

Minutes

Planning Committee Meeting

Wednesday, 19th July 2017



**City of Kingston
Planning Committee Meeting**

Minutes

19 July 2017

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Planning Committee Meeting**

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The meeting commenced at 7.02pm in the Council Chamber, 1230 Nepean Highway, Cheltenham.

Present: Cr David Eden (Mayor)
Cr Tamsin Bearsley
Cr Tamara Barth
Cr Ron Brownlees OAM
Cr Geoff Gledhill
Cr Georgina Oxley
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
Gabrielle Pattenden – Governance Officer
Lindsay Holland – Facilities Officer

1. Apologies

An apology from Cr Hua was submitted to the meeting.

Moved: Cr Gledhill

Seconded: Cr Brownlees

That the apology from Cr Hua be received.

CARRIED

2. Confirmation of Minutes of Previous Meetings

Moved: Cr Oxley

Seconded: Cr Bearsley

That the Minutes of the Planning Committee Meeting held on 21 June 2017 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 - June 2017

Moved: Cr Brownlees

Seconded: Cr Gledhill

That the report be noted.

CARRIED

4.2 KP16/816 - 1 - 3 Gillman Street Cheltenham

It is recorded that T. Weatherhead spoke on behalf of objectors.

It is recorded that Redmond McNamara spoke on behalf of the applicant.

Moved: Cr Brownlees

Seconded: Cr Gledhill

That the Planning Committee determine to support the proposal and issue a Notice of Decision to grant a permit to develop the land for the construction of nine (9) dwellings at 1-3 Gillman Street, Cheltenham, 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 22 March 2017, but modified to show:
 - a. the surface material of all driveways / accessways and car parking spaces nominated in all-weather coloured concrete sealcoat, or similar;
 - b. vehicle crossings must be constructed at a 90 degree alignment with the kerb on Gillman Street and all internal driveways must align with the existing / proposed vehicle crossing;
 - c. landscaping and fencing within the splay areas to comply with the requirements of Clause 52.06 Car Parking of the Kingston Planning Scheme;
 - d. the provision of minimum 2000 litre rainwater tank clearly nominated for each dwelling with water re-used for toilet flushing;
 - e. details of screening to be clearly noted on the elevation plan and in compliance with ResCode Standard B22 Overlooking where provided;
 - f. the location of all externally-located heating and cooling units, exhaust fans and the like, clearly shown; and
 - g. 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.

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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 commencement of any works on the site including demolition, a tree protection barrier must be installed at three (3) metres from the base of the Lophostemon confertus (Queensland Brush Box) street tree located on the Gillman Street nature strip.
5. 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.

Construction Management

6. Prior to the commencement of any buildings and works on the land (including demolition), a Construction Management Plan (CMP), to the satisfaction of the Responsible Authority, must be submitted to and approved by the Responsible Authority. The CMP must be prepared in accordance with the City of Kingston Construction Management Policy, July 2015 and Construction Management Guidelines, 1 November 2015 (and any superseding versions and / or documents). The CMP must specify and deal with, but is not limited to, the following elements:
 - a. Public Safety, Amenity and Site Security
 - b. Traffic Management
 - c. Stakeholder Management
 - d. Operating Hours, Noise and Vibration Controls
 - e. Air Quality and Dust Management
 - f. Stormwater and Sediment Control
 - g. Waste and Materials Re-use

When approved, the plan will be endorsed and will then form part of the permit and shall thereafter be complied with during the undertaking of all works.

In the event of damage during construction to any adjacent Council roads, footpaths and park land, such damage will be required to be repaired by and at the full cost to the developer, to the satisfaction of the Responsible Authority.

Drainage

7. Unless with the prior written consent of the Responsible Authority, before the development commences, the following Integrated Stormwater Management documents must be prepared, by a suitably qualified person, to the satisfaction of the Responsible Authority;
 - a. Stormwater Management/drainage (drainage) Plan(s) must be prepared, with supporting computations, showing the stormwater (drainage) works to the nominated point of discharge. The plan(s) must show all details of the proposed stormwater (drainage) works including all existing and proposed features that may have impact on the stormwater (drainage) works, including landscaping details.
 - b. The Stormwater Management (drainage) Plan must address the requirements specified within Council's "Civil Design requirements for Developers – Part A: Integrated Stormwater Management".

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- c. A STORM modelling report with results demonstrating water sensitive urban design treatments that achieve Victorian best practice objectives with a minimum 100% rating must be provided as part of the Stormwater Management (drainage) Plan to the satisfaction of the Responsible Authority. These may include the use of an infiltration or bio-retention system, rainwater tanks connected for reuse, or other treatments to the satisfaction of the Responsible Authority.
 - d. The water sensitive urban design treatments as per conditions 7a, 6b & 6c, above must be implemented on-site, unless an alternative agreement is reached with the Responsible Authority.
8. Stormwater/drainage works must be implemented in accordance with the approved stormwater management/drainage plan(s) and to the satisfaction of the Responsible Authority including the following:
- a. All stormwater/drainage works must be provided on the site so as to prevent overflows onto adjacent properties.
 - b. The implementation of stormwater/drainage detention system(s) which restricts stormwater discharge to the maximum allowable flowrate of 13.5L/s.
 - c. All stormwater/drainage works must be maintained to the satisfaction of the Responsible Authority.

Infrastructure and Road Works

9. Prior to the commencement of development, property boundary, footpath and vehicle crossing levels must be obtained from Council's Roads and Drains Department with all levels raised or lowered to the satisfaction of the Responsible Authority.
10. The replacement of all footpaths, including offsets, must be constructed to the satisfaction of the Responsible Authority.
11. All reinstatements and vehicle crossings must be constructed to the satisfaction of the Responsible Authority.
12. Vehicle crossings servicing more than 4 units must be constructed to council's industrial strength specifications.
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.
15. 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 be reinstated to the satisfaction of the Responsible Authority.
16. 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.
17. 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.

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18. 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.

19. 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.
20. 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.
21. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.
22. In accordance with section 68 of the Planning and Environment Act 1987 (Act), this permit will expire if one of the following circumstances applies:
- The development is not started within (2) years from the date of 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: 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.

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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 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 owner(s), occupiers and visitors of the development allowed by this permit may not be eligible for Council resident or visitor parking permits.

CARRIED

4.3 KP16/1083 - 5 Leon Street, Cheltenham

It is recorded that Ruth Hill spoke on behalf of objectors.

It is recorded that Nick Moore spoke on behalf of the applicant.

Cr Staikos left the meeting at 7:27pm.
Cr Staikos returned to the meeting at 7:29pm.
Cr Barth left the meeting at 7:29 pm.
Cr Barth returned to the meeting at 7:30pm.

Moved: Cr West

Seconded: Cr Brownlees

That the Planning Committee determine to issue a Notice of Refusal to Grant a Permit to develop the land for the construction of two (2) double-storey dwellings at 5 Leon Street Cheltenham, 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.

LOST

Moved: Cr Gledhill

Seconded: Cr Brownlees

That the Planning Committee 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) double-storey dwellings at 5 Leon Street Cheltenham, subject to the following conditions:

1. Before the development starts amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be substantially in accordance with the plans submitted to Council on 10 March 2017, but modified to show:
 - a. the provision of a landscape plan in accordance with the submitted development plan with such plans to be prepared by a suitably qualified landscape professional to the satisfaction of the Responsible Authority and incorporating:
 - i. A planting schedule of all proposed trees and shrubs, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant.
 - ii. A survey, including, botanical names of all existing trees to be retained or removed on the site including Tree Protection Zones for trees to be retained calculated in accordance with AS4970-2009.
 - iii. A survey including botanical names, of all existing trees on neighbouring properties where the Tree Protection Zones of such trees calculated in accordance with AS4970-2009 fall partially within the subject site
 - iv. The delineation of all garden beds, paving, grassed area, retaining walls, fences and other landscape works;
 - v. A range of plant types from ground covers to large shrubs and trees;
 - vi. The retention of the *Corymbia citriodora* (Lemon-scented Gum) in the front setback;
 - vii. A canopy tree in the front setback that does not have the retained *Corymbia citriodora* (Lemon-scented Gum) capable of reaching a minimum height at maturity of 8 metres;
 - viii. A tree in each of the rear private open spaces capable of reaching a minimum height of 6 metres;
 - ix. All trees provided at a minimum of 2 metres in height at time of planting, medium to large shrubs to be provided at a minimum pot size of 200mm;
 - x. No trees with a mature height over five (5) meters are to be planted over proposed or existing easements;
 - xi. The provision of notes regarding site preparation, including the removal of all weeds, proposed mulch, soil types and thickness, subsoil preparation and any specific maintenance requirements;
 - xii. The location of any tree protection measures including for street trees accurately drawn to scale and labelled and notations referring to the endorsed Tree Management and Protection Plan required by Condition 2 of this permit;

- xiii. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced
- b. The *Corymbia citriodora* (Lemon-scented Gum) in the front setback is to be retained and protected in accordance with the Tree Management and Protection Plan required by Condition 3 of this permit.
- c. The location of tree protection measures are to be illustrated to scale and labeled on the Ground Floor Plan and a notation referring to the Tree Management Plan and Protection Plan required by Condition 3 of this permit
- d. vehicle crossings must constructed at a 90 degree alignment with the kerb on Leon Street and all internal driveways must align with the existing / proposed vehicle crossing;
- e. the internal driveway must be at least 500mm from the side boundary at the front boundary;
- f. a standard on street parking bay at least 5.4m between vehicle crossings must be shown on the plans;
- g. 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;
- h. the location of all externally-located heating and cooling units, exhaust fans and the like, to be located within the dwelling not visible from adjoining dwellings;
- i. a window on the front door of Dwelling 1 that provides clear views to the internal accessway; and
- j. the provision of minimum 2000 litre rainwater tank clearly nominated for each dwelling with water re-used for toilet flushing.

Endorsed Plans

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

Tree Management and Protection Plan

- 3. Before the development starts, including demolition or removal of vegetation, a Tree Protection Plan (drawing) and Tree Management Plan (report) must be submitted to and be endorsed by the Responsible Authority.
 - a. The Tree Protection Plan must be drawn to scale, reference the Tree Management Plan and provide details of:
 - i. The Tree Protection Zone and Structural Root Zone, calculated in accordance with AS4970-2009, for all trees to be retained on the site and for all trees on neighbouring properties where the Tree Protection Zone falls partially within the subject site.
 - ii. Tree protection fencing, or ground protection where required, provided in accordance with AS4970-2009.
 - iii. Stages of development at which inspections are required to ensure tree protection measures are adhered to must be specified.
 - iv. Appropriate signage on any tree protection fencing prohibiting

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- access, excavation, changes in soil levels, or any storage within the Tree Protection Zone in accordance with AS4970-2009 unless with the prior written consent and under the direct supervision of the consulting arborist.
- v. Maintenance of the area(s) within the Tree Protection Zone in accordance with AS4970-2009.
 - vi. Any pruning to be undertaken being in accordance with AS4373-2007.
- b. The Tree Management plan must be prepared by a suitably qualified arborist, reference the Tree Protection Plan and provide details of:
- i. Any non-destructive root investigation undertaken in accordance with AS4970-2009 to determine the location and distribution of roots of trees nominated on the Tree Protection Plan.
 - ii. Proposed footings and construction methods for any buildings or structures within the Tree Protection Zone nominated on the Tree Protection Plan.
 - iii. How excavation impacts, including soil level changes, on trees to be retained will be managed.
 - iv. How the canopy of trees nominated on the Tree Protection Plan will be protected.
 - v. Any other measures required to demonstrate the successful ongoing retention and viability post-construction of any trees nominated on the Tree Protection Plan.
4. Before the development starts, including demolition or removal of vegetation, the name and contact details of the project arborist responsible for implementing the Tree Management Plan must be submitted to the Responsible Authority.

Street Tree Conditions

5. Tree Protection Fencing is to be established around the *Callistemon viminalis* (Weeping Bottlebrush) street tree prior to demolition and maintained until all works on site are complete.
- a. The fencing is to be a 1.8 metre high temporary fence constructed using steel or timber posts fixed in the ground or to a concrete pad, with the fence's side panels to be constructed of cyclone mesh wire or similar strong metal mesh or netting
 - b. The fencing is to encompass the entire nature strip with each end 2 metres from the base of the tree.

Roads and Drains Conditions

- 6. Property boundary and footpath levels must not be altered without the prior written consent form the Responsible Authority.
- 7. The replacement of all footpaths, including offsets, must be constructed the satisfaction of the Responsible Authority.
- 8. All reinstatements and vehicle crossings must be constructed to the satisfaction of the Responsible Authority.
- 9. All redundant vehicle crossings must be removed (including redundant portions of vehicle crossings) to the satisfaction of the Responsible Authority.
- 10. All front and side fences must be contained wholly within the title property

boundaries of the subject land.

Drainage and Water Sensitive Urban Design Conditions

11. Unless with the prior written consent of the responsible authority, before the development commences, the following Integrated Stormwater Management documents must be prepared, by a suitably qualified person, to the satisfaction of the responsible authority:
 - a. Stormwater management (drainage) plan(s) must be prepared as per Council's "Civil Design Requirements for Developers- Part A – Integrated Stormwater Management", with supporting computations, showing the stormwater (drainage) works to the nominated point of discharge. The plan(s) must show all details of the proposed stormwater (drainage) works including all existing and proposed features that may have impact on the stormwater (drainage) works, including landscaping details.
12. Stormwater (drainage) works must be implemented in accordance with the approved stormwater management (drainage) plan(s) and to the satisfaction of the responsible authority including the following:
 - a. All stormwater (drainage) works must be provided on the site so as to prevent overflows onto adjacent properties.
 - b. The implementation of stormwater (drainage) detention system(s) which restricts stormwater discharge to the maximum allowable flowrate of 6.6L/s.
 - c. All stormwater (drainage) works must be maintained to the satisfaction of the Responsible Authority.

General Amenity Conditions

13. 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.
14. 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.

Completion of Works

15. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.
16. 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.

Expiry Conditions

17. In accordance with section 68 of the *Planning and Environment Act 1987 (Act)*, this permit will expire if one of the following circumstances applies:
 - The development is not started within (2) years from the date of this permit.
 - The development is not completed within four (4) years from the date of this permit.

In accordance with section 69 of the Act, the responsible authority may extend the periods referred to if a request is made in writing:

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- 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: It is noted the development includes a fence to be built over the easement. Separate consent from Council and any other 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 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*).

CARRIED

4.4 Amendment C132 - Implementation of Part 1 of the Kingston Planning Scheme Review

Moved: Cr Gledhill

Seconded: Cr Brownlees

That the Planning Committee:

1. Adopt Amendment C132 to the Kingston Planning Scheme with changes.
2. Request the Minister for Planning approve Amendment C132 to the Kingston Planning Scheme.

Amendment

Moved: Cr West

Seconded: Cr Staikos

That the Planning Committee:

1. Adopt Amendment C132 to the Kingston Planning Scheme subject to the inclusion of Strategy 3.4 under Objective 3 within Clause 21:08 Economic Development.
2. Request the Minister for Planning approve Amendment C132 to the Kingston Planning Scheme.

LOST

The substantive motion was put and CARRIED

4.5 Amendment C152 - Stormwater Management Approval

Moved: Cr Barth

Seconded: Cr Bearsley

That the Planning Committee:

1. Resolve to write to the Minister for Planning to request the appointment of an independent Planning Panel to consider the submission received.
2. That the submitter be notified in writing of the resolution.

CARRIED

5. Confidential Items

There were no confidential items considered.

The meeting closed at 8.05pm.

Confirmed.....

The Mayor 23 August 2017