INTRODUCTION

This document is an incorporated document in the schedules to Clauses 52.03 and 81 of the Kingston Planning Scheme.

Pursuant to clause 52.03 of the Kingston Planning Scheme ('Scheme'), the land identified in this Document ('Document') may be used and developed in accordance with the specific controls nominated in this Document, subject to the requirements and conditions nominated in this Document.

If there is any inconsistency between the specific controls contained in this Document and the general provisions of the Scheme, the specific controls provided in this Document will prevail.

ADDRESS OF THE LAND

95-97 Beach Road, Mentone, more particularly described as Lots 1 and 2 on LP055412 and Lot 2 on LP64632 (the 'Land').

PURPOSE

The purpose of this site specific control is to facilitate, without the need for a planning permit and despite any other specific requirement of the Kingston Planning Scheme, certain buildings and works.

In the event that the development shown in the Incorporated Plans does not proceed, the Land may be used for the purposes of Hotel.

THIS DOCUMENT ALLOWS

The development of the Land including:

- buildings and works within a Heritage Overlay;
- use of food and drink premises and licensed premises;
- construction of two or more dwellings;
- restorative works to a heritage place;
- alteration to access in a Road Zone Category 1; and
- waiver of the loading requirement,

generally in accordance with the Incorporated Plans as amended subject to the conditions of this Incorporated Document.

In the event that the development shown in the Incorporated Plans is not constructed within the time specified in this Document, the Land at 95-97 Beach Road, Mentone may be used for the purposes of a Hotel pursuant to the existing use rights as may be accrued at the relevant time under clause 63 of the Scheme, and for other uses in accordance with the Scheme provisions and controls applying to the Land.
INCORPORATED PLANS

Plans prepared by Peddle Thorp in May 2016 being:

Plans
TP-050 – Basement Level 2 Plan, Rev 4A
TP-051 – Basement Level 1 Plan, Rev 4A
TP-101 – Ground Floor Plan, Rev 4A
TP-103 – Level 1 Plan, Rev 4A
TP-104 – Level 2 Plan, Rev 4A
TP-105 – Level 3 Plan, Rev 4A
TP-106 – Roof Plan, Rev 4A

Elevations
TP-200 – Elevations North and South, Rev 4A
TP-201 – Elevations- Pedestrian Pathway, Rev 4A
TP-202 – Elevations- North West, Rev 4A

THE FOLLOWING CONDITIONS APPLY TO THE USE AND DEVELOPMENT ALLOWED BY THIS INCORPORATED DOCUMENT

1. Before the development starts amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The plans will then be endorsed by the Responsible Authority. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be substantially in accordance with the Incorporated Plans, but modified to show:

   a. The provision of a landscape plan in accordance with the Incorporated Plans and the City of Kingston Landscape Plan Checklist, with such plans to be prepared by a suitably qualified landscape professional and incorporating:

      i. An associated planting schedule showing the proposed location, species type, mature height and width, pot sizes and number of species to be planted on the site.

      ii. The delineation of all garden beds, paving, grassed area, retaining walls, fences and other landscape works including areas of cut and fill throughout the development.

      iii. All existing trees on the site and close to the boundary of the site on adjoining properties, accurately illustrated to represent actual canopy width and labelled with botanical name, height and whether the tree is proposed to be retained or removed.

      iv. A range of plant types from ground covers to large shrubs and trees, species must comprise a minimum of 80% indigenous coastal species, and be provided at adequate planting densities (e.g. plants with a mature width of 1 metre, planted at 1 metre intervals).

      v. The retention (in their current locations), of the four (4) Washingtonia robusta (Mexican Fan Palm) growing within the site.
vi. The provision of a Tree Management Plan (TMP) to the satisfaction of the Responsible Authority, detailing how the four (4) Washingtonia robusta (Mexican Fan Palm) will be protected during demolition, construction and post construction.

vii. The provision of seven (7) suitable medium sized (at maturity) coastal indigenous canopy trees within the front setback of the property facing Beach Road, with species chosen to be approved by the Responsible Authority.

viii. The provision of seven (7) suitable small to medium sized (at maturity) coastal indigenous canopy trees within the front setback of the property facing Mentone Parade, with species chosen to be approved by the Responsible Authority.

ix. The provision of one (1) suitable small sized (at maturity) coastal indigenous canopy tree within the private open space area of dwelling 1 and dwellings 3-12, with species chosen to be approved by the Responsible Authority.

x. All trees provided at a minimum of 2 metres in height at time of planting and medium to large shrubs to be provided at a minimum pot size of 200mm.

xi. 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.

xii. No trees with a mature height over five (5) meters are to be planted over proposed or existing easements.

xiii. A notation of the Tree Protection details as required by Conditions 6, 7 and 8 of this Document. This includes all nominated tree protection zones to be drawn to scale on the plans.

b. The pedestrian access located between apartment 1 and 15, providing access to Beach Road to be re-designed to allow for the retention of the existing Washingtonia robusta (Mexican Fan Palm).

c. Vehicle crossings must be constructed at a 90 degree alignment with the kerb on Mentone Parade and all internal driveways must align with the vehicle crossing.

d. The allocation of car parking spaces to the dwellings and the food and drink premises to be clearly notated. The car parking provision of each dwelling (including visitor parking) must be designed to comply with Table 1 of Clause 52.06-5 of the Kingston Planning Scheme.

e. The bin storage room enlarged in size to facilitate weekly collections or redesigned to in accordance with the endorsed Waste Management Plan required by Condition 23 of this Document.

f. The internal fence associated with Townhouse 2 to 12, addressing the pedestrian pathway to be no greater than 1.2m in height.

g. An elevation plan of all front fencing proposed to Mentone Parade and Beach Road showing the overall height, materials and colours to the satisfaction of Responsible Authority.
h. All window screening treatments associated with the north-west elevation of Townhouse 1, 3 - 12 to be clarified and designed in accordance of Clause 55.04-6 of the Kingston Planning Scheme (Standard B22).

i. The location and design of fire services required for the development.

j. The provision of a red line plan associated with the food and drink premises clarifying the area proposed to sell or consume alcohol.

k. Townhouse 1 and 2 redesigned and/or consolidated. The dwelling(s) must be setback a minimum of 6.8m from Beach Road, generally in line with 94 Beach Road. The design must also incorporate direct access to a secluded private open space from a living area and improved solar access.

l. The provision of a full colour, building materials and finishes schedule for all external elevations and driveways, illustrated on a separate A4 or A3 sheet.

m. Notations on plans to reflect the initiatives committed to in the amended Sustainability Management Plan (SMP) required by Condition 3 of this Document including:
   a) Notations of the 5kW PV system specified in the SMP (4.2 Energy Efficient Active Systems - Onsite generation -p10)
   b) The location and proposed areas draining to the proposed 15sqm rain garden on all the landscape and architectural plans as noted within the SMP (Green Star Emissions Credits – Stormwater Emi-5- p19)
   c) Bicycle facilities in accordance with the approved SMP
   d) Notations of the rainwater tanks’ location, capacity, use and catchment area.
   e) All relevant ESD features as contained within the SMP.

n. A centre traffic splitter island is to be provided to Council’s satisfaction, for the proposed vehicle crossing to the development, to separate ingress/egress movements.

o. A centre traffic splitter island is to be provided to Council’s satisfaction for Palermo Street to separate ingress/egress movements.

p. A painted median with, or without dedicated right turn bay is to be provided to Council’s satisfaction on Mentone Parade, between Palermo Street and the proposed vehicle crossing associated with the development.

Endorsed Plans
2. The development must be completed in accordance with the plans endorsed by Council pursuant to condition 1.

Sustainability Management Plan
3. Prior to the endorsement of plans required by Condition 1, an amended SMP must be submitted for endorsement. The SMP must be generally in accordance with the plan prepared by Sustainable Built Environments, dated 21st July 2015, but amended to reflect the correct number of bicycle facilities and to reflect changes made to the proposal.
4. All works must be undertaken in accordance with the endorsed SMP to the satisfaction of the Responsible Authority. No alterations to the SMP may occur without the written consent of the Responsible Authority.

5. Prior to the occupation of any dwelling approved under this Document, a report from the author of the SMP report, approved pursuant to this Document, or similarly qualified person or company, must be submitted to the Responsible Authority. The report must be to the satisfaction of the Responsible Authority and must confirm that all measures specified in the SMP have been implemented in accordance with the approved Plan.

Landscape Conditions

6. A Tree Protection Zone (TPZ) must be installed around the four (4) existing Washingtonia robusta (Mexican Fan Palm) in accordance with the TMP to be submitted pursuant to condition 1 a vi. The following must be observed within this zone:
   
a) The existing soil level must not be altered either by fill or excavation.

b) The soil must not be compacted or the soil’s drainage changed.

c) No fuels, oils, chemicals, poisons, rubbish and other materials harmful to trees are to be stored or dispersed.

d) No storage of equipment, machinery or material is to occur.

e) Open trenching to lay underground services e.g.: drainage, water, gas, etc. must not be used.

f) A layer of organic composted mulch to a depth of between 80mm and 100mm must be spread.

g) Tree roots must not be severed or injured.

h) Machinery must not be used to remove any existing concrete, bricks or other materials.

without the further written consent of Council’s Vegetation Management Officer.

7. Prior to the commencement of the demolition and development hereby permitted, a Tree Protection Fence defined by a 1.2 metre high temporary fence constructed using steel or timber posts fixed in the ground or to a concrete pad, with the fence’s side panels to be constructed of cyclone mesh wire or similar strong metal mesh or netting, must be erected around the four (4) existing Washingtonia robusta (Mexican Fan Palm) in accordance with the TMP to be submitted pursuant to condition 1 a vi. The above requirements in condition 6 of this Document must be observed within this area.

Street Trees

8. All tree pruning work must be in accordance with the Australian Standards AS4373 (2007) “Pruning of Amenity Trees” and be undertaken by a qualified and experienced Arborist.
Prior to the removal of the Metrosideros excels (New Zealand Christmas Tree) and/or the *Lagunaria patersonii* (Norfolk Island Hibiscus) street trees from the Mentone Parade nature strip, payment must be made to Kingston City Council’s customer service in accordance with Council’s Street Tree Removal Procedures. The removal of these trees must be undertaken by Council at the expense of the Developer/Owner.

**Drainage and Water Sensitive Urban Design (WSUD)**

10. Before the development commences, prior to submission of detailed Stormwater Management (Drainage) Plan of the development as per condition 11) below, a comprehensive stormwater management strategy of the site including a report with MUSIC model output and stormwater layout concept plan incorporating Rainwater Tanks for water reuse and other Water Sensitive Urban Design Treatments to achieve best practice objectives must be prepared as per Council’s “Civil Design Requirements for Developers – Part A – Integrated Stormwater Management” to the satisfaction of the Council.

11. Before the development commences, a detailed Stormwater Management (drainage) Plan, in line with accepted Stormwater Management Strategy pursuant to condition 10) above, showing the stormwater works to the nominated point of discharge must be prepared to the satisfaction of the Responsible Authority. The Stormwater Management (drainage) Plan must be prepared by a qualified person and show all details of the proposed stormwater works including all existing and proposed features that may have impact (e.g. trees to be retained, crossings, services, fences, abutting buildings, existing boundary surface levels, etc.). The Stormwater Management Plan must be prepared as per Council’s “Civil Design Requirements for Developers – Part A - Integrated Stormwater Management”.

12. The development of the site must be provided with stormwater works which incorporates the use of water sensitive urban design principles to improve stormwater runoff quality and which also retains on site any runoff above the permissible site discharge. The system must be maintained to the satisfaction of the Responsible Authority. The satisfactory options to achieve these desired outcomes may include the use of an infiltration or bioretention system, rainwater tanks connected for reuse and a detention system.

13. Stormwater works must be provided on the site so as to prevent overflows onto adjacent properties.

14. The overall outflow of the development to Council drainage system must be limited to the discharge rate calculated as per Council’s “Civil Design Requirements for Developers – Part A - Integrated Stormwater Management”.

**Groundwater Assessment**

15. Before the development commences, 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.

   a. 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.

16. The basement structure must be designed and constructed to the satisfaction of the Responsible Authority and must address the following:

   b. The basement design must address the findings of the GAR and GMP required under condition 15, and

   c. The basement must be a fully-tanked dry basement with no agricultural (AG) drain collection or disposal to the stormwater system and with an allowance made for 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 is proposed, ground water including an AG drain must not be discharged into the stormwater system. Any subsurface water (groundwater) must be disposed of on-site or via an agreement with the local sewer authority.

17. In any case where the basement design and construction, required by condition 16 of this Document, does not accord with the plan(s) approved under this Document the endorsed plan(s) must be amended to the satisfaction and with the written consent of the Responsible Authority.

Infrastructure and Road Works

18. The replacement of all footpaths, including offsets, must be constructed the satisfaction of the Responsible Authority.

19. All reinstatements and vehicle crossings must be constructed to the satisfaction of the Responsible Authority.

20. Vehicle crossings and other reinstatements must be constructed to Council’s industrial strength specifications to the satisfaction of the Responsible Authority.

21. All redundant vehicle crossings must be removed (including redundant portions of vehicle crossings) to the satisfaction of the Responsible Authority.

22. All front and side fences must be contained wholly within the title property boundaries of the subject land to the satisfaction of the Responsible Authority.

Waste Management Plan

23. Prior to the commencement of the Development, an amended 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 Document. 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. 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.

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.

Food and Drink Premises

24. Prior to the commencement of any use of the Land as a licensed premises, a Management Plan must be submitted to and approved by the Responsible Authority. The Management Plan must include detail with respect to:

a. the number of staff members and patrons that may be present on the Land at any one time;

b. restriction of the use to specified times;

c. restriction of noise emissions to comply with the relevant State Environmental Planning Policy or any other standard recommended by the Environmental Protection Authority; and

d. any other relevant issues as directed by the Responsible Authority.

25. All persons must comply with the requirements of the Management Plan approved by the Responsible Authority pursuant to condition 24 and as amended from time to time.

Parking construction and management

26. Prior to the occupation of the dwellings hereby permitted, areas set aside for parking vehicles, access lanes and paths as shown on the endorsed plans must, to the satisfaction of the Responsible Authority, be:

a. Constructed to the satisfaction of the Responsible Authority.

b. Properly formed to such levels that they can be used in accordance with the plans.

c. Surfaced in accordance with the endorsed plans under this Document or in an all-weather coloured concrete seal-coat, to the satisfaction of the Responsible Authority.

d. Drained and maintained to the satisfaction of the Responsible Authority.
line-marked to indicate each car space, allocation and signage of visitor car spaces, and access lanes.

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

Construction Management Plan

27. Before 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 specify and deal with, but is not limited to, the following:

a. a detailed schedule of works including a full project timing;

b. a traffic management plan for the site, including when or whether any access points would be required to be blocked; an outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services; and preferred routes for trucks delivering to the site;

c. the location for the parking of all construction vehicles and construction worker vehicles during construction;

d. delivery of materials including times for loading/unloading and unloading points; expected frequency; and details of where materials will be stored and how concrete pours would be managed;

e. proposed traffic management signage indicating any inconvenience generated by construction;

f. a fully detailed plan indicating where construction hoardings would be located;

g. a waste management plan including the containment of waste on site, disposal of waste, stormwater treatment and on-site facilities for vehicle washing;

h. containment of dust, dirt and mud within the site and method and frequency of clean up procedures in the event of build up of matter outside the site;

i. business operations on the site during construction;

j. site security;

k. public safety measures;

l. construction times, noise and vibration controls;

m. restoration of any Council assets removed and/or damaged during construction;

n. protection works necessary to road and other infrastructure (limited to an area reasonably proximate to the site);

o. remediation of any damage to road and other infrastructure (limited to an area reasonably proximate to the site);

p. an emergency contact that is available for 24 hours per day for residents and the Responsible Authority in the event of relevant queries or problems experienced;
q. traffic management measures to comply with provisions of AS 17 42.3-2002 Manual of uniform traffic control devices - Part 3: Traffic control devices for works on roads; and

r. all contractors associated with the construction of the development must be made aware of the requirements of the Construction Management Plan.

28. During the construction, the following must occur:
   a. all persons must comply with the requirements of the CMP approved pursuant to condition 27;
   b. any stormwater discharged into the stormwater drainage system is to comply with EPA guidelines;
   c. stormwater drainage system protection measures must be installed as required to ensure that no solid waste, sediment, sand, soil, clay or stones from the premises enters the stormwater drainage system;
   d. vehicle borne material must not accumulate on the roads abutting the site;
   e. the cleaning of machinery and equipment must take place on site and not on adjacent footpaths, roads or parks;
   f. all litter (including items such as cement bags, food packaging and plastic strapping) must be disposed of responsibly; and
   g. all site operations must comply with the EPA Publication TG302/92 (including all revisions or replacement guidelines).

Lighting

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

General amenity conditions

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

31. 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.

32. Any fixed external screening to prevent overlooking marked on the endorsed plans shall be maintained by the owner of the land to the satisfaction of the Responsible Authority. The provision of any obscure glazing shown on the endorsed plans must be through frosted glass or similarly treated glass, and thereafter maintained to the satisfaction of
the Responsible Authority. Adhesive film or the like that can be removed must not be used.

33. The amenity of the area must not be detrimentally affected by the use, including through the:
   a. Transport of materials, goods or commodities to or from the land.
   b. Appearance of any building, works or materials.
   c. Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil.
   d. Presence of vermin.
   e. Any other way.

Completion

34. Prior to the occupation of the dwellings hereby permitted, the landscaping works as shown on the endorsed plans must be completed to the satisfaction of the Responsible Authority. The landscaping must then be maintained to the satisfaction of the Responsible Authority.

35. Prior to the occupation of the dwellings hereby permitted, all buildings and works and the conditions of this Document must be complied with, unless with the further prior written consent of the Responsible Authority.

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

Time Limits

37. The development permitted by this Document will expire if one of the following circumstances applies:
   - The development is not started within (2) years from the date that this document is incorporated in the Kingston Planning Scheme.
   - The development is not completed within four (4) years from the date that this document is incorporated in the Kingston Planning Scheme.
   The Responsible Authority may extend the periods referred to if a request is made in writing:
   - before the expiry of this Document; or
   - within six (6) months after the expiry of this Document, where the development allowed pursuant to the Document has not yet started; or
   - within twelve (12) months after the expiry of this Document, where the development allowed pursuant to the Document has lawfully started before the expiry of this Document.