

Minutes

Planning Committee Meeting

Wednesday, 20th October 2021

**City of Kingston
Planning Committee Meeting**

Minutes

20 October 2021

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The meeting commenced at 7.00pm via the Zoom platform and live streamed.

Present: Cr Steve Staikos (Mayor)
Cr Hadi Saab (Deputy Mayor)
Cr Tim Cochrane
Cr Tracey Davies
Cr Jenna Davey-Burns
Cr Chris Hill
Cr George Hua

In Attendance: Jonathan Guttmann, General Manager Planning and Development
Alfred Carnovale, Manager City Development
Phil De Losa, Manager Governance
Gabrielle Pattenden, Governance Officer
Patrick O’Gorman, Governance Officer
Lindsay Holland, Facilities Officer

1. Apologies

There were no apologies submitted to the meeting.

Apologies from Cr Bearsley, Cr Eden, Cr Howe and Cr Oxley and the Interim CEO, Tim Tamlin were submitted to the meeting.

Moved: Cr Cochrane

Seconded: Cr Davey-Burns

That the apologies from Cr Bearsley, Cr Eden, Cr Howe and Cr Oxley be received.

CARRIED

2. Confirmation of Minutes of Previous Meetings

Moved: Cr Hua

Seconded: Cr Saab

That the Minutes of the Planning Committee Meeting held on 15 September 2021 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 2021

Moved: Cr Hill

Seconded: Cr Davies

That the report be noted.

CARRIED

4.2 KP-2013/645/B - 11 Pier One Drive and Part 107 - 109 McLeod Road, Patterson Lakes

Moved: Cr Davies

Seconded: Cr Hua

That consideration of this item be deferred until the November Planning Committee or Council meeting.

CARRIED

4.3 KP-2021/155 - 19 Elman Road Cheltenham

It is recorded that Victoria McGrath spoke on behalf of objectors.

It is recorded that Judith Nicholson spoke on behalf of the applicant.

Moved: Cr Hill

Seconded: Cr Davey-Burns

That the Planning Committee determine to issue a Notice of Refusal to Grant a Permit to **Error! No document variable supplied.** at **Error! No document variable supplied.**, on the following grounds:

1. The proposal is contrary to the objectives of Clauses 11.03-1S (Activity Centres), 15.01 (Built Environment) and 16.01 (Residential Development) of the Kingston Planning Scheme.
2. The proposal is fundamentally inconsistent with the preferred intensity, scale and character and fails to comply with Schedule 1 to Clause 37.08 (Activity Centre Zone) of the Kingston Planning Scheme.
3. The proposal fails to reasonably satisfy the Objectives, Precinct Requirements and Precinct Guidelines contained within sections 2.0 and 5.6 of Schedule 1 to Clause 37.08 (Activity Centre Zone) of the Kingston Planning Scheme as the proposal results in an inequitable development that infringes on the development capacity of nearby properties, fails to appropriately reconfigure and consolidate land to create a viable development site, exceeds the preferred number of storeys for the site area and does not satisfy the prescribed setback requirements.
4. The proposal fails to achieve an appropriate higher density character to support the growth and vitality of the Cheltenham Major Activity Centre, resulting in an inappropriate development that would obstruct the delivery of the precinct and fails to support the role and function of the centre, contrary to the Cheltenham

- Structure Plan and Clause 37. 08 (Activity Centre Zone) of the Kingston Planning Scheme.
5. The useability, functionality, and accessibility of the Private Open Space for dwellings 2-02, 2-04 and 2-05 results in a poor internal amenity and fails to respond appropriately to the objectives of Clause 58.05-3
 6. The proposal fails to reasonably satisfy the objectives and standards of Clause 58 (Apartment Developments), including but not limited to:
 - Clause 58.02-1 Urban context objectives
 - Clause 58.02-5 Integration with the street objective
 - Clause 58.03-1 Energy efficiency objectives
 - Clause 58.03-4 Safety objective
 - Clause 58.04-1 Building setback objectives
 - Clause 58.04-2 Internal views objective
 - Clause 58.04-3 Noise impacts objectives
 - Clause 58.05-1 Accessibility objective
 - Clause 58.05-3 Private open space objective
 - Clause 58.06-2 Site services objectives
 7. The proposed development fails to meet the objectives and strategic directions of the Municipal Strategic Statement in relation to Clause 21.09 (Transport) and the purpose of Clause 52.06 (Car Parking) through the design of car parking including the positioning and over reliance on the car lift and car stacker systems, resulting in a lack of usability and functionality of the proposed car parking spaces.

CARRIED

4.4 KP-2019/736 - 22-60 Lakewood Boulevard, Braeside

Moved: Cr Staikos

Seconded: Cr Cochrane

That the Planning Committee determine to support the proposal and issue a Planning Permit to Subdivide the land into two (2) lots at 22-60 Lakewood Boulevard, Braeside, subject to the following conditions:

Endorsed Plans

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

Public Open Space Contribution

2. The applicant or owner must pay to the Responsible Authority an amount equivalent to five per cent (5%) of the site value of all land in the subdivision. This payment must be made within 12 months of the date of this permit, and must be paid before a Statement of Compliance is issued. In the event that payment is not made within 12 months of the date of this permit, Council will request a revaluation of the site value at each anniversary and will vary the amount of the payment accordingly.

Cultural Heritage Management Plan

3. The subdivision hereby approved must be carried out in accordance with the approved Cultural Heritage Management Plan No. 17448 prepared by Ecology & Heritage Partners and approved by the Director Heritage Services, First Peoples – State Relations, acting under authority delegated by the Secretary, Department of Premier and Cabinet on 4 August 2021.

Telecommunications

4. 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.
5. 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.

Infrastructure

6. 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.
7. 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.
8. 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.

Melbourne Water requirements

9. Prior to the issuing of a Statement of Compliance, the Owner of the Land must enter into an agreement pursuant to Section 173 of the Planning and Environment Act 1987, with the Responsible Authority and Melbourne Water Corporation. All costs associated with the agreement must be borne by the permit holder. The agreement must be registered on the title of the Land and

must provide, to the satisfaction of the Responsible Authority and Melbourne Water, for:

- a) The design and construction of flood storage works and associated infrastructure by the land owner and at the land owner's cost, to the satisfaction of Melbourne Water;
- b) The design of flood storage works to Melbourne Water's satisfaction prior to formal application for planning approvals, and the construction of flood storage works prior to the commencement of development of the site, and in accordance with an agreement prepared by Melbourne Water;
- c) Prospective and future owners of the Land to be informed that the Land is subject to inundation, and that a flood storage asset and associated works must be provided at the owners expense; and
- d) The creation of an easement in favour of Melbourne Water, or transfer or vesting of ownership of the flood storage infrastructure area in Melbourne Water, promptly following Practical Completion of the Works, and at the discretion of Melbourne Water and at no cost to Melbourne Water.

South-East Water

10. Potable Water

The owner of the subject land must enter into an agreement with South East Water for the provision of drinking water supply and fulfil all requirements to its satisfaction.

11. Sewer

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.

United Energy

12. The plan of subdivision submitted for certification must be referred to United Energy Distribution Pty Ltd in accordance with Section 8 of the Subdivision Act 1988.

13. The applicant must –

- Enter into an agreement with United Energy Distribution Pty Ltd for the extension, upgrading or rearrangement of the electricity supply to lots on the plan of subdivision. A payment to cover the cost of such work will be required.
- Provide electricity easements internal and external to the subdivision in favour of United Energy Distribution Pty Ltd to service the lots on the plan of subdivision and/or abutting lands as required by United Energy Distribution Pty Ltd. The provision of reserves for electricity substations may also be required.

Moorabbin Airport

14. The Site includes noise attenuation measures in compliance with Australian Standard AS 2021– 2015, Acoustics – Aircraft Noise Intrusion – Building Siting and Construction and applying the approved Australian Noise Exposure Forecast for Moorabbin Airport.

15. The sub-division is undertaken in accordance with the requirements of the Airport Environment Overlay and the Moorabbin Airports Environs Policy.

16. The National Airports Safeguarding Framework and Guidelines will be applied in relation to the Development.

17. Contracts of sale to notify new purchasers of the proximity of the site to the

Moorabbin Airport and the overhead aviation activities.

Completion of Subdivision

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

Expiry

19. 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: The starting of the subdivision is defined as the certification of the plan.

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 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 following South East Water agreement options are available:

- 1) Application to enter into a Development Agreement-Works – If South East Water reticulated sewer/water/recycled water (as applicable) is required to be extended to service lots within the development
- 2) Application to enter into an agreement-Non Works – If South East Water reticulated sewer/water/recycled water (as applicable) is available to the development and the owner only requires Statement of Compliance to release the titles (i.e. subdivision prior to building)
- 3) Plumbing Industrial, Commercial, Units & Private Water application – If South East Water reticulated sewer/water/recycled water (as applicable) is available to the development and the owner wishes to commence construction of the building/s (i.e. building prior to subdivision)

To lodge an application please visit South East Water's website.

Note: Prior to the commencement of works, the landowner must determine

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whether it requires approval from the Secretary of the Department of Infrastructure, Transport, Regional Development and Communications in relation to any construction (including the use of cranes) at the Site, including approval for controlled activities in prescribed airspace pursuant to the *Airports (Protection of Airspace) Regulations 1996 (Cth)*.

Note: The subdivision must be carried out in accordance with the approved Cultural Heritage Management Plan as required by the *Aboriginal Heritage Act 2006*. A copy of the approved CHMP must be held on site during the activity.

CARRIED

5. Confidential Items

Nil

The meeting closed at 7.26pm.

Confirmed.....

The Mayor 17 November 2021