

Minutes

Planning Committee Meeting

Wednesday, 22nd April 2015



**City of Kingston
Planning Committee Meeting**

Minutes

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

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

In Attendance: John Nevins – Chief Executive Officer
Rachel Hornsby – General Manager Sustainable Planning and Development
Ian Nice – Manager City Development
Phil DeLosa – Program Leader Governance
Joanne Creedon – Governance Officer
Gabrielle Pattenden – Governance Administration Officer

1. Apologies

Apologies from Crs Peulich and Ronke were submitted to the meeting.

Moved: Cr Brownlees

Seconded: Cr West

That apologies from Crs Peulich and Ronke be received.

CARRIED

2. Confirmation of Minutes of Previous Meetings

Moved: Cr Staikos

Seconded: Cr Brownlees

That the Minutes of the Planning Committee Meeting held on 18 March 2015 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. Sustainable Planning and Development Reports

4.1 Town Planning Application Decisions - March 2015

Moved: Cr Barth

Seconded: Cr Bearsley

That the report be noted.

CARRIED

4.2 KP156/2014 - 31 McIndoe Parade, Parkdale

It is recorded that Peter Ratcliff spoke on behalf of the objectors.

It is recorded that Chris Pippo spoke on behalf of the applicant.

Moved: Cr Brownlees

Seconded: Cr West

That Council determine to issue a Notice of Refusal to Grant a Permit to develop the land for the construction of five (5) dwellings on a lot at 31 McIndoe Parade, Parkdale, on the following grounds;

1. The proposal fails to comply with relevant local planning policies contained within the Kingston Planning Scheme.
2. The proposal results in excessive visual bulk and massing to the detriment of the local neighbourhood character.
3. The proposal fails to comply with the following objectives and standards of Clause 55 of the Kingston Planning Scheme (ResCode):
 - Clause 55.02-1 Neighbourhood Character
 - Clause 55.03-1 Street Setback
 - Clause 55.04-1 Side and Rear Setback
 - Clause 55.06-2 Front Fence

CARRIED

4.3 KP14/749 - 16 The Corso Parkdale

It is recorded that Nick Wallis spoke on behalf of the objectors.

Cr Staikos left the meeting at 7.20pm

Cr Staikos returned to the meeting at 7.22pm

It is recorded that Neil Fletcher spoke on behalf of the applicant.

Moved: Cr Brownlees

Seconded: Cr West

That Council determine to issue a Notice of Refusal to Grant a Permit to develop the land for the construction of six (6) dwellings at 16 The Corso Parkdale on the following grounds;

1. The proposal would detrimentally affect the amenity of the Neighbourhood.
2. The proposal would detract from the visual amenity of the locality and the streetscape.
3. The proposal constitutes an over-development of the site.
4. The proposal would cause traffic congestion in a residential street.

CARRIED

4.4 KP14/408 - 29 Plummer Road Mentone

It is recorded that Ranald Valentine spoke on behalf of the objectors.

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

Moved: Cr Brownlees

Seconded: Cr West

That Council determine to support the proposal and issue a Notice of Decision to Grant a Permit to Develop the land for alterations to the existing dwelling and the construction of four (4) dwellings to the rear at 29 Plummer Road Mentone, subject to the following conditions;

1. Before the development starts amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be substantially in accordance with the plans submitted to Council on 20 March 2015, but modified to show:
 - a) the provision of a landscape plan in accordance with the submitted development plan and the City of Kingston Landscape Plan Checklist, with such plans to be prepared by a suitably qualified landscape professional and incorporating:
 - 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. The schedule must be shown on the plan;
 - ii. the delineation of all garden beds, paving, grassed areas, retaining walls, fences and other landscape works including areas of cut and fill throughout the development;
 - iii. all existing trees on the site and within three (3) metres to the boundary of the site on adjoining properties, accurately illustrated to represent actual canopy width and labelled with botanical name, height and whether the tree is proposed to be retained or removed;
 - iv. a range of plant types from ground covers to large shrubs and trees, species must comprise a minimum of 80% indigenous coastal species;
 - v. adequate planting densities (e.g.: plants with a mature width of 1 metre, planted at 1 metre intervals);
 - vi. the provision of two (2) suitable medium sized (at maturity) spreading canopy trees within the front setback of the property and one (1) small (at maturity) tree within the private open space area of each dwelling, with species chosen to be approved by the Responsible Authority;
 - vii. sustainable lawn areas and plant species taking current water restrictions into consideration;
 - viii. all trees provided at a minimum of two (2) metres in height at time of planting;
 - ix. medium to large shrubs to be provided at a minimum pot size of 200mm; and

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- x. the provision of notes on the landscape plan regarding site preparation, including the removal of all weeds, proposed mulch, soil types and thickness, subsoil preparation and any specific maintenance requirements.
- xi. a Tree Protection Zone (TPZ) and all protection measures be noted on the landscape plans in accordance with Conditions 3 to 11 of this permit;
- b) windows and screening on elevation plans to match the notations on the floor plans and to show a maximum of 25 per cent transparency to a height of 1.7 metres from finished floor levels in accordance with Standard B22 (Overlooking) of Clause 55;
- c) external sun shading fixed or operable devices such as an external blind or a similar to all west facing windows;
- d) fixed shading devices to all first floor north facing windows, or similar;
- e) replacement of Dwelling's 2, 3, and 4 storage sheds with integrated dwelling storage not located within areas of private open space, of a minimum 6m³ area and externally accessible or accessible within each garage;
- f) a reduction in the common driveway width to 2.6 metres where possible with the additional area created to be used for landscaping along the southern side of the driveway;
- g) mailboxes to be no greater than 900mm in height and setback 1 metre from the property frontage;
- h) driveway constructed from a permeable material for the entire length;
- i) adequate lighting provided at the garage entrances and along driveway;
- j) double garage doors widened to 5.2 metres;
- k) internal garage door to Dwelling 4 to open outwards;
- l) kerb heights in accessways and manoeuvring areas no more than 150mm in height and notated on plans accordingly;
- m) any commitments identified within the Sustainable Design Assessment (required under condition 13 of this Permit) clearly shown on plans;
- n) the provision of a minimum 2000 litre rainwater tank clearly nominated for each dwelling with water re-use for toilet flushing; and
- o) the provision of a full colour palette, finishes and building materials schedule for all external elevations and driveways of the development.

Endorsed Plans

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

Tree Protection

- 3. A Tree Protection Zone (TPZ) must be installed at a distance of 9 metres from the *Quercus robur* (English Oak) tree 21 as listed in Dr Peter Yau's report dated 21 July 2014 located in the rear yard at 30 Mundy Street, Mentone. The following must be observed within 9m of the trees base:
 - a) the existing soil level must not be altered either by fill or excavation;

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- 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) tree roots must not be severed or injured; and
 - g) machinery must not be used to remove any existing concrete, bricks or other materials.
4. Prior to the commencement of the development hereby permitted, a Tree Protection Fence defined by a 1.2 metre high temporary fence constructed using steel or timber posts fixed in the ground or to a concrete pad, with the fence's side panels to be constructed of cyclone mesh wire or similar strong metal mesh or netting, must be erected 9m in a radius from the *Quercus robur* (English Oak). The above requirements in condition 2 of this permit must be observed within this area.
5. A Tree Protection Zone (TPZ) must be installed at a distance of 4.5 metres from the *Acmena smithii* (Lilly Pilly) tree 19 as listed in Dr Peter Yau's report dated 21st July 2014 located in the rear yard at 28 Mundy Street, Mentone. The following must be observed within 4.5m of the trees base:
- 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) tree roots must not be severed or injured; and
 - g) machinery must not be used to remove any existing concrete, bricks or other materials.
6. Prior to the commencement of the development hereby permitted, a Tree Protection Fence defined by a 1.2 metre high temporary fence constructed using steel or timber posts fixed in the ground or to a concrete pad, with the fence's side panels to be constructed of cyclone mesh wire or similar strong metal mesh or netting, must be erected 4.5m in a radius from the *Acmena smithii* (Lilly Pilly). The above requirements in condition 4 of this permit must be observed within this area.
7. A Tree Protection Zone (TPZ) must be installed at a distance of 9 metres from the *Quercus robur* (English Oak) tree 18 as listed in Dr Peter Yau's report dated 21st July 2014 located in the rear yard at 7 Cochrane Avenue, Mentone. The following must be observed within 9m of the trees base: A qualified Arborist is to be employed to oversee any works (excavation, building formwork for driveway etc. and or any construction) within of this zone

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- 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) tree roots must not be severed or injured; and
 - g) machinery must not be used to remove any existing concrete, bricks or other materials.
8. Prior to the commencement of the development hereby permitted, a Tree Protection Fence defined by a 1.2 metre high temporary fence constructed using steel or timber posts fixed in the ground or to a concrete pad, with the fence's side panels to be constructed of cyclone mesh wire or similar strong metal mesh or netting, must be erected 2m in a radius from the *Quercus robur* (English Oak) The above requirements in condition 6 of this permit must be observed within this area.
9. All works within the TPZ of trees listed as 21, 19 and 18 must be in accordance with the Australian Standard 4970-2009 Protection of Trees on Development Sites
10. 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.
11. The entire driveway must be constructed using a permeable material to the satisfaction of the responsible authority.

Street Trees

12. Prior to the commencement of any works on the site including demolition, a tree protection barrier must be installed at three (3) metres from the base of the street tree located on the nature strip.

Drainage and Water Sensitive Urban Design

13. The development of the site must be provided with stormwater works which incorporates the use of water sensitive urban design principles to improve stormwater runoff quality and which also retains on site any increase in runoff as a result of the approved development. The system must be maintained to the satisfaction of the Responsible Authority. Council's Development Engineer can advise on satisfactory options to achieve these desired outcomes which may include the use of an infiltration or bioretention system, rainwater tanks connected for reuse and a detention system. The overall outflow of the site to Council drainage system must be limited to 9 L/s.
14. Before the development commences, a Stormwater Management Plan showing the stormwater works to the nominated point of discharge must be prepared to the satisfaction of the Responsible Authority. The Stormwater Management 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 System must be prepared as per Council's "Civil Design Requirements for Developers – Part A: Integrated Stormwater Management".

15. A STORM report demonstrating water sensitive urban design treatments and achieving Victorian best practice objectives must be provided as part of the Stormwater Management Plan to the satisfaction of the Responsible Authority.
16. Stormwater works must be provided on the site so as to prevent overflows onto adjacent properties.

Road and Drains Engineering

17. Property boundary and footpath levels must not be altered without the prior written consent from the Responsible Authority.
18. The replacement of all footpaths, including offsets, must be constructed to the satisfaction of the Responsible Authority.
19. Any reinstatements and vehicle crossings 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.
21. All front and side fences must be contained wholly within the title property boundaries of the subject land.

Sustainable Development

22. 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.

General amenity conditions

23. 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.
24. 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.
25. 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 be concealed from the street, unless with the further written consent of the Responsible Authority.

Completion of Works

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

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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.

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

Time Limits

29. 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 Act, the responsible authority may extend the periods referred to if a request is made in writing:

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

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: Before removing / pruning any vegetation from the site, the applicant or any contractor engaged to remove any vegetation, should consult Council's Vegetation Management Officer to verify if a Local Laws Permits is required for the removal of such vegetation.

Note: 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*).

CARRIED

4.5 KP14/970 - 3 Chesterville Road Cheltenham

It is recorded that Amanda Ring spoke on behalf of the applicant.

Moved: Cr West

That Council determine to issue a Notice of Refusal to Grant a Permit to use and develop the land for the construction of a six (6) storey mixed use building containing up to thirty-two (32) dwellings, develop the land for one (1) office, reduction of the car parking requirement, alter access to a Road Zone, Category 1 and waiver of the loading and unloading of vehicles requirement at 3 Chesterville Road, Cheltenham on the following grounds:

1. The proposal is inconsistent with the relevant Local Planning Policy Framework, including but not limited to, the Municipal Strategic Statement and Clause 22.01 (Southland Principal Activity Centre Policy).
2. The proposal does not provide sufficient car parking to meet Clause 52.06 of the Kingston Planning Scheme.
3. The proposal does not provide on-site loading and un-loading to meet the requirements of Clause 52.07 of the Kingston Planning Scheme.

The Motion lapsed for the want of a Seconder.

Moved: Cr Brownlees

Seconded: Cr Bearsley

That Council determine to support the proposal and issue a Notice of Decision to Grant a Planning Permit to use and develop the land for the construction of a six (6) storey mixed use building containing up to thirty-two (32) dwellings, develop the land for one (1) office, reduction of the car parking requirement, alter access to a Road Zone, Category 1 and waiver of the loading and unloading of vehicles requirement at 3 Chesterville Road, 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 three copies must be provided. The plans must be substantially in accordance with the plans submitted to Council on 24 March 2015, but modified to show:
 - a. Tree protection measures on adjoining properties and any landscaping proposed on site (including a planting schedule showing the proposed location, species type, mature height and width, pot sizes and number of species be planted on the site) with such plans to be prepared by a suitably qualified landscape professional.
 - b. The two (2) Crepe Myrtle street trees on the Chesterville Road nature strip identified as for removal.
 - c. The area nominated as bicycle storage to include details of dimensional clearances, including the type of bicycle storage racks and designed in accordance with Clause 52.34-4 of the Kingston Planning Scheme.
 - d. A swept path diagrams demonstrating turning circles for car spaces 1-3

and are provided to the satisfaction of the Responsible Authority.

- e. A swept path diagram demonstrating turning circles for 31-33 are provided to the satisfaction of the Responsible Authority. Details of sensors or other feature associated with the garage doors must be provided to ensure the roller door remains open while vehicles are accessing spaces 31-33.
- f. Details of the location and operation of the security intercom system for access into the car parking area.
- g. A notation on the plans allocating the provision of car parking.
- h. Details of screening proposed to bedroom windows located on or adjacent to the southern boundary to limit internal overlooking.
- i. A note to state that the vehicle crossings are to be constructed to the satisfaction of the Responsible Authority and for all internal driveways to align with vehicle crossing.
- j. The footpath must be reconstructed to Council's commercial standards (1.8 metres wide, 8.3% black oxide with 600 x 600mm saw cuts) unless otherwise approved to the satisfaction of the Responsible Authority.
- k. The surface material associated with the building entry (pedestrian and driveways) to be clearly nominated.
- l. Additional details of the garage door. This door must be partially transparent to improve overall safety.
- m. Corner splays associated with the accessway to be provided in accordance with Clause 52.06-8.
- n. All ESD features to be shown on the application drawings with appropriate notations including operable windows, PV system size, solar hot water system and solar fraction, plumbing of rainwater tanks for water re-use.
- o. A revised Sustainable Management Plan (SMP) to reflect any changes, and for consistency with the application drawings. The SMP must be updated to include daylight modelling to demonstrate apartments 103,104,105,106 and 203 achieve satisfactory daylight levels.
- p. The provision of two additional visitor car spaces within the ground level car park located to the satisfaction of the Responsible Authority

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.

Street Trees

- 3. Prior to the removal of the two (2) Crepe Myrtle street trees from the Chesterville Road 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)

4. The development of the site must be provided with stormwater works which incorporates the use of water sensitive urban design principles to improve stormwater runoff quality and which also retains on site any increase in runoff above the permissible site discharge as a result of the approved development. The system must be maintained to the satisfaction of the Responsible Authority. The satisfactory options to achieve these desired outcomes may include the use of an infiltration or bioretention system, rainwater tanks connected for reuse and a detention system. The overall outflow of the site to Council drainage system must be limited to 6.5 L/s.
5. Before the development commences, prior to submission of detailed Stormwater Management (drainage) Plan of the development as per condition 6 below, a comprehensive stormwater management (drainage) strategy of the site including a report with MUSIC model output or equivalent and drainage concept plan incorporating Rainwater Tanks for water reuse and other Water Sensitive Urban Design Treatments to achieve best practice objectives must be prepared as per Council's "*Civil Design Requirements for Developers – Part A – Integrated Stormwater Management*" to the satisfaction of the Council.
6. Before the development commences, in line with accepted stormwater strategy as per condition 5 above, a Stormwater Management (drainage) Plan showing the stormwater works to the nominated point of discharge must be prepared to the satisfaction of the Responsible Authority. The Stormwater Management 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*".
7. Stormwater works must be provided on the site so as to prevent overflows onto adjacent properties.

Groundwater Assessment

8. Prior to the commencement of development, a Groundwater Assessment Report (GAR) prepared by a qualified hydrogeologist assessing any possible impact of the proposed development upon existing ground water table and surrounding land and buildings to the satisfaction of the Council.

Should the results of the GAR indicate that the site is likely to experience issues associated with groundwater management the following documentation must be submitted and approved by the Responsible Authority prior to the commencement of works:

- a) a Groundwater Management Plan (GMP); and
- b) development plans that demonstrate a fully-tanked dry basement with no AG drain collection or disposal and an allowance made for any hydrostatic pressures.

Once approved the plans will be endorsed and form part of the planning permit.

9. The basement structure must be designed and constructed as a fully-tanked dry basement with no AG drain collection or disposal and an allowance made for any hydrostatic pressures.

Infrastructure and Road Works

10. 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.
11. The replacement of all footpaths, including offsets, must be constructed the satisfaction of the Responsible Authority.
12. All reinstatements and vehicle crossings must be constructed to the satisfaction of the Responsible Authority.
13. Vehicle crossings and other reinstatements must be constructed to council's industrial strength specifications.
14. All redundant vehicle crossings must be removed (including redundant portions of vehicle crossings) to the satisfaction of the Responsible Authority.
15. All front and side fences must be contained wholly within the title property boundaries of the subject land.
16. The footpath is to be reconstructed to 1.8 Metres wide, 8.3%black oxide with 600 x 600mm saw cuts as per councils standard commercial standards as per condition 1(j) unless otherwise approved in writing.

Sustainable Development

17. Prior to the endorsement of plans pursuant to Condition 1, a revised Sustainability Management Plan (SMP) that outlines the sustainable design initiatives that will be implemented by the development 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 SMP must demonstrate that the development will meet the minimum BCA energy efficiency standards of a minimum 5 star and average 6 star energy rating.

Construction Management Plan

18. Before the commencement of any buildings and works, a Construction Management Plan (CMP), to the satisfaction of the Responsible Authority, must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed as evidence of its approval and will then form part of the permit and shall thereafter be complied with. The CMP must specify and deal with, but is not limited to, the following:
 - a. A detailed schedule of works, including the demolition of structures and a full project timing.
 - b. a fully detailed plan indicating where construction hoardings would be located;
 - c. A waste management plan including the containment of waste on site,

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- disposal of waste, stormwater treatment and on-site facilities for vehicle washing.
- d. 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.
 - e. Business operations on the site during construction.
 - f. Site security.
 - g. Public safety measures.
 - h. Construction times, noise and vibration controls.
 - i. Restoration of any Council assets removed and/or damaged during construction.
 - j. Protection works necessary to road and other infrastructure (limited to an area reasonably proximate to the site).
 - k. Remediation of any damage to road and other infrastructure (limited to an area reasonably proximate to the site).
 - l. 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.
 - m. The CMP must identify all relevant permits required for works/occupation outside the property boundary (ie. Hoarding, Asset Protection, Occupation of Public Land).
 - n. All contractors associated with the construction of the development must be made aware of the requirements of the Construction Management Plan.
19. Before the commencement of any buildings and works, a Traffic Management Plan (TMP), to the satisfaction of the Responsible Authority, must be submitted to and approved by the Responsible Authority. The TMP must specify and deal with, but is not limited to, the following:
- a. when or whether any access points would be required to be blocked; an outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services; and preferred routes for trucks delivering to the site;
 - b. the location for the parking of all construction vehicles and construction worker vehicles during construction;
 - c. delivery of materials including times for loading/unloading and unloading points; expected frequency; and details of where materials will be stored and how concrete pours would be managed;
 - d. proposed traffic management signage indicating any inconvenience generated by construction; and
 - e. traffic management measures to comply with provisions of AS 1742.3-2002 Manual of uniform traffic control devices - Part 3: Traffic control devices for works on roads.

20. During the construction, the following must occur:

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- a. any stormwater discharged into the stormwater drainage system is to comply with EPA guidelines;
 - b. 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;
 - c. vehicle borne material must not accumulate on the roads abutting the site;
 - d. the cleaning of machinery and equipment must take place on site and not on adjacent footpaths, roads or parks;
 - e. all litter (including items such as cement bags, food packaging and plastic strapping) must be disposed of responsibly; and
 - f. all site operations must comply with the EPA Publication TG302/92 (including all revisions or replacement guidelines).
21. The developer/owner must contact the Responsible Authority and VicRoads (if required) and arrange traffic management plans and WORKS ZONE for any works that may affect traffic (both vehicular and pedestrian) or parking on Chesterville Road or any of the surrounding streets. Works vehicles may not be able to stop in the street fronting the property. The developer will be responsible for the costs of arranging a WORKS ZONE and reinstatement of parking restriction signs, to the satisfaction of the Responsible Authority.

VicRoads

22. Prior to the commencement of use of the permitted development, a sealed vehicle crossover must be constructed at least 6.0 metres in clear width as measured at the property boundary and to the satisfaction of the Responsible Authority. The aisle width of the vehicle access must be at least 6.0 metres in width for the first five metres within the property boundary. The edges of the vehicle crossover must be angled at 60 degrees to the road reserve boundary.
23. Driveways must be maintained in a fit and proper state so as not to compromise the ability of vehicles to enter and exit the site in a safe manner or compromise operational efficiency of the road or public safety (eg. By spilling gravel onto the roadway), to the satisfaction of the Responsible Authority.
24. Vehicles must always move in a forward direction when entering or leaving the site to the satisfaction of the Responsible Authority.

Lighting

25. 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.

Completion of Works

26. Prior to the occupation of the dwellings hereby permitted, or by such later date as is approved by the Responsible Authority in writing, the nature strip, kerb

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and channel, vehicle crossover and footpath must be reinstated to the satisfaction of the Responsible Authority.

27. Prior to the occupation of the dwellings hereby permitted, all buildings and works and the conditions of this permit must be complied with, unless with the further prior written consent of the Responsible Authority.
28. 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.
29. 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.
30. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.

Permit Expiry

31. In accordance with section 68 of the Planning and Environment Act 1987 (Act), this permit will expire if one of the following circumstances applies:
 - The development is not started before within (2) years from the date of this permit.
 - The development is not completed within four (4) years from the date of permit issue.

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

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

Note: Council does not accept sub-surface water (groundwater) 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: Prior to the commencement of the development you are required to obtain the necessary Building Permit.

Note: The fee for removal of the street tree(s) from the nature strip is \$1422.00 including GST), payable to Kingston City Council's Customer Service Department - refer to cashier code "STRE". Customer Service will confirm payment to the Parks Department. The removal of the tree requires a minimum of 2 weeks' notice from the Developer/Owner.

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 removal/replacement of the fire hydrant and Telstra pit to the satisfaction of the relevant authority.

Note: The builder/developer must contact Council prior to the lodgement of the CMP/Traffic Management Plan documents to organise a site meeting to discuss site constraints and possible solutions to be included in the CMP/TMP.

Note: This Permit does not approve buildings and works within restricted airspace, and that separate approval from CASA, Airservices Australia and / or other regulatory bodies for works within restricted airspace may be required prior to the commencement of buildings and works.

CARRIED

4.6 KP14/452 - 24 Lorna Street Cheltenham

It is recorded that David De Giovanni spoke on behalf of the applicant.

Moved: Cr West

Seconded: Cr Staikos

That Council determine to issue a Notice of Refusal to Grant a Permit to develop the land for the construction of four (4) dwellings at 24 Lorna Street Cheltenham, on the following grounds;

1. The proposal would detrimentally affect the amenity of the Neighbourhood.
2. The proposal would detract from the visual amenity of the locality and the streetscape.
3. The proposal constitutes an over-development of the site.
4. The proposal would cause traffic congestion in a residential street.

CARRIED

4.7 KP524/2013 - Lot B Springvale Road, Aspendale Gardens

It is recorded that Diana Donoghue spoke on behalf of the objectors.

It is recorded that Clinton Tilley spoke on behalf of the applicant.

Moved: Cr Staikos

Seconded: Cr Bearsley

That Council determine to support the proposal and issue a Notice of Decision to Grant a Permit to develop and use the land for the purpose of a Retail Plant Nursery, to Create Access to a Land Adjacent to a Road Zone Category 1; the Construction of Buildings and Works on land affected by a PAO1 and a LSIO and a Reduction to the Car Parking Requirements pursuant to Clause 52.06 of the Kingston Planning Scheme, at Lot B Springvale Road, Aspendale Gardens, subject to the following conditions;

1. Before the development starts amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be substantially in accordance with the plans submitted to Council on the 9th July, 2014, the 18th December, 2013, and the 1st October, 2013, but modified to show:
 - a. the provision of a landscape plan in accordance with the submitted development plan and the City of Kingston Landscape Plan Checklist, with such plans to be prepared by a suitably qualified landscape professional and incorporating:
 - 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. The schedule must be shown on the plan;
 - ii) the delineation of all garden beds, paving, grassed areas, retaining walls, fences and other landscape works including areas of cut and fill throughout the development;
 - iii) all existing trees on the site and within three (3) metres to the boundary of the site on adjoining properties, accurately illustrated to represent actual canopy width and labelled with botanical name, height and whether the tree is proposed to be retained or removed;
 - iv) a range of plant types from ground covers to large shrubs and trees;
 - v) adequate planting densities (e.g.: plants with a mature width of 1 metre, planted at 1 metre intervals);
 - vi) the provision of ten (10) suitable medium sized (at maturity) canopy trees within the front landscape buffer of the site, with species chosen to be approved by the Responsible Authority;
 - vii) the provision of thirty-four (34) small to medium sized (at maturity) trees within the site, with species to be chosen to be approved by the Responsible Authority;
 - viii) sustainable lawn areas and plant species taking current water restrictions into consideration;
 - ix) all trees provided at a minimum of two (2) metres in height at time of planting;
 - x) medium to large shrubs to be provided at a minimum pot size of

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- 200mm; and
- xi) the provision of notes on the landscape plan regarding site preparation, including the removal of all weeds, proposed mulch, soil types and thickness, subsoil preparation and any specific maintenance requirements.
 - b. the requirements of VicRoads, as specified under Condition 3 of this permit;
 - c. the provision of a notation on plans stating: "A dark brown 2.5 metre wide shared user path along the Springvale Road frontage of the property boundary must be constructed in accordance with engineering plans approved by the Responsible Authority";
 - d. the provision of a 4.5 metre tree reserve along the frontage from the back of the kerb to the property boundary to allow for a 2.5 metre wide shared user path;
 - e. vehicle crossings constructed at a 90 degree alignment with the kerb on Springvale Road and all internal driveways to align with the existing/proposed vehicle crossing;
 - f. the provision of corner splays provided in accordance with Clause 52.06 Car Parking and Australian Standards or to the satisfaction of the Responsible Authority;
 - g. all internal car spaces and aisle widths to comply with Clause 52.06 Car Parking and Australian Standards or to the satisfaction of the Responsible Authority;
 - h. the disabled car space relocated adjacent to the pedestrian access route and a bollard provided in the shared area to meet AS2890.2-2009. The bay is to be identified with a disabled parking space logo;
 - i. all visitor car parking spaces clearly marked;
 - j. the provision of security gates to prevent vehicle access after-hours, to the satisfaction of the Responsible Authority;
 - k. lighting provided to all car parking and common access areas, to the satisfaction of the Responsible Authority;
 - l. pavement marking to delineate the pedestrian path from the car park to the plant sales shed, to the satisfaction of the Responsible Authority;
 - m. the full length of the circulation laneway, parking aisles and car parking area nominated as all-weather seal or a durable surface;
 - n. the provision of turning circles at the rear of the auxiliary workshop for a 12.5 metre long truck to exit the site in a forwards direction;
 - o. the ability for a 12.5 metre long vehicle to enter/exit the site without crossing into the adjoining lane in accordance with Clause 52.06 and Australian Standards;
 - p. the 6.0 metre wide driveway between the staff parking at the rear of the auxiliary workshop and the open plant area nominated as all-weather seal coat or durable surface;
 - q. the provision of five (5) bicycle parking spaces, to be provided in proximity to the entry point of the plant sales shed, to the satisfaction of the Responsible Authority;
 - r. delivery trucks to be no greater than 12.5 metres in length or to the satisfaction of the Responsible Authority;
 - s. kerb heights not more than 150mm in height in the parking aisles and circulation road ways.
 - t. a notation confirming that the north and part north west property boundary fence (adjoining Property Number: 453022, Lot 2 and 3 on TP749429S) is to be replaced / repaired where required to ensure cattle do not escape their holding at the full cost of the permit holder / owner of the land.

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

3. **Conditions required by VicRoads:**
 - a) Prior to the commencement of use of the permitted development, a sealed vehicle crossover at least 6.2 metres in width as measured at the property boundary must be constructed to the satisfaction of the Responsible Authority. The edges of the vehicle crossover must be angled at 60 degrees to the road reserve boundary.
 - b) Prior to the commencement of the use of the permitted development, appropriate signage should be provided to the satisfaction of the Responsible Authority reinforcing the left turn egress movement only (one way R2-2A sign in the Springvale Road central median and a R2-14A left only sign at the crossover).

4. **Conditions required by Melbourne Water**
 - a) No polluted and / or sediment laden runoff is to be discharged directly or indirectly into Melbourne Water's drains or watercourses.
 - b) The workshop, sales shed, site office and staff amenities must be constructed with finished floor levels a minimum of 300mm above the applicable flood level.
 - c) Prior to the issue of an Occupancy Permit/Final Inspection Certificate, a certified survey plan, showing finished floor levels (as constructed) reduced to the Australian Height Datum, must be submitted to Melbourne Water to demonstrate that the floor levels have been constructed in accordance with Melbourne Water's requirements.

5. **Condition required by Public Transport Victoria:**
 - a) The permit holder must take all reasonable steps to ensure that disruption to bus operation along Springvale Road is kept to a minimum during the construction of the development. Foreseen disruptions to bus operations and mitigation measures must be communicated to Public Transport Victoria fourteen (14) days prior.

6. **Requirements of the Cultural Heritage Management Plan (CHMP):**
 - a) Prior to the activity commencing, and during the activity as required, all personnel involved in the activity area must be inducted with regard to the requirements and procedures defined in Section 10 (Contingencies) and Appendix 5 (Compliance Review Checklist) of the Cultural Heritage Management Plan. This will take the form of a CHMP Compliance Induction, to be provided by a qualified CHA at a cost to the Sponsor. This induction will ensure that all construction staff, including sub-contractors, are aware of:
 - (i) The existence of the CHMP;
 - (ii) The role of the CHMP;
 - (iii) Appropriate responses to Aboriginal cultural heritage that may be found during works; and

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- (iv) The results of non-compliance with the CHMP.
During the activity, a copy of the approved CHMP is to be retained within the on-site construction office or with the site manager if an office is not provided, where it will remain readily available to all construction staff.
7. Once the development hereby approved has started it must be continued and completed to the satisfaction of the Responsible Authority.
8. Before the use of the Plant Nursery can operate the fence repairs / replacement required under condition 1t) of the permit must be completed to Council satisfaction at the full cost of the permit holder / owner of the land.
9. Property boundary and footpath levels must not to be altered without the prior written consent from Council's Roads & Drains Department.
10. Prior to the commencement of development, property boundary, footpath and vehicle crossing levels must be obtained from Council's Roads & Drains Department with all levels raised or lowered to the satisfaction of the Responsible Authority.
11. All reinstatements and vehicle crossings are to be constructed to the satisfaction of the relevant authority.
12. Vehicle crossings and other reinstatements must be constructed to Council's industrial strength specifications.
13. The replacement of all footpaths, including offsets, must be constructed to the satisfaction of Council's Roads and Drains Department.
14. All redundant vehicle crossings must be removed (including redundant portions of vehicle crossings) to the satisfaction of the Responsible Authority.
15. All front and side fences must be constructed wholly within the title property boundaries of the subject land.
16. Prior to the commencement of any buildings and works on the Land, 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. 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.
 - e) The location and dimension of waste areas.
 - f) Strategies to limited waste recyclables within the development.
- 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.

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17. 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. When approved, the Plan will be endorsed as evidence of its approval and will then form part of the permit and shall thereafter be complied with to the satisfaction of the Responsible Authority. The CMP must specify and deal with, but not limited to, the following, to the satisfaction of the Responsible Authority:
- a) a detailed schedule of works including full project timing;
 - b) the location for the parking of all construction vehicles and construction worker vehicles during construction;
 - c) delivery of materials including times for loading/unloading and unloading points; expected frequency; and details of where materials will be stored and how concrete pours will be managed;
 - d) a fully detailed plan indicating where construction hoardings would be located;
 - e) a waste management plan including the containment of waste on site, disposal of waste, stormwater treatment and on-site facilities for vehicle washing;
 - f) containment of dust, dirt and mud within the site and the method and frequency of clean-up procedures in the event of build-up of matter outside of the site;
 - g) business operations on the site during construction;
 - h) site security;
 - i) public safety measures;
 - j) construction times, noise and vibration controls;
 - k) restoration of any Council assets removed and/or damaged during construction;
 - l) protection works necessary to road and other infrastructure (limited to an area reasonably proximate to the site);
 - m) remediation of any damage to road and other infrastructure (limited to an area reasonably proximate to the site);
 - n) 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;
 - o) traffic management measures to comply with provisions of AS1742.3-2002 Manual of Uniform Traffic Control Devices – Part 3: Traffic Control Devices for works on roads; and all contractors associated with the construction of the development must be made aware of the requirements of the Construction Management Plan.

In the event of damage during construction to any adjacent Council roads, footpaths and park land, such damage will be required to be repaired by and at the full cost to the developer, to the satisfaction of the Responsible Authority.

18. Prior to the commencement of the use hereby permitted, the landscaping works as shown on the endorsed plans must be completed to the satisfaction

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- of the Responsible Authority. The landscaping must then be maintained to the satisfaction of the Responsible Authority.
19. Prior to the commencement of the use hereby permitted, all buildings and works and the conditions of this permit must be complied with, unless with the further prior written consent of the Responsible Authority.
 20. Prior to the commencement of the use hereby permitted, or by such later date as is approved by the Responsible Authority in writing, the nature strip, kerb and channel, vehicle crossover and footpath must be reinstated to the satisfaction of the Responsible Authority.
 21. Before the development commences, prior to submission of a detailed Stormwater Management Plan of the development as per the condition below, a comprehensive stormwater management strategy of the site including MUSIC model output 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 Council.
 22. The development of the site must be provided with stormwater works which incorporates the use of water sensitive urban design principles to improve stormwater runoff quality and which also retains on site any increase in runoff as a result of the approved development. The system must be maintained to the satisfaction of the Responsible Authority. Council's Development Engineer can advise on satisfactory options to achieve these desired outcomes which may include the use of an infiltration or bio-retention system, rainwater tanks connected for reuse and a detention system.
 23. Before the development commences, a detailed Stormwater Management Plan in line with accepted Stormwater Management Strategy pursuant to Condition 15 above, showing the stormwater works to the nominated point of discharge must be prepared to the satisfaction of the Responsible Authority. The Stormwater Management 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*, unless otherwise stated within these permit conditions.
 24. Stormwater works must be provided on the site so as to prevent overflows onto adjacent properties.
 25. The overall stormwater outflow of the development to drainage authorities' drainage system must be limited to the predevelopment outflow of the site. The detention system must be provided based on an existing runoff coefficient of 0.2.
 26. Prior to the commencement of the development, an outfall drain to discharge from the subject site to Melbourne Water's Smythes drains must be designed and constructed at the Developer's cost to the satisfaction of the responsible drainage authority. All works associated with outfall drainage works must be in accordance with engineering plans submitted to and approved by the Council. A priced schedule of the outfall drainage works and the payment of Council's engineering fees of 3.25% of the total cost of the outfall drainage

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- works are required to be submitted prior to the approval of the engineering plans.
27. Before the commencement of any building and works on the Land, an Environmental Management Plan and a Construction Management Plan must be prepared to the satisfaction of the Responsible Authority.
28. Any existing vehicular crossing not in accordance with the endorsed plan must be removed and the kerb reinstated in a manner satisfactory to the Responsible Authority and any proposed vehicular crossing must be fully constructed to the Responsible Authority's standard specification.
29. Prior to the commencement of the use hereby permitted, areas set aside for parking vehicles, access lanes and paths as shown on the endorsed plans must be:
- a. Constructed to the satisfaction of the Responsible Authority.
 - b. Properly formed to such levels that they can be used in accordance with the plans.
 - c. Surfaced in accordance with the endorsed plans under this permit or in an all-weather coloured concrete seal-coat, to the satisfaction of the Responsible Authority.
 - d. Drained and maintained to the satisfaction of the Responsible Authority.
- Parking areas and access lanes must be kept available for these purposes at all times and maintained to the satisfaction of the Responsible Authority.
30. The car parking provided on the land must always be made available for use by persons employed on or visiting the subject premises to the satisfaction of the Responsible Authority.
31. The amenity of the area must not be detrimentally affected by the development and/or use hereby approved, through the:
- Appearance of any buildings, works or materials;
 - Emissions of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil; and
 - Presence of vermin.
32. The use may operate only between the hours of:
- Monday to Friday: 7:00am to 7:00pm; and
 - Saturday and Sunday: 8:00am to 5:00pm.
- Unless with the further written consent of the Responsible Authority.
33. Deliveries to and from the site (including waste collection) must only take place between:
- Monday to Saturday 7:00am- 7:00pm
 - Sundays and Public Holidays 9:00am- 5:00pm
- Deliveries to and from the site are to be limited to hours outside of peak demand within these specified time limits.
34. Bins or other receptacles for any form of rubbish or refuse must not be

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placed or allowed to remain in view of the public, and smell must not be emitted from any such receptacle.

35. The site shall be kept in a neat and tidy condition at all times, all to the satisfaction of the Responsible Authority.
36. In accordance with Section 68 of the *Planning and Environment Act 1987 (The Act)*, this permit will expire if one of the following circumstances applies:
- The development and/or use 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.
 - This permit expires in ten years from the date of issue.

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

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

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: Before removing / pruning any vegetation from the site, the applicant or any contractor engaged to remove any vegetation, should consult Council's Vegetation Management Officer to verify if a Local Laws Permits is required for the removal of such vegetation.

CARRIED

4.8 KP14/610 - 261-267 Charman Road Cheltenham

Cr Eden left the meeting at 8.27pm

It is recorded that Anthony Tesoriero spoke on behalf of the applicant.

Moved: Cr Brownlees

Seconded: Cr West

That Council determine to support the proposal and issue a Notice of Decision to Grant a Planning Permit to develop the land for the construction of four shops/food and drink premises and eighteen dwellings with a reduction of car parking and loading requirements and advertising signage at 261-267 Charman Road 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 three copies must be provided. The plans must be substantially in accordance with the plans TP05, TP06, TP11-TP18 submitted to Council on 13 November 2014 and plans TP07-TP10 (Revision E) submitted to Council on 3 March 2015, but modified to show:
 - a. The provision of a longitudinal section of the basement ramp showing gradients, levels, distances, with headroom clearances with a minimum of 2.1 metres and a flood proof apex.
 - b. The provision of a convex mirror, or alternative treatment, (in addition to the boundary wall cut out) to provide northward views for cars exiting the basement, to the satisfaction of the Responsible Authority.
 - c. All hallway windows shown as being operable.
 - d. A section drawing of the light court provided to apartments 102, 202 and 302, showing the details of windows.
 - e. Reconfiguration of the internal access to shop 1, and to the bin store, by removing the requirement for staff to enter shop 1 via the loading bay, and also removing the requirement for all residents and staff to enter the bin store via the loading bay.
 - f. Screening of roof top plant equipment, not exceeding the height allowance in Schedule 1 to Clause 37.08.
 - g. Dimensions of all storage areas, demonstrating a minimum of 6 cubic metres for each apartment, and allocation to each apartment.
 - h. The provision of plinths to each shop front façade, with these plinths to be a minimum of 400mm in height.
 - i. The bicycle spaces proposed at the front of the building, relocated opposite the buildings residential entry.
 - j. The location and dimension of signs, with one front façade sign for each shop front, and one suspended light box for each shop, to the satisfaction of

the Responsible Authority.

- k. The provision of a minimum 1.5 metre width to the residential lobby, clear of any site services/mailboxes.
- l. The location and design of fire services required for the development.
- m. Materials and finishes to further articulate the southern and northern side boundary walls to provide an improved architectural outcome to these exposed walls.
- n. An improved design response on the rear elevation at ground level to remove the blank wall and provide visual interest.
- o. The provision of a 600mm setback to the edge of the awning, from the face of kerb.
- p. Where balcony widths are shown with a dimension of 1.6 metres or 1.8 metres, this dimension must be increased to a minimum of 2 metres.
- q. The location of all externally-located heating and cooling units, exhaust fans and the like, clearly shown and screened from public view, and located outside of primary secluded open space areas.
- r. 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. The schedule must nominate light colour wall finishes for walls and ceilings abutting windows to bedrooms in saddleback arrangements, and walls enclosing all light courts. An alternative palette is also required for the first floor framing element and adjustable aluminium screens (to Charman Road) to provide a lighter finish, to the satisfaction of the Responsible Authority.
- s. A skylight provided to the bedroom of apartment 305.
- t. Notes and details on plans relating to the implementation of initiatives nominated in the amended Sustainability Management Plan, required by Condition 3.
- u. The front façade of the building to be re-designed to incorporate a parapet above the ground floor, similar in presentation to the existing parapets on two of these sites, if possible.

Endorsed Plans

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

Sustainability Management Plan

- 3. Prior to the endorsement of plans required by Condition 1, an amended Sustainability Management Plan (SMP) must be submitted for endorsement. The SMP must be generally in accordance with the plan prepared by Keystone Alliance, dated November 2014, but amended to address the comments provided by Council's Urban and Sustainable Design Advisor, dated 16 January 2015.

Construction Management

4. Before the commencement of any buildings and works, a Construction Management Plan (CMP), to the satisfaction of the Responsible Authority, must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed as evidence of its approval and will then form part of the permit and shall thereafter be complied with. The CMP must specify and deal with, but is not limited to, the following:
 - o. a detailed schedule of works, including the demolition of structures and a full project timing;
 - p. a fully detailed plan indicating where construction hoardings would be located;
 - q. a waste management plan including the containment of waste on site, disposal of waste, stormwater treatment and on-site facilities for vehicle washing;
 - r. 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;
 - s. business operations on the site during construction;
 - t. site security;
 - u. public safety measures;
 - v. construction times, noise and vibration controls;
 - w. restoration of any Council assets removed and/or damaged during construction;
 - x. protection works necessary to road and other infrastructure (limited to an area reasonably proximate to the site);
 - y. remediation of any damage to road and other infrastructure (limited to an area reasonably proximate to the site);
 - z. 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;
 - aa. the CMP must identify all relevant permits required for works/occupation outside the property boundary (ie. Hoarding, Asset Protection, Occupation of Public Land);
 - bb. all contractors associated with the construction of the development must be made aware of the requirements of the Construction Management Plan.

5. Before the commencement of any buildings and works, a Traffic Management Plan (TMP), to the satisfaction of the Responsible Authority, must be submitted to and approved by the Responsible Authority. The TMP must specify and deal with, but is not limited to, the following:
 - a. when or whether any access points would be required to be blocked; an outline of requests to occupy public footpaths or roads, or anticipated

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- disruptions to local services; and preferred routes for trucks delivering to the site;
- b. the location for the parking of all construction vehicles and construction worker vehicles during construction;
 - c. delivery of materials including times for loading/unloading and unloading points; expected frequency; and details of where materials will be stored and how concrete pours would be managed;
 - d. proposed traffic management signage indicating any inconvenience generated by construction; and
 - e. 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.
6. During the construction, the following must occur:
- g. any stormwater discharged into the stormwater drainage system is to comply with EPA guidelines;
 - h. 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;
 - i. vehicle borne material must not accumulate on the roads abutting the site;
 - j. the cleaning of machinery and equipment must take place on site and not on adjacent footpaths, roads or parks;
 - k. all litter (including items such as cement bags, food packaging and plastic strapping) must be disposed of responsibly; and
 - l. all site operations must comply with the EPA Publication TG302/92 (including all revisions or replacement guidelines).

Drainage and Water Sensitive Urban Design (WSUD)

- 7. A flood proof apex (ie ridge level) protecting the property from any overland flows must be provided along the frontage of the development. This apex is to be at a minimum of 80mm above the existing invert of the laneway along the site's rear property boundary. This apex is to continue through any driveways or pathways that may cross it. The apex is to be a permanent structure (eg. rise in concrete driveway/pathway, sleeper retaining wall, solid brick fence/wall). Low mounded soil on its own is unlikely to be acceptable due to the likelihood of future disturbance.
- 8. The development of the site must be provided with stormwater works which incorporates the use of water sensitive urban design principles to improve stormwater runoff quality and which also retains on site any increase in runoff above the permissible site discharge as a result of the approved development. The system must be maintained to the satisfaction of the Responsible Authority. The satisfactory options to achieve these desired outcomes may include the use of an infiltration or bio-retention system, rainwater tanks connected for reuse and

a detention system. The overall outflow of the site to Council drainage system must be limited to 7.3 L/s.

9. Before the development commences, prior to submission of detailed Stormwater Management (drainage) Plan of the development as per condition 10 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;
10. Before the development commences, a Stormwater Management (drainage) Plan showing the stormwater works to the nominated point of discharge must be prepared to the satisfaction of the Responsible Authority. The Stormwater Management 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*".
11. Stormwater works must be provided on the site so as to prevent overflows onto adjacent properties.
12. Prior to the commencement of works, a Groundwater Assessment Report (GAR), to the satisfaction of the Responsible Authority, must be submitted. The GAR must be prepared by a qualified hydro-geologist and assess any possible impact of the proposed development upon existing ground water table and surrounding land and buildings to the satisfaction of the Council.

Should the results of the GAR indicate that the site is likely to experience issues associated with groundwater management the following documentation must be submitted and approved by the Responsible Authority prior to the commencement of works:

- c) a Groundwater Management Plan (GMP); and
- d) development plans that demonstrate a fully-tanked dry basement with no AG drain collection or disposal and an allowance made for any hydrostatic pressures.

Once approved the plans will be endorsed and form part of the planning permit.

Infrastructure and Road Works

13. The provision of bicycle parking on the footpath to the front of the site is subject to further approval from the Responsible Authority, with any new bicycle parking to be provided at the full cost of the owner/developer, to the satisfaction of the Responsible Authority.
14. Property boundary and footpath levels must not be altered without the prior written consent from the Responsible Authority.
15. Any access ramps at pedestrian doorways must be ramped internally within the

property

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

Parking construction and management

20. Prior to the occupation of the dwellings hereby permitted, areas set aside for parking vehicles, access lanes and paths for that stage as shown on the endorsed plans must, to the satisfaction of the Responsible Authority, be:
 - a. Constructed to the satisfaction of the Responsible Authority.
 - b. Properly formed to such levels that they can be used in accordance with the plans.
 - c. Surfaced in accordance with the endorsed plans under this permit or in an all-weather coloured concrete seal-coat, to the satisfaction of the Responsible Authority.
 - d. Drained and maintained to the satisfaction of the Responsible Authority.
 - e. Line-marked to indicate each car space, allocation 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.

Lighting

21. 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.

Advertising Signs

22. The location and details of the signs, as shown on the endorsed plans, must not be altered without the prior written consent of the Responsible Authority.
23. All signs must be located wholly within the title boundary of the land and must not protrude above the overall height of the building.
24. The signs must not be animated and no flashing or intermittent lights may be displayed.
25. Once the erection of the signs has commenced it must be continued and completed to the satisfaction of the Responsible Authority.
26. The signs shown on the endorsed plans must be constructed to the satisfaction

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of the Responsible Authority and must be maintained to the satisfaction of the Responsible Authority.

27. This permit (the part of the permit that relates to advertising signs) expires 15 years from the date of issue of the permit.

General amenity conditions

28. 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.
29. 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.

Completion

30. Prior to the occupation of the dwellings hereby permitted, all buildings and works and the conditions of this permit must be complied with, unless with the further prior written consent of the Responsible Authority.
31. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.

Time Limits

32. In accordance with section 68 of the *Planning and Environment Act 1987 (Act)*, this permit will expire if one of the following circumstances applies:
- The development is not started within (2) years from the date of this permit.
 - The development is not completed within four (4) years from the date of permit issue.

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

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

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

Note: The builder/developer must contact Council prior to the lodgement of the CMP/Traffic Management Plan documents to organise a site meeting to discuss site constraints and possible solutions to be included in the CMP/TMP.

Note: Council does not accept any 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: 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*).

Amendment

Moved: Cr Bearsley

That the Motion be adopted with the deletion of condition 1u.

The Amendment lapsed for want of a seconder

Cr Barth left the meeting at 8:34pm

Cr Eden returned to the meeting at 8:34pm

Cr Barth returned to the meeting at 8:39pm

The Substantive Motion was put and **CARRIED**

4.9 KP747/2014 468-508 Heatherton Road, Clayton South

Cr Brownlees left the meeting at 8.45pm

It is recorded that Diana Donoghue spoke on behalf of the objectors.

Cr Brownlees returned to the meeting at 8.49pm

Moved: Cr West

Seconded: Cr Staikos

That Council determine to issue a Notice of Refusal to Grant a Permit to use and develop the land for a Cartage Contractor's Depot at 468 - 508 Heatherton Road, Clayton South, on the following grounds;

1. The proposal is inconsistent with State Planning Policy Framework.
2. The proposal is inconsistent with Local Planning Policy Framework, including the Municipal Strategic Statement and Local Planning Policies.
3. The proposal is inconsistent with the Purpose and Decision Guidelines of the Green Wedge Zone – Schedule 2 (GWZ2) at Clause 35.04 of the Kingston Planning Scheme.
4. The proposal is inconsistent with the Purpose of Clause 57 (Metropolitan Green Wedge).
5. The proposal is inconsistent with the Kingston Green Wedge Plan – Final Plan (April 2012).

CARRIED

4.10 KP479/2014 - 7 View Street, Highett

It is recorded that Karen Ryan spoke on behalf of the objectors.

Moved: Cr Staikos

Seconded: Cr Barth

That Council determine to support the proposal and issue a Notice of Decision to Grant a Permit Develop the land for the construction of six (6) dwellings on a lot at 7 View Street, Highett, subject to the following conditions;

1. Before the development starts amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be substantially in accordance with the plans submitted to Council on 22nd September 2014, but modified to show:
 - a. the provision of an improved landscape plan and associated planting schedule for the site showing the proposed location, species type, mature height and width, pot sizes and number of species to be planted on the site, 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. The schedule must be shown on the plan;
 - ii. the delineation of all garden beds, paving, grassed areas, retaining walls, fences and other landscape works including areas of cut and fill throughout the development;
 - iii. all existing trees on the site and within three (3) metres to the boundary of the site on adjoining properties, accurately illustrated to represent actual canopy width and labelled with botanical name, height and whether the tree is proposed to be retained or removed;
 - iv. a range of plant types from ground covers to large shrubs and trees;
 - v. adequate planting densities (e.g.: plants with a mature width of 1 metre, planted at 1 metre intervals);
 - vi. the provision of two (2) suitable medium sized (at maturity) canopy trees within the front setback of the property and one (1) medium (at maturity) tree within the private open space area of each dwelling, with species chosen to be approved by the Responsible Authority;
 - vii. sustainable lawn areas and plant species taking current water restrictions into consideration;
 - viii. all trees provided at a minimum of two (2) metres in height at time of planting;
 - ix. medium to large shrubs to be provided at a minimum pot size of 200mm; and
 - x. the provision of notes on the landscape plan regarding site preparation, including the removal of all weeds, proposed mulch, soil types and thickness, subsoil preparation and any specific maintenance requirements.
 - b. the provision of minimum 2000 litre rainwater tank clearly nominated for

- each dwelling with water re-used for toilet flushing;
 - c. garages 2 to 6 provided with a fully workable reversing area so that all vehicles can exit the site in a forwards direction, with any modification made to the site layout to accommodate this requirement not resulting in any loss of secluded private open space for all dwellings;
 - d. a reduction in driveway width to 2.6 metres where possible with the additional area created to be used for landscaping along the side of the driveway;
 - e. the provision of suitable fixed (unopenable) angled screening to the first floor north facing balconies of dwellings 2 to 6 to a minimum height of 1.7 metres above the first floor finished floor level directly below, in accordance with Clause 55.04-6 (Standard B22) of the Kingston Planning Scheme or angled screens designed to prevent overlooking but allowing for long range views;
 - f. dwelling 1's ground floor bedroom provided with a window along it's northern elevation;
 - g. dwelling 6's ground floor laundry provided with windows along it's north and east elevations;
 - h. dwelling 1's and common driveway provided with splay requirements at the front of the site in accordance with Clause 52.06 Car Parking;
 - i. visitor parking spaces clearly marked;
 - j. the provision of greater separation between the driveway / accessway and all dwellings and the provision of improved access to garage 2 to 6 inclusive;
 - k. an elevation plan of the front fencing, which provides details of its height, materials and colours;
 - l. the surface material of all driveways / accessways and car parking spaces nominated in all-weather coloured concrete sealcoat, or similar;
 - m. the door of each garage nominated as a panel lift door that include a glass insert feature, or similar;
 - n. the provision of a full colour, finishes and building materials schedule, including samples (illustrated on an A4 or A3 sheet), for all external elevations and driveways of the development;
 - o. the location of all externally-located heating and cooling units, exhaust fans and the like, clearly shown;
 - p. a notation on the floor / site plan(s) stating: "The redundant vehicle crossing must be removed, kerb & channel must be reinstated and the extension to the existing footpath up to the wing of the vehicle crossing must be constructed to the satisfaction of the Responsible Authority";
 - q. a standard on street parking bay at least 5.4m between vehicle crossings shown on the plans.
2. The development as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.

Vegetation

3. Prior to the commencement of any works on the site including demolition, a tree protection barrier must be installed at three (3) metres from the base of the Eucalyptus street tree located on the View Street nature strip.

Completion

4. 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.

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

Stormwater

6. The development of the site must be provided with stormwater works which incorporates the use of water sensitive urban design principles to improve stormwater runoff quality and which also retains on site any increase in runoff as a result of the approved development. The system must be maintained to the satisfaction of the Responsible Authority. Council's Development Engineer can advise on satisfactory options to achieve these desired outcomes which may include the use of an infiltration or bioretention system, rainwater tanks connected for reuse and a detention system. The overall outflow of the site to Council drainage system must be limited to 8.3 L/s.
7. Before the development commences, a Stormwater Management Plan showing the stormwater works to the nominated point of discharge must be prepared to the satisfaction of the Responsible Authority. The Stormwater Management 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 System must be prepared as per Council's "Civil Design Requirements for Developers – Part A: Integrated Stormwater Management".
8. A STORM report demonstrating water sensitive urban design treatments and achieving Victorian best practice objectives must be provided as part of the Stormwater Management Plan to the satisfaction of the Responsible Authority.
9. Stormwater works must be provided on the site so as to prevent overflows onto adjacent properties.

Infrastructure and Road Works

10. Prior to the occupation of the dwellings hereby permitted, or by such later date as is approved by the Responsible Authority in writing, the nature strip, kerb and channel, vehicle crossover and footpath must be reinstated to the satisfaction of the Responsible Authority.
11. Any existing vehicular crossing not in accordance with the endorsed plan must be removed and the kerb reinstated in a manner satisfactory to the Responsible Authority and any proposed vehicular crossing must be fully constructed to the Responsible Authority's standard specification.
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. All redundant vehicle crossings must be removed (including redundant portions of vehicle crossings) to the satisfaction of the Responsible Authority.
16. All front and side fences must be contained wholly within the title property boundaries of the subject land.
17. Vehicle crossings must be constructed at a 90 degree alignment with the kerb on View Street and all internal driveways must align with the existing / proposed vehicle crossing.
18. The proposed vehicle crossing is to be kept separated from the neighbour's vehicle crossing.

Lighting

19. Exterior lighting must be installed in such positions as to effectively illuminate all communal area. Such lighting must be designed, baffled and located to the satisfaction of the Responsible Authority.

Completion

20. Prior to the occupation of the dwellings hereby permitted, all boundary fences must be repaired and/or replaced as necessary to the satisfaction of the Responsible Authority, at the cost of the applicant/owner.
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 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.
23. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.

Time Limits

24. In accordance with section 68 of the *Planning and Environment Act 1987 (Act)*, this permit will expire if one of the following circumstances applies:
 - The development is not started before within (2) years from the date of this permit.
 - The development is not completed within four (4) years from the date of permit issue.

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

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

Note: Prior to the commencement of the development you are required to obtain the

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

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*).

CARRIED

4.11 KP14/773 - 25 Barker Street Cheltenham

It is recorded that Chris Pippo spoke on behalf of the applicant.

Moved: Cr Brownlees

Seconded: Cr Eden

That Council determine to support the proposal and issue a Planning Permit to develop the land for the construction of Six (6) dwellings at 25 Barker 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 three copies must be provided. The plans must be substantially in accordance with the plans submitted to Council on the 22nd December, 2014, but modified to show:
 - a. the provision of a landscape plan in accordance with the submitted development plan and the City of Kingston Landscape Plan Checklist, with such plans to be prepared by a suitably qualified landscape professional and incorporating:
 - 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. The schedule must be shown on the plan;
 - ii. the delineation of all garden beds, paving, grassed areas, retaining walls, fences and other landscape works including areas of cut and fill throughout the development;
 - iii. all existing trees on the site and within three (3) metres to the boundary of the site on adjoining properties, accurately illustrated to represent actual canopy width and labelled with botanical name, height and whether the tree is proposed to be retained or removed;
 - iv. a range of plant types from ground covers to large shrubs and trees;
 - v. adequate planting densities (e.g.: plants with a mature width of 1 metre, planted at 1 metre intervals);
 - vi. the provision of two (2) suitable medium sized (at maturity) canopy trees within the front setback of the property and one (1) small (at maturity) tree within the private open space area of each dwelling, with species chosen to be approved by the Responsible Authority;
 - vii. all trees provided at a minimum of two (2) metres in height at time of planting;
 - viii. medium to large shrubs to be provided at a minimum pot size of 200mm; and
 - ix. the provision of notes on the landscape plan regarding site preparation, including the removal of all weeds, proposed mulch, soil types and thickness, subsoil preparation and any specific maintenance requirements.
 - b. the provision of adequate lighting throughout the internal car parking area

- and adjacent to the proposed common driveway;
- c. the provision of a kerb (not to exceed 150mm in height) between the proposed common driveway and the pedestrian walkway until the point where vehicles must cross it;
 - d. all ESD commitments in the written statements to be clearly shown on the plans;
 - e. the proposed vehicle crossing located at least one (1) metre from the storm water pit or located entirely within the vehicle crossing and modified to a grated pit, to the satisfaction of the Responsible Authority;
 - f. the provision of a minimum 2000 litre rainwater tank clearly nominated for each dwelling with water re-used for toilet flushing;
 - g. the surface material of all driveways/accessways and car parking spaces nominated in all-weather coloured concrete sealcoat, or similar;
 - h. the location of all external heating and/or cooling units for the proposed residential building; and
 - i. the provision of a full colour palette, finishes and building materials schedule for all external elevations and driveway/s of the development.

Endorsed Plans

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

Infrastructure and Road Works

3. 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.
4. The vehicle crossings must be constructed at a 90 degree alignment with the kerb on Barker Street and all internal driveways must align with the existing/proposed vehicle crossings.
5. Property boundary and footpath levels must not be altered without the prior written consent from the Responsible Authority.
6. All reinstatements and vehicle crossings are to be constructed to the satisfaction of the relevant authority.
7. The replacement of all footpaths, including offsets, must be constructed to the satisfaction of the Responsible Authority.
8. All redundant vehicle crossings must be removed (including redundant portions of vehicle crossings) to the satisfaction of the Responsible Authority.
9. All front and side fences must be constructed wholly within the title property boundaries of the subject land.

Drainage and Water Sensitive Urban Design

- 10 The development of the site must be provided with stormwater works which incorporates the use of water sensitive urban design principles to improve stormwater runoff quality and which also retains on site any increase in runoff

as a result of the approved development. The system must be maintained to the satisfaction of the Responsible Authority. Council's Development Engineer can advise on satisfactory options to achieve these desired outcomes which may include the use of an infiltration or bio-retention system, rainwater tanks connected for reuse and a detention system. The overall outflow of the site to Council's drainage system must be limited to 6.0 l/s.

- 11 Before the development commences, a Stormwater Management Plan showing the stormwater works to the nominated point of discharge must be prepared to the satisfaction of the Responsible Authority. The Stormwater Management 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 A STORM report demonstrating water sensitive urban design treatments and achieving Victorian best practice objectives must be provided as part of the Stormwater Management Plan to the satisfaction of the Responsible Authority.
- 13 Stormwater works must be provided on the site so as to prevent overflows onto adjacent properties.

Street Trees

- 14 Prior to the removal of the *Fraxinus excelsior* (Common Ash) street tree from the Barker Street nature strip, payment must be made to Kingston City Council's customer service in accordance with Council's Street Tree Removal Procedures. The removal of this tree must be undertaken by Council at the expense of the Developer/Owner.

Parking and Traffic Management

- 15 Prior to the occupation of each dwelling 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:
 - e. Constructed to the satisfaction of the Responsible Authority.
 - f. Properly formed to such levels that they can be used in accordance with the plans.
 - g. Surfaced in accordance with the endorsed plans under this permit or in an all-weather coloured concrete seal-coat, to the satisfaction of the Responsible Authority.
 - h. Drained and maintained to the satisfaction of the Responsible Authority.

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.

General amenity conditions

- 16 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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be concealed from the street, unless with the further written consent of the Responsible Authority.

- 17 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.
- 18 Service units, including air conditioning/heating units, where incorporated, must not be located where they will be highly visible from any public area to the satisfaction of the Responsible Authority and if located on the roof of a building, suitable screening and baffling must be provided to the satisfaction of the Responsible Authority.

Completion of Works

- 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 Prior to the occupation of each dwelling hereby permitted, all buildings and works and the conditions of this permit must be complied with to the satisfaction of the Responsible Authority, unless with the further prior written consent of the Responsible Authority.
- 21 Prior to the occupation of each dwelling hereby permitted, the landscaping works as shown on the endorsed plans must be completed to the satisfaction of the Responsible Authority. Thereafter, the landscaping shall be maintained to the satisfaction of the Responsible Authority.
- 22 Once the development has started it must be continued and completed 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.

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

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

Note: The Side Entry Stormwater Pit within the vehicle crossing must be constructed to the satisfaction of the Responsible Authority.

Note: Prior to the commencement of the development you are required to obtain the

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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: Before removing / pruning any vegetation from the site, the applicant or any contractor engaged to remove any vegetation, should consult Council's Vegetation Management Officer to verify if a Local Laws Permits is required for the removal of such vegetation.

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

Note: Council's Rates Department is responsible for determining and assigning property address details, which include dwelling/unit/apartment and street numbers and/or street names. The onus is on the Permit Applicant/Land Owner to contact Council's Rates Department to determine dwelling/unit/apartment and street numbers, and street name details for the approved development. Any reference to dwelling numbers on endorsed plans is indicative and should not be relied upon for dwelling/unit/apartment and street numbers and/or street name purposes.

Note: The fee for removal of the street tree(s) from the nature strip is **(\$1257.25 including GST)**, payable to Kingston City Council's Customer Service Department - refer to cashier code "STRE". Customer Service will confirm payment to the Parks Department. The removal of the tree requires a minimum of 2 weeks' notice from the Developer/Owner.

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*).

Cr Staikos left the meeting at 9.08pm

Cr Staikos returned to the meeting at 9.09pm

CARRIED

4.12 KP10/879 - Factory 2 47-49 Malcolm Road Braeside

Moved: Cr Brownlees

Seconded: Cr Bearsley

That Council determine to support the proposal and issue an Amended Planning Permit to develop the land for the construction of buildings and works (new transfer station building / shed) to the existing transfer station and to reduce the car parking requirement pursuant to Clause 52.06 of the Kingston Planning Scheme be issued subject to the following conditions:

1. Before the development starts amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be substantially in accordance with the plans submitted to Council on 18th May, 2011 and 25th September 2014 but modified to show:
 - a) the provision of a landscape plan in accordance with the submitted development plan and the City of Kingston Landscape Plan Checklist, with such plans to be prepared by a suitably qualified landscape professional and incorporating:
 - xii. an associated planting schedule showing the proposed location, species type, mature height and width, pot sizes and number of species to be planted on the site. The schedule must be shown on the plan;
 - xiii. the delineation of all garden beds, paving, grassed areas, retaining walls, fences and other landscape works including areas of cut and fill throughout the development;
 - xiv. all existing trees on the site and within three (3) metres to the boundary of the site on adjoining properties, accurately illustrated to represent actual canopy width and labelled with botanical name, height and whether the tree is proposed to be retained or removed;
 - xv. a range of plant types from ground covers to large shrubs and trees;
 - xvi. adequate planting densities (e.g.: plants with a mature width of 1 metre, planted at 1 metre intervals);
 - xvii. the provision of six (6) suitable medium sized (at maturity) canopy trees within the site, with species chosen to be approved by the Responsible Authority;
 - xviii. sustainable lawn areas and plant species taking current water restrictions into consideration;
 - xix. all trees provided at a minimum of two (2) metres in height at time of planting;
 - xx. the provision of notes on the landscape plan regarding site preparation, including the removal of all weeds, proposed

mulch, soil types and thickness, subsoil preparation and any specific maintenance requirements.

- b) a comprehensive stormwater management (drainage) strategy of the site including a report with MUSIC model output or equivalent and drainage concept plan incorporating Rainwater Tanks for water reuse and other Water Sensitive Urban Design Treatments to achieve best practice objectives must be prepared as per Council's "Civil Design Requirements for Developers – Part A – Integrated Stormwater Management" to the satisfaction of the Council;
 - c) a notation on land to north (rear) which states *for the purpose of empty bin storage where there will be no external transfer, sorting or stockpiling of materials*;
 - d) layout plan of the site in its entirety;
 - e) the surface material of all driveways / accessways and car parking spaces nominated in all-weather coloured concrete sealcoat, or similar;
 - f) the provision of a full colour, finishes and building materials schedule (including samples) for all external elevations and driveways of the development;
 - g) a notation showing the proposed shade cloth screen to the proposed offsets / opening within the proposed transfer station building;
 - h) a notation showing the proposed 3.0m high shade cloth to be added to the existing perimeter fencing; and
 - i) a notation showing the provision of at least two (2) bicycle spaces on the plans.
2. The development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.
 3. Except with the further consent of the responsible authority, the development hereby permitted must not be occupied and used until all buildings and works and the conditions of this permit have been complied with.
 4. The works identified in the drainage strategy must be constructed and maintained to the satisfaction of the responsible authority.
 5. The development of the site must be provided with stormwater works which incorporates the use of water sensitive urban design principles to improve stormwater runoff quality and which also retains on site any increase in runoff as a result of the approved development. The system must be maintained to the satisfaction of the Responsible Authority. Council's Development Engineer can advise on satisfactory options to achieve these desired outcomes which may include the use

of an infiltration or bioretention system, rainwater tanks connected for reuse and a detention system.

6. Before the development commences, a Stormwater Management Plan showing the stormwater works to the nominated point of discharge must be prepared to the satisfaction of the Responsible Authority. The Stormwater Management 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.).
7. Stormwater works must be provided on the site so as to prevent overflows onto adjacent properties.
8. The overall outflow of the site to Council drainage system must be limited to a permissible discharge rate calculated as per Council's "Civil Design Requirements for Developers – Part A - Integrated Stormwater Management".
9. Conditions Requested by EPA:

EPA has no objection to the proposed development, provided that the following matters are taken into account and addressed in any permit which may be issued by Council:

- i. Construction and post-construction activities must be in accordance with Construction Techniques for Sediment Pollution Control (EPA Publication No. 275, 1991).
- ii. There must be no discharge of wastewater, leachate or contaminated stormwater to the stormwater drainage system or surface waters. Suitable drains, interceptor pits, water treatment/storage facilities, pumps and sumps must be installed to ensure that any wastewater, leachate or contaminated stormwater generated at the premises is:
 - connected to reticulated sewer in accordance with a Trade Waste Agreement with South East Water, or
 - collected and retained within the boundary of the premises for collection by an EPA permitted contractor.
- iii. Any soil accepted at the premises should be free of contamination and partially composted material.
- iv. No wastes, green organics or recyclable materials shall be burnt on-site.
- v. There must be no discharge of offensive odours beyond the boundary of the premises.
- vi. There must be no visible discharge of dust beyond the boundaries of the premises.
- vii. There must be no discharge of nuisance airborne particles beyond the boundaries of the premises.

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- viii. Dust monitoring must continue on the subject land for a period of three (3) months after the completion of buildings and works allowed under this permit during which time any information collected to evaluate offsite dust emissions must be provided to Council or EPA within two (2) business days of a request for the data.
 - ix. There must be no discharge of litter beyond the boundaries of the premises.
 - x. Noise emitted from the premises must not exceed the noise objectives as set out in the State environment protection policy (Control of Noise from Commerce, Industry and Trade) No. N-1.
 - xi. Nuisance dust must not be discharged beyond the boundaries of the premises.
 - xii. The stockpile of material must be maintained so that no dust is emitted from the stockpiles beyond the boundary of the premises.
 - xiii. Noise emissions from the premises must comply with the requirements of the State Environment Protection Policies (Control of Noise from Commerce, Industry and Trade) No. N-1.
 - xiv. Stormwater contaminated with waste oil, grease, chemicals, leachate or sediments must not be discharged beyond the boundary of the premises and be collected and disposed of off-site by an EPA approved contractor or sent to sewer under a Trade Waste Agreement.
10. 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.
- all to the satisfaction of the Responsible Authority.
11. All site operations must comply with the dust control measures and monitoring and inspection requirements identified within the supporting Dust Management Plan (prepared by GHD, dated November 2010).
12. All vehicles removing waste must have fully secured and contained loads so that no wastes are spilled or dust or odour is created to the satisfaction of the Responsible Authority.
13. Before the use of the building and works hereby permitted,

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.

14. Before the use of the buildings and works hereby permitted, areas set aside for parking vehicles, access lanes and paths as shown on the endorsed plans must be:
- i) Constructed to the satisfaction of the Responsible Authority.
 - ii) Properly formed to such levels that they can be used in accordance with the plans.
 - iii) Surfaced with an all-weather sealcoat to the satisfaction of the Responsible Authority.
 - iv) Drained to the satisfaction of the Responsible Authority.
 - v) Line-marked to indicate each car space, all access lanes and, if necessary, the direction in which vehicles are to travel to the satisfaction of the Responsible Authority.
 - vi) In accordance with any Council adopted guidelines for the construction of car parks.

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

15. 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.
16. The use must operate only between the hours of:
- | | |
|--------------------|------------------|
| Monday to Friday | 7:00am to 7:00pm |
| Saturday to Sunday | 9:00am to 6:00pm |
17. Or otherwise as approved by the Responsible Authority in writing.
18. 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.
19. No signs or other advertising or identification may be erected or displayed on the site without written Council consent.
20. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.
21. Any external lighting of the site, including car parking areas and buildings, must be located, directed and shielded and of such limited intensity that no nuisance or loss of amenity is caused to any person beyond the site.
22. In accordance with section 68 of the *Planning and Environment Act 1987*, this permit will expire if one of the following circumstances

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applies:

- The development is not started within two (2) years from date of this amended permit.
- The development is not completed within four (4) years from the date of this amended permit.

In accordance with section 69 of the *Planning and Environment Act 1987*, the responsible authority may extend the periods referred to if a request is made in writing before the permit expires, or within three months afterwards.

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

Amendment	Date of Amendment	Description of Amendment
A	20 April 2012	<p>As directed by the Victorian Civil and Administrative Tribunal the following variations were made to the permit:</p> <ul style="list-style-type: none"> • Conditions 8(i), (iv), (v) and (vi) deleted • Condition 8 (xii) amended • All conditions renumbered accordingly
B	[to be inserted]	<ul style="list-style-type: none"> • Expansion of facility for ancillary storage purposes on land to the north of the existing operation. • Additional buildings and works including increase to parking provision. • Revised condition 1b). • Included permit conditions 1a), 1c), 1d), and 8. • Revised condition 9 for additional EPA requirements. • All conditions renumbered accordingly.

CARRIED

4.13 KP15/7 - 112 Fraser Avenue Edithvale

Moved: Cr Bearsley

Seconded: Cr Eden

That Council determine to support the proposal and issue a Planning Permit to Subdivide the Land (Boundary Realignment) at No 112 Fraser Avenue Edithvale, subject to the following conditions;

1. The subdivision (Boundary Realignment) as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.
2. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities, electricity, gas and telecommunication services to each lot shown on the endorsed plan in accordance with the authority's requirements and relevant legislation at the time.
3. The plan of subdivision (Boundary Realignment) submitted for certification under the Subdivision Act 1988 must be referred to the relevant authority in accordance with Section 8 of the Act.
4. Reticulated water, sewerage and electricity must be available to each lot shown on the endorsed plans.
5. Once the subdivision (Boundary Realignment) has started it must be continued and completed to the satisfaction of the Responsible Authority.
6. Conditions Required by Melbourne Water:
 - a) Pollution and sediment laden runoff shall not be discharged directly or indirectly into Melbourne Water's drains or waterways.
 - b) Prior to Certification, the Plan of Subdivision must be referred to Melbourne Water, in accordance with Section 8 of the Subdivision Act 1988.
7. In accordance with section 68 of the *Planning and Environment Act 1987 (Act)*, this permit will expire if one of the following circumstances applies:
 - The plan of subdivision (Boundary Realignment) is not certified within two (2) years from the date of this permit.
 - The plan of subdivision (Boundary Realignment) is not registered within five (5) years of the date of certification.

In accordance with section 69 of the Act, the Responsible Authority may extend the certification time if a request is made in writing prior to the expiry of the permit or within six (6) months after the permit expiry date.

Note: The starting of the subdivision is defined as the certification of the plan.

Melbourne Water

Note: If further information is required in relation to Melbourne Water's permit conditio

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shown above, please contact Melbourne Water on 9679 7517, quoting Melbourne Water's reference 249772.

CARRIED

4.14 KP15/50 - 979-999 Nepean Highway Moorabbin

Moved: Cr Staikos

Seconded: Cr Brownlees

That this item be deferred until the April Ordinary Meeting of Council

CARRIED

5. Confidential Items

Moved: Cr Brownlees

Seconded: Cr Staikos

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

5.1 KP377/13 - 78-86 White Street, Mordialloc - appeal lodged reviewing Council's refusal to grant a Planning Permit. Officers seek Council's position for Compulsory Conference

This agenda item is confidential in accordance with the Local Government Act s89(2) as it relates to proposed developments (s89 2e)

5.2 KP185/2013 - 1-9 Balcombe Road, Mentone - application to amend Planning Permit pursuant to section 87A lodged. Officers seek Council's position for Compulsory Conference

This agenda item is confidential in accordance with the Local Government Act s89(2) as it relates to proposed developments (s89 2e)

CARRIED

The meeting was closed to members of the public at 9.14pm

Moved: Cr Brownlees

Seconded: Cr West

That the meeting be opened to members of the public

CARRIED

The meeting closed at 9.34pm

Confirmed.....

The Mayor 20 May 2015