

# Minutes

## Planning Committee Meeting

Wednesday, 18th October 2023

**City of Kingston  
Planning Committee Meeting**

**Minutes**

**18 October 2023**

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**City of Kingston  
Planning Committee Meeting**

**Minutes**

**18 October 2023**

The meeting commenced at 7.02pm in the Council Chamber, 1230 Nepean Highway, Cheltenham.

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

**In Attendance:** Peter Bean, Chief Executive Officer  
Jonathan Guttman, General Manager Planning and Place  
Dan Hogan, General Manager Customer and Corporate Support  
Sally Jones, General Manager Community Strengthening  
Bernard Rohan, Chief Financial Officer  
Alfred Carnovale, Manager City Development  
Kelly Shacklock, Manager Governance Risk and Integrity  
Gabrielle Pattenden, Governance Officer

**1. Apologies**

Apologies from Cr Eden and Cr Oxley were submitted to the meeting.

**Moved: Cr Saab**

**Seconded: Cr Bearsley**

That the apologies from Cr Eden and Cr Oxley be received.

**CARRIED**

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

**Moved: Cr Davies**

**Seconded: Cr Saab**

That the Minutes of the Planning Committee Meeting held on 23 August 2023 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 Place Reports**

**4.1 Town Planning Application Decisions - September 2023**

**Moved: Cr Davey-Burns**

**Seconded: Cr Davies**

That the report be noted.

**CARRIED**

**4.2 KP-2022/665 - 13 Kitchener Street, Mentone**

It is recorded that James Karageorgiou spoke on behalf of objectors.

It is recorded that Chris Pippo spoke on behalf of the applicant.

**Moved: Cr Staikos**

**Seconded: Cr Davies**

That the Planning Committee determine to support the proposal and issue a Notice of Decision to Grant a Permit for the development of two (2) dwellings to the rear of an existing dwelling, alterations to the existing dwelling and associated works generally in accordance with the submitted plans at 13 Kitchener Street, Mentone, 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. The plans must be substantially in accordance with the Development Plans prepared by Vistalab, Sheets TP01 to TP12, Revision D, plot date 13 Jul 2023, but modified to show:
  - a) the provision of minimum 2000 litre rainwater tank clearly nominated for each dwelling with water re-used for toilet flushing.
  - b) the position of suitable design and baffled lighting be incorporated into the design of the dwellings / fencing along the laneway (northern) boundary, located appropriately as to not extend beyond the title boundary into the laneway.
  - c) the location of all externally-located heating and cooling units, exhaust fans and the like, clearly shown.
  - d) the provision of a landscape plan in accordance with the submitted development plan, with such plans to be prepared by a suitably qualified landscape professional to the satisfaction of the Responsible Authority and incorporating:
    - i. A planting schedule of all proposed trees and shrubs, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant;
    - ii. A survey, including, botanical names of all existing trees to be retained or removed on the site including Tree Protection Zones for trees to be retained calculated in accordance with AS4970-2009;
    - iii. A survey including botanical names, of all existing trees on neighbouring properties where the Tree Protection Zones of such

- trees calculated in accordance with AS4970-2009 fall partially within 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); with the species chosen to comprise of a minimum 80% coastal indigenous species by plant type and total quantities;
  - vi. One (1) indigenous canopy tree capable of growing to minimum mature dimensions of 12 metres in height and 7 metres in width planted in the front setback of Dwelling 2 and 3, and the rear setback of Dwelling 1;
  - vii. One (1) indigenous canopy tree capable of growing to minimum mature dimensions of 8 metres in height and 5 metres in width to be planted in the rear setback of Dwelling 1 and 2;
  - viii. All trees provided at a minimum of 2 metres in height at time of planting, medium to large shrubs to be provided at a minimum pot size of 200mm;
  - ix. Notes regarding site preparation, including the removal of all weeds, proposed mulch, soil types and thickness, subsoil preparation and any specific maintenance requirements;
  - x. Tree protection measures including for street trees accurately drawn to scale and labelled as per the endorsed Tree Management Plan;
- e) The location of tree protection measures illustrated to scale and labeled on the Ground Floor Plan as per the endorsed Tree Management Plan.
  - f) Any changes as required by Condition 5 and 6.
  - g) All relevant commitments identified within the Sustainable Design Assessment, required under condition 12 of this permit, shown on plans.
  - h) Vegetation Removal Plan TP04 amended to show Tree 7 (*Agonis flexuosa* (Willow Myrtle) to be retained.
  - i) Removal of the 'not known to title' notation within the Road reservation.
  - j) A notation stating: 'Prior to the occupation of Dwelling 2 and/or Dwelling 3 approved under this Planning Permit, the Road (R4) abutting the northern boundary of the subject site must be constructed, from Kitchener Street to the rear boundary of the subject site at the full cost of the owner/developer as per engineering plans approved by the Council.'

#### **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.

#### **Vegetation Management**

- 4. The retention of the *Agonis flexuosa* (Willow Myrtle) in the south-west corner of the property.

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5. Outside the building footprint of Dwelling 3, there is to be no intrusion, including changes to the existing ground level, and the installation of services, structures and surface treatments, within the Tree Protection Zone (TPZ) of the *Agonis flexuosa* (Willow Myrtle) to be retained within the dwelling's SPOS, unless otherwise with written consent from Council's Vegetation Department.
6. Concurrent with the endorsement of plans, a Tree Management Plan prepared by a suitably qualified arborist in accordance with AS4970-2009, must be submitted to and be endorsed by the Responsible Authority and incorporating:
  - a) A Tree Management Plan (written report) must provide details of:
    - i. Any non-destructive root investigation undertaken to determine the location and distribution of roots of trees nominated on the Tree Protection Plan.
    - ii. Proposed footings and construction methods for any buildings or structures within the Tree Protection Zone nominated on the Tree Protection Plan.
    - iii. How excavation impacts, including soil level changes, on trees to be retained will be managed.
    - iv. How the canopy of trees nominated on the Tree Protection Plan will be protected.
    - v. Any other measures required to demonstrate the successful ongoing retention and viability post-construction of any trees nominated on the Tree Protection Plan.
  - 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. Stages of development at which inspections are required to ensure tree protection measures are adhered to must be specified.
    - iv. 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.
    - v. Maintenance of the area(s) within the Tree Protection Zone in accordance with AS4970-2009.
    - vi. Any pruning to be undertaken being in accordance with AS4373-2007.
    - vii. A notation to refer to the Tree Management Plan.
7. All protection measures identified in the Tree Management Plan must be implemented, and development works undertaken on the land must be undertaken in accordance with the Tree Management Plan, to the satisfaction of the Responsible Authority.
8. Prior to the commencement of works, the name and contact details of the project

arborist responsible for implementing the Tree Management Plan must be submitted to the Responsible Authority.

9. Tree Protection Fencing is to be established around the street trees prior to demolition and maintained until all works on site are complete.
  - a) The fencing is to be a 1.8 metre high temporary fence constructed using steel or timber posts fixed in the ground or to a concrete pad, with the fence's side panels to be constructed of cyclone mesh wire or similar strong metal mesh or netting
  - b) The fencing is to encompass the entire nature strip with each end 3 metres from the base of the tree.

#### **Drainage and Water Sensitive Urban Design**

10. 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 10a, 10b & 10c above must be implemented on-site, unless an alternative agreement for stormwater quality in-lieu contribution is reached with the Responsible Authority.
11. 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.

#### **Sustainable Design Assessment**

12. 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.

**Construction Management**

13. 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.

**Infrastructure and Road Works**

14. 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.
15. Property boundary, footpath and laneway levels must not be altered without the prior written consent from the Responsible Authority.
16. Any reinstatements and vehicle crossings are to be constructed to the satisfaction of the Responsible Authority.
17. The replacement of all footpaths, including offsets, must be constructed to the satisfaction of the Responsible Authority.
18. Any redundant vehicle crossings must be removed (including redundant portions of vehicle crossings) to the satisfaction of the Responsible Authority.

**Laneway Construction**

19. Prior to the occupation of Dwelling 2 and/or Dwelling 3 approved under this Planning Permit, the Road (R4) abutting the northern boundary of the subject site must be constructed, from Kitchener Street to the rear boundary of the subject site at the full cost of the owner/developer as per engineering plans approved by the Council.

**General amenity conditions**

20. All works on or facing the boundaries of adjoining properties must be finished and surface cleaned to a standard that is well presented to neighbouring properties in a manner to the satisfaction of the Responsible Authority.



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21. 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.
22. 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**

23. Prior to the occupation of the development hereby permitted, all buildings and works and the conditions of this permit must be complied with to the satisfaction of the Responsible Authority, unless with the further prior written consent of the Responsible Authority.
24. 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 to the satisfaction of the Responsible Authority.

**Expiry**

25. 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:
  - a) The development is not started within two (2) years from the date of permit issue.
  - b) The development is not completed within four (4) years from the date of permit issue.

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

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

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

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

**Note:** The applicant/owner must provide a copy of this planning permit and any endorsed plans to any external contractor to ensure that all trees to be retained 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:** 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 KP-2023/103 - 1-11 Pine Lane, Heatherton**

It is recorded that Mark Chester spoke on behalf of the applicant.

Cr Hua left the meeting at 7.26pm.

Cr Hua returned to the meeting at 7.31pm.

**Moved: Cr Davies**

**Seconded: Cr Saab**

That the Planning Committee determine to support the proposal and issue a notice of decision to grant a planning permit for the construction of agricultural greenhouses, ancillary office and amenities buildings at 1-11 Pine Lane, Heatherton, subject to the following conditions:

#### **Amended Plans**

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and an electronic copy must be provided. The plans must be substantially in accordance with the advertised plans, but modified to show:
  - a) An amended landscape plan in accordance with the submitted landscape plans prepared by Zenith Concepts (dated 24 May 2023), with such plans to be prepared by a suitably qualified landscape professional to the satisfaction of the Responsible Authority and incorporating:
    - i. 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.
    - ii. 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.
    - iii. Existing and finished site levels to be clearly notated throughout the site including site boundaries.
    - iv. The concrete slab supporting water tanks is to be removed from the southern boundary easement and offset 11 metres from the western boundary.

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- v. Retaining walls are to be constructed along the southern and western edge of the concrete slab supporting the water tanks capable of stabilising the site cut including finished heights at the top and base of retaining walls.
  - vi. Cross-sections of the retaining walls to be illustrated and notated including materials, wall height and footing depths, backfill and drainage.
  - vii. Diversity of understorey vegetation to be increased within the front setback to incorporate a minimum of five (5) 'Shrubs and Groundcovers' species and five (5) 'Grasses' species selected from Gippsland Plains EVCs 53, 55 and 125.
  - viii. Increase diversity of understorey vegetation along the northern, southern and western boundaries to incorporate a minimum of four (4) 'Grasses' species and four (4) 'Shrubs' species selected from Gippsland Plains EVCs 3, 48, 53, 55 and 125.
  - ix. Vegetation including canopy trees from Gippsland Plains EVCs 3, 48, 53, 55 and 125 to be provided along the southern boundary either side of driveways and behind retaining walls located to the south and west of the water tanks.
  - x. Climbing vegetation to be planted along the remaining eastern facades of the site offices.
  - xi. Container planters or garden beds to be provided between all entries to greenhouses.
  - xii. Canopy trees to be planted within 1 metre of every second car parking space capable of reaching the minimum mature dimensions of 8 metres in height and 5 metres in width from Gippsland Plains EVCs 53, 55 and 125.
  - xiii. One (1) indigenous canopy tree capable of growing to minimum mature dimensions of 8 metres in height and 5 metres in width Gippsland Plains EVCs 53, 55 or 125 to be planted in the garden bed located south of the amenities block.
  - xiv. 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.
  - xv. Notes regarding site preparation, including the removal of all weeds, proposed mulch, soil types and thickness, subsoil preparation and any specific maintenance requirements.
  - xvi. Tree protection measures including for street trees accurately drawn to scale and labelled as per the endorsed tree management plan.
- b) The location of tree protection measures illustrated to scale and labelled on the proposed site plan and proposed greenhouse plan as per the endorsed tree management plan.
  - c) The reinstatement of the existing crossover to Pine Lane.
  - a) Vehicle crossovers must be constructed at a 90 degree alignment with the kerb on Pine Lane and the out-bound access to Madden Road and all internal driveways must align with the proposed vehicles crossovers.
  - b) The internal driveway must be at least 900mm from the side boundary at

- the front boundary.
- c) Signage at the accesses to Madden Road to advise “entry” and “exit”.
  - d) A notation on plan stating: “Existing stormwater flows across the site and the capacity of existing informal drainage systems on the site must be maintained as part of the development. Detailed investigations of the downstream drainage system (private drains) must be carried out to confirm capacity and agreements reached about ongoing operations.”
  - e) All existing and proposed easements.
  - f) Accessible car parking spaces designed to be 5.4 metres deep in accordance with ASNZS 2890.6:2009.
  - g) The resurfacing of the informal section of Madden Road to a grade suitable to support heavy goods vehicles.
  - h) Any changes necessitated by the tree management plan required by condition 4.
  - i) Any changes required by the flood assessment report required by condition 7.
  - j) All relevant commitments identified within the amended sustainable management plan required under condition 11.

**Endorsed Plans**

- 2. The development and use as shown on the endorsed plans must not be altered without the 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:
    - ii) Tree protection measures that will be utilized to ensure all trees to be retained remain viable post-construction.
    - iii) Stages of development at which inspections are required to ensure tree protection measures are adhered to must be specified.
  - b) A tree protection plan (scale drawing) must provide details of:
    - iv) The tree protection zone and structural root zone for all trees to be retained on the site and for all trees on neighboring properties where any part of the tree protection zone falls within the subject site.
    - v) The location of tree protection measures to be utilized.
    - vi) 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.

**Drainage and Water Sensitive Urban Design**

7. Prior to the commencement of development, a flood assessment report, to the satisfaction of the Responsible Authority, must be submitted and include the following:
  - a) Flood modelling of the pre and post development scenarios incorporating the entire development site and contributing catchments to demonstrate that the proposal has no adverse impacts on adjoining or downstream properties.  
  
This assessment must be undertaken for a range of flood events (i.e. the 1% AEP, 10% AEP and 20% AEP) in accordance with the Melbourne Water Technical Specifications for flood mapping.
8. 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) Prior to submitting detailed engineering 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" and any issues identified by the flood modelling assessment and detailed investigation of existing drain described in condition 7 above.
  - b) 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.
  - c) The water sensitive urban design treatments as per conditions 8(a) and (b) above must be implemented on-site, unless an alternative agreement for stormwater quality in-lieu contribution is reached with the Responsible Authority.
  - d) Detailed stormwater management (drainage) plan(s) must be prepared, with supporting computations, showing the stormwater (drainage) works to the nominated point of discharge in line with approved stormwater management (drainage) strategy report. 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.
9. 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 calculated as per Council's "Civil Design requirements for Developers –

Part A: Integrated Stormwater Management”.

- c) All stormwater (drainage) works must be maintained to the satisfaction of the Responsible Authority.
10. Existing stormwater flows across the site and the capacity of existing informal drainage systems on the site must be maintained as part of the development. Detailed investigations of the downstream drainage system (private drains) must be carried out to confirm capacity and agreements reached about ongoing operations.

**Sustainable Management Plan**

11. Concurrent with the endorsement of plans required pursuant to condition 1 of this permit, the provision of an amended sustainable management plan (SMP) prepared by a suitably qualified professional must be submitted to and approved by the Responsible Authority. The amended sustainable management plan (and revised plans as relevant) must:
- a) Achieve a minimum 50% overall score and minimum in Energy (50%), Water (50%), IEQ (50%) and Stormwater (100%) categories in BESS.
  - b) Provide further details of the MUSIC calculations.
  - c) Clarify what assumptions have been made around the site's demand for rainwater and rainwater tank sizing.
  - d) Clarify whether the greenhouses will be heated and cooled and if yes, provide further information on how the greenhouses will be efficiently heated and cooled.
  - e) Provide at least one (1) electric vehicle charging point for staff use.
  - f) Provide information on how the agricultural waste will be responsibly managed.
  - g) The non-visible flat roofs and exposed concrete driveway must specify light coloured or reflective finishes / materials (Solar Reflective Index >50 or Solar Absorptance<0.6).
  - h) Concrete to be specified with recycled aggregate where appropriate and recycled water used in the manufacture.
  - i) All fabricated structural steelwork to be supplied by a steel fabricator/contractor accredited to the Environmental Sustainability Charter of the Australian Steel Institute.

Or to the satisfaction of the Responsible Authority.

12. All works must be undertaken in accordance with the endorsed sustainable design assessment to the satisfaction of the responsible authority. No alterations to the sustainable design assessment may occur without the written consent of the Responsible Authority.

**Infrastructure and Road Works**

- 13. Property boundary and footpath levels must not be altered without the prior written consent from the Responsible Authority.
- 14. Vehicle crossovers and other reinstatements must be constructed to council's industrial strength specifications.
- 15. All redundant vehicle crossovers must be removed (including redundant portions

of vehicle crossovers) to the satisfaction of the Responsible Authority.

16. All front and side fences must be contained wholly within the title property boundaries of the subject land.
17. Prior to the occupation of the development, the section of Madden Road commensurate with the location of the new accesses to/from the site must be constructed to industrial strength specifications or to an extent or specification as otherwise agreed by and to the satisfaction of the Responsible Authority and at the cost of the developer.

**General Amenity**

18. The amenity of the area must not be detrimentally affected by the development and/or use, through the:
  - 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.
19. The loading and unloading of goods to and from vehicles must only be carried out on the land.
20. No goods or packaging materials shall be stored or left exposed outside the building so as to be visible to the public from a road or other public place.
21. All external surfaces of the building elevations must be finished in accordance with the schedule on the endorsed plans and maintained in good condition to the Responsible Authority's satisfaction.
22. Other than signage to indicate "entry" and "exit" to vehicular accesses to Madden Road, no signs or other advertising or identification may be erected or displayed on the site without the prior written consent of the Responsible Authority.
23. The development and / or use of the site shall not cause nuisance or be detrimental to the amenity of the neighbourhood by the emission of noise. In this regard any nuisance shall be assessed in accordance with the Australian Standards AS1055 and AS2107 relating to the measurement of Environmental Noise and recommended sound levels.

**Car Parking and Access**

24. The largest vehicle that can access the site is a B-Double.
25. 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:
  - a) Constructed to the satisfaction of the Responsible Authority.
  - b) Properly formed to such levels that they can be used in accordance with the plans.
  - c) Surfaced with an all-weather sealcoat to the satisfaction of the Responsible Authority.
  - d) Drained to the satisfaction of the Responsible Authority.
  - e) Line-marked to indicate each car space, all access lanes and, if necessary,

the direction in which vehicles are to travel to the satisfaction of the Responsible Authority.

- f) In accordance with any Council adopted guidelines for the construction of car parks.
26. Parking areas and access lanes must be kept available for these purposes at all times and maintained to the satisfaction of the Responsible Authority.
27. In areas set aside for car parking, measures must be taken to the satisfaction of the Responsible Authority to prevent damage to fences or landscaped areas.

#### **Completion of Works**

28. Prior to the occupation of the building(s) 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.
29. Before occupation of the development hereby permitted, landscaping works as shown on the endorsed plans must be completed to the satisfaction of the Responsible Authority. The landscaping must then be maintained to the satisfaction of the Responsible Authority.
30. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.

#### **Permit Expiry**

31. 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 before two (2) years from date of this permit.
  - The development is not completed before 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:** Prior to the commencement of the development or use 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 development includes proposed structures to be built over the easement. Separate consent from Council and the relevant service authority is required to build over the easement and will need to be obtained prior to the issue of a building permit.

**Note:** An application to install/alter a wastewater system must be lodged with Council's environmental health team. This application will determine the type and size of wastewater system. The wastewater system must comply with Environment Protection Authority (EPA) document 891.4: Code of practice – onsite wastewater management and be drawn to scale and represented on the endorsed plans.

**Note:** Environment Protection Authority (EPA) Victoria set out the requirements



pertaining to site construction hours and permissible noise levels.

**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 permit 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:** Other than those specified in conditions above, no sign(s) or advertising or identification may be erected or displayed on the site without the prior written consent of the Responsible Authority, unless where exempt from the requirements of a planning permit.

**CARRIED**

#### **4.4 KP-2023/350 - Kananook Creek (Crown Allotment 2069 on CD054423A)**

**Moved: Cr Staikos**

**Seconded: Cr Howe**

That the Planning Committee determine to support the proposal and issue a planning permit for **Error! No document variable supplied.** at **Error! No document variable supplied.**, subject to the following conditions:

##### **Endorsed Plans**

1. The extent of works (removal of native vegetation) as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.
2. Before works start, the permit holder must advise all persons undertaking the vegetation removal or works on site of all relevant permit conditions and associated statutory requirements or approvals.

##### **Native Vegetation Removal**

3. To offset the permitted clearing of 0.003 hectares of Estuarine Reedbed (EVC 952), in accordance with *Guidelines for the removal, destruction or lopping of native vegetation* (DELWP 2017), the permit holder must secure an offset amount of at least 0.001 general habitat units, with the selected species to:
  - Be located within the Port Phillip and Westernport Catchment Management boundary or Kingston municipal area.
  - Provide a minimum strategic biodiversity score of at least 0.208.
4. Before any native vegetation is removed, evidence that the offset(s) required by this permit has been secured must be submitted to the satisfaction of the Responsible Authority. This evidence must detail credit extract(s) allocated to the permit from the Native Vegetation Credit Register.
5. A copy of the offset evidence will be endorsed by the responsible authority and form part of this permit. Within thirty (30) days of endorsement of the offset evidence, a copy of the endorsed offset evidence must be provided to Planning Approvals at the Department of Energy, Environment and Climate Action

(DEECA, formerly DELWP) regional office.

6. Within six (6) months of the conclusion of the permitted clearing of native vegetation under this permit, the offset requirements can be reconciled with the written agreement of the Responsible Authority and the Department of Energy, Environment and Climate Action (DEECA).
7. Before works start, a native vegetation protection fence must be erected around the perimeter of the area of native vegetation to be retained on site. The protection fence must be constructed of chain mesh or similar to the satisfaction of the Responsible Authority. The protection fence must remain in place until all works are completed to the satisfaction of the Responsible Authority.
8. Except with the written consent of the Responsible Authority, within the area of native vegetation to be retained, the following is prohibited:
  - Vehicular or pedestrian access.
  - Trenching or soil excavation.
  - Storage or dumping of any soils, materials, equipment, vehicles, machinery or waste products.
  - Entry and exit pits for underground services.
  - Any other actions or activities that may result in adverse impacts to retained native vegetation.
9. Prior to the commencement of the use, replacement planting and re-vegetation of the site must occur to the satisfaction of the Responsible Authority. All planting must occur under the direction and supervision of Council's foreshore team.

**Department of Energy, Environment and Climate Action Conditions**

10. The works to be carried out generally in accordance with:
  - a. The application for Landowner Consent, submitted 15 June 2023, prepared by Simon Nicolosi of City of Kingston.
  - b. Plans Titled 'Eel Race Road Viewing Deck City of Kingston' prepared by GR Design and Construct Pty Ltd, dated 16 January 2023, revision C, drawing numbers A.01, A.02, A.03, A.04, A.05.
11. Any modification to the works proposed will require further approval by the Program Manager Land and Built Environment Programs, Port Phillip Region, DEECA.
12. Vegetation, other than approved by this consent, must not be damaged or removed as a result of the works.
13. Any clearing or construction activity associated with the works, should be carried out in accordance with the with EPA Publication No. 275 *Construction Techniques for Sediment Pollution Control* (May 1991).
14. The construction site must be managed in accordance with EPA Publication No. 981 *Reducing Stormwater Pollution from Construction Sites* (May 2005).
15. Building materials, refuse and site run-off must be contained and controlled and not permitted to impact on or enter the waterway.
16. Prior to works commencing, a Construction Environmental Management Plan (CEMP) must be prepared to the satisfaction of Kingston City Council and

Melbourne Water. The CEMP must include:

- a. Measures to control erosion and sediment and sediment laden water runoff including the design details of structures.
  - b. Where any construction wastes, equipment, machinery and/or earth is to be stored/stockpiled during construction.
  - c. Where access to the site for construction vehicle traffic will occur.
  - d. Identify tree/vegetation protection measures and zones.
  - e. The location of any temporary buildings, exclusion fencing or yards.
  - f. Measures to remediate any areas on Crown land that are disturbed during construction.
17. All works must be completed, the site reinstated, and the works maintained to the satisfaction of Kingston City Council and Melbourne Water.
  18. Ongoing management and maintenance of the viewing platform will be the responsibility of Kingston City Council.
  19. Any landscaping/site remediation associated with the use and/or development must protect retained native vegetation.
  20. This consent will expire if the works are not completed within two (2) years of the date of issue, unless an extension of time is applied for and granted by the Program Manager Land and Built Environment, Port Phillip Region, DEECA.

**Permit Expiry**

21. 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 (removal of native vegetation) is not started within two (2) years from the date of permit issue.
  - The works (removal of native vegetation) 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:** The Environment Protection Authority (EPA) Victoria set out the requirements pertaining to site construction hours and permissible noise levels.
- Note:** Prior to the commencement of works, you are required to obtain any necessary building permit(s), where relevant.
- Note:** The permit holder must provide a copy of this planning permit to any appointed building surveyor. It is the responsibility of the permit holder and building surveyor to ensure that all works approved by any building permit is consistent with the planning permit, including extent of native vegetation to be removed.
- Note:** The permit holder must provide a copy of this planning permit and any endorsed plans to any external contractor(s) to ensure that all vegetation (including native vegetation) to be retained on site are protected during any works.

**Note:** Before removing / pruning any vegetation (including native vegetation) from the site, the permit holder or any contractor engaged should consult Council's vegetation management officer to verify if a Local Laws permit is required for the removal of such vegetation.

**CARRIED**

**4.5 KP-2022/437 - 16 Plant Grove, Heatherton**

**Moved: Cr Davies**

**Seconded: Cr Saab**

That the Planning Committee determine to support the proposal and issue a Planning Permit to develop the land for the construction of an ancillary office building including affiliated works associated with the existing plant nursery at 16 Plant Grove, Heatherton (Lot 1 on TP512168S), 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 Harry Sofianos & associates, Sheets 1 to 2 inclusive, Revision C, submitted to Council on 04/07/2023, but modified to show:
  - a) the location of the retained *Eucalyptus nicholli* to be shown on the site plan and all respective 'part' site plans
  - b) the location of tree protection measures illustrated to scale and labelled on the Site Plans as per Condition 3
  - c) the removal of the notation 'asphalt surface' from the car park area and to be replaced with a note stating 'existing surface to remain'.
2. The development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.
3. The retention of the *Eucalyptus nicholli* (Narrow Leaved Black Peppermint) located in the carpark of the property.
4. Tree Protection Fencing is to be established around the retained tree prior to the commencement of works and maintained until all works on site are complete.
  - a) The fencing is to be a 1.8 metre high temporary fence constructed using steel or timber posts fixed in the ground or to a concrete pad, with the fence's side panels to be constructed of cyclone mesh wire or similar strong metal mesh or netting.
  - b) To the satisfaction of the responsible authority The fencing is to encompass the entire onsite Tree Protection Zone with each end a minimum of 7.0 metres from the base of the tree.
  - c) 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 of the responsible authority.
5. The amenity of the area must not be detrimentally affected by the development, through the:

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- 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.
6. Parking areas and access lanes must be kept available for these purposes at all times and maintained to the satisfaction of the Responsible Authority.
  7. All external surfaces of the building elevations must be finished in accordance with the schedule on the endorsed plans and maintained in good condition to the Responsible Authority's satisfaction.
  8. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.
  9. 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 before two (2) years from date of this permit.
    - The development is not completed before 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.

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

**Note:** Prior to the commencement of the development, the landowner should determine landfill gas risk assessment is required due to the proximity of the works to a close landfill. For more information: <https://www.epa.vic.gov.au/for-business/find-a-topic/landfill-guidance> or contact the Environment Protection Authority Victoria.

**CARRIED**

#### **4.6 Draft Planning Scheme Review 2023**

**Moved: Cr Davey-Burns**

**Seconded: Cr Staikos**

That the Planning Committee:

1. Endorse the draft Planning Scheme Review 2023 to be made available for public consultation for a period of four (4) weeks.
2. Note that a final version of the Planning Scheme Review incorporating feedback from consultation will be prepared and presented for consideration at a future Planning Committee or Council meeting.

**CARRIED**

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**5. Confidential Items**

Nil

The meeting closed at 7.44pm.

**Confirmed.....**

**The Mayor 22 November 2023**