



*City of*  
**KINGSTON**

# **Planning Committee Meeting Minutes**

Wednesday, 18th September 2013

**City of Kingston  
Planning Committee Meeting**

**Minutes**

**18 September 2013**

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The meeting commenced at 7.04pm in the Council Chamber, 1230 Nepean Highway, Cheltenham.

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

**In Attendance:** Paul Franklin – Acting Chief Executive Officer  
Rachel Hornsby – General Manager Environmental Sustainability  
Michael Redmond – Acting General Manager Corporate Services  
Mr Ian Nice – Manager City Development  
Phil De Losa – Program Leader Governance  
Angela Granter – Governance Officer

**1. Apologies**

Apologies from Cr Barth, Cr Eden and Cr Ronke were submitted to the meeting.

**Moved: Cr Peulich**

**Seconded: Cr Gledhill**

That the apologies from Cr Barth, Cr Eden and Cr Ronke be received.

**CARRIED**

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

**Moved: Cr Peulich**

**Seconded: Cr Gledhill**

That the Minutes of the Planning Committee Meeting held on 30 January 2013 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.

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**4. Environmental Sustainability Reports**

**4.1 Town Planning Application Decisions August 2013**

**TOWN PLANNING APPLICATION DECISIONS – AUGUST 2013**

**Approved By:** Rachel Hornsby -General Manager, Environmental Sustainability

**Author:** Ian Nice – Manager, City Development

Attached for information is the report of Town Planning Decisions for the month of August, 2013.

A summary of the decisions is as follows:

<i>1.1. Type of Decision</i>	<b>Number of Decisions Made</b>	<b>Percentage (%)</b>
Planning Permits	59	72
Notice of Decision	11	13
Refusal to Grant a Permit	0	0
Other - Withdrawn (4) - Prohibited (0) - Permit not required (3) - Lapsed (5) - Failure to Determine (0)	12	15
<b>Total</b>	<b>82</b>	<b>100</b>

(NB: Percentage figures have been rounded)

**Moved: Cr Peulich**

**Seconded: Cr Bearsley**

That the report be noted.

**CARRIED**

**4.2 KP12/785 - 500 Nepean Highway Chelsea - Planning Committee Meeting Report - 18 September 2013**

It is recorded that Mr Neil Fletcher spoke on behalf of the applicant

**Moved: Cr Peulich**

**Seconded: Cr West**

That consideration of this item be deferred to the next Ordinary Meeting of Council.

**CARRIED**

**4.3 KP12/673 - 182 Centre Dandenong Road Cheltenham - Planning Committee Meeting Report - 18 September 2013**

*It is recorded that Ms Astra King spoke on behalf of the objectors.*

*It is recorded that Mr John Saunders spoke on behalf of the applicant.*

**Moved: Cr West**

**Seconded: Cr Staikos**

That Council refuse the application for the construction of Three (3) Double Storey Dwellings at 182 Centre Dandenong Road on the following grounds:

1. 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.
2. The proposal does not fully satisfy the requirements of Clause 22.11 – Residential Development Policy, 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, 55.04-1 Side and Rear Setback and Clause 55.05-4 Private Open Space Objective

**CARRIED**

**4.4 KP13/175 - Dingley Bypass - South Road Moorabbin - Westall Road  
Clayton South - Planning Committee Meeting Report - 18 September 2013**

**Moved: Cr Peulich**

**Seconded: Cr Gledhill**

That Council determine to support the proposal and issue a Planning Permit to develop the land for the purpose of roadworks for the construction of the Dingley Bypass with portions of the land located within a Heritage Overlay, Land Subject to Inundation Overlay and Special Building Overlay at Vol. 09206 Fol. 450 – Lot C on PS120353; Vol. 08091 Fol. 535 – Lot 1 on TP244016K; Vol. 08882 Fol. 734 – Lot 1 on TP615358N; Vol. 04622 Fol. 310 – Lot 1 & 2 on TP544561K; Vol. 08360 Fol. 984 – Lot 1 on TP 239506V; Vol. 09760 Fol. 316 – Lot 1 on PS204279E; Vol. 09822 Fol. 526 – Reserve 1 on PS204279E; Vol. 09744 Fol. 398 – Lot 2 on PS204279E; Vol. 08246 Fol. 217 – Lot 1 on TP332253E; Vol. 09164 Fol. 901 – Lot 1 on TP161796P; Vol. 09571 Fol. 315 – Reserve 1 on PS 138991; Vol. 09512 Fol. 359 – Lot 3 on PS138991; and Vol. 08224 Fol. 325 – Lot 1 on TP242591J, 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 3 April 2013, but modified to show:
  - a) A communications strategy detailing the proposed liaison with nominated Council officers and the broader community;
  - b) Detailed design plans of any works impact on Council assets. All works on Council assets to be constructed to Council standards and to the satisfaction of Council's Team Leader Road's & Drains;
  - c) Detailed design plans for sections of Old Dandenong Road that are likely to be transferred to Council. These sections must also be constructed to Council standards and to the satisfaction of Council's Team Leader Roads & Drains;
  - d) Detailed design plans for the proposed trail under the proposed Dingley Bypass in proximity to Elder Street;
  - e) Detailed design plans for the proposed shared user path under the proposed Dingley Bypass beside the Clayton South main drain crossing;
  - f) The location and design of the drainage system crossing Grange Road to be consistent with Council's Deals Road proposed drainage scheme;
  - g) Detailed design plans for the Barkers Street pedestrian underpass;
  - h) Details of any partial or full road closure to be to the satisfaction of Council's Team Leader Roads & Drains; and
  - i) Access arrangements from Municipal roads for construction vehicles and deliveries to the satisfaction of Council's Team Leader Roads & Drains.
2. The development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.
3. All works must be carried out in accordance with the approved Cultural Heritage Management Plan No. 11562 prepared by Urban Colours Arts Pty Ltd

dated 18 September 2012.

***Conditions Required by Melbourne Water:***

4. No polluted and/or sediment laden runoff is to be discharged directly or indirectly into Melbourne Water's drains or watercourses.
5. Prior to the commencement of works the owner must enter into and comply with an agreement with Melbourne Water Corporation for the acceptance of surface and storm water from the subject land directly or indirectly into Melbourne Water's drainage systems and waterways, the provision of drainage works and other matters in accordance with the statutory powers of Melbourne Water Corporation.
6. Prior to the commencement of works, a separate application must be made for any new or modified storm water connection to Melbourne Water's drains or watercourses.
7. Any road or access way intended to act as a stormwater overland flow path must be designed and constructed to comply with the floodway safety criteria outlined within Appendix A of Melbourne Water's Land Development Manual.
8. Prior to the commencement of works, a hydraulic report for the proposed freeway works must be submitted and approved by Melbourne Water. The report must:
  - a) Identify all flow paths, flood extents, flood levels and velocities for existing and proposed conditions.
  - b) Demonstrate no loss of flood storage or flood flow by the proposed development.
  - c) Include plans, sections and computations and be accompanied by the relevant hydraulic models used in the preparation of the report to the satisfaction of Melbourne Water.
9. A Site Environmental Management Plan (SEMP) is required to be submitted prior to commencement of any works to ensure appropriate management of sediment and materials during construction so that no polluted and / or sediment laden runoff is to be discharged directly or indirectly into Melbourne Water's drains or watercourses.
10. Unless otherwise agreed in writing with Melbourne Water and the Responsible Authority, stormwater runoff from the development must achieve State Environment Protection Policy (Waters of Victoria) objectives for environmental management or stormwater as set out in the 'Urban Stormwater Best Practice Environmental Management Guidelines (CSIRO) 1999'.
11. Prior to the commencement of works a separate application direct to Melbourne Water must be made for any new or modified waterway crossing.
12. Any proposed building/structure including footings must be set outside any existing Melbourne Water easement and a minimum 1.5 metre laterally clear of the outside edge of any Melbourne Water main drain.

***Commencement and Completion of this Permit:***

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 (The Act)*, this permit will expire if one of the following circumstances applies:
  - The development is not started before within (2) years from the date of

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this permit.

- The development is not completed within four (4) years from the date of permit issue.

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 development allowed by the permit has not yet started; or
- within twelve (12) months after the permit expiry date, where the development allowed by the permit has lawfully started before the permit expires.

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

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

**Note:** If further information is required in relation to Melbourne Water's permit conditions shown above, please contact Melbourne Water on telephone 9679 7517, quoting Melbourne Water's reference **221086**.

**Note:** Please be advised that your project will need to consult Melbourne Water's Major Infrastructure Projects Team through its implementation. This Team will also issue permits for subsequent approvals and oversee work concerning our referral roles and development criteria or where the work is to be returned to Melbourne Water. Please contact Mark Coffey on Mob 0437 587 508 or [mark.coffey@melbournewater.com.au](mailto:mark.coffey@melbournewater.com.au)

**CARRIED**

**A Division was Called:**

**DIVISION:**

**FOR:** Crs, Staikos, Bearsley, Peulich, Gledhill and Brownlees (5)

**AGAINST:** Cr West (1)

**CARRIED**



**4.5 KP13/218 - 135 Farm Road Heatherton - Planning Committee Meeting  
Report - 18 September 2013**

*It is recorded that Ms Helen Alison spoke on behalf of the applicant.*

**Moved: Cr Peulich**

**Seconded: Cr Staikos**

That Council determine to support the proposal and issue a Planning Permit to Develop the Land for the Construction of Three (3) Water Tanks and a Shed at No. 135 Farm Road, Heatherton, 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 25<sup>th</sup> June 2013, but modified to show:
  - a. the provision of a full colour palette, finishes and building materials schedule for all external elevations of the development, in keeping with semi-rural character of area and non-reflective in nature. Bold and Bright colour schemes are to be avoided; and
  - b. a notation on the plans stating that the existing landscaping along the sites eastern side property boundary must be retained;
2. The development as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.
3. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.
4. Any new building must be constructed so as to comply with any noise attenuation measures required by Section 3 of Australian Standard AS 2021-2000, Acoustics - Aircraft Noise Intrusion - Building Siting and Construction, issued by Standards Australia International Ltd.
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 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 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 development allowed by the permit has not yet started; or
- within twelve (12) months after the permit expiry date, where the development allowed by the permit has lawfully started before the permit expires.

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**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.

**CARRIED**

**4.6 KP10/480 - 36 Ivan Ave Edithvale - Planning Committee Meeting Report - 18 September 2013**

*It is recorded that Mr Neil Fletcher spoke on behalf of the applicant.*

**Moved: Cr Bearsley**

**Seconded: Cr Gledhill**

Cr Peulich left the meeting at 7.42pm.

That Council determine to support the proposal and issue an Amended Planning Permit No.KP480/2010 by the deletion of Condition 1 (I), resulting in the first floor setback of Dwelling 3 reducing from 6 metres to 4.6 metres from the site's north-west property boundary at 36 Ivan Ave Edithvale, 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 25<sup>th</sup> August, 2010, and 31<sup>st</sup> July 2013 (Amendment E), 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;

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- 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 facing Ivan Avenue, one (1) suitable medium sized (at maturity) canopy tree in the front private open space of dwelling 3, and one (1) small (at maturity) tree within the rear 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;
  - 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 lattice fence extension and vegetation species amendments as shown on the plans submitted to Council on 31<sup>st</sup> July 2013 (Amendment E).
- b. the whole of the laneway adjoining the site's south (side) property boundary, with plans to show the following:
- i. the laneway constructed with a setback of one (1) metre from the site's south (side) property boundary;
  - ii. the laneway to be a minimum of 3.5 metres in width;
  - iii. full details of turning area provided for vehicles associated with dwelling 3;
  - iv. the provision of a notation stating that the vehicle crossing in Ivan Avenue for dwelling 2 is to be re-constructed to current Kingston Engineering Standards;
  - v. the provision of a notation stating that the vehicle crossing accessing the laneway is to be constructed to current Kingston Engineering Standards; and
  - vi. the provision of a notation stating that the laneway is to be constructed at the full cost of the owner / developer, commencing in line with the site's Ivan Avenue property boundary and continuing for a distance of (5) metres past the site's west (rear) property boundary.
- c. the provision of a notation stating that the footpath and property boundary offset is to be maintained;
- d. the provision of a notation stating that the existing property boundary / footpath levels are to be maintained;
- e. the provision of a notation stating that the laneway must be designed and constructed for its entirety, adjacent to the site's south (side) property boundary, with coloured concrete and exposed aggregate feature bands, drained and constructed right up to the site's front (west) property

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- boundary so that it meets with the new crossover required under Condition 1.b)v. of this Permit, in accordance with the engineering plans to be submitted pursuant to Condition 7 of this Permit;
- f. the garage of dwelling 1 set back a minimum 5.5 metres from the site's south (side) property boundary;
  - g. the living room of dwelling 1 set back a minimum 5.71 metres from the eastern wall of dwelling 1 so as to provide a clear 40m<sup>2</sup> parcel of secluded private open space for this dwelling measuring 7 metres by 5.71 metres;
  - h. dwelling 2 provided with a minimum parcel of 40m<sup>2</sup> of secluded private open space with a minimum dimension of 5 metres, with this area not to include site services such as a garden shed / clothesline, with this increase in secluded private open space not to result in reduced front or side setbacks for this dwelling;
  - i. the provision of a minimum 1.5 metres by 1.5 metre splay provided adjoining the driveway of dwelling 1 and dwelling 3;
  - j. the provision of a minimum 2000 litre rainwater tank clearly nominated for each dwelling, with water re-use for toilet flushing;
  - k. the first floor window of bedroom 3 on the south-east elevation of Dwelling 2 fitted with fixed (un-openable) obscure glazing to a minimum height of 1.7m above the first floor finished floor level, directly below;
  - l. an elevation plan of the front fencing, which provides details of its height, materials and colours;
  - m. the guttering pertaining to the garages / walls on boundary on the site's south-eastern and south-western property boundaries nominated as being contained wholly within the title property boundaries of the subject land; and
  - n. the lattice fence extension as shown on the plans submitted to Council on 31<sup>st</sup> July 2013 (Amendment E).
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 laneway specified in Condition 1 b) and Condition 1e) of this permit must be constructed to the satisfaction of the Responsible Authority, at the full cost of the owner / developer of the land.
  4. Prior to the occupation of the dwellings hereby permitted, the lattice fence extension as shown on the endorsed plans is to be completed to the satisfaction of the Responsible Authority.
  5. 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.
  6. 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.
  7. Construction on the site must be restricted to the following times:
    - a. Monday to Friday 7:00am to 7:00pm; and

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b. Saturday 9:00am to 6:00pm.

Or otherwise as approved by the Responsible Authority in writing.

8. Prior to the occupation of dwelling 1, dwelling 2 and dwelling 3, the Right of Way as must be constructed at the developer's cost and maintained in accordance with the plans approved by the Council. Discussion with Council's Development Engineer is recommended prior to the submission of a design. A priced schedule of works within the Right of Way and the payment of Council's engineering fees of 3.25% of the cost of works are required to be submitted prior to the approval of the engineering plans.
9. The development of the site must be provided with stormwater treatment works which must incorporate water sensitive urban design principles (including re-use) to improve discharge quality and a detention system for 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 treatment options.
10. Before the development commences, a drainage plan showing the method of treatment and discharge to the nominated point must be prepared to the satisfaction of the Responsible Authority. The plan must be prepared by a qualified person and show all details of the proposed drainage works, including all existing and proposed features that may have impact on the drainage (e.g. trees to be retained, crossings, services, fences, abutting buildings, existing boundary surface levels, etc.).
11. Stormwater drainage of the site must be provided so as to prevent overflows onto adjacent properties.
12. 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.
13. Prior to the occupation of the dwellings hereby permitted, or by such later date as is approved by the Responsible Authority in writing, the nature strip, kerb and channel, vehicle crossover and footpath must reinstated to the satisfaction of the Responsible Authority.
14. 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.
15. Prior to the occupation of the dwellings 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.
16. 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

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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.

17. 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.
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. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.
20. 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:** It is noted that the development includes a storage shed and eaves to be built over an easement. Separate consent from Council and the relevant service authority is required to build over the easement and will need to be obtained prior to the issue of a building permit.

**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.

**LOST**

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**Moved: Cr Staikos**

**Seconded: Cr West**

That Council refuse the application on the following ground:

1. The north-west elevation of Dwelling 3 exhibits excessive visual bulk and mass.

**CARRIED**

Cr Peulich returned to the meeting at 7:49 PM

**4.7 Amendment C133 - 1 The Fairway, Bonbeach**

**Moved: Cr Bearsley**

**Seconded: Cr Gledhill**

That Council resolves:

1. That a request is made to the Minister for Planning to appoint a Panel to consider submissions received; and
2. That Council Officers attend the Panel Hearing and demonstrate why the Amendment can be supported when assessed against the State and Local Planning Framework of the Kingston Planning Scheme.

**CARRIED**

**5. Confidential Items**

Nil

The meeting closed at 7.52pm.

**Confirmed.....**

**The Mayor 23 October 2013**