

Minutes

Planning Committee Meeting

Wednesday, 21st September 2016

**City of Kingston
Planning Committee Meeting**

Minutes

21 September 2016

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

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

In Attendance: John Nevins – Chief Executive Officer
Jonathan Guttman – General Manager Planning and Development
Ian Nice – Manager City Development
Phil DeLosa – Manager Governance
Stephanie O’Gorman – Governance Officer
Gabrielle Pattenden – Governance Administration Officer

1. Apologies

An apology from Cr Barth was submitted to the meeting.

Moved: Cr Gledhill

Seconded: Cr Staikos

That the apology from Cr Barth be received.

CARRIED

2. Confirmation of Minutes of Previous Meetings

Moved: Cr Brownlees

Seconded: Cr Gledhill

That the Minutes of the Planning Committee Meeting held on 17 August 2016 be confirmed.

CARRIED

3. Foreshadowed Declaration by Councillors, Officers or Contractors of any Conflict of Interest

There were no Conflicts of Interest submitted to the meeting.

4. Planning and Development Reports

4.1 Town Planning Application Decisions - August 2016

Moved: Cr Brownlees

Seconded: Cr Gledhill

That the report be noted.

CARRIED

4.2 KP16/159 - 590 Main Street Mordialloc

Moved: Cr Brownlees

Seconded: Cr Gledhill

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

CARRIED

4.3 KP16/123 - 19-21 Northcliffe Road Edithvale

It is recorded that Victoria Hartley spoke on behalf of the objectors in relation to this item.

It is recorded that Ben Taylor spoke on behalf of the applicant in relation to this item.

Moved: Cr Eden

Seconded: Cr Brownlees

That Council determine to issue a Notice of Refusal to Grant a Permit to develop the land for the construction of ten (10) dwellings at 19-21 Northcliffe Road, Edithvale, on the following grounds:

1. The proposal does not appropriately respond to the existing neighbourhood character and site context, particularly in relation to the chosen architectural style and materials.
2. The proposal creates a high level of visual bulk when viewed from adjoining properties, particularly adjoining areas of private open space.
3. All ten (10) dwellings propose a 'reverse living' layout which creates an overreliance on screening measures at first floor, which in turn detrimentally impacts internal amenity for future residents.
4. All ten (10) dwellings propose a 'reverse living' layout which does not provide adequate diversity of dwelling types. In particular, no dwellings provide a kitchen area at ground floor.
5. The proposal does not make most efficient use of the site's double frontage, with the front entries for Dwellings 9 and 10 being accessed from the common driveway area rather than Joffre Avenue to the rear (north).

CARRIED

4.4 KP16/68 1090-1098 Nepean Highway & 1 Edwin Parade Highett

It is recorded that Leigh Ball spoke on behalf of the objectors in relation to this item.

It is recorded that Sam D'Amico spoke on behalf of the applicant in relation to this item.

Moved: Cr Staikos

Seconded: Cr Gledhill

That Council determines to advise the Tribunal that it does not support the proposal to develop the land for the construction of 76 apartments and six townhouses, with a reduction of the visitor car parking requirements, and bicycle parking requirements and alter access to a Road Zone Category 1 at No's. 1090-1098 Nepean Highway and No. 1 Edwin Parade Highett, on the following grounds:

1. The proposal will not provide an adequate level of internal amenity for residents, with habitable rooms receiving insufficient daylight.
2. The proposed four storey building height is excessive.
3. The proposal has not responded to the site's Edwin Parade and Council car park interfaces adequately, with high front fencing to Edwin Parade and lack of passive surveillance opportunities from the townhouses to the car park. The proposal will not satisfy objectives relating to street integration and safety, with inadequate interaction and surveillance of these public spaces.

CARRIED

4.5 KP16/439 - 93 Flinders Street Mentone

It is recorded that Peter Evans spoke on behalf of the objectors in relation to this item.

Moved: Cr Brownlees

Seconded: Cr Gledhill

That Council determine to advise the Victorian Civil and Appeals Tribunal (Tribunal) that it does not support the proposal to develop the land for the construction of four (4) dwellings at 93 Flinders Street Mentone, on the following grounds:

1. The proposal is inconsistent with the existing scale and character for the area and fails to satisfy the objectives of Clause 22.11 and Clause 55.02-1 of the Kingston Planning Scheme.
2. The proposed extent of massing is visually intrusive and would result in unreasonable amenity impacts on adjoining properties.
3. The application does not adequately protect existing residents from external noise due to the reverse living arrangements and fails to meet the objective of Clause 55.04-8 of the Kingston Planning Scheme.
4. The proposal fails to provide adequate private open space for the reasonable recreation and service needs of residents and fails to meet Clause 55.05-4 of the Kingston Planning Scheme.

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5. The proposal will have an adverse effect on the amenity of the surrounding residential neighbourhood.

CARRIED

4.6 KP15/904 - 600 Nepean Highway Bonbeach

It is recorded that Carolyn Densley spoke on behalf of the objectors in relation to this item.

It is recorded that Ross Lamont spoke on behalf of the applicant in relation to this item.

Moved: Cr Eden

Seconded: Cr Brownlees

That this item be deferred to the next Ordinary Meeting of Council subject to a meeting with the applicant to ensure that compliance all standards can be met.

CARRIED

4.7 KP15/784 - 9 Alden Court Cheltenham

It is recorded that Steve Quirk spoke on behalf of the objectors in relation to this item.

It is recorded that Helen Soulakelis spoke on behalf of the applicant in relation to this item.

Moved: Cr West

Seconded: Cr Gledhill

That Council determine to issue a Notice of Refusal to develop the land for the construction of one (1) dwelling to the rear of an existing dwelling at 9 Alden Court, Cheltenham on the following ground:

1. The proposal fails to comply with aspects of the State and Local Planning Policy Framework in relation to the preferred density, scale and character. In particular, the proposal would be contrary to Clause 22.11 (Residential Development Policy) as it would allow double storey built form towards the rear of the site.

Procedural Motion

Moved: Cr Brownlees

Seconded: Cr Eden

That this matter be deferred to allow further discussion to occur between the applicant and objectors to attempt to resolve the issues.

LOST

The Substantive Motion was put and CARRIED

4.8 KP16/229 - 29 Marriott Street Parkdale

It is recorded that Geoff Quinton spoke on behalf of the applicant in relation to this item.

Moved: Cr Brownlees

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 two (2) dwellings at 29 Marriott Street, Parkdale, 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 21 June 2016, 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 provided at adequate planting densities (e.g. plants with a mature width of 1 metre, planted at 1 metre intervals);
 - v. 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;
 - vi. all trees provided at a minimum of two (2) metres in height at time of planting and medium to large shrubs to be provided at a minimum pot size of 200mm;
 - vii. no trees with a mature height over five (5) meters are to be planted over proposed or existing easements; and
 - viii. 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 full colour palette, finishes and building materials

- schedule for all external elevations, driveways and pedestrian paths of the development;
- c. storage facilities located within the garages of both dwellings listed as a minimum of 6m³;
 - d. the garage doors for both garages to swing outwards;
 - e. the surface material of all driveways/accessways and car parking spaces nominated in all-weather coloured concrete sealcoat, or similar;
 - f. the private open space area of Dwellings 2 to comply with the prescriptive requirements of Schedule 3 to the General Residential Zone;
 - g. the provision of minimum 2000 litre rainwater tank clearly nominated for each dwelling with water re-used for toilet flushing;
 - h. the provision of a longitudinal section of the reversefall driveways (from existing invert of kerb & channel to each garage floor level) showing gradients, levels, distances, with headroom clearances complying with AS2890.1:2004 and flood proof apex;
 - i. the provision of the required flood proof apex of 270mm above the existing invert level of the kerb & channel must be for the full road frontage of the subject site;
 - j. vehicle crossings constructed at a 90 degree alignment with the kerb on Marriott Street and all internal driveways aligning with the existing / proposed vehicle crossing;
 - k. a plan notation that the existing shared vehicle crossing reconstructed in its entirety including the vehicle crossing at number 27 to current standards;
 - l. the shared vehicle crossing between No's 29 and 27 Marriott Street to have a common layback with a triangle of grass between the infill sections of the vehicle crossings to create a pedestrian refuge of no less than 1 metre and must be constructed to the satisfaction of the Responsible Authority; and
 - m. a standard on street parking bay at least 5.4 metres between vehicle crossings shown on the plans.

Endorsed Plans

- 2. The development as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.

Street Trees

- 3. Prior to the removal of the street tree from the Marriott Street nature strip, payment must be made to Kingston City Council's customer service in accordance with Council's Street Tree Removal Procedures. The removal of these trees must be undertaken by Council at the expense of the Developer/Owner.

Drainage and Water Sensitive Urban Design

4. A flood proof apex (ie ridge level) protecting the property from any overland flows must be provided. This apex is to be a minimum of 270mm above the existing invert level along the full Marriott Street frontage. This apex is to continue through any driveways or pathways that may cross it. The apex is to be a permanent structure (eg. rise 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.
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. The satisfactory options to achieve these desired outcomes 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 drainage system must be limited to 6 L/s.
6. 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.). The Stormwater Management Plan must be prepared as per Council's *"Civil Design Requirements for Developers – Part A – Integrated Stormwater Management"*.
7. Stormwater works must be provided on the site so as to prevent overflows onto adjacent properties.

Parking and Traffic Management

8. 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, to the satisfaction of the Responsible Authority, 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 to the satisfaction of the Responsible Authority and maintained to the satisfaction of the Responsible Authority.

Infrastructure and Road Works

9. Any relocation of pits/power poles or other services affected by this development must be relocated to the satisfaction of the relevant servicing authority and the Responsible Authority, at the cost of the owner/developer.
10. Property boundary and footpath levels must not be altered without the prior written consent from the Responsible Authority.
11. The replacement of all footpaths, including offsets, must be constructed to the satisfaction of the Responsible Authority.
12. All reinstatements and vehicle crossings must be constructed to the satisfaction of the Responsible Authority.
13. All redundant vehicle crossings must be removed (including redundant portions of vehicle crossings) to the satisfaction of the Responsible Authority.
14. All front and side fences must be contained wholly within the title property boundaries of the subject land.

General Amenity Conditions

15. All externally-located heating and cooling units, exhaust fans and the like must not be located adjacent to bedroom windows on adjoining properties and must be concealed from the street, unless with the further written consent of the Responsible Authority.
16. Service units, including air conditioning/heating units, where incorporated, must not be located where they will be highly visible from any public area to the satisfaction of the Responsible Authority and if located on the roof of a building, suitable screening and baffling must be provided to the satisfaction of the Responsible Authority.
17. All piping, 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.

Completion of Works

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. Prior to the occupation of the development hereby permitted, all buildings and works and the conditions of this permit must be complied with to the satisfaction of the Responsible Authority, unless with the further prior written consent of the Responsible Authority.
20. Prior to the occupation of the development hereby permitted, the landscaping works as shown on the endorsed plans must be completed to the satisfaction of the Responsible Authority. Thereafter, the landscaping shall be maintained to the satisfaction of the Responsible Authority.

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21. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.

Time Limits

22. 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: It is noted the development includes fence to be built over the 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.

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

Note: The allocation of street numbering and addressing of properties is vested in Council. Any reference to addressing or dwelling/unit/apartment and street numbers or street names on any endorsed plan is indicative only. The onus is on the Permit Applicant/Land Owner to contact Council's Property Data Department to determine the official dwelling/unit/apartment street numbers, street name details and the like for the approved development.

If the Permit Applicant/Land Owner adopts the street numbering or addressing

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from the endorsed plans, or where advertising and/or sales transact (off the plan) prior to Council's official allocation of the street numbering and addressing, it will be viewed to be non-compliant with the guideline and standard applied (Australian/New Zealand Standard for Rural & Urban Addressing / AS/NZS 4819:2011).

Note: The fee for removal of the street tree(s) from the nature strip is \$637.45 (including GST), payable to Kingston City Council's Customer Service Department - refer to cashier code "STRE". Customer Service will confirm payment to the Parks Department. The removal of the tree requires a minimum of 2 weeks notice from the Developer/Owner.

Note: The owner(s), occupiers and visitors of the approved development for this site will not be eligible for Council resident or visitor parking permits.

Cr Staikos left the meeting at 8:36 pm.

CARRIED

4.9 KP12/519 - 11-33 Narelle Drive, Aspendale Gardens

Moved: Cr Staikos

Seconded: Cr Brownlees

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

Cr Staikos returned to the meeting at 8:38 pm.

CARRIED

5. Confidential Items

There were no confidential items considered.

The meeting closed at 8.38pm.

Confirmed.....

The Mayor 23 November 2016