

# Minutes

## Planning Committee Meeting

Wednesday, 22nd August 2018

**City of Kingston  
Planning Committee Meeting**

**Minutes**

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	<i>[Note that any Conflicts of Interest need to be formally declared at the start of the meeting and immediately prior to the item being considered – type and nature of interest is required to be disclosed – if disclosed in writing to the CEO prior to the meeting only the type of interest needs to be disclosed prior to the item being considered.]</i>	
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The meeting commenced at 7.00pm in the Council Chamber, 1230 Nepean Highway, Cheltenham.

**Present:** Cr Georgina Oxley (Acting Chairperson)  
Cr Tamara Barth  
Cr Tamsin Bearsley  
Cr Ron Brownlees OAM  
Cr David Eden  
Cr George Hua  
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  
Gabrielle Pattenden, Governance Officer  
Lindsay Holland, Governance Facilities Officer

**1. Apologies**

Apologies from Cr Gledhill and Cr Staikos were submitted to the meeting.

**Moved: Cr Brownlees**

**Seconded: Cr Hua**

That the apologies from Cr Gledhill and Cr Staikos be received.

**CARRIED**

**2. Confirmation of Minutes of Previous Meetings**

**Moved: Cr Eden**

**Seconded: Cr Bearsley**

That the Minutes of the Planning Committee Meeting held on 20 June 2018 be confirmed.

**CARRIED**

**3. Foreshadowed Declaration by Councillors, Officers or Contractors of any Conflict of Interest**

There were no Conflicts of Interest submitted to the meeting.

**4. Planning and Development Reports**

**4.1 Town Planning Application Decisions - July 2018**

**Moved: Cr Brownlees**

**Seconded: Cr Barth**

That the report be noted.

**CARRIED**

**4.2 KP17/472 - 12B Rigby Street, Carrum**

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

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

**Moved: Cr Bearsley**

**Seconded: Cr Eden**

That the Planning Committee determine to support the proposal and issue a Notice of Decision to Grant a Permit to develop the land for the construction of three (3) double storey dwellings 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 prepared by Neil Fletcher Design Pty. Ltd. Sheets 1-9 of 9 (Revision D) submitted to Council on 3 August 2018 but modified to show:
  - a. notations referring to the street tree (*Melaleuca Styphelioides*) deleted from the plans in accordance with the existing site conditions;
  - b. ground floor habitable room windows increased in area to be full height (where practical) to improve daylight and solar access;
  - c. the provision of a minimum 2000 litre rainwater tank clearly nominated for each dwelling with water re-used for toilet flushing;
  - d. provision of a convex mirror (or the like) at the end of the driveway to improve visibility for vehicles entering and exiting the site;
  - e. the proposed driveway delineated from access to the existing dwelling at 12 Rigby Street.
  - f. the surface material of the driveways / accessways and car parking spaces nominated in all-weather coloured concrete sealcoat, or similar;
  - g. provision of a minimum 1.0 metre wide designated pedestrian path designated along the southern boundary which must be treated in a different material to the concrete driveway and trafficable for vehicles;
  - h. provision of a traffic calming device or other treatment with the effect of slowing vehicles entering and exiting the site at Rigby Street;
  - i. all first floor habitable windows screened (or otherwise treated) to

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demonstrate compliance with Standard B22 (Overlooking objective) of Clause 55.04-6 of the Kingston Planning Scheme.

- j. the height of the boundary fencing raised to a minimum of 1.8 metres where it adjoins an area of secluded private open space within the development;
- k. the provision of an improved landscape plan and associated planting schedule for the site showing the proposed location, species type, mature height and width, pot sizes and number of species to be planted on the site, with such plans to be prepared by a suitably qualified landscape professional and incorporating:
  - i) A planting schedule of all proposed trees and shrubs, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant;
  - ii) A survey, including, botanical names of all existing trees to be retained or removed on the site including Tree Protection Zones for trees to be retained calculated in accordance with AS4970-2009;
  - iii) A survey including botanical names, of all existing trees on neighbouring properties where the Tree Protection Zones of such trees calculated in accordance with AS4970-2009 fall partially within the subject site;
  - iv) the delineation of all garden beds, paving, grassed area, retaining walls, fences and other landscape works;
  - v) a range of plant types from ground covers to large shrubs and trees, species must comprise a minimum of 80% indigenous coastal species by total numbers and plant type;
  - vi) the provision of two (2) native canopy trees located adjacent to the vehicle turning areas of the proposed dwellings, capable of reaching minimum mature dimensions of 6m height and 4m width, with the species chosen to be approved by the Responsible Authority; and
  - vii) the provision of one (1) native canopy tree located within the private open space of each proposed dwelling, capable of reaching minimum mature dimensions of 8m height and 5m width, with the species chosen to be approved by the Responsible Authority;
  - 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) no trees with a mature height over five (5) meters are to be planted over proposed or existing easements;
  - 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.

**Endorsed plans**

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

**Landscaping**

- 3. 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. The landscaping must then be maintained to the satisfaction of the Responsible Authority.

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.

**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 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 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 8.6L/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.

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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 piping and ducting above the ground floor storey of the development (other than rainwater guttering and downpipes) must be concealed to the satisfaction of the Responsible Authority.
14. All externally-located heating and cooling units, exhaust fans and the like must not be located adjacent to bedroom windows on adjoining properties and must not be located where they will be highly visible from any public area to the satisfaction of the Responsible Authority.

**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, unless with the further prior written consent of the Responsible Authority.
16. Prior to the occupation of the dwellings 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 in accordance with the endorsed plans under this permit or in an all-weather coloured concrete seal-coat, to the satisfaction of the Responsible Authority.
  - d. Drained and maintained to the satisfaction of the Responsible Authority.
17. Parking areas and access lanes must be kept available for these purposes at all times and maintained to the satisfaction of the Responsible Authority.
18. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.

**Permit expiry**

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

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

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

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- within twelve (12) months after the permit expiry date, where the development allowed by the permit has lawfully started before the permit expires.

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**Note:** It is noted the development includes fence and sheds to be built over the easement. Separate consent from Council and any other 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 you are required to obtain the necessary Building Permit.

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

**Note:** Before removing / pruning any vegetation from the site, the applicant or any contractor engaged to remove any vegetation, should consult Council's Vegetation Management Officer to verify if a Local Laws Permits is required for the removal of such vegetation.

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

**Note:** 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.

**Procedural Motion**

**Moved: Cr Eden**

**Seconded: Cr Brownlees**

That consideration of this matter be deferred until after item 4.4

**CARRIED**



**4.3 KP16/605 - 49 Jean Street, Cheltenham**

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

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

**Moved: Cr West**

**Seconded: Cr Eden**

That the Planning Committee determine to issue a Notice of Refusal to Grant a Permit to develop the land for develop the land for the construction of eight (8) dwellings with basement car parking and associated works at No. 49 Jean Street, Cheltenham on the following grounds:

1. The proposal is contrary to the policy outcome contained within Clause 21.05 and Clause 22.11 of the Kingston Planning Scheme.
2. The proposed design response fails to provide an acceptable outcome with regards to Neighbourhood Character.
3. The proposal would result in the removal of a significant tree, Jacaranda mimosifolia.
4. The proposal fails to provide an appropriate landscape outcome for the subject site.
5. The proposal would detract from the amenity of the locality and the streetscape.

**LOST**

**Moved: Cr Brownlees**

**Seconded: Cr Bearsley**

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 with basement car parking and associated works at No. 49 Jean Street, Cheltenham, subject to the following conditions:

1. Before the development starts amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be substantially in accordance with the plans submitted to Council on the 29<sup>th</sup> May, 2017, but modified to show:
  - a. the provision of a landscape plan in accordance with the submitted development plan and with such plans to be prepared by a suitably qualified landscape professional to the satisfaction of the Responsible Authority and incorporating:
    - i. an associated planting schedule showing the proposed location, species type, mature height and width, pot sizes and number of species to be planted on the site. The schedule must be shown on the plan;
    - ii. the delineation of all garden beds, paving, grassed areas, retaining walls, fences and other landscape works including areas of cut and fill throughout the development;
    - iii. all existing trees on the site and within three (3) metres to the boundary of the site on adjoining properties, accurately illustrated to

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- represent actual canopy width and labelled with botanical name, height and whether the tree is proposed to be retained or removed;
- iv. a range of plant types from ground covers to large shrubs and trees provided at adequate planting densities (e.g. plants with a mature width of 1 metre, planted at 1 metre intervals);
  - v. the provision of one (1) suitable medium to large sized (at maturity) canopy tree within the front setback of the property and one (1) small (at maturity) tree within the private open space area of each dwelling, with species chosen to be approved by the Responsible Authority;
  - vi. all trees provided at a minimum of two (2) metres in height at time of planting and medium to large shrubs to be provided at a minimum pot size of 200mm;
  - vii. no trees with a mature height over five (5) meters are to be planted over proposed or existing easements; and
  - viii. the provision of notes on the landscape plan regarding site preparation, including the removal of all weeds, proposed mulch, soil types and thickness, subsoil preparation and any specific maintenance requirements;
- b. the provision of a longitudinal section of the basement ramp showing gradients, levels, distances, with headroom clearances complying with AS2890.1:2004;
  - c. the provision of a corner splay or area at least 50 per cent clear of visual obstructions extending at least 2 metres along the frontage road from the edge of an exit lane and 2.5 metres along the exit lane from the frontage, to provide a clear view of pedestrians on the footpath of the frontage road. The area clear of visual obstructions may include an adjacent entry or exit lane where more than one lane is provided, or adjacent landscaped areas provided the landscaping in those areas is less than 900mm in height;
  - d. the provision of security lighting adjacent to the basement access ramp and the pedestrian pathway on the northern side of the proposed development;
  - e. the internal driveway must at least 500mm from the side boundary at the site's front property boundary;
  - f. the provision of a Construction Management Plan (CMP) to be submitted to and approved to the satisfaction of the Responsible Authority, in accordance with Condition 16;
  - g. the provision of a Waste Management Plan (WMP) to be submitted to and approved to the satisfaction of the Responsible Authority, in accordance with Condition 17;
  - h. the provision of an Environmental Sustainable Design (ESD) report to be submitted to and approved to the satisfaction of the Responsible Authority, in accordance with Condition 19;
  - i. the surface material of all driveways/accessways and car parking spaces nominated in all-weather coloured concrete sealcoat, or similar;
  - j. the location of all external heating and/or cooling units for the proposed dwellings; and
  - k. the provision of a full colour palette, finishes and building materials

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schedule for all external elevations and driveway/s of the development; and

- I. greater vertical articulation should be provided to both the north and south elevation of the row of townhouses to help to demarcate individual dwellings and break up the perception of visual bulk across the row of development'.

**Endorsed Plans**

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

**Conditions required by VicTrack**

3. The permit holder must not enter any railway land without the written consent of the Rail Operator. If the permit holder has obtained the Rail Operator's written consent to enter the railway land, the permit holder must comply with the Rail Operator's Site Access Procedures and Conditions when accessing the railway land.
4. Before the commencement of the development, including demolition or bulk excavation, the permit holder must contact the Rail Operator through the email address [metrositeaccess@metrotrains.com.au](mailto:metrositeaccess@metrotrains.com.au) to obtain the Rail Operator's conditions and safety requirements for works on, over or adjacent to the railway land. The permit holder must comply with the Rail Operator's reasonable requirements for works on, over or adjacent to the railway land.
5. The permit holder must not, at any time, interfere with or damage any railway infrastructure (including without limitation overhead power and supporting infrastructure for trains and trams, and underground telecommunication cables). The permit holder must, at its own cost, rectify any damage to railway infrastructure or disruption to the rail operations, arising out of or in connection with the development to the satisfaction of VicTrack and the Rail Operator within fourteen (14) days of such damage or disruption occurring or such other time agreed by VicTrack and the Rail Operator.
6. During the construction of the development, including demolition and bulk excavation, the permit holder must:
  - a. take all reasonable steps to avoid disruptions to rail operations; and
  - b. comply with:
    - i. the Rail Operator's safety and environmental requirements; and
    - ii. the requirements of any construction control and indemnity agreement it has entered into with the Rail Operator.
7. The permit holder must, at all times, ensure that the common boundary with the railway land is fenced at the permit holder's expense to prohibit unauthorised access to the rail corridor.
8. The permit holder must not, at any time:
  - a. allow any drainage, effluent, waste, soil or other materials to enter or be directed to the railway land; or
  - b. store or deposit any waste, soil or other materials on the railway land.
9. Any wall to be built on the common boundary between the subject land and the VicTrack land must be cleaned and finished using a graffiti proof finish at the cost of the permit holder. VicTrack, in consultation with the Rail Operator, may nominate alternative measures to be implemented, at the cost of the permit holder, to prevent or reduce the potential for graffiti. Any graffiti that appears on

the wall must be cleaned or removed as soon as practicable to the satisfaction of the Responsible Authority. The cost of any clean-up or removal of the graffiti from the wall must be borne by the permit holder and/or the future owners of the land.

10. All works, including hoardings, must be undertaken within the subject land and must not encroach onto the railway land.
11. The permit holder must not plant any plants or tree species that are likely to cause any future overhang onto the railway land or disturbance to the railway operations.
12. The permit holder must not install, or cause to be installed, any permanent or temporary ground anchors within the railway land.

#### Street Trees

13. Prior to the commencement of any works on the site including demolition, a tree protection barrier must be installed at 2.5 metres from the base of the *Lophostemon confertus* (Queensland Brush Box) street tree located outside No. 47 Jean Street.
14. The proposed crossover must not be poured any closer than one (1) metre from the existing *Lophostemon confertus* (Queensland Brush Box) street tree located outside No. 49 Jean Street.
15. The existing crossover must be removed by hand.

#### Construction Management

16. 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:
  - b) Public Safety, Amenity and Site Security
  - c) Traffic Management
  - d) Stakeholder Management
  - e) Operating Hours, Noise and Vibration Controls
  - f) Air Quality and Dust Management
  - g) Stormwater and Sediment Control
  - h) Waste and Materials Re-use.

When approved, the plan will be endorsed and will then form part of the permit and shall thereafter be complied with during the undertaking of all works.

#### Waste Management Plan

17. 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:

18.

- a) The manner in which waste will be stored and collected including: type, size and number of containers.
- b) Spatial provision for on-site storage.
- c) Details whether waste collection is to be performed by Council's services or privately contracted.
- d) The size of the collection vehicle and the frequency, time and point of collection.

The waste management plan must be implemented to the satisfaction of the Responsible Authority. The waste management plan must not be modified unless without the written consent of the Responsible Authority.

#### Environmentally Sustainable Design (ESD)

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

#### Drainage and Water Sensitive Urban Design

20. 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 17a), 17b)

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- & 17c), above must be implemented on-site, unless an alternative agreement is reached with the Responsible Authority.
20. 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 7.7L/s.
    - c. All stormwater/drainage works must be maintained to the satisfaction of the Responsible Authority.
  21. 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.
  22. The basement structure must be designed to respond to the findings of the GAR and GMP required under Condition 19 and constructed to the satisfaction of the Responsible Authority.

**Parking and Traffic Management**

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

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

**Infrastructure and Road Works**

24. 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.

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25. Vehicle crossings must be constructed at a 90 degree alignment with the kerb on Jean Street and all internal driveways must align with the existing / proposed vehicle crossing.
26. The internal driveway must be at least 500mm from the side boundary at the front boundary.
27. The footpath must be constructed to the satisfaction of the Responsible Authority across the property frontage, with a 200mm offset from the property boundary and 35mm cross fall with a nature strip grade of 3 to 4%.
28. The replacement of all footpaths, including offsets, must be constructed the satisfaction of the Responsible Authority.
29. All reinstatements and vehicle crossings must be constructed to the satisfaction of the Responsible Authority.
30. Vehicle crossings and other reinstatements must be constructed to Council's industrial strength specifications.
31. All redundant vehicle crossings must be removed (including redundant portions of vehicle crossings) to the satisfaction of the Responsible Authority.
32. All front and side fences must be contained wholly within the title property boundaries of the subject land.

**General amenity conditions**

33. All externally-located heating and cooling units, exhaust fans and the like must not be located adjacent to bedroom windows on adjoining properties and must be concealed from the street, unless with the further written consent of the Responsible Authority.
34. All piping and ducting above the ground floor storey of the development (other than rainwater guttering and downpipes) must be concealed to the satisfaction of the Responsible Authority.
35. Service units, including air conditioning/heating units, where incorporated, must not be located where they will be highly visible from any public area to the satisfaction of the Responsible Authority and if located on the roof of a building, suitable screening and baffling must be provided to the satisfaction of the Responsible Authority.

**Lighting**

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

**Completion of Works**

37. Prior to the occupation of each dwelling hereby permitted, all buildings and works and the conditions of this permit must be complied with to the satisfaction of the Responsible Authority, unless with the further prior written consent of the Responsible Authority.
38. Prior to the occupation of each dwelling hereby permitted, the landscaping works as shown on the endorsed plans must be completed to the satisfaction of the Responsible Authority. Thereafter, the landscaping shall be maintained to the satisfaction of the Responsible Authority.
39. Once the development has started it must be continued and completed to the

satisfaction of the Responsible Authority.

Time Limits

40. In accordance with Section 68 of the *Planning and Environment Act 1987 (The Act)*, this permit will expire if one of the following circumstances applies:

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

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

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

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

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

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

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

**Note:** Before removing / pruning any vegetation from the site, the applicant or any contractor engaged to remove any vegetation, should consult Council's Vegetation Management Officer to verify if a Local Laws Permits is required for the removal of such vegetation.

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

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

**Note:** The allocation of street numbering and addressing of properties is vested in



Council. Any reference to addressing or dwelling/unit/apartment and street numbers or street names on any endorsed plan is indicative only. The onus is on the Permit Applicant/Land Owner to contact Council's Property Data Department to determine the official dwelling/unit/apartment street numbers, street name details and the like for the approved development.

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*).

**CARRIED**

**4.4 KP96/638/A - 2/155 Balcombe Road Mentone**

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

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

**Moved: Cr Brownlees**

**Seconded: Cr Bearsley**

That the Planning Committee determine to support the proposal and issue a Notice of Decision to Grant an Amended Planning Permit to amend the endorsed plans to allow for an extension to an existing dwelling at No. 2/155 Balcombe Road, Mentone, subject to the list of conditions detailed below and the amended plans be endorsed to form part of this approval:

1. Before the development and/or use 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 generally in accordance with the plans submitted with the application but modified to show:
  - i) provision of a drainage plan and associated specifications and computations for the site;
  - ii) provision of minimum three (3) metre minimum driveways across all vehicle access areas of the development; and
  - iii) the proposed wall between bedroom one of dwelling two and the garage for this dwelling should be designed so as to limit noise transmission to 45 STC (Sound Transmission Class).
  - iv) all windows of the Music Room nominated as being double glazed.
2. The permitted use must not commence and the subject site must not be occupied for the use until all buildings and works and the conditions of this permit have been complied with, unless with the further consent of the Responsible Authority.
3. The development and / or use as shown on the endorsed plans must not be

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altered without the written consent of the Responsible Authority.

4. Before the use allowed by this permit starts, 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.
5. Once the development of the land has been completed the nature strip in front of the land must be landscaped within six months to the satisfaction of the Responsible Authority if the landscaping of the nature strip is detrimentally affected during development of the land. Stormwater drainage of the site must be provided in accordance with a drainage plan submitted to and approved by the Responsible Authority.
6. Convenient taps or fixed sprinkler system must be provided to the satisfaction of the Responsible Authority capable of watering all communal and private lawns and landscaped areas, including turf block visitor car parking where provided.
7. Before the use starts, areas set aside for parking vehicles, access lanes and paths as shown on the endorsed plan must be:
  - v) Constructed to the satisfaction of the Responsible Authority.
  - vi) Properly formed to such levels that they can be used in accordance with the plans.
  - vii) Surfaced with an all-weather seal coat to the satisfaction of the Responsible Authority.
  - viii) Drained to the satisfaction of the Responsible Authority.
8. Floor levels shown on the endorsed plans must not be altered or modified without written Council consent.
9. A street number of 100 mm minimum height and contrasting in colour to its background, must be fixed at the front boundary of the property and as near as practicable to, or on the letter boxes. Separate unit numbers of 75 mm minimum height must be placed adjacent to the front entrance of each dwelling. Such numbers must be clearly legible from the access driveway.
10. All boundary fences shall be repaired and replaced as necessary to the satisfaction of the Responsible Authority.
11. All brickwork on or facing the boundary of the site must be raked and cleaned to a standard that is well presented to neighbouring properties to the satisfaction of the Responsible Authority.
12. Once the development has been started it must be continued and completed to the satisfaction of the Responsible Authority.
13. The proposed brick fence extensions along the Balcombe Road frontage of the site must be continued and completed to the satisfaction of the Responsible Authority.

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14. This permit will expire if one of the following circumstances applies:
- a) The development and/or use is/are not started within one years of the date this permit.
  - b) The development is not completed within two years of the date of the permit.

The Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires or within three months afterwards.

**CARRIED**

**A Division was Called:**

**DIVISION:**

**FOR:** Crs Barth, Bearsley, Brownlees, Eden, Hua and Oxley (6)

**AGAINST:** Cr West (1)

**CARRIED**

**4.2 KP17/472 - 12B Rigby Street, Carrum (continued)**

**Moved: Cr Bearsley**

**Seconded: Cr Eden**

That the Planning Committee determine to support the proposal and issue a Notice of Decision to Grant a Permit to develop the land for the construction of three (3) double storey dwellings 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 prepared by Neil Fletcher Design Pty. Ltd. Sheets 1-9 of 9 (Revision D) submitted to Council on 3 August 2018 but modified to show:
  - a. notations referring to the street tree (*Melaleuca Styphelioides*) deleted from the plans in accordance with the existing site conditions;
  - b. ground floor habitable room windows increased in area to be full height (where practical) to improve daylight and solar access;
  - c. the provision of a minimum 2000 litre rainwater tank clearly nominated for each dwelling with water re-used for toilet flushing;
  - d. provision of a convex mirror (or the like) at both ends of the driveway to improve visibility for vehicles entering and exiting the site;
  - e. the proposed driveway delineated from access to the existing dwelling at 12 Rigby Street.
  - f. the surface material of the driveways / accessways and car parking spaces nominated in all-weather coloured concrete sealcoat, or similar;
  - g. provision of a minimum 1.0 metre wide designated pedestrian path designated along the southern boundary which must be treated in a

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- different material to the concrete driveway and trafficable for vehicles;
- h. provision of a traffic calming device or other treatment with the effect of slowing vehicles entering and exiting the site at Rigby Street;
  - i. all first floor habitable windows screened (or otherwise treated) to demonstrate compliance with Standard B22 (Overlooking objective) of Clause 55.04-6 of the Kingston Planning Scheme.
  - j. the height of the boundary fencing raised to a minimum of 1.8 metres where it adjoins an area of secluded private open space within the development;
  - k. the provision of an improved landscape plan and associated planting schedule for the site showing the proposed location, species type, mature height and width, pot sizes and number of species to be planted on the site, with such plans to be prepared by a suitably qualified landscape professional and incorporating:
    - i) A planting schedule of all proposed trees and shrubs, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant;
    - ii) A survey, including, botanical names of all existing trees to be retained or removed on the site including Tree Protection Zones for trees to be retained calculated in accordance with AS4970-2009;
    - iii) A survey including botanical names, of all existing trees on neighbouring properties where the Tree Protection Zones of such trees calculated in accordance with AS4970-2009 fall partially within the subject site;
    - iv) the delineation of all garden beds, paving, grassed area, retaining walls, fences and other landscape works;
    - v) a range of plant types from ground covers to large shrubs and trees, species must comprise a minimum of 80% indigenous coastal species by total numbers and plant type;
    - vi) the provision of two (2) native canopy trees located adjacent to the vehicle turning areas of the proposed dwellings, capable of reaching minimum mature dimensions of 6m height and 4m width, with the species chosen to be approved by the Responsible Authority; and
    - vii) the provision of one (1) native canopy tree located within the private open space of each proposed dwelling, capable of reaching minimum mature dimensions of 8m height and 5m width, with the species chosen to be approved by the Responsible Authority;
    - 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) no trees with a mature height over five (5) meters are to be planted over proposed or existing easements;
    - 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;
  - l. the provision of bollard lighting along the full length of the driveway.

**Endorsed plans**

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

**Landscaping**

3. 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. The landscaping must then be maintained to the satisfaction of the Responsible Authority.
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.

**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 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 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 8.6L/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 piping and ducting above the ground floor storey of the development (other than rainwater guttering and downpipes) must be concealed to the satisfaction of the Responsible Authority.
14. All externally-located heating and cooling units, exhaust fans and the like must not be located adjacent to bedroom windows on adjoining properties and must not be located where they will be highly visible from any public area to the satisfaction of the Responsible Authority.

**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, unless with the further prior written consent of the Responsible Authority.
16. Prior to the occupation of the dwellings 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 in accordance with the endorsed plans under this permit or in an all-weather coloured concrete seal-coat, to the satisfaction of the Responsible Authority.
  - d. Drained and maintained to the satisfaction of the Responsible Authority.
17. Parking areas and access lanes must be kept available for these purposes at all times and maintained to the satisfaction of the Responsible Authority.
18. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.

**Permit expiry**

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

permit issue.

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

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

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**Note:** It is noted the development includes fence and sheds to be built over the easement. Separate consent from Council and any other 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 you are required to obtain the necessary Building Permit.

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

**Note:** Before removing / pruning any vegetation from the site, the applicant or any contractor engaged to remove any vegetation, should consult Council's Vegetation Management Officer to verify if a Local Laws Permits is required for the removal of such vegetation.

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

**Note:** 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**

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**A Division was Called:**

**DIVISION:**

**FOR:** Crs Barth, Bearsley, Brownlees, Eden, Hua and Oxley (6)

**AGAINST:** Cr West (1)

**CARRIED**

**5. Confidential Items**

Nil

The meeting closed at 8.02pm.

**Confirmed.....**

**The Mayor 19 September 2018**