

Minutes

Planning Committee Meeting

Wednesday, 23rd February 2022

**City of Kingston
Planning Committee Meeting**

Minutes

23 February 2022

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	9

**City of Kingston
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Minutes

23 February 2022

The meeting commenced at 7.12 pm via the Zoom platform and live streamed.

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

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

1. Apologies

Apologies from Cr Bearsley, Cr Cochrane, Cr Eden, Cr Howe and Cr Oxley were submitted to the meeting.

Moved: Cr Davies

Seconded: Cr Hua

That the apologies from Cr Bearsley, Cr Cochrane, 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 20 October 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 - January 2022

Moved: Cr Hill

Seconded: Cr Davies

That the report be noted.

CARRIED

4.2 KP-2021/55 - 11 Powlett Street, Mordialloc

It is recorded that Paul Cahir spoke on behalf of objectors.

Moved: Cr Hill

Seconded: Cr Davies

That Council determine to issue a Notice of Refusal to Grant a Planning Permit for the construction of a double storey building containing six (6) dwellings plus basement car parking at 11 Powlett Street, Mordialloc, on the following grounds:

1. The proposal fails to meet the objectives and strategic directions of the Municipal Strategic Statement – Built Environment and Heritage contained at Clause 21.06 and Housing contained at Clause 21.07 of the Kingston Planning Scheme.
2. The proposal represents an overdevelopment of the subject site providing an inappropriate response to local policy expectations, the character of the area and traffic generation
3. The proposal fails to satisfy all the requirements of Clause 55 of the Kingston Planning Scheme (ResCode), in particular:
 - a. Clause 55.05-4 Private Open Space
 - b. Clause 55.05-5 Solar Access to Open Space
 - c. Clause 55.05-6 Storage
4. The proposal fails to provide an appropriate internal amenity outcome for the site.

CARRIED

4.3 KP-2021/621 - 40-46 Pietro Road, Heatherton

It is recorded that Silvana Anthony spoke on behalf of objectors.

It is recorded that Chris and Victoria Voulgaris spoke as the applicants.

Moved: Cr Davies

Seconded: Cr Hua

That the Planning Committee determine to support the proposal and issue a Notice of Decision to Grant a Planning Permit to use and develop the land for the construction of one (1) dwelling, associated outbuildings and removal of native vegetation in accordance with the endorsed plans at 40-46 Pietro Road, Heatherton, subject to the following conditions:

**City of Kingston
Planning Committee Meeting**

Minutes

23 February 2022

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 Melbourne House & Land Constructions Pty Ltd, sheets 1 to 5 inclusive, submitted to Council on 14/09/2021, but modified to show:
 - a. the provision of an amended landscape plan in accordance with the submitted landscape plan incorporating:
 - i) An updated planting schedule of all proposed trees and shrubs, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant;
 - ii) The substitution of all non-Kingston indigenous vegetation for plants from EVC's 125 Plains Grassy Wetland and EVC 3 Damp Sands Herb-rich Woodland as per the note at the end of this permit;
 - iii) The substitution of the *Eucalyptus radiata* (Narrow-leaved Peppermints) for *Eucalyptus viminalis* subsp. *pyroriana* (Coast Manna Gum) and substitution of the *Corymbia maculata* (Spotted Gum) for *Eucalyptus camaldulensis* (River Red Gum).
 - iv) 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;
 - v) Notes regarding site preparation, including the removal of all weeds, proposed mulch, soil types and thickness, subsoil preparation and any specific maintenance requirements;
 - vi) Tree protection measures including for street trees accurately drawn to scale and labelled as per the endorsed Tree Management Plan;
 - b. Encroachment from all sources to be less than 10% of the tree protection zone (TPZ) of trees numbered 1 and 2 as per the advertised arborist report.
 - c. Any changes as required by Condition 5.
2. The development and use 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.
4. Concurrent with the endorsement of plans, an amended native vegetation removal report in accordance with the *Guidelines for the removal, destruction or lopping of native vegetation 2017*.
5. The retention of trees numbered 1, 2, 4 and 5 as per the advertised arborist report.
6. 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) Any non-destructive root investigation undertaken to determine the

- location and distribution of roots of trees nominated on the Tree Protection Plan.
 - ii) Proposed footings and construction methods for any buildings or structures within the Tree Protection Zone nominated on the Tree Protection Plan.
 - iii) How excavation impacts, including soil level changes, on trees to be retained will be managed.
 - iv) How the canopy of trees nominated on the Tree Protection Plan will be protected.
 - v) Any other measures required to demonstrate the successful ongoing retention and viability post-construction of any trees nominated on the Tree Protection Plan.
- b. A Tree Protection Plan (scale drawing) must provide details of:
- i) The Tree Protection Zone and Structural Root Zone, calculated in accordance with AS4970-2009, for all trees to be retained on the site and for all trees on neighbouring properties where the Tree Protection Zone falls partially within the subject site.
 - ii) Tree protection fencing, or ground protection where required, provided in accordance with AS4970-2009.
 - iii) Stages of development at which inspections are required to ensure tree protection measures are adhered to must be specified.
 - iv) Appropriate signage on any tree protection fencing prohibiting access, excavation, changes in soil levels, or any storage within the Tree Protection Zone in accordance with AS4970-2009 unless with the prior written consent and under the direct supervision of the consulting arborist.
 - v) Maintenance of the area(s) within the Tree Protection Zone in accordance with AS4970-2009.
 - vi) Any pruning to be undertaken being in accordance with AS4373-2007.
 - vii) A notation to refer to the Tree Management Plan.
7. 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.
8. 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

9. 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.

Roads and Drains

10. Property boundary and footpath levels must not be altered without the prior written consent from the Responsible Authority.

**City of Kingston
Planning Committee Meeting**

Minutes

23 February 2022

11. The replacement of all footpaths, including offsets, must be constructed to the satisfaction of the Responsible Authority.
12. All reinstatements and vehicle crossings must be constructed to the satisfaction of the Responsible Authority. Please contact Council's Asset Engineer, to discuss possible alterations to the width of the existing vehicle crossing and/or an extra vehicle crossing.
13. All redundant vehicle crossings must be removed (including redundant portions of vehicle crossings) to the satisfaction of the Responsible Authority.
14. All front and side fences must be contained wholly within the title property boundaries of the subject land.

Infrastructure and Road Works

15. 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.
16. Property boundary and footpath levels must not be altered without the prior written consent from the Responsible Authority.
17. Any reinstatements and vehicle crossings are to be constructed to the satisfaction of the Responsible Authority.
18. The replacement of all footpaths, including offsets, must be constructed to the satisfaction of the Responsible Authority.
19. Any redundant vehicle crossings must be removed (including redundant portions of vehicle crossings) to the satisfaction of the Responsible Authority.

General amenity conditions

20. 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.
21. 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.
22. 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.
23. The tennis court must not be externally illuminated without prior written consent from the Responsible Authority.

Noise Attenuation

24. 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

25. Prior to the occupation of the dwelling 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.

**City of Kingston
Planning Committee Meeting**

Minutes

23 February 2022

26. 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 (except where that landscaping is on public land) to the satisfaction of the Responsible Authority.

Time Limits

27. 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 and 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.
 - The use is discontinued for a period of two (2) years.

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

Note: Prior to the commencement of the development, you are required to obtain the necessary Health Department approval for a wastewater treatment system on the land.

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 tennis court must be constructed in accordance with Clause 52.21 – Private Tennis Court unless prior permit approval is granted.

Note: Condition 1 a.ii) – Department of Sustainability and Environment, EVC/Bioregion Benchmark for Vegetation Quality Assessment, Gippsland Plain bioregion

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

CARRIED

4.4 Tree Removal Applications under the Community Local Law at No.179-217 Centre Dandenong Road Dingley Village

Moved: Cr Hua

Seconded: Cr Hill

That the Planning Committee refuse the grant of a Local Law Permit for the following applications: PT-2021/329; PT-2021/331; PT-2021/441; PT-2021/495; PT-2021/496; PT-2021/577; PT-2021/578 and PT-2021/660; PT-2021/330; PT-2021/442; PT-2021/499; PT-2021/500 and PT-2021/579.

CARRIED

4.5 Planning Scheme Amendment C204king & C205king- Endeavour Cove Comprehensive Development Zone

Moved: Cr Staikos

Seconded: Cr Davies

That the Planning Committee:

1. Note the feedback received through the community consultation process undertaken between 17 January 2022 and 14 February 2022 (Appendix 1).
2. Request the Minister for Planning to use his power under Section 20(4) of the *Planning and Environment Act 1987* to prepare, adopt and approve Amendment C204king to the Kingston Planning Scheme, to apply an amended Schedule 1 to Clause 37.02 Comprehensive Development Zone (Appendix 2) and replace the existing Comprehensive Development Plan (Appendix 3).
3. Concurrently seek authorisation from the Minister for Planning to prepare Amendment C205king to permanently apply an amended Schedule 1 to Clause 37.02 Comprehensive Development Zone and replace the existing Comprehensive Development Plan and that once authorisation is received, prepare and exhibit the amendment.

CARRIED

5. Confidential Items

Nil

The meeting closed at 8.01pm.

Confirmed.....

The Mayor 23 March 2022