

Minutes

Planning Committee Meeting

Wednesday, 24th January 2018

**City of Kingston
Planning Committee Meeting**

Minutes

24 January 2018

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	19

**City of Kingston
Planning Committee Meeting**

Minutes

24 January 2018

The meeting commenced at 7.03pm in the Council Chamber, 1230 Nepean Highway, Cheltenham.

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

In Attendance: John Nevins, Chief Executive Officer
Daniel Freer, General Manager City Assets and Environment
Paul Franklin, General Manager Corporate Services
Jonathan Guttman, General Manager Planning and Development
Ian Nice, Manager City Development
Angela Granter, Governance Officer
Gabrielle Pattenden, Governance Officer
Lindsay Holland, Facilities Officer

1. Apologies

There were no apologies submitted to the meeting.

2. Confirmation of Minutes of Previous Meetings

Moved: Cr Eden

Seconded: Cr Brownlees

That the Minutes of the Planning Committee Meeting held on 13 December 2017 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 KP17/832 - Bay Trail - Kitchener Street (Mentone Life Saving Club) to Rennison Street Parkdale

It is recorded that Stephen Watson spoke as a submitter on the item.

It is recorded that Nina Earl spoke as a submitter on the item.

It is recorded that Gary Wissenden spoke on behalf of the applicant.

Moved: Cr West

Seconded: Cr Oxley

That the Planning Committee determine to support the proposal and issue a Notice of Decision to Grant a Permit for the removal of native vegetation and alter access to a Road Zone, Category 1 at No. Bay Trail - Kitchener Street (Mentone Life Saving Club) to Rennison Street Parkdale, subject to the following conditions:

1. Except with the written consent of the Responsible Authority, within the area of native vegetation to be retained and any associated tree protection zone, the following are prohibited:
 - a) vehicular or pedestrian access
 - b) trenching or soil excavation
 - c) storage or dumping of any soils, materials, equipment, vehicles, machinery or waste products
 - d) entry and exit pits for underground services
 - e) any other actions or activities that may result in adverse impacts to retained native vegetation.

Native vegetation offsets

2. To offset the removal of 0.571 hectares of native vegetation, the permit holder must secure a native vegetation offset, in accordance with the Permitted clearing of native vegetation – Biodiversity assessment guidelines (DEPI 2013) and Native vegetation gain scoring manual (DEPI 2013) as specified below:

General offset

- A general offset of 0.032 general biodiversity equivalence units with the following attributes:
 - be located within the Port Phillip and Westernport Catchment Management Authority boundary or Kingston City Council municipal district; and,
 - have a strategic biodiversity score of at least 0.130.

Offset evidence and timing

3. The Guidelines require that a compliant offset be secured, to the satisfaction of the responsible or referral authority, before the native vegetation is removed. This can be a security agreement for an offset site that includes an onsite management plan OR evidence of a third party offset. Security agreement requirements are specified in the Native vegetation gain scoring manual (DEPI,

2013). It may be agreed for some projects that offsets are secured in stages to enable offset reconciliation – this can be provided for in the following condition:

Before any native vegetation is removed, evidence that the required offset for the project has been secured must be provided to the satisfaction of the Responsible Authority.

The offset evidence can be:

- *A security agreement signed by both parties, to the required standard, for the offset site or sites, including a 10 year offset management plan and/or;*
- *An allocated credit extract from the Native Vegetation Credit Register.*

A copy of the offset evidence will be endorsed by the responsible authority and form part of this permit. Within 30 days of endorsement of the offset evidence by the responsible authority, a copy of the endorsed offset evidence must be provided to the Department of Environment, Land, Water and Planning.

DELWP

4. The works are to be carried out generally in accordance with plans 'Bay Trail Mentone to Mordialloc – Functional Layout, dated June 2017, prepared by Traffic Works.
5. Any modification to the works proposed will require further approval by the Program Manager Regional Planning and Approvals, DELWP.
6. Prior to works commencing a construction environmental management plan (including traffic management, the protection of native vegetation and fauna during works and the rehabilitation of any track closures) must be prepared to the satisfaction of DELWP.
7. Before works start, native vegetation protection fencing must be erected around all patches of native vegetation and scattered trees to be retained on site. This fencing must be erected around the patches at a minimum distance of 2 metres from retained native vegetation and at a radius of 12x the diameter at breast height (DBH) to a maximum of 15 metres but no less than 2 metres from the base of the trunk of the scattered trees.

The protection fencing must be constructed to the satisfaction of the responsible authority. The protection fencing must remain in place at least until all works are completed to the satisfaction of the responsible authority. Except with the written consent of the responsible authority, within this area;

- a) no vehicular or pedestrian access, trenching or soil excavation is to occur
 - b) no storage or dumping of tools, equipment or waste is to occur
 - c) no entry and exit pits for underground services are to be constructed
8. In order to offset the removal of 0.571 hectares of native vegetation approved as part of this permit, the applicant must provide a native vegetation offset that meets the following requirements and is in accordance with the *Permitted clearing of native vegetation – Biodiversity assessment guidelines* and the *Native vegetation gain scoring manual*:

The general offset must:

- contribute gain of 0.032 general biodiversity equivalence units
- be located within the Port Phillip and Westernport Catchment Management Authority boundary or Kingston municipal district

- have a strategic biodiversity score of at least 0.130
9. Before any native vegetation is removed, evidence that an offset has been secured must be provided to the satisfaction of the responsible authority. This offset must meet the offset requirements set out in this permit and be in accordance with the requirements of *Permitted clearing of native vegetation – Biodiversity assessment guidelines* and the *Native vegetation gain scoring manual*. Offset evidence can be either:
- a security agreement, to the required standard, for the offset site or sites, including a 10 year offset management plan, which is to include the ongoing management regime in perpetuity. Every year, for ten years, after the responsible authority has approved the offset management plan, the applicant must provide notification to the responsible authority of the management actions undertaken towards the implementation of the offset management plan. An offset site condition statement, including photographs must be included in this notification.
 - a credit register extract from the Native Vegetation Credit Register.
10. A suitably qualified wildlife handler is to be present when felling habitat trees.
11. All planting of vegetation within the coastal Crown land must utilise indigenous species.
12. The construction site must be managed in accordance with EPA Publication No. 981 Reducing Stormwater Pollution from Construction Sites (May 2005).
13. Construction equipment, building materials, refuse and site run-off must be contained and controlled and not permitted to impact on the beach or enter Port Phillip Bay.
14. All works must be completed and maintained to the satisfaction of Kingston City Council.
15. This consent under the *Coastal Management Act 1995* will expire if the works are not completed within two years of the date of issue, unless an extension of time is applied for and granted by the Program Manager Regional Planning and Approvals, DELWP.

VicRoads

16. Prior to the commencement of any roadworks, detailed engineering design plans must be submitted to and approved by VicRoads. The plans must be generally in accordance with the approved Functional Layout Plans (FLPs) and to the satisfaction of VicRoads.
17. Prior to the commencement of the use all works required by VicRoads under this permit must be completed to the satisfaction of VicRoads and at no cost to VicRoads.

Expiry

18. 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 works is not started before two (2) years from date of this permit.
 - The works is not completed before four (4) years from the date of permit issue.

In accordance with Section 69 of The Act, the responsible authority may extend the

**City of Kingston
Planning Committee Meeting**

Minutes

24 January 2018

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.

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

Note: The preparation of the detailed engineering design and the construction and completion of all work must be undertaken in a manner consistent with current VicRoads' policy, procedures and standards and at no cost to VicRoads.

Note: In order to meet VicRoads' requirements for these tasks the applicant will be required to comply with the requirements documented as "Standard Requirements – Developer Funded Projects" and any other requirements considered necessary depending on the nature of the work.

Note: Functional layout plans may need to be amended to accommodate any changes that may arise during the detailed design stage review; in response to the road safety audit; in relation to services and their relocation; vegetation; drainage; treatment of hazards within clear zones and other matters.

Note: No work must be commenced in, on, under or over the road reserve without having first obtaining all necessary approval under the Road Management Act 2004, the Road Safety Act 1986, and any other relevant acts or regulations created under those Acts.

Moved: Cr Bearsley

Seconded: Cr Gledhill

That consideration of this item be deferred until all questions raised at the planning consultation have been responded to.

Further that this matter be deferred so as to allow officers to prepare and send a request to the relevant State Minister asking for an Environmental Effects Statement to be undertaken on the matter of the Kingston Bay Trail between Kitchener Street Mentone and Rennison Street Parkdale. The matter would come back to Council when a response has been received from the Minister.

LOST

A Division was Called:

DIVISION:

FOR: Crs Brownlees, Bearsley, Gledhill and Hua (4)

AGAINST: Crs Staikos, West, Eden, Barth and Oxley (5)

LOST

Procedural Motion

Moved: Cr Oxley

Seconded: Cr Eden

That Cr West be granted an extension of time to speak on the matter.

CARRIED

The Substantive Motion was put and CARRIED

A Division was Called:

DIVISION:

FOR: Crs Staikos, West, Eden, Barth and Oxley (5)

AGAINST: Crs Brownlees, Bearsley, Gledhill and Hua (4)

CARRIED

4.2 KP16/1085 - 56 Golfwood Close Dingley Village

It is recorded that Suzanne Hengstberger spoke on behalf of objectors.

Cr Oxley left the meeting at 8:14pm.

Cr Oxley returned to the meeting at 8:15pm.

It is recorded that Dev Raj spoke on behalf of the applicant.

Procedural Motion

Moved: Cr Hua

Seconded: Cr Gledhill

That consideration of this item be deferred until the February Planning Committee or Ordinary Meeting of Council.

LOST

Moved: Cr Barth

Seconded: Cr Oxley

That Planning Committee determine to support the proposal and issue a Notice of Decision to Grant a Permit to develop the land for the construction of two (2) dwellings at No. 56 Golfwood Close, Dingley Village, subject to the following conditions:

1. Before the development starts amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be substantially in accordance with the plans submitted to Council on 12 April 2017, but modified to show:
 - a. the provision of a landscape plan in accordance with the submitted

development plan and , with such plans to be prepared by a suitably qualified landscape professional to the satisfaction of the responsible Authority and incorporating:

- i. A planting schedule of all proposed trees and shrubs, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant.
 - ii. A survey, including, botanical names of all existing trees to be retained or removed on the site including Tree Protection Zones for trees to be retained calculated in accordance with AS4970-2009.
 - iii. The delineation of all garden beds, paving, grassed area, retaining walls, fences and other landscape works;
 - iv. A range of plant types from ground covers to large shrubs and trees, The provision of one (1) tree within the front setback of each dwelling that will reach a minimum mature height of 10 metres and canopy spread of 5 metres at maturity and at least one small tree capable of reaching a height of 5 metres and canopy spread of 3 metres at maturity within the rear private open space of each dwelling with species chosen to be approved by the Responsible Authority
 - v. 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;
 - vi. No trees with a mature height over five (5) meters are to be planted over proposed or existing easements; and
 - vii. The provision of notes regarding site preparation, including the removal of all weeds, proposed mulch, soil types and thickness, subsoil preparation and any specific maintenance requirements;
 - viii. The location of any tree protection measures including for street trees accurately drawn to scale and labelled and notations referring to any endorsed Tree Management Plan.
- b. the plans amended to show all the changes as submitted to Council on 12 September 2017
 - c. the provision of minimum 2000 litre rainwater tank clearly nominated for each dwelling with water re-used for toilet flushing
 - d. the internal driveways be at least 500mm from the side boundary at the front Golfwood Close property boundary
 - e. the proposed vehicle crossings be kept separate from the neighbour's vehicle crossing to create a pedestrian refuge of no less than 1 metre wide
 - f. north-east facing windows of bedroom 4 of both dwellings provided with a suitable screening device /fins designed at the side of the window to prevent overlooking into the abutting sites rear private open space, but instead allowing for longer range views
 - g. the front fence height reduced to 1.2m high
 - h. an elevation plan of the front fencing, which provides details of its height, materials and colours
 - i. each dwelling provided with 6m³ storage area
 - j. the opening of the north-east facing rear garage door be shown as swinging

outwards

- k. the garage wall on boundary reduce to an average of 3.2 metres with no part higher than 3.6 metres unless abutting a higher existing in accordance with Clause 55-04-2 (wall on boundary) of the Kingston Planning Scheme
 - l. 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;
 - m. a notation on the plan stating “the guttering pertaining to the garages on the property boundary nominated as being contained wholly within the title property boundaries of the subject land”
 - n. the driveway modified to directly align with the existing / proposed vehicle crossover and tapering from the garage door of both dwellings to the front property boundary and the created area to be used for landscaping
2. The development as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.

Vegetation Department

3. Prior to the removal of the *Lophostemon confertus* (Queensland Brush Box) street tree from the Golfwood Close nature strip, payment must be made to Kingston City Council’s customer service in accordance with Council’s Street Tree Removal Procedures. This fee includes the removal and replacement of this tree/s and that must be undertaken by Council at the expense of the Developer/Owner.

Drainage and Water Sensitive Urban Design

4. Unless with the prior written consent of the responsible authority, before the development commences, the following Integrated Stormwater Management documents must be prepared, by a suitably qualified person, to the satisfaction of the responsible authority:
 - a. Stormwater management (drainage) plan(s) must be prepared as per Council’s “Civil Design Requirements for Developers- Part A – Integrated Stormwater Management”, with supporting computations, showing the stormwater (drainage) works to the nominated point of discharge. The plan(s) must show all details of the proposed stormwater (drainage) works including all existing and proposed features that may have impact on the stormwater (drainage) works, including landscaping details.
5. 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 6.7L/s.
 - c. All stormwater (drainage) works must be maintained to the satisfaction of the Responsible Authority.

Roads and Drains Department

6. Property boundary and footpath levels must not be altered without the prior written consent form the Responsible Authority.

**City of Kingston
Planning Committee Meeting**

Minutes

24 January 2018

7. The replacement of all footpaths, including offsets, must be constructed to the satisfaction of the Responsible Authority.
8. All reinstatements and vehicle crossings must be constructed to the satisfaction of the Responsible Authority.
9. All redundant vehicle crossings must be removed (including redundant portions of vehicle crossings) to the satisfaction of the Responsible Authority.
10. All front and side fences must be contained wholly within the title property boundaries of the subject land.
11. Vehicle crossings must be constructed at a 90 degree alignment with the kerb on Golfwood Close and all internal driveways must align with the existing / proposed vehicle crossing.

General amenity conditions

12. All externally-located heating and cooling units, exhaust fans and the like must not be located adjacent to bedroom windows on adjoining properties and must be concealed from the street, unless with the further written consent of the Responsible Authority.
13. 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.

Completion of Works

14. Before the occupation of the development the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.
15. Prior to the occupation of the dwellings hereby permitted, all boundary fences must be repaired and/or replaced as necessary to the satisfaction of the Responsible Authority, at the cost of the applicant/owner.
16. Prior to the occupation of the dwellings hereby permitted, all buildings and works and the conditions of this permit must be complied with, unless with the further prior written consent of the Responsible Authority.
17. 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.
18. All piping and ducting above the ground floor storey of the development (other than rainwater guttering and downpipes) must be concealed to the satisfaction of the Responsible Authority.
19. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.

Time Limits

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

In accordance with section 69 of the Act, the responsible authority may extend the

**City of Kingston
Planning Committee Meeting**

Minutes

24 January 2018

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.

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

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

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

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

Note: The fee for removal of the street tree(s) from the nature strip is **\$1295.90** (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 allocation of street numbering and addressing of properties is vested in Council. Any reference to addressing or dwelling/unit/apartment and street numbers or street names on any endorsed plan is indicative only. The onus is on the Permit Applicant/Land Owner to contact Council's Property Data Department to determine the official dwelling/unit/apartment street numbers, street name details and the like for the approved development.

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

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

CARRIED

4.3 KP16/1084 - 26 & 28 Gothic Avenue, Aspendale

Cr Barth left the meeting at 8:41pm and did not return.

It is recorded that Scott Taylor spoke on behalf of objectors.

It is recorded that Penelope Smith spoke on behalf of the applicant.

Moved: Cr Eden

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 eight (8) dwellings at No. 26 & 28 Gothic Avenue, Aspendale on the following grounds:

1. The proposal fails to comply with relevant state and local planning policies contained within of 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 the 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 55.04-3 Daylight to Existing Windows
 - Clause 55.04-4 North Facing windows

CARRIED

4.4 KP17/437 - 1 Janice Avenue Cheltenham

It is recorded that Ivan Vukosic spoke on behalf of objectors.

It is recorded that Adrienne Kellock 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 the land for the construction of three (3) double-storey dwellings at No. 1 Janice Avenue, Cheltenham, subject to the following conditions:

1. Before the development starts amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be substantially in accordance with the amended plans prepared by 'Cultured House and Building Design' (dated 30

**City of Kingston
Planning Committee Meeting**

Minutes

24 January 2018

August 2017), sheet 3 to 5 inclusive, issue B, submitted on 4 September 2017, but modified to show:

- a) the provision of a landscape plan in accordance with the submitted development plan and with such plans to be prepared by a suitably qualified landscape professional to the satisfaction of the responsible Authority and incorporating:
 - i. a planting schedule of all proposed trees and shrubs, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant;
 - ii. a survey, including, botanical names of all existing trees to be retained or removed on the site including Tree Protection Zones for trees to be retained calculated in accordance with AS4970-2009;
 - iii. a survey including botanical names, of all existing trees on neighbouring properties where the Tree Protection Zones of such trees calculated in accordance with AS4970-2009 fall partially within the subject site;
 - iv. the delineation of all garden beds, paving, grassed area, retaining walls, fences and other landscape works;
 - v. a range of plant types from ground covers to large shrubs and trees;
 - vi. the provision of two trees within the front setback that will reach a minimum mature height of 10 metres and canopy spread of 5 metres at maturity and at least one small tree capable of reaching a height of 5 metres and canopy spread of 3 metres at maturity within the rear private open space of each dwelling with species chosen to be approved by the Responsible Authority;
 - vii. 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;
 - viii. no trees with a mature height over five (5) meters are to be planted over proposed or existing easements; and
 - ix. the provision of notes regarding site preparation, including the removal of all weeds, proposed mulch, soil types and thickness, subsoil preparation and any specific maintenance requirements.
- b) the window for the grandparents bedroom of Dwelling 2, increased to a minimum sill height of 1.4 metres above the surface level of the common accessway;
- c) overlooking treatment provided for west facing bedroom 3, bedroom 4 and multi-purpose room windows of Dwelling 1 in accordance with Standard B22 (Overlooking) of Clause 55.04-6 of the Kingston Planning Scheme;
- d) overlooking treatment provided for the bedroom 2 and multi-purpose room windows of Dwelling 2 in accordance with Standard B22 (Overlooking) of Clause 55.04-6 of the Kingston Planning Scheme;
- e) overlooking treatment provided for the bedroom 2 (north and south facing), multi-purpose room and bedroom 3 (east and south) windows of Dwelling 3 in accordance with Standard B22 (Overlooking) of Clause 55.04-6 of the Kingston Planning Scheme;
- f) the vertical cladding noted as 'WB1' on the first floors of the development

- clearly nominated as 'weatherboard' cladding;
- g) the detail of materials and finishes illustrated on the west elevation and a variation of materials used between the west facing ground and first floor walls for each dwelling;
 - h) all external heating and/or cooling units for each dwelling nominated and located away from any existing habitable room windows on adjoining properties;
 - i) a notation specifying that 'vehicle crossings must be constructed at a 90 degree alignment with the kerb on Janice Avenue and all internal driveways must align with the existing/proposed vehicle crossing;
 - j) the internal driveways must be at least 500 millimetres from the side boundary at the front property boundary;
 - k) the proposed vehicle crossing kept separate from the neighbours vehicle crossing to create a triangle of grass no less than 1 metre between the infill sections of the vehicle crossings;
 - l) the rainwater tanks of each dwelling clearly nominated as having water re-used for toilet flushing;
 - m) the provision of a minimum 5.4 metre long on-street parking bay shown between vehicle crossings;
 - n) site services, including bin storage, meters and mailboxes shown in a convenient and manageable location;
 - o) the surface material of all driveways and car parking spaces nominated in all-weather coloured concrete sealcoat, or similar; and
 - p) the provision of a full colour palette, finishes and building materials schedule for all external elevations, fencing and driveways of the development.

Endorsed Plans

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

Drainage and Water Sensitive Urban Design

- 3. 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 and 80% tank water supply reliability 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 3 a), b) and c), above must be implemented on-site, unless an alternative agreement is reached with the Responsible Authority.
4. Stormwater/drainage works must be implemented in accordance with the approved stormwater management/drainage plan(s) and to the satisfaction of the Responsible Authority including the following:
- a) All stormwater/drainage works must be provided on the site so as to prevent overflows onto adjacent properties.
 - b) The implementation of stormwater/drainage detention system(s) which restricts stormwater discharge to the maximum allowable flowrate of 7.7L/s.
 - c) All stormwater/drainage works must be maintained to the satisfaction of the Responsible Authority.

Infrastructure and Road Works

- 5. If the existing vehicle crossing is to be reconstructed to current standards and is less than 1 metre from the double side entry stormwater pits, the pit lids must be modified to trafficable lids to the satisfaction of the Responsible Authority.
- 6. Vehicle crossings must be constructed at a 90 degree alignment with the kerb on Janice Avenue and all internal driveways must align with the existing/proposed vehicle crossing.
- 7. Property boundary and footpath levels must not be altered without the prior written consent from the Responsible Authority.
- 8. All reinstatements and vehicle crossings must be constructed to the satisfaction of the Responsible Authority.
- 9. The replacement of all footpaths, including offsets, must be constructed to the satisfaction of the Responsible Authority.
- 10. All redundant vehicle crossings must be removed (including redundant portions of vehicle crossings) to the satisfaction of the Responsible Authority.
- 11. All front and side fences must be constructed wholly within the title property boundaries of the subject land.
- 12. 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.

Parking and Traffic Management

- 13. 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.

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

General amenity conditions

14. 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.
15. 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.
16. 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

17. 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.
18. Prior to the occupation of the dwellings hereby permitted, the landscaping works as shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority. Thereafter, the landscaping must be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced.

Time Limits

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

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

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

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

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

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

LOST on the Casting Vote of the Chairperson

Moved: Cr West

Seconded: Cr Oxley

Cr Hua left the meeting at 9:17pm.

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 No. 1 Janice Avenue, Cheltenham 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 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 55.03-10 Parking Location Objective and Clause 55.04-6 (Overlooking Objective).
4. The proposal fails to provide an acceptable built form outcome having regard to the physical and policy context.

CARRIED

4.5 KP85/2482 (MOC) - 128 - 130 Beach Road Parkdale

It is recorded that Raymond Toman spoke on behalf of objectors.

Cr Hua returned to the meeting at 9:22pm.

It is recorded that Tim Stone spoke on behalf of the applicant.

Moved: Cr Gledhill

Seconded: Cr Brownlees

That consideration of this item be deferred until the February Planning Committee or Ordinary Meeting of Council.

CARRIED

5. Confidential Items

Nil

The meeting closed at 9.37pm.

Confirmed.....

The Mayor 21 February 2018