



**Planning Committee Meeting**  
**Minutes**

**Wednesday 22 August 2012**

**The meeting commenced at 7.24pm**

**in the**

**Council Chamber**

**1230 Nepean Highway, Cheltenham**

**Environmental Sustainability Reports**

- PC 36 Town Planning Application Decisions – July 2012
- PC 37 KP950/11 – 5 Margaret Street, Parkdale
- PC 38 KP856/11 – 55-57 Barkly Street, Mordialloc
- PC 39 KP527/11 – 214 Balcombe Road, Mentone
- PC 40 KP499/11 – 120 Kingston Road, Heatherton
- PC 41 KP906/11 – 142-143 Nepean Highway, Aspendale
- PC 42 KP366/11 – 232-238 Kingston Road, Heatherton
- PC 43 KP980/11 – 46 Langrigg Avenue, Edithvale
- PC 44 KP103/12 – 28 Blackburn Drive, Cheltenham
- PC 45 KP107/12 – 2/22 Embankment Grove, Chelsea
- PC 46 KP255/11 – 370-440 Old Dandenong Road, Dingley Village
- PC 47 KP855/11 – 1/197B Nepean Highway, Aspendale
- PC 48 KP3/10 – 640 Nepean Highway, Carrum
- PC 49 Southland Project Steering Group
- PC 50 Southern Road Extension, Mentone
- PC 51 Update on Moorabbin and Mentone Structure Plan Implementation

**Present:** Cr John Ronke (Mayor)  
Cr Ron Brownlees OAM  
Cr Lewis Dundas  
Cr Dan Moloney  
Cr Paul Peulich  
Cr Trevor Shewan  
Cr Steve Staikos  
Cr Rosemary West OAM

**In Attendance:** John Nevins – Chief Executive Officer  
Rachel Hornsby – General Manager Environmental Sustainability  
Ian Nice – Manager Statutory Planning  
Jonathan Guttman – Manager City Strategy  
Phil DeLosa – Program Leader Governance  
Stephanie O’Gorman – Governance Officer

**1. Apologies:**

Cr Athanasopoulos

**Moved: Cr Brownlees**

**Seconded: Cr Staikos**

That the apology from Cr Arthur Athanasopoulos be received and leave of absence granted.

**CARRIED**

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

**Moved: Cr Peulich**

**Seconded: Cr Brownlees**

That the minutes of the previous meeting held on 20 June 2012 be confirmed.

**CARRIED**

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

Cr Dundas disclosed a direct interest in both Items PC 44 – KP 103/12, 28 Blackburn Drive, Cheltenham and Item PC 50, Southern Road Extension, Mentone.

**4. Environmental Sustainability Reports****PC 36 Town Planning Application Decisions – July 2012****Moved: Cr Peulich****Seconded: Cr Brownlees**

That the recommendation be adopted.

**CARRIED****PC 37 KP950/11 – 5 Margaret Street, Parkdale**

*SPEAKER: It is recorded that Elvedin Ramiz spoke on behalf of the applicant in relation to this item.*

**Moved: Cr Brownlees****Seconded: Cr Dundas**

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 Two (2) Dwellings at No. 5 (Lot 4 on LP43256) Margaret Street Parkdale, subject to the following conditions:

1. Before the development starts amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be substantially in accordance with the plans submitted to Council on , 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 two (2) 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;
  - ix. medium to large shrubs to be provided at a minimum pot size of 200mm; and
- b. a notation on the floor / site plan(s) stating: "Tree protection zone for street tree to be 3 metres away from base of tree, All tree roots to be cut cleanly no tree roots to be cut over 50 mm"
  - c. The location on the site plans of mailboxes, bin and recycling enclosures and other site facilities;
  - d. an elevation plan of the front fencing, which provides details of its height, materials and colours to be no higher than 1.2m;
  - e. garage for dwelling 1 to be setback 1 metre from the boundary to comply with the requirements of Standard B19;
  - f. the door of each garage nominated as a panel lift door, or similar;
  - g. the proposed roofs over the verandas located within Private Open Spaces of Dwellings 1 and 2 be replaced with an open pergola style roof to allow for solar access;
  - h. the provision of a full colour, finishes and building materials schedule, including samples (illustrated on an A4 or A3 sheet), for all external elevations and driveways of the development;

- i. the provision of a 2000 litre rainwater tank clearly nominated for each dwelling with water re-use for toilet flushing;
  - j. the provision of awning windows for bedrooms 3 and 4 of dwelling 1 and bedrooms 1, 2 and 3 of dwelling 2.
  - k. a notation on the floor / site plan(s) stating: "There is to be a 200mm offset installed between the footpath and front property boundary to the satisfaction of the Responsible Authority"
  - l. the guttering pertaining to the garages / walls on boundary on the site's north property boundary nominated as being contained wholly within the title property boundary of the subject land;
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 5 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.
  8. The offset between the footpath and property boundary must not be altered unless with prior written consent of the Responsible Authority.
  9. All reinstatements and vehicle crossings are to be constructed to the satisfaction of the Relevant Authority.

10. 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.
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 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.

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**Note:** It is noted that the development includes eaves to be built over an 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:** 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 38 KP856/11 – 55-57 Barkly Street, Mordialloc**

*SPEAKER: It is recorded that Michael Garrett spoke on behalf of the objectors in relation to this item.*

*SPEAKER: It is recorded that Anthony Pintaudi spoke on behalf of the applicant in relation to this item.*

**Moved: Cr West**

**Seconded: Cr Brownlees**

That Council advise VCAT of its position to not support the application on the following grounds:

1. The development does not satisfy the objective of Clause 55.05-3 Daylight to New Windows with an excessive number of bedrooms relying on borrowed light or saddleback arrangements with inadequate access to daylight.
2. The proposal does not satisfy the objective of Clause 55.04-5 Overshadowing, resulting in unreasonable overshadowing of adjoining private open space areas.
3. The extent of site coverage will impact upon the degree of permeability achieved, with the proposal not addressing stormwater run-off impacts, or providing adequate opportunities for screen planting to the side and rear boundaries, failing to satisfy the objectives contained within Clause 55.03-4 – Permeability and Clause 55.03-8 – Landscaping.
4. The proposal will present an unreasonable degree of visual bulk to the street and adjoining properties, exacerbated by an inadequate street setback.
5. The proposal fails to comply with Clause 22.11 (Residential Development Policy) as it fails to respond positively and creatively to the neighbourhood character of this part of Old Mordialloc and its heritage assets.

**CARRIED**

**A Division was Called**

**DIVISION**

**FOR:** Crs Staikos, Peulich, Dundas, West, Shewan, Moloney, Brownlees and Ronke (8)

**AGAINST:** Nil.

**CARRIED**



**PC 39 KP527/11 – 214 Balcombe Road, Mentone**

*SPEAKER: It is recorded that Shane Somerville spoke on behalf of the objectors in relation to this item.*

*SPEAKER: It is recorded that Michael Myers spoke on behalf of the applicant in relation to this item.*

**Moved: Cr West****Seconded: Cr Staikos**

That Council refuse Application KP527/11 to develop the land for the construction of seven (7) dwellings and alter access to a road in a Road Zone, Category 1 at No. 214 (Lot 1 & 2 on PS 51745) Balcombe Road, Mentone on the following grounds:

1. The proposal represents an overdevelopment of the site.
2. The proposal fails to comply with all the objectives of Clause 21.05 – Residential Land Use and Clause 22.11 – Residential Development Policy of the Kingston Planning Scheme.
3. The proposal fails to satisfy the objective of Clause 55.02-1 – Neighbourhood Character of the Kingston Planning Scheme.
4. The proposal fails to comply with the objective of Clause 55.03-8 Landscaping of the Kingston Planning Scheme
5. The proposal fails to satisfy the objective of Clause 55.04-6– Overlooking of the Kingston Planning Scheme.
6. The proposal fails to satisfy the objective of Clause 55.05-4 – Private Open Space of the Kingston Planning Scheme.
7. The proposal fails to satisfy all the objectives of Clause 52.06 of the Kingston Planning Scheme.

**CARRIED**

**PC 40 KP499/11 – 120 Kingston Road, Heatherton**

*SPEAKER: It is recorded that Sylvana Anthony spoke on behalf of the objectors in relation to this item.*

*SPEAKER: It is recorded that David Hughes spoke on behalf of the applicant in relation to this item.*

**Moved: Cr Staikos**

**Seconded: Cr Peulich**

That Council refuse Application KP499/11, 120 Kingston Road Heatherton to develop the land for the construction of buildings and works associated with the use of the site for a telecommunications facility pursuant to Clause 52.19 of the Kingston Planning Scheme at No. 120 Kingston Road, Heatherton (Lot 1 on PS 448792N) on the following grounds:

1. The proposal is inconsistent with the objectives of the State Planning Policy Framework of the Kingston Planning Scheme, including Clause 19.03-4 (telecommunications);
2. The proposal is inconsistent with the Local Planning Policy Frameworks of the Kingston Planning Scheme, including Clause 22.04 (South Eastern Non-Urban Area Policy) and Clause 22.05 (Moorabbin Airport Environs Policy).
3. The proposal is inconsistent with relevant Particular Provisions, specifically Clause 52.19 (Telecommunications facilities) and 'A Code of Practice for Telecommunications Facilities in Victoria'
4. The proposal fails to comply with Clause 21, 10-2 (Non-urban Areas) of the Kingston Planning Scheme.
5. The proposal fails to comply with Clause 21, 11-3 (Open space) of the Kingston Planning Scheme particularly considering its location adjacent to the proposed Chain of Parks.
6. The proposal fails to comply with Clause 22. 03 (Sandbelt Open space Project – Chain of Parks) of the Kingston Planning Scheme particularly considering its location adjacent to the proposed Chain of Parks.
7. The proposal fails to comply with Clause 35.04. (Green Wedge Zone) of the Kingston Planning Scheme as it is at odds with Green Wedge vistas.
8. The proposal fails to comply with Clause 11.04-6 (Green Wedges) of the Kingston Planning Scheme

**CARRIED**

**PC 41            KP906/11 – 142-143 Nepean Highway, Aspendale**

*SPEAKER: It is noted that Lester Trickey spoke on behalf of the applicant in relation to this item.*

**Moved: Cr Moloney**

**Seconded: Cr Brownlees**

That Council oppose the Officer's recommendation to support the application on the following grounds:

1. The proposal constitutes an overdevelopment of the site.
2. The proposal is inconsistent with the relevant policies under the State and Local Planning Policy Frameworks of the Kingston Planning Scheme.
3. The proposal would have an adverse effect on the amenity of adjoining/nearby properties through its visual bulk, scale, massing and inappropriate building setbacks.
4. The traffic generated by the proposal would create traffic problems in the locality and would cause wider traffic problems in the surrounding road network.
5. The proposal has not adequately addressed the reasons for refusal in the previous VCAT decision and the tests for Repeat Appeals.

**LOST**

**Moved: Cr Staikos**

**Seconded: Cr Shewan**

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 Fourteen (14) Dwellings, Three (3) Commercial Units, Reduction in Car parking Requirement, Waiver of Loading/Unloading Requirements, Alteration of Access to Road Zone Category 1 and Associated Works at No. No. 142 & 143 Nepean Highway, Aspendale (Lots 5 & 4 on LP5533), subject to the following conditions:

1. Before the development starts amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be substantially in accordance with the advertised plans (received dates 21 November 2011 and 27 February 2012) and those amended plans submitted on 15 May 2012, 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;
  - ii. the delineation of all garden beds, paving, grassed area, retaining walls, fences and other landscape works including areas of cut and fill throughout the development;
  - iii. all existing trees on the site and close 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 one (1) small (at maturity) coastal indigenous tree within the private open space area of each dwelling, with species chosen to be approved by the Responsible Authority;
  - vii. all trees to be planted at minimum pot size of 20 litres or 1 metre in height;
  - viii. medium to large shrubs to be provided at a minimum pot size of 200mm;
  - ix. the provision of notes regarding site preparation, including the removal of all weeds, proposed mulch, soil types and thickness, subsoil preparation and any specific maintenance requirements
- b. reallocate car parking within the basement to provide one more visitor space and two more spaces for the shops;
  - c. align the entrance to the dwellings with the front walls of the commercial tenancies;
  - d. a notation to reflect a flood proof apex (ie hump) protecting the proposed basement carpark entrance must be provided to protect the property from overland flows (see Condition 3 for details);
  - e. a notation to state that property boundary and footpath levels are not to be altered;
  - f. a notation to state that laneway levels are not to be altered and that any changes in grade must be behind the property boundary;
  - g. a notation to state all reinstatements and vehicle crossings are to be constructed to the satisfaction of the relevant authority;

- h. a notation to state that any ramps or steps are to be contained within the internal property boundary;
- i. a notation to state that the footpath is to be reconstructed to 8.3% black 600mm x 600mm saw cuts in accordance with Kingston commercial standard for shopping centres full width to the back of the kerb;
- j. a comprehensive detailed drainage strategy of the site incorporating Rainwater Tank/s and Water Sensitive Urban Design Treatments to the satisfaction of the Council;
- k. the basement ramp longitudinal section with grades, levels to AHD and apex;
- l. provision of rounded mirrors at the top and bottom of the basement ramp to ensure visibility when entering and exiting the basement and right-of-way;
- m. provision of rounded mirrors and appropriate signage within the right-of-way to ensure that vehicles already using the right-of-way are aware that there is basement access;
- n. provision of a sight triangle/splay to the southern corner of the entrance/exit of the basement to ensure access/egress can occur in both directions of the right-of-way. This may require a setback

of the ramp from the southern boundary of the site and associated internal changes;

- o. provision of a 'give way' sign and line marking at the top of the basement car park ramp to ensure that traffic already in the right-of-way is given priority and ensure that safe vehicle manoeuvres can occur;
- p. provision of turning templates for vehicles entering and exiting the right-of-way to be 'left in' and 'left out';
- q. finished floor levels of all dwellings, commercial units and hallways to Australian Height Datum (AHD);
- r. where required, additional height for screening of the west facing courtyards of Dwellings 3, 4 and 5 (based on finished floor levels and ability for overlooking to the secluded private open space of No. 2 Foster Street;
- s. amendments to the basement ramp and internal configuration to respond to the amended Clause 52.06 (car parking) design requirements;
- t. provision of fencing/screening to a minimum of 1.7 metres to separate the ground level courtyards of dwellings facing the right-of-way to ensure that there is no opportunity for internal views;
- u. the location of air conditioning/heating/hot water service units to be shown on plans;

- v. screening to any plant equipment or required amenities to the satisfaction of the responsible authority;
  - w. identification of ESD measures adopted into the design as recommended by the report provided to Council;
  - x. a colours and material schedule must be provided to and approved by the responsible authority. This should include samples and annotations to easily identify the colours and materials proposed.
2. The development and use as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.

### **VicRoads**

3. Prior to the commencement of use of the permitted development, the redundant crossover at Nepean Highway must be removed and kerb, channel and footpath reinstated to the satisfaction of the Responsible Authority.

### **Drainage**

4. A flood proof apex (ie hump) protecting the proposed basement carpark entrance must be provided to protect the property from overland flows as required by Condition 1(e). This apex is to be a minimum of 150mm above the existing back of path level at the entrance to the laneway at Foster St (that is RL 4.08 with reference to Job No 0057 Drg No.TP03 by DO Architects). 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.
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. The levels at site boundary must not be altered.

#### **Construction period**

9. Before the commencement of any buildings and works on the Land, a Construction Management Plan (CMP), to the satisfaction of the Responsible Authority, must be submitted to and approved by the Responsible Authority and when approved shall thereafter be complied with. The CMP must specify and deal with the parking of vehicles during construction, delivery of materials, containment of waste on site and suppression of dust, business operations on the site during construction.
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. Construction on the site must be restricted to the following times:

Monday to Friday 7:00am to 7:00pm; and

Saturday 9:00am to 6:00pm.

Or otherwise as approved by the Responsible Authority in writing.

#### **Traffic related conditions**

12. Before the occupation of the dwellings hereby permitted starts, or by such later date as is approved by the Responsible Authority in writing, the nature strip, kerb and channel, vehicle crossover and footpath must reinstated to the satisfaction of the Responsible Authority.
13. 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 specifications.
14. 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 Nepean Highway and 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.

### **Waste**

15. Before the commencement of any buildings and works on the Land, a revised 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) Nomination and details of waste collection and whether this is to be performed by Council's services or privately contracted, noting that the plan provided as part of the application suggest a number of different approaches.
  - b) The manner in which waste will be stored and collected including: type, stored location, size and number of containers.
  - c) Spatial provision for on-site storage.
  - 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.

### **Prior to the commencement of works or occupation of the development**

16. Before 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.
17. Before 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.
18. Prior to the occupation of development hereby permitted, or by such later date as is approved by the Responsible Authority in writing, the nature strip, kerb and channel, vehicle crossover and footpath must be reinstated to the satisfaction of the Responsible Authority.
19. Prior to the occupation of 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 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.

### **Amenity**

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.

### **Expiry**

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 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.

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**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.

Cr Shewan departed the meeting at 9.25pm.

**PC 42 KP366/11 – 232-238 Kingston Road, Heatherton**

*SPEAKER: It is recorded that Melinda Ryan spoke on behalf of the applicant in relation to this item.*

**Moved: Cr Brownlees**

**Seconded: Cr West**

That Council determine to support the proposal and issue a Notice of Decision to Grant a Permit to **develop the land for the display ten (10) business identification signs, seven (7) pole signs and two (2) security signs** at No. No. 232-238 (Lot 1 on TP 654104B) Kingston Road, Heatherton, 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 30 May 2012, but modified to show:
  - a) the deletion of sign reference no. 24;
  - b) the artwork of all signs clearly nominated on the plans with respect to sign reference number (i.e. no. 9, no. 18, no. 30 & no. 31);
  - c) the proposed site plan to reflect only approved signs, with all signs to be removed deleted (including from the notation under heading 'sign reference');
  - d) the photo montage of signs to show only the signs approved under this permit with new reference numbers to accord with the Condition 1.c. of this permit; and
  - e) the full details of sign reference no. 28 provided.
  - f) That the business identification sign fronting Kingston Road be removed from the fence and re-located, preferably on the building but failing that free-standing on-site.

**Endorsed Plans**

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

3. All signs must be located wholly within the title boundary of the land and must not be located within or encroach onto the road reservation.
4. Signs must not be illuminated internally or by external lights except with the prior written consent of the Responsible Authority.
5. The sign(s) shown on the endorsed plans must be constructed to the satisfaction of the Responsible Authority and must be maintained to the satisfaction of the Responsible Authority.
6. All signs must be located wholly within the title boundary of the land and must not protrude above the overall height of the building.
7. Signs must not be illuminated internally or by external lights except with the prior written consent of the Responsible Authority.
8. The sign(s) must not be animated and no flashing or intermittent lights may be displayed.
9. Once the erection of the sign(s) has commenced it must be continued and completed to the satisfaction of the Responsible Authority.
10. The sign(s) shown on the endorsed plans must be constructed to the satisfaction of the Responsible Authority and must be maintained to the satisfaction of the Responsible Authority.

**Expiry (signage/development/use):**

11. This permit shall expire fifteen (15) years from the date of issue.
12. In accordance with section 68 of the *Planning and Environment Act 1987*, this permit will expire if one of the following circumstances applies:
  - The erection of the signs is not started before two (2) years from date of this permit.
  - The erection of the signs is not completed within one (1) year from the commencement of works.

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.

**CARRIED**

**PC 43 KP980/11 – 46 Langrigg Avenue, Edithvale**

*SPEAKER: It is recorded that Christine Heffnan spoke on behalf of the objector in relation to this item.*

*SPEAKER: It is recorded that Tony Denison spoke on behalf of the applicant in relation to this item.*

**Moved: Cr West**

**Seconded: Cr Staikos**

That Council refuse Application KP980/11, 46 Langrigg Avenue, Edithvale, to develop the land for the construction of one (1) dwelling to the rear of an existing dwelling and subdivide the land into two (2) lots in a Special Building Overlay at No. 46 Langrigg Avenue Edithvale (Lot 100 on LP51822) on the following grounds:

1. The proposal is considered to be inconsistent with Clause 11.2 of the Kingston Planning Scheme which discourages the construction of double-storey dwelling towards the rear of properties to minimise any off-site impacts on adjoining sites.
2. The proposal does not provide a reasonable level of solar access into the secluded private open space of the rear dwelling contrary to Standard B29 of Clause 55.05-5 of the Kingston Planning Scheme.

**CARRIED**

#### **PC 44 KP103/12 – 28 Blackburn Drive, Cheltenham**

Cr Dundas disclosed a direct interest in Item PC44 as he owns a property in Blackburn Drive, Cheltenham, and he left the Council Chamber before any discussion or voting on the matter.

Cr Dundas left the Council Chamber at 9.37pm.

*SPEAKER: It is recorded that George Mandalos spoke on behalf of the applicant 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 two (2) dwellings at No. 28 Blackburn Drive Cheltenham (Lot 62 on LP124347), 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 25 June 2012, 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:
  - x. 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;
  - xi. 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;
  - xii. 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;
  - xiii. a range of plant types from ground covers to large shrubs and trees;
  - xiv. adequate planting densities (e.g.: plants with a mature width of 1 metre, planted at 1 metre intervals);
  - xv. the provision of two (2) 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;
  - xvi. sustainable lawn areas and plant species taking current water restrictions into consideration;
  - xvii. all trees provided at a minimum of two (2) metres in height at time of planting;
  - xviii. medium to large shrubs to be provided at a minimum pot size of 200mm; and
  - xix. the provision of notes on the landscape plan regarding site preparation, including the removal of all weeds, proposed mulch, soil types and thickness, subsoil preparation and any specific maintenance requirements.
- b. a reduction in driveway width to 2.6 metres where possible with the additional area created to be used for landscaping along the

- northern boundary of Dwelling 1 and the southern boundary of Dwelling 2;
- c. the provision of screening to the first floor east elevation bedroom 3 windows to both dwellings in accordance with Clause 55.04-6 (Standard B22) of the Kingston Planning Scheme;
  - d. an elevation plan of the front fencing, which provides details of its height, materials and colours;
  - e. the surface material of all driveways / accessways and car parking spaces nominated in all-weather coloured concrete sealcoat, or similar;
  - f. the provision of a minimum 2000 litre rainwater tank clearly nominated for each dwelling with water re-use for toilet flushing;
  - g. the location of all externally-located heating and cooling units, exhaust fans and the like, clearly shown; and
  - h. the guttering pertaining to the garages / walls on boundary on the site's northern and southern property boundary nominated as being contained wholly within the title property boundaries of the subject land.
  - i. That the front setback (for the dividing wall) be increased to 6m.
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 dwellings hereby permitted must be constructed so as to comply with any noise attenuation measures required by Section 3 of the Australian Standard AS2021-1994, Acoustics – Aircraft Noise Intrusion – Building Siting and Construction, issued by the Standards Association of Australia.
  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 bio retention 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. Connection to existing Council pit or 150mm pipe within the easement is not permitted.
  11. The property boundary and footpath levels are not to be altered.
  12. All reinstatements and vehicle crossings are to be constructed to the satisfaction of the Responsible Authority.
  13. A standard on street parking bay is to be maintained between the vehicle crossings.
  14. 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:
    - e. Constructed to the satisfaction of the Responsible Authority;
    - f. Properly formed to such levels that they can be used in accordance with the plans;
    - g. 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; and
    - h. 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.
  15. 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.
  16. 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.

17. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.
18. 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:** It is noted that the development includes a fence and part of the proposed deck to be built over an 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:** 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**

Cr Dundas returned to the Council Chamber at 9.43pm.



**PC 45 KP107/12 – 1/11 Embankment Grove, Chelsea**

*SPEAKER: It is recorded that John Rooth spoke on behalf of the objector in relation to this item.*

*SPEAKER: It is recorded that David De Giovanni spoke on behalf of the applicant in relation to this item.*

**Moved: Cr Moloney**

**Seconded: Cr Peulich**

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 One (1) Dwelling on a lot with four (4) existing Dwellings at No. 1/11 Embankment Grove Chelsea (Lot 1 on RP 11723), 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 13 June 2012, but modified to show:
  - a. the provision of 1.5m x 1.5m splay to the front fence adjacent to the communal vehicle access on the western side of the private open space of Dwelling 1;
  - b. the provision of a minimum 2000 litre water tank clearly nominated for each dwelling;
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.
4. 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.
5. Before the development commences, a Stormwater Management Plan showing the stormwater works to the nominated point of discharge must be prepared and submitted 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.).
6. Stormwater works must be provided on the site so as to prevent overflows onto adjacent properties.
  7. Stormwater outflow from the development to Council drainage system should not exceed the predevelopment outflow of the site.
  8. Prior to the occupation of Dwelling 5 hereby permitted, or by such later date as is approved by the Responsible Authority in writing, the nature strip, kerb and channel, vehicle crossover and footpath must be reinstated to the satisfaction of the Responsible Authority.
  9. 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.
  10. Prior to the occupation of Dwelling 5 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.
  11. Prior to the occupation of Dwelling 5 hereby permitted, areas set aside for parking vehicles, access lanes and paths as shown on the endorsed plans must be:
    - i. Constructed to the satisfaction of the Responsible Authority.
    - j. Properly formed to such levels that they can be used in accordance with the plans.
    - k. 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.
    - l. 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.
  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. 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.

14. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.
15. 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.

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

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

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

**CARRIED**

#### **Procedural Motion**

**Moved: Cr Staikos**

**Seconded: Cr Brownlees**

That the meeting be extended by thirty (30) minutes to 10.30pm.

**CARRIED**

**PC 46 KP255/11 – 370-440 Old Dandenong Road, Dingley Village**

*SPEAKER: It is recorded that David Medil spoke on behalf of the objectors.*

**Moved: Cr Staikos**

**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 Display of one (1) Promotion Sign at No. 370-440 Old Dandenong Road, DINGLEY VILLAGE VIC 3172, 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 14<sup>th</sup> April 2011, but modified to show:
  - a. the provision of a site plan showing the exact location of the sign; and
  - b. the sign reduced to a maximum overall area of 2 square metres in accordance with Clause 52.05-9 (Advertising Signs) of the Kingston Planning Scheme.
  - c. That the sign not be attached to the fence.
2. The location and details of the sign as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.
3. The sign must be located wholly within the title boundary of the land.
4. The sign must not be located within or encroach onto the road reservation.
5. The sign must not be illuminated internally or by external lights except with the prior written consent of the Responsible Authority.
6. No sign(s) or other advertising or identification may be erected or displayed on the site without written Council consent.
7. The sign must not be animated and no flashing or intermittent lights may be displayed.
8. The sign shown on the endorsed plans must be constructed to the satisfaction of the Responsible Authority and must be maintained to the satisfaction of the Responsible Authority.
9. This permit shall expire fifteen (15) years from the date of issue.

**CARRIED**

**A Division was called****DIVISION****FOR:** Crs Staikos, Dundas, West, Moloney and Brownlees (5)**AGAINST:** Crs Peulich and Ronke (2)**CARRIED****PC 47 KP855/11 – 1/197B Nepean Highway, Aspendale**

*SPEAKER: It is recorded that Andrew Smith spoke on behalf of the objector in relation to this item.*

*SPEAKER: It is recorded that Laurie Garmston spoke on behalf of the applicant in relation to this item.*

**Moved: Cr Moloney****Seconded: Cr Brownlees**

That Council determine to advise VCAT of its intention to support the proposal to Develop the Land for the Construction of Two (2) Dwellings at No. 1/197B (Unit 1 on SP 030798C) 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 the 2<sup>nd</sup> November, 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 types to large shrubs and trees, species must comprise a minimum 80% indigenous coastal species;
  - v. adequate planting densities (e.g. plants with a mature width of 1 metre, planted at 1 metre intervals);
  - vi. sustainable lawn areas and plant species taking current water restrictions into consideration;
  - vii. all trees provided at a minimum of two (2) metres high at time of planting;
  - viii. medium to large shrubs and trees provided in pot sizes of 200mm or greater;
  - ix. 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;
- b. the property boundaries shown on plans to reflect those shown on the current survey plan by land surveyor Brian Moxham (dated 21<sup>st</sup> October, 2011);
  - c. the overall permeability of the site be increased to a minimum of 20%, in accordance with the requirements of *Standard B9 (Permeability)* of Clause 55;
  - d. the proposed foreshore access from Dwelling 2 deleted;
  - e. the proposed part of Dwelling 1 which currently overhangs the southern easement at first floor level to be removed from that part of the easement;
  - f. the maximum average height of the proposed garage wall of Dwelling 1 to be reduced from 3.1 metres to 3.0 metres where proposed along the site's north-east property boundary;
  - g. the minimum side building setback of the first floor level of Dwelling 2 from the site's north-west property boundary increased from 1.0 metres to 1.84 metres;
  - h. visual screening to be incorporated along the north-west (side) elevation of the first floor level balcony of Dwelling 2, in accordance with the requirements under *Standard B22 (Overlooking)* of Clause 55;
  - i. visual screening to be provided for the north-west (side) facing first floor level window of Bedroom 1 of Dwelling 2, in accordance with the requirements under *Standard B22 (Overlooking)* of Clause 55;
  - j. the provision of at least 2000 litre rainwater tank clearly nominated each dwelling with water re-use for toilet flushing;

- k. the provision of bin storage areas to be conveniently located and outside of private open space areas of dwellings;
  - l. external clothes drying facilities must be provided for each dwelling;
  - g. the provision of a full colour, finishes and building materials schedule (including samples) for all external elevations and driveways of the development;
  - h. the location of all externally-located heating and cooling units, exhaust fans and the like, clearly shown; and
  - j. the guttering pertaining to the garages/walls on boundary on any of the site's property boundaries nominated as being contained wholly within the title property boundaries of the subject land.
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.
  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 from the site.

9. Before the commencement of any buildings and works on the Land, a Construction Management Plan (CMP), to the satisfaction of the Responsible Authority, must be submitted to and approved by the Responsible Authority and when approved shall thereafter be complied with. The CMP must specify and deal with the parking of vehicles during construction, delivery of materials, containment of waste on site and suppression of dust, business operations on the site during construction.
10. Prior to the occupation of the dwellings hereby permitted, or by such later date as is approved by the Responsible Authority in writing, the nature strip, kerb and channel, vehicle crossover and footpath must be reinstated to the satisfaction of the Responsible Authority.
11. 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/s must be fully constructed to the Responsible Authority's standard specification.
12. 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.
13. 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.
14. All works on or facing the boundaries of adjoining properties must be finished and surface cleaned to a standard that is well presented to neighbouring properties in a manner to the satisfaction of the Responsible Authority.
15. All 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.
16. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.



17. 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.

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

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

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

**Note:** No parking permits shall be granted to residents of this development.

**CARRIED**

### **Procedural Motion**

**Moved: Cr Brownlees**

**Seconded: Cr Staikos**

That the meeting be extended for 30 minutes to 11.00pm.

**CARRIED**

**PC 48 KP3/10 – 640 Nepean Highway, Carrum**

*SPEAKER: It is recorded that Megan Schutz spoke on behalf of the applicant in relation to this item.*

**Moved: Cr Moloney**

**Seconded: Cr Peulich**

That Council determine to support the proposal and grant a Notice of Decision to Grant a Permit to develop the land for a mixed use development comprising eleven (11) dwellings and a shop with a reduction in the car parking requirement and a waiver of the loading and unloading requirement at No. 640 Nepean Highway, Carrum (Lot 1 on PS615734Y), 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 17<sup>th</sup> July, 2012, but modified to show:

**Landscaping**

- a. the provision of a 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;

**Design Detail**

- b. the maximum overall height of the proposed development nominated above the natural ground level;
- c. the provision of double-glazed windows to all north-facing and east-facing habitable rooms at both floor levels along the site's Nepean Highway and Old Post Office Lane frontages;
- d. the bedroom 2 of Unit 10 and the bathroom of Unit 9 setback 1.4 metres from the southern boundary;
- e. the provision of a 6m<sup>3</sup> storage unit clearly nominated and dimensioned for each dwelling;
- f. the provision of an internal clothes drying facility for each proposed dwelling;
- g. the location of all externally-located heating and cooling units, exhaust fans and the like, clearly shown;
- h. a note on the plans stating that "the guttering pertaining to the walls on boundary on the site's property boundaries nominated as being contained wholly within the title property boundaries of the subject land";
- i. a note on the plans stating "Nepean Highway road reserve and property boundary levels are not to be altered";

- j. Old Post Office Lane road reserve and property boundary levels shown to the satisfaction of the Responsible Authority’;
- k. the provision of a 1.5 metre wide footpath with a 200mm wide offset between the boundary and the back of the footpath along Old Post Office Lane, for the entire length of the site frontage, shown on the plans to the satisfaction of the Responsible Authority;
- l. a note on the plan stating: “the 1.5 metre wide footpath with a 200mm wide offset between the boundary and the back of the footpath along Old Post Office Lane must be constructed at the full cost of the permit holder, to the satisfaction of Council’s Roads & Drains Department in accordance with engineering plans submitted to and approved by the Council”;
- m. a note on the plans stating “all ramps and steps are to be contained within the property boundary” and
- n. 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;

#### **Access and Car Parking**

- o. the provision of one (1) car parking space allocated to each dwelling (11 in total) and one (1) car parking space allocated to the shop;
- p. the basement ramp longitudinal section with grades and apex above the both the existing and future laneway pavement levels along the Old Post Office Lane frontage of the development;
- q. the provision of four (4) bicycle parks;
- r. the surface material of all driveways / accessways and car parking spaces nominated in all-weather coloured concrete sealcoat, or similar;

#### **Ecologically Sustainable Development**

- s. any requirements of the ESD report in accordance with Condition 9 of this permit;
- t. the provision of watertank/s for rainwater re-use nominated for toilet flushing for each dwelling; and
- u. a comprehensive drainage strategy for the development of the site incorporating Water Sensitive Urban Design treatments.

#### **General**

- 2. The development and use 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.

4. 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.
5. 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.
6. 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.
7. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.
8. The amenity of the area must not be detrimentally affected by the use, through the:
  - a. Transport of materials, goods or commodities to or from the land.
  - b. Appearance of any building, works or materials.
  - c. Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil.
  - d. Presence of vermin.

### **Landscaping**

9. 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.

### **Access and Car Parking**

10. The basement car park must be provided with an apex (i.e. hump) a minimum of 150mm above the both the existing and future laneway pavement levels (existing edge of asphalt / proposed lip of kerb) along the Old Post Office Lane frontage must be provided. 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.
11. 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.
12. Prior to the occupation of the dwellings hereby permitted, areas set aside for parking vehicles, access lanes, footpaths and paths as shown on the endorsed plans must be:
  - e. Constructed to the satisfaction of the Responsible Authority.

- f. Properly formed to such levels that they can be used in accordance with the plans.
- g. 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.
- h. 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.

### **Engineering**

- 13. 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.
- 14. 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.).
- 15. Stormwater works must be provided on the site so as to prevent overflows onto adjacent properties.
- 16. Prior to the occupancy of the development the footpath as described in Condition 1k) of this permit must be constructed at the full costs of the permit holder in accordance with the plans approved by the Council. Discussion with Council's Development Engineer is recommended prior to the submission of a design. A priced schedule of works within the road reserve with the payment of Council's engineering fees of 3.25% of the cost of works is required to be submitted prior to the approval of the engineering plans.

### **Ecologically Sustainable Development**

- 17. Prior to the endorsement of the Plans required pursuant to Condition 1 of this permit, the provision of an improved Ecologically Sustainable Development (ESD) report to be 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, detailing initiatives for stormwater harvesting, insulation, 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.

### **Waste Management**

18. Prior to the endorsement of the Plans required pursuant to Condition 1 of this permit, 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.

### **Cultural Heritage**

19. In the event an Aboriginal Heritage Site is identified during construction the developer/owner must implement the suggested procedure identified in the Statement of Expert Evidence dated 20<sup>th</sup> January 2012, prepared by Jonathan Howell-Meurs of Andrew Long and Associates for Scaunich Group Pty Ltd;

### **Construction Management**

20. 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 in 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.

21. Before the commencement of any buildings and works on the Land, a Construction Management Plan (CMP), to the satisfaction of the Responsible Authority, must be submitted to and approved by the

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

- a) a detailed schedule of works including a full project timing;
- b) a traffic management plan for the site, including when or whether any access points would be required to be blocked; an outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services; and preferred routes for trucks delivering to the site;
- c) the location for the parking of all construction vehicles and construction worker vehicles during construction;
- d) delivery of materials including times for loading/unloading; unloading points; expected frequency; and details of where materials will be stored and how concrete pours would be managed
- e) proposed traffic management signage indicating any inconvenience generated by construction;
- f) fully detailed plan indicating where construction hoardings would be located;
- g) a waste management plan including the containment of waste on site: disposal of waste, stormwater treatment and on-site facilities for vehicle washing;
- h) containment of dust, dirt and mud within the site and method and frequency of clean up procedures in the event of build up of matter outside the site;
- i) business operations on the site during construction;
- j) site security;
- k) public safety measures; and
- l) construction times, noise and vibration controls;
- m) restoration of any Council assets removed and/or damaged during construction;
- n) protection works necessary to road and other infrastructure (limited to an area reasonable proximate to the site);
- o) remediation of any damage to road and other infrastructure (limited to an area reasonably proximate to the site);
- p) an emergency contact that is available for 24 hours per day for residents and the Responsible Authority in the event of relevant queries or problems experience;
- q) traffic management measures to comply with provisions of AS 1742.3-2002 Manual of uniform traffic control devices – Part 3: Traffic control devices for works on roads; and

- r) all contractors associated with the construction of the development must be made aware of the requirements of the Construction Management Plan.

All construction activity must accord with the approved Construction Management Plan, unless otherwise approved in writing by the Responsible Authority.

22. A pre-construction site and immediate surrounds inspection and condition assessment of all right of ways, road ways, footpaths and parkland abutting the development is to be submitted to and approved in writing by the Responsible Authority. This must occur in a media (photos/video) which is able to accurately illustrate the full condition of all potentially impacted assets prior to the construction commencing. In the event of damage during construction, such damage will be required to be repaired by the developer, at the developer's cost and to the satisfaction of the Responsible Authority.
23. During the construction, the following must occur:
- any stormwater discharged into the stormwater drainage system is to comply with EPA guidelines;
  - stormwater drainage system protection measures must be installed as required to ensure that no solid waste, sediment, sand, soil, clay or stones from the premises enters the stormwater drainage system;
  - vehicle borne material must not accumulate on the roads abutting the site;
  - the cleaning of machinery and equipment must take place on site and not on adjacent footpaths, roads or parks;
  - all litter (including items such as cement bags, food packaging and plastic strapping) must be disposed of responsibly; and
  - all site operations must comply with the EPA Publication TG302/92 (including all revisions or replacement guidelines).

#### **Time Limit**

24. 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.

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



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

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

**Note:** Occupants and visitors of the development will not be eligible for parking permits.

**CARRIED**

Cr Peulich departed from the meeting at 10.55pm.

**Procedural Motion**

**Moved: Cr West**

**Seconded: Cr Moloney**

That the meeting be adjourned for five minutes.

**CARRIED**

**Procedural Motion**

**Moved: Cr Staikos**

**Seconded: Cr Brownlees**

That the meeting be resumed.

**CARRIED**

**PC 49 Southland Project Steering Group**

**Moved: Cr Staikos**

**Seconded: Cr Brownlees**

That Council resolves to participate in the Southland Project Steering Group.

**CARRIED**

**Procedural Motion****Moved: Cr Brownlees****Seconded: Cr Staikos**

That the meeting be extended for fifteen (15) minutes to 11.15pm.

**CARRIED****PC 50 Southern Road Extension, Mentone**

Cr Dundas disclosed a direct interest in Item PC50 as he owns a property in Southern Road, Mentone and he left the Council Chamber before any discussion or voting on the matter.

Cr Dundas left the Council Chamber at 11.00pm.

**Moved: Cr Brownlees****Seconded: Cr Moloney**

That Council agree that for the purposes of its submission to Panel for Amendment C111, Council state that its position is not to proceed further with the extension of Southern Road through airport land.

**Amendment****Moved: Cr West****Seconded: Cr Staikos**

That Council agree that for the purposes of its submission to Panel for Amendment C111, Council state that its position is not to proceed further with the extension of Southern Road through airport land until and unless the option of removing the truck traffic from Southern Road by rezoning the northern end of the road for residential development proves impractical or ineffective.

**The Amendment was Put and LOST****The Motion was Put and CARRIED**

**PC 51 Update on Moorabbin and Mentone Structure Plan Implementation**

**Moved: Cr Staikos**

**Seconded: Cr Brownlees**

That Council:

1. Write to the Minister for Planning:
  - a. seeking an urgent meeting in order to progress the authorisation of Planning Scheme Amendments for the Moorabbin and Mentone Major Activity Centres; and
  - b. to request that he prepare an amendment to the Kingston Planning Scheme to extend the expiry date of Schedules 18 and 19 of the Design and Development Overlay in order to complete the implementation into the Kingston Planning Scheme of the Moorabbin and Mentone Structure Plans.

**CARRIED**

The Chairperson declared the meeting closed at 11.08pm.

**Confirmed.....**

**His Worship, The Mayor, 27 August 2012**