

# Minutes

## Planning Committee Meeting

Wednesday, 21st April 2021

**City of Kingston  
Planning Committee Meeting**

**Minutes**

**21 April 2021**

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

**Present:** Cr Steve Staikos (Mayor)  
Cr Hadi Saab (Deputy Mayor)  
Cr Tamsin Bearsley  
Cr Tracey Davies  
Cr Jenna Davey-Burns  
Cr David Eden  
Cr Chris Hill  
Cr George Hua  
Cr Georgina Oxley

**In Attendance:** Paul Marsden, Acting General Manager Planning and Development  
Alfred Carnovale, Manager City Development  
Phil De Losa, Manager Governance  
Gabby Pattenden, Governance Officer  
Lindsay Holland, Facilities Officer

**1. Apologies**

Apologies from Cr Cochrane and Cr Howe were submitted to the meeting.

**Moved: Cr Oxley**

**Seconded: Cr Hua**

That the apologies from Cr Cochrane and Cr Howe be received.

**CARRIED**

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

**Moved: Cr Davies**

**Seconded: Cr Hill**

That the Minutes of the Planning Committee Meeting held on 17 March 2021 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 - March 2021**

**Moved: Cr Bearsley**

**Seconded: Cr Davies**

That the report be noted.

**CARRIED**

**4.2 KP-2018/680 - 31 Matilda Road, Moorabbin**

It is recorded that Manfred Rosenthal spoke on behalf of objectors.

It is recorded that Spiro Perdikomatis spoke on behalf of the applicant.

**Moved: Cr Saab**

**Seconded: Cr Bearsley**

That consideration of this item be deferred until the next Planning Committee meeting.

**CARRIED**

**4.3 KP-2020/297 - 12 Russell Court, Mentone**

It is recorded that Adam Pawlowski spoke on behalf of objectors.

It is recorded that Sophie Loddo spoke on behalf of the applicant.

**Moved: Cr Hill**

**Seconded: Cr Saab**

That the Planning Committee determine to issue a Notice of Refusal to Grant a Permit to develop the land for the construction of three dwellings at 12 Russell Court, Mentone, on the following grounds:

1. The proposal fails to meet the objectives and strategic directions of the Municipal Strategic Statement relating to Built Environment and Heritage contained at Clause 21.06 and Housing contained at Clause 21.07 of the Kingston Planning Scheme.
2. The proposal fails to satisfy the requirements in Clause 22.06 (Residential Development Policy) of the Kingston Planning Scheme, as the proposal represents an overdevelopment of the site and provides an inappropriate response to local policy expectations and the character of the area having regard to incremental housing change expected.
3. The proposal fails to satisfy the requirements in Clause 55 (Two or more Dwellings on a Lot and Residential Buildings) of the Kingston Planning Scheme, in particular:
  - a. Clause 55.02-1 (Neighbourhood Character) as the design does not respect the existing neighbourhood character.
  - b. Clause 55.03-10 (Parking Location) as the proposed tandem garages are not convenient for future residents of the dwellings.
  - c. Clause 55.04-1 (Side and Rear Setbacks) due to the heights and setbacks of the proposed dwellings failing to respect the existing character and not limiting the impact on the amenity of existing dwellings.
  - d. Clause 55.06-4 (Site Services) as insufficient space is available on Russell Court for the collection of bins for the proposed dwellings.
4. The proposal is not consistent with the purpose and objectives of the General Residential Zone (Schedule 3) of the Kingston Planning Scheme.
5. 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 building height and transition to the surrounding built form character creating unreasonable amenity impacts.

6. The proposal represents an overdevelopment of the subject site providing an inappropriate response to local policy expectations and the character of the area.

**CARRIED**

**4.4 KP-2020/141 - 1 1299A Nepean Highway Cheltenham**

It is recorded that Aidan Spence spoke on behalf of the applicant.

**Moved: Cr Davies**

**Seconded: Cr Davey-Burns**

That the Planning Committee determine to issue a Notice of Refusal to Grant a Permit to use and develop the land for a residential hotel and to alter access to a Road Zone, Category 1 at 1 1299A Nepean Highway, Cheltenham, on the following grounds:

1. The proposal fails to meet the objectives and strategic directions of the Municipal Strategic Statement – Built Environment and Heritage contained at Clause 21.06 and Housing contained at Clause 21.07 of the Kingston Planning Scheme.
2. The proposal does not satisfy the requirements of Clause 22.06 – Residential Development Policy, of the Kingston Planning Scheme.
3. The proposal fails to satisfy all the requirements of Clause 55 of the Kingston Planning Scheme, including Clause 55.02-1 Neighbourhood Character Objective, Clause 55.02-2 Residential Policy, Clause 55.03-1 Street setback, Clause 55.03-3 Site Coverage, Clause 55.03-4 Permeability, Clause 55.04-1 Side and rear setbacks and Clause 55.04-5 Overshadowing.
4. The proposal is not consistent with the purpose and objectives of the General Residential Zone Schedule 3 of the Kingston Planning Scheme.
5. 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 building height and transition to the surrounding built form character creating unreasonable amenity impacts.
6. The proposal represents an overdevelopment of the subject site providing an inappropriate response to local policy expectations and the character of the area.
7. The proposal fails to satisfy Clause 52.06-6 (Car Parking to the satisfaction of the Responsible Authority) as the car parking will adversely affect the amenity of the locality by virtue of the increased demand for on-street car parking.
8. The proposal will cause an adverse traffic impact to the area.

**CARRIED**

**4.5 KP-2019/291 - 6 Taverner Street, Moorabbin**

It is recorded that Sophie Loddo spoke on behalf of the applicant.

**Moved: Cr Saab**

**Seconded: Cr Oxley**

That the Planning Committee determine to issue a Notice of Refusal to Grant a Permit to develop the land for the construction of four (4) dwellings at 6 Taverner Street, Moorabbin, on the following grounds:

1. The proposal fails to meet the objectives and strategic directions of the Municipal Strategic Statement – Built Environment and Heritage contained at Clause 21.06 and Housing contained at Clause 21.07 of the Kingston Planning Scheme.
2. The proposal does not satisfy the requirements of Clause 22.06 – Residential Development Policy, of the Kingston Planning Scheme.
3. The proposal fails to satisfy all the requirements of Clause 55 of the Kingston Planning Scheme, including Clause 55.02-1 Neighbourhood Character Objective, Clause 55.02-2 Residential Policy and Clause 55.03-1 Street setback
4. The proposal fails to satisfy the objectives of Clause 21.09 (Transport) of the Kingston Planning Scheme as the number of crossovers proposed results in an unsafe environment for users and pedestrians.
5. The proposal is not consistent with the purpose and objectives of the General Residential Zone Schedule 3 of the Kingston Planning Scheme.
6. The proposal represents an overdevelopment of the subject site providing an inappropriate response to local policy expectations and the character of the area.

**CARRIED**

**4.6 KP-2020/424 - 1 Warraweena Road, Clayton South**

It is recorded that Joanne Zacharopoulos spoke as an objector to the matter.

It is recorded that Gintaras Simkus spoke on behalf of the applicant.

**Moved: Cr Saab**

**Seconded: Cr Oxley**

That the Planning Committee determine to support the proposal and issue a Notice of Decision to develop the land for the construction of one (1) double storey dwelling and alterations and additions to the existing dwelling at 1 Warraweena Road, Clayton South, 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 advertised plans prepared by Tom Motta Building Designer, Sheets A-1 to A-9 (inclusive), Revision B, dated 17/11/20, 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

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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 with all plants chosen to be to the satisfaction of the Responsible Authority;
  - 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, provided at adequate planting densities (e.g. plants 1 metre width at maturity planted 1 metre apart);
  - vi) Two (2) native canopy trees capable of growing to minimum mature dimensions of 10 metres in height and 6 metres in width to be planted in the front setback of Dwelling 1;
  - vii) One (1) canopy tree capable of growing to a minimum mature height of 5 metres to be planted in the front setback of Dwelling 2;
  - viii) One (1) canopy tree capable of growing to minimum mature dimensions of 7 metres in height and 4 metres in width to be planted in the secluded private open space of each dwelling;
  - 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. Notes regarding site preparation, including the removal of all weeds, proposed mulch, soil types and thickness, subsoil preparation and any specific maintenance requirements; and
  - x) Tree protection measures including for street trees accurately drawn to scale and labelled.
- b. The location of tree protection measures illustrated to scale and labelled on the Ground Floor Plan.
  - c. The provision of minimum 2000 litre rainwater tank clearly nominated for the new dwelling with water re-used for toilet flushing.
  - d. Vehicle crossings must be constructed at a 90 degree alignment with the kerb on Warraweena Road and Gerlach Street, all internal driveways must align with the existing / proposed vehicle crossing.
  - e. The proposed stormwater discharge must be located at least 500mm from the vehicle crossing.
  - f. The 'timber feature' fence enclosing Dwelling 1's secluded private open space lowered to a height of 1.7m and designed to achieve a minimum of 25% transparency to the satisfaction of the responsible authority.
  - g. Bed 1 of Dwelling 2 at the first floor to be recessed a minimum of 1.0m from the ground floor envelope, with this change to be consolidated within

the existing footprint.

- h. The parapet element within the ground floor façade of Dwelling 2 redesigned to reduce its verticality and better integrate with the existing dwelling.
- i. The garage wall for Dwelling 2 to be offset 150mm from the north title boundary to enable the retention of the boundary fence.
- j. A note to state “Dwelling 1 must contain no more than two bedrooms and such changes must be completed prior to the issue of an occupancy permit for Dwelling 2 or the issue of statement of compliance.”
- k. The surface material of all driveways / accessways and car parking spaces nominated in all-weather coloured concrete sealcoat, permeable paving or similar.
- l. A note to state “Separate consent from the City of Kingston and the relevant service authority is required to build over the easement and will need to be obtained in relation to any buildings over the existing easement.”
- m. Demonstrate compliance or the provision of additional screening treatments to the first floor north facing bedroom 1 window of Dwelling 2 in accordance with Clause 55.04-6 of the Kingston Planning scheme.

#### Endorsed Plans

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

#### Street Trees

- 4. Tree Protection Fencing is to be established around the street trees 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 3 metres from the base of the tree.

#### Drainage and Water Sensitive Urban Design

- 5. 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.



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6. 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 5.2L/s.
  - c) All stormwater (drainage) works must be maintained to the satisfaction of the Responsible Authority.

**Infrastructure and Road Works**

7. Property boundary and footpath levels must not be altered without the prior written consent from the Responsible Authority.
8. The replacement of all footpaths, including offsets, must be constructed to the satisfaction of the Responsible Authority.
9. All reinstatements and vehicle crossings must be constructed to the satisfaction of the Responsible Authority.
10. All redundant vehicle crossings must be removed (including redundant portions of vehicle crossings) to the satisfaction of the Responsible Authority.
11. All front and side fences must be contained wholly within the title property boundaries of the subject land.
12. 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.
13. The proposed vehicle crossing must not be within the prohibited zone, (6 metres from the tangent of the corner).

**General amenity conditions**

14. All works on or facing the boundaries of adjoining properties must be finished and surface cleaned to a standard that is well presented to neighbouring properties in a manner to the satisfaction of the Responsible Authority.
15. All externally-located heating and cooling units, exhaust fans and the like must not be located adjacent to bedroom windows on adjoining properties and must not be located where they will be highly visible from any public area to the satisfaction of the Responsible Authority.
16. 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**

17. Prior to the occupation of Dwelling 2 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.
18. Prior to the occupation of Dwelling 2 hereby permitted, the landscaping works as shown on the endorsed plans must be completed to the satisfaction of the Responsible Authority. Thereafter, the landscaping shall be maintained to the satisfaction of the Responsible Authority.

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Time Limits

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

**Note:** The development includes garage 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:** The applicant/owner must provide a copy of this planning permit and any endorsed plans to any external contractor to ensure that all trees to be retained on site are protected during any works.

**Note:** Any landscape plan prepared in accordance with conditions must comply with Council's Landscape Checklist.

**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**

**4.7 KP-2020/526 - George Woods Reserve, 2-58 Governor Road, Mordialloc**

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

**Moved: Cr Bearsley**

**Seconded: Cr Davies**

That the Planning Committee determine to support the proposal and issue a Planning Permit for Building and works for the construction of replacement boating gangways and pontoons and associated works generally in accordance with the endorsed plans at George Woods Reserve, 2-58 Governor Road, Mordialloc, subject to the following conditions:

**Endorsed Plans**

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

**Consent for Works**

2. Any buildings and works on the land (including demolition), must be carried out in accordance with the written consent obtained from the relevant Land Manager to the satisfaction of the Responsible Authority.

**Melbourne Water**

3. Prior to the commencement of works, a separate application for review and approval of the works must be made directly to Melbourne Water's Asset Services team.

**Vegetation Management**

4. No vegetation is to be removed.
5. Any lopping or pruning of vegetation can occur, for maintenance only, provided no more than 1/3 of the foliage of each individual plant is lopped or pruned.
6. Prior to the commencement of any buildings and works on the land (including demolition), appropriate vegetation protection measures must be in place to ensure existing vegetation is not damaged or removed.

**Construction Management**

7. Prior to the commencement of any buildings and works on the land (including demolition), a Construction Management Plan (CMP) or Construction Environmental Management Plan (CEMP) to the satisfaction of the Responsible Authority, must be submitted to and approved by the Responsible Authority. The CMP/CEMP must be prepared in accordance with the City of Kingston Construction Management Policy and Construction Management Guidelines. The CMP/CEMP 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
  - h. The recommendations specified in the Mordialloc Boat Ramp Lay by

Berths Report, prepared by AW Maritime, dated 11 August 2020, or any subsequent version must be adhered to.

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.

**Infrastructure and Road Works**

8. 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 developer.
9. Footpath levels must not be altered without the prior written consent from the Responsible Authority.
10. Any reinstatements of new kerb and channel, pedestrian paths or car parking must be constructed to the satisfaction of the Responsible Authority.

**General Amenity Conditions**

11. All works must be finished, and surface cleaned to a standard that is well presented in a manner to the satisfaction of the Responsible Authority.
12. The amenity of the area must not be detrimentally affected by the development and/or use, through the:
  - a. Transport of materials, goods or commodities to or from the land.
  - b. Appearance of any building, works or materials.
  - c. Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil.
  - d. Presence of vermin.
  - e. Any other way.

**DELWP Conditions**

13. Before any works start, the permit holder must advise all persons undertaking works on site, of all relevant permit conditions and associated statutory requirements or approvals.
14. 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.

Except with the written consent of the responsible authority and DELWP, within the area of native vegetation to be retained and any tree or vegetation protection zone associated with the permitted use and/or 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

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- d. entry and exit pits for the provision of underground services
- e. any other actions or activities that may result in adverse impacts to retained native vegetation.

**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 gangways and pontoons becoming operational, 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.

**Expiry**

- 17. In accordance with Section 68 of the Planning and Environment Act 1987 (The / this permit will expire if one of the following circumstances applies:
  - a. The development is not started within two (2) years of the issue date of this permit.
  - b. The development is not completed within four (4) years of the issue date of this permit.

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.

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

**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:** The applicant/owner must provide a copy of this planning permit and any endorsed plans to any external contractor to ensure that all trees to be retained on site are protected during any works.

**Note:** Before any works on public land start, a permit to take protected flora under the Flora and Fauna Guarantee (FFG) Act 1988 may be required. To obtain an FFG permit or further information, please contact a Natural Environment Program officer of Department of Environment, Land, Water and Planning, port Phillip region on 0438 459 929.

**Note:** All wastewater that is to be treated and retained on-site and dredging must be done so in accordance with the requirements of the State Environment Protection Policies (Waters) under the Environment Protection Act 1970.

**CARRIED**

**4.8 Amendment C198 - Tarella Road, Chelsea**

**Moved: Cr Eden**

**Seconded: Cr Oxley**

That Council:

1. Adopt Planning Scheme Amendment C198 to the Kingston Planning Scheme as exhibited.
2. Submit Planning Scheme Amendment C198 as exhibited to the Minister for Planning for approval.

**CARRIED**

**5. Confidential Items**

Nil

The meeting closed at 8.21pm.

**Confirmed.....**

**The Mayor 19 May 2021**