

# Minutes

## Planning Committee Meeting

Wednesday, 18th November 2015

**City of Kingston  
Planning Committee Meeting**

**Minutes**

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	<i>[Note that any Conflicts of Interest need to be formally declared at the start of the meeting and immediately prior to the item being considered – type and nature of interest is required to be disclosed – if disclosed in writing to the CEO prior to the meeting only the type of interest needs to be disclosed prior to the item being considered.]</i>	
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The meeting commenced at 7.00pm in the Council Chamber, 1230 Nepean Highway, Cheltenham.

**Present:** Cr Tamsin Bearsley (Mayor)  
Cr Ron Brownlees OAM  
Cr Geoff Gledhill  
Cr Steve Staikos  
Cr Rosemary West OAM

**In Attendance:** John Nevins – Chief Executive Officer  
Ian Nice – Manager City Development  
Phil DeLosa – Program Leader Governance  
Joanne Creedon – Governance Officer  
Gabrielle Pattenden – Governance Administration Officer

**1. Apologies**

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

**Moved: Cr Brownlees**

**Seconded: Cr Gledhill**

That the apologies from Cr Barth, Cr Eden and Cr Peulich be received.

**CARRIED**

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

**Moved: Cr Staikos**

**Seconded: Cr Brownlees**

That the Minutes of the Planning Committee Meeting held on 21 October 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. Planning and Development Reports**

**4.1 Town Planning Application Decisions - October 2015**

**Moved: Cr Brownlees**

**Seconded: Cr Gledhill**

That the report be noted.

**CARRIED**

**4.2 KP15/61 - 1 Cameron Street Cheltenham**

It is recorded that John Ratcliffe spoke on behalf of the objectors.

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

**Moved: Cr West**

**Seconded: Cr Brownlees**

That Council determines to issue a Notice of Refusal to Grant a Permit to develop the land for the construction of five (5) dwellings in a three (3) storey building at 1 Cameron Street Cheltenham on the following grounds:

1. The proposal fails to comply with relevant state and local planning policies contained within of the Kingston Planning Scheme.
2. The proposal fails to comply with relevant guidelines and objectives of the Activity Centre Zone (Schedule 1) of the Kingston Planning Scheme.
3. The proposal fails to comply with the following standards of Clause 55 of the Kingston Planning Scheme (ResCode):
  - Clause 55.03-1 Street Setback
  - Clause 55.03-2 Building Height
  - Clause 55.05-4 Private open space
  - Clause 55.05-5 Solar Access to Open Space
  - Clause 55.05-6 Storage
  - Clause 55.06-1 Front Fence

**CARRIED**

**4.3 KP940/2014 - 1193 - 1195 Nepean Highway, Highett**

It is recorded that Alex Ovenden spoke on behalf of the objectors.

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

**Moved: Cr Staikos**

**Seconded: Cr Brownlees**

That Council determines to support the proposal and issue a Notice of Decision to Grant a Permit to develop the land for the construction of a three (3) storey apartment building, comprising twenty five (25) dwellings and the creation of access in a road zone category 1 at 1193 – 1195 Nepean Highway, Highett 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 08 September 2015, 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 tree within the front setback of the site and one (1) small (at maturity) tree within the private open space area of dwellings three (3) to eight (8), 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; and
    - 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.

the provision of a notation of the Tree Protection Details as provided in Conditions 2, 3 and 4 of this permit. This includes all nominated tree protection zones to be drawn to scale on the plans.

- b. the surface material of all driveways / accessways and car parking spaces nominated in all-weather coloured concrete sealcoat, or similar;
  - c. 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;
  - d. the location of all externally-located heating and cooling units, exhaust fans, clothes drying facilities and the like, clearly shown;
  - e. a notation on the site plan stating that vehicle crossings must be constructed at a 90 degree alignment with the kerb on the Nepean Highway and all internal driveways must align with the proposed vehicle crossing;
  - f. a standard on street parking bay at least 5.4 metres between vehicle crossings;
  - g. the guttering pertaining to the walls on boundary on the site's southwest property boundary nominated as being contained wholly within the title property boundary of the subject land;
  - h. the deletion of the nib wall between apartments 11 & 12 to improve daylight to these dwellings;
  - i. the inclusion of a highlight window with a minimum sill height of 1.7 metres above finished floor level to the northwest elevation wall of bedroom 2 of apartment 22 to improve daylight to this room;
  - j. an increase in the width of the bedroom 2 window to apartment 20 to improve daylight to this room;
  - k. the Sustainable Management Plan prepared by Eco Results and dated 19 November 2014 updated to reflect the changes to the application drawings; and
  - l. the provision of a longitudinal section of the basement ramp showing gradients, levels, distances, with headroom clearances complying with AS2890.1:2004 and the flood proof apex.
2. A Tree Protection Zone (TPZ) must be installed at a distance of 7.2 metres from the *Liquidambar styraciflua* (Liquidambar) located in the front setback of the neighbouring property at 1197 Nepean Highway. The following must be observed within 7.2m of the tree:
- a. the existing soil level must not be altered either by fill or excavation;
  - b. the soil must not be compacted or the soil's drainage changed;
  - c. no fuels, oils, chemicals, poisons, rubbish and other materials harmful to trees are to be stored or dispersed;

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- d. no storage of equipment, machinery or material is to occur;
- e. open trenching to lay underground services e.g.: drainage, water, gas, etc. must not be used;
- f. tree roots must not be severed or injured; and
- g. machinery must not be used to remove any existing concrete, bricks or other materials.

without the further consent in writing of Council's Vegetation Management Officer.

- i. Prior to the commencement of the demolition and development hereby permitted, a Tree Protection Fence defined by a 1.2 metre high temporary fence constructed using steel or timber posts fixed in the ground or to a concrete pad, with the fence's side panels to be constructed of cyclone mesh wire or similar strong metal mesh or netting, must be erected 7.2m in a radius from the *Liquidambar styraciflua* (Liquidambar). The above requirements in condition 2 of this permit must be observed within this area.
- ii. All tree pruning work must be in accordance with the Australian Standards AS4373 (2007) "Pruning of Amenity Trees" and be undertaken by a qualified and experienced Arborist.

**Street Trees**

- iii. Prior to the removal of the *Ulmus parvifolia* (Chinese Elm) street tree from the Nepean Highway 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. The development as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.

**Completion of works**

- 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.

**Waste Management**

- 5. Before the commencement of any buildings and works on the Land, a Waste Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. Three copies of the plan must be submitted. The plan must include but is not limited to:
  - a. The manner in which waste will be stored and collected including: type, size and number of containers.
  - b. Spatial provision for on-site storage.
  - c. Details whether waste collection is to be performed by Council's services or

privately contracted.

- d. The size of the collection vehicle and the frequency, time and point of collection.

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

#### Development Engineering

6. A flood proof apex (ridge level) protecting the property from any overland flows must be provided in accordance with Kingston City Council's 'Basement Policy Guidelines'. This apex is to be a minimum of 150mm above the existing back of path level along the site frontage. This apex is to continue through any driveways or pathways that may cross it. The apex is to be a permanent structure (eg. rise 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.
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 above the permissible site discharge as a result of the approved development. The system must be maintained to the satisfaction of the Responsible Authority. The satisfactory options to achieve these desired outcomes 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 14.5 L/s.
8. Before the development commences, prior to submission of detailed Stormwater Management Plan of the development as per condition 3) below, a comprehensive stormwater management (drainage) strategy of the site including a report with MUSIC model output or equivalent and a drainage concept plan incorporating Rainwater Tanks with water reused for toilet flushing and other Water Sensitive Urban Design Treatments to achieve best practice objectives must be prepared as per Council's "*Civil Design Requirements for Developers – Part A – Integrated Stormwater Management*" to the satisfaction of the Council;
9. Before the development commences, in line with accepted drainage strategy as per condition 2 above, a Stormwater Management (drainage) Plan showing the stormwater works to the nominated point of discharge must be prepared to the satisfaction of the Responsible Authority. The Stormwater Management (drainage) 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 Plan must be prepared as per Council's "*Civil Design Requirements for Developers – Part A – Integrated Stormwater Management*".
10. Stormwater works must be provided on the site so as to prevent overflows onto adjacent properties.



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11. The basement structure must be designed and constructed as a fully-tanked dry basement with no AG drain collection or disposal and an allowance made for any hydrostatic pressures.
12. A Groundwater Assessment Report (GAR) must be submitted to Council for approval prepared by a qualified hydrogeologist assessing any possible impact of the proposed development on the existing groundwater table and surrounding land and buildings to the satisfaction of the Responsible Authority.
13. A Groundwater Management Plan (GMP) must be submitted to Council for approval should the findings of the GAR demonstrate that the site is likely to experience issues associated with groundwater management.
14. Council is not the responsible authority for groundwater and has no obligation to accept this to the legal point of discharge. Therefore, Council does not accept any groundwater (including AG drain) into the stormwater system. Subsurface water (groundwater) is the responsibility of the property owner/developer to dispose of on site or reach an agreement with the local sewer authority.

**Roads and Drains**

15. Property boundary and footpath levels must not be altered without the prior written consent from the Responsible Authority.
16. The replacement of all footpaths, including offsets, must be constructed to the satisfaction of the Responsible Authority.
17. All reinstatements and vehicle crossings must be constructed to the satisfaction of the Responsible Authority.
18. All redundant vehicle crossings must be removed (including redundant portions of vehicle crossings) to the satisfaction of the Responsible Authority.
19. All front and side fences must be contained wholly within the title property boundaries of the subject land.
20. 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.
21. 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

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times and maintained to the satisfaction of the Responsible Authority.

**Amenity**

22. 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.
23. 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.
24. All externally-located heating and cooling units, exhaust fans and the like must not be located adjacent to bedroom windows on adjoining properties and must be concealed from the street, unless with the further written consent of the Responsible Authority.

**Timing**

25. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.
26. In accordance with section 68 of the *Planning and Environment Act 1987 (Act)*, this permit will expire if one of the following circumstances applies:
  - The development is not started within (2) years from the date of this permit.
  - The development is not completed within four (4) years from the date of permit issue.

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

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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:** 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 **\$1028.50** including GST), payable to Kingston City Council's Customer Service

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Department - refer to cashier code "STRE". Customer Service will confirm payment to the Parks Department. The removal of the tree requires a minimum of 2 weeks' notice from the Developer/Owner.

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

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

**Note:** Council does not accept any groundwater (including AG drain) into the stormwater system. Sub-surface water (groundwater) is the responsibility of the property owner to dispose of on site or reach an agreement with the local sewer authority.

**CARRIED**

**4.4 KP14/650 - 165 - 169 Nepean Highway and 8 - 10 Lower Dandenong Road  
Mentone**

It is recorded that Mark Norton spoke on behalf of the objectors

It is recorded that Nevan Wadeson spoke on behalf of the applicant

**Moved: Cr Gledhill**

**Seconded: Cr Brownlees**

That Council determines to support the proposal and issue a Notice of Decision to Grant a Permit to develop the land for the staged construction of a mixed use development (8 storeys) comprising retail, supermarket, bottle shop, café, medical centre and 241 dwellings, to use the land for dwellings and for the sale of packaged liquor, vary the bicycle facilities requirements and to create / alter access to a Road Zone Category 1 at 165 - 169 Nepean Highway and 8 - 10 Lower Dandenong Road Mentone subject to the following conditions:

1. Before the development starts amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be substantially in accordance with the plans submitted to Council on 17 August 2015 (Response to OVGA 'return review', Hand sketches, Architectural drawings (excluding TP05), TTM traffic report and Landscape report (revision E), 18 August 2015 (Architectural drawing TP05), 21 September 2015 (Suggested connectivity to TPSC images), 1 October 2015 (TTM draft parking Management Plan), 12 October 2015 (Basement swept path diagrams), 13 October 2015 (Revised concept access layout (Nepean Highway Service Lane), 15 October 2015 (Balcony profile option) and 21 October 2015 (North facing balcony revisions) but modified to show:
  - a. a detailed materials and finishes schedule (on A3 or A4 sheet)
  - b. provision of a grease trap for the food and drink premises
  - c. the provision of a staging plan including the staging of works to be delivered on site, in any adjacent allotment (with the consent of the adjacent land owner) and any public land
  - d. the proposed pedestrian connection design in accordance with the concept plan received on 21 September 2015 with a notation stating any proposed works outside of the subject land will require further consent of the relevant land owner and responsible authority
  - e. any changes in accordance with the parking management plan required by condition 30 of this permit
  - f. the design of the Nepean Highway access revised in accordance with the concept plan prepared by TTM dated 13 October 2015 with safety measures shown in accordance with the parking management plan
  - g. a detailed design of the café illustrating both physical and visual permeability in and around the tenancy between the north south spine

and the forecourt area

- h. detailed elevations of the ground floor, at a scale of 1:100 to clearly distinguishing the materiality and finishes where interfacing with the forecourt, Nepean Highway, Lower Dandenong Road and east property boundary
- i. a notation on the plan stating that the relocation of the power pole within the proposed Nepean Highway accessway must be undertaken in accordance with the requirements of the relevant authority
- j. columns to be provided in accordance with Clause 52.06 or in accordance with the parking management plan
- k. the footpath path adjacent to the south-west elevation of the development tapered down to meet the existing footpath prior to the driveway with additional area used for suitable landscaping
- l. column locations in proximity to the loading bays and manoeuvring areas at ground floor amended to allow for truck swept path movements
- m. the treatment of the north / south pedestrian crossing between the north and south building amended to provide for improved safety and visibility in accordance with Aust Road standards
- n. bicycle parking areas to be provided in accordance with Clause 52.34 including way finding signage
- o. the section diagram revised to illustrate the deletion of the communal area at level 4
- p. deletion of northern overhang as per concept plans dated 21 October 2015
- q. the balcony profile amended in accordance with the concept plan dated 15 October 2015 to improve the level of daylight within the saddle back bedrooms
- r. design detail of privacy screening between balconies ensuring that daylight to adjoining windows in not unreasonably reduced
- s. the mechanical louvre window systems nominated on plan
- t. noise attenuation measures provided to the dwellings
- u. the doors between the communal outdoor areas and internal corridor nominated to have clear glazing
- v. deletion of permeable elements to Thrift Park SC through the existing landscaping beds
- w. a notation on the plans stating that 'all redundant vehicle crossings must be removed (including redundant portions of vehicle crossings) to the satisfaction of the responsible authority
- x. the provision for notation to state: "a 1 in 100 year capacity stormwater drain must be designed and constructed at the developer's cost through the site within easement that caters for the upstream catchment and discharges flows from the low point in Lower Dandenong Road to the existing drainage system on the north side of Nepean Highway in accordance with engineering plans approved by the responsible

authority”.

- y. a notation plan stating that “a drainage easement of appropriate width must be created to accommodate the proposed easement drain as per condition 1x and this condition shown on subdivision plan to the satisfaction of the responsible authority”
- z. the provision of a longitudinal sections of the basement assesses ramp off Lower Dandenong Road and Nepean Highway showing the flood proof apex, gradients, levels, distances, with headroom clearances complying with AS2890.1:2004 and appropriate transitions to avoid scraping
- aa. the provision of the required apexes along the full road frontages to protect properties from flooding from the road reserves
- bb. the guttering pertaining to the garages / walls on boundary on the site’s property boundaries nominated as being contained wholly within the title property boundaries of the subject land
- cc. detailed design plans showing the proposed works associated with:
  - i. the north / south pedestrian spine between Lower Dandenong Road and Nepean Highway
  - ii. the southern corner of site in proximity to the intersection of the north south spine and the Nepean Highway footpath

with the plans to clearly delineate the subject land, adjacent private land and public land (nature strip) with the works outside of the subject land to be prepared in consultation with the responsible authority and the adjacent land owner

- dd. 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. a range of plant types from ground covers to large shrubs and trees
  - iv. adequate planting densities (e.g: plants with a mature width of 1 metre, planted at 1 metre intervals)
  - v. all trees provided at a minimum of two (2) metres in height at time of planting
  - vi. medium to large shrubs to be provided at a minimum pot size of 200mm
  - vii. the provision of notes on the landscape plan regarding site

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- preparation, including the removal of all weeds, proposed mulch, soil types and thickness, subsoil preparation and any specific maintenance requirements
- viii. the provision of detailed sections of the planter boxes including planting medium (substrate), depths and irrigation to the satisfaction of the Responsible Authority, and
  - ix. the provision of a detailed maintenance program to the satisfaction of the responsible authority
- ee. any modifications arising from the amended Sustainability Management Plan (SMP) in accordance with condition 38 of this permit including:
- i. any rainwater tanks which correspond with the SMP and STORM report
  - ii. operable windows
  - iii. any other architectural detailing.
- ff. the provision of an additional forty-two (42) fully functional and workable on-site car parking spaces in a location and form that is to the satisfaction of the Responsible Authority

**Endorsed Plans**

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

**Public Transport Victoria Conditions**

- 3. The permit holder must take all reasonable steps to ensure that disruption to bus operation along Lower Dandenong Road is kept to a minimum during the construction of the development. Foreseen disruptions to bus operations and mitigation measures must be communicated to Public Transport Victoria fourteen days (14) prior.
- 4. The existing bus stop and associated infrastructure on Lower Dandenong Road must not be altered without the prior consent of Public Transport Victoria. Any alterations including temporary works or damage during construction must be rectified to the satisfaction of Public Transport Victoria and at the cost of the permit holder

**VicRoads Conditions**

- 5. Any redundant vehicle crossings on Lower Dandenong Road must be removed and the area reinstated to kerb and channel to the satisfaction of the Responsible Authority and at no cost to VicRoads.
- 6. Provision for vehicles to enter and exit the site in a forward direction must be available at all times to the satisfaction of the VicRoads.
- 7. Any obstruction or vegetation must be kept low to achieve the driver sightline distance at the accesses, as per Design Standard 1 of Clause 52.06 of the Planning Scheme and AS/NZS 2890.1:2004.
- 8. Before the commencement of the use of the permitted development, the

driveway and access in accordance with the approved plan must be constructed to the satisfaction of the Responsible Authority.

**Tree Removal**

9. Prior to the endorsement of plans pursuant to condition 1 of the permit, a permit must be obtained for the removal of the *Eucalyptus saligna* (Sydney Blue Gum) within the adjacent land to the west.
10. Prior to the commencement of works, the *Eucalyptus saligna* (Sydney Blue Gum) must be removed in accordance with the permit issued under Local Law No. 5.

**Drainage Engineering and Water Sensitive Urban Design**

11. A 1 in 100 year storm capacity drain to cater the upstream catchment must be designed and constructed in accordance with condition 1x and 1y) above at the Developer's cost prior to commencement of any building works. All works associated with the proposed easement drain must be in accordance with engineering plans submitted to and approved by the Council. A priced schedule of the easement drainage works and the payment of Council's engineering fees of 3.25% of the total cost of the drainage upgrade works are required to be submitted prior to approval of the engineering plans.
12. Flood proof apexes (ie ridge level) protecting the property from any overland flows must be provided. An apex of minimum height of 150mm above the existing back of path level along the full Lower Dandenong Road frontage of the subject site must be provided to protect the property from flooding from the road reserve. Another apex of minimum height of 250mm above the existing back of path level must be provided along the full Nepean Highway frontage of the development site to protect the property from flooding from the road reserve. Both apexes are to continue through any driveways or pathways that may cross them. The apex is to be a permanent structure (eg. rise 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.
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. The satisfactory options to achieve these desired outcomes may include the use of an infiltration or bioretention system, rainwater tanks connected for reuse and a detention system.
14. Before the development commences, prior to submission of detailed Stormwater Management (drainage) Plan of the development as per condition 15 below, a comprehensive stormwater management (drainage) strategy of the site including a report with MUSIC model output or equivalent and a drainage concept plan incorporating Rainwater Tanks with water reused for toilet flushing and other Water Sensitive Urban Design Treatments to achieve best practice objectives must be prepared as per Council's "*Civil Design Requirements for Developers – Part A – Integrated Stormwater Management*"



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to the satisfaction of the responsible authority.

15. Before the development commences, in line with accepted drainage strategy as per condition 14 above, a Stormwater Management (drainage) Plan showing the stormwater works to the nominated point of discharge must be prepared to the satisfaction of the Responsible Authority. The Stormwater Management (drainage) 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 Plan must be prepared as per Council's "Civil Design Requirements for Developers – Part A – Integrated Stormwater Management".
16. Overall outflow from the development to Council drainage system must be limited to a permissible discharge rate calculated as per Council's "*Civil Design Requirements for Developers - Part A – Integrated Stormwater Management*".
17. A groundwater assessment report (GAR) must be prepared by a qualified hydro-geologist to assess any possible impacts the proposed development has on the ground water table, surrounding land and buildings to the satisfaction of the responsible authority.  
Should the findings of the submitted GAR demonstrate that the site is likely to experience issues associated with ground water management, a ground water management plan (GMP) must be submitted to and approved by the responsible authority.
18. The basement structure must be designed and constructed to the satisfaction of the responsible authority and must address the following:
  - a. The basement design must address the findings of the GAR and GMP required under condition 17, and
  - b. The basement must be a fully-tanked dry basement with no agricultural (AG) drain collection or disposal to the stormwater system and with an allowance made for hydrostatic pressures in accordance with Council's 'Basements and Deep Building Construction Policy, 2014' and 'Basements and Deep Building Construction Guidelines, 2014', or  
  
In the event it is demonstrated that a fully-tanked dry basement cannot be achieved or if a wet basement is proposed, ground water including an AG drain must not be discharged into the stormwater system. Any subsurface water (groundwater) must be disposed of on-site or via an agreement with the local sewer authority.
19. In any case where the basement design and construction, required by condition 18 of this permit, does not accord with the plan(s) approved under this permit the endorsed plan(s) must be amended to the satisfaction and with the written consent of the responsible authority.
20. A drainage easement of appropriate width to accommodate the proposed easement drain as per condition 1x and 1y above must be created on the subdivision plan to Council satisfaction.

**Roads Infrastructure**

21. Property boundary and footpath levels must not be altered without the prior

written consent form the Responsible Authority.

22. The replacement of all footpaths, including offsets, must be constructed to the satisfaction of the Responsible Authority.
23. All reinstatements and vehicle crossings must be constructed to the satisfaction of the Responsible Authority.
24. Vehicle crossings and other reinstatements must be constructed to council's industrial strength specifications.
25. All front and side fences must be contained wholly within the title property boundaries of the subject land.
26. Prior to the commencement of works, the owner / development must obtain the necessary approvals from the relevant power authority for the relocation / undergrounding of any required electricity infrastructure to the satisfaction of the relevant authority.
27. Prior to the occupation of the development, the required relocation / undergrounding works must be undertaken and completed to the satisfaction of the relevant authority.

**Site Management Plan**

28. The uses must not commence until a Management Plan for the premises has been submitted to and approved by the Responsible Authority. The Management Plan must include, but need not be limited to, the following:
  - a. Hours of Operation for commercial premises,
  - b. Use of the cold shells tenancies, and
  - c. Arrangements for managing deliveries.

**Use conditions**

29. No more than 10 persons offering health services may operate from the medical centre at any one time.
30. The sale of packaged liquor must only occur between the hours of:

Any day other than Sunday, Good Friday, Anzac Day & Christmas Day:	Between 9 a.m. and 11 p.m.
Sunday:	Between 10 a.m. and 11 p.m.
Anzac Day:	Between 12 noon and 11 p.m.
Good Friday & Christmas Day :	No trading

**Parking Management Plan**

31. Prior to the endorsement of the plans pursuant to condition 1 of the permit, a parking management plan (PMP) must be submitted to and approved by the responsible authority. The PMP must address the following:

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- a. resident loading
- b. parking restrictions and any proposed enforcement of restrictions
- c. allocation of car parking spaces in accordance with the TTM traffic impact assessment dated 12 August 2015
- d. restriction and control of access to the residential basements
- e. managing of parking
- f. signage to car parking
- g. connection point and private works on adjacent land
- h. any required modifications to the layout of the car park without creating in a loss of parking spaces to allow for compliance with Clause 52.06
- i. any other matters deemed applicable.

**Construction Management**

32. Before the commencement of any buildings and works in a stage start, 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 is not limited to, the following:
  - a. the staging of the development
  - b. a detailed schedule of works, including the demolition of structures and a full project timing
  - c. a fully detailed plan indicating where construction hoardings would be located
  - d. a waste management plan including the containment of waste on site, disposal of waste, stormwater treatment and on-site facilities for vehicle washing
  - e. 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
  - f. business operations on the site during construction
  - g. site security
  - h. public safety measures
  - i. construction times, noise and vibration controls
  - j. restoration of any Council assets removed and/or damaged during construction
  - k. protection works necessary to road and other infrastructure (limited to an area reasonably proximate to the site);
  - l. remediation of any damage to road and other infrastructure (limited to an area reasonably proximate to the site)
  - m. 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

- n. the CMP must identify all relevant permits required for works/occupation outside the property boundary (ie. Hoarding, Asset Protection, Occupation of Public Land)
- o. all contractors associated with the construction of the development must be made aware of the requirements of the Construction Management Plan.

### **Traffic Management**

- 33. Before the commencement of any buildings and works in a stage start, a Traffic Management Plan (TMP), to the satisfaction of the Responsible Authority, must be submitted to and approved by the Responsible Authority. The TMP must specify and deal with, but is not limited to, the following:
  - a. 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
  - b. the location for the parking of all construction vehicles and construction worker vehicles during construction
  - c. delivery of materials including times for loading/unloading and unloading points
  - d. 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, and
  - f. 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.
- 34. 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 (including service lane) and Lower Dandenong Road 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.

### **Waste Management Plan**

- 35. Before the commencement of any buildings and works on the Land, a Waste Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. Three copies of the plan must be submitted. The plan must include but is not limited to:
  - a. The manner in which waste will be stored and collected including: type,

size and number of containers.

- b. Spatial provision for on-site storage.
- c. Details whether waste collection is to be performed by Council's services or privately contracted.
- d. The size of the collection vehicle and the frequency, time and point of collection.

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

### **Loading and Unloading**

- 36. The loading and unloading of goods to and from vehicles must only be carried out on the land.
- 37. The area designated on the endorsed plan for the purpose of loading and unloading of goods (including goods to residential apartments) from vehicles shall be made available for such use and shall not be used for any other purpose.
- 38. Loading and unloading of delivery vehicles must only be made to the site between the following hours:
  - 6:00am to 10.00pm Monday to Saturday
  - 8:00am to 9.00pm Sunday

### **Sustainability Management Plan**

- 39. Prior to the endorsement of plans required by Condition 1, an amended Sustainability Management Plan (SMP) must be submitted to the satisfaction of the responsible authority for endorsement. The amended SMP must reflect the current design and layout of the development and address the matters outlined in Council's ESD referral comments dated 27 October 2015.
- 40. All works must be undertaken in accordance with the endorsed Sustainability Management Plan to the satisfaction of the responsible authority. No alterations to the Sustainability Management Plan may occur without the written consent of the responsible authority.

### **Section 173 Agreement**

- 41. Prior to the commencement of development, the Owner of the land must enter into an Agreement with the responsible authority and any other parties deemed relevant under Section 173 of the Planning and Environment Act 1987 to provide for:
  - a. the ending of Agreement AH049451J including alternative arrangements as required by within Clause 21.1 of this agreement including:
    - i. Integrated vehicle and pedestrian access
    - ii. Shared car parking arrangements

- iii. Delivery of public works
  - b. maximum vehicle sizes to enter the land
  - c. major promotion signage
  - d. telecommunications facilities, and
  - e. any other matters deemed relevant between the parties.

All costs associated with the Agreement will be borne by the land owners.

**Public Works**

- 42. Prior to the endorsement of plans pursuant to condition 1, a landscape plan must be prepared in consultation with and approved by the responsible authority for works within the Nepean Highway road reserve (nature strip and footpath area).
- 43. Any public works undertaken within the VicRoads roads reserve including landscaping and public works treatment (street furniture and the like) must be submitted to and approved by the responsible authority and VicRoads.

**Environmental Audit**

- 44. Prior to the commencement of the construction or carrying out of buildings and work either:
  - a. A Certificate of Environmental Audit for the land must be issued in accordance with Section 53Y of the Environment Protection Act 1970; or
  - b. An Environmental Auditor appointed under Section 53S of the Environment Protection Act 1970 must make a Statement in accordance with Section 53Z of that Act that the environmental conditions of the land are suitable for the intended use that is the subject of this permit.
- 45. Where a Statement of Environmental Audit is issued for the land pursuant to Condition 43 (b) above, prior to the issue of an occupancy permit under the Building Act 1993 a letter prepared and signed by an environmental auditor in respect of the land must be submitted to the Council to verify that conditions attached to the Statement of Environmental Audit issued for the land have been satisfied to the extent necessary for the occupation of dwellings allowed by this permit.
- 46. Any development permitted by this permit must comply with the conditions imposed by the relevant statement of environmental audit for the land.
- 47. Where a Statement of Environmental Audit is issued for the land, and any condition of that Statement requires any maintenance or monitoring of an ongoing nature, the owner must enter into an agreement with the Council under section 173 of the Planning and Environment Act 1987 to provide for the following:
  - a. Compliance with the conditions of the relevant statement of environmental audit issued in respect of the land, and
  - b. To notify future occupiers of the land of any conditions attached to the

relevant statement of environmental audit.

The agreement must be prepared by or on behalf of Council and must contain terms and conditions to the satisfaction of Council. Where a Section 173 Agreement is required, the Agreement must be executed prior to the commencement of the use of the buildings that is the subject of this permit. The owner must pay the reasonable Council costs of the preparation, execution and registration of the section 173 agreement.

**Signage**

48. No signage may be displayed on the land unless approved by the responsible authority.

**Completion of Development**

49. Prior to the occupation of the dwellings / tenancies hereby permitted in a specified stage, all buildings and works and the conditions of this permit for that stage must be complied with to the satisfaction of the responsible authority, unless with the further prior written consent of the responsible authority.
50. Prior to the occupation of the dwellings / tenancies hereby permitted in a specified stage, the landscaping works as shown on the endorsed plans for that stage must be completed to the satisfaction of the responsible authority. Thereafter, the landscaping shall be maintained to the satisfaction of the responsible authority.
51. Prior to the occupation of any stage of the development approved under this Planning Permit, the applicant / owner of the land must complete the works specified on the endorsed plan including landscaping and street furniture to the satisfaction of the responsible authority.
52. Once the development of a specified stage has started it must be continued and completed to the satisfaction of the responsible authority.
53. Prior to the occupation of the 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.
54. Prior to the occupation of the development 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.
55. Prior to the occupation of the development hereby permitted in a specified stage, areas set aside for parking vehicles, access lanes and paths for that stage as shown on the endorsed plans must, to the satisfaction of the responsible authority, 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.
- e. Line-marked to indicate each car space, allocation of on-street car spaces, access lanes and road markings.

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

- 56. 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.
- 57. Once the development has started it must be continued and completed to the satisfaction of the responsible authority.

**Amenity Conditions**

- 58. The amenity of the area must not be detrimentally affected by the development and/or 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.
  - e. Any other way.
- 59. 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.
- 60. Without the prior written consent of the responsible authority, no form of public address system or sound amplification equipment shall be used on the premises so as to be audible outside the premises.
- 61. No burglar alarm or warning bell or buzzer or other device may be installed on the subject property unless it is so designed as to shut off automatically after five (5) minutes operation.
- 62. Exterior lights must be installed in such positions to effectively illuminate all pathways, trafficable areas, car parks and public areas to the satisfaction of the responsible authority.
- 63. Energy efficient outdoor lighting must be provided, designed, baffled and located to the satisfaction of the responsible authority to prevent any adverse effect on neighbouring land.
- 64. The maintenance of the buildings, service areas and the surrounds within the site shall be the responsibility of the Body Corporate, owner or agent and must be serviced at such frequency as will render the service areas and the surrounds to be neat, tidy and clean at all times, to the satisfaction of the responsible authority.



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65. Service units, including air conditioning/heating units, where incorporated, must not be located where they will be highly visible from any public area to the satisfaction of the responsible authority, and if located on the roof of a building, suitable screening and baffling must be provided to the satisfaction of the responsible authority.
66. All piping, ducting above the ground floor storey of the development (other than rainwater, guttering and downpipes) must be concealed to the satisfaction of the responsible authority.
67. 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, to the satisfaction of the responsible authority.
68. All new boundary fencing shown on plans required by this development is to be constructed at the full cost of the owner/developer.

**Expiry of Permit**

69. 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.

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**Note:** Council does not accept any Subsurface/groundwater (including AG drain) into the stormwater system. Sub-surface water (groundwater) is the responsibility of the property owner to dispose of on site or reach an agreement with the local sewer authority

**Note:** Given the height of the development permanent obstacle lighting should be considered.

**Note:** A separate application and approvals will be required to relocate the easement within the site.

**Note:** A separate application will be required to be made to for approvals relating to cranes during construction.

**Note:** Prior to the commencement of the development you are required to obtain the

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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*).

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

**Note:** Prior to the commencement of the development and use hereby approved, you are required to obtain all necessary Council Health Approvals under the Food Act 1984 and register any health premises under the Public Health and Wellbeing Act 2008.

**Procedural Motion**

**Moved: Cr West**

**Seconded: Cr Staikos**

That consideration of this matter be deferred

**LOST**

**A Division was Called:**

**DIVISION:**

**FOR:** Crs Staikos and West (2)

**AGAINST:** Crs Brownlees, Gledhill and Bearsley (3)

**LOST**

**The Substantive Motion was put and CARRIED**

**4.5 KP15/252 - 203 Nepean Highway Mentone**

It is recorded that Graham Morrison spoke on behalf of the applicant.

**Moved: Cr Brownlees**

**Seconded: Cr Gledhill**

That Council determines to support the proposal and issue a Notice of Decision to Grant a Permit to develop the land for the construction of a four storey mixed use building containing twenty-two dwellings, a ground floor retail premises, and a waiver of the loading bay requirement at No. 203 Nepean highway, Mentone, subject to the following conditions:

1. Before the development starts amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be substantially in accordance with the plans submitted to Council on 21 April 2015 but modified to show:
  - a. an enhanced sense of address for the residential entry along the east elevation (Long Street);
  - b. the perforated metal screen treatment (identified as MC1 and SG3) nominated as a non-reflective finish;
  - c. the boundary wall (shared with 201 Nepean Highway) along the west elevation treated with a concrete coloured patterned finish, or similar, to improve its appearance;
  - d. the uppermost level along the west elevation nominated as light weight construction;
  - e. the windows to all saddle back bedrooms along the east elevation increased in size to full width to promote greater light and ventilation;
  - f. the elevation plans and colours, materials and finishes schedule to nominate light coloured wall surfaces to the Long Street light courts to enhance the reflection of light into the saddle back master bedrooms;
  - g. the provision of an updated 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 reflecting all relevant changes outlined in this permit;
  - h. the provision of one (1) car parking space allocated to each dwelling four (4) car parking spaces allocated to the retail premises and/or all remaining car parking spaces allocated accordingly to visitors and/or customers to the site;
  - i. the location of all externally-located heating and cooling units, exhaust fans and the like, clearly shown;
  - j. a notation on the floor / site plan(s) stating: "The redundant vehicle crossing must be removed, kerb & channel must be reinstated and the

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- extension to the existing footpath up to the wing of the vehicle crossing must be constructed to the satisfaction of the Responsible Authority and Roads Corporation”;
- k. a notation on the site plan(s) stating “Vehicle crossings must be constructed at a 90 degree alignment with the kerb on Long Street and all internal driveways must align with the existing/proposed vehicle crossing”;
  - l. the floor area to the retail component on the ground floor nominated as 124 square metres in accordance with the plan submitted to Council on 05 November 2015 prepared by Bruce Henderson Architects referenced as job no. 35014 Drawing TP-2.01 Rev-A;
  - m. the balconies to apartments 2.01, 3.03, 3.04, 3.05 & 3.06 nominated at least 1.8m in width; and
  - n. 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 planting schedule showing the proposed location, species type, mature height and width, pot sizes and number of species to be planted on the site and within the balcony planter boxes.
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. 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.

**Street Trees**

6. Prior to the removal of the *Photinia robusta* (Photinia) street tree from the Long 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.

**Waste Management**

7. Before the commencement of any buildings and works on the Land, a Waste Management Plan to the satisfaction of the Responsible Authority must be

submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. Three copies of the plan must be submitted. The plan must include but is not limited to:

- a. The manner in which waste will be stored and collected including: type, size and number of containers.
- b. Spatial provision for on-site storage.
- c. Details whether waste collection is to be performed by Council's services or privately contracted.
- d. The size of the collection vehicle and the frequency, time and point of collection.

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

#### Development Engineering

8. 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 above the permissible site discharge as a result of the approved development. The system must be maintained to the satisfaction of the Responsible Authority. The satisfactory options to achieve these desired outcomes 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 7 L/s.
9. Before the development commences, prior to submission of detailed Stormwater Management Plan of the development as per condition 10 below, a comprehensive stormwater management (drainage) strategy of the site including a report with MUSIC model output or equivalent and a drainage concept plan incorporating Rainwater Tanks for water reuse and other Water Sensitive Urban Design Treatments to achieve best practice objectives must be prepared as per Council's "Civil Design Requirements for Developers – Part A – Integrated Stormwater Management" to the satisfaction of the Council.
10. Before the development commences, a Stormwater Management (drainage) 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 Plan must be prepared as per Council's "Civil Design Requirements for Developers – Part A – Integrated Stormwater Management".
11. Stormwater works must be provided on the site so as to prevent overflows onto adjacent properties.
12. All under-ground structures (basement/carstacker pits) must be designed and constructed as a fully-tanked dry basement structure with no AG drain

collection or disposal and an allowance made for any hydrostatic pressures as per Council's "Underground Structure Policy 2014" and "Underground Structure Guidelines 2014".

Roads and Drains

13. 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.
14. The replacement of all footpaths, including offsets, must be constructed to the satisfaction of the Responsible Authority.
15. All reinstatements and vehicle crossings must be constructed to the satisfaction of the Responsible Authority.
16. Vehicle crossings and other reinstatements must be constructed to council's industrial strength specifications.
17. All redundant vehicle crossings must be removed (including redundant portions of vehicle crossings) to the satisfaction of the Responsible Authority.
18. All front and side fences must be contained wholly within the title property boundaries of the subject land.
19. 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.

Conditions required by Vic Roads

20. All disused or redundant vehicle crossings on Nepean Highway service road must be removed and the area reinstated to match with the adjacent road environment (eg. Kerb and channel) to the satisfaction of the Responsible Authority and at no cost to the Roads Corporation prior to the commencement of the use of the development hereby approved.
21. The proposed development requires reinstatement of disused crossovers to kerb and channel. Separate approval under the Road Management Act for this activity may be required from Vic Roads (the Roads Corporation). Please

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contact Vic Roads prior to commencing any works.

Amenity

22. 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.
23. 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.

Timing

24. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.
25. 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.

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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:** 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 **(\$1263.00 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

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on the Permit Applicant/Land Owner to contact Council's Property Data Department to determine the official dwelling/unit/apartment street numbers, street name details and the like for the approved development.

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

**Note:** Council does not accept sub-surface water (groundwater) into the stormwater system. Sub-surface water (groundwater) is the responsibility of the property owner to dispose of on site or reach an agreement with the local sewer authority.

**Notes:** It is noted the development includes the window frame on the first floor to be built over the easement. Separate consent from Council and the relevant service authority is required to build over the easement and will need to be obtained prior to the issue of a Building Permit.

**CARRIED**



**4.6 KP15/278 - 3 Salmon Street Mentone**

It is recorded that Shane Dormer spoke on behalf of the objectors.

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

**Moved: Cr Gledhill**

**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 ten (10) dwellings and buildings and works within the tree protection zone of a tree listed on the Significant Tree Register at No. 3 Salmon Street Mentone, subject to the following conditions:

1. Before the development starts amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be substantially in accordance with the plans submitted to Council on 15 September 2015, 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 provided at adequate planting densities (e.g: plants with a mature width of 1 metre, planted at 1 metre intervals);
    - v. the provision of two (2) suitable medium sized (at maturity) spreading canopy trees within the front setback of dwellings one (1) and five (5) with species chosen to be approved by the Responsible Authority;
    - vi. the provision of one (1) small (at maturity) tree within the private open space area of dwellings seven (7) to ten (10), with species chosen to be approved by the Responsible Authority;
    - vii. the provision of landscaped garden beds to the front of dwellings six (6) to ten (10) to the satisfaction of the Responsible Authority;
    - viii. details of rain garden design and plantings;
    - ix. all trees provided at a minimum of two (2) metres in height at time of planting and medium to large shrubs to be provided at a minimum pot size of 200mm;
    - x. A suspended slab or similar construction method, to the satisfaction of the

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Responsible Authority, must be used for the footings of units 3, 4, 5, 6 and 8 (including associated garages), so that the only excavation within 13.5 metres of the significant Sugar Gum is for screw pier holes.

- xi. 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; and
  - xii. a notation of the Tree Protection details as required by conditions 3-10 of this permit. This includes all nominated tree protection zones to be drawn to scale on the plans.
- b. The dwelling entry of dwelling 9 modified to provide a greater setback from the driveway, which may be achieved through an increase in the ground floor footprint eastward, to the satisfaction of the Responsible Authority.
  - c. The provision of dimensions for balconies.
  - d. The deletion of the west facing first floor bedroom window of dwelling 9, which may be replaced by an additional north facing window if required. Any obscured window treatments on the north elevation must demonstrate if Standard B22 of the Planning Scheme applies.
  - e. Provision of passive solar shading to north facing windows.
  - f. Detailed engineering drawings of the proposed vehicle crossing of dwelling 5, demonstrating the crossing will be provided with adequate transition to the kerb, and provision of a DDA compliant footpath.
  - g. Provision of external clotheslines for dwellings 1, 4, 5, 7, 8, 9 and 10.
  - h. Finished and natural ground levels to the Australian Height Datum.
  - i. Notations and details regarding finished materials and treatments addressing the recommendations of the acoustic report prepared by Burton Acoustic Group, dated 30 April 2015.
  - j. The provision of a materials and finishes schedule illustrated on one A4 or A3 sheet.

**Endorsed Plans**

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

**Tree Protection**

- 3. Prior to commencement of the development, a Tree Management Plan (TMP) must be submitted to show how the significant *Eucalyptus cladocalyx* (Sugar Gum) will be protected, pre, during and post construction, to the satisfaction of the Responsible Authority. The TMP will be endorsed and form part of the planning permit.
- 4. Prior to demolition of the existing dwelling and garden, a Tree Protection Zone (TPZ) must be installed at a distance of 12 metres from the significant *Eucalyptus cladocalyx* (Sugar Gum) located in the rear yard of the property. The following must be observed within 12 metres of the tree during demolition:
  - a) the existing soil level must not be altered either by fill or excavation;
  - b) the soil must not be compacted or the soil's drainage changed;
  - c) no fuels, oils, chemicals, poisons, rubbish and other materials harmful to

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- trees are to be stored or dispersed;
- d) no storage of equipment, machinery or material is to occur;
  - e) open trenching to lay underground services e.g.: drainage, water, gas, etc. must not be used;
  - f) a layer of organic composted mulch to a depth of between 80mm and 100mm must be spread;
  - g) tree roots must not be severed or injured; and
  - h) machinery must not be used to remove any existing concrete, bricks or other materials including vegetation within this zone.
5. Prior to the commencement of the demolition and development hereby permitted, a Tree Protection Fence defined by a 1.2 metre high temporary fence constructed using steel or timber posts fixed in the ground or to a concrete pad, with the fence's side panels to be constructed of cyclone mesh wire or similar strong metal mesh or netting, must be erected 12 metres in a radius from the *Eucalyptus cladocalyx* (Sugar Gum) The above requirements in condition 3 of this permit must be observed within this area.
6. Prior to construction of the development and after demolition of the existing dwelling and garden a Tree Protection Zone (TPZ) must be moved and installed at a distance of 8 metres from the significant *Eucalyptus cladocalyx* (Sugar Gum) located in the rear yard of the property. The following must be observed within 8 metres of the tree during construction:
- i) the existing soil level must not be altered either by fill or excavation;
  - j) the soil must not be compacted or the soil's drainage changed;
  - k) no fuels, oils, chemicals, poisons, rubbish and other materials harmful to trees are to be stored or dispersed;
  - l) no storage of equipment, machinery or material is to occur;
  - m) open trenching to lay underground services e.g.: drainage, water, gas, etc. must not be used;
  - n) a layer of organic composted mulch to a depth of between 80mm and 100mm must be maintained;
  - o) tree roots must not be severed or injured; and
  - p) machinery must not be used to remove any existing concrete, bricks or other materials including vegetation within this zone.
7. Prior to the commencement of construction and development hereby permitted, a Tree Protection Fence defined by a 1.2 metre high temporary fence constructed using steel or timber posts fixed in the ground or to a concrete pad, with the fence's side panels to be constructed of cyclone mesh wire or similar strong metal mesh or netting, must be erected 8m in a radius from the *Eucalyptus cladocalyx* (Sugar Gum) The above requirements in condition 5 of this permit must be observed within this area.
8. All construction within 13.5 metres of the significant *Eucalyptus cladocalyx* (Sugar Gum) must be done under the supervision of the project Arborist and/or Councils Vegetation Management Officer.
9. No services are to be laid within 13.5 metres of the significant *Eucalyptus cladocalyx* (Sugar Gum), including drainage for the site.
10. All future tree pruning works and cabling must be in accordance with the

Australian Standards AS4373 (2007) "Pruning of Amenity Trees" and be undertaken by a qualified and experienced Arborist under the supervision of Council Vegetation Management Officer and project Arborist.

11. Prior to the commencement of the development hereby permitted, the owner of the land must enter into an executive agreement with the Responsible Authority pursuant to section 173 of the *Planning and Environment Act 1987* to the satisfaction of the Responsible Authority in which it shall be covenanted as follows:
  - a. the suitable retention and ongoing maintenance of the *Eucalyptus cladocalyx* (Sugar Gum), known as T66 in Schedule 3 to the Environmental Significance Overlay of the Kingston Planning Scheme, in accordance with the endorsed plans approved under KP278/2015 or any subsequent approval to the satisfaction of the Responsible Authority;
  - b. the *Eucalyptus cladocalyx* (Sugar Gum), delineated on the endorsed plans approved under KP278/2015 or any subsequent approval showing the Tree Protection Zone must be protected at all times to the satisfaction of the Responsible Authority; and
  - c. no building (including dwellings, garages, carports or any other building) may be constructed within the Tree Protection Zone other than in accordance with the endorsed plans approved under KP278/2015 or any subsequent approval.

The owner must pay the reasonable costs of the preparation, execution and registration of the section 173 agreement.

#### Street Trees

12. 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 two (2) *Lophostemon confertus* (Queensland Box Brush) street trees located on the Salmon Street nature strip.

#### Waste Management

13. Before the commencement of any buildings and works on the Land, a Waste Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. Three copies of the plan must be submitted. The plan must include but is not limited to:
  - a. The manner in which waste will be stored and collected including: type, size and number of containers.
  - b. Spatial provision for on-site storage.
  - c. Details whether waste collection is to be performed by Council's services or privately contracted.
  - d. The size of the collection vehicle and the frequency, time and point of collection.

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

Construction Management

14. 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 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 and 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. a 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;
  - 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 reasonably 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 experienced;
  - 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

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- r. all contractors associated with the construction of the development must be made aware of the requirements of the Construction Management Plan.
15. 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;
  - 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).

**Drainage and Water Sensitive Urban Design (WSUD)**

16. Before the development commences, prior to submission of a detailed Stormwater Management (drainage) Plan, a comprehensive stormwater management strategy of the site including a report with MUSIC model output and drainage concept plan incorporating Rainwater Tanks with water reused for toilet flushing and other Water Sensitive Urban Design Treatments to achieve best practice objectives must be prepared as per Council's "Civil Design Requirements for Developers – Part A – Integrated Stormwater Management" to the satisfaction of the Council.
17. Before the development commences, a detailed Stormwater Management (drainage) Plan in line with accepted Stormwater Management Strategy pursuant to the condition above, 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 Plan must be prepared as per Council's "Civil Design Requirements for Developers – Part A - Integrated Stormwater Management".
18. 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 runoff above the permissible site discharge. The system must be maintained to the satisfaction of the Responsible Authority. The satisfactory options to achieve these desired

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outcomes may include the use of an infiltration or bio-retention system, rainwater tanks connected for reuse and a detention system.

19. Stormwater works must be provided on the site so as to prevent overflows onto adjacent properties.
20. The overall stormwater outflow of the development to Council drainage system must be limited to 16.5 L/s.

**Infrastructure and Road Works**

21. Property boundary and footpath levels must not be altered without the prior written consent from the Responsible Authority.
22. The replacement of all footpaths, including offsets, must be constructed to the satisfaction of the Responsible Authority.
23. All reinstatements and vehicle crossings must be constructed to the satisfaction of the Responsible Authority.
24. All redundant vehicle crossings must be removed (including redundant portions of vehicle crossings) to the satisfaction of the Responsible Authority.

**Parking construction and management**

25. Prior to the occupation of the dwellings hereby permitted in a specified stage, areas set aside for parking vehicles, access lanes and paths as shown on the endorsed plans must, to the satisfaction of the Responsible Authority, 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.
  - e. Line-marked to indicate each car space, allocation and signage of visitor car spaces, and access lanes.

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

**Lighting**

26. Exterior lighting must be installed in such positions as to effectively illuminate all communal areas. Such lighting must be designed, baffled and located to the satisfaction of the Responsible Authority to prevent any adverse effect on neighbouring land.

**General amenity conditions**

27. All piping and ducting above the ground floor storey of the development (other than rainwater guttering and downpipes) must be concealed to the satisfaction

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of the Responsible Authority.

28. 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.
29. Any fixed external screening to prevent overlooking marked on the endorsed plans shall be maintained by the owner of the land to the satisfaction of the Responsible Authority. The provision of any obscure glazing shown on the endorsed plans must be through frosted glass or similarly treated glass, and thereafter maintained to the satisfaction of the Responsible Authority. Adhesive film or the like that can be removed must not be used.

**Completion**

30. 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.
31. 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.
32. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.

**Time Limits**

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

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

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**Note:** It is noted the development includes fences and structures to be built over the easements. 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.



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**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**

**4.7 KP458/2015 - 480 - 482 Haughton Road, Clayton**

It is recorded that Edgar Gottschalk spoke on behalf of the applicant.

**Moved: Cr Staikos**

**Seconded: Cr Gledhill**

That Council determines to support the proposal and issue a Planning Permit to develop the land for the construction of nine (9) dwellings at No. 480-482 Haughton Road, 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 the 28<sup>th</sup> August, 2015, but modified to show:
  - 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 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;
    - 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) spreading canopy trees within the front setback area 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 high at time of planting;
    - ix. medium to large shrubs and trees provided in pot sizes of 200mm or greater;
    - x. the provision of notes on the landscape plan regarding site preparation, including the removal of all weeds, proposed mulch,

soil types and thickness, subsoil preparation and any specific maintenance requirements;

- xi. a range of plant types from ground covers to large shrubs and trees;
- b. the minimum sill height associated with the west (side) facing Bedroom 1 window of Dwelling 1 increased to a minimum of 1700mm above the natural ground level;
- c. the provision of an internal clothes dryer for Dwellings 1, 2 and 3;
- d. the provision of a minimum of two (2) bicycle parking spaces within the communal open space area;
- e. details of how the proposed common open space area (where the gas and water meters are nominated) would be fully utilised;
- f. the provision of security lighting adjacent to the proposed common driveway area and within the communal open space area;
- g. the reference to each bedroom number within Dwelling 6 correctly nominated;
- h. vehicle crossings constructed at a 90 degree alignment with the kerb on Haughton Road and all internal driveways to align with the existing/proposed vehicle crossings;
- i. the proposed double vehicle crossing provided with a common layback within a triangle of grass between the infill sections of the vehicle crossings;
- j. the provision of an on-street car parking bay of at least 5.4 metres between vehicle crossings;
- k. the provision of a minimum 2000 litre rainwater tank clearly nominated for each dwelling with water re-used for toilet flushing;
- l. the surface material of all driveways/accessways and car parking spaces nominated in all-weather coloured concrete sealcoat, or similar;
- m. the location of all external heating and/or cooling units for the proposed dwellings; and
- n. the provision of a full colour palette, finishes and building materials schedule for all external elevations and driveway/s of the development.

#### Endorsed Plans

- 2. The development as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.
- 3. A Tree Protection Zone (TPZ) must be installed at a distance of 2.5 metres from the Liquidambar (*Liquidambar styraciflua*) to the south and 4.5 metres to the north, east and west located in the front setback of the property along Haughton Road. The following must be observed within 2.5m of the tree to the south and 4.5 metres to the north, east and west:
  - a) the existing soil level must not be altered either by fill or excavation;
  - b) the soil must not be compacted or the soil's drainage changed;
  - c) no fuels, oils, chemicals, poisons, rubbish and other materials harmful to trees are to be stored or dispersed;
  - d) no storage of equipment, machinery or material is to occur;

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- e) open trenching to lay underground services e.g.: drainage, water, gas, etc. must not be used;
- f) tree roots must not be severed or injured; and
- g) machinery must not be used to remove any existing concrete, bricks or other materials

without the further written consent in writing of Council's Vegetation Management Officer.

4. Prior to the commencement of the development hereby permitted, a Tree Protection Fence defined by a 1.2 metre high temporary fence constructed using steel or timber posts fixed in the ground or to a concrete pad, with the fence's side panels to be constructed of cyclone mesh wire or similar strong metal mesh or netting, must be erected 2.0m in a radius of 2.5 metres from the Liquidambar (*Liquidambar styraciflua*) to the south and 4.5 metres to the north, east and west located within the front setback area of the property along Houghton Road. The above requirements in Condition 3 of this permit must be observed within this area.
5. All tree pruning work must be in accordance with the Australian Standards AS4373 (2007) "Pruning of Amenity Trees" and be undertaken by a qualified and experience Arborist.
6. 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.
7. All reinstatements and vehicle crossings are to be constructed to the satisfaction of the relevant authority.
8. The replacement of all footpaths, including offsets, must be constructed to the satisfaction of Council's Roads and Drains Department.
9. Vehicle crossings and other reinstatements must be constructed to Council's industrial strength specifications.
10. All redundant vehicle crossings must be removed (including redundant portions of vehicle crossings) to the satisfaction of the Responsible Authority.
11. All front and side fences must be constructed wholly within the title property boundaries of the subject land.
12. 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.

**Drainage and Water Sensitive Urban Design**

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. The overall outflow of the site to Council's drainage system must be limited to 11.4 l/s.

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.). The Stormwater Management Plan must be prepared as per *Council's Civil Design Requirements for Developers – Part A – Integrated Stormwater Management*.
15. 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.
16. Stormwater works must be provided on the site so as to prevent overflows onto adjacent properties.

#### Street Trees

17. Prior to the removal of the *Lagunaria patersonii* (Norfolk Island Hibiscus) street tree from the Haughton Road 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 this tree must be undertaken by Council at the expense of the Developer/Owner.

#### Parking and Traffic Management

18. Prior to the occupation of each dwelling hereby permitted, areas set aside for parking vehicles, access lanes and paths as shown on the endorsed plans must, to the satisfaction of the Responsible Authority, 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.
  - e) Clearly signposted/marked as resident, employee, disabled or visitor parking.
  - f) Line-marked to indicate each car space and all access lanes and, if necessary, the direction in which vehicles are to travel to the satisfaction of the Responsible Authority.

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

Infrastructure and Road Works

19. Any redundant vehicular crossing must be removed and the nature strip, kerb and channel, and footpath must be reinstated to the Responsible Authority's standard specifications and to the satisfaction of the Responsible Authority.
20. Any relocation of pits/power poles or other services affected by this development must be relocated to the satisfaction of the relevant servicing authority and the Responsible Authority, at the cost of the owner/developer.

General amenity conditions

21. All externally-located heating and cooling units, exhaust fans and the like must not be located adjacent to bedroom windows on adjoining properties and must be concealed from the street, unless with the further written consent of the Responsible Authority.
22. 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.
23. Service units, including air conditioning/heating units, where incorporated, must not be located where they will be highly visible from any public area to the satisfaction of the Responsible Authority and if located on the roof of a building, suitable screening and baffling must be provided to the satisfaction of the Responsible Authority.

Completion of Works

24. Prior to the occupation of each dwelling, all common property works, any crossovers and accessways, all works associated with that particular dwelling, and any works related to the provision of drainage, sewer, power and water supply are completed for each dwelling, to the satisfaction of the Responsible Authority.
25. Prior to the occupation of each dwelling, all landscaping works shown on the endorsed plans for that dwelling must be completed, along with all common property landscaping works, to the satisfaction of the Responsible Authority. The landscaping must then be maintained to the satisfaction of the Responsible Authority.
26. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.

Time Limits

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

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

- before the permit expires; or

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- 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.

**CARRIED**

**4.8 Amendment C144 - 41-47 Melrose Street Parkdale**

**Moved: Cr West**

**Seconded: Cr Brownlees**

That:

1. Consideration of this matter be deferred until 9 December Planning Committee meeting.
2. Council write to the Planning Minister requesting an extension of time so that Council can seek legal advice on the matter.

**CARRIED**

**5. Confidential Items**

There were no confidential items.

The meeting closed at 8.40pm.

**Confirmed.....**

**The Mayor**