



Planning Committee Meeting
Minutes

Wednesday 19 September 2012

The meeting commenced at 7.00pm

in the

Council Chamber

1230 Nepean Highway, Cheltenham

Environmental Sustainability Reports

- PC 52 Town Planning Application Decisions – August 2012
- PC 53 KP413/11 – 60 Naples Road, Mentone
- PC 54 KP709/11 – 419 Centre Dandenong Road, Heatherton
- PC 55 KP90/12 – 8 Wren Road, Moorabbin
- PC 56 KP17/12 – 9 Lower Dandenong Road, Mentone
- PC 57 Public Open Space Contributions – Statutory Provisions
- PC 58 City of Kingston Response to the Proposed Reformed Zones for Victoria
- PC 59 Proposed Amendment C126 Clayton South

Notice of Motion

- PC 60 Notice of Motion No. 27/2012 – Cr Peulich

Present: Cr John Ronke (Mayor)
Cr Ron Brownlees OAM
Cr Lewis Dundas
Cr Dan Moloney
Cr Paul Peulich
Cr Trevor Shewan
Cr Steve Staikos
Cr Rosemary West OAM

In Attendance: John Nevins – Chief Executive Officer
Rachel Hornsby – General Manager Environmental Sustainability
Ian Nice – Manager Statutory Planning
Jonathan Guttmann – Manager City Strategy
Phil DeLosa – Program Leader Governance
Stephanie O’Gorman – Governance Officer

1. Apologies:

Cr Athanasopoulos

Moved: Cr Peulich

Seconded: Cr Brownlees

That the apology from Cr Arthur Athanasopoulos be received and leave of absence granted.

CARRIED

2. Confirmation of the Minutes of Previous Meeting

Moved: Cr Peulich

Seconded: Cr Dundas

That the minutes of the previous meeting held on 22 August 2012 be confirmed.

CARRIED

3. Disclosure by Councillors, Officers or Contractors of any Conflict of Interest:

There were no disclosures submitted to the meeting.

4. Environmental Sustainability Reports**PC 52 Town Planning Application Decisions – August 2012****Moved: Cr Peulich****Seconded: Cr Dundas**

That the recommendation be adopted.

CARRIED**PC 53 KP413/11 – 60 Naples Road, Mentone**

SPEAKER: It is recorded that Tim Honey spoke on behalf of the Objectors in relation to this item.

SPEAKER: It is recorded that Jimmy Rottura spoke on behalf of the Applicant in relation to this item.

Moved: Cr West**Seconded: Cr Brownlees**

That Council determine to issue a Notice of Refusal to develop the land for the construction of three (3) dwellings on this Site at No. 60 (PC360997V) Naples Road Mentone, on the following grounds:

1. The proposal is inconsistent with objectives and strategies of the State and Local Planning Policy Framework of the Kingston Planning Scheme.
2. The proposal is inconsistent with the objectives of Clause 55.02-1 (Neighbourhood Character objectives) and Standard B5 of Clause 55.02-5 (Integration with the street objective) of the Kingston Planning Scheme.
3. The proposal fails to meet requirements of Standard B20 of Clause 55.04-4 (North Facing Windows objective) of the Kingston Planning Scheme.
4. The proposal fails to meet requirements of Standard B28 of Clause 55.05-4 (Private open space objective) and Standard B29 of Clause 55.05-5 (Solar Access to open space objective) of the Kingston Planning Scheme.
5. The proposal is inconsistent with the objectives of Clause 22.11 of the Kingston Planning Scheme.
6. The proposal fails to address the impact on the amenity of adjoining residences.

CARRIED

PC 54 KP709/11 – 419 Centre Dandenong Road, Heatherton

SPEAKER: It is recorded that Jim Coomes spoke on behalf of the Applicant in relation to this item.

Moved: Cr Peulich

Seconded: Cr Staikos

That the matter be deferred to the next Planning Committee Meeting.

CARRIED

PC 55 KP90/12 – 8 Wren Road, Moorabbin

SPEAKER: It is recorded that Graham Russell spoke on behalf of the objectors in relation to this item.

Moved: Cr Peulich

Seconded: Cr Moloney

That Council determine to issue a Notice of Refusal to grant a Permit to Use the Land for the purpose of a Brothel at No. 8 Wren Road Moorabbin (Lot 4 on LP 050206), on the following grounds:

1. The proposal fails to provide adequate car parking to meet likely demand, failing to satisfy the objectives of Clause 52.06 of the Kingston Planning Scheme.
2. The proposal would cause significant land use conflict.

CARRIED

PC 56 KP17/12 – 9 Lower Dandenong Road, Mentone

SPEAKER: It is recorded that Gail Hill brick spoke on behalf of the objectors in relation to this item.

SPEAKER: It is recorded that Ivan Josifovski spoke on behalf of the Applicant in relation to this item.

Moved: Cr West

Seconded: Cr Shewan

That Council determine to issue a Notice of Refusal to grant a permit to develop the land for construction of three (3) dwellings at No. 9 Lower Dandenong Road Mentone, on the following grounds:

1. The proposal does not provide a street setback which respects the existing neighbourhood character of the area contrary to Standard B6 of Clause 55.03-1 of the Kingston Planning Scheme.
2. The removal of the two (2) existing Norfolk Island Pines is considered to adversely impact on the streetscape character of Levanto Street, Mentone.
3. The proposal constitutes an over-development of the site.

LOST

Moved: Cr Brownlees

Seconded: Cr Dundas

That Council determine to support the proposal and issue a Notice of Decision to Grant a Permit to develop the land for construction of three (3) dwellings at No. 9 Lower Dandenong Road Mentone, subject to the following conditions:

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 plans submitted to Council on 10 May 2012, but modified to show:
 - a) the provision of a landscape plan in accordance with the submitted development plan and the City of Kingston Landscape Plan Checklist, with such plans to be prepared by a suitably qualified landscape professional and incorporating:
 - i. an associated planting schedule showing the proposed location, species type, mature height and width, pot sizes and number of species to be planted on the site. The schedule must be shown on the plan;
 - ii. the delineation of all garden beds, paving, grassed areas, retaining walls, fences and other landscape works including areas of cut and fill throughout the development;
 - iii. all existing trees on the site and within three (3) metres to the boundary of the site on adjoining properties, accurately illustrated

- to represent actual canopy width and labelled with botanical name, height and whether the tree is proposed to be retained or removed;
- iv. a range of plant types from ground covers to large shrubs and trees;
 - v. adequate planting densities (e.g. plants with a mature width of 1 metre, planted at 1 metre intervals);
 - vi. the provision of two (2) suitable medium sized (at maturity) canopy trees within the front setback of dwelling 1 (facing Lower Dandenong Road) and one (1) small (at maturity) tree within the front setback of each dwelling (facing Lavento Street) and one (1) small (at maturity) tree within the private open space area of each dwelling, with all species chosen to be approved by the Responsible Authority;
 - vii. sustainable lawn areas and plant species taking current water restrictions into consideration;
 - viii. all trees provided at a minimum of two (2) metres in height at time of planting;
 - ix. medium to large shrubs to be provided at a minimum pot size of 200mm; and
 - x. the provision of notes on the landscape plan regarding site preparation, including the removal of all weeds, proposed mulch, soil types and thickness, subsoil preparation and any specific maintenance requirements.
- b) the provision of a minimum 2000 litre rainwater tank clearly nominated for each new dwelling with water re-use for toilet flushing;
 - c) the guttering pertaining to the garage wall of Dwelling 3 located on the northern boundary of the subject site nominated as being contained wholly within the title property boundary of the subject land;
 - d) the double garage to Dwelling 1 reduced in length to 6 metres to increase the driveway depth so as to be able to accommodate the parking of a vehicle wholly within the driveway and not protruding onto the footpath; and
 - e) the provision of 6 cubic metres of externally accessible secure storage space to each of the three (3) dwellings.
2. The development as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.
 3. 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. The landscaping must then be maintained to the satisfaction of the Responsible Authority.
 4. Prior to the occupation of the dwellings hereby permitted, all buildings and works and the conditions of this permit must be complied with, unless with the further prior written consent of the Responsible Authority.
 5. The development of the site must be provided with stormwater works which incorporates the use of water sensitive urban design principles to improve

stormwater runoff quality and which also retains on site any increase in runoff as a result of the approved development. The system must be maintained to the satisfaction of the Responsible Authority. Council's Development Engineer can advise on satisfactory options to achieve these desired outcomes which may include the use of an infiltration or bioretention system, rainwater tanks connected for reuse and a detention system. **The overall outflow of the site to Council's drainage system must be limited to 6.5 l/s.**

6. Before the development commences, a Stormwater Management Plan showing the stormwater works to the nominated point of discharge must be prepared and submitted to the satisfaction of the Responsible Authority. The Stormwater Management Plan must be prepared by a qualified person and show all details of the proposed stormwater works including all existing and proposed features that may have impact (e.g. trees to be retained, crossings, services, fences, abutting buildings, existing boundary surface levels, etc.).
7. Stormwater works must be provided on the site so as to prevent overflows onto adjacent properties.
8. Any existing vehicular crossing not in accordance with the endorsed plan must be removed and the kerb reinstated in a manner satisfactory to the Responsible Authority and any proposed vehicular crossing must be fully constructed to the Responsible Authority's standard specification.
9. Property boundary and footpath levels and offsets are not to be altered.
10. Prior to the occupation of the dwellings hereby permitted, areas set aside for parking vehicles, access lanes and paths as shown on the endorsed plans must be:
 - a. Constructed to the satisfaction of the Responsible Authority.
 - b. Properly formed to such levels that they can be used in accordance with the plans.
 - c. Surfaced in accordance with the endorsed plans under this permit or in an all weather coloured concrete seal-coat, to the satisfaction of the Responsible Authority.
 - d. Drained and maintained to the satisfaction of the Responsible Authority.

Parking areas and access lanes must be kept available for these purposes at all times and maintained to the satisfaction of the Responsible Authority.
11. 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.
12. All piping and 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.
13. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.
14. In accordance with section 68 of the *Planning and Environment Act 1987*, this 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*, the responsible authority may extend the periods referred to if a request is made in writing before the permit expires, or within three months afterwards.

Amendment

Moved: Cr West

Moved: Cr Shewan

That a further condition be included as follows:

15. The Norfolk Island pine at the front of the block be retained.

The Amendment was put and **LOST**

A Divison was called

DIVISION

FOR: Crs Staikos, West, Shewan and Moloney (4)

AGAINST: Crs Peulich, Dundas, Brownlees and Ronke (4)

LOST on the casting vote of the Chairperson.

The Motion was put and **CARRIED**

PC 57 Public Open Space Contributions – Statutory Provisions

Moved: Cr West

Seconded: Cr Brownlees

That Council agree:

1. To complete the required background work and make a request to the Minister for Planning to authorise the preparation of the amendment to:
 - Introduce a Schedule to Clause 52.01 (Public Open Space Contribution and Subdivision) of the Kingston Planning Scheme to levy open space contributions.
 - Modify Clause 21.11 (Open Space) of the Municipal Strategic Statement to implement the objectives and directions of Kingston's 2012 Open Space Strategy.
 - Introduce a local policy to provide guidance as to where land contributions and purchases should be sought and the criteria they should meet.
 - Introduce Kingston's 2012 Open Space Strategy as a reference document.
2. That once authorisation is granted, Council as Planning Authority, prepare and place the Amendment on public exhibition pursuant to Section 96(2) of the Planning and Environment Act 1987.

Amendment**Moved: Cr Peulich****Seconded: Cr Staikos**

That Council agree:

1. To complete the required background work and make a request to the Minister for Planning to authorise the preparation of the amendment to:
 - Introduce a Schedule to Clause 52.01 (Public Open Space Contribution and Subdivision) of the Kingston Planning Scheme to levy open space contributions.
 - Modify Clause 21.11 (Open Space) of the Municipal Strategic Statement to implement the objectives and directions of Kingston's 2012 Open Space Strategy.
 - Introduce a local policy to provide guidance as to where land contributions and purchases should be sought and the criteria they should meet.
 - Introduce Kingston's 2012 Open Space Strategy as a reference document.
2. That once authorisation is granted, Council as Planning Authority, prepare and place the Amendment on public exhibition pursuant to Section 96(2) of the Planning and Environment Act 1987.
3. That the impact of Public Open Space contributions on land subject to the Moorabbin Activity Centre Structure Plan be reviewed and monitored as to not overly inhibit the revitalisation of the precinct.

The Amendment was put and **CARRIED**

The Amendment became the Motion

The Motion was put and **CARRIED****A Division was called****DIVISION****FOR:** Crs Staikos, Peulich, Dundas, West, Shewan, Moloney, Brownlees and Ronke (8)**AGAINST:** Nil**CARRIED****PC 58 City of Kingston Response to the Proposed Reformed Zones for Victoria****Moved: Cr Brownlees****Seconded: Cr Peulich**

1. That Council resolve to submit Attachment 1 except paragraphs 122, 123 and 124 as the City of Kingston's response to the DPCD Planning Reform Consultation by 21st September 2012.

CARRIED

Procedural Motion**Moved: Cr Staikos****Seconded: Cr Shewan**

That the meeting be adjourned for five minutes.

CARRIED**Procedural Motion****Moved: Cr Staikos****Seconded: Cr Brownlees**

That the meeting be resumed.

CARRIED

2. That the submission to the Minister include the following paragraph: That Kingston Council supports the uses proposed by the Minister for inclusion in the Green Wedge A Zone that includes the following uses as a section 2 use:

- Backpackers lodge
- Boarding house
- Carnival
- Circus
- Conference centre
- Display house
- Exhibition centre
- Function centre
- Group accommodation
- Hall
- Hostel
- Medical centre
- Motel
- Nursing home
- Place of Assembly
- Primary School
- Reception centre
- Residential Aged care facility
- Residential building
- Residential college
- Residential hotel
- Restaurant
- Secondary school
- Service station

CARRIED

A Division was called

DIVISION

FOR: Crs Peulich, Dundas, Moloney, Brownlees and Ronke (5)

AGAINST: Crs Staikos, West and Shewan (3)

CARRIED

PC 59 Proposed Amendment C126 Clayton South

Moved: Cr Staikos

Seconded: Cr Peulich

That Council:

Resolves that a request be made to the Minister of Planning to authorise the preparation of Amendment C126 under Section 9(2) of the Planning and Environment Act 1987 and proceed with exhibition if authorisation is granted.

CARRIED

Procedural Motion

Moved: Cr Peulich

Seconded: Cr Moloney

That the meeting be extended for 15 minutes to 10.15pm

CARRIED

PC 60 Notice of Motion No. 27/2012 – Cr Peulich

Moved: Cr Peulich

Seconded: Cr Staikos

I move to rescind Item PC 46 of the 22 August 2012 Planning Meeting.

LOST

The Chairperson declared the meeting closed at 10.10pm.

Confirmed.....

His Worship, The Mayor, 17 October 2012