

MINUTES



Strategic Planning Committee Meeting
Held at the
Civic Centre
511 Burwood Highway
Wantirna South
On
Monday 12 December 2022

The Agenda for the Strategic Planning Committee Meeting, Monday 12 December 2022, forms part of these Minutes and is attached in full at the end of the Minutes.

These Minutes are considered draft until adopted and confirmed at the next Strategic Planning Committee Meeting.

The meeting commenced at 7:03pm.

PRESENT:

<i>Cr M Timmers-Leitch (Chairperson)</i>	<i>Collier Ward</i>
<i>Cr Y Allred (Via Zoom)</i>	<i>Baird Ward</i>
<i>Cr J Dwight</i>	<i>Chandler Ward</i>
<i>Cr S Grasso</i>	<i>Dinsdale Ward</i>
<i>Cr M Baker</i>	<i>Dobson Ward</i>
<i>Cr S Laukens</i>	<i>Friberg Ward</i>
<i>Cr L Cooper (Via Zoom)</i>	<i>Scott Ward</i>
<i>Cr D Pearce</i>	<i>Taylor Ward</i>
<i>Cr N Seymour (Via Zoom)</i>	<i>Tirhatuan Ward</i>
<i>Mr B Dobson</i>	<i>Chief Executive Officer</i>
<i>Mr G Thorne</i>	<i>Director - Infrastructure</i>
<i>Mr M Kelleher</i>	<i>Director - City Liveability</i>
<i>Ms J Chalkley</i>	<i>Acting Director - Connected Communities</i>
<i>Mr A Dowling</i>	<i>Manager- Governance & Risk</i>

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1 Apologies

Nil.

2 Declarations of Conflict of Interest

Councillor Baker foreshadowed declaring a conflict of interest in Item 4.1- 621 Burwood Highway, Knoxfield- P/2021/6169 and Item 4.2- 621 Burwood Highway, Knoxfield P/2021/6170.

3 Confirmation of Minutes

The Chairperson, Councillor Timmers-Leitch invited Councillors to raise any opposition to the Minutes of the Strategic Planning Committee Meeting held on Monday 7 November 2022. There being none, the Chairperson declared the Minutes be confirmed.

4 Considering and Ordering Upon Officers' Reports

4.1 621 Burwood Highway, Knoxfield - P/2021/6169

Councillor Baker declared a general conflict of interest in accordance with Section 127 of the Local Government Act 2020 (the Act) and Chapter 5 of the Governance Rules of Knox City Council, in relation to this item and Item 4.2, 621 Burwood Highway, Knoxfield - P/2021/6170 on the grounds that she has previously lodged submissions and contributed financially to campaigns against the loss of 'Lake Knox' which could be perceived as giving rise to a conflict of interest or an apprehension of bias.

Councillor Baker left the meeting at 7:09pm before the discussion and vote on item 4.1

SUMMARY: Coordinator Planning, Greg Kent

This report considers Planning Application P/2021/6169 for the Subdivision of land in stages, removal of native vegetation, creation of access to a road in a Transport Zone, and associated buildings and works at 621 Burwood Highway, Knoxfield.

RECOMMENDATION

That the Committee issue a Notice of Refusal to Grant a Planning Permit for the Subdivision of land in stages, removal of native vegetation, creation of access to a road in a Transport Zone, and associated buildings and works at 621 Burwood Highway, Knoxfield; on the following grounds:

1. The proposal is inconsistent with the relevant Planning Policy Framework strategies and objectives, particularly in relation to Clause 11 (Settlement), Clause 12 (Environmental and Landscape Values), Clause 15 (Built Environment and Heritage), Clause 16 (Housing) of the Knox Planning Scheme.
2. The proposal is inconsistent with the relevant Local Planning Policy Framework, in particular the Municipal Strategic Statement, Clause 21.03-1 (Treed City), Clause 21.03-2 (Biodiversity and Native Vegetation), Clause 21.05 (Built Environment and Heritage), and Clause 21.06 (Housing) of the Knox Planning Scheme.
3. The proposal is inconsistent with the purpose of the Comprehensive Development Zone – Schedule 2 of the Knox Planning Scheme and is not generally in accordance with the Comprehensive Development Plan. Key components of the Comprehensive Development Plan have not been addressed including an appropriate or active interface to Scoresby Road and the residential subdivision encroaches into half of the mixed use component.
4. The proposal is inconsistent with the environmental objectives and the relevant decision guidelines of the Environmental Significance Overlay – Schedule 2 of the Knox Planning Scheme. The proposal has the potential to detrimentally impacts habitat of species which are protected (in particular the Blue Billed Duck and the Dwarf Galaxias).
5. The proposal does not avoid the removal, destruction or lopping of native vegetation and is inconsistent with the purpose of Clause 52.17 of the Knox Planning Scheme.
6. The proposal does not satisfy the objectives of Clause 56 of the Knox Planning Scheme, in particular Clause 56.03-2 - Activity Centre, Clause 56.03-4 - Built Environment, Clause 56.03-5 - Neighbourhood Character, Clause 56.04-4 - Street Orientation, and Clause 56.05-1 – Integrated Design.

7. The proposal will not provide an appropriate balance between the need for additional housing while respecting and positively responding to the site and its local context.

MOTION

MOVED: Councillor Pearce

SECONDED: Councillor Dwight

That the Committee defer Application P/2021/6169 (Item 4.1) and Application P/2021/6170 (Item 4.2) to the next Council Meeting on 19 December 2022 to enable officers to prepare draft conditions for the applications to enable Council to consider the terms on which approvals may be granted.

LOST

MOTION

MOVED: Councillor Pearce

That the Committee approve Application P/2021/6169 (Item 4.1) and Application P/2021/6170 (Item 4.2) and in addition formally write to the Minister for Planning requesting that the Minister call in both applications for approval.

PROCEDURAL MOTION

ADJOURNMENT

MOVED: Councillor Timmers-Leitch

SECONDED: Councillor Laukens

That the Committee meeting be adjourned.

CARRIED

The Meeting was adjourned at 7:37pm

The Meeting resumed at 7:59pm with all Councillors present except Councillor Baker.

The substantive motion was withdrawn by Cr Pearce with leave of Council.

RESOLUTION

MOVED: Councillor Grasso

SECONDED: Councillor Dwight

That the Committee issue a Notice of Refusal to Grant a Planning Permit for the Subdivision of land in stages, removal of native vegetation, creation of access to a road in a Transport Zone, and associated buildings and works at 621 Burwood Highway, Knoxfield; on the following grounds:

1. The proposal is inconsistent with the relevant Planning Policy Framework strategies and objectives, particularly in relation to Clause 11 (Settlement), Clause 12 (Environmental and Landscape Values), Clause 15 (Built Environment and Heritage), Clause 16 (Housing) of the Knox Planning Scheme.
2. The proposal is inconsistent with the relevant Local Planning Policy Framework, in particular the Municipal Strategic Statement, Clause 21.03-1 (Treed City), Clause 21.03-2 (Biodiversity and Native Vegetation), Clause 21.05 (Built Environment and Heritage), and Clause 21.06 (Housing) of the Knox Planning Scheme.
3. The proposal is inconsistent with the purpose of the Comprehensive Development Zone – Schedule 2 of the Knox Planning Scheme and is not generally in accordance with the Comprehensive Development Plan. Key components of the Comprehensive Development Plan have not been addressed including an appropriate or active interface to Scoresby Road and the residential subdivision encroaches into half of the mixed use component.
4. The proposal is inconsistent with the environmental objectives and the relevant decision guidelines of the Environmental Significance Overlay – Schedule 2 of the Knox Planning Scheme. The proposal has the potential to detrimentally impacts habitat of species which are protected (in particular the Blue Billed Duck and the Dwarf Galaxias).
5. The proposal does not avoid the removal, destruction or lopping of native vegetation and is inconsistent with the purpose of Clause 52.17 of the Knox Planning Scheme.
6. The proposal does not satisfy the objectives of Clause 56 of the Knox Planning Scheme, in particular Clause 56.03-2 - Activity Centre, Clause 56.03-4 - Built Environment, Clause 56.03-5 - Neighbourhood Character, Clause 56.04-4 - Street Orientation, and Clause 56.05-1 – Integrated Design.
7. The proposal will not provide an appropriate balance between the need for additional housing while respecting and positively responding to the site and its local context.

CARRIED

A Division was called by Councillor Pearce

For the motion: Councillor Seymour, Councillor Laukens, Councillor Timmers-Leitch, Councillor Grasso, Councillor Dwight, Councillor Cooper and Councillor Allred.

Against the motion: Councillor Pearce

CARRIED 7:1

4.2 621 Burwood Highway, Knoxfield - P/2021/6170

SUMMARY: Coordinator Planning, Greg Kent

This report considers Planning Application P/2021/6170 for a Utility installation, removal of native vegetation and associated buildings and works at 621 Burwood Highway, Knoxfield.

RECOMMENDATION

That the Committee issue a Notice of Refusal to Grant a Planning Permit for a Utility installation, removal of native vegetation and associated buildings and works at 621 Burwood Highway, Knoxfield, on the following grounds:

1. The proposal is inconsistent with the relevant Planning Policy Framework strategies and objectives, particularly in relation to Clause 11 (Settlement), Clause 12 (Environmental and Landscape Values) of the Knox Planning Scheme.
2. The proposal is inconsistent with the relevant Local Planning Policy Framework, in particular the Municipal Strategic Statement, Clause 21.01-2 (Key issues and influences - Environment and Landscape values), Clause 21.03-1 (Treed City), and Clause 21.03-2 (Biodiversity and Native Vegetation) of the Knox Planning Scheme.
3. The proposal is inconsistent with the environmental objectives and the relevant decision guidelines of the Environmental Significance Overlay – Schedule 2 of the Knox Planning Scheme. The proposal detrimentally impacts habitat of species which are protected (in particular the Blue Billed Duck and the Dwarf Galaxias), and the Responsible Authority is not convinced with the information provided by the applicant that the future habitat proposed for these species will be viable. The proposal will also impact upon existing protected vegetation within proximity of the existing dam.
4. The proposal does not avoid the removal, destruction or lopping of native vegetation and is inconsistent with Clause 52.17 of the Knox Planning Scheme.
5. The proposal will not provide an appropriate balance between the need to develop the site, and respecting the existing ecology, the surrounding area, and the Blind Creek Corridor.

RESOLUTION

MOVED: Councillor Grasso

SECONDED: Councillor Allred

RECOMMENDATION

That the Committee issue a Notice of Refusal to Grant a Planning Permit for a Utility installation, removal of native vegetation and associated buildings and works at 621 Burwood Highway, Knoxfield, on the following grounds:

1. The proposal is inconsistent with the relevant Planning Policy Framework strategies and objectives, particularly in relation to Clause 11 (Settlement), Clause 12 (Environmental and Landscape Values) of the Knox Planning Scheme.
 2. The proposal is inconsistent with the relevant Local Planning Policy Framework, in particular the Municipal Strategic Statement, Clause 21.01-2 (Key issues and influences -
-

Environment and Landscape values), Clause 21.03-1 (Treed City), and Clause 21.03-2 (Biodiversity and Native Vegetation) of the Knox Planning Scheme.

- 3. The proposal is inconsistent with the environmental objectives and the relevant decision guidelines of the Environmental Significance Overlay – Schedule 2 of the Knox Planning Scheme. The proposal detrimentally impacts habitat of species which are protected (in particular the Blue Billed Duck and the Dwarf Galaxias), and the Responsible Authority is not convinced with the information provided by the applicant that the future habitat proposed for these species will be viable. The proposal will also impact upon existing protected vegetation within proximity of the existing dam.**
- 4. The proposal does not avoid the removal, destruction or lopping of native vegetation and is inconsistent with Clause 52.17 of the Knox Planning Scheme.**
- 5. The proposal will not provide an appropriate balance between the need to develop the site, and respecting the existing ecology, the surrounding area, and the Blind Creek Corridor.**

CARRIED

A Division was called by Councillor Pearce

For the motion: Councillor Seymour, Councillor Allred, Councillor Timmers-Leitch, Councillor Laukens, Councillor Cooper, Councillor Dwight and Councillor Grasso.

Against the motion: Councillor Pearce.

CARRIED 7:1

Councillor Baker returned to the meeting at 8:33pm after the vote on item 4.2

4.3 ICT Capital Works Report

SUMMARY

The ICT Capital Works Report shows projects on Council's ICT Capital Works Program and indicates the monthly status of each project.

RECOMMENDATION

That the Committee receive and note the ICT Capital Works Report, as at 30 Nov 2022.

RESOLUTION

MOVED: Councillor Dwight

SECONDED: Councillor Laukens

That the Committee receive and note the ICT Capital Works Report, as at 30 Nov 2022.

CARRIED

4.4 Capital Works Program Monthly Report

SUMMARY: Coordinator – Capital Works, John Bixby

The Capital Works Program Report shows projects on Council's Capital Works Program and indicates the status of each project as of 29 November 2022.

RECOMMENDATION

That the Committee receive and note the Capital Works Program Report as of 29 November 2022.

RESOLUTION

MOVED: Councillor Baker

SECONDED: Councillor Grasso

That the Committee receive and note the Capital Works Program Report as of 29 November 2022.

CARRIED

5 Motions for Which Notice has Previously Been Given

Nil.

6 Supplementary Items

Nil.

7 Urgent Business

7.1 Urgent Business

Nil.

8 Confidential Items

Nil.

MEETING CLOSED AT 8:39pm

Minutes of Meeting confirmed at the
Strategic Planning Committee Meeting
held on Monday, 13 February 2023

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Chairperson

The Agenda for this meeting is attached in full at the end of the Minutes