

Minutes

Planning Committee Meeting

Wednesday, 18th September 2019

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The meeting commenced at 7.03pm in the Council Chamber, 1230 Nepean Highway, Cheltenham.

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

In Attendance: Julie Reid, Chief Executive Officer
Jonathan Guttmann, General Manager Planning and Development
Ian Nice, Manager City Development
Phil DeLosa, Manager Governance
Gabrielle Pattenden, Governance Officer
Lindsay Holland, Facilities Officer

1. Apologies

An apology from Cr Eden was submitted to the meeting.

Moved: Cr Bearsley

Seconded: Cr Staikos

That the apology from Cr Eden be received.

CARRIED

2. Confirmation of Minutes of Previous Meetings

Moved: Cr Bearsley

Seconded: Cr Staikos

That the Minutes of the Planning Committee Meeting held on 21 August 2019 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 - August 2019

Moved: Cr Bearsley

Seconded: Cr Staikos

That the report be noted.

CARRIED

4.2 KP-2018/934 - 22 Stayner Grove, Moorabbin

It is recorded that Malcolm Sinclair spoke on behalf of objectors.

It is recorded that Edelene Yoke spoke on behalf of the applicant.

Moved: Cr Staikos

Seconded: Cr Barth

That the Planning Committee determine to issue a Notice of Refusal to Grant a Permit to develop the land for three (3) dwellings and remove an easement at 22 Stayner Grove, Moorabbin, on the following grounds:

1. The proposal is not consistent the General Residential Zone 3 at Clause 32.08 of the Kingston Planning Scheme as the proposal does not provide a design outcome that is respectful of the prevailing and preferred neighbourhood character.
2. The proposed extent of massing is visually intrusive and unresponsive to the context of the site and would result in unreasonable amenity impacts on adjoining properties.
3. The proposal represents an overdevelopment of the subject site providing an inappropriate response to local policy expectations and the character of the area.

Amendment

Moved: Cr West

Seconded: Cr Staikos

That the Planning Committee determine to issue a Notice of Refusal to Grant a Permit to develop the land for three (3) dwellings and remove an easement at 22 Stayner Grove, Moorabbin, on the following grounds:

1. The proposal is not consistent the General Residential Zone 3 at Clause 32.08 of the Kingston Planning Scheme as the proposal does not provide a design outcome that is respectful of the prevailing and preferred neighbourhood character.
2. The proposed extent of massing is visually intrusive and unresponsive to the context of the site and would result in unreasonable amenity impacts on adjoining properties.
3. The proposal represents an overdevelopment of the subject site providing an inappropriate response to local policy expectations and the character of the area.
4. The proposal does not comply with Clause 22.11 of the Kingston Planning scheme.

**The Amendment was put and LOST
The Substantive Motion was put and CARRIED on the casting vote of the
Chairperson**

4.3 KP-2019/173 - 11 & 15 Wimborne Avenue, Chelsea

It is recorded that Kiral Jovanoski spoke on behalf of the applicant.

Moved: Cr Bearsley

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 eight (8) dwellings at 11 and 15 Wimborne 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 Kiril Architects, Project No. WIA-11, Drawing No's. TP00-TP13 (Revision A), Date created AUG 18, submitted on 14 May 2019, but modified to show:
 - a. The provision of a landscape plan in accordance with the submitted ground floor plan prepared by KIRIL Architects (Aug 18), 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 with all plants chosen to be to the satisfaction of the Responsible Authority;
 - ii) A survey, including, botanical names of all existing trees to be retained or removed on the site including Tree Protection Zones for trees to be retained calculated in accordance with AS4970-2009;
 - iii) A survey including botanical names, of all existing trees on neighbouring properties where the Tree Protection Zones of such trees calculated in accordance with AS4970-2009 fall partially within the subject site;
 - iv) The delineation of all garden beds, paving, grassed area, retaining walls, fences and other landscape works;
 - v) The reconfiguration of the concrete pavers and stairs leading to the deck in the secluded private open space of Unit 3, 4, 5, 6, 7 and 8, to provide a shorter distance from the deck to the clothesline;
 - vi) A range of plant types from ground covers to large shrubs and trees, provided at adequate planting densities (e.g. plants 1 metre width at maturity planted 1 metre apart) with the species chosen to comprise of a minimum 80% coastal indigenous species by plant type and total quantities;

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- vii) The provision of four (4) coastal indigenous canopy trees capable of growing to minimum mature dimensions of 12 metres in height and 8 metres in width to be planted within the front setback of the property, with the species chosen to be approved by the Responsible Authority;
 - viii) The provision of one (1) canopy tree capable of growing to minimum mature dimensions of 6 metres in height and 4 metres in width to be planted within the secluded private open space of dwelling 3, 4, 5, 6, 7 and 8, with the species chosen to be approved by the Responsible Authority;
 - 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) 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
 - xi) The location of any tree protection measures including for street trees accurately drawn to scale and labelled;
- b. The location of tree protection measures illustrated to scale and labelled on the ground floor plan.
 - c. The provision of corner splays or areas in accordance with Design Standard 1 – Accessways of Clause 52.06-9 of the Kingston Planning Scheme.
 - d. The use of warning devices, convex traffic mirrors or other device to improve pedestrian and vehicles safety along the basement ramp to the satisfaction of the Responsible Authority.
 - e. The gate at the base of the ramp to be nominated as being activated by remote control.
 - f. Minimum sill heights and windows treatments to be clearly shown and designed in accordance with Clause 55.04-6 (Standard B22) of the Kingston Planning Scheme.
 - g. The first floor side setback of Dwelling 1 to be redesigned to allow for a side setback variation up to 0.2m to Clause 55.04-1 (standard B17) of the Kingston Planning Scheme. The changes must be limited within the advertised building footprint and provide visual interest along the east elevation to the satisfaction of the Responsible Authority.
 - h. The provision of a longitudinal section of the access (including vehicle crossing and basement part) ramp showing gradients, levels, distances, with headroom clearances complying with AS2890.1:2004 and the flood proof apex.
 - i. The required flood proof apex of 150mm above the existing kerb and channel invert level must be provided along the entire Wimborne Avenue frontage of the subject site.
 - j. Vehicle crossings must be constructed at a 90 degree alignment with the kerb on Wimborne Avenue and all internal driveways must align with the existing / proposed vehicle crossing.
 - k. An amended Sustainable Design Assessment / BESS assessment and

corresponding plans to clarify:

- i) The exact size and location of rainwater tanks and connection to toilets and irrigation.
- ii) Clarify the type of bicycle parking facilities proposed (noting BESS credits are not available for mounted bicycle parking above car bonnets)
- iii) The location of electric vehicle infrastructure if proposed.

Endorsed Plans

2. The development as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.
3. The works hereby approved must be carried out in accordance with the approved Cultural Heritage Management Plan No 16351 prepared by Benchmark Heritage Management and approved by the Director Heritage Services Aboriginal Victoria, acting under authority delegated by the Secretary, Department of Premier and Cabinet on 26 July 2019.
4. 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.

Street Trees

5. Tree Protection Fencing is to be established around the street trees prior to demolition and maintained until all works on site are complete.
 - a) The fencing is to be a 1.8 metre high temporary fence constructed using steel or timber posts fixed in the ground or to a concrete pad, with the fence's side panels to be constructed of cyclone mesh wire or similar strong metal mesh or netting.
 - b) The fencing is to encompass the entire nature strip with each end 3 metres from the base of the tree.

Drainage and Water Sensitive Urban Design

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

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- satisfaction of the Responsible Authority.
- d) The water sensitive urban design treatments as per conditions 6a, 6b & 6c above must be implemented on-site, unless an alternative agreement for stormwater quality in-lieu contribution 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 12.9L/s.
 - c) All stormwater/drainage works must be maintained to the satisfaction of the Responsible Authority.
 8. 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.
 9. The basement structure must be designed to respond to the findings of the GAR and GMP required under condition 7 and constructed to the satisfaction of the responsible authority.
 10. A flood proof apex (ridge level) protecting the property from any overland flows must be provided in accordance with Kingston City Council's 'Basement Policy Guidelines'. This apex is to be a minimum of 150mm above the existing kerb and channel invert along the entire Wimborne Avenue 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.

Roads and Drains

11. The replacement of all footpaths, including offsets, must be constructed to the satisfaction of the Responsible Authority.
12. All reinstatements and vehicle crossings must be constructed to the satisfaction of the Responsible Authority.
13. Vehicle crossings must be constructed to council's industrial strength specifications.
14. All redundant vehicle crossings must be removed (including redundant portions of vehicle crossings) to the satisfaction of the Responsible Authority.
15. All front and side fences must be contained wholly within the title property boundaries of the subject land to the satisfaction of the Responsible Authority.
16. 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.

Waste Management Plan

17. 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 Plan will be endorsed and will then form part of the 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.
18. The WMP must be implemented to the satisfaction of the Responsible Authority. The WMP must not be modified unless without the written consent of the Responsible Authority.

Sustainable Design Assessment

19. Prior to the endorsement of the plans required pursuant to Condition 1 of this permit, the provision of an amended Sustainable Design Assessment (SDA) / BESS assessment to be prepared by a suitably qualified professional must be submitted to and approved by the Responsible Authority.

Construction Management

20. Prior to the commencement of any buildings and works on the land, 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 and Construction Management Guidelines. 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

21. 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.

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22. 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.
23. 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

24. 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.
25. 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 to the satisfaction of the Responsible Authority.

Time Limits

26. In accordance with section 68 of the *Planning and Environment Act 1987* (the Act), this permit will expire if one of the following circumstances applies:
 - The development is not started within two (2) years from the date of permit issue.
 - The development is not completed within four (4) years from the date of permit issue.

In accordance with Section 69 of the Planning and Environment Act 1987, an application may be submitted to the responsible authority for an extension of the periods referred to in this condition.

- Note:** Environment Protection Authority (EPA) Victoria set out the requirements pertaining to site construction hours and permissible noise levels.
- Note:** Prior to the commencement of the development you are required to obtain the necessary Building Permit.
- Note:** The applicant/owner must provide a copy of this planning permit to any appointed Building Surveyor. It is the responsibility of the applicant/owner and Building Surveyor to ensure that all building development works approved by any building permit is consistent with the planning permit.
- Note:** The applicant/owner must provide a copy of this planning permit and any endorsed plans to any external contractor to ensure that all trees to be retained on site are protected during any works.
- Note:** Before removing / pruning any vegetation from the site, the applicant or any contractor engaged to remove any vegetation, should consult Council's Vegetation Management Officer to verify if a Local Laws Permits 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 or dwelling/unit/apartment and street

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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.

Note: All buildings and works must be carried out in accordance with the approved Cultural Heritage Management Plan as required by the *Aboriginal Heritage Act 2006*. A copy of the approved CHMP must be held on site during the construction activity.

Note: For information on how City of Kingston approaches the construction of building and other structures with below ground elements for the benefit of the whole community please refer to City of Kingston 'Basement and Deep Building Construction Policy' and 'Basements and Deep Building Construction Guidelines'. <http://www.kingston.vic.gov.au/Property-and-Development/Engineering-Assessments>

Note: During basement construction Council does not permit the discharge of surface water or ground water into the Council drainage system unless a Temporary Discharge Permit (TDP) has been obtained. Application form and other construction related permits can be obtained from the following link: <http://www.kingston.vic.gov.au/Property-and-Development/Construction>.

Cr West left the meeting at 7:38pm

CARRIED

4.4 KP-2018/676 - 236 - 242 Clarinda Road, Heatherton

Cr West returned to the meeting at 07:40pm

Moved: Cr Staikos

Seconded: Cr Hua

That the Planning Committee determine to support the proposal and issue a Notice of Decision to Grant a Permit to use the land as a Place of Worship, Buildings and Works for the construction of an associated car parking area and to construct or put up Business Identification Signage, on land subject to a Public Acquisition Overlay, at No. 236 – 242 Clarinda Road, Heatherton, 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 Draft Point, comprising Project No. COP04; Revision 5, dated 18/04/2019, submitted to Council of 12/06/2019, but modified to show:
 - a. a notation reading: “vehicle crossings must be constructed at a 90 degree alignment with the kerb on Elder Street South and all internal driveways must align with the existing / proposed vehicle crossing”;
 - b. the provision of vegetative treatments to the associated car parking area, to the satisfaction of the Responsible Authority. This is to be in the form of a Landscape Plan;
 - c. any window glazing associated with the proposed windows, nominated to be low reflectivity;
 - d. the provision of visual improvements to the external interfaces of the existing building on site, including, but not limited to, paint and material treatments, to the satisfaction of the Responsible Authority;
 - e. the provision of a full colour palette, finishes and building materials schedule for all external elevations and driveways of the development;
 - f. the provision of a stand-alone Car Parking Plan, at a scale of 1:100;
 - g. the location of proposed external lighting, as required under Condition 12 of this Permit;
 - h. a notation which reads: “site clean-up is required (i.e. removal of weeds) prior to the commencement of the use”;
 - i. an Acoustic Report, as per Condition 21 of this Permit;
 - j. 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 with all plants chosen to be to the satisfaction of the Responsible Authority;
 - ii. a range of plant types from ground covers to large shrubs, provided

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- at adequate planting densities (e.g. plants 1 metre width at maturity planted 1 metre apart);
- iii. plant species chosen to comprise of 100% indigenous species; EVC 175 Grassy Woodland of the Gippsland Plain bioregion;
 - iv. the delineation of all garden beds, paving, grassed area, retaining walls, fences and other landscape works;
 - v. all existing trees within the site and adjacent trees whose tree protection zone (TPZ) extends within the site, accurately illustrated and labelled with botanical name, height and whether the tree is proposed to be retained or removed;
 - vi. the provision of a minimum five-metre-wide landscaped buffer, with suitable canopy trees and screening vegetation adjacent to the perimeter of the site;
 - vii. the relocation of the carparking spaces adjacent to the site boundary, with this area to be replaced by the landscaped buffer referred to in condition 1a) vi;
 - viii. the provision of fifteen (15) *Eucalyptus radiata* (Narrow-leaved Peppermint) to be planted along the Old Dandenong Road and Elder Street frontages;
 - ix. the provision of fifteen (15) *Allocasuarina verticillata* (Drooping Sheoak) to be planted along the Old Dandenong Road and Elder Street frontages;
 - x. 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;
 - 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; and
 - xii. the location of any tree protection measures accurately drawn to scale and labelled as per the endorsed Tree Management Plan.
- k. the location of tree protection measures illustrated to scale and labelled on the Ground Floor Plan as per the endorsed Tree Management Plan; and
 - l. any changes as required by Conditions 4 and 6.
 - m. the provision of an alternative vehicle access point, if possible, along the site's Old Dandenong Road frontage, to minimise vegetation removal from the site as a result, and that the Elder Street South vehicle access point is closed as a consequence.

Endorsed Plans

- 2. The use and associated works as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.
- 3. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced.

Trees to be Retained

- 4. The retention of the *Grevilea robusta*, the six *Eucalyptus nicholii*, the group of five multistemmed *Melaleuca lancolata* and the *Eucalyptus viminalis* sbsp.

pyrrioriana located along the Old Dandenong Road frontage.

Root Investigation Report

5. Concurrent with the endorsement of plans, a report written to the satisfaction of the Responsible Authority by a minimum AQF Certificate 5 arborist which documents the results of a non-destructive (compressed air or hydro excavation) root investigation to be undertaken in the location of all encroachments by the carpark into the tree protection zone of the trees located along the Old Dandenong Road frontage. The report is to detail:
 - a. The number, depth and location of any roots uncovered;
 - b. Include photographic evidence; and
 - c. Provide an opinion on minimum setback for the trees to be retained.

Tree Management and Protection Plan

6. Concurrent with the endorsement of plans, a Tree Management Plan must be submitted to and be endorsed by the Responsible Authority and incorporating:
 - a) A Tree Protection Plan (scale drawing) with a notation referring to the Tree Management Plan must provide details of:
 - i. The Tree Protection Zone and Structural Root Zone, calculated in accordance with AS4970-2009, for all trees to be retained on the site and for all trees on neighbouring properties where the Tree Protection Zone falls partially within the subject site;
 - ii. Tree protection fencing, or ground protection where required, provided in accordance with AS4970-2009;
 - iii. Stages of development at which inspections are required to ensure tree protection measures are adhered to must be specified;
 - iv. Appropriate signage on any tree protection fencing prohibiting access, excavation, changes in soil levels, or any storage within the Tree Protection Zone in accordance with AS4970-2009 unless with the prior written consent and under the direct supervision of the consulting arborist;
 - v. Maintenance of the area(s) within the Tree Protection Zone in accordance with AS4970-2009; and
 - vi. Any pruning to be undertaken being in accordance with AS4373-2007.
 - b) Tree Management Plan (written report) must be prepared by a suitably qualified arborist, with reference the Tree Protection Plan and provide details of:
 - i. The non-destructive root investigation undertaken in accordance with condition 4;
 - ii. Proposed construction methods for works within the Tree Protection Zone nominated on the Tree Protection Plan;
 - iii. How excavation impacts, including soil level changes, on trees to be retained will be managed;
 - iv. How the canopy of trees nominated on the Tree Protection Plan will be protected; and

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- v. Any other measures required to demonstrate the successful ongoing retention and viability post-construction of any trees nominated on the Tree Protection Plan.
- 7. All protection measures identified in the Tree Management Plan must be implemented, and development works undertaken on the land must be undertaken in accordance with the Tree Management Plan, to the satisfaction of the Responsible Authority.
- 8. Prior to the commencement of works, the name and contact details of the project arborist responsible for implementing the Tree Management Plan must be submitted to the Responsible Authority.

Drainage and Water Sensitive Urban Design

- 9. 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 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 5a, 5b, & 5c above must be implemented on-site, unless an alternative agreement for stormwater quality in-lieu contribution is reached with the Responsible Authority.
- 10. 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 calculated as per Council's "Civil Design requirements for Developers – Part A: Integrated Stormwater Management".
 - c. All stormwater (drainage) works must be maintained to the satisfaction of the Responsible authority.
- 11. Prior to the commencement of the use on site, the site is required to be cleaned up, including the removal of any dead and deceased vegetation and weeds (with

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appropriate replacement of any such dead and deceased vegetation.

12. Exterior lights must be installed in such positions to effectively illuminate all pathways, car parks and other public areas to the satisfaction of the Responsible Authority.
13. External lighting must be designed, baffled and located to the satisfaction of the Responsible Authority to prevent any adverse effect on neighbouring land.
14. The use must operate only between the hours of:
Monday: 9.00am – 5.00pm;
Tuesday – Thursday: 9.00am – 9.00pm;
Friday & Saturday: 9.00am – 12.00am; and
Sunday: 9.00am – 6.00pm.
Or as otherwise approved by the Responsible Authority.
15. Not more than 300 patrons are to be on the premises at any one time.
16. Not more than two (2) church services are to occur each week and not more than 200 patrons are to attend these services.
17. Not more than three (3) religious education sessions are to occur each week and not more than 300 patrons are attend these sessions.
18. General administration must be limited to the following times, with not more than 20 patrons in attendance:
Monday to Friday: 8.00am – 6.00pm.
19. Not more than one Meeting is to occur within a week and not more than 300 patrons are to be in attendance.
20. Not more than six (6) wedding ceremonies are to occur within a calendar year and not more than 250 patrons are to attend such ceremonies.

Acoustic Treatments

21. Concurrent with the endorsement of plans required under Condition 1 of this permit, an Acoustic Report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The Report must be prepared by a suitably qualified acoustic engineer to the satisfaction of the Responsible Authority and show how the requirements of State Environment Protection Policy N-2 (Control of Music Noise from Public Premises) and relevant Australian Standards will be met. The report must, to the satisfaction of the Responsible Authority, prescribe:

- a. The form of acoustic treatment(s) to the premises demonstrating the control of noise (amplified music and speaking) spill outside the building.

The plans submitted to the Responsible Authority for endorsement pursuant to this condition must be updated to incorporate the acoustic engineer's recommendations to the satisfaction of the Responsible Authority and where there are recommendations of an ongoing nature, must be implemented to the satisfaction of the Responsible Authority.

Vic Roads Condition

22. No compensation is payable under part 5 of the Planning and Environment Act 1987 in respect of anything done under this permit.

Infrastructure and Road Works

23. Property boundary and footpath levels must not be altered without the prior written consent from the Responsible Authority.
24. The replacement of all footpaths, including offsets, must be constructed to the satisfaction of the Responsible Authority.
25. All reinstatements and vehicle crossings must be constructed to the satisfaction of the Responsible Authority.
26. Vehicle crossings must be constructed to council's industrial strength specifications.
27. All redundant vehicle crossings must be removed (including redundant portions of vehicle crossings) to the satisfaction of the Responsible Authority.
28. All front and side fences must be contained wholly within the title property boundaries of the subject land.

Environmental Site Assessment

29. Before the construction of the development authorised by this permit commences, other than demolition and works required by this environmental assessment process, a contamination assessment of the land must be submitted to and approved by the Responsible Authority. The assessment must be:
 - a) carried out by a suitably qualified environmental professional with suitable qualifications who is a member of the Australian Contaminated Land Consultants Association (Victoria);
 - b) carried out in accordance with the Potentially Contaminated Land General Practice Note (Department of Sustainability and Environment June 2005) to the satisfaction of the Responsible Authority; and
 - c) paid for by the owner or permit holder along with all costs and expenses associated with the preparation of the Site Contamination Assessment Report and those incurred by the Responsible Authority to review the Report.
30. The Site Contamination Assessment Report must include:
 - a) a review of the site history, including previous land uses and activities that may have had the potential to cause contamination of the land, and including anything known about the likelihood and significance of any contamination of the land;
 - b) an assessment of the level, nature and distribution of any contamination within, or in close proximity to, the land;
 - c) details of any provisions, recommendations and requirements (including but not limited to, clean up, construction, ongoing maintenance and monitoring) required to effectively address and manage any contamination within the land; and
 - d) recommendations as to whether the land is suitable for the use for which the land is proposed to be development and whether an Environmental Auditor should be appointed under section 53S of the Environmental Protection Act 1970 (EP Act) to undertake an Environmental Audit in accordance with the provisions of the EP Act.
31. The Site Contamination Assessment Report must be provided in its entirety to the Responsible Authority. The Responsible Authority, upon reviewing the Site Contamination Assessment Report, will make the determination as to whether an

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Environmental Auditor should be appointed under section 53S of the Environmental Protection Act 1970 (EP Act) to undertake an Environmental Audit in accordance with the provisions of the EP Act.

32. If the Responsible Authority, upon reviewing the Site Contamination Assessment Report, determines an Environmental Auditor does not need to be appointed under section 53S of the Environmental Protection Act 1970 (EP Act) to undertake an Environmental Audit in accordance with the provisions of the EP Act;
- a) the development authorised by this permit must not be undertaken unless the Site Contamination Assessment Report clearly states that the land is currently, or following remediation or other works will be, suitable for the sensitive use for which the land is proposed to be developed;
 - b) the development authorised by this permit must not be undertaken until compliance is achieved with any provisions, recommendations and requirements that the Site Contamination Assessment Report states must be implemented and complied with before the development commences (precommencement conditions);
 - c) if there are any pre-commencement conditions, then before the construction of the development authorised by this permit commences, a letter prepared by a suitably qualified environmental professional who is a member of the Australian Contaminated Land Consultants Association (Victoria) which states that the pre-commencement conditions have been complied with must be submitted to the Responsible Authority;
 - d) the development authorised by this permit must not be occupied until compliance is achieved with the provisions, recommendations and requirements that the Site Contamination Assessment Report states must be implemented and complied with before the development is occupied (preoccupancy conditions);
 - e) before the development authorised by this permit is occupied, a letter prepared by a suitably qualified environmental professional who is a member of the Australian Contaminated Land Consultants Association (Victoria) which states that all pre-occupancy conditions have been complied with must be submitted to the Responsible Authority;
 - f) if any provision, recommendation or requirement of the Site Contamination Assessment Report requires any ongoing maintenance or monitoring, the owner of the land (or another person in anticipation of becoming 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 (Agreement). The Agreement must:
 - i. provide for the undertaking of the ongoing maintenance and monitoring as required by the Assessment Report; and
 - ii. be executed before the sensitive use for which the land is being developed commences; and
 - g) the owner of the land, or other person in anticipation of becoming the owner, must pay all costs and expenses (including legal expenses) of, and incidental to, the Agreement (including those incurred by the Responsible Authority).
33. If the Responsible Authority, upon reviewing the Site Contamination Assessment Report and in the reasonable exercise of its judgement, determines an

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Environmental Auditor should be appointed under section 53S of the Environmental Protection Act 1970 (EP Act) to undertake an Environmental Audit in accordance with the provisions of the EP Act, before the construction of the development authorised by this permit commences, the Environmental Auditor must be appointed and undertake an Environmental Audit in accordance with the provisions of the EP Act and issue:

- a) a Certificate of Environmental Audit for the land in accordance with section 53Y of the EP Act (Certificate); or
 - b) a Statement of Environmental Audit for the land in accordance with section 53Z of the EP Act (Statement); and
 - c) the Certificate or Statement must be provided to the Responsible Authority along with any and all reports and other materials provided to or created by the Environmental Auditor for the purposes of completing the Environmental Audit, including the report produced by the Environmental Auditor as a result of the Environmental Audit.
34. If, pursuant to Condition 29, a Statement is issued:
- a) the development authorised by this permit must not be undertaken unless the Statement clearly states that the land is suitable for the sensitive use for which the land is being developed;
 - b) the development authorised by this permit must not be undertaken until compliance is achieved with the terms and conditions that the Statement states must be complied with before the development commences (precommencement conditions);
 - c) before the construction of the development authorised by this permit commences, a letter prepared by the Environmental Auditor appointed under Condition 28 above which states that the pre-commencement conditions have been complied with must be submitted to the Responsible Authority;
 - d) the development authorised by this permit must not be occupied until compliance is achieved with the provisions, recommendations and requirements that the Statement states must be implemented and complied with before the development is occupied (pre-occupancy conditions);
 - e) before the development authorised by this permit is occupied, a letter prepared by the Environmental Auditor appointed under Condition 28 above which states that the pre-occupancy conditions have been complied with must be submitted to the Responsible Authority;
 - f) if any term or condition of the Statement requires any ongoing maintenance or monitoring, the owner of the land (or another person in anticipation of becoming 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 (Agreement). The Agreement must:
 - i. provide for the undertaking of the ongoing maintenance and monitoring as required by the Statement; and
 - ii. be executed before the sensitive use for which the land is being developed commences; and
 - g) the owner of the land, or other person in anticipation of becoming the owner of the land, must pay all costs and expenses (including legal expenses) of, and incidental to, the Agreement (including those incurred by

the Responsible Authority).

35. Written notice of the engagement or termination of the engagement of an environmental auditor to undertake an environmental audit of the land required by this Permit must be provided to the Council within 30 days of that engagement or termination.

General amenity conditions

36. 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.
37. 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.
38. 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

39. Prior to the commencement of the use 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.
40. Prior to the commencement of the use 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.

Time Limits

41. 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 use and development is not started within two (2) years from the date of permit issue.
 - The use and development is not completed within four (4) years from the date of permit issue.

In accordance with Section 69 of the Planning and Environment Act 1987, an application may be submitted to the responsible authority for an extension of the periods referred to in this condition.

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

Note: Prior to the commencement of the development you are required to obtain the necessary Building Permit.

Note: The applicant/owner must provide a copy of this planning permit to any appointed Building Surveyor. It is the responsibility of the applicant/owner and Building Surveyor to ensure that all building development works approved by any building permit is consistent with the planning permit.

Note: The applicant/owner must provide a copy of this planning permit and any endorsed plans to any external contractor to ensure that all trees to be retained

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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: All buildings and works must be carried out in accordance with the approved Cultural Heritage Management Plan as required by the *Aboriginal Heritage Act 2006*. A copy of the approved CHMP must be held on site during the construction activity.

CARRIED

4.5 KP-2019/432 - 798-808 Springvale Road, Braeside

It is recorded that Natalie Klafuric spoke on behalf of the applicant.

Moved: Cr Brownlees

Seconded: Cr Gledhill

That the Planning Committee determine to support the proposal and issue a Planning Permit for buildings and works to construct a verandah associated with an existing Section 2 use at 798-808 Springvale Road, Braeside, 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 one copy must be provided. The plans must be substantially in accordance with the application plans prepared by Profine Building Group, comprising Drawing No's. 1 -2 inclusive, Issue D, dated Feb 19, but modified to show:
 - a) provision of one (1) native canopy tree capable of growing to minimum mature dimensions of 12 metres in height and 8 metres in width to be planted on site, preferably in the front setback of the property;
 - b) provision of a full colour palette, finishes and building materials schedule for the proposed development.
2. The development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.
3. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced.

Time limits

4. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.
5. 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 date of this permit.
 - The development is not completed within four (4) years from the date of this permit.

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In accordance with Section 69 of The Act, the responsible authority may extend the periods referred to if a request is made in writing within the prescribed timeframe.

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- Note:** Environment Protection Authority (EPA) Victoria set out the requirements pertaining to site construction hours and permissible noise levels.
 - Note:** Prior to the commencement of the development you are required to obtain the necessary Building Permit.
 - Note:** The applicant/owner must provide a copy of this planning permit to any appointed Building Surveyor. It is the responsibility of the applicant/owner and Building Surveyor to ensure that all building development works approved by any building permit is consistent with the planning permit.
 - Note:** The applicant/owner must provide a copy of this planning permit and any endorsed plans to any external contractor to ensure that all trees to be retained on site are protected during any works.
 - Note:** Before 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.

CARRIED

5. Confidential Items

Nil

The meeting closed at 7.49pm.

Confirmed.....

The Mayor 23 October 2019