

# Minutes

## Planning Committee Meeting

Wednesday, 23rd August 2017

**City of Kingston  
Planning Committee Meeting**

**Minutes**

**23 August 2017**

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

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

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

**1. Apologies**

An apology from Cr Barth was submitted to the meeting.

**Moved: Cr Brownlees**

**Seconded: Cr Gledhill**

That the apology from Cr Barth be received.

**CARRIED**

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

**Moved: Cr Oxley**

**Seconded: Cr Brownlees**

That the Minutes of the Planning Committee Meeting held on 19 July 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 - July 2017**

**Moved: Cr Hua**

**Seconded: Cr Oxley**

That the report be noted.

**CARRIED**

**4.2 KP13/244 - 529 Station Street, Carrum**

**Moved: Cr Oxley**

**Seconded: Cr Brownlees**

That the Planning Committee determines to issue a Notice of Refusal to Grant a Permit to develop the land for the construction of eleven (11) dwellings within a three (3) storey high residential building with basement car parking at No. 529 Station Street, Carrum, on the following grounds:

1. The proposal results in excessive visual bulk, massing to the detriment of the local neighbourhood character.
2. The proposal fails to comply with relevant local planning policies contained within of the Kingston Planning Scheme.
3. The proposal fails to comply with the key Objectives and Standards Clause 55 of the Kingston Planning Scheme (ResCode).

**CARRIED**

**4.3 KP895/2016 - 31 Milan Street, Mentone**

It is recorded that Kris Johnstone spoke on behalf of objectors.

Cr Staikos left the meeting at 7:04 pm.

**Moved: Cr West**

**Seconded: Cr Oxley**

That the Planning Committee determine to advise the Tribunal that it wishes to oppose the proposal to develop the land for the construction of four (4) dwellings at No. 31 Milan Street, Mentone on the following grounds:

1. The proposal results in excessive visual bulk, massing to the detriment of the local neighbourhood character.
2. The proposal fails to comply with relevant local planning policies contained within the Kingston Planning Scheme.
3. The proposal fails to comply with the key Objectives and Standards Clause 55 of the Kingston Planning Scheme (ResCode).
4. The proposal fails to comply with Clause 22.11 of the Kingston Planning Scheme

Cr Staikos returned to the meeting at 7:07 pm.

**LOST**

**Moved: Cr Gledhill**

**Seconded: Cr Hua**

That the Planning Committee determine to advise the Tribunal of its support for the proposal to develop the land for the construction of four (4) dwellings at No. 31 Milan 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 12 January 2017, but modified to show:
  - a. the provision of a landscape plan in accordance with the submitted development plan and , with such plans to be prepared by a suitably qualified landscape professional to the satisfaction of the responsible Authority and incorporating:
    - i. A planting schedule of all proposed trees and shrubs, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant.
    - ii. A survey, including, botanical names of all existing trees to be retained or removed on the site including Tree Protection Zones for trees to be retained calculated in accordance with AS4970-2009.
    - iii. A survey including botanical names, of all existing trees on neighbouring properties where the Tree Protection Zones of such

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- trees calculated in accordance with AS4970-2009 fall partially within the subject site
- iv. The delineation of all garden beds, paving, grassed area, retaining walls, fences and other landscape works;
  - v. A range of plant types from ground covers to large shrubs and trees, species must comprise a minimum of 80% indigenous coastal species by total numbers and plant type;
  - vi. An indigenous canopy tree in the front setback of Dwelling 1 capable of reaching a minimum mature height of 12 metres and an indigenous tree capable of reaching a minimum mature height of 6 metres in the rear private open space of Dwellings 1,2,3 and 4
  - vii. 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;
  - viii. No trees with a mature height over five (5) meters are to be planted over proposed or existing easements; and
  - ix. The provision of notes regarding site preparation, including the removal of all weeds, proposed mulch, soil types and thickness, subsoil preparation and any specific maintenance requirements;
  - x. 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; and
  - xi. 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. vehicle crossings constructed at a 90 degree alignment with the kerb on Milan Street and all internal driveways aligning with the existing / proposed vehicle crossing(s);
  - c. the internal driveway to be at least 500mm from the side boundary at the front boundary of the site;
  - d. the vehicle crossings kept separate from the neighbour's vehicle crossing so as to create a pedestrian refuge of no less than 1 metre in width;
  - e. a notation acknowledging that the Stormwater Junction Pit is to be upgraded from a concrete to trafficable lid (Eco-lite) to the Satisfaction of the Responsible Authority;
  - f. all garage doorways nominated to swing outwards;
  - g. the front fence nominated to be no more than 25% transparency;
  - h. an amended front fence elevation plan (including details of transparency, materials schedule and finishes);
  - i. location of all external heating and/or cooling units, with particular regard given to condition 13 of this planning permit;
  - j. revised permeability and transparency figures (%) taking into account roofed pergola areas;

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- k. the provision of a colour copy colour palette for all external finishes of the development;
- l. the provision of a minimum 2000L rain water tank clearly nominated for each dwelling and water to be re-used for toilet flushing;
- m. an updated legend with legible description of each symbol;
- n. the proposed dwelling four (4) revised to be that of a single storey built form;
- o. a swept path analysis must be conducted by a qualified traffic engineer to improve accessibility of the garages;
- p. a sightline corner splay of 2m x 2.5m must be provided for all proposed driveways at the intersection with footpath in accordance with Clause 52.06 of the Kingston Planning Scheme;
- q. driveway gradients provided in accordance with the Kingston Planning Scheme and/or Australian Standards; and
- r. the Dwelling 4 southern part building envelope (kitchen and pantry area) shifted a minimum of 1000mm off the site's south property boundary with the existing south property boundary fence nominated to be retained in its current location.

**Endorsed Plans**

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

**Drainage and Water Sensitive Urban Design**

- 4. Unless with the prior written consent of the Responsible Authority, before the development commences, the following Integrated Stormwater Management documents must be prepared, by a suitably qualified person, to the satisfaction of the Responsible Authority.
  - a. Stormwater Management/drainage (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 (drainage) works including all existing and proposed features that may have impact on the stormwater (drainage) works, including landscaping details.
  - b. The Stormwater Management (drainage) Plan must address the requirements specified within Council's "Civil Design requirements for Developers – Part A: Integrated Stormwater Management".
  - c. A STORM modelling report with results demonstrating water sensitive urban design treatments that achieve Victorian best practice objectives with a minimum 100% rating and 80% tank water supply reliability must be provided as part of the Stormwater Management (drainage) Plan to the satisfaction of the Responsible Authority. 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 & 4c, above must be implemented on-site, unless an alternative

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agreement is reached with the Responsible Authority.

5. Stormwater/drainage works must be implemented in accordance with the approved stormwater management/drainage plan(s) and to the satisfaction of the Responsible Authority including the following:
  - a. All stormwater/drainage works must be provided on the site so as to prevent overflows onto adjacent properties.
  - b. The implementation of stormwater/drainage detention system(s) which restricts stormwater discharge to the maximum allowable flow rate of 11L/s.
  - c. All stormwater/drainage works must be maintained to the satisfaction of the Responsible Authority.
6. Prior to the occupation of the development hereby permitted, areas set aside for parking vehicles, access lanes and paths as shown on the endorsed plans must, to the satisfaction of the Responsible Authority, be:
  - a. Constructed to the satisfaction of the Responsible Authority.
  - b. Properly formed to such levels that they can be used in accordance with the plans.
  - c. Surfaced in accordance with the endorsed plans under this permit or in an all-weather coloured concrete seal-coat, to the satisfaction of the Responsible Authority.
  - d. Drained and maintained to the satisfaction of the Responsible Authority.
  - e. Clearly signposted/marked as resident, employee, disabled or visitor parking.
  - f. Line-marked to indicate each car space and all access lanes and, if necessary, the direction in which vehicles are to travel to the satisfaction of the Responsible Authority.

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

**Infrastructure and Road Works**

7. Any relocation of pits/power poles or other services affected by this development must be relocated to the satisfaction of the relevant servicing authority and the Responsible Authority, at the cost of the owner/developer.
8. Property boundary and footpath levels must not be altered without the prior written consent from the Responsible Authority.
9. The replacement of all footpaths, including offsets, must be constructed to the satisfaction of the Responsible Authority.
10. All reinstatements and vehicle crossings must be constructed to the satisfaction of the Responsible Authority.
11. All redundant vehicle crossings must be removed (including redundant portions of vehicle crossings) to the satisfaction of the Responsible Authority.
12. All front and side fences must be contained wholly within the title property boundaries of the subject land.

**General amenity conditions**



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13. All externally-located heating and cooling units, exhaust fans and the like must not be located adjacent to bedroom windows on adjoining properties and must be concealed from the street, unless with the further written consent of the Responsible Authority.
14. Service units, including air conditioning/heating units, where incorporated, must not be located where they will be highly visible from any public area to the satisfaction of the Responsible Authority and if located on the roof of a building, suitable screening and baffling must be provided to the satisfaction of the Responsible Authority.
15. The amenity of the area must not be detrimentally affected by the use or development of the land, through the:
  - Transport of materials, goods or commodities to or from the land.
  - Appearance of any building, works or materials.
  - Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil.
  - Presence of vermin.to the satisfaction of the Responsible Authority.
16. No commercial rubbish bins may be placed or allowed to remain in view of the public, and no receptacle shall emit any adverse smells all to the satisfaction of the Responsible Authority.
17. All piping, ducting above the ground floor storey of the development (other than rainwater, guttering and downpipes) must be concealed to the satisfaction of the Responsible Authority.

**Completion of Works**

18. Prior to the occupation of the dwellings hereby permitted, all buildings and works and the conditions of this permit must be complied with to the satisfaction of the Responsible Authority, unless with the further prior written consent of the Responsible Authority.
19. Prior to the occupation of the dwellings hereby permitted, the landscaping works as shown on the endorsed plans must be completed to the satisfaction of the Responsible Authority. Thereafter, the landscaping shall be maintained (except where that landscaping is on public land) to the satisfaction of the Responsible Authority.
20. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.

**Time Limits**

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

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

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- 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).

**CARRIED**

**4.4 KP16/1034 - 31 Blackwood Avenue Mentone**

It is recorded that Wandzia French spoke on behalf of the objectors.

It is recorded that Meg Carra 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 Planning Permit to develop the land for the construction of two (2) dwellings at 31 Blackwood Avenue, 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 21 February 2017, but modified to show:
  - a. the provision of an improved landscape plan and associated planting schedule for the site showing the proposed location, species type, mature height and width, pot sizes and number of species to be planted on the site, with such plans to be prepared by a suitably qualified landscape professional and incorporating:
    - i. an associated planting schedule showing the proposed location, species type, mature height and width, pot sizes and number of species to be planted on the site. The schedule must be shown on the plan;
    - ii. the delineation of all garden beds, paving, grassed areas, retaining walls, fences and other landscape works including areas of cut and fill throughout the development;
    - iii. all existing trees on the site and within three (3) metres to the boundary of the site on adjoining properties, accurately illustrated to represent actual canopy width and labelled with botanical name, height and whether the tree is proposed to be retained or removed;
    - iv. the tree protection zones of all trees to be retained and protected on the neighbouring property as a condition of this permit
    - v. a notation to refer to the tree management plan for the protection of all trees located on the site and neighbouring properties;
    - vi. a permeable driveway to be constructed above grade for the driveway of Townhouse A within the identified tree protection zones of the Liquidambar styraciflua (located at 29 Blackwood Avenue). The driveway must be constructed above the existing grade with no more than 100mm scrape of the existing soil surface.
    - vii. a range of plant types from ground covers to large shrubs and trees provided at adequate planting densities (e.g. plants with a mature width of 1 metre, planted at 1 metre intervals);
    - viii. the provision of one (1) suitable medium sized (must reach a height of 5 – 10 metres and spread of 5 metres or greater at maturity) canopy

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- tree within the front setback of each dwelling and one (1) small (must reach a height of 3 - 5 metres at maturity) tree within the private open space area of each dwelling, with species chosen to be approved by the Responsible Authority;
- ix. all trees provided at a minimum of 1.5 metres in height at time of planting and medium to large shrubs to be provided at a minimum pot size of 200mm;
  - x. no trees with a mature height over five (5) meters are to be planted over proposed or existing easements; and
  - xi. the provision of notes on the landscape plan regarding site preparation, including the removal of all weeds, proposed mulch, soil types and thickness, subsoil preparation and any specific maintenance requirements.
- b. a tree protection zone as required by condition 3 of this permit to be shown
  - c. a permeable driveway as required by condition 1.a.vi. of this permit to be shown
  - d. the provision of minimum 2000 litre rainwater tank clearly nominated for each dwelling with water re-used for toilet flushing;
  - e. the provision of bin storage for each dwelling
  - f. all first floor windows of dwelling 1 and dwelling 2 clearly nominated as being fitted with fixed and obscure glazing (not film) to a height of 1885mm above the finished floor level immediately below;
  - g. the provision of a new 2.4m high timber paling fence along the full length of the site's north (side), south (side) and west (rear) property boundaries, with the north and south boundary fences to taper down to 1.2m in height at 3m from the front boundary of the site and for the fences to be constructed at the full cost of the permit holder;
  - h. the provision of a decorative screen along the fence, outside the meals area of Unit 1 (labelled Townhouse A) along the southern boundary to a height of 2.4 metres
  - i. an external louvre screen to Townhouse A Bed 4 window
  - j. air conditioning external units to be relocated from the side of the ground floor to the rear wall of the first floor
  - k. the surface material of all driveways / accessways and car parking spaces nominated in all-weather coloured concrete sealcoat, or similar
  - l. the provision of a full colour palette, finishes and building materials schedule for all external elevations and driveways of the development
  - m. vehicle crossings be constructed at a 90 degree alignment with the kerb on Blackwood Avenue and all internal driveways be aligned with the existing / proposed vehicle crossing
  - n. the internal driveway be at least 500mm from the side boundary at the front boundary
  - o. the proposed stormwater discharge be located at least 500mm from the vehicle crossing
  - p. The vehicle crossings be kept separate from the neighbours vehicle

crossing to create a pedestrian refuge

- q. That the exterior colours and textures be muted and sand coloured so that the new build blends in with the homes around it

**Endorsed Plans**

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

**Tree Protection plan**

3. Prior to the endorsement of the plans referred to in Condition 1 of this permit, a Tree Protection Plan must be submitted by a suitably qualified and experienced Arborist in relation to the management and maintenance of the *Liquidambar styraciflua* (located at 29 Blackwood Avenue), and must be approved by the Responsible Authority prior to the commencement of any works including demolition and levelling of the site. The Tree Protection Plan must make specific recommendations in accordance with the Australian Standard AS4970: 2009 - Protection of Trees on Development Sites and detail the following to the satisfaction of the responsible authority ensuring that the trees remain healthy and viable during construction.
  - a) The tree protection plan must be to scale and must show:
    - i. all tree protection zones and structural root zones, these must be noted with dimensions of each tree protection zone
    - ii. all tree protection fenced off areas and areas where ground protection systems will be used. These must be annotated correctly on the plan and specify what type of ground protection or fencing is to be used.
    - iii. A notation that all services must be located outside of the tree protection zone or bored under the tree protection zone; and
    - iv. A notation to refer to the tree management plan for specific detail on what actions are required within the tree protection zone.
  - b) The Tree Protection Plan must show the actions required in chronological order prior to, during and post construction
  - c) The Tree Protection Plan must detail the type and construction process for the permeable driveway to be constructed above grade within the tree protection zones of *Liquidambar styraciflua*. The permeable driveway must be constructed above the existing grade.
  - d) The Tree Protection Plan must detail suitable tree protection measures. This must include suitable ground protection systems to be installed during demolition within the tree protection zones of the trees to be retained
  - e) The Tree Protection Plan must have a supervision timetable and certification process of tree management activities required by the Project Arborist to the satisfaction of the Responsible Authority;
  - f) The recommendations contained in the approved tree protection plan must be implemented to the satisfaction of the Responsible Authority.

**Contractors to be advised of trees to be retained**

4. The owner and occupier of the site must ensure that, prior to the commencement of buildings and works, all contractors and tradespersons operating on the site are advised of the status of trees to be retained as

detailed in the endorsed Tree Management Plan and are advised of any obligations in relation to the protection of those trees.

**Regulation of activities in Tree Protection Area**

5. No vehicular or pedestrian access, trenching or soil excavation is to occur within the Tree Protection Area as detailed in the endorsed Tree Management Plan without the prior written consent of the Responsible Authority. No storage or dumping of tools, equipment or waste is to occur within the Tree Protection Zone.

**Drainage and Water Sensitive Urban Design**

6. The development of the site must be provided with stormwater (drainage) works which incorporates the use of water sensitive urban design principles to improve stormwater runoff quality and which also retains on site any increase in runoff as a result of the approved development. The system must be maintained to the satisfaction of the Responsible Authority. The satisfactory options to achieve these desired outcomes may include the use of an infiltration or bioretention system, rainwater tanks connected for reuse and a detention system.
7. Before the development commences, a Stormwater Management (drainage) Plan showing the stormwater works to the nominated point of discharge must be prepared to the satisfaction of the Responsible Authority. The Stormwater Management (drainage) Plan must be prepared by a qualified person and show all details of the proposed stormwater works including all existing and proposed features that may have impact (e.g. trees to be retained, crossings, services, fences, abutting buildings, existing boundary surface levels, etc.). The Stormwater Management Plan must be prepared as per Council's "Civil Design Requirements for Developers – Part A – Integrated Stormwater Management".
8. The overall outflow of the site to Council drainage system must be limited to 7.1L/s.
9. Stormwater works must be provided on the site so as to prevent overflows onto adjacent properties.

**Street Trees**

10. Prior to the commencement of any works on the site including demolition, a tree protection barrier must be installed at two (2) metres from the base of the *Melia azedarach* (White Cedar) street tree located on the Blackwood Avenue nature strip.

**Infrastructure and Road Works**

11. Property boundary and footpath levels must not be altered without the prior written consent from the Responsible Authority.
12. The replacement of all footpaths, including offsets, must be constructed to 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.

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General amenity conditions

16. All externally-located heating and cooling units, exhaust fans and the like must not be located adjacent to bedroom windows on adjoining properties and must be concealed from the street, unless with the further written consent of the Responsible Authority.
17. Service units, including air conditioning/heating units, where incorporated, must not be located where they will be highly visible from any public area to the satisfaction of the Responsible Authority and if located on the roof of a building, suitable screening and baffling must be provided to the satisfaction of the Responsible Authority.
18. All piping, ducting above the ground floor storey of the development (other than rainwater, guttering and downpipes) must be concealed to the satisfaction of the Responsible Authority.

Lighting

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

Completion of Works

20. 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.
21. Prior to the occupation of the dwellings hereby permitted, all buildings and works and the conditions of this permit must be complied with to the satisfaction of the Responsible Authority, unless with the further prior written consent of the Responsible Authority.
22. Prior to the occupation of the dwellings hereby permitted, the landscaping works as shown on the endorsed plans must be completed to the satisfaction of the Responsible Authority. Thereafter, the landscaping shall be maintained to the satisfaction of the Responsible Authority.
23. Before occupation of either dwelling hereby permitted, the new fences required under Condition 1g of this permit, must be constructed to Council satisfaction, at the permit holder/developer's full cost.
24. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.

Time Limits

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

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

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- 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.

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**Note:** It is noted the development includes fence and sheds to be built over the easement. Separate consent from Council and any other 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:** Before removing / pruning any vegetation from the site, the applicant or any contractor engaged to remove any vegetation, should consult Council's Vegetation Management Officer to verify if a Local Laws Permits is required for the removal of such vegetation.

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

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

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

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

**CARRIED**



**4.5 KP16/961 - 2 Ellen Street Parkdale**

**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 two (2) dwellings at 2 Ellen Street Parkdale, subject to the following conditions:

1. Before the development starts amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be substantially in accordance with the plans submitted to Council on 29 March 2017, but modified to show:
  - a) the provision of a landscape plan in accordance with the submitted development plan and the City of Kingston Landscape Plan Checklist, with such plans to be prepared by a suitably qualified landscape professional and incorporating:
    - i. A planting schedule of all proposed trees and shrubs, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant.
    - ii. A survey, including, botanical names of all existing trees to be retained or removed on the site including Tree Protection Zones for trees to be retained calculated in accordance with AS4970-2009.
    - iii. A survey including botanical names, of all existing trees on neighbouring properties where the Tree Protection Zones of such trees calculated in accordance with AS4970-2009 fall partially within the subject site
    - iv. The delineation of all garden beds, paving, grassed area, retaining walls, fences and other landscape works;
    - v. A range of plant types from ground covers to large shrubs and trees;
    - vi. The provision of one (1) tree within the front setback of each dwelling that will reach a minimum mature height of 10 metres and canopy spread of 5 metres at maturity and at least one small tree capable of reaching a height of 5 metres and canopy spread of 3 metres at maturity within the rear private open space of each dwelling with species chosen to be approved by the Responsible Authority
    - vii. 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;
    - viii. No trees with a mature height over five (5) meters are to be planted over proposed or existing easements;
    - ix. The provision of notes regarding site preparation, including the removal of all weeds, proposed mulch, soil types and thickness, subsoil preparation and any specific maintenance requirements; and
    - x. 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.

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- b) each porch and study where nominated brought forward 500mm of their respective garage;
- c) first floor street setback to Dwelling 1's sitting room increased to a minimum of 9.2 metres and first floor street setback to Dwelling 2's sitting room increased to a minimum of 8.2 metres, which creates a recessed first floor of at least 1 metre from the façade below, with no further reduction to the rear setback;
- d) rear porch/verandahs be deleted or notated as open to the sky;
- e) study window to Dwelling 1 increased to the widest possible to provide good activation to the street;
- f) the first floor sitting room of Dwelling 2 set back 2.4 metres from the site's west (side) property boundary;
- g) the first floor sitting room of Dwelling 1 set back 2.4 metres from the site's east (side) property boundary;
- h) the overall height of the garage to Dwelling 2 reduced to 3 metres from natural ground level;
- i) the wall on the western boundary to Dwelling 2 set back 150mm from this boundary to retain the existing boundary fence in front of the wall;
- j) the west facing window to Dwelling 2's first floor sitting room screened or modified to comply with Standard B22 of Clause 55;
- k) the north-facing window to Dwelling 2's first floor sitting room reduced so as to be set back a minimum of 4 metres from the site's west (side) boundary, to limit overlooking to No.2A Ellen Street;
- l) ground floor habitable room windows and decking within private open space be screened or alternatively designed to comply with Standard B22 of Clause 55, where the building finished floor levels are raised;
- m) increase to the façade detail design to each first floor, comparable in detailing and materiality to rear first floor elevations;
- n) increase to the detail design of the western side of the first floor sitting room to Dwelling 2, integrated with the improved façade detail design;
- o) a notation on the plans that the footings for the rear of each dwelling within the tree protection zone of the neighbouring *Grevillea robusta* and the *Araucaria heterophylla* are to be constructed using a pier and beam system with an upturned edge beam with an infill waffle pod slab or similar to be installed above natural grade;
- p) the location of tree protection measures illustrated to scale and labeled on the Ground Floor Plan and a notation referring to the Tree Management and Protection Plan;
- q) the finished floor level increased to 11.90 to AHD within the aforementioned tree protection areas, with the overall building height limited to a maximum increase of 100mm;
- r) the provision of a minimum 2000 litre rainwater tank clearly nominated for each dwelling with water re-used for toilet flushing; and
- s) the provision of a full colour palette, finishes and building materials schedule for all external elevations and driveways of the development.

Endorsed Plans

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

Tree Protection

3. 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. The Tree Management and Protection Plan must be specific to the *Grevillea robusta* (Silky Oak) located at 4 Chandler Street and the *Araucaria heterophylla* (Norfolk Island Pine) located at 4 Ellen Street. The Tree Management and Protection Plan must be in accordance with AS4970-2009, prepared by a suitably qualified arborist and provide details of tree protection measures that will be utilised to ensure all trees to be retained remain viable post-construction.
4. The Tree Protection Plan (drawing) must be drawn to scale, reference the Tree Management Plan and provide details of:
  - a. The Tree Protection Zone and Structural Root Zone, calculated in accordance with AS4970-2009, for all trees to be retained on the site and for all trees on neighbouring properties where the Tree Protection Zone falls partially within the subject site.
  - b. Tree protection fencing, or ground protection where required, provided in accordance with AS4970-2009.
  - c. Any other measures as required in the Tree Management Plan (report).
5. The Tree Management plan (report) must be prepared by a suitably qualified arborist, reference the Tree Protection Plan and provide details of:
  - a. 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.
  - b. Proposed root sensitive footings that must be of a pier and beam system with an engineered up turned edge beam and infill waffle pod slab within the Tree Protection Zone. This must also be nominated on the tree protection plan.
  - c. How excavation impacts, including soil level changes, on trees to be retained will be managed or minimised.
  - d. Stages of development at which inspections are required to ensure tree protection measures are adhered to must be specified.
  - e. Appropriate methods of certification of tree protection measures during the development including details of site visits, actions and photographic evidence
  - f. Appropriate signage on any tree protection fencing Maintenance of the area(s) within the Tree Protection Zone in accordance with AS4970-2009.
  - g. Any pruning to be undertaken being in accordance with AS4373-2007.
  - h. How the canopy of the two identified trees will be protected.
  - i. Any other measures required to demonstrate the successful ongoing retention and viability post-construction of any trees nominated on the

Tree Protection Plan.

6. 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.
7. 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 or included on the Tree Management and Protection Plan.

Drainage and Water Sensitive Urban Design

8. The development of the site must be provided with stormwater works which incorporates the use of water sensitive urban design principles to improve stormwater runoff quality and which also retains on site any increase in runoff as a result of the approved development. The system must be maintained to the satisfaction of the Responsible Authority. The satisfactory options to achieve these desired outcomes may include the use of an infiltration or bioretention system, rainwater tanks connected for reuse and a detention system.
9. Before the development commences, a Stormwater Management Plan showing the stormwater works to the nominated point of discharge must be prepared to the satisfaction of the Responsible Authority. The Stormwater Management Plan must be prepared by a qualified person and show all details of the proposed stormwater works including all existing and proposed features that may have impact (e.g. trees to be retained, crossings, services, fences, abutting buildings, existing boundary surface levels, etc.). The Stormwater Management Plan must be prepared as per Council's "Civil Design Requirements for Developers – Part A – Integrated Stormwater Management".
10. The overall outflow of the site to Council drainage system must be limited to 6.1L/s.
11. Stormwater works must be provided on the site so as to prevent overflows onto adjacent properties.

Road and Drains Engineering

12. Property boundary and footpath levels must not be altered without the prior written consent from the Responsible Authority.
13. The replacement of all footpaths, including offsets, must be constructed to the satisfaction of the Responsible Authority.
14. Any reinstatements and vehicle crossings must be constructed to the satisfaction of the Responsible Authority.
15. Any redundant vehicle crossings must be removed (including redundant portions of vehicle crossings) to the satisfaction of the Responsible Authority.

General amenity conditions

16. 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.
17. All externally-located heating and cooling units, exhaust fans and the like must not be located adjacent to bedroom windows on adjoining properties and must

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be concealed from the street, unless with the further written consent of the Responsible Authority.

**Commencement of Works**

18. Prior to the occupation of the dwellings hereby permitted, the landscaping works as shown on the endorsed plans must be completed to the satisfaction of the Responsible Authority. The landscaping must then be maintained to the satisfaction of the Responsible Authority.
19. Prior to the occupation of the dwellings hereby permitted, all buildings and works and the conditions of this permit must be complied with, unless with the further prior written consent of the Responsible Authority.

**Time Limits**

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

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.

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

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

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

**Note:** Before removing / pruning any vegetation from the site, the applicant or any contractor engaged to remove any vegetation, should consult Council's Vegetation Management Officer to verify if a Local Laws Permits is required for the removal of such vegetation.

**Note:** 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

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

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

**CARRIED**

**4.6 C153 - Public Open Space Contributions**

**Moved: Cr West**

**Seconded: Cr Brownlees**

That Council:

1. Request the Minister for Planning to appoint a Panel under Part 8 of the Planning and Environment Act 1987 to further consider and report on Amendment C153.
2. That all submitters to Amendment C153 be advised in writing of the above resolutions.

**CARRIED**

**5. Confidential Items**

The meeting closed at 7.41pm.

**Confirmed.....**

**The Mayor 20 September 2017**