

# Minutes

## Planning Committee Meeting

Wednesday, 16th September 2020

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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 7.01pm via the Zoom platform.

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

**In Attendance:** Jonathan Guttmann, General Manager Planning and Development  
Phil DeLosa, Manager Governance  
Patrick O’Gorman, Governance Officer  
Gabrielle Pattenden, Governance Officer  
Lindsay Holland, Facilities Officer

**1. Apologies**

Apologies from Cr David Eden and the CEO, Julie Reid were submitted to the meeting.

**Moved: Cr West**

**Seconded: Cr Brownlees**

That the apologies from Cr Eden and the CEO, Julie Reid be received.

**CARRIED**

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

**Moved: Cr Gledhill**

**Seconded: Cr Staikos**

That the Minutes of the Planning Committee Meeting held on 19 August 2020 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 - August 2020**

**Moved: Cr Brownlees**

**Seconded: Cr Hua**

That the report be noted.

**CARRIED**

**4.2 KP-2019/834 - 216-218 Charman Road, Cheltenham**

It is noted that Robyn Daff spoke on behalf of objectors.

It is noted that Robbie McKenzie spoke on behalf of the applicant.

**Moved: Cr Gledhill**

**Seconded: Cr West**

That the Planning Committee determine to issue a Notice of Refusal to develop the land for a four (4) storey building comprising thirty-two (32) dwellings, one (1) food and drink premises and two (2) retail premises; use of the land for a retail premises and dwellings (ground floor accommodation); reduce the car parking requirement associated with the use of the land for retail premises and food and drink premises; and associated works generally in accordance with the submitted plans at 216-226 Charman Road, Cheltenham, on the following grounds:

1. The proposal fails to comply with relevant local planning policies contained within of the Kingston Planning Scheme.
2. The proposal fails to comply with the policies and objectives of the Activity Centre Zone and the Schedule 1 of the Activity Centre Zone.
3. The proposal will result in a built form outcome that fails to achieve the requirements and guidelines of the Activity Centre Zone Schedule 1.
4. The variation sought to the height of the proposal is excessive and not consistent with the height of adjoining residential developments.
5. The proposal fails to achieve consistency and is not compatible with the existing neighbourhood character of the established surrounding residential area.
6. The proposal will have a detrimental impact on the amenity of the surrounding residential area
7. The proposal fails to comply with relevant following objectives and standards of Clause 58 of the Kingston Planning Scheme:
  - Clause 58.03-1 – Energy Efficiency
  - Clause 58.03-4 – Safety
  - Clause 58.03-8 – Integrated water & Stormwater Management
  - Clause 58.05-2 – Building Entry and Circulation
  - Clause 58.05-3 – Private Open Space
  - Clause 58.05-4 – Storage
  - Clause 58.06-2 – Site Services
  - Clause 58.07-01 – Functional Layout

**CARRIED**

**4.3 KP-2019/826 - 55 - 57 Wilson Street, Cheltenham - Development of nine (9) dwellings and associated works**

**Moved: Cr Gledhill**

**Seconded: Cr Brownlees**

That the Planning Committee determine to support the proposal and issue a Notice of Decision to Grant a Permit for development of nine (9) dwellings and associated works at 55-57 Wilson 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 and substantially accord with the advertised plans prepared by Finnis Architects, Drawing No's. TP00 – TP11 submitted on 8 May 2020 and prepared by Faulkner & Chapman landscape design Landscape Plan, submitted on 20 December 2019, but modified to show:
  - a. the provision of a landscape plan substantially in accordance with the submitted landscape plan (Falkner & Chapman; 03/12/2019), with such plans to be prepared by a suitably qualified landscape professional to the satisfaction of the Responsible Authority and incorporating:
    - i) Amended landscape plan to correspond with the ground floor plans TP-01 rev 2 prepared by Finnis Architects submitted to Council on 8 May 2020
    - ii) A planting schedule of all proposed trees and shrubs, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant
    - iii) 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
    - iv) A survey including botanical names, of all existing trees on neighbouring properties where the Tree Protection Zones of such trees calculated in accordance with AS4970-2009 fall partially within the subject site
    - v) The delineation of all garden beds, paving, grassed area, retaining walls, fences and other landscape works
    - vi) The coloured concrete pavers located in the Wilson Street frontage to be porous or permeable in design or replaced with a suitably permeable material (e.g. crushed rock, mulch)
    - vii) A range of plant types from ground covers to large shrubs and trees, provided at adequate planting densities (e.g. plants 1 metre width at maturity planted 1 metre apart)
    - viii) Two (2) native canopy trees capable of growing to minimum mature dimensions of 10 metres in height and 6 metres in width to be planted in the front setback of the property
    - ix) Two (2) native canopy trees capable of growing to minimum mature dimensions of 8 metres in height and 5 metres in width to be planted in the front setback of the property

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- x) One (1) canopy tree capable of growing to minimum mature dimensions of 6 metres in height and 4 metres in width to be planted in the secluded private open space of Unit 2, 3, 4, 5, 6 and 7
  - xi) 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
  - xii) Notes regarding site preparation, including the removal of all weeds, proposed mulch, soil types and thickness, subsoil preparation and any specific maintenance requirements
  - xiii) Tree protection measures including for street trees accurately drawn to scale and labelled as per the endorsed Tree Management Plan
  - xiv) Evergreen screen planting along the northern boundary adjacent to 1/59 Wilson Street, Cheltenham.
- b. The location of tree protection measures illustrated to scale and labeled on the Ground Floor Plan as per the endorsed Tree Management Plan.
  - c. Any changes as required by Condition 4 of the Tree Management and Protection Plan.
  - d. Relevant commitments within the Sustainable Design Assessment, required under condition 16 of this permit to be shown on plans. The SDA must be updated to confirm heating and cooling systems to meet a 4-star minimum, 6-star gas instantaneous system, improved daylight outcomes for Bed 2 of Dwelling 6, electric vehicle charge points and a light-coloured or reflective metal decking for the non-visible flat roofs.
  - e. Provision of additional direction/entry signage for Dwellings 2-7 on the east facing walls of the common stairwell or common wall between Dwelling 1 and Dwelling (in front of the Dwelling 1 entry) to improve the identification of dwelling internally.
  - f. A notation on the plan stating “the habitable room window and outdoor living area must accord with Clause 55.04-6 (Standard B22) of the Kingston Planning Scheme.”
  - g. A notation on relevant plans stating “obscured windows must be glazing and not film”
  - h. An elevation plan of the front fence which provides details of its style, height and materials.
  - i. The surface material of all driveways / accessways and car parking spaces nominated in all-weather coloured concrete sealcoat, or similar.
  - j. Details of storage volume to the respective sized dwelling accord with Clause 55.07-10 (Standard B44) of Clause 55 of the Kingston Planning Scheme.
  - k. Street tree protection measures shown in accordance with Condition 3 of this permit.

**Endorsed Plans**

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

**Street Trees**

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3. Tree Protection Fencing is to be established around the *Melaleuca styphelioides* and *Agonis flexuosa* street trees prior to demolition and maintained until all works on site are complete.
  - a) The fencing is to be a 1.8 metre high temporary fence constructed using steel or timber posts fixed in the ground or to a concrete pad, with the fence's side panels to be constructed of cyclone mesh wire or similar strong metal mesh or netting.
  - b) The fencing is to encompass the entire nature strip with each end 3 metres from the base of the tree.

**Tree Management and Protection Plan**

4. Concurrent with the endorsement of plans, a Tree Management Plan prepared by a suitably qualified arborist in accordance with AS4970-2009, must be submitted to and be endorsed by the Responsible Authority and incorporating:
  - a) A Tree Management Plan (written report) must provide details of:
    - i) Tree protection measures that will be utilized to ensure all trees to be retained remain viable post-construction.
    - ii) Stages of development at which inspections are required to ensure tree protection measures are adhered to must be specified.
  - b) A Tree Protection Plan (scale drawing) must provide details of:
    - i) The Tree Protection Zone and Structural Root Zone for all trees to be retained on the site and for all trees on neighboring properties where any part of the Tree Protection Zone falls within the subject site.
    - ii) The location of tree protection measures to be utilized.
    - iii) A notation to refer to the Tree Management Plan.
5. All protection measures identified in the Tree Management Plan must be implemented, and development works undertaken on the land must be undertaken in accordance with the Tree Management Plan, to the satisfaction of the Responsible Authority.
6. Prior to the commencement of works, the name and contact details of the project arborist responsible for implementing the Tree Management Plan must be submitted to the Responsible Authority.

**Drainage and Water Sensitive Urban Design**

7. Unless with the prior written consent of the Responsible Authority, before the development commences, the following Integrated Stormwater Management documents must be prepared, by a suitably qualified person, to the satisfaction of the Responsible Authority.
  - a. Stormwater Management/drainage (drainage) Plan(s) must be prepared, with supporting computations, showing the stormwater (drainage) works to the nominated point of discharge. The plan(s) must show all details of the proposed stormwater (drainage) works including all existing and proposed features that may have impact on the stormwater (drainage) works, including landscaping details.
  - b. The Stormwater Management (drainage) Plan must address the requirements specified within Council's "Civil Design requirements for Developers – Part A: Integrated Stormwater Management".
  - c. A STORM modelling report with results demonstrating water sensitive

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- urban design treatments that achieve Victorian best practice objectives with a minimum 100% rating must be provided as part of the Stormwater Management (drainage) Plan to the satisfaction of the Responsible Authority. These may include the use of an infiltration or bio-retention system, rainwater tanks connected for reuse, or other treatments to the satisfaction of the Responsible Authority.
- d. The water sensitive urban design treatments as per conditions 7a, 7b & 7c above must be implemented on-site, unless an alternative agreement for stormwater quality in-lieu contribution is reached with the Responsible Authority.
2. Stormwater/drainage works must be implemented in accordance with the approved stormwater management/drainage plan(s) and to the satisfaction of the Responsible Authority including the following:
    - a. All stormwater/drainage works must be provided on the site so as to prevent overflows onto adjacent properties.
    - b. The implementation of stormwater/drainage detention system(s) which restricts stormwater discharge to the maximum allowable flowrate of 10.7L/s.
    - c. All stormwater/drainage works must be maintained to the satisfaction of the Responsible Authority.
  3. A groundwater assessment report (GAR) must be prepared by a qualified hydro-geologist to assess any possible impacts the proposed development has on the ground water table, surrounding land and buildings to the satisfaction of Responsible Authority. Should the findings of the submitted GAR demonstrate that the site is likely to experience issues associated with ground water management, a ground water management plan (GMP) must be submitted to and approved by the responsible authority.
  4. The basement structure must be designed to respond to the findings of the GAR and GMP required under condition 9 and constructed to the satisfaction of the responsible authority in accordance with the following:
    - a) the basement must be a fully-tanked dry basement with no ground water including agricultural (AG) drain collection or disposal into stormwater system and with an allowance made for any hydrostatic pressures in accordance with Council's "Basements and Deep Building Construction Policy 2014" and "Basements and Deep Building Construction Guidelines 2014", or  
  
in the event it is demonstrated that a fully tanked dry basement cannot be achieved or if a wet basement system is proposed, no groundwater including AG drain from the site shall be discharged into the stormwater system. Council does not accept any groundwater (including AG drain) into the stormwater system. Sub-surface water (groundwater) is the responsibility of the property owner.
  5. In any case where the basement design and construction, as required by Conditions 9 & 10 of this permit, does not accord with the plan(s) approved under this permit, the endorsed plan(s) must be amended to the satisfaction and with the written consent of the Responsible Authority.
  6. The existing council pipe within the rear drainage easement must be protected at all time during the construction.



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7. Property connection to existing Council drain with 150mm pipe is not permitted.

**Waste Management Plan**

8. Concurrent with the endorsement of plans, submitted Waste Management Plan (WMP) must be approved by the Responsible Authority. When approved, the Plan will be endorsed and will then form part of the permit.
9. 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.

**Sustainable Design Assessment**

10. Prior to the endorsement of the plans required pursuant to Condition 1 of this permit, the provision of an amended Sustainable Design Assessment (SDA) to be prepared by a suitably qualified professional must be submitted to and approved by the Responsible Authority. The SDA must be amended to provide additional details on initiatives for stormwater harvesting, insulation, building materials, daylighting, collective rainwater tanks and/or individual rainwater tanks, public and private landscape irrigation and car washing, energy efficient concepts, glazing and internal ventilation and the like.

**Construction Management**

11. Prior to the commencement of any buildings and works on the land, 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

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.

**Cultural Heritage Management Plan**

12. The construction of the development hereby approved must be carried out in accordance with the approved Cultural Heritage Management Plan No 16915 prepared by Jem Archaeology and approved by the Department of Premier and Cabinet on 29 November 2019.

**Infrastructure and Road Works**

13. 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.
14. Property boundary and footpath levels must not be altered without the prior written consent form the Responsible Authority.
15. Any reinstatements and vehicle crossings are to be constructed to the

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satisfaction of the Responsible Authority.

16. The replacement of all footpaths, including offsets, must be constructed to the satisfaction of the Responsible Authority.
17. Vehicle crossings must be constructed to council's industrial strength specifications.
18. Any redundant vehicle crossings must be removed (including redundant portions of vehicle crossings) to the satisfaction of the Responsible Authority.

**General amenity conditions**

19. 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.
20. 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.
21. 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**

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

**Time Limits**

24. 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:** 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

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

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

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

**Note:** All buildings and works must be carried out in accordance with the approved Cultural Heritage Management Plan as required by the *Aboriginal Heritage Act 2006*. A copy of the approved CHMP must be held on site during the construction activity.

**Note:** Consent from the relevant service authority is required to build over the easement and will need to be obtained prior to the issue of a Building Permit.

**Note:** Please note for information on how City of Kingston approaches the construction of building and other structures with below ground elements for the benefit of the whole community please refer to City of Kingston 'Basement and Deep Building Construction Policy' and 'Basements and Deep Building Construction Guidelines'. <http://www.kingston.vic.gov.au/Property-and-Development/Engineering-Assessments>

**Note:** Please note that during basement construction Council does not permit the discharge of surface water or ground water into the Council drainage system unless a Temporary Discharge Permit (TDP) has been obtained. Application form and other construction related permits can be obtained from the following link:

<http://www.kingston.vic.gov.au/Property-and-Development/Construction>

**CARRIED**

**4.4 KP-2019/807 - 68-78 Rosebank Avenue, Clayton South**

**Moved: Cr Hua**

**Seconded: Cr Staikos**

That the Planning Committee determine to support the proposal and issue a Notice of Decision to Grant a Permit for the use and development of warehouses and a reduction of the car parking requirements at No. 68 - 78 Rosebank Avenue, Clayton South, subject to the following conditions:

**Amended Plans**

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 prepared by Stephen D'Andrea Pty Ltd, Drawing No's. TP2, TP3- Issue A, TP4, TP5-Issue A, received by Council on 3 March 2020, TP1- Issue B, Sheet LI-Issue B received by Council on 8 July 2020, but modified to show:
  - a) the provision of a landscape plan substantially in accordance with the submitted landscape plan prepared by Stephen D'Andrea (07/07/2020; Issue B), with such plans to be prepared by a suitably qualified landscape professional to the satisfaction of the Responsible Authority and incorporating:
    - i. A planting schedule of all proposed trees and shrubs, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant with all plants chosen to be to the satisfaction of the Responsible Authority;
    - ii. A survey, including, botanical names of all existing trees to be retained or removed on the site including Tree Protection Zones for trees to be retained calculated in accordance with AS4970-2009;
    - iii. A survey including botanical names, of all existing trees on neighbouring properties where the Tree Protection Zones of such trees calculated in accordance with AS4970-2009 fall partially within the subject site
    - iv. The delineation of all garden beds, paving, grassed area, retaining walls, fences and other landscape works
    - v. Car parking spaces 15 and 45 or two alternative car parking space as agreed to with the Responsible Authority along the western boundary of the property to be replaced with a garden bed of the same dimensions.
    - vi. The provision of one (1) canopy tree capable of growing to minimum mature dimensions of 8 metres in height and 5 metres in width to be planted within each garden bed specified by Condition 1.a.v.
    - vii. A range of plant types from ground covers to large shrubs and trees, provided at adequate planting densities (e.g. plants 1 metre width at maturity planted 1 metre apart); with the species chosen to comprise of a minimum 80% indigenous species by plant type and total quantities
    - viii. The specification of all proposed vegetation to be planted in the rain

garden

- ix. Two (2) *Eucalyptus melliodora* (Yellow Box) to be provided at a minimum height of 4 metres at time of planting, along the Rosebank Avenue frontage, with the species chosen to be approved by the Responsible Authority,
  - x. The provision of notes regarding site preparation, including the removal of all weeds, proposed mulch, soil types and thickness, subsoil preparation and any specific maintenance requirements
  - xi. The location of any tree protection measures including for street trees accurately drawn to scale and labelled as per the endorsed Tree Management Plan
- b) The location of tree protection measures illustrated to scale and labelled on the Ground Floor Plan as per the endorsed Tree Management Plan.
  - c) Any changes as required by Conditions 4 and 7 of this permit
  - d) Provision of the replaced garden beds shown in accordance with Condition 1a.v. of this permit
  - e) Notation on the plan stating, "The proposed stormwater discharge must be located at least 500mm from the vehicle crossing."
  - f) An amended Waste management plan in accordance with Condition 10 of this permit.
  - g) A notation on the plan stating "The largest truck size that can access all warehouses except Warehouse 23 is to a Medium Rigid Truck and warehouse 23 to be Small Rigid Truck"
  - h) Provision of one way entry and exit arrangement shown on the all relevant plans to reduce the traffic conflict with
  - i) Sustainable Management Plan in accordance with condition 21 of this permit.
  - j) Consolidation of warehouses 14-23 to no more than four (4) warehouses.
  - k) Deletion of designated office areas within each warehouse.
  - l) A notation on the plan stating "Reduction of the ancillary office areas of warehouse 35 and 47 to no more than 30% of the total floor area".
  - m) The provision of a new schedule differencing between net floor area and leasable floor area.
  - n) the surface material of all driveways / accessways and car parking spaces nominated in all-weather coloured concrete sealcoat, or similar;
  - o) the provision of a full colour, finishes and building materials schedule (including samples in a A4 or A3 sheet) for all external elevations and driveways of the development;

### **Endorsed Plans**

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

### **Landscaping & Trees retention**

- 3. Before occupation of the development hereby permitted, landscaping works as shown on the endorsed plans must be completed to the satisfaction of the

Responsible Authority.

4. The retention of the one (1) *Corymbia maculata* (Spotted gum) located in the north-east corner and two (2) *Corymbia maculata* (Spotted gum) along the eastern interface of the property.
5. 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.

**Tree Management and Protection Plan**

6. Concurrent with the endorsement of plans, a Tree Management Plan must be submitted to and be endorsed by the Responsible Authority and incorporating:
  - a. A Tree Protection Plan (scale drawing) with a notation referring to the Tree Management Plan must provide details of:
    - i. The Tree Protection Zone and Structural Root Zone, calculated in accordance with AS4970-2009, for all trees to be retained on the site and for all trees on neighbouring properties where the Tree Protection Zone falls partially within the subject site.
    - ii. Tree protection fencing, or ground protection where required, provided in accordance with AS4970-2009.
    - iii. Stages of development at which inspections are required to ensure tree protection measures are adhered to must be specified.
    - iv. Appropriate signage on any tree protection fencing prohibiting access, excavation, changes in soil levels, or any storage within the Tree Protection Zone in accordance with AS4970-2009 unless with the prior written consent and under the direct supervision of the consulting arborist.
    - v. Maintenance of the area(s) within the Tree Protection Zone in accordance with AS4970-2009.
    - vi. Any pruning to be undertaken being in accordance with AS4373-2007.
  - b. A Tree Management Plan (written report) must be prepared by a suitably qualified arborist, with reference the Tree Protection Plan and provide details of:
    - i. Proposed footings and construction methods for any buildings or structures within the Tree Protection Zone nominated on the Tree Protection Plan.
    - ii. How excavation impacts, including soil level changes, on trees to be retained will be managed.
    - iii. How the canopy of trees nominated on the Tree Protection Plan will be protected.
    - iv. Any other measures required to demonstrate the successful ongoing retention and viability post-construction of any trees nominated on the Tree Protection Plan.
7. All protection measures identified in the Tree Management Plan must be implemented, and development works undertaken on the land must be undertaken in accordance with the Tree Management Plan, to the satisfaction of

the Responsible Authority.

8. Prior to the commencement of works, the name and contact details of the project arborist responsible for implementing the Tree Management Plan must be submitted to the Responsible Authority.

**Street trees**

9. Tree Protection Fencing is to be established around the street trees prior to demolition and maintained until all works on site are complete.
  - i. The fencing is to be a 1.8 metre high temporary fence constructed using steel or timber posts fixed in the ground or to a concrete pad, with the fence's side panels to be constructed of cyclone mesh wire or similar strong metal mesh or netting
  - ii. The fencing is to encompass the entire nature strip with each end 3 metres from the base of the tree.

**Waste Management Plan**

10. Prior to the endorsed of plans required under condition 1, an updated Waste Management Plan (WMP) to the satisfaction of the Responsible Authority must be amended and submitted to and approved by the Responsible Authority. When approved, the Plan will be endorsed and will then form part of the permit. Three copies of the plan must be submitted. The plan must include but is not limited to all to the satisfaction of the Responsible Authority:
  - a. Detail around bin sizes, collection times and frequencies.
  - b. The sizing to comply with Sustainability Victoria guidelines and
  - c. as indicated on the plan private collection be required.
11. The endorsed Waste Management Plan (WMP) must be implemented to the satisfaction of the Responsible Authority. The WMP must not be modified further without the written consent of the Responsible Authority.

**Roads and Drains**

12. Property boundary and footpath levels must not be altered without the prior written consent form the Responsible Authority.
13. The replacement of all footpaths, including offsets, must be constructed the satisfaction of the Responsible Authority.
14. All reinstatements and vehicle crossings must be constructed to the satisfaction of the Responsible Authority.
15. Vehicle crossings and other reinstatements must be constructed to council's industrial strength specifications.
16. All redundant vehicle crossings must be removed (including redundant portions of vehicle crossings) to the satisfaction of the Responsible Authority.
17. Vehicle crossings must constructed at a 90 degree alignment with the kerb on Rosebank Avenue and all internal driveways must align with the existing / proposed vehicle crossing.
18. Prior to the commencement of development, property boundary, footpath and vehicle crossing levels must be obtained from Council's Roads and Drains Department with all levels raised or lowered to the satisfaction of the Responsible Authority.

**Water Sensitive Urban Design**

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19. Unless with prior written consent of the Responsible Authority, before the development commences the following Integrated Stormwater Management (drainage) documents must be prepared, by a suitably qualified person, to the satisfaction of the Responsible Authority:
  - a. Prior to submitting detailed engineering plans, a comprehensive stormwater management (drainage) strategy for the site must be prepared that addresses the requirements specified within Council's "Civil Design requirements for Developers – Part A: Integrated Stormwater Management".
  - b. The stormwater management (drainage) strategy must include a report with MUSIC modelling results demonstrating water sensitive urban design treatments that achieve Victorian best practice objectives. These may include the use of an infiltration or bio-retention system, rainwater tanks connected for reuse, or other treatments to the satisfaction of the Responsible Authority.
  - c. The water sensitive urban design treatments as per conditions 19a, 19b, & 19c above must be implemented on-site, unless an alternative agreement for stormwater quality in-lieu contribution is reached with the Responsible Authority.
  - d. 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.
20. Stormwater (drainage) works must be implemented in accordance with the approved stormwater management (drainage) plan and to the satisfaction of the Responsible Authority including the following:
  - a. All stormwater (drainage) works must be provided onsite so as to prevent overflows onto adjacent properties.
  - b. The implementation of stormwater (drainage) detention system which restricts stormwater discharge to the maximum allowable flowrate calculated as per Council's "Civil Design requirements for Developers – Part A: Integrated Stormwater Management".
  - c. All stormwater (drainage) works must be maintained to the satisfaction of the Responsible authority.

**Sustainability Management Plan**

- 21 Prior to the endorsement of plans, an amended Sustainable Management Plan (SMP) that outlines proposed sustainable design initiatives must be submitted to and approved by the Responsible Authority.

The SMP must incorporate consideration of the following sustainable design criteria:

- i) Indoor environment
- ii) Energy efficiency
- iii) Water resources
- iv) Stormwater management



- v) Building materials
  - vi) Bicycle parking
  - vii) Waste Management
  - viii) Urban Ecology
  - ix) Innovation
  - x) Ongoing building and site management
22. 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.
23. All works must be undertaken in accordance with the endorsed Sustainable Management Plan to the satisfaction of the responsible authority. No alterations to the SMP may occur without the written consent of the Responsible Authority.

**Construction Management**

24. 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

When approved, the plan will be endorsed and will then form part of the permit and shall thereafter be complied with during the undertaking of all works.

**General Amenity**

25. 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.
26. 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

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27. The car parking area must be lit if in use during hours of darkness, and all lights must be designed, fitted and suitable baffles and located to prevent any adverse effect on adjoining land, to the satisfaction of the Responsible Authority.
28. 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.
29. The car parking provided on the land must always be made available for the use by persons on or visiting the subject premises to the satisfaction of the Responsible Authority and no measure restricting access by such persons to the car park may be taken without the prior written consent of the Responsible Authority.
30. The loading and unloading of goods to and from vehicles must only be carried out on the land.
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. 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.
33. No signs or other advertising or identification may be erected or displayed on the site without written Council consent.

**Completion of Works**

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

**Expiry**

35. 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 before two (2) years from date of this permit.
  - The development is not completed before 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.

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

**Note:** The development includes parts of the proposed warehouses to be built over the easement. Consent from the relevant service authority is required to build over the easement and will need to be obtained prior to the issue of a Building Permit.

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

**Note:** Any future use of the land listed with a Note 1 or Note 2 under Clause 52.10 of

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the Kingston Planning Scheme may require planning approval.

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

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

**Note:** The relocation of street signage you are required to contact Council's Traffic Department.

**Note:** If the power pole located within 1m of the proposed vehicle crossing you are required to contact United Energy.

**CARRIED**

**5. Confidential Items**

Nil

The meeting closed at 7.34pm.

**Confirmed.....**

**The Mayor 19 October 2020**