

Minutes

Planning Committee Meeting

Wednesday, 20th March 2019

**City of Kingston
Planning Committee Meeting**

Minutes

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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 7.00pm 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 Steve Staikos
Cr Rosemary West OAM

In Attendance: Daniel Freer, Acting Chief Executive Officer
Jonathan Guttman, General Manager Planning and Development
Ian Nice, Manager City Development
Phil DeLosa, Manager Governance
Stephanie O’Gorman, Governance Officer
Lindsay Holland, Governance Facilities Officer

Note: It is recorded that Cr Hua was not in attendance.

1. Apologies

There were no apologies submitted to the meeting.

2. Confirmation of Minutes of Previous Meetings

Moved: Cr Brownlees

Seconded: Cr Gledhill

That the Minutes of the Planning Committee Meeting held on 17 October 2018 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 - February 2019

Moved: Cr Staikos

Seconded: Cr Gledhill

That the report be noted.

CARRIED

4.2 KP-2018/583 - 99 Cavanagh Street Cheltenham

It is recorded that Chris Whithton spoke on behalf of the objectors in relation to this item.

It is recorded that Harry Butler spoke on behalf of the applicant in relation to this item.

Moved: Cr Gledhill

Seconded: Cr Bearsley

That the Planning Committee determine to support the proposal and issue a Notice of Decision to Grant a Permit for the construction of an extension to the existing building, a reduction of the car parking requirement (to zero) and the sale and consumption of liquor associated with a food and drink premises in accordance with the endorsed plans at No. 99 Cavanagh Street Cheltenham, subject to the following conditions:

1. Before the development starts amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions. The plans must be substantially in accordance with the advertised plans prepared by Ewert Leaf, Project No. 1805, comprising Drawing No's. TP-000 – TP-600 inclusive, Revision B, dated and submitted on 9 November 2018, but modified to show:
 - a. balustrading to a height of 1.7 metres above the finished floor level of the first-floor balcony, which must also be noted as no more than 25% transparent; and
 - b. an updated patron management plan which reflects the conditions of this permit as it relates to patron numbers and hours of operation.

Endorsed Plans

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

Construction Management

3. 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 and Construction Management Guidelines. 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

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the permit and shall thereafter be complied with during the undertaking of all works.

Sale and Consumption of Liquor

4. Except with the further consent of the Responsible Authority the use may operate only between the following hours:

Friday and Saturday: 11am to 12am

Sunday to Thursday: 11am to 10pm

Serving of liquor must cease at least 30 minutes before the above-mentioned times.

5. No more than fifty (50) patrons are to be permitted on the premises at any one time during the licensed hours.
6. The sale and consumption of liquor must only occur from the red line area, to the satisfaction of the Responsible Authority.

Amenity

7. The endorsed patron management plan must be implemented and continue to be maintained, to the satisfaction of the Responsible Authority.
8. The amenity of the area must not be detrimentally affected by the use, including through the:
- i) Transport of materials, goods or commodities to or from the land.
 - ii) Appearance of any building, works or materials.
 - iii) Artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil.
 - iv) Presence of vermin.
 - v) Any other way.
9. The licensing of the venue must not cause any nuisance or annoyance to persons beyond the land because of the emission of noise, or otherwise, to the satisfaction of the Responsible Authority.
10. Noise levels emanating from the premises must not exceed those required to be met under the relevant State Environment Protection Policy (SEPP) to the satisfaction of the Responsible Authority.

General amenity conditions

11. 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.
12. 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 not be located where they will be highly visible from any public area to the satisfaction of the Responsible Authority.
13. 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

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14. Prior to the occupation of 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.

Time Limits

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

- The use and development is not started 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.
- The use is discontinued for a period of two (2) years.

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.

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: The applicant/owner must provide a copy of this planning permit and any endorsed plans to any external contractor to ensure that all trees to be retained on site are protected during any works.

Amendment

Moved: Cr Brownlees

That the motion be adopted subject to the following inclusion:

That no amplified music be played on the premises at any time to the satisfaction of the Responsible Authority.

The Amendment was accepted by the Mover and Seconder

Amendment

Moved: Cr Staikos

That the motion be adopted subject to the following inclusion:

That no consumption of alcohol is permitted on the footpath, and a footpath trading permit application be subject to a Council decision.

The Amendment was accepted by the Mover and Seconder

Procedural Motion

Moved: Cr Bearsley

Seconded: Cr Gledhill

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

CARRIED

The Substantive Motion was put and CARRIED

The Motion reads as follows:

That the Planning Committee determine to support the proposal and issue a Notice of Decision to Grant a Permit for the construction of an extension to the existing building, a reduction of the car parking requirement (to zero) and the sale and consumption of liquor associated with a food and drink premises in accordance with the endorsed plans at No. 99 Cavanagh Street Cheltenham, subject to the following conditions:

1. Before the development starts amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions. The plans must be substantially in accordance with the advertised plans prepared by Ewert Leaf, Project No. 1805, comprising Drawing No's. TP-000 – TP-600 inclusive, Revision B, dated and submitted on 9 November 2018, but modified to show:
 - a. balustrading to a height of 1.7 metres above the finished floor level of the first-floor balcony, which must also be noted as no more than 25% transparent; and
 - b. an updated patron management plan which reflects the conditions of this permit as it relates to patron numbers and hours of operation.

Endorsed Plans

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

Construction Management

3. 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 and Construction Management Guidelines. 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.

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Sale and Consumption of Liquor

4. Except with the further consent of the Responsible Authority the use may operate only between the following hours:

Friday and Saturday: 11am to 12am

Sunday to Thursday: 11am to 10pm

Serving of liquor must cease at least 30 minutes before the above-mentioned times.

5. No more than fifty (50) patrons are to be permitted on the premises at any one time during the licensed hours.
6. The sale and consumption of liquor must only occur from the red line area, to the satisfaction of the Responsible Authority.
7. No consumption of alcohol is permitted on the footpath, and a footpath trading permit application be subject to a Council decision.

Amenity

8. The endorsed patron management plan must be implemented and continue to be maintained, to the satisfaction of the Responsible Authority.
9. The amenity of the area must not be detrimentally affected by the use, including through the:
- i) Transport of materials, goods or commodities to or from the land.
 - ii) Appearance of any building, works or materials.
 - iii) Artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil.
 - iv) Presence of vermin.
 - v) Any other way.
10. The licensing of the venue must not cause any nuisance or annoyance to persons beyond the land because of the emission of noise, or otherwise, to the satisfaction of the Responsible Authority.
11. Noise levels emanating from the premises must not exceed those required to be met under the relevant State Environment Protection Policy (SEPP) to the satisfaction of the Responsible Authority.

General amenity conditions

12. 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.
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 not be located where they will be highly visible from any public area to the satisfaction of the Responsible Authority.
14. 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.
15. That no amplified music be played on the premises at any time to the satisfaction of the Responsible Authority.

Completion of Works

16. Prior to the occupation of 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.

Time Limits

17. In accordance with section 68 of the *Planning and Environment Act 1987* (the Act), this permit will expire if one of the following circumstances applies:
- The use and development is not started 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.
 - The use is discontinued for a period of two (2) years.

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.

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: The applicant/owner must provide a copy of this planning permit and any endorsed plans to any external contractor to ensure that all trees to be retained on site are protected during any works.

Cr Barth left the meeting at 7:33pm.

4.3 KP-2018/403 - 102-104 White Street Mordialloc

It is recorded that Nick Downing spoke on behalf of the objectors in relation to this item.

It is recorded that Vincent Pham spoke on behalf of the applicant in relation to this item.

Moved: Cr West

Seconded: Cr Brownlees

That the Planning Committee determine to issue a Notice of Refusal to Grant a Permit to develop the land for the construction of a five (5) storey apartment building comprising 40 dwellings and alter access to a Road Zone Category 1 at 102-104 White Street Mordialloc, on the following grounds:

1. The proposal is not consistent the Mixed Use Zone at Clause 32.04 of the Kingston Planning Scheme as the proposal does not provide a design outcome that is respectful of the prevailing and preferred neighbourhood character.
2. The proposal fails to satisfy the requirements of Clause 58 of the Kingston Planning Scheme.
3. The proposed extent of massing is visually intrusive and unresponsive to the context of the site and would result in unreasonable amenity impacts on adjoining properties.
4. The proposal fails to provide an acceptable built form outcome having regard to the physical and policy context.
5. The proposal represents an overdevelopment of the subject site providing an inappropriate response to local policy expectations and the character of the area.

Cr Barth returned to the meeting at 7:39pm

CARRIED

4.4 KP-2018/701 - 43-45 Westall Road Clayton South

It is recorded that Ardel Mohamed spoke on behalf of the applicant in relation to this item.

Moved: Cr Staikos

Seconded: Cr Barth

That Planning Committee determine to support the proposal and issue a Notice of Decision to Grant a Permit to the use of a Primary School, associated works and alteration of access to a road in a Road Zone, Category 1 in accordance with the endorsed plans at No. 43-45 Westall Road, Clayton South, 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 advertised plans prepared by Cyber Drafting and Design, Job No. 18133, Sheets 1 to 8 inclusive, Revision D, dated 22 November 2018, submitted to Council on 23 November 2018, but modified to show:
 - a. bicycle parking and associated amenities in accordance with the requirements of Clause 52.34 of the Kingston Planning Scheme;
 - b. the car parking layout design to comply with Design Standard 2 of Clause 52.06-9 of the Kingston Planning Scheme;
 - c. an acoustic fence along the sections of the north, south and west boundaries of the site which adjoin the neighbouring areas of secluded private open space, to a minimum height of two (2) metres above natural ground level. The design of the fence must be prepared in consultation with a suitably qualified acoustic engineer. The details of the design and acoustic qualities of the fence must be provided;
 - d. internal fencing on the west side of the modified car parking area, including the details of its style, height and materials;
 - e. the surface material of all driveways / accessways and car parking spaces nominated in all-weather coloured concrete sealcoat, or similar; and
 - f. a traffic and parking management plan which includes, but not limited to, the means by which the direction of traffic, the pedestrian flows to and from car parking areas, and the car parking will be controlled both on- and off-site.

Endorsed Plans

2. The use and development as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.
 3. The use must operate only between the hours of:

Monday to Friday: 8:00am to 5:00pm

Or otherwise as approved by the Responsible Authority in writing.
 4. Not more than eight (8) staff may be present on the premises at any one time without written consent of the Responsible Authority.
 5. Not more than seventy (70) students may be present on the premises at

any one time without written consent of the Responsible Authority.

Amenity

6. Before the use starts or the building is occupied, the acoustic fence as shown on the endorsed plans must be erected and maintained to the satisfaction of the Responsible Authority.
7. The amenity of the area must not be detrimentally affected by the use, including through the:
 - i) Transport of materials, goods or commodities to or from the land.
 - ii) Appearance of any building, works or materials.
 - iii) Emission of artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil.
 - iv) Presence of vermin.
 - v) Any other way.
8. The use of the site shall not cause nuisance or be detrimental to the area by the emission of noise to the satisfaction of the Responsible Authority. Noise emissions must comply with the State Environment Protection Policy.

Parking and Traffic

9. Before the use commences, a traffic and parking management plan, as endorsed, must be implemented to the satisfaction of the Responsible Authority.

Infrastructure and Road Works

10. 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.

Vic Roads

11. Before the development starts, a detailed Functional Layout Plan (FLP) must be submitted to and approved by the Roads Corporation (VicRoads). When approved by the Roads Corporation, the plans may be endorsed by the Responsible Authority and will then form part of the permit. The plans must be drawn to scale with dimensions and must show the School Speed Zone sign arrangement along Westall Road as per VicRoads Speed Zone Guidelines. Please refer Traffic Engineering Manual, Volume 3 (Edition 1, June 2017) for more information on speed limits around schools.
12. Unless otherwise agreed in writing by VicRoads, prior to the commencement of the use of the development hereby approved, all works as required by VicRoads must be completed in accordance with approved Functional Layout Plan (FLP) and detailed design plans to the satisfaction of VicRoads and the Responsible Authority and at no costs to VicRoads.
13. Unless otherwise agreed in writing by VicRoads, the electronic signs must be installed and operational prior to the school starting its operation.

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14. Prior to the use of building hereby permitted, all works and 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.

Time Limits

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

- The use and development are 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.
- The use is discontinued for a period of two (2) years.

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.

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: The applicant/owner must provide a copy of this planning permit and any endorsed plans to any external contractor to ensure that all trees to be retained on site are protected during any works.

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: No work must be commenced in, on, under or over the road reserve without having first obtaining all necessary approval under the Road Management Act 2004, the Road Safety Act 1986, and any other relevant acts or regulations created under those Acts.

CARRIED

4.5 K P-2018/898 - 81 Albert Street, Mordialloc

It is recorded that Nina Earl spoke on behalf of the objectors in relation to this item.

It is recorded that Gary Wissenden spoke on behalf of the applicant in relation to this item.

Procedural Motion

Moved: Cr West

Seconded: Cr Staikos

That consideration of this item be deferred to allow for community consultation.

LOST

Moved: Cr West

That the Planning Committee determine to support the proposal and issue a Notice of Decision to construct buildings and works within a heritage overlay on this site and use for a youth services hub (innominate use) and a reduction in car parking requirements 81 Albert Street, Mordialloc, subject to the following conditions:

Endorsed Plans

1. The development and/or use as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.

Use

2. The use must operate only between the hours of:
Monday to Friday: 8:30am to 7:00pm Monday to Friday; and
Saturday to Sunday: Closed with exception to special events, expected to be twelve (12) per calendar year and to be no later than 10:00pm.
Or otherwise as approved by the Responsible Authority in writing.
3. The maximum number of youth permitted onsite at any one time is 60 during the week and 80 during the weekend on special events.
4. The maximum number of staff onsite at any one time is nine (9).

Parking and Traffic Management

5. 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:
 - i) Constructed to the satisfaction of the Responsible Authority.
 - ii) Properly formed to such levels that they can be used in accordance with the plans.
 - iii) Surfaced with an all-weather sealcoat to the satisfaction of the Responsible Authority.
 - iv) Drained to the satisfaction of the Responsible Authority.
 - v) Line-marked to indicate each car space and the nominated unit, all access lanes and, if necessary, the direction in which vehicles are to travel to the satisfaction of the Responsible Authority.
 - vi) In accordance with any Council adopted guidelines for the construction of

car parks.

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

6. 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.
7. Concrete kerbs or other barriers must be provided to the satisfaction of the Responsible Authority to prevent direct vehicle access to an adjoining road other than by a vehicle crossing.

General amenity conditions

8. The amenity of the area must not be detrimentally affected by the development, through the:
 - i) Transport of materials, goods or commodities to or from the land.
 - ii) Appearance of any building, works or materials.
 - iii) Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil.
 - iv) Presence of vermin.
 - v) Any other way.
9. The development and 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.
10. 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.

Time limits

11. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.
12. 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 and/or use are not started within two (2) years from date of this permit.
 - The development is not completed within four (4) years from the date of this permit.
 - The use is discontinued for a period of two (2) years.

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

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

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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.

Amendment

Moved: Cr Staikos

That the motion be adopted subject to the following inclusion:

That the red feature piece be deleted.

The Amendment was accepted by the Mover and Seconder

Amendment

Moved: Cr West

That the motion be adopted subject to the following inclusion:

That the existing heritage wooden staircase be retained as it is, if possible.

The Amendment was accepted by the Mover and Seconder

Amendment

Moved: Cr West

That the motion be adopted subject to the following inclusion:

To amend the application if necessary to provide space for a coffee shop on the first floor to be run by people from Youth Services as part of a training exercise.

Cr Staikos left the meeting at 8:34pm.

The Amendment was not accepted by the Chairperson

Amendment

Moved: Cr West

That the motion be adopted subject to the following inclusion:

To amend the application if necessary to provide space for a potential tourist information centre to be run by volunteers.

The Amendment was not accepted by the Chairperson

Amendment

Moved: Cr West

That the motion be adopted subject to the following inclusion:

To amend the application if necessary to provide space for an Art Gallery to be integrated into the Youth Centre facilities.

The Amendment LAPSED for want of a Seconder

Cr Staikos returned to the meeting at 8:38pm.

Cr Staikos left the meeting at 8:38pm and did not return.

The Substantive Motion was put and CARRIED

A Division was Called:

DIVISION:

FOR: Crs Brownlees, Bearsley, Gledhill, Eden, Barth and Oxley (6)

AGAINST: Nil (0)

ABSTAINED: Cr West (1)

CARRIED

The Substantive Motion reads as follows:

That the Planning Committee determine to support the proposal and issue a Notice of Decision to construct buildings and works within a heritage overlay on this site and use for a youth services hub (innominate use) and a reduction in car parking requirements 81 Albert Street, Mordialloc, subject to the following conditions:

Endorsed Plans

1. The development and/or use as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.

Use

2. The use must operate only between the hours of:
Monday to Friday: 8:30am to 7:00pm Monday to Friday; and
Saturday to Sunday: Closed with exception to special events, expected to be twelve (12) per calendar year and to be no later than 10:00pm.
Or otherwise as approved by the Responsible Authority in writing.
3. The maximum number of youth permitted onsite at any one time is 60 during the week and 80 during the weekend on special events.
4. The maximum number of staff onsite at any one time is nine (9).

Parking and Traffic Management

5. 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:
 - i) Constructed to the satisfaction of the Responsible Authority.
 - ii) Properly formed to such levels that they can be used in accordance with

the plans.

- iii) Surfaced with an all-weather sealcoat to the satisfaction of the Responsible Authority.
- iv) Drained to the satisfaction of the Responsible Authority.
- v) Line-marked to indicate each car space and the nominated unit, all access lanes and, if necessary, the direction in which vehicles are to travel to the satisfaction of the Responsible Authority.
- vi) In accordance with any Council adopted guidelines for the construction of car parks.

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

- 6. 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.
- 7. Concrete kerbs or other barriers must be provided to the satisfaction of the Responsible Authority to prevent direct vehicle access to an adjoining road other than by a vehicle crossing.

General amenity conditions

- 8. The amenity of the area must not be detrimentally affected by the development, through the:
 - i) Transport of materials, goods or commodities to or from the land.
 - ii) Appearance of any building, works or materials.
 - iii) Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil.
 - iv) Presence of vermin.
 - v) Any other way.
- 9. The development and 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.
- 10. 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.

Time limits

- 11. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.
- 12. 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 and/or use are not started within two (2) years from date of this permit.
 - The development is not completed within four (4) years from the date of this permit.
 - The use is discontinued for a period of two (2) years.

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

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

13. That the red feature piece be deleted.

14. That the existing heritage wooden staircase be retained as it is, if possible.

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.

4.6 KP-2018/699 - 290-300 Old Dandenong Road Dingley Village

Moved: Cr Barth

Seconded: Cr Bearsley

That the Planning Committee determine to support the proposal and issue a Notice of Decision to Grant a Permit for the development of a dwelling (replace existing) and associated works including alteration of access to a road in a Road Zone Category 1 in accordance with the endorsed plans at No. 290-300 Old Dandenong Road Dingley, 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. The plans must be substantially in accordance with the advertised plans prepared by Revbuild Building Design and Drafting, Job No. TSOLD8, Drawing No. TP03-TP12 inclusive, dated 07 December 2018, submitted to Council on 10 December 2018, but modified to show:
 - a. an adequate amount of turning area within site to allow vehicles to enter/exit in a forward direction;
 - b. the surface material of all driveways / accessways nominated as an all-weather permeable surface, or similar;
 - c. a full colour palette, finishes and building materials schedule for all external elevations and driveways of the dwelling; and
 - d. a landscape plan in accordance with the submitted development plan, 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

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- 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) The delineation of all garden beds, paving, grassed area, retaining walls, fences and other landscape works;
 - iv) A range of plant types from ground covers to large shrubs and trees, provided at adequate planting densities with the species chosen to comprise of the plant species listed in the *Department of Sustainability and Environment, EVC/Bioregion Benchmark for Vegetation Quality Assessment, Gippsland Plain bioregion* for the ecological vegetation class *Plains Grassy Woodland*;
 - v) In addition to the plants above, at least one (1) *Eucalyptus camaldulensis* (River Red Gum) (2) in the front setback between the driveway and the property boundary with Old Dandenong Road;
 - vi) All trees provided at a minimum of 2 metres in height at time of planting, medium to large shrubs to be provided at a minimum pot size of 200mm;
 - vii) Notes regarding site preparation, including the removal of all weeds, proposed mulch, soil types and thickness, subsoil preparation and any specific maintenance requirements.

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. 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.

Noise Attenuation

- 4. New buildings must be constructed so as to comply with any noise attenuation measures required by Section 3 of Australian Standard AS 2021 – 1994, Acoustics – Aircraft Noise Intrusion – Building Siting and Construction, issued by the Standards Association of Australia, to the satisfaction of the Responsible Authority.

Infrastructure and Road Works

- 5. 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.
- 6. Property boundary and footpath levels must not be altered without the prior written consent form the Responsible Authority.

VicRoads

- 7. Prior to the commencement of the occupation of the buildings hereby approved, the existing crossover must be upgraded and be:
 - a. Formed to such levels and drained so that they can be used in accordance with the plan.

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- b. Treated with an all-weather seal or some other durable surface.
8. Driveways must be maintained in a fit and proper state so as not to compromise the ability of vehicles to enter and exit the site in a safe manner or compromise operational efficiency of the road or public safety (eg. by spilling gravel onto the roadway).
9. Vehicles must enter and exit the land in a forward direction at all times.

Melbourne Water

10. Finished floor levels of the dwelling must be constructed no lower than 20.10 metres to Australian Height Datum (AHD).
11. Finished floor levels of the garage must be constructed no lower than 19.80 metres to AHD.
12. Prior to commencement of construction a Site Environmental Management Plan (SEMP) must be submitted to Melbourne Water for approval, specifying relevant actions in a practical way to ensure that they are implemented effectively. The SEMP must include a site map detailing the location and design of all measures including the following:
 - Silt fencing
 - Access tracks
 - Spoil stockpiling
 - Trenching locations
 - Machinery/Plan Locations
13. Any new or modified stormwater connection to Melbourne Water's drainage system must obtain separate approval from Melbourne Water's Asset Services Team.

Environmental Audits

14. Prior to the commencement of works (other than works required to comply with this condition), the owner of the land must to the satisfaction of the responsible authority:
 - a. Engage a professional environmental consultant with demonstrated experience to conduct the following:
 - i) A preliminary site investigation (PSI) for the entire site which identifies any past or present potentially contaminating activities, provides a preliminary assessment of any site contamination and, if required, provides a basis for a more detailed investigation; and
 - ii) Soil and gas sampling on the residential portion of the land where the dwelling and associated works are to be located.
 - b. Implement any recommendations of the preliminary site investigation and sampling. If a risk assessment report is recommended:
 - i) Engage a professional environmental consultant with demonstrated experience in the assessment of contamination and landfill gas risks to conduct an assessment of the potential for contamination and landfill gas to impact on the development and prepare and submit to the responsible authority the scope of the proposed risk assessment.
 - ii) Upon approval of the scope of the risk assessment by the responsible authority, have the consultant conduct the risk

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assessment and prepare a report to be submitted to the responsible authority which contains the consultant's opinion as to any potential risk associated with land contamination / landfill gas beneath the land and any recommendations for the management or monitoring of the contamination / gas. The consultant must provide an opinion on whether an audit is required under section 53X of the *Environment Protection Act 1970*.

- c. Implement any recommendations of the risk assessment report.
- d. If the risk assessment report recommends an audit under section 53X of the *Environment Protection Act 1970*:
 - i) Engage an environmental auditor appointed under section 53S of the *Environment Protection Act 1970* to prepare and submit to the satisfaction of the responsible authority a scope of the proposed audit;
 - ii) Have the environmental auditor conduct an audit under section 53X of the *Environment Protection Act 1970* in accordance with the agreed scope; and
 - iii) Implement any recommendations of the audit report.
- e. If the risk assessment report or audit report requires ongoing management or monitoring, the owner must enter into an agreement under section 173 of the *Planning and Environment Act 1987* with the responsible authority requiring the implementation of any ongoing requirements.
- f. The owner/operator under this permit must pay the reasonable costs of the preparation, execution and registration of the section 173 agreement.

Completion of Works

15. Prior to the occupation of the dwelling 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.
16. Prior to the occupation of the dwelling 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.

Time Limits

17. 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 *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.

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

Note: No work must be commenced in, on, under or over the road reserve without

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having first obtaining all necessary approval under the Road Management Act 2004, the Road Safety Act 1986, and any other relevant acts or regulations created under those Acts.

Note: Prior to the commencement of the development, you are required to obtain the necessary Health Department approval for a wastewater treatment system on the land, if required.

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

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

Note: The applicant/owner must provide a copy of this planning permit and any endorsed plans to any external contractor to ensure that all trees to be retained on site are protected during any works.

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: Any landscape plan prepared in accordance with conditions must comply with Council's Landscape Checklist.

CARRIED

5. Confidential Items

Moved: Cr Gledhill

Seconded: Cr Brownlees

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

5.1 Amendment C179 - Ormond Street Mordialloc interim Neighbourhood Character Overlay

This agenda item is confidential in accordance with the Local Government Act s89(2) as it relates to any other matter which the Council or special committee considers would prejudice the Council or any person (s89 2h)

CARRIED

The meeting was closed to members of the public at 8.56pm.

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Procedural Motion

Moved: Cr Bearsley

Seconded: Cr Gledhill

That the meeting be opened to members of the public

CARRIED

The meeting was opened to members of the public at 9.20pm.

The meeting closed at 9.20pm.

Confirmed.....

The Mayor 17 April 2019