



Planning Committee Meeting Minutes

Wednesday 20 June 2012

The meeting commenced at 7.01pm

in the

Council Chamber

1230 Nepean Highway, Cheltenham

Environmental Sustainability Reports

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Present: Cr John Ronke (Mayor)
Cr Arthur Athanasopoulos
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 Guttman – Manager City Strategy
Kirsten Leiminger – Media Officer Communications and Public Affairs
Phil DeLosa – Program Leader Governance
Stephanie O’Gorman – Governance Officer

Procedural Motion

Moved: Cr Staikos

Seconded: Cr West

That the meeting be adjourned to later in the evening to consider the Special Meeting of Council.

CARRIED

The meeting was adjourned at 7.02pm.

Procedural Motion

Moved: Cr Staikos

Seconded: Cr West

That the meeting be resumed.

CARRIED

The meeting resumed at 7.41pm.

1. Apologies:

There were no apologies submitted to the meeting.

2. Confirmation of the Minutes of Previous Meeting

Moved: Cr Staikos

Seconded: Cr Moloney

That the minutes of the previous meeting held on 18 April 2012 be confirmed.

CARRIED

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

Cr Dundas declared a direct interest in Item PC 33 Amendment C111 – Southern Road.

4. Environmental Sustainability Reports

PC 27 Town Planning Application Decisions – May 2012

Moved: Cr Staikos

Seconded: Cr Moloney

That the report be noted.

CARRIED

PC 28 KP823/11 – 20 Embankment Grove, Chelsea

SPEAKER: It is recorded that Sebastian Lorenzo spoke on behalf of the applicant in relation to this item.

Moved: Cr Shewan

Seconded: Cr Moloney

That Council resolve to refuse Application KP 823/11 to develop the land for the construction of four (4) dwellings at No. 20 (Lot 70 PS005316) Embankment Grove, Chelsea on the following grounds:

1. The proposal fails to satisfy the objective of Clause 55.03-1 – Street Setback, with an insufficient street setbacks provided to dwelling's 1 and 2.
2. The design has not addressed overlooking opportunities from some first floor windows of dwelling's 2 and 3, not meeting the objective of Clause 55.04-6 – Overlooking.
3. The objective of Clause 55.05-4 – Private Open Space is not met, with an inadequate area of secluded private open space proposed for dwelling 3.
4. The proposal will result in internal views, not meeting the objective of Clause 55.04-7 – Internal Views.

CARRIED

PC 29 KP543/11 – 18 Wright Street, Carrum

SPEAKER: It is recorded that Jill Kendall spoke on behalf of the applicant in relation to this item.

Moved: Cr Moloney

Seconded: Cr Shewan

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 one (1) dwelling to the rear of the existing dwelling at No. 18 Wright Street Carrum (Lot 2 on PS 017469), 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 15th December, 2011, 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 Dwelling 1 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) 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.
- xi) the provision of an approved Local Law Application to remove the neighbours *Cupressus macrocarpa* (Monterey Cypress Pine) growing at number 16 Wright Street, Carrum, along the southern boundary.
- b. a reduction in the width of the driveway to 2.6m with landscape planting along the north-west edge of the driveway together with a more substantial tapered landscape island treatment opposite the garage of Dwelling 1
 - c. the provision of minimum 2000 litre rainwater tank clearly nominated for Dwelling 2 with water re-use for toilet flushing;
 - d. the provision of a 1.8 metre high timber paling fence along the south-west (rear) property boundary or trellis extension provided to a minimum height of 1.8m in accordance with Clause 55.04-6;
 - e. the provision of a new 2.0m high timber paling fence along the south-east (side) property boundary, and tapered down to 1.2m within 3 metres of the street frontage;
 - f. the upper floor windows of Dwelling 2 to be provided with screening in accordance with the requirements of Clause 55.04-6;
 - g. walls on boundaries nominated with a maximum average height of 3m;
 - h. the front fence reduced in height to 1.2m and materials to be compatible with the character of the area;
 - i. the bins associated with Dwelling 1 to be relocated behind the side gate;
 - j. the deletion of Dwelling 1 from the proposed south-west elevation TH2 plan;
 - k. the surface material of all driveways / accessways and car parking spaces nominated in all-weather coloured concrete sealcoat, or similar;
 - l. 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;
 - m. external materials and finishes utilised for Dwelling 2 to be lighter in tone and colour in keeping with the character of the area;
 - n. the guttering associated with all garages / walls on boundaries nominated as being contained wholly within the title property boundaries of the subject land;
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 Dwelling 2 hereby permitted, the new fences required under Condition 1e and 1f of this permit must be erected to Council's satisfaction, at the full cost of the applicant/owner(s).
 4. Prior to the occupation of Dwelling 2 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.
 5. Prior to the occupation of Dwelling 2 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.
 6. 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.

7. 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.).
8. Stormwater works must be provided on the site so as to prevent overflows onto adjacent properties.
9. Stormwater outflow from the development to the Council drainage system should not exceed the predevelopment outflow of the site.
10. Prior to the commencement of works on the land, the existing *Cupressus macrocarpa* (Monterey Cypress Pine) along the southern property boundary of No. 16 Wright Street must be removed in accordance with Local Law No. 5 requirements.
11. Prior to the occupation of Dwelling 2 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.

12. 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.
13. 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.
14. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.
15. 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.

- Note:** Prior to the commencement of the development you are required to obtain the necessary Building Permit.
- 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:** 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.
- Note:** Council's Rates Department is responsible for determining and assigning property address details, which include dwelling/unit/apartment and street numbers and/or street names. The onus is on the Permit Applicant/Land Owner to contact Council's Rates Department to determine dwelling/unit/apartment and street numbers, and street name details for the approved development. Any reference to dwelling numbers on endorsed plans is indicative and should not be relied upon for dwelling/unit/apartment and street numbers and/or street name purposes.

CARRIED

PC 30 KP618/11– 6 Cherrington Court, Parkdale

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

SPEAKER: It is recorded that Keeghan Williams spoke on behalf of the applicant in relation to this item.

Moved: Cr West

Seconded: Cr Brownlees

That Council resolve to refuse Application KP618/11 to develop the land for the construction of two (2) dwellings and subdivide the land into two (2) lots at No. 6 Cherrington Court, Parkdale (Lot 6 on PS 055858) on the following grounds:

1. The proposal fails to comply with Clause 55.02-1 Neighbourhood Character given that it does not appear to respond to the existing or preferred neighbourhood character of the surrounding area.
2. The proposal fails to comply with Clause 55.03-1 Street Setback, with an insufficient street setback provided for Dwelling 1.
3. The proposal fails to comply with Clause 22.11 of the Kingston Planning Scheme.
4. The proposal fails to comply with Council's Residential Policy Provision.

CARRIED

PC 31 KP712/11 – 6 Springfield Avenue, Clayton South

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

Cr Athanasopoulos left the Council Chamber at 8.47 pm.

Cr Athanasopoulos returned to the Council Chamber at 8.49pm.

Moved: Cr Staikos

Seconded: Cr Peulich

That Council resolve to refuse Application KP712/11 to develop the land for construction of three (3) dwellings at No. 6 Springfield Avenue, Clayton South (Lot 23 on PS 10483) on the following grounds:

1. The proposal fails to satisfy the objective of Clause 55.03-1 – Street Setback, with an insufficient street setbacks provided to Dwelling 1;
2. The design has not addressed overlooking opportunities from some first floor windows of dwelling's 2 and 3, not meeting the objective of Clause 55.04-6 – Overlooking.
3. The objective of Clause 55.05-4 – Private Open Space is not met, with the minimum dimension for Dwelling 3 not achieved.
4. The proposal will result in internal views, not meeting the objective of Clause 55.04-7 – Internal Views.

CARRIED

PC 32 KP676/11 – 256 Charman Road, Cheltenham

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

Moved: Cr Brownlees

Seconded: Cr Dundas

That Council determine to support the proposal and issue a Notice of Decision to Grant a Permit to use and develop the land for the purpose of a three (3) storey building comprising a commercial premises and seven (7) dwellings with a reduction of the car parking requirement and a waiver of the loading bay requirement at No. 256 Charman Road, Cheltenham (Lot 1 on TP 212505Y), 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 31 January 2012, but modified to show:
 - a. the second floor set back a minimum of 5 metres from the site's front, Charman Road (west) property boundary, in accordance with the adopted Cheltenham Structure Plan, with the configuration of the upper level dwellings redesigned accordingly;
 - b. the development set back a minimum of 2.7 metres parallel to the east (rear) property boundary to a height of 3.5 metres, with the ground and first floors modified accordingly;
 - c. the car parking arrangement redesigned to cater for the changes to the building footprint as required in Condition 1b), with the provision of swept paths to clearly demonstrate that vehicles can exit and enter the site in a forward direction, clear of obstruction;
 - d. the relocation of the bicycle parking area so as to be clear of vehicle movements;
 - e. the relocation of the bin storage area adjacent to the rear laneway in order to keep this area clear of obstructions;
 - f. one (1) on-site car parking space to be allocated to each of the dwellings and also the commercial premises, which must be suitably indicated on the plans as for staff parking;
 - g. the provision of a rainwater tank with a capacity of at least 8000L, clearly nominated with water re-use for toilet flushing;
 - h. the provision of fixed (preferably flexible) shading to the north-facing bedroom windows of the dwellings at both first and second floor level;
 - i. the fixed aluminium louvers on the west (Charman Road) elevation to be oriented vertically in lieu of horizontally;

- 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. all bicycle parking spaces dimensioned in accordance with Australian Standard AS 2890.3 1993 Parking facilities Part 3: Bicycle parking facilities;
 - l. the surface material of the driveway / accessway leading to the car parking area nominated in all-weather coloured concrete sealcoat, or similar;
 - m. the location of all externally-located heating and cooling units, exhaust fans and the like, clearly shown; and
 - n. the guttering pertaining to the walls on the site's north and south property boundaries nominated as being contained wholly within the title property boundaries of the subject land.
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 development 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.
 4. Before the commencement of any buildings and works on the Land, a Construction Management Plan (CMP), to the satisfaction of the Responsible Authority, must be submitted to and approved by the Responsible Authority and when approved shall thereafter be complied with. The CMP must specify and deal with the parking of vehicles during construction, delivery of materials, containment of waste on site and suppression of dust, business operations on the site during construction.
 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) Specifying the details of the **private** collection, noting that collection is to occur from Blagdon Street only on days/times outside municipal collection, and via the manual cartage of waste and goods via the rear right of way.
 - d) The size of the collection vehicle and the frequency, time and point of collection.
 6. 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.

7. 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.
8. 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.).
9. Stormwater works must be provided on the site so as to prevent overflows onto adjacent properties.
10. Stormwater outflow from the development to the Council drainage system should not exceed the predevelopment outflow of the site.
11. 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.
12. Prior to the occupation of the development hereby permitted, all boundary fences must be repaired and/or replaced as necessary to the satisfaction of the Responsible Authority, at the cost of the applicant/owner.
13. Prior to the occupation of the development hereby permitted, areas set aside for parking vehicles, access lanes and paths as shown on the endorsed plans must be:
 - e. Constructed to the satisfaction of the Responsible Authority.
 - f. Properly formed to such levels that they can be used in accordance with the plans.
 - g. 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.
 - h. 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.
14. 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.

15. 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.
16. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.
17. 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 and use is not started within two (2) years from the date of permit issue.
 - The development and use 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.

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

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: Occupants and visitors of the development are not likely to be eligible for parking permits.

CARRIED

PC 33 Amendment C111 – Southern Road

Cr Dundas disclosed a direct interest in Item PC 33 by virtue of owning a property in Southern Road that may result in a direct benefit or loss if the matter is decided in a particular way and left the Council Chamber at 8.50pm before any discussion and voting on the matter.

Moved: Cr West

Seconded: Cr Staikos

1. That Council Refer Planning Scheme Amendment C111 to a Panel Hearing.
2. That Amendment C111 be amended to apply a minimum setback for any third and fourth storeys of 9 metres from numbers 3,5,7,9,11,13, 15, 17, 19, 21,23, 25, 27, 29, 31 Deville Avenue, number 34 Southern Road and number 58 Allandale Road, Mentone.

CARRIED

3. That Amendment C111 be amended to apply a minimum setback of five metres for any dwelling of two storeys from numbers 3,5,7,9,11,13, 15, 17, 19, 21,23, 25, 27, 29, 31 Deville Avenue, number 34 Southern Road and number 58 Allandale Road, Mentone

LOST on the casting vote of the Chairperson.

Note: Cr West requested that parts 1 and 2 of the motion be put to the vote separately to part 3 of the motion. .

Cr Dundas returned to the Council Chamber at 9.05pm.

PC 34 Amendment C125 – 44 First Avenue, Chelsea Heights

SPEAKER: It is recorded that Megan Schultz spoke on behalf of the applicant in relation to this item.

Moved: Cr Shewan

Seconded: Cr West

That Council refuse to seek authorisation of proposed Planning Scheme Amendment C125.

LOST

Moved: Cr Moloney

Seconded: Cr Peulich

That Council resolve to request the Minister for Planning to authorise the preparation of Amendment C125 to the Kingston Planning Scheme to:

1. Rezone part of the subject land from Urban Floodway Zone to Residential 3 Zone;
2. Rezone the remainder of the land from Public Park and Recreation Zone and Urban Floodway Zone to Public Use Zone 1, and transfer this portion of the land to the ownership of Melbourne Water;
3. Amend the Residential Land Use Framework Plan at Clause 21.05 of the Kingston Planning Scheme to include that part of the Amendment land that would be rezoned to Residential 3 as land designated for Incremental Housing Change;
4. Approve the draft Planning Permit KP12/1 (Appendix 2) for exhibition purposes; and
5. That once authorisation is granted, Council as Planning Authority, prepare and place Amendment C125 and Draft Planning Permit KP12/1 on public exhibition pursuant to Section 19 of the Planning and Environment Act 1987.

CARRIED

A Division was called:

DIVISION: FOR: Crs Dundas, Peulich, Athanasopoulos, Staikos, Moloney, Brownlees and Ronke (7)

AGAINST: Crs Shewan and West (2)

CARRIED

PC 35 Amendment C117 – Cheltenham Activity Centre Zone

Moved: Cr Brownlees

Seconded: Cr Dundas

That Council Request the Minister for Planning to appoint a Panel to consider Planning Scheme Amendment C117 and submissions received.

CARRIED

The Chairperson declared the meeting closed at 9.38pm.

Confirmed:
His Worship, The Mayor, 18 July 2012