

Minutes

Planning Committee Meeting

Wednesday, 17th May 2017



**City of Kingston
Planning Committee Meeting**

Minutes

17 May 2017

Table of Contents

1.	Apologies	3
2.	Confirmation of Minutes of Previous Meetings	3
3.	Foreshadowed Declaration by Councillors, Officers or Contractors of any Conflict of Interest	3
	<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>	
4.	Planning and Development Reports	3
5.	Confidential Items	23

**City of Kingston
Planning Committee Meeting**

Minutes

17 May 2017

The meeting commenced at 7.00pm in the Council Chamber, 1230 Nepean Highway, Cheltenham.

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

In Attendance: John Nevins – Chief Executive Officer
Jonathan Guttmann – General Manager Planning and Development
Ian Nice – Manager City Development
Phil DeLosa – 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 Staikos

Seconded: Cr Gledhill

That the Minutes of the Planning Committee Meeting held on 21 September 2016 be confirmed.

CARRIED

3. Foreshadowed Declaration by Councillors, Officers or Contractors of any Conflict of Interest

There were no Conflicts of Interest submitted to the meeting.

4. Planning and Development Reports

4.1 Town Planning Application Decisions - April 2017

Moved: Cr Staikos

Seconded: Cr Brownlees

That the report be noted.

CARRIED

4.2 KP16/245 - 1217 - 1219 Nepean Highway Highett

It is recorded that Carleene de Somerville spoke on behalf of the objectors.

It is recorded that Nick Vardhalis spoke on behalf of the applicant.

Moved: Cr Staikos

Seconded: Cr Hua

That the Planning Committee determines to support the proposal and issue a Notice of Decision to Grant a Permit to develop the land for the construction of thirty-six dwellings at No.1217-1219 Nepean Highway Highett, subject to the following conditions:

1. Before the development starts amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be substantially in accordance with the plans submitted to Council on 10 March 2017, but modified to show:
 - a. the provision of a landscape plan in accordance with the submitted development plan and the City of Kingston Landscape Plan Checklist, with such plans to be prepared by a suitably qualified landscape professional and incorporating:
 - i. an associated planting schedule showing the proposed location, species type, mature height and width, pot sizes and number of species to be planted on the site. The schedule must be shown on the plan;
 - ii. the delineation of all garden beds, paving, grassed areas, retaining walls, fences and other landscape works including areas of cut and fill throughout the development;
 - iii. all existing trees on the site and within three (3) metres to the boundary of the site on adjoining properties, accurately illustrated to represent actual canopy width and labelled with botanical name, height and whether the tree is proposed to be retained or removed;
 - iv. a range of plant types from ground covers to large shrubs and trees provided at adequate planting densities (e.g. plants with a mature width of 1 metre, planted at 1 metre intervals);
 - v. the provision of four (4) suitable medium sized (at maturity) canopy trees along each of the site's street frontages, and along its rear boundary with these to be planted in ground wherever possible, and species chosen to be approved by the Responsible Authority;
 - vi. the provision of a minimum of one (1) small (at maturity) tree within the private open space area of apartments 1.05, 1.06 and 1.07, with these to be planted in- ground (rather than planter boxes) and species chosen to be approved by the Responsible Authority;

**City of Kingston
Planning Committee Meeting**

Minutes

17 May 2017

- vii. all trees provided at a minimum of two (2) metres in height at time of planting and medium to large shrubs to be provided at a minimum pot size of 200mm;
 - viii. no trees with a mature height over five (5) meters are to be planted over proposed or existing easements; and
 - ix. the provision of notes on the landscape plan regarding site preparation, including the removal of all weeds, proposed mulch, soil types and thickness, subsoil preparation and any specific maintenance requirements.
- b. Provision of fully dimensioned longitudinal sections of the basement ramps, including all gradients, levels to Australian Height Datum and minimum head clearances.
 - c. The provision of setbacks greater than those required by Standard B17 (Side and rear setbacks) of Clause 55.04-1 of the Planning Scheme to all side and rear boundaries, and with the balconies associated with apartments 2.09 and 3.09 re-oriented to Enright Street.
 - d. Storage dimensions demonstrating a minimum of six cubic metres, and their respective allocation to each apartment.
 - e. Dimensions provided for the bin store area and bicycle parking.
 - f. The provision of a maximum 1.5 metre high fencing to the front of apartments 1.01, 1.02 and 1.10, with front fencing to include a mixture of materials, incorporating portions of permeable material and may include sections of planter boxes on the front boundary.
 - g. The deletion of the convex mirror to the vehicle entry on the Enright Street frontage and deletion of fencing to the front of bedroom 2 of apartment 1.03.
 - h. Provision of sight splays on either side of the entry to the basement ramp in accordance with design standard 1 of Clause 52.06-8 of the Planning Scheme.
 - i. Delete notations and details referring to planter boxes from the ground floor plan.
 - j. Delete the notation on the basement plan TP-1.04 referring to a car stacker system.
 - k. The provision of clotheslines for ground floor apartments 1.03 – 1.09.
 - l. Locations of meter boxes and shared utilities nominated on plans.
 - m. The provision of screening of roof top services, limiting views of these services from the adjoining properties and the public realm.
 - n. The provision of all balcony dimensions, including minimum widths.
 - o. The provision of accurate details regarding the extent of outbuildings at No. 46 Matthieson Street, near the boundary shared with the subject site.
 - p. The provision of additional details on floor, elevation and section plans with dimensions provided of horizontal ledge treatments provided to balconies and windows on the north-eastern elevation. The height, depth and material

**City of Kingston
Planning Committee Meeting**

Minutes

17 May 2017

of these treatments must be nominated, and demonstrated through section details that show sightlines measured from a height of 1.7 metres above finished floor levels.

- q. Details demonstrating disability access is achieved to the apartment's main pedestrian entry from Enright Street.
- r. The provision of horizontal balcony screening treatments to upper level balconies, to address the requirements of Standard B23 (Internal Views) of Clause 55.04-7 of the Planning Scheme, where necessary.
- s. Provision of details on floor plans regarding where sections S/06 on TP300 and section 1 on TP301 are taken from, and dimensions provided, demonstrating sight lines are measured from a height of 1.7 metres above finished floor level.
- t. The provision of a full colour, finishes and building materials schedule, (illustrated on an A4 or A3 sheet), for all external elevations and driveways of the development. The schedule must nominate a light paint or material finish to the external walls enclosing the light wells provided to bedroom windows in saddleback arrangements.
- u. Any changes required by the amended Waste Management Plan required by condition 6 of this permit.
- v. Notations and details outlining the initiatives provided by the amended Sustainability Management Plan required under condition 7 of this permit.

Endorsed plans

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

Street Trees

- 3. Prior to the commencement of any works on the site including demolition, a tree protection barrier must be installed at three (3) metres from the base of the *Ulmus parvifolia* (Chinese Elm) street tree located on the Nepean Highway nature strip.
- 4. Prior to the commencement of any works on the site including demolition, a tree protection barrier must be installed at three (3) metres from the base of the *Melia azedarach* (White Cedar) street tree located on the Enright Street nature strip.
- 5. Prior to the removal of the *Syzygium smithii* (Lilly Pilly) street tree from the Enright Street nature strip, payment must be made to Kingston City Council's customer service in accordance with Council's Street Tree Removal Procedures. The removal of these trees must be undertaken by Council at the expense of the Developer/Owner.

Waste Management Plan

- 6. Prior to the endorsement of plans required by condition 1 of this permit, an amended Waste Management Plan prepared by a suitably qualified professional, to the satisfaction of the Responsible Authority, must be submitted to and approved by the Responsible Authority. When approved, the Report 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 amended Plan

must be generally in accordance with the Plan prepared by Eco-City Sustainability Consultants, but amended to reflect changes made to the proposal.

Sustainability Management Plan

7. Prior to the endorsement of plans required by condition 1 of this permit, an amended Sustainability Management Plan prepared by a suitably qualified professional, to the satisfaction of the Responsible Authority, must be submitted to and approved by the Responsible Authority. When approved, the Report 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 amended Plan must be generally in accordance with the Plan prepared by Eco-City Sustainability Consultants, but amended to reflect changes made to the proposal.

Construction Management

8. Prior to the commencement of any buildings and works on the land (including demolition), 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 Policy, July 2015 and Construction Management Guidelines, 1 November 2015 (and any superseding versions and / or documents). The CMP must specify and deal with, but is not limited to, the following elements:
 - a. Public Safety, Amenity and Site Security
 - b. Traffic Management
 - c. Stakeholder Management
 - d. Operating Hours, Noise and Vibration Controls
 - e. Air Quality and Dust Management
 - f. Stormwater and Sediment Control
 - g. 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.

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.

9. 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) on Nepean Highway 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.

Drainage and Water Sensitive Urban Design (WSUD)

10. Unless with prior written consent of the Responsible Authority, before the development commences the following Integrated Stormwater Management (drainage) 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, 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 works including all existing and proposed features that may have an impact on the stormwater (drainage) works, including landscaping details.
 - b. Prior to submitting detailed plans, a comprehensive stormwater management (drainage) strategy for the site must be prepared that addresses the requirements specified within Council's *"Civil Design requirements for Developers – Part A: Integrated Stormwater Management"*.
 - c. The stormwater management (drainage) strategy must include a report with music modelling results demonstrating water sensitive urban design treatments that achieve Victorian best practice objectives. These may include the use of an infiltration or bio-retention system, rainwater tanks connected for reuse, or other treatments to the satisfaction of the Responsible Authority.
 - d. The water sensitive urban design treatments as per conditions a, b, & c above must be implemented on-site, unless an alternative agreement is reached with the Responsible Authority.
11. Stormwater (drainage) works must be implemented in accordance with the approved stormwater management (drainage) plan and to the satisfaction of the Responsible Authority including the following:
- a. All stormwater (drainage) works must be provided onsite so as to prevent overflows onto adjacent properties.
 - b. The implementation of stormwater (drainage) detention system which restricts stormwater discharge to the maximum allowable flowrate calculated as per "Civil Design Requirements for Developers – Part A - Integrated Stormwater Management".
 - c. All stormwater (drainage) works must be maintained to the satisfaction of the Responsible authority.
12. A groundwater assessment report (GAR) must be prepared by a qualified hydro-geologist to assess any possible impacts the proposed development has on the ground water table, surrounding land and buildings to the satisfaction of Council.
- a. Should the findings of the submitted GAR demonstrate that the site is likely to experience issues associated with ground water management, a ground water management plan (GMP) must be submitted to and approved by the responsible authority.
13. The basement structure must be designed and constructed to the satisfaction of the responsible authority and must address the following:
- a. The basement design must address the findings of the GAR and GMP required by the above condition, and
 - b. The basement must be a fully-tanked dry basement with no agricultural (AG) drain collection or disposal to the stormwater system and with an allowance

made for hydrostatic pressures in accordance with Council's '*Basements and Deep Building Construction Policy, 2014*' and '*Basements and Deep Building Construction Guidelines, 2014*', or

In the event it is demonstrated that a fully-tanked dry basement cannot be achieved or if a wet basement is proposed, ground water including an AG drain must not be discharged into the stormwater system. Any subsurface water (groundwater) must be disposed of on-site or via an agreement with the local sewer authority.

14. In any case where the basement design and construction, required by the above condition of this permit, does not accord with the plan(s) approved under this permit the endorsed plan(s) must be amended to the satisfaction and with the written consent of the responsible authority.
15. The applicant must demonstrate with adequate details that the overland flows in a major storm event (1 in 100 year ARI) within the site can be safely directed to the road reserve without entering the basement at any point.

Infrastructure and Road Works

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

VicRoads condition

20. All disused or redundant vehicle crossings must be removed and the area reinstated to the satisfaction of Responsible Authority and at no cost to the Roads Corporation prior to the occupation of the buildings or works hereby approved.

Parking construction and management

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

and maintained to the satisfaction of the Responsible Authority.

Lighting

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

General amenity conditions

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

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

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

Completion

26. 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.

27. 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.

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

Time limits

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

- The development is not started within (2) years from the date of this permit.
- The development is not completed within four (4) years from the date of permit issue.

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

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

allowed by the permit has lawfully started before the permit expires.

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

Note: 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: The fee for removal of the street tree(s) from the nature strip is **(\$1445.90 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.

CARRIED

4.3 KP16/254 - 7-21 Station Road Cheltenham

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

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

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 a nine (9) storey mixed use development comprising of sixty-five (65) dwellings, offices, two (2) food and drink premises and two (2) retail premises (shops) and variation to the loading bay requirement at No. 7 - 21 Station 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 20 October 2016 but modified to show:
 - a. The provision of a longitudinal section of the basement ramp showing gradients, levels, distances, with headroom clearances complying with AS2890.1:2004 and the flood proof apex.
 - b. The required flood proof apex of 190mm above the proposed laneway must be along the entire frontage of the subject site to the laneway.
 - c. The provision of a notation stating: "Construction of the existing laneway/Right of Way on the northern boundary of the property from the Western boundary of the subject site to the Eastern boundary of the subject site including drainage works must be designed with colour concrete and exposed aggregate feature bands as per Council Standards; drained and constructed at the full cost of the owner/developer as per engineering plans approved by the Council."
 - d. The provision of a Tree Management Plan and associated changes to the basement car park, to accord with condition 4 and 5 unless the relevant tree has Council consent for removal.
 - e. The provision of a revised Sustainable Management Plan as required under condition 20 and amended to plans to show:
 - i. Service apartments 102, 103, 104, 202, 203 and 204 to be converted into studio apartments (with the deletion of all fixed walls around bedroom) or for the service apartments to be consolidated, so that all bedrooms are provided with direct daylight.
 - ii. The use of a light coloured material (e.g. white) on external walls adjacent to battle-axe bedrooms.
 - iii. The deletion of fin elements to the light wells adjacent to Dwelling 109 and 209.
 - iv. The provision of shading devices to all north facing living and bedroom windows on levels 7 and 8.

**City of Kingston
Planning Committee Meeting**

Minutes

17 May 2017

- v. The provision of operable shading devices (louvers, sliding shutters or external blinds) to all west facing living and bedroom windows on levels 7 and 8.
 - vi. The inclusion of retractable outdoor clotheslines for all dwellings.
 - vii. A revised Energy, Water, Transport and Urban Ecology section to the satisfaction of the Responsible Authority.
 - f. The following notes to be shown on plans:
 - i. The designation of 36 car parking spaces within the basement car park to the City of Kingston.
 - ii. Prior to the occupation of the development, the public art to be erected on the Council car park facade is to be designed, engineered and installed to the satisfaction of the Responsible Authority at the cost of the developer/permit holder.
 - iii. Property boundary and footpath levels must not be altered without the prior written consent from the Responsible Authority.
 - iv. All changes in grade must be ramped within the property boundaries and footpath and boundary levels remain unaltered.
 - v. The footpath must be reconstructed to Council's commercial standards to the satisfaction of the Responsible Authority.
 - g. The following traffic modifications to be undertaken:
 - i. The provision of swept path diagrams, demonstrating the loading bay can be accessed by a Medium Rigid Vehicle. The loading bay must also be accompanied by appropriate corner splays to improve sight lines and vehicle access.
 - ii. The provision of corner splays to along north-west corner of the building and to the western wall of the ground floor car park.
 - iii. The entry to the car park on the ground floor to be relocated in the westerly direction or alternatively improved safety measures (e.g light warning system) to minimise vehicle conflict with vehicles accessing the basement car park.
 - iv. The columns associated with car spaces 26, 38, 83 and 98 to be relocated to the satisfaction of the Responsible Authority.
 - v. The provision of a minimum 4.5m vertical height clearance must be provided for the widened adjoining laneway to the north.
 - h. The allocation of storage for each dwelling to be clearly notated.
 - i. The provision of a Waste Management Plan in accordance with condition 19.
 - j. The provision of a Wind Impact Assessment in accordance with condition 29.
 - k. The provision of security lighting directly adjacent to all entry areas and within the basement areas to Council's satisfaction.
 - l. The provision of a full colour palette, finishes and building materials schedule for all external elevations and driveway/s of the development.
2. The development and use as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.

**City of Kingston
Planning Committee Meeting**

Minutes

17 May 2017

Tree Management Plan:

3. 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.
4. The Tree Protection Plan must be drawn to scale, reference the Tree Management Plan and provide details of:
 - a. 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.
 - b. Tree protection fencing, or ground protection where required, provided in accordance with AS4970-2009.
 - c. 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.
 - d. Maintenance of the area(s) within the Tree Protection Zone in accordance with AS4970-2009.
 - e. Any pruning to be undertaken being in accordance with AS4373-2007.
5. The Tree Management plan must be prepared by a suitably qualified arborist, reference the Tree Protection Plan and provide details of:
 - a. 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.
 - b. Proposed footings and construction methods for any buildings or structures within the Tree Protection Zone nominated on the Tree Protection Plan.
 - c. How excavation impacts, including soil level changes, on trees to be retained will be managed.
 - d. How the canopy of trees nominated on the Tree Protection Plan will be protected.
 - e. Any other measures required to demonstrate the successful ongoing retention and viability post-construction of any trees nominated on the Tree Protection Plan.

Drainage

6. Unless with prior written consent of the Responsible Authority, before the development commences the following Integrated Stormwater Management (drainage) 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, 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 works including all existing and proposed features that may have an impact on the stormwater (drainage) works, including landscaping details.
 - b. Prior to submitting detailed plans, a comprehensive stormwater

- management (drainage) strategy for the site must be prepared that addresses the requirements specified within Council's "*Civil Design requirements for Developers – Part A: Integrated Stormwater Management*".
- c. The stormwater management (drainage) strategy must include a report with music modelling results demonstrating water sensitive urban design treatments that achieve Victorian best practice objectives. These may include the use of an infiltration or bio-retention system, rainwater tanks connected for reuse, or other treatments to the satisfaction of the Responsible Authority.
 - d. The water sensitive urban design treatments as per conditions 6a, 6b, and 6c above must be implemented on-site, unless an alternative agreement is reached with the Responsible Authority.
7. Stormwater (drainage) works must be implemented in accordance with the approved stormwater management (drainage) plan and to the satisfaction of the Responsible Authority including the following:
- a. All stormwater (drainage) works must be provided onsite so as to prevent overflows onto adjacent properties.
 - b. The implementation of stormwater (drainage) detention system which restricts stormwater discharge to the maximum allowable flowrate of 16.6L/s.
 - c. All stormwater (drainage) works must be maintained to the satisfaction of the Responsible authority.
8. A groundwater assessment report (GAR) must be prepared by a qualified hydro-geologist to assess any possible impacts the proposed development has on the ground water table, surrounding land and buildings to the satisfaction of Council.
- a. Should the findings of the submitted GAR demonstrate that the site is likely to experience issues associated with ground water management, a ground water management plan (GMP) must be submitted to and approved by the responsible authority.
9. The basement structure must be designed and constructed to the satisfaction of the responsible authority and must address the following:
- a. The basement design must address the findings of the GAR and GMP required under condition 8, and
 - b. The basement must be a fully-tanked dry basement with no agricultural (AG) drain collection or disposal to the stormwater system and with an allowance made for hydrostatic pressures in accordance with Council's 'Basements and Deep Building Construction Policy, 2014' and 'Basements and Deep Building Construction Guidelines, 2014', or
 - c. In the event it is demonstrated that a fully-tanked dry basement cannot be achieved or if a wet basement is proposed, ground water including an AG drain must not be discharged into the stormwater system. Any subsurface water (groundwater) must be disposed of on-site or via an agreement with the local sewer authority.
10. In any case where the basement design and construction, required by condition

**City of Kingston
Planning Committee Meeting**

Minutes

17 May 2017

9 of this permit, does not accord with the plan(s) approved under this permit the endorsed plan(s) must be amended to the satisfaction and with the written consent of the responsible authority.

11. A flood proof apex (ridge level) protecting the property from any overland flows must be provided. This apex is to be a minimum of 190mm above the proposed laneway invert along the full frontage of the subject site to the Laneway. 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.
12. Before the occupancy of the development commences, the laneway as described in Condition 6a) must be designed and constructed at the full cost of the owner/developer and maintained in accordance with the plans approved by the Council. Discussion with Council's Development Engineer is recommended prior to submission of a design. A priced schedule of works within the laneway and the payment of Council's engineering fees of 3.25% of the cost of the works are required to be submitted prior to approval

Roads and Drains

13. The replacement of all footpaths, including offsets, must be constructed the satisfaction of the Responsible Authority.
14. All reinstatements and vehicle crossings must be constructed to the satisfaction of the Responsible Authority.
15. Vehicle crossings and other reinstatements must be constructed to council's industrial strength specifications.
16. The right of way must be constructed to the satisfaction of the Responsible Authority.
17. All redundant vehicle crossings must be removed (including redundant portions of vehicle crossings) to the satisfaction of the Responsible Authority.

Property

18. Prior to the commencement of the development, the permit holder/developer/owner must enter into a development agreement with the City of Kingston and receive all relevant approvals including, but not limited to section 193 of the *Local Government Act 1989*. 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 Council costs borne by this process.

Waste Management

19. Prior to the commencement of the use permitted by this permit on the Land, a Waste Management Plan, showing collections once a week, unless otherwise approved must be submitted and endorsed to the satisfaction of the Responsible Authority and will then form part of the permit.

Sustainable Management Plan

20. Prior to the endorsement of plans required by condition 1 of this permit, an amended Sustainability Management Plan prepared by a suitably qualified professional, to the satisfaction of the Responsible Authority, must be submitted to and approved by the Responsible Authority. When approved, the Report 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 amended Plan must be generally in accordance with the plans received by Council on 20 October 2016, but amended to:

- a. Update the BESS Report to meet the minimum 50% overall score with the Energy and Water section.
- b. Update the BESS Report in relation to renewable energy systems and transport for details on any showers and lockers.
- c. Clarify the exact location of the 18kW PV system (minimum), proposed to be installed.
- d. Provide additional details of impervious areas and how they are to be treated under water reuse and stormwater.

to the satisfaction of the Responsible Authority.

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. Prior to endorsement of the of the CMP under the condition 21, an approved Road Occupation and Works Permit which covers occupation of Council land for construction activities, arranging a Works Zone and assessment of Traffic Management Plans (if applicable).

Note: The developer will be responsible for any costs related to this permit, to the satisfaction of the Responsible Authority.

23. Prior to endorsement of the CMP under the condition 21, an Asset Protection Permit must be approved by the Responsible Authority (if applicable).

Public Transport Victoria

24. The permit holder must take all reasonable steps to ensure that disruption to the bus operations along Station Road are kept to a minimum during the construction of the development. Foreseen disruptions to bus operations and mitigation measures must be communicated to Public Transport Victoria fourteen

(14) days prior.

Health

25. Ensure clean up associated with the food and drink premises do not generate significant noise that will affect nearby residential areas. e.g. dumping of glass bottles/cans. These processes should be conducted the following morning to minimise disturbance.

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 including residential properties in the area.

Environmental Audit

27. Prior to the commencement of the approved development, an Environmental Audit must be completed pursuant to section 53X 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.

28. The permit holder must, prior to use arrange for a reputable and suitably qualified environmental consultant to provide a letter to the Responsible Authority confirming that the requirements the use of the land in condition 27 have been satisfied.

**City of Kingston
Planning Committee Meeting**

Minutes

17 May 2017

Wind Impact Assessment

29. Prior to the commencement of the development a Wind Impact Assessment including on walking comfort must be carried out by a suitably qualified person to the satisfaction of the Responsible Authority. Any recommendations of the Assessment must be implemented to the satisfaction of the responsible authority.

General Amenity Condition

30. The amenity of the area must not be detrimentally affected by the development hereby approved, through the:
- i. Transport of materials, goods or commodities to or from the land.
 - i. Appearance of any building, works or materials.
 - ii. Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil.
 - iii. Presence of vermin.
 - iv. Any other way.

Public Works

31. Prior to the commencement of works, detailed designs must be submitted to and approved by the responsible authority, regarding all works associated with the redevelopment of the Cheltenham Plaza known as 7 Station Road, Cheltenham.
32. Prior to the occupation of the dwellings hereby approved, a detailed design of the public art work on the car park façade including elevations, must be designed, engineered and submitted to and approved by the responsible authority.
33. Prior to the occupation of the development hereby permitted, the developer must, in relation public realm works specified within Condition 31 and 32 of the Permit either:
- a. make payment to the Responsible Authority for all of those works; or
 - b. deliver all of those works; or
 - c. a combination of the above.
- in consultation with and to the satisfaction of the Responsible Authority.
34. Any relocation of services and infrastructure affected by this development must be relocated to the satisfaction of the relevant servicing authority and the responsible authority at the cost of the owner/developer.
35. All public realm works and reinstatements must be to the satisfaction of the responsible authority.

Use

36. The food and drink must operate only operate between the hours of:
- 6am to 11pm seven days per week with the exception of outdoor seating.
 - Outdoor seating may operate between the hours of 7am to 9pm on Sunday to Thursday and 7am to 10pm on Friday to Saturday.
37. No more than 100 patrons are permitted within each food and drink premise at any one time.
38. No more than six (6) employees / staff may operate from each food and drink premises at any one time.

**City of Kingston
Planning Committee Meeting**

Minutes

17 May 2017

39. The retail premises must operate only operate between the hours of:
- 8am to 7pm on Sunday to Thursday.
 - 8am to 9pm on Friday to Saturday.
40. No more than three (3) employees / staff may operate from each retail premises at any one time.

Amenity Conditions

41. 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.
42. 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.
43. The amenity of the area must not be detrimentally affected by the development hereby approved, through the:
- ii. Transport of materials, goods or commodities to or from the land.
 - iii. Appearance of any building, works or materials.
 - iv. Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil.
 - v. Presence of vermin.
 - vi. Any other way.

Completion of Development

44. Prior to the occupancy of the building and commencement of the use, all buildings and works must be completed to the satisfaction of the responsible authority.
45. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.

Expiry

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

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

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

**City of Kingston
Planning Committee Meeting**

Minutes

17 May 2017

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

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

If the Permit Applicant/Land Owner adopts the street numbering or addressing from the endorsed plans, or where advertising and/or sales transact (off the plan) prior to

Council's official allocation of the street numbering and addressing, it will be viewed to be non-compliant with the guideline and standard applied (*Australian/New Zealand Standard for Rural & Urban Addressing / AS/NZS 4819:2011*).

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

Note: Ensure areas related to food handling, storage and sales are designed as per Australian Standard for the Design, Construction and Fit-out of Food Premises. By providing detailed plans for these areas to Council's Health Department for approval prior to construction and fit out, it will ensure the areas are compliant with the Food Act.

Note: The business will be required to register with Council's Environmental Health Department under the Food Act 1984 and comply with the requirements of the Food Act 1984 and Food Standards Code.

Note: Noise emissions from the premises must comply with the requirements of the State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade) No. N-1.

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 West

That the recommendation be adopted subject to a condition requiring that an additional retail outlet be added.

The Amendment lapsed for want of a Seconder.

The Substantive Motion was put and **CARRIED**

4.4 KP16/689 - 34 Barkly Street Mordialloc

It is recorded that Paul Carr spoke on behalf of objectors.

Cr Staikos left the meeting at 7.39pm

Cr Staikos returned to the meeting at 7.39pm

It is recorded that Matthew McCartney spoke on behalf of the applicant.

Cr Staikos left the meeting at 7:42 pm.

Cr Staikos returned to the meeting at 7:44 pm.

Moved: Cr West

Seconded: Cr Gledhill

That the Planning Committee determines to advise the Tribunal that it does not support the proposal to develop the land for the construction five (5) double storey dwellings at 34 Barkly Street, Mordialloc, on the following grounds:

1. The proposal would detrimentally affect the amenity of the Neighbourhood.
2. The proposal would detract from the visual amenity of the locality and the streetscape.
3. The proposal constitutes an over-development of the site.
4. The proposal would cause traffic congestion in a residential street.

CARRIED

4.5 KP16/1089 - 13 Waratah Ave Mordialloc

It is recorded that John Lockhead spoke on behalf of the applicant.

Moved: Cr West

Seconded: Cr Brownlees

That consideration of this item be deferred until the Ordinary Meeting of Council on 22 May 2017.

CARRIED

4.6 488-492 South Road Moorabbin - Combined Amendment C154 and Planning Permit KP16/687

Moved: Cr Staikos

Seconded: Cr Oxley

That the Planning Committee adopt combined Planning Scheme Amendment C154 and Planning Permit Application KP16/687 and submit it to the Minister for Planning for approval.

CARRIED

5. Confidential Items

Moved: Cr Bearsley

Seconded: Cr Barth

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

5.1 KP1009/2016 - 640 Nepean Highway Carrum - Seeking Council's position for VCAT Compulsory Conference

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

CARRIED

The meeting was closed to members of the public at 7.58pm.

Moved: Cr Gledhill

Seconded: Cr Staikos

That the meeting be opened to members of the public

CARRIED

The meeting was opened to members of the public at 8.07pm.

The meeting closed at 8.07pm.

Confirmed.....

The Mayor 21 June 2017