



# **Planning Committee Meeting**

## **Minutes**

**Monday 3 December 2012**

**The meeting commenced at 7.00pm**

**in the**

**Council Chamber**

**1230 Nepean Highway, Cheltenham**

**Environmental Sustainability Reports**

- PC 61 Town Planning Application Decisions – October 2012
- PC 62 KP196/12 – 7 Phillip Street, Mentone
- PC 63 KP210/12 – 12 Ross Street, Aspendale
- PC 64 KP261/12 – 100 Station Street, Aspendale
- PC 65 KP788/11 – 15 Patty Street, Mentone
- PC 66 KP709/11 – 419 Centre Dandenong Road, Heatherton
- PC 67 Amendment C125 and Planning Permit Application KP 12/1- 44 First Avenue, Chelsea Heights
- PC 68 Amendment C117 – Cheltenham Activity Centre Zone
- PC 69 Extension of Time - Amendment C11 Southern Road
- PC 70 Extension of Expiry Date for DDO18 and DDO19

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

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

**Procedural Motion**

**Moved: Cr Staikos                      Seconded: Cr West**

That the Planning Committee Meeting be adjourned until later in the evening following the completion of the Special Council Meeting.

**CARRIED**

**1. Apologies:**

Cr Paul Peulich  
Cr John Ronke

**Moved: Cr Gledhill                      Seconded: Cr Eden**

That the apologies be accepted.

**CARRIED**

The meeting was adjourned at 7.01pm.

**Procedural Motion**

**Moved: Cr Staikos                      Seconded: Cr West**

That the Planning Committee Meeting be resumed.

**CARRIED**

**2. Confirmation of the Minutes of Previous Meeting****Moved: Cr Staikos****Seconded: Cr West**

That the minutes of the previous meeting held on 19 September 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 61 Town Planning Application Decisions – October 2012****Moved: Cr Staikos****Seconded: Cr Gledhill**

That the report be noted.

**CARRIED****PC 62 KP196/12 – 7 Phillip Street, Mentone**

*It is recorded that Ryan Jansz spoke on behalf of the objectors in relation to this item.*

**Moved: Cr West****Seconded: Cr Eden**

That Council refuse the application to develop the land for the construction of eight (8) dwellings at No. 7 Phillip Street, Mentone (Lot 1 on TP181397R), on the following grounds:

1. The proposal would detrimentally affect the amenity of the Neighbourhood.
2. The proposal would detract from the visual amenity of the locality and the streetscape.
3. The proposal constitutes an over-development of the site.
4. The proposal would cause traffic congestion in a residential street.
5. The proposal does not comply with the neighbourhood character of the street.

**CARRIED**

**PC 63 KP210/12 – 12 Ross Street, Aspendale**

*It is recorded that Diana Donohue spoke on behalf of the objectors in relation to this item.*

*It is recorded that Neil Fletcher spoke on behalf of the applicant in relation to this item.*

Cr Staikos left the Council Chamber at 7.40pm.

Cr Staikos returned to the Council Chamber at 7.42pm.

Cr Barth left the Council Chamber at 7.42pm.

Cr Barth returned to the Council Chamber at 7.44pm.

**Moved: Cr West****Seconded: Cr Eden**

That Council refuse the application to develop the land for the construction of four (4) dwellings at No. 12 (Lot 219 on Plan of Subdivision No. 028089) Ross Street, Aspendale on the following grounds:

1. The development fails to adequately respond to the State Planning Policy Framework and Local Planning Policy Framework, namely Clause 15 – Built Environment and Heritage, Clause 16 – Housing, Clause 21.05 – Residential Land Use and Clause 22.11 – Residential Development Policy.
2. The development does not adequately respond to the existing neighbourhood character of the area.
3. The development presents excessive levels of visual bulk and mass to the street and adjoining properties.
4. The development fails to provide adequate on site amenity with regard to solar access to secluded private open space and internal overlooking.
5. The development results in unreasonable off-site amenity impacts resulting from overshadowing and excessive massing.
6. The development fails to provide for adequate provision of onsite services.
7. The development fails to meet the objectives outlined at Clause 55.02-1 (Neighbourhood Character), Clause 55.02-2 (Residential Policy), Clause 55.04-2 (Walls on Boundaries), Clause 55.04-5 (Overshadowing), Clause 55.05-5 (Solar Access to Open Space), Clause 55.06-1 (Detailed Design) and Clause 55.06-4 (Site Services).

**CARRIED**

**PC 64 KP261/12 – 100 Station Street, Aspendale**

*It is recorded that Wayne Greig spoke on behalf of the objectors in relation to this item.*

Cr Eden left the Council Chamber at 7.50pm.

Cr Eden returned to the Council Chamber at 7.52pm.

**Moved: Cr Staikos**

**Seconded: Cr Gledhill**

That Council determine to support the proposal and issue a Notice of Decision to Grant a Permit to Develop the Land for the Construction of Five (5) Dwellings at No. 100 Station Street Aspendale (Lot 12 on PS 0179147), 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 1 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 the property and one (1) small (at maturity) tree within the private open space area of each dwelling, with 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. the provision of three (3) suitable medium sized (at maturity) canopy trees within a landscape buffer along the southern boundary of the site with species chosen to be approved by the Responsible Authority;
  - x. medium to large shrubs to be provided at a minimum pot size of 200mm; and
  - xi. 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 first floor component of Dwelling 1 reduced to enable its bedroom 1 to be set back a minimum of 1 metre from the floor directly below it at the west (street) elevation, with the internal layout reconfigured accordingly;
  - c. the first floor component of Dwelling 5 reduced to enable the first floor to be set back a minimum of 1 metre in its entirety from the ground floor footprint directly below it at the east (rear) elevation;
  - d. all garages and car parking spaces provided with a minimum 6.4 metre reversing area so that all vehicles may exit the site in a forwards direction, with any site layout modification to accommodate this requirement to ensure that the proposal remains to provide private open space in accordance with Standard B28 of Clause 55 of the Kingston Planning Scheme;
  - e. the provision of a continuous landscaping strip with a minimum width of 0.5 metres along the site's south (side) property boundary. The width of the driveway may be reduced to 2.6 metres to assist in facilitating this change;
  - f. the provision of suitable fixed (unopenable) screening to the south-facing first floor kitchen and meals windows of Dwelling 2 to a minimum height of 1.7 metres above the first floor finished floor level directly below, in accordance with Clause 55.04-6 (Standard B22) of the Kingston Planning Scheme;
  - g. the provision of suitable fixed (unopenable) screening to the south-facing first floor kitchen window of Dwelling 3 to a minimum height of 1.7 metres above the first floor finished floor level directly below, in accordance with Clause 55.04-6 (Standard B22) of the Kingston Planning Scheme;
  - h. an elevation plan of the front fencing, which provides details of its height, materials and colours. If no front fence is proposed, a notation on the plan to this effect;
  - i. the surface material of all driveways / accessways and car parking spaces nominated in all-weather coloured concrete sealcoat, or similar;
  - j. the provision of a full colour, finishes and building materials schedule, including samples (illustrated on an A4 or A3 sheet), for all external elevations and driveways of the development;

- k. the provision of at least 2000 litre rainwater tank clearly nominated for each dwelling with water re-use for toilet flushing;
  - l. the sustainable design initiatives outlined in the endorsed Sustainable Design Assessment (SDA) as per Condition 12.
  - m. the provision of varying materials, textures, colours and finishes to the north and south facing building facades;
  - n. provision of a notation on the site plan stating that “property boundary, footpath levels, and the offset between the footpath and the property boundary are not to be altered”;
  - o. the location of all externally-located heating and cooling units, exhaust fans and the like, clearly shown; and
  - p. a notation on the floor / site plan(s) stating: “The redundant vehicle crossing must be removed, kerb & channel must be reinstated and the extension to the existing footpath up to the wing of the vehicle crossing must be constructed to the satisfaction of the Responsible Authority”.
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. Before the commencement of any buildings and works on the Land, a Waste Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. Three copies of the plan must be submitted. The plan must include but is not limited to:
  - a) The manner in which waste will be stored and collected including: type, size and number of containers.
  - b) Spatial provision for on-site storage.
  - c) Details whether waste collection is to be performed by Council’s services or privately contracted.
  - d) The size of the collection vehicle and the frequency, time and point of collection.

The waste management plan must be implemented to the satisfaction of the Responsible Authority. The waste management plan must not be modified unless without the written consent of the Responsible Authority.
6. A flood proof apex (i.e. hump) protecting the proposed reverse fall driveway must be provided to protect the property from overland flows or implement an alternative engineering solution for major flooding, approved by the Council. This apex is to be a minimum of 150mm above the existing back



of path level along the Station St frontage. This apex is to continue through any driveways or pathways that may cross it. The apex is to be a permanent structure (e.g. hump in concrete driveway/pathway, sleeper retaining wall, solid brick fence/wall). Low mounded soil on its own is unlikely to be acceptable due to the likelihood of future disturbance.

7. Vehicle crossings and internal driveways are to be in alignment.
8. All reinstatements and vehicle crossings are to be constructed to the satisfaction of the relevant authority.
9. 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.
10. Before the development commences, a Stormwater Management Plan showing the stormwater works to the nominated point of discharge must be prepared 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.).
11. Stormwater works must be provided on the site so as to prevent overflows onto adjacent properties.
12. Before the development commences, a Sustainable Design Assessment (SDA) that outlines proposed sustainable design initiatives must be submitted to and approved by the Responsible Authority.

The **SDA** must incorporate consideration of the following sustainable design criteria:

- Indoor environment Energy efficiency
- Water resources
- Stormwater management
- Building materials
- Bicycle parking
- Waste Management
- Urban Ecology
- Innovation
- Ongoing building and site management

The SDA will be endorsed as part of the planning permit.

13. **A STORM report (or similar) with STORM rating** of at least **100%** or equivalent with a reliability not less than **80%**, to demonstrate that the

development meets Victoria's best practice stormwater targets pursuant to Clause 19.03-2. Achieving compliance with this condition must not conflict with other conditions contained within the permit.

14. Prior to the occupation of any building approved under this permit, written confirmation from the author of the endorsed SDA is to be submitted to the Responsible Authority that all of the required measures specified in the SDA have been implemented.
15. 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.
16. Prior to the occupation of the dwellings hereby permitted, any damaged boundary fences must be repaired and/or replaced as necessary to the satisfaction of the Responsible Authority, at the cost of the applicant/owner.
17. 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.
18. 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.
19. 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.
20. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.
21. 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.

**LOST**

**Moved: Cr West**

**Seconded: Cr Eden**

That Council refuse the application to Develop the Land for the Construction of Five (5) Dwellings at No. 100 Station Street Aspendale (Lot 12 on PS 0179147), on the following grounds:

1. The proposal would detrimentally affect the amenity of the Neighbourhood.
2. The proposal would detract from the visual amenity of the locality and the streetscape.
3. The proposal constitutes an over-development of the site.

**CARRIED**

**PC 65 KP788/11 – 15 Patty Street, Mentone**

*It is recorded that Jim Johnston spoke on behalf of the objectors in relation to this item.*

*It is recorded that John Harding-Smith spoke on behalf of the applicant in relation to this item.*

**Moved: Cr Gledhill**

**Seconded: Cr West**

That Council refuse the application to Develop the Land for the Construction of Three (3) Double Storey Dwellings and an extension to two (2) existing Dwelling at No. No. 15 (Lot 1 on TP 704724T) Patty Street Mentone & No. 14 (Lot 1 on TP157843G) Flinders Street Mentone, on the following grounds:

1. The development does not adequately respond to the existing neighbourhood character of the area.
2. The development presents excessive levels of visual bulk and mass to adjoining properties.
3. The proposal would cause traffic congestion in a residential street.
4. The development fails to adequately respond to the State Planning Policy Framework and Local Planning Policy Framework, namely Clause 15 – Built Environment and Heritage, Clause 16 – Housing, Clause 21.05 – Residential Land Use and Clause 22.11 – Residential Development Policy.

5. The proposal could cause further drainage problems.

**CARRIED**

**PC 66 KP709/11 – 419 Centre Dandenong Road, Heatherton**

**Moved: Cr Staikos**

**Seconded: Cr Bearsley**

That the matter be deferred to the December Ordinary Meeting of Council.

**CARRIED**

**PC 67 Amendment C125 and Planning Permit Application  
KP 12/1- 44 First Avenue, Chelsea Heights**

*It is recorded that Margaret Hunter spoke on behalf of the submitters in relation to this item.*

*It is recorded that Megan Schutz spoke on behalf of the applicant in relation to this item.*

**Moved: Cr Staikos**

**Seconded: Cr Gledhill**

That Council resolves:

1. To request the Minister for Planning appoint an Independent Panel to consider the submissions to Planning Scheme Amendment C125 and Planning Permit Application KP12/1 pursuant to the following changes:
  - a) Delete condition eighteen (18) of the draft planning permit (KP12/1) as it is a duplicate of condition thirteen (13) and renumber the draft permit accordingly.
2. That submitters be notified in writing of the resolution.
3. To arrange a public meeting as requested by residents of the area with Council officers and other relevant parties to answer questions and listen to the views of residents.

**Procedural Motion**

**Moved: Cr West**

**Seconded: Cr Eden**

That Council defer the matter until Council can arrange a public meeting as requested by residents of the area.

**LOST**

The Substantive Motion was put and **CARRIED**

**A Division was called****DIVISION**

**FOR:** Crs Staikos, Bearsley, Barth, Gledhill and Brownlees (5)  
**AGAINST:** Cr West (1)  
**ABSTAINED:** Cr Eden (1)

**CARRIED****PC 68 Amendment C117 – Cheltenham Activity Centre Zone****Moved: Cr Staikos****Seconded: Cr Bearsley**

Cr Gledhill left the Council Chamber at 9.00pm.  
Cr Gledhill returned to the Council Chamber at 9.02pm.

That Council:

1. Resolve to adopt Amendment C117 with the changes recommended by the Panel in its report to Council.
2. Resolve to submit the Amendment with changes to the Minister for Planning for approval.
3. Resolve to notify submitters to the Amendment of the above resolutions.

**Amendment:****Moved: Cr West**

That Council:

1. Resolve to adopt Amendment C117 with the changes recommended by the Panel in its report to Council with the exception of the discretionary setback controls as mentioned in section 3.3.1 of the officer report, which must remain mandatory as recommended by Council.
2. Resolve to submit the Amendment with changes to the Minister for Planning for approval.
3. Resolve to notify submitters to the Amendment of the above resolutions.

The Mover and the Seconder accepted the Amendment, which is included in the Substantive Motion.

**CARRIED****PC 69 Extension of Time - Amendment C11 Southern Road****Moved: Cr West****Seconded: Cr Gledhill**

That Council resolves to:

1. Request an extension of two years from the Minister for Planning for Council to complete Planning Scheme Amendment C111.

**CARRIED**

**PC 70 Extension of Expiry Date for DDO18 and DDO19**

**Moved: Cr Staikos**

**Seconded: Cr West**

Officers recommend that Council resolves to:

1. Initiate a Planning Scheme Amendment to extend the operation of the interim controls for the Moorabbin and Mentone Activity Centres by extending the expiry date for Schedules 18 and 19 to the Design and Development by 18 months.

**CARRIED**

The Chairperson declared the meeting closed at 9.06pm.

**Confirmed.....**

**His Worship, The Mayor, 17 October 2012**