

Minutes

Planning Committee Meeting

Wednesday, 20th June 2018

**City of Kingston
Planning Committee Meeting**

Minutes

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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: Jonathan Guttmann, General Manager Planning and Development
Ian Nice, Manager City Development
Phil DeLosa, Manager Governance
Lindsay Holland, Facilities Officer
Gabrielle Pattenden, Governance Officer

1. Apologies

Apologies from the Chief Executive Officer, John Nevins and the Acting Chief Executive Officer, Daniel Freer were submitted to the meeting.

Moved: Cr Oxley

Seconded: Cr Gledhill

That the apologies of the Chief Executive Officer, John Nevins and the Acting Chief Executive Officer, Daniel Freer be accepted.

CARRIED

2. Confirmation of Minutes of Previous Meetings

Moved: Cr Gledhill

Seconded: Cr Hua

That the Minutes of the Planning Committee Meeting held on 23 May 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 Decision - May 2018

Moved: Cr Hua

Seconded: Cr Bearsley

That the report be noted.

CARRIED

4.2 KP17/704 - 226 Nepean Highway Parkdale

It is recorded that Liz Freeman spoke on behalf of objectors.

It is recorded that Nikki Taylor spoke on behalf of the applicant.

Moved: Cr West

Seconded: Cr Gledhill

That the Planning Committee determine to issue a Notice of Refusal to develop the land for the construction of a three storey apartment building comprising of six (6) dwellings at 226 Nepean Highway Parkdale, on the following grounds:

1. The proposal fails to meet the objectives and strategic directions of the Municipal Strategic Statement – Residential Land Use contained at Clause 21.05 of the Kingston Planning Scheme.
2. The proposal does not satisfy the requirements of Clause 22.11 – Residential Development Policy, of the Kingston Planning Scheme.
3. The proposal fails to satisfy all the requirements of Clause 55 of the Kingston Planning Scheme (ResCode), in particular Clause 55.02-1 (Neighbourhood Character Objective), Clause 55.02-2 (Residential Policy Objective), Clause 55.03-1 (Street Setback Objective) and Clause 55.04-1 (Side and Rear Setback Objective).
4. The proposal fails to provide an acceptable built form outcome having regard to the physical and policy context.

CARRIED

4.3 KP16/867 - 15 Central Avenue, Moorabbin

Cr Oxley left the meeting at 7:24pm

It is recorded that Steven Pitrone spoke on behalf of objectors.

Cr Oxley returned to the meeting at 7:26pm

It is recorded that Richard Umbers spoke on behalf of the applicant.

Moved: Cr Barth

Seconded: Cr Hua

That the Planning Committee determine to issue a Notice of Refusal to Grant a Permit to develop the land for the construction of four (4) dwellings within a three (3) storey high residential building with associated works at No. 15 Central Avenue, Moorabbin, on the following grounds:

1. The proposal is not consistent with the objectives of Clause 37.08 – Activity Centre Zone of the Kingston Planning Scheme.
2. The proposal would result in excessive visual bulk and height contrary to the decision guidelines of Clause 37.08-9 of the Kingston Planning Scheme.
3. The proposal is contrary to the decision guidelines of Clause 65.01 of the Kingston Planning Scheme.

CARRIED

4.4 KP17/728 - 8 Reid Street, Parkdale

It is recorded that Shane Isles spoke on behalf of objectors.

It is recorded that Alex Rouditser spoke on behalf of the applicant.

Moved: Cr West

Seconded: Cr Gledhill

That the Planning Committee determine issue a Notice of Refusal to Grant a Permit to develop the land for the construction of two (2) double storey dwellings and one (1) single storey dwelling at 8 Reid Street Parkdale, on the following grounds:

1. The proposal is contrary to the Incremental 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 Dwelling 3 fails to satisfy Standard B15, (Parking Location), B26 (Dwelling entry) and B27 (Daylight to new windows) of Clause 55 (Two or More Dwellings on a Lot and Residential Buildings) of the Kingston Planning Scheme.

CARRIED

4.5 KP17/346 - 15 The Esplanade Edithvale (Edithvale Lifesaving Club)

Moved: Cr Bearsley

Seconded: Cr Eden

That the Planning Committee resolve to issue a Notice of Decision to Grant a Planning Permit to use the land for a Lifesaving Club (with ancillary kiosk and community hire) and removal of native vegetation, at 15 The Esplanade, Edithvale, (Edithvale Lifesaving Club), subject to the following conditions:

1. Before the use starts amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be substantially in accordance with the plans prepared by Hede Architects, Drawing No.'s A100 to A105 Rev H, dated April 2018, submitted to Council on 24 April 2018, but modified to show:
 - a) the provision of a landscape plan in accordance with the submitted application plan and the City of Kingston Landscape Plan Checklist, with such plans to be prepared by a suitably qualified landscape professional;
 - b) any requirements (as appropriate) of Department of Environment, Land, Water and Planning in accordance with Conditions 7 to 15 of this permit; and
 - c) endorsement of the Cultural Heritage Management Plan specified under Condition 16 of this permit.

Use

2. The use as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.
3. The use hereby approved, must only operate during the following hours (both during and outside patrol) season, unless with the written consent of the Responsible Authority:
 - 5am – 10.30pm Sunday – Thursday
 - 5am – 12am Friday – Saturday

The Edithvale Life Saving Club facility is able to operate outside of these hours where required to do so in order to support core Life Saving or Emergency Services.

4. The maximum number of persons allowed to be present within the Edithvale Lifesaving Club for community hire of the facilities must be limited to 90 persons, unless with the written consent of the Responsible Authority.
5. The kiosk must only trade whilst the Life Saving Club is in operation.
6. Functions held by the community at night-time must operate no later than 11.30pm (with the building vacated by 12am).

Conditions by the Department of Environment, Land, Water and Planning (DELWP)

7. The works are to be carried out generally in accordance with plans titled:
 - 'Proposed Edithvale Life Saving Club' dated March 2018 prepared by Hede Architects.

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- Edithvale Lifesaving Club Proposed Development- Cultural Heritage Management Plan 14933' dated 12 January 2018 prepared by Terra Culture.
8. Any modification to the works proposed will require further approval by the Program Manager Planning Approvals, DELWP.
9. Prior to works commencing:
- engineering drawings must be prepared showing any works to the existing bluestone seawall, including any works required to the existing footings, to the satisfaction of DELWP.
 - a construction environmental management plan must be prepared to the satisfaction of Kingston City Council.
 - native vegetation protection fencing must be erected around all patches of native vegetation and scattered trees to be retained on site. This fencing must be erected around the patches at a minimum distance of 2 metres from retained native vegetation and at a radius of 12x the diameter at breast height (DBH) to a maximum of 15 metres but no less than 2 metres from the base of the trunk of the scattered trees.
10. The protection fencing must be constructed to the satisfaction of the responsible authority. The protection fencing must remain in place at least until all works are completed to the satisfaction of the responsible authority. Except with the written consent of the responsible authority, within this area;
- no vehicular or pedestrian access, trenching or soil excavation is to occur
 - no storage or dumping of tools, equipment or waste is to occur
 - no entry and exit pits for underground
11. To offset the removal of 0.003 hectares of native vegetation the permit holder must secure a native vegetation offset, in accordance with the Guidelines for the removal, destruction or lopping of native vegetation (DELWP 2017) as specified below:
- A general offset of 0.001 general habitat units
 - located within the Port Phillip and Western Port Catchment Management Authority boundary or Kingston City Council
 - with a minimum strategic biodiversity score of at least 0.200
12. Before any native vegetation is removed, evidence that the required offset for the project has been secured must be provided to the satisfaction of the responsible authority. This evidence is one or both of the following:
- an established first party offset site including a security agreement signed by both parties, and a management plan detailing the 10 year management actions and ongoing management of the site and/or
 - a credit register extract(s) allocated to the permit from the Native Vegetation Credit Register
- A copy of the offset evidence will be endorsed by the responsible authority and form part of this permit. Within 30 days of endorsement of the offset evidence by the responsible authority, a copy of the endorsed offset evidence must be provided to the Department of Environment, Land, Water and Planning.
13. All planting of vegetation within the coastal Crown land must utilise indigenous

species.

14. All works must be completed and maintained to the satisfaction of Kingston City Council.
15. This consent under the Coastal Management Act 1995 will expire if the works are not completed within five years of the date of issue, unless an extension of time is applied for and granted by the Program Manager Planning Approvals, DELWP.

Cultural Heritage Management Plan

16. All works carried out in accordance with the Cultural Heritage Management Plan 14933 dated 11 January 2018 prepared by Terra Culture.

Construction Management

17. Before works start, the permit holder must advise all persons undertaking the (vegetation removal/works) on site of all relevant conditions of this permit.
18. Before works start, a plan to the satisfaction of the Responsible Authority describing the measures to be used to protect the vegetation to be retained (adjacent to the vegetation to be removed) during the carrying out of works, must be prepared and submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will form part of this permit. All works carried out must be in accordance with this plan.

Infrastructure and Road Works

19. Any relocation of pits/power poles or other services affected by this use must be relocated to the satisfaction of the relevant servicing authority and the Responsible Authority, at the cost of the owner/developer.
20. Property boundary and footpath levels must not be altered without the prior written consent form the Responsible Authority.
21. The replacement of all footpaths, including offsets, must be constructed to the satisfaction of the Responsible Authority.

General amenity conditions

22. The amenity of the area must not be detrimentally affected by the 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.
23. The use of the site shall not cause nuisance or be detrimental to the amenity of the neighbourhood by the emission of noise. In this regard any nuisance shall be assessed in accordance with the Australian Standards AS1055 and AS2107 relating to the measurement of Environmental Noise and recommended sound levels.
24. Before occupation of the use hereby permitted, landscaping works as shown on the endorsed plans must be completed to the satisfaction of the Responsible Authority. The landscaping must then be maintained to the

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satisfaction of the Responsible Authority.

Time limits

25. Once the use has started it must be continued and completed to the satisfaction of the Responsible Authority.
26. 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 use is not started within two (2) years from date of this permit.
 - The use is discontinued for a period of two (2) years.
 - The removal, destruction or lopping of native vegetation does not start within two years of the date of this permit.
 - The removal, destruction or lopping of native vegetation is not completed within four (4) years of the date of this permit.

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 allowed by the permit has not yet started;
- within twelve (12) months after the permit expiry date, where the vegetation works allowed by the permit has lawfully started before the permit expires.

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

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

Note: The applicant/owner must provide a copy of this planning permit to any appointed Building Surveyor. It is the responsibility of the applicant/owner and Building Surveyor to ensure that all building development works approved by any building permit is consistent with the planning permit.

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

Note: Before removing / pruning any vegetation from the site, the applicant or any contractor engaged to remove any vegetation, should consult Council's Vegetation Management Officer to verify if a Local Laws Permits is required for the removal of such vegetation.

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

CARRIED

4.6 KP879/2017 784-796 Springvale Road Braeside

Moved: Cr Brownlees

Seconded: Cr Gledhill

That the Planning Committee determine to support the proposal and issue a Planning Permit to develop the land for the construction of buildings and works in association with a place of assembly (cultural/social club), subject to the following conditions:

1. The development, as shown on the endorsed plans, must not be altered without the written consent of the Responsible Authority.

General amenity conditions

2. The amenity of the area must not be detrimentally affected by the development, through the:
 - i) Transport of materials, goods or commodities to or from the land.
 - ii) Appearance of any building, works or materials.
 - iii) Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil.
 - iv) Presence of vermin.
 - v) Any other way.
3. The development and/or use of the site shall not cause nuisance or be detrimental to the amenity of the neighbourhood by the emission of noise. In this regard any nuisance shall be assessed in accordance with the Australian Standards AS1055 and AS2107 relating to the measurement of Environmental Noise and recommended sound levels.
4. 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.

Time limits

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

In accordance with Section 68 of the *Planning and Environment Act 1987* (The Act), this permit will expire if one of the following circumstances applies:

- The development and/or use are not started within two (2) years from date of this permit.
- The development is not completed within four (4) years from the date of this permit.
- The use is discontinued for a period of two (2) years.

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

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allowed by the permit has lawfully started before the permit expires.

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

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

Note: The applicant/owner must provide a copy of this planning permit to any appointed Building Surveyor. It is the responsibility of the applicant/owner and Building Surveyor to ensure that all building development works approved by any building permit is consistent with the planning permit.

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

Note: Before removing / pruning any vegetation from the site, the applicant or any contractor engaged to remove any vegetation, should consult Council's Vegetation Management Officer to verify if a Local Laws Permits is required for the removal of such vegetation.

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

Note: The allocation of street numbering and addressing of properties is vested in Council. Any reference to addressing or dwelling/unit/apartment and street numbers or street names on any endorsed plan is indicative only. The onus is on the Permit Applicant/Land Owner to contact Council's Property Data Department to determine the official dwelling/unit/apartment street numbers, street name details and the like for the approved development.

If the Permit Applicant/Land Owner adopts the street numbering or addressing from the endorsed plans, or where advertising and/or sales transact (off the plan) prior to Council's official allocation of the street numbering and addressing, it will be viewed to be non-compliant with the guideline and standard applied (Australian/New Zealand Standard for Rural & Urban Addressing / AS/NZS 4819:2011).

CARRIED

5. Confidential Items

Nil

The meeting closed at 8.01pm.

Confirmed.....

The Mayor 18 July 2018