

Minutes

Planning Committee Meeting

Wednesday, 18th August 2021

**City of Kingston
Planning Committee Meeting**

Minutes

18 August 2021

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The meeting commenced at 7.01pm in the via the Zoom platform and live streamed.

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: Tim Tamlin, Interim Chief Executive Officer
Jonathan Guttmann, General Manager Planning and Development
Alfred Carnolvale, Manager City Development
Phil De Losa, Manager Governance
Patrick O’Gorman, Governance Officer
Gabby 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 Davies

Seconded: Cr Hill

That the Minutes of the Planning Committee Meeting held on 23 June 2021 be confirmed.

CARRIED

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

Cr Howe foreshadowed a declaration of a conflict of interest in Item 4.3.

4. Planning and Development Reports

4.1 Town Planning Application Decisions - July 2021

Moved: Cr Oxley

Seconded: Cr Davies

That the report be noted.

CARRIED

4.2 KP-2020/599 - 77 Larnook Crescent, Aspendale

It is recorded that Kristin Bell spoke on behalf of objectors.

It is recorded that Daniel Bowden spoke on behalf of the applicant.

Moved: Cr Bearsley

Seconded: Cr Oxley

That the Planning Committee determine to issue a Notice of Refusal to Grant a Permit for the development of seven (7) dwellings and associated works at 77 Larnook Crescent, Aspendale, on the following grounds:

1. The proposal fails to meet the objectives and strategic directions of the Municipal Strategic Statement in relation to Clause 21.02 (Settlement), Clause 21.06 (Built Environment and Heritage) and Clause 21.07 (Housing) of the Kingston Planning Scheme and represents an overdevelopment of the subject site.
2. The proposal does not satisfy the requirements of Clause 22.06 (Residential Development Policy) of the Kingston Planning Scheme, failing to provide an acceptable built form outcome having regard to the physical and policy context.
3. The proposal is not consistent with the purpose and objectives of the General Residential Zone (Schedule 3) of the Kingston Planning Scheme.
4. The proposal fails to comply with the following objectives and standards of Clause 55 of the Kingston Planning Scheme:
 - a) Clause 55.02-1 – Neighbourhood Character
 - b) Clause 55.02-2 – Residential Policy
 - c) Clause 55.02-5 – Integration with the Street (pedestrian access to each dwelling entry relies on the common driveway)
 - d) Clause 55.03-7 – Safety (lack of motion sensor lighting)
 - e) Clause 55.03.8 – Landscaping (proposed tree removal)
 - f) Clause 55.05-2 – Dwelling entry (lack of alternative paving for dwelling entries)
 - g) Clause 55.06-4 – Site Services (lack of a waste management plan)

CARRIED

4.3 KP-2020/730 - 104 Station Street, Aspendale

Cr Howe declared a general conflict of interest in this item due to a personal relationship and left the meeting at 7.23pm.

Moved: Cr Bearsley

Seconded: Cr Hua

That the Planning Committee determine to support the proposal and issue a Notice of Decision to grant a Planning Permit for the construction of three (3) triple storey dwellings at 104 Station Street, Aspendale, subject to the following conditions:

Amended Plans

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 planning permit. The plans must be drawn to scale with dimensions and an electronic copy must be provided. The plans must be substantially in accordance with the advertised plans prepared by One Design Office, sheets TP00 -TP13, revision A, dated 1 February 2021, but modified to show:
 - a) Motion sensor lighting along the common driveway and at each dwelling entry.
 - b) The rear (eastern) boundary fence with a height of 2.15 metres.
 - c) Northern boundary fencing (and retaining wall where required) to be a minimum height of 2 metres above the outside ground level of 103 Station Street Aspendale, constructed at the commencement of the development authorised by this permit at the developer/permit holder's expense.
 - d) A flood proof apex (i.e. ridge level) protecting the proposed reverse fall driveway must be provided to protect the property from overland flows. This apex is to be a minimum of 100mm above the existing back of footpath level along the entire Station Street frontage. This apex is to continue through any driveways or pathways that may cross it. The apex is to be a permanent structure (e.g. rise in concrete driveway/pathway, sleeper retaining wall, solid brick fence/wall). Low mounded soil on its own is unlikely to be acceptable due to the likelihood of future disturbance.
 - e) The provision of longitudinal sections of the reverse fall driveway ramps showing gradients, levels, distances, with headroom clearances complying with AS2890.1:2004 and the required flood proof apex.
 - f) The proposed swimming pool of Dwelling 3 either deleted or relocated out of the easement along the rear boundary.
 - g) An annotation on the plans that the rainwater collected from the rainwater tanks will re-used for toilet flushing within each dwelling.
 - h) An annotation on plans specifying double glazing to all living areas and bedrooms or amend the BESS assessment.
 - i) The location of all externally located heating and cooling units, exhaust fans and the like.
 - j) Appropriate external shading to the east, west and north facing living area and bedroom windows or amend BESS assessment.
 - k) The layout and number of secure bicycle parking spaces as detailed in the BESS assessment or amend the BESS assessment. Note that BESS

credit is not available for mounted bicycle parking above car bonnets and spaces that are exposed to the weather due to access difficulties.

- l) The provision of an amended landscape plan in accordance with the landscape plan prepared by Peninsula Landscape Architects and dated 8 March 2021, with such plans to be prepared by a suitably qualified landscape professional and incorporating:
 - i) 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.
 - ii) tree protection measures, including for street trees, accurately drawn to scale and labelled.
- m) The location of tree protection measures illustrated to scale and labeled on the ground floor plan, as per the endorsed tree management and protection plan required by condition 5 of this planning permit.
- n) Any changes required by the tree management and protection plan required by condition 5 of this planning permit.
- o) All relevant commitments identified within the amended sustainable design assessment required under condition 11 of this planning permit, shown on plans.

Endorsed Plans

2. The development as shown on the endorsed plans must not be altered without the prior 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.

Street Trees

4. Tree protection fencing is to be established around the *Allocasuarina verticillate* (Drooping Sheoak) street tree located in the Station Street nature strip prior to demolition and maintained until all works on site are complete.
 - a) The fencing is to be a minimum 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.

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) 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.
- 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.

Drainage and Water Sensitive Urban Design

- 8. 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 per cent 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 8(a), (b) and (c) above, must be implemented on-site, unless an alternative agreement for stormwater quality in-lieu contribution is reached with the Responsible Authority.
- 9. 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 6L/s.
 - c) All stormwater/drainage works must be maintained to the satisfaction of the Responsible Authority.

10. A flood proof apex (i.e. ridge level) protecting the property from any overland flows must be provided. This apex is to be a minimum of 290mm above the existing kerb and channel invert level 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 (e.g. rise in concrete driveway/pathway, sleeper retaining wall, solid brick fence/wall). Low mounded soil on its own is unlikely to be acceptable due to the likelihood of future disturbance.

Sustainable Design Assessment

11. Prior to the endorsement of the plans required pursuant to condition 1 of this planning permit, the provision of an amended sustainable design assessment (SDA) to be prepared by a suitably qualified professional must be submitted to and approved by the Responsible Authority. The amended sustainable design assessment must be generally in accordance with the sustainable design assessment prepared by Building Environmental Assessment Company and dated 15 April 2021, but modified to:
 - a) Meet the minimum 50 per cent overall score and minimums in Energy (50 per cent), Water (50 per cent), IEQ (50 per cent) and Stormwater (100 per cent) categories in BESS to demonstrate best practice in sustainable design.
 - b) Specify light-coloured or reflective finishes for the non-visible flat roofs and concrete driveway, to help mitigate the urban heat island effect.
 - c) Provide residents the option of installing their own electric vehicle charge points with the provision of electrical connection points to each garage.

Construction Management

12. Prior to the commencement of any buildings and works on the land, a construction management plan (CMP), to the satisfaction of the Responsible Authority, must be submitted to and approved by the Responsible Authority. The construction management plan must be prepared in accordance with the City of Kingston Construction Management Policy and Construction Management Guidelines. The construction management plan 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 planning permit and shall thereafter be complied with during the undertaking of all works.

Infrastructure and Road Works

13. 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 to the satisfaction of the Responsible Authority.

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14. Property boundary, footpath and vehicle crossover levels must not be altered without the prior written consent from the Responsible Authority.
15. Any reinstatements and vehicle crossovers 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.
17. Any redundant vehicle crossovers must be removed (including redundant portions of vehicle crossovers) to the satisfaction of the Responsible Authority.
18. All front and side fences must be contained wholly within the title property boundaries of the subject land.

General Amenity

19. 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.
20. 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.
21. 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

22. Prior to the occupation of the dwellings hereby permitted, all buildings and works and the conditions of this planning permit must be complied with to the satisfaction of the Responsible Authority, unless with the further prior written consent of the Responsible Authority.
23. 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 (except where that landscaping is on public land) to the satisfaction of the Responsible Authority.

Permit Expiry

24. In accordance with Section 68 of the *Planning and Environment Act 1987* (the Act), this planning 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 *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: 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.

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Note: 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.

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 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 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).

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.

CARRIED

Cr Howe returned to the meeting at 7.28pm

4.4 KP-2021/165 - 2E Troy Street, Bonbeach

Moved: Cr Oxley

Seconded: Cr Howe

That the Planning Committee determine to support the proposal and issue a Notice of Decision to Grant a Permit for the Removal of the Drainage Reservation, removal of the Drainage and Sewerage Easements and to Subdivide land into 16 lots , 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.

Completion of Subdivision

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

Telecommunications

3. The owner of the land must enter into an agreement with:
 - a) a telecommunications network or service provider for the provision of telecommunication services to each lot shown on the endorsed plan in accordance with the provider's requirements and relevant legislation at the time; and
 - b) a suitably qualified person for the provision of fibre ready telecommunication facilities to each lot shown on the endorsed plan in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.
4. Before the issue of a Statement of Compliance for any stage of the subdivision under the *Subdivision Act 1988*, the owner of the land must provide written confirmation from:
 - a) a telecommunications network or service provider that all lots are connected to or are ready for connection to telecommunications services in accordance with the provider's requirements and relevant legislation at the time; and
 - b) a suitably qualified person that fibre ready telecommunication facilities have been provided in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.

Expiry

5. This permit as it relates to subdivision will expire if one of the following circumstances applies:
 - a) The plan of subdivision is not certified within two (2) years from the date of this permit.
 - b) The plan of subdivision is not registered within five (5) years of the date of certification.

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: Each building or part of a building resulting from this subdivision must comply with Regulation 231 of the Building Regulations 2018.

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.

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

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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 Amendment C199King - Proposed Kingswood Golf Course
Redevelopment**

Moved: Cr Hua

Seconded: Cr Hill

That Council:

1. Endorse and lodge the attached submission (Appendix 1) to the Golf Course Redevelopment Standing Advisory Committee in relation to the proposed Kingswood Golf Course redevelopment.
2. Nominate to be heard at the Advisory Committee's Public Hearing.

CARRIED

5. Confidential Items

Nil

The meeting closed at 7.42pm.

Confirmed.....

The Mayor 20 October 2021