

Minutes

Planning Committee Meeting

Wednesday, 18th March 2015



**City of Kingston
Planning Committee Meeting**

Minutes

18 March 2015

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

Present: Cr Geoff Gledhill (Mayor)
Cr Tamara Barth
Cr Tamsin Bearsley
Cr Steve Staikos
Cr Rosemary West OAM

In Attendance: John Nevins – Chief Executive Officer
Rachel Hornsby – General Manager Sustainable Planning and Development
Ian Nice – Manager City Development
Phil DeLosa – Program Leader Governance
Gabrielle Pattenden – Governance Administration Officer

1. Apologies

Apologies from Cr Brownlees, Cr Eden, Cr Peulich and Cr Ronke were submitted to the meeting.

Moved: Cr Staikos

Seconded: Cr Bearsley

That apologies from Cr Brownlees, Cr Eden, Cr Peulich and Cr Ronke be received.

CARRIED

2. Confirmation of Minutes of Previous Meetings

Moved: Cr Staikos

Seconded: Cr Bearsley

That the Minutes of the Planning Committee Meeting held on 18 February 2015 be confirmed.

CARRIED

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

There were no Conflicts of Interest submitted to the meeting.

4. Sustainable Planning and Development Reports

4.1 Town Planning Application Decisions - February 2015

Moved: Cr Staikos

Seconded: Cr Bearsley

That the report be noted.

CARRIED

4.2 KP14/405 67-71 Barkly Street Mordialloc

It is recorded that Phil Hardy spoke on behalf of the objectors.

It is recorded that Jason Barnfather spoke on behalf of the applicant.

Moved: Cr West

Seconded: Cr Staikos

That Council determine to issue a Notice of Refusal to Grant a Permit to develop the land for construction of thirty (30) apartments and vary and remove easements at 67-71 Barkly Street Mordialloc, on the following grounds:

1. The proposal would result in an unreasonable degree of massing and visual bulk presenting to the street and adjoining properties, inconsistent with the existing neighbourhood character and contrary to the objectives of Clause 15 (Built Environment and Heritage) and Clause 22.11 (Residential Development Policy) of the Kingston Planning Scheme.
2. The proposal fails to provide adequate internal amenity, with insufficient daylight provided to habitable rooms due to the depth of apartments, orientation and overhanging built form.
3. The proposal fails to satisfy the objective of Clause 55.03-1 with inadequate street setbacks.
4. The proposal fails to satisfy the objectives of Clause 55-02 (Neighbourhood Character).

Further that in the event of a VCAT appeal, that Council write to the Planning Minister and ask him to call in and refuse this application and remind him that this application was only able to come before Council because our new Residential Zones submission has not been implemented.

CARRIED

4.3 KP14/534 - 23 & 25 The Parade Clarinda

It is recorded that Lauren Shelton spoke on behalf of the objectors.

It is recorded that Spiro Neofitou spoke on behalf the applicant.

Moved: Cr Staikos

Seconded: Cr Barth

That Council determine to issue a Notice of Refusal to Grant a permit to develop the land for the construction of six (6) dwellings at 23 & 25 The Parade Clarinda, on the following grounds:

1. The proposal fails to comply with relevant local planning policies contained within of the Kingston Planning Scheme.
2. The proposal results in excessive visual bulk and massing to the detriment of the local neighbourhood character.
3. The proposal fails to comply with the following objectives and standards of Clause 55 of the Kingston Planning Scheme (ResCode):
 - Clause 55.02-1 Neighbourhood character
 - Clause 55.03-1 Street Setback
 - Clause 55.03-9 Access
 - Clause 55.04-3 B19 Daylight to Existing Windows
 - Clause 55.05-4 Private Open space
4. The proposal fails to comply with Clause 22.05 of the Kingston Planning Scheme.

CARRIED

4.4 KP232/2014 - 5 & 7 Second Street, Clayton South

Moved: Cr Staikos

Seconded: Cr Barth

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 on a lot at No. 5 & 7 Second Street, Clayton South, 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 27 November 2014, 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;
 - v. adequate planting densities (e.g.: plants with a mature width of 1 metre, planted at 1 metre intervals);
 - vi. the provision of four (4) 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
 - 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;

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- xi. the provision of a notation of the Tree Protection Details as provided in Conditions 5, of this permit. This includes all nominated tree protection zones to be drawn to scale on the plans.
- b. a standard on street parking bay at least 5.4m between vehicle crossings must be shown on the plans;
- c. provision of minimum 2000 litre rainwater tank/s with water reused for toilet flushing for each dwelling;
- d. a reduction in driveway width to 2.6 metres where possible with the additional areas created to be used for landscaping;
- e. the surface material of all driveways / accessways and car parking spaces nominated in all-weather coloured concrete sealcoat, or similar;
- f. the door of each garage nominated as a panel lift door, or similar;
- g. the location of all externally-located heating and cooling units, exhaust fans and the like, clearly shown;
- h. a notation on the floor / site plan(s) stating: "The redundant vehicle crossing must be removed, kerb & channel must be reinstated and the extension to the existing footpath up to the wing of the vehicle crossing must be constructed to the satisfaction of the Responsible Authority".

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, 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.

Vegetation

- 4. Prior to the commencement of any works on the site including demolition, a tree protection barrier must be installed at three (3) metres from the base of the *Melaleuca styphelioides* (Prickly Leaved Paper Bark) street tree located on the Second Street nature strip.
- 5. Prior to the removal of the Prunus sp. street tree from the Second Street nature strip, payment must be made to Kingston City Council's customer service in accordance with Council's Street Tree Removal Procedures. The removal of these trees must be undertaken by Council at the expense of the Developer/Owner.

Drainage

- 6. Water sensitive urban design treatments to achieve best practice objectives with STORM report as per Council's "*Civil Design Requirements for Developers – Part A: Integrated Stormwater Management* to Council satisfaction";
- 7. 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 overall outflow of the site to

Council drainage system must be limited to 11.6l/s.

8. 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.). The Stormwater Management System must be prepared as per Council's "*Civil Design Requirements for Developers – Part A: Integrated Stormwater Management*".
9. Stormwater works must be provided on the site so as to prevent overflows onto adjacent properties.

Infrastructure

10. Property boundary and footpath levels must not be altered without the prior written consent from the Responsible Authority.
11. The replacement of all footpaths, including offsets, must be constructed to the satisfaction of the Responsible Authority.
12. All reinstatements and vehicle crossings must be constructed to the satisfaction of the Responsible Authority.
13. All redundant vehicle crossings must be removed (including redundant portions of vehicle crossings) to the satisfaction of the Responsible Authority.
14. All front and side fences must be contained wholly within the title property boundaries of the subject land.
15. Vehicle crossings must be constructed at a 90 degree alignment with the kerb on Second Street and all internal driveways must align with the existing / proposed vehicle crossing to the satisfaction of the Responsible Authority.
16. The proposed stormwater discharge must be located at least 500mm from any proposed vehicle crossing to the satisfaction of the Responsible Authority.
17. The proposed double vehicle crossing shown with a common layback with a triangle of grass between the infill sections of the vehicle crossings and constructed to the satisfaction of the Responsible Authority.

Completion

18. 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.
19. 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.
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

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satisfaction of the Responsible Authority.

Expiry

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

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

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

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

Note: It is noted that the development includes a storage shed and 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.

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

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

Note: The fee for removal of the street tree(s) from the nature strip is \$1134.25 including GST), payable to Kingston City Council's Customer Service Department - refer to cashier code "STRE". Customer Service will confirm payment to the Parks Department. The removal of the tree requires a minimum of 2 weeks notice from the Developer/Owner.

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

CARRIED

4.5 KP14/411 - 1089 Nepean Highway Moorabbin

Moved: Cr Barth

Seconded: Cr Staikos

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 six (6) dwellings at 1089 Nepean Hwy Moorabbin, subject to the following conditions:

1. 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:
 - 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;
 - 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. All trees provided at a minimum of two (2) metres in height at time of planting.
 - viii. Medium to large shrubs to be provided at a minimum pot size of 200mm.
 - ix. 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. The Environmental Sustainable Design main commitments must be shown on submitted floor plans.
 - c. A note to state the vehicle crossing is to be reconstructed to industrial

strength.

- d. Vehicle crossings constructed at a 90 degree alignment with the kerb on Nepean Highway and all internal driveways must align with the existing proposed vehicle crossing unless otherwise approved by the Responsible Authority.
 - e. The provision of minimum 2000 litre rainwater tank clearly nominated for each dwelling with water re-used for toilet flushing.
 - f. The living room associated with Dwelling 1 designed to incorporate one additional window at ground floor to face Nepean Highway.
 - g. The roof terrace and associated 1.7m high timber slat privacy screen associated with Dwelling 1 to be shown on submitted floor and elevation plans (along the north and south).
 - h. A replacement fence or additional trellis to a minimum height of 2.0m along the eastern boundary fence to accord with Clause 55.04-6 (Standard B22) of the Kingston Planning Scheme.
 - i. The provision of 6m³ of storage for Dwelling 5.
 - j. The dimensions of the storage space for Dwelling 6 to be clarified. The height of this storage space must not exceed the height of the eastern boundary (rear) fence.
 - k. The surface material of all driveways/accessways and car parking spaces nominated in all-weather coloured concrete sealcoat.
 - 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.
2. The development as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.

Street Tree

3. Prior to the commencement of any works on the site including demolition, a tree protection barrier must be installed at three (3) metres from the base of the *Ulmus parvifolia* (Chinese Elm) street tree and the *Lophostemon confertus* (Queensland Brush Box) street tree located on the Nepean Highway nature strip.

Drainage

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 bioretention system, rainwater tanks connected for reuse and a detention system. The overall outflow of the site to Council drainage system must be limited to 12.6 l/s.

5. 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.). The Stormwater Management System must be prepared as per Council's "Civil Design Requirements for Developers – Part A: Integrated Stormwater Management".
6. A STORM report demonstrating water sensitive urban design treatments and achieving Victorian best practice objectives must be provided as part of the Stormwater Management Plan to the satisfaction of the Responsible Authority.
7. Stormwater works must be provided on the site so as to prevent overflows onto adjacent properties.

Infrastructure

8. Property boundary and footpath levels must not be altered without the prior written consent from the Responsible Authority.
9. The replacement of all footpaths, including offsets, must be constructed to the satisfaction of the Responsible Authority.
10. All reinstatements and vehicle crossings must be constructed to the satisfaction of the Responsible Authority.
11. Vehicle crossings and other reinstatements must be constructed to council's industrial strength specifications.
12. All redundant vehicle crossings must be removed (including redundant portions of vehicle crossings) to the satisfaction of the Responsible Authority.
13. All front and side fences must be contained wholly within the title property boundaries of the subject land.

Completion of works

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. 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.
16. 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.
17. All works on or facing the boundaries of adjoining properties must be finished and surface cleaned to a standard that is well presented to neighbouring properties in a manner to the satisfaction of the Responsible Authority.

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18. All piping and ducting above the ground floor storey of the development (other than rainwater guttering and downpipes) must be concealed to the satisfaction of the Responsible Authority.
19. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.
20. In accordance with section 68 of the *Planning and Environment Act 1987 (Act)*, this permit will expire if one of the following circumstances applies:
 - The development is not started before within (2) years from the date of this permit.
 - The development is not completed within four (4) years from the date of permit issue.

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

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

Note: It is noted that the development includes a storage shed and 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.

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

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

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

CARRIED

4.6 KP674/2013 - 9 Chapel Road, Moorabbin

It is recorded that Luigi Danielis spoke on behalf of the objectors.

It is recorded that Simon Shaw spoke on behalf of the applicant.

Moved: Cr Barth

Seconded: Cr Staikos

That consideration of this matter be deferred to a Planning Committee Meeting or Ordinary Meeting of Council subject to a Planning Consultation meeting being held.

CARRIED

4.7 KP14/820 - 48 Como Parade West Mentone and adjacent footpath

It is recorded that John Briggs spoke on behalf of the applicant

Moved: Cr West

Seconded: Cr Bearsley

That Council determine to support the proposal and issue a Planning Permit to develop the land for the construction of buildings and works (including partial demolition) in a Heritage Overlay and Design and Development Overlay Schedule 18, reduction of the car parking requirement to zero, waiver of the loading bay and bicycle parking requirements at 48 Como Parade West and adjacent footpath, 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 22 January 2015 but modified to show:
 - a) internal north and west elevations / sections, detailing the facades of the first floor extension
 - b) any new canopies to achieve minimum clearances of 2.4m from the footpath
 - c) the proposed canopies designed so as to integrate with the design of the proposed development extension
 - d) an improved materials and finishes schedule detailing all materials, finishes, colours, textures and specifications to be used on the proposed development
 - e) revised elevation plans showing the detailing of the façade in accordance with the alterations associated with the refined materials and finished schedule
 - f) deletion of the 3.6m by 3.6m loading bay

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- g) the signs to be deleted from the elevation plans
- h) detail of any removal / relocation of existing infrastructure
- i) the external seating to be deleted from the plans or nominated as being subject to a local law permit and City of Kingston's Footpath Trading Policy
- j) the proposed bi-fold doors shown to be wholly located within the building (when opened, so that no part of the doors extend onto the public footpath)
- k) a notation adjacent to the grease trap stating that 'the design and construction of the grease trap and access / lid must be designed to safely accommodate pedestrian traffic
- l) the footpath extension shown to be at least 2.4m in width measured from the edge of the footpath to the proposed building edge
- m) the provision of a plan which illustrates the site and proposed footpath extension works in context of Florence Street's intersections with Mentone Parade and Como Parade West and includes:
 - i. vehicle swept path diagrams showing that an articulated vehicle and a heavy rigid vehicle can manoeuvre the altered intersections resulting from the proposed footpath extensions
 - ii. any alterations to existing signage and line marking
 - iii. alterations to car parking to the east of the site
- n) the provision of a heritage management plan detailing:
 - i. all works to preserve and restore the heritage fabric to be retained
 - ii. measures undertaken to protect the fabric to be retained during the demolition and construction of the development
 - iii. photographic recording of the existing internal elements and external building facades
 - iv. details of storage of any significant historic features / elements proposed for retention / reuse at a later time.

Endorsed plans

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

Detailed Finishes

- 3. The materials and finishes schedule required under 1d) of this permit must be developed in consultation with and approved by the responsible authority.

Operation Conditions

- 4. No more than 120 seats are to be made available to patrons at any one time (internally and externally).

Public Works

- 5. Prior to the commencement of works, detailed designs must be submitted to

and approved by the responsible authority, regarding all works associated with the footpath extension, alterations to the intersections of Florence Street / Mentone Parade and Florence Street and Como Parade West.

6. Prior to the occupation of the development hereby permitted, the developer must, in relation public realm works specified within Condition 5 of the Permit either:
 - a) make payment to the Responsible Authority for all of those works; or
 - b) deliver all of those works; or
 - c) a combination of the above,in consultation with and to the satisfaction of the Responsible Authority.
7. Any relocation of any services / infrastructure affected by this development must be relocated to the satisfaction of the relevant servicing authority and the responsible authority, at the cost of the owner/developer.
8. All public realm works and reinstatements must be to the satisfaction of the responsible authority.

Construction Management Plan

9. Before the commencement of any buildings and works on the land in a stage start, a Construction Management Plan (CMP) which may be staged, 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 is not limited to, the following:
 - a) a detailed schedule of works including a full project schedule (If staged, sequencing of stages to be detailed)
 - 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 and unloading points; expected frequency; and details of where materials will be stored and how concrete pours would be managed
 - e) a fully detailed plan indicating where proposed construction hoardings would be located
 - f) a waste management plan including the containment of waste on site, disposal of waste, stormwater treatment and on-site facilities for vehicle washing
 - g) 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

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- outside the site
- h) business operations on the site during construction
 - i) site security
 - j) public safety measures
 - k) construction times, noise and vibration controls
 - l) restoration of any Council assets removed and/or damaged during construction
 - m) protection works necessary to road and other infrastructure (limited to an area reasonably proximate to the site)
 - n) remediation of any damage to road and other infrastructure (limited to an area reasonably proximate to the site)
 - o) 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 experienced
 - p) proposed traffic management signage indicating any inconvenience generated by construction;
 - q) traffic management measures to comply with provisions of AS 17 42.3-2002 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.
10. During the construction, the following must occur:
- a) any stormwater discharged into the stormwater drainage system is to comply with EPA guidelines
 - b) 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, including a site plan and design details showing how this will be achieved;
 - c) vehicle borne material must not accumulate on the roads abutting the site
 - d) the cleaning of machinery and equipment must take place on site and not on adjacent footpaths, roads or parks
 - e) all litter (including items such as cement bags, food packaging and plastic strapping) must be disposed of responsibly, and
 - f) all site operations must comply with the EPA Publication TG302/92 (including all revisions or replacement guidelines).

Waste Management Plan

11. Prior to the commencement of the Development, a Waste Management Plan (WMP) 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 all to the satisfaction of the Responsible Authority:

- 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.

Amenity Conditions

12. The amenity of the area must not be detrimentally affected by the development 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, or
 - e) any other way.
13. No goods or packaging materials shall be stored or left exposed outside the building so as to be visible to the public from a road or other public place.
14. All external surfaces of the building elevations must be finished in accordance with the schedule on the endorsed plans and maintained in good condition to the Responsible Authority's satisfaction.

Completion of the Development

15. Prior to the occupancy of the building and commencement of the use, all buildings and works must be completed 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.

Time Limits

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

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commencement of works.

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

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

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

Note: Any application for seating along the footpath area will require a permit for footpath trading. The arrangement of tables and seating must comply with Council's footpath trading policy.

Note: It is strongly recommended that the builder / developer contact Council prior to the lodgement of the Construction Management Plan (CMP) and Traffic Management Plan (TMP) to schedule an on-site meeting to discuss the constraints and possible solutions regarding construction and traffic management.

Note: Trader parking permits are unable to be obtained within the Mentone Activity Centre.

Note: Further planning permissions are required for the construction and / or the display of outdoor advertising signage.

CARRIED

4.8 KP14/849 - 547-553 Boundary Road Heatherton

Moved: Cr Barth

Seconded: Cr Staikos

That Council determine to support the proposal and issue a Planning Permit to develop the land for the construction of a shed within a Land Subject to Inundation Overlay and create access to a Road Zone Category 1 at 547-553 Boundary Road Heatherton, subject to the following conditions:

Amended Plans

1. Before the development starts amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be substantially in accordance with the plans submitted to Council on 11 February 2015, but modified to show:
 - a) the vehicle crossing constructed at a 90 degree alignment with the kerb on Boundary Road and all internal driveways must align with the proposed vehicle crossing.

Endorsed Plans

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

Melbourne Water Conditions

3. Pollution and sediment laden runoff shall not be discharged directly or indirectly into Melbourne Water's drains or waterways.

VicRoads Conditions

4. Prior to the commencement of works, a detailed drawing must be submitted to and approved by VicRoads showing the following:
 - a. The location of the building. The building must be located outside the Public Acquisition Overlay.
 - b. Details of the vehicle crossover onto Boundary Road. The vehicle access point onto Boundary Road must be located outside the Public Acquisition Overlay.

Infrastructure and Road Works

5. Prior to the commencement of development, property boundary, footpath and vehicle crossing levels must be obtained from Council's Roads and Drains Department with all levels raised or lowered to the satisfaction of the Responsible Authority.
6. The replacement of all footpaths, including offsets, must be constructed the satisfaction of the Responsible Authority.

7. All reinstatements and vehicle crossings must be constructed to the satisfaction of the Responsible Authority.
8. Vehicle crossings and other reinstatements must be constructed to council's industrial strength specifications.
9. All redundant vehicle crossings must be removed (including redundant portions of vehicle crossings) to the satisfaction of the Responsible Authority.
10. All front and side fences must be contained wholly within the title property boundaries of the subject land.

General amenity conditions

11. The amenity of the area must not be detrimentally affected by the development and/or use, through the:
 - i) Transport of materials, goods or commodities to or from the land.
 - ii) Appearance of any building, works or materials.
 - iii) Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil.
 - iv) Presence of vermin.
 - v) Any other way.
12. Any new building must be constructed so as to comply with any noise attenuation measures required by Section 3 of Australian Standard AS 2021-2000, Acoustics - Aircraft Noise Intrusion - Building Siting and Construction, issued by Standards Australia International Ltd.
13. The development of the site shall not cause nuisance or be detrimental to the amenity of the neighbourhood by the emission of noise. In this regard any nuisance shall be assessed in accordance with the Australian Standards AS1055 and AS2107 relating to the measurement of Environmental Noise and recommended sound levels.
14. All external surfaces of the building elevations must be finished in accordance with the schedule on the endorsed plans and maintained in good condition to the Responsible Authority's satisfaction.

Completion of Works

15. 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.
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 (The Act), this permit will expire if one of the following circumstances applies:

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

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

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

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

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

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

Note: Preliminary land and flood level information available at Melbourne Water indicates that the above property is subject to overland flooding from the Clayton South Drain. For a storm event with a 1% chance of occurrence in any one year, the applicable flood level for the property is 23.95 metres to Australian Height Datum (AHD).

Note: If further information is required in relation to Melbourne Water's permit conditions shown above, please contact Melbourne Water on 9679 7517, quoting Melbourne Water's reference 240949.

CARRIED

5. Confidential Items

Nil

The meeting closed at 8.10pm.

Confirmed.....

The Mayor 22 April 2015