

Minutes

Planning Committee Meeting

Wednesday, 23rd November 2022

**City of Kingston
Planning Committee Meeting**

Minutes

23 November 2022

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	<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>	
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The meeting commenced at 7.05pm in the Council Chamber, 1230 Nepean Highway, Cheltenham.

Present: Cr Hadi Saab (Mayor)
Cr Chris Hill (Deputy Mayor)
Cr Tamsin Bearsley
Cr Tim Cochrane
Cr Jenna Davey-Burns
Cr Tracey Davies
Cr Cameron Howe
Cr George Hua
Cr Steve Staikos

In Attendance: Peter Bean, Chief Executive Officer
Jonathan Guttman, General Manager Planning and Place
Jaclyn Murdoch, Manager City Development
Kelly Shacklock, Acting Manager Governance
Patrick O’Gorman, Governance Officer
Gabrielle Pattenden, Governance Officer

1. Apologies

Apologies from Cr Eden and Cr Oxley were submitted to the meeting.

Moved: Cr Staikos

Seconded: Cr Cochrane

That the apologies from Cr Eden and Cr Oxley be received.

CARRIED

2. Confirmation of Minutes of Previous Meetings

Moved: Cr Davies

Seconded: Cr Cochrane

That the Minutes of the Planning Committee Meeting held on 17 August 2022 be confirmed.

CARRIED

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

Cr Howe foreshadowed a declaration of a conflict of interest in Item 4.5 - Endeavour Cove Planning Scheme Amendment C205king.

4. Planning and Place Reports

4.1 Town Planning Application Decisions - October 2022

Moved: Cr Davies

Seconded: Cr Davey-Burns

That the report be noted.

CARRIED

4.2 KP-2022/173 - 35 Sixth Avenue, Aspendale

It is recorded that Sean Wise spoke on behalf of objectors.

It is recorded that Tom Buchan spoke on behalf of the applicant.

Moved: Cr Bearsley

Seconded: Cr Staikos

That the Planning Committee determine to issue a Notice of Refusal to Grant a Permit for the development of nine (9) dwellings, reduction of the visitor car parking requirement of one (1) space and associated works in accordance with the endorsed plans at 35 Sixth Avenue, Aspendale (Lot 2 on PS813722C), on the following grounds:

1. The proposal fails to meet the objectives and strategic directions of the Planning Policy Framework – Strategic Directions contained at Clause 02.03, Built Environment and Heritage contained at Clause 15 and Housing contained at Clause 16 of the Kingston Planning Scheme.
2. The proposal is not consistent with the purpose of the General Residential Zone (Schedule 3) at Clause 32.08 of the Kingston Planning Scheme as the proposal does not provide a design outcome that is respectful of the existing and preferred neighbourhood character.
3. 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 built form separation, garage-scape, level of sheer wall construction and extent of double storey.
4. The proposal represents an overdevelopment of the subject site providing an inappropriate response to local policy expectations and the character of the area having regard to the incremental housing change expected.
5. 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 and Clause 55.03-1 Street Setback Objective.
6. The proposal fails to satisfy Clause 52.06 (Car Parking) as the reduction in car parking will adversely affect the amenity of the locality by virtue of the increased demand for on-street car parking.

CARRIED

4.3 KP-2021/613 - 33 Kubis Avenue, Aspendale

It is recorded that Andrea spoke on behalf of objectors.

It is recorded that Mick Meyer spoke on behalf of the applicant.

Procedural Motion

Moved: Cr Bearsley

Seconded: Cr Davey-Burns

That consideration of this item be deferred until the 28 November 2022 Ordinary Council Meeting.

CARRIED

4.4 KP-2022/587 - 26-30 Pietro Road, Heatherton

Moved: Cr Davies

Seconded: Cr Hill

That the Planning Committee determine to support the proposal and issue a planning permit for the use and development of the land for one (1) double storey dwelling at 26-30 Pietro Road, Heatherton, subject to the following conditions:

Amended Plans

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 an electronic copy must be provided. The plans must be substantially in accordance with the advertised plans prepared by Arb Design; Project No. 22-059, Revision 2, dated 14 September 2022, submitted to Council on 15 September 2022, but modified to show:
 - a. The first floor layout.
 - b. A landscape plan in accordance with the submitted development plans and the City of Kingston Landscape Plan Checklist, with such plans to be prepared by a suitably qualified landscape professional 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. The delineation of all garden beds, paving, grassed area, retaining walls, fences and other landscape works.
 - iv. 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); with the species chosen to comprise of 100% indigenous species by plant type and total quantities from the following EVC's:
 - EVC 3: Damp Sands Herb-Rich Woodland/Heathy Woodland

Mosaic.

- EVC55: Plain Grassy Woodlands/Swamp Scrub/Plains Grassy Wetland Mosaic.
- v. A staggered row of ten (10) indigenous canopy trees capable of growing to minimum mature dimensions of 10 metres in height and 6 metres in width planted a minimum of 5 metres from the front boundary inside of the property.
- vi. Five (5) indigenous canopy trees capable of growing to minimum mature dimensions of 12 metres in height and 6 metres in width to be planted within the property.
- vii. 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.
- viii. Notes regarding site preparation, including the removal of all weeds, proposed mulch, soil types and thickness, subsoil preparation and any specific maintenance requirements.
- ix. Tree protection fencing including for *Salix* sp. (Willow) and street tree accurately drawn to scale and labelled and include the following notation:

‘Excavation and storing or dumping of materials is prohibited within the tree protection zones of the *Salix* sp. (Willow) and all neighbouring trees in accordance with AS4970-2009 Protection of Trees on Development Sites.’
- c. The location of tree protection measures illustrated to scale and labelled on the ground floor plan.

Endorsed Plans

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

Tree Protection Fencing

4. Tree protection fencing is to be established around the *Eucalyptus botryoides* (Southern Mahogany) street tree prior to the commencement of the proposed extension and maintained until all works on site are complete and:
 - 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.

Noise Attenuation

5. The proposed ground floor extension not forming part of the existing dwelling must be constructed so as to comply with any noise attenuation measures required by Section 3 of Australian Standard AS 2021 – 1994, Acoustics – Aircraft Noise Intrusion – Building Siting and Construction, issued by the

Standards Association of Australia, to the satisfaction of the Responsible Authority.

General Amenity

6. 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.
7. 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.
8. 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

9. 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.
10. 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.

Permit Expiry

11. 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: 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 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 permit is required for the removal of such vegetation.

CARRIED

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4.5 Endeavour Cove Planning Scheme Amendment C205king

Cr Howe declared a general conflict of interest in this item due to legal proceedings and left the meeting at 7.48pm prior to any discussion on the matter and did not return.

Cr Cochrane left the meeting at 7:49pm.

Cr Cochrane returned to the meeting at 7:50pm.

Moved: Cr Staikos

Seconded: Cr Hua

That the Planning Committee:

1. Receive the submissions lodged during the exhibition period of 1 September – 4 October 2022 (Appendix 1);
2. Request that the Minister for Planning appoint a Planning Panel under Part 8 of the *Planning and Environment Act 1987* to consider submissions and report on Amendment C205king.

CARRIED

5. Confidential Items

Nil

The meeting closed at 7.56pm.

Confirmed.....

The Mayor 14 December 2022