

# Minutes

## Planning Committee Meeting

Wednesday, 17th October 2018

**City of Kingston  
Planning Committee Meeting**

**Minutes**

**17 October 2018**

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**Table of Contents**

1.	Apologies .....	3
2.	Confirmation of Minutes of Previous Meetings .....	3
3.	Foreshadowed Declaration by Councillors, Officers or Contractors of any Conflict of Interest .....	3
	<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>	
4.	Planning and Development Reports .....	4
5.	Confidential Items .....	12

**City of Kingston  
Planning Committee Meeting**

**Minutes**

**17 October 2018**

The meeting commenced at 7.00pm in the Council Chamber, 1230 Nepean Highway, Cheltenham.

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

**In Attendance:** John Nevins, Chief Executive Officer  
Jonathan Guttman, General Manager Planning and Development  
Tony Ljaskevic, Acting General Manager Corporate Services  
Ian Nice, Manager City Development  
Phil DeLosa, Manager Governance  
Natasha Corponi, Media and Communications Advisor  
Stephanie O’Gorman, Governance Officer  
Gabrielle Pattenden, Governance Officer

**1. Apologies**

There were no apologies submitted to the meeting.

**Moved: Cr Brownlees**

**Seconded: Cr Gledhill**

That the meeting be adjourned until the conclusion of the Special Meeting of Council.

**CARRIED**

The meeting resumed at 7.41pm.

**2. Confirmation of Minutes of Previous Meetings**

**Moved: Cr Gledhill**

**Seconded: Cr Brownlees**

That the Minutes of the Planning Committee Meeting held on 19 September 2018 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 - September 2018**

**Moved: Cr Bearsley**

**Seconded: Cr Eden**

That the report be noted.

**CARRIED**

**4.2 KP-2018/205 - 248 - 254 Osborne Avenue Clayton South**

*It is recorded that Angelo Bruno spoke on behalf of the objectors in relation to this item.*

**Moved: Cr Barth**

**Seconded: Cr Hua**

That the Planning Committee determine to issue a Notice of Refusal to Grant a Permit to 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 at 248 - 254 Osborne Avenue Clayton South, on the following grounds:

1. The proposal does not comply with the Clauses: 17, 17.03-1S, Clause 13.05-1S, Clause 13.06-1S of the Kingston Planning Scheme.
2. The proposal does not comply with Clauses 21.07 and 33.01 of the Kingston Planning Scheme.
3. The proposal does not comply with Clauses 52.06 and 53.10 of the Kingston Planning Scheme.
4. The proposal is inconsistent with the EPA Publication 628: Environmental Guidelines for the Concrete Batching Industry (June 1998).
5. The proposal is inconsistent with the EPA Best Practice Environmental Management - 788.3 Siting, design, operation and rehabilitation of landfills.
6. The proposal would not result in an orderly planning outcome.
7. The proposal is inappropriate given that it would:
  - a. be incompatible with the immediate and broader context;
  - b. inadequately address off-site amenity impacts due to an inappropriate site and inappropriate design response;
  - c. fail to improve the image of Kingston's industrial areas or adequately minimise the visual impact;
  - d. fail to adequately consider the gas risk due to proximity to landfill;
  - e. result in excessive traffic and parking impacts; and
  - f. pose unreasonable economic impacts on existing businesses.

**CARRIED**

**4.3 KP18/18 - 48 Station Road Cheltenham**

*It is recorded that Andrew East spoke on behalf of the objectors in relation to this item.*

*It is recorded that Anna Kennedy spoke on behalf of the applicant in relation to this item.*

**Moved: Cr Brownlees**

**Seconded: Cr Gledhill**

That the Planning Committee determine to issue a Notice of Refusal to Grant a Permit to 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 at 48 Station Road Cheltenham, on the following grounds:

1. The proposed height of the building is excessive and contrary to the preferred character at section 5.2 of Clause 37.08 (Activity Centre Zone) of the Kingston Planning Scheme.
2. The proposed rear setbacks are inadequate and would result in unreasonable amenity impacts on the adjacent residential precinct, contrary to the preferred character at section 5.2 of Clause 37.08 (Activity Centre Zone) of the Kingston Planning Scheme.
3. The proposal fails to provide adequate building setbacks and would result in the inequitable development of adjoining properties, contrary to Clause 58.04-1 'Building setback' of the Kingston Planning Scheme.
4. The proposal fails to appropriately integrate the layout of development with the street and fails to maximise the retail and commercial potential, contrary to Clause 58.02-5 'Integration with the street' of the Kingston Planning Scheme.
5. The provision of storage is inadequate and contrary to Clause 58.05-4 'Storage' of the Kingston Planning Scheme.
6. The proposal constitutes an over development of the site.

**CARRIED**

**4.4 KP16/222 - 5 Chesterville Road, Cheltenham**

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

*It is recorded that Michael Meyer spoke on behalf of the applicant in relation to this item.*

**Moved: Cr Brownlees**

**Seconded: Cr Gledhill**

That the Planning Committee determine to support the proposal and issue a Notice of Decision to Grant a Planning Permit for the 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 subject to the following conditions:

1. Before the development starts amended plans to the satisfaction of the

**City of Kingston  
Planning Committee Meeting**

**Minutes**

**17 October 2018**

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 prepared by Finnis Architects – Sheets TP00 to TP26 inclusive- dated 3 March 2017 submitted to Council on the 9 March 2017, but modified to show:

- a. All the changes outlined in the plans prepared by Finnis Architects dated 20 August 2018 submitted to Council on the 28 August, 2018
- b. An updated Waste Management Plan as required under condition 7 of this Permit.
- c. The north facing wall of apartment 605 (bedroom 1) set back 4m from the northern boundary with no alterations to the other proposed setbacks.
- d. Low level landscaping nominated between the pedestrian area and the vehicle driveway adjacent to the entry of the building and between the driveway and the adjoining property
- e. A notation on the plans allocating the provision of car parking
- f. The secluded private open space nominated within balconies and terraces of each dwelling and to be a minimum of 8m<sup>2</sup>
- g. Details of screening proposed to bedroom windows located on northern and southern elevations within the light wells to limit internal overlooking.
- h. Details of the proposed screening proposed to prevent internal views between balconies
- i. The obscure glazing nominated on windows within the light wells to the north and south to be replaced with suitable external screens
- j. A note to state that the vehicle crossings are to be constructed to the satisfaction of the Responsible Authority and for all internal driveways to align with vehicle crossing.
- k. Additional details of the material of the garage door. This door must be partially transparent to improve overall safety.
- l. The provision of a longitudinal section of the basement ramp showing gradients, levels, distances, with headroom clearances complying with AS2890.1:2004;
- m. All ESD features to be shown on the application drawings.
- n. A revised Sustainable Management Plan (SMP) as required under condition 16 of this Permit
- o. All of the requirements from VicRoads under condition 18 of this Permit
- p. That the plans be amended to provide for a loading/unloading area on the ground floor level of the building to the satisfaction of the responsible authority.

**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.

**Drainage and Water Sensitive Urban Design (WSUD)**

3. Unless with prior written consent of the Responsible Authority, before the

**City of Kingston  
Planning Committee Meeting**

**Minutes**

**17 October 2018**

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 or equivalent 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 3a, 3b, & 3c above must be implemented on-site, unless an alternative agreement is reached with the Responsible Authority.
4. 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 of 7.1 L/sec.
  - c. All stormwater (drainage) works must be maintained to the satisfaction of the Responsible authority.
5. A groundwater assessment report (GAR) must be prepared by a qualified hydro-geologist to assess any possible impacts the proposed development has on the ground water table, surrounding land and buildings to the satisfaction of Responsible Authority. Should the findings of the submitted GAR demonstrate that the site is likely to experience issues associated with ground water management, a ground water management plan (GMP) must be submitted to and approved by the responsible authority.
6. The basement structure must be designed to respond to the findings of the GAR and GMP required under condition 5 and constructed to the satisfaction of the responsible authority.

**Waste Management Plan**

7. Prior to the endorsement of plans pursuant to Condition 1, a revised Waste Management Plan (WMP) 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 make reference to updated

**City of Kingston  
Planning Committee Meeting**

**Minutes**

**17 October 2018**

amendments and include, but is not limited to, all to the satisfaction of the Responsible Authority:

- a) The manner in which waste will be stored and collected including: type, size and number of containers.
- b) Spatial provision for on-site storage.
- c) Details whether waste collection is to be performed by Council's services or privately contracted.
- d) The size of the collection vehicle and the frequency, time and point of collection.
- e) Swept paths of the nominated vehicle within the basement

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.

**Infrastructure and Road Works**

8. Prior to the commencement of development, property boundary, footpath and vehicle crossing levels must be obtained from Council's Roads and Drains Department with all levels raised or lowered to the satisfaction of the Responsible Authority.
9. The replacement of all footpaths, including offsets, must be constructed to the satisfaction of the Responsible Authority.
10. All reinstatements and vehicle crossings must be constructed to the satisfaction of the Responsible Authority.
11. Vehicle crossings and other reinstatements must be constructed to council's industrial strength specifications.
12. All redundant vehicle crossings must be removed (including redundant portions of vehicle crossings) to the satisfaction of the Responsible Authority.
13. All front and side fences must be contained wholly within the title property boundaries of the subject land.
14. Any relocation of pits/power poles or other services affected by this development must be carried out to the satisfaction of the relevant servicing authority and the Responsible Authority, at the cost of the owner/developer.
15. All overlooking screens and obscure windows to be fixed and maintained to the satisfaction of the Responsible Authority

**Sustainable Development**

16. Prior to the endorsement of plans pursuant to Condition 1, a revised Sustainability Management Plan (SMP) that outlines the sustainable design initiatives that will be implemented by the development 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. The SMP must demonstrate that the development will meet the minimum BCA energy efficiency standards of a minimum 5 star and average 6 star energy rating and include details of the updated plans.

**Construction Management Plan**

17. Prior to the commencement of any buildings and works on the land (including demolition), two (2) copies of 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 Guidelines, October 2016 (and any superseding versions and I or documents) and include a completed copy of the CMP checklist. The CMP must respond to, but is not limited to the following requirements:

- a. Element 1 - Public Safety, Amenity and Site Security.
- b. Element 2 - Traffic Management
- c. Element 3 - Stakeholder Management.
- d. d. Element 4 - Operating Hours, Noise and Vibration Controls.
- e. e. Element 5 - Air Quality and Dust Management.
- f. f. Element 6 - Stormwater and Sediment Control.
- g. g. Element 7 - Waste and Materials Re-use.
- h. 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.
- i. Prior to endorsement of the of the CMP under the condition 15, an approved Road Occupation and Works Permit which covers occupation of Council land of construction activities, arranging a Works Zone and assessment of Traffic Management Plans (if applicable). The developer will be responsible for any costs related to this permit, to the satisfaction of the Responsible Authority.
- j. Prior to endorsement of the CMP under the condition 15, an Asset Protection Permit must be approved by the Responsible Authority (if applicable).

**VicRoads**

18. Prior to commencement of the use hereby approved, amended plans must be submitted to and approved by the Roads Corporation. When approved by the Roads Corporation, the plans may be endorsed by the Responsible Authority and will then form part of the permit. The plans must be drawn to scale with dimensions and two copies must be provided. The plans must be generally in accordance with the Drawing No. TP-06 dated 17 March 2016 prepared by Finnis Architects and annotated as but modified to show:
  - a. Proposed crossover and its extent with minimum of 60 degree splays.
  - b. Electricity pole to be relocated achieving a minimum distance of 1m from the driveway at no cost and to the satisfaction of VicRoads.
19. The crossover and driveway are to be constructed to the satisfaction of the Responsible Authority and at no cost to the Roads Corporation prior to the occupation of the works hereby approved.
20. All disused or redundant vehicle crossings must be removed and the area reinstated to the satisfaction of Responsible Authority and at no cost to the Roads Corporation prior to the occupation of the buildings or works hereby approved.
21. Prior to the occupation of the buildings the access lanes, driveways, crossovers and associated works must be provided and available for use and be:
  - i. Formed to such levels and drained so that they can be used in accordance

with the plan.

- ii. Treated with an all-weather seal or some other durable surface.

#### Lighting

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

#### Completion of Works

23. Prior to the occupation of the dwellings hereby permitted, or by such later date as is approved by the Responsible Authority in writing, the nature strip, kerb and channel, vehicle crossover and footpath must be reinstated to the satisfaction of the Responsible Authority.
24. Prior to the occupation of the dwellings hereby permitted, all buildings and works and the conditions of this permit must be complied with, unless with the further prior written consent of the Responsible Authority.
25. All works on or facing the boundaries of adjoining properties must be finished and surface cleaned to a standard that is well presented to neighbouring properties in a manner to the satisfaction of the Responsible Authority.
26. All piping and ducting above the ground floor storey of the development (other than rainwater guttering and downpipes) must be concealed to the satisfaction of the Responsible Authority.
27. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.

#### Permit Expiry

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

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

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

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

**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

**City of Kingston  
Planning Committee Meeting**

**Minutes**

**17 October 2018**

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).

**Note:** The removal/replacement of the fire hydrant and Telstra pit to the satisfaction of the relevant authority.

**Note:** The builder/developer must contact Council prior to the lodgement of the CMP/Traffic Management Plan documents to organise a site meeting to discuss site constraints and possible solutions to be included in the CMP/TMP.

**Note:** This Permit does not approve buildings and works within restricted airspace, and that separate approval from CASA, Airservices Australia and / or other regulatory bodies for works within restricted airspace may be required prior to the commencement of buildings and works.

**Note:** Please note for information on how City of Kingston approaches the construction of building and other structures with below ground elements for the benefit of the whole community please refer to City of Kingston 'Basement and Deep Building Construction Policy' and 'Basements and Deep Building Construction Guidelines'. <http://www.kingston.vic.gov.au/Property-and-Development/Engineering-Assessments>

**Note:** Please note that during basement construction Council does not permit the discharge of surface water or ground water into the Council drainage system unless a Temporary Discharge Permit (TDP) has been obtained. Application form and other construction related permits can be obtained from the following link:

<http://www.kingston.vic.gov.au/Property-and-Development/Construction>

**CARRIED**

**4.5 32-64 Linton Street Moorabbin - Combined Amendment C166 and Planning Permit KP18/121**

**Moved: Cr Brownlees**

**Seconded: Cr Gledhill**

That the Planning Committee:

1. Adopt combined Planning Scheme Amendment C166 and Planning Permit Application KP18/121.
2. Submit the Amendment and Planning Permit to the Minister for Planning for approval.

**Amendment**

**Moved: Cr Oxley**

**Seconded: Cr West**

That the Planning Committee:

1. Adopt combined Planning Scheme Amendment C166 and Planning Permit Application KP18/121 subject to the inclusion of a new condition 4, which reads:  
"No gaming advertising shall be displayed on any of the signage hereby permitted" and that all the following conditions be renumbered accordingly.
2. Submit the Amendment and Planning Permit to the Minister for Planning for approval.

**The Amendment was put and LOST**

**A Division was Called:**

**DIVISION:**

**FOR:** Crs Barth, Eden, Oxley and West (4)

**AGAINST:** Crs Bearsley, Brownlees, Gledhill, Hua and Staikos (5)

**LOST**

**The Substantive Motion was put and CARRIED**

**4.6 Amendment C149 - Anomalies**

**Procedural Motion**

**Moved: Cr West**

**Seconded: Cr Brownlees**

That consideration of this item be deferred to the November Planning Committee Meeting or Ordinary Meeting of Council.

**CARRIED**

**5. Confidential Items**

There were no confidential items.

The meeting closed at 8.42pm.

**Confirmed.....**

**The Mayor 21 November 2018**