at 7:18pm

Cr Hua returned to the meeting at 7:21pm

Moved: Cr Saab

Seconded: Cr Davies

That the Planning Committee determine to support the proposal and issue a Notice of Decision to Grant a Planning Permit to develop the land for the development of land for two (2) dwellings at 92 Wilson Street, Cheltenham, subject to the following conditions:

Condition 1 plans

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and be approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this Permit. The plans must be drawn to scale with dimensions, and must be substantially in accordance with the advertised plans prepared by Archsign Pty Ltd and dated November 2020, but modified to show:
 - a. the provision of a Landscape plan substantially in accordance with the submitted plan prepared by Zenith Concepts and dated April 2020, to the satisfaction of the Responsible Authority and amended to show:
 - i. the *Sophora* (Princeton Upright) canopy tree provided in the front setback of each dwelling to be replaced with spreading canopy trees capable of growing to minimum mature dimensions of 12 metres high and 8 metres wide;
 - ii. the *Acacia cognata* (Bower Wattle) canopy tree provided in the secluded private open space area of each dwelling to be replaced with canopy trees capable of growing to minimum mature dimensions of 10 metres high and 6 metres wide;
 - iii. the deletion of the front stepping stones, with access to the porch provided by the driveway.
 - b. the location of tree protection measures, including street trees, illustrated to scale and labelled on the ground floor level plan.
 - c. the deletion of the pedestrian paths (stepping stones) to each dwelling, with pedestrian access to the porch provided by the driveway to allow for

additional landscaping.

- d. the provision of adjustable sun shading devices for habitable room windows on the ground floor level and first floor level facing the site's north (side) title boundary.
- e. the pedestrian garage doors of each dwelling nominated as swinging outwards.
- f. a notation stating that vehicle crossings must be constructed at a 90 degree alignment with the kerb on Wilson Street and all internal driveways must align with the existing and proposed vehicle crossing.
- g. the driveway of dwellings 1 and 2 must be at least 500 millimetres from the side boundary along the frontage on Wilson Street.
- h. the proposed stormwater discharge must be located at least 500 millimetres from the vehicle crossing.
- i. the provision of a pedestrian refuge, no less than 1 metre wide, between all vehicle crossings to the lot and neighbouring properties.
- j. a maximum ramp gradient of 1:4 to the dwelling 1 and 2 driveway.

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 *Agonis flexuosa* (Willow Leaf Myrtle) canopy tree on the nature strip 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.

Drainage and Water Sensitive Urban Design

4. 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) plan(s) must be prepared as per Council's "Civil Design Requirements for Developers – Part A: Integrated Stormwater Management" 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 impact on the stormwater (drainage) works, including landscaping details.
5. 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

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prevent overland flows onto adjacent properties.

- b. the implementation of stormwater (drainage) detention system(s) which restricts stormwater discharge to the maximum allowable flowrate of 5.3L/s.
- c. all stormwater (drainage) works must be maintained to the satisfaction of the Responsible Authority.

Infrastructure and road works

6. Any relocation of drainage 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 permit holder/land owner.
7. Property boundary and footpath levels must not be altered without the prior written consent of the Responsible Authority.
8. The replacement of all footpaths, including offsets, must be constructed to the satisfaction of the Responsible Authority.
9. All reinstatements and vehicle crossings must be constructed to the satisfaction of the Responsible Authority.
10. Any redundant vehicle crossings must be removed (including redundant portions of vehicle crossings) to the satisfaction of the Responsible Authority.

General amenity conditions

11. 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.
12. All externally located cooling and heating 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.
13. All piping and ducting above the ground floor level (other than rainwater, guttering, and downpipes) must be concealed to the satisfaction of the Responsible Authority.

Completion of works

14. 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.
15. Prior to the occupation of the development hereby permitted, the landscaping works as shown on the endorsed plans must be completed to the satisfaction of the Responsible Authority including that any dead, diseased, or damaged plants to be replaced.

Expiry

16. This Permit as it relates to development will expire if one of the following circumstances applies:
 - a. the development is not started within two (2) years from the date of this Permit.
 - b. the development is not completed within four (4) years from the date of this

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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.

Note: Prior to the commencement of works, the permit holder/land owner is required to obtain the necessary building permit.

Note: The permit holder/land owner must provide a copy of this Permit to any appointed building surveyor. It is the responsibility of the permit holder/land owner and building surveyor to ensure that all building development works approved by any building permit is consistent with this Permit.

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

Note: Any buildings and works (including eaves) to be located within an easement requires separate consent from Council and/or the relevant service authority. This will need to be obtained prior to the issue of a building permit.

Note: The speed hump is to be reconstructed as a 'Watts profile' and is to be located within the existing speed hump 'footprint'.

Note: The permit holder/land owner must provide a copy of this 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 permit holder/land owner or any contractor engaged to remove any vegetation, should consult Council's Vegetation Management department to verify if a local laws permit 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 a dwelling/unit/apartment and street numbers or street names on any endorsed plan is indicative only. The onus is on the permit holder/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 holder/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).

Note: The owner(s), occupiers, and visitors of the development allowed by this Permit may not be eligible for Council resident or visitor parking permits.

Note: The development includes sheds and fence to be built over the easement. Separate consent from Council and the relevant service authority is required to build over the easement and will need to be obtained prior to the issue of a Building Permit.

CARRIED

4.5 KP-2020/625 - 85-87 Davey Street Parkdale

Cr Hua left the meeting at 7:23pm

Cr Hua returned to the meeting at 7:26pm

It is noted that Chris Pippo spoke on behalf of the applicant.

Moved: Cr Cochrane

Seconded: Cr Davies

That the Planning Committee determine to support the proposal and issue a Planning Permit for **Error! No document variable supplied.** at No. 85-87 Davey Street, Parkdale, 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 'k20 Architecture', job reference 0449MODU, drawing no. TP00 to TP08 inclusive, dated 30/09/2020, submitted to Council on 21 October 2020, but modified to show:
 - a) The provision of a plan to the satisfaction of the Responsible Authority incorporating:
 - i. a planting schedule of all proposed trees and shrubs, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant;
 - ii. a survey, including, botanical names of all existing trees to be retained 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. one (1) native canopy trees capable of growing to minimum mature height of 15 metres and two (2) native canopy tree capable of growing to minimum mature height of 10 metres;
 - v. 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; and
 - vi. 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 labeled on the Ground Floor Plan as per the endorsed Tree Management Plan.
 - c) Any changes as required by Condition 5.
 - d) All requirements of Melbourne Water, in accordance with Condition 9 to 11 of this permit.
 - e) Details of waste management including waste storage locations.
 - f) The provision of a full annotated colour, finishes and building materials schedule (including samples) for all external elevations of the development.

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2. The development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.
3. The trees shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority and are to remain in-situ unless with the written consent of the Responsible Authority.

Trees to be retained

4. The retention of tree number 17, *Angophora costata* - Smooth Barked Apple and tree number 10 *Leptospermum laevigatum* (Coast Tea-tree).

Tree Management and Protection Plan

5. 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.
- 6. 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.
- 7. 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 protection

- 8. Tree Protection Fencing is to be established around the two street trees in Victory Lane and the four in the Victoria Road nature strip 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.

Conditions Required by Melbourne Water:

- 9. The proposed building must be constructed with finished floor levels set no lower than 6.96 metres to Australian Height Datum (AHD).
- 10. Imported fill must be kept to a minimum on the property and only be used for the sub floor areas of the building and ramps.
- 11. The decking must be constructed with unenclosed foundations to allow for the passage of overland flows.

General Amenity

- 12. The amenity of the area must not be detrimentally affected by the development and use, 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
- 13. The development 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.
- 14. No goods or packaging materials shall be stored or left exposed outside the building so as to be visible to the public from a road or other public place.
- 15. 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.

Completion of works

16. 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 trees 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
17. Prior to occupation, all buildings and works and the conditions of this permit must be complied with, unless with the further prior written consent of the Responsible Authority.
18. Once the development hereby approved has started, it must be continued and completed to the satisfaction of the Responsible Authority.

Expiry

19. 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 date of this permit.
 - The development is not completed within four (4) years from the 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.

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

Note: The grading area to the west of the building should incorporate grading towards the north or south of the site in order to allow for the passage of overland flows around the building footprint.

CARRIED

4.6 KP-2020/554 - 172-176 Old Dandenong Road Heatherton

Cr Hua left the meeting at 7:32pm

Cr Hua returned to the meeting at 7:33pm

It is recorded that Sue Zhang spoke on behalf of the applicant.

Moved: Cr Saab

Seconded: Cr Davies

That consideration of this item be deferred until the February Council Meeting.

CARRIED

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5. Confidential Items

Nil

The meeting closed at 7.35pm.

Confirmed.....

The Mayor 17 March 2021