

Minutes

Planning Committee Meeting

Wednesday, 19th June 2019

**City of Kingston
Planning Committee Meeting**

Minutes

19 June 2019

Table of Contents

1.	Apologies	3
2.	Confirmation of Minutes of Previous Meetings	3
3.	Foreshadowed Declaration by Councillors, Officers or Contractors of any Conflict of Interest	3
	<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>	
4.	Planning and Development Reports	4
5.	Confidential Items	21

**City of Kingston
Planning Committee Meeting**

Minutes

19 June 2019

The meeting commenced at 7.04pm in the Council Chamber, 1230 Nepean Highway, Cheltenham.

Present: Cr Georgina Oxley (Mayor)
Cr Tamsin Bearsley
Cr Ron Brownlees OAM
Cr David Eden
Cr Geoff Gledhill
Cr Rosemary West OAM

In Attendance: John Nevins, Chief Executive Officer
Jonathan Guttmann, General Manager Planning and Development
Ian Nice, Manager City Development
Phil DeLosa, Manager Governance
Stephanie O’Gorman, Governance Officer
Gabrielle Pattenden, Governance Officer

1. Apologies

Apologies from Cr Staikos, Cr Hua and Cr Barth were submitted to the meeting.

Moved: Cr Bearsley

Seconded: Cr Eden

That the apologies from Cr Staikos, Cr Hua and Cr Barth be received.

CARRIED

2. Confirmation of Minutes of Previous Meetings

Moved: Cr Gledhill

Seconded: Cr Brownlees

That the Minutes of the Planning Committee Meeting held on 22 May 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.

**City of Kingston
Planning Committee Meeting**

Minutes

19 June 2019

4. Planning and Development Reports

4.1 Town Planning Application Decisions - May 2019

Moved: Cr Brownlees

Seconded: Cr Gledhill

That the report be noted.

CARRIED

4.2 KP-2018/801 - 101 Station Street, Aspendale

It is recorded that Julie Easton spoke on behalf of the objectors in relation to this item.

It is recorded that Frances Stipkovic spoke on behalf of the applicant in relation to this item.

Moved: Cr Bearsley

Seconded: Cr Eden

That the Planning Committee determine to issue a Notice of Refusal to Grant a Permit to develop the land for the Construction of six (6) Dwellings comprising five (5) three storey and one (1) double storey at No. 101 Station Street, Aspendale on the following grounds:

1. The proposal is not consistent the General Residential Zone 2 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 proposal fails to satisfy all the requirements of Clause 55 of the Kingston Planning Scheme (ResCode), in particular Clause 55.02-1 Neighbourhood Character Objective, Clause 55.02-2 Residential Policy Objective, Clause 55.02-5 Integration with the Street Objective, Clause 55.03-1 Street Setback Objective, Clause 55.04-1 Side and Rear Setbacks Objective and Clause 55.06-1 Design Detail Objective.
3. 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.
4. The proposal fails to provide an acceptable built form outcome having regard to the physical and policy context. In particular, the proposal includes an unacceptable separation and continuous built form on upper levels and lack of activation to the street.
5. The proposal represents an overdevelopment of the subject site providing an inappropriate response to local policy expectations and the character of the area.

CARRIED

4.3 KP-2019/70 - 104-105 Station Street, Aspendale

Moved: Cr Eden

Seconded: Cr Bearsley

That the Planning Committee determine to issue a Notice of Refusal to Grant a Permit for the development of 19 dwellings and basement parking at 104-105 Station Street, Aspendale on the following grounds:

1. The proposal is not consistent with the General Residential Zone 2 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 proposal fails to satisfy the requirements of Clause 58 of the Kingston Planning Scheme.
3. 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.
4. The proposal fails to provide an acceptable built form outcome having regard to the physical and policy context.
5. The proposal represents an overdevelopment of the subject site providing an inappropriate response to local policy expectations and the character of the area.

CARRIED

4.4 KP-2018/730 - 29 - 31 Patty Street Mentone

It is recorded that Boris Pogoriller spoke on behalf of the objectors in relation to this item.

It is recorded that Daniel Johnson spoke on behalf of the applicant in relation to this item.

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 four (4) dwellings at No. 29 – 31 Patty Street Mentone 3194, 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 amended plans prepared by 3rd Dimension Developments sheets 1 – 7 dated 21/1/2019 revision F job no 29-31Pat, submitted to Council on 7 February 2019, but modified to show:
 - a. the bins to be relocated away from the habitable room windows of 33 Patty Street;
 - b. the provision of minimum 2000 litre rainwater tank clearly nominated for each dwelling with water re-used for toilet flushing;

**City of Kingston
Planning Committee Meeting**

Minutes

19 June 2019

- c. the minimum finished floor level of the proposed buildings (habitable areas) at 26.24m to Australian Height Datum and the finished floor level of the proposed garages at a minimum 26.09m to AHD;
- d. a notation stating "Vehicle crossings must be constructed at a 90 degree alignment with the kerb on Patty Street and all internal driveways must align with the existing / proposed vehicle crossing";
- e. the internal driveways to be at least 500mm from the side boundary at the front boundary;
- f. the proposed double vehicle crossing with a common layback with a triangle of grass between the infill sections of the vehicle crossings to create a pedestrian refuge of no less than 1 metre;
- g. a standard on street parking bay at least 5.4m between vehicle crossings and;
- h. the provision of a landscape plan in accordance with the submitted development plan, 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 1 metre width at maturity planted 1 metre apart);
 - vi) One (1) native canopy tree capable of growing to minimum mature dimensions of 10 metres in height and 6 metres in width to be planted in the front setback of each dwelling;
 - vii) One (1) canopy tree capable of growing to minimum mature dimensions of 8 metres in height and 5 metres in width to be planted in the secluded private open space of each dwelling;
 - viii) 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;
 - ix) Notes regarding site preparation, including the removal of all weeds, proposed mulch, soil types and thickness, subsoil preparation and any specific maintenance requirements; and
 - x) Tree protection measures for street trees accurately drawn to scale and labelled.

Endorsed Plans

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

Street Trees

3. Tree Protection Fencing is to be established around the *Hakea salicifolia* (Willow-leaved Hakea) and *Tristaniopsis laurina* (Kanooka) street trees located in the Patty Street nature strip, 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.
4. Prior to the construction of any crossovers as shown on the endorsed development plans, the *Acer negundo* (Box Elder Maple) street tree located in the Patty Street nature strip must be removed by Council at the expense of the Developer/Owner. Payment of the removal and replacement fee for this tree/s must be made to Kingston City Council's customer service in accordance with Council's Tree Management Policy at least 2 weeks prior to its required removal date.

Drainage and Water Sensitive Urban Design

5. 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 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.
6. Stormwater/drainage works must be implemented in accordance with the approved stormwater management/drainage plan(s) and to the satisfaction of the

**City of Kingston
Planning Committee Meeting**

Minutes

19 June 2019

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 8.5L/s.
- c) All stormwater/drainage works must be maintained to the satisfaction of the Responsible Authority.

Infrastructure and Road Works

7. Property boundary and footpath levels must not be altered without the prior written consent from the Responsible Authority.
8. The replacement of all footpaths, including offsets, must be constructed to the satisfaction of the Responsible Authority.
9. All reinstatements and vehicle crossings must be constructed to the satisfaction of the Responsible Authority.
10. All redundant vehicle crossings must be removed (including redundant portions of vehicle crossings) to the satisfaction of the Responsible Authority.
11. All front and side fences must be contained wholly within the title property boundaries of the subject land.

General amenity conditions

12. All works on or facing the boundaries of adjoining properties must be finished and surface cleaned to a standard that is well presented to neighbouring properties in a manner to the satisfaction of the Responsible Authority.
13. All externally-located 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.
14. 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

15. 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.
16. 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

17. 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

**City of Kingston
Planning Committee Meeting**

Minutes

19 June 2019

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.

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: 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 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 fee for removal of the street tree(s) from the nature strip is \$1507.54 (including GST), payable to Kingston City Council's Customer Service Department - refer to cashier code "STRE". Customer Service will confirm payment to the Parks Department. The removal of the tree requires a minimum of 2 weeks' notice from the Developer/Owner.

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: The property is subject to Kingston Flood SBO. The applicable flood level for the subject site for 1 in 100-year ARI is 25.94m to Australian Height Datum (AHD).

CARRIED

It was noted by Council that the Officer report erroneously stated that the proposed development was for four (4) dwellings with six (6) bedrooms instead of four (4) dwellings with (3) bedrooms plus a study.

4.5 KP-2019/236 - 32-36 Linton Street, Moorabbin

It is recorded that Jon Couston spoke on behalf of the applicant in relation to this item.

Moved: Cr Gledhill

Seconded: Cr Brownlees

That the Planning Committee determine to support the proposal and issue a Notice of Decision to Grant a Permit for buildings and works in a Special Building Overlay, in association with a minor sports and recreation facility and restricted place of assembly and to provide car parking to the satisfaction of the Responsible Authority at Part 32-64 Linton Street, Moorabbin, 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 submitted to Council on 15 April 2019, but modified to show:
 - a. a note on the plans to state *'No permanent fencing shall be erected on the land to preclude public access to the Moorabbin Reserve unless otherwise agreed in writing by the Responsible Authority'*.
 - b. all works must be located within the lease agreement area;
 - c. a monetary contribution to the exercise station (outdoor exercise equipment) to the Satisfaction of Council's Parks and Recreation Department;
 - d. plans to nominate the location of all bicycle parking spaces in accordance with the Traffic Report;
 - e. all business identification signage to be removed which triggers a planning permit under Clause 52.05 Signs;
 - f. location of lighting within the proposed car park;
 - g. speed humps and traffic signs, limiting speed to 5km per hour, shall be designed and installed to the satisfaction of the Responsible Authority at each vehicle entry / exit from car parking egressing to Linton Street;
 - h. the vegetation is to reduce light spill from the car park to the residential interface along the western side of Linton Street to the Satisfaction of Council's Parks and Recreation Department;
 - i. a note on the plans to read *'The south west corner of the park is to be designated to Water Sensitive Urban Design (WSUD) and no future works are to impact on this section of Moorabbin Reserve'*;
 - j. the provision of a detailed landscape plan incorporating:
 - i. associated planting schedule showing location, species type, mature height and width, pot sizes, densities and number of species.
 - ii. tree species in accordance with recommendations of Council's Parks and Recreation Team.
 - iii. street tree plantings to be in accordance with Council's Street Tree Planting Guidelines.
 - iv. trees to be purchased in 40cm/45L containers

- v. ground cover densities to be four plants per square metre
- vi. details of the proposed bio swale adjacent to the car park
- k. a staging plan including, but not limited to, the following information:
 - i. staging of demolition and construction, and
- l. the Sustainable Management Plan (SMP), Built Environment Sustainability Scorecard (BESS) assessment and plans amended to assess Stage 3 development;
- m. the acoustic report amended to also include assess Stage 3 development recommendations to provide noise attenuation to the sports court in accordance with the relevant legislation and / or guidelines; and
- n. requirements of VicRoads at conditions 3 and 4 of this planning permit.

Endorsed Plans

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

VicRoads Conditions

- 3. Before the development starts, a Functional Layout Plan (FLP) must be submitted to and approved by the Roads Corporation (VicRoads). When approved by the Roads Corporation, the plans may be endorsed by the Responsible Authority and will then form part of the permit. The plans must show appropriate signage to be installed at South Road and Linton Street intersection to ban the right-hand movements out of Linton Street in PM Peak (4:00 to 6:30) period.
- 4. Prior to the commencement of the use of the development hereby approved, the following must be completed to the satisfaction of VicRoads and the Responsible Authority and at no costs to VicRoads:
 - a. Undertake community consultation prior to implementing right turn bans as per approved Functional Layout Plan;
 - b. all works must be completed generally in accordance with approved Functional Layout Plan (Drawing No. G24802-01-01 dated 31 October 2018 prepared by Traffix Group).
- 5. Unless otherwise agreed in writing by VicRoads, the applicant must implement appropriate traffic management during larger football matches (AFL pre-season, AFL Women, etc.).

Fencing

- 6. No permanent fencing shall be erected on the land to preclude public access to the Moorabbin Reserve unless other wise agreed in writing by the responsible authority.
- 7. Any temporary fencing required for the management and safety of public at major events shall be detailed, to the satisfaction of the Responsible Authority, in an Events Management Plan.

Hours of Operation

- 8. Any changes required to the hours of operation detailed in Planning permit KP465/2016 as a result of the building works approved shall be amended prior to the occupancy and use of the development permitted by this permit.

Stormwater Management Conditions

9. Unless with the prior written consent of the Responsible Drainage 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 an impact on the stormwater (drainage) works, including landscaping details.
 - b. The Stormwater Management (drainage) Plan(s) must address the requirements specified within Council's "Civil Design Requirements for Developers – Part A – Integrated Stormwater Management" to the satisfaction of the Council.
 - c. The Stormwater Management/drainage (drainage) Plan(s) must incorporate an appropriate management of 1 in 100 year flow paths from/through the subject site to Council's satisfaction.
 - d. The Stormwater Management/drainage (drainage) Plan(s) must include details of how the existing stormwater drainage system will be relocated clear of the proposed building, or an alternative acceptable solution, to Council's satisfaction.
 - e. The overall outflow of the development to Council drainage system must be limited to a discharge rate calculated as per Council's "Civil Design Requirements for Developers – Part A - Integrated Stormwater Management" and acceptable to Council.
 - f. A MUSIC modelling report must be prepared with results demonstrating water sensitive urban design treatments that achieve Victorian best practice objectives, such as rainwater tanks connected for reuse and based on a utilization level of water demand approved by Council, and bio-retention systems.
10. The approved water sensitive urban design treatments must be implemented on-site, unless an alternative agreement for stormwater quality in-lieu contribution, or partial treatment/ contribution combination, is agreed to the satisfaction of Council.
11. All stormwater/drainage works must be implementing and maintained in accordance with the approved stormwater management/drainage (drainage) Plan(s) to the satisfaction of the Responsible Authority at the developer's cost

Road Infrastructure Conditions

12. Prior to the commencement of works detailed engineering design drawings must be submitted to the satisfaction of and approved by the Responsible Authority showing all levels and storm water flows for the proposed carpark, paths and all civil infrastructure.
13. Vehicle crossings must be constructed at a 90 degree alignment with the kerb on Linton Street and all internal driveways must align with the existing / proposed vehicle crossing.
14. The replacement of all footpaths, including offsets, must be constructed the

satisfaction of the Responsible Authority.

15. All reinstatements and vehicle crossings must be constructed to the satisfaction of the Responsible Authority.
16. Vehicle crossings and other reinstatements must be constructed to Council's industrial strength specifications.
17. All redundant vehicle crossing not in accordance with the endorsed plan must be removed (including redundant portions of vehicle crossings) and kerb reinstated to the satisfaction of the Responsible Authority.
18. Parking areas and access lanes must be kept available for these purposes at all times and maintained to the satisfaction of the Responsible Authority.

Traffic and Event Management Conditions

19. Any changes required to the Traffic and Event Management plan detailed in Planning permit KP465/2016 as a result of the building works approved shall be amended prior to the occupancy and use of the development permitted by this permit.

Construction Management Conditions

20. 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
21. 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.

Ecologically Sustainable Development

22. Prior to the occupation of any building approved under this permit, a report from the author of the SMP report, approved pursuant to this permit, or similarly qualified person or company. This report must be submitted to the satisfaction of the Responsible Authority. The report must confirm that all measures specified in the SMP have been implemented in accordance with the approved Plan.

Amenity Conditions

23. The amenity of the area must not be detrimentally affected by the development and/or use, through the:
 - a. transport of materials, goods or commodities to or from the land
 - b. appearance of any building, works or materials

**City of Kingston
Planning Committee Meeting**

Minutes

19 June 2019

- c. emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam
 - d. soot, ash, dust, waste water, waste products, grit or oil
 - e. presence of vermin, or
 - f. any other way
24. The loading and unloading of goods to and from vehicles must only be carried out on the land.
 25. No goods or packaging materials shall be stored or left exposed outside the building so as to be visible to the public from a road or other public place.
 26. Any noise emitted from the site must comply with State Environment Protection Policy N-1 (Control of noise from commerce industry and trade) and State Environment Protection Policy N-2 (Control of music noise from public premises).

Completion of the Development

27. All external surfaces of the building elevations must be finished in accordance with the schedule on the endorsed plans and maintained in good condition to the Responsible Authority's satisfaction.
28. Before occupation of the development hereby permitted, landscaping works as shown on the endorsed plans must be completed to the satisfaction of the Responsible Authority. The landscaping must then be maintained to the satisfaction of the Responsible Authority.
29. Before occupation of the development hereby permitted, areas set aside for parking vehicles, access lanes and paths as shown on the endorsed plans must 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 with an all-weather sealcoat to the satisfaction of the Responsible Authority.
 - d. Drained to the satisfaction of the Responsible Authority.
 - e. Line-marked to indicate each car space, all access lanes and, if necessary, the direction in which vehicles are to travel to the satisfaction of the Responsible Authority.
 - f. In accordance with any Council adopted guidelines for the construction of car parks.
30. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.

Permit Expiry

31. 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 before two (2) years from date of this permit.
 - The development is not completed before four (4) years from the date of this permit.

**City of Kingston
Planning Committee Meeting**

Minutes

19 June 2019

- The use is discontinued for a period of two (2) years.

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

- before the permit expires; or
- within six (6) months after the permit expiry date, where the use or development allowed by the permit has not yet started; or
- within twelve (12) months after the permit expiry date, where the development allowed by the permit has lawfully started before the permit expires.

Note: If further information is required in relation to Melbourne Water's permit conditions shown above, please contact Melbourne Water on 9679 7517, quoting Melbourne Water's reference 255903.

Note: It is noted the development includes part of the proposed building to be built over the easement. Separate consent from Council and the relevant service authority is required to build over the easement and will need to be obtained prior to the issue of a Building Permit.

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

Note: Areas relating to food handling, storage and sales must be designed as per Australian Standard for the Design, Construction and Fit-out of Food Premises. By providing detailed plans for these areas to Councils Health Department for approval prior to construction and fit out, it will ensure the areas are compliant with the Food Act.

Note: All food premises must be registered with Council prior to the commencement of the use.

Note: The fee for the implementation of the Residential Parking Scheme \$10,000 plus GST.

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

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.

VicRoads 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.

CARRIED

4.6 KP-2018/455 - 37 Robert Street, Parkdale

Moved: Cr West

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 two (2) dwellings at No.37 Robert Street, Parkdale, 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

**City of Kingston
Planning Committee Meeting**

Minutes

19 June 2019

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 A.E Cross, Proposed Duplex Double Storey Development, comprising sheets TP-03 to TP-05, submitted to Council on 4 December 2018, but modified to show:

- a. the maximum height of all walls on boundaries to 3 metres or less
- b. the setback of the proposed crossover to be no less than 3.3m from the existing street tree, including a reduction of the width of this crossover to 3m
- c. the provision of a corner splays (where practical) at the exit lane (driveway) of each dwelling in accordance with the design standards of Clause 52.06-9 of the Kingston Planning Scheme
- d. provision of a minimum 2000L rainwater tank clearly nominated for each new dwelling and collected to toilets for flushing
- e. separation of the proposed crossover from the neighbouring crossover to achieve a pedestrian splay of 1 metre between
- f. the internal driveways set back at least 500mm from their respective common side boundary
- g. the finished floor level nominated for all deck areas
- h. the surface material of all driveways / accessways and car parking spaces nominated in all-weather coloured concrete sealcoat, or similar
- i. the provision of a landscape plan in accordance with the submitted development plan, 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 1 metre width at maturity planted 1 metre apart)
 - vi) Two (2) native canopy trees capable of growing to minimum mature

dimensions of 12 metres in height and 8 metres in width to be planted in the front setback of the property

- vii) One (1) canopy tree capable of growing to minimum mature dimensions of 8 metres in height and 5 metres in width to be planted in the secluded private open space of each dwelling
- viii) 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
- ix) Notes regarding site preparation, including the removal of all weeds, proposed mulch, soil types and thickness, subsoil preparation and any specific maintenance requirements; and
- x) Tree protection measures including for street trees accurately drawn to scale and labelled.

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 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

- 4. Tree Protection Fencing is to be established around the *Lophostemon confertus* (Brush Box) street tree located in the Robert Street road reserve, 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

- 5. Unless with the prior written consent of the responsible authority, before the development commences, the following Integrated Stormwater Management documents must be prepared, by a suitably qualified person, to the satisfaction of the responsible authority:
 - a) Stormwater management (drainage) plan(s) must be prepared as per Council's "Civil Design Requirements for Developers- Part A – Integrated Stormwater Management", with supporting computations, showing the stormwater (drainage) works to the nominated point of discharge. The plan(s) must show all details of the proposed stormwater (drainage) works including all existing and proposed features that may have impact on the stormwater (drainage) works, including landscaping details.
- 6. 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.

**City of Kingston
Planning Committee Meeting**

Minutes

19 June 2019

- b) The implementation of stormwater (drainage) detention system(s) which restricts stormwater discharge to the maximum allowable flowrate of 5.2L/s.
- c) All stormwater (drainage) works must be maintained to the satisfaction of the Responsible Authority.

Infrastructure and Road Works

- 7. 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.
- 8. Property boundary and footpath levels must not be altered without the prior written consent from the Responsible Authority.
- 9. Any reinstatements and new/modified vehicle crossings must be constructed to the satisfaction of the Responsible Authority.
- 10. The replacement of all footpaths, including offsets, must be constructed to the satisfaction of the Responsible Authority.
- 11. Any redundant vehicle crossings must be removed (including redundant portions of vehicle crossings) to the satisfaction of the Responsible Authority.

General amenity conditions

- 12. All works on or facing the boundaries of adjoining properties must be finished and surface cleaned to a standard that is well presented to neighbouring properties in a manner to the satisfaction of the Responsible Authority.
- 13. All externally-located 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.
- 14. 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

- 15. 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.
- 16. 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.

Expiry

- 17. This permit as it relates to development (buildings and works) will expire if one of the following circumstances applies:
 - a. The development is not started within two (2) years of the issue date of this permit.

**City of Kingston
Planning Committee Meeting**

Minutes

19 June 2019

- b. The development is not completed within four (4) years of the issue date of this permit.

In accordance with Section 69 of the Planning and Environment Act 1987, an application may be submitted to the responsible authority for an extension of 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: 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

4.7 KP-2018/353 - 50-76 and 101 Deals Road, Clayton South

It is recorded that Rafe Todd spoke on behalf of the applicant in relation to this item.

Procedural Motion

Moved: Cr West

Seconded: Cr Eden

That consideration of this item be deferred to the June Ordinary Meeting of Council pending a map being produced to show the location in reference to the Chain of Parks Trail.

CARRIED

4.8 KP-2019/190 - 43 Garden Boulevard, Dingley Village

Moved: Cr Brownlees

Seconded: Cr Gledhill

That the Planning Committee determine to support the proposal and issue a Planning Permit for change of use to innominate (council depot) at No. 43 Garden Boulevard Dingley Village 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 submitted to Council on 29 March 2019, but modified to show:
 - a) A clear site plan showing of the proposed ground, first floor, car park and all vehicle crossings.
 - b) The submission of a Waste Management Plan in accordance with condition 3 of this planning permit.
2. The use as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.
3. 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) Details whether waste collection is to be performed by Council's services or privately contracted.
 - c) 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.

4. A minimum of 71 car parking spaces to be provided on site at all times.
5. Parking areas and access lanes must be kept available for these purposes at all times and maintained to the satisfaction of the Responsible Authority.
6. In areas set aside for car parking, measures must be taken to the satisfaction of the Responsible Authority to prevent damage to fences or landscaped areas.
7. No more than 76 staff to work on site at any one time, unless with the written consent of the Responsible Authority.
8. The amenity of the area must not be detrimentally affected by the development through the:
 - a) Transport of materials, goods or commodities to or from the land.
 - b) Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour,

**City of Kingston
Planning Committee Meeting**

Minutes

19 June 2019

steam, soot, ash, dust, waste water, waste products, grit or oil.

- c) Presence of vermin.
 - d) Any other way.
9. The use of the site shall not cause nuisance or be detrimental to the amenity of the neighbourhood by the emission of noise. In this regard any nuisance shall be assessed in accordance with the Australian Standards AS1055 and AS2107 relating to the measurement of Environmental Noise and recommended sound levels.
10. Concrete kerbs or other barriers must be provided to the satisfaction of the Responsible Authority to prevent direct vehicle access to an adjoining road other than by a vehicle crossing.
11. The loading and unloading of goods to and from vehicles must only be carried out on the land.
12. No goods or packaging materials shall be stored or left exposed outside the building so as to be visible to the public from a road or other public place.
13. 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 is not started before two (2) years from date of this permit.
 - The use is discontinued for a period of two (2) years.

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

- before the permit expires; or
- within six (6) months after the permit expiry date, where the use allowed by the permit has not yet started.

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

CARRIED

5. Confidential Items

There were no confidential items.

The meeting closed at 8.07pm.

Confirmed.....

The Mayor 17 July 2019