

# Minutes

## Planning Committee Meeting

Wednesday, 13th December 2017

**City of Kingston  
Planning Committee Meeting**

**Minutes**

**13 December 2017**

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	<i>[Note that any Conflicts of Interest need to be formally declared at the start of the meeting and immediately prior to the item being considered – type and nature of interest is required to be disclosed – if disclosed in writing to the CEO prior to the meeting only the type of interest needs to be disclosed prior to the item being considered.]</i>	
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The meeting commenced at 7.03pm in the Council Chamber, 1230 Nepean Highway, Cheltenham.

**Present:** Cr Steve Staikos (Mayor)  
Cr Tamsin Bearsley  
Cr Tamara Barth  
Cr Ron Brownlees OAM  
Cr David Eden  
Cr Geoff Gledhill  
Cr George Hua  
Cr Georgina Oxley  
Cr Rosemary West OAM

**In Attendance:** John Nevins – Chief Executive Officer  
Jonathan Guttmann – General Manager Planning and Development  
Ian Nice – Manager City Development  
Phil DeLosa – Manager Governance  
Gabrielle Pattenden – Governance Officer  
Lindsay Holland – Facilities Officer

**1. Apologies**

There were no apologies submitted to the meeting.

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

**Moved: Cr Oxley**

**Seconded: Cr Bearsley**

That the Minutes of the Planning Committee Meeting held on 22 November 2017 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 - November 2017**

**Moved: Cr Barth**

**Seconded: Cr Oxley**

That the report be noted.

**CARRIED**

**4.2 KP16/1084 - 26 & 28 Gothic Avenue, Aspendale**

It is recorded that Scott Taylor spoke on behalf of objectors.

It is recorded that Penelope Smith spoke on behalf of the applicant.

**Moved: Cr Brownlees**

**Seconded: Cr West**

That consideration of this item be adjourned until later in the meeting (following Item 4.4).

**CARRIED**

**4.3 KP16/1078 - 13-15 Chesterville Road, Cheltenham**

It is recorded that Lisa Brick spoke on behalf of objectors.

It is recorded that Andrew Bromley spoke on behalf of the applicant.

**Moved: Cr Brownlees**

**Seconded: Cr Gledhill**

That the Planning Committee determine to support the proposal and issue a Notice of Decision to develop the land for the construction of buildings and works for an eleven storey mixed use building comprising up to 93 dwellings, 6 offices and reduction in car parking requirement at No. 13-15 Chesterville Road, Cheltenham, 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 April 2017, but modified to show:
  - a) the provision of a landscape plan in accordance with the submitted landscape plan by Ewert Leaf, dated 13 April 2017, Revision B and amended to include
    - i. The minimum depth of substrate for planter boxes to be 60 cm and the minimum substrate width to be 60 cm;
    - ii. An additional 15 plants in the 4<sup>th</sup> floor planter boxes capable of reaching 3 metres in height or the satisfaction of the Responsible Authority;
    - iii. The Genus and species of the 3 metre tall plants proposed for Floor 4 planter boxes;
    - iv. A survey, including, botanical names of all existing trees to be removed on the site;
    - v. The provision of notes regarding site preparation, including the removal of all weeds, proposed mulch, soil types and thickness, subsoil preparation; specifications for substrate and any specific maintenance requirements;

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- vi. An automated irrigation system for all garden areas including planter boxes; and
  - vii. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced.
- b) tree protection measures on adjoining properties and any landscaping proposed on site (including a planting schedule showing the proposed location, species type, mature height and width, pot sizes and number of species be planted on the site) with such plans to be prepared by a suitably qualified landscape professional;
- c) the plans be amended to be generally in accordance with those plans prepared by Ewert Leaf, reference 1672, drawing no's TP400D, TP401D, TP402D, TP403C, TP100E, TP101E, TP102E, TP103E, TP104E, TP105E, TP106D, TP108C, TP150C, TP151C and TP800 date stamped 10 November 2017, which includes, but is not limited to, the following changes:
- On site car parking to comply with Clause 52.06. All car spaces allocated to individual apartments / offices in accordance with Condition 19 Residential visitor spaces are to be clearly identified and marked;
  - Level 3 deleted with the total building height reduced to 10 storeys and no greater than 34.8 metres;
  - Louvred ventilation screens deleted from western elevation (podium levels) and replaced with an art mural on the northern part of the wall and inscribed/pattern concrete for the remainder, to the satisfaction of the Responsible Authority;
  - The disabled car space increased in length to 5.4m by reducing the fire pump room; and
  - A minimum of 15 trees provided at the podium level.
- d) all saddleback windows to have a minimum width of 1.2m and a maximum depth of 800mm;
- e) level 1 and 2 set back a minimum 4.5m from the site's southern boundary;
- f) linemarking of basement car parking must be set out on a plan to be approved by the Responsible Authority and include 'Giveaway' marking at appropriate locations to define the passing locations and priorities;
- g) the relocated pram crossing and linking footpath to be detailed on a construction plan to be approved by the Responsible Authority;
- h) a notation on the plans allocating the provision of car parking for office, residents and visitors;
- i) a note to state that the vehicle crossings are to be constructed to the satisfaction of the Responsible Authority and for all internal driveways to align with vehicle crossing;
- j) the surface material associated with the building entry (pedestrian and driveways) to be clearly nominated;
- k) all ESD features to be shown on the application drawings with appropriate notations including operatable windows, PV system size, solar hot water system and solar fraction, plumbing of rainwater tanks for water re-use;

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- l) a revised Sustainable Management Plan (SMP) to reflect any changes, and for consistency with the application drawings;
- m) along the western elevation (podium level) northern section a 10 metre wide x 11.7 metre high art mural commissioned by the City of Kingston at the full cost of the applicant and developer is to be provided. The remaining wall is to be provided with inscribed / pattern concrete; and
- n) no business identification or business signage is to be located along this western elevation / associated with the art mural.

**Endorsed Plans**

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

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

- 3. The development of the site must be provided with stormwater works which incorporates the use of water sensitive urban design principles to improve stormwater runoff quality and which also retains on site any increase in runoff above the permissible site discharge as a result of the approved development. The system must be maintained to the satisfaction of the Responsible Authority. The satisfactory options to achieve these desired outcomes may include the use of an infiltration or bioretention system, rainwater tanks connected for reuse and a detention system. The overall outflow of the site to Council drainage system must be limited to 6.5 L/s.
- 4. Before the development commences, prior to submission of detailed Stormwater Management (drainage) Plan of the development as per condition 6 below, a comprehensive stormwater management (drainage) strategy of the site including a report with MUSIC model output or equivalent and drainage concept plan incorporating Rainwater Tanks for water reuse and other Water Sensitive Urban Design Treatments to achieve best practice objectives must be prepared as per Council's "*Civil Design Requirements for Developers – Part A – Integrated Stormwater Management*" to the satisfaction of the Council.
- 5. Before the development commences, in line with accepted stormwater strategy as per condition 5 above, a Stormwater Management (drainage) Plan showing the stormwater works to the nominated point of discharge must be prepared to the satisfaction of the Responsible Authority. The Stormwater Management 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*".
- 6. Stormwater works must be provided on the site so as to prevent overflows onto adjacent properties.

**Groundwater Assessment**

- 7. Prior to the commencement of development, a Groundwater Assessment Report (GAR) prepared by a qualified hydrogeologist assessing any possible impact of the proposed development upon existing ground water table and surrounding land and buildings to the satisfaction of the Council.

Should the results of the GAR indicate that the site is likely to experience issues associated with groundwater management the following documentation must be

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submitted and approved by the Responsible Authority prior to the commencement of works:

- a) a Groundwater Management Plan (GMP); and
- b) development plans that demonstrate a fully-tanked dry basement with no AG drain collection or disposal and an allowance made for any hydrostatic pressures.

Once approved the plans will be endorsed and form part of the planning permit.

8. The basement structure must be designed and constructed as a fully-tanked dry basement with no AG drain collection or disposal and an allowance made for any hydrostatic pressures.

**Infrastructure and Road Works**

9. Vehicle crossings must be constructed at a 90 degree alignment with the kerb on Jamieson Street and all internal driveways must align with the existing / proposed vehicle crossing.
10. The internal driveway must be at least 500mm from the side boundary at the front boundary.
11. The footpath must be reconstructed on Chesterville Road and Jamieson Street frontages to Council's commercial standards of 1.8 metres wide with 600mm x 600mm saw cuts to the satisfaction of the Responsible Authority.
12. Redundant vehicle crossings are to be removed and reinstated to Kerb, Channel and Nature Strip to the satisfaction of the responsible authority.
13. Property boundary and footpath levels must not be altered without the prior written consent from the Responsible Authority.
14. The replacement of all footpaths, including offsets, must be constructed to the satisfaction of the Responsible Authority.
15. All reinstatements and vehicle crossings must be constructed to the satisfaction of the Responsible Authority.
16. Vehicle crossings and other reinstatements must be constructed to council's industrial strength specifications.
17. All redundant vehicle crossings must be removed (including redundant portions of vehicle crossings) to the satisfaction of the Responsible Authority.
18. All front and side fences must be contained wholly within the title property boundaries of the subject land.

**Car Parking**

19. Car parking within the development must be allocated at the following rates:
  - 1 and 2 bedroom dwellings – 1 car space per dwelling.
  - bedroom dwellings – 2 car spaces per dwelling.
  - Not less than thirteen (13) residential visitor car spaces.
  - 3.5 spaces per 100m<sup>2</sup> for each office tenancy.

**Sustainable Development**

20. Prior to the endorsement of plans pursuant to Condition 1(l), a revised Sustainability Management Plan (SMP) that outlines the sustainable design initiatives that will be implemented by the development 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 SMP must demonstrate that the development will meet the minimum BCA energy efficiency standards of a minimum 5 star and average 6 star energy rating.

#### Construction Management Plan

21. Prior to the commencement of any buildings and works on the land (including demolition), two (2) copies of a Construction Management Plan (CMP), to the satisfaction of the Responsible Authority, must be submitted to and approved by the Responsible Authority. The CMP must be prepared in accordance with the City of Kingston Construction Management Guidelines, October 2016 (and any superseding versions and / or documents) and include a completed copy of the CMP checklist. The CMP must respond to, but is not limited to the following requirements:
- a) Element 1 - Public Safety, Amenity and Site Security.
  - b) Element 2 - Traffic Management
  - c) Element 3 - Stakeholder Management.
  - d) Element 4 - Operating Hours, Noise and Vibration Controls.
  - e) Element 5 - Air Quality and Dust Management.
  - f) Element 6 - Stormwater and Sediment Control.
  - g) Element 7 - Waste and Materials Re-use.

When approved, the plan will be endorsed and will then form part of the permit and shall thereafter be complied with during the undertaking of all works.

22. The developer/owner must contact the Responsible Authority and VicRoads (if required) and arrange traffic management plans and WORKS ZONE for any works that may affect traffic (both vehicular and pedestrian) or parking on Chesterville Road or any of the surrounding streets. Works vehicles may not be able to stop in the street fronting the property. The developer will be responsible for the costs of arranging a WORKS ZONE and reinstatement of parking restriction signs, to the satisfaction of the Responsible Authority.

#### Transport For Victoria

23. The permit holder must take all reasonable steps to ensure the disruption to bus operation along Chesterville Road are kept to a minimum during the construction of the development. Foreseen disruptions to bus operations and mitigation measures must be communicated to Transport for Victoria fourteen (14) days prior.

#### VicRoads

24. Prior to the occupation of the development hereby approved, the redundant vehicle crossing on Chesterville Road should be removed and the footpath, nature strip, kerb and channel reinstated to the satisfaction of Council and at no cost to VicRoads.

#### Aviation

25. Prior to construction, evidence be provided to confirm that the proposal meets with the requirements of the Airports (Protection of Airspace) Regulations 1996 and be below the relevant Obstacle Limitation Surface (OLS), unless with the written consent of the relevant authority.

#### Lighting



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

**Completion of Works**

27. Prior to the occupation of the dwellings hereby permitted, or by such later date as is approved by the Responsible Authority in writing, the nature strip, kerb and channel, vehicle crossover and footpath must be reinstated to the satisfaction of the Responsible Authority.
28. 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.
29. 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.
30. 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.
31. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.

**Permit Expiry**

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

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

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

street name details and the like for the approved development.

Note: 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 builder/developer must contact Council prior to the lodgement of the CMP/Traffic Management Plan documents to organise a site meeting to discuss site constraints and possible solutions to be included in the CMP/TMP.

Note: This Permit does not approve buildings and works within restricted airspace, and that separate approval from CASA, Airservices Australia and / or other regulatory bodies for works within restricted airspace may be required prior to the commencement of buildings and works.

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

### **Amendment**

**Moved: Cr West**

**Seconded: Cr Eden**

That the Planning Committee determine to support the proposal and issue a Notice of Decision to develop the land for the construction of buildings and works for an eleven storey mixed use building comprising up to 93 dwellings, 6 offices and reduction in car parking requirement at No. 13-15 Chesterville Road, Cheltenham, 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 April 2017, but modified to show:
  - a) the provision of a landscape plan in accordance with the submitted landscape plan by Ewert Leaf, dated 13 April 2017, Revision B and amended to include
    - i. The minimum depth of substrate for planter boxes to be 60 cm and the minimum substrate width to be 60 cm;
    - ii. An additional 15 plants in the 4<sup>th</sup> floor planter boxes capable of reaching 3 metres in height or the satisfaction of the Responsible Authority;
    - iii. The Genus and species of the 3 metre tall plants proposed for Floor 4 planter boxes;
    - iv. A survey, including, botanical names of all existing trees to be removed on the site;
    - v. The provision of notes regarding site preparation, including the removal of all weeds, proposed mulch, soil types and thickness, subsoil preparation; specifications for substrate and any specific maintenance requirements;

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- vi. An automated irrigation system for all garden areas including planter boxes; and
  - vii. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced.
  - viii. The retention of the Spotted Gum as recommended by Council's Vegetation Management Officer on page 67 of the Council report.
- b) tree protection measures on adjoining properties and any landscaping proposed on site (including a planting schedule showing the proposed location, species type, mature height and width, pot sizes and number of species be planted on the site) with such plans to be prepared by a suitably qualified landscape professional;
- c) the plans be amended to be generally in accordance with those plans prepared by Ewert Leaf, reference 1672, drawing no's TP400D, TP401D, TP402D, TP403C, TP100E, TP101E, TP102E, TP103E, TP104E, TP105E, TP106D, TP108C, TP150C, TP151C and TP800 date stamped 10 November 2017, which includes, but is not limited to, the following changes:
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- e) level 1 and 2 set back a minimum 4.5m from the site's southern boundary;
- f) linemarking of basement car parking must be set out on a plan to be approved by the Responsible Authority and include 'Giveaway' marking at appropriate locations to define the passing locations and priorities;
- g) the relocated pram crossing and linking footpath to be detailed on a construction plan to be approved by the Responsible Authority;
- h) a notation on the plans allocating the provision of car parking for office, residents and visitors;
- i) a note to state that the vehicle crossings are to be constructed to the satisfaction of the Responsible Authority and for all internal driveways to align with vehicle crossing;
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notations including operatable windows, PV system size, solar hot water system and solar fraction, plumbing of rainwater tanks for water re-use;

- l) a revised Sustainable Management Plan (SMP) to reflect any changes, and for consistency with the application drawings;
- m) along the western elevation (podium level) northern section a 10 metre wide x 11.7 metre high art mural commissioned by the City of Kingston at the full cost of the applicant and developer is to be provided. The remaining wall is to be provided with inscribed / pattered concrete; and
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**Endorsed Plans**

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

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

- 3. The development of the site must be provided with stormwater works which incorporates the use of water sensitive urban design principles to improve stormwater runoff quality and which also retains on site any increase in runoff above the permissible site discharge as a result of the approved development. The system must be maintained to the satisfaction of the Responsible Authority. The satisfactory options to achieve these desired outcomes may include the use of an infiltration or bioretention system, rainwater tanks connected for reuse and a detention system. The overall outflow of the site to Council drainage system must be limited to 6.5 L/s.
- 4. Before the development commences, prior to submission of detailed Stormwater Management (drainage) Plan of the development as per condition 6 below, a comprehensive stormwater management (drainage) strategy of the site including a report with MUSIC model output or equivalent and drainage concept plan incorporating Rainwater Tanks for water reuse and other Water Sensitive Urban Design Treatments to achieve best practice objectives must be prepared as per Council's "*Civil Design Requirements for Developers – Part A – Integrated Stormwater Management*" to the satisfaction of the Council.
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- 6. Stormwater works must be provided on the site so as to prevent overflows onto adjacent properties.

**Groundwater Assessment**

- 7. Prior to the commencement of development, a Groundwater Assessment Report (GAR) prepared by a qualified hydrogeologist assessing any possible impact of the proposed development upon existing ground water table and surrounding land and buildings to the satisfaction of the Council.

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Should the results of the GAR indicate that the site is likely to experience issues associated with groundwater management the following documentation must be submitted and approved by the Responsible Authority prior to the commencement of works:

- a) a Groundwater Management Plan (GMP); and
- b) development plans that demonstrate a fully-tanked dry basement with no AG drain collection or disposal and an allowance made for any hydrostatic pressures.

Once approved the plans will be endorsed and form part of the planning permit.

8. The basement structure must be designed and constructed as a fully-tanked dry basement with no AG drain collection or disposal and an allowance made for any hydrostatic pressures.

**Infrastructure and Road Works**

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12. Redundant vehicle crossings are to be removed and reinstated to Kerb, Channel and Nature Strip to the satisfaction of the responsible authority.
13. Property boundary and footpath levels must not be altered without the prior written consent from the Responsible Authority.
14. The replacement of all footpaths, including offsets, must be constructed to the satisfaction of the Responsible Authority.
15. All reinstatements and vehicle crossings must be constructed to the satisfaction of the Responsible Authority.
16. Vehicle crossings and other reinstatements must be constructed to council's industrial strength specifications.
17. All redundant vehicle crossings must be removed (including redundant portions of vehicle crossings) to the satisfaction of the Responsible Authority.
18. All front and side fences must be contained wholly within the title property boundaries of the subject land.

**Car Parking**

19. Car parking within the development must be allocated at the following rates:
  - 1 and 2 bedroom dwellings – 1 car space per dwelling.
  - bedroom dwellings – 2 car spaces per dwelling.
  - Not less than thirteen (13) residential visitor car spaces.
  - 3.5 spaces per 100m<sup>2</sup> for each office tenancy.

**Sustainable Development**

20. Prior to the endorsement of plans pursuant to Condition 1(l), a revised Sustainability Management Plan (SMP) that outlines the sustainable design

initiatives that will be implemented by the development 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 SMP must demonstrate that the development will meet the minimum BCA energy efficiency standards of a minimum 5 star and average 6 star energy rating.

#### Construction Management Plan

21. Prior to the commencement of any buildings and works on the land (including demolition), two (2) copies of a Construction Management Plan (CMP), to the satisfaction of the Responsible Authority, must be submitted to and approved by the Responsible Authority. The CMP must be prepared in accordance with the City of Kingston Construction Management Guidelines, October 2016 (and any superseding versions and / or documents) and include a completed copy of the CMP checklist. The CMP must respond to, but is not limited to the following requirements:
- a) Element 1 - Public Safety, Amenity and Site Security.
  - b) Element 2 - Traffic Management
  - c) Element 3 - Stakeholder Management.
  - d) Element 4 - Operating Hours, Noise and Vibration Controls.
  - e) Element 5 - Air Quality and Dust Management.
  - f) Element 6 - Stormwater and Sediment Control.
  - g) Element 7 - Waste and Materials Re-use.

When approved, the plan will be endorsed and will then form part of the permit and shall thereafter be complied with during the undertaking of all works.

22. The developer/owner must contact the Responsible Authority and VicRoads (if required) and arrange traffic management plans and WORKS ZONE for any works that may affect traffic (both vehicular and pedestrian) or parking on Chesterville Road or any of the surrounding streets. Works vehicles may not be able to stop in the street fronting the property. The developer will be responsible for the costs of arranging a WORKS ZONE and reinstatement of parking restriction signs, to the satisfaction of the Responsible Authority.

#### Transport For Victoria

23. The permit holder must take all reasonable steps to ensure the disruption to bus operation along Chesterville Road are kept to a minimum during the construction of the development. Foreseen disruptions to bus operations and mitigation measures must be communicated to Transport for Victoria fourteen (14) days prior.

#### VicRoads

24. Prior to the occupation of the development hereby approved, the redundant vehicle crossing on Chesterville Road should be removed and the footpath, nature strip, kerb and channel reinstated to the satisfaction of Council and at no cost to VicRoads.

#### Aviation

25. Prior to construction, evidence be provided to confirm that the proposal meets with the requirements of the Airports (Protection of Airspace) Regulations 1996 and be below the relevant Obstacle Limitation Surface (OLS), unless with the

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written consent of the relevant authority.

**Lighting**

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

**Completion of Works**

27. Prior to the occupation of the dwellings hereby permitted, or by such later date as is approved by the Responsible Authority in writing, the nature strip, kerb and channel, vehicle crossover and footpath must be reinstated to the satisfaction of the Responsible Authority.
28. 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.
29. 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.
30. 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.
31. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.

**Permit Expiry**

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

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

Note: The allocation of street numbering and addressing of properties is vested in Council. Any reference to addressing or dwelling/unit/apartment and street numbers or street names on any endorsed plan is indicative only. The onus is

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

Note: 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 builder/developer must contact Council prior to the lodgement of the CMP/Traffic Management Plan documents to organise a site meeting to discuss site constraints and possible solutions to be included in the CMP/TMP.

Note: This Permit does not approve buildings and works within restricted airspace, and that separate approval from CASA, Airservices Australia and / or other regulatory bodies for works within restricted airspace may be required prior to the commencement of buildings and works.

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

**The Amendment was put and LOST**

**A Division was Called:**

**DIVISION:**

**FOR:** Crs West, Eden and Oxley (3)

**AGAINST:** Crs Brownlees, Staikos, Bearsley, Gledhill, Barth and Hua (6)

**LOST**

**The Substantive Motion was put and CARRIED**

**A Division was Called:**

**DIVISION:**

**FOR:** Crs Brownlees, Staikos, Bearsley, Gledhill, Barth and Hua (6)

**AGAINST:** Crs West, Eden and Oxley (3)

**CARRIED**



**4.4 KP 17/420 - 36 Melrose Street, Parkdale**

It is recorded that Emily Boucher spoke on behalf of objectors.

**Moved: Cr West**

**Seconded: Cr Oxley**

That the Planning Committee note that had officers been in a position to determine the application before an application for failure was lodged at the Victorian Civil and Administrative Tribunal, officers would have issued a Notice of Decision to Grant a Permit to develop the land for the construction of two (2) double storey dwellings at No.36 Melrose Street, Parkdale, 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 KHS plans, project number 681819/20, Revision A, dated 16 March 2017, submitted to Council on 9 August 2017, but modified to show:
  - a. the provision of a landscape plan in accordance with the submitted development plan and , with such plans to be prepared by a suitably qualified landscape professional to the satisfaction of the Responsible Authority and incorporating:
    - i. A planting schedule of all proposed trees and shrubs, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant;
    - ii. A survey, including, botanical names of all existing trees to be retained or removed on the site including Tree Protection Zones for trees to be retained calculated in accordance with AS4970-2009;
    - iii. A survey including botanical names, of all existing trees on neighbouring properties where the Tree Protection Zones of such trees calculated in accordance with AS4970-2009 fall partially within the subject site;
    - iv. The delineation of all garden beds, paving, grassed area, retaining walls, fences and other landscape works;
    - v. A range of plant types from ground covers to large shrubs and trees;
    - vi. A native canopy tree in the front setback capable of reaching minimum dimensions at maturity of 15 metres in height and a minimum canopy width of 8 metres, a native canopy tree in the secluded private open space of Dwelling 1 capable of reaching minimum dimensions at maturity of 8 metres in height and a minimum canopy width of 6 metres and a native canopy tree within the garden bed located along the southern boundary next to the garage associated with Dwelling 2 capable of reaching a minimum height of 6 metres;
    - vii. Retention of the Eucalyptus saligna – Tree No. 14;
    - viii. Retention of trees 1, 2, 15, 16, 19, 3, 4 & 5;
    - ix. Retention of trees 8, 11 and 12 if possible;

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- x. Retention and tree protection measures for trees 19-24, which are not on the subject site.
  - xi. All trees provided at a minimum of 2 metres in height at time of planting, medium to large shrubs to be provided at a minimum pot size of 200mm;
  - xii. No trees with a mature height over five (5) meters are to be planted over proposed or existing easements;
  - xiii. 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;
  - xiv. The location of tree protection measures accurately drawn to scale and labelled and notations referring to the endorsed Tree Management Plan; and
  - xv. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced
- b. Alterations to the ground floor footprint of Dwelling 2 to allow for the retention of Tree No. 14 (*Eucalyptus saligna*) tree located to the rear of the site. The alterations to the building footprint may include a reduction in the northern boundary setback of Dwelling 2 where it is opposite the existing garage wall associated with Unit 3, No. 38 Melrose Street. The alteration to Dwelling 2 may not result in any reduction of the southern boundary setback of Dwelling 2. A minimum ground floor setback of 4.135 metres from the eastern title boundary must be maintained.
  - c. All services including water tanks and sheds to be located outside of the structural root zone of the *Eucalyptus saligna* (Sydney Blue Gum) existing on the site nominated in the Arborist report prepared by Tree-mendous Consulting dated 31 July 2017.
  - d. The provision of minimum 2000 litre rainwater tank clearly nominated for each dwelling with water re-used for toilet flushing;
  - e. A Tree Management and Retention Plan as required by Condition No. 6 of this permit.
  - f. The location of tree protection measures illustrated to scale and labeled on the Ground Floor Plan and a notation referring to the endorsed Tree Management Plan as required by Condition No. 6 of this permit.
  - g. Appropriate lighting to be nominated within the driveway and garage area of Dwelling 2.
  - h. Vehicle crossings shown to be constructed at a 90 degree alignment with the kerb on Melrose Street and all internal driveways shown align with the existing / proposed vehicle crossing.
  - i. The internal driveways shown be at least 500mm from the side boundary at the front boundary.
  - j. A notation on any site/ground floor plant to state 'the proposed stormwater discharge must be located at least 500mm from the vehicle crossing'.
  - k. The proposed vehicle crossing shown to be kept separate from the neighbours' vehicle crossing to create a pedestrian refuge of no less than 1

metre wide.

- I. A standard on street parking bay at least 5.4m to be shown between vehicle crossings on the plans.

#### Endorsed Plans

2. The development as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority
3. All works on or facing the boundaries of adjoining properties must be finished and surface cleaned to a standard that is well presented to neighbouring properties in a manner to the satisfaction of the Responsible Authority.

#### Street Trees

4. Prior to the removal of the *Agonis flexuosa* (Willow Myrtle) street tree from the Melrose Street nature strip, payment must be made to Kingston City Council's customer service in accordance with Council's Street Tree Removal Procedures. This fee includes the removal and replacement of this tree/s and that must be undertaken by Council at the expense of the Developer/Owner.

#### Landscaping

5. Tree 14, *Eucalyptus saligna* (Sydney Blue Gum) to be retained.

#### Tree Management Plan

6. Before the development starts, including demolition or removal of vegetation, a Tree Protection Plan (drawing) and Tree Management Plan (report) must be submitted to and be endorsed by the Responsible Authority;
  - a) The Tree Protection Plan must be drawn to scale, reference the Tree Management Plan and provide details of:
    - i. The Tree Protection Zone and Structural Root Zone, calculated in accordance with AS4970-2009, for all trees to be retained on the site and for all trees on neighbouring properties where the Tree Protection Zone falls partially within the subject site.
    - ii. Tree protection fencing, or ground protection where required, provided in accordance with AS4970-2009.
    - iii. Stages of development at which inspections are required to ensure tree protection measures are adhered to must be specified.
    - iv. Appropriate signage on any tree protection fencing prohibiting access, excavation, changes in soil levels, or any storage within the Tree Protection Zone in accordance with AS4970-2009 unless with the prior written consent and under the direct supervision of the consulting arborist.
    - v. Maintenance of the area(s) within the Tree Protection Zone in accordance with AS4970-2009.
    - vi. Any pruning to be undertaken being in accordance with AS4373-2007.
  - b) The Tree Management plan must be prepared by a suitably qualified arborist, reference the Tree Protection Plan and provide details of:
    - i. Any non-destructive root investigation undertaken in accordance with AS4970-2009 to determine the location and distribution of roots of trees nominated on the Tree Protection Plan.

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- ii. Proposed footings and construction methods for any buildings or structures within the Tree Protection Zone nominated on the Tree Protection Plan.
  - iii. How excavation impacts, including soil level changes, on trees to be retained will be managed.
  - iv. How the canopy of trees nominated on the Tree Protection Plan will be protected.
  - v. Any other measures required to demonstrate the successful ongoing retention and viability post-construction of any trees nominated on the Tree Protection Plan.
7. All protection measures identified in the Tree Management and Protection Plans must be implemented, and development works undertaken on the land must be undertaken in accordance with the Tree Management and Protection Plans, to the satisfaction of the Responsible Authority.
  8. Before the development starts, including demolition or removal of vegetation, the name and contact details of the project arborist responsible for implementing the Tree Management Plan must be submitted to the Responsible Authority.

**Drainage and Water Sensitive Urban Design**

9. Unless with the prior written consent of the responsible authority, before the development commences, the following Integrated Stormwater Management documents must be prepared, by a suitably qualified person, to the satisfaction of the responsible authority:
  - a) Stormwater management (drainage) plan(s) must be prepared as per Council's "Civil Design Requirements for Developers- Part A – Integrated Stormwater Management", with supporting computations, showing the stormwater (drainage) works to the nominated point of discharge. The plan(s) must show all details of the proposed stormwater (drainage) works including all existing and proposed features that may have impact on the stormwater (drainage) works, including landscaping details.
10. Stormwater (drainage) works must be implemented in accordance with the approved stormwater management (drainage) plan(s) and to the satisfaction of the responsible authority including the following:
  - a) All stormwater (drainage) works must be provided on the site so as to prevent overflows onto adjacent properties.
  - b) The implementation of stormwater (drainage) detention system(s) which restricts stormwater discharge to the maximum allowable flowrate of 8L/s.
  - c) All stormwater (drainage) works must be maintained to the satisfaction of the Responsible Authority.

**Infrastructure and Road Works**

11. Prior to the commencement of development, property boundary, footpath and vehicle crossing levels must be obtained from Council's Roads and Drains Department with all levels raised or lowered to the satisfaction of the Responsible Authority.
12. The replacement of all footpaths, including offsets, must be constructed to the satisfaction of the Responsible Authority.
13. Any relocation of pits/power poles, traffic signs, jokey sticks or other services

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affected by this development must be done to the satisfaction of the relevant servicing authority and the Responsible Authority, at the cost of the owner/developer.

14. Property boundary and footpath levels must not be altered without the prior written consent form the Responsible Authority.
15. All reinstatements and vehicle crossings must be constructed to the satisfaction of the Responsible Authority.
16. All redundant vehicle crossings must be removed (including redundant portions of vehicle crossings) to the satisfaction of the Responsible Authority.
17. All front and side fences must be contained wholly within the title property boundaries of the subject land.

**General amenity conditions**

18. 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.
19. All piping, ducting above the ground floor storey of the development (other than rainwater, guttering and downpipes) must be concealed to the satisfaction of the Responsible Authority.

**Completion of Works**

20. Prior to the occupation of the dwellings hereby permitted, or by such later date as is approved by the Responsible Authority in writing, the nature strip, kerb and channel, vehicle crossover and footpath must reinstated to the satisfaction of the Responsible Authority.
21. 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.
22. 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.
23. 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.
24. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.

**Time Limits**

25. In accordance with section 68 of the *Planning and Environment Act 1987 (Act)*, this permit will expire if one of the following circumstances applies:
  - The development is not started within (2) years from the date of this permit.
  - The development is not completed within four (4) years from the date of permit issue.
  - The plan of subdivision is not certified within two (2) years from the date of this permit.
  - The plan of subdivision is not registered within five (5) years of the date of

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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 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 fee for removal of the street tree(s) from the nature strip is **(\$948.45 including GST)**, payable to Kingston City Council's Customer Service Department - refer to attached invoice. Customer Service will confirm payment to the Parks Department. The removal of the tree requires a minimum of 2 weeks' notice from the Developer/Owner.

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

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

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

**Amendment**

**Moved: Cr Bearsley**

**Seconded: Cr Hua**

That the Planning Committee note that had officers been in a position to determine the application before an application for failure was lodged at the Victorian Civil and Administrative Tribunal, officers would have issued a Notice of Decision to Grant a Permit to develop the land for the construction of two (2) double storey dwellings at No.36 Melrose Street, Parkdale, 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 KHS plans, project number 681819/20, Revision A, dated 16 March 2017, submitted to Council on 9 August 2017, but modified to show:
  - a) the provision of a landscape plan in accordance with the submitted development plan and , with such plans to be prepared by a suitably qualified landscape professional to the satisfaction of the Responsible Authority and incorporating:
    - i. A planting schedule of all proposed trees and shrubs, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant;
    - ii. A survey, including, botanical names of all existing trees to be retained or removed on the site including Tree Protection Zones for trees to be retained calculated in accordance with AS4970-2009;
    - iii. A survey including botanical names, of all existing trees on neighbouring properties where the Tree Protection Zones of such trees calculated in accordance with AS4970-2009 fall partially within the subject site;
    - iv. The delineation of all garden beds, paving, grassed area, retaining walls, fences and other landscape works;
    - v. A range of plant types from ground covers to large shrubs and trees;
    - vi. A native canopy tree in the front setback capable of reaching minimum dimensions at maturity of 15 metres in height and a minimum canopy width of 8 metres, a native canopy tree in the secluded private open space of Dwelling 1 capable of reaching minimum dimensions at maturity of 8 metres in height and a minimum canopy width of 6 metres and a native canopy tree within the garden bed located along the southern boundary next to the garage associated with Dwelling 2 capable of reaching a minimum height of 6 metres;
    - vii. Retention of the Eucalyptus saligna – Tree No. 14;
    - viii. Retention and tree protection measures for trees 19-24, which are not on the subject site.
    - ix. All trees provided at a minimum of 2 metres in height at time of planting, medium to large shrubs to be provided at a minimum pot size of 200mm;
    - x. No trees with a mature height over five (5) meters are to be planted

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- over proposed or existing easements;
- xi. 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;
  - xii. The location of tree protection measures accurately drawn to scale and labelled and notations referring to the endorsed Tree Management Plan; and
  - xiii. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced
- b) Alterations to the ground floor footprint of Dwelling 2 to allow for the retention of Tree No. 14 (*Eucalyptus saligna*) tree located to the rear of the site. The alterations to the building footprint may include a reduction in the northern boundary setback of Dwelling 2 where it is opposite the existing garage wall associated with Unit 3, No. 38 Melrose Street. The alteration to Dwelling 2 may not result in any reduction of the southern boundary setback of Dwelling 2. A minimum ground floor setback of 4.135 metres from the eastern title boundary must be maintained.
  - c) All services including water tanks and sheds to be located outside of the structural root zone of the *Eucalyptus saligna* (Sydney Blue Gum) existing on the site nominated in the Arborist report prepared by Tree-mendous Consulting dated 31 July 2017.
  - d) The provision of minimum 2000 litre rainwater tank clearly nominated for each dwelling with water re-used for toilet flushing;
  - e) A Tree Management and Retention Plan as required by Condition No. 6 of this permit.
  - f) The location of tree protection measures illustrated to scale and labeled on the Ground Floor Plan and a notation referring to the endorsed Tree Management Plan as required by Condition No. 6 of this permit.
  - g) Appropriate lighting to be nominated within the driveway and garage area of Dwelling 2.
  - h) Vehicle crossings shown to be constructed at a 90 degree alignment with the kerb on Melrose Street and all internal driveways shown align with the existing / proposed vehicle crossing.
  - i) The internal driveways shown be at least 500mm from the side boundary at the front boundary.
  - j) A notation on any site/ground floor plan to state 'the proposed stormwater discharge must be located at least 500mm from the vehicle crossing'.
  - k) The proposed vehicle crossing shown to be kept separate from the neighbours' vehicle crossing to create a pedestrian refuge of no less than 1 metre wide.
  - l) A standard on street parking bay at least 5.4m to be shown between vehicle crossings on the plans.

**Endorsed Plans**

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



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

Street Trees

4. Prior to the removal of the *Agonis flexuosa* (Willow Myrtle) street tree from the Melrose Street nature strip, payment must be made to Kingston City Council's customer service in accordance with Council's Street Tree Removal Procedures. This fee includes the removal and replacement of this tree/s and that must be undertaken by Council at the expense of the Developer/Owner.

Landscaping

5. Tree 14, *Eucalyptus saligna* (Sydney Blue Gum) to be retained.

Tree Management Plan

6. Before the development starts, including demolition or removal of vegetation, a Tree Protection Plan (drawing) and Tree Management Plan (report) must be submitted to and be endorsed by the Responsible Authority;
  - a) The Tree Protection Plan must be drawn to scale, reference the Tree Management Plan and provide details of:
    - i. The Tree Protection Zone and Structural Root Zone, calculated in accordance with AS4970-2009, for all trees to be retained on the site and for all trees on neighbouring properties where the Tree Protection Zone falls partially within the subject site.
    - ii. Tree protection fencing, or ground protection where required, provided in accordance with AS4970-2009.
    - iii. Stages of development at which inspections are required to ensure tree protection measures are adhered to must be specified.
    - iv. Appropriate signage on any tree protection fencing prohibiting access, excavation, changes in soil levels, or any storage within the Tree Protection Zone in accordance with AS4970-2009 unless with the prior written consent and under the direct supervision of the consulting arborist.
    - v. Maintenance of the area(s) within the Tree Protection Zone in accordance with AS4970-2009.
    - vi. Any pruning to be undertaken being in accordance with AS4373-2007.
  - b) The Tree Management plan must be prepared by a suitably qualified arborist, reference the Tree Protection Plan and provide details of:
    - i. Any non-destructive root investigation undertaken in accordance with AS4970-2009 to determine the location and distribution of roots of trees nominated on the Tree Protection Plan.
    - ii. Proposed footings and construction methods for any buildings or structures within the Tree Protection Zone nominated on the Tree Protection Plan.
    - iii. How excavation impacts, including soil level changes, on trees to be retained will be managed.
    - iv. How the canopy of trees nominated on the Tree Protection Plan will be protected.

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- v. Any other measures required to demonstrate the successful ongoing retention and viability post-construction of any trees nominated on the Tree Protection Plan.
- 7. All protection measures identified in the Tree Management and Protection Plans must be implemented, and development works undertaken on the land must be undertaken in accordance with the Tree Management and Protection Plans, to the satisfaction of the Responsible Authority.
- 8. Before the development starts, including demolition or removal of vegetation, the name and contact details of the project arborist responsible for implementing the Tree Management Plan must be submitted to the Responsible Authority.

**Drainage and Water Sensitive Urban Design**

- 9. Unless with the prior written consent of the responsible authority, before the development commences, the following Integrated Stormwater Management documents must be prepared, by a suitably qualified person, to the satisfaction of the responsible authority:
  - a) Stormwater management (drainage) plan(s) must be prepared as per Council's "Civil Design Requirements for Developers- Part A – Integrated Stormwater Management", with supporting computations, showing the stormwater (drainage) works to the nominated point of discharge. The plan(s) must show all details of the proposed stormwater (drainage) works including all existing and proposed features that may have impact on the stormwater (drainage) works, including landscaping details.
- 10. Stormwater (drainage) works must be implemented in accordance with the approved stormwater management (drainage) plan(s) and to the satisfaction of the responsible authority including the following:
  - a) All stormwater (drainage) works must be provided on the site so as to prevent overflows onto adjacent properties.
  - b) The implementation of stormwater (drainage) detention system(s) which restricts stormwater discharge to the maximum allowable flowrate of 8L/s.
  - c) All stormwater (drainage) works must be maintained to the satisfaction of the Responsible Authority.

**Infrastructure and Road Works**

- 11. Prior to the commencement of development, property boundary, footpath and vehicle crossing levels must be obtained from Council's Roads and Drains Department with all levels raised or lowered to the satisfaction of the Responsible Authority.
- 12. The replacement of all footpaths, including offsets, must be constructed to the satisfaction of the Responsible Authority.
- 13. Any relocation of pits/power poles, traffic signs, jokey sticks or other services affected by this development must be done to the satisfaction of the relevant servicing authority and the Responsible Authority, at the cost of the owner/developer.
- 14. Property boundary and footpath levels must not be altered without the prior written consent from the Responsible Authority.
- 15. All reinstatements and vehicle crossings must be constructed to the satisfaction of the Responsible Authority.

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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 contained wholly within the title property boundaries of the subject land.

General amenity conditions

18. 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.
19. All piping, ducting above the ground floor storey of the development (other than rainwater, guttering and downpipes) must be concealed to the satisfaction of the Responsible Authority.

Completion of Works

20. Prior to the occupation of the dwellings hereby permitted, or by such later date as is approved by the Responsible Authority in writing, the nature strip, kerb and channel, vehicle crossover and footpath must be reinstated to the satisfaction of the Responsible Authority.
21. 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.
22. 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.
23. 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.
24. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.

Time Limits

25. In accordance with section 68 of the *Planning and Environment Act 1987 (Act)*, this permit will expire if one of the following circumstances applies:
  - The development is not started within (2) years from the date of this permit.
  - The development is not completed within four (4) years from the date of permit issue.
  - The plan of subdivision is not certified within two (2) years from the date of this permit.
  - 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 development allowed by the permit has not yet started; or
- within twelve (12) months after the permit expiry date, where the

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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 fee for removal of the street tree(s) from the nature strip is **(\$948.45 including GST)**, payable to Kingston City Council's Customer Service Department - refer to attached invoice. Customer Service will confirm payment to the Parks Department. The removal of the tree requires a minimum of 2 weeks' notice from the Developer/Owner.

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

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

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

**The Amendment was put and CARRIED**

**The Amendment became the Motion**

**The Motion was put and CARRIED**

**4.2 KP16/1084 - 26 & 28 Gothic Avenue, Aspendale**

**Moved: Cr Eden**

**Seconded: Cr Oxley**

That consideration of this item be deferred to the January Planning Committee meeting to allow for a vegetation assessment to be undertaken and provided to Councillors for consideration.

**CARRIED**

**4.5 Amendment C152 - Stormwater Management**

**Moved: Cr West**

**Seconded: Cr Barth**

That the Planning Committee:

1. Adopt Amendment C152 to the Kingston Planning Scheme.
2. Submit Amendment C152 to the Minister for Planning for approval subject to completion of the Economic Feasibility Study in accordance with Recommendation 1 of the Panel Report.
3. Notify submitters to Amendment C152 of the above resolutions.

**CARRIED**

**4.6 Amendment C153 - Public Open Space Contributions Panel Report**

**Moved: Cr Gledhill**

**Seconded: Cr West**

That the Planning Committee:

1. Adopt Amendment C153 to the Kingston Planning Scheme as exhibited.
2. Submit Amendment C153 to the Minister for Planning for approval.
3. Notify submitters to Amendment C153 of the above resolutions.
4. Make the Planning Panel Report available for public viewing.

**CARRIED**

**5. Confidential Items**

**Moved: Cr Hua**

**Seconded: Cr Gledhill**

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

**5.1 KP17/218 - 15 Sixth Avenue Chelsea Heights - VCAT appeal lodged and Compulsory Conference position sought**

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

**CARRIED**

The meeting was closed to members of the public at 8.15pm.

**Moved: Cr West**

**Seconded: Cr Hua**

That the meeting be opened to members of the public

**CARRIED**

The meeting was opened to members of the public at 8.23pm.

The meeting closed at 8.23pm.

**Confirmed.....**

**The Mayor 24 January 2018**