

Minutes

Planning Committee Meeting

Wednesday, 18th May 2016

**City of Kingston
Planning Committee Meeting**

Minutes

18 May 2016

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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 Paul Peulich
Cr John Ronke
Cr Steve Staikos

In Attendance: John Nevins – Chief Executive Officer
Jonathan Guttman – General Manager Planning and Development
Paul Marsden – Manager City Strategy
Ian Nice – Manager City Development
Megan O’Halloran – Manager Communications and Community Relations
Phil DeLosa – Manager Governance
Stephanie O’Gorman – Governance Officer
Gabrielle Pattenden – Governance Administration Officer

1. Apologies

Apologies from Cr West and Cr Barth were submitted to the meeting.

Moved: Cr Gledhill

Seconded: Cr Staikos

That the apologies from Cr West and Cr Barth be received.

CARRIED

2. Confirmation of Minutes of Previous Meetings

Moved: Cr Ronke

Seconded: Cr Brownlees

That the Minutes of the Planning Committee Meeting held on 23 March 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.

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4. Planning and Development Reports

4.1 Town Planning Application Decisions - April 2016

Moved: Cr Brownlees

Seconded: Cr Gledhill

That the report be noted.

CARRIED

Moved: Cr Brownlees

Seconded: Cr Peulich

That the order of business be altered to consider Item 4.7 Amendment C148 - 95-97 Beach Road, Mentone Hotel prior to Item 4.2.

CARRIED

4.7 Amendment C148 - 95-97 Beach Road, Mentone Hotel

Moved: Cr Brownlees

Seconded: Cr Gledhill

That Council:

1. Request authorisation from the Minister for Planning to prepare Amendment C C148 to the Kingston Planning Scheme to amend the schedules to clauses 52.03 and 81.01 of the Kingston Planning Scheme to insert an Incorporated Document titled "Mentone Hotel redevelopment – 95-97 Beach Road, Mentone.
2. Exhibit Amendment C148 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.
3. Determine that a further report be brought back to Council following the close of the exhibition period.
4. Receive and note the contents of the petition as tabled and that it be referred via the next Council Meeting to the CEO for response and inclusion in Council's further deliberations.

Procedural Motion

Moved: Cr Peulich

Seconded: Cr Gledhill

That standing orders be suspended.

CARRIED

Procedural Motion

Moved: Cr Brownlees

Seconded: Cr Gledhill

That standing orders be resumed.

CARRIED

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Procedural Motion

Moved: Cr Peulich

Seconded: Cr Gledhill

That an extension of time to speak on the substantive motion be granted to Cr Brownlees .

CARRIED

Procedural Motion

Moved: Cr Eden

Seconded: Cr Staikos

That consideration of this matter be deferred to the July Ordinary Meeting of Council.

LOST

A Division was Called:

DIVISION:

FOR: Crs Staikos and Eden (2)

AGAINST: Crs Ronke, Brownlees, Peulich, Bearsley and Gledhill (5)

LOST

Cr Gledhill left the meeting at 7:44 pm.

Cr Gledhill returned to the meeting at 7:47 pm.

The Mayor allowed Cr Eden to make a short statement in relation to a misrepresentation concerning him in the local media.

Cr Eden made the following statement:

“After the Councillor Information Session where the Mentone Hotel Rezoning proposal was discussed I was informed by local residents that they had previously inquired about the Mentone Hotel to Council and were assured that they would be updated prior to any action or decision by Council.

At that point in time I was informed that Council had not kept these individuals, or many others up to speed and were unaware of tonight’s decision.

The Local Government Act requires Councillors to ‘facilitate effective communication between the Council and the community.’ It is important for the community, which directly elects their Council representatives, to be kept informed of Council plans, upcoming decisions and other matters of interest. Further, the Councillor Code of Conduct refers to the importance of being transparent by encouraging public scrutiny of decisions.

Unfortunately, quotes have been attributed to me that are not mine and accordingly may misrepresent my position on this matter. I have advised residents that if they wish to have a say on this matter regardless of their position or views they should contact their decision makers, being their elected Councillors.

Over the past weeks my priority has been to inform, communicate and consult with the community and Council officers on the said matter to ensure that a decision which is in the community’s best interest is made here tonight.”

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The Substantive Motion was put and CARRIED

A Division was Called:

DIVISION:

FOR: Crs Ronke, Brownlees, Peulich, Bearsley and Gledhill (5)

AGAINST: Crs Staikos and Eden (2)

CARRIED

The Resolution reads as follows:

Moved: Cr Brownlees

Seconded: Cr Gledhill

That Council:

1. Request authorisation from the Minister for Planning to prepare Amendment C148 to the Kingston Planning Scheme to amend the schedules to clauses 52.03 and 81.01 of the Kingston Planning Scheme to insert an Incorporated Document titled "Mentone Hotel redevelopment – 95-97 Beach Road, Mentone.
2. Exhibit Amendment C148 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.
3. Determine that a further report be brought back to Council following the close of the exhibition period.
4. Receive and note the contents of the petition as tabled and that it be referred via the next Council Meeting to the CEO for response and inclusion in Council's further deliberations.

CARRIED

Note: Refer to Minutes of Ordinary Meeting of Council on 27 June 2016, where it was resolved by Council to amend references to Amendment C161 to read Amendment C148 in the resolution and Minutes for Item 4.7.

4.2 KP15/868 - 41 Downard Street Braeside

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

It is noted that Sharon Menzies spoke on behalf of the applicant in relation to this item.

Moved: Cr Brownlees

Seconded: Cr Gledhill

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 buildings and works and to use the land for a brothel at 41 Downard Street Braeside, 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 21 January 2016, but modified to show:

- a. the location of all external and security onsite lighting
- b. car space numbered '4' within the building nominated as the shared space associated with the disabled car park in accordance with Clause 52.05-8 and the relevant Australian Standard.

Endorsed Plans

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

Operation of the site

3. The use must not commence until a licence is granted under the *Sex Work Act 1994*.
4. The use may only operate between the following hours:
Sunday to Thursday 10.00am to 4.00am the following day
Friday and Saturday 10.00am to 6.00am the following day
5. No more than four (4) rooms within the building may be used for the purpose of prostitution.
6. No more than six (6) sex workers may be present on the site at any one time and no more than one (1) managerial staff may be on the site at any one time.
7. No alcohol must be stored or consumed on the premises at any time.

Melbourne Water Development Conditions

8. Finished floor levels of the internal fitout must be constructed with finished floor levels set no lower than 6.2 metres to Australian Height Datum (AHD), which is 300mm above the applicable flood level of 5.9 m to AHD.
9. Pollution and sediment laden runoff shall not be discharged directly or indirectly into Melbourne Water's drains or waterways.

Completion of Works

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

Car Parking and Lighting

11. Car parking spaces as shown on the endorsed plans must be line marked and signed for patron and staff use.
12. The car parking space for disabled persons designated on the endorsed plans must be clearly set aside for such a purpose and must not be used for any other purpose.
13. The car parking area must be lit if in use during hours of darkness, and all lights must be designed, and fitted with suitable baffles and located to prevent

any adverse effect on adjoining land, to the satisfaction of the Responsible Authority.

Amenity Conditions

14. The site must be kept in a neat and tidy condition at all times, to the satisfaction of the Responsible Authority.
15. The amenity of the area must not be detrimentally effected by the use or development on the land, including through the:
 - a. Transport of materials, goods or commodities to or from the land,
 - b. Appearance of any building, works or materials,
 - c. Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil,
 - d. Presence of vermin, or
 - e. Adverse behaviour of patrons to or from the premises.

to the satisfaction of the Responsible Authority.

Time Limits

16. 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 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 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.

Note: For a storm event with a 1% chance of occurrence in any one year, the applicable flood level for the property is 5.9 metres to Australian Height Datum (AHD).

If further information is required in relation to Melbourne Water's permit conditions shown above, please contact Melbourne Water on 9679 7517, quoting Melbourne Water's reference 268792.

CARRIED

4.3 KP15/533 - 6 Patterson Street Bonbeach

It is noted that Tanya Hopmans spoke on behalf of the objectors in relation to this item.

It is noted that Aleesha Lally spoke on behalf of the applicant in relation to this item.

Moved: Cr Eden

Seconded: Cr Ronke

That Council determines to issue a Notice of Refusal to Grant a Permit to develop the land for the construction of three dwellings at No. 6 Patterson Street Bonbeach on the following grounds:

1. The proposal does not adequately address the policies and objectives of the State and Local Planning Policy Framework.
2. The built form presents a high level of visual bulk to adjoining properties.
3. The built form does not adequately respond to the existing and preferred character for the area.
4. The proposal results in unreasonable adverse off site amenity impacts.
5. The proposal does not adequately address the requirements of Clause 55 (ResCode), namely Clause 55.03-1 Street Setbacks and Clause 55.03-10 Parking Location.

CARRIED

4.4 KP16/104 - 605 Nepean Highway, Bonbeach

RECOMMENDATION

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

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

Cr Brownlees left the meeting at 8:41 pm.

Cr Brownlees returned to the meeting at 8:48 pm.

Moved: Cr Ronke

Seconded: Cr Eden

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 twelve (12) double-storey dwellings at No. 605 Nepean Highway, Bonbeach, 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 18 March 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 90% indigenous coastal species;
 - v. adequate planting densities (e.g.: plants with a mature width of 1 metre, planted at 1 metre intervals);
 - vi. the provision of two (2) suitable medium sized (at maturity) spreading coastal indigenous canopy trees (existing or proposed) within the front setback of the property and one (1) small (at maturity) coastal indigenous tree within the private open space area of each dwelling, with species chosen to be approved by the Responsible Authority;
 - vii. the retention of the *Araucaria heterophylla* (Norfolk Island Pine) located in the rear yard of the property;
 - viii. 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;
 - ix. no trees with a mature height over five (5) meters are to be planted over proposed or existing easements;
 - x. 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;
 - xi. the provision of a notation of the Tree Protection Details as provided in Conditions 3, 4, 5 and 6 of this permit. This includes all nominated tree protection zones to be drawn to scale on the plans.
- b. suitable lighting provided along the common driveway and pedestrian path along the northern property boundary;
 - c. the finished floor levels of the dwellings and garages nominated;
 - d. storage areas to dwellings nominated with a minimum 6m³ capacity;
 - e. the water tanks nominated with a minimum 2000L capacity with water reused for toilet flushing for each dwelling;
 - f. longitudinal section of the reverse fall driveway with flood proof apex, grades and levels after the apex to comply with AS2890.1:2004;
 - g. the width of the crossover to reflect the internal driveway with the crossover to align with the kerb at 90 degrees;

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- h. a notation on the site plan stating 'The redundant vehicle crossing must be removed, kerb & channel must be reinstated and the new crossover constructed to the satisfaction of the Responsible Authority';
- i. all requirements of VicRoads in accordance with Condition 6 of this permit;
- j. the door of each garage nominated as a panel lift door, or similar;
- k. the inclusion of a note on ground floor TP-B.01 to read '*The Araucaria heterophylla (Norfolk Island Pine) growing within the private open space of dwelling 1 must not be pruned without written consent from Council Senior Vegetation Management Officer*';
- l. the inclusion of a note on the ground floor plan TP-B.01 to read '*prior to the construction of the property boundary fence within Tree Protection Zone of the Araucaria heterophylla (Norfolk Island Pine) an onsite non-root destructive investigate by a suitable qualified Arborist is to take place during the construction, identifying and placing fences posts in locations that do not interfere with the tree roots of over 30mm in diameter. There must be no change in levels or trenching. Council's Arborist is to be onsite during this investigation*';
- m. the inclusion of a note on plan TP-B.01 to read '*turntable is to be mechanically operated and not to be manually operated*';
- n. dwelling 11 first floor balcony and bedroom along the north elevation to be screened in accordance with Standard B22 (Overlooking) of Clause 55;
- o. 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;
- p. The provision of solar panels upon the first floor roof for all twelve (12) dwellings;
- q. the location of all externally-located heating and cooling units, exhaust fans and the like, clearly shown; and
- r. all side and rear setbacks are to comply with the prescriptive requirements of Standard B17 (Side and Rear Setbacks) of Clause 55.

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 Measures

- 3. A Tree Protection Zone (TPZ) must be installed at a distance of 7 metres from the Araucaria heterophylla (Norfolk Island Pine) located in the rear yard of the property. A qualified arborist is to be employed to oversee any works (excavation and or construction) outside of this zone. The following must be

observed within 7m 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. tree roots must not be severed or injured; and
 - g. machinery must not be used to remove any existing concrete, bricks or other materials.
4. Prior to the commencement of the development hereby permitted, a Tree Protection Fence defined by a 1.2 metre high temporary fence constructed using steel or timber posts fixed in the ground or to a concrete pad, with the fence's side panels to be constructed of cyclone mesh wire or similar strong metal mesh or netting, must be erected 7m in a radius from the Araucaria heterophylla (Norfolk Island Pine). The above requirements in condition 4 of this permit must be observed within this area.
5. Prior to the construction of the property boundary fence within Tree Protection Zone of the Araucaria heterophylla (Norfolk Island Pine) an onsite non-root destructive investigate by a suitable qualified Arborist is to take place during the construction, identifying and placing fences posts in locations that do not interfere with the tree roots of over 30mm in diameter. There must be no change in levels or trenching. Council's Arborist is to be onsite during this investigation';
6. 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.
7. **Conditions required by VicRoads:**
- a. The crossover and driveway are to be constructed to the satisfaction of the Responsible Authority and at no cost to the Roads Corporation prior to the occupation of the works hereby approved.
 - b. Prior to the occupation of the buildings the access lanes, driveways, crossovers and associated works must be provided and available for use and be:
 - i. Formed to such levels and drained so that they can be used in accordance with the plan.
 - ii. Treated with an all-weather seal or some other durable surface.
 - c. Prior to the commencement of use of the permitted development, the following works must be completed to the satisfaction of the Responsible Authority:
 - i. redundant vehicle crossover onto Nepean Highway must be removed and the kerb, channel, footpath and nature strip reinstated;
 - ii. the vehicle turntable must be installed and be fully operational to the satisfaction of the Responsible Authority.

- d. Vehicles must always move in a forward direction when entering or leaving the site to the satisfaction of the Responsible Authority.
- e. The proposed development requires construction of a new crossover and reinstatement of disused crossovers to kerb and channel. Separate approval under the Road Management Act for this activity may be required from VicRoads (the Roads Corporation). Please contact VicRoads prior to commencing any works.

Infrastructure and Road Works

8. Property boundary and footpath levels must not be altered without the prior written consent from the Responsible Authority.
9. The replacement of all footpaths, including offsets, must be constructed to the satisfaction of the Responsible Authority.
10. All reinstatements and vehicle crossings must be constructed to the satisfaction of the Responsible Authority.
11. Vehicle crossings and other reinstatements must be constructed to council's industrial strength specifications.
12. All redundant vehicle crossings must be removed (including redundant portions of vehicle crossings) to the satisfaction of the Responsible Authority.
13. All front and side fences must be contained wholly within the title property boundaries of the subject land.
14. 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.

Construction Management Plan

15. 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 concept traffic management plan which 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.

Waste Management Plan

16. 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.

Drainage and Water Sensitive Urban Design

17. A flood proof apex (ie ridge level) protecting the property from any overland flows must be provided along the full road frontage of the development. This apex is to be at minimum 250mm above the existing invert of the kerb and channel. 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.
18. Before the development commences, prior to submission of detailed Stormwater Management (Drainage) Plan of the development as per condition 3) below, a comprehensive stormwater management strategy of the site including a report with MUSIC model output and stormwater layout concept

plan incorporating Rainwater Tanks for water reuse and other Water Sensitive Urban Design Treatments to achieve best practice objectives must be prepared as per Council's "Civil Design Requirements for Developers – Part A – Integrated Stormwater Management" to the satisfaction of the Council.

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

Car Parking

23. Prior to the occupation of the dwellings hereby permitted, areas set aside for parking vehicles, access lanes and paths as shown on the endorsed plans must be:
 - a. Constructed to the satisfaction of the Responsible Authority.
 - b. Properly formed to such levels that they can be used in accordance with the plans.
 - c. Surfaced in accordance with the endorsed plans under this permit or in an all weather coloured concrete seal-coat, to the satisfaction of the Responsible Authority.
 - d. Drained and maintained to the satisfaction of the Responsible Authority.

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

24. The car turn table is to be mechanically operated and not manually operated. The mechanical turn table is to be constructed and functioning prior to occupation of any dwellings to the satisfaction of the Responsible Authority.

General Amenity Conditions

25. 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.
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.

Completion of Works

27. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.
28. 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.
29. 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.
30. Before occupation of the dwellings hereby permitted, the new fences required under condition 1m of this permit must be constructed, to Council's satisfaction at the full cost of the occupants of the land / permit holder.
31. 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.

Time Limits

32. 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 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 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

4.5 KP15/913 Tootal Road Dingley Village

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

Moved: Cr Peulich

Seconded: Cr Staikos

That Council determine to support the proposal and issue a Notice of Decision to Grant a Permit to use and develop the land for a minor sport and recreation facility, function centre, reduction of the bicycle parking requirements and subdivide the land at No. Lot 1 Grange Road and No. 370-440 Old Dandenong road Dingley Village, 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 3 December 2015 & 12 February 2016, but modified to show:
 - a) the provision of an improved landscape plan in accordance with the submitted development plan and the City of Kingston Landscape Plan Checklist, with such plans to be prepared by a suitably qualified

landscape professional and incorporating:

- i. An associated planting schedule showing the proposed location, species type, mature height and width, pot sizes and number of species to be planted on the site. The schedule must be shown on the plan.
 - ii. The delineation of all garden beds, paving, grassed areas, retaining walls, fences and other landscape works including areas of cut and fill throughout the development.
 - iii. All existing trees on the site and within ten (10) 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% native species. All proposed plantings must 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) 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.
 - vi. All trees provided at a minimum of two (2) metres in height.
 - vii. No trees with a mature height over five (5) meters are to be planted over proposed or existing easements.
 - viii. 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.
 - ix. A dense boundary buffer must be provide along all proposed boundaries to the satisfaction of the Responsible Authority.
- b) A comprehensive stormwater management (drainage) strategy of the site including a report with MUSIC model output and a drainage concept plan incorporating Rainwater Tanks for water reuse and other Water Sensitive Urban Design Treatments to achieve best practice objectives must be prepared as per Council's "*Civil Design Requirements for Developers – Part A – Integrated Stormwater Management*" to the satisfaction of the Responsible Authority.
- c) The provision of a Plan of Subdivision prepared by land surveyor, showing all bearings, distances, levels, street names, lot numbers, lot sizes, reserves and easements.
- d) The provision of a fully dimensioned and detailed site plan of Lot 1 including (but not limited to) finished levels to Australian Height Datum, car parking details (formal and overflow), accessway widths, surface finishes, easements, and location of outdoor training lights and lighting details, to the satisfaction of the Responsible Authority.
- e) The provision of fully dimensioned detailed floor and elevation plans of

the administration and pavilion buildings including floor areas of each ancillary use, their layout and designation of use, to the satisfaction of the Responsible Authority.

- f) The provision of a minimum of fifty (50) bicycle parking spaces for Lot 1, with a minimum of 25 spaces to be provided adjacent to the administration building and a minimum of 10 spaces adjacent to the pavilion associated with field 2. The spaces must be designed to satisfy the requirements of Clause 52.34-4 of the Planning Scheme and be provided with weather protection.
- g) The shared path and fitness track to be designed as a minimum 2.5 metre wide shared user path.
- h) Details of Lot 1 boundary fencing treatments and site access security arrangements, including the provision of a steel picket fence (or similar treatment) for the front boundary to Tootal Road, to the satisfaction of the Responsible Authority.
- i) The provision of a schedule of construction materials, external finishes and colours for the administration and pavilion buildings.

Endorsed Plans

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

Sustainable Management Plan

- 4. Prior to the endorsement of plans required by Condition 1, a Sustainable Management Plan (SMP), to the satisfaction of the Responsible Authority, must be submitted to and approved by the Responsible Authority. When approved, the SMP will be endorsed and will then form part of the permit and shall thereafter be complied with. The SMP must include, but is not limited to the following criteria:
 - a. Indoor Environment Quality
 - b. Energy Efficiency
 - c. Water Efficiency
 - d. Stormwater Management
 - e. Building Materials
 - f. Transport
 - g. Waste Management
 - h. Urban Ecology
 - i. Innovation
 - j. Construction and Building Management.

General amenity conditions

- 5. The amenity of the area must not be detrimentally affected by the use, including through the:

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- 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.
6. The development and / or 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.
7. The loading and unloading of goods to and from vehicles must only be carried out on the land.
8. 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.
9. 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.
10. The use of the function centre must operate only between the hours of:
Sunday to Thursday: 7.00am to 11.00pm; and
Friday to Saturday: 7.00am to 1.00am
11. The maximum number of patrons permitted to use the function centre at any one time is 150.
12. The use of the café must operate only between the hours of:
7.30am to 5.00pm

Lighting

13. All external lighting of the site, including field 2, car parking areas and buildings, must be designed, fitted with suitable baffles and located to prevent any adverse effect on adjoining land, to the satisfaction of the Responsible Authority.
14. The outdoor training lights for field 2 must be switched off after 10.30pm.

Infrastructure and Road Works

15. Prior to the commencement of the approved development, detailed engineering drawings of the site's access, to the satisfaction of the Responsible Authority, must be submitted to and approved by the Responsible Authority. The drawings must show channelised right and left turns at the main access from Tootal Road, with turning facilities constructed with fully kerbed traffic islands.
16. The design of the Tootal Road access required by the above condition must be subject to a satisfactory Road Safety Audit, prior to submission to

the Responsible Authority for approval. The findings of this Audit must also be provided to the Responsible Authority, with the detailed engineering drawings of the site access.

17. 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 specifications.

Construction Management

18. Before the commencement of any buildings and works associated with the Tootal Road access to the site, 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 and will then form part of the permit. The CMP must specify and deal with, but is not limited to, the following:
 - a. a detailed schedule of works including a full project timing, including any demolition works;
 - b. a traffic management plan for the site, including when or whether any access points would be required to be blocked; an outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services; and preferred routes for trucks delivering to the site;
 - c. the location for the parking of all construction vehicles and construction worker vehicles during construction;
 - d. delivery of materials including times for loading/unloading and unloading points; expected frequency; and details of where materials will be stored and how concrete pours would be managed;
 - e. proposed traffic management signage indicating any inconvenience generated by construction;
 - f. a fully detailed plan indicating where construction hoardings would be located (if required);
 - g. a waste management plan including the containment of waste on site, disposal of waste, stormwater treatment and on-site facilities for vehicle washing;
 - h. containment of dust, dirt and mud within the site and method and frequency of clean up procedures in the event of build up of matter outside the site;
 - i. business operations on the site during construction;
 - j. site security;
 - k. public safety measures;
 - l. construction times, noise and vibration controls;
 - m. restoration of any Council assets removed and/or damaged during construction;
 - n. protection works necessary to road and other infrastructure (limited to an area reasonably proximate to the site);

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- o. remediation of any damage to road and other infrastructure (limited to an area reasonably proximate to the site);
 - p. an emergency contact that is available for 24 hours per day for residents and the Responsible Authority in the event of relevant queries or problems experienced;
 - q. traffic management measures to comply with provisions of AS 1742.3-2002 Manual of uniform traffic control devices - Part 3: Traffic control devices for works on roads; and
 - r. all contractors associated with the construction of the development must be made aware of the requirements of the Construction Management Plan.
19. During the construction, the following must occur:
- a. any stormwater discharged into the stormwater drainage system is to comply with EPA guidelines;
 - b. stormwater drainage system protection measures must be installed as required to ensure that no solid waste, sediment, sand, soil, clay or stones from the premises enters the stormwater drainage system;
 - c. vehicle borne material must not accumulate on the roads abutting the site;
 - d. the cleaning of machinery and equipment must take place on site and not on adjacent footpaths, roads or parks;
 - e. all litter (including items such as cement bags, food packaging and plastic strapping) must be disposed of responsibly; and
 - f. all site operations must comply with the EPA Publication TG302/92 (including all revisions or replacement guidelines).

Parking construction and traffic management

20. Before the use starts, two (2) copies of a traffic and parking management plan, to the satisfaction of the Responsible Authority, must be submitted for approval. The use must not commence until the plan has been approved and endorsed by the Responsible Authority. The endorsed plan will then form part of the permit. The plan must include (but is not limited to):
- a) The means by which traffic movements to and from the site will be managed for large events.
 - b) The location of all areas on- and/or off-site to be used for staff and patron parking for large events.
 - c) Owner's permission and any required planning permission for parking on other land.
 - d) Specification of staff numbers adequate to enable efficient operation of

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car parking areas both on- and off-site.

- e) The number and location of all on- and off-site security staff.
- f) The means by which pedestrian flows to and from car parking areas will be controlled both on- and off-site.
- g) Measures to discourage patron car parking in locations other than those approved in this plan.
- h) Measures to preclude staff parking in designated patron car parking areas.
- i) Staffing and other measures to ensure the orderly departure and arrival of patrons especially any large groups departing at closing time.
- j) Servicing of the drainage and maintenance of car parking areas.

Traffic and parking operations on and adjacent to the site must conform to the endorsed plan.

21. Before the use starts, areas set aside for parking vehicles, access lanes and paths as shown on the endorsed plans must, to the satisfaction of the Responsible Authority, be:
- a. Constructed to the satisfaction of the Responsible Authority.
 - b. Properly formed to such levels that they can be used in accordance with the plans.
 - c. Surfaced in accordance with the endorsed plans under this permit or in an all-weather coloured concrete seal-coat or alternate material, to the satisfaction of the Responsible Authority.
 - d. Drained and maintained to the satisfaction of the Responsible Authority.
 - e. Line-marked to indicate each car space, allocation and signage of visitor car spaces, and access lanes.

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

22. 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.
23. The overflow car parking area shown on the endorsed plans must be graded, compacted, drained and planted with hardwearing grasses, or other surface material to the satisfaction of the Responsible Authority, and thereafter maintained.

Clear directions for the use of the overflow car parking areas must be provided on the site, with the areas clearly identified, to the satisfaction of the Responsible Authority.

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24. Prior to the commencement of the approved development, a detailed Stormwater Management (drainage) Plan in line with accepted Stormwater Management Strategy pursuant to condition 1b) above, showing the stormwater works to the nominated point of discharge must be prepared to the satisfaction of the Responsible Authority. The Stormwater Management Plan must be prepared by a qualified person and show all details of the proposed stormwater works including all existing and proposed features that may have an 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*".
25. 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. 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.
26. Stormwater works must be provided on the site so as to prevent overflows onto adjacent properties.
27. The overall stormwater outflow of the development to Council drainage system must be limited to a discharge rate calculated based on Council's "*Civil Design Requirements for Developers – Part A - Integrated Stormwater Management*" and must be to Council satisfaction.

Environmental Audit

28. Prior to the commencement of the approved development, an Environmental Audit must be completed pursuant to section 53V of the *Environment Protection Act 1970*, to confirm that the land is suitable for the intended use. If a certificate or a statement of environmental audit is issued or intended to be issued for the land, then:
 - a) The Council must be provided with a copy of the environmental audit report and any clean-up to the extent practicable submission and determination, and a copy of the certificate of environmental audit, or the statement of environmental audit;
 - b) Prior to the commencement of the use of the land or 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 any conditions attached to any statement of environmental audit issued for the land have been satisfied to the extent necessary for the commencement of the use of the land allowed by this permit;
 - c) Any development and/or use permitted by this permit must comply with conditions imposed in any statement of environmental audit for the land; and
 - d) if required or arising from a statement of environmental audit, the owner must enter into an agreement with the Council under section 173 of the *Planning and Environment Act 1987* to provide for the

following:

- i. compliance with the conditions of any statement of environmental audit issued in respect of the land; and
- ii. to notify future occupiers of the land of any conditions attached to any statement of environmental audit.

The agreement must be prepared by or on behalf of the Council and must contain terms and conditions to the satisfaction of the Council. The owner must pay the reasonable Council costs of the preparation, execution and registration of the section 173 agreement.

Subdivision conditions

29. The owner of the land must enter into an agreement with:

- a) a telecommunications network or service provider for the provision of telecommunication services to each lot shown on the endorsed plan in accordance with the provider's requirements and relevant legislation at the time; and
- b) a suitably qualified person for the provision of fibre ready telecommunication facilities to each lot shown on the endorsed plan in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.

30. Before the issue of a Statement of Compliance for any stage of the subdivision under the *Subdivision Act* 1988, the owner of the land must provide written confirmation from:

- a) a telecommunications network or service provider that all lots are connected to or are ready for connection to telecommunications services in accordance with the provider's requirements and relevant legislation at the time; and
- b) a suitably qualified person that fibre ready telecommunication facilities have been provided in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.

31. **Conditions required by United Energy**

- a) The applicant must enter into an agreement with United Energy for an extension, upgrade and/or re-arrangement of the current electricity to lots on the land which may also require:
 - i. establishing easement(s) internally or externally to the site; and/or
 - ii. providing site(s) to locate substations;
- b) The applicant must make a payment to UE to cover the cost of preparing such documentation and work.

32. **Conditions required by South East Water**

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- a) Potable Water
The owner of the subject land must enter into an agreement with South East Water for the provision of potable water supply and fulfil all requirements to its satisfaction.
- b) Sewer
The owner of the subject land must enter into an agreement with South East Water for the provision of sewerage and fulfil all requirements to its satisfaction.
- c) General
All lots on the Plan of Subdivision are to be provided with separate connections to our potable water supply and sewerage systems.

Prior to certification, the Plan of Subdivision must be referred to South East Water, in accordance with Section 8 of the *Subdivision Act 1988*.

33. Conditions required by Melbourne Water:

- a) Pollution and sediment laden runoff shall not be discharged directly or indirectly into Melbourne Water's drains or waterways.
- b) Prior to Certification, the Plan of Subdivision must be referred to Melbourne Water, in accordance with Section 8 of the *Subdivision Act 1988*.

34. Reticulated water, sewerage and electricity must be available to each lot shown on the endorsed plans before any lot can be used or occupied.

Completion

35. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.
36. Once the subdivision has started it must be continued and completed to the satisfaction of the Responsible Authority.
37. 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.

Time limits

38. 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 or use is not started within four (4) years from the date of permit issue.
 - The development is not completed within six (6) years from the date of permit issue.
 - The use is discontinued for a period of two (2) years.
 - The plan of subdivision is not certified within two (2) years from the date of this permit.

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- The plan of subdivision is not registered within five (5) years of the date of certification.

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.

Note: In accordance with the *Planning and Environment Act 1987* and the *Subdivision Act 1988*, there is no provision to grant an extension of time for a certified plan of subdivision.

Note: If further information is required in relation to Melbourne Water's permit conditions shown above, please contact Melbourne Water on 9679 7517, quoting Melbourne Water's reference 267252.

Note: The following South East Water agreement options are available:

- 1) Application to enter into a Development Agreement-Works – If South East Water reticulated sewer/water/recycled water (as applicable) is required to be extended to service lots within the development.
- 2) Application to enter into an agreement-Non Works – If South East Water reticulated sewer/water/recycled water (as applicable) is available to the development and the owner only requires Statement of Compliance to release the titles (i.e. subdivision prior to building).
- 3) Plumbing Industrial, Commercial, Units & Private Water application – If South East Water reticulated sewer/water/recycled water (as applicable) is available to the development and the owner wishes to commence construction of the building/s (i.e. building prior to subdivision).

CARRIED

4.6 Amendment C161 - Hawthorn Football Club

Moved: Cr Staikos

Seconded: Cr Peulich

That Council:

1. Adopt Amendment C161 to the Kingston Planning Scheme with changes.
2. Request the Minister for Planning approve Amendment C161 to the Kingston Planning Scheme.

CARRIED

Cr Eden left the meeting at 9:05 pm.

Cr Eden returned to the meeting at 9:07 pm.

5. Confidential Items

There were no confidential items.

The meeting closed at 9.11pm.

Confirmed.....

The Mayor 22 June 2016