

Minutes

Planning Committee Meeting

Wednesday, 17th July 2019

**City of Kingston
Planning Committee Meeting**

Minutes

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	<i>[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.]</i>	
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The meeting commenced at 7.00pm in the Council Chamber, 1230 Nepean Highway, Cheltenham.

Present: Cr Georgina Oxley (Mayor)
Cr Tamara Barth
Cr Tamsin Bearsley
Cr Ron Brownlees OAM
Cr David Eden
Cr Geoff Gledhill
Cr George Hua
Cr Rosemary West OAM

In Attendance: Jonathan Guttman, General Manager Planning and Development
Ian Nice, Manager City Development
Phil DeLosa, Manager Governance
Stephanie O’Gorman, Governance Officer
Gabrielle Pattenden, Governance Officer

1. Apologies

Apologies from Cr Staikos and John Nevins, Chief Executive Officer were submitted to the meeting.

Moved: Cr Brownlees

Seconded: Cr Bearsley

That the apologies from Cr Staikos and John Nevins be received.

CARRIED

2. Confirmation of Minutes of Previous Meetings

Moved: Cr Bearsley

Seconded: Cr Brownlees

That the Minutes of the Planning Committee Meeting held on 19 June 2019 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 - June 2019

Moved: Cr Hua

Seconded: Cr Gledhill

That the report be noted.

CARRIED

4.2 KP-2017/796 - 53 Beach Road, Mentone

It is recorded that Jonathan Hocking spoke on behalf of the objectors in relation to this item

It is recorded that Kevin Broadbent spoke on behalf of the applicant in relation to this item.

Moved: Cr Gledhill

Seconded: Cr West

That the Planning Committee determine to issue a Notice of Refusal to Grant a Permit to develop the land for the construction of two (2) double storey dwellings and alter access to a Road Zone Category 1 at No. 53 Beach Road, Mentone on the following grounds:

1. The proposal is contrary to the Increased Housing Change Areas policy direction included in Clause 21.05 (Residential Land Use) and Clause 22.11 (Residential Development Policy) of the Kingston Planning Scheme.
2. The proposal does not align with the character policies and objectives of the Clause 22.11 (Residential Development Policy) of the Kingston Planning Scheme.
3. The proposed development fails to satisfy Standard B8 (Site Coverage) and B17 (Side and Rear Setbacks) of Clause 55 (Two or More Dwellings on a Lot and Residential Buildings) of the Kingston Planning Scheme.
4. Vehicle access to dwelling 2 via the Right of Way creates unacceptable safety risk to occupants at No. 1a Plummer Road, Mentone.

CARRIED

4.3 KP-2018/807 - 2 Newington Parade Chelsea

It is recorded that Philip Pilts spoke on behalf of the objectors in relation to this item.

It is recorded that Darek Petryshyn spoke on behalf of the applicant spoke on behalf of the applicant in relation to this item.

Moved: Cr Eden

Seconded: Cr Gledhill

That the Planning Committee determine to issue a Notice of Refusal to Grant a Permit to develop the land for the development of six (6) dwellings and the waiver of one (1) visitor car parking space at No. 2 Newington Parade, Chelsea on the following grounds:

1. The proposal is contrary to the Increased Housing Change Areas policy direction included in Clause 21.05 (Residential Land Use) and Clause 22.11 (Residential Development Policy) of the Kingston Planning Scheme.
2. The proposal does not align with the character policies and objectives of the Clause 22.11 (Residential Development Policy) of the Kingston Planning Scheme.
3. The proposed development fails to satisfy Standard B6 (Street Setback) and B17

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(Side and Rear Setbacks) of Clause 55 (Two or More Dwellings on a Lot and Residential Buildings) of the Kingston Planning Scheme.

CARRIED

4.4 KP-609/2018 - 225 - 249 Old Dandenong Road Heatherton

It is recorded that Edwina Laidlaw spoke on behalf of the applicant in relation to this item.

Moved: Cr West

Seconded: Cr Hua

That the Planning Committee determine to support the proposal and issue a Planning Permit to Use and develop the land for a dwelling, outbuilding and associated works within land subject to inundation overlay at No. 225 – 249 Old Dandenong Road Heatherton, 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 Kirsten McEwan Architecture, Town Planning Drawings for 225 – 249 Old Dandenong Road Heatherton , Dated Feb 2018, Revision 2 but modified to show:
 - a. the provision of a notation on the plan specifying that all materials and finishes will be low to non-reflective;
 - b. external colours and finishes to be of dark, natural and muted tones and with matte finish and non-reflective materials;
 - c. the proposed driveway nominated to be constructed of an all-weather permeable and rural-like surface (i.e. loose rock/gravel) with dimensions to accommodate emergency vehicles;
 - d. the location of any reticulated sewerage or on-site wastewater management on the land. If on-site wastewater management is proposed, please provide details of its type and capacity through notations on plan;
 - e. the provision of notations specifying the requirements of Clause 35.04-2 of the Kingston Planning Scheme;
 - f. the provision of a full colour, finishes and building materials schedule including a colour palette for all external elevations of the proposed buildings, driveways and pathways of the development;
 - g. mailbox nominated;
 - h. the provision of minimum 2000 litre rainwater tank clearly nominated for the dwelling with water re-used for toilet flushing;
 - i. all requirements of Melbourne Water (where relevant), in accordance with Conditions 3 to 9 of this permit;
 - j. uniformity with the commitments and any changes identified within the Soil Management Plan, required under Condition 25 of this permit, shown on the plans;

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- k. the provision of a landscape plan in accordance with the submitted development plan, with such plans to be prepared by a suitably qualified landscape professional to the satisfaction of the Responsible Authority and incorporating:
 - i) A planting schedule of all proposed trees and shrubs, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant;
 - ii) A survey, including, botanical names of all existing trees to be retained or removed on the site including Tree Protection Zones for trees to be retained calculated in accordance with AS4970-2009;
 - iii) The delineation of all garden beds, paving, grassed area, retaining walls, fences and other landscape works;
 - iv) 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 the plant species listed in the Department of Sustainability and Environment, EVC/Bioregion Benchmark for Vegetation Quality Assessment, Gippsland Plain bioregion for the ecological vegetation classes Plains Grassy Woodland, Swamp Scrub and Plains Grassy Wetland; with a minimum of 20% of the landscaped area to be *Eucalyptus camaldulensis* (River red Gum).
 - 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;
 - vi) Notes regarding site preparation, including the removal of all weeds, proposed mulch, soil types and thickness, subsoil preparation and any specific maintenance requirements;
 - vii) Tree protection measures accurately drawn to scale and labelled as per the endorsed Tree Management Plan;
- l. The location of tree protection measures illustrated to scale and labelled on the Ground Floor Plan as per the endorsed Tree Management Plan.
- m. Any changes as required by Condition 10 & 11.

Endorsed Plans

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

Melbourne Water requirements

- 3. Prior to the development plans being endorsed, amended plans must be submitted to Council and Melbourne Water addressing Melbourne Water's conditions. Plans must be submitted with surface and floor levels to Australian Height Datum (AHD) and must show:
 - a) Finished floor levels of the bathroom located on the lower ground floor area constructed no lower than 19.22 metres to AHD or removed from the lower ground floor.
- 4. Finished floor levels of the dwelling including the bathroom on the lower ground floor must be constructed no lower than 19.22 metres to Australian Height Datum (AHD).

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5. Finished floor levels of the garage must be constructed no lower than 18.62 metres to AHD.
6. Imported fill must be kept to a minimum on the property and must only be used for the sub floor areas of the dwelling, garage and driveway ramp.
7. The open space areas within the property must be maintained at natural surface levels and no fill or retaining walls should be used in the development of this land.
8. Any new fencing must be open style (50%) of construction or timber paling to allow for the conveyance of overland flow.
9. Prior to the issue of an Occupancy Permit, a certified survey plan, showing finished floor levels (as constructed) reduced to the Australian Height Datum, must be submitted to Melbourne Water to demonstrate that the floor levels have been constructed in accordance with Melbourne Water's requirements.

Vegetation

10. 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) Tree protection measures that will be utilized to ensure all trees to be retained remain viable post-construction.
 - ii) Stages of development at which inspections are required to ensure tree protection measures are adhered to must be specified.
 - b. A Tree Protection Plan (scale drawing) must provide details of:
 - i) The Tree Protection Zone and Structural Root Zone for all trees to be retained on the site and for all trees on neighbouring properties where any part of the Tree Protection Zone falls within the subject site.
 - ii) The location of tree protection measures to be utilized.
 - iii) A notation to refer to the Tree Management Plan.
11. 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.
12. 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.

Infrastructure and Road Works

13. 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.
14. Property boundary and footpath levels must not be altered without the prior written consent from the Responsible Authority.
15. Any reinstatements and vehicle crossings are to be constructed to the satisfaction of the Responsible Authority.
16. The replacement of all footpaths, including offsets, must be constructed to the

satisfaction of the Responsible Authority.

Water Sensitive Urban Design

17. 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 have impact on the stormwater (drainage) works, including landscaping details.
18. 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. All stormwater (drainage) works must be maintained to the satisfaction of the Responsible Authority.

United Energy requirements

19. The applicant must enter into an agreement with United Energy for an extension, upgrade and/or re-arrangement of the current electricity supply to lots on the land which may also require:
 - a. Establishing easement(s) internally or externally to the site; and/or
 - b. Providing site(s) to locate substations; and
 - c. Making a payment to United Energy to cover the cost of preparing such documentation and work.

Stormwater Management

20. Stormwater drainage of the site must be provided so as to prevent any overflows onto adjacent properties and be directed to the nominated point of discharge.

Sewerage

21. The dwelling must be connected to reticulated sewerage prior to the commencement of the use.
22. The owner of the subject land must enter into an agreement with South East Water for the provision of sewerage and fulfil all requirements to its satisfaction.

Reticulated water

23. The dwelling must be connected to reticulated water prior to the commencement of the use.
24. The owner of the subject land must enter into an agreement with South East Water for the provision of reticulated water and fulfil all requirements to its satisfaction.

Land contamination conditions

25. Prior to the commencement of works a '*Soil Management Plan*' as

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recommended by Beveridge Williams Development and Environment Consultants Contamination Assessment prepared report dated 2 April 2019, must be prepared and submitted to the satisfaction of the Responsible Authority and approved by the Responsible Authority.

26. Prior to the commencement of works the owner must enter into an agreement with the Responsible Authority under Section 173 of the *Planning and Environment Act 1987* to provide for the following:
- a. compliance with the conditions of any statement of the soil management plan required under condition 25 of this permit.
 - b. to notify future occupiers of the land of any conditions attached to the soil management plan.

The agreement must be prepared by or on behalf of the Responsible Authority and must contain terms and conditions to the satisfaction of the Responsible Authority. The owner must pay the reasonable Responsible Authority costs of the preparation, execution and registration of the section 173 agreement.

27. Prior to the occupation of the dwelling hereby permitted, the permit holder for a reputable and suitably qualified environmental consultant to provide a letter to the Responsible Authority confirming that the requirements for the use of the land in Condition 25 have been satisfied all to the satisfaction of the Responsible Authority.

General amenity conditions

28. 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.
29. 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.
30. 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.
31. New buildings must be constructed so as to comply with any noise attenuation measures required by Section 3 of Australian Standard AS 2021 – 1994, Acoustics – Aircraft Noise Intrusion – Building Siting and Construction, issued by the Standards Association of Australia, to the satisfaction of the Responsible Authority.

Completion of Works

32. 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.
33. Prior to the occupation of the dwelling 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

34. In accordance with section 68 of the Planning and Environment Act 1987 (the

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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.

Note: Environment Protection Authority (EPA) 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: 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: The applicable flood level is 18.62 metres to Australian Height Datum (AHD).

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).

CARRIED

4.5 KP-2019/317 - 22A Randall Avenue Edithvale

Moved: Cr Bearsley

Seconded: Cr Eden

That the Planning Committee determine to support the proposal and issue a Planning Permit for the Removal of the reserve status and create Lot 1, subject to the following conditions:

1. The subdivision as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.
2. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities, electricity and gas services to each lot shown on the endorsed plan in accordance with that authority's requirements and relevant legislation at the time.
3. All existing and proposed easements and sites for existing or required utility services and roads on the land must be set aside in the plan of subdivision submitted for Certification in favour of the relevant authority for which the easement or site is to be created.
4. The plan of subdivision submitted for certification under the Subdivision Act 1988 must be referred to the relevant authority in accordance with Section 8 of the Act.
5. Once the subdivision has started it must be continued and completed to the satisfaction of the Responsible Authority.
6. In accordance with section 68 of the *Planning and Environment Act 1987 (Act)*, this permit will expire if one of the following circumstances applies:
 - The plan of subdivision is not certified within two (2) years from the date of this permit.
 - The plan of subdivision is not registered within five (5) years of the date of certification.

In accordance with section 69 of the Act, the Responsible Authority may extend the certification time if a request is made in writing prior to the expiry of the permit or within six (6) months after the permit expiry date.

Note: Each building or part of a building resulting from this subdivision must comply with Regulation 503 of the Building Regulations 2006.

Note: In accordance with the *Planning and Environment Act 1987* and the *Subdivision Act 1988*, there is no provision to grant an extension of time for a certified plan of subdivision.

CARRIED

5. Confidential Items

There were no confidential items.

The meeting closed at 7.58pm.

Confirmed.....

The Mayor 21 August 2019