

Minutes

Planning Committee Meeting

Wednesday, 20th April 2022

**City of Kingston
Planning Committee Meeting**

Minutes

20 April 2022

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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 7.05pm in the Council Chamber, 1230 Nepean Highway, Cheltenham and via the Zoom platform.

Present: Cr Steve Staikos (Mayor)
Cr Jenna Davey-Burns (Deputy Mayor)
Cr Tamsin Bearsley (attended online)
Cr Tim Cochrane (attended online)
Cr Tracey Davies (attended online)
Cr David Eden (attended online)
Cr Georgina Oxley (attended online)
Cr Hadi Saab (attended online)

In Attendance: Peter Bean, Chief Executive Officer
Jonathan Guttmann, General Manager Planning and Place
Jaclyn Murdoch, Manager City Development
Phil De Losa, Manager Governance
Patrick O’Gorman, Governance Officer
Gabrielle Pattenden, Governance Officer
Lindsay Holland, Facilities Officer

1. Apologies

Apologies from Cr Hill, Howe and Cr Hua were submitted to the meeting.

Moved: Cr Bearsley

Seconded: Cr Saab

That the apologies from Cr Hill, Cr Howe and Cr Hua be received.

CARRIED

2. Confirmation of Minutes of Previous Meetings

Moved: Cr Cochrane

Seconded: Cr Davies

That the Minutes of the Planning Committee Meeting held on 23 February 2022 be confirmed.

CARRIED

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

There were no Conflicts of Interest submitted to the meeting.

4. Planning and Development Reports

4.1 Town Planning Application Decisions - March 2022

Moved: Cr Bearsley

Seconded: Cr Davies

That the report be noted.

CARRIED

4.2 KP-2021/154 - 379 Centre Dandenong Road, Heatherton

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

Moved: Cr Davies

Seconded: Cr Saab

That the Planning Committee determine to support the proposal and issue a Notice of Decision to Grant a Permit for the use and development of the land for Domestic Animal Boarding and a Caretaker's House in the Land Subject to Inundation Overlay and Airport Environs Overlay - Schedule 1, to put up for display Floodlit Business Identification Signage and to alter access to a road in a Transport Zone 2 at No. 379 Centre Dandenong Road, Heatherton 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. The plans must be substantially in accordance with the plans prepared by Letac Drafting Services, Sheets 1-2 dated 30/11/2020 and Sheets 3-5 dated 10/07/2021 and submitted to Council on 11/11/2021 but modified to show:
 - a) the provision of a landscape plan in accordance with the submitted development plan, with such plans to be prepared by a suitably qualified landscape professional to the satisfaction of the Responsible Authority and incorporating:
 - i. A planting schedule of all proposed trees and shrubs, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant;
 - ii. A survey, including, botanical names of all existing trees to be retained or removed on the site including Tree Protection Zones for trees to be retained calculated in accordance with AS4970-2009;
 - iii. A survey including botanical names, of all existing trees on neighbouring properties where the Tree Protection Zones of such trees calculated in accordance with AS4970-2009 fall partially within the subject site;
 - iv. The delineation of all garden beds, paving, grassed area, retaining walls, fences and other landscape works;
 - v. A range of plant types from ground covers to large shrubs and trees, provided at adequate planting densities (e.g. plants 1 metre width at maturity planted 1 metre apart); with the species chosen to comprise of a minimum 100% locally indigenous species, as per Gippsland

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- Plains EVC No. 3, 48, 53, 55, 68 or 125;
- vi. Indigenous species capable of growing to 4 metres in height to be incorporated along the length of each of the site's boundaries (where practical and subject to viva energy setback requirements);
 - vii. One (1) indigenous canopy tree capable of growing to minimum mature dimensions of 12 metres in height and 7 metres in width to be planted within the north-east corner of the site;
 - viii. Six (6) indigenous canopy trees capable of growing to minimum mature dimensions of 8 metres in height and 5 metres in width to be planted in the garden-bed between the car spaces and the northern 'Indoor Exercise Area' and 'Kennel B's';
 - ix. Six (6) indigenous canopy trees capable of growing to minimum mature dimensions of 8 metres in height and 5 metres in width, and two (2) *Eucalyptus camaldulensis* (River Red Gum) or similarly sized locally indigenous canopy tree species, to be planted in the site's Centre Dandenong Road frontage;
 - x. Five (5) *Eucalyptus camaldulensis* (River Red Gum) or similarly sized locally indigenous canopy tree species, to be planted within the open area in the site's north-west and to be suitably protected (e.g. with live-stock tree guards) to allow for their establishment;
 - xi. All trees to be a minimum of 2 metres in height at the time of planting; with screening species for the east and south boundaries to be provided at a minimum of 1 metre in height and other medium to large shrubs to be provided at a minimum pot size of 200mm;
 - xii. Notes regarding site preparation, including the removal of all weeds, proposed mulch, soil types and thickness, subsoil preparation and any specific maintenance requirements;
 - xiii. Tree protection measures including for street trees accurately drawn to scale and labelled as per the endorsed Tree Management Plan;
- b) the location of tree protection measures illustrated to scale and labeled on the Ground Floor Plan as per the endorsed Tree Management Plan
 - c) any changes as required by Condition 6 of this permit
 - d) the 'Site Analysis' figures amended to be accurate
 - e) each of the proposed signage to have a reduced maximum:
 - i. height above ground level of 5.0m, and
 - ii. display area of 8sqm,
 - f) provide details of all fences including height and materials annotated clearly on the site plan
 - g) all requirements of the Department of Transport, in accordance with Condition 12 – 15 of this permit
 - h) all requirements of Melbourne Water, in accordance with Condition 16 - 26 of this permit
 - i) the length of the accessible parking space increased to 5.4m
 - j) the provision of corner splays (where practical) in accordance with Design Standard 1 of Clause 52.06-9

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- k) the provision of a full colour, finishes and building materials schedule (including samples) for all external elevations and driveways of the development
- l) a notation on the site plan where relevant stating: "The redundant vehicle crossing must be removed, kerb & channel must be reinstated to the satisfaction of the Responsible Authority"
- m) location of all lighting.

Endorsed Plans

- 2. The development and use as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.
- 3. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced.

Trees to be retained

- 4. All existing trees at this address are to be retained within the proposed development, unless otherwise approved by the Responsible Authority.
- 5. The fence between the westernmost Kennel and the Western Boundary is to be installed a minimum 2 metres from the base of any existing tree, with all postholes for this fence within six metres of the existing trees to be dug by hand and relocated to avoid damage to any roots greater than 30mm in diameter.

Tree Management and Protection Plan

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

Domestic Animal Boarding Use

9. The use (the picking up and dropping off of dogs) must operate only between the hours of:

Monday to Sunday: 7.00am to 7.00pm

Or otherwise as approved by the Responsible Authority in writing.

10. The maximum number of animals (dogs) permitted to be present on the premises (including overnight) at any one time must not exceed two-hundred (200).
11. Any sales/ retail of pet accessories must at all times be ancillary to the use of the premises as a dog day care and boarding kennel, to the satisfaction of the Responsible Authority.

Conditions required by the Department of Transport

12. Prior to the endorsement of plans, amended plans must be submitted to and approved by the Head, Transport for Victoria. When approved by the Head, Transport for Victoria, the plans must be endorsed by the Responsible Authority and will then form part of the permit. The plans must be drawn to scale with dimensions and two copies must be provided. The plans must be generally in accordance with the plans date stamped 30/11/2020 and annotated "Proposed Boarding Kennels, Sheet A1, page 1" but modified to show:
- a) Appropriate signs (no exit sign within the site) and linemarking (painted arrow on the crossover/driveway) at the southern (entry only) crossover.
 - b) Appropriate signs (no entry sign facing Boundary Road) and linemarking (painted arrow on the crossover/driveway) at the northern (exit only) crossover.
13. Prior to the commencement of the use, the two crossovers and driveway are to be constructed to the satisfaction of the Responsible Authority and at no cost to the Head, Transport for Victoria.
14. Prior to the commencement of the use, all disused or redundant vehicle crossings must be removed, and the area reinstated to kerb and channel, to the satisfaction of the Responsible Authority and at no cost to the Head, Transport for Victoria.
15. Vehicles must enter and exit the site in a forward direction at all times.

Conditions Required by Melbourne Water:

16. Prior to the endorsement of plans, detailed amended site, ground floor and elevation plans must be submitted to Council and Melbourne Water addressing Melbourne Water's conditions. Plans must be submitted with surface and floor levels to Australian Height Datum (AHD) and must be modified to show:
- a) Finished floor levels of the manager's residence set no lower than 16.84m to AHD;
 - b) Finished floor levels of the Buildings 1no A and 2Nos B set no lower than 16.84 metres to AHD;
 - c) Finished floor levels of the Office, 2 Nos Indoor Exercise areas, 2 Nos Kennel Bs' located adjacent to the south eastern corner set no lower than 16.51 metres to AHD;
17. The Manager's Residence must be constructed with finished floor levels set no lower than of 16.84 metres to Australian Height Datum (AHD) which is 600mm

above the applicable 1% AEP flood level around the location of 16.24 metres to AHD.

18. Buildings 1no A and 3Nos B located to the west of Manager's Residence must be constructed with finished floor levels set no lower than of 16.84 metres to Australian Height Datum (AHD) which is 600mm above the applicable 1% AEP flood level of 16.24 m to AHD.
19. Office, 2 Nos Indoor Exercise areas, 2 Nos Kennel Bs' located adjacent to the south eastern corner, must be constructed with finished floor levels set no lower than of 16.51 metres to Australian Height Datum (AHD) which is 600mm above the applicable 1% AEP flood level around the location of 15.91 metres to AHD.
20. Prior to the issue of an Occupancy Permit, 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.
21. All buildings and permanent structures, including raised footpaths and solid fencing must be setback a minimum distance of 4 metres from the northern property boundary for the passage of overland flows.
22. All open space within the property must be set at existing natural surface level so as not to obstruct the passage of overland flows (and no retaining walls or solid masonry walls are to be used in the development of the land.)
23. Prior to commencement of works, a Site Environmental Management Plan (SEMP) must be submitted to Melbourne Water for review. The SEMP must show the location and details of measures to protect or mitigate risk of pollution or sediment entering the adjacent Melbourne Water land and waterway during the construction phase of the development. The SEMP must include a site map detailing the location and design of all measures in relation to significant site values including the following:
 - Silt fencing
 - Access tracks
 - Spoil stockpiling
 - Trenching locations
 - Machinery/ Plant locations
 - Exclusion fencing around native vegetation/ habitat
24. Prior to the commencement of works, Melbourne Water requires evidence of the location of the stormwater connection (legal point of discharge). If a new stormwater connection is required, a separate application must be made using our online application process.
25. All internal fences and gates within the flood affected areas, must be an open style of construction (50% open style) for the passage of overland flows.
26. All internal fences and gates within the flood affected area must be constructed in an open style (50% open) for the unobstructed passage of overland flows. Boundary fencing are permitted standard timber paling style of construction.

Conditions required by Moorabbin Airport

27. The Development includes noise attenuation measures in compliance with Australian Standard AS 2021 – 2015, Acoustics – Aircraft Noise Intrusion –

Building Sitting and Construction and applying the approved Australian Noise Exposure Forecast for Moorabbin Airport;

28. The Development is undertaken in accordance with the requirements of the Airport Environment Overlay and the Moorabbin Airports Environs Policy;
29. The National Airports Safeguarding Framework and Guidelines will be applied in relation to the Development (refer attachment A); and contracts of sale to notify new purchasers of the proximity of the site to the Moorabbin Airport and the overhead aviation activities.
30. Prior to commencement of works, landowner must:
 - a) Determine whether it requires approval from the Secretary of the Department of Infrastructure, Transport, Regional Development and Communications in relation to the construction (including the use of cranes) of the development, including approval for controlled activities in prescribed airspace pursuant to the Airports (Protection of Airspace) Regulations 1996 (Cth).

If approval is required from the Secretary of the Department of Infrastructure, Transport, Regional Development and Communications, obtain the approval and provide a copy to Moorabbin Airport Corporation.

Drainage and Water Sensitive Urban Design

31. Unless with prior written consent of the Responsible Authority, before the development commences the following Integrated Stormwater Management (drainage) documents must be prepared, by a suitably qualified person, to the satisfaction of the Responsible Authority:
 - a) Prior to submitting detailed engineering plans, a comprehensive stormwater management (drainage) strategy for the site must be prepared that addresses the requirements specified within Council's "Civil Design requirements for Developers – Part A: Integrated Stormwater Management".
 - b) The stormwater management (drainage) strategy must include a report with MUSIC modelling results demonstrating water sensitive urban design treatments that achieve Victorian best practice objectives. These may include the use of an infiltration or bio-retention system, rainwater tanks connected for reuse, or other treatments to the satisfaction of the Responsible Authority.
 - c) The water sensitive urban design treatments as per conditions 31a & 31b above must be implemented on-site, unless an alternative agreement for stormwater quality in-lieu contribution is reached with the Responsible Authority.
 - d) Detailed Stormwater Management (drainage) Plan(s) must be prepared, with supporting computations, showing the stormwater (drainage) works to the nominated point of discharge in line with approved Stormwater Management (drainage) Strategy Report. The plan(s) must show all details of the proposed stormwater works including all existing and proposed features that may have an impact on the stormwater (drainage) works, including landscaping details.
32. Stormwater (drainage) works must be implemented in accordance with the approved stormwater management (drainage) plan and to the satisfaction of the Responsible Authority including the following:
 - a) All stormwater (drainage) works must be provided onsite so as to prevent

overflows onto adjacent properties.

- b) The implementation of stormwater (drainage) detention system which restricts stormwater discharge from the entire subject site to the maximum allowable flowrate of 50 L/s.

All stormwater (drainage) works must be maintained to the satisfaction of the Responsible authority.

Construction Management Plan

- 33. Prior to the commencement of any buildings and works on the land (including demolition), a Construction Management Plan (CMP), to the satisfaction of the Responsible Authority, must be submitted to and approved by the Responsible Authority. The CMP must be prepared in accordance with the City of Kingston Construction Management Policy and Construction Guidelines. The CMP must specify and deal with, but is not limited to, the following elements:

- a) Public Safety, Amenity and Site Security
- b) Traffic Management
- c) Stakeholder Management
- d) Operating Hours, Noise and Vibration Controls
- e) Air Quality and Dust Management
- f) Stormwater and Sediment Control
- g) Waste and Materials Re-use

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

- 34. Prior to endorsement of the of the CMP under the condition 34, a Road Occupation and Works Permit which covers occupation of Council land of construction activities, arranging a Works Zone and assessment of Traffic Management Plans must be approved by the Responsible Authority (if applicable). The permit holder will be responsible for any costs related to this permit, to the satisfaction of the Responsible Authority.
- 35. Prior to endorsement of the CMP under the condition 34, an Asset Protection Permit must be approved by the Responsible Authority (if applicable).

Roads and Drains

- 36. Property boundary and footpath levels must not be altered without the prior written consent form the Responsible Authority.
- 37. All reinstatements and vehicle crossings must be constructed to the satisfaction of the Responsible Authority.
- 38. All redundant vehicle crossings must be removed (including redundant portions of vehicle crossings) to the satisfaction of the Responsible Authority.
- 39. All front and side fences must be contained wholly within the title property boundaries of the subject land.

Caretaker's House

- 40. Access to the dwelling must be provided via an all-weather road with dimensions adequate to accommodate emergency vehicles.
- 41. The dwelling must be connected to a reticulated sewerage system or if not

available, the waste water must be treated and retained on-site in accordance with the State Environment Protection Policy (Waters of Victoria) under the Environment Protection Act 1970.

42. The dwelling must be connected to a reticulated potable water supply or have an alternative potable water supply with adequate storage for domestic use as well as for fire fighting purposes.
43. The dwelling must be connected to a reticulated electricity supply or have an alternative energy source.

General Amenity

44. 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.

45. Before occupation of the development hereby permitted, areas set aside for parking vehicles, access lanes and paths as shown on the endorsed plans must be:

Constructed to the satisfaction of the Responsible Authority.

- i) Properly formed to such levels that they can be used in accordance with plans.
- ii) Drained to the satisfaction of the Responsible Authority.
- iii) Line-marked to indicate each car space, all access lanes and, if necessary, direction in which vehicles are to travel to the satisfaction of the Responsible Authority.
- iv) In accordance with any Council adopted guidelines for the construction of 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.

46. 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.
47. The development and use of the site shall not cause nuisance or be detrimental to the amenity of the neighbourhood by the emission of noise. In this regard any nuisance shall be assessed in accordance with the Australian Standards AS1055 and AS2107 relating to the measurement of Environmental Noise and recommended sound levels.
48. Concrete kerbs or other barriers must be provided to the satisfaction of the Responsible Authority to prevent direct vehicle access to an adjoining road other than by a vehicle crossing.
49. 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.

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50. The loading and unloading of goods to and from vehicles must only be carried out on the land.
51. No goods or packaging materials shall be stored or left exposed outside the building so as to be visible to the public from a road or other public place.
52. 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.

Signage

53. The location and details of the sign(s) as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.
54. All signs must be located wholly within the title boundary of the land and must not protrude above the overall height of the building.
55. The sign(s) must not be located within or encroach onto the road reservation.
56. Signs must not be illuminated internally except with the prior written consent of the Responsible Authority.
57. No other sign(s) or other advertising or identification may be erected or displayed on the site without written Council consent.
58. The sign(s) must not be animated and no flashing or intermittent lights may be displayed.
59. The intensity of the light on the sign(s) must be limited so as not to cause glare or distraction to motorists or other persons or loss of amenity in the surrounding area all to the satisfaction of the Responsible Authority.
60. Once the erection of the sign(s) has commenced it must be continued and completed to the satisfaction of the Responsible Authority.
61. The sign(s) shown on the endorsed plans must be constructed to the satisfaction of the Responsible Authority and must be maintained to the satisfaction of the Responsible Authority.
62. This permit (or part of the permit that relates to advertising signs) expires 15 years from the date of issue of the permit.

Completion of works & expiry

63. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.
64. In accordance with Section 68 of the Planning and Environment Act 1987 (The Act), this permit will expire if one of the following circumstances applies:
 - The use and development is not started before two (2) years from date of this permit.
 - The development is not completed before four (4) years from the date of permit issue.
 - The use is discontinued for a period of two (2) years.

In accordance with Section 69 of the Planning and Environment Act 1987, an application may be submitted to the responsible authority for an extension of the periods referred to in this condition.

Note: Viva Energy requirements:

- No vegetation will be planted within 3m either side of the pipeline (distance calculated from the outermost point of the pipeline)
- Any vegetation planted between 3-6m from the pipeline must be low lying with a non-invasive root system and discussed with Viva Energy Australia prior to planting.
- NO activity or permanent structure installation is to occur over the pipeline.
- The applicant must lodge a Dial Before You Dig, prior to commencing any works and advise Viva Energy Australia of any works or activity crossing or within 10m of the pipeline at least 2 weeks prior to commencement
- The applicant must contact viva and apply for permits by email dbydvic@Vivaenergy.com.au (please ensure you include a full scope of works and details of the equipment and materials you propose to use so as to avoid delays in obtaining your Viva Energy Australia permits.)
- Any and all works must not commence until all the appropriate permits from Viva Energy Australia are obtained and you are able to ensure adherence to all terms and conditions outlined in the permits (including works methodology, offset/alignment specifications and any viva signage requirements)
- The applicant is to ensure appropriate evacuation plans are in place, a way to exit the facility, and a designated congregation point upwind and away from the pipeline.

The onus is on the Permit applicant to comply with Viva Energy requirements.

Note: Prior to the commencement of the development or use 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 Permit 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: Flooding Information

The property is subject to flooding from Clayton South Drain when the capacity of the

underground drainage system is exceeded. The applicable 1% Average Exceedance

Probability (AEP) flood level grades through the site, and is as follows:

- 16.24m to AHD at the location of the Manager's Residence, Building 1 and 3 Nos B.
- 15.91m to AHD at the location of Office, 2 Nos Indoor Exercise areas, 21 Kennel Bs' (close to south-eastern corner of property).

If further information is required in relation to Melbourne Water's permit conditions shown above, please contact Melbourne Water on telephone 9235 2517, or

Melbourne Water's reference MWA-1232697.

Note: Moorabbin Airport

ATTACHMENT A

National Airports Safeguarding Framework (NASF) Guidelines

These Guidelines have been created to enhance the current and future safety, viability and growth of aviation operations, including:

- Guideline A – Measures for Managing Impacts of Aircraft Noise
- Guideline B – Managing the Risk of Building Generated Windshear and Turbulence at Airports
- Guideline C – Managing the Risk of Wildlife Strikes in the Vicinity of Airports
- Guideline D – Managing the Risk of Wind Turbine Farms as Physical Obstacles to Air Navigation
- Guideline E – Managing the Risk of Distractions to Pilots from Lighting in the Vicinity of Airports
- Guideline F – Managing the Risk of Intrusions into the Protected Airspace of Airports
- Guideline G – Protecting Aviation Facilities – Communication, Navigation and Surveillance (CNS)
- Guideline H – Protecting Strategically Important Helicopter Landing Sites (HLS)
- Guideline I – Managing the Risk in Public Safety Areas at the Ends of Runways
- Improved community amenity by minimising aircraft noise-sensitive developments near airports
- Improved safety by ensuring aviation safety requirements are recognised in land use

Further information regarding the NASF is available from The Department of Infrastructure, Transport, Regional Development and Communications:

https://www.infrastructure.gov.au/aviation/environmental/airport_safeguarding/nasf/nasf_principles_guidelines.aspx

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: A copy of the Construction Management Plan to be provided to the Planning

Department and be made available for inspection prior to commencement of the development.

Note: The proposed development requires works within the road reserve. Separate approval under the Road Management Act 2004 for this activity may be required from the Head, Transport for Victoria. Please contact DoT (Roads) prior to commencing any works.

CARRIED

4.3 KP-2020/64 - 7 Edithvale Road and 52 Clydebank Road, Edithvale

It is recorded that Emily Benammar spoke on behalf of objectors.

Moved: Cr Eden

Seconded: Cr Oxley

That the Planning Committee determine to issue a Notice of Refusal to Grant a Permit to develop the land for the construction of a three (3) storey building comprising sixteen (16) dwellings at 7 Edithvale Road and 52 Clydebank Road Edithvale on the following grounds:

1. The proposal fails to meet the objectives and strategic directions of the Municipal Strategic Statement relating to Built Environment and Heritage contained at Clause 21.06 and Housing contained at Clause 21.07 of the Kingston Planning Scheme.
2. The proposal fails to satisfy the requirements in Clause 22.06 (Residential Development Policy) of the Kingston Planning Scheme, as the proposal represents an unsuitable and poorly considered development of the site and provides an inappropriate response to local policy expectations and the character of the area.
3. The proposal is not consistent with the purpose and objectives of the General Residential Zone (Schedule 2) of the Kingston Planning Scheme.
4. The proposal fails to provide an acceptable built form outcome having regard to the physical and policy context.
5. The proposal fails to satisfy the requirements in Clause 55 (Two or more Dwellings on a Lot and Residential Buildings) of the Kingston Planning Scheme, in particular:
 - a) Clause 55.02-1 (Neighbourhood Character)
 - b) Clause 55.02-2 (Residential policy)
 - c) Clause 55.03-7 (Safety)
 - d) Clause 55.04-6 (Overlooking)
 - e) Clause 55.05-3 (Daylight to new windows)
 - f) Clause 55.05-5 (Solar Access to Open Space)
 - g) Clause 55.06-1 (Design Detail)
 - h) Clause 55.06-2 (Front fences)
 - i) Clause 55.07-6 (Noise Impact)
 - j) Clause 55.07-7 (Accessibility)

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- k) Clause 55.07-11 (Waste and recycling)
 - l) Clause 55.07-15 (Natural Ventilation)
6. The proposal represents an overdevelopment of the subject site providing a built form outcome that is an inappropriate response to the character of the area, results in detrimental amenity impacts to surrounding properties and is an inadequate response to local policy expectations for this site.

CARRIED

4.4 KP-2021/849 - 29 Wilson Street, Cheltenham

It is recorded that Christopher Wise spoke on behalf of objectors

It is recorded that Effie Tangalakis spoke on behalf of the applicant

Moved: Cr Davey-Burns

Seconded: Cr Saab

That the Planning Committee determine to support the proposal and issue a Notice of Decision to Grant a Permit to **Error! No document variable supplied.** at **Error! No document variable supplied.**, subject to the following conditions:

1. Before the development starts amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be substantially in accordance with the advertised plans prepared by Prepared by Belco Building Design and Town Planning, Rev A, inclusive of sheets 1 to 9, submitted to Council on 9/02/2022, but modified to show:
 - a) an elevation plan of the front fencing, which provides details of its style, height, materials and transparency
 - b) the proposed stormwater discharges be located at least 500mm from the vehicle crossings
 - c) all heating/cooling units are to be moved off the common boundary shared with the property to the north
 - d) the proposed double vehicle crossing to have a common layback with a triangle of grass between the infill sections of the vehicle crossings to create a pedestrian refuge of no less than 1 metre and must be constructed to the satisfaction of the Responsible Authority
 - e) all relevant commitments identified within the Sustainable Design Assessment, required under condition 8 of this permit, shown on plans
 - f) the provision of a landscape plan in accordance with the submitted Landscape Plan, with such plans to be prepared by a suitably qualified landscape professional to the satisfaction of the Responsible Authority and modified to include:
 - i. The provision of one (1) additional native canopy tree planted in the front setback of Unit 1 or the secluded private open space of Unit 1, capable of growing to minimum mature dimensions of 10 metres in height and 6 metres in width, with the species chosen to be approved

- by the Responsible Authority;
- ii. All trees provided at a minimum of 2 metres in height at time of planting, medium to large shrubs to be provided at a minimum pot size of 200mm;
 - iii. Tree protection measures including for street trees accurately drawn to scale and labelled;
- g) the location of tree protection measures illustrated to scale and labeled on the Ground Floor Plan.
 - h) A setback of one (1) metre to be provided for dwelling 2 and 3 from the northern-western boundary shared with 31 Wilson Street Cheltenham, without significantly reducing street setbacks and ensuring that the minimum 25 square metres of secluded private open space is provided for all of the proposed dwellings to the satisfaction of the responsible authority.

Endorsed Plans

- 2. The development as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.
- 3. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced.

Street Trees

- 4. Any new post holes for the new boundary fence within the TPZ of the *Agonis flexuosa* (Tree 1) street tree and *Pittosporum undulatum* (Tree 8) neighbouring tree must be hand dug and re-located if tree roots greater than 40mm diameter are found. Roots that are less than 40mm diameter may be cut with clean, sharp tools, if required.
- 5. Tree Protection Fencing is to be established around the street tree prior to demolition and maintained until all works on site are complete.
 - a) The fencing is to be a 1.8 metre high temporary fence constructed using steel or timber posts fixed in the ground or to a concrete pad, with the fence's side panels to be constructed of cyclone mesh wire or similar strong metal mesh or netting
 - b) The fencing is to encompass the entire nature strip with each end 3 metres from the base of the tree.

Drainage and Water Sensitive Urban Design

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

- c) A STORM modelling report with results demonstrating water sensitive urban design treatments that achieve Victorian best practice objectives with a minimum 100% rating must be provided as part of the Stormwater Management (drainage) Plan to the satisfaction of the Responsible Authority. These may include the use of an infiltration or bio-retention system, rainwater tanks connected for reuse, or other treatments to the satisfaction of the Responsible Authority.
 - d) The water sensitive urban design treatments as per conditions 5a, 5b & 5c above must be implemented on-site, unless an alternative agreement for stormwater quality in-lieu contribution is reached with the Responsible Authority.
7. Stormwater/drainage works must be implemented in accordance with the approved stormwater management/drainage plan(s) and to the satisfaction of the Responsible Authority including the following:
- a) All stormwater/drainage works must be provided on the site so as to prevent overflows onto adjacent properties.
 - b) The implementation of stormwater/drainage detention system(s) which restricts stormwater discharge to the maximum allowable flowrate of 5.3L/s.
 - c) All stormwater/drainage works must be maintained to the satisfaction of the Responsible Authority.

Sustainable Design Assessment

8. Prior to the endorsement of the plans required pursuant to Condition 1 of this permit, a revised Sustainable Design Assessment (SDA) and development plans must be submitted to and approved by the Responsible Authority. The SDA must be generally in accordance with the SDA prepared by Frater Consulting Services (dated 3/02/2022) and include to the satisfaction of the Responsible Authority:
- i. The BESS Assessment needs to meet the minimum 50% overall score and minimums in Energy (50%), Water (50%), IEQ (50%) and Stormwater (100%) categories in BESS to demonstrate best practice in sustainable design. Considering your response to the points below, should any category fall short of the minimum targets, adjustments will need to be made to demonstrate that the project meets the BESS minimums.
 - ii. Water 3.1 Water Efficient Landscaping: drought-tolerant variety of lawn/turf needs to be specified in the planting schedule of the landscape plans.
 - iii. Energy Heating & Cooling Systems: 3-stars has been entered in the BESS assessment when the commitment in the report only indicates within a star of the best available. Please amend the report to indicate a commitment to specifying heating and cooling systems to meet a 3-star minimum or equivalent to reflect what has been entered into BESS assessment.
 - iv. Energy 4.2 Renewable Energy System – Solar: No on-site renewable energy generation is proposed. Considering the roof space and solar access available, a solar PV system is recommended to reduce energy use and costs.
 - v. Stormwater Management: Indicate clearly on plans what parts of the ground are permeable and impermeable to reflect what has been entered into the STORM calculations. Area considered permeable looks to include some paved areas. These permeable paving must be clearly indicated on plans and landscape plans and details of these areas must be provided as

- part of the submission.
- vi. IEQ 2.2 Cross Flow Ventilation: Amend elevations to reflect effective ventilation to all habitable rooms (refer to 2.2 - Cross Flow Ventilation section of <https://bess.net.au/tool-notes/> for guidance). Ensure all bathrooms and ensuites have an openable window or skylight or exhaust fans with humidity sensors to allow daylight and ventilation. Provide an openable window or openable skylight to the upper floor of the stairs to allow stack ventilation.
 - vii. IEQ Daylight: Provide daylight access to all garages via a skylight, glazed door to the POS or translucent garage door panels. Draw and label on all plans and elevations.
 - viii. IEQ 3.1 Thermal Comfort – Double Glazing: To claim this credit, there must be an annotation on plans specifying double glazing to all living areas and bedrooms.
 - ix. Transport 2.1 Electric Vehicle Infrastructure: To claim this credit, there must be an annotation on plans indicating electrical provisions for electric vehicle charging.
 - x. Urban Ecology 2.1 Vegetation: It has been claimed in BESS that 27% of the site is covered in vegetation, while coloured green on plans, it is unclear if the area will be vegetated. Please provide further information on plans, vegetation to correspond with the claimed credit Water 3.1 Water Efficient Landscaping and stormwater management strategy.
 - xi. Urban Cooling: For the non-visible flat roofs and exposed concrete driveway, specify high SRI paints and materials (SRI>50) to help mitigate the urban heat island effect.

Infrastructure and Road Works

9. 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.
10. Property boundary and footpath levels must not be altered without the prior written consent form the Responsible Authority.
11. Any reinstatements and vehicle crossings are to be constructed to the satisfaction of the Responsible Authority.
12. The replacement of all footpaths, including offsets, must be constructed to the satisfaction of the Responsible Authority.
13. Any redundant vehicle crossings must be removed (including redundant portions of vehicle crossings) to the satisfaction of the Responsible Authority.

General amenity conditions

14. 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.
15. All externally-located heating and cooling units, exhaust fans and the like must not be located adjacent to bedroom windows on adjoining properties and must not be located where they will be highly visible from any public area to the satisfaction of the Responsible Authority.
16. All piping, ducting above the ground floor storey of the development (other than rainwater, guttering and downpipes) must be concealed to the satisfaction of the

Responsible Authority.

Completion of Works

17. Prior to the occupation of the dwellings hereby permitted, all buildings and works and the conditions of this permit must be complied with to the satisfaction of the Responsible Authority, unless with the further prior written consent of the Responsible Authority.
18. 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 (except where that landscaping is on public land) to the satisfaction of the Responsible Authority.

Time Limits

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

In accordance with Section 69 of the Planning and Environment Act 1987, an application may be submitted to the responsible authority for an extension of the periods referred to in this condition.

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

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

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

Note: The applicant/owner must provide a copy of this planning permit and any endorsed plans to any external contractor to ensure that all trees to be retained on site are protected during any works.

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

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

If the Permit Applicant/Land Owner adopts the street numbering or addressing from the endorsed plans, or where advertising and/or sales transact (off the

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plan) prior to Council's official allocation of the street numbering and addressing, it will be viewed to be non-compliant with the guideline and standard applied (Australian/New Zealand Standard for Rural & Urban Addressing / AS/NZS 4819:2011).

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

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

CARRIED

4.5 KP-2022/5 - 19 Tarella Road, Chelsea

Moved: Cr Oxley

Seconded: Cr Bearsley

That the Planning Committee determine to support the proposal and issue a Planning Permit for the removal and lopping of vegetation in accordance with the endorsed plans at 19 Tarella Road, Chelsea, 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. The plans must be substantially in accordance with the advertised plans prepared by the City of Kingston comprising Drawing No's. LA-1.1 to 3.2 inclusive, Revision E, dated 4 March 2022, but modified to show:
 - a) The provision of an amended tree removal and retention plan incorporating:
 - i) The notation below the words 'branches pruned' amended to read 'branches pruned in consultation with Council's Principal Vegetation Officer'
 - ii) Tree 47 is to be pruned to the minimum extent necessary and no further than 2 metres from the existing structure to be demolished.
 - iii) The notation referring to the proposed 2m wide path amended to state 'proposed 2m wide path - only mulch generated on site to be used where appropriate'
 - iv) A notation to state "All digging on site must be conducted by hand, with tree removal to be conducted by cutting at ground level and no machinery used below ground level"
 - b) A vegetation protection plan (VPP) in accordance with condition 3 of this permit

Endorsed Plans

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

Vegetation Management and Protection

3. Concurrent with the endorsement of plans, a vegetation protection plan (VPP) must be submitted to the Responsible Authority for endorsement. The VPP must

include:

- a) Identification of the protected trees and understory plants within the vicinity of proposed works as per the advertised arborist report (dated 6 January 2022) and vegetation assessment (dated March 2022)
 - b) Specifications for and location of measures proposed to be used to protect the vegetation identified in condition 3a of this permit
 - c) The name and contact details of the person responsible for ensuring the vegetation protection measures are in place and maintained
4. Within 10 days prior to the commencement of the works associated with the approved vegetation removal (each stage of the demolition, path construction and fence construction), the relevant contractor must meet with Council's Bushland Coordinator and Principal Vegetation Management Officer on site to confirm all vegetation to be impacted has been identified and appropriate measures are in place to mitigate any impacts.
 5. Any tree pruning must be to the minimum extent necessary with no more than 10% of a tree's canopy to be removed. All pruning must be in accordance with AS 4373 Pruning of amenity trees and under the direct supervision to the satisfaction of the Responsible Authority.
 6. Should pruning for the construction of the replacement boundary fence require the removal of branches which are greater than 20cm in diameter or where the tree is being supported by the existing fence and the fence replacement will result in the destruction of the tree, Council's Principal Vegetation Management Officer is to be contacted and provision must be made to modify the fence to the satisfaction of the Responsible Authority.
 7. Where possible, existing post holes should be utilised for the replacement boundary fence, where this is not possible, post holes should be outside of the structural root zone (SRZ) of nearby trees. If post holes must be within the SRZ of any tree, excavation must be under the direct supervision of Council's Principal Vegetation Management Officer and to the satisfaction of the Responsible Authority.
 8. All digging on site must be conducted by hand, with tree removal to be conducted by cutting at ground level.
 9. No machinery used below ground.
 10. No foreign material is to be bought into the site for the construction of the pathways.
 11. Within 28 days of the completion of works, an amended City of Kingston Tarella Reserve Vegetation Management Plan and an amended Environmental Management Plan (to generally accord with the report prepared by Biosis dated 17 December 2021) must be submitted to the Responsible Authority. This amended report must detail the type and location of replacement planting at a minimum of 3:1 for any native vegetation removed as part of the works associated with this permit, along with the method that will be undertaken to propagate and grow the plants up to the point they are planted. All replacement planting must be propagated from plants within the site to the satisfaction of the Responsible Authority.

Infrastructure and Road Works

12. Any relocation of pits/power poles or other services affected by these works must be relocated to the satisfaction of the relevant servicing authority and the

Responsible Authority, at the cost of the owner/developer.

General amenity conditions

13. 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

14. Once the works have started they must be continued and completed 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.

Time Limits

15. 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 works are not started within two (2) years from the date of permit issue.
 - The works are not completed within four (4) years from the date of permit issue.

In accordance with Section 69 of the Planning and Environment Act 1987, an application may be submitted to the responsible authority for an extension of the periods referred to in this condition.

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

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

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

Note: The applicant/owner must provide a copy of this planning permit and any endorsed plans to any external contractor to ensure that all trees to be retained on site are protected during any works.

CARRIED

5. Confidential Items

Nil

The meeting closed at 7.55pm.

Confirmed.....

The Mayor 18 May 2022