

# Minutes

## Planning Committee Meeting

Wednesday, 23rd May 2018



**City of Kingston  
Planning Committee Meeting**

**Minutes**

**23 May 2018**

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

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

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

**1. Apologies**

An apology from Cr Eden was submitted to the meeting.

**Moved: Cr Bearsley**

**Seconded: Cr Gledhill**

That the apology from Cr Eden be received.

**CARRIED**

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

**Moved: Cr Barth**

**Seconded: Cr Brownlees**

That the Minutes of the Planning Committee Meeting held on 18 April 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 - April 2018**

**Moved: Cr Brownlees**

**Seconded: Cr Gledhill**

That the report be noted.

**CARRIED**

**4.2 KP17/588 - 216 - 226 Charman Road, Cheltenham**

It is recorded that Robyn Daff spoke on behalf of objectors.

It is recorded that Robbie McKenzie spoke on behalf of the applicant.

**Moved: Cr Brownlees**

**Seconded: Cr Gledhill**

That the Planning Committee determine to advise the Tribunal that it does not support the proposal to use and develop the land for the construction of a five storey mixed use development containing one food and drink premises, up to thirty-eight (38) dwellings, a car parking reduction and a variation to the building height requirements of Precinct 4B at 216 - 226 Charman Road Cheltenham, on the following grounds:

1. The proposal fails to comply with the policies and objectives of the Activity Centre Zone and the Schedule 1 of the Activity Centre Zone.
2. The proposal will result in a built form outcome that fails to achieve the requirements and guidelines of the Activity Centre Zone Schedule 1.
3. The variation sought to the height of the proposal is excessive and not consistent with the height of adjoining residential developments.
4. The proposal fails to satisfy Clause 52.06 (Car Parking) as the reduction in car parking will have a negative and adverse effect on the amenity of surrounding residential area already under stress.
5. The proposal fails to provide adequate storage pursuant to Clause 58.05-4 of the Kingston Planning Scheme.
6. The proposed dwelling on the ground floor fails to provide a reasonable level of internal amenity and a lack of integration with the street.
7. The proposal is contrary to, and fails to meet the decision guidelines of Clause 65.01 of the Kingston Planning Scheme.
8. The proposal fails to achieve consistency and is not compatible with the existing neighbourhood character of the established surrounding residential area.
9. The proposal will have a detrimental impact on the amenity of the surrounding residential area.

**CARRIED**

**4.3 KP14/739 - 17 Taylor Street, Moorabbin**

Cr Brownlees left the meeting at 7:28pm

It is recorded that Daniel Bowden spoke on behalf of the applicant.

**Moved: Cr Barth**

**Seconded: Cr Hua**

That the Planning Committee determine to support the proposal and issue a Notice of Decision to Grant an Amended Planning Permit to develop the land for the construction of buildings and works comprising a nine storey mixed use development with roof top terrace and use of the land for retail premises at No. 17 Taylor Street, Moorabbin, subject to following conditions:

1. Before the use and 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 9 March 2017, but modified to show:
  - a. DELETED
  - b. the provision of a notation stating: “the existing laneway on the north (ROW) and west (Macs Lane) of the property from Taylor Street to the southern boundary of the subject site, including drainage works, must be designed with colour concrete and exposed aggregate feature bands in accordance with the Activity Centre Streetscape Suite; drained and constructed at the full cost of the owner/developer as per engineering plans approved by the Council”
  - c. DELETED
  - d. the provision of a longitudinal section of the accesses to carparks from the laneway showing gradients, levels, distances and headroom clearances complying with AS2890.1:2004 and the flood proof apex
  - e. the provision of alternative visibility / warning system to alert laneway and ramps users of potential conflict
  - f. DELETED
  - g. the recommendations within the SMP be nominated on the development plans
  - h. the provision of a full colour, finishes and building materials schedule, including samples (illustrated on an A4 or A3 sheet), for all external elevations and surfaces of the development
  - i. noise attenuation measures to be provided to the first floor car park
  - j. a sign at the base of the ramp directing ‘right turn only’ when egressing from the site
  - k. DELETED
  - l. the location of all externally-located heating and cooling units, exhaust fans and the like, clearly shown
  - m. a notation on the floor plans stating: “all guttering must be contained wholly within the title property boundaries of the subject land”

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- n. the provision of a landscape plan for the roof terrace, in accordance with the submitted development plan and the City of Kingston Landscape Plan Checklist, with such plans to be prepared by a suitably qualified landscape professional and incorporating 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.
- o. Delete eleventh (11th) level, apartment 1101 from the building.
- p. A notation on the plans that the overall building height is not to exceed 33.31 metres.
- q. DELETED
- r. along the western elevation (ground floor) the entire wall (between the ramp screen and gas room) to be an art mural commissioned by the City of Kingston at the full cost of the applicant and developer is to be provided.
- s. no business identification or business signage is to be located along this western elevation / associated with the art mural.
- t. details of queuing management to ensure there is no unreasonable blockage of Macs Lane or the R.O.W by vehicles egressing the site to the satisfaction of the Responsible Authority;
- u. the lift area is to be fully enclosed with a wall or garage door to the satisfaction of the responsible authority; and
- v. a special waste collection vehicle at the same size of B00 defined in AS2890.1 2004 or similar must be provided for waste collection purposes to the satisfaction of the Responsible Authority.

**Endorsed Plans**

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

**Urban Art Treatment**

- 3. Prior to the commencement of works, plans must be submitted to the Responsible Authority for approval detailing the integrated urban artwork treatment of the wall along western along the western elevation (ground floor) the entire wall (between the ramp screen and gas room), the plans must be implemented to the satisfaction of the Responsible Authority. The urban art must not be altered without the prior written consent of the Responsible Authority.

**Street Tree Removal**

- 4. Prior to the removal of street tree from the Taylor Street nature strip, payment must be made to Kingston City Council's customer service in accordance with Council's Street Tree Removal Procedures. The removal of these trees must be undertaken by Council at the expense of the Developer/Owner.

**Drainage Engineering and Water Sensitive Urban Design**

- 5. A flood proof apex (ie ridge level) protecting the property from any overland flows must be provided along the site's laneway frontage. This apex is to be at minimum 200mm above the existing invert of the laneway. This apex is to continue through any driveways or pathways that may cross it. The apex is to be a permanent structure (eg. rise in concrete driveway/pathway, sleeper retaining

wall, solid brick fence/wall). Low mounded soil on its own is unlikely to be acceptable due to the likelihood of future disturbance.

6. The development of the site must be provided with stormwater works which incorporates the use of water sensitive urban design principles to improve stormwater runoff quality and which also retains on site any increase in runoff above the permissible site discharge as a result of the approved development. The system must be maintained to the satisfaction of the Responsible Authority. The satisfactory options to achieve these desired outcomes may include the use of an infiltration or bioretention system, rainwater tanks connected for reuse and a detention system. The overall outflow of the site to Council drainage system must be limited to 5.6 L/s.
7. Before the development commences, prior to submission of detailed Stormwater Management Plan of the development as per the condition below, a comprehensive stormwater management (drainage) strategy of the site including a report with MUSIC model output or equivalent and Stormwater (drainage) concept plan incorporating Rainwater Tanks for water reuse and other Water Sensitive Urban Design Treatments to achieve best practice objectives must be prepared as per Council's "Civil Design Requirements for Developers – Part A – Integrated Stormwater Management" to the satisfaction of the Council;
8. Before the development commences, a Stormwater Management (drainage) Plan showing the stormwater works to the nominated point of discharge must be prepared to the satisfaction of the Responsible Authority. The Stormwater Management (drainage) Plan must be prepared by a qualified person and show all details of the proposed stormwater works including all existing and proposed features that may have impact (e.g. trees to be retained, crossings, services, fences, abutting buildings, existing boundary surface levels, etc.). The Stormwater Management Plan must be prepared as per Council's "Civil Design Requirements for Developers – Part A – Integrated Stormwater Management".
9. Stormwater works must be provided on the site so as to prevent overflows onto adjacent properties.
10. The proposed car stacker pits must be designed as a fully-tanked/sealed dry structure.

#### **Roads Infrastructure**

11. Property boundary and footpath levels must not be altered without the prior written consent from the Responsible Authority.
12. Any ramps or changes in grade at pedestrian and vehicle access areas must be ramped within the property boundaries.
13. All reinstatements and vehicle crossings must be constructed to the satisfaction of the Responsible Authority.
14. Vehicle crossings and other reinstatements must be constructed to council's industrial strength specifications.
15. All redundant vehicle crossings must be removed (including redundant portions of vehicle crossings) to the satisfaction of the Responsible Authority.
16. All front and side fences must be contained wholly within the title property boundaries of the subject land.

#### **Construction Management**

17. Before the commencement of any buildings and works, a Construction Management Plan (CMP), to the satisfaction of the Responsible Authority, must

be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed as evidence of its approval and will then form part of the permit and shall thereafter be complied with. The CMP must specify and deal with, but is not limited to, the following:

- a. the staging of the development
- b. a detailed schedule of works, including the demolition of structures and a full project timing
- c. a fully detailed plan indicating where construction hoardings would be located
- d. a waste management plan including the containment of waste on site, disposal of waste, stormwater treatment and on-site facilities for vehicle washing
- e. containment of dust, dirt and mud within the site and method and frequency of clean up procedures in the event of build-up of matter outside the site
- f. business operations on the site during construction
- g. site security
- h. public safety measures
- i. construction times, noise and vibration controls
- j. restoration of any Council assets removed and/or damaged during construction
- k. protection works necessary to road and other infrastructure (limited to an area reasonably proximate to the site);
- l. remediation of any damage to road and other infrastructure (limited to an area reasonably proximate to the site)
- m. an emergency contact that is available for 24 hours per day for residents and the Responsible Authority in the event of relevant queries or problems experienced
- n. the CMP must identify all relevant permits required for works/occupation outside the property boundary (ie. Hoarding, Asset Protection, Occupation of Public Land)
- o. all contractors associated with the construction of the development must be made aware of the requirements of the Construction Management Plan.

**Traffic Management**

18. Before the commencement of any buildings and works, a Traffic Management Plan (TMP), to the satisfaction of the Responsible Authority, must be submitted to and approved by the Responsible Authority. The TMP must specify and deal with, but is not limited to, the following:
  - a. when or whether any access points would be required to be blocked; an outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services; and preferred routes for trucks delivering to the site
  - b. the location for the parking of all construction vehicles and construction worker vehicles during construction



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- c. delivery of materials including times for loading/unloading and unloading points
- d. expected frequency; and details of where materials will be stored and how concrete pours would be managed
- e. proposed traffic management signage indicating any inconvenience generated by construction, and
- f. traffic management measures to comply with provisions of AS 1742.3-2002 Manual of uniform traffic control devices – Part 3: Traffic control devices for works on roads.

**Sustainability Management Plan**

19. DELETED

**Waste Management Plan**

20. 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.

**Public Works**

21. Prior to the occupation of any dwelling or commencement of use, the laneway as described in Condition 1b) must be designed and constructed at the full cost of the owner/developer and maintained in accordance with the plans approved by the Council. Discussion with Council's Development Engineer is recommended prior to submission of a design. The level of the proposed laneway is to be set as per design brief prepared by Council's Strategic Planning Department. A priced schedule of works within the laneway and the payment of Council's engineering fees of 3.25% of the cost of the works are required to be submitted prior to approval.
22. Prior to the occupation of the development hereby permitted, or by such later date as is approved by the Responsible Authority in writing, the kerb and channel, footpath and nature strip must reinstated to the satisfaction of the Responsible Authority and in accordance with the Activity Centre Streetscape Suite (June 2013).
23. Prior to the occupation of any dwelling or commencement of use, the construction of the footpath

**Signage**

24. No signage may be displayed on the land unless approved by the Responsible Authority.

**Completion of Development**

25. Prior to the occupation of the development 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 development hereby permitted, the landscaping works as shown on the endorsed plans for that stage must be completed to the satisfaction of the responsible authority. Thereafter, the landscaping shall be maintained to the satisfaction of the Responsible Authority.
27. Prior to the occupation of the development hereby permitted, or by such later date as is approved by the responsible authority in writing, the nature strip, kerb and channel, vehicle crossover and footpath must reinstated to the satisfaction of

the Responsible Authority.

28. Prior to the occupation of the development hereby permitted, areas set aside for parking vehicles, access lanes and paths for that stage 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. Line-marked to indicate each car space, allocation of on-street car spaces, access lanes and road markings.

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.

29. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.

**Amenity Conditions**

30. The amenity of the area must not be detrimentally affected by the development or use, through the:
- a. Transport of materials, goods or commodities to or from the land.
  - b. Appearance of any building, works or materials.
  - c. Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil.
  - d. Presence of vermin.
  - e. Any other way.
31. No goods or packaging materials shall be stored or left exposed outside the building so as to be visible to the public from a road or other public place.
32. The maintenance of the car stackers shall be the responsibility of the Body Corporate, owner or agent and must be serviced at such frequency as will render the stackers functional, to the satisfaction of the Responsible Authority.
33. 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.
34. 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.
35. 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, to the satisfaction of the Responsible Authority.

**Agreements**

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36. Prior to the works to commence onsite, 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:

- No telecommunication facilities are to be erected upon the building.

**Expiry of Permit**

37. 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 before within (2) years from the date of this permit.
- The development is not completed within four (4) years from the date of permit issue.
- The use is not commenced within two (2) years of the completion of the development.

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.

**THIS PERMIT HAS BEEN AMENDED PURSUANT TO SECTION 72 OF THE PLANNING AND ENVIRONMENT ACT 1987 AS FOLLOWS:**

Amendment	Date of Amendment	Description of Amendment
A	23 May 2018	<ul style="list-style-type: none"> <li>• New preamble to read <i>'develop the land for the construction of buildings and works comprising a nine storey mixed use development with roof top terrace and use of the land for retail premises at No. 17 Taylor Street, Moorabbin'</i></li> </ul> <p>Delete conditions 1 a, c, f, k, o and 19 (no longer relevant).</p> <ul style="list-style-type: none"> <li>• New condition 1 requirements:               <ul style="list-style-type: none"> <li>p. along the western elevation (ground floor) the entire wall (between the ramp screen and gas room) to be an art mural commissioned by the City of Kingston at the full cost of the applicant and developer is to be provided.</li> <li>q no business identification or business signage is to be located along this western elevation / associated with the art mural.</li> </ul> </li> </ul>

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		<p>w. details of queuing management to ensure there is no unreasonable blockage of Macs Lane or the R.O.W by vehicles egressing the site to the satisfaction of the Responsible Authority;</p> <p>x. the lift area is to be fully enclosed with a wall or garage door to the satisfaction of the responsible authority; and</p> <p>y. a special waste collection vehicle at the same size of B00 defined in 2890.1 2004 or similar must be provided for waste collection purposes to the satisfaction of the Responsible Authority.</p> <p>New condition(s):</p> <p>1:</p> <ul style="list-style-type: none"><li>o Delete eleventh (11<sup>th</sup>) level, apartment 1101 from the building.</li><li>p. A notation on the plans that the overall building height (measured to the lift overrun) is not to exceed 33.31 metres.</li></ul> <p><b>Agreements</b></p> <p>38. Prior to the works to commence onsite, 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:</p> <ul style="list-style-type: none"><li>- No telecommunication facilities are to be erected upon the building.</li></ul>
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Cr Brownlees returned to the meeting at 07:32pm

**CARRIED**

**4.4 K17/P517 - 21 Bondi Road, Bonbeach**

It is recorded that Stephen O'Brien spoke on behalf of objectors.

**Moved: Cr Oxley**

**Seconded: Cr Bearsley**

That the Planning Committee determine to issue a Notice of Refusal to Grant a Permit to develop the land for the construction of four (4) double storey dwellings at 21 Bondi Road, Bonbeach, on the following grounds:

1. The proposal would detrimentally affect the amenity of the Neighbourhood.
2. The proposal would detract from the visual amenity of the locality and the streetscape.
3. The proposal constitutes an over-development of the site.
4. The proposal fails to meet the objectives and strategic directions of the Municipal Strategic Statement – Residential Land Use contained at Clause 21.05 of the Kingston Planning Scheme.
5. The proposal does not satisfy the requirements of Clause 22.11 – Residential Development Policy, of the Kingston Planning Scheme.
6. The proposal fails to satisfy all the requirements of Clause 55 of the Kingston Planning Scheme (ResCode), in particular:
  - Clause 55.02-1 Neighbourhood Character Objective;
  - Clause 55.02-2 Residential Policy Objective;
  - Clause 55.03-1 (Street setback Objective);
  - Clause 55.03-7 (Safety Objective);
  - Clause 55.04-1 (Side and rear setbacks Objective);
  - Clause 55.04-5 (Overshadowing Open Space Objective);
  - Clause 55.04-6 (Overlooking Objective);
  - Clause 55.04-8 (Noise impacts Objective);
  - Clause 55.06-1 (Design Detail Objective);
7. The proposal is not consistent with the purpose of the General Residential Zone (Schedule 3) at Clause 32.08 of the Kingston Planning Scheme as the proposal does not provide a design outcome that is respectful of the prevailing and preferred neighbourhood character.
8. There are inadequate landscaping opportunities throughout the development which is inconsistent with Clause 22.11 and the objectives of Standard B13 (Landscaping) of Clause 55.03-8.
9. The proposal fails to provide an acceptable built form outcome having regard to the physical and policy context.

**CARRIED**

**4.5 KP10/872 - 307-308 Station Street, Chelsea**

It is recorded that Ray Galea spoke on behalf of the applicant.

**Procedural Motion**

**Moved: Cr Oxley**

**Seconded: Cr Gledhill**

That it be noted that the reason for the call-in of the application specified in the agenda is incorrect.

**CARRIED**

**Moved: Cr Oxley**

**Seconded: Cr Bearsley**

That the Planning Committee determine to issue a Notice of Refusal to Grant a Permit for the development of a four storey building containing 27 dwellings and a reduction of the car parking requirement at No. 307 - 310 Station Street, Chelsea, on the following grounds:

1. The proposed amendments constitute an over-development of the site.
2. The proposed amendments would detract from the visual amenity of the locality and the streetscape.
3. The proposed amendments do not fully satisfy the requirements of Clause 22.11 – Residential Development Policy, of the Kingston Planning Scheme.
4. The proposed amendments fail to meet the objectives and strategic directions of the Municipal Strategic Statement – Residential Land Use contained at Clause 21.05 of the Kingston Planning Scheme.

**CARRIED**

**4.6 KP16/578 448 - 450 Heatherton Road, Clayton South**

It is recorded that Diana Donohue spoke on behalf of objectors.

It is recorded that Dan Parker spoke on behalf of the applicant.

**Moved: Cr Hua**

**Seconded: Cr Barth**

That the Planning Committee determine to support the proposal and issue a Notice of Decision to Grant a Permit to use and develop the land for a Place of Worship, display business identification signage, removal of native vegetation, reduction in car parking requirements and creation of access to a Road Zone Category 1 at No. No. 448-450 Heatherton Road, Clayton South, 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 18 April 2018, but modified to show:

- a. 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. 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 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;
  - v. adequate planting densities (e.g.: plants with a mature width of 1 metre, planted at 1 metre intervals);
  - vi. the provision of twenty five (25) suitable medium sized (at maturity) canopy trees within the front setback (landscape buffer along Centre Dandenong Road, and a minimum of ten (10) suitable medium sized (at maturity) trees within the site, with species chosen to be approved by the Responsible Authority;
  - vii. sustainable lawn areas and plant species taking current water restrictions into consideration;
  - viii. all trees provided at a minimum of two (2) metres in height at time of planting;
  - ix. medium to large shrubs to be provided at a minimum pot size of 200mm; and
  - x. 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 dimensions of the disabled car spaces, in accordance with the requirements of the relevant Australian Standard;
- c. dimensions of the bicycle spaces in accordance with the requirements of Clause 52.34 of the Kingston Planning Scheme, with these to be provided with weather protection;
- d. details notated on plans regarding the implementation of ESD measures outlined in the Sustainability Assessment;
- e. the provision of external shading devices designed to be appropriate to their respective façade orientation;
- f. vehicle crossings must be constructed at a 90 degree alignment with the kerb on Old Boundary Road and all internal driveways must align with the

- existing / proposed vehicle crossing;
- g. prior to the commencement of development, property boundary, footpath and vehicle crossing levels must be obtained from Council's Roads and Drains Department with all levels raised or lowered to the satisfaction of the Responsible Authority;
  - h. vehicle crossings are to be constructed to Industrial strength;
  - i. the provision of high sill, mechanically operable sash windows to the Church building (for heat purging purposes);
  - j. the surface material of all driveways / accessways and car parking spaces nominated, with all-weather coloured concrete sealcoat, or similar specified for a minimum of 6 metres inside the property boundary and the remainder to be nominated with a permeable treatment; and
  - k. the provision of a full colour, finishes and building materials schedule, including samples (illustrated on an A4 or A3 sheet), for all external elevations and driveways of the development, incorporating non-reflective materials and colours.

**Endorsed plans**

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

**Operation of the site**

- 3. No more than 600 people may be on the site at any one time.
- 4. The church café is to only be used for church purposes and during daytime hours (8:00am- 5:00pm).

**Infrastructure and road works**

- 5. The replacement of all footpaths, including offsets, must be constructed to the satisfaction of the Responsible Authority.
- 6. All reinstatements and vehicle crossings must be constructed to the satisfaction of the Responsible Authority.
- 7. Vehicle crossings and other reinstatements must be constructed to council's industrial strength specifications.
- 8. All redundant vehicle crossings must be removed (including redundant portions of vehicle crossings) to the satisfaction of the Responsible Authority.
- 9. All front and side fences must be contained wholly within the title property boundaries of the subject land.

**Construction Management**

- 10. Before the commencement of any buildings and works on the Land, a Construction Management Plan (CMP), to the satisfaction of the Responsible Authority, must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed as evidence of its approval and will then form part of the permit and shall thereafter be complied with. The CMP must specify and deal with, but not limited to, the following:
  - a. a detailed schedule of works including a full project timing;
  - b. a traffic management plan for the site, including when or whether any access points would be required to be blocked; an outline of requests to



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- occupy public footpaths or roads, or anticipated disruptions to local services; and preferred routes for trucks delivering to the site;
  - c. the location for the parking of all construction vehicles and construction worker vehicles during construction;
  - d. delivery of materials including times for loading/unloading; unloading points; expected frequency; and details of where materials will be stored and how concrete pours would be managed;
  - e. proposed traffic management signage indicating any inconvenience generated by construction;
  - f. fully detailed plan indicating where construction hoardings would be located;
  - g. a waste management plan including the containment of waste on site: disposal of waste, stormwater treatment and on-site facilities for vehicle washing;
  - h. containment of dust, dirt and mud within the site and method and frequency of clean up procedures in the event of build up of matter outside the site;
  - i. business operations on the site during construction;
  - j. site security;
  - k. public safety measures;
  - l. construction times, noise and vibration controls;
  - m. restoration of any Council assets removed and/or damaged during construction;
  - n. protection works necessary to road and other infrastructure (limited to an area reasonably proximate to the site);
  - o. remediation of any damage to road and other infrastructure (limited to an area reasonably proximate to the site);
  - p. an emergency contact that is available for 24 hours per day for residents and the Responsible Authority in the event of relevant queries or problems experienced;
  - q. traffic management measures to comply with provisions of AS 1742.3-2002 Manual of uniform traffic control devices – Part 3: Traffic control devices for works on roads; and
  - r. all contractors associated with the construction of the development must be made aware of the requirements of the Construction Management Plan.
11. A pre construction site and immediate surrounds inspection and condition assessment of all road ways and footpaths abutting the development is to be submitted to and approved in writing by the Responsible Authority. This must occur in a media (photos/video) which is able to accurately illustrate the full condition of all potentially impacted assets prior to the construction commencing. In the event of damage during construction, such damage will be required to be repaired by the developer, at the developer's cost and to the satisfaction of the Responsible Authority.
12. During the construction, the following must occur:
- a. any stormwater discharged into the stormwater drainage system is to comply with EPA guidelines;

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- b. stormwater drainage system protection measures must be installed as required to ensure that no solid waste, sediment, sand, soil, clay or stones from the premises enters the stormwater drainage system;
- c. vehicle borne material must not accumulate on the roads abutting the site;
- d. the cleaning of machinery and equipment must take place on site and not on adjacent footpaths, roads or parks;
- e. all litter (including items such as cement bags, food packaging and plastic strapping) must be disposed of responsibly; and
- f. all site operations must comply with the EPA Publication TG302/92 (including all revisions or replacement guidelines).

**Drainage and Water Sensitive Urban Design**

- 13. Unless with prior written consent of the Responsible Authority, before the development commences the following Integrated Stormwater Management (drainage) documents must be prepared, by a suitably qualified person, to the satisfaction of the Responsible Authority:
  - a. Stormwater Management (drainage) Plan(s) must be prepared, with supporting computations, showing the stormwater (drainage) works to the nominated point of discharge. The plan(s) must show all details of the proposed stormwater works including all existing and proposed features that may have an impact on the stormwater (drainage) works, including landscaping details.
  - b. Prior to submitting detailed plans, a comprehensive stormwater management (drainage) strategy for the site must be prepared that addresses the requirements specified within Council's "Civil Design requirements for Developers – Part A: Integrated Stormwater Management".
  - c. The stormwater management (drainage) strategy must include a report with MUSIC modelling results demonstrating water sensitive urban design treatments that achieve Victorian best practice objectives. These may include the use of an infiltration or bio-retention system, rainwater tanks connected for reuse, or other treatments to the satisfaction of the Responsible Authority.
  - d. The water sensitive urban design treatments as per conditions 13a, 13b and 13c above must be implemented on-site, unless an alternative agreement for stormwater quality in-lieu contribution is reached with the Responsible Authority.
- 14. Stormwater (drainage) works must be implemented in accordance with the approved stormwater management (drainage) plan and to the satisfaction of the Responsible Authority including the following:
  - a. All stormwater (drainage) works must be provided onsite so as to prevent overflows onto adjacent properties.
  - b. The implementation of stormwater (drainage) detention system which restricts stormwater discharge to the maximum allowable flowrate of 49L/s.
  - c. All stormwater (drainage) works must be maintained to the satisfaction of the Responsible authority

**Parking construction**

15. Prior to the occupation of the building approved for Stage 1 of the development, 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.

Parking areas and access lanes must be kept available for these purposes at all times and maintained to the satisfaction of the Responsible Authority.
16. In areas set aside for car parking, measures must be taken to prevent damage to fences or landscaped areas, to the satisfaction of the Responsible Authority.

**Lighting**

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

**Completion of works**

18. Prior to the commencement of the use hereby permitted, the landscaping works as shown on the endorsed plans must be completed to the satisfaction of the Responsible Authority. The landscaping must then be maintained to the satisfaction of the Responsible Authority.
19. Prior to the commencement of the use 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.
20. 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.
21. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.

**Amenity conditions**

22. The amenity of the area must not be detrimentally effected by the use or development on the land, including through the:
  - a. Transport of materials, goods or commodities to or from the land,
  - b. Appearance of any building, works or materials,
  - c. Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil,
  - d. Presence of vermin, or
  - e. Adverse behaviour of visitors to or from the premises.

to the satisfaction of the Responsible Authority.
23. No external sound amplification equipment or loud speakers are to be used for

the purpose of announcement, broadcast, playing of music or similar purpose.

**Sustainable Management Plan**

24. Before the development commences, a Sustainable Management Plan (SMP) that outlines proposed sustainable design initiatives must be submitted to and approved by the Responsible Authority.

The SMP must incorporate consideration of the following sustainable design criteria:

- Indoor environment
- Energy efficiency
- Water resources
- Stormwater management
- Building materials
- Bicycle parking
- Waste Management
- Urban Ecology
- Innovation
- Ongoing building and site management

**Signage**

25. No signs or other advertising or identification may be erected or displayed on the site without written Council consent.
26. The location and details of the sign(s) as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.
27. All signs must be located wholly within the title boundary of the land and must not protrude above the overall height of the building.
28. Signs must not be illuminated internally or by external lights except with the prior written consent of the Responsible Authority.
29. The sign(s) must not be animated and no flashing or intermittent lights may be displayed.
30. Once the erection of the sign(s) has commenced it must be continued and completed to the satisfaction of the Responsible Authority.
31. The sign(s) shown on the endorsed plans must be constructed to the satisfaction of the Responsible Authority and must be maintained to the satisfaction of the Responsible Authority.
32. This permit (or part of the permit that relates to advertising signs) expires 15 years from the date of issue of the permit.

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

**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,

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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**

**A Division was Called:**

**DIVISION:**

**FOR:** Crs Barth, Bearsley, Brownlees, Gledhill and Hua (5)

**AGAINST:** Crs Oxley, Staikos and West (3)

**CARRIED**

**5. Confidential Items**

Nil

The meeting closed at 8.11pm.

**Confirmed.....**

**The Mayor 20 June 2018**