

Minutes

Planning Committee Meeting

Wednesday, 17th March 2021

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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 7.03pm in the Council Chamber, 1230 Nepean Highway, Cheltenham.

Present: Cr Steve Staikos (Mayor)
Cr Hadi Saab (Deputy Mayor)
Cr Tim Cochrane
Cr Tracey Davies
Cr Jenna Davey-Burns
Cr David Eden
Cr Chris Hill
Cr Georgina Oxley

In Attendance: Paul Franklin, Acting Chief Executive Officer
Jonathan Guttmann, General Manager Planning and Development
Alfred Carnovale, Acting Manager City Development
Phil DeLosa, Manager Governance
Gabrielle Pattenden, Governance Officer
Lindsay Holland, Facilities Officer

1. Apologies

Apologies from Cr Bearsley and Cr Hua were submitted to the meeting.

Moved: Cr Davies

Seconded: Cr Davey-Burns

That the apologies from Cr Bearsley and Cr Hua be received.

CARRIED

2. Confirmation of Minutes of Previous Meetings

Moved: Cr Oxley

Seconded: Cr Cochrane

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

Moved: Cr Oxley

Seconded: Cr Saab

That the report be noted.

CARRIED

4.2 KP-2020/293 - 254-260 Nepean Highway Edithvale

It is recorded that Rod Cullen spoke on behalf of objectors.

It is recorded that Anthony Tesoriero spoke on behalf of the applicant.

Moved: Cr Eden

Seconded: Cr Oxley

That the Planning Committee determine to issue a Notice of Refusal to Grant a Permit to develop the land for a double-storey mixed use development comprising of ten (10) dwellings and three (3) retail premises including one (1) food and drink premises; use of the land for dwellings in the Commercial 1 Zone; buildings and works, partial demolition and construct/display a sign in a Heritage Overlay (Schedule 48); reduce the car parking requirements of clause 52.06; a display an above-verandah internally-illuminated sign pursuant to Clause 52.05 at 254-260 Nepean Highway, Edithvale, on the following grounds:

1. The proposal is not consistent with the purpose and decision guidelines of the Commercial 1 Zone at Clause 34.01 of the Kingston Planning Scheme.
2. The proposal results in poor internal amenity for future occupants.
3. 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-2020/199 - 9 Franklin Street, Moorabbin

Moved: Cr Saab

Seconded: Cr Davies

That the Planning Committee determine to support the proposal and issue a Notice of Decision to Grant a Permit to the development of land for two (2) dwellings at 9 Franklin Street, Moorabbin, subject to the following conditions:

Condition 1 plans

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and be approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this Permit. The plans must be drawn to scale with dimensions, and must be substantially in accordance with the considered plans

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prepared by TQP Designs Pty Ltd and dated 19 January 2021, but modified to show:

- a. the provision of a Landscape plan in accordance with the submitted development plans, with such plan 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 with the species chosen to be approved by 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 site;
 - iv. the delineation of all garden beds, paving, grassed areas, 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 wide at maturity planted 1 metre apart);
 - vi. the provision of two (2) canopy trees capable of growing to minimum mature dimensions of 10 metres high and 6 metres wide to be planted within the front setback of the site;
 - vii. the provision of one (1) canopy tree capable of growing to minimum mature dimensions of 10 metres high and 6 metres wide to be planted within the secluded private open space area of each dwelling;
 - viii. all trees provided at a minimum of 2 metres high at the time of planting, with medium to large shrubs provided at a minimum pot size of 200 millimetres;
 - ix. 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; and
 - x. the location of tree protection measures, including street trees, accurately drawn to scale and labelled.
- b. the location of tree protection measures, including street trees, accurately drawn to scale and labelled on the ground floor level plan.
- c. the provision of adjustable sun shading devices or double glazing for habitable room windows on the ground floor level and first floor level facing the site's north (side) and west (rear) title boundary.
- d. the finished floor levels of the dwelling 1 and 2 deck and porch.
- e. a notation stating that vehicle crossings must be constructed at a 90 degree alignment with the kerb on Franklin Street and all internal driveways must align with the existing and proposed vehicle crossing.

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- f. the dwelling 1 and 2 driveways must be at least 500 millimetres from the side boundary along the frontage on Franklin Street.
- g. the proposed stormwater discharge must be located at least 500 millimetres from the vehicle crossing.
- h. the provision of a pedestrian refuge, no less than 1 metre wide, between all vehicle crossings to the lot and neighbouring properties.
- i. the provision of a minimum 2,000 litre rainwater tank to dwellings 1 and 2 with a notation stating that the rainwater tank must be collected to toilets for flushing.
- j. the provision of mailboxes to dwelling 1 and 2.

Endorsed plans

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

Street trees

- 3. Tree protection fencing is to be established around the street tree on the nature strip prior to demolition and maintained until all works on site are completed.
 - 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.
 - c. tree protection fencing is to be relocated to the edge of the proposed crossover when the construction of the driveway and vehicle crossing of dwelling 2 commences.

Drainage and Water Sensitive Urban Design

- 4. 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 impact on the stormwater (drainage) works, including landscaping details.
- 5. 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 overland flows onto adjacent properties.
 - b. the implementation of stormwater (drainage) detention system(s) which restricts stormwater discharge to the maximum allowable flowrate of 5.5L/s.
 - c. all stormwater (drainage) works must be maintained to the satisfaction of

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the Responsible Authority.

6. Council's existing drain within the easement must be protected at all times during the construction.
7. Property connection of stormwater to the existing 150 millimetre diameter Council easement drain is not permitted.

Infrastructure and road works

8. Any relocation of drainage 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 permit holder/land owner.
9. Property boundary and footpath levels must not be altered without the prior written consent 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.

General amenity conditions

12. 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.
13. All externally located cooling and heating 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.
14. All piping and ducting above the ground floor level (other than rainwater, guttering, and downpipes) must be concealed to the satisfaction of the Responsible Authority.

Completion of works

15. Prior to the occupation of the development 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.
16. Prior to the occupation of the development hereby permitted, the landscaping works as shown on the endorsed plans must be completed to the satisfaction of the Responsible Authority including that any dead, diseased, or damaged plants to be replaced.

Expiry

17. This Permit as it relates to development will expire if one of the following circumstances applies:
 - a. the development is not started within two (2) years from the date of this Permit.
 - b. the development is not completed within four (4) years from the 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

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the periods referred to in this condition.

Note: Prior to the commencement of works, the permit holder/land owner is required to obtain the necessary building permit.

Note: The permit holder/land owner must provide a copy of this Permit to any appointed building surveyor. It is the responsibility of the permit holder/land owner and building surveyor to ensure that all building development works approved by any building permit is consistent with this Permit.

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

Note: The proposal includes a fence 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: The permit holder/land owner must provide a copy of this 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 permit holder/land owner or any contractor engaged to remove any vegetation, should consult Council's Vegetation Management department to verify if a local laws permit is required for the removal of such vegetation.

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 a dwelling/unit/apartment and street numbers or street names on any endorsed plan is indicative only. The onus is on the permit holder/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 proposal.

If the permit holder/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

4.4 KP-2016/1078/B - 13-15 Chesterville Road, Cheltenham

Moved: Cr Staikos

Seconded: Cr Saab

That the Planning Committee determine to support the proposal and issue a notice of decision to grant an amended planning permit be issued for the construction of an eleven (11) storey mixed use building comprising 120 dwellings, five (5) offices and a reduction in the car parking requirement at 13-15 Chesterville Road Cheltenham, 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 three copies must be provided. The plans must be substantially in accordance with the advertised plans prepared by Pitard Group, dated December 2020, revision O, but modified to show:
 - a) the provision of a landscape plan in accordance with the submitted landscape plan by Ewert Leaf, dated 13 April 2017, Revision K and amended to include:
 - i. The minimum depth of substrate for planter boxes to be 60 cm and the minimum substrate width to be 60 cm;
 - ii. An additional 15 plants in the 4th floor planter boxes capable of reaching 3 metres in height or the satisfaction of the Responsible Authority;
 - iii. The Genus and species of the 3 metre tall plants proposed for Floor 4 planter boxes;
 - iv. A survey, including, botanical names of all existing trees to be removed on the site;
 - v. The provision of notes regarding site preparation, including the removal of all weeds, proposed mulch, soil types and thickness, subsoil preparation; specifications for substrate and any specific maintenance requirements;
 - vi. An automated irrigation system for all garden areas including planter boxes; and
 - vii. 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) tree protection measures on adjoining properties and any landscaping proposed on site (including a planting schedule showing the proposed location, species type, mature height and width, pot sizes and number of species be planted on the site) with such plans to be prepared by a suitably qualified landscape professional;
 - c) Deleted.
 - d) *Deleted.*
 - e) Deleted.
 - f) linemarking car parking must be set out on a plan to be approved by the Responsible Authority and include 'Giveaway' marking at appropriate

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- locations to define the passing locations and priorities;
- g) the relocated pram crossing and linking footpath to be detailed on a construction plan to be approved by the Responsible Authority;
 - h) a notation on the plans allocating the provision of car parking for office and residents;
 - i) a note to state that the vehicle crossings are to be constructed to the satisfaction of the Responsible Authority and for all internal driveways to align with vehicle crossing;
 - j) the surface material associated with the building entry (pedestrian and driveways) to be clearly nominated;
 - k) all ESD features to be shown on the application drawings with appropriate notations including operatable windows, PV system size, solar hot water system and solar fraction;
 - l) an amended sustainable management plan in accordance with condition 19 of this planning permit;
 - m) along the western elevation (podium level) northern section a 10 metre wide x 11.7 metre high art mural commissioned by the City of Kingston at the full cost of the applicant and developer is to be provided. The remaining wall is to be provided with inscribed / pattered concrete; and
 - n) no business identification or business signage is to be located along this western elevation / associated with the art mural.
 - o) a car parking management plan as required by condition 18 of this planning permit.
 - p) a waste management plan as required by condition 32 of this planning permit.

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.

Drainage and Water Sensitive Urban Design (WSUD)

- 3. Unless with prior written consent of the Responsible Authority, before the development commences the following Integrated Stormwater Management (drainage) 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, 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 works including all existing and proposed features that may have an impact on the stormwater (drainage) works, including landscaping details.
 - b. Prior to submitting detailed plans, a comprehensive stormwater management (drainage) strategy for the site must be prepared that addresses the requirements specified within Council's *"Civil Design requirements for Developers – Part A: Integrated Stormwater Management"*.
 - c. The stormwater management (drainage) strategy must include a report with music modelling results demonstrating water sensitive urban design treatments that achieve Victorian best practice objectives. These may

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- 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 3a, 3b, and 3c above must be implemented on-site, unless an alternative agreement for stormwater quality in-lieu contribution is reached with the Responsible Authority.
4. Stormwater (drainage) works must be implemented in accordance with the approved stormwater management (drainage) plan and to the satisfaction of the Responsible Authority including the following:
 - a. All stormwater (drainage) works must be provided onsite so as to prevent overflows onto adjacent properties.
 - b. The implementation of stormwater (drainage) detention system which restricts stormwater discharge to the maximum allowable flowrate of 21 L/s.
 - c. All stormwater (drainage) works must be maintained to the satisfaction of the Responsible authority.
 5. A groundwater assessment report (GAR) must be prepared by a qualified hydro-geologist to assess any possible impacts the proposed development has on the ground water table, surrounding land and buildings to the satisfaction of Council.
 - a. Should the findings of the submitted GAR demonstrate that the site is likely to experience issues associated with ground water management, a ground water management plan (GMP) must be submitted to and approved by the responsible authority.
 6. The basement structure must be designed and constructed to the satisfaction of the responsible authority and must address the following:
 - a. The basement design must address the findings of the GAR and GMP required under condition 5, and
 - b. The basement must be a fully-tanked dry basement with no agricultural (AG) drain collection or disposal to the stormwater system and with an allowance made for hydrostatic pressures in accordance with Council's '*Basements and Deep Building Construction Policy, 2014*' and '*Basements and Deep Building Construction Guidelines, 2014*', or

In the event it is demonstrated that a fully-tanked dry basement cannot be achieved or if a wet basement is proposed, ground water including an AG drain must not be discharged into the stormwater system. Any subsurface water (groundwater) must be disposed of on-site or via an agreement with the local sewer authority.
 7. In any case where the basement design and construction, required by condition 6 of this permit, does not accord with the plan(s) approved under this permit the endorsed plan(s) must be amended to the satisfaction and with the written consent of the responsible authority.

Infrastructure and Road Works

8. Vehicle crossings must be constructed at a 90 degree alignment with the kerb on Jamieson Street and all internal driveways must align with the existing / proposed vehicle crossing.
9. The internal driveway must be at least 500mm from the side boundary at the front boundary.

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10. The footpath must be reconstructed on Chesterville Road and Jamieson Street frontages to Council's commercial standards of 1.8 metres wide with 600mm x 600mm saw cuts to the satisfaction of the Responsible Authority.
11. Redundant vehicle crossings are to be removed and reinstated to kerb, channel and nature strip to the satisfaction of the responsible authority.
12. Property boundary and footpath levels must not be altered without the prior written consent form the Responsible Authority.
13. The replacement of all footpaths, including offsets, must be constructed the satisfaction of the Responsible Authority.
14. All reinstatements and vehicle crossings must be constructed to the satisfaction of the Responsible Authority.
15. Vehicle crossings and other reinstatements must be constructed to council's industrial strength specifications.
16. All redundant vehicle crossings must be removed (including redundant portions of vehicle crossings) to the satisfaction of the Responsible Authority.
17. All front and side fences must be contained wholly within the title property boundaries of the subject land.

Car Parking

18. Prior to the endorsement of plans pursuant to condition 1, a car parking management plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. Traffic and car parking operations on and adjacent to the site must conform to this endorsed plan. An electronic copy of the plan must be submitted. The plan must include (but not limited to):
 - a) Allocating of car parking spaces to individual dwellings and the offices.
 - b) Signage of all car parking spaces.
 - c) Line marking of car parking spaces and detail of any proposed access controls such as roller doors/gates etc. securing access to the basement car park.
 - d) Servicing of the drainage and maintenance of the basement car parking areas.

Car parking spaces shown on the endorsed plans must not be used for any purpose other than the parking of vehicles, to the satisfaction of the Responsible Authority.

Sustainable Development

19. Prior to the endorsement of plans required by condition 1 of this planning permit, an amended sustainable management plan (SMP) that outlines proposed sustainable design initiatives must be submitted to and approved by the Responsible Authority. The sustainable management plan must be generally in accordance with the sustainable management plan prepared by Sustainable Development Consultants and dated 7 December 2020, but amended to address the following:
 - a. Ensure the BESS assessment achieves the minimum 50 per cent overall score and minimum required scores in Energy (50 per cent), IEQ (50 per cent) and Stormwater (100 per cent) categories.

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- b. Provide evidence that a pre-application meeting has taken place, including the date of the meeting, the officers present and the sustainable design outcomes discussed or amend the BESS assessment.
 - c. Indicate a clear commitment to achieving a 7.6-star average in the report or amend the BESS assessment.
 - d. Indicate a commitment to specifying heating and cooling systems to meet a 5-star minimum or equivalent in the report to reflect what has been entered into BESS assessment or amend the BESS assessment.
 - e. Indicate on plans the location of the outdoor clothes line/s that have protection from rain as indicated in BESS assessment or amend the BESS assessment.
 - f. Update report and BESS assessment to match the 60kW system indicated on the plans or amend the plans.
 - g. Provide evidence that 70 per cent of dwellings receive at least 3 hours of direct sunlight in all living areas between 9:00am and 3:00pm in mid-winter or amend the BESS assessment.
 - h. Provide the owners/tenants the option of installing their own electric vehicle charge points with electrical provisions at the main switchboard.
 - i. Provide additional notes on the plans which show that each dwelling's private open space area will be provided with an external tap and floor waste or amend the BESS assessment.
20. Prior to the occupation of any building approved under this permit, written confirmation from the author of the endorsed SMP is to be submitted to and approved by the Responsible Authority detailing that all of the required measures specified in the SMP have been implemented, to the satisfaction of the Responsible Authority.

Construction Management Plan

21. Prior to the commencement of any buildings and works on the land (including demolition), two (2) copies of 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 Guidelines, October 2016 (and any superseding versions and / or documents) and include a completed copy of the CMP checklist. The CMP must respond to, but is not limited to the following requirements:
- a) Element 1 - Public Safety, Amenity and Site Security.
 - b) Element 2 - Traffic Management
 - c) Element 3 - Stakeholder Management.
 - d) Element 4 - Operating Hours, Noise and Vibration Controls.
 - e) Element 5 - Air Quality and Dust Management.
 - f) Element 6 - Stormwater and Sediment Control.
 - g) Element 7 - 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.

22. The developer/owner must contact the Responsible Authority and VicRoads (if required) and arrange traffic management plans and WORKS ZONE for any

works that may affect traffic (both vehicular and pedestrian) or parking on Chesterville Road or any of the surrounding streets. Works vehicles may not be able to stop in the street fronting the property. The developer will be responsible for the costs of arranging a WORKS ZONE and reinstatement of parking restriction signs, to the satisfaction of the Responsible Authority.

Transport for Victoria

23. The permit holder must take all reasonable steps to ensure the disruption to bus operation along Chesterville Road are kept to a minimum during the construction of the development. Foreseen disruptions to bus operations and mitigation measures must be communicated to Transport for Victoria fourteen (14) days prior.

VicRoads

24. Prior to the occupation of the development hereby approved, the redundant vehicle crossing on Chesterville Road should be removed and the footpath, nature strip, kerb and channel reinstated to the satisfaction of Council and at no cost to VicRoads.

Aviation

25. Prior to construction, evidence be provided to confirm that the proposal meets with the requirements of the Airports (Protection of Airspace) Regulations 1996 and be below the relevant Obstacle Limitation Surface (OLS), unless with the written consent of the relevant authority.

Lighting

26. Exterior lighting must be installed in such positions as to effectively illuminate all communal areas. Such lighting must be designed, baffled and located to the satisfaction of the Responsible Authority to prevent any adverse effect on neighbouring land.

Completion of Works

27. 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.
28. 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.
29. 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.
30. 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.
31. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.

Waste Management Plan

32. Concurrent with the endorsement of plans, a waste management plan (WMP) to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the waste management plan will

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be endorsed and will then form part of the planning permit. The plan must include, but is not limited to, the following:

- a. The manner in which waste will be stored and collected including: type, size and number of containers.
 - b. Spatial provision for on-site storage.
 - c. Details whether waste collection is to be performed by Council's services or privately contracted.
 - d. The size of the collection vehicle and the frequency, time and point of collection.
 - e. Demonstrate that the waste collection vehicles can enter and exit the site in a forward direction.
 - f. Sufficient headroom within the basement to accommodate waste collection vehicles.
33. The waste management plan must be implemented to the satisfaction of the Responsible Authority. The waste management plan must not be modified unless with the written consent of the Responsible Authority.

Section 173 Agreement

34. Prior to the commencement of the development hereby permitted, the owner of the land must enter into an agreement with the Responsible Authority pursuant to Section 173 of the Planning and Environment Act 1987 to the satisfaction of the Responsible Authority in which it shall be covenanted as follows:
- a. The owner is to enter into an agreement with a 'Registered Housing Agency' or a 'Registered Housing Provider' (as defined under the *Housing Act 1983*) for the provision of affordable housing.
 - b. Pursuant to the provisions of Section 181 of the *Planning and Environment Act 1987*, this agreement shall be registered with the Registrar of Titles and shall run with the land.
 - c. The owner of the land under the planning permit shall pay the legal costs and be responsible for the preparation and registration of the said agreement.

Permit Expiry

35. 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 before within three (3) 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 use or 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.

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- Note: Council does not accept sub-surface water (groundwater) into the stormwater system. Sub-surface water (groundwater) is the responsibility of the property owner to dispose of on site or reach an agreement with the local sewer authority.
- Note: Prior to the commencement of the development you are required to obtain the necessary Building Permit.
- 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.
- Note: 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 builder/developer must contact Council prior to the lodgement of the CMP/Traffic Management Plan documents to organise a site meeting to discuss site constraints and possible solutions to be included in the CMP/TMP.
- Note: This Permit does not approve buildings and works within restricted airspace, and that separate approval from CASA, Airservices Australia and / or other regulatory bodies for works within restricted airspace may be required prior to the commencement of buildings and works.
- Note: The owner(s) occupiers and visitors of the development allowed by the permit may not be eligible for Council resident or visitor parking permits.

Date of Correction	Brief Description of the Correction
24 May 2018	Preamble to read 'develop the land for the construction of a ten storey mixed use building comprising up to 93 dwellings and 6 offices'. Correct drainage conditions as required.

THIS PERMIT HAS BEEN AMENDED PURSUANT TO SECTION 72 OF *THE PLANNING AND ENVIRONMENT ACT 1987* AS FOLLOWS:

Amendment	Date of Amendment	Description of Amendment	Name of responsible authority that approved the amendment

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A	07/06/2019	<ul style="list-style-type: none"> ▪ The building has been setback 2.5m from the western and part of the southern boundary at the basement, ground, first and second floors. ▪ Offices G.01 and G.02 have been consolidated into one tenancy. ▪ A second fire stair has been incorporated into the design with consequential changes to the car parking layout, office layout and size of the communal gym. Apartment 4.13 on each level has been reduced from a two bedroom apartment to a one bedroom apartment. ▪ The Level 1 setback from the southern boundary has been reduced from 4.5m to between 2.5m and zero. ▪ The floor area of Office 1.01 has been increased from 532m² to 767m². ▪ The floor area of Office on Level 2 has been reduced from 1242m² to 1165m² and split into two tenancies. ▪ The Level 2 setback from the southern boundary for a length of 10.5m has been reduced in part to zero ▪ The overall height of the building has increased by 480mm from 74.5m AHD to 74.98m AHD. ▪ The basement has been redesigned to accommodate the western setback and the setback to Chesterville Road has been reduced to zero. The landscaping along this frontage is now proposed within a 2.1m wide x 1m 	City of Kingston
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		<p>deep planter box.</p> <ul style="list-style-type: none"> ▪ Services such as gas meters, fire hydrant and fire pump room and water pump have been detailed. ▪ The bin store and bike store rooms have been amended. ▪ Car parking rates have been amended in accordance with the current Clause 52.06 requirements. ▪ Condition 1 c and e deleted (refer to previous design). ▪ Preamble to read 'develop the land for the construction of a ten storey mixed use building comprising up to 93 dwellings and 5 offices'. 	
<p style="text-align: center;">B</p>		<p>Section 72 amendment including:</p> <ul style="list-style-type: none"> • An increase from ten (10) storeys to eleven (11) storeys, with the additional storey comprising a recessed cap atop the approved ten storey development. • An increase in overall height by 3.18 metres. • An increase from ninety-three (93) apartments to 120 apartments. • Various minor amendments to setbacks, the car parking layout, common areas and services. • A reduction in the car parking requirement. 	<p>City of Kingston</p>

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		<ul style="list-style-type: none">• Update Permit pre- amble• Deletion/insertion of new conditions	
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CARRIED

**4.5 Amendment C197 to the Kingston Planning Scheme - Anomalies
Amendment**

Moved: Cr Oxley

Seconded: Cr Davies

That the Planning Committee:

1. Request authorisation from the Minister for Planning to prepare Amendment C197 to the Kingston Planning Scheme.
2. Subject to authorisation being granted by the Minister for Planning to prepare Amendment C197 to the Kingston Planning Scheme, exhibit the amendment in accordance with the *Planning and Environment Act 1987*.

CARRIED

5. Confidential Items

Nil

The meeting closed at 7.36pm.

Confirmed.....

The Mayor 21 April 2021