

Minutes

Planning Committee Meeting

Wednesday, 23rd October 2019

**City of Kingston
Planning Committee Meeting**

Minutes

23 October 2019

Table of Contents

1.	Apologies	3
2.	Confirmation of Minutes of Previous Meetings	3
3.	Foreshadowed Declaration by Councillors, Officers or Contractors of any Conflict of Interest	3
	<i>[Note that any Conflicts of Interest need to be formally declared at the start of the meeting and immediately prior to the item being considered – type and nature of interest is required to be disclosed – if disclosed in writing to the CEO prior to the meeting only the type of interest needs to be disclosed prior to the item being considered.]</i>	
4.	Planning and Development Reports	4
5.	Confidential Items	21

**City of Kingston
Planning Committee Meeting**

Minutes

23 October 2019

The meeting commenced at 7.00pm in the Council Chamber, 1230 Nepean Highway, Cheltenham.

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

In Attendance: 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 the CEO, Julie Reid was submitted to the meeting.

Moved: Cr Barth

Seconded: Cr Bearsley

That the apology from the CEO Julie Reid be received.

CARRIED

2. Confirmation of Minutes of Previous Meetings

Moved: Cr Gledhill

Seconded: Cr Staikos

That the Minutes of the Planning Committee Meeting held on 18 September 2019 be confirmed.

CARRIED

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

There were no Conflicts of Interest submitted to the meeting.

4. Planning and Development Reports

4.1 Town Planning Application Decisions - September 2019

Moved: Cr Gledhill

Seconded: Cr Brownlees

That the report be noted.

CARRIED

4.2 KP-2017/65 - 23 Emery Drive, Dingley Village

It is recorded that Kevin Poulter spoke on behalf of objectors.

It is recorded that Derek Farrington spoke on behalf of the applicant.

Moved: Cr Staikos

Seconded: Cr Hua

That the Planning Committee determine to issue a Notice of Refusal to Grant a Permit to develop the land for the construction of three (3) double storey dwellings at 23 Emery Drive, Dingley Village, on the following grounds:

1. The proposal fails to comply with relevant local planning policies contained within the Kingston Planning Scheme.
2. The proposal results in excessive visual bulk and massing to the detriment of the local neighbourhood character.
3. The proposal fails to comply with relevant following objectives and standards of Clause 55 of the Kingston Planning Scheme (ResCode):
 - Clause 55.02-1 – Neighbourhood Character
 - Clause 55.02-2 – Residential Policy
 - Clause 55.03-1 – Street Setback
 - Clause 55.03-5 – Energy Efficiency
 - Clause 55.03-8 – Landscaping

CARRIED

4.3 KP-2019/257 - 4 Bear Street, Mordialloc

It is recorded that Deborah Aza spoke on behalf of objectors.

It is recorded that Ben Daly spoke on behalf of the applicant.

Moved: Cr Brownlees

Seconded: Cr Gledhill

That the Planning Committee determine to support the proposal and issue a Notice of Decision to Grant a Permit to develop a four storey mixed use building in a Design and Development Overlay 9 & 10, use the land for a restaurant and for consumption of liquor (restaurant and cafe liquor licence), reduce the car parking requirement for a restaurant, display advertising signage at 4 Bear Street, Mordialloc, 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 CHT Architects, Drawing No's. TP0.00 to TP9.01 inclusive, Revision P4, dated on 19/7/2019, but modified to show:
 - a. all plan references to a convenience shop to be correctly notated as restaurant;
 - b. restaurant signage to Albert Street be non-illuminated, with the option to provide an additional comparable internally illuminated sign on the western elevation facing the rail line;
 - c. office signage not be internally illuminated, and any external illumination be direct by a low intensity downlight or similar and baffled to avoid light spill, time limited to 9pm;
 - d. all signage to be fully dimensioned and the height from ground dimensioned;
 - e. screening of the south-facing living room windows to Apt1.12, Apt2.12, in accordance with Standard B22 of Clause 55 of the Kingston Planning Scheme;
 - f. screening of the south-facing bedroom windows to Apt1.11, Apt2.11, in accordance with Standard B22 of Clause 55 of the Kingston Planning Scheme;
 - g. provision of screening between balconies & terraces that adequately limits internal overlooking in accordance with Standard B23 of Clause 55 of the Kingston Planning Scheme;
 - h. mailboxes nominated in a convenient location;
 - i. the provision of a full colour palette, finishes and building materials schedule for all external elevations and driveways of the development, modified to show 'TM01 timber material or similar' as 'TM01 timber';
 - j. additional external storage provided to comply with Standard B44 of Clause 55 of the Kingston Planning Scheme for 2 bedroom dwellings, and at least 3m³ for 1 bedroom dwellings, with any necessary changes to parking layouts;

**City of Kingston
Planning Committee Meeting**

Minutes

23 October 2019

- k. the storage required in the condition above be provided at grade in storage cages for at least all 2 bedroom dwellings, and with the deletion of the maximum amount of over-bonnet storage accordingly;
- l. all storage to be secure and made private with non-transparent walls and doors, notated on plans accordingly;
- m. sliding doors to storage cages where accessed via a car space;
- n. all requirements of VicTrack, in accordance with Conditions 28 to 39 inclusive of this permit;
- o. the provision of a landscape plan in accordance with the submitted Landscape Plans (L01 & L02) prepared by John Patrick Landscape Architects Pty. Ltd. (dated 19/07/2019, rev. B), with such plans to be prepared by a suitably qualified landscape professional to the satisfaction of the Responsible Authority and amended to show:
 - i. A planting schedule specifying botanical names, common names, pot sizes, sizes at maturity, and quantities for all plants, with the species chosen to be to the satisfaction of the Responsible Authority;
 - ii. A survey, including, botanical names of all existing vegetation to be retained or removed;
 - iii. Planter boxes along the perimeter of the Level 3 terraces along the eastern and northern frontages, with the planter box dimensions to be a minimum 0.5m wide and 0.6m deep, to be planted with suitable small shrubs, graminoids or ground covers;
 - iv. Green façades located in the three light wells along the eastern frontage, including planter boxes planted with suitable climbing plants and a support system (e.g. cable/trellis);
 - 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. Notes including cross-sectional diagrams showing the dimensions, substrate specifications and drainage for all planter boxes;
 - vii. Notes regarding site preparation, including the removal of all weeds, proposed mulch, soil types and thickness, subsoil preparation, automated irrigation and any specific maintenance requirements;
- p. provision of the Sustainable Management Plan prepared by Ediface Revision A dated 8/4/19, but modified to show:
 - i. each dwelling's private open space provided with an external tap and floor waste;
 - ii. amend report to indicate a commitments to specifying heating, cooling & hot water systems that reflect what has been entered into BESS assessment;
 - iii. include energy efficiency commitments in relation to the non-residential components of the development;
 - iv. indicate in report that all major common area services will be separately submetered;
 - v. clarification of the provision of washing machines and clothes dryers,

**City of Kingston
Planning Committee Meeting**

Minutes

23 October 2019

- or altered correctly in BESS to provide star rating or scope out;
- vi. updated to reflect the current proposal, with the above requirements, and demonstrated to meet or exceed the BESS Best Practice;
- vii. all relevant or principle commitments identified shown and summarised on plans.
- q. endorsement of the Waste Management Plan prepared by Leigh Design and dated 8 February 2019, updated where required;
- r. uniformity with the commitments and any changes identified within the Marshall Day Acoustic Report, dated 21 June 2019, shown on the plans.

Endorsed Plans

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

Restaurant

3. The trading hours of the restaurant premises is to be restricted to the following times:
Monday to Sunday 7am to 4pm
Or otherwise as approved by the Responsible Authority in writing.
4. No more than 160 patrons are to be permitted on the restaurant premises at any one time.

Serving of Liquor

5. The serving of liquor as part of the restaurant premises is to be restricted to the following times:
Monday to Sunday 7am to 4pm
Or otherwise as approved by the Responsible Authority in writing.
6. No more than 160 patrons are to be permitted on the restaurant premises at any one time during the licensed hours.

RSA

7. During all operating hours of the use hereby authorised, there must be present on the site a person above the age of 18 years, who has been authorised by the occupier of the land and that person will be responsible for the good conduct of patrons arriving, using or leaving the land (for the purposes of this permit, this person is known as "The Manager"), to the satisfaction of the Responsible Authority.
8. All staff on the premises (except kitchen staff) must be appropriately trained in the responsible serving of alcohol, to the satisfaction of the Responsible Authority.
9. The Manager (as referred to in the above condition of this permit) must be qualified in operating in accordance with the policies and guidelines prescribed by the Victorian Commission for Gambling and Liquor Regulation, to the satisfaction of the Responsible Authority.

Amenity

10. The amenity of the area must not be detrimentally affected by the use, including through the:

**City of Kingston
Planning Committee Meeting**

Minutes

23 October 2019

- i. Transport of materials, goods or commodities to or from the land.
 - ii. Appearance of any building, works or materials.
 - iii. Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil.
 - iv. Presence of vermin.
 - v. Any other way.
11. No live or amplified music to be played, with the exception of background music, to the satisfaction of the Responsible Authority.
 12. Noise emissions must comply with the State Environment Policy or any other standard recommended by the Environmental Protection Authority to the satisfaction of the Responsible Authority.
 13. Emptying of bottles into garbage bins located external to the building is permitted only between the hours of 9am and 7pm on any given day, to the satisfaction of the Responsible Authority.

Drainage and Water Sensitive Urban Design

14. 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 above must be implemented on-site, unless an alternative agreement for stormwater quality in-lieu contribution is reached with the Responsible Authority.
15. 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

**City of Kingston
Planning Committee Meeting**

Minutes

23 October 2019

14.5L/s.

- c. All stormwater (drainage) works must be maintained to the satisfaction of the Responsible authority.
16. 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.
 17. The basement structure must be designed to respond to the findings of the GAR and GMP required and constructed to the satisfaction of the Responsible Authority and in accordance with the following:
 - a. the basement must be a fully-tanked dry basement with no ground water including agricultural (AG) drain collection or disposal into stormwater system and with an allowance made for any hydrostatic pressures in accordance with Council's "Basements and Deep Building Construction Policy 2014" and "Basements and Deep Building Construction Guidelines 2014", or
 - b. in the event it is demonstrated that a fully tanked dry basement cannot be achieved or if a wet basement system is proposed, no groundwater including AG drain from the site shall be discharged into the stormwater system. Council does not accept any groundwater (including AG drain) into the stormwater system. Sub-surface water (groundwater) is the responsibility of the property owner to dispose of on site or reach an agreement with the local sewer authority.
 18. In any case where the basement design and construction, as required by above conditions of this permit, does not accord with the plan(s) approved under this permit, the endorsed plan(s) must be amended to the satisfaction and with the written consent of the Responsible Authority.

Environmental Audit Overlay

19. Before a sensitive use (residential use, child care centre, pre-school centre or primary school) commences or before the construction or carrying out of buildings and works in association with a sensitive use commences, either:
 - i. A certificate of environmental audit must be issued for the land in accordance with Part IXD of the Environment Protection Act 1970, or
 - ii. An environmental auditor appointed under the Environment Protection Act 1970 must make a statement in accordance with Part IXD of that Act that the environmental conditions of the land are suitable for the sensitive use;

Parking and Traffic Management

20. Prior to the occupation of the development, a Car Parking Management Plan (CPMP) prepared by an appropriately qualified traffic consultant to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Car Parking Management Plan will be endorsed and form part of this Permit. The Car Parking Management Plan must address, but is not necessarily limited to, all of the following to the satisfaction of the Responsible Authority:
 - a. The number and location of the car parking spaces to each tenancy in

- accordance with the endorsed plans;
 - b. The maximum vehicle size permitted to load and unload to the satisfaction of the Responsible Authority;
 - c. The maximum vehicle size permitted for waste collection to the satisfaction of the Responsible Authority;
 - d. Policing arrangements and/or formal agreements, including the Owner Corporation or similar; and
 - e. A schedule of all proposed signage including directional arrows and signage, informative signs indicating location of disabled bays.
21. The Car Parking Management Plan must be implemented to the satisfaction of the Responsible Authority. No alterations may be made to this plan without the prior written approval of the Responsible Authority.
22. Before occupation of the development hereby permitted, areas set aside for parking vehicles, access lanes and paths as shown on the endorsed plans must be:
- i. Constructed to the satisfaction of the Responsible Authority.
 - ii. Properly formed to such levels that they can be used in accordance with the plans.
 - iii. Surfaced with an all-weather sealcoat to the satisfaction of the Responsible Authority.
 - iv. Drained to the satisfaction of the Responsible Authority.
 - v. Line-marked to indicate each car space and the nominated unit, all access lanes and, if necessary, the direction in which vehicles are to travel to the satisfaction of the Responsible Authority.
 - vi. In accordance with any Council adopted guidelines for the construction of car parks.
23. Parking areas and access lanes must be kept available for these purposes at all times and maintained to the satisfaction of the Responsible Authority.
24. The loading and unloading of goods to and from vehicles must only be carried out in the designated areas on the land.

Waste Management Plan (WMP)

25. The WMP must be implemented to the satisfaction of the Responsible Authority. The WMP must not be modified unless without the written consent of the Responsible Authority.

Sustainable Management Plan (SMP)

26. Prior to the occupation of any building approved under this permit, written confirmation from the author of the endorsed SMP is to be submitted to and approved by the Responsible Authority detailing that all of the required measures specified in the SMP have been implemented, to the satisfaction of the Responsible Authority.

Construction Management

27. Prior to the commencement of any buildings and works on the land, a Construction Management Plan (CMP), to the satisfaction of the Responsible Authority, must be submitted to and approved by the Responsible Authority. The

CMP must be prepared in accordance with the City of Kingston Construction Management Policy and Construction Management Guidelines. The CMP must specify and deal with, but is not limited to, the following elements:

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

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

VicTrack conditions

28. Amended plans shall be submitted to the satisfaction of the Responsible Authority and VicTrack which removes all encroachments of buildings and works and services over the boundary and amends the ground level door to not open over the boundary.
29. The Boundary walls and fence must be treated with a graffiti proof finish and any graffiti that appears on the wall must be cleaned and removed as soon as practicable to the satisfaction of the Rail Operator. Costs involved in cleaning and removal of graffiti and associated cost of permit/s for entry to VicTrack land will be borne by the permit holder or body corporate of the land.
30. 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.
31. 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.
32. 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, conditions and safety requirements when accessing 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. The rail operator contact is: metrositeaccess@metrotrains.com.au
33. Prior to the commencement of works, including demolition and bulk excavation, the permit holder must enter into all necessary construction control and indemnity agreements as required by the Rail Operator to ensure that the disruption to train operation within the railway corridor is kept to a minimum during construction and in compliance with the Rail Operators Safety and Environmental requirements contained within the Rail Operators construction control and indemnity agreement.
34. The permit holder must not carry out, or allow to be carried out, any excavation, filling or construction on the common boundary between the subject land and the railway land unless it has obtained the prior written approval of VicTrack and the

Rail Operator.

35. All works, including hoardings, must be undertaken within the subject land and must not encroach onto the railway land.
36. The permit holder must not at any time erect lighting (permanent or temporary) that spills light onto the railway tracks or which interferes with the visibility of signals and rail lines by train drivers.
37. Building materials (including glass / window/ balcony treatments) or advertising signs likely to have an effect on train driver operations along the rail corridor must be shown by a reflectivity and or light study not to cause reflections or glare that may interfere with train driver operations and avoid using red, green or yellow colour schemes or shapes capable of being mistaken for train signals.
38. The permit holder must not install, or cause to be installed, any permanent or temporary ground anchors within the railway land.
39. Before the commencement of the development, including demolition and bulk excavation, detailed construction/ engineering plans and computations for any construction or works likely to have an impact on railway operations, railway infrastructure assets or railway land are to be submitted to, and approved by, VicTrack and the Rail Operator. The plans must detail all excavation of the site adjacent to the railway corridor having any impact on the railway land. The construction or works must be carried out in accordance with the plans approved by VicTrack and the Rail Operator.

Infrastructure and Road Works

40. 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.
41. Property boundary and footpath levels must not be altered without the prior written consent from the Responsible Authority.
42. Any reinstatements and new/modified vehicle crossings must be constructed to the satisfaction of the Responsible Authority.
43. The replacement of all footpaths, including offsets, must be constructed to the satisfaction of the Responsible Authority.
44. Any redundant vehicle crossings must be removed (including redundant portions of vehicle crossings) to the satisfaction of the Responsible Authority.

General amenity conditions

45. 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.
46. 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.
47. 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

48. Prior to the occupation of the development hereby permitted, all buildings and

**City of Kingston
Planning Committee Meeting**

Minutes

23 October 2019

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.

49. Prior to the occupation of the development 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 (except where that landscaping is on public land) to the satisfaction of the Responsible Authority.

Expiry

50. This permit 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.
 - c. The use is not started within two (2) years of the completion of the development.
 - d. The use is discontinued for a period of two (2) years.

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

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

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

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

Note: The applicant/owner must provide a copy of this planning permit and any endorsed plans to any external contractor to ensure that all trees to be retained on site are protected during any works.

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

If the Permit Applicant/Land Owner adopts the street numbering or addressing from the endorsed plans, or where advertising and/or sales transact (off the plan) prior to Council's official allocation of the street numbering and addressing, it will be viewed to be non-compliant with the guideline and standard applied (Australian/New Zealand Standard for Rural & Urban Addressing / AS/NZS 4819:2011).

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

Note: Prior to the commencement of the development or use you are required to obtain the necessary Council Health Department approvals.

Note: Please note for information on how City of Kingston approaches the

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

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

CARRIED

A Division was Called:

DIVISION:

FOR: Crs Oxley, Barth, Bearsley, Brownlees, Eden, Hua, Gledhill and Staikos (8)

AGAINST: Cr West (1)

CARRIED

4.4 KP-2018/1021 - 2 Isabella Street, Parkdale

It is recorded that Monique Poppelaars spoke on behalf of objectors.

Moved: Cr West

Seconded: Cr Staikos

That the Planning Committee determine to issue a Notice of Refusal to Grant a Permit for the development of three (3) dwellings on land subject to a Special Building Overlay at 2 Isabella Street, Parkdale on the following grounds:

1. 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.
2. The proposal does not satisfy the requirements of Clause 22.11 – Residential Development Policy, of the Kingston Planning Scheme.
3. The proposal fails to provide an acceptable built form outcome having regard to the physical and policy context.

LOST

Moved: Cr Gledhill

Seconded: Cr Brownlees

That the Planning Committee determine to support the proposal and issue a Notice of Decision to Grant a Permit for the development of three (3) dwellings on land subject to a Special Building Overlay at 2 Isabella Street, Parkdale, subject to the following conditions:

1. Before the development starts amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible 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 Jess Ant Architects, Project No. 18-055, dated 18/07/2019, submitted to Council on 23/07/2019, but modified to show:

- a. a notation on the Ground Floor Plan which reads: 'vehicle crossings must be constructed at a 90 degree alignment with the kerb on Blanche Avenue and Isabella Street and all internal driveways must align with the existing / proposed vehicle crossing';
- b. the 2000L rainwater tank, to each dwelling, nominated to have water re-used for toilet flushing;
- c. the provision of sliding doors (or similar) to the storage and laundry areas within the garage of Dwelling 1, so as not to encroach within the required 6.0 metre car park length;
- d. the provision of corner splays in accordance with Clause 52.06-9. Mail boxes are required to be no greater than 900mm in corner splay areas and must be shown on the Elevation Plan;
- e. all first floor obscured habitable room windows, where required in accordance with Standard B22, nominated to be no greater than 25% transparent;
- f. the front fence associated with Dwelling 2, revised to incorporate high quality materials (i.e. brick pillar with slat infills);
- g. the location of all externally-located heating and cooling units, exhaust fans and the like, clearly shown;
- h. the provision of a landscape plan in accordance with the submitted development plan, with such plans to be prepared by a suitably qualified landscape professional to the satisfaction of the Responsible Authority and incorporating:
 - i. A planting schedule of all proposed trees and shrubs, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant with all plants to be to the satisfaction of the Responsible Authority;
 - ii. A survey, including, botanical names of all existing trees to be retained or removed on the site including Tree Protection Zones for trees to be retained calculated in accordance with AS4970-2009;
 - iii. A survey including botanical names, of all existing trees on neighbouring properties where the Tree Protection Zones of such trees calculated in accordance with AS4970-2009 fall partially within the subject site;
 - iv. The delineation of all garden beds, paving, grassed area, retaining walls, fences and other landscape works;
 - v. A range of plant types from ground covers to large shrubs and trees, provided at adequate planting densities (e.g. plants 1 metre width at maturity planted 1 metre apart);
 - vi. One (1) native canopy trees capable of growing to minimum mature dimensions of 12 metres in height and 8 metres in width to be planted in the front setback of Unit 1;
 - vii. One (1) native canopy tree capable of growing to minimum mature dimensions of 10 metres in height and 6 metres in width to be

- planted in the front setback of Unit 2;
- viii. One (1) canopy tree capable of growing to minimum mature dimensions of 6 metres in height and 4 metres in width to be planted in the secluded private open space of each dwelling;
 - 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; and
 - xi. Tree protection measures including for street trees accurately drawn to scale and labelled as per the endorsed Tree Management Plan;
- i. The location of tree protection measures illustrated to scale and labeled on the Ground Floor Plan as per the endorsed Tree Management Plan;
 - j. Any changes as required by Condition 4;
 - k. The submission of a Sustainable Design Assessment to the satisfaction of the Responsible Authority, as required by Condition 10; and
 - l. Any changes required by Conditions 11 – 17 (Melbourne Water Conditions).

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

Tree Management and Protection Plan

- 4. 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. Proposed footings and construction methods for any buildings or structures within the Tree Protection Zone nominated on the Tree Protection Plan.
 - ii. How excavation impacts, including soil level changes, on trees to be retained will be managed.
 - iii. How the canopy of trees nominated on the Tree Protection Plan will be protected.
 - iv. Any other measures required to demonstrate the successful ongoing retention and viability post-construction of any trees nominated on the Tree Protection Plan.
 - v. Stages of development at which inspections are required to ensure tree protection measures are adhered to must be specified.
 - vi. Appropriate signage on any tree protection fencing prohibiting access, excavation, changes in soil levels, or any storage within the

- Tree Protection Zone in accordance with AS4970-2009 unless with the prior written consent and under the direct supervision of the consulting arborist.
- vii. Maintenance of the area(s) within the Tree Protection Zone in accordance with AS4970-2009.
 - viii. Any pruning to be undertaken being in accordance with AS4373-2007.
- b. A Tree Protection Plan (scale drawing) must provide details of:
- i. The Tree Protection Zone and Structural Root Zone, calculated in accordance with AS4970-2009, for all trees to be retained on the site and for all trees on neighbouring properties where the Tree Protection Zone falls partially within the subject site.
 - ii. Tree protection fencing, or ground protection where required, provided in accordance with AS4970-2009.
 - iii. A notation to refer to the Tree Management Plan.
5. 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.
6. 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.

Street Trees

7. Prior to the construction of any crossovers as shown on the endorsed development plans, the north-eastern-most *Corymbia ficifolia* (Red-flowering Gum) street tree located in the Isabella Street nature strip must be removed by Council at the expense of the Developer/Owner. Payment of the removal and replacement fee for this tree/s must be made to Kingston City Council's customer service in accordance with Council's Tree Management Policy at least 2 weeks prior to its required removal date.

Drainage and Water Sensitive Urban Design

8. 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 8a, 8b & 8c above must be implemented on-site, unless an alternative agreement for stormwater quality in-lieu contribution is reached with the Responsible Authority.
9. 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 5.9L/s.
 - c. All stormwater/drainage works must be maintained to the satisfaction of the Responsible Authority.

Sustainable Design Assessment

10. Prior to the endorsement of the plans required pursuant to Condition 1 of this permit, the provision of a Sustainable Design Assessment (SDA) to be prepared by a suitably qualified professional must be submitted to and approved by the Responsible Authority. The SDA must include, 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.

Melbourne Water Conditions

11. The dwelling/s must be constructed with finished floor levels set no lower than 15.13 metres to Australian Height Datum (AHD), which is 300mm above the applicable flood level of 14.83m to AHD.
12. The garage/s must be constructed with finished floor levels set no lower than 14.83 metres to Australian Height Datum (AHD).
13. Imported fill must be kept to a minimum on the property and only be used for the sub floor areas of the dwellings, garages and driveway ramps.
14. Any new verandah(s) /decking(s) must be constructed with unenclosed foundations to allow for the passage of overland flows.
15. Any new fencing/gates must be of an open style of construction (minimum 50% open) to allow for the passage of overland flows.
16. All open space within the property (outside building envelopes) must be set at existing natural surface level so as not to obstruct the passage of overland flows.
17. Prior to the issue of an Occupancy Permit, a certified survey plan, showing finished floor levels (as constructed) reduced to the Australian Height Datum, must be submitted to Melbourne Water to demonstrate that the floor levels have been constructed in accordance with Melbourne Water's requirements.

Infrastructure and Road Works

18. Any relocation of pits/power poles or other services affected by this development

**City of Kingston
Planning Committee Meeting**

Minutes

23 October 2019

must be relocated to the satisfaction of the relevant servicing authority and the Responsible Authority, at the cost of the owner/developer.

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

General amenity conditions

24. 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.
25. 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.
26. 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

27. 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.
28. Prior to the occupation of the dwellings hereby permitted, the landscaping works as shown on the endorsed plans must be completed to the satisfaction of the Responsible Authority. Thereafter, the landscaping shall be maintained to the satisfaction of the Responsible Authority.

Time Limits

29. 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: It is noted the development includes fences to be built over the easement. Separate consent from Council and any other relevant service authority is

**City of Kingston
Planning Committee Meeting**

Minutes

23 October 2019

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: The applicant/owner must provide a copy of this planning permit and any endorsed plans to any external contractor to ensure that all trees to be retained on site are protected during any works.

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

Note: Any landscape plan prepared in accordance with conditions must comply with Council's Landscape Checklist.

Note: If further information is required in relation to Melbourne Water's permit conditions shown above, please contact Melbourne Water Customer Service on telephone 131722.

Note: The applicable flood level for the property is 14.83 metres to Australian Height Datum (AHD).

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

If the Permit Applicant/Land Owner adopts the street numbering or addressing from the endorsed plans, or where advertising and/or sales transact (off the plan) prior to Council's official allocation of the street numbering and addressing, it will be viewed to be non-compliant with the guideline and standard applied (Australian/New Zealand Standard for Rural & Urban Addressing / AS/NZS 4819:2011).

Note: The fee for removal of the street tree (Asset ID 38249) from the nature strip is \$698.25 (including GST), payable to Kingston City Council's Customer Service Department - refer to cashier code "STRE". Customer Service will confirm payment to the Parks Department. The removal of the tree requires a minimum of 2 weeks notice from the Developer/Owner.

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

Amendment

Moved: Cr West

That the two storey element of the house be set back two metres further away from the south east boundary.

The Amendment LAPSED for want of a Seconder

The Substantive Motion was put and CARRIED

4.5 KP-2019/287 - 269-275 Centre Dandenong Road, Dingley Village

It is recorded that Geoffrey Brown spoke on behalf of the applicant.

Moved: Cr Staikos

Seconded: Cr Hua

That the Planning Committee determine to support the proposal and issue a Notice of Decision to Grant a Permit for the Removal of Covenant E592137 contained within CP107036 Vol. 9257 Fol. 334 at 269-275 Centre Dandenong Road, Dingley Village, subject to the following condition:

1. This permit will expire if the covenant variation has not been registered by on title within two years of the 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 period referred to in this condition.

CARRIED

5. Confidential Items

Moved: Cr Bearsley

Seconded: Cr Staikos

That in accordance with the provisions of section 89(2) of the *Local Government Act 1989*, the meeting be closed to members of the public for the consideration of the following confidential items:

5.1 KP18/507 - 1A & 5 Foster Street Aspendale - VCAT application lodged and Council position sought

This agenda item is confidential in accordance with the Local Government Act s89(2) as it relates to proposed developments (s89 2e)

CARRIED

The meeting was closed to members of the public at 8.11pm.

**City of Kingston
Planning Committee Meeting**

Minutes

23 October 2019

Procedural Motion

Moved: Cr Brownlees

Seconded: Cr Staikos

That the meeting be opened to members of the public

CARRIED

The meeting was opened to members of the public at 8.14pm.

The meeting closed at 8.14pm.

Confirmed.....

The Mayor 20 November 2019