



City of
KINGSTON

Planning Committee Meeting Minutes

Wednesday, 18th February 2015

**City of Kingston
Planning Committee Meeting**

Minutes

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**City of Kingston
Planning Committee Meeting**

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The meeting commenced at 7.00pm in the Council Chamber, 1230 Nepean Highway, Cheltenham.

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

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

1. Apologies

There were no apologies submitted to the meeting.

2. Confirmation of Minutes of Previous Meetings

Moved: Cr Staikos

Seconded: Cr Bearsley

That the Minutes of the Planning Committee Meeting held on 19 March 2014 be confirmed.

CARRIED

3. Foreshadowed Declaration by Councillors, Officers or Contractors of any Conflict of Interest

Cr Gledhill disclosed a direct conflict of interest in Item 4.5

4. Sustainable Planning and Development Reports

4.1 Town Planning Application Decisions - January 2015

Moved: Cr Staikos

Seconded: Cr Bearsley

That the contents of the report be noted.

CARRIED

4.2 KP13/377 78-86 White Street Mordialloc

It is recorded that Chris Greatorex spoke on behalf of the objectors.

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

Moved: Cr West

Seconded: Cr Brownlees

That Council determine to issue a Notice of Refusal to Grant a Permit to develop the land for the staged construction of 102 apartments and 44 townhouses at 78-86 White Street Mordialloc on the following grounds:

1. The proposal will result in unreasonable amenity impacts on adjoining neighbours due to the height of a wall on the eastern boundary, overlooking opportunities and inadequate side boundary setbacks.
2. The proposal would result in an unreasonable degree of massing and visual bulk presenting to the street and adjoining properties, inconsistent with the existing neighbourhood character and contrary to the objectives of Clause 15 (Built Environment and Heritage) and Clause 22.11 (Residential Development Policy) of the Kingston Planning Scheme.
3. The proposal fails to satisfy the objective of Clause 55.03-1 with inadequate street setbacks.
4. The proposal will not provide for the orderly planning of the area.

CARRIED

4.3 KP14/445 - 5 and 6A Kipling Street Carrum

It is recorded that Vincent Gleeson spoke on behalf of the objectors.

It is recorded that Marcus Stanley spoke on behalf of the applicant.

Moved: Cr Bearsley

Seconded: Cr Eden

That Council determine to issue a Notice of Refusal to Grant a Permit to develop the land for the construction of fifteen (15) dwellings at 5 and 6A Kipling Street Carrum on the following grounds:

1. The proposal results in excessive visual bulk, massing and dominant garages to the detriment of the local neighbourhood character.
2. The proposal fails to comply with relevant local planning policies contained within of the Kingston Planning Scheme.
3. The proposal results in poor internal amenity for future occupants.
4. 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 55.04-2 Walls on boundaries
 - Clause 55.06-1 Design Detail
 - Clause 55.06-2 Front fences

CARRIED

4.4 KP14/680 - 1A Goulburn Street Cheltenham

It is recorded that Rupert Burns spoke on behalf of the objectors.

It is recorded that John Douglas spoke on behalf of the applicant.

Moved: Cr West

Seconded: Cr Brownlees

That Council determine not to support the proposal to develop the land for seven (7) dwellings and to reduce the car parking requirements at 1A Goulburn Street Cheltenham on the following grounds:

1. The development fails to adequately respond to the State and Local Planning Policy Framework.
2. The development does not respond to the preferred and existing neighbourhood character of the area.
3. The development fails to provide an adequate urban design response.
4. The development presents an unacceptable level of visual bulk to the public realm and adjacent properties.
5. The development fails to adequately achieve acceptable levels of on and off site amenity.
6. The development provides insufficient levels of natural surveillance within the site.

CARRIED

4.5 KP14/67 - 16 Woods Avenue Mordialloc

Cr Gledhill disclosed a direct conflict of interest in Item 4.5 by virtue of being a director of a company that owns a property on Woods Avenue Mordialloc and left the meeting at 7.48pm prior to any discussion on the matter.

Procedural Motion

Moved: Cr Bearsley

Seconded: Cr Ronke

That Cr Brownlees be appointed Acting Chairperson for this item.

CARRIED

It is recorded that Jenny White spoke on behalf of the objectors.

It is recorded that Jenny Huang spoke on behalf of the applicant.

Moved: Cr West

Seconded: Cr Eden

That Council determine to issue a Notice of Refusal to Grant a Permit develop the land for the construction of four (4) dwellings in a Land Subject to Inundation Overlay at 16 Woods Avenue Mordialloc on the following grounds:

1. The development does not adequately address the State and Local Planning Policy Framework.
2. The development fails to provide for adequate access and egress within the site.
3. The development results in a loss of on street parking opportunities.
4. The proposal will result in traffic congestion within a residential street.
5. The proposal does not adequately address the existing and preferred neighbourhood character.
6. The proposal does not adequately address on site amenity objectives.

CARRIED

Cr Gledhill returned to the meeting at 7.58pm and resumed the chair.

Cr Ronke left the meeting at 7.59pm

4.6 KP12/569 - 405 Station Street Bonbeach

Moved: Cr Bearsley

Seconded: Cr Eden

That Council determine to issue a Notice of Decision to Grant a Permit to develop the land for the construction of fifteen (15) dwellings at 405 Station Street Bonbeach 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 28 May 2014 and 29 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:
 - i. an associated planting schedule showing the proposed location, species type, mature height and width, pot sizes and number of species to be planted on the site.
 - ii. the delineation of all garden beds, paving, grassed area, retaining walls, fences and other landscape works including areas of cut and fill throughout the development.
 - iii. all existing trees on the site and close to the boundary of the site on adjoining properties, accurately illustrated to represent actual canopy width and labelled with botanical name, height and whether the tree is proposed to be retained or removed.
 - iv. a range of plant types from ground covers to large shrubs and trees, species must comprise a minimum of 80% indigenous coastal species.
 - 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 three (3) small to medium (at maturity) trees within the private open space area of the rear 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 2 metres in height at time of planting.
 - ix. medium to large shrubs to be provided at a minimum pot size of 200mm.
 - x. the provision of notes regarding site preparation, including the removal of all weeds, proposed mulch, soil types and thickness,

- subsoil preparation and any specific maintenance requirements.
- b. a longitudinal cross section of the basement ramp showing grades, levels, headroom clearance and flood proof apex to comply with AS2890.1:2004 5.3.1 and Figure 5.3 unless otherwise approved by the Responsible Authority.
 - c. The driveway, ramp, entry gate and basement modified to show:
 - i. the driveway and basement ramp widened to 3.6m in width.
 - ii. a passing area at the entrance that is 5.0m wide and 7.0m long in accordance with Clause 52.06-8 of the Planning Scheme.
 - iii. a corner splay located along the southern side of the vehicle entry/exit point. The corner splay or area at least 50 per cent clear of visual obstructions must extend at least 2 metres along the frontage road from the edge of an exit lane and 2.5 metres along the exit lane from the frontage. Landscaping within this area must be less than 900mm in height.
 - iv. Convex mirrors at least 2.1m above the parking aisle level at the bottom of the ramp.
 - v. Visitor parking space clearly marked.
 - vi. Car parking spaces clearly marked and allocated to each dwelling with the remaining allocated for visitor parking.
 - vii. Kerb heights in the ramps, parking spaces and manoeuvring areas no more than 150mm.

Unless otherwise approved by the Responsible Authority.

- d. a notation on the ground floor plan stating: "any road signs along the nature strip must be relocated to the satisfaction of the Responsible Authority and at the developer's expense."
- e. vehicle crossing constructed at a 90 degree alignment with the kerb on Station Street and all internal driveways must align with the existing proposed vehicle crossing or otherwise designed to the satisfaction of the Responsible Authority.
- f. the proposed double vehicle crossing must be kept separate from the neighbouring vehicle crossing.
- g. a notation on the ground floor plan stating: "The redundant vehicle crossing removed, kerb and channel reinstated to the satisfaction of the Responsible Authority"
- h. the north facing bedroom 2 windows associated with Dwellings 1 and 2 to be double glazed and have a minimum sill height of 1.4m above the finished floor level.
- i. the first floor building footprint recessed from the southern boundary to demonstrate shadows cast from the development (excluding angled

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elements and services normal to a dwelling) would not extend past shadows cast by the side fence line at 2pm on 22 September on south adjoining secluded private open space or the first floor redesigned to ensure compliance with Clause 55.04-5 (Standard B21) of the Kingston Planning Scheme.

- j. the deletion of one dwelling at first floor and for one car parking space to be allocated for visitor car parking.
 - k. Clarify the transparency and angle of screens proposed to limit overlooking. The screens must be designed in accordance with Clause 55.04-6 (Standard B22) of the Kingston Planning Scheme.
 - l. an elevation plan of the front (western) boundary fence which provides details of its height, materials and colours. This fence must not exceed a height of 1.2m.
 - m. a notation to clarify the height, materials and colours of the secondary front fence (adjacent to Dwelling 1's private open space). This fence must not exceed a height of 1.8m.
 - n. individual storage areas within the storage rooms must be designed to include sliding doors or doors which open outwards.
 - o. a note to state, 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 southern street tree located on the Station Street nature strip.
 - p. the surface material of all driveways, ramps and car parking spaces nominated in all-weather coloured concrete sealcoat or similar.
 - q. 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
2. The development 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 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 southern New Zealand Christmas Tree (*Metrosideros excelsa*) street tree located on the Station Street nature strip.
- 4. Prior to the removal of the northern (*Metrosideros excelsa*) New Zealand Christmas Tree street tree from the Station 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 these trees must be undertaken by Council at the expense of the Developer/Owner.

Drainage

- 5. Prior to the commencement of buildings and works, 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.).

6. Prior to the commencement of buildings and works, comprehensive stormwater management strategy of the site comprising a brief drainage report with drainage concept plan according to Council's Guideline - Civil Design Requirements for Developers – Part A: Integrated Stormwater Management to the satisfaction of the Responsible Authority.
7. A flood proof apex (ie ridge level) protecting the proposed reverse fall driveway / basement ramp must be provided to protect the property from overland flows. This apex is to be a minimum of 220mm above the existing invert of kerb level along the Station St frontage. 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 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 13 l/s/
9. Stormwater works must be provided on the site so as to prevent overflows onto adjacent properties.

Roads and Drains

10. Property boundary and footpath levels must not be altered without the prior written consent form 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 within the title property boundaries of the subject land.

Sustainability Management Plan

16. Prior to the endorsement of plans required by Condition 1, the provision of an updated Sustainability Management Plan (SMP), generally in accordance with the Greencheck SMP, must be submitted to the Responsible Authority for approval. Once approved the Plan will be endorsed and form part of the Permit. The updated SMP must reflect the current plans, and address the comments provided by Council's Urban and Sustainable Design Advisor, dated 6 August 2014.

Construction Management

17. Before the commencement of any buildings and works on the Land, a Construction Management Plan (CMP), to the satisfaction of the Responsible Authority, must be submitted to and approved by the Responsible Authority. 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 a 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 would 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 method and frequency of clean up procedures in the event of build up of matter outside 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 AS 1742.3-2002 Manual of uniform traffic control devices – Part 3: Traffic

control devices for works on roads.

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

Waste Management Plan

18. Before the commencement of any buildings and works on the land, a Waste Management Plan 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:

- 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. The size of the collection vehicle and the frequency, time and point of collection.

The waste management plan must be implemented to the satisfaction of the Responsible Authority. The waste management plan must not be modified unless without the written consent of the Responsible Authority.

Parking construction

19. Prior to the occupation of the dwellings hereby permitted, areas set aside for parking vehicles, access lanes and paths as shown on the endorsed plans must 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 and all access lanes, with the basement ramp line-marked to indicate two way traffic.
- f. Kerbing provided to the side of the pedestrian path accessing the basement.
- g. Provided with wheel stops to the front of each car parking space designed to meet *Australian Standards AS2890.1 – 2004, Parking Facilities: Off-street parking*.

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

Lighting

20. Exterior lighting must be installed in such positions as to effectively illuminate

all communal areas. Such lighting must be designed, baffled and located to the satisfaction of the Responsible Authority to prevent any adverse effect on neighbouring land.

General amenity conditions

21. The obscure glazing shown on the endorsed plans must be through frosted glass or similarly treated glass, and thereafter maintained to the satisfaction of the Responsible Authority. Adhesive film or the like that can be removed must not be used.
22. All fixed external screening to prevent overlooking marked on the endorsed plans shall be maintained by the owner of the land to the satisfaction of the Responsible Authority.
23. 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.
24. 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.

Ongoing

25. 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.
26. 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.
27. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.

Time Limits

28. 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

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permit expires.

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

Note: Future residents are likely to be ineligible for resident permit.

Note: Significant areas of Kingston Council have not been flood mapped by Council or Melbourne Water and therefore do not yet have flood overlays applied to them. If a proposed development falls within these unmapped areas, appropriate methods from 'Australian Rainfall and Runoff' are utilised to determine the depth of overland flow past the frontage of the subject site. An apex is then nominated to protect the property from these overland flows.

Note: The fee for removal of the street tree(s) from the nature strip is \$1059.00 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*).

CARRIED

4.7 KP14/833 - 217-227 Kingston Road Heatherton

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

Cr Ronke returned to the meeting at 8.03pm.

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

Moved: Cr Bearsley

Seconded: Cr Brownlees

That Council determine to issue a of Notice of Decision to Grant a Permit to subdivide the land into ten (10) lots and use of the land for Animal Husbandry (Horse Agistment) at 217-227 Kingston Road Heatherton on the following grounds:

1. Before the development starts, amended plans to the satisfaction of CFA must be submitted and approved by CFA and the responsible authority. When approved, the plans will be endorsed and then form part of the permit. The plans must be drawn to scale with dimensions. The plans must be generally in accordance with the plans submitted with the application but modified to show:
 - a. Operable hydrants, above or below ground. Hydrants must be shown with a maximum distance between hydrants of 90m.
 - b. Constructed roads with a minimum trafficable width of 3.5 metres with .5 metres clearance either side and 4 metres vertically.
 - c. Constructed roads more than 60m in length from the nearest intersection must have a turning circle with a minimum radius of 8m (including roll-over curbs if they are provided.) T or Y heads of dimensions specified by the CFA may be used as alternatives.

Hydrants

2. Operable hydrants, above or below ground must be provided to the satisfaction of CFA.
3. The maximum distance between these hydrants must be 90m.
4. Hydrants must be identified as specified in 'Identification of Street Hydrants for Firefighting purposes' available under publications on the Country Fire Authority web site (www.cfa.vic.gov.au)

Roads

5. Roads must be constructed to a standard so that they are accessible in all weather conditions and capable of accommodating a vehicle of 15 tonnes for the trafficable road width
6. The average grade must be no more than 1 in 7 (14.4%) (8.1 degrees) with a maximum of no more than 1 in 5 (20%) (11.3 degrees) for no more than 50 meters. Dips must have no more than a 1 in 8 (12%) (7.1 degree) entry and exit angle.

Endorsed Plans

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

Section 173 Agreement

8. Before the plan of subdivision can be Certified, the Owner of the land must enter into an agreement with the Responsible Authority under section 173 of the *Planning and Environment Act 1987* to provide for the created lots in

accordance with Planning Permit KP833/2014 issued by the Kingston City Council for pony or horse agistment only and to require further written consent from the Responsible Authority for the use and/or development of the land for any section 2 – permit required uses under the Kingston Planning Scheme. All costs associated with the Agreement will be borne by the landowner.

Infrastructure

9. Prior to certification the internal common property road must be designed in accordance with the requirements of Council's Traffic and Roads and Drains Department.

Drainage conditions

10. Prior to certification, the common access road infrastructure to each lot with associated works must be designed and constructed as per engineering plans submitted to and approved by the Responsible Authority.
11. Prior to certification, a Stormwater Management Plan addressing minor and major storm events and showing the stormwater works to the nominated point of discharge must be prepared as per Council's "Civil Design Requirements for Developers – Part A: Integrated Stormwater Management".
12. Prior to certification of subdivision plan, the Stormwater works with provision of point of discharge to each lot must be constructed as per engineering plan submitted to and approved by the responsible authority.
13. Stormwater works must be provided on site so as to prevent overflows onto adjacent properties.

VicRoads

14. Prior to the certification of the plan of subdivision that creates the lots generally shown on the submitted plan (Drawing titled Kingston Green Proposed Subdivision and dated 22.12.2014, prepared by Landair Surveys), a functional layout plan for the Old Dandenong Road access of the site must be submitted to VicRoads for approval. The plan must be prepared by a suitably qualified traffic engineer, and must show the access being no less than 6.4m wide at the property boundary, but no wider than the width necessary to cater for the swept path of the largest vehicle expected to use the site.
15. Prior to the issue of Statement of Compliance for the Plan of Subdivision, the access for the site must be reconstructed in accordance with the approved functional layout plan, to the satisfaction of VicRoads and the Responsible Authority.
16. No building and works may occur on land affected by the Public Acquisition Overlay.
17. No compensation is payable under part 5 of the Planning and Environment Act 1987 in respect of anything done under this permit

**South East Water
Potable Water**

18. The owner of the subject land must enter into an agreement with South East Water for the provision of potable water supply and fulfil all requirements to its satisfaction.

Sewer

19. The owner of the subject land must enter into an agreement with South East Water for the provision of sewerage and fulfil all requirements to its satisfaction.

General

20. All lots on the Plan of Subdivision are to be provided with separate connections to our potable water supply and sewerage systems.
21. Prior to certification, the Plan of Subdivision must be referred to South East Water, in accordance with Section 8 of the Subdivision Act 1988.

United Energy

22. Entering into an agreement with United Energy for an extension, upgrade and/or re-arrangement of the current electricity supply to lots on the land which may also require:
 - a. establishing easement(s) internally or externally to the site; and/or
 - b. providing site(s) to locate substations; and
23. making a payment to UE to cover the cost of preparing such documentation and work.

Melbourne Water

24. Prior to the issue of a Statement of Compliance, the Owner shall enter into and comply with an agreement with Melbourne Water Corporation for the acceptance of surface and storm water from the subject land directly or indirectly into Melbourne Water's drainage systems and waterways, the provision of drainage works and other matters in accordance with the statutory powers of Melbourne Water Corporation.
25. Pollution and sediment laden runoff shall not be discharged directly or indirectly into Melbourne Water's drains or waterways.
26. Prior to Certification, the Plan of Subdivision must be referred to Melbourne Water, in accordance with Section 8 of the Subdivision Act 1988.

Public Open Space Contribution

27. Prior to the issue of a Statement of Compliance, the applicant or owner must pay to the Responsible Authority an amount equivalent to five per cent 5% of the site value of all land in the subdivision. If the payment is not made within 12 months of the date of this permit, Council will request a revaluation of the site value at each anniversary, and will vary the amount of the payment accordingly.

Time Limit

28. 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 is not certified within two (2) years from the date of this permit.
 - The plan of subdivision 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: If further information is required in relation to Melbourne Water's permit

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conditions shown above, please contact Melbourne Water on telephone 9679 7517, quoting Melbourne Water's reference **246448**.

Note: The following South East Water agreement options are available:

- 1) Application to enter into a Development Deed-Works – If South East Water reticulated sewer/water/recycled water (as applicable) is required to be extended to service lots within the development.
- 2) Application to enter into an agreement-Non Works – If South East Water reticulated sewer/water/recycled water (as applicable) is available to the development and the owner only requires Statement of Compliance to release the titles (i.e. subdivision prior to building).
- 3) Plumbing Industrial, Commercial, Units & Private Water application – If South Easter Water reticulated sewer/water/recycled water (as applicable) is available to the development and the owner wishes to commence construction of the building/s (i.e. building prior to subdivision).

CARRIED

A Division was Called:

DIVISION:

FOR: Crs Ronke, Brownlees, Bearsley and Gledhill (4)

AGAINST: Crs Staikos, West and Eden (3)

CARRIED

4.8 KP08/871 - 7 - 13 Johnson Avenue Carrum

It is reported that Kon Spanos spoke on behalf of the objectors.

Moved: Cr Bearsley

Seconded: Cr Ronke

That Council determine to issue a Notice of Decision to Amend a Permit to use and develop the land for a sailing club and a restaurant, including a reduction in the car parking requirement at 7 - 13 Johnson Avenue Carrum, subject to the following conditions:

1. Before the development and/or use 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 28 July, 2009, but modified to show:
 - a) the provision of acoustic treatment to the south facing windows of the **second level multi-function room and viewing area** to satisfy relevant EPA noise guidelines;
 - b) the provision of additional pavement areas where required;

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- c) full details of all external building materials and colours for the proposed buildings;
 - d) the provision of elevations showing the location of all external plant and equipment with appropriate screening and acoustic treatment provided on the site;
 - e) the provision of a wash down and bin storage area; and
 - f) details of all fencing;
 - g) details of lighting of the entry and any other lighting attached to the exterior of the building;
 - h) the allocation of boat storage bays for 1 and 3 for staff, disabled car parking and/or loading;
 - i) all gates to not open outwards onto Johnson Avenue or Bitumen Road;**
 - j) boat storage area surfaced in an all-weather seal coat or similar; and**
 - k) the provision of suitable detailing with an emphasis on a quality finish to the east-facing wall that improves visual interest and reduces visual bulk and mass.**
2. The development and/or use as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.
 3. 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.
 4. 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.).
 5. Stormwater works must be provided on the site so as to prevent overflows onto adjacent properties.
 6. The development must not be occupied and the permitted use/s must not commence until all buildings and works and the conditions of this permit have been complied with, unless with the further consent of the Responsible Authority.
 7. **Deleted.**
 8. **Deleted.**
 9. **Deleted.**
 10. The delivery of goods to the premises must only be made during the hours of:
7.00am -10.00pm Monday to Friday; and
8.00am – 5.00pm Saturday.

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without the further written consent of the Responsible Authority.

11. **Without the further written consent of the Responsible Authority, the restaurant must have no more than 76 patrons and must only operate between the hours of:**

8.00am – 10.00pm Monday to Sunday.
12. No rubbish is to be collected from the site or deliveries be made to the site before 7.00am Monday to Saturday and 10.00am on Sunday.
13. The emptying of bottles must not occur before 7.00am or after 10.00pm on any day.
14. Without the prior written consent of the Responsible Authority, no form of public address system or sound amplification system shall be used on the premises so as to be audible outside the premises.
15. Before the commencement of any building or 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 and when approved shall thereafter be complied with. The CMP must deal with the parking of vehicles during construction, delivery of materials and containment of waste on site.
16. The development and/or use of the site must not cause nuisance or be detrimental to the amenity of the neighbourhood by the emission of noise. In this regard the emission of noise must comply with the provisions of the Environment Protection Authority.
17. All piping and ducting above the ground floor storey of the development must be concealed to the satisfaction of the Responsible Authority.
18. The amenity of the area must not be detrimentally affected by the development and/or use, through the:
 - a) transport of materials, goods or commodities to or from the land;
 - b) appearance of any building, works or materials;
 - c) emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil;
 - d) Presence of vermin; and
 - e) In any other way.
19. Outdoor lighting must be provided, designed, baffled and located to the satisfaction of the Responsible Authority to prevent any adverse effect on neighbouring land.
20. Exterior lights must be installed in such positions to effectively light all pathways, car parks and other public areas to the satisfaction of the Responsible Authority.
21. 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 Council satisfaction.
22. The location of external fans, air-conditioning apparatus and the like must be to Council approval and installed to prevent loss of amenity to the area by its appearance, noise, emission or otherwise.
23. Any plant and/or equipment proposed on the roof of the building must be screened and acoustically treated in a manner to complement the appearance of the building to the satisfaction of the Responsible Authority.

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24. Construction on the site must be restricted to the following times:
- i. Monday to Friday: 7:00am to 7:00pm
 - ii. Saturday: 9:00am to 6:00pm
- Or otherwise as approved by the Responsible Authority in writing.
25. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.
26. This permit will expire if one of the following circumstances applies:
- The development and use are not started before two (2) years from the date of this permit.
 - The development is not completed before one (1) year from the commencement of works.

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 (1): Prior to the commencement of the development or use you are required to obtain the necessary building permit.

Note (2): Prior to the commencement of the development you are required the necessary Health Department approvals.

Procedural Motion

Moved: Cr Eden

Seconded: Cr Brownlees

That consideration of this item be deferred until the February Ordinary Meeting of Council.

CARRIED

4.9 KP14/657 - Part 221 - 231 Bay Trail Mordialloc (adjacent to Mordialloc Lifesaving Club)

It is recorded that Mary Rimmington spoke on behalf of the objectors.

It is recorded that Gary Wissenden spoke on behalf of the applicant.

Moved: Cr Brownlees

Seconded: Cr Bearsley

That Council determine to issue a Notice of Decision to Grant a Permit remove native vegetation at Part 221 - 231 Bay Trail (adjacent to Mordialloc Lifesaving Club), subject to the following conditions:

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

2. Prior to the removal of any native vegetation, a Protected Flora Permit must be obtained from the regional Department of Environment, Land, Water and Planning to allow for the removal of the *Acacia longifolia subsp. sophorae* (Coast Wattle) species, protected under the *Flora and Fauna Guarantee Act 1988*

DELWP Biodiversity Conditions

3. The removal of vegetation from area 3 in particular be minimised where possible, without compromising community security and safety to the satisfaction of the responsible authority.
4. Before works start, the permit holder must advise all persons undertaking the (vegetation removal/works) on site of all relevant conditions of this permit
5. Before works start, a plan to the satisfaction of the City of Kingston identifying all native vegetation to be retained and describing the measures to be used to protect the identified vegetation during construction, must be prepared and submitted to and approved by the responsible authority. When approved, the plan will be endorsed and will form part of this permit. All works constructed or carried out must be in accordance with the endorsed plan.
6. Before works start, native vegetation protection fencing must be erected around all patches of native vegetation and scattered trees to be retained on site. This fencing must be erected around the patches at a minimum distance of 2 metres from retained native vegetation and at a radius of 12x the diameter at breast height (DBH) to a maximum of 15 metres but no less than 2 metres from the base of the trunk of the scattered trees.

The protection fencing must be constructed to the satisfaction of the responsible authority. The protection fencing must remain in place at least until all works are completed to the satisfaction of the responsible authority. Except with the written consent of the responsible authority, within this area;

- a) no vehicular or pedestrian access, trenching or soil excavation is to occur,
 - b) no storage or dumping of tools, equipment or waste is to occur,
 - c) no entry and exit pits for underground services are to be constructed.
7. In order to offset the removal of 0.093 hectares of native vegetation approved as part of this permit, the applicant must provide a native vegetation offset that meets the following requirements and is in accordance with the *Permitted clearing of native vegetation – Biodiversity assessment guidelines and the Native vegetation gain scoring manual*:

The general offset must:

- a) contribute gain of 0.006 general biodiversity equivalence units
 - b) be located within the Port Phillip and Westernport Catchment Management Authority] boundary or City of Kingston municipal district
 - c) have a strategic biodiversity score of at least 0.211
8. Before any native vegetation is removed, evidence that an offset has been secured must be provided to the satisfaction of the responsible authority. This offset must meet the offset requirements set out in this permit and be in accordance with the requirements of *Permitted clearing of native vegetation – Biodiversity assessment guidelines and the Native vegetation gain scoring manual*. Offset evidence can be either:
 - a) a security agreement, to the required standard, for the offset site or sites, including a 10 year offset management plan.

- b) a credit register extract from the Native Vegetation Credit Register
9. Every year, for ten years, after the responsible authority has approved the offset management plan, the applicant must provide notification to the responsible authority of the management actions undertaken towards the implementation of the offset management plan. An offset site condition statement, including photographs must be included in this notification.

DELWP Coastal Management Consent Conditions

10. The works are to be carried out generally in accordance with planning permit application KP657/14.
11. Any modifications to the works proposed will require further approval by the Program manager regional Planning and Approvals, DELWP.
12. All plantings and vegetation within the coastal Crown Land must utilise indigenous species.
13. All works must be completed and maintained to the satisfaction of City of Kingston.
14. This consent under the Coastal Management Act 1995 will expire if the works are not completed within two years of the date of issue, unless an extension of time is applied for and granted by the Program Manager Regional Planning and Approvals, DELWP.

Cultural Heritage Management Plan

15. All works must be carried out in accordance with the approved Cultural Heritage Management Plan No. 13118 prepared by TerraCulture Heritage Consultants approved by the Office of Aboriginal Affairs Victoria on 8 October 2014.

Permit Expiry

16. 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 (removal of vegetation) is not started before two (2) years from date of this permit.
 - The development (removal of vegetation) is not completed before four (4) years from the date of this permit.

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.

Amendment

Moved: Cr West

That officers be asked to refrain removing banksias, casuarina, and boobialla and other significant trees where they would not compromise community security, safety or construction.

The proposed Amendment was ruled out of order by the Chairperson as being opposite to the intent of the Substantive Motion.

Procedural Motion

Moved: Cr West

Seconded: Cr Staikos

That consideration of this item this item be deferred to February Ordinary Meeting of Council.

LOST

Procedural Motion

Moved: Cr Staikos

Seconded: Cr Brownlees

That consideration of this item be adjourned until after Item 4.10 on the agenda.

CARRIED

4.10 KP14/614 1 Main Road Clayton South

It is recorded that Philip Richardson spoke on behalf of the applicant.

Moved: Cr Staikos

Seconded: Cr Bearsley

That Council determine to issue a Planning Permit to develop the land for the construction of six (6) dwellings at No. 1 Main Road Clayton South, subject to the following conditions:

1. Before the development starts amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be substantially in accordance with the plans submitted to Council on 17 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:
 - 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. rainwater tanks provided to dwelling 1, 2, 3, 5 and 6 nominated to be connected for water re-used for toilet flushing;
- c. the highlight window of bedroom 2 of dwelling 6 increased to a full height window;
- d. two of the four entry posts provided to dwelling 3 deleted;
- e. storage facilities provided to dwellings 1, 3, 5 and 6 nominated to have a minimum volume of 6 cubic metres in accordance with the requirements of Standard B30 (ResCode) of the Kingston Planning Scheme;
- f. specifications of the over bonnet storage facilities for dwelling 2 and 4 provided. Storage facilities must have a minimum volume of 3 cubic metres;
- g. the provision of a 500mm freestanding trellis to the northern boundary fence. The trellis is to commence at the garage of No. 3/458 Haughton Road and finish at the internal side boundary fence of dwelling 5. The trellis is must have a maximum of 25 per cent openings and be coloured to blend with the development.
- h. screening provided to the north facing window of bedroom 2 of dwelling 5 in accordance with the requirements of Standard B22 (ResCode) of the Kingston Planning Scheme;
- i. screening provided to the south facing window of the study of dwelling 6 in accordance with the requirements of Standard B22 (ResCode) of the Kingston Planning Scheme;
- j. a notation stating that the crossover is to be constructed to the satisfaction of the Responsible Authority;
- k. a notation stating that visitor car parking is to be clearly identified and delineated, either through line marking or signage on the site; and
- l. 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.

Street Trees

- 3. A Tree Protection Zone (TPZ) must be installed at a distance of 3 metres from the *Syagrus romanzoffiana* (Queens Palm) located in the adjoining property at 3/3 Main Road Clayton South. The following must be observed within 3m of the tree:
 - 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;

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- 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.

without the further consent in writing of Council's Vegetation Management Officer.

- 4. Prior to the commencement of the demolition and development hereby permitted, a Tree Protection Fence defined by a 1.2 metre high temporary fence constructed using steel or timber posts fixed in the ground or to a concrete pad, with the fence's side panels to be constructed of cyclone mesh wire or similar strong metal mesh or netting, must be erected 3m in a radius from the *Syagrus romanzoffiana* (Queens Palm). The above requirements in condition 3 of this permit must be observed within this area.
- 5. 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.
- 6. 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 *Melia azedarach* (White Cedar) street tree located on the Main Road nature strip.

Stormwater and Water Sensitive Urban Design

- 7. 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. 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 7.8 L/s.
- 8. 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".
- 9. 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.
- 10. Stormwater works must be provided on the site so as to prevent overflows onto adjacent properties.

Infrastructure and Road Works

- 11. Any relocation of pits/power poles or other services affected by this development must be relocated to the satisfaction of the relevant servicing authority and the Responsible Authority, at the cost of the owner/developer.
- 12. Property boundary and footpath levels must not be altered without the prior

- written consent from the Responsible Authority.
13. All reinstatements and vehicle crossings are to be constructed to the satisfaction of the Responsible Authority.
 14. The replacement of all footpaths, including offsets, must be constructed to the satisfaction of the Responsible Authority.
 15. All redundant vehicle crossings must be removed (including redundant portions of vehicle crossings) to the satisfaction of the Responsible Authority.

Car Parking Areas

16. Prior to the occupation of the dwellings hereby permitted, areas set aside for parking vehicles, access lanes and paths as shown on the endorsed plans must be:
 - h. Constructed to the satisfaction of the Responsible Authority.
 - i. Properly formed to such levels that they can be used in accordance with the plans.
 - j. 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.
 - k. Drained and maintained to the satisfaction of the Responsible Authority.
 - l. Kerbing provided to the side of the pedestrian path accessing the basement.
 - m. Provided with wheel stops to the front of each car parking space designed to meet *Australian Standards AS2890.1 – 2004, Parking Facilities: Off-street parking*.

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

Lighting

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

General amenity conditions

18. All works on or facing the boundaries of adjoining properties must be finished and surface cleaned to the satisfaction of the Responsible Authority.
19. All externally-located heating and cooling units, exhaust fans and the like must not be located adjacent to bedroom windows on adjoining properties and must be concealed from the street, unless with the further written consent of the Responsible Authority.
20. 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.

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21. The amenity of the area must not be detrimentally affected by the use or development of the land, through the:
- Transport of materials, goods or commodities to or from the land.
 - Appearance of any building, works or materials.
 - Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil.
 - Presence of vermin.

to the satisfaction of the Responsible Authority.

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 of Works

22. Prior to the occupation of the dwellings hereby permitted, the landscaping works as shown on the endorsed plans must be completed to the satisfaction of the Responsible Authority. Thereafter, the landscaping shall be maintained to the satisfaction of the Responsible Authority.
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 (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: 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

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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: 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

Procedural Motion

Moved: Cr Staikos

Seconded: Cr Brownlees

That consideration of Item 4.9 be resumed.

CARRIED

Item 4.9 continued

The substantive Motion (Moved by Cr Brownlees, and Seconded by Cr Bearsley was put and CARRIED

A Division was Called:

DIVISION:

FOR: Crs Ronke, Brownlees, Staikos, Bearsley, Gledhill and Eden (6)

AGAINST: Cr West (1)

CARRIED

4.11 KP14/724 - 13-27 Pine Lane Heatherton

Cr David Eden left the meeting at 9:29pm

Moved: Cr Staikos

Seconded: Cr West

That Council determine to issue a Planning Permit to use and develop the land for one dwelling at 13-27 Pine Lane Heatherton, subject to the following conditions:

1. The development use as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.
2. 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.
3. All Stormwater of the site must be managed within the site and any overflows onto adjacent properties must be prevented.
4. Noise attenuation measures must be provided in accordance with Section 2 and 3 of the Australian Standard AS 2021-2000 (Acoustics - Aircraft Noise Intrusion - Building Siting and Construction).
5. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.
6. 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: Prior to the commencement of the development you are required to obtain the necessary Building 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.

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

CARRIED

Cr Eden did not return to the meeting.

The meeting closed at 9.31pm

Confirmed.....

The Mayor 18 March 2015