

Minutes

Planning Committee Meeting

Wednesday, 18th April 2018



**City of Kingston
Planning Committee Meeting**

Minutes

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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 7.00pm in the Council Chamber, 1230 Nepean Highway, Cheltenham.

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

In Attendance: John Nevins, Chief Executive Officer
Jonathan Guttmann, General Manager Planning and Development
Jaclyn Murdoch, Acting Manager City Development
Phil DeLosa, Manager Governance
Angela Granter, Governance Officer
Gabrielle Pattenden, Governance Officer

1. Apologies

An apology from Cr Bearsley was submitted to the meeting.

Moved: Cr Barth

Seconded: Cr Gledhill

That the apology from Cr Bearsley be received.

CARRIED

2. Confirmation of Minutes of Previous Meetings

Moved: Cr Brownlees

Seconded: Cr West

That the Minutes of the Planning Committee Meeting held on 24 January 2018 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 2018

Moved: Cr Barth

Seconded: Cr Hua

That the report be noted.

CARRIED

4.2 KP16/1087 - 19 Reeve Court, Cheltenham

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

Moved: Cr Brownlees

Seconded: Cr Gledhill

That the Planning Committee determine to support the proposal and issue a Notice of Decision to Grant a Permit to develop the land for the construction of six (6) dwellings with basement car parking and associated works at No. 19 Reeve Court, Cheltenham, 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 plans date stamped 06 February 2018, but modified to show:
 - a. the provision of a landscape plan in accordance with the submitted development plan and , with such plans 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.
 - 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 with a mature width of 1 metre, planted at 1 metre intervals);
 - vi. the provision of one (1) medium native canopy tree within the front setback of the property that is capable of reaching at least 10 metres in height with a canopy spread of 5 metres at maturity;

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- vii. the provision of one (1) small native canopy tree within the front setback of the property that is capable of reaching at least 6 metres in height with a canopy spread of 4 metres at maturity
 - viii. the provision of one (1) medium tree within the private open space of Units 1, 2, 3 and 4 that is capable of reaching at least 8 metres in height with a canopy spread of 4 metres at maturity; and
 - 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. no trees with a mature height over five (5) meters are to be planted over proposed or existing easements;
 - xi. 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;
 - xii. The location of any tree protection measures including for street trees accurately drawn to scale and labelled; and
- b. the provision of a 1800mm high timber paling fence to be erected along the entire length of the site's south (side) property boundary, at the Owner/Developer's expense;
 - c. the provision of a communal mail box area, located directly adjacent to the site's street frontage;
 - d. the provision of security lighting adjacent to the basement access ramp and the pedestrian pathway on the northern side of the proposed development;
 - e. the internal driveway must at least 500mm from the side boundary at the site's front property boundary;
 - f. the provision of a Waste Management Plan (WMP) to be submitted to and approved to the satisfaction of the Responsible Authority, in accordance with Condition 7;
 - g. the surface material of all driveways/accessways and car parking spaces nominated in all-weather coloured concrete sealcoat, or similar;
 - h. the location of all external heating and/or cooling units for the proposed dwellings;
 - i. the provision of a full colour palette, finishes and building materials schedule for all external elevations and driveway/s of the development; and
 - j. convex mirror or stop/go lights for traffic management at entry point of basement ramp.

Endorsed Plans

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

Landscaping Conditions

- 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.
- 4. Before the occupation of the development the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the

Responsible Authority.

Street Trees

5. Tree Protection Fencing is to be established around the *Callistemon salignus* (Weeping Bottlebrush) street tree 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.

Construction Management

6. Prior to the commencement of any buildings and works on the land (including demolition), 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 Policy, July 2015 and Construction Management Guidelines, 1 November 2015 (and any superseding versions and / or documents). The CMP 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.

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.

Waste Management Plan

7. Prior to the commencement of the Development, 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 Plan will be endorsed and will then form part of the permit. Three copies of the plan must be submitted. The plan must include but is not limited to all to the satisfaction of the Responsible Authority:
 - 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.

The waste management plan must be implemented to the satisfaction of the Responsible Authority. The waste management plan must not be modified unless

without the written consent of the Responsible Authority.

Environmentally Sustainable Design (ESD)

8. Prior to the endorsement of the Plans required pursuant to Condition 1 of this permit, the provision of an improved ESD report prepared by a suitably qualified professional, to the satisfaction of the Responsible Authority, must be submitted to and approved by the Responsible Authority. When approved, the Report will be endorsed as evidence of its approval and will then form part of the Permit and shall thereafter be complied with to the satisfaction of the Responsible Authority. The ESD report must include, but is not limited to, how the development will achieve a minimum 5 star and average 6 star energy rating, detailed initiatives for stormwater harvesting, insulation, daylighting, collective rainwater tanks and/or individual rainwater tanks, public and private landscape irrigation, energy efficient concepts, waste and recycling, building materials, glazing and internal/cross-flow ventilation and the like where appropriate and relevant to the satisfaction of the Responsible Authority.

Drainage and Water Sensitive Urban Design

9. 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 (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 (drainage) works including all existing and proposed features that may have impact on the stormwater (drainage) works, including landscaping details.
 - b. The Stormwater Management (drainage) Plan must address the requirements specified within Council's "Civil Design requirements for Developers – Part A: Integrated Stormwater Management".
 - c. A STORM modelling report with results demonstrating water sensitive urban design treatments that achieve Victorian best practice objectives with a minimum 100% rating must be provided as part of the Stormwater Management (drainage) Plan to the satisfaction of the Responsible Authority. These may 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 9a, 9b & 9c, above must be implemented on-site, unless an alternative agreement is reached with the Responsible Authority.
10. 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 6.4L/s.
 - c. All stormwater/drainage works must be maintained to the satisfaction of the Responsible Authority.

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11. 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 Responsible Authority. 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.
12. The basement structure must be designed to respond to the findings of the GAR and GMP required under condition 11 and constructed to the satisfaction of the responsible authority.

Parking and Traffic Management

13. Prior to the occupation of each dwelling hereby permitted, areas set aside for parking vehicles, access lanes and paths as shown on the endorsed plans must, to the satisfaction of the Responsible Authority, be:
 - a. Constructed to the satisfaction of the Responsible Authority.
 - b. Properly formed to such levels that they can be used in accordance with the plans.
 - c. Surfaced in accordance with the endorsed plans under this permit or in an all-weather coloured concrete seal-coat, to the satisfaction of the Responsible Authority.
 - d. Drained and maintained to the satisfaction of the Responsible Authority.
 - e. Clearly signposted/marked as resident parking.
 - f. Line-marked to indicate each car space and all access lanes and, if necessary, the direction in which vehicles are to travel to the satisfaction of the Responsible Authority.

Parking areas and access lanes must be kept available for these purposes at all times to the satisfaction of the Responsible Authority and maintained to the satisfaction of the Responsible Authority.

Infrastructure and Road Works

14. Any redundant vehicular crossing must be removed and the nature strip, kerb and channel, and footpath must be reinstated to the Responsible Authority's standard specifications and to the satisfaction of the Responsible Authority.
15. 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.
16. Vehicle crossings must be constructed at a 90 degree alignment with the kerb on Reeve Court and all internal driveways must align with the existing/proposed vehicle crossing.
17. Prior to the commencement of development, property boundary, footpath and vehicle crossing levels must be obtained from Council's Roads and Drains Department with all levels raised or lowered to the satisfaction of the Responsible Authority.
18. Any reinstatements and vehicle crossings are to be constructed to the satisfaction of the Responsible Authority.
19. The replacement of all footpaths, including offsets, must be constructed to the

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satisfaction of the Responsible Authority.

20. Any redundant vehicle crossings must be removed (including redundant portions of vehicle crossings) to the satisfaction of the Responsible Authority.
21. The proposed double vehicle crossing must be constructed to Council's industrial strength specifications.
22. All front and side fences must be constructed wholly within the title property boundaries of the subject land.

General amenity conditions

23. 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 be concealed from the street, unless with the further written consent of the Responsible Authority.
24. 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.
25. Service units, including air conditioning/heating units, where incorporated, must not be located where they will be highly visible from any public area to the satisfaction of the Responsible Authority and if located on the roof of a building, suitable screening and baffling must be provided to the satisfaction of the Responsible Authority.

Lighting

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

Completion of Works

27. Prior to the occupation of each dwelling 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.
28. Prior to the occupation of each dwelling 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.
29. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.

Time Limits

30. 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 Act, the responsible authority may extend the periods referred to if a request is made in writing:

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- before the permit expires; or
- within six (6) months after the permit expiry date, where the 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.

Note: The owner(s), occupiers and visitors of the development allowed by this permit will not be eligible for Council resident or visitor parking permits.

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: 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 Permits is required for the removal of such vegetation.

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

Note: Council's Rates Department is responsible for determining and assigning property address details, which include dwelling/unit/apartment and street numbers and/or street names. The onus is on the Permit Applicant/Land Owner to contact Council's Rates Department to determine dwelling/unit/apartment and street numbers, and street name details for the approved development. Any reference to dwelling numbers on endorsed plans is indicative and should not be relied upon for dwelling/unit/apartment and street numbers and/or street name purposes.

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.

CARRIED

4.3 KP17/265 - 590 Nepean Highway Bonbeach

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

It is recorded that Mark Stanojevic spoke on behalf of the applicant.

Moved: Cr Oxley

Seconded: Cr Eden

That the Planning Committee determine to support the proposal and issue a Notice of Decision to Grant a Permit to develop the land for the construction of six (6) dwellings and alter access to a Road Zone Category 1 at 590 Nepean Highway Bonbeach, 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 Bancroft and Malone Architects comprising Drawing No's. TP010 to TP060 inclusive, dated 5/11/17, submitted to Council on 10 November 2017, but modified to show:
 - a. setback the first floor living/dining/kitchen wall of Dwelling 4 to 2.6 metres from the southern boundary with a vertical profile to the walls and no increase to the length of the building;
 - b. balcony balustrade to Dwelling 4 setback a minimum of 2.6 metres from the southern boundary;
 - c. the light-court to Dwellings 4 and 5 increased to a minimum of 1.6m x 3.6m and provide daylight to 1 bedroom only and non-habitable rooms, with all other habitable rooms to have external facing window(s) and adequate daylight access;
 - d. light-well of Dwelling 6 to be open to the side boundary by deletion of the enclosing ground floor wall;
 - e. the privacy screening to Dwelling 1 and 2's terrace be obscured glazed (or otherwise) with a transparency of 25 per cent;
 - f. tandem car parking below Dwelling 3 be made into fully enclosed garages, with a minimal internal length of 11.3 metres, a storage area of 6m³ nominated at the northern end within each garage, and each nominated for Dwelling 1 or 2;
 - g. rearrange dwelling entries to Dwellings 1, 2 and 3 to be:
 - i. located adjacent to the driveway;
 - ii. a minimum of 500mm forward of the respective garage;
 - iii. covered;
 - iv. with any internal rearrangement required including provision of 6m³ storage areas;
 - h. Dwelling 1's entry stairwell be glazed at ground level facing the street;
 - i. provide a minimum 1 metre wide garden bed adjacent to the northern side of the passing bay at the site entry achieved by setting back the fence to Dwelling 1's private open space;

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- j. garden bed around the retained Tree 6 be increased to the south of Dwelling 2, unfenced to the driveway and held in common property;
- k. the following measures to limit overlooking:
 - i. privacy screening to Dwelling 2's balcony to part of its western edge for a length of 1.7 metres from the northern edge and designed in accordance with Standard B22 of Clause 55;
 - ii. wall nibs/blade screening that protrudes along the same line as the south-facing elevation for an adequate length to limit views from Dwelling 1 and 2's living room to No.s 1,3,5,7,9,11 The Waterfront;
 - iii. south-facing first floor stairwell windows to Dwelling 1 and 2 be fixed obscured glazing and not an applied film;
 - iv. east-facing study window of Dwelling 3 to be reduced in width and located further from the southern edge to limit views to No.s 5 and 7 The Waterfront;
 - v. sill height of south-facing first floor habitable room windows be 1.8 metres high from finished floor level;
 - vi. sill height of north-facing first floor habitable room windows of Dwelling 6 be 1.8 metres high from finished floor level.
- l. provision of north-facing ground floor bedroom windows to Dwelling 6 with waist high sill heights or similar and with eaves above or double glazing that reduces harsh solar access;
- m. foreshore facing façade to Dwellings 4 to 6 have reduced glazing and detailing that emphasises individual units by wider framing party walls, a larger first floor timber fascia, balustrade glazing of a different material, or by similar means;
- n. first floor area below the glazing on the south-facing elevations of Dwellings 1 to 3 clad with timber or a similar material;
- o. southern side of Dwelling 6 and northern side of Dwelling 4 have a more cohesive design, includes timber cladding, and which reduces the appearance of visual bulk;
- p. a consistent colour scheme to the first floors materials of Dwellings 4 to 6;
- q. the communal walkway to the beach adjacent to the southern property boundary access be:
 - i. nominated as the only communal walkway to the beach for private use only;
 - ii. nominate the gate adjacent to Dwelling 6's eastern wall as a security gate;
- r. all windows/walls shown on floor plans to be consistent with elevations, in particular but not limited to, showing Dwelling 3's south-facing first floor study as a wall;
- s. boundary lengths notated on floor plans;
- t. table of the site and proposed key features notated on floor plans;
- u. the provision of minimum 2000 litre rainwater tank clearly nominated for each dwelling with water re-used for toilet flushing;

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- v. mail boxes nominated;
- w. all existing easements shown on plan;
- x. provision of a longitudinal section of the reverse fall driveway with levels and grades to AHD, provision of a flood proof apex as required by Condition 8 of this permit, and designed in accordance with Clause 52.06 of the Kingston Planning Scheme;
- y. summary of all key commitments identified within the submission of a Sustainable Design Assessment required under Condition 20 of this permit clearly shown on plans;
- z. the provision of a full colour palette, finishes and building materials schedule for all external elevations and driveways of the development;
- aa. all requirements of VicRoads in accordance with Conditions 9 to 13 of this permit;
- bb. no new beach access nominated on plans and compliance with all requirements of the Department of Environment, Land, Water and Planning in accordance with Conditions 14 to 19 of this permit;
- cc. location of tree protection measures illustrated to scale and labelled on the Ground Floor Plan (and basement plan if there is one) and a notation referring to the endorsed Tree Management Plan as required by this permit;
- dd. a Tree Management and Retention Plan as required by Conditions 3 to 5 of this permit.
- ee. the provision of a landscape plan in accordance with the submitted development plan 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) 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, species must comprise a minimum of 100% indigenous coastal species by total numbers and plant type;
 - vi) The provision of two (2) *Banksia integrifolia* (Coast Banksia) to be planted within the front setback of the site;
 - vii) The provision of two (2) *Banksia integrifolia* (Coast Banksia) to be planted in the communal area in front of Dwellings 4, 5 and 6;
 - viii) The provision of one (1) *Banksia integrifolia* (Coast Banksia) to be planted within the rear private open space of Dwellings 4, 5 and 6

facing the foreshore.

- 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) No trees with a mature height over five (5) metres are to be planted over proposed or existing easements;
 - xi) 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;
 - xii) The location of any tree protection measures including for street trees accurately drawn to scale and labelled and notations referring to any endorsed Tree Management Plan; and
 - xiii) 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.
- ff. The retention of the existing Coast Banksia near the entry of Dwelling 1.

Endorsed Plans

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

Tree Management and Protection Plan

- 3. Before the development starts, including any related demolition or removal of vegetation, a Tree Management Plan (report) and Tree Protection Plan (drawing), to the satisfaction of the Responsible Authority, must be submitted to and be endorsed by the Responsible Authority.
- 4. The Tree Management Plan must be specific to the trees shown on the Tree Protection Plan, in accordance with AS4970-2009, prepared by a suitably qualified arborist and provide details of tree protection measures that will be utilised to ensure all trees to be retained remain viable post-construction. Stages of development at which inspections are required to ensure tree protection measures are adhered to must be specified.
- 5. The Tree Protection Plan must be in accordance with AS4970-2009, be drawn to scale and provide details of;
 - a) The Tree Protection Zone and Structural Root Zone for all trees to be retained on the site and for all trees on neighbouring properties where any part of the Tree Protection Zone falls within the subject site.
 - b) The location of tree protection measures to be utilised.

Drainage and Water Sensitive Urban Design

- 6. 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 (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 (drainage) works including all existing and proposed features that may have impact on the stormwater (drainage) works,

- including landscaping details.
- b. The Stormwater Management (drainage) Plan must address the requirements specified within Council's "Civil Design requirements for Developers – Part A: Integrated Stormwater Management".
 - c. A STORM modelling report with results demonstrating water sensitive urban design treatments that achieve Victorian best practice objectives with a minimum 100% rating must be provided as part of the Stormwater Management (drainage) Plan to the satisfaction of the Responsible Authority. These may 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 above must be implemented on-site, unless an alternative agreement is reached with the Responsible Authority.
7. 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 14.6L/s.
 - c. All stormwater/drainage works must be maintained to the satisfaction of the Responsible Authority.
8. A flood proof apex (ie ridge level) must be provided to protect the property from overland flows. This apex is to be a minimum of 150mm above the existing back of path level along the entire Nepean Highway frontage of the subject site. This apex is to continue through any driveways or pathways that may cross it. The apex is to be a permanent structure (eg. rise in concrete driveway/pathway, sleeper retaining wall, solid brick fence/wall). Low mounded soil on its own is unlikely to be acceptable due to the likelihood of future disturbance.

VicRoads conditions

9. Prior to the commencement of use of the development hereby approved, a sealed access crossover as at least 6.5 metres wide at the property boundary, with the crossover angled at 60 degrees to the road reserve boundary, at least for the first 3 metres from the edge of the road must be constructed and the power pole relocated, to the satisfaction the Responsible Authority (Council) and at no cost to VicRoads.
10. Prior to the occupation of the development, all disused or redundant vehicle crossings must be removed and the area reinstated to the satisfaction of the Responsible Authority and at no cost to VicRoads.
11. Prior to the commencement of the use of the development hereby approved, the access crossover and associated works must be provided and available for use.
12. Vehicles must enter and exit the land in a forward direction at all times.
13. The level of the footpaths must not be lowered or altered in any way to facilitate access to the site.

Department of Environment, Land, Water and Planning (DELWP) conditions

14. There must be no:
 - a) storage of materials (including temporary stock sites) or spoil;
 - b) truck turning areas;
 - c) new entry points;
 - d) parking of vehicles;
 - e) vegetation removal;
 - f) buildings and works; and
 - g) discharge of stormwater or other concentrated flow of water;
on the adjacent Crown land as part of the development and its future use.
15. Any landscaping works undertaken on the site must not include the planting of environmental weeds.
16. Prior to work commencing, the shared boundary with Crown land must be suitably fenced (and erected on the correct boundaries of the land) to the satisfaction of the Responsible Authority and the Department of Environment, Land, Water and Planning, at the applicant's expense.
17. Public access along the adjoining Crown land must not be restricted by the use or development.
18. That all formal private access from the subject land onto the adjacent Crown land (foreshore) be restricted to the one access point situated at the south west corner of the land located on the plan titled Design Response – ground floor TP 020 by Andy Bankcroft Architects, dated 3 March 2017.
19. All external surfaces must be made of non-reflective materials that blend with the surrounding environment to the satisfaction of the Responsible Authority.

Sustainable Design Assessment

20. Prior to the endorsement of the Plans required pursuant to Condition 1 of this permit, the provision of a Sustainable Design Assessment (SDA) to be prepared by a suitably qualified professional must be submitted to and approved by the Responsible Authority. The SDA must include, but is not limited to, detailing initiatives for stormwater harvesting, insulation, building materials, daylighting, collective rainwater tanks and/or individual rainwater tanks, public and private landscape irrigation and car washing, energy efficient concepts, glazing and internal ventilation and the like.
21. Prior to the occupation of any building approved under this permit, written confirmation from the author of the endorsed SDA is to be submitted to the Responsible Authority that all of the required measures specified in the SDA have been implemented.

Infrastructure and Road Works

22. 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.
23. Property boundary and footpath levels must not be altered without the prior written consent from the Responsible Authority.
24. Any reinstatements and vehicle crossings are to be constructed to the

satisfaction of the Responsible Authority.

25. The replacement of all footpaths, including offsets, must be constructed to the satisfaction of the Responsible Authority.
26. Any redundant vehicle crossings must be removed (including redundant portions of vehicle crossings) to the satisfaction of the Responsible Authority.
27. The proposed vehicle crossing must be constructed to Council's higher strength specifications.

Construction Management

28. Prior to the commencement of any buildings and works on the land (including demolition), 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 Policy, July 2015 and Construction Management Guidelines, 1 November 2015 (and any superseding versions and / or documents). The CMP 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

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.

General amenity conditions

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 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.
31. 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.

Cultural Heritage Management Plan

32. All buildings and works must be carried out in accordance with the approved Cultural Heritage Management Plan No. 14229 prepared by JEM Archaeology and approved by the Department of Premier and Cabinet on the 25 May 2016. A copy of the approved CHMP must be held on site during the construction activity.

Completion of Works

33. Prior to the occupation of the dwellings hereby permitted, all buildings and

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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.

34. Prior to the occupation of the dwellings 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 (except where that landscaping is on public land) to the satisfaction of the Responsible Authority.

Time Limits

35. 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 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 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.

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

Note: Any buildings and works (including eaves) to be located within an easement requires separate consent from Council and/or the relevant service authority. This 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: No work must be commenced in, on, under or over the road reserve without having first obtaining all necessary approval under the Road Management Act 2004, the Road Safety Act 1986, and any other relevant acts or regulations created under those Acts.

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 Permits is required for the removal of such vegetation.

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

4.4 KP17/716 - 51 Golden Avenue Chelsea

Moved: Cr Oxley

Seconded: Cr Eden

That the Planning Committee determine to support the proposal and issue a Notice of Decision to Grant a Permit to develop the land for the construction of five (5) dwellings at 51 Golden Avenue Chelsea, 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 D.A. Szabo & Assoc. comprising Drawing No's. L2017/031A Sheets 1 to 4 inclusive, dated August 2017, submitted to Council on 1 December 2017, but modified to show:
 - a. the western boundary fence height extended by a 300mm high trellis to 56A Glenola Road at the developer's cost, unless otherwise agreed between the respective owners;
 - b. first floors of Dwellings 2, 3 and 4 setback from the eastern boundary a minimum of 2.5 metres with generally no reductions to other setbacks;
 - c. deletion of the first floor bathroom of Dwelling 3;
 - d. west-facing living room glazing to Dwellings 1, 2, 3 and 4 be double glazed or have a 500mm eave or similar above that reduces heat loading;
 - e. first floor north-facing bedroom windows to Dwellings 2 and 3 be clear glazed with a waist-high sill or similar;
 - f. details of west-facing first floor privacy screens which must be designed to limit overlooking whilst maximising internal amenity, daylight and outlook in accordance with Standard B22 of Clause 55.04-6 of the Kingston Planning Scheme;
 - g. western wall of bedroom 2 of Dwelling 4 setback a minimum of 9 metres from the western boundary with an internal rearrangement (as required) to retain two bedrooms;
 - h. garage door widths to Dwellings 2 to 5 increased to a minimum of 3.2

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metres;

- i. the lengths of on-boundary walls clearly dimensioned;
- j. the longitudinal section of reverse fall driveways with levels, distances, grades as per AS2890.1:2004 and provision of a flood proof apex as per condition 5 of this Permit;
- k. provision of a 2000L water tank clearly nominated for each new dwelling and collected to toilets for flushing;
- l. summary of all key commitments identified within the submission of a Sustainable Design Assessment required under Condition 6 of this permit clearly shown on plans;
- m. the provision of a full colour palette, finishes and building materials schedule for all external elevations and driveways of the development;
- n. the provision of a landscape plan in accordance with the submitted development plan 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, species must comprise a minimum of 80% indigenous coastal species by total numbers and plant type;
 - v. The provision of two (2) indigenous canopy trees capable of reaching a mature height of at least 12 meters and 5 meters wide to be planted within the front setback, one (1) indigenous canopy tree capable of reaching a mature height of at least 5 meters and 2.5 meters wide to be planted in each area of secluded private open space, a further two (2) indigenous canopy tree capable of reaching a mature height of at least 4 meters and 1.5 meters wide to be planted along the driveway garden bed at the widest point to provide a landscape buffer from neighbouring properties, with species to be approved by the Responsible Authority;
 - vi. 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;
 - vii. No trees with a mature height over five (5) meters are to be planted over proposed or existing easements;
 - viii. 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;
 - ix. 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.

Endorsed Plans

2. The development 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

3. 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 (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 (drainage) works including all existing and proposed features that may have impact on the stormwater (drainage) works, including landscaping details.
 - b. The Stormwater Management (drainage) Plan must address the requirements specified within Council's "Civil Design requirements for Developers – Part A: Integrated Stormwater Management".
 - c. A STORM modelling report with results demonstrating water sensitive urban design treatments that achieve Victorian best practice objectives with a minimum 100% rating must be provided as part of the Stormwater Management (drainage) Plan to the satisfaction of the Responsible Authority. These may 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 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(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 12L/s.
 - c. All stormwater/drainage works must be maintained to the satisfaction of the Responsible Authority.
5. A flood proof apex (i.e. ridge level) protecting the property from any overland flows must be provided. This apex is to be a minimum of 320mm above the existing kerb and channel invert level along the entire Golden Avenue of the subject site. This apex is to continue through any driveways or pathways that may cross it. The apex is to be a permanent structure (e.g. rise in concrete driveway/pathway, sleeper retaining wall, solid brick fence/wall). Low mounded soil on its own is unlikely to be acceptable due to the likelihood of future disturbance.

Sustainable Design Assessment

6. Prior to the endorsement of the Plans required pursuant to Condition 1 of this permit, the provision of a Sustainable Design Assessment (SDA) to be prepared

by a suitably qualified professional must be submitted to and approved by the Responsible Authority. The SDA must include, but is not limited to, detailing initiatives for stormwater harvesting, insulation, building materials, daylighting, collective rainwater tanks and/or individual rainwater tanks, public and private landscape irrigation and car washing, energy efficient concepts, glazing and internal ventilation and the like.

7. Prior to the occupation of any building approved under this permit, written confirmation from the author of the endorsed SDA is to be submitted to the Responsible Authority that all of the required measures specified in the SDA have been implemented.

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 owner/developer.
9. Property boundary and footpath levels must not be altered without the prior written consent from the Responsible Authority.
10. Any reinstatements and vehicle crossings are to be constructed to the satisfaction of the Responsible Authority.
11. The replacement of all footpaths, including offsets, must be constructed to the satisfaction of the Responsible Authority.
12. Any redundant vehicle crossings must be removed (including redundant portions of vehicle crossings) to the satisfaction of the Responsible Authority.

General amenity conditions

13. 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.
14. 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.
15. 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

16. Prior to the occupation of the dwellings 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.
17. Prior to the occupation of the dwellings 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 (except where that landscaping is on public land) to the satisfaction of the Responsible Authority.

Time Limits

18. 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:

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- 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 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 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.

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 Permits is required for the removal of such vegetation.

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

4.5 Amendment C157- Design and Development Overlay Foreshore and Urban Coastal Areas

Moved: Cr Gledhill

Seconded: Cr Brownlees

That the Planning Committee request authorisation from the Minister for Planning to prepare Planning Scheme Amendment C157 to the Kingston Planning Scheme pursuant to Section 20(2) of the Planning and Environment Act 1987.

CARRIED

5. Confidential Items

Moved: Cr Brownlees

Seconded: Cr Gledhill

That Council determine that the following documents be designated confidential in accordance with section 77(2) of the *Local Government Act 1989*:

Confidential Appendices

4.5 Amendment C157- Design and Development Overlay Foreshore and Urban Coastal Areas

Appendix 3, Legal Advice

This appendix is confidential in accordance with the Local Government Act s89(2) as it relates to (s89 2f)

CARRIED

The meeting closed at 7.26pm.

Confirmed.....

The Mayor 23 May 2018