

Minutes

Planning Committee Meeting

Wednesday, 21st August 2019

**City of Kingston
Planning Committee Meeting**

Minutes

21 August 2019

Table of Contents

1.	Apologies	3
2.	Confirmation of Minutes of Previous Meetings	3
3.	Foreshadowed Declaration by Councillors, Officers or Contractors of any Conflict of Interest	3
	<i>[Note that any Conflicts of Interest need to be formally declared at the start of the meeting and immediately prior to the item being considered – type and nature of interest is required to be disclosed – if disclosed in writing to the CEO prior to the meeting only the type of interest needs to be disclosed prior to the item being considered.]</i>	
4.	Planning and Development Reports	4
5.	Confidential Items	9

**City of Kingston
Planning Committee Meeting**

Minutes

21 August 2019

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

Present: Cr Georgina Oxley (Mayor)
Cr Tamara Barth
Cr Tamsin Bearsley
Cr Ron Brownlees OAM
Cr David Eden
Cr George Hua
Cr Steve Staikos
Cr Rosemary West OAM

In Attendance: Daniel Freer, Acting Chief Executive Officer
Paul Marsden, Acting General Manager Planning and Development
Ian Nice, Manager City Development
Phil DeLosa, Manager Governance
Stephanie O’Gorman, Governance Officer
Gabrielle Pattenden, Governance Officer

1. Apologies

An apology from Cr Gledhill was submitted to the meeting.

Moved: Cr Staikos

Seconded: Cr Hua

That the apology from Cr Gledhill be received.

CARRIED

2. Confirmation of Minutes of Previous Meetings

Moved: Cr Brownlees

Seconded: Cr Bearsley

That the Minutes of the Planning Committee Meeting held on 17 July 2019 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 - July 2019

Moved: Cr Barth

Seconded: Cr Brownlees

That the report be noted.

CARRIED

4.2 KP-2019/90 - Bay Trail (Crown Land adjacent Rennison Street Parkdale to Main Street Mordialloc)

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

Moved: Cr Staikos

Seconded: Cr Brownlees

That the Planning Committee determine to support the proposal and issue a Notice of Decision to Grant a Permit to remove vegetation and alter access to a road in a Road Zone, Category 1 at Crown Land adjacent to Rennison Street Parkdale to Main Street Mordialloc, subject to the following conditions:

1. Before works start, a plan to the satisfaction of the responsible authority identifying all native vegetation to be retained and describing the measures to be used to protect the identified vegetation during construction, must be prepared and submitted to and approved by the responsible authority. When approved, the plan will be endorsed and will form part of this permit. All works constructed or carried out must be in accordance with the endorsed plan.
2. The development and works as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.
3. Except with the written consent of the Responsible Authority, within the area of native vegetation to be retained and any tree protection zone associated with the permitted development, the following is prohibited:
 - a) vehicular or pedestrian access
 - b) trenching or soil excavation
 - c) storage or dumping of any soils, materials, equipment, vehicles, machinery or waste products
 - d) entry and exit pits for underground services
 - e) any other actions or activities that may result in adverse impacts to retained native vegetation.
4. Before works start, the permit holder must advise all persons undertaking the vegetation removal or works on site of all relevant permit conditions and associated statutory requirements or approvals.
5. The works hereby approved must be carried out in accordance with the approved Cultural Heritage Management Plan No 15350 prepared by Biosis and approved by the Director Heritage Services Aboriginal Victoria, acting under authority delegated by the Secretary, Department of Premier and Cabinet on 15

May 2018.

Department of Environment, Land, Water and Planning

6. The works are to be carried out generally in accordance with the application titled:
 - 'Removal of Native Vegetation and Alteration of Access to a Road Zone Category 1' prepared by Hansen Partnership, received on 7 May 2019.
7. Any modification to the works proposed will require further approval by the Regional Director, Port Phillip Region, DELWP.
8. Prior to works commencing a construction environmental management plan must be prepared to the satisfaction of Kingston City Council.
9. The construction site must be managed in accordance with EPA Publication No. 981 Reducing Stormwater Pollution from Construction Sites (May 2005).
10. Construction equipment, building materials, refuse and site run-off must be contained and controlled and not permitted to impact on the beach or enter Port Phillip Bay.
11. All works must be completed and maintained to the satisfaction of Kingston City Council.
12. Before works start, the permit holder must advise all persons undertaking the vegetation removal or works on site of all relevant permit conditions and associated statutory requirements or approvals.
13. The total area of native vegetation proposed to be removed must not exceed 0.098 hectares comprising of:
 - a) 13 patches of native vegetation with a total area of 0.098 hectares [containing 0 large trees].
14. To offset the permitted clearing in accordance with Guidelines for removal, destruction or lopping of native vegetation (DELWP 2017), the permit holder must secure general offset of 0.031 general habitat units:
 - a) located within the Port Phillip and Westernport Catchment Management boundary or Kingston municipality area
 - b) with a minimum strategic biodiversity score of at least 0.283
15. Before any native vegetation is removed, evidence that the required offset by this permit has been secured must be provided to the satisfaction of Kingston Council. This evidence must be one or both of the following:
 - a) an established first party offset site including a security agreement signed by both parties, and a management plan detailing the 10 year management actions and ongoing management of the site and/or
 - b) credit extract(s) allocated to the permit from the Native Vegetation Credit Register.
16. A copy of the offset evidence will be endorsed by the responsible authority and form part of this permit. Within 30 days of endorsement of the offset evidence by the responsible authority, a copy of the endorsed offset evidence must be provided to the Department of Environment, Land, Water and Planning.
17. Where the offset includes a first party offset(s), the permit holder must provide an annual offset site report to the responsible authority by the anniversary date of the execution of the offset security agreement, for a period of 10 consecutive years. After the tenth year, the landowner must provide a report at the

**City of Kingston
Planning Committee Meeting**

Minutes

21 August 2019

reasonable request of a statutory authority.

18. Within 6 months of the conclusion of the permitted clearing of native vegetation under this permit, the offset requirements can be reconciled with the written agreement of the responsible authority and the Department of Environment, Land, Water and Planning.
19. A suitably qualified wildlife handler or zoologist is to be present when felling trees/removing native vegetation, to ensure affected wildlife is not harmed. If displaced wildlife that cannot be relocated on site to an appropriate location away from the construction footprint, or injured wildlife is capture, please contact DELP on 136 186 for further advice.
20. The consent under the Marine and Coastal Act 2018 will expire if the works are not completed within two years of the date of issue, unless an extension of time is applied for and granted by the Regional Director, Port Phillip Region, DELWP.

VicRoads

21. Prior to the commencement of any roadworks, detailed engineering design plans must be submitted to and approved by VicRoads. The plans must be generally in accordance with the approved Functional Layout Plans (FLPs) and to the satisfaction of VicRoads.
22. Prior to the commencement of the use, all works as required by VicRoads must be completed generally in accordance with approved FLP and detailed design plans to the satisfaction of VicRoads and at no costs to VicRoads.

Expiry

23. 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 and works are not started within two (2) years from the date of permit issue.
 - The development and works are not completed within four (4) years from the date of permit issue.

In accordance with Section 69 of the Planning and Environment Act 1987, an application may be submitted to the responsible authority for an extension of the periods referred to in this condition.

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

Note: The preparation of the detailed engineering design and the construction and completion of all work must be undertaken in a manner consistent with current VicRoads' policy, procedures and standards and at no cost to VicRoads.

Note: In order to meet VicRoads' requirements for these tasks the applicant will be required to comply with the requirements documented as "Standard Requirements – Developer Funded Projects" and any other requirements considered necessary depending on the nature of the work.

Note: Functional layout plans may need to be amended to accommodate any changes that may arise during the detailed design stage review; in response to the road safety audit; in relation to services and their relocation; vegetation; drainage; treatment of hazards within clear zones and other matters.

Note: No work must be commenced in, on, under or over the road reserve without having first obtaining all necessary approvals under the Road Management Act 2004,

**City of Kingston
Planning Committee Meeting**

Minutes

21 August 2019

the Road Safety Act 1986, and any other relevant acts or regulations created under those Acts.

Note: All buildings and works must be carried out in accordance with the approved Cultural Heritage Management Plan as required by the *Aboriginal Heritage Act 2006*. A copy of the approved CHMP must be held on site during the construction activity.

CARRIED

4.3 KP-2019/48 - 11 Powlett Street Mordialloc

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

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

Moved: Cr West

Seconded: Cr Staikos

That the Planning Committee determine to issue a Notice of Refusal to Grant a Permit to develop the land for eight (8) dwellings at 11 Powlett Street, Mordialloc on the following grounds:

1. The proposal is not consistent the General Residential Zone 2 at Clause 32.08 of the Kingston Planning Scheme as the proposal does not provide a design outcome that is respectful of the prevailing and preferred neighbourhood character.
2. 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, Clause 55.02-5 Integration with the Street Objective, Clause 55.03-1 Street Setback Objective, Clause 55.05-5 Solar Access to Open Space Objective and Clause 55.06-1 Design Detail Objective.
3. The proposed extent of massing is visually intrusive and unresponsive to the context of the site and would result in unreasonable amenity impacts on adjoining properties.
4. The proposal fails to provide an acceptable built form outcome having regard to the physical and policy context. In particular, the proposal includes an unacceptable separation and continuous built form on upper levels and lack of activation to the street.
5. The proposal represents an overdevelopment of the subject site providing an inappropriate response to local policy expectations and the character of the area.

CARRIED

A Division was Called:

DIVISION:

FOR: Crs Staikos, West, Barth, Hua and Oxley (5)

AGAINST: Crs Brownlees and Bearsley (2)

ABSTAINED: Cr Eden (1)

CARRIED

**City of Kingston
Planning Committee Meeting**

Minutes

21 August 2019

5. Confidential Items

There were no confidential items.

The meeting closed at 7.35pm.

Confirmed.....

The Mayor 18 September 2019