

Minutes

Planning Committee Meeting

Wednesday, 22nd June 2016

**City of Kingston
Planning Committee Meeting**

Minutes

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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 David Eden
Cr Geoff Gledhill
Cr Steve Staikos
Cr Rosemary West OAM

In Attendance: John Nevins – Chief Executive Officer
Paul Franklin – General Manager Corporate Services
Jonathan Guttman – General Manager Planning and Development
Paul Marsden – Manager City Strategy
Ian Nice – Manager City Development
Bridget Draper – Acting Manager Governance
Stephanie O’Gorman – Governance Officer
Gabrielle Pattenden – Governance Administration Officer

1. Apologies

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

Moved: Cr Brownlees

Seconded: Cr Gledhill

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

CARRIED

2. Confirmation of Minutes of Previous Meetings

Moved: Cr Brownlees

Seconded: Cr Gledhill

That the Minutes of the Planning Committee Meeting held on 18 May 2016 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 - May 2016

Moved: Cr Brownlees

Seconded: Cr West

That the report be noted.

CARRIED

Moved: Cr Staikos

Seconded: Cr Brownlees

That the order of business be amended to consider Items 4.9 and 4.10 be considered prior to Item 4.2.

CARRIED

4.9 KP15/1002 - 512-540 Heatherton Road Clayton South

It is recorded that Diana Donohue spoke on behalf of the objectors in relation to this item.

It is recorded that Ben Daly spoke on behalf of the applicant in relation to this item.

Moved: Cr Gledhill

Seconded: Cr Brownlees

That Council determine to support the proposal and issue a Notice of Decision to Grant a Permit to use and develop the land for the purpose of a Plant Nursery at No. 512-540 Heatherton 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 16 March 2016 and 26 May 2016, but modified to show:
 - a) The deletion of all references to signage.
 - b) No more than **twenty (20)** soil bins may be provided externally on the site and a note to state "the bins must not be used to supply loose materials."
 - c) A note to state "The plant nursery permitted by this permit must be used for the propagation, growing and retail sale of plants, scrubs, trees and/or nursery supplies. The supply of materials (e.g. sand, soil, mulch) may only occur to the extent (as applicable) such supply is ancillary to the use permitted by this permit."
 - d) The external fabric of the shed including the roof colour to be in muted toning and non-reflective to the satisfaction of the Responsible Authority.
 - e) The loading bay provided on site to be fully dimensioned in accordance with Clause 52.07 of the Kingston Planning Scheme.
 - f) Vehicle car parking spaces designed to have a dimension of 2.5m x 5.4m

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- (class 2 – medium term parking) or 2.6m x 4.9m (Clause 52.06) or otherwise to the satisfaction of the Responsible Authority.
- g) The provision of a 1.0m parking indent adjacent to car space 1 and 18 to the satisfaction of the Responsible Authority.
 - h) A truck swept path diagram to demonstrate vehicles can enter and exit in a forward direction.
 - i) A note to state “redundant vehicle crossovers / access points into Heatherton Road must be removed to the satisfaction of the Responsible Authority.”
 - j) The landscaping between the external soil bin area and dam must be widened to a minimum of 2.0m adjacent to any soil bins.
 - k) The landscaping strip along the frontage of Grange Road and Heatherton Road to be extended to 3.0m.
 - l) Any trees with a trunk circumference of 110cm or greater within this site area must be assessed by a qualified arborist and retained if required by the Responsible Authority.
 - m) The provision of a landscape plan in accordance with the submitted development plan and the City of Kingston Landscaping guide for Development applications, with such plans to be prepared by a suitably qualified landscape professional and incorporating:
 - i. an associated planting schedule showing the proposed location, species type, mature height and width, pot sizes and number of species to be planted on the site. The schedule must be shown on the plan;
 - ii. the delineation of all garden beds, paving, grassed areas, retaining walls, fences and other landscape works including areas of cut and fill throughout the development;
 - iii. all existing trees on the site and within three (3) metres to the boundary of the site on adjoining properties, accurately illustrated to represent actual canopy width and labelled with botanical name, height and whether the tree is proposed to be retained or removed;
 - iv. a range of plant types from ground covers to large shrubs and trees, species must comprise a minimum of 80% indigenous species, and be provided at 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 and medium to large shrubs to be provided at a minimum pot size of 200mm;
 - vi. no trees with a mature height over five (5) meters are to be planted over proposed or existing easements; and
 - vii. 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.
 - viii. Allocation of uses updated.

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2. The development and/or use as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.
3. 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.

Stormwater

4. Prior to the commencement of the use, or any buildings and works on site, a comprehensive stormwater management strategy of the site including MUSIC model output incorporating Water Sensitive Urban Design Treatments to achieve Victorian Best Practice objective as per Council's "Civil Design Requirements for Developers – Part A - Integrated Stormwater Management" must be provided to the satisfaction of the Responsible Authority.
5. The development of the site must be provided with stormwater works which incorporates the use of water sensitive urban design principles to improve stormwater runoff quality and which also retains on site any increase in runoff as a result of the approved development. The system must be maintained to the satisfaction of the Responsible Authority. Council's Development Engineer can advise on satisfactory options to achieve these desired outcomes which may include the use of an infiltration or bioretention system, rainwater tanks connected for reuse and a detention system.
6. Before the development commences, a Stormwater Management Plan showing the stormwater works to the nominated point of discharge must be prepared to the satisfaction of the Responsible Authority. The Stormwater Management Plan must be prepared by a qualified person and show all details of the proposed stormwater works including all existing and proposed features that may have impact (e.g. trees to be retained, crossings, services, fences, abutting buildings, existing boundary surface levels, etc.).
7. Stormwater works must be provided on the site so as to prevent overflows onto adjacent properties.

VicRoads

8. All vehicle access to the site being confined to Grange Road and redundant vehicle crossovers/ access points into Heatherton Road being removed to the satisfaction of the Responsible Authority

Use

9. The use must operate only between the hours of:
 - Monday to Saturday 7.00am to 5.00pm
 - Sundays / Public Holidays 8.00am to 4.00pm

Or otherwise as approved by the Responsible Authority in writing.

10. The plant nursery permitted by this permit must be used for the propagation, growing and retail sale of plants, scrubs, trees and/or nursery supplies. The supply of materials (e.g. sand, soil, mulch) may only occur to the extent (as applicable) such supply is ancillary to the use permitted by this permit, and subject to any such

supply being restricted to bagged (ie not loose) materials.

11. No more than eight (8) employees may be present on the site at any one time.

Amenity

12. All external surfaces of the building elevations must be finished in accordance with the schedule on the endorsed plans and maintained in good condition to the Responsible Authority's satisfaction.

13. 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.

Car Park

14. Before occupation of the development hereby permitted, areas set aside for parking vehicles, access lanes and paths as shown on the endorsed plans must be:

- vi. Constructed to the satisfaction of the Responsible Authority.
- vii. Properly formed to such levels that they can be used in accordance with the plans.
- viii. Surfaced to the satisfaction of the Responsible Authority.
- ix. Drained to the satisfaction of the Responsible Authority.
- x. Line-marked to indicate each car space, all access lanes and, if necessary, the direction in which vehicles are to travel to the satisfaction of the Responsible Authority.
- xi. In accordance with any Council adopted guidelines for the construction of car parks.

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

15. In areas set aside for car parking, measures must be taken to the satisfaction of the Responsible Authority to prevent damage to fences or landscaped areas.

16. 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.

Loading and Unloading

17. The loading and unloading of goods to and from vehicles must only be carried out on the land.

18. No goods or packaging materials shall be stored or left exposed outside the

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building so as to be visible to the public from a road or other public place.

Other

19. No signs or other advertising or identification may be erected or displayed on the site without written Council consent.
20. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.

Time Limit

21. 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 use and development is not started before two (2) years from date of this permit.
- The development is not completed before four (4) years from the date of permit issue.
- 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 or 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.

CARRIED on the casting vote of the Chairperson

A Division was Called:

DIVISION:

FOR: Crs Brownlees, Bearsley and Gledhill (3)

AGAINST: Crs Staikos, West and Eden (3)

CARRIED on the casting vote of the Chairperson

4.10 Green Wedge Land 732-928 Springvale Road (Even Numbers on the Western Side) and 327 Governor Road, Braeside

Moved: Cr West

Seconded: Cr Staikos

That Council, based on the response provided by the Minister for Planning, resolve not to pursue the application of a residential zone and inclusion of Green Wedge land at 732 - 928 Springvale Road (even numbers on the western side) and 327 Governor Road, Braeside within the Urban Growth Boundary.

Amendment

Moved: Cr Brownlees

Seconded: Cr Gledhill

That Council:

1. Based on the response provided by the Minister for Planning, resolve not to pursue the application of a residential zone and inclusion of Green Wedge land at 732 - 928 Springvale Road (even numbers on the western side) and 327 Governor Road, Braeside within the Urban Growth Boundary.
2. Instruct Officers brief Councillors at a Councillor Information Session in July on the option of preparing a Schedule to the Special Use Zone (SUZ) and relevant Local Planning Policy changes designed to implement the recommendations of the Green Wedge Management Plan (2012) in relation to land identified as 'Potential future business / commercial zone' on Map 11 'Proposed Planning Scheme Changes' (p80)

The Amendment was put and CARRIED

A Division was Called:

DIVISION:

FOR: Crs Brownlees, Bearsley and Gledhill (3)

AGAINST: Crs West and Eden (2)

ABSTAINED: Crs Staikos (1)

CARRIED on the casting vote of the Chairperson

The Amendment became the Motion

Procedural Motion

Moved: Cr Staikos

Seconded: Cr Gledhill

That the Motion be put

CARRIED

The Motion was put and CARRIED

Cr West requested it be noted that she voted AGAINST the Motion.

4.2 KLP970/2015 - 43 Edmond Street, Parkdale

It is recorded that Jonathan Taylor spoke on behalf of the objectors in relation to this item.

It is recorded that Mark Butler spoke on behalf of the applicant in relation to this item.

Moved: Cr Gledhill

Seconded: Cr West

That Council determines to issue a Notice of Refusal to Grant a Permit to develop the land for the construction of two (2) dwellings at No. 43 Edmond Street, Parkdale on the following grounds:

1. The proposal would detrimentally affect the amenity of the Neighbourhood.
2. The proposal would detract from the visual amenity of the locality and the streetscape.
3. The proposal constitutes an over-development of the site.

CARRIED

4.3 KP14/1044 - 8-10 Garfield Street Cheltenham

It is recorded that Michael Hall spoke on behalf of the objectors in relation to this item.

It is recorded that Mark DeWerd spoke on behalf of the applicant in relation to this item.

Moved: Cr Brownlees

Seconded: Cr Gledhill

That Council determines to issue a Notice of Refusal to Grant a Permit to develop the land for the construction of seventeen (17) dwellings at No. 8-10 Garfield Street Cheltenham on the following grounds:

1. The proposal does not adequately respond to the neighbourhood character, exhibiting an unreasonable degree of bulk to the street and adjoining properties.
2. The proposal does not satisfy objectives relating to overlooking, with insufficient consideration to the extent of screening required to side elevations.
3. The proposal will not provide an adequate level of private open space for apartments to meet the recreation and service needs of future residents.

CARRIED

4.4 KP-694/2015 - 6 Rosewarne Avenue Cheltenham

It is recorded that Shirley Elliot spoke on behalf of the objectors in relation to this item.

It is recorded that Joe Tattaglia spoke on behalf of the applicant in relation to this item.

Moved: Cr Staikos

Seconded: Cr Eden

That Council determines to issue a Notice of Refusal to Grant a Permit to develop the land for the construction of three (3) dwellings at 6 Rosewarne Avenue, Cheltenham on the following grounds:

1. The proposal fails to comply with aspects of the State and Local Planning Policy Framework in relation to the preferred density, scale and character. In particular, the proposal would be contrary to Clause 22.11 (Residential Development Policy) as it would allow double storey built form towards the rear of the site and the Kingston Neighbourhood Character Study 2003 as it would not meet the 'average lot sizes' for Area 2 and to Clause 21.05.
2. The development fails to adequately satisfy the Private Open Space requirements of the General Residential Zone and Schedule 3 of the Zone.

CARRIED

4.5 KP-504/2015 - 1057A Nepean Highway Moorabbin

It is recorded that Peter Mansourian spoke on behalf of the objectors in relation to this item.

It is recorded that Andrew Shaw spoke on behalf of the applicant in relation to this item.

Moved: Cr Staikos

Seconded: Cr Gledhill

That Council determine to support the proposal and issue a Notice of Decision to Grant a Permit to use the land for massage therapy and develop the land for the display of business identification signage at No. 1057A Nepean Highway, Moorabbin, subject to the following conditions:

1. Before the use 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 22 September 2015, but modified to show:
 - a. Deletion of advertising signs C, E, F, G, H, I and J from the plans; and

- b. Deletion of all LED lighting strips, including around advertising sign G, along the canopy, along the bottom of advertising sign B and along the bottom of advertising sign J.

Endorsed Plans

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

Operation of the Use

3. A maximum of four (4) staff members may be present on site at any one time.
4. A maximum of fourteen (14) people (including staff) are permitted on site at any one time.
5. The use must operate only between the hours of:
 1. Monday to Sunday: 10am to 11pm

Unless or otherwise as approved by the Responsible Authority in writing.

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

General Amenity Considerations

7. The amenity of the area must not be detrimentally affected by the use, through the:
 1. Transport of materials, goods or commodities to or from the land.
 2. Emission of noise, artificial light, vibration.
 3. Presence of vermin.
 4. Any other way.
8. The 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.

Signage

9. The location and details of the sign(s) as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.

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10. All signs must be located wholly within the title boundary of the land and must not protrude above the overall height of the building.
11. The sign(s) must not be located within or encroach onto the road reservation.
12. Signs must not be illuminated internally or by external lights except with the prior written consent of the Responsible Authority.
13. No sign(s) or other advertising or identification may be erected or displayed on the site without written Council consent.
14. The sign(s) must not be animated and no flashing or intermittent lights may be displayed.
15. The intensity of the light on the sign(s) must be limited so as not to cause glare or distraction to motorists or other persons or loss of amenity in the surrounding area all to the satisfaction of the Responsible Authority.
16. Once the erection of the sign(s) has commenced it must be continued and completed to the satisfaction of the Responsible Authority.
17. The sign(s) shown on the endorsed plans must be constructed to the satisfaction of the Responsible Authority and must be maintained to the satisfaction of the Responsible Authority.
18. This permit (or part of the permit that relates to advertising signs) expires 15 years from the date of issue of the permit.

VicRoads

19. No advertisement may be displayed for less than 10 seconds.
20. The transition from one advertisement to another must be instantaneous.
21. In relation to the images displayed on the sign:
 - i. Sequences of images giving the illusion of continuous movement must not be displayed,
 - ii. Images or text capable of being mistaken as an instruction to a road user must not be displayed,
 - iii. Flashing background, flashing text or flashing images must not be displayed.
22. The sign must not dazzle or distract road users due to its colouring.
23. The luminance of the advertising sign must be such that it does not give a veiling luminance to the driver of greater than 0.25 cd/m² throughout the driver's approach

to the advertising sign.

Time Frames

24. 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 use is not started within two (2) years from date of this permit.
- 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 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 use and/or development you are required to obtain a Building Permit, if necessary.

Note: Pursuant to Clause 52.05 (Advertising Signs) of the Kingston Planning Scheme, the site is within Category 3 (High Amenity Area). Within this Category, any sign not in Sections 1 and 2 is prohibited, including 'Electronic Signage'.

CARRIED

4.6 KP15/439 - 32 - 34 Como Parade West Mentone

It is recorded that Dorothy Booth spoke on behalf of the objectors in relation to this item.

It is recorded that Lou Oliveson spoke on behalf of the applicant in relation to this item.

Moved: Cr Brownlees

Seconded: Cr Gledhill

That Council determines to issue a Notice of Refusal to Grant a Permit to develop the land for the construction of buildings and works for a four storey mixed use building comprising of sixteen (16) dwellings, cafe and commercial tenancy with a car parking reduction and loading bay waiver at No. 32 – 34 Como Parade West Mentone on the following grounds:

1. The proposal fails to satisfy the State and Local Planning Policy Framework.
2. The proposal does not adequately address the objectives and guidelines of the

Activity Centre Zone and Schedule 2 of the Zone.

3. The built form does not appropriately respond to heritage buildings within the precinct.
4. The proposal fails to provide sufficient on site car parking and loading and unloading facilities.
5. Conflicts between pedestrian and vehicle access have not been adequately resolved within the shared space.
6. The proposal does not provide for adequate on site amenity.
7. The safe and convenient use of Florence Lane as an option for vehicular access to the onsite carpark has not been adequately demonstrated.

CARRIED

4.7 KP15/889 - 24 McLeod Road, Carrum

Moved: Cr Eden

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 six (6) dwellings within a three (3) storey residential building and to alter access to land adjacent to a Road Zone Category 1 at No. 24 McLeod Road, Carrum, 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 25th February, 2016, but modified to show:
 - a. the provision of a landscape plan in accordance with the submitted development plan and the City of Kingston Landscape Plan Checklist, with such plans to be prepared by a suitably qualified landscape professional and incorporating:
 - i. an associated planting schedule showing the proposed location, species type, mature height and width, pot sizes and number of species to be planted on the site;
 - ii. the delineation of all garden beds, paving, grassed area, retaining walls, fences and other landscape works including areas of cut and fill throughout the development;
 - iii. all existing trees on the site and close to the boundary of the site on adjoining properties, accurately illustrated to represent actual canopy width and labelled with botanical name, height and whether the tree is proposed to be retained or removed;
 - iv. a range of plant types from ground covers to large shrubs and trees, species must comprise a minimum of 80% indigenous coastal species, and be 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) coastal indigenous canopy trees within the front setback of the site and an additional two (2) small (at maturity) trees within site, with species chosen to be approved by the Responsible Authority;
 - vi. all trees provided at a minimum of 2 metres in height at time of planting and medium to large shrubs to be provided at a minimum pot size of 200mm;
 - vii. the provision of notes regarding site preparation, including the removal of all weeds, proposed mulch, soil types and thickness, subsoil preparation and any specific maintenance requirements;
 - viii. the relocation of the proposed rainwater tank outside of the TPZ of the *Ficus macrocarpa* (Morton Bay Fig) on adjoining property at 22 McLeod Road;
 - ix. the relocation of the proposed storage sheds outside of the TPZ of the *Ficus macrocarpa* (Morton Bay Fig) on adjoining property at 22 McLeod Road;
 - x. all hard surfacing proposed within the barbecue/communal area must be built must be built above grade using permeable materials to the satisfaction of the Responsible Authority. No compaction can occur within this area.
 - xi. the proposed carparking area within the TPZ (10.6 meters) of the neighbouring *Ficus macrocarpa* (Morton Bay Fig) must be built above grade using permeable materials to the satisfaction of the Responsible Authority. No compaction can occur within this area.
 - xii. no trees with a mature height over five (5) meters are to be planted over proposed or existing easements; and
 - xiii. a notation of the Tree Protection details as required by Conditions 3 to 5 of this permit. This includes all nominated tree protection zones to be drawn to scale on the plans.
- b. all of the requirements specified by VicRoads, in accordance with Condition 7-10 of this permit;
 - c. the provision of a Construction Management Plan (CMP) to be submitted to and approved to the satisfaction of the Responsible Authority, in accordance with Condition 19 of this permit;
 - d. the minimum finished floor level for the habitable areas at the ground floor level of the new building nominated as 2.17 metres to Australian Height Datum (AHD);
 - e. the minimum finished floor level for the car parking areas and pergolas nominated as 2.02 metres to Australian Height Datum (AHD);
 - f. the designated visitor car parking space modified to a minimum of 2.3 metres wide by 6.7 metres long;

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- g. a minimum headroom clearance of 2.1 metres for the undercroft car parking spaces;
- h. the provision of a new 2.0 metre high timber paling fence along the length of the site's east (side) property boundary, at the Owner/Developer's cost;
- i. details as to whether the proposed pergola structures associated with Dwelling 1 and Dwelling 2 are either open or covered;
- j. the provision of glass blockwork in the rear wall of the existing dwelling at No. 45A Valetta Street;
- k. the provision of an internal clothes dryer for each dwelling;
- l. the provision of security lighting adjacent to the proposed common driveway and within the car parking area;
- m. vehicle crossings must be constructed at a 90 degree alignment with the kerb on McLeod Road and all internal driveways must align with the existing/proposed vehicle crossings;
- n. the surface material of all driveways/accessways and car parking spaces nominated in all-weather coloured concrete sealcoat, or similar;
- o. the location of all external heating and/or cooling units associated with the new residential building; and
- p. the provision of a full colour palette, finishes and building materials schedule for all external elevations and driveway/s of the development.
- q. 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.
- r. The deletion of the WC (toilet) for Apartment 6 on the second floor (Level 3) and the adjoining bathroom for this dwelling relocated north-west accordingly.

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 around the *Ficus macrocarpa* (Morton Bay Fig) on adjoining property at 22 McLeod Road as set out in the Tree Management Plan by Glenn Waters Arboriculture (Dated: 6/6/2016). The following must be observed within this zone:
 - 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;

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- 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 in accordance the Tree Management Plan by Glenn Waters Arboriculture (Dated: 6/6/2016). 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.

Street Tree

- 6. 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 *Banksia integrifolia* (Coast Banksia) street tree located on the McLeod Road nature strip.

Conditions required by VicRoads:

- 7. Prior to the occupation of the permitted development, the crossover must be fully constructed with the edges of the crossover angled at 60 degrees to the road reserve boundary, to the satisfaction of the Responsible Authority;
- 8. Vehicles must be able to enter and exit the property in a forward direction at all times.
- 9. Prior to the occupation of the buildings, the access lanes, driveways, crossovers and associated works must be provided and available for use and be:
 - a) Formed to such levels and drained so that they can be used in accordance with the plan.
 - b) Treated with an all-weather seal or some other durable surface.
- 10. Driveways must be maintained in a fit and property state so as not to compromise the ability of vehicles to enter and exit the site in a safe manner or compromise the operational efficiency of the road or public safety (e.g. by spilling gravel into the roadway).

Infrastructure and Road Works

- 11. Any redundant vehicular crossing must be removed and the nature strip, kerb and channel, and footpath must be reinstated to the Responsible Authority's

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- standard specifications and to the satisfaction of the Responsible Authority.
12. 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.
 13. Property boundary and footpath levels must not be altered without the prior written consent from the Responsible Authority.
 14. All reinstatements and vehicle crossings are to be constructed to the satisfaction of the relevant authority.
 15. The replacement of all footpaths, including offsets, must be constructed to the satisfaction of Council's Roads and Drains Department.
 16. All redundant vehicle crossings must be removed (including redundant portions of vehicle crossings) to the satisfaction of the Responsible Authority.
 17. All front and side fences must be constructed wholly within the title property boundaries of the subject land.
 18. 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.

Construction Management

19. Prior to the commencement of the Development, 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 to the satisfaction of the Responsible Authority. The CMP must specify and deal with, but not limited to, the following, to the satisfaction of the Responsible Authority:
 - a) a pre-construction site inspection and conditions assessment of all infrastructure adjacent to the subject land;
 - b) full details of any proposed construction hoarding locations, temporary footpath closures, proposed public safety signage and any proposed crane location positions external to the subject land;
 - c) a full traffic management plan which is approved by VicRoads and details all proposed local or main road partial or full closures, locations as to how concrete pours will be managed including vehicle storage locations and all required temporary signage and suggested locations;
 - d) all proposed locations for how materials will be stored on and if permitted off site including site sheds and facilities;
 - e) the location for the parking of all construction vehicles and construction worker vehicles during construction;
 - f) full details as to the location and means in which

loading/unloading of materials will occur;

- g) the means in which construction waste / waste materials will be managed both on and from the site;
- h) the means in which dust will be suppressed during construction
- i) business operations on the site during construction;
- j) site security; and
- k) construction times, noise and vibration controls.

In the event of damage during construction to any adjacent Council roads, footpaths and park land, such damage will be required to be repaired by and at the full cost to the developer, to the satisfaction of the Responsible Authority.

Drainage and Water Sensitive Urban Design

- 20. 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 6.1 l/s.
- 21. 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*.
- 22. A STORM report demonstrating water sensitive urban design treatments and achieving Victorian best practice objectives with 100% rating must be provided as part of the Stormwater Management Plan to the satisfaction of the Responsible Authority.
- 23. Stormwater works must be provided on the site so as to prevent overflows onto adjacent properties.

Parking and Traffic Management

- 24. 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.

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- 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.

General amenity conditions

- 25. 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.
- 26. 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.
- 27. 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

- 28. Prior to the occupation of each dwelling 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.
- 29. Prior to the occupation of each dwelling 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.
- 30. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.

Time Limits

- 31. 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.

32. 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: The applicable flood level for the property is 1.87 metres to Australian Height Datum (AHD).

Note: It is noted the development includes storage sheds 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 owner(s), occupiers and visitors of the development allowed by this permit will not be eligible for Council resident or visitor parking permits.

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: Council's Rates Department is responsible for determining and assigning property address details, which include dwelling/unit/apartment and street numbers and/or street names. The onus is on the Permit Applicant/Land Owner to contact Council's Rates Department to determine dwelling/unit/apartment and street numbers, and street name details for the approved development. Any reference to dwelling numbers on endorsed plans is indicative and should not be relied upon for dwelling/unit/apartment and street numbers and/or street name purposes.

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

4.8 KP15/886 - 15-17 Station Road, Cheltenham

It is recorded that Mrs Julienne Tan spoke on behalf of the objectors in relation to this item.

It is recorded that Steve Larkan spoke on behalf of the applicants in relation to this item.

Moved: Cr Brownlees

Seconded: Cr Gledhill

That Council determine to support a Notice of Decision to Grant a Permit for the use of the land for the sale and consumption of liquor (on-premises licence) and a reduction of the car parking requirements pursuant to Clause 52.06 of the Kingston Planning Scheme, subject to the following conditions:

1. Before the use 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 27th November, 2015, but modified to show:
 - a) an internal and external seating plan for the existing premises; and
 - b) the location of the proposed waste collection area.

Endorsed Plans

2. The use (liquor licence) as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.

Sale and Consumption of Liquor

3. The serving of liquor is to be restricted to the following times:

Monday to Saturday: 9:00am to 12:00 midnight

Sunday: 9:00am to 11:00pm

Or otherwise as approved by the Responsible Authority in writing.

4. Not more than 120 patrons are to be permitted on the premises at any one time during the licensed hours.

RSA

5. During all operating hours of the use hereby authorised, there must be present on

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the site a person above the age of 18 years, who has been authorised by the occupier of the land and that person will be responsible for the good conduct of patrons arriving, using or leaving the land (for the purposes of this permit, this person is known as "The Manager"), to the satisfaction of the Responsible Authority.

6. All staff on the premises (except kitchen staff) must be appropriately trained in the responsible serving of alcohol, to the satisfaction of the Responsible Authority.
7. The Manager (as referred to in Condition 5 of this permit) must be qualified in operating in accordance with the policies and guidelines prescribed by the Victorian Commission for Gambling and Liquor Regulation, to the satisfaction of the Responsible Authority.

Amenity

8. The amenity of the area must not be detrimentally affected by the use, including 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.
9. No live or amplified music to be played, with the exception of background music, to the satisfaction of the Responsible Authority.
10. Noise emissions must comply with the State Environment Policy or any other standard recommended by the Environmental Protection Authority to the satisfaction of the Responsible Authority.
11. Emptying of bottles into garbage bins located external to the building is permitted only between the hours of 9:00am and 10:00pm on any given day, to the satisfaction of the Responsible Authority.
12. Once the use (liquor licence) has started it must be continued to the satisfaction of the Responsible Authority.

Expiry Timescales

13. In accordance with section 68 of the Planning and Environment Act 1987 (Act), this permit will expire if one of the following circumstances applies:
 - a) The use is not started within two (2) years from the date of permit issue.
 - b) 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 (liquor licence) allowed by the permit has not yet started.

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Note: Prior to the commencement of the development or use you are required to obtain the necessary Council Health Department approvals.

CARRIED

Moved: Cr West

Seconded: Cr Eden

That the item be deferred to the July Ordinary Meeting of Council.

LOST

4.11 Amendment C132 - Planning Scheme Review Implementation (Stage 1)

Moved: Cr Staikos

Seconded: Cr Gledhill

That Council:

1. Subject to final refinement of the draft ordinance, request authorisation from the Minister for Planning to prepare Amendment C132 to the Kingston Planning Scheme to amend clauses 21 and 22 of the Kingston Planning Scheme in line with the outcomes of the 2012 Planning Scheme Review Report.
2. Exhibit Amendment C132 to the Kingston Planning Scheme in accordance with the *Planning and Environment Act 1987* should authorisation be granted by the Minister for Planning to prepare the amendment.

CARRIED

5. Confidential Items

There were no confidential items.

The meeting closed at 9.25pm.

Confirmed.....

The Mayor 20 July 2016