

Minutes

Planning Committee Meeting

Wednesday, 11th December 2019



**City of Kingston
Planning Committee Meeting**

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

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

In Attendance: Julie Reid, Chief Executive Officer
Jonathan Guttmann, General Manager Planning and Development
Paul Franklin, General Manager Corporate Services
Ian Nice, Manager City Development
Gabrielle Pattenden, Governance Officer
Lindsay Holland, Facilities Officer

1. Apologies

There were no apologies submitted to the meeting.

2. Confirmation of Minutes of Previous Meetings

Moved: Cr Bearsley

Seconded: Cr Gledhill

That the Minutes of the Planning Committee Meeting held on 23 October 2019 be confirmed.

CARRIED

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

There were no Conflicts of Interest submitted to the meeting.

4. Planning and Development Reports

4.1 Town Planning Application Decisions - November 2019

Moved: Cr Brownlees

Seconded: Cr Gledhill

That the report be noted.

CARRIED

4.2 KP-2007/881/A - 275-315 Kingston Road, Clarinda

It is recorded that Silvana Anthony spoke on behalf of objectors.

It is recorded that Peter Murphy spoke on behalf of the applicant.

Moved: Cr Staikos

Seconded: Cr West

That the Planning Committee determine to refuse the proposal and issue a Notice of Decision to Refuse an Amended Planning Permit to develop the land for the use and development of the land for Materials Recycling in conjunction with a Refuse Transfer Station for a maximum of 15 years duration (with a provision for extension of the permit); the display of business identification signage; a reduction in the car parking requirement for the materials recycling use; the removal of native vegetation; and alteration of access to a road in a road zone in accordance with the attached endorsed plans at 275-315 Kingston Road Clarinda, on the following grounds:

1. The use is prohibited under the Green Wedge A Zone;
2. The proposed amendment is contrary to the relevant Planning Policy Framework and Local Planning Policies; and
3. The proposed amendment does not satisfy the key requirements relating to the planning provisions of the Scheme.

Procedural Motion

Moved: Cr Staikos

Seconded: Cr Barth

That Cr West be granted an extension of time to speak on the matter.

CARRIED

Procedural Motion

Moved: Cr Hua

Seconded: Cr Staikos

That Cr Bearsley be granted an extension of time to speak on the matter.

CARRIED

The Substantive Motion was put and CARRIED

A Division was Called:

DIVISION:

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

AGAINST: Crs Bearsley, Brownlees and Gledhill (3)

ABSTAINED: Crs Hua (1)

CARRIED

4.3 KP-2014/739 - 17 Taylor Street, Moorabbin

It is recorded that Morgan Livingstone spoke on behalf of the applicant.

Moved: Cr Staikos

Seconded: Cr Hua

That the Planning Committee determine to support the proposal and issue a Notice of Decision to grant an Amended Permit for a 10 storey mixed use development and use the land for a retail premises at 17 Taylor Street, Moorabbin, subject to the following conditions:

1. Before the use and 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 4 October 2019, but modified to show:
 - a. DELETED
 - b. the provision of a notation stating: “the existing laneway on the north (ROW) and west (Mac’s Lane) of the property from Taylor Street to the southern boundary of the subject site, including drainage works, must be designed with colour concrete and exposed aggregate feature bands in accordance with the Activity Centre Streetscape Suite; drained and constructed at the full cost of the owner/developer as per engineering plans approved by the Council”
 - c. DELETED
 - d. DELETED
 - e. the provision of alternative visibility / warning system to alert laneway and car lift users of potential conflict
 - f. the provision of an updated Sustainability Management Plan (SMP). The amended SMP must be updated to reflect the current design and layout
 - g. the recommendations within the SMP as required within the condition above to be nominated on the development plans
 - h. the provision of a full colour, finishes and building materials schedule, including samples (illustrated on an A4 or A3 sheet), for all external elevations and surfaces of the development
 - i. DELETED
 - j. DELETED
 - k. DELETED
 - l. the location of all externally-located heating and cooling units, exhaust fans and the like, clearly shown
 - m. a notation on the floor plans stating: “all guttering must be contained wholly within the title property boundaries of the subject land”
 - n. 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 an associated planting schedule showing the proposed

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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.

- o. DELETED
- p. a notation on the plans that the overall building height is not to exceed 33.31 metres.
- q. the provision of an updated Waste Management Plan (WMP). The amended WMP must be updated to reflect the current design and layout.
- r. along the western elevation (ground floor) the entire wall to be an art mural commissioned by the City of Kingston and nominated to be provided at the full cost of the permit holder and developer
- s. a notation stating that no business identification or business signage is to be located along this western elevation / associated with the art mural
- t. details of queuing management to ensure there is no unreasonable blockage of Macs Lane or the R.O.W by vehicles egressing the site
- u. the lift area to be fully enclosed with a wall or garage door; and
- v. a special waste collection vehicle at the same size of B00 defined in AS2890.1 2004 or similar must be provided for waste collection purposes

Endorsed Plans

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

Urban Art Treatment

- 3. Prior to the commencement of works, plans must be submitted to the Responsible Authority for approval detailing the integrated urban artwork treatment of the wall along western along the western elevation (ground floor) the entire wall (between the ramp screen and gas room), the plans must be implemented to the satisfaction of the Responsible Authority. The urban art must not be altered without the prior written consent of the Responsible Authority.

Street Tree Removal

- 4. Prior to the removal of street tree from the Taylor Street nature strip, payment must be made to Kingston City Council's customer service in accordance with Council's Street Tree Removal Procedures. The removal of these trees must be undertaken by Council at the expense of the Developer/Owner.

Drainage Engineering and Water Sensitive Urban Design

- 5. A flood proof apex (ie ridge level) protecting the property from any overland flows must be provided along the site's laneway frontage. This apex is to be at minimum 200mm above the existing invert of the laneway. This apex is to continue through any driveways or pathways that may cross it. The apex is to be a permanent structure (eg. rise in concrete driveway/pathway, sleeper retaining wall, solid brick fence/wall). Low mounded soil on its own is unlikely to be acceptable due to the likelihood of future disturbance.
- 6. The development of the site must be provided with stormwater works which incorporates the use of water sensitive urban design principles to improve stormwater runoff quality and which also retains on site any increase in runoff above the permissible site discharge as a result of the approved development. The system must be maintained to the satisfaction of the Responsible Authority. The satisfactory options to achieve these desired outcomes may include the use

of an infiltration or bioretention system, rainwater tanks connected for reuse and a detention system. The overall outflow of the site to Council drainage system must be limited to 5.6 L/s.

7. Before the development commences, prior to submission of detailed Stormwater Management Plan of the development as per the condition below, a comprehensive stormwater management (drainage) strategy of the site including a report with MUSIC model output or equivalent and Stormwater (drainage) concept plan incorporating Rainwater Tanks for water reuse and other Water Sensitive Urban Design Treatments to achieve best practice objectives must be prepared as per Council's "Civil Design Requirements for Developers – Part A – Integrated Stormwater Management" to the satisfaction of the Council;
8. 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".
9. Stormwater works must be provided on the site so as to prevent overflows onto adjacent properties.
10. The proposed basement must be designed as a fully-tanked/sealed dry structure.

Roads Infrastructure

11. Property boundary and footpath levels must not be altered without the prior written consent from the Responsible Authority.
12. Any ramps or changes in grade at pedestrian and vehicle access areas must be ramped within the property boundaries.
13. All reinstatements and vehicle crossings must be constructed to the satisfaction of the Responsible Authority.
14. Vehicle crossings and other reinstatements must be constructed to council's industrial strength specifications.
15. All redundant vehicle crossings must be removed (including redundant portions of vehicle crossings) to the satisfaction of the Responsible Authority.
16. All front and side fences must be contained wholly within the title property boundaries of the subject land.

Construction Management

17. Before the commencement of any buildings and works, a Construction Management Plan (CMP), to the satisfaction of the Responsible Authority, must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed as evidence of its approval and will then form part of the permit and shall thereafter be complied with. The CMP must specify and deal with, but is not limited to, the following:
 - a. the staging of the development
 - b. a detailed schedule of works, including the demolition of structures and a full project timing

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- c. a fully detailed plan indicating where construction hoardings would be located
- d. a waste management plan including the containment of waste on site, disposal of waste, stormwater treatment and on-site facilities for vehicle washing
- e. containment of dust, dirt and mud within the site and method and frequency of clean up procedures in the event of build-up of matter outside the site
- f. business operations on the site during construction
- g. site security
- h. public safety measures
- i. construction times, noise and vibration controls
- j. restoration of any Council assets removed and/or damaged during construction
- k. protection works necessary to road and other infrastructure (limited to an area reasonably proximate to the site)
- l. remediation of any damage to road and other infrastructure (limited to an area reasonably proximate to the site)
- m. an emergency contact that is available for 24 hours per day for residents and the Responsible Authority in the event of relevant queries or problems experienced
- n. the CMP must identify all relevant permits required for works/occupation outside the property boundary (ie. Hoarding, Asset Protection, Occupation of Public Land)
- o. all contractors associated with the construction of the development must be made aware of the requirements of the Construction Management Plan.

Traffic Management

- 18. Before the commencement of any buildings and works, a Traffic Management Plan (TMP), to the satisfaction of the Responsible Authority, must be submitted to and approved by the Responsible Authority. The TMP must specify and deal with, but is not limited to, the following:
 - a. when or whether any access points would be required to be blocked; an outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services; and preferred routes for trucks delivering to the site
 - b. the location for the parking of all construction vehicles and construction worker vehicles during construction
 - c. delivery of materials including times for loading/unloading and unloading points
 - d. expected frequency; and details of where materials will be stored and how concrete pours would be managed
 - e. proposed traffic management signage indicating any inconvenience generated by construction, and
 - f. traffic management measures to comply with provisions of AS

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1742.3–2002 Manual of uniform traffic control devices – Part 3: Traffic control devices for works on roads.

Sustainability Management Plan

19. Prior to the occupation of any building approved under this permit, written confirmation from the author of the endorsed SMP is to be submitted to the Responsible Authority that all of the required measures specified in the SMP have been implemented.

Waste Management Plan

20. The waste management plan must be implemented to the satisfaction of the Responsible Authority. The waste management plan must not be modified unless without the written consent of the Responsible Authority.

Public Works

21. Prior to the occupation of any dwelling or commencement of use, the laneway as described in Condition 1b) must be designed and constructed at the full cost of the owner/developer and maintained in accordance with the plans approved by the Council. Discussion with Council's Development Engineer is recommended prior to submission of a design. The level of the proposed laneway is to be set as per design brief prepared by Council's Strategic Planning Department. A priced schedule of works within the laneway and the payment of Council's engineering fees of 3.25% of the cost of the works are required to be submitted prior to approval.
22. Prior to the occupation of the development hereby permitted, or by such later date as is approved by the Responsible Authority in writing, the kerb and channel, footpath and nature strip must reinstated to the satisfaction of the Responsible Authority and in accordance with the Activity Centre Streetscape Suite (June 2013).
23. Prior to the occupation of any dwelling or commencement of use, the construction of the footpath

Signage

24. No signage may be displayed on the land unless approved by the Responsible Authority.

Completion of Development

25. Prior to the occupation of the development 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.
26. Prior to the occupation of the development hereby permitted, the landscaping works as shown on the endorsed plans for that stage must be completed to the satisfaction of the responsible authority. Thereafter, the landscaping shall be maintained to the satisfaction of the Responsible Authority.
27. Prior to the occupation of the development hereby permitted, or by such later date as is approved by the responsible authority in writing, the nature strip, kerb and channel, vehicle crossover and footpath must reinstated to the satisfaction of the Responsible Authority.
28. Prior to the occupation of the development hereby permitted, areas set aside for parking vehicles, access lanes and paths for that stage as shown on the endorsed plans must, to the satisfaction of the Responsible Authority, be:

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- a. Constructed to the satisfaction of the responsible authority.
- b. Properly formed to such levels that they can be used in accordance with the plans.
- c. Surfaced in accordance with the endorsed plans under this permit or in an all-weather coloured concrete seal-coat, to the satisfaction of the responsible authority.
- d. Drained and maintained to the satisfaction of the responsible authority.
- e. Line-marked to indicate each car space, allocation of on-street car spaces, access lanes and road markings.

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.

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

Amenity Conditions

30. The amenity of the area must not be detrimentally affected by the development or use, through the:
 - a. Transport of materials, goods or commodities to or from the land.
 - b. Appearance of any building, works or materials.
 - c. Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil.
 - d. Presence of vermin.
 - e. Any other way.
31. 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.
32. The maintenance of the car stackers shall be the responsibility of the Body Corporate, owner or agent and must be serviced at such frequency as will render the stackers functional, to the satisfaction of the Responsible Authority.
33. 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.
34. 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.
35. 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, to the satisfaction of the Responsible Authority.

Agreements

36. Prior to the commencement of works, 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:
 - No telecommunication facilities are to be erected upon the building.

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

Expiry of Permit

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

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

In accordance with Section 69 of the *Planning and Environment Act 1987*, an application may be submitted to the responsible authority for an extension of the periods referred to in this condition.

THIS PERMIT HAS BEEN AMENDED PURSUANT TO SECTION 72 OF THE PLANNING AND ENVIRONMENT ACT 1987 AS FOLLOWS:

Amendment	Date of Amendment	Description of Amendment	Name of responsible authority that approved the amendment
A	9 July 2018	Refer to Amendment B	Kingston City Council
B	Date	<ul style="list-style-type: none"> • New preamble to read 'develop the land for the construction of buildings and works comprising a ten storey mixed use development and use of the land for retail premises at No. 17 Taylor Street, Moorabbin' • Modification or deletion of condition 1a, c, d, e, i, j, o & 10 which relate to the former car parking design. • Modify condition 1n which refers to a rooftop terrace. • Amend conditions 1f and 19 to request an updated SMP to accord with the current proposed design. • Delete condition 1k as it refers to storage formally on level 1. • Introduction of conditions 1o – 1v and condition 36 as part of the approval under 	Kingston City Council

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		KP-2014/7739/A with the exception of 1o which is recommended to be deleted as it refers to an 11 th level, 1r is required to be reworded to remove references to the ramp and 1q which was previously shown as deleted and is now modified to request an updated Waste Management Plan.	
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CARRIED

4.4 KP-2019/262 - 1 Captain Street, Aspendale

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

It is recorded that Morgan Livingstone spoke on behalf of the applicant.

Moved: Cr Bearsley

Seconded: Cr Eden

That the Planning Committee determine to issue a Notice of Refusal to grant a permit to develop the land for the development of four (4) dwellings and associated works in accordance with the submitted plans at 1 Captain Street, Aspendale, on the following grounds:

1. The proposal fails to comply with relevant local planning policies contained within the Kingston Planning Scheme.
2. The proposal results in excessive visual bulk and massing to the detriment of the local neighbourhood character.
3. The proposal fails to comply with relevant following objectives and standards of Clause 55 of the Kingston Planning Scheme (ResCode):
 - Clause 55.02-1 – Neighbourhood Character
 - Clause 55.02-2 – Residential Policy
 - Clause 55.03-1 – Street Setback
 - Clause 55.03-5 – Energy Efficiency
 - Clause 55.03-8 – Landscaping
 - Clause 55.05-5 – Solar Access to Open Space

Cr Staikos left the meeting at 7.57pm

Cr Staikos returned to the meeting at 8.00pm

CARRIED

4.5 KP-2015/336/B - Mentone Girls Grammar School

It is recorded that Rhonda Arnott spoke on behalf of objectors.

It is recorded that Brian Trumble 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 an Amended Permit to Amend condition 12 of the Planning Permit to allow for the use of the aquatic centre for up to 60 external students that do not attend Mentone Girls Grammar at No. 11, 17 and 21 Mentone Parade and No. 36 and 40 Naples 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 by Peddle Thorp, drawing nos. TP005 Rev E, TP006 to TP008 all Rev C, TP100 and TP101 all Rev C, TP110 and TP111 all Rev C and TP210 Rev C, 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:
 - b) 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;
 - c) 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;
 - d) 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;
 - e) 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);
 - f) provision of a landscape buffer along the Naples Road frontage, and showing the retention of the *Corymbia ficifolia* (Red Flowering Gum) currently growing near the northern boundary at No. 36 Naples Road;
 - g) the provision of five (5) additional medium sized (at maturity) canopy trees within the landscape buffer pursuant to Condition 1 (a)(v);
 - h) the provision of an improved landscape buffer, incorporating the existing trees growing along the western boundary;
 - i) all trees provided at a minimum of two (2) metres in height at time of planting and medium to large shrubs to be provided at a minimum pot size of 200mm;
 - j) no trees with a mature height over five (5) metres are to be planted over proposed or existing easements;
 - k) the provision of notes on the landscape plan regarding site preparation,

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- including the removal of all weeds, proposed mulch, soil types and thickness, subsoil preparation and any specific maintenance requirements, and
- l) a notation of the Tree Protection details as required by conditions 6, 7 and 8 of this permit. This includes all nominated tree protection zones to be drawn to scale on the plans.
 - m) An improved site plan showing greater details and dimensions including:
 - n) The eastern most multi-use court must be repositioned to be setback not less than 3 metres from Naples Road with the setback area landscaped;
 - o) All other setbacks of the multi-use courts from property boundaries;
 - p) Details of all new boundary and internal fencing;
 - q) The cyclone fence at the northern end of the multi-use courts at a maximum height of 3.6 metres above natural ground level;
 - r) Details of the maintenance access gate to the landscaped area adjacent to Naples Road, generally as shown on the landscape plan by John Patrick Pty Ltd, drawing no. L-VM01 dated August 2016;
 - s) Clearly defined locations of all outdoor lighting;
 - t) The setbacks of the aquatic building from property boundaries and the Wellness Centre;
 - u) Corrections to the depiction of car parking adjacent to the Willow Building to reflect existing conditions and car parking numbers, and
 - v) Clearly defined pedestrian access to the new aquatic building, demonstrating compliance with disability access requirements.
 - w) Acoustic attenuation recommendations identified in the acoustic report required by condition 4 of this permit, and
 - x) Notations of all initiatives nominated by the Sustainable Management Plan required by condition 5 of this permit.
2. The use and development, as shown on the endorsed plans, must not be altered without the written consent of the Responsible Authority.
 3. The school must make available at the start of the school year, all current student enrolment numbers, to the Responsible Authority.
 4. Prior to the endorsement of plans required by Condition 1, two (2) copies of an acoustic report prepared by a suitably qualified acoustic engineer must be submitted to the Responsible Authority for approval. When approved, the report will be endorsed and will then form part of the permit. The report must:
 - (a) Identify all potential noise sources associated with the aquatic building that will impact on adjoining residential properties, having regard to the maximum operating conditions, and
 - (b) Provide details of all noise control measures to be incorporated into the development required to achieve compliance with the relevant State Environment Protection Policies.
 - (c) Once approved, the development must be constructed in accordance with the recommendations of the endorsed acoustic report to the satisfaction of the Responsible Authority.

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5. Prior to the endorsement of plans required by Condition 1, three (3) copies of a Sustainable Management Plan (SMP), to the satisfaction of the Responsible Authority, must be submitted to and approved by the Responsible Authority. When approved, the SMP will be endorsed and will then form part of the permit and shall thereafter be complied with. The SMP must include, but is not limited to the following criteria:
 - (a) Indoor Environment Quality
 - (b) Energy Efficiency
 - (c) Water Efficiency
 - (d) Stormwater Management
 - (e) Building Materials
 - (f) Transport
 - (g) Waste Management
 - (h) Urban Ecology
 - (i) Innovation
 - (j) Construction and Building Management.
6. A Tree Protection Zone (TPZ) must be installed at a distance of 13.8 metres from the northern front property boundary directly adjacent to the *Corymbia ficifolia* (Red Flowering Gum), and 9 metres to the east and west of the tree. The following must be observed within this zone:
 - (a) the existing soil level must not be altered either by fill or excavation;
 - (b) the soil must not be compacted or the soil's drainage changed;
 - (c) no fuels, oils, chemicals, poisons, rubbish and other materials harmful to trees are to be stored or dispersed;
 - (d) no storage of equipment, machinery or material is to occur;
 - (e) open trenching to lay underground services e.g.: drainage, water, gas, etc. must not be used;
 - (f) a layer of organic composted mulch to a depth of between 80mm and 100mm must be spread;
 - (g) tree roots must not be severed or injured; and
 - (h) machinery must not be used to remove any existing concrete, bricks or other materials
 - (i) without the further written consent of the Responsible Authority.
7. All demolition works including removal of existing infrastructure within the nominated Tree Protection Zone of the *Corymbia ficifolia* (Red Flowering Gum), must be done under the supervision of Responsible Authority's Vegetation Management Officer.
8. Prior to the commencement of the development hereby permitted, a Tree Protection Fence defined by a 1.2 metre high temporary fence constructed using steel or timber posts fixed in the ground or to a concrete pad, with the fence's side panels to be constructed of cyclone mesh wire or similar strong metal mesh or netting, must be erected in a radius around the *Corymbia ficifolia* (Red Flowering Gum), pursuant to Condition 6. The above requirements in condition 6 of this permit must be observed within this area.

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9. All tree pruning work must be in accordance with the Australian Standards AS4373 (2007) "Pruning of Amenity Trees" and be undertaken by a qualified and experienced Arborist, to the satisfaction of the Responsible Authority

Condition 10 required by Public Transport Victoria:

10. The permit holder must take all reasonable steps to ensure that disruption to the bus operation along Mentone Parade is kept to a minimum during the construction of the development. Foreseen disruptions to bus operations and mitigation measures must be communicated to Public Transport Victoria fourteen (14) days prior. Any alterations including temporary works or damage during construction must be rectified to the satisfaction of Public Transport Victoria and at the cost of the permit holder.
11. Prior to the commencement of any buildings and works on the land (including demolition), a Construction Management Plan (CMP), to the satisfaction of the Responsible Authority, must be submitted to and approved by the Responsible Authority. The CMP must be prepared in accordance with the City of Kingston Construction Management Policy, July 2015, Construction Management Guidelines, 1 November 2015 (and any superseding versions and/ or documents). The CMP must specify and deal with, but is not limited to, the following elements:
- (a) Public Safety, Amenity and Site Security
 - (b) Traffic Management
 - (c) Stakeholder Management
 - (d) Operating Hours, Noise and Vibration Controls
 - (e) Air Quality and Dust Management
 - (f) Stormwater and Sediment Control
 - (g) Waste and Materials Re-use
 - (h) 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.
12. Unless with the prior written consent of the Responsible Authority, the sports facilities (excluding the aquatic centre) hereby approved must only be used by Mentone Girls' Grammar School for the delivery of its curriculum and for co-curricular programs offered to students enrolled at the school.
13. Subject to Condition 15 of this Permit, unless with the prior written consent of the Responsible Authority, the aquatic centre may be used at any one time by a maximum of sixty (60) students who are not enrolled in Mentone Girls' Grammar School for swimming and diving activities such as "learn to swim" classes, swimming squad and diving training and other club swimming sports practice sessions (eg life saving, water polo etc) at the following hours:
- School Terms: Monday to Friday 6am – 7:30pm and Saturdays 7:30am – 1:30pm; and
 - School Breaks: Monday to Friday 8am – 6pm and Saturdays 7:30am – 1:30pm.
14. Unless with the prior written consent of the Responsible Authority, the aquatic centre may be used by students not enrolled in Mentone Girls' Grammar School for activities not associated with the delivery of the curriculum or co-curricular programs offered to students of Mentone Girls' Grammar School within the

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following hours:

- a) School Terms: Monday to Friday 6am – 7:30pm and Saturdays 7:30am – 1:30pm
 - b) School Breaks: Monday to Friday 8am – 6pm and Saturdays 7:30am – 1:30pm
15. Between the hours of 6.00am – 7:30am, Monday to Friday, the aquatic centre must not be used by students who are not enrolled in Mentone Girls' Grammar School at the same time as any aquatic programme is being delivered to Mentone Girls' Grammar School students. A maximum of 40 students who are not enrolled in Mentone Girls' Grammar School are to be present on site during these hours.
 16. During school hours, all students who are not enrolled in Mentone Girls' Grammar School are to be bused to the school or otherwise arrive by modes other than private motorised vehicles (i.e. foot, cycle,).
 17. Notwithstanding the times specified in Condition 13 during school terms, 'Learn to Swim' programs are only to use the facility on Saturdays (between 7:30am – 1:30pm) and after 4:30pm on weekdays.
 18. The existing gate to the northern main car park must be programmed to open 15 minutes prior to commencement of programs and to close 30 minutes after programs end.
 19. The operator must provide literature to all external parties in relation to the availability of onsite car parking, program hours and the requirement that no students who are not enrolled in Mentone Girls' Grammar School may arrive at the facility by private motorised vehicles during school hours.
 20. The aquatic facility must not be made available to the general public for recreational swimming.
 21. All indoor and outdoor lighting associated with the aquatic centre, and outdoor lighting associated with the multi-sport pitch and multi-use courts must be designed, fitted with suitable baffles and located to prevent any adverse effect on adjoining land, to the satisfaction of the Responsible Authority and must be completed prior to the commencement of the additional activities and hours outlined in condition 13, 14 and 15.
 22. The outdoor lighting to the multi-sport pitch and multi-use courts must only operate between the hours of 8.00am and 9.00pm.
 23. The two northernmost multi-use courts adjacent to Naples Road must only be used between the following hours:
 - (a) Monday to Thursday 7.00am to 9.00pm
 - (b) Fridays and Saturdays 7.00am to 5.00pm
 - (c) Sundays No use
 24. The maintenance access gate referred to in condition 1(b)(v) of this permit must be closed at all times except when required to provide access for the maintenance of the landscaped area, to the satisfaction of the Responsible Authority.
 25. The vehicle access road off Naples Road must be closed at all times except when required to provide access for service vehicles, to the satisfaction of the Responsible Authority.
 26. The amenity of the area must not be detrimentally affected by the use, including

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through the:

- (a) Transport of materials, goods or commodities to or from the land;
 - (b) Appearance of any building, works or materials;
 - (c) Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil;
 - (d) Presence of vermin, and
 - (e) Any other way.
27. The loading and unloading of goods to and from vehicles must only be carried out on the land.
28. 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, as per Council's "*Civil Design Requirements for Developer – Part A – Integrated Stormwater Management*" 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) The stormwater management (drainage) plan must demonstrate 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.
 - (c) The water sensitive urban design treatments as per conditions 20a and 20b above must be implemented on-site, unless an alternative agreement is reached with the Responsible Authority.
29. Prior to submitting detailed Stormwater Management (Drainage) Plans, a qualified person shall undertake stormwater investigation work, and liaise with Council's Development Engineer to obtain Council's requirements. The stormwater investigation work shall include:
30. The preparation of an electronic CAD drawing showing all existing stormwater pipe alignments as per the signed Memorandum of Understanding between the School and Council signed by the School on 1 November 2013;
- (a) Arranging a CCTV (to Council's specification and satisfaction) of all existing Council pipes that will be "built over" by any proposed works in order to confirm their condition. This shall include, but not limited to, the existing 300mm diameter pipe that bisects the proposed synthetic sports pitch. All pipes that are deemed by Council to be defective shall be replaced at the Applicant's cost along the alignment determined by Council's Development Engineer, and
 - (b) The preparation of stormwater computations showing any changes to the rate of stormwater being discharged from the school site.
31. Stormwater (drainage) works must be implemented in accordance with the approved stormwater management (drainage) plan and to the satisfaction of the

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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 to be determined by Council's Development Engineer, and
 - (c) All stormwater (drainage) works must be maintained to the satisfaction of the Responsible authority.
32. Property boundary and footpath levels must not be altered without the prior written consent of the Responsible Authority.
 33. All reinstatements and vehicle crossings are to be constructed to the satisfaction of the relevant authority.
 34. The replacement of all footpaths, including offsets, must be constructed to the satisfaction of the Responsible Authority.
 35. All redundant vehicle crossings must be removed (including redundant portions of vehicle crossings) to the satisfaction of the Responsible Authority.
 36. Before occupation of the development hereby permitted, areas set aside for parking vehicles, access lanes and paths as shown on the endorsed plans must be:
 - (a) Constructed to the satisfaction of the Responsible Authority;
 - (b) Properly formed to such levels that they can be used in accordance with the plans;
 - (c) Surfaced with an all-weather sealcoat to the satisfaction of the Responsible Authority;
 - (d) Drained to the satisfaction of the Responsible Authority;
 - (e) Line-marked to indicate each car space, all access lanes and, if necessary, the direction in which vehicles are to travel to the satisfaction of the Responsible Authority, and
 - (f) In accordance with any Council adopted guidelines for the construction of car parks.
 - (g) Parking areas and access lanes must be kept available for these purposes at all times and maintained to the satisfaction of the Responsible Authority.
 37. In areas set aside for car parking, measures must be taken to the satisfaction of the Responsible Authority to prevent damage to fences or landscaped areas.
 38. The use of the site shall not cause nuisance or be detrimental to the amenity of the neighbourhood by the emission of noise. In this regard any nuisance shall be assessed in accordance with the Australian Standards AS1055 and AS2107 relating to the measurement of Environmental Noise and recommended sound levels, to the satisfaction of the Responsible Authority.
 39. 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.
 40. 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:

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- (a) The development is not started within two (2) years from the date of permit issue.
- (b) The development is not completed within four (4) years from the date of permit issue.
- (c) 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:

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

41. Within twelve (12) months of the commencement of the amended permit, the permit holder must engage a suitably qualified person to assess the compliance of the use (as amended) with Condition 38 of this Permit, to the satisfaction of the Responsible Authority.

THIS PERMIT WAS ISSUED AT THE DIRECTION OF VCAT AS FOLLOWS:

Date of Order

18 October 2016

Planning Permit KP-336/2015 was issued in accordance with the order of the Victorian Civil and Administrative Tribunal, reference: P1281/2016.

Date of Correction	Brief Description of the Correction
23 – Jun - 2017	Reinstate condition 21

THIS PERMIT HAS BEEN AMENDED PURSUANT TO SECTION 72 OF THE PLANNING AND ENVIRONMENT ACT 1987 AS FOLLOWS:

Amendment	Date of Amendment	Description of Amendment	Name of responsible authority that approved the amendment

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A	16 June 2017	<ul style="list-style-type: none"> • Amended plans to show a number of minor changes • Conditions 21 and 22 amended to provide for in lieu storm water contribution and condition 23 deleted with the rest of the conditions re-numbered. 	Kingston City Council
B		<ul style="list-style-type: none"> • Condition 12 amended to exclude reference to the aquatic centre. • Insert new conditions from Condition 13 to Condition 20 relating to use of the aquatic centre by external parties and re-number the remaining conditions accordingly. • Amend Condition 22 to include reference to indoor lighting associated with the aquatic centre. • Include Condition 40 relating to a review of compliance with acoustic conditions. 	Kingston City Council

Cr Hua left the meeting at 8:08pm

Cr Hua returned to the meeting at 8:14pm

Cr Barth left the meeting at 8:15pm

Cr Barth returned to the meeting at 8:16pm

Cr Eden left the meeting at 8:17pm

Cr Eden returned to the meeting at 8:19pm

CARRIED

4.6 KP-2019/619 - 179-217 Centre Dandenong Road Dingley Village

It is recorded that Kevin Poulter spoke on behalf of objectors.

It is recorded that Anna Martiniello spoke on behalf of the applicant.

Moved: Cr Staikos

Seconded: Cr Hua

That Council determine to refuse the proposal and issue a Notice of Refusal to Grant a Permit to remove/lop native vegetation at 179-217 Centre Dandenong Road Dingley Village on the following grounds:

1. The proposal fails to comply with relevant state and local planning policies contained within of the Kingston Planning Scheme, including Clause 12.01 (Biodiversity) and Clause 21.03 (Environment and Landscape Values).
2. The proposal fails to comply with relevant guidelines and objectives of Clause 52.17 (Native Vegetation).

Cr Gledhill left the meeting at 8:32pm

Cr Gledhill returned to the meeting at 8:37pm

CARRIED

5. Confidential Items

Nil

The meeting closed at 8.43pm.

Confirmed.....

The Mayor 19 February 2020