

# Minutes

## Planning Committee Meeting

Wednesday, 22nd November 2017



**City of Kingston  
Planning Committee Meeting**

**Minutes**

**22 November 2017**

---

**Table of Contents**

1.	Apologies .....	3
2.	Confirmation of Minutes of Previous Meetings .....	4
3.	Foreshadowed Declaration by Councillors, Officers or Contractors of any Conflict of Interest .....	4
	<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 .....	4
5.	Confidential Items .....	49

**City of Kingston  
Planning Committee Meeting**

**Minutes**

**22 November 2017**

The meeting commenced at 7.00pm 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  
Daniel Freer – General Manager City Assets and Environment  
Jonathan Guttmann – General Manager Planning and Development  
Ian Nice – Manager City Development  
Phil DeLosa – Manager Governance  
Gabrielle Pattenden – Governance Administration Officer  
Lindsay Holland – Facilities Officer

**Procedural Motion**

**Moved: Cr Oxley**

**Seconded: Cr Eden**

That the meeting be adjourned until after the Special Meeting of Council

**CARRIED**

**Procedural Motion**

**Moved: Cr Gledhill**

**Seconded: Cr Bearsley**

That the meeting be resumed

**CARRIED**

**1. Apologies**

There were no apologies submitted to the meeting.

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

**Moved: Cr Eden**

**Seconded: Cr Gledhill**

That the Minutes of the Planning Committee Meeting held on 20 September 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 - October 2017**

**Moved: Cr Oxley**

**Seconded: Cr Bearsley**

That the report be noted.

**CARRIED**

**4.2 KP17/419 - 95-97 Beach Road Mentone**

It is recorded that James Shannon spoke on behalf of objectors

It is recorded that Jamie Govenlock spoke on behalf of the applicant

**Moved: Cr Gledhill**

**Seconded: Cr Brownlees**

That the Planning Committee determine to support the proposal and issue a Notice of Decision to Grant a Permit for partial demolition and the redevelopment of the site for the construction of twenty-nine (29) dwellings and alter access to a Road Zone, Category 1 at No. 95-97 Beach Road Mentone, subject to the following conditions:

1. Before the development starts amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be substantially in accordance with the plans submitted to Council on 15 September 2017, but modified to show:
  - a. The provision of a landscape plan substantially accordance with the submitted Landscape Design Report (URBIS, 30/05/2017) with such plans to be prepared by a suitably qualified landscape professional to the satisfaction of the Responsible Authority and amended to show:
    - i. A planting schedule of all proposed trees and shrubs, including botanical names, common names, pot sizes, sizes at maturity, and

**City of Kingston  
Planning Committee Meeting**

**Minutes**

**22 November 2017**

---

- quantities of each plant, with the species chosen to be approved by the Responsible Authority.
- ii. All planter boxes to be planted with trees are to have a minimum substrate depth of 1 metre.
  - iii. All planter boxes to be planted with shrubs or groundcovers are to have a minimum substrate depth of 600mm.
  - iv. 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.
  - v. The provision of an automated irrigation system for all planter boxes.
  - vi. The provision of notes regarding site preparation, including the removal of all weeds, proposed mulch, soil types and thickness, subsoil preparation, specifications for the substrate to be used in planter boxes and any specific maintenance requirements.
  - vii. The location of tree protection measures for street trees accurately drawn to scale and labelled as required by Condition 3.
  - viii. 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. The provision of a longitudinal section of the basement access ramp off Mentone Parade showing gradients, levels, distances, with headroom clearances complying with AS2890.1:2004.
  - c. The provision of a flood proof apex of minimum 300mm above the existing invert of kerb & channel along the entire Beach Road frontage of the subject site to protect the property from flooding from the road reserves.
  - d. Vehicle crossings to be constructed at a 90 degree alignment with the kerb on Mentone Parade and all internal driveways must align with the vehicle crossing or otherwise designed to the satisfaction of the Responsible Authority.
  - e. A centre traffic splitter island is to be provided to Council's satisfaction, for the proposed vehicle crossing to the development, to separate ingress/egress movements.
  - f. A centre traffic splitter island is to be provided to Council's satisfaction for Palermo Street to separate ingress/egress movements.
  - g. The location and design of fire services required for the development.
  - h. The provision of a revised Sustainability Management Plan and revised plans in accordance with condition 16.
  - i. The provision of a revised Waste Management Plan in accordance with condition 19.
  - j. The mail box location for all townhouses.
  - k. A note to state any future subdivision of the land must include a subdivision of the land to vest the footpath and road reserve to the Responsible Authority.
  - l. To include a licensed food and beverage facility of 250 square metres on the ground floor of the hotel building.
2. The development as shown on the endorsed plans must not be altered without

**City of Kingston  
Planning Committee Meeting**

**Minutes**

**22 November 2017**

---

the prior written consent of the Responsible Authority.

Vegetation

3. The retention of the four (4) *Livistona australis* (Cabbage Tree Palm) palms located on the subject site.
4. Tree Protection Fencing is to be established around the two street trees located in the nature strip along the Mentone Parade—the *Lagunaria patersonii* (Norfolk Island Hibiscus) and *Metrosideros excelsa* (New Zealand Christmas Tree)—prior to demolition and maintained until all works on site are complete.
  - a. The fencing is to be a 1.8 metre high temporary fence constructed using steel or timber posts fixed in the ground or to a concrete pad, with the fence's side panels to be constructed of cyclone mesh wire or similar strong metal mesh or netting
5. The fencing is to encompass the entire nature strip with each end 3 metres from the base of the tree.

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, & 6c above must be implemented on-site, unless an alternative agreement for stormwater quality in-lieu contribution 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 rate from the entire 55-57 Mentone Parade

**City of Kingston  
Planning Committee Meeting**

**Minutes**

**22 November 2017**

Mentone development site to 60 l/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 Responsible Authority. 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 to respond to the findings of the GAR and GMP required under condition 8 and constructed to the satisfaction of the Responsible Authority.
10. Flood proof apex (ie ridge level) protecting the property from any overland flows must be provided. An apex of minimum height of 300mm above the existing kerb and channel invert level must be provided along the entire Beach Road frontage of the development site to protect the property from flooding from the road reserve. The apex is to continue through any driveways or pathways that may cross them. 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.

**Drainage**

11. Property boundary and footpath levels must not be altered without the prior written consent form the Responsible Authority.
12. The replacement of all footpaths, including offsets, must be constructed the satisfaction of the Responsible Authority.
13. All reinstatements and vehicle crossings must be constructed to the satisfaction of the Responsible Authority.
14. All redundant vehicle crossings must be removed (including redundant portions of vehicle crossings) to the satisfaction of the Responsible Authority.
15. All front and side fences must be contained wholly within the title property boundaries of the subject land to the satisfaction of the Responsible Authority
16. Environmentally Sustainable Design
17. Prior to the endorsement of plans required by Condition 1, an amended Sustainability Management Plan (SMP) must be submitted to the satisfaction of the responsible authority for endorsement. The amended Plan must be generally in accordance with the plans received by Council by SBE dated 15 May 2017, but amended to:
  - a. Clarify all commitments and initiatives.
  - b. Ensure bicycle parking as specified in the report at 1.1 accords with the endorsed plans.
  - c. Clarify the Internal Lighting section of the report at 3.6.
  - d. Show the location and area of the proposed storm water treatment strategy on the endorsed plans.
18. All works must be undertaken in accordance with the endorsed SMP to the satisfaction of the Responsible Authority. No alterations to the SMP may occur

without the written consent of the Responsible Authority.

19. Prior to the occupation of any dwelling approved under this Document, a report from the author of the SMP report, approved pursuant to this Document, or similarly qualified person or company, must be submitted to the Responsible Authority. The report must be to the satisfaction of the Responsible Authority and must confirm that all measures specified in the SMP have been implemented in accordance with the approved Plan.

#### Waste Management

20. Prior to the commencement of the use permitted by this permit on the Land, the submitted Waste Management Plan must be approved to the satisfaction of 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.

#### Construction Management Conditions

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.

#### Section 173 Agreement

22. The Owner of the land must enter into an Agreement with the Responsible Authority under Section 173 of the Planning and Environment Act 1987 to provide for:
  - a. The completion of heritage restoration works.
  - b. Heritage maintenance works and ongoing maintenance.
  - c. Transfer of footpath land to Council.

All costs associated with the Agreement will be borne by the landowner.

#### General Amenity Conditions

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.



**City of Kingston  
Planning Committee Meeting**

**Minutes**

**22 November 2017**

24. 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.
25. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.
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.

**Expiry**

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

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

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

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

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

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

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

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

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

**LOST**

**City of Kingston  
Planning Committee Meeting**

**Minutes**

**22 November 2017**

---

**A Division was Called:**

**DIVISION:**

**FOR:** Crs Brownlees, Bearsley, Gledhill and Hua (4)

**AGAINST:** Crs Staikos, West, Eden, Barth and Oxley (5)

**LOST**

**Moved: Cr West**

**Seconded: Cr Eden**

1. That the Planning Committee: determine to issue a Notice of Refusal to Grant a Permit for partial demolition and the redevelopment of the site for the construction of twenty-nine (29) dwellings and alter access to a Road Zone, Category 1 at No. 95-97 Beach Road Mentone, on the following grounds:
  - a. The proposal fails to comply with relevant state and local planning policies contained within the Kingston Planning Scheme.
  - b. The proposal results in excessive visual bulk and massing to the detriment of the local neighbourhood character and the heritage significance of the site.
  - c. The proposal fails to comply with the following objectives and standards of Clause 55 of the Kingston Planning Scheme (ResCode):
    - Clause 55.02-1 Neighbourhood character
    - Clause 55.03-1 Street Setback
    - Clause 55.03-3 Site Coverage
    - Clause 55.03-4 Permeability
    - Clause 55.05-4 Private open space
    - Clause 55.06-1 Front Fence
    - Clause 22.11 Residential Development Policy
    - Clause 22.16 Heritage Policy
    - Clause 43.01 Heritage Overlay Schedule 77
    - Schedule 3 to Clause 32.08 of the General Residential Zone,and further because
    - it is an overdevelopment of a site in the incremental change General Residential 3 Zone outside walking distance to the Activity Centre
    - it has excessive visual bulk out of character with nearby GRZ3 development
    - impact on the recreational value of the Beach Road and bayside area
    - it will have no community benefit or public amenity
    - it leads to the loss of a significant community venue, and/or the potential for some such venue to continue, for local residents.
    - it will have a negative impact on the heritage value of the site, including the social and cultural significance as cited in the Victorian Heritage Register listing and the City of Kingston Heritage listing.

**City of Kingston  
Planning Committee Meeting**

**Minutes**

**22 November 2017**

- it fails to provide any space for a café/restaurant/bar to provide for continued community use in accordance with the tradition of the Edgy, as requested in Council's March 27 resolution.
2. That the application for this development be opposed with Heritage Victoria, and an independent heritage consultant be engaged to provide expert witness support.
  3. That senior counsel be appointed to represent Council at VCAT.

**CARRIED**

**A Division was Called:**

**DIVISION:**

**FOR:** Crs Staikos, West, Eden, Barth and Oxley (5)

**AGAINST:** Crs Brownlees, Bearsley, Gledhill and Hua (4)

**CARRIED**

**4.3 KP16/276 - 53A Nepean Highway, Aspendale**

It is recorded that Roger Grose spoke on behalf of objectors.

**Moved: Cr Eden**

**Seconded: Cr Oxley**

That the Planning Committee determine to issue a Notice of Refusal to Grant a Permit to develop the land for the construction of fourteen (14) dwellings and alter access to a Road Zone Category 1 in a Design and Development Overlay at No. 53A Nepean Highway, Aspendale, on the following grounds:

1. The proposal constitutes an over-development of the site.
2. The proposal would detract from the visual amenity of the locality and the streetscape.
3. The proposal fails to meet the objectives and strategic directions of the Municipal Strategic Statement – Residential Land Use contained at Clause 21.05 of the Kingston Planning Scheme.
4. The proposal does not fully satisfy the requirements of Clause 22.11 – Residential Development Policy, of the Kingston Planning Scheme.
5. The proposal fails to satisfy all the requirements of Clause 55 of the Kingston Planning Scheme (ResCode), in particular Clause 55.02-1 Neighbourhood Character Objective, Clause 55.02-2 Residential Policy Objective, Clause 55.03-1 Street Setback Objective, Clause 55.03-3 Site Coverage Objective, 55.04-1 Side and Rear Setback Objective, Clause 55.04-6 Overlooking Objective and Clause 55.05-4 Private Open Space Objective.
6. The proposal does not fully satisfy the requirements of Clause 43.02 – Design and Development Overlay (Schedule 1), of the Kingston Planning Scheme.

**CARRIED**

**4.4 KP16/1067 - 18-20 Station Street Highett**

It is recorded that Dan Libbesson spoke on behalf of objectors.

It is recorded that Ilija Satalo spoke on behalf of the applicant.

**Moved: Cr Hua**

**Seconded: Cr Barth**

That the Planning Committee determine to advise the Tribunal that it does not support the Application for Review of the proposal to develop the land for the construction of a four (4) storey apartment building with a reduction to the visitor car parking requirements under Clause 52.06 of the Kingston Planning Scheme at 18-20 Station Street, Highett on the following grounds:

1. The proposal fails to comply with Local Planning Policy.
2. The proposal would not meet the purpose of the General Residential Zone by failing to respect the neighbourhood character of the area.
3. The proposal fails to comply with the design objectives and decision guidelines of the Design and Development Overlay (Scheduled 12).
4. The proposal will not provide an adequate level of internal amenity for residents, with habitable rooms receiving insufficient daylight.
5. The proposed four storey building height is excessive.
6. The proposal will result in unreasonable amenity impacts to adjoining properties.
7. The proposal does not comply with the following standards under Clause 55:
  - Standard B1 – Neighbourhood character;
  - Standard B5 – Integration with the street;
  - Standard B6 – Street setback;
  - Standard B7 – Building height;
  - Standard B17 – Side and rear setbacks;
  - Standard B19 – Daylight to existing windows;
  - Standard B21 – Overshadowing open space;
  - Standard B22 – Overlooking;
  - Standard B27 – Daylight to new windows; and
  - Standard B32 – Front fences.

**CARRIED**

**4.5 KP16/282 - 5 Bona Vista Avenue, Aspendale**

It is recorded that Shane Sinn spoke on behalf of objectors.

It is recorded that Taras Wolf spoke on behalf of the applicant.

**Moved: Cr Bearsley**

**Seconded: Cr Oxley**

That the Planning Committee determine to issue a Notice of Refusal to Grant a Permit to develop the land for the construction of two (2) dwellings, subdivide the land into two (2) lots and vary the requirements under the Schedule 1 of the Design Development Overlay at No. 5 Bona Vista Avenue, on the following grounds:

1. The proposal is inconsistent with Council's residential policies contained under Clause 21.05 (Residential Land Use) and Clause 22.11 (Residential Development Policy)
2. The proposed height and massing of the buildings is considered an unacceptable response to the existing character of the area and fails to comply with the Neighbourhood Character Objectives of Clause 55.02-1 of the Kingston Planning Scheme.
3. The proposed site layout and building massing is considered inappropriate as front setbacks to Bona Vista Avenue and Sophia Avenue fail to comply with the requirements of standard B6 (front setback objective) and the extent of the building fails to comply with the requirements of standard B8 (site coverage objective)
4. The proposal results in an unacceptable outcome as the proposed front setbacks to Bona Vista Avenue and Sophia Avenue fail to comply with the requirements of standard B6 (front setback objective) and the extent of the building fails to comply with the requirements of standard B8 (site coverage objective)
5. The proposed development results in unacceptable adverse amenity impacts to adjoining properties due to non-compliance with standards B17 (side and rear setbacks), standard B18 (walls on boundaries objective) and standard B22 (overlooking objective)
6. The proposed floor to ceiling heights sought are considered inconsistent with the design objectives contained under of Schedule 1 of Clause 43.02 Design Development Overlay

**CARRIED**

**4.6 KP09/134 - Mordialloc Creek Braeside**

It is recorded that Megan Schutz spoke on behalf of the applicant.

Cr Barth left the meeting at 8:33pm.

Cr Oxley left the meeting at 8.22pm

**Moved: Cr Bearsley**

**Seconded: Cr Gledhill**

That the Planning Committee determine to support the proposal and issue a Notice of Decision to Grant a Permit to remove native vegetation at the Mordialloc Creek Wetlands (Lot AA PS407068W, Lot 1 TP857406C, Lot 1 TP585132D, Lot 1 TP879621Y, Lot 1 878577E, Lot 1 879606U & Part of Crown Allotment 2012 Parish of Lyndhurst) subject to the following conditions:

1. Before any permitted clearing of native vegetation 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 form part of this permit. The plans must include:
  - a) A detailed description of the measures to be implemented to protect the native vegetation to be retained during construction works, and the person/s responsible for implementation and compliance. These measures must include the erection of a native vegetation protection fence around all native vegetation to be retained on site, to the satisfaction of the Responsible Authority, including the tree protection zones of all native trees to be retained. All tree protection zones must comply with AS 4970-2009 Protection of Trees on Development Sites, to the satisfaction of the Responsible Authority.
  - b) An amended site plan, drawn to scale with dimensions and georeferences (such as VicGrid94 co-ordinates), that clearly shows:
    - i. the location and identification of the land affected by this permit, including standard parcel identifiers for freehold land.
    - ii. the location and area of all native vegetation present, that are permitted to be removed under this permit.
2. Before works start, a plan to the satisfaction of the Responsible Authority identifying all native vegetation to be retained and describing the measures to be used to protect the identified vegetation during construction, must be prepared and submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will form part of this permit. All works constructed or carried out must be in accordance with the endorsed plan.

#### **Landscape Plan**

3. A landscape must be prepared and submitted by a suitably qualified person to the satisfaction of the Responsible Authority within three (3) months of works commencing, and approved within six (6) months. The landscape plan must:
  - a) Identify all Melaleuca plants to be retained within the study area.
  - b) Retain existing Melaleuca plants where possible.
  - c) Include the planting of River Red Gums where feasible.
  - d) The provision of an appropriate number of Eucalyptus camaldulensis – River Red Gums abutting the rear of the existing industrial development.

Include a note stating “where possible, vegetation to be removed must be transplanted and replanted within the wetland”

#### **Endorsed Plans**

4. Before works start, the permit holder must advise all persons undertaking the vegetation removal or works on site of all relevant permit conditions and

associated statutory requirements or approvals.

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

**Offsets Conditions**

6. A general offset of 0.103 (Precinct A) and 0.233 (Precinct B) general biodiversity equivalence units with the following attributes:
  - be located within the Port Phillip and Westernport Catchment Management Authority area or Kingston municipal district
  - have a strategic biodiversity score of at least 80 per cent of the strategic biodiversity score of the native vegetation approved for removal.
7. The Guidelines require that a compliant offset be secured, to the satisfaction of the responsible or referral authority, before the native vegetation is removed. This can be a security agreement for an offset site that includes an onsite management plan OR evidence of a third party offset. Security agreement requirements are specified in the Native vegetation gain scoring manual (DEPI, 2013). It may be agreed for some projects that offsets are secured in stages to enable offset reconciliation – this can be provided for in this condition Include the following condition:

Before any native vegetation is removed, evidence that the required offset for the project has been secured must be provided to the satisfaction of the Responsible Authority. The offset evidence can be:

- A security agreement signed by both parties, to the required standard, for the offset site or sites, including a 10 year offset management plan and/or
- An allocated credit extract from the Native Vegetation Credit Register.

A copy of the offset evidence will be endorsed by the responsible authority and form part of this permit. Within 30 days of endorsement of the offset evidence by the responsible authority, a copy of the endorsed offset evidence must be provided to the Department of Environment, Land, Water and Planning. Optional text: At the conclusion of the project, offset requirements can be reconciled with agreement by the Responsible Authority.

8. In the event that a security agreement is entered into as per condition 7, the applicant must provide the annual offset site condition report to the responsible authority by the anniversary date of the execution of the offset security agreement, for a period of 10 consecutive years. After the tenth year, the landowner must provide a report at the reasonable request of a statutory authority.

**General Amenity Conditions**

9. The amenity of the area must not be detrimentally affected by the works hereby approved, through the:
  - a) Transport of materials, goods or commodities to or from the land.
  - b) Appearance of any building, works or materials.
  - c) Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil.
  - d) Any other way.

**Completion of Works**

10. Once the development has started it must be continued and completed to the

**City of Kingston  
Planning Committee Meeting**

**Minutes**

**22 November 2017**

satisfaction of the Responsible Authority.

**Permit Expiry**

11. 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 works is not started before two (2) years from date of this permit.
- The works is not completed before four (4) years from the commencement of works.

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:** If further information is required in relation to Melbourne Water's permit conditions shown above, please contact Melbourne Water on 9679 7517, quoting Melbourne Water's reference 110186.

**Amendment**

**Moved: Cr Eden**

**Seconded: Cr West**

That the recommendation be adopted subject to the inclusion of condition 3(d) to read as follows:

“The provision of an appropriate number of Eucalyptus camaldulensis – River Red Gums - with at least 20 Red Gums behind the existing factories subject to advice from Council’s ecological consultant.”

Cr Barth returned to the meeting at 8:45pm

Cr Oxley returned to the meeting at 8.45pm

**The Amendment was accepted by the Mover and Seconder**

**The Motion was CARRIED**

The Motion reads as follows:

That the Planning Committee determine to support the proposal and issue a Notice of Decision to Grant a Permit to remove native vegetation at the Mordialloc Creek Wetlands (Lot AA PS407068W, Lot 1 TP857406C, Lot 1 TP585132D, Lot 1 TP879621Y, Lot 1 878577E, Lot 1 879606U & Part of Crown Allotment 2012 Parish of Lyndhurst) subject to the following conditions:

1. Before any permitted clearing of native vegetation 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 form part of this permit. The plans must include:



- a) A detailed description of the measures to be implemented to protect the native vegetation to be retained during construction works, and the person/s responsible for implementation and compliance. These measures must include the erection of a native vegetation protection fence around all native vegetation to be retained on site, to the satisfaction of the Responsible Authority, including the tree protection zones of all native trees to be retained. All tree protection zones must comply with AS 4970-2009 Protection of Trees on Development Sites, to the satisfaction of the Responsible Authority.
  - b) An amended site plan, drawn to scale with dimensions and georeferences (such as VicGrid94 co-ordinates), that clearly shows:
    - i. the location and identification of the land affected by this permit, including standard parcel identifiers for freehold land.
    - ii. the location and area of all native vegetation present, including scattered trees, that are permitted to be removed under this permit.
2. Before works start, a plan to the satisfaction of the Responsible Authority identifying all native vegetation to be retained and describing the measures to be used to protect the identified vegetation during construction, must be prepared and submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will form part of this permit. All works constructed or carried out must be in accordance with the endorsed plan.

**Landscape Plan**

3. A landscape must be prepared and submitted by a suitably qualified person to the satisfaction of the Responsible Authority within three (3) months of works commencing, and approved within six (6) months. The landscape plan must:
- a) Identify all Melaleuca plants to be retained within the study area.
  - b) Retain existing Melaleuca plants where possible.
  - c) Include the planting of River Red Gums where feasible.
  - d) The provision of an appropriate number of Eucalyptus camaldulensis – River Red Gums - with at least 20 Red Gums behind the existing factories subject to advice from Council’s ecological consultant.

Include a note stating “where possible, vegetation to be removed must be transplanted and replanted within the wetland”

**Endorsed Plans**

4. Before works start, the permit holder must advise all persons undertaking the vegetation removal or works on site of all relevant permit conditions and associated statutory requirements or approvals.
5. The works as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.

**Offsets Conditions**

6. A general offset of 0.103 (Precinct A) and 0.233 (Precinct B) general biodiversity equivalence units with the following attributes:
- be located within the Port Phillip and Westernport Catchment Management Authority area or Kingston municipal district
  - have a strategic biodiversity score of at least 80 per cent of the strategic biodiversity score of the native vegetation approved for removal.

7. The Guidelines require that a compliant offset be secured, to the satisfaction of the responsible or referral authority, before the native vegetation is removed. This can be a security agreement for an offset site that includes an onsite management plan OR evidence of a third party offset. Security agreement requirements are specified in the Native vegetation gain scoring manual (DEPI, 2013). It may be agreed for some projects that offsets are secured in stages to enable offset reconciliation – this can be provided for in this condition Include the following condition:

Before any native vegetation is removed, evidence that the required offset for the project has been secured must be provided to the satisfaction of the Responsible Authority. The offset evidence can be:

- A security agreement signed by both parties, to the required standard, for the offset site or sites, including a 10 year offset management plan and/or
- An allocated credit extract from the Native Vegetation Credit Register.

A copy of the offset evidence will be endorsed by the responsible authority and form part of this permit. Within 30 days of endorsement of the offset evidence by the responsible authority, a copy of the endorsed offset evidence must be provided to the Department of Environment, Land, Water and Planning. Optional text: At the conclusion of the project, offset requirements can be reconciled with agreement by the Responsible Authority.

8. In the event that a security agreement is entered into as per condition 7, the applicant must provide the annual offset site condition report to the responsible authority by the anniversary date of the execution of the offset security agreement, for a period of 10 consecutive years. After the tenth year, the landowner must provide a report at the reasonable request of a statutory authority.

**General Amenity Conditions**

9. The amenity of the area must not be detrimentally affected by the works hereby approved, through the:
- a) Transport of materials, goods or commodities to or from the land.
  - b) Appearance of any building, works or materials.
  - c) Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil.
  - d) Any other way.

**Completion of Works**

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

**Permit Expiry**

11. 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 works is not started before two (2) years from date of this permit.
  - The works is not completed before four (4) years from the commencement of works.

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

**City of Kingston  
Planning Committee Meeting**

**Minutes**

**22 November 2017**

- 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:** If further information is required in relation to Melbourne Water's permit conditions shown above, please contact Melbourne Water on 9679 7517, quoting Melbourne Water's reference 110186.

**CARRIED**

**4.7 KP16/528 - 1 & 2 Moola Court and 4 & 6 Barker Street Cheltenham**

It is recorded that Kimberley Ave spoke on behalf of objectors.

It is recorded that Claire Warren 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 grant a permit to develop the land for the construction of up to forty-nine (49) dwellings in a three (3) to four (4) storey building and the removal of an easement at 1 and 2 Moola Court and 4 and 6 Barker Street, 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 11 October 2017, but modified to show:
  - a. The provision of a landscape plan in accordance with the submitted landscape plan by John Patrick Landscape Architecture, 1-2 Moola Court & 4-6 Barker Street, Cheltenham, Revision C, 04/05/2017 prepared by a suitably qualified landscape professional to the satisfaction of the Responsible Authority, amended to show:
    - i. A survey, including, botanical names of all existing trees to be retained or removed on the site.
    - ii. Notation for the removal of the Lophostemon confertus street tree located in the nature strip adjacent to 6 Barker Street.
    - iii. Notation to specify the transplantation of the two (2) Phoenix canariensis (Canary Island Date Palm) palms.
    - iv. The replacement of the 'proposed new gravel surface' with sustainable turf or native grasses in the private open space of the dwellings along the eastern and southern boundary of the site.
    - v. Specification of the substrate depth for each planter box.
    - vi. 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.

- 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. A note to state the vehicle crossover to be constructed at 90 degree alignment with the kerb on Barker Street and for the basement ramp to be aligned to the satisfaction of the Responsible Authority.
  - c. The provision of notation stating: “the existing easement must be discontinued and the pipe removed from the easement and blocked off at the neighbouring pit in 11-19 Hall Street to Council satisfaction”
  - d. The provision of a longitudinal section of the basement ramp showing gradients, levels, distances, with headroom clearances complying with AS2890.1:2004.
  - e. The provision of a flood proof apex of 200mm above the back of footpath level must be provided along the entire Moola Court frontage of the subject site.
  - f. The provision of corner splays in accordance with Design Standard 1 – Accessways of Clause 52.06-6 of the Kingston Planning Scheme.
  - g. All screening associated with upper floor east facing habitable room windows to be clarified.
  - h. The provision of a revised acoustic report that also assesses the potential impact of vibration and for the recommended ameliorative measures to be shown in accordance with condition 20.
  - i. The provision of a revised Sustainability Management Plan and revised plans in accordance with condition 34.
  - j. The provision of a revised Waste Management Plan in accordance with condition 36.
  - k. The provision of clotheslines for all townhouses and ground floor apartments.
  - l. The surface material of all driveways / accessways and car parking spaces nominated in all-weather coloured concrete sealcoat, or similar.
  - m. The provision of a full colour, finishes and building materials schedule (including samples) for all external elevations and driveways of the development.
  - n. The provision of a separate subdivision plan showing the removal of the easement.
2. The development as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.

#### Vegetation Conditions

- 3. Before the occupation of the development the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.
- 4. Before the development starts, including demolition or removal of vegetation, the name and contact details of the project arborist responsible for undertaking the transplantation of the two (2) Phoenix canariensis (Canary Island Date Palm)

**City of Kingston  
Planning Committee Meeting**

**Minutes**

**22 November 2017**

palms, must be submitted to the Responsible Authority for approval.

5. Prior to the removal of the *Lophostemon confertus* (Queensland Brush Box) street tree located in the nature strip adjacent to 6 Barker Street, 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.

**Drainage Conditions**

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, & 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 flow rate of 25.3L/s.
  - c. All stormwater (drainage) works must be maintained to the satisfaction of the Responsible authority.
8. The existing easement must be discontinued and the existing council pipe must be removed from the easement and blocked off at the neighbouring pit 11-19 Hall Street to Council satisfaction.
9. 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.

**City of Kingston  
Planning Committee Meeting**

**Minutes**

**22 November 2017**

- 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.
10. 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 9, 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
11. 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.
12. In any case where the basement design and construction, required by condition 11 of this permit, does not accord with the plan(s) approved under this permit the endorsed plan(s) must be amended to the satisfaction and with the written consent of the responsible authority.
13. A flood proof apex (ridge level) protecting the property from any overland flows must be provided. This apex is to be a minimum of 200mm above existing back of footpath along the entire Moola Court frontage of the subject site. 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.

**Roads and Drains**

14. 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.
15. The replacement of all footpaths, including offsets, must be constructed to the satisfaction of the Responsible Authority.
16. All reinstatements and vehicle crossings must be constructed to the satisfaction of the Responsible Authority.
17. Vehicle crossings must be constructed to council's industrial strength specifications or otherwise to the satisfaction of the Responsible Authority.
18. All redundant vehicle crossings must be removed (including redundant portions of vehicle crossings) to the satisfaction of the Responsible Authority.
19. All front and side fences must be contained wholly within the title property boundaries of the subject land to the satisfaction of the Responsible Authority.

**VicTrack Conditions**

20. Prior to the commencement of any buildings or works the permit holder must provide to the satisfaction of the Responsible Authority a revised acoustic report

**City of Kingston  
Planning Committee Meeting**

**Minutes**

**22 November 2017**

---

that also assesses the potential impact of vibration from the operation of the rail corridor services upon the development and recommends appropriate ameliorative measures.

21. All recommendations of the acoustic and vibration impact assessment report must be implemented to the satisfaction of the Responsible Authority prior to the occupation of the development and the acoustic and vibration engineer must provide written certification to the Responsible Authority that this has been achieved in accordance with their recommendations.
22. The permit holder must not enter any railway land without the written consent of the Rail Operator. If the permit holder has obtained the Rail Operator's written consent to enter the railway land, the permit holder must comply with the Rail Operator's Site Access Procedures and Conditions when accessing the railway land.
23. Before the commencement of the development, including demolition or bulk excavation, the permit holder must contact the Rail Operator through the email address [metrositeaccess@metrotrains.com.au](mailto:metrositeaccess@metrotrains.com.au) to obtain the Rail Operator's conditions and safety requirements for works on, over or adjacent to the railway land. The permit holder must comply with the Rail Operator's reasonable requirements for works on, over or adjacent to the railway land.
24. Prior to the commencement of works, including demolition and bulk excavation, the permit holder must enter into all necessary construction control and indemnity agreements as required by the Rail Operator.
25. The permit holder must not, at any time, interfere with or damage any railway infrastructure (including without limitation overhead power and supporting infrastructure for trains and trams, and underground telecommunication cables). The permit holder must, at its own cost, rectify any damage to railway infrastructure or disruption to the rail operations, arising out of or in connection with the development to the satisfaction of VicTrack and the Rail Operator within fourteen (14) days of such damage or disruption occurring or such other time agreed by VicTrack and the Rail Operator.
26. During the construction of the development, including demolition and bulk excavation, the permit holder must:
  - a. take all reasonable steps to avoid disruptions to rail operations; and
  - b. comply with:
    - i. the Rail Operator's safety and environmental requirements; and
    - ii. the requirements of any construction control and indemnity agreement it has entered into with the Rail Operator.
27. The permit holder must, at all times, ensure that the common boundary with the railway land is fenced at the permit holder's expense to prohibit unauthorised access to the rail corridor.
28. The permit holder must not, at any time:
  - a. allow any drainage, effluent, waste, soil or other materials to enter or be directed to the railway land; or
  - b. store or deposit any waste, soil or other materials on the railway land.
29. The permit holder must not carry out, or allow to be carried out, any excavation, filling or construction on the common boundary between the subject land and the railway land unless it has obtained the prior written approval of VicTrack and the

**City of Kingston  
Planning Committee Meeting**

**Minutes**

**22 November 2017**

Rail Operator.

30. The permit holder must not at any time erect lighting (permanent or temporary) that spills light onto the railway tracks or which interferes with the visibility of signals and rail lines by train drivers.
31. Before the commencement of the development, including demolition and bulk excavation, detailed construction/ engineering plans and computations for any construction or works likely to have an impact on railway operations, railway infrastructure assets or railway land are to be submitted to, and approved by, VicTrack and the Rail Operator. The plans must detail all excavation of the site adjacent to the railway corridor having any impact on the railway land. The construction or works must be carried out in accordance with the plans approved by VicTrack and the Rail Operator.
32. Before the commencement of the development, including demolition and bulk excavation, amended plans must be submitted to, and approved by, the Responsible Authority in consultation with Victrack. The plans must be drawn to scale with dimensions and must be generally in accordance with the plans submitted with the application but modified to show that the development, including temporary structures, maintains all the clearances required to be maintained from all railway infrastructure (including without limitation 22kV AC lines and overhead wiring structures) under the Electrical Safety Act 2009 (Vic) and the Electrical Safety Regulations (including the Energy Safety (Installation) Regulations 2009 page 75 Table 313 Rows C and D). The development must be constructed in accordance with the plans approved by the Responsible Authority.
33. If the relocation of railway infrastructure (including without limitation 22kV AC lines and overhead wiring structures) is necessitated by the construction of the development, any works to relocate such infrastructure will be at the cost of the permit holder.

**Environmentally Sustainable Design**

34. Prior to the endorsement of plans required by Condition 1, an amended Sustainability Management Plan (SMP) must be submitted to the satisfaction of the responsible authority for endorsement. The amended Plan must be generally in accordance with the plans received by Council by LID Consulting dated 10/04/2017, but amended to:
  - a. Include information on the proposed Co-efficient Of Performance (COP) & star rating of the A/C units to accord with the BESS report.
  - b. Update thermal comfort – the inclusion of additional fixed shading devices to all north facing habitable room windows to reduce excessive heat gain while allowing winter sun to provide passive solar heating.
  - c. PV System notation to clearly state the system size to accord with the BESS report.
  - d. Details of clothe drying facilities to accord with the SMP.
  - e. Urban Ecology 2.4 Private Open Space - Balcony / Courtyard Ecology and clear notations to show an external tap and floor waste to each dwelling's private open space in accordance with the BESS report.
35. All works must be undertaken in accordance with the endorsed Sustainability Management Plan to the satisfaction of the responsible authority. No alterations to the Sustainability Management Plan may occur without the written consent of the responsible authority.



Waste Management

36. Prior to the commencement of the use permitted by this permit on the Land, a revised Waste Management Plan, to accord with the revised plans provided with Condition 1 and endorsed to the satisfaction of the Responsible Authority and will then form part of the permit.

Construction Management Conditions

37. 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.

General Amenity Conditions

38. 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.
39. 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.
40. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.
41. 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.

Easement Removal

42. Once the removal of easement has started it must be continued and completed to the satisfaction of the Responsible Authority.

43. South East Water Conditions

Potable Water

- a) The owner of the subject land must enter into an agreement with South East Water for the provision of potable water supply and fulfil all requirements to its satisfaction

**City of Kingston  
Planning Committee Meeting**

**Minutes**

**22 November 2017**

---

Sewer

- b) The owner of the subject land must enter into an agreement with South East Water for the provision of sewerage and fulfil all requirements to its satisfaction.

General Conditions

- c) All lots shown on the Plan of Subdivision must be included in the Owners Corporation schedule.
- d) Prior to certification, the Plan of Subdivision must be referred to South East Water, in accordance with Section 8 of the Subdivision Act 1988.

Expiry

44. 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 Plan of Removal of Easement is not certified within two (2) years from the date of this permit.
- The Plan of Removal of Easement 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 certification time if a request is made in writing prior to the expiry of the permit or within six (6) months after the permit expiry date.

45. 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:** It is noted that the development includes a storage shed and eaves to be built over an easement. Separate consent from Council and the relevant service authority is required to build over the easement and will need to be obtained prior to the issue of a building permit.

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

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

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

**City of Kingston  
Planning Committee Meeting**

**Minutes**

**22 November 2017**

**Note:** The fee for removal of the street tree(s) from the nature strip is **\$2236.53** (including GST), payable to Kingston City Council's Customer Service Department - refer to cashier code "STRE". Customer Service will confirm payment to the Parks Department. The removal of the tree requires a minimum of 2 weeks' notice from the Developer/Owner.

**Note:** 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:** 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.

**Note:** The owner of the subject land is required to obtain a 'Notice of Agreement' from South East Water. All requirements must be fulfilled to its satisfaction prior to South East Water consenting to the issuing of a Statement of Compliance.

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

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

**Amendment**

**Moved: Cr West**

**Seconded: Cr Eden**

Cr Hua left the meeting at 9:16pm.

That the recommendation be adopted subject to the inclusion of condition 5 to read as follows:

"To retain the Queensland brush box (the street tree on Barker Street)."

**The Amendment was accepted by the Mover and Seconder**

**Procedural Motion**

**Moved: Cr Barth**

**Seconded: Cr Oxley**

That the motion now be put

**CARRIED**

**The Motion was put and CARRIED**

The Motion reads as follows:

That the Planning Committee determine to support the proposal and issue a notice of decision to grant a permit to develop the land for the construction of up to forty-nine (49) dwellings in a three (3) to four (4) storey building and the removal of an easement at 1 and 2 Moola Court and 4 and 6 Barker Street, 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 11 October 2017, but modified to show:
  - a. The provision of a landscape plan in accordance with the submitted landscape plan by John Patrick Landscape Architecture, 1-2 Moola Court & 4-6 Barker Street, Cheltenham, Revision C, 04/05/2017 prepared by a suitably qualified landscape professional to the satisfaction of the Responsible Authority, amended to show:
    - i. A survey, including, botanical names of all existing trees to be retained or removed on the site.
    - ii. Notation for the removal of the Lophostemon confertus street tree located in the nature strip adjacent to 6 Barker Street.
    - iii. Notation to specify the transplantation of the two (2) Phoenix canariensis (Canary Island Date Palm) palms.
    - iv. The replacement of the 'proposed new gravel surface' with sustainable turf or native grasses in the private open space of the dwellings along the eastern and southern boundary of the site.
    - v. Specification of the substrate depth for each planter box.
    - vi. 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.
    - 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. A note to state the vehicle crossover to be constructed at 90 degree alignment with the kerb on Barker Street and for the basement ramp to be aligned to the satisfaction of the Responsible Authority.
  - c. The provision of notation stating: "the existing easement must be

discontinued and the pipe removed from the easement and blocked off at the neighbouring pit in 11-19 Hall Street to Council satisfaction”

- d. The provision of a longitudinal section of the basement ramp showing gradients, levels, distances, with headroom clearances complying with AS2890.1:2004.
  - e. The provision of a flood proof apex of 200mm above the back of footpath level must be provided along the entire Moola Court frontage of the subject site.
  - f. The provision of corner splays in accordance with Design Standard 1 – Accessways of Clause 52.06-6 of the Kingston Planning Scheme.
  - g. All screening associated with upper floor east facing habitable room windows to be clarified.
  - h. The provision of a revised acoustic report that also assesses the potential impact of vibration and for the recommended ameliorative measures to be shown in accordance with condition 20.
  - i. The provision of a revised Sustainability Management Plan and revised plans in accordance with condition 34.
  - j. The provision of a revised Waste Management Plan in accordance with condition 36.
  - k. The provision of clotheslines for all townhouses and ground floor apartments.
  - l. The surface material of all driveways / accessways and car parking spaces nominated in all-weather coloured concrete sealcoat, or similar.
  - m. The provision of a full colour, finishes and building materials schedule (including samples) for all external elevations and driveways of the development.
  - n. The provision of a separate subdivision plan showing the removal of the easement.
2. The development as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.

**Vegetation Conditions**

3. Before the occupation of the development the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.
4. Before the development starts, including demolition or removal of vegetation, the name and contact details of the project arborist responsible for undertaking the transplantation of the two (2) Phoenix canariensis (Canary Island Date Palm) palms, must be submitted to the Responsible Authority for approval.
5. To retain the Queensland brush box (the street tree on Barker Street) .

**Drainage Conditions**

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, & 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 flow rate of 25.3L/s.
  - c. All stormwater (drainage) works must be maintained to the satisfaction of the Responsible authority.
8. The existing easement must be discontinued and the existing council pipe must be removed from the easement and blocked off at the neighbouring pit 11-19 Hall Street to Council satisfaction.
9. 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.
10. 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 9, 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

11. 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.
12. In any case where the basement design and construction, required by condition 11 of this permit, does not accord with the plan(s) approved under this permit the endorsed plan(s) must be amended to the satisfaction and with the written consent of the responsible authority.
13. A flood proof apex (ridge level) protecting the property from any overland flows must be provided. This apex is to be a minimum of 200mm above existing back of footpath along the entire Moola Court frontage of the subject site. 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.

**Roads and Drains**

14. 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.
15. The replacement of all footpaths, including offsets, must be constructed the satisfaction of the Responsible Authority.
16. All reinstatements and vehicle crossings must be constructed to the satisfaction of the Responsible Authority.
17. Vehicle crossings must be constructed to council’s industrial strength specifications or otherwise to the satisfaction of the Responsible Authority.
18. All redundant vehicle crossings must be removed (including redundant portions of vehicle crossings) to the satisfaction of the Responsible Authority.
19. All front and side fences must be contained wholly within the title property boundaries of the subject land to the satisfaction of the Responsible Authority.

**VicTrack Conditions**

20. Prior to the commencement of any buildings or works the permit holder must provide to the satisfaction of the Responsible Authority a revised acoustic report that also assesses the potential impact of vibration from the operation of the rail corridor services upon the development and recommends appropriate ameliorative measures.
21. All recommendations of the acoustic and vibration impact assessment report must be implemented to the satisfaction of the Responsible Authority prior to the occupation of the development and the acoustic and vibration engineer must provide written certification to the Responsible Authority that this has been achieved in accordance with their recommendations.
22. The permit holder must not enter any railway land without the written consent of the Rail Operator. If the permit holder has obtained the Rail Operator’s written consent to enter the railway land, the permit holder must comply with the Rail Operator’s Site Access Procedures and Conditions when accessing the railway land.

**City of Kingston  
Planning Committee Meeting**

**Minutes**

**22 November 2017**

23. Before the commencement of the development, including demolition or bulk excavation, the permit holder must contact the Rail Operator through the email address [metrositeaccess@metrotrains.com.au](mailto:metrositeaccess@metrotrains.com.au) to obtain the Rail Operator's conditions and safety requirements for works on, over or adjacent to the railway land. The permit holder must comply with the Rail Operator's reasonable requirements for works on, over or adjacent to the railway land.
24. Prior to the commencement of works, including demolition and bulk excavation, the permit holder must enter into all necessary construction control and indemnity agreements as required by the Rail Operator.
25. The permit holder must not, at any time, interfere with or damage any railway infrastructure (including without limitation overhead power and supporting infrastructure for trains and trams, and underground telecommunication cables). The permit holder must, at its own cost, rectify any damage to railway infrastructure or disruption to the rail operations, arising out of or in connection with the development to the satisfaction of VicTrack and the Rail Operator within fourteen (14) days of such damage or disruption occurring or such other time agreed by VicTrack and the Rail Operator.
26. During the construction of the development, including demolition and bulk excavation, the permit holder must:
  - a. take all reasonable steps to avoid disruptions to rail operations; and
  - b. comply with:
    - i. the Rail Operator's safety and environmental requirements; and
    - ii. the requirements of any construction control and indemnity agreement it has entered into with the Rail Operator.
27. The permit holder must, at all times, ensure that the common boundary with the railway land is fenced at the permit holder's expense to prohibit unauthorised access to the rail corridor.
28. The permit holder must not, at any time:
  - a. allow any drainage, effluent, waste, soil or other materials to enter or be directed to the railway land; or
  - b. store or deposit any waste, soil or other materials on the railway land.
29. The permit holder must not carry out, or allow to be carried out, any excavation, filling or construction on the common boundary between the subject land and the railway land unless it has obtained the prior written approval of VicTrack and the Rail Operator.
30. The permit holder must not at any time erect lighting (permanent or temporary) that spills light onto the railway tracks or which interferes with the visibility of signals and rail lines by train drivers.
31. Before the commencement of the development, including demolition and bulk excavation, detailed construction/ engineering plans and computations for any construction or works likely to have an impact on railway operations, railway infrastructure assets or railway land are to be submitted to, and approved by, VicTrack and the Rail Operator. The plans must detail all excavation of the site adjacent to the railway corridor having any impact on the railway land. The construction or works must be carried out in accordance with the plans approved by VicTrack and the Rail Operator.
32. Before the commencement of the development, including demolition and bulk



excavation, amended plans must be submitted to, and approved by, the Responsible Authority in consultation with Victrack. The plans must be drawn to scale with dimensions and must be generally in accordance with the plans submitted with the application but modified to show that the development, including temporary structures, maintains all the clearances required to be maintained from all railway infrastructure (including without limitation 22kV AC lines and overhead wiring structures) under the Electrical Safety Act 2009 (Vic) and the Electrical Safety Regulations (including the Energy Safety (Installation) Regulations 2009 page 75 Table 313 Rows C and D). The development must be constructed in accordance with the plans approved by the Responsible Authority.

33. If the relocation of railway infrastructure (including without limitation 22kV AC lines and overhead wiring structures) is necessitated by the construction of the development, any works to relocate such infrastructure will be at the cost of the permit holder.

#### Environmentally Sustainable Design

34. Prior to the endorsement of plans required by Condition 1, an amended Sustainability Management Plan (SMP) must be submitted to the satisfaction of the responsible authority for endorsement. The amended Plan must be generally in accordance with the plans received by Council by LID Consulting dated 10/04/2017, but amended to:
- a. Include information on the proposed Co-efficient Of Performance (COP) & star rating of the A/C units to accord with the BESS report.
  - b. Update thermal comfort – the inclusion of additional fixed shading devices to all north facing habitable room windows to reduce excessive heat gain while allowing winter sun to provide passive solar heating.
  - c. PV System notation to clearly state the system size to accord with the BESS report.
  - d. Details of clothe drying facilities to accord with the SMP.
  - e. Urban Ecology 2.4 Private Open Space - Balcony / Courtyard Ecology and clear notations to show an external tap and floor waste to each dwelling's private open space in accordance with the BESS report.
35. All works must be undertaken in accordance with the endorsed Sustainability Management Plan to the satisfaction of the responsible authority. No alterations to the Sustainability Management Plan may occur without the written consent of the responsible authority.

#### Waste Management

36. Prior to the commencement of the use permitted by this permit on the Land, a revised Waste Management Plan, to accord with the revised plans provided with Condition 1 and endorsed to the satisfaction of the Responsible Authority and will then form part of the permit.

#### Construction Management Conditions

37. 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.

**General Amenity Conditions**

- 38. 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.
- 39. 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.
- 40. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.
- 41. 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.

**Easement Removal**

- 42. Once the removal of easement has started it must be continued and completed to the satisfaction of the Responsible Authority.

**43. South East Water Conditions**

**Potable Water**

- a) The owner of the subject land must enter into an agreement with South East Water for the provision of potable water supply and fulfil all requirements to its satisfaction

**Sewer**

- b) The owner of the subject land must enter into an agreement with South East Water for the provision of sewerage and fulfil all requirements to its satisfaction.

**General Conditions**

- c) All lots shown on the Plan of Subdivision must be included in the Owners Corporation schedule.
- d) Prior to certification, the Plan of Subdivision must be referred to South East Water, in accordance with Section 8 of the Subdivision Act 1988.

**Expiry**

- 44. In accordance with section 68 of the Planning and Environment Act 1987 (Act),

**City of Kingston  
Planning Committee Meeting**

**Minutes**

**22 November 2017**

this permit will expire if one of the following circumstances applies:

- The Plan of Removal of Easement is not certified within two (2) years from the date of this permit.
- The Plan of Removal of Easement 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 certification time if a request is made in writing prior to the expiry of the permit or within six (6) months after the permit expiry date.

45. 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:** It is noted that the development includes a storage shed and eaves to be built over an easement. Separate consent from Council and the relevant service authority is required to build over the easement and will need to be obtained prior to the issue of a building permit.

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

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

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

**Note:** The fee for removal of the street tree(s) from the nature strip is **\$2236.53** (including GST), payable to Kingston City Council's Customer Service Department - refer to cashier code "STRE". Customer Service will confirm payment to the Parks Department. The removal of the tree requires a minimum of 2 weeks' notice from the Developer/Owner.

**Note:** 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:** 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.

**Note:** The owner of the subject land is required to obtain a 'Notice of Agreement' from South East Water. All requirements must be fulfilled to its satisfaction prior to South East Water consenting to the issuing of a Statement of Compliance.

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

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

**CARRIED**

#### **4.8 KP16/1001 - 87 Naples Road Mentone**

It is recorded that Jong Zhao spoke on behalf of objectors.

Cr Hua returned to the meeting at 9:19 pm.

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

**Moved: Cr Gledhill**

**Seconded: Cr Brownlees**

That the Planning Committee determine to support the proposal and issue a Notice of Decision to Grant a Permit to use the land for an education centre (administration building) associated with Mentone Grammar School at No. 87 Naples Street Mentone, subject to the following conditions:

1. Before the development starts amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be substantially in accordance with the plans

submitted to Council on 2<sup>nd</sup> December, 2016 (Revision 2), but modified to show:

- a. the provision of a Site Management Operations Plan (SMOP) as required under condition 3 of this permit, and any recommendations contained within it to be shown on the plans
- b. storage unit nominated as a double garage
- c. two (2) additional car parking spaces nominated outside of the garage within the site boundary nominated to be for staff car parking only

**Endorsed plans**

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

**Site Management Operations Plan**

3. As required by condition 1 a Site Management Operations Plan (SMOP) must be submitted to the Responsible Authority for endorsement. The SMOP must be prepared by a suitably qualified person to the satisfaction of the responsible authority and should ensure consistency throughout the report and with plans. The SMOP must include the following (but is not limited to):
  - i) the nomination of the site manager responsible for the implementation of this management plan;
  - ii) the role of the site manager;
  - iii) details of the operation of the site including:
    - number of staff members on site (in accordance with condition 7 of this permit)
    - hours of operations (in accordance with condition 6 of this permit)
    - management measures to control noise on the premises
    - details of how staff will be prevented from arriving to the site before 8:30am and from remaining on the premises after 6:00pm
    - details on how staff are expected to attend and leave the site and respect the amenity of the residential area
    - details on how staff will be required to use the carparking available on site and within the existing car parking areas associated with the main school grounds and discouraged from parking on Naples Road and residential streets.
    - details on how staff will be trained regarding the items outlined in the SMOP
  - iv) any recommendations for changes and/or notations required to be shown on the development plans required by condition 1 of this permit.

The SMOP must be implemented to the satisfaction of the Responsible Authority. No alterations may be made without the prior written approval of the Responsible Authority.

**Use of the land**

4. The use of the building is only restricted to administrative purposes associated with the school, with no student activities or classes permitted.
5. No students to be present on this site at any time.

**City of Kingston  
Planning Committee Meeting**

**Minutes**

**22 November 2017**

6. The use must only operate between the hours of:  
Monday to Friday: 8.30am to 6.00pm
7. Not more than fourteen (14) staff members must utilise the premises on a day to day basis, at any one time.

**Amenity**

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

**Time Limits**

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

- The use is not started within two (2) years from the date of permit issue.
- The use is discontinued for a period of two (2) years.

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

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

**Note:** The owner(s), occupiers and visitors of the approved development for this site will not be eligible for Council resident or visitor parking permits

**CARRIED**

**4.9 KP16/995 - 1234-1236 Nepean Highway, Cheltenham**

It is recorded that Carleene De Somerville spoke on behalf of the objector.

It is recorded that Rebecca Lyons spoke on behalf of the applicant.

Cr Oxley left the meeting at 9:36pm.

Cr Oxley returned to the meeting at 9:40pm.

Cr Eden left the meeting at 9:40pm.

**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 an eleven (11) storey mixed use building in a Special Building Overlay, comprising one hundred and twenty six (126) dwellings, three (3) offices, a reduction in car parking requirements and to alter access to a Road Zone Category 1 at 1234-1236 Nepean Highway, 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 30 March 2017 but modified to show:
  - a) the provision of landscape plans in accordance with the submitted development plans 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 on neighbouring properties where the Tree Protection Zones of such trees calculated in accordance with AS4970-2009 fall partially within the subject site;
    - iii. The delineation of all garden beds, paving, planter boxes, retaining walls, fences and other landscape works;
    - iv. A range of plant types from ground covers to shrubs and trees, species must be drought tolerant and suitable for use in planter boxes
    - v. 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;
    - vi. The planter boxes and plantings are to be located as illustrated in
    - vii. Details of the design of the planter boxes including soil volume, substrate type, irrigation, drainage and any other measures required to ensure the successful establishment and ongoing growth of the plant species selected;
    - viii. The location of any tree protection measures including for street trees accurately drawn to scale and labelled and notations referring to any endorsed Tree Management Plan;
    - ix. 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;
    - x. Before the occupation of the development the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.
  - b) the location of tree protection measures for the trees on neighbouring properties are to be illustrated to scale and labelled on the Basement 01

**City of Kingston  
Planning Committee Meeting**

**Minutes**

**22 November 2017**

- and Level 01 plans and a notation referring to the endorsed Tree Management Plan;
- c) that the plans be amended to be generally in accordance with those plans prepared by Bruce Henderson Architects, reference 36022, drawing no's TP201, TP209 and TP210, dated 30 August 2017 and Ratio Consultants Pty Ltd, reference 13512AT/JM, sheets AT1-AT2, dated 22 August 2017, except for any further changes required by the conditions of this permit hereon;
  - d) the residential lobby north into the passage-way towards the roof-line / structural grid, at the location of the current entrance, as a glazed element to minimise the potential of entrapment spaces;
  - e) 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 as per requirements of Melbourne Water;
  - f) the provision of any flood proof apex required by Melbourne Water must be along the full Parklane frontage of the subject site;
  - g) a note on the ground floor plan to read 'The respective Body Corporate should in their duty as building managers, educate occupants about wind conditions at open terraces/balconies during high-wind events, including the tying down of loose light weight furniture';
  - h) compliance with the rates of on site parking provision specified in Table 1 of Clause 52.06 of the Planning Scheme;
  - i) prior to the commencement of development, property boundary and laneway levels must be obtained from Council's Roads and Drains Department with all levels raised or lowered to the satisfaction of the Responsible Authority;
  - j) the pedestrian access at Park Lane adjacent to the electrical substation be provided with a physical definition, such as a low planted landscaped area, or similar, to reinforce the proposed 1.5 metre pedestrian sight splay. The physical feature may extend beyond 1.5 metres width, consistent with access requirements for wheelchairs and other path users;
  - k) a notation added to the plans confirming the 1.8 metre-wide strip to the rear of the site as 'Road Reserve';
  - l) prior to occupation, the land shown as 'Road Reserve' to be transferred to the ownership of Kingston City Council. All legal fees associated with this land transfer shall be at the cost of the land owner.
  - m) the removal of any works shown within the title boundary 1230-1232 Nepean Highway (ie. Council offices) associated with the through-block link;
  - n) the provision of security lighting directly adjacent to all entry areas and within the basement areas to Council's satisfaction; and
  - o) 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.



Infrastructure

3. Prior to occupation of the development, a lump-sum financial contribution of \$70,000 (incl.GST) must be paid to the City of Kingston, for the purposes of future streetscape and roadworks around the subject site. The future works include, but are not limited to:
  - i. Reconstruction of the road pavement and streetscape for half the width of the road reservation along the length of the site's Park Lane frontage, including all associated traffic treatment requirements.
  - ii. Reconstruction of the footpath as a streetscape treatment across the full width of nature strip along the length of the development site's Nepean Highway Service Road frontage, including all associated street furniture and landscaping deemed appropriate by the Responsible Authority.
  - iii. Reconstruction of part of the Nepean Highway Service Road to create 3 (three) indented angle parking bays including all associated stormwater drainage, roadworks and traffic islands.

To be undertaken by Council at their discretion.

Drainage

4. 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 4a, 4b, and 4c above must be implemented on-site, unless an alternative agreement is reached with the Responsible Authority.
5. 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

**City of Kingston  
Planning Committee Meeting**

**Minutes**

**22 November 2017**

- 16.6L/s.
- c) All stormwater (drainage) works must be maintained to the satisfaction of the Responsible authority.
6. 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.
7. 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.
8. 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 6, 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.
9. In any case where the basement design and construction, required by condition 8 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.
10. A flood proof apex (ie ridge level) protecting the property from any overland flows must be provided in accordance with Council's 'Basement Policy Guidelines'. Council's apex requirements will be satisfied as long as Melbourne Water Apex requirements are met for the entire Park Lane frontage of the subject site. 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.

Vegetation and Tree Management

11. 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.
12. 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

**City of Kingston  
Planning Committee Meeting**

**Minutes**

**22 November 2017**

---

- accordance with AS4970-2009.
- c. Stages of development at which inspections are required to ensure tree protection measures are adhered to must be specified.
  - d. 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.
  - e. Maintenance of the area(s) within the Tree Protection Zone in accordance with AS4970-2009.
  - f. Any pruning to be undertaken being in accordance with AS4373-2007.
13. 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.
  - v. Any other measures required to demonstrate the successful ongoing retention and viability post-construction of any trees nominated on the Tree Protection Plan.
14. 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.
15. 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.

Melbourne Water

16. The dwelling must be constructed with finished floor levels a minimum of 300 mm above the applicable flood level of 30.68 metres to Australian Height Datum (AHD) that has an Annual Exceedance Probability (AEP) of 1% chance of being equalled or exceeded in any one year.
17. The entry / exit driveway of the basement car park must incorporate a flood proof apex that is a minimum of 300 mm above the applicable flood level of 30.68 metres to Australian Height Datum (AHD) that has an Annual Exceedance Probability (AEP) that is, a 1% probability of being equalled or exceeded in any one year.
18. All external doors, windows, vents and openings to the basement must be constructed a minimum of 300 mm above the applicable flood level of 30.68 metres to Australian Height Datum (AHD) that has an Annual Exceedance Probability (AEP) that is, a 1% probability of being equalled or exceeded in any one year. An exception to this conditions if any entry/exit that is protected by a

flood proof apex.

19. Prior to the commencement of works separate application, direct to Melbourne Water, must be made for any new or modified storm water connection to Melbourne Water's drains or watercourses. Prior to accepting an application, evidence must be provided demonstrating that Council considers that it is not feasible to connect to the local drainage system.
20. The depth of the footings must be adequate to satisfy the angle of repose relative to the drain as per Melbourne Water's specification. Refer to Melbourne Water's Standard Drawing: 'Angle of Repose - Footing Design' for details.

VicRoads

21. The redundant vehicle crossover along the Nepean Highway service road should be removed and the footpath, nature strip and kerb and channel reinstated to the satisfaction of the Responsible Authority and at no cost to VicRoads.

Roads and Drains

22. The replacement of all footpaths, including offsets, must be constructed the satisfaction of the Responsible Authority.
23. All reinstatements and vehicle crossings must be constructed to the satisfaction of the Responsible Authority.
24. All redundant vehicle crossings must be removed (including redundant portions of vehicle crossings) to the satisfaction of the Responsible Authority.
25. All front and side fences must be contained wholly within the title property boundaries of the subject land.

Construction Management Plan

26. 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.

27. Prior to endorsement of the of the CMP under the condition 26, 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).

**City of Kingston  
Planning Committee Meeting**

**Minutes**

**22 November 2017**

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

28. Prior to endorsement of the CMP under the condition 26, an Asset Protection Permit must be approved by the Responsible Authority (if applicable).

Lighting

29. 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

30. 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.

31. 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 32 have been satisfied.

General Amenity Condition

32. Any relocation of services and infrastructure affected by this development must be relocated to the satisfaction of the relevant servicing authority and the

**City of Kingston  
Planning Committee Meeting**

**Minutes**

**22 November 2017**

---

responsible authority at the cost of the owner/developer.

33. All public realm works and reinstatements must be to the satisfaction of the responsible authority.

Amenity Conditions

34. 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.
35. 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.
36. 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.
  - ii) Appearance of any building, works or materials.
  - iii) Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, Soot, ash, dust, waste water, waste products, grit or oil.
  - iv) Presence of vermin.
  - v) Any other way.

Completion of Development

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

Expiry

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

**CARRIED/**

#### **4.10 KP17/452 - 50-76 Deals Road Clayton South**

Cr Bearsley left the meeting at 9:43pm.

**Moved: Cr Brownlees**

**Seconded: Cr Hua**

That the Planning Committee determine to support the proposal and issue a Planning Permit to develop the land for buildings and works (upgrade of shooting bays / shooting ranges) at No. 50-76 Deals Road Clayton South, subject to the following conditions:

1. The development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.
2. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.
3. In accordance with Section 68 of the Planning and Environment Act 1987 (The Act), this permit will expire if one of the following circumstances applies:
  - The development is not started before two (2) years from date of this permit.
  - The development is not completed before four (4) years from the date of permit issue.

**City of Kingston  
Planning Committee Meeting**

**Minutes**

**22 November 2017**

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:** Prior to the commencement of the development or use you are required to obtain the necessary approvals from the Property Services Department.

**CARRIED**

**4.11 Amendment C158 - Jackson Green, Clayton South**

**Moved: Cr Barth**

**Seconded: Cr Hua**

That the Planning Committee request the Minister for Planning prepare, approve and adopt Planning Scheme Amendment C158 to the Kingston Planning Scheme.

**CARRIED**

Cr Eden returned to the meeting at 9:44pm.

**4.12 Amendment C149- Corrections to the Kingston Planning Scheme-  
Anomalies Amendment**

**Moved: Cr Barth**

**Seconded: Cr Bearsley**

Cr Bearsley returned to the meeting at 9:44pm

That the Planning Committee:

1. Request authorisation from the Minister for Planning to prepare Amendment C149 to the Kingston Planning Scheme.
2. Exhibit Amendment C149 to the Kingston Planning Scheme in accordance with the *Planning and Environment Act 1987* should authorisation be granted by the Minister for Planning to prepare the amendment.

**CARRIED**



**5. Confidential Items**

Nil

The meeting closed at 9.45pm.

**Confirmed.....**

**The Mayor 13 December 2017**