

# Minutes

## Planning Committee Meeting

Wednesday, 17th August 2016

**City of Kingston  
Planning Committee Meeting**

**Minutes**

**17 August 2016**

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

**Present:** Cr Tamsin Bearsley (Mayor)  
Cr Ron Brownlees OAM  
Cr David Eden  
Cr Geoff Gledhill  
Cr Paul Peulich  
Cr Steve Staikos  
Cr Rosemary West OAM

**In Attendance:** John Nevins – Chief Executive Officer  
Ian Nice – Manager City Development  
Phil DeLosa – Manager Governance  
Gabrielle Pattenden – Governance Administration Officer  
Lindsay Holland – Facilities Officer

**1. Apologies**

An apology from Cr Barth was submitted to the meeting.

**Moved: Cr Eden**

**Seconded: Cr Brownlees**

That the apology from Cr Barth be received.

**CARRIED**

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

**Moved: Cr Eden**

**Seconded: Cr Gledhill**

That the Minutes of the Planning Committee Meeting held on 22 June 2016 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 - July 2016**

**Moved: Cr Brownlees**

**Seconded: Cr Gledhill**

That the report be noted.

**CARRIED**

**4.2 KP16/326 - 67 Rae Avenue Edithvale**

It is recorded that Michelle Comas spoke on behalf of the objectors.

It is recorded that Aleesha Lally spoke on behalf of the applicant.

**Moved: Cr Eden**

**Seconded: Cr Brownlees**

That Council not support the application on the following grounds:

1. The proposal fails to comply with relevant State Planning Policy Framework contained within the Kingston Planning Scheme.
2. The proposal fails to comply with the relevant Local Planning Policy Framework contained within the Kingston Planning Scheme.
3. The proposal fails to achieve adequate amenity for future residents.
4. The proposal fails to comply with the following Objectives and Standards of Clause 55 of the Kingston Planning Scheme (ResCode):
  - Clause 55.02-1 Neighbourhood character
  - Clause 55.03-1 Street setback
  - Clause 55.04-1 Side setbacks
  - Clause 55.06-1 Detailed design

**CARRIED**

**4.3 KP16/154 50 McLeod Road Carrum**

It is recorded Cherylann Fisher spoke on behalf of the objectors.

It is recorded that Matt McCartney spoke on behalf of the applicant.

**Moved: Cr Eden**

**Seconded: Cr Gledhill**

That Council determines to issue a Notice of Refusal to Grant a Permit to develop the land for the construction of eight (8) dwellings at No. 50 McLeod Road Carrum on the following grounds:

1. The proposal will not provide an adequate level of solar access to private open space, failing to satisfy the objective of Clause 55.05-5 of the Planning Scheme.
2. The proposal does not provide a sufficient number of habitable rooms at the ground level with passive surveillance opportunities to communal areas. As a consequence the ground level is dominated by garaging, lacks design detail and has not maximised safety outcomes.

**CARRIED**

**4.4 KP15/961 - 42 Centre Dandenong Road, Cheltenham**

It is recorded that Gerard Steggink spoke on behalf of the objectors.

It is recorded that Sudath Madanayake spoke on behalf of the applicant.

**Moved: Cr West**

**Seconded: Cr Gledhill**

That Council determines to issue a Notice of Refusal to Grant a Permit to develop the land for the construction of three (3) dwellings at 42 Centre Dandenong Road, Cheltenham on the following grounds:

1. The proposal does not fully satisfy the requirements of Clause 22.11 – Residential Development Policy of the Kingston Planning Scheme.
2. 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.
3. The proposal would detract from the visual amenity of the locality and the streetscape.
4. 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, 55.03-10 Parking Location Objective, and Clause 55.04-6 Overlooking Objective.

**CARRIED**

**4.5 KP16/141 - 83 C /81 Warrigal Road, Mentone**

It is recorded that Milenka Kupresak spoke on behalf of the applicant.

**Moved: Cr Peulich**

**Seconded: Cr Staikos**

That Council determine to support the proposal and issue a Notice of Decision to Grant a Permit to use the land at No.83C/81 Warrigal Road, Mentone for the purpose of the sale of package liquor, subject to the following conditions:

**Endorsed Plans**

1. The use (liquor licence) as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.

**Sale of Packaged Liquor**

2. The sale of packaged liquor must be always associated with the flower shop and is to be restricted to the following times:

Monday to Friday:	9:00am to 6:00pm
Saturday:	9:00am to 4:00pm
Sunday:	9:00am to 3:00pm

Or otherwise as approved by the Responsible Authority in writing.

**Amenity**

3. The amenity of the area must not be detrimentally affected by the use, including 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.
4. Noise emissions must comply with the State Environment Policy or any other standard recommended by the Environmental Protection Authority to the satisfaction of the Responsible Authority.
5. Once the use (liquor licence) has started it must be continued to the satisfaction of the Responsible Authority.

**Expiry Timescales**

6. 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 use is not started within two (2) years from the date of permit issue.

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- The use is discontinued for a period of two (2) years.
7. 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 (liquor licence) allowed by the permit has not yet started.

**CARRIED**

**A Division was Called:**

**DIVISION:**

**FOR:** Crs Peulich, Staikos, Bearsley and Gledhill (4)

**AGAINST:** Crs Brownlees and West (2)

**ABSTAINED:** Cr Eden (1)

**CARRIED**

**4.6 KP16/346 - Railway Reserve, Station Street, Chelsea**

**Moved: Cr Eden**

**Seconded: Cr Gledhill**

That Council determine to support the proposal and issue a Planning Permit to use the land for a public toilet at the Railway Reserve, Station Street, Chelsea, subject to the following conditions:

1. The use as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.
2. The use must operate only between the hours of:  
  
Monday to Sunday: 5.00am to 12.00am  
  
Or otherwise as approved by the Responsible Authority in writing.
3. 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.
4. The amenity of the area must not be detrimentally affected by the development and/or 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.

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v. Any other way.

5. 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 before two (2) years from 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 allowed by the permit has not yet started.

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

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

**CARRIED**

**5. Confidential Items**

Nil

The meeting closed at 8.28pm.

**Confirmed.....**

**The Mayor 21 September 2016**