



# **Planning Committee Meeting Minutes**

**Wednesday 21 March 2012**

**Meeting commenced at 7.00pm**

**1230 Nepean Highway, Cheltenham**

**Environmental Sustainability Reports**

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**Present:** Cr John Ronke (Mayor)  
Cr Arthur Athanasopoulos  
Cr Ron Brownlees OAM  
Cr Lewis Dundas  
Cr Dan Moloney  
Cr Paul Peulich  
Cr Rosemary West OAM

**In Attendance:** John Nevins – Chief Executive Officer  
Rachel Hornsby – General Manager Environmental  
Sustainability  
Ian Nice – Manager Statutory Planning  
Hannah McBride-Burgess – Team Leader  
Janice Pouw – Governance Officer

**1. Apologies:**

An apology from Cr Staikos and Cr Shewan were submitted to this meeting.

**Moved: Cr Athanasopoulos**

**Seconded: Cr Peulich**

That the apology from Cr Staikos and Cr Shewan be received and leave of absence be granted.

**CARRIED**

**2. Confirmation of the Minutes of Previous Meeting**

**Moved: Cr Peulich**

**Seconded: Cr Moloney**

That the minutes of the previous meeting held on 22 February 2011 were confirmed.

**CARRIED**

**3. Foreshadowed Disclosure/s by Councillors, Officers or Contractors of any Conflict of Interest:**

John Nevins advised that while he does not have a conflict of interest, he does have a commercial relationship with the developer involved in item KP335/2011.

**4. Environmental Sustainability Reports**

**PC 9 Town Planning Application Decisions – February 2012**

**Moved: Cr Athanasopoulos**

**Seconded: Cr Peulich**

That the report be noted.

**CARRIED**

**Moved: Cr Athanasopoulos**

**Seconded: Cr Brownlees**

That Item PC 13 – 6 Baker Street, Moorabbin be considered prior to PC11 – 12 Argus Street, Cheltenham.

**CARRIED**

**PC 10 KP97/289 – Fraser Road Landfill, Clayton South**

**Moved: Cr Athanasopoulos**

**Seconded: Cr West**

That Council resolves and instructs Russell Kennedy, to file in the VCAT and serve on the parties the revised Statement of Grounds (Appendix 1) provided 21 March 2012 in response to an application to amend Planning Permit No KP97/289 – Fraser Road Landfill, Clayton South.

**CARRIED**

A Division was called:

**DIVISION:**      **FOR:**      Crs Athanasopoulos, Peulich, Dundas, West,  
Brownlees, Moloney and Ronke (7)  
**AGAINST:** Nil

**PC 13 6 Baker Street Moorabbin - Planning Permit Application No  
KP567/2011**

*SPEAKER: It is recorded that Ms Christina Hickie spoke in relation to this item.*

**Moved: Cr Athanasopoulos**

**Seconded: Cr West**

That the proposal for 6 Baker Street, Moorabbin – Planning Permit Application KP567/2011 be opposed subject to the following grounds:

1. The proposal would have an adverse affect on the amenity of an established residential neighbourhood.
2. The proposal constitutes an over-development of the site.
3. The proposal fails to satisfy some of the requirements of Clause 55 of the Kingston Planning Scheme (ResCode), in particular Clause 55.03-1 Street Setback and Clause 55.03-5 Energy Efficiency.
4. The proposal fails to meet the objectives and strategic directions of the Municipal Strategic Statement – Residential Land Use contained at Clause 21.05 of the Kingston Planning Scheme.
5. The proposal fails to meet the objectives due to a detrimental affect on adjoining properties due to over shadowing.

**CARRIED**

It is recorded that Cr Athanasopoulos vacated the Chamber at 7.48pm.

**PC 11 No 12 Argus Street, Cheltenham – Planning Permit Application**  
**No KP537/2011**

*SPEAKER: It is recorded that Mr Michael Meyer spoke in relation to this item.*

**Moved: Cr West**

**Seconded: Cr Brownlees**

That Council determine to support the proposal and grant a Notice of Decision to Grant a Permit to develop the land for the construction of four (4) dwellings at No. 12 (Lot 4 on PS044036) Argus Street, 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 plans submitted to Council on the 10<sup>th</sup> February, 2012, but modified to show:
  - a. the provision of an improved landscape plan and associated planting schedule for the site showing the proposed location, species type, mature height and width, pot sizes and number of species be planted on the site, with such plans to be prepared by a suitably qualified landscape professional and incorporating:
    - i. an associated planting schedule showing the proposed location, species type, mature height and width, pot sizes and number of species to be planted on the site. The schedule must be shown on the plan;
    - ii. the delineation of all garden beds, paving, grassed areas, retaining walls, fences and other landscape works including areas of cut and fill throughout the development;
    - iii. all existing trees on the site and within three (3) metres to the boundary of the site on adjoining properties, accurately illustrated to represent actual canopy width and labelled with botanical name, height and whether the tree is proposed to be retained or removed;
    - iv. adequate planting densities (e.g. plants with a mature width of 1 metre, planted at 1 metre intervals);
    - v. a range of plant types from ground covers to large shrubs and trees;
    - vi. the provision of one (1) suitable medium sized spreading canopy trees within the front setback of the site and one (1) small (at maturity) tree within the rear/side secluded private open space of each dwelling with all species chosen to be approved by the Responsible Authority;
    - vii. sustainable lawn areas and plant species taking current water restrictions into consideration;
    - viii. all trees provided at a minimum of two (2) metres high at time of planting;

**PC 11 No 12 Argus Street, Cheltenham – Planning Permit Application**  
**No KP537/2011 (continued)**

- ix. medium to large shrubs and trees provided in pot sizes of 200mm or greater;
  - x. the provision of a notation on the landscape plan regarding site preparation, including the removal of all weeds, proposed mulch, soil types and thickness, subsoil preparation and any specific maintenance requirements;
  - xi. the provision of a landscape buffer on both sides of the proposed driveway with species chosen to be approved by the Responsible Authority.
  - xii. That the second storey of units 1 be setback so they do not shadow the verandah to the east any more than the existing fence
- b. the proposed “open garage” associated with Dwelling 4 nominated as a carport;
  - c. deletion of the proposed tandem car parking space associated with dwelling 4 to improve vehicle manoeuvrability;
  - d. the southern wall of the proposed garage/carport for Dwelling 4 removed so as to comply with the relevant definition of a carport as an open structure;
  - e. the proposed common driveway for Dwellings 2-4 reduced in width to 2.6 metres (where possible) to allow for additional landscaping opportunities along either side of the driveway;
  - f. the provision of a 6m<sup>3</sup> externally accessible storage area for Dwelling 1 in either the nominated private open space areas or the proposed car garage;
  - g. a notation on the plans stating that “a standard on-street parking bay must be maintained between the vehicle crossings”;
  - h. a notation stating that “property boundary and footpath levels must not be altered without the prior written consent of the Responsible Authority”;
  - i. a notation stating that “all reinstatements and vehicle crossings must be constructed to the satisfaction of the Relevant Authority”;
  - j. the surface material of all driveways / accessways and car parking spaces nominated in all-weather coloured concrete sealcoat, or similar;
  - k. the door of each garage nominated as a panel lift door, or similar;
  - 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. the provision of a minimum 2000 litre rainwater tank clearly nominated for each new dwelling with water re-use for toilet flushing;
  - n. the provision of external security lighting along either side of the proposed common driveway;

**PC 11 No 12 Argus Street, Cheltenham – Planning Permit Application**  
**No KP537/2011 (continued)**

- o. the location of all externally-located heating and cooling units, exhaust fans and the like, clearly shown;
- p. the guttering pertaining to the garages / walls on boundary on the site's west (side) property boundary nominated as being contained wholly within the title property boundaries of the subject land.

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. 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.

Landscaping

- 4. Prior to the removal of one tree from the site's Argus Street nature strip the Developer/Owner must pay to Council a compensation, removal and replacement fee (\$270.00) (including GST) for the removal of this existing tree. The removal of this tree must be undertaken by Council, and the Developer/Owner must advise Council when this tree is required to be removed.

Drainage and Water Sensitive Urban Design

- 5. The development of the site must be provided with stormwater works which incorporates the use of water sensitive urban design principles to improve stormwater runoff quality and which also retains on site any increase in runoff as a result of the approved development. The system must be maintained to the satisfaction of the Responsible Authority. Council's Development Engineer can advise on satisfactory options to achieve these desired outcomes which may include the use of an infiltration or bioretention system, rainwater tanks connected for reuse and a detention system.
- 6. Before the development commences, a Stormwater Management Plan showing the stormwater works to the nominated point of discharge must be prepared to the satisfaction of the Responsible Authority. The Stormwater Management Plan must be prepared by a qualified person and show all details of the proposed stormwater works including all existing and proposed features that may have impact (e.g. trees to be retained, crossings, services, fences, abutting buildings, existing boundary surface levels, etc.).
- 7. Stormwater works must be provided on the site so as to prevent overflows onto adjacent properties.
- 8. Stormwater outflow from the development to the Council drainage system should not exceed the predevelopment outflow of the site.

Parking and Traffic Management



**PC 11 No 12 Argus Street, Cheltenham – Planning Permit Application**  
**No KP537/2011 (continued)**

9. Prior to the occupation of the dwellings 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 in accordance with the endorsed plans under this permit or in an all-weather coloured concrete seal-coat, to the satisfaction of the Responsible Authority.
  - d. Drained and maintained to the satisfaction of the Responsible Authority.

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

Infrastructure and Road Works

10. Any existing vehicular crossing not in accordance with the endorsed plan must be removed and the kerb reinstated in a manner satisfactory to the Responsible Authority and any proposed vehicular crossing must be fully constructed to the Responsible Authority's standard specification.

General amenity conditions

11. 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.

Completion of Works

12. 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.
13. 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.
14. Prior to the occupation of the dwellings hereby permitted, the landscaping works as shown on the endorsed plans must be completed to the satisfaction of the Responsible Authority. The landscaping must then be maintained to the satisfaction of the Responsible Authority.
15. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.

**PC 11 No 12 Argus Street, Cheltenham – Planning Permit Application**  
**No KP537/2011 (continued)**

Time Limits

16. In accordance with section 68 of the Planning and Environment Act 1987, this permit will expire if one of the following circumstances applies:

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

In accordance with section 69 of the *Planning and Environment Act 1987*, the responsible authority may extend the periods referred to if a request is made in writing before the permit expires, or within three months afterwards.

**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:** It is noted the development includes storage sheds 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.

**LOST**

**Moved: Cr Brownlees**

**Seconded: Cr Dundas**

That Council determine to support the proposal and grant a Notice of Decision to Grant a Permit to develop the land for the construction of four (4) dwellings at No. 12 (Lot 4 on PS044036) Argus Street, 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 plans submitted to Council on the 10<sup>th</sup> February, 2012, but modified to show:
  - a. the provision of an improved landscape plan and associated planting schedule for the site showing the proposed location, species type, mature height and width, pot sizes and number of species be planted on the site, with such plans to be prepared by a suitably qualified landscape professional and incorporating:

**PC 11 No 12 Argus Street, Cheltenham – Planning Permit Application**  
**No KP537/2011 (continued)**

- i. an associated planting schedule showing the proposed location, species type, mature height and width, pot sizes and number of species to be planted on the site. The schedule must be shown on the plan;
  - ii. the delineation of all garden beds, paving, grassed areas, retaining walls, fences and other landscape works including areas of cut and fill throughout the development;
  - iii. all existing trees on the site and within three (3) metres to the boundary of the site on adjoining properties, accurately illustrated to represent actual canopy width and labelled with botanical name, height and whether the tree is proposed to be retained or removed;
  - iv. adequate planting densities (e.g. plants with a mature width of 1 metre, planted at 1 metre intervals);
  - v. a range of plant types from ground covers to large shrubs and trees;
  - vi. the provision of one (1) suitable medium sized spreading canopy trees within the front setback of the site and one (1) small (at maturity) tree within the rear/side secluded private open space of each dwelling with all species chosen to be approved by the Responsible Authority;
  - vii. sustainable lawn areas and plant species taking current water restrictions into consideration;
  - viii. all trees provided at a minimum of two (2) metres high at time of planting;
  - ix. medium to large shrubs and trees provided in pot sizes of 200mm or greater;
  - x. the provision of a notation on the landscape plan regarding site preparation, including the removal of all weeds, proposed mulch, soil types and thickness, subsoil preparation and any specific maintenance requirements;
  - xi. the provision of a landscape buffer on both sides of the proposed driveway with species chosen to be approved by the Responsible Authority.
- b. the proposed “open garage” associated with Dwelling 4 nominated as a carport;
  - c. deletion of the proposed tandem car parking space associated with dwelling 4 to improve vehicle manoeuvrability;
  - d. the southern wall of the proposed garage/carport for Dwelling 4 removed so as to comply with the relevant definition of a carport as an open structure;

**PC 11 No 12 Argus Street, Cheltenham – Planning Permit Application**  
**No KP537/2011 (continued)**

- e. the proposed common driveway for Dwellings 2-4 reduced in width to 2.6 metres (where possible) to allow for additional landscaping opportunities along either side of the driveway;
- f. the provision of a 6m<sup>3</sup> externally accessible storage area for Dwelling 1 in either the nominated private open space areas or the proposed car garage;
- g. a notation on the plans stating that “a standard on-street parking bay must be maintained between the vehicle crossings”;
- h. a notation stating that “property boundary and footpath levels must not be altered without the prior written consent of the Responsible Authority”;
- i. a notation stating that “all reinstatements and vehicle crossings must be constructed to the satisfaction of the Relevant Authority”;
- j. the surface material of all driveways / accessways and car parking spaces nominated in all-weather coloured concrete sealcoat, or similar;
- k. the door of each garage nominated as a panel lift door, or similar;
- 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. the provision of a minimum 2000 litre rainwater tank clearly nominated for each new dwelling with water re-use for toilet flushing;
- n. the provision of external security lighting along either side of the proposed common driveway;
- o. the location of all externally-located heating and cooling units, exhaust fans and the like, clearly shown;
- p. the guttering pertaining to the garages / walls on boundary on the site’s west (side) property boundary nominated as being contained wholly within the title property boundaries of the subject land.

**PC 11 No 12 Argus Street, Cheltenham – Planning Permit Application  
No KP537/2011 (continued)**

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. 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.

Landscaping

4. Prior to the removal of one tree from the site's Argus Street nature strip the Developer/Owner must pay to Council a compensation, removal and replacement fee (\$270.00) (including GST) for the removal of this existing tree. The removal of this tree must be undertaken by Council, and the Developer/Owner must advise Council when this tree is required to be removed.

Drainage and Water Sensitive Urban Design

5. The development of the site must be provided with stormwater works which incorporates the use of water sensitive urban design principles to improve stormwater runoff quality and which also retains on site any increase in runoff as a result of the approved development. The system must be maintained to the satisfaction of the Responsible Authority. Council's Development Engineer can advise on satisfactory options to achieve these desired outcomes which may include the use of an infiltration or bioretention system, rainwater tanks connected for reuse and a detention system.
6. Before the development commences, a Stormwater Management Plan showing the stormwater works to the nominated point of discharge must be prepared to the satisfaction of the Responsible Authority. The Stormwater Management Plan must be prepared by a qualified person and show all details of the proposed stormwater works including all existing and proposed features that may have impact (e.g. trees to be retained, crossings, services, fences, abutting buildings, existing boundary surface levels, etc.).
7. Stormwater works must be provided on the site so as to prevent overflows onto adjacent properties.
8. Stormwater outflow from the development to the Council drainage system should not exceed the predevelopment outflow of the site.

Parking and Traffic Management

9. Prior to the occupation of the dwellings 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.

**PC 11 No 12 Argus Street, Cheltenham – Planning Permit Application**  
**No KP537/2011 (continued)**

- c. Surfaced in accordance with the endorsed plans under this permit or in an all-weather coloured concrete seal-coat, to the satisfaction of the Responsible Authority.
- d. Drained and maintained to the satisfaction of the Responsible Authority.

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

Infrastructure and Road Works

10. Any existing vehicular crossing not in accordance with the endorsed plan must be removed and the kerb reinstated in a manner satisfactory to the Responsible Authority and any proposed vehicular crossing must be fully constructed to the Responsible Authority's standard specification.

General amenity conditions

11. 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.

Completion of Works

12. 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.
13. 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.
14. Prior to the occupation of the dwellings hereby permitted, the landscaping works as shown on the endorsed plans must be completed to the satisfaction of the Responsible Authority. The landscaping must then be maintained to the satisfaction of the Responsible Authority.
15. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.

Time Limits

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

In accordance with section 69 of the *Planning and Environment Act 1987*, the responsible authority may extend the periods referred to if a request is made in writing before the permit expires, or within three months afterwards.

**PC 11 No 12 Argus Street, Cheltenham – Planning Permit Application**  
**No KP537/2011 (continued)**

**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:** It is noted the development includes storage sheds 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.

**CARRIED**

**PC 12 88 Latrobe Street, Mentone – Planning Permit Application No  
KP95/2011**

*SPEAKER: It is recorded that Ms Therese Maloney spoke in relation to this item.*

**Moved: Cr Brownlees**

**Seconded: Cr West**

That the proposal for 88 Latrobe Street, Mentone – Planning Permit Application KP95/2011 be opposed subject to the following grounds:

1. The proposal would have an adverse affect on the amenity of an established residential neighbourhood.
2. The proposal constitutes an over-development of the site.
3. The proposal fails to satisfy some of the requirements of Clause 55 of the Kingston Planning Scheme (ResCode), in particular Clause 55.03-1 Street Setback, Clause 55.03-7 Safety, Clause 55.04-1 Side and Rear Setbacks, and Clause 55.05-2 Dwelling Entry.
4. The proposal fails to meet the objectives and strategic directions of the Municipal Strategic Statement – Residential Land Use contained at Clause 21.05 of the Kingston Planning Scheme.

**CARRIED**



**PC 14 61 Bondi Road, Bonbeach – Planning Permit Application No. KP458/2011**

*SPEAKERS: It is recorded that Ms Christine Smith and Mr Ivan Josifozski spoke in relation to this matter.*

**Moved: Cr Moloney**

**Seconded: Cr Brownlees**

That the proposal for 61 Bondi Road, Bonbeach – Planning Permit Application KP458/2011 be opposed subject to the following grounds:

1. The proposals form, scale and bulk does not respect the neighbourhood character or contribute to the preferred neighbourhood character contrary to Standard B1 of Clause 55.02-1 of the Kingston Planning Scheme.
2. The proposals form, scale and bulk will result in an unreasonable level of overshadowing of the secluded private open space areas of dwelling 1-3 59 Bondi Road contrary to Clause 55.04-5 of the Kingston Planning Scheme.
3. The proposal would detract from the visual amenity of the locality and the streetscape.

**CARRIED**

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**PC 15 1 Embankment Grove, Chelsea – Planning Permit Application No  
KP556/2011**

*SPEAKER: It is recorded that Mr Spiro Nefitou spoke in relation to this matter.*

**Moved: Cr Moloney**

**Seconded: Cr Peulich**

That Council determine to support the proposal to issue a Planning Permit to develop the land for the construction of five (5) double-storey dwellings and one (1) single-storey dwelling to the rear at No. 1 (Lot PC351839) Embankment Grove, Chelsea, 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 (Job No. Q63 – Drawings 1-8 dated July 2011) submitted to Council on 26 October 2011, but modified to show:
  - a. the provision of an improved landscape plan and associated planting schedule for the site showing the proposed location, species type, mature height and width, pot sizes and number of species to be planted on the site, with such plans to be prepared by a suitably qualified landscape professional and incorporating:
    - i. an associated planting schedule showing the proposed location, species type, mature height and width, pot sizes and number of species to be planted on the site. The schedule must be shown on the plan;
    - ii. the delineation of all garden beds, paving, grassed areas, retaining walls, fences and other landscape works including areas of cut and fill throughout the development;
    - iii. all existing trees on the site and within three (3) metres to the boundary of the site on adjoining properties, accurately illustrated to represent actual canopy width and labelled with botanical name, height and whether the tree is proposed to be retained or removed;
    - iv. a range of plant types from ground covers to large shrubs and trees, species must comprise a minimum of 80% indigenous coastal species;
    - v. adequate planting densities (e.g. plants with a mature width of 1 metre, planted at 1 metre intervals);
    - vi. the provision of two (2) suitable medium sized (at maturity) indigenous canopy trees within the front setback of the property and one (1) small (at maturity) tree within the private open space area of each dwelling, with species chosen to be approved by the Responsible Authority;

**PC 15 1 Embankment Grove, Chelsea – Planning Permit Application No KP556/2011 (continued)**

- vii. sustainable lawn areas and plant species taking current water restrictions into consideration;
- viii. all trees provided at a minimum of two (2) metres high at time of planting;
- ix. medium to large shrubs and trees provided in pot sizes of 200mm or greater;
- x. dwelling 6 redesigned within the current footprint and scale to ensure the entry is easily identifiable from the proposed driveway in accordance with Standards B12 of Clause 55.03-7 and B26 of Clause 55.05-3 of the Kingston Planning Scheme;
- b. the timber screening to the first floor northeast elevation balconies to be increased from 1.5m to 1.7m above FFL with a maximum transparency of 25% in accordance with Standard B22 of Clause 55.04-6 of the Kingston Planning Scheme;
- c. the provision of a notation on the landscape plan regarding site preparation, including the removal of all weeds, proposed mulch, soil types and thickness, subsoil preparation and any specific maintenance requirements.
- d. all garages/car parking spaces provided with a fully workable reversing area so that all vehicles may exit the site in a forwards direction and conform to AS 2890.1:2004 3.2.2;
- e. a reduction in driveway width to 3 metres, where possible, with the additional area created to be used for landscaping along the northwest side of the driveway;
- f. the first floor southwest elevation windows of dwellings 1 to 6 screened in accordance with Clause 55.04-6 (Standard B22) of the Kingston Planning Scheme;
- g. the first floor northeast elevation windows of dwellings 1 to 5 screened in accordance with Clause 55.04-6 (Standard B22) of the Kingston Planning Scheme;
- h. an elevation plan of the mail box and waste compound structure, which provides details of its height, materials and colours. The height of the mail box structure must not be any higher than 1.2m above natural ground level;
- i. 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;
- j. the provision of at least a 2000 litre rainwater tank clearly nominated for each dwelling with water re-use for toilet flushing;
- k. the basement ramp longitudinal section with grades and apex;

**PC 15 1 Embankment Grove, Chelsea – Planning Permit Application No KP556/2011 (continued)**

- l. the location of all externally-located heating and cooling units, exhaust fans and the like, clearly shown;
  - m. the provision of a clear 1 metre indentation at the end of the car parking aisles;
  - n. the surface material of all driveways / accessways and car parking spaces nominated in all-weather coloured concrete sealcoat, or similar; and
  - o. the surface material of all pedestrian walkways, including colours, materials and finishes.
2. The development as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.
3. Prior to the occupation of the dwellings hereby permitted, the landscaping works as shown on the endorsed plans must be completed to the satisfaction of the Responsible Authority. The landscaping must then be maintained to the satisfaction of the Responsible Authority.
4. 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.
5. The development of the site must be provided with stormwater works which incorporates the use of water sensitive urban design principles to improve stormwater runoff quality and which also retains on site any increase in runoff as a result of the approved development. The system must be maintained to the satisfaction of the Responsible Authority. Council's Development Engineer can advise on satisfactory options to achieve these desired outcomes which may include the use of an infiltration or bio retention system, rainwater tanks connected for reuse and a detention system. The detention system must have a restricted outflow limited to 9 l/s.
6. Before the development commences, a Stormwater Management Plan showing the stormwater works to the nominated point of discharge must be prepared to the satisfaction of the Responsible Authority. The Stormwater Management Plan must be prepared by a qualified person and show all details of the proposed stormwater works including all existing and proposed features that may have impact (e.g. trees to be retained, crossings, services, fences, abutting buildings, existing boundary surface levels, etc.).
7. Stormwater works must be provided on the site so as to prevent overflows onto adjacent properties.

**PC 15 1 Embankment Grove, Chelsea – Planning Permit Application No KP556/2011 (continued)**

8. A flood proof apex (i.e. hump) a minimum of 200mm above the existing kerb & channel invert level along the Embankment Grove frontage must be provided to protect the property from flood waters or implement an alternative engineering solution for major flooding, approved by the Council. This apex is to continue through any driveways or pathways that may cross it. The apex is to be a permanent structure (e.g. hump in concrete driveway/pathway, sleeper retaining wall, solid brick fence/wall). Low mounded soil on its own is unlikely to be acceptable due to the likelihood of future disturbance.
9. 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.
10. Prior to the occupation of the dwellings 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 in accordance with the endorsed plans under this permit or in an all weather coloured concrete seal-coat, to the satisfaction of the Responsible Authority.
  - d. Drained and maintained to the satisfaction of the Responsible Authority.

Parking areas and access lanes must be kept available for these purposes at all times and maintained to the satisfaction of the Responsible Authority.
11. 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.
12. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.
13. In accordance with section 68 of the Planning and Environment Act 1987, this permit will expire if one of the following circumstances applies:
  - The development and/or use are not started within two (2) years from the date of permit issue.
  - The development is not completed within four (4) years from the date of permit issue.

In accordance with section 69 of the *Planning and Environment Act 1987*, the responsible authority may extend the periods referred to if a request is made in writing before the permit expires, or within three months afterwards.

**PC 15 1 Embankment Grove, Chelsea – Planning Permit Application No KP556/2011 (continued)**

**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:** Residents and visitors are ineligible for parking permits.

**CARRIED**

**PC 16 14 Nepean Highway aspendale and 15 Nepean Highway Aspendale  
– Planning Permit Application No KP335/2011**

John Nevins advised that while he does not have a conflict of interest, he does have a commercial relationship with the developer involved in item KP335/2011.

*SPEAKER: It is recorded that Mr Robert Blanch spoke in relation to this item.*

**Moved: Cr Moloney**

**Seconded: Cr Brownlees**

This report recommends that the Planning Committee determine to issue a Notice of Decision to Grant a Permit to construct thirteen (13) dwellings at No. 14 and 15 Nepean Highway, Aspendale, 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 21 December 2011, but modified to show:
  - a. the provision of a landscape plan in accordance with the submitted development plan and the City of Kingston Landscape Plan Checklist, with such plans to be prepared by a suitably qualified landscape professional and incorporating:
    - i. an associated planting schedule showing the proposed location, species type, mature height and width, pot sizes and number of species to be planted on the site. The schedule must be shown on the plan;
    - ii. the delineation of all garden beds, paving, grassed areas, retaining walls, fences and other landscape works including areas of cut and fill throughout the development;
    - iii. all existing trees on the site and within three (3) metres to the boundary of the site on adjoining properties, accurately illustrated to represent actual canopy width and labelled with botanical name, height and whether the tree is proposed to be retained or removed;
    - iv. a range of plant types from ground covers to large shrubs and trees;
    - v. adequate planting densities (e.g. plants with a mature width of 1 metre, planted at 1 metre intervals);
    - vi. the provision of five (5) suitable medium sized (at maturity) canopy trees within the front setback of the property and one (1) small (at maturity) tree within the private open space area of each dwelling, with species chosen to be approved by the Responsible Authority;
    - vii. sustainable lawn areas and plant species taking current water restrictions into consideration;
    - viii. all trees provided at a minimum of two (2) metres in height at time of planting;

**PC 16 14 Nepean Highway aspendale and 15 Nepean Highway Aspendale  
– Planning Permit Application No KP335/2011 (continued)**

- ix. medium to large shrubs to be provided at a minimum pot size of 200mm;
  - x. the provision of notes on the landscape plan regarding site preparation, including the removal of all weeds, proposed mulch, soil types and thickness, subsoil preparation and any specific maintenance requirements;
  - xi. a range of plant types from ground covers to large shrubs and trees, species must comprise a minimum of 80% indigenous coastal species;
  - xii. the removal of the existing Phoenix canariensis from the site and its relocation to an agreed location to the satisfaction of the Responsible Authority with all costs associated with this procedure to be borne by the owner of the site;
  - xiii. the Phoenix canariensis must be transplanted to its new location prior to the commencement of the development and any excavation works on site;
  - xiv. the transplanting of the Phoenix canariensis must be completed by an experienced company with an extensive history in successfully transplanting large mature palms;
  - xv. a detailed Tree Management Plan must be submitted to the Responsible Authority for endorsement from the company chosen to transplant the Phoenix canariensis. The tree management plan must outline a maintenance program required to keep the Phoenix canariensis in good condition before, during and after the transplanting; and
- b. a comprehensive detailed drainage strategy of the site incorporating rainwater tanks and Water Sensitive Urban Design Treatments to the satisfaction of the Responsible Authority;
  - c. the provision of a longitudinal section with grades of the basement ramp;
  - d. a notation on the plan stating: "The footpath in the front of the development along the Alfred Street frontage from the existing footpath to the intersection with Nepean Highway must be constructed to the satisfaction of the Council and the existing offset between the property boundary and the back of the footpath must be continued and be landscaped with approved treatments";
  - e. the re-location of the sewerage pipe currently located along the site's Nepean Highway frontage;
  - f. the surface material of the driveway nominated in all-weather coloured concrete sealcoat, or similar;



**PC 16 14 Nepean Highway aspendale and 15 Nepean Highway Aspendale  
– Planning Permit Application No KP335/2011 (continued)**

- g. full details of all internal fencing, and the provision of 1.8 metre high fencing extending from the front wall of Dwelling 1 to the western boundary;
- h. the provision of a fence to the site's southern boundary, with a minimum height of 1.8 metres;
- i. full details of all ground floor building setbacks;
- j. acoustic measures to protect dwellings oriented to Nepean Highway at the ground and first floors;
- k. the provision of a minimum width of 1.5 metres to the hallway width adjacent to the first floor lift;
- l. the dimensions of the bin store area within the basement;
- m. details of any rooftop plant equipment, including lift overrun, with these to be screened from view;
- n. skylight windows to the kitchen areas of dwelling's 7, 9, 10, 12 and 13;
- o. internal layout changes to remove overhanging built form to the living room windows of dwelling's 3 and 6 whilst retaining daylight access to the remaining habitable rooms of these dwellings and the current building footprint;
- p. the deletion of bedroom 2 of Dwelling 5, with internal layout changes to ensure that the dwelling remains as one (1) bedroom only with all habitable rooms to have access to daylight;
- q. the deletion of the chairlift, and provision of a ramp or as otherwise agreed by the Responsible Authority;
- r. an intercom security entry to the main pedestrian entry to the building and at the car park entry;
- s. the provision of a full colour, finishes and building materials schedule, including samples, for all external elevations and driveways of the development with light colour tones where appropriate to be predominantly selected for the external facades of the building to increase heat reflection from those surfaces most exposed to heat loads, and where possible, the selection of applied finishes to the building's façade to be of heat resistant properties;
- t. full details of balcony screening to prevent overlooking, with louvres angled upwards, preventing downward views and no more than 25 percent (25%) transparency;
- u. the location of all externally-located heating and cooling units, exhaust fans and the like, clearly shown; and
- v. any measures identified within the ESD Report, required under Condition 6 of this Planning Permit.

**PC 16 14 Nepean Highway aspendale and 15 Nepean Highway Aspendale  
– Planning Permit Application No KP335/2011 (continued)**

- w. the provision of improved sight lines in respect to vehicle access to/from No.16 Nepean Highway, Aspendale; and
- x. the provision of suitable pedestrian access from the site's Nepean Highway frontage to dwelling 4 and dwelling 5.
2. The development as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.
3. Before the development hereby permitted commences, the Phoenix canariensis required to be removed and relocated under Condition 1a.xii) of this permit must be undertaken to Council satisfaction at the full cost of the owner of the land.
4. All tree pruning work must be in accordance with the Australian Standards AS4373 (2007) "Pruning of Amenity Trees" and be undertaken by a qualified and experienced Arborist.
5. Prior to the endorsement of the Plans required pursuant to Condition 1 of this permit, the provision of an ESD report prepared by a suitably qualified professional must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed as evidence of its approval and will then form part of the Permit and shall thereafter be complied with. The ESD report must include, but is not limited to, how the development will achieve a minimum 5 star and average 6 star energy rating, detailed initiatives for stormwater harvesting, insulation, daylighting, collective rainwater tanks and/or individual rainwater tanks, public and private landscape irrigation, energy efficient concepts, waste and recycling, building materials, glazing and internal/ cross-flow ventilation and the like.
6. All requirements of the Cultural Heritage Management Plan, number 11806, prepared by Grist Archaeology dated 4 October 2011 must be met.
7. The existing sewerage pipe along the site's Nepean Highway frontage must be relocated to the satisfaction of the relevant servicing authority and the Responsible Authority, at the cost of the owner/developer.
8. Prior to the occupation of the dwellings hereby permitted, the landscaping works as shown on the endorsed plans must be completed to the satisfaction of the Responsible Authority. The landscaping must then be maintained to the satisfaction of the Responsible Authority.
9. 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.

**PC 16 14 Nepean Highway aspendale and 15 Nepean Highway Aspendale  
– Planning Permit Application No KP335/2011 (continued)**

10. Prior to commencement of the development hereby permitted, a Site Management Plan, to the satisfaction of the Responsible Authority, must be submitted to and approved by the Responsible Authority and when approved shall thereafter be complied with. The Site Management Plan must clearly set out measures to prevent amenity loss to surrounding properties during the construction period. The Plan is to include, but limited to, measures to control the emission of dust/sand, rubbish on site, loading/unloading times, construction times, and parking of builder's vehicles etc. This plan when endorsed must not be varied without the prior approval of the Responsible Authority. It must also be implemented to the satisfaction of the Responsible Authority.
11. Before the commencement of any buildings and works on the Land, a Waste Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. Three copies of the plan must be submitted. The plan must include but is not limited to:
  - a) The manner in which waste will be stored and collected including: type, size and number of containers.
  - b) Spatial provision for on-site storage.
  - c) Details whether waste collection is to be performed by Council's services or privately contracted.
  - d) The size of the collection vehicle and the frequency, time and point of collection.

The waste management plan must be implemented to the satisfaction of the Responsible Authority. The waste management plan must not be modified unless without the written consent of the Responsible Authority.

12. Prior to the occupancy of the development the footpath as described in Conditions 1d) must be constructed at the developer's cost and maintained in accordance with the plans approved. A priced schedule of works for the footpath with the payment of Council's engineering fees of 3.25% of the cost of the works is required to be submitted prior to the approval of the engineering plans.
13. The levels of the proposed footpath and the property boundary are to be set at 100 mm above the top of the kerb and must be at a minimum 200 mm above the existing invert of kerb and channel.

**PC 16 14 Nepean Highway aspendale and 15 Nepean Highway Aspendale  
– Planning Permit Application No KP335/2011 (continued)**

14. The development of the site must be provided with stormwater works which incorporates the use of water sensitive urban design principles to improve stormwater runoff quality and which also retains on site any increase in runoff as a result of the approved development. The system must be maintained to the satisfaction of the Responsible Authority. Council's Development Engineer can advise on satisfactory options to achieve these desired outcomes which may include the use of an infiltration or bioretention system, rainwater tanks connected for reuse and a detention system. The detention system must have a restricted outflow limited to 8 l/s and store run-off that exceeds the run-off from 35% of the site area.
15. Before the development commences, a Stormwater Management Plan showing the stormwater works to the nominated point of discharge must be prepared to the satisfaction of the Responsible Authority. The Stormwater Management Plan must be prepared by a qualified person and show all details of the proposed stormwater works including all existing and proposed features that may have impact (e.g. trees to be retained, crossings, services, fences, abutting buildings, existing boundary surface levels, etc.).
16. Stormwater works must be provided on the site so as to prevent overflows onto adjacent properties.
17. The developer/owner must contact the Responsible Authority and VicRoads and arrange traffic management plans and WORKS ZONE for any works that may affect traffic (both vehicular and pedestrian) or parking on Nepean Highway or any of the surrounding streets. Works vehicles will not be able to stop in the street fronting the property if they cannot provide at least 3 metres clearance for other vehicles to pass or if parking restrictions already apply. The developer will be responsible for the costs of arranging a WORKS ZONE and reinstatement of parking restriction signs, to the satisfaction of the Responsible Authority.
18. Any existing vehicular crossing not in accordance with the endorsed plan must be removed and the kerb reinstated in a manner satisfactory to the Responsible Authority and any proposed vehicular crossing must be fully constructed to the Responsible Authority's standard specification.
19. Prior to the occupation of the dwellings hereby permitted, any changes to, or construction of boundary fences required for under this development, shall be constructed at the cost of the applicant/owner;
20. Prior to the occupation of the dwellings 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.

**PC 16 14 Nepean Highway aspendale and 15 Nepean Highway Aspendale  
– Planning Permit Application No KP335/2011 (continued)**

- c. Surfaced in accordance with the endorsed plans under this permit or in an all weather coloured concrete seal-coat, to the satisfaction of the Responsible Authority.
  - d. Drained and maintained to the satisfaction of the Responsible Authority.
- Parking areas and access lanes must be kept available for these purposes at all times and maintained to the satisfaction of the Responsible Authority.
21. Construction on the site must be restricted to the following times:
    - a. Monday to Friday 7:00am to 7:00pm; and
    - b. Saturday 9:00am to 6:00pm.Or otherwise as approved by the Responsible Authority in writing.
  22. Service units, including air conditioning/heating units, must not be located where they will be visible from any public area.
  23. 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.
  24. 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.
  25. The development must be provided with lighting capable of illuminating access to each car parking space, bicycle parking space, store, rubbish bin, recycling bin, pedestrian walkways, stairwells, lift, dwelling entrances and entry foyer. Lighting must be located, directed, shielded and of limited intensity so that no nuisance or loss of amenity is caused to any person within and beyond the site, to the satisfaction of the Responsible Authority.
  26. The obscure glazing shown on the endorsed plans must be through frosted glass or similarly treated glass, and thereafter maintained to the satisfaction of the Responsible Authority. Adhesive film or the like that can be removed must not be used.
  27. All fixed external screening to prevent overlooking marked on the endorsed plans shall be maintained by the owner of the land to the satisfaction of the Responsible Authority.
  28. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.
  29. In accordance with section 68 of the Planning and Environment Act 1987, 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.

**PC 16 14 Nepean Highway aspendale and 15 Nepean Highway Aspendale  
– Planning Permit Application No KP335/2011 (continued)**

In accordance with section 69 of the *Planning and Environment Act 1987*, the responsible authority may extend the periods referred to if a request is made in writing before the permit expires, or within three months afterwards.

**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:** No parking permits will be issued to residents of 14 & 15 Nepean Highway, Aspendale.

**CARRIED**

**PC 17 9 Swanston Street, Mentone - Planning Permit Application No  
KP521/2011**

*SPEAKER: It is recorded that Mr Colin Lawlor spoke in relation to this item.*

**Moved: Cr West**

**Seconded: Cr Brownlees**

That Council determine to support the proposal and issue a Notice of Decision to Grant a Permit to develop the land for the construction of five (5) dwellings at No. 9 (Lot 1 on TP424089D) Swanston Street, 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 16 January, 2012, but modified to show:
  - a. the provision of an improved landscape plan and associated planting schedule for the site showing the proposed location, species type, mature height and width, pot sizes and number of species to be planted on the site, with such plans to be prepared by a suitably qualified landscape professional and incorporating:
    - i. an associated planting schedule showing the proposed location, species type, mature height and width, pot sizes and number of species to be planted on the site. The schedule must be shown on the plan;
    - ii. the delineation of all garden beds, paving, grassed areas, retaining walls, fences and other landscape works including areas of cut and fill throughout the development;
    - iii. all existing trees on the site and within three (3) metres to the boundary of the site on adjoining properties, accurately illustrated to represent actual canopy width and labelled with botanical name, height and whether the tree is proposed to be retained or removed;
    - iv. adequate planting densities (e.g. plants with a mature width of 1 metre, planted at 1 metre intervals);
    - v. a range of plant types from ground covers to large shrubs and trees;
    - vi. the provision of at least two (2) suitable medium sized spreading canopy trees within the front setback of the site with all species chosen to be approved by the Responsible Authority;
    - vii. sustainable lawn areas and plant species taking current water restrictions into consideration;
    - viii. all trees provided at a minimum of two (2) metres high at time of planting;

**PC 17 9 Swanston Street, Mentone - Planning Permit Application No  
KP521/2011 (continued)**

- ix. medium to large shrubs and trees provided in pot sizes of 200mm or greater; and
  - x. the provision of a notation on the landscape plan regarding site preparation, including the removal of all weeds, proposed mulch, soil types and thickness, subsoil preparation and any specific maintenance requirements.
  - xi. The retention of the two (2) *Callistemon* ssp and the *Camellia japonicas* located along the sites front (Swanston Street) property boundary providing that the retention of such trees does not impact or interfere with the construction of the buildings as proposed.
- b. an improved south elevation plan clearly nominating the details of first floor windows to dwelling's 3, 4 and 5 with obscure glass to a minimum height of 1700mm above the finished floor level, with these windows to be shown as awning windows;
  - c. the south-facing ground floor level living room windows of Dwelling 1 featuring a minimum sill height of 1.7 metres above the finished floor level;
  - d. the balcony of dwelling 1 extended to wrap around to the east elevation of the dwelling;
  - e. dwelling's 2 – 5 provided with front fencing setback a minimum of 500mm from the site's northern boundary and enclosing a portion of each dwelling's front yard, ensuring unimpeded views to the front entry of each dwelling. Fencing to be a maximum of 1.5 metres, with at least twenty-five percent (25%) transparency, and the area to the front of the fencing up to the northern boundary planted with low maintenance shrubs;
  - f. the pedestrian path along the southern boundary provided with a minimum width of 1.4 metres;
  - g. the surface material of all driveways / accessways and car parking spaces nominated in all-weather coloured concrete sealcoat, or similar;
  - h. the provision of a full colour, finishes and building materials schedule, (illustrated on an A4 or A3 sheet), for all external elevations and driveways of the development;
  - i. the provision of external security lighting along the pedestrian path on the southern boundary;
  - j. the provision of a mail box for each dwelling;
  - k. the provision of external clotheslines for each dwelling, and screened from public view;
  - l. the provision of bicycle space dimensions within the basement in accordance with the requirements of Clause 52.34 of the Kingston Planning Scheme;



**PC 17 9 Swanston Street, Mentone - Planning Permit Application No KP521/2011 (continued)**

- m. the provision of a minimum width of 2.9 metres to car spaces which abut a wall or storage space;
  - n. the provision of a minimum length of 5.4 metres to the car spaces of dwelling's 3 and 4 which abut the eastern wall of the basement and a minimum length of 5 metres for the adjoining tandem car spaces, with the accessway reduced in width to no less than 6.4 metres;
  - o. dwelling 4 provided with an over the bonnet storage cage and the storage shown to the north side of the dwelling's car spaces deleted;
  - p. the pedestrian path in the basement accessing the stairs increased in width to a minimum of 1.4 metres;
  - q. the location of all externally-located heating and cooling units, exhaust fans and the like, clearly shown;
  - r. a comprehensive detailed drainage strategy of the site incorporating rainwater tanks and water sensitive urban design treatments to the satisfaction of the Responsible Authority;
  - s. water tanks nominated as providing water for toilet flushing;
  - t. a 3 metre x 3 metre splay at the corner of Swanston Street and Collins Street;
  - u. the provision of a flood apex with a minimum of 200mm above the existing kerb and channel invert level along the Swanston Street frontage;
  - v. the basement ramp longitudinal section with grades and apex;
  - w. the basement ramp provided with a minimum head clearance of 2.2 metres;
  - x. the guttering pertaining to the garages / walls on boundary on the site's west (side) property boundary nominated as being contained wholly within the title property boundaries of the subject land.
  - y. The provision of a hipped roof form for dwelling 1 and 5 to replace proposed flat roof form.
2. The development as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.
  3. Prior to the occupation of the dwellings hereby permitted, the landscaping works as shown on the endorsed plans must be completed to the satisfaction of the Responsible Authority. The landscaping must then be maintained to the satisfaction of the Responsible Authority.
  4. 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.

**PC 17 9 Swanston Street, Mentone - Planning Permit Application No  
KP521/2011 (continued)**

5. A flood proof apex (ie hump) a minimum of 200mm above the existing kerb & channel invert level along the Swanston St frontage must be provided to protect the property from flood waters. This apex is to continue through any driveways or pathways that may cross it. The apex is to be a permanent structure (eg. hump in concrete driveway/pathway, sleeper retaining wall, solid brick fence/wall). Low mounded soil on its own is unlikely to be acceptable due to the likelihood of future disturbance.
6. The development of the site must be provided with stormwater works which incorporates the use of water sensitive urban design principles to improve stormwater runoff quality and which also retains on site any increase in runoff as a result of the approved development. The system must be maintained to the satisfaction of the Responsible Authority. Council's Development Engineer can advise on satisfactory options to achieve these desired outcomes which may include the use of an infiltration or bioretention system, rainwater tanks connected for reuse and a detention system.
7. Before the development commences, a Stormwater Management Plan showing the stormwater works to the nominated point of discharge must be prepared to the satisfaction of the Responsible Authority. The Stormwater Management Plan must be prepared by a qualified person and show all details of the proposed stormwater works including all existing and proposed features that may have impact (e.g. trees to be retained, crossings, services, fences, abutting buildings, existing boundary surface levels, etc.).
8. Stormwater works must be provided on the site so as to prevent overflows onto adjacent properties.
9. Stormwater outflow from the development to the Council drainage system should not exceed the predevelopment outflow of the site.
10. Any existing vehicular crossing not in accordance with the endorsed plan must be removed and the kerb reinstated in a manner satisfactory to the Responsible Authority and any proposed vehicular crossing must be fully constructed to the Responsible Authority's standard specification.
11. 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.
12. Prior to the occupation of the dwellings 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 in accordance with the endorsed plans under this permit or in an all-weather coloured concrete seal-coat, to the satisfaction of the Responsible Authority.

**PC 17 9 Swanston Street, Mentone - Planning Permit Application No  
KP521/2011 (continued)**

- d. Drained and maintained to the satisfaction of the Responsible Authority.  
Parking areas and access lanes must be kept available for these purposes at all times and maintained to the satisfaction of the Responsible Authority.
13. Property boundary and footpath levels must not be altered.
14. A 200mm offset must be installed between the footpath and property boundary.
15. Prior to the removal of the street tree from the site's Swanston Street nature strip the Developer/Owner must pay to Council a compensation, removal and replacement fee (\$279.00) (including GST) for the removal of this existing tree. The removal of this tree must be undertaken by Council, and the Developer/Owner must provide Council with two (2) weeks prior notice when this tree is required to be removed.
16. Construction on the site must be restricted to the following times:
- |                     |                       |
|---------------------|-----------------------|
| a. Monday to Friday | 7:00am to 7:00pm; and |
| b. Saturday         | 9:00am to 6:00pm.     |
- Or otherwise as approved by the Responsible Authority in writing.
17. The development must be provided with lighting capable of illuminating access to each car parking space, bicycle parking space, store, rubbish bin, recycling bin, pedestrian walkways, stairwell, and dwelling entrances. Lighting must be located, directed, shielded and of limited intensity so that no nuisance or loss of amenity is caused to any person within and beyond the site, to the satisfaction of the Responsible Authority.
18. The obscure glazing shown on the endorsed plans must be through frosted glass or similarly treated glass, and thereafter maintained to the satisfaction of the Responsible Authority. Adhesive film or the like that can be removed must not be used.
19. Service units, including air conditioning/heating units, must not be located where they will be visible from any public area.
20. All works on or facing the boundaries of adjoining properties must be finished and surface cleaned to a standard that is well presented to neighbouring properties in a manner to the satisfaction of the Responsible Authority.
21. 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.
22. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.
23. In accordance with section 68 of the Planning and Environment Act 1987, this permit will expire if one of the following circumstances applies:
- The development is not started within two (2) years from the date of this permit.

**PC 17 9 Swanston Street, Mentone - Planning Permit Application No  
KP521/2011 (continued)**

- The development is not completed within four (4) years from the date of this permit.

In accordance with section 69 of the *Planning and Environment Act 1987*, the responsible authority may extend the periods referred to if a request is made in writing before the permit expires, or within three months afterwards.

**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.

**CARRIED**

**PC 18 37 Ivan Avenue and 5 Cliffe Lane Edithvale – Planning Permit  
Application No KP588/2011**

*SPEAKERS: It is recorded that Mr Ken Burridge and Mr Tim Radisich spoke in relation to this matter.*

Cr Brownlees vacated the Chamber at 9.08pm and re-entered at 9.09pm.

**Moved: Cr Moloney**

**Seconded: Cr Brownlees**

That the proposal for 37 Ivan Avenue and 5 Cliffe Lane Edithvale – Planning Permit Application KP588/2011 be opposed subject to the following grounds:

1. The proposal would have an adverse affect on the amenity of an established residential neighbourhood.
2. The proposal constitutes an over-development of the site.
3. The proposal fails to satisfy some of the requirements of Clause 55 of the Kingston Planning Scheme (ResCode), in particular Clause 55.03-1 Street Setback, Clause 55.03-3 Site Coverage; and Clause 55.06-2 Front Fences.
4. The proposal fails to meet the objectives and strategic directions of the Municipal Strategic Statement – Residential Land Use contained at Clause 21.05 of the Kingston Planning Scheme.

**CARRIED**

The Chairperson declared the meeting closed at 9.22pm.

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Chairperson