

Minutes

Planning Committee Meeting

Wednesday, 23rd June 2021

**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 via the Zoom platform and live streamed.

Present: Cr Steve Staikos (Mayor)
Cr Hadi Saab (Deputy Mayor)
Cr Tamsin Bearsley
Cr Tim Cochrane
Cr Tracey Davies
Cr Jenna Davey-Burns
Cr David Eden
Cr Chris Hill
Cr George Hua

In Attendance: Tim Tamlin, Interim Chief Executive Officer
Paul Marsden, Acting General Manager Planning and Development
Alfred Carnovale, Manager City Development
Phil De Losa, Manager Governance
Patrick O’Gorman, Governance Officer
Gabby Pattenden, Governance Officer
Lindsay Holland, Facilities Officer

1. Apologies

Apologies from Cr Howe and Cr Cochrane were submitted to the meeting.

Moved: Cr Bearsley

Seconded: Cr Oxley

That the apologies from Cr Howe and Cr Cochrane be received.

CARRIED

2. Confirmation of Minutes of Previous Meetings

Moved: Cr Saab

Seconded: Cr Hill

That the Minutes of the Planning Committee Meeting held on 19 May 2021 be confirmed.

CARRIED

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

There were no Conflicts of Interest submitted to the meeting.

4. Planning and Development Reports

4.1 Town Planning Application Decisions - May 2021

Moved: Cr Oxley

Seconded: Cr Davies

That the report be noted.

CARRIED

4.2 KP-2020/530 - 1-2 Moola Court & 4-6 Barker Street, Cheltenham

It is recorded that Anne Armstrong spoke on behalf of objectors.

Cr Hua left the meeting at 7.04pm

Cr Hua returned to the meeting at 7.06pm

Cr Hua left the meeting at 7.08pm

Cr Hua returned to the meeting at 7.09pm

Cr Hua left the meeting at 7.10pm

Cr Hua returned to the meeting at 7.12pm

Moved: Cr Davey-Burns

Seconded: Cr Hill

That the Planning Committee determine to issue a Notice of Refusal to Grant a Permit to **Error! No document variable supplied.** at **Error! No document variable supplied.**, on the following grounds:

1. The proposal fails to meet the objectives and strategic directions of the Municipal Strategic Statement in relation to Clause 21.02 (Settlement), Clause 21.06 (Built Environment and Heritage) and Clause 21.07 (Housing) of the Kingston Planning Scheme and represents an overdevelopment of the subject site.
2. The proposal fails to comply with the policies and objectives and will result in a built form outcome that fails to achieve the requirements and guidelines of the Activity Centre Zone (Schedule 1).
3. The proposed variations sought within Precinct 6 of the Activity Centre Zone (Schedule 1), including to the preferred building height and street setback to Moola Court, are excessive and not consistent with the preferred character.
4. The proposal will have a detrimental impact on the amenity of the surrounding residential area, including through visual bulk and overshadowing, contrary to the objectives and guidelines of the Activity Centre Zone (Schedule 1).
5. The proposal will have an unreasonable impact on the surrounding area as a result of traffic impacts and by virtue of the increased demand for on-street car parking, contrary to policy at Clause 18 (Transport) and Clause 21.09 (Transport).
6. The proposal fails to comply with the following objectives and standards of Clause 58 of the Kingston Planning Scheme:
 - Clause 58.02-1 – Urban Context
 - Clause 58.02-2 – Residential Policy

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- Clause 58.02-3 – Dwelling Diversity
- Clause 58.02-5 – Integration with the Street
- Clause 58.03-5 – Landscaping
- Clause 58.05-1 – Accessibility
- Clause 58.05-2 – Building Entry and Circulation

CARRIED

4.3 KP-2016/97/C - 123 & 125 Como Parade East, Parkdale

It is recorded that Jenny LeBoef spoke on behalf of objectors.

Cr Hua left the meeting at 7.19pm

Cr Hua returned to the meeting 7.22pm

Moved: Cr Hill

Seconded: Cr Davies

That the Planning Committee, had an appeal not been lodged, determine not to support the Amendment to Planning Permit KP-2016/97 at 123 & 125 Como Parade East, Parkdale, on the following grounds:

1. The proposal fails to meet the objectives and strategic directions of the Municipal Strategic Statement in relation to Clause 21.02 (Settlement), Clause 21.06 (Built Environment and Heritage) and Clause 21.07 (Housing) of the Kingston Planning Scheme and represents an overdevelopment of the subject site.
2. The proposal does not satisfy the requirements of Clause 22.06 (Residential Development Policy) of the Kingston Planning Scheme, failing to provide an acceptable built form outcome having regard to the physical and policy context.
3. The proposal is not consistent with the purpose and objectives of the General Residential Zone (Schedule 2) of the Kingston Planning Scheme.
4. The proposal fails to comply with the following objectives and standards of Clause 55 of the Kingston Planning Scheme:
 - Clause 55.02-1 – Neighbourhood Character
 - Clause 55.02-2 – Residential Policy
 - Clause 55.04-1 – Side and Rear Setbacks
5. The proposal will have an unreasonable impact on the surrounding area by virtue of the increased demand for on-street car parking, contrary to policy at Clause 18 (Transport) and Clause 21.09 (Transport).

CARRIED

4.4 KP-2018/680 - 31 Matilda Road, Moorabbin

Cr Hua left the meeting at 7.34pm

It is recorded that Manfred Rosenthal spoke on behalf of objectors.

Cr Hua returned to the meeting at 7.37pm

It is recorded that Spiro Perdikomatis spoke on behalf of the applicant.

Moved: Cr Saab

Seconded: Cr Hua

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) dwellings at 31 Matilda Road, Moorabbin, subject to the following conditions:

Amended Plans

1. Before the development starts amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be substantially in accordance with the advertised plans Prepared by Silverpoint building Designers & Planning Consultant, comprising Sheets 2 to 5 of 7, revised dated 22/07/2020, submitted to Council on 12 August 2020, but modified to show:
 - a. an elevation plan of the front fencing, which provides details of its style, height and materials
 - b. a minimum 2000L rainwater tank clearly nominated for each new dwelling and connected to toilets for flushing
 - c. the existing 225mm diameter Council easement drain on the easement with the provision of notation "Existing 225mm diameter easement drain must be upgraded to minimum 375mm diameter across the full width of the block including reconstructed pits at either end – upstream pit at southwest corner of 33 Matilda Road and downstream pit at the nature strip in the Bulli Street frontage of the subject site in accordance with the engineering plans approved by Council";
 - d. a notation on the plan stating "The Storm water Side Entry Pit within the vehicle crossing must be modified to a grated pit to the satisfaction of the Responsible Authority"
 - e. 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

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- 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) canopy trees capable of growing to minimum mature dimensions of 10 metres in height and 6 metres in width to be planted in the Matilda Street frontage;
 - vii. Three (3) canopy trees capable of growing to minimum mature dimensions of 6 metres in height and 4 metres in width to be planted in the Bulli Street frontage
 - viii. 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 dwelling 2 and dwelling 3;
 - ix. All trees provided at a minimum of 2 metres in height at time of planting, medium to large shrubs to be provided at a minimum pot size of 200mm;
 - x. Notes regarding site preparation, including the removal of all weeds, proposed mulch, soil types and thickness, subsoil preparation and any specific maintenance requirements;
 - xi. Tree protection measures including for street trees accurately drawn to scale and labelled as per the endorsed Tree Management Plan;
- f. The location of tree protection measures illustrated to scale and labeled on the Ground Floor Plan as per the endorsed Tree Management Plan.
 - g. Any changes as required by Condition 5 of this permit
 - h. Any commitments required by Condition 16 of this permit.
 - i. A notation on the plan stating "All habitable windows to comply with Clause 55.04-6 –(Overlooking) provisions"
 - j. All bedrooms and master bedroom to be reconfigured to have a minimum dimension of 3.0m x 3.0m and 3.4m x 3.0m respectively within the advertised first floor building footprint.
 - k. The laundry of Dwellings 2 & 3 to be converted to a European style laundry and for the entry area to be designed as a study nook with full length windows.

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 street trees prior to

demolition and maintained until all works on site are complete.

- a) The fencing is to be a 1.8 metre high temporary fence constructed using steel or timber posts fixed in the ground or to a concrete pad, with the fence's side panels to be constructed of cyclone mesh wire or similar strong metal mesh or netting
- b) The fencing is to encompass the entire nature strip with each end 3 metres from the base of the tree

Tree Protection Zones

5. Concurrent with the endorsement of plans, a Tree Management Plan prepared by a suitably qualified arborist in accordance with AS4970-2009, must be submitted to and be endorsed by the Responsible Authority and incorporating:
 - a) A Tree Management Plan (written report) must provide details of:
 - i) Tree protection measures that will be utilized to ensure all trees to be retained remain viable post-construction.
 - ii) Stages of development at which inspections are required to ensure tree protection measures are adhered to must be specified.
 - b) A Tree Protection Plan (scale drawing) must provide details of:
 - i) The Tree Protection Zone and Structural Root Zone for all trees to be retained on the site and for all trees on neighboring properties where any part of the Tree Protection Zone falls within the subject site.
 - ii) The location of tree protection measures to be utilized.
 - iii) A notation to refer to the Tree Management Plan.

Drainage and Water Sensitive Urban Design

6. Unless with the prior written consent of the Responsible Authority, before the development commences, the following Integrated Stormwater Management documents must be prepared, by a suitably qualified person, to the satisfaction of the Responsible Authority.
 - a. Stormwater Management/drainage (drainage) Plan(s) must be prepared, with supporting computations, showing the stormwater (drainage) works to the nominated point of discharge. The plan(s) must show all details of the proposed stormwater (drainage) works including all existing and proposed features that may have impact on the stormwater (drainage) works, including landscaping details.
 - b. The Stormwater Management (drainage) Plan must address the requirements specified within Council's "Civil Design requirements for Developers – Part A: Integrated Stormwater Management".
 - c. A STORM modelling report with results demonstrating water sensitive urban design treatments that achieve Victorian best practice objectives with a minimum 100% rating must be provided as part of the Stormwater Management (drainage) Plan to the satisfaction of the Responsible Authority. These may include the use of an infiltration or bio-retention system, rainwater tanks connected for reuse, or other treatments to the satisfaction of the Responsible Authority.
 - d. The water sensitive urban design treatments as per conditions 6a, 6b & 6c above must be implemented on-site, unless an alternative agreement for stormwater quality in-lieu contribution is reached with the Responsible

Authority.

7. Stormwater/drainage works must be implemented in accordance with the approved stormwater management/drainage plan(s) and to the satisfaction of the Responsible Authority including the following:
 - a. All stormwater/drainage works must be provided on the site so as to prevent overflows onto adjacent properties.
 - b. The implementation of stormwater/drainage detention system(s) which restricts stormwater discharge to the maximum allowable flowrate of 5.3L/s.
 - c. All stormwater/drainage works must be maintained to the satisfaction of the Responsible Authority.
8. The existing easement drain of 225mm diameter pipe must be upgraded in accordance with Conditions 1b) at the Developer's cost prior to any building works commencing over the easement. All works associated with drainage upgrade must be in accordance with engineering plans submitted to and approved by the Council. A priced schedule of the drainage upgrade works within the easement and the payment of Council's engineering fees of 3.25% of the total cost of the drainage upgrade works are required to be submitted prior to approval of the engineering plans.
9. The upgraded pipe must be laid at a nominal grade of at least 1.5%.
10. The easement drain upgrade works must include two existing pits replaced with new pits - upstream pit at southwest corner of 33 Matilda Road and downstream pit at the nature strip in the Bulli Street frontage of the subject site.
11. All footings along and or within the easement line are to be at minimum depth to the invert of upgraded easement drain.
12. All standard offsets and clearances regarding footings and council assets (pits) still apply. No structures are to be built on existing or new pits. A minimum of 1m clearance must be provide from the edge of any Council pit to any proposed structure.
13. Post-construction CCTV monitoring must be undertaken. This will be completed by council at the applicants cost. The applicant is to pay \$450 to council for completion of the CCTV monitoring.
14. An overland flow-path for the major storm event (1 in 100 year ARI) must be maintained within the subject site or alternatively on-site storage must be provided to cater for the same.

Construction Management

15. 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 and Construction Management Guidelines. The CMP must specify and deal with, but is not limited to, the following elements:
 - a. Public Safety, Amenity and Site Security
 - b. Traffic Management
 - c. Stakeholder Management
 - d. Operating Hours, Noise and Vibration Controls

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- e. Air Quality and Dust Management
- f. Stormwater and Sediment Control
- g. Waste and Materials Re-use

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

Sustainable Design Assessment

- 16. An amended Sustainable Design Assessment (SDA) prepared by a suitably qualified professional which includes, but is not limited to, detailing initiatives for stormwater harvesting, insulation, building materials, daylighting, collective rainwater tanks and/or individual rainwater tanks, public and private landscape irrigation and car washing, energy efficient concepts, glazing and internal ventilation and the like. All relevant commitments identified within the Sustainable Design Assessment must also be included on the plans.

Infrastructure and Road Works

- 17. 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.
- 18. Property boundary and footpath levels must not be altered without the prior written consent from the Responsible Authority.
- 19. Any reinstatements and new/modified vehicle crossings must be constructed to the satisfaction of the Responsible Authority.
- 20. The replacement of all footpaths, including offsets, must be constructed to the satisfaction of the Responsible Authority.
- 21. Any redundant vehicle crossings must be removed (including redundant portions of vehicle crossings) to the satisfaction of the Responsible Authority.

General amenity conditions

- 22. 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.
- 23. All externally-located heating and cooling units, exhaust fans and the like must not be located adjacent to bedroom windows on adjoining properties and must not be located where they will be highly visible from any public area to the satisfaction of the Responsible Authority.
- 24. 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

- 25. 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.
- 26. 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.

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Expiry

27. 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.
 - 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: It is noted the development includes garage and shed 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: Telstra pit may be impacted by proposed development, please contact relevant authority.

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

4.5 KP-2019/759 - 76 Station Street, Aspendale

It is recorded that Kerry O'Dowd spoke on behalf of objectors.

It is recorded that Robert Buckerfield spoke on behalf of the applicant.

Cr Hua left the meeting at 7.47pm

Cr Hua returned to the meeting 7.51pm

Cr Hua left the meeting at 7.59pm

Cr Hua returned to the meeting at 8.00pm

Moved: Cr Bearsley

Seconded: Cr Oxley

That the Planning Committee determine to issue a Notice of Refusal to Grant a Permit to develop the land for the construction of four dwellings at 76 Station Street, Aspendale, on the following grounds:

1. The proposal fails to meet the objectives and strategic directions of the Municipal Strategic Statement in relation to Clause 21.02 (Settlement), Clause 21.06 (Built Environment and Heritage) and Clause 21.07 (Housing) of the Kingston Planning Scheme and represents an overdevelopment of the subject site.
2. The proposal does not satisfy the requirements of Clause 22.06 (Residential Development Policy) of the Kingston Planning Scheme, failing to provide an acceptable built form outcome having regard to the physical and policy context.
3. The proposal is not consistent with the purpose and objectives of the General Residential Zone (Schedule 2) of the Kingston Planning Scheme.
4. The proposal fails to comply with the following objectives and standards of Clause 55 of the Kingston Planning Scheme:
 - a. Clause 55.02-1 – Neighbourhood Character
 - b. Clause 55.02-2 – Residential Policy
 - c. Clause 55.03-9 – Access (due to the number of crossovers to School Lane)

CARRIED

4.6 KP-2021/93 - 2 Ashlar Road, Moorabbin

Moved: Cr Saab

Seconded: Cr Oxley

That:

1. The application not be advertised given the proposal is to subdivide land for which a Planning Permit to develop the land has been issued, and that the subdivision layout is consistent with the approved development layout.
2. The Planning Committee determine to support the proposal and issue a Planning Permit to subdivide the Land into Three (3) Lots at 2 Ashlar Road, Moorabbin, subject to the following conditions:

Endorsed Plans

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

Section 173 Agreement

2. If the plan of subdivision is to be Certified prior to the issue of an Occupancy Permit by the relevant Building Surveyor, the Owner of the land must enter into an Agreement with the Responsible Authority under Section 173 of the Planning and Environment Act 1987 to provide for the development of the created lots in accordance with Planning Permit KP-2020/81 issued by the Kingston City Council on 31 July 2020. All costs associated with the Agreement will be borne by the landowner.

Public Open Space Contribution

3. Prior to the issue of a Statement of Compliance, the applicant or owner must pay to the Responsible Authority an amount equivalent to five per cent (5%) of the site value of all land in the subdivision. If the payment is not made within 12 months of the date of this permit, Council will request a revaluation of the site value at each anniversary and will vary the amount of the payment accordingly.

Telecommunications

4. The owner of the land must enter into an agreement with:
 - a) a telecommunications network or service provider for the provision of telecommunication services to each lot shown on the endorsed plan in accordance with the provider's requirements and relevant legislation at the time; and
 - b) a suitably qualified person for the provision of fibre ready telecommunication facilities to each lot shown on the endorsed plan in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.
5. Before the issue of a Statement of Compliance for any stage of the subdivision under the Subdivision Act 1988, the owner of the land must provide written confirmation from:
 - a) a telecommunications network or service provider that all lots are connected to or are ready for connection to telecommunications services in accordance with the provider's requirements and relevant legislation at the time; and
 - b) a suitably qualified person that fibre ready telecommunication facilities have been provided in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.

Condition(s) required by South East Water

6. General
 - a) The Certified Plan of Subdivision should show E-2 easement to be a

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2.50 metre long x 3.20 metre wide Sewerage easement located over the existing sewer main, within the North East corner, to be in favour of South East Water Corporation pursuant to Section 12(1) of the Subdivision Act.

- b) The Certified Plan of Subdivision should show a 1.20 metre wide Sewerage easement, as per the attached plan, to be in favour of all lots pursuant to Section 12(1) of the Subdivision Act;

OR

An updated Property Sewerage Plan is to be submitted to South East Water after completion of the internal sewer works showing all dwellings connected to the existing sewer connection point. Easements pursuant to Section 12(2) of the Subdivision Act will then apply to both lots within the Plan of Subdivision.

Completion of Subdivision

- 7. Once the subdivision has started it must be continued and completed to the satisfaction of the Responsible Authority.

Expiry

- 8. This permit as it relates to subdivision will expire if one of the following circumstances applies:
 - a) The plan of subdivision is not certified within two (2) years from the date of this permit.
 - b) The plan of subdivision is not registered within five (5) years of the date of certification.

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: Each building or part of a building resulting from this subdivision must comply with Regulation 231 of the Building Regulations 2018.

Note: In accordance with the *Planning and Environment Act 1987* and the *Subdivision Act 1988*, there is no provision to grant an extension of time for a certified plan of subdivision.

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 following South East Water agreement options are available:

- 1. Application to enter into a Development Agreement-Works – If

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South East Water reticulated sewer/water/recycled water (as applicable) is required to be extended to service lots within the development.

2. Application to enter into an agreement-Non Works – If South East Water reticulated sewer/water/recycled water (as applicable) is available to the development and the owner only requires Statement of Compliance to release the titles (i.e. subdivision prior to building).
3. Plumbing Industrial, Commercial, Units & Private Water application – If South East Water reticulated sewer/water/recycled water (as applicable) is available to the development and the owner wishes to commence construction of the building/s (i.e. prior to subdivision).

To lodge an application, please visit South East Water's website www.southeastwater.com.au.

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

CARRIED

4.7 KP-2020/669 - 32-38 Pietro Road, Heatherton

Cr Hua left the meeting at 8.11pm

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

Cr Hua returned to the meeting at 8.12pm

Moved: Cr Davies

Seconded: Cr Hill

That the Planning Committee determine to support the proposal and issue a Planning Permit for the development of one (1) dwelling and associated works at 32-38 Pietro Road, Heatherton, subject to the following conditions:

1. Before the development starts amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be substantially in accordance with the advertised plans prepared by Country Lane Homes, titled property address, Revision A, dated 12 March 2021, submitted to Council on 22 March 2021, but modified to show:
 - a. The provision of at least one (1) undercover carparking space, as required by Clause 52.06-9 (design standard 2) of the Planning Scheme, to the satisfaction of the Responsible Authority. Any proposed car parking space within the required garage or carport, must be at least 6.0 metres long and 3.5 metres wide for a single space (or 5.5 metres wide for a double space), measured inside the garage or carport;
 - b. the Ground Floor Plan amended to remove the existing driveway in the location of the proposed dwelling, with any alterations to the existing

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- driveway denoted on the Ground Floor Plan;
- c. mailbox nominated;
- d. the provision of a full colour palette, finishes and building materials schedule for all external elevations and driveways of the development;
- e. a notation on the ground floor plan which reads: 'prior to the occupation of the dwelling hereby permitted, the existing dwelling on site must be demolished and the site cleaned to a standard that is well presented, to the satisfaction of the responsible authority';
- f. one (1) *Eucalyptus camaldulensis* (River Red Gum) to be planted in the front setback, provided at a minimum of 2 metres in height at time of planting, with the location shown on the Ground Floor Plan;
- g. the location of tree protection measures illustrated to scale and labeled on the Ground Floor Plan as per the endorsed Tree Management Plan; and
- h. any changes as required by Condition 6.

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.
- 4. New buildings must be constructed so as to comply with any noise attenuation measures required by Section 3 of Australian Standard AS 2021 – 1994, Acoustics – Aircraft Noise Intrusion – Building Siting and Construction, issued by the Standards Association of Australia, to the satisfaction of the Responsible Authority.
- 5. Prior to the occupation of the dwelling hereby permitted, the existing dwelling on site must be demolished and the site cleaned to a standard that is well presented, to the satisfaction of the responsible authority.

Tree Management and Protection Plan

- 6. Concurrent with the endorsement of plans, a Tree Management Plan prepared by a suitably qualified arborist in accordance with AS4970-2009, must be submitted to and be endorsed by the Responsible Authority and incorporating:
 - a. A Tree Management Plan (written report) must provide details of:
 - i. Tree protection measures that will be utilized to ensure all trees to be retained remain viable post-construction.
 - ii. Stages of development at which inspections are required to ensure tree protection measures are adhered to must be specified.
 - b. A Tree Protection Plan (scale drawing) must provide details of:
 - i. The Tree Protection Zone and Structural Root Zone for all trees to be retained on the site and for all trees on neighboring properties where any part of the Tree Protection Zone falls within the subject site.
 - ii. The location of tree protection measures to be utilised.
 - iii. A notation to refer to the Tree Management Plan.

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7. All protection measures identified in the Tree Management Plan must be implemented, and development works undertaken on the land must be undertaken in accordance with the Tree Management Plan, to the satisfaction of the Responsible Authority.
8. Prior to the commencement of works, the name and contact details of the project arborist responsible for implementing the Tree Management Plan must be submitted to the Responsible Authority.

General amenity conditions

9. All works 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.
10. All externally-located heating and cooling units, exhaust fans and the like must not be located where they will be highly visible from any public area to the satisfaction of the Responsible Authority.
11. 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

12. Prior to the occupation of the 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.
13. Prior to the occupation of the 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.

Time Limits

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

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

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

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

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

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

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on site are protected during any works.

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

CARRIED

5. Confidential Items

Nil

The meeting closed at 8.14pm.

Confirmed.....

The Mayor 21 July 2021