

Minutes

Planning Committee Meeting

Wednesday, 20th March 2024

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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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**City of Kingston
Planning Committee Meeting**

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20 March 2024

The meeting commenced at 7.05pm in the Council Chamber, 1230 Nepean Highway, Cheltenham.

Present: Cr Jenna Davey-Burns (Mayor)
Cr Tracey Davies (Deputy Mayor)
Cr Tamsin Bearsley
Cr Chris Hill
Cr George Hua
Cr Georgina Oxley
Cr Hadi Saab
Cr Steve Staikos

In Attendance: Jonathan Guttman, General Manager Planning and Place
Samantha Krull, General Manager Infrastructure and Open Space
Alfred Carnovale, Manager City Development
Patrick O’Gorman, Team Leader Council Governance
Sharon Banks, Governance Officer
Gabrielle Pattenden, Governance Officer

1. Apologies

Apologies from Cr Cochrane, Cr Eden and Cr Howe were submitted to the meeting.

It is noted that an apology from the Chief Executive Officer, Peter Bean was submitted to the meeting.

Moved: Cr Saab

Seconded: Cr Hill

That the apologies from Cr Cochrane, Cr Eden and Cr Howe be received.

CARRIED

FOR: Crs Staikos, Davey-Burns, Bearsley, Davies, Hill, Hua, Oxley and Saab (8)

AGAINST: Nil (0)

2. Confirmation of Minutes of Previous Meetings

Moved: Cr Hill

Seconded: Cr Hua

That the Minutes of the Planning Committee Meeting held on 18 October 2023 be confirmed.

CARRIED

FOR: Crs Staikos, Davey-Burns, Davies, Hill, Hua, Oxley and Saab (7)

AGAINST: Nil (0)

ABSTAINED: Cr Bearsley (1)

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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 Place Reports

4.1 Town Planning Application Decisions - February 2024

Moved: Cr Bearsley

Seconded: Cr Hill

That the report be noted.

CARRIED

FOR: Crs Staikos, Davey-Burns, Bearsley, Davies, Hill, Hua, Oxley and Saab (8)

AGAINST: Nil (0)

4.2 KP-2022/834 - 10 Central Avenue, Moorabbin

It is recorded that Stephen Pitrone spoke on behalf of objectors.

It is recorded that Jonathon Fetterplace spoke on behalf of the applicant.

Moved: Cr Bearsley

Seconded: Cr Hill

That the Planning Committee determine to support the proposal and issue a Notice of Decision to Grant a Permit be issued to construct an eight (8) storey mixed use building with roof top terrace and basement car parking, a reduction in the standard car parking rate associated with office use and the removal of covenants from title at 10 Central Avenue, Moorabbin, 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 Ewert Leaf Pty Ltd comprising Drawings TP-010 Rev B, TP-011 Rev B, TP-020 Rev B, TP021 Rev C, TP-022 to TP-026 Rev B, TP-027 and TP028 Rev C, TP-090 to TP-092 Rev C, TP-100 to TP-104 inclusive Rev C, P-400 to TP-402 inclusive, TP-900 to TP-903 inclusive, Rev B, prepared by Ewert Leaf Pty Ltd, but modified to show:
 - a) The setbacks and layout as shown on the “without prejudice” ground floor plan prepared by Ewert Leaf Pty Ltd, drawing no. TP-100 Rev E dated 30 January 2024. The layout may be altered to accommodate any changes required to the access ramp or reconfiguration of services/ core.
 - b) The setbacks and typical floor plan layout on the “without prejudice” fourth to seventh floor plan prepared by Ewert Leaf Pty Ltd, drawing

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No. TP- 103 Rev E dated 30 January 2024. The layout may be altered to accommodate any changes required to the reconfiguration or services/ core or to apartment to satisfy clause 58 requirements.

- c) Level 8 (9th storey) deleted.
- d) Screening to a minimum height of 1.7 metres between POS of apartments 2 and 3 at each level.
- e) Introduction of a window to the common corridor at each level above podium in the Redholme Street elevation.
- f) An additional window(s) added to the Redholme Street elevation of Apartment 1 at each level.
- g) Planters to a minimum internal width of 400mm to be installed on the west side of Level 3 balconies at podium or alternatively, the primary outlook from living and POS areas at this level managed such that they do not encroach within 4.5 metres of the western boundary,
- h) Updated apartment typology layout plans that demonstrate compliance with Clause 58.
- i) 20% of statutory bicycle parking rate to be provided on site as horizontal spaces.
- j) Setbacks from the southern boundary (i.e. southern end of the upper levels) to be setback no less than 2 metres to balustrade and 3 metres to wall, above podium from the title boundary.
- k) vehicle crossings must be constructed at a 90 degree alignment with the kerb on Redholme Street and all internal driveways must align with the existing / proposed vehicle crossing;
- l) the footpath in Central Avenue is to be reconstructed to full width building line to kerb, 8.3% Black concrete, 600 x 600mm saw cuts and tree squares to the satisfaction of the Responsible Authority;
- m) the footpath must be reconstructed to Council's commercial standards to the satisfaction of the Responsible Authority;
- n) the angle of the vehicular access ramp existing to Redholme Street modified to between 70 and 90 degrees and any consequential changes to the ground floor plan layout and basement level layouts below;
- o) electrical infrastructure to allow future provision of EV charging points to resident car parking spaces;
- p) the provision of a full colour palette, finishes and building materials schedule for all external elevations and driveways of the development including light coloured finishes/ materials (Solar Reflective Index >50 or Solar Absorptance <0.6) to help mitigate the urban heat island effect;
- q) Innovations commitments included as notes on all plans;
- r) rooftop services to be reduced/consolidated in size and height as much as practical;
- s) the provision of a landscape plan generally in accordance with the landscape plan prepared by Mark Browning Landscape dated August 23 Rev 1 and the City of Kingston Landscape Plan Checklist, with such plans to be prepared by a suitably qualified landscape

professional and incorporating:

- a) Uniformity with the amended development plans.
- b) A planting schedule of all proposed trees and shrubs, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant;
- c) 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;
- d) 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;
- e) The delineation of all garden beds, paving, grassed area, planters, fences and other landscape works;
- f) Detailing rooftop common areas and all planter boxes and green infrastructure on the building facades, including details of a landscape maintenance and management plan demonstrating the resilience of the features in the long term.
- g) The location of containerised planters within or cantilevered from private open space areas;
- h) The location of additional green infrastructure (i.e. climbing plants with associated tension or support cabling/ structures from planters) on the building facades and at roof top to mitigate urban heat and improve urban cooling. This includes and is not limited to the blank wall of the tower interfacing with Redholme Street and blank west facing wall.
- i) 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 60% native species by plant type and total quantities;
- j) One (1) Type B canopy tree capable of growing to minimum mature dimensions of 8 metres in height and 8metres in width or evergreen climbers planted at the base a pergola capable of providing a minimum of 50 square metres of alternative canopy cover to be planted on the Roof Terrace;
- k) Eighteen (18) canopy trees capable of growing to minimum mature dimensions of 5 metres in height and 4metres in width to be planted in tree planters around the perimeter of the Third Level;
- l) Evergreen climbing plant species capable of growing to minimum height of 8metres and providing coverage to the Ground Floor columns to be planted at the base of columns located in Ground Floor garden beds;
- m) 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;
- n) Sectional details of balcony planters to be a minimum internal width of 400mm and depth of 600mm to be illustrated to scale and labelled including materials, soil media and drainage;
 - o) Sectional details of cantilvered planters to be a minimum internal width of 450mm and depth of 450mm and illustrated to scale and labelled including materials, soil media and drainage;
 - p) Sectional details of tree planters to be a minimum internal depth of 1m and illustrated to scale and labelled including materials, soil media and drainage
 - q) Notes regarding site preparation, including the removal of all weeds, proposed mulch, soil types and thickness, subsoil preparation and any specific maintenance requirements;
 - r) Tree protection measures including for street trees accurately drawn to scale and labelled as per the Tree Management Plan required under condition 4.
- t) The location of tree protection measures illustrated to scale and labelled on the ground floor plan as per the Tree Management Plan required under condition 4.
 - u) Any changes as required by condition 4.
 - v) Any amendments required by the Façade Strategy required by condition 8 of this permit;
 - w) uniformity of the bicycle parking provision with the commitments shown in BESS (SMP) and the Green Travel Plan;
 - x) uniformity with the commitments and any changes identified within the Waste Management Plan, required under condition 14 of this permit, shown on the plans;
 - y) all relevant commitments identified within the Sustainable Management Plan, required under condition 16 of this permit, shown on plans;
 - z) uniformity with the commitments and any changes identified within the Acoustic Report, required under condition 19 of this permit, shown on the plans.
 - aa) Any changes required by the Wind Effects Statement/ Wind Tunnel Study at condition 19.
 - bb) Uniformity with the Public Realm Plan required by condition 31 of this permit;
 - cc) A notation on the ground floor plan stating the final design of the footpath, landscaping and street furniture arrangements adjacent to the site's Central Avenue and Redholme Street frontages to be undertaken in accordance with Kingston City Council's Activity Centre Streetscape Suite (June 2013) and in consultation with the Responsible Authority and constructed at the full cost of the owner/ developer in accordance with condition 31.

Endorsed Plans

2. The development and/or use as shown on the endorsed plans must not be

altered without the prior written consent of the Responsible Authority.

3. Landscaping shown on the endorsed plans must be completed prior to the occupation of the development to the satisfaction of the Responsible Authority unless otherwise agreed in writing. The landscaping must then be maintained to the satisfaction of the Responsible Authority including that any dead, diseased or damaged plants are to be replaced.

Tree Protection and Management

4. Concurrent with the endorsement of plans, a Tree Management Plan prepared by a suitably qualified arborist in accordance with AS4970-2009, providing tree protection measures for the neighbouring *Liquidambar styraciflua* (Liquidambar) and street trees impacted by the proposed development, must be submitted to and be endorsed by the Responsible Authority and incorporating:
 - a) A Tree Management Plan (written report) must provide details of:
 - i. 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.
 - b) 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.
5. All protection measures identified in the Tree Management Plan must be implemented, and development works undertaken on the land must be undertaken in accordance with the Tree Management Plan, to the satisfaction of the Responsible Authority.
6. Before the development starts, including demolition or removal of vegetation, the name and contact details of the project arborist responsible for implementing the Tree Management Plan must be submitted to the Responsible Authority.

Street Trees

7. Tree Protection Fencing is to be established around all existing street trees 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.

Façade Strategy

8. Concurrent with the endorsement of plans pursuant to condition 1, a façade strategy and materials and finishes must be submitted to and be approved by the Responsible Authority. All materials, finishes and colours must be in conformity with the approved façade strategy to the satisfaction of the Responsible Authority. Unless otherwise approved by the Responsible Authority, the façade

strategy must be generally in accordance with the development plans and must detail:

- a) A concise description by the architect of the building design concept and how the façade works to achieve this.
- b) Elevation details generally at a scale of 1:50 illustrating typical lower level details, a reimagined street wall presentation to Redholme Street to provide a fine grain response to the residential interface, balcony niches, entries and doors and utilities/ services and enhancement of the Redholme Street elevation to limit the blank wall to services including additional window openings to Apartment 1 at each level and windows to the common corridor, typical tower details, and any special features which are important to the building's presentation.
- c) Landscaping/ green infrastructure applied to the facades of the building including and not limited to the blank wall section to Redholme Street.
- d) Cross sections or another method of demonstrating the façade systems, including fixing details indicating junctions between materials and significant changes in form and/or material.
- e) Information about how the façade will be accessed and maintained and cleaned, including any planting proposed.
- f) Example prototypes and/or precedents that demonstrate the intended design outcome as indicated on plans and perspective images, to produce a high quality built outcome in accordance with the design concept.
- g) A schedule of colours, materials and finishes, including the colour, type and quality of materials showing their application and appearance. Materials and finishes must be of a high quality, contextually appropriate, durable and fit for purpose. This can be demonstrated in coloured elevations or renders from key viewpoints, to show the materials and finishes linking them to a physical sample board with coding.

Drainage and Water Sensitive Urban Design

9. 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 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 9a and 9b above must be implemented on-site, unless an alternative agreement for stormwater quality in-lieu contribution is reached with the Responsible Authority.
 - d) Stormwater Management (drainage) Plan(s) must be prepared, with

- supporting computations, showing the stormwater (drainage) works to the nominated point of discharge. The plan(s) must show all details of the proposed stormwater works including all existing and proposed features that may have an impact on the stormwater (drainage) works, including landscaping details.
10. Stormwater (drainage) works must be implemented in accordance with the approved stormwater management (drainage) plan and to the satisfaction of the Responsible Authority including the following:
 - a) All stormwater (drainage) works must be provided onsite so as to prevent overflows onto adjacent properties.
 - b) The implementation of stormwater (drainage) detention system which restricts stormwater discharge to the maximum allowable flowrate of 9.5L/s.
 - c) All stormwater (drainage) works must be maintained to the satisfaction of the Responsible authority.
 11. A groundwater assessment report (GAR) must be prepared by a qualified hydro-geologist to assess any possible impacts the proposed development has on the ground water table, surrounding land and buildings to the satisfaction of Responsible Authority. Should the findings of the submitted GAR demonstrate that the site is likely to experience issues associated with ground water management, a ground water management plan (GMP) must be submitted to and approved by the responsible authority.
 12. The basement structure must be designed to respond to the findings of the GAR and GMP required under condition 11 and constructed to the satisfaction of the responsible authority in accordance with the following:
 - a) the basement must be a fully-tanked dry basement with no ground water including agricultural (AG) drain collection or disposal into stormwater system and with an allowance made for any hydrostatic pressures in accordance with Council's "Basements and Deep Building Construction Policy 2014" and "Basements and Deep Building Construction Guidelines 2014", or
 - b) in the event it is demonstrated that a fully tanked dry basement cannot be achieved or if a wet basement system is proposed, no groundwater including AG drain from the site shall be discharged into the stormwater system. Council does not accept any groundwater (including AG drain) into the stormwater system. Sub-surface water (groundwater) is the responsibility of the property owner to dispose of on site or reach an agreement with the local sewer authority.
 13. In any case where the basement design and construction, as required by conditions 11 & 12 of this permit, does not accord with the plan(s) approved under this permit, the endorsed plan(s) must be amended to the satisfaction and with the written consent of the Responsible Authority.

Waste Management Plan

14. Concurrent with the endorsement of plans, a Waste Management Plan (WMP) to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Plan will be endorsed and will then form part of the permit. The plan must include, but is not limited to, the following:

- a) The manner in which waste will be stored and collected including: type, size and number of containers per waste stream.
 - b) Waste streams nominated to include food and organics (garden), co-mingled recycling, glass.
 - c) Spatial provision for on-site storage.
 - d) Details whether waste collection is to be performed by Council's services or privately contracted.
 - e) The size of the collection vehicle and the frequency, time and point of collection.
15. The WMP must be implemented to the satisfaction of the Responsible Authority. The WMP must not be modified unless without the written consent of the Responsible Authority.

Sustainable Management Plan

16. Concurrent with the endorsement of plans required by condition 1 of this permit, an amended sustainable management plan (SMP) that outlines proposed sustainable design initiatives must be submitted to and approved by the Responsible Authority. The amended SMP must be generally in accordance with the SMP prepared by GIW, dated 11 August 2023 and incorporate the following sustainable design commitments to achieve a minimum BESS score of 70%:
- a) Indicate a reverse cycle heating and cooling system to meet a 3-star minimum heating and 3-star minimum cooling (not within 1 or 2 stars of the best available) to each unit to reflect what has been entered into BESS assessment.
 - b) Calculations (modelling or hand calculations) to demonstrate how the spaces are predicted to perform in relation to daylight benchmarks outlined in BESS (<https://bess.net.au/tool-notes/>) that reflects what has been entered in the IEQ 1.4 Daylight access – Non-residential BESS credit.
 - c) The provision / location of facilities on site for managing the separation of general waste, co-mingled recycling, food and garden waste and glass as per the updated waste management plan.
 - d) The Urban Ecology 2.1 Vegetation BESS credit updated to include only turfed or planting areas and not other landscaping elements such as hard paving/pavers (including permeable paving), loose pavers/stepping stones aggregate/pebbles, synthetic grass, decks, pool, RW tanks, storage sheds etc. This area must be demarcated on the landscape plan accurately also.
- Any change during the detailed design stage, which prevents or alters the attainment of the commitments and performance outcomes of endorsed sustainable management plan, must be documented by the author of the endorsed SMP or similarly qualified person in an addendum to the sustainable management plan, which must be provided to the satisfaction of the Responsible Authority prior to the commencement of construction.
- All works must be undertaken in accordance with the endorsed sustainable management plan to the satisfaction of the Responsible Authority. No alterations to the SMP may occur without the written consent of the Responsible Authority.
17. Prior to the occupation of any building approved under this permit, written confirmation from the author of the endorsed SMP or similarly qualified person, is

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

Acoustic Treatments

18. Concurrent with the endorsement of plans required under Condition 1 of this permit, an Acoustic Report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The Report must be prepared by a suitably qualified acoustic engineer to the satisfaction of the Responsible Authority and show how the requirements of Environment Protection Regulations 2021 under the Environment Protection Act 2017 and the 'Noise limit and assessment protocol for the control of noise from commercial, industrial and trade premises and entertainment venues' (Publication 1826.4, Environment Protection Authority, May 2021) will be met. The report must, to the satisfaction of the Responsible Authority, prescribe:

- a) The form of acoustic treatment to dwellings to protect occupants from internal and external noise sources; and
- b) the mechanical plant equipment installed or constructed as part of the development.

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

Wind Effects Statement

19. Concurrent with the endorsement of plan required under Condition 1 of this permit, an amended Wind Effect Statement generally in accordance with that prepared by MEL Consultants, date 10 August 2023 must be submitted to the satisfaction and approval of the Responsible Authority. It must include the results of a Wind Tunnel Study to quantify wind conditions and any wind mitigation strategies. Any modifications required to the development as a result of the study must be incorporated into the development at no cost to the Responsible Authority.

20. The wind effects statement must be implemented to the satisfaction of the Responsible Authority. The wind effects statement must not be modified unless without the written consent of the Responsible Authority.

Construction Management

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

- a) Public Safety, Amenity and Site Security
- b) Traffic Management
- c) Stakeholder Management
- 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.

Section 173 Agreement

22. Prior to the commencement of the use and development hereby permitted, the owner of the land must enter into an executive agreement with the Responsible Authority pursuant to Section 173 of the *Planning and Environment Act 1987* to the satisfaction of the Responsible Authority, for the delivery of affordable housing as defined by Section 3AA of the Act, in which it shall be covenanted as follows:

- a) Pursuant to the provisions of Section 181 of the *Planning and Environment Act 1987* this agreement shall be registered with the Registrar of Titles and shall run with the land.
- b) The owner of the land under the permit shall pay the legal costs and be responsible for the preparation and registration of the said agreement.

The Section 173 agreement must specifically provide for the following:

- i. 5% dwellings (rounded up to the nearest whole number) of the proposal as affordable housing for households (as defined in the *Planning and Environment Act 1987*), with a restriction on the on-sale of these units to moderate income households for a period of twenty (20) years.
- ii. Upon registration of the plan of subdivision for the development, the agreement required by this condition will end with respect to the titles of dwellings in the proposal that are not proposed to be used to provide affordable housing and will only remain on title to the 5% of dwellings proposed to provide affordable housing. The agreement will end with respect to the 5% of dwellings after twenty (20) years.

Infrastructure and Road Works

- 23. 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.
- 24. Prior to the commencement of development, property boundary, footpath and vehicle crossing levels must be obtained from Council's Roads and Drains Department with all levels raised or lowered to the satisfaction of the Responsible Authority.
- 25. Property boundary and footpath levels must not be altered without the prior written consent from the Responsible Authority.
- 26. Any reinstatements and new/modified vehicle crossings must be constructed to the satisfaction of the Responsible Authority.
- 27. The replacement of all footpaths, including offsets, must be constructed to the satisfaction of the Responsible Authority.
- 28. Any redundant vehicle crossings must be removed (including redundant portions of vehicle crossings) to the satisfaction of the Responsible Authority.
- 29. Vehicle crossings and footpath in Central Avenue must be constructed to council's industrial strength specifications.

30. All front and side fences must be contained wholly within the title property boundaries of the subject land.

Public Realm Works

31. Prior to the commencement of development, a fully detailed Public Realm Plan for land directly adjacent to the site's Central Avenue and Redholme Street frontages, based on a feature survey must be prepared in consultation with and to the satisfaction of the Responsible Authority. The plans must include:
- a) a full reinstatement of paving to the satisfaction of the Responsible Authority;
 - b) the installation of street furniture including but not limited to street lighting, bicycle stands, seating, and wayfinding/ street signage, and landscaping features (incorporating water sensitive urban design treatments) to the satisfaction of the Responsible Authority;
 - c) Existing and proposed car parking;
 - d) undergrounding of power lines within the adjacent road reserve of the site (i.e. at the northwest and southeast corners of the site) if authorised by the relevant power authority;
 - e) landscaping plans must include an associated planting schedule showing the location, species type, mature height and width, pot sizes and number of species, watering regime and method of planting of all trees and feature planting;
 - f) design principles, materials and finishes in accordance with the requirements of the Activity Centre Streetscape suite; and,
 - g) Any consequential changes to the footpath, kerb and channel or street infrastructure as a result of conditions 23 to 29 of this permit.

All works in the public realm plan must be undertaken at the cost of the developer.

32. Prior to the occupation of the building the public realm works at condition 31 must be completed to the satisfaction of the Responsible Authority.

Car Parking Management

33. Concurrent with the endorsement of plans required by condition 1 of this planning permit, a car parking management plan (CPMP) prepared by an appropriately qualified traffic consultant to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the car parking management plan will be endorsed and form part of this planning permit. The car parking management plan must show, but is not necessarily limited to, all of the following to the satisfaction of the Responsible Authority:
- a) The number and location of the car parking spaces allocated to each dwelling to be no less than the planning scheme requirements for each dwelling typology (i.e. number of bedrooms).
 - b) The number and location of car parking spaces to the commercial office space to be no less than thirty-six (36) car parking spaces.
 - c) The number and location of car parking spaces associated with the retail (shop) premises to be no less than 6 car parking spaces.
 - d) The provision of disabled car parking spaces in accordance with the

Standard AS2890.6-2009 (disabled) and the Building Code of Australia made available on site as per planning scheme requirements.

- e) A schedule of all proposed signage including directional arrows and signage, informative signs indicating location of disabled bays.

The car parking management plan must be implemented to the satisfaction of the Responsible Authority. No alterations may be made to this plan without the prior written approval of the Responsible Authority.

Bicycle Parking

- 34. Prior to the occupation of the development, all bicycle parking facilities must be installed and thereafter maintained to the satisfaction of the Responsible Authority.

Green Travel Plan

- 35. Prior to the occupation of the development the Green Travel Plan (GTP) prepared by GIW Environmental Solutions dated 22 August 2023 Rev A shall be updated to reflect and refer to the endorsed development plans to the satisfaction of the Responsible Authority. The GTP must be implemented to the satisfaction of the Responsible Authority. The GTP must not be modified unless with the written consent of the Responsible Authority.

General amenity conditions

- 36. 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.
- 37. 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.
- 38. 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.
- 39. 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.

Completion of Works

- 40. Prior to the occupation of the development hereby permitted, all buildings and works and the conditions of this permit must be complied with to the satisfaction of the Responsible Authority, unless with the further prior written consent of the Responsible Authority.
- 41. Prior to the occupation of the development hereby permitted, the landscaping works as shown on the endorsed plans must be completed to the satisfaction of the Responsible Authority. Thereafter, the landscaping shall be maintained (except where that landscaping is on public land) to the satisfaction of the Responsible Authority.

Permit Expiry

42. This permit as it relates to development (buildings and works) and use will expire if one of the following circumstances applies:

- The development is not started within two (2) years of the issue date of this permit.
- The development is not completed within four (4) years of the issue date of this permit.
- The use is not commenced within two (2) years of completion of the development.
- 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: Environment Protection Authority (EPA) Victoria set out the requirements pertaining to site construction hours and permissible noise levels.

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

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

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

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

Note: 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: In the event Council agrees to remove any of the trees, a removal and replacement fee will apply for each tree removed.

Note: Please note for information on how City of Kingston approaches the construction of building and other structures with below ground elements for the benefit of the whole community please refer to City of Kingston 'Basement and Deep Building Construction Policy' and 'Basements and Deep Building Construction Guidelines'. <http://www.kingston.vic.gov.au/Property-and-Development/Engineering-Assessments>

Note: Please note that during basement construction Council does not permit the discharge of surface water or ground water into the Council drainage system unless a Temporary Discharge Permit (TDP) has been obtained. Application form and other construction related permits can be obtained from the following link:

<http://www.kingston.vic.gov.au/Property-and-Development/Construction>

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

If the Permit Applicant/Land Owner adopts the street numbering or addressing from the endorsed plans, or where advertising and/or sales transact (off the plan) prior to Council's official allocation of the street numbering and addressing, it will be viewed to be non-compliant with the guideline and standard applied (Australian/New Zealand Standard for Rural & Urban Addressing / AS/NZS 4819:2011).

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

Amendment

Moved: Cr Saab

That the motion be adopted with the addition of the following conditions:

- 16. e) An increase in the 5.2kw solar PV system to at least 10kw without a reduction in the existing residential amenity and food production area.
- 16. f) Increase the proposed 9,500L water tank capacity to a minimum 22,000L.

The Amendment was accepted by the Mover and Seconder

The Motion was put and CARRIED

FOR: Crs Staikos, Davey-Burns, Bearsley, Hill, Hua and Saab (6)

AGAINST: Crs Davies and Oxley (2)

The Resolution reads as follows:

Moved: Cr Bearsley

Seconded: Cr Hill

That the Planning Committee determine to support the proposal and issue a Notice of Decision to Grant a Permit be issued to construct an eight (8) storey mixed use building with roof top terrace and basement car parking, a reduction in the standard car parking rate associated with office use and the removal of covenants from title at 10 Central Avenue, Moorabbin, 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 Ewert Leaf Pty Ltd comprising Drawings TP-010 Rev B, TP-011 Rev B, TP-020 Rev B, TP021 Rev C, TP-022 to TP-026 Rev B, TP-027 and TP028 Rev C, TP-090 to TP-092 Rev C, TP-100 to TP-104 inclusive Rev C, P-400 to TP-402 inclusive, TP-900 to TP-903 inclusive, Rev B, prepared by Ewert Leaf Pty Ltd, but modified to show:
 - a) The setbacks and layout as shown on the "without prejudice" ground floor

- plan prepared by Ewert Leaf Pty Ltd, drawing no. TP-100 Rev E dated 30 January 2024. The layout may be altered to accommodate any changes required to the access ramp or reconfiguration of services/ core.
- b) The setbacks and typical floor plan layout on the “without prejudice” fourth to seventh floor plan prepared by Ewert Leaf Pty Ltd, drawing No. TP- 103 Rev E dated 30 January 2024. The layout may be altered to accommodate any changes required to the reconfiguration or services/ core or to apartment to satisfy clause 58 requirements.
 - c) Level 8 (9th storey) deleted.
 - d) Screening to a minimum height of 1.7 metres between POS of apartments 2 and 3 at each level.
 - e) Introduction of a window to the common corridor at each level above podium in the Redholme Street elevation.
 - f) An additional window(s) added to the Redholme Street elevation of Apartment 1 at each level.
 - g) Planters to a minimum internal width of 400mm to be installed on the west side of Level 3 balconies at podium or alternatively, the primary outlook from living and POS areas at this level managed such that they do not encroach within 4.5 metres of the western boundary,
 - h) Updated apartment typology layout plans that demonstrate compliance with Clause 58.
 - i) 20% of statutory bicycle parking rate to be provided on site as horizontal spaces.
 - j) Setbacks from the southern boundary (i.e. southern end of the upper levels) to be setback no less than 2 metres to balustrade and 3 metres to wall, above podium from the title boundary.
 - k) vehicle crossings must be constructed at a 90 degree alignment with the kerb on Redholme Street and all internal driveways must align with the existing / proposed vehicle crossing;
 - l) the footpath in Central Avenue is to be reconstructed to full width building line to kerb, 8.3% Black concrete, 600 x 600mm saw cuts and tree squares to the satisfaction of the Responsible Authority;
 - m) the footpath must be reconstructed to Council’s commercial standards to the satisfaction of the Responsible Authority;
 - n) the angle of the vehicular access ramp existing to Redholme Street modified to between 70 and 90 degrees and any consequential changes to the ground floor plan layout and basement level layouts below;
 - o) electrical infrastructure to allow future provision of EV charging points to resident car parking spaces;
 - p) the provision of a full colour palette, finishes and building materials schedule for all external elevations and driveways of the development including light coloured finishes/ materials (Solar Reflective Index >50 or Solar Absorptance <0.6) to help mitigate the urban heat island effect;
 - q) Innovations commitments included as notes on all plans;
 - r) rooftop services to be reduced/consolidated in size and height as much as

- practical;
- s) the provision of a landscape plan generally in accordance with the landscape plan prepared by Mark Browning Landscape dated August 23 Rev 1 and the City of Kingston Landscape Plan Checklist, with such plans to be prepared by a suitably qualified landscape professional and incorporating:
 - t) Uniformity with the amended development plans.
 - u) A planting schedule of all proposed trees and shrubs, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant;
 - v) 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;
 - w) 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;
 - x) The delineation of all garden beds, paving, grassed area, planters, fences and other landscape works;
 - y) Detailing rooftop common areas and all planter boxes and green infrastructure on the building facades, including details of a landscape maintenance and management plan demonstrating the resilience of the features in the long term.
 - z) The location of containerised planters within or cantilevered from private open space areas;
 - aa) The location of additional green infrastructure (i.e. climbing plants with associated tension or support cabling/ structures from planters) on the building facades and at roof top to mitigate urban heat and improve urban cooling. This includes and is not limited to the blank wall of the tower interfacing with Redholme Street and blank west facing wall.
 - bb) 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 60% native species by plant type and total quantities;
 - cc) One (1) Type B canopy tree capable of growing to minimum mature dimensions of 8 metres in height and 8metres in width or evergreen climbers planted at the base a pergola capable of providing a minimum of 50 square metres of alternative canopy cover to be planted on the Roof Terrace;
 - dd) Eighteen (18) canopy trees capable of growing to minimum mature dimensions of 5 metres in height and 4metres in width to be planted in tree planters around the perimeter of the Third Level;
 - ee) Evergreen climbing plant species capable of growing to minimum height of 8metres and providing coverage to the Ground Floor columns to be planted at the base of columns located in Ground Floor garden beds;
 - ff) 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;
 - gg) Sectional details of balcony planters to be a minimum internal width of 400mm and depth of 600mm to be illustrated to scale and labelled

- including materials, soil media and drainage;
- hh) Sectional details of cantilvered planters to be a minimum internal width of 450mm and depth of 450mm and illustrated to scale and labelled including materials, soil media and drainage;
 - ii) Sectional details of tree planters to be a minimum internal depth of 1m and illustrated to scale and labelled including materials, soil media and drainage
 - jj) Notes regarding site preparation, including the removal of all weeds, proposed mulch, soil types and thickness, subsoil preparation and any specific maintenance requirements;
 - kk) Tree protection measures including for street trees accurately drawn to scale and labelled as per the Tree Management Plan required under condition 4.
 - ll) The location of tree protection measures illustrated to scale and labelled on the ground floor plan as per the Tree Management Plan required under condition 4.
 - mm) Any changes as required by condition 4.
 - nn) Any amendments required by the Façade Strategy required by condition 8 of this permit;
 - oo) uniformity of the bicycle parking provision with the commitments shown in BESS (SMP) and the Green Travel Plan;
 - pp) uniformity with the commitments and any changes identified within the Waste Management Plan, required under condition 14 of this permit, shown on the plans;
 - qq) all relevant commitments identified within the Sustainable Management Plan, required under condition 16 of this permit, shown on plans;
 - rr) uniformity with the commitments and any changes identified within the Acoustic Report, required under condition 19 of this permit, shown on the plans.
 - ss) Any changes required by the Wind Effects Statement/ Wind Tunnel Study at condition 19.
 - tt) Uniformity with the Public Realm Plan required by condition 31 of this permit;
 - uu) A notation on the ground floor plan stating the final design of the footpath, landscaping and street furniture arrangements adjacent to the site's Central Avenue and Redholme Street frontages to be undertaken in accordance with Kingston City Council's Activity Centre Streetscape Suite (June 2013) and in consultation with the Responsible Authority and constructed at the full cost of the owner/ developer in accordance with condition 31.

Endorsed Plans

- 2. The development and/or use as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.
- 3. Landscaping shown on the endorsed plans must be completed prior to the occupation of the development to the satisfaction of the Responsible Authority unless otherwise agreed in writing. The landscaping must then be maintained to

the satisfaction of the Responsible Authority including that any dead, diseased or damaged plants are to be replaced.

Tree Protection and Management

4. Concurrent with the endorsement of plans, a Tree Management Plan prepared by a suitably qualified arborist in accordance with AS4970-2009, providing tree protection measures for the neighbouring *Liquidambar styraciflua* (Liquidambar) and street trees impacted by the proposed development, must be submitted to and be endorsed by the Responsible Authority and incorporating:
 - a) A Tree Management Plan (written report) must provide details of:
 - i. 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.
 - b) 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 utilised.
 - iii. A notation to refer to the Tree Management Plan.
5. All protection measures identified in the Tree Management Plan must be implemented, and development works undertaken on the land must be undertaken in accordance with the Tree Management Plan, to the satisfaction of the Responsible Authority.
6. Before the development starts, including demolition or removal of vegetation, the name and contact details of the project arborist responsible for implementing the Tree Management Plan must be submitted to the Responsible Authority.

Street Trees

7. Tree Protection Fencing is to be established around all existing street trees 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.

Façade Strategy

8. Concurrent with the endorsement of plans pursuant to condition 1, a façade strategy and materials and finishes must be submitted to and be approved by the Responsible Authority. All materials, finishes and colours must be in conformity with the approved façade strategy to the satisfaction of the Responsible Authority. Unless otherwise approved by the Responsible Authority, the façade strategy must be generally in accordance with the development plans and must detail:
 - a) A concise description by the architect of the building design concept and how the façade works to achieve this.
 - b) Elevation details generally at a scale of 1:50 illustrating typical lower level

details, a reimagined street wall presentation to Redholme Street to provide a fine grain response to the residential interface, balcony niches, entries and doors and utilities/ services and enhancement of the Redholme Street elevation to limit the blank wall to services including additional window openings to Apartment 1 at each level and windows to the common corridor, typical tower details, and any special features which are important to the building's presentation.

- c) Landscaping/ green infrastructure applied to the facades of the building including and not limited to the blank wall section to Redholme Street.
- d) Cross sections or another method of demonstrating the façade systems, including fixing details indicating junctions between materials and significant changes in form and/or material.
- e) Information about how the façade will be accessed and maintained and cleaned, including any planting proposed.
- f) Example prototypes and/or precedents that demonstrate the intended design outcome as indicated on plans and perspective images, to produce a high quality built outcome in accordance with the design concept.
- g) A schedule of colours, materials and finishes, including the colour, type and quality of materials showing their application and appearance. Materials and finishes must be of a high quality, contextually appropriate, durable and fit for purpose. This can be demonstrated in coloured elevations or renders from key viewpoints, to show the materials and finishes linking them to a physical sample board with coding.

Drainage and Water Sensitive Urban Design

- 9. 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 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 9a and 9b above must be implemented on-site, unless an alternative agreement for stormwater quality in-lieu contribution is reached with the Responsible Authority.
 - d) Stormwater Management (drainage) Plan(s) must be prepared, with supporting computations, showing the stormwater (drainage) works to the nominated point of discharge. The plan(s) must show all details of the proposed stormwater works including all existing and proposed features that may have an impact on the stormwater (drainage) works, including

landscaping details.

10. Stormwater (drainage) works must be implemented in accordance with the approved stormwater management (drainage) plan and to the satisfaction of the Responsible Authority including the following:
 - a) All stormwater (drainage) works must be provided onsite so as to prevent overflows onto adjacent properties.
 - b) The implementation of stormwater (drainage) detention system which restricts stormwater discharge to the maximum allowable flowrate of 9.5L/s.
 - c) All stormwater (drainage) works must be maintained to the satisfaction of the Responsible authority.
11. A groundwater assessment report (GAR) must be prepared by a qualified hydro-geologist to assess any possible impacts the proposed development has on the ground water table, surrounding land and buildings to the satisfaction of Responsible Authority. Should the findings of the submitted GAR demonstrate that the site is likely to experience issues associated with ground water management, a ground water management plan (GMP) must be submitted to and approved by the responsible authority.
12. The basement structure must be designed to respond to the findings of the GAR and GMP required under condition 11 and constructed to the satisfaction of the responsible authority in accordance with the following:
 - a) the basement must be a fully-tanked dry basement with no ground water including agricultural (AG) drain collection or disposal into stormwater system and with an allowance made for any hydrostatic pressures in accordance with Council's "Basements and Deep Building Construction Policy 2014" and "Basements and Deep Building Construction Guidelines 2014", or
 - b) in the event it is demonstrated that a fully tanked dry basement cannot be achieved or if a wet basement system is proposed, no groundwater including AG drain from the site shall be discharged into the stormwater system. Council does not accept any groundwater (including AG drain) into the stormwater system. Sub-surface water (groundwater) is the responsibility of the property owner to dispose of on site or reach an agreement with the local sewer authority.
13. In any case where the basement design and construction, as required by conditions 11 & 12 of this permit, does not accord with the plan(s) approved under this permit, the endorsed plan(s) must be amended to the satisfaction and with the written consent of the Responsible Authority.

Waste Management Plan

14. Concurrent with the endorsement of plans, a Waste Management Plan (WMP) to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Plan will be endorsed and will then form part of the permit. The plan must include, but is not limited to, the following:
 - a) The manner in which waste will be stored and collected including: type, size and number of containers per waste stream.
 - b) Waste streams nominated to include food and organics (garden), co-mingled recycling, glass.

- c) Spatial provision for on-site storage.
 - d) Details whether waste collection is to be performed by Council's services or privately contracted.
 - e) The size of the collection vehicle and the frequency, time and point of collection.
15. The WMP must be implemented to the satisfaction of the Responsible Authority. The WMP must not be modified unless without the written consent of the Responsible Authority.

Sustainable Management Plan

16. Concurrent with the endorsement of plans required by condition 1 of this permit, an amended sustainable management plan (SMP) that outlines proposed sustainable design initiatives must be submitted to and approved by the Responsible Authority. The amended SMP must be generally in accordance with the SMP prepared by GIW, dated 11 August 2023 and incorporate the following sustainable design commitments to achieve a minimum BESS score of 70%:
- a) Indicate a reverse cycle heating and cooling system to meet a 3-star minimum heating and 3-star minimum cooling (not within 1 or 2 stars of the best available) to each unit to reflect what has been entered into BESS assessment.
 - b) Calculations (modelling or hand calculations) to demonstrate how the spaces are predicted to perform in relation to daylight benchmarks outlined in BESS (<https://bess.net.au/tool-notes/>) that reflects what has been entered in the IEQ 1.4 Daylight access – Non-residential BESS credit.
 - c) The provision / location of facilities on site for managing the separation of general waste, co-mingled recycling, food and garden waste and glass as per the updated waste management plan.
 - d) The Urban Ecology 2.1 Vegetation BESS credit updated to include only turfed or planting areas and not other landscaping elements such as hard paving/pavers (including permeable paving), loose pavers/stepping stones aggregate/pebbles, synthetic grass, decks, pool, RW tanks, storage sheds etc. This area must be demarcated on the landscape plan accurately also.

Any change during the detailed design stage, which prevents or alters the attainment of the commitments and performance outcomes of endorsed sustainable management plan, must be documented by the author of the endorsed SMP or similarly qualified person in an addendum to the sustainable management plan, which must be provided to the satisfaction of the Responsible Authority prior to the commencement of construction.

All works must be undertaken in accordance with the endorsed sustainable management plan to the satisfaction of the Responsible Authority. No alterations to the SMP may occur without the written consent of the Responsible Authority.
- e) An increase in the 5.2kw solar PV system to at least 10kw without a reduction in the existing residential amenity and food production area.
 - f) Increase the proposed 9,500L water tank capacity to a minimum 22,000L.
17. Prior to the occupation of any building approved under this permit, written confirmation from the author of the endorsed SMP or similarly qualified person, is

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

Acoustic Treatments

18. Concurrent with the endorsement of plans required under Condition 1 of this permit, an Acoustic Report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The Report must be prepared by a suitably qualified acoustic engineer to the satisfaction of the Responsible Authority and show how the requirements of Environment Protection Regulations 2021 under the Environment Protection Act 2017 and the 'Noise limit and assessment protocol for the control of noise from commercial, industrial and trade premises and entertainment venues' (Publication 1826.4, Environment Protection Authority, May 2021) will be met. The report must, to the satisfaction of the Responsible Authority, prescribe:

- a) The form of acoustic treatment to dwellings to protect occupants from internal and external noise sources; and
- b) the mechanical plant equipment installed or constructed as part of the development.

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

Wind Effects Statement

19. Concurrent with the endorsement of plan required under Condition 1 of this permit, an amended Wind Effect Statement generally in accordance with that prepared by MEL Consultants, date 10 August 2023 must be submitted to the satisfaction and approval of the Responsible Authority. It must include the results of a Wind Tunnel Study to quantify wind conditions and any wind mitigation strategies. Any modifications required to the development as a result of the study must be incorporated into the development at no cost to the Responsible Authority.

20. The wind effects statement must be implemented to the satisfaction of the Responsible Authority. The wind effects statement must not be modified unless without the written consent of the Responsible Authority.

Construction Management

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

- a) Public Safety, Amenity and Site Security
- b) Traffic Management
- c) Stakeholder Management
- 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.

Section 173 Agreement

22. Prior to the commencement of the use and development hereby permitted, the owner of the land must enter into an executive agreement with the Responsible Authority pursuant to Section 173 of the *Planning and Environment Act 1987* to the satisfaction of the Responsible Authority, for the delivery of affordable housing as defined by Section 3AA of the Act, in which it shall be covenanted as follows:

a) Pursuant to the provisions of Section 181 of the *Planning and Environment Act 1987* this agreement shall be registered with the Registrar of Titles and shall run with the land.

b) The owner of the land under the permit shall pay the legal costs and be responsible for the preparation and registration of the said agreement.

The Section 173 agreement must specifically provide for the following:

- i. 5% dwellings (rounded up to the nearest whole number) of the proposal as affordable housing for households (as defined in the *Planning and Environment Act 1987*), with a restriction on the on-sale of these units to moderate income households for a period of twenty (20) years.
- ii. Upon registration of the plan of subdivision for the development, the agreement required by this condition will end with respect to the titles of dwellings in the proposal that are not proposed to be used to provide affordable housing and will only remain on title to the 5% of dwellings proposed to provide affordable housing. The agreement will end with respect to the 5% of dwellings after twenty (20) years.

Infrastructure and Road Works

23. 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.

24. Prior to the commencement of development, property boundary, footpath and vehicle crossing levels must be obtained from Council's Roads and Drains Department with all levels raised or lowered to the satisfaction of the Responsible Authority.

25. Property boundary and footpath levels must not be altered without the prior written consent form the Responsible Authority.

26. Any reinstatements and new/modified vehicle crossings must be constructed to the satisfaction of the Responsible Authority.

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

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

29. Vehicle crossings and footpath in Central Avenue must be constructed to

council's industrial strength specifications.

30. All front and side fences must be contained wholly within the title property boundaries of the subject land.

Public Realm Works

31. Prior to the commencement of development, a fully detailed Public Realm Plan for land directly adjacent to the site's Central Avenue and Redholme Street frontages, based on a feature survey must be prepared in consultation with and to the satisfaction of the Responsible Authority. The plans must include:
- a) a full reinstatement of paving to the satisfaction of the Responsible Authority;
 - b) the installation of street furniture including but not limited to street lighting, bicycle stands, seating, and wayfinding/ street signage, and landscaping features (incorporating water sensitive urban design treatments) to the satisfaction of the Responsible Authority;
 - c) Existing and proposed car parking;
 - d) undergrounding of power lines within the adjacent road reserve of the site (i.e. at the northwest and southeast corners of the site) if authorised by the relevant power authority;
 - e) landscaping plans must include an associated planting schedule showing the location, species type, mature height and width, pot sizes and number of species, watering regime and method of planting of all trees and feature planting;
 - f) design principles, materials and finishes in accordance with the requirements of the Activity Centre Streetscape suite; and,
 - g) Any consequential changes to the footpath, kerb and channel or street infrastructure as a result of conditions 23 to 29 of this permit.

All works in the public realm plan must be undertaken at the cost of the developer.

32. Prior to the occupation of the building the public realm works at condition 31 must be completed to the satisfaction of the Responsible Authority.

Car Parking Management

33. Concurrent with the endorsement of plans required by condition 1 of this planning permit, a car parking management plan (CPMP) prepared by an appropriately qualified traffic consultant to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the car parking management plan will be endorsed and form part of this planning permit. The car parking management plan must show, but is not necessarily limited to, all of the following to the satisfaction of the Responsible Authority:
- a) The number and location of the car parking spaces allocated to each dwelling to be no less than the planning scheme requirements for each dwelling typology (i.e. number of bedrooms).
 - b) The number and location of car parking spaces to the commercial office space to be no less than thirty-six (36) car parking spaces.
 - c) The number and location of car parking spaces associated with the retail (shop) premises to be no less than 6 car parking spaces.

- d) The provision of disabled car parking spaces in accordance with the Standard AS2890.6-2009 (disabled) and the Building Code of Australia made available on site as per planning scheme requirements.
- e) A schedule of all proposed signage including directional arrows and signage, informative signs indicating location of disabled bays.

The car parking management plan must be implemented to the satisfaction of the Responsible Authority. No alterations may be made to this plan without the prior written approval of the Responsible Authority.

Bicycle Parking

- 34. Prior to the occupation of the development, all bicycle parking facilities must be installed and thereafter maintained to the satisfaction of the Responsible Authority.

Green Travel Plan

- 35. Prior to the occupation of the development the Green Travel Plan (GTP) prepared by GIW Environmental Solutions dated 22 August 2023 Rev A shall be updated to reflect and refer to the endorsed development plans to the satisfaction of the Responsible Authority. The GTP must be implemented to the satisfaction of the Responsible Authority. The GTP must not be modified unless with the written consent of the Responsible Authority.

General amenity conditions

- 36. 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.
- 37. 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.
- 38. 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.
- 39. 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.

Completion of Works

- 40. Prior to the occupation of the development hereby permitted, all buildings and works and the conditions of this permit must be complied with to the satisfaction of the Responsible Authority, unless with the further prior written consent of the Responsible Authority.
- 41. Prior to the occupation of the development hereby permitted, the landscaping works as shown on the endorsed plans must be completed to the satisfaction of the Responsible Authority. Thereafter, the landscaping shall be maintained (except where that landscaping is on public land) to the satisfaction of the

Responsible Authority.

Permit Expiry

42. This permit as it relates to development (buildings and works) and use will expire if one of the following circumstances applies:

- The development is not started within two (2) years of the issue date of this permit.
- The development is not completed within four (4) years of the issue date of this permit.
- The use is not commenced within two (2) years of completion of the development.
- 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: Environment Protection Authority (EPA) Victoria set out the requirements pertaining to site construction hours and permissible noise levels.

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

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

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

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

Note: 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: In the event Council agrees to remove any of the trees, a removal and replacement fee will apply for each tree removed.

Note: Please note for information on how City of Kingston approaches the construction of building and other structures with below ground elements for the benefit of the whole community please refer to City of Kingston 'Basement and Deep Building Construction Policy' and 'Basements and Deep Building Construction Guidelines'. <http://www.kingston.vic.gov.au/Property-and-Development/Engineering-Assessments>

Note: Please note that during basement construction Council does not permit the discharge of surface water or ground water into the Council drainage system unless a Temporary Discharge Permit (TDP) has been obtained. Application

form and other construction related permits can be obtained from the following link:

<http://www.kingston.vic.gov.au/Property-and-Development/Construction>

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

If the Permit Applicant/Land Owner adopts the street numbering or addressing from the endorsed plans, or where advertising and/or sales transact (off the plan) prior to Council's official allocation of the street numbering and addressing, it will be viewed to be non-compliant with the guideline and standard applied (Australian/New Zealand Standard for Rural & Urban Addressing / AS/NZS 4819:2011).

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

CARRIED

4.3 KP-2023/574 - 1-7 Wells Road and Jack Grut Reserve, Mordialloc

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

Cr Staikos left the meeting at 7:41pm and did not return.

Cr Oxley left the meeting at 7:46pm.

Cr Oxley returned to the meeting at 7:47pm.

Moved: Cr Hill

Seconded: Cr Saab

That the Planning Committee determine to support the proposal and issue a planning permit to **Error! No document variable supplied.** at No. 1-7 Wells Road and 60-68 Governor Road (Jack Grut Reserve), Mordialloc subject to the following conditions:

Amended Plans

1. Before the use and 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 an electronic copy must be provided. The plans must be generally in accordance with the plans prepared by 'Co-Op Studio', project no. 100329, Revision 1 (dated 19/10/2023) – TP402, TP406, TP501, TP993-996 inclusive and Revision 2 (dated 21/11/2023) – TP100-102 inclusive, TP201-203 inclusive, TP401 and TP997, but modified to show:
 - a) Full details of all road works and signage associated with the right turn vehicle movement from Governor Road to the site;
 - b) Updated plans to reflect all vegetation on Jack Grut Reserve to be retained and any consequential layout changes;
 - c) The chain wire mesh fence enclosing the fire water break tank and diesel pump replaced with screening that is designed to blend in with the

- proposal;
- d) Any screens/cabinetry proposed for the water meter assembly and fire booster at the front boundary to be designed to blend in with the proposal;
 - e) Colorbond cladding at the southern end of the building (sitting above and behind the scallop cladding) to be changed to a darker colour to appear recessive;
 - f) Detailed design of proposed speed control devices within the car park with such devices designed so they do not conflict with the pedestrian pathways and become a pedestrian safety hazard;
 - g) Kerb radii to be adjusted to accommodate improved passing within the car parking areas;
 - h) Bicycle parking provisions to exceed the minimum requirements of Clause 52.34 (Bicycle facilities) by more than 50% as claimed in the BESS assessment;
 - i) A plan of easement removal prepared by a licensed land surveyor;
 - j) A detailed colour materials and finish schedule for all proposed external elevations, accessways, car parking, pathways, fencing, screening and any external structures and surfaces;
 - k) A comprehensive stormwater management (drainage) strategy of the site that addresses both the flooding and water sensitive urban design requirement aspects as specified within Council's "Civil Design requirements for Developers – Part A: Integrated Stormwater Management" including the following:
 - i. Flood modelling of the pre and post development scenarios incorporating the entire development site and contributing catchments is required to demonstrate that the proposal does not increase flood levels, or flood extents on adjacent roads and properties;
 - ii. This assessment must be undertaken for a range of flood events, i.e. the 1% AEP, 10% AEP and 20% AEP in accordance with the Melbourne Water Technical Specifications for flood mapping;
 - iii. a report with MUSIC model output and a drainage concept plan incorporating Rainwater Tanks for water reuse and/or other Water Sensitive Urban Design Treatments to achieve best practice objectives must be prepared as per Council's "*Civil Design Requirements for Developers - Part A - Integrated Stormwater Management*" to the satisfaction of the Responsible Authority.
 - l) the provision of amended landscape plans in accordance with the submitted Landscape Plan Set Zones 1-6 LSD000-LSD219 prepared by Site Image Landscape Architects (*Date: 20.11.2023, Rev. D*), with such plans to be prepared by a suitably qualified landscape professional to the satisfaction of the Responsible Authority and incorporating:
 - i. 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;
 - ii. 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

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- the subject site;
- iii. Suitable climbing plant species to be planted at the base of all undercroft pillars;
 - iv. Structural Soils or Dirty Rocks or similar to be installed beneath car parking spaces to a minimum depth of 1metre;
 - v. Tree grates finishing flush with car park surrounds or similar treatment to be installed at the base of any canopy trees where required in lieu of garden bed provision within northern car park;
 - vi. Indigenous fastigiate/columnar trees to be planted along the eastern boundary adjacent neighbouring warehouses;
 - vii. Car park canopy trees to be spaced adequately to provide contiguous canopy cover at maturity;
 - viii. Eight (8) indigenous canopy trees capable of reaching a minimum mature dimension of 8 metres in height and 5 metres in width to be planted within the central garden bed of the western car park island located in the northern car park;
 - ix. Eleven (11) indigenous canopy trees capable of reaching a minimum mature dimension of 8 metres in height and 5 metres in width to be planted on alternating sides of the central north-south path located within the central car park bays within the northern car park;
 - x. Ten (10) indigenous canopy trees capable of reaching a minimum mature dimension of 8 metres in height and 5metres in width to be planted within the central garden bed of the eastern car park island located in the northern car park;
 - xi. Two (2) indigenous canopy trees capable of reaching a minimum mature dimension of 8 metres in height and 5 metres in width to be planted adjacent to each east-west pedestrian path located centrally in the west and east car park islands and central car park bays within the northern car park;
 - xii. Two (2) indigenous canopy trees capable of reaching a minimum mature dimension of 12 metres in height and 6 metres in width to be planted within each garden bed located at the northern and southern end of each car park island within the northern car park;
 - xiii. One (1) indigenous canopy tree capable of reaching a minimum mature dimension of 12 metres in height and 6metres in width to be planted within each garden bed located either side of the north-south central pedestrian path located at the southern end of the central car parking bays of the northern car park;
 - xiv. A minimum of four (4) indigenous canopy trees capable of reaching a minimum mature dimension of 15 metres in height and 10 metres in width to be planted east of the Governor Road driveway along the driveway and northern boundary;
 - xv. A minimum of five (5) indigenous canopy trees capable of reaching a minimum mature dimension of 15 metres in height and 10 metres in width to be planted west of the Governor Road driveway within close proximity to the driveway entry and northern boundary;
 - xvi. A minimum of four (4) indigenous canopy trees capable of reaching a

- minimum mature dimension of 12 metres in height and 6metres in width to be planted along the northern boundary west of the Governor road driveway entry;
- xvii. Four (4) indigenous canopy trees capable of reaching a minimum mature dimensions of 8 metres in height and 5 metres in width to be planted on the southern edge of car park spaces adjacent to the administration and warm water pool courtyard;
 - xviii. Three (3) indigenous canopy trees capable of reaching a minimum mature dimension of 8 metres in height and 5 metres in width to be planted in the 'toppings' strip adjacent to the staff car park;
 - xix. Details of fixings on undercroft pillars supporting climbing plants to be illustrated to scale and notated;
 - xx. Details of tree grates or similar to be illustrated to scale and notated including materials, dimensions and installation methods;
 - xxi. Details of permeable paving in car spaces to be illustrated to scale and notated including materials, dimensions and installation methods;
 - xxii. Details of Structural Soils or Dirty Rocks or similar to be illustrated to scale and notated including materials, dimensions and installation methods;
 - xxiii. Notes regarding site preparation, including the removal of all weeds, proposed mulch, soil types and thickness, subsoil preparation and any specific maintenance requirements;
 - xxiv. Tree protection measures including for street trees accurately drawn to scale and labelled as per the endorsed Tree Management Plan;
- m) The location of tree protection measures illustrated to scale and labeled on the Ground Floor Plan as per the endorsed Tree Management Plan.
 - n) Any changes as required by condition 27.

Endorsed Plans

- 2. The use, development, native vegetation removal and easement removal 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.

Cultural Heritage Management Plan

- 4. All works must be carried out in accordance with the Cultural Heritage Management Plan 18877 dated 9 June 2023 prepared by Ecology & Heritage Partners.

Operational restrictions

- 5. The use must operate only between the hours of:
Monday to Sunday: 5:00am to 10:00pm
Or otherwise as approved by the Responsible Authority in writing.

Melbourne Water requirements

- 6. Prior to the endorsement of plans under this permit, amended documentation to

the satisfaction of Melbourne Water must be submitted to and approved by Melbourne Water to include:

- a) A Cut and Fill Balance Plan with a target for development to maintain 40% open space for flow storage (existing flood storage excludes footprints of existing buildings). The plan must include volume calculations for cut and fill demonstrating that earthworks achieve a volume of cutting within the floodplain that is equivalent to or greater than the volume of filling. When approved the Cut and Fill Balance Plan will form part of the permit. All earthworks must be carried out in accordance with the Cut and Fill Balance Plan.
 - b) The preparation of a Flood Emergency Response Plan to be endorsed under this permit.
7. The Finished Floor Levels (FFLs) of all ground floor areas, including all main entry, reception, kiosk, kitchen, pool rooms, change rooms, aquatic plant and storage, must be set no lower than 3.0 metres to Australian Height Datum (AHD), with the exception of transitional areas containing landings, steps or ramps to the satisfaction of Melbourne Water.
 8. The layout of buildings and works as shown on the plans must not be altered without prior written consent from Melbourne Water.
 9. The open space areas within the property must generally maintain similar levels to existing, so as not to adversely impact passage and storage of flood waters. Cut/fill must not result in a net loss of flood storage and follow the accepted cut and fill balance plan. No retaining walls or other similar obstructions are to be used in the development of this land with the exception of ramping to transitional areas to facilitate access.
 10. All proposed decking, alfresco and/or stairs must be constructed with unenclosed foundations, remain open underneath for the life of the structure and steps contain no vertical risers, for the passage of overland flows.
 11. Any new fencing or gates must be of an open/permeable style (minimum 50% permeable) to allow for the passage of floodwater.
 12. Prior to the issue of an Occupancy Permit under the Building Act, 1993 the owner of the Land must enter into an agreement pursuant to Section 173 of the Planning and Environment Act 1987 with Melbourne Water. All costs associated with the setting up of the agreement must be borne by the owner/permit holder. The agreement must be registered on the title of the Land and must provide, to the satisfaction of the Responsible Authority for:
 - a) the owner(s) of the land to implement the Flood Emergency Response Plan (or any updated version) endorsed under this permit, which has been approved by the Responsible Authority and Melbourne Water Corporation.
 - b) the owner(s) of the land to maintain all flood related measures identified in the Flood Emergency Response Plan and this permit in good working condition.
 - c) details of any works that are required on Jack Grut Reserve to balance the impacts of the proposed development to ensure any future ownership / exchange of the reserve does not alter the combined floodplain storage of both the subject site and the reserve.
 13. Prior to commencement of construction, a Site Environmental Management Plan (SEMP) must be produced and adopted on-site. The SEMP must address the

following:

- Sediment and silt management controls
 - Vegetation management techniques
 - Spoil stockpiling
 - Machinery/Plant locations
 - Exclusion fencing around native vegetation/habitat.
14. Prior to the commencement of works, a separate application direct to Melbourne Water must be made for any new or modified storm water connection to Melbourne Water's drains or watercourses. Any modified connection to Mordialloc Creek must describe any changes to the volume and velocity of flow as a result of development so that this can be assessed.

South East Water requirements

Potable Water

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

Sewer

16. 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

17. A sewerage supply easement is required over the existing 225mm South East Water sewer main located inside the North Boundary (Governor Road) to be in favour of South East Water Corporation pursuant to Section 12(1) of the Subdivision Act.
18. A suitable sized sewerage supply easement is required over the existing 225mm South East Water sewer main, inside the South Boundary (Wells Road, South/East Corner) to be in favour of South East Water Corporation pursuant to Section 12(1) of the Subdivision Act.

Esso Australia requirements

19. Actions from the Safety Management Study (SMS) and the ALARP assessment (2023-0006-REP-001).

- a) Installation of protective HDPE Slabbing directly above the pipeline for the area within 120m of the Aquatic Centre (~320m) by the Constructor for additional physical mitigation of identified risks and public safety per the ALARP assessment and SMS outcome.
- b) Final designs and a Construction Management Plan shall be prepared for Esso review prior to any works commencing on site,
- c) A Pre-Construction SMS shall be completed between the Constructor and Esso prior to any works commencing on site.

The conditions of the SMS outcome needs to be formally accepted by the Constructor and an agreement for the execution of these works to be in place to start of construction.

20. Identification of the Pipeline(s)

- a) Prior to the commencement of any works, the Applicant (in conjunction with

a representative from Esso) must mark out the exact location of the pipeline(s) within the vicinity of the proposed development and incorporate the location within their detailed design information (where appropriate).

21. Asset Protection/Working near Pipelines

- a) Prior to the commencement of any site works, the Applicant (or their contractors) must notify Esso of the impending works. The notification should be lodged via Before You Dig Australia (BYDA).
- b) All site works shall comply with the conditions listed in Esso's "Standard conditions for activities near Esso Pipelines" form. The form can be obtained through lodgement of a BYDA over the Esso pipeline(s).
- c) Any proposed driveways and vehicle crossings over the pipeline(s) shall be submitted to Esso for approval. Submissions shall include details of the proposed crossing (backfill materials, layout), the proposed depth of the pipeline(s) relative to surface level, type of vehicles likely to cross the pipeline(s) and method of construction.
- d) Any damage caused to the Esso pipeline(s) directly or indirectly arising from the works shall be rectified at the Applicant's cost.

22. Siting of Buildings, Structures and Fences

- a) Buildings and structures (including fences) must be constructed so that no part of the building is situated less than 3m from a point on the surface of the land whose position is vertically above a part of a pipeline below the surface unless approval has been granted in writing by the Esso and consent from the relevant Minister has been given.

23. Landscaping and Stores Placement

- a) Landscaping details of any landscaping to be located within close proximity to the easement / pipeline(s) are to be forwarded to Esso for review. Details to be submitted must include species and locations of trees to be planted, and details of any hardstand areas, including paved and concrete areas. A list of approved and restricted vegetation is contained within the Esso "Pipeline Vegetation Management" handbook which can be supplied upon request.
- b) No soil, overburden, equipment stores or trade waste shall be placed over the easement/pipeline(s).

24. Access to the Esso Pipeline must be maintained

- a) Esso requires unlimited access to the pipeline(s) at all times (i.e. during construction and post completion). No person should interfere with any works relating to the operation of the pipeline(s) without written Esso Approval.
- b) Unless agreed by Esso in writing, clear access at least 6m either side of the easement / pipeline(s) shall be maintained both during and after construction.

25. Restriction on Sensitive Land Uses

- a) 'Sensitive uses' can be recognized as land used by sectors of the community who may be unable to protect themselves from the consequences of a pipeline failure. Developments for sensitive land uses (defined in some jurisdictions, but include schools, hospitals, aged care facilities, prisons or similar) shall be restricted within the pipeline

measurement length.

- b) Applications for sensitive use developments shall require approval by Esso subject to additional risk assessment and mitigation works. This works may include risk assessment (safety management) workshops, pipeline recoating, protective slabbing, emergency response planning construction safety management plan development and any other actions agreed as an outcome of the safety management study. These activities shall be at the Applicant's cost.

Trees to be retained

- 26. The retention of the *Eucalyptus botryoides* (Southern Mahogany) located centrally within the Wells Road setback approximately 3 metres from the southern boundary.

Tree Management and Protection Plan

- 27. Concurrent with the endorsement of plans, a Tree Management Plan prepared by a suitably qualified arborist in accordance with AS4970-2009, providing tree protection measures to ensure the viability of the *Eucalyptus botryoides* (Southern Mahogany) located within close proximity to the southern boundary and neighbouring trees within Jack Grut Reserve, must be submitted to and be endorsed by the Responsible Authority and incorporating:
 - a) A Tree Management Plan (written report) must provide details of:
 - i. 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.
 - b) 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.
- 28. 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.
- 29. 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.

Stormwater Management and Water Sensitive Urban Design

- 30. 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) Detailed Stormwater Management (drainage engineering) 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 as per Condition 1 k) above. The plan(s) must show all details of the proposed stormwater works

including all existing and proposed features that may have an impact on the stormwater (drainage) works, including landscaping details.

- b) The water sensitive urban design treatments to achieve Victorian Best Practice Objectives must be implemented on-site, unless an alternative agreement for stormwater quality in-lieu contribution is reached with the Responsible Authority.
31. 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, except overflow of major storm event overland flows onto Jack Grut Reserve at the western boundary of the site.
 - b) The implementation of stormwater (drainage) detention system which restricts stormwater discharge to the maximum allowable flowrate calculated as per Council's "Civil Design requirements for Developers – Part A: Integrated Stormwater Management" in line with approved Stormwater Strategy and agreed by the responsible authority.
 - c) All stormwater (drainage) works must be maintained to the satisfaction of the Responsible authority.

Environmentally Sustainable Design

32. Prior to the endorsement of the plans required pursuant to condition 1 of this permit, the provision of a Sustainable Management Plan (SMP) generally in accordance with the SMP prepared by 'Introba' (dated January 2024) must be submitted to and approved by the Responsible Authority.
33. Prior to the occupation of any building approved under this permit, written confirmation from the author of the endorsed SMP is to be submitted to and approved by the Responsible Authority detailing that all of the required measures specified in the SMP have been implemented, to the satisfaction of the Responsible Authority.

Green Travel Plan

34. Prior to the endorsement of the plans required pursuant to condition 1 of this permit, the provision of Green Travel Plan (GTP) generally in accordance with the GTP prepared by 'OneMileGrid' (dated October 2023) must be submitted to and approved by the Responsible Authority.

Native vegetation requirements

35. The total area of native vegetation permitted to be removed is 0.031 hectares.
36. Before works start, the permit holder must advise all persons undertaking the vegetation removal works on site of all permit conditions pertaining to native vegetation protection.
37. Before works start, a native vegetation protection fence must be erected around all native vegetation to be retained within 15 metre of the works area. This fence must be erected at:
- a) A radius of 12 times the diameter of the tree trunk at a height of 1.4 metres to a maximum of 15 metres but no less than 2 metres from the base of the trunk of the tree; and
 - b) Around the patch(es) of native vegetation at a minimum distance of 2

metres from retained native vegetation.

38. The fence must be constructed of star pickets and paraweb or similar, to the satisfaction of the responsible authority. The protection fence must remain in place until all works are completed to the satisfaction of the responsible authority. The tree protection fencing can only be moved/relocated to facilitate works within the tree protection zone with the written approval of Vegetation under the supervision to the satisfaction of the responsible authority.
39. Except with the written consent of the responsible authority, within the area of native vegetation to be retained and any tree protection zone associated with the permitted use and/or development, the following is prohibited:
 - a) Vehicular or pedestrian access;
 - b) Trenching or soil excavation;
 - c) Storage or dumping of any soils, materials, equipment, vehicles, machinery or waste products;
 - d) Construction of entry and exit pits for underground services; or
 - e) Any other actions or activities that may result in adverse impacts to retained native vegetation.

Construction Management Plan

40. Prior to the commencement of any buildings and works on the land, a Construction Management Plan (CMP), to the satisfaction of the Responsible Authority, must be submitted to and approved by the Responsible Authority. The CMP must be prepared in accordance with the City of Kingston Construction Management Policy, July 2015 and Construction Management Guidelines, 1 November 2015 (and any superseding versions and / or documents). 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.

Waste Management Plan

41. Concurrent with the endorsement of plans, a Waste Management Plan (WMP) generally in accordance with the WMP prepared by 'Elephants Foot Consulting Pty Ltd' dated 16 November 2023 (revision E) 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.
42. The WMP must be implemented to the satisfaction of the Responsible Authority. The WMP must not be modified unless without the written consent of the Responsible Authority.

Lighting plan

43. Concurrent with the endorsement of plans, an External Lighting Assessment and Plan generally in accordance with the plan prepared by 'Introba' dated 14 September 2023 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.
44. The Lighting Plan must be implemented to the satisfaction of the Responsible Authority. The plan must not be modified unless without the written consent of the Responsible Authority.

Acoustic Assessment

45. Concurrent with the endorsement of plans, an Acoustic Report generally in accordance with the Acoustic Report prepared by 'Resonate' dated 20 October 2023 (revision B) 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.
46. The Acoustic Report must be implemented to the satisfaction of the Responsible Authority. The report must not be modified unless without the written consent of the Responsible Authority.

Infrastructure and Road Works

47. 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.
48. Vehicle crossings must be constructed at a 90 degree alignment with the kerb on Wells Road and Governor Road and all internal driveways must align with the existing/proposed vehicle crossing.
49. Property boundary and footpath levels must not be altered without the prior written consent form the Responsible Authority.
50. Any reinstatements and new/modified vehicle crossings must be constructed to the satisfaction of the Responsible Authority.
51. The replacement of all footpaths, including offsets, must be constructed to the satisfaction of the Responsible Authority.
52. Any redundant vehicle crossings must be removed (including redundant portions of vehicle crossings) to the satisfaction of the Responsible Authority.

Car parking and access

53. Prior to the commencement of the use, the right turning lane from Governor Road to the subject site is to be constructed and line-marked to the satisfaction of the responsible authority.
54. At 6 months from the commencement of the use, a Traffic and Car Parking Study prepared by a suitably qualified traffic engineer to assess parking and traffic conditions and identify if any further mitigating measures must be submitted to the Responsible Authority. Any recommended mitigation measures must be implemented, to the satisfaction of the Responsible Authority.
55. 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:
 - i. Constructed to the satisfaction of the Responsible Authority.
 - ii. Properly formed to such levels that they can be used in accordance with

the plans.

- iii. Surfaced with an all-weather sealcoat to the satisfaction of the Responsible Authority.
- iv. Drained to the satisfaction of the Responsible Authority.
- v. Line-marked to indicate each car space, all access lanes and, if necessary, the direction in which vehicles are to travel to the satisfaction of the Responsible Authority.
- vi. In accordance with any Council adopted guidelines for the construction of car parks.

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

- 56. 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.
- 57. 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.

General amenity

- 58. 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.
- 59. All external lighting must be designed, baffled and located to the satisfaction of the Responsible Authority to prevent any adverse effect on adjoining land.

Completion of Works

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

Permit Expiry

- 61. This permit as it relates to easement removal will expire if one of the following circumstances applies:
 - a) The plan of removal of an easement is not certified within three (3) years from the date of this permit.
 - b) The plan of removal of an easement is not registered within five (5) years of the date of certification.

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.

- 62. This permit as it relates to native vegetation removal will expire if one of the following circumstances applies:
 - a) The native vegetation removal is not started before three (3) years from date of this permit.
 - b) The native vegetation removal is not completed before five (5) 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.

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63. This permit as it relates to development (buildings and works) will expire if one of the following circumstances applies:

- a) The development is not started before three (3) years from date of this permit.
- b) The development is not completed before five (5) 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.

64. This permit as it relates to use will expire if one of the following circumstances applies:

- a) The use is not started within two (2) years after the completion of the development.
- b) 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: 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.

Note: When structures/works are proposed to be built over a South East Water easement or within 1 metre of a South East Water asset, the customer is required to obtain South East Water's approval. South East Water are unable to make an assessment under a planning referral as this service involves a full review of building plans and attracts a processing fee. To apply for approval, the customer will need to apply via South East Water's website: www.southeastwater.com.au/propertyconnect. For further information regarding South-East Water's build over guidelines or locations of South East Water's assets, please refer to the website link: www.southeastwater.com.au.

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

Note: The 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: Within the area of native vegetation to be retained and any tree protection zone associated with the permit, the following is prohibited:

- a. Any vehicle or pedestrian access, trenching or soil excavation, and
- b. Storage or dumping of any soils, materials, equipment, vehicles, machinery or waste products, and
- c. Entry or exit pits for underground services, and
- d. Any other actions or activities that may result in adverse impacts to

retained native vegetation.

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 cultural heritage management plan must be held on site during the construction activity.

Note: The 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 permit 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 applicable flood level for the property 1% Annual Exceedence Probability (AEP) is 2.4 metres to Australian Height Datum (AHD), which is the predicted year 2100 flood level associated with riverine flooding and sea level rise.

Note: The property is subject to flooding (via Governor Road) when the capacity of the Heatherton Drive Drain is exceeded. The 1% AEP flood level for this flood source is 2.63 m AHD.

Note: Works or other activities on public land, which may affect protected native plants, will require a Protected Flora Licence or Permit under the Flora and Fauna Guarantee Act 1988 (FFG Act). All native vegetation likely to be affected should be checked against the Protected Flora List (DELWP 2017) to determine whether FFG Act approvals are required. Protected Flora Permits can be obtained from the regional DEECA office.

Note: Offset requirements are determined in accordance with the Guidelines for the removal, destruction or lopping of native vegetation (DELWP 2017). Proposed offset sites must meet eligibility requirements including land use, bushfire risk, quality of vegetation and size of revegetation site. Please visit: <https://www.environment.vic.gov.au/native-vegetation/native-vegetation-remova-regulations>. Agreement Options

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

- Application to enter into a Development Agreement-Works If South East Water reticulated sewer/water/recycled water (as applicable) is required to be extended to service lots within the development.
- Application for Notice of Agreement Subdivision-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).

**City of Kingston
Planning Committee Meeting**

Minutes

20 March 2024

- Plumbing Industrial, Commercial, Units & Private Water application – If South East 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

FOR: Crs Davey-Burns, Bearsley, Davies, Hill, Hua, Oxley and Saab (7)

AGAINST: Nil (0)

4.4 Chelsea Structure Plan - Communications and Engagement Strategy

Moved: Cr Oxley

Seconded: Cr Bearsley

That the Planning Committee endorse the Communications and Engagement Plan as outlined in Section 3 of this report to inform the development of a Draft Chelsea Structure Plan.

CARRIED

FOR: Crs Davey-Burns, Bearsley, Davies, Hill, Hua, Oxley and Saab (7)

AGAINST: Nil (0)

5. Confidential Items

Nil

The meeting closed at 7.57pm.

Confirmed.....

The Mayor 17 April 2024