

Minutes

Planning Committee Meeting

Wednesday, 17th June 2020

**City of Kingston
Planning Committee Meeting**

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	<i>[Note that any Conflicts of Interest need to be formally declared at the start of the meeting and immediately prior to the item being considered – type and nature of interest is required to be disclosed – if disclosed in writing to the CEO prior to the meeting only the type of interest needs to be disclosed prior to the item being considered.]</i>	
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The meeting commenced at 7.00pm in the Council Chamber, 1230 Nepean Highway, Cheltenham.

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

In Attendance: Jonathan Guttmann, General Manager Planning and Development
Samantha Krull, General Manager City Assets and Environment
Phil DeLosa, Manager Governance
Gabrielle Pattenden, Governance Officer
Lindsay Holland, Facilities Officer

1. Apologies

An apology from Cr Eden was submitted to the meeting.

Moved: Cr Bearsley

Seconded: Cr Barth

That the apology from Cr Eden be received.

CARRIED

2. Confirmation of Minutes of Previous Meetings

Moved: Cr Brownlees

Seconded: Cr Staikos

That the Minutes of the Planning Committee Meeting held on 18 March 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 - May 2020

Moved: Cr Staikos

Seconded: Cr Gledhill

That the report be noted.

CARRIED

4.2 KP-2020/7 - 2 Ormond Street, Mordialloc

It is recorded that Judy Fields and Ian Miller spoke on behalf of objectors.

It is recorded that Nick Charalambakis spoke on behalf of the applicant.

Moved: Cr Gledhill

Seconded: Cr West

That the Planning Committee determine to support the proposal and issue Notice of Decision to Grant a Permit to develop four (4) dwellings and associated works in accordance with the endorsed plans at 2 Ormond Street, Mordialloc, 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 amended plans prepared by Building Design and Town Planning, Job No's. 5119 Drawing No TP2-8 to TP8-8, Revision B, submitted on 27/04/2020, but modified to show:
 - a. the provision of 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 botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant;
 - ii. A survey, including, botanical names of all existing trees to be retained or removed on the site including Tree Protection Zones for trees to be retained calculated in accordance with AS4970-2009;
 - iii. A survey including botanical names, of all existing trees on neighbouring properties where the Tree Protection Zones of such trees calculated in accordance with AS4970-2009 fall partially within the subject site;
 - iv. The delineation of all garden beds, paving, grassed area, retaining walls, fences and other landscape works;
 - v. A range of plant types from ground covers to large shrubs and trees,

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- 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% coastal indigenous species by plant type and total quantities;
- vi. Two (2) native canopy trees capable of growing to minimum mature dimensions of 8 metres in height and 4 metres in width to be planted in the front setback of the property;
 - vii. One (1) canopy tree capable of growing to minimum mature dimensions of 8 metres in height and 5 metres in width to be planted in the secluded private open space of each dwelling;
 - viii. One (1) small canopy tree capable of growing to minimum mature dimensions of 5 metres in height and 4 metres in width to be planted in the front setback of units 1 to 4 (facing Ormond Lane/Barkly St)
 - ix. 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;
 - x. Notes regarding site preparation, including the removal of all weeds, proposed mulch, soil types and thickness, subsoil preparation and any specific maintenance requirements;
 - xi. 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 labeled on the Ground Floor Plan as per the endorsed Tree Management Plan.
 - c. any changes as required by Condition 4 of this permit
 - d. the provision of minimum 2000 litre rainwater tank clearly nominated for each dwelling with water re-used for toilet flushing
 - e. the provision of a notation stating: “the existing laneway/Right of Way (Ormond Lane) on the west of the property from Ormond Street to the rear property boundary of the subject site including drainage works must be designed with colour concrete and exposed aggregate feature bands as per Council Standards; drained and constructed at the full cost of the owner/developer as per engineering plans approved by the Council the provision of minimum 2000 litre rainwater tank clearly nominated for each dwelling with water re-used for toilet flushing”
 - f. an elevation plan of the north-west (Ormond Street frontage) fencing, which provides details of its style, height and materials
 - g. the boundary fence height along the south-east property boundary nominated being minimum of 1.8m in height
 - h. clothesline for Dwelling 1 nominated
 - i. nomination of 6m³ of externally accessible storage facility for Dwelling 1
 - j. bins/recycle enclosure for Dwelling 1 relocated so that it is not highly visible from the public realm
 - k. the location of all externally-located heating and cooling units, exhaust fans, noise sources and the like, clearly shown
 - l. all relevant commitments identified within the Sustainable Design Assessment, required under condition 10 of this permit, shown on plans

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- m. the boundary fence at the rear of proposed Dwelling 4, abutting No. 2/29 and No. 27 McDonald Street, replaced with a new 2.2 metre high timber paling fence for a length of 6.685 metres, with this fence constructed at the full cost of the Permit holder;
- n. The proposed canopy tree shown located at the rear of Dwelling 4 moved to the eastern corner of the property, next to the No. 2/29 McDonald Street property boundary; and
- o. The swimming pool for Dwelling 4 moved so as to abut the rear living room wall of this dwelling.

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

- 3. Tree Protection Fencing is to be established around the *lagerstroemia indica* (Crepe Myrtle) street tree in the Ormond Street nature strip 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 Protection Zones

- 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. A non-destructive root investigation undertaken to determine the location and distribution of roots of trees nominated on the Tree Protection Plan.
 - ii. Proposed footings and construction methods for the permeable driveway within the Tree Protection Zone nominated on the Tree Protection Plan.
 - iii. How excavation impacts, including soil level changes, on trees to be retained will be managed.
 - iv. How the canopy of trees nominated on the Tree Protection Plan will be protected.
 - v. Any other measures required to demonstrate the successful ongoing retention and viability post-construction of any trees nominated on the Tree Protection Plan.
 - b. A Tree Protection Plan (scale drawing) 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.

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- 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.
 - vii. 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 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.
8. 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 8.2L/s.
 - c. All stormwater/drainage works must be maintained to the satisfaction of the Responsible Authority
9. Before the occupation of the development commences, the laneway (Ormond Lane) with drainage works as described in Condition 1e) must be designed and constructed at the full cost of the owner/developer and maintained in accordance with the plans approved by the Council. Discussion with Council's Development Engineer is recommended prior to submission of a design. A priced schedule of works within the laneway and the payment of Council's engineering fees of 3.25% of the cost of the works are required to be submitted prior to approval.

Sustainable Design Assessment

10. Prior to the endorsement of the plans required pursuant to Condition 1 of this permit, the provision of a 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 include, but is not limited to, detailing 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.

Infrastructure and Road Works

11. 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.
12. Property boundary and footpath levels must not be altered without the prior written consent form the Responsible Authority.
13. Any reinstatements and vehicle crossings are to be constructed to the satisfaction of the Responsible Authority.
14. The replacement of all footpaths, including offsets, 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. Any redundant vehicle crossings must be removed (including redundant portions of vehicle crossings) to the satisfaction of the Responsible Authority.
17. The right of way must be constructed, from No 2 Ormond Street to the rear boundary of 2 Ormond Street to the satisfaction of the Responsible Authority.

General amenity conditions

18. 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.
19. All externally-located heating and cooling units, exhaust fans and the like must not be located adjacent to bedroom windows on adjoining properties and must

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

20. 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

21. Prior to the occupation of the development hereby permitted, all buildings and works and the conditions of this permit must be complied with to the satisfaction of the Responsible Authority, unless with the further prior written consent of the Responsible Authority.
22. Prior to the occupation of the development 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

23. 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.

Other

24. The permit holder must obtain consent from the relevant service authority for any buildings and works (including eaves) located within an easement and/or that may impact upon any undocumented assets found.

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: 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: Any buildings and works (including eaves) to be located within an easement requires separate consent from the relevant service authority. This will need to be obtained prior to the issue of a building permit.

CARRIED

4.3 KP-2019/726, 2 Main Road, Clayton South

It is recorded that Moffat Wananani spoke on behalf of the applicant.

Moved: Cr Staikos

Seconded: Cr Barth

That Council determine to support the proposal and issue a Notice of Decision to Grant a Permit be issued to Develop the land for the construction of Part 3, Part 7 Storey Apartment Building Containing 128 Dwellings, food and drink premises (cafe) and reduction in car parking at No. 2 Main 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 Architectural plans prepared by DKO Architecture and Landscape Concept Plan prepared by MDG Landscape Architects, Revision A, TP00 – TP425, date 14/02/2020, but modified to show:
 - a. building 1 and Building 2: increase upper level setbacks to reduce overshadowing impacts onto north facing private open spaces in Building 3 (from 11am to 3pm on 22 September) or similar, to the satisfaction of the Responsible Authority;
 - b. building 1 and Building 3: the retention of solar access to public benches in the Jackson Green Playground between 11am to 2pm on 22 June;
 - c. building 1: extending the use of bricks above level 3 and at ground level at the north western corner to create a more 'robust' urban form at the Orchard Street junction or similar, to the satisfaction of the Responsible Authority;
 - d. building 1: employ operable screens, or a winter balcony arrangement to north and west facing open spaces to minimise visual bulk and improve acoustic amenity or similar, to the satisfaction of the Responsible Authority;
 - e. building 1: improvement of the visual connection between the lift lobby, the central courtyard and Building 2 lobby;
 - f. building 2: the adoption of a varied material palette to further distinguish Building 1 and Building 2 to minimise visual bulk and improve sense of

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address along Haughton Road;

- g. building 2: increase the upper level setback (levels 4, 5 and roof) from 2.55m to 5m from the north eastern boundary in transition to existing residential properties across Main Road or similar, to the satisfaction of the Responsible Authority;
- h. building 2: minimise the visual bulk impact of blank wall along the southern elevation by including additional fenestration, architecture feature or texture;
- i. building 2: increase the 'splay' around its primary residential entry along Main Road frontage for improved legibility and wayfinding;
- j. building 3: minimise the visual bulk impact of blank wall along the western and eastern elevations by including additional fenestration, architecture feature or texture;
- k. building 3: include mailbox area for Building 3. the provision of a full colour palette, finishes and building materials schedule for all external elevations and driveways of the development rooftop services to be reduced/consolidated in size and height as much as practical roof plans further clarified and with all areas shown as open or enclosed to be clearly shown all privacy screening to be nominated as no more than 25 per cent transparency mailboxes nominated in a convenient location;
- l. the provision of a landscape plan substantially in accordance with the submitted Landscape Concept Plan (Cedar Woods; 19/02/20), 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. The delineation of all garden beds, paving, grassed area, retaining walls, fences and other landscape works;
 - iii. 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);
 - iv. The provision of three (3) *Corymbia maculata* (Spotted Gum) to be planted in the deep soil area located along the eastern interface;
 - v. The provision of 880 m² of canopy coverage to be provided through the use of vegetated planters, green roofs or green facades;
 - vi. The artificial grass located in the internal communal garden is to be replaced with a suitable permeable material (ie. crushed rock, mulch, pavers);
 - vii. All trees provided at a minimum of 2 metres in height at time of planting, medium to large shrubs to be provided at a minimum pot size of 200mm;
 - viii. 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;
 - ix. Cross-section diagrams for all planter boxes detailing the drainage,

- depth and substrate type;
- x. Details for all vertical plantings (green walls, green facades);
 - m. all relevant commitments identified within the Sustainable Management Plan, required under condition 9 of this permit, shown on plans;
 - n. all relevant commitments identified within the Waste Management Plan, required under condition 7 of this permit, shown on plans. The Waste Management Plan is to be updated to include the waste requirements of the proposed café;
 - o. uniformity with the commitments and any changes identified within the Acoustic Report, required under condition 11 of this permit, shown on the plans; and
 - p. uniformity with the commitments and any changes identified within the Pedestrian Level Wind Tunnel Survey, required under condition 12 of this permit, shown on the plans.
 - q. Car parking to comply with Clause 52.06-9 Design Standard for Car Parking of the Kingston Planning Scheme.

Endorsed Plans

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

Drainage and Water Sensitive Urban Design

- 3. Unless with prior written consent of the Responsible Authority, before the development commences the following Integrated Stormwater Management (drainage) documents must be prepared, by a suitably qualified person, to the satisfaction of the Responsible Authority:
 - a. Stormwater Management (drainage) Plan(s) must be prepared, with supporting computations, showing the stormwater (drainage) works to the nominated point of discharge. The plan(s) must show all details of the proposed stormwater works including all existing and proposed features that may have an impact on the stormwater (drainage) works, including landscaping details.
 - b. Prior to submitting detailed plans, a comprehensive stormwater management (drainage) strategy for the site must be prepared that addresses the requirements specified within Council's "Civil Design requirements for Developers – Part A: Integrated Stormwater Management" and must be in line with the overall Stormwater Management (drainage) strategy for the whole site accepted by Council under KP846/2014.
 - c. The stormwater management (drainage) strategy must include a report with music modelling results demonstrating water sensitive urban design treatments that achieve Victorian best practice objectives. These may include the use of an infiltration or bio-retention system, rainwater tanks connected for reuse, or other treatments to the satisfaction of the Responsible Authority.
 - d. The water sensitive urban design treatments as per conditions 3a, 3b, & 3c above must be implemented on-site, unless an alternative agreement for stormwater quality in-lieu contribution is reached with the Responsible Authority.
- 4. 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 in in line with accepted overall stormwater management (drainage) strategy under KP846/2014 and must be to Council satisfaction.
 - c. All stormwater (drainage) works must be maintained to the satisfaction of the Responsible authority.
5. 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 the 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.
6. The basement structure must be designed to respond to the findings of the GAR and GMP required under condition 5 and constructed to the satisfaction of the Responsible Authority.

Waste Management Plan

7. Concurrent with the endorsement of plans, a Waste Management Plan (WMP) to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Plan will be endorsed and will then form part of the permit. The plan must include, but is not limited to, the following:
- a. The manner in which waste will be stored and collected including: type, size and number of containers.
 - b. Spatial provision for on-site storage.
 - c. Details whether waste collection is to be performed by Council's services or privately contracted.
 - d. The size of the collection vehicle and the frequency, time and point of collection.
8. The WMP must be implemented to the satisfaction of the Responsible Authority. The WMP must not be modified unless without the written consent of the Responsible Authority.

Sustainable Management Plan

9. Prior to the endorsement of plans required by Condition 1 of this permit, a 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:
- Indoor environment
 - Energy efficiency
 - Water resources
 - Stormwater management

- Building materials
- Bicycle parking
- Waste Management
- Urban Ecology
- Innovation
- Ongoing building and site management

10. 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 and approved by the Responsible Authority detailing that all of the required measures specified in the SMP have been implemented, to the satisfaction of the Responsible Authority.

Acoustic Treatments

11. Concurrent with the endorsement of plans required under Condition 1 of this permit, an Acoustic Report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The Report must be prepared by a suitably qualified acoustic engineer to the satisfaction of the Responsible Authority and show how the requirements of State Environment Protection Policy N-1 and relevant Australian Standards will be met. The report must, to the satisfaction of the Responsible Authority, prescribe:
- a. The form of acoustic treatment to dwellings to protect occupants from external noise sources; and
 - b. the mechanical plant equipment installed or constructed as part of the development; and

The plans submitted to the Responsible Authority for endorsement pursuant to this condition must be updated to incorporate the acoustic engineer's recommendations to the satisfaction of the Responsible Authority and where there are recommendations of an ongoing nature, must be implemented to the satisfaction of the Responsible Authority.

Pedestrian Level Wind Tunnel Survey

12. Before the commencement of construction of dwellings, a Pedestrian Level Wind Tunnel Survey prepared by a suitably qualified professional, must be submitted to and approved by the Responsible Authority. The report must include recommendations for wind tunnel reduction measures.

Construction Management

13. 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

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- 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.

Infrastructure and Road Works

- 14. 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.
- 15. Property boundary and footpath levels must not be altered without the prior written consent from the Responsible Authority.
- 16. Vehicle crossings must be constructed at a 90 degree alignment with the kerb on Main Road Street and all internal driveways must align with the existing / proposed vehicle crossing.
- 17. The Vehicle Crossing is to be constructed to Industrial strength due to traffic volumes.
- 18. Any reinstatements and new/modified vehicle crossings must be constructed to the satisfaction of the Responsible Authority.
- 19. The replacement of all footpaths, including offsets, must be constructed to the satisfaction of the Responsible Authority.
- 20. Any redundant vehicle crossings must be removed (including redundant portions of vehicle crossings) to the satisfaction of the Responsible Authority.

General amenity conditions

- 21. 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.
- 22. 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.
- 23. All piping, ducting above the ground floor storey of the development (other than rainwater, guttering and downpipes) must be concealed to the satisfaction of the Responsible Authority.

Lighting

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

Café Operation Hours

- 25. The use must operate only between the hours of:
 - Monday to Friday: 8.00am to 8.00pm; and
 - Saturday to Sunday: 9.00am to 6.00pm
- 26. The amenity of the area must not be detrimentally affected by the development

and/or use, 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.
27. The development and / or 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.
28. The loading and unloading of goods to and from vehicles must only be carried out on the land.
29. 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.
30. 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.

Completion of Works

31. 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.
32. 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.
33. 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.

Expiry

34. This permit as it relates to development (buildings and works) will expire if one of the following circumstances applies:
- a. The development and use are not started within two (2) years of the issue date of this permit.
 - b. The development is not completed within four (4) years of the issue date of this permit.

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: Any buildings and works (including eaves) to be located within an easement

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requires separate consent from Council and/or the relevant service authority. This will need to be obtained prior to the issue of a building permit.

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

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

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

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: Council does not accept any Subsurface/groundwater (including AG drain) into the stormwater system. Sub-surface water (groundwater) is the responsibility of the property owner to dispose of on site or reach an agreement with the local sewer authority.

Note: Please note for more 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 'Basements 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

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5. Confidential Items

Moved: Cr Brownlees

Seconded: Cr Staikos

That in accordance with the provisions of section 66(1) and 66(2)(a) of the *Local Government Act 2020*, the meeting be closed to members of the public for the consideration of the following confidential items:

5.1 KP-2018/507 - 1A & 5 Foster Street Aspendale - VCAT Compulsory Conference and Merits Hearing position sought

This agenda item is confidential information for the purposes of section 3(1) of the Local Government Act 2020 because it is:

- *Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released (section 3(1)(a)), and*
- *The explanation as to why the specified ground/s applies is to establish a position for the VCAT hearing on the matter.*

CARRIED

The meeting was closed to members of the public at 7.31pm.

Procedural Motion

Moved: Cr Brownlees

Seconded: Cr Gledhill

That the meeting be opened to members of the public

CARRIED

The meeting was opened to members of the public at 7.37pm.

The meeting closed at 7.37pm.

Confirmed.....

The Mayor 22 July 2020