

Minutes

Planning Committee Meeting

Wednesday, 21st October 2015



City of
KINGSTON

community inspired leadership

**City of Kingston
Planning Committee Meeting**

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

Present: Cr Geoff Gledhill (Mayor)
Cr Tamsin Bearsley
Cr Ron Brownlees OAM
Cr David Eden
Cr Paul Peulich
Cr Steve Staikos
Cr Rosemary West OAM

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

1. Apologies

An apology from Cr Barth was submitted to the meeting.

Moved: Cr Staikos

Seconded: Cr Peulich

That the apology from Cr Barth be received.

CARRIED

2. Confirmation of Minutes of Previous Meetings

Moved: Cr Eden

Seconded: Cr Brownlees

That the Minutes of the Planning Committee Meeting held on 22 July 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.

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4. Planning and Development Reports

4.1 Town Planning Application Decisions - September 2015

Moved: Cr Staikos

Seconded: Cr Peulich

That the report be noted.

CARRIED

4.2 KP91/2015 - Lot 1 Fraser Road, Clayton South

It is recorded that Clete Elms spoke on behalf of the applicant.

Moved: Cr Staikos

Seconded: Cr Brownlees

That the Officer's recommendation be adopted, subject to the removal of 2 conditions, as follows:

- deleting Condition 1 n) which states "rapid shut doors to be provided to the organic facility building and commercial transfer station building to the satisfaction of the Responsible Authority;" and
- deleting Condition 1 o) which states "additional ventilation measures to be provided to the organic facility building and commercial transfer station building with the use of rapid shut doors and to comply with EPA regulations to the satisfaction of the Responsible Authority;"

and the re-lettering of the following conditions, accordingly.

CARRIED

The Resolution reads as follows:

That Council determine to support the proposal and issue a Notice of Decision Grant a Permit to develop the land for the construction of Use of land for a transfer station (including a Commercial Transfer Station, an Organics Facility, a Residential Transfer Station, community learning centre and ancillary buildings) an office and parking, construction of buildings and carrying out works including earthworks) and creating access to a Road Zone Category 1 at Lot 1 Fraser 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 4 May 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 be planted on the site, with such plans to be prepared by a suitably qualified landscape professional and incorporating:

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- 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, grasses, large shrubs medium and large trees proposed and planted at adequate planting densities (e.g.: plants with a mature width of 1 metre, planted at 1 metre intervals);
 - v. medium to large shrubs to be provided at a minimum pot size of 200mm;
 - vi. all trees to be provided at minimum height of 1 metre
 - vii. the provision of notes on the landscape plan regarding site preparation, including the removal of all weeds, proposed mulch, soil types/rehabilitation and thickness, subsoil preparation and any specific maintenance requirements including a watering program to the satisfaction of the responsible authority.
 - viii. a landscape buffer must be provided at a minimum width of 20 metres to the south, running the entire length of the sites Ryan's Road property boundary (other than for vehicle entry and exit points and associated site lines), with species chosen to the satisfaction of the Responsible Authority.
 - ix. a landscape buffer must be provided at a minimum width of 20 metres to the east, running the entire length of the sites boundary with species chosen to the satisfaction of the Responsible Authority.
-
- b) all requirements of VicRoads in accordance with Conditions 3, 4 and 6 of this permit;
 - c) all requirements of EPA in accordance with Condition 8 of this permit;
 - d) the provision of an external breakout space for staff with fixed tables and bbq facilities;
 - e) the provision of bicycle facilities in accordance with Clause 52.34 Bicycle Facilities;
 - f) the provision of an Environmental Operation Management Plan for the use of the site;
 - g) the provision of a Landfill Gas Action Plan;
 - h) the provision of a Leachate Action Plan;
 - i) a continuation of a noise wall commencing at the end of the eastern noise wall adjacent to the commercial transfer station, extending in length to the southern end of the truck parking area and the wall is to be either constructed of recycled materials or an earth berm and to the satisfaction of the Responsible Authority;
 - j) all food waste trucks delivering food waste to the organic facility are to transport food waste onto the site in enclosed containers which are not to be opened until within the organic facility building;
 - k) the deletion of the proposed Deals Road vehicle access point for the

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- Residential Transfer Station facility, with the existing Deals Road access point nominated as being the vehicle access point to/from this component of the facility, with the design of the access to allow for safe and convenient two-way traffic, additional queuing and no tree removal;
- l) the Commercial Transfer Station building, if reduced in floor area, relocated further south to achieve a maximum setback from the site's north property boundary;
 - m) the Environmental Operation Management Plan to include addition reference to vermin (rats and foxes) control measures . This must include specific baiting and trapping techniques including locations of the fox traps and baiting around the perimeter of the subject site and in proximity of the commercial transfer station and organic facility to the satisfaction of the Responsible Authority;
 - n) recommendations of the Edge Group Odour Impact Assessment report dated February 2015 to include the use of a misting spray / aerosol to the organic facility and commercial transfer station buildings to suppress odour emissions as a contingency measure;
 - o) no external audible PA device (audible beyond the site boundary) to be utilised with the daily operation with the exception of an emergency announcement;
 - p) the provision of breakout space with fixed tables and bbq area for the sixty (60) staff members working onsite at anyone time;
 - q) a note on the master landscape plan to read 'landscaping requirements in accordance with permit condition 1a may be varied for the purposes of stormwater management practices, landfill capping design and rehabilitation requirements of the site and the adjoining landfill that shares eastern property boundary'; and
 - r) the provision of a note on the site plan stating that 'suitable traffic signs be placed around and within the site, designed to direct commercial trucks to and from the site to deter from accessing the local road network';
- 2 The development and use as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.
- Conditions Required by VicRoads:
4. Prior to the commencement of the permitted development, a functional layout drawing of the Clayton Road / Ryans Road intersection, generally in accordance with drawing 30041143-00-099-0001 issue B by SMEC Australia, must be submitted to VicRoads for review and approval. The functional layout drawing should include the following additional details:
- a. Details of the right turn lane from Clayton Road into Ryans Road. The right turn lane should be a minimum of 70 metres in length.
 - b. Details of the width of the stand up lanes at the intersection Clayton Road / Ryans Road intersection. The northbound lane should be 3.3 metres in width.
 - c. Details of a concrete island on the northern approach to the intersection.
 - d. Details of a flashing 'Give Way to Pedestrians' electronic sign on the south west corner of the intersection.
 - e. Details of the stop bar line on the northern approach moved closer to the intersection.

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3. Prior to the commencement of any road works required by VicRoads under this permit a detailed engineering design plan must be prepared generally in accordance with the accepted functional layout plan and to the satisfaction of VicRoads.
4. Prior to the commencement of the use of the permitted development hereby approved, all road works must be complete in accordance with the approved functional layout and detailed drawings to the satisfaction and at no cost to VicRoads.
6. The preparation of the detailed engineering design and the construction and completion of all works must be undertaken in a manner consistent with current VicRoads' policy, procedures and standards and at no cost to VicRoads. In order to meet VicRoads' requirements for these tasks the applicant will be required to comply with the requirements documented as "Standard Requirements – Developer Funded Projects" and any other requirements considered necessary depending on the nature of the work.
7. No work must be commenced in, on, under or over the road reserve without having first obtained all necessary approval under the *Road Management Act 2004*, the *Road Safety Act 1986*, and any other relevant Acts or Regulations created under those Acts.

Conditions required by EPA

8. Before the use or 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 modified to show:
 - a. any changes required to comply with condition 10.
9. Before construction starts, the permit holder must prepare:
 - a. an action plan for a temporary landfill gas capturing system for the management of landfill gas during construction to meet the levels set out in Table 6.4 of the *Best Practice Environmental Management: Siting, Design, Operation and Rehabilitation of Landfills* (EPA Publication No. 788.2 , 2014), including an assessment of the efficiency of the current system on the land ('Construction Landfill Gas Action Plan');
 - b. an action plan for the long term management of landfill gas on the land, including any measures that will be adopted and included in the design of the buildings ('Landfill Gas Action Plan');
 - c. an action plan for the management of leachate on the land ('Leachate Action Plan');
 - d. a design for the landfill cap on the land incorporating the footprint of the buildings ('Landfill Cap Design');
 - e. an assessment of the impact the development may have on the landfill liner and the leachate collection system on the land ('Landfill Liner Assessment'); and
 - f. a geotechnical assessment of the impact the development may have on the stability of the landfill cap on the land ('Landfill Cap Assessment').
10. Before construction starts, a declaration by an auditor appointed under

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the *Environment Protection Act 1970* that:

- a. the design of the development;
- b. the Construction Landfill Gas Action Plan
- c. the Landfill Gas Action Plan;
- d. the Leachate Action Plan;
- e. the Landfill Cap Design;
- f. the Landfill Liner Assessment; and
- g. the Landfill Cap Assessment,

have been assessed as acceptable in accordance with the process in Part B of the *Landfill Licensing Guidelines* (EPA Publication 1323.2, 2011), together with those documents and the assessment, must be submitted to and approved by the EPA.

11. Before construction starts, a Construction Environmental Management Plan ('CEMP') containing but not limited to the Landfill Gas Action Plan and the Leachate Action Plan must be prepared to the satisfaction of the EPA and the Responsible Authority and submitted to and approved by the Responsible Authority. When approved, the CEMP will be endorsed and will then form part of the permit.
12. Construction and post-construction activities must be in accordance with *Construction Techniques for Sediment Pollution Control* (EPA Publication No. 275, 1991).
13. Before the use or development starts, an Environmental Management Plan ('EMP') for the site must be prepared to the satisfaction of the EPA and the Responsible Authority and submitted to and approved by the Responsible Authority. When approved, the EMP will be endorsed and will then form part of the permit.
14. The premises must be operated in accordance with the *Guide to Best Practice at Resource Recovery Centres* (Sustainability Victoria, 2009).
15. Prescribed industrial wastes (including asbestos), as defined by the *Environment Protection (Industrial Waste Resource) Regulations 2009*, must not be accepted on the premises.
16. Waste must not be:
 - a. treated;
 - b. composted or mulched;
 - c. burned; or
 - d. stored for longer than 24 hours, on the premises.
17. All plant and equipment must be cleaned, monitored and maintained to ensure *effective* operation at all times.
18. Noise emitted from the premises must not exceed the noise objectives set out in the State Environment Protection Policy (Control of Noise from Commerce Industry and Trade) No. N-1.
19. Offensive odours must not be discharged beyond the boundary of the premises.

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20. Nuisance dust must not be discharged beyond the boundaries of the premises.
21. Litter must not be discharged beyond the boundary of the premises.
22. All vehicles removing waste from the premises must have fully secured and contained loads.
23. Wastewater, leachate and contaminated stormwater must not be discharged beyond the boundary of the premises.
24. Drains, interceptor pits, water treatment facilities, pumps and sumps must be installed to ensure that any wastewater or contaminated stormwater generated at the premises is connected to reticulated sewer, in accordance with a trade waste agreement with South East Water or collected by an EPA permitted contractor.
25. A secondary containment system must be provided for liquids (including cleaning chemicals and fuels) which, if spilt, are likely to cause pollution or pose an environmental hazard.
26. All stormwater pits must be fitted with litter traps.

Infrastructure

27. Before the development commences, detailed road and stormwater drainage construction Plan(s), addressing all proposed works within the road reserve, must be prepared to the satisfaction of the Council. The Plan(s) must be prepared by a qualified person and comply with Council's "*Civil Design Requirements for Developers, Part A - Integrated Stormwater Management Requirements*" and "*Part B - Roadworks & Construction Plan Requirement*" unless otherwise approved by Council.
28. The applicant shall reconstruct the road pavement at the intersection of Ryans Road and Deals Road, with the reconstructed pavement extending 45m west along Deals Road measured from the western boundary of Deals Roads, to the satisfaction of the Council and in accordance with the following requirements:
 - (i) The pavement shall be a flexible sealed pavement based on a design approved by the Council.
 - (ii) The pavement shall be designed, by a qualified person, to cater for heavy vehicle loading, be based on geotechnical test results, and a design life of not less than 30 years.
 - (iii) The design shall include detail stormwater drainage construction Plan(s) to effectively drain the localised road catchment.
29. All works within the road reserve shall be designed and constructed to the satisfaction of the Council and at the applicant's cost.
30. Street lights to be provided on Ryans Road from Clayton Road to the entrance gate of the proposed facility in accordance with AS 1158 Part 3.1 P4 using United Energy approved Sylvania Street LED 18W semi cut-off luminaires at approximately 65 metre spacing. Prior to the commencement of any works associated with the public lighting, a detailed design plan

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including UED pole numbers and proposed brackets must be submitted to council for approval and United Energy consent.

31. Deals Road north of Ryans Road, is not to be relied on as a through public road.

Roads and Drains

32. 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.

33. Property boundary and footpath levels must not be altered without the prior written consent from the Responsible Authority.

Stormwater and Drainage

34. Before the development commences, prior to submission of detailed Stormwater Management (Drainage) Plan of the development as per condition 2) below, a comprehensive stormwater management strategy of the site including a report and stormwater layout concept plan must be prepared as per Council's "*Civil Design Requirements for Developers – Part A – Integrated Stormwater Management*" to the satisfaction of the Council.

35. Before the development commences, a detailed Stormwater Management (drainage) Plan, in line with accepted Stormwater Management Strategy pursuant to condition 1) above, 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*".

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

37. Stormwater works must be provided on the site so as to prevent overflows onto adjacent properties.

38. Any outflow of the development to Council drainage system must be limited to a permissible site discharge rate acceptable to Council in line with approved Stormwater Management Strategy.

Agreement Required

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39. The development and use hereby permitted by this Permit must not be commenced until the Owner of the land has entered into an Agreement with the Responsible Authority under Section 173 of the Planning and Environment Act 1987 to provide for the following matters:-

- all requirements of VicRoads in accordance with Condition five (5) of this permit.

Occupation

40. Before occupation of the development hereby permitted, landscaping works as shown on the endorsed plans must be completed to the satisfaction of the Responsible Authority. The landscaping must then be maintained to the satisfaction of the Responsible Authority.

Operation

41. The use must only operate between the hours of:

- Residential Transfer Station
Monday to Sunday: 8am to 5pm;
Except Good Friday and Christmas day.
- Commercial Transfer Station and Organics Facility
Monday to Sunday: 24 hours a day

Or otherwise as approved by the Responsible Authority in writing.

42. Once the use has started, it must be continued to the satisfaction of the Responsible Authority.

Amenity

43. The amenity of the area must not be detrimentally affected by the development and/or use, through the:

- i) Transport of materials, goods or commodities to or from the land.
- ii) Appearance of any building, works or materials.
- iii) Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil.
- iv) Presence of vermin.
- v) Any other way.

44. Areas set aside for car parking and access lanes must be kept available for these purposes at all times and maintained to the satisfaction of the Responsible Authority.

45. Materials must not be deposited on any road as a result of operations on site to the satisfaction of the responsible authority.

46. The development and use of the site shall not cause nuisance or be detrimental to the amenity of the neighbourhood by the emission of noise. In this regard any nuisance shall be assessed in accordance with the Australian Standards AS1055 and AS2107 relating to the measurement of Environmental Noise and recommended sound levels.

Expiry

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

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- The development and use are not started before two (2) years from date of this permit.
- The development is not completed before four (4) years from the commencement of works.
- The use is discontinued for a period of two (2) years.

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

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

Note: The 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 fee for removal of the street trees from the Deals Road (*Eucalyptus botryoides*) is \$2552.20 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.

Cr Staikos left the meeting at 7:26pm

4.3 KP14/813 - 10-12 Phillip Street Mentone

It is recorded that Marta James spoke on behalf of the objectors.

Cr Staikos returned to the meeting at 7:27pm

Moved: Cr Brownlees

Seconded: Cr Bearsley

That Council determine to support the proposal and issue a Notice of Decision to Grant a Planning Permit to develop the land for the construction of eight (8) dwellings

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with a waiver of the visitor car parking requirement at 10-12 Phillip 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 4 June 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:
 - x. an associated planting schedule showing the proposed location, species type, mature height and width, pot sizes and number of species to be planted on the site. The schedule must be shown on the plan;
 - xi. the delineation of all garden beds, paving, grassed areas, retaining walls, fences and other landscape works including areas of cut and fill throughout the development;
 - xii. all existing trees on the site and within three (3) metres to the boundary of the site on adjoining properties, accurately illustrated to represent actual canopy width and labelled with botanical name, height and whether the tree is proposed to be retained or removed;
 - xiii. a range of plant types from ground covers to large shrubs and trees;
 - xiv. adequate planting densities (e.g.: plants with a mature width of 1 metre, planted at 1 metre intervals);
 - xv. the provision of four (4) suitable medium sized (at maturity) canopy trees within the front setback of the property and one (1) small (at maturity) tree within the private open space area of each dwelling, with species chosen to be approved by the Responsible Authority;
 - xvi. sustainable lawn areas and plant species taking current water restrictions into consideration;
 - xvii. all trees provided at a minimum of two (2) metres in height at time of planting;
 - xviii. medium to large shrubs to be provided at a minimum pot size of 200mm; and
 - xix. the provision of notes on the landscape plan regarding site preparation, including the removal of all weeds, proposed mulch, soil types and thickness, subsoil preparation and any specific maintenance requirements.
 - b. The plans amended to show the location of the existing electricity pole to the front of the site, satisfying requirements of condition 17 of this permit.
 - c. North facing balconies of dwellings 5-7 provided with lower balustrade heights and horizontal extensions to prevent downward views – with section details to be provided demonstrating compliance with Standard B22 of Clause 55.04-6 of the Planning Scheme.
 - d. Provision of clear glazing to the south facing first floor bedroom and kitchen

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windows of dwellings 7 and 8.

- e. Plans amended to show the operability of windows, ensuring that any obscure glazing is either fixed or of an awning type.
- f. The internal northern elevation (section B-B) amended to accurately reflect the dimensions of the living room window of dwelling 1.
- g. The east facing first floor windows of dwelling 4 provided with clear glazing.
- h. The driveway splay to the garage of dwelling 5 reduced to increase the provision of landscaping to the south side of dwelling 6.
- i. The south facing ground floor bedroom windows of dwellings 6 and 7 aligned with the wall of their bedrooms.
- j. The ground floor and elevation plans amended to accurately depict and dimension the carport roof on the southern boundary.
- k. Internal boundary fencing clearly marked on plans to show the delineation of future property boundaries, and enclosing all private open space areas.
- l. The provision of passive solar shading or alternate measures to address summer heat gain.
- m. Pedestrian and storage doors of all garages to open outwards.
- n. The provision of external clotheslines wherever possible for dwellings.
- o. Alignment of the proposed crossover and shared accessway.
- p. Provision of sight splays to both driveways.
- q. The provision of dimensions for external storage demonstrating 6 cubic metres, and provision of storage for dwelling 8.
- r. Vegetation deleted from elevation plans.
- s. The provision of a minimum 2000 litre rainwater tank clearly nominated for each dwelling with water re-used for toilet flushing.
- t. The provision of a visitor parking space between dwellings 2 and 3, with the following consequential alterations to the design:
 - Dwelling 2 modified to a reverse living arrangement with living areas and balcony at first floor, and north facing ground floor windows
 - Provision of an underground water tank for dwelling 2
 - Provision of first floor window/s to dwelling 2 oriented to the street
 - The private open spaces of dwellings 1 and 3 increased
 - Retention of the siting and envelopes of dwellings 1-3

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. 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.

Street Trees

- 4. Prior to the removal of the Robinia street tree from the Phillip Street nature strip,

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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.

Drainage and Water Sensitive Urban Design

5. The development of the site must be provided with stormwater works which incorporates the use of water sensitive urban design principles to improve stormwater runoff quality and which also retains on site any increase in runoff as a result of the approved development. The system must be maintained to the satisfaction of the Responsible Authority. Council's Development Engineer can advise on satisfactory options to achieve these desired outcomes which may include the use of an infiltration or bio-retention system, rainwater tanks connected for reuse and a detention system. The overall outflow of the site to Council drainage system must be limited to 10.8 L/s.
6. Before the development commences, a Stormwater Management Plan showing the stormwater works to the nominated point of discharge must be prepared to the satisfaction of the Responsible Authority. The Stormwater Management Plan must be prepared by a qualified person and show all details of the proposed stormwater works including all existing and proposed features that may have impact (e.g. trees to be retained, crossings, services, fences, abutting buildings, existing boundary surface levels, etc.). The Stormwater Management System must be prepared as per Council's "Civil Design Requirements for Developers – Part A: Integrated Stormwater Management".
7. 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.
8. Stormwater works must be provided on the site so as to prevent overflows onto adjacent properties.

Environmental Audit

9. Prior to the commencement of use either:
 - (i) A Certificate of Environmental Audit for the land must be issued in accordance with Section 53Y of the *Environment Protection Act 1970*; or
 - (ii) 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.
10. Where a Statement of Environmental Audit is issued for the land pursuant to Condition 9 (ii) 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.
11. Any development permitted by this permit must comply with the conditions imposed by the relevant statement of environmental audit for the land.

Parking and Traffic Management

12. Prior to the occupation of the dwellings hereby permitted, areas set aside for

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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.

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

13. Property boundary and footpath levels must not be altered without the prior written consent from 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. All redundant vehicle crossings must be removed (including redundant portions of vehicle crossings) to the satisfaction of the Responsible Authority.
17. The retention of the power pole in the nature strip to the front of the site in its current location must be provided with the setbacks to crossovers required by the relevant servicing authority, if this is unable to be achieved the pole must be relocated to the satisfaction of the relevant servicing authority and the Responsible Authority at the entire cost of the owner/developer.

Lighting

18. 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

19. 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.
20. All fixed external screening to prevent overlooking marked on the endorsed plans shall be maintained by the owner of the land to the satisfaction of the Responsible Authority.
21. All externally-located heating and cooling units, exhaust fans and the like must be concealed from the street, unless with the further written consent of the Responsible Authority.

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

Completion of Works

23. Prior to the occupation of the dwellings hereby permitted, all buildings and works and the conditions of this permit must be complied with to the satisfaction of the Responsible Authority, unless with the further prior written consent of the Responsible Authority.
24. Prior to the occupation of the dwellings hereby permitted, the landscaping works as shown on the endorsed plans must be completed to the satisfaction of the Responsible Authority. Thereafter, the landscaping shall be maintained to the satisfaction of the Responsible Authority.
25. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.

Time Limits

26. 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
- within six (6) months after the permit expiry date, where the development allowed by the permit has not yet started; or
- within twelve (12) months after the permit expiry date, where the development allowed by the permit has lawfully started before the permit expires.

Note: It is noted that the development includes fences and carport roof 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.

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,

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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 fee for removal of the street tree from the nature strip is **(\$737.45 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.

CARRIED

4.4 KP15/134 - 16 Schofield Street Moorabbin

Cr Eden left the meeting at 7:38pm

It is recorded that Kizzy Okoukoni spoke on behalf of the objectors.

Moved: Cr Staikos

Seconded: Cr Peulich

That Council determine to advise the Tribunal of its refusal to support the proposal to develop the land for the construction of seventeen (17) dwellings at 16 Schofield Street Moorabbin, on the following grounds:

1. The proposal fails to provide adequate internal amenity for several apartments that either have no outlook, or are provided with inadequate daylight to habitable rooms, and inadequate solar access to private open spaces that are enclosed by high walls/fencing.
2. The proposed height and scale of the building is inconsistent with the neighbourhood character, and will present an unreasonable degree of bulk and massing to the street and adjoining properties.
3. The proposal fails to provide adequate areas of private open space for apartments on the first floor.
4. The proposal has not adequately addressed its street interfaces, with high front fencing limiting integration with the public realm.

Cr Eden returned to the meeting at 7:44pm

CARRIED

4.5 KP15/246 - 2 Margaret Street, Moorabbin

It is recorded that Dale Godfrey spoke on behalf of the objectors.

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Moved: Cr Staikos

Seconded: Cr Peulich

That Council determine to issue a Notice of Refusal to Grant a Permit to develop the land for the construction of three (3) double storey dwellings at 2 Margaret Street, Moorabbin, on the following grounds:

1. The proposal fails to comply with relevant local planning policies contained within of the Kingston Planning Scheme.
2. The proposal partially results in excessive visual bulk and massing to the detriment of the local neighbourhood character.
3. The proposal fails to provide adequately for reasonable quiet enjoyment and privacy of the adjoining private open spaces.
4. The proposal fails to comply with the following objectives and standards of Clause 55 of the Kingston Planning Scheme (ResCode):
 - Clause 55.02-1 Neighbourhood character
 - Clause 55.03-1 Street Setback
 - Clause 55.05-4 Private Open space
 - Clause 55.04-5 Overshadowing
 - Clause 55.05-5 Solar access to open space

CARRIED

4.6 KP15/147 - 3 Canberra Street, Patterson Lakes

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

Moved: Cr Bearsley

Seconded: Cr Eden

That Council determine to support the proposal and issue a Planning Permit to develop the land for the construction of six (6) double storey dwellings at 3 Canberra Street, Paterson Lakes, 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 12 March 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 be planted on the site, with such plans to be prepared by a suitably qualified landscape professional and incorporating:
 - xx. 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;
 - xxi. 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;

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- xxii. 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;
 - xxiii. a range of plant types from ground covers to large shrubs and trees;
 - xxiv. adequate planting densities (e.g.: plants with a mature width of 1 metre, planted at 1 metre intervals);
 - xxv. the provision of two (2) suitable medium/large sized (at maturity) spreading native canopy trees within the front setback of the property and one (1) small/medium (at maturity) tree within the private open space area of each dwelling, with species chosen to be approved by the Responsible Authority;
 - xxvi. sustainable lawn areas and plant species taking current water restrictions into consideration;
 - xxvii. all trees provided at a minimum of two (2) metres in height at time of planting;
 - xxviii. medium to large shrubs to be provided at a minimum pot size of 200mm; and
 - xxix. the provision of notes on the landscape plan regarding site preparation, including the removal of all weeds, proposed mulch, soil types and thickness, subsoil preparation and any specific maintenance requirements.
- b. the provision of minimum 2000 litre rainwater tank clearly nominated for each dwelling with water re-used for toilet flushing;
 - c. a notation on the plan to read 'the boundary fence construction to a minimum height of 1.7 metres above ground level along the eastern elevation';
 - d. a notation on the plan to read 'the retention of the existing colour bond boundary fence along the south boundary';
 - e. a notation on plan to read 'that there be no pedestrian or vehicular access via the private land at 1 Canberra Street to the subject site and that there shall be no access from the rear yards of units 1 and 2 to/across the rear private road (gate, fence opening or similar) for canal access/use. The 'pathway' can also be part of a request in any conditions to be relabelled 'private road';
 - f. the longitudinal section of reverse fall driveway with levels, distances, grades as per AS2890.1:2004 and flood proof apex;
 - g. additional screening to the sides of the terraces at first floor of units 1 and 2 (fixed and obscure to 1.7m), along with the landing windows at the top of the stairwells to units 2-6 (fixed and obscure to 1.7m) in accordance with Clause 55.04-6 (Standard B22) of the Kingston Planning Scheme;
 - h. vehicle crossings must be constructed at a 90 degree alignment with the kerb on Canberra Street and all internal driveways must align with the existing / proposed vehicle crossing;
 - i. an elevation plan of the front fencing, which provides details of its height, materials and colours;
 - j. the surface material of all driveways / accessways and car parking spaces nominated in all-weather coloured concrete sealcoat, or similar;
 - k. 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;

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- i. the location of all externally-located heating and cooling units, exhaust fans and the like, clearly shown;

Commencement

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. Prior to commencement of the development hereby permitted, a Construction / Site Management Plan, to the satisfaction of the Responsible Authority, must be submitted to and approved by the Responsible Authority and when approved shall thereafter be complied with. The Construction / Site Management Plan must clearly set out measures to prevent amenity loss to surrounding properties during the construction period. The plan is to include, but limited to, measures to control the emission of dust/sand, rubbish on site, loading/unloading times, construction times, and parking of builder's vehicles etc. This plan when endorsed must not be varied without the prior approval of the Responsible Authority. It must also be implemented to the satisfaction of the Responsible Authority.
6. 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.

Street Tree

7. Prior to the commencement of any works on the site, a tree protection barrier must be installed at least (2) metres from the base of the (Gum) street tree located on the nature strip.
8. Prior to the removal of two Eucalypt street trees from the Canberra 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.

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9. Sensitive digging is required during the construction of the proposed crossover to ensure that the health of all street trees located on the crossover is not impacted - no roots over 50mm are to be cut and no branches are to be damaged during any construction works outside any tree protection zone(s).

Drainage

10. A flood proof apex (ie ridge level) protecting the property from any overland flows must be provided. This apex is to be a minimum of 200mm above the existing invert of kerb and channel along the Canberra Street 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.
11. 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. The overall outflow of the site to Council drainage system must be limited to 17.6 L/s.
12. Before the development commences, a Stormwater Management Plan showing the stormwater works to the nominated point of discharge must be prepared to the satisfaction of the Responsible Authority. The Stormwater Management Plan must be prepared by a qualified person and show all details of the proposed stormwater works including all existing and proposed features that may have impact (e.g. trees to be retained, crossings, services, fences, abutting buildings, existing boundary surface levels, etc.). The Stormwater Management System must be prepared as per Council's "Civil Design Requirements for Developers – Part A: Integrated Stormwater Management".
13. 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.
14. Stormwater works must be provided on the site so as to prevent overflows onto adjacent properties.

Infrastructure

15. Property boundary and footpath levels must not be altered without the prior written consent form the Responsible Authority.
16. The replacement of all footpaths, including offsets, must be constructed the satisfaction of the Responsible Authority.
17. All reinstatements and vehicle crossings must be constructed to the satisfaction of the Responsible Authority.

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

Completion

21. 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.
22. Any existing vehicular crossing not in accordance with the endorsed plan must be removed and the kerb reinstated in a manner satisfactory to the Responsible Authority and any proposed vehicular crossing must be fully constructed to the Responsible Authority's standard specification.
23. 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.
24. 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.
25. 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.
26. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.
27. In accordance with section 68 of the *Planning and Environment Act 1987 (Act)*, this permit will expire if one of the following circumstances applies:
 - The development is not started before within (2) years from the date of this permit.
 - The development is not completed within four (4) years from the date of permit issue.

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

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

Note: 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

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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 trees from the nature strip is **\$1210.5** including GST), payable to Kingston City Council's Customer Service Department - refer to cashier code "STRE". Customer Service will confirm payment to the Parks Department. The removal of the tree requires a minimum of 2 weeks notice from the Developer/Owner.

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

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

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

CARRIED

4.7 KP15/350 - 81 Barkly Street Mordialloc

It is recorded that Peter Pascuzzi spoke on behalf of the applicant.

Moved: Cr Brownlees

Seconded: Cr West

That Council determine to support the proposal and issue a Notice of Decision to Develop the land for the construction of 10 dwellings at 81 Barkly Street Mordialloc, 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 24 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:
 - xxx. an associated planting schedule showing the proposed location, species type, mature height and width, pot sizes and number of

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- species to be planted on the site. The schedule must be shown on the plan;
- xxxi. 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;
 - xxxii. 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;
 - xxxiii. a range of plant types from ground covers to large shrubs and trees;
 - xxxiv. adequate planting densities (e.g: plants with a mature width of 1 metre, planted at 1 metre intervals);
 - xxxv. the provision of two (2) suitable medium sized (at maturity) canopy trees within the front setback of the property and one (1) small (at maturity) tree within the private open space area of each dwelling, with species chosen to be approved by the Responsible Authority;
 - xxxvi. all trees provided at a minimum of two (2) metres in height at time of planting;
 - xxxvii. medium to large shrubs to be provided at a minimum pot size of 200mm; and
 - xxxviii. 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.
 - xxxix. a notation of the Tree Protection details as required by conditions 3, 4 and 5 of this permit. This includes all nominated tree protection zones to be drawn to scale on the plans.
- b) finished floor levels;
 - c) finished ground floor levels to private and communal open space;
 - d) elevation plans to nominate obscured glazed windows as indicated on floor plans;
 - e) privacy screens to balconies of Dwelling's 5, 6, 7, 8 and 9 replaced with lower balustrading and deep planter boxes or similar that comply with Standard B22 (Overlooking) of Clause 55 of the Kingston Planning Scheme, and maintain a minimum balcony depth of 1.6 metres;
 - f) improve the direct outlook from the common hallway to the communal area;
 - g) double glazed and obscured north-eastern window of Bedroom 1 to Dwelling 6;
 - h) double glazed window above the driveway of Bedroom 1 to Dwelling 10;
 - i) details of roof finishes and gable ends that provide quality period references;
 - j) sliding doors to storage cages in basement;
 - k) existing cross-box line-marking on street removed and repainted across the existing crossover to No.79 Barkly Street and notated on plans accordingly;
 - l) corner splays nominated on either side of the driveway adjacent to the frontage in accordance with Clause 52.06-8 of the Kingston Planning Scheme;
 - m) the surface material of the ramp nominated in all-weather coloured concrete

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sealcoat, or similar;

- n) the sustainable design initiatives outlined in the endorsed Sustainable Management Plan (SMP) as per condition 13 of this permit; and
- o) the provision of a full colour palette, finishes and building materials schedule for all external elevations and driveways 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.

Tree Protection

- 3. A Tree Protection Zone (TPZ) must be installed at a distance of 2 metres from the *Proteas spp* (Protea species) located along the neighbouring boundary fence at 79 Barkly Street. The following must be observed within 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;
 - 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.

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

- 4. 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 2m in a radius from the *Proteas spp* (Protea species). 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 experienced Arborist.

Drainage and Water Sensitive Urban Design

- 6. The development of the site must be provided with stormwater works which incorporates the use of water sensitive urban design principles to improve stormwater runoff quality and which also retains on site any increase in runoff above the permissible site discharge as a result of the approved development. The system must be maintained to the satisfaction of the Responsible

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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 7.3 L/s.

7. Before the development commences, prior to submission of a detailed Stormwater Management (drainage) Plan of the development as per condition 8) 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 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;
8. Before the development commences, in line with accepted stormwater management strategy as per condition 7 above, a detailed 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".
9. Stormwater works must be provided on the site so as to prevent overflows onto adjacent properties.
10. 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 Council. 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.
11. 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 10, 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

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water (groundwater) must be disposed of on-site or via an agreement with the local sewer authority.

12. In any case where the basement design and construction, required by condition 11 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.

Sustainable Development

13. Before the development commences, a Sustainable Management Plan (SMP) that outlines proposed sustainable design initiatives must be submitted to and approved by the Responsible Authority.

The SMP must incorporate consideration of the following sustainable design criteria:

- Indoor environment
- Energy efficiency
- Water resources
- Stormwater management
- Building materials
- Bicycle parking
- Waste Management
- Urban Ecology
- Innovation
- Ongoing building and site management

Waste Management Plan

14. 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.

Road and Drains Engineering

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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. Any reinstatements and vehicle crossings must be constructed to the satisfaction of the Responsible Authority.
18. Any redundant vehicle crossings must be removed (including redundant portions of vehicle crossings) to the satisfaction of the Responsible Authority.
19. All front and side fences must be contained wholly within the title property boundaries of the subject land.

General amenity conditions

20. All works on or facing the boundaries of adjoining properties must be finished and surface cleaned to a standard that is well presented to neighbouring properties in a manner to the satisfaction of the Responsible Authority.
21. All piping and ducting above the ground floor storey of the development (other than rainwater guttering and downpipes) must be concealed to the satisfaction of the Responsible Authority.
22. 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.

Completion of Works

23. 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.
24. Prior to the occupation of each dwelling, all landscaping works shown on 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.
25. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.

Time Limits

26. 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.

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

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

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

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

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

Note: 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: The development includes fence and building eaves to be built over the rear easement. Separate consent from Council and the relevant service authority is required to build over the easement and will need to be obtained prior to the issue of a Building Permit.

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

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

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

CARRIED

4.7 KP15/112 - 40 - 80 Canterbury Road Braeside

It is recorded that Ian Prudden spoke on behalf of the applicant.

Moved: Cr Brownlees

Seconded: Cr Bearsley

That Council determine to support the proposal and issue a Notice of Decision to develop the land to undertake bulk earthworks and remove native vegetation at 40 - 80 Canterbury Road Braeside, 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 29 July 2015, but modified to show:
 - a. a vegetation removal plan showing all three areas of vegetation to be removed including the remnant patch and two smaller areas to the west.

Endorsed Plans

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

Importation of Fill

3. Prior to the commencement of earthworks a copy of the site management plan as approved by Melbourne water under condition 10 of this permit must be provided to the responsible authority.
4. Earthworks must not be undertaken until such time as the native vegetation offsets are secured in accordance with Conditions 15 – 17 of this permit.
5. All material proposed to be imported from external sources for filling the land as hereby permitted must be certified by a suitably qualified certifier as clean, is of granular clay/sand composition, and is capable of being compacted in layers to achieve minimum 95% Standard Dry Density.
6. Any fill material excavated and sourced from the Melbourne Water Reserve (Lot AA) south of the subject land is regarded as potential acid sulphate soil (PASS), and must be managed in accordance with an Acid Sulfate Management Plan to the approval of a suitably qualified environmental and geotechnical consultant.

Conditions Required by Melbourne Water

7. Prior to commencement of any drainage works, the Owner shall enter into and comply with an agreement with Melbourne Water Corporation for the acceptance of surface and storm water from the subject land directly or indirectly into Melbourne Water's drainage systems and waterways, the provision of drainage works and other matters in accordance with the statutory powers of Melbourne Water Corporation.
8. Prior to the commencement of any drainage works, a hydraulic report demonstrating that the proposed development will not have any adverse impacts on the floodplain is to be submitted to Melbourne Water. In

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particular, computations that detail impacts upon flows, velocities, flood storage and flood levels must form part of this report.

9. Prior to the commencement of any drainage works, a financial arrangement to support the delivery of those works is to be agreed between Melbourne Water and the Owner.
10. Pollution and sediment laden runoff shall not be discharged directly or indirectly into Melbourne Water's drains or waterways.
11. At least 21 days prior to commencement of works, a Site Management Plan detailing pollution and sediment control measures, must be submitted to Melbourne Water.

Conditions required by Department of Environment Land Water and Planning

12. Before works start, the permit holder must advise all persons undertaking the vegetation removal and works on site of all relevant conditions of this permit.
13. Before works start, native vegetation protection fencing must be erected around all patches of native vegetation and scattered trees to be retained on site. This fencing must be erected around the patches at a minimum distance of 2 metres from retained native vegetation and at a radius of 12x the diameter at breast height (DBH) to a maximum of 15 metres but no less than 2 metres from the base of the trunk of the scattered trees.
14. The protection fencing must be constructed to the satisfaction of the responsible authority. The protection fencing must remain in place at least until all works are completed to the satisfaction of the responsible authority. Except with the written consent of the responsible authority, within this area:
 - a. no vehicular or pedestrian access, trenching or soil excavation is to occur
 - b. no storage or dumping of tools, equipment or waste is to occur
 - c. no entry and exit pits for underground services are to be constructed
15. In order to offset the removal of 0.426 hectares of native vegetation approved as part of this permit, the applicant must provide a native vegetation offset that meets the following requirements and is in accordance with the Permitted clearing of native vegetation – Biodiversity assessment guidelines and the Native vegetation gain scoring manual:

The general offset must:

- contribute gain of 0.103 general biodiversity equivalence units
 - be located within the Kingston City Council municipal district
 - have a strategic biodiversity score of at least 0.561
16. Before any native vegetation is removed, evidence that an offset has been secured must be provided to the satisfaction of the responsible authority. This offset must meet the offset requirements set out in this permit and be in accordance with the requirements of Permitted clearing of native

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vegetation – Biodiversity assessment guidelines and the Native vegetation gain scoring manual. Offset evidence can be either:

- a security agreement, to the required standard, for the offset site or sites, including a 10 year offset management plan.
- a credit register extract from the Native Vegetation Credit Register.

17. Every year, for ten years, after the responsible authority has approved the offset management plan, the applicant must provide notification to the responsible authority of the management actions undertaken towards the implementation of the offset management plan. An offset site condition statement, including photographs must be included in this notification.

Vegetation Conditions

18. Prior to the commencement of works a Weed Management Plan must be provided to the satisfaction of and approved by the Responsible Authority. The plan must detail ongoing management for the removal of noxious weeds listed under the Catchment and Land Protection Act 1994.

Conditions required by WAG Pipeline Pty Ltd / Viva Energy Australia

19. The Applicant must submit to Viva Energy a Work Method Statement, Scope of Works and drawings showing the Pipeline and all other utilities crossing the Pipeline at the Applicant's cost.
20. The Applicant must conduct visual GPS surveying with Viva Energy of the Affected Area to prove (that is, identify) the precise location of the Pipeline and provide as-built drawings which include GPS coordinates to Viva Energy at the Applicant's cost.
21. The Property owner must procure WAG Limited and its agents and contractors (including Viva Energy Australia Ltd) access to the Property prior to the development to undertake integrity management processes to the Pipeline. These processes may include, but not be limited to, excavation, coating removal/reinstatement, backfill and compaction to satisfy regulatory requirements, at cost to the Property owner.
22. Viva Energy shall undertake a Safety Management Study (SMS) for regulatory compliance, at cost to the Property owner as reasonably quoted by Viva Energy and accepted by the Property owner prior to commencement (for the avoidance of doubt, no works may be carried out at the Lots X, Y or Z of the Property until the SMS is completed and paid by the Property owner)
23. A Viva Energy Recoverable Works Agreement covering all W.A.G Pty Ltd and Viva Energy costs must be signed by the Property owner prior to commencement of any physical works at the Property.
24. An easement agreement for the creation of an easement to cover:
- a. the land occupied by the Pipeline; and
 - b. land immediately adjacent to the Pipeline of sufficient and appropriate width (dependent on the results of the SMS) to allow for W.A.G Pty Ltd operation and maintenance of the pipeline, with integrity and safety conditions in relation to the Pipeline to be created, must be signed by the Property owner and registered with

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the Titles Office, prior to commencement of any physical works at the Property.

25. Viva Energy Pipeline Coordinator shall be contacted before any works commences at the Affected Property and a 'Viva Energy Right of Way' permit must be issued. The Applicant must engage in only 'Non-Destructive –Digging' and mark out the Pipeline to ensure its integrity during construction, at cost to the Property owner.
26. Any works at Lots X, Y or Z of the Property will be completed in accordance with Viva Energy "Conditions for works near Viva Energy & W.A.G. high pressure pipelines" – and "land use" current at time of building.
27. The Proposed Development will be built in consultation with Viva Energy Pipelines Operations Manager and to Viva Energy requirements to safeguard the integrity of the Pipeline
28. (After approval from Viva Energy the Property owner is required to seek approval from the Pipeline Regulator (Energy Safe Victoria). Approval from Viva Energy is not a guarantee that approval from the regulator will be granted.
29. If future access to the Pipeline is required, then any extra works related to the changes to the Affected Property (including any excavation works) and any installed developments will be completed at cost to the applicable Property owner or the applicable body corporation (if any). This will also apply to any reinstatement costs."
30. Earthworks on the site must be restricted to the following times:

| | |
|-----------------------------|------------------------------------|
| Monday to Friday: | 7:00am to 7:00pm; |
| Saturday: | 9:00am to 6:00pm; and |
| Sunday and Public Holidays: | No construction / works permitted. |

Or otherwise as approved by the Responsible Authority in writing.
31. 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.
32. The loading and unloading of goods to and from vehicles must only be carried out on the land.
33. 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.
34. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.

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

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

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

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

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

Note: If further information is required in relation to Melbourne Water's permit conditions shown above, please contact Melbourne Water on telephone 9679 7517 quoting Melbourne Water's reference 252 457

Note: Prior to the commencement of works please contact Council's Parks Department in relation to the salvaging of native vegetation plant material on 9580 0711.

Note: There is an option to satisfy the general offset conditions at conditions 13 – 17 of this permit via a revegetation project undertaken by Council. This would require payment to Council for the cost of the project including, but not limited to, plantings, ongoing maintenance and any costs associated with securing the offset in accordance with the Permitted clearing of native vegetation – Biodiversity assessment guidelines and the Native vegetation gain scoring manual

Procedural Motion

Moved: Cr West

Seconded: Cr Staikos

That consideration of this item be deferred until the November Planning Committee Meeting or Ordinary Meeting of Council.

Procedural Motion

Moved: Cr Staikos

Seconded: Cr Eden

That an extension of 2 minutes be granted to Cr West.

CARRIED

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Procedural Motion

Moved: Cr Staikos

Seconded: Cr Eden

That an extension of 1 minute be granted to Cr West.

CARRIED

The Procedural Motion to Defer was put and **LOST**
The Substantive Motion was put and **CARRIED**

5. Confidential Items

Moved: Cr Staikos

Seconded: Cr Brownlees

That in accordance with the provisions of section 89(2) of the *Local Government Act 1989*, the meeting be closed to members of the public for the consideration of the following confidential items:

5.1 KP977/2008 - 150-170 Old Dandenong Road Heatherton - VCAT Appeal lodged following Council's Refusal

This agenda item is confidential in accordance with the Local Government Act s89(2) as it relates to proposed developments (s89 2e)

CARRIED

The meeting was closed to members of the public at 8.50pm

The meeting was opened to members of the public at 8.52pm

The meeting closed at 8.52pm

Confirmed.....

The Mayor 18 November 2015