

# Minutes

## Planning Committee Meeting

**Wednesday, 14th December 2022**

**City of Kingston  
Planning Committee Meeting**

**Minutes**

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The meeting commenced at 7.10pm in the Council Chamber, 1230 Nepean Highway, Cheltenham.

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

**In Attendance:** Jonathan Guttmann, General Manager Planning and Place  
Jaclyn Murdoch, Manager City Development  
Julian Harvey, Manager Property Services  
Kelly Shacklock, Acting Manager Governance  
Stephanie O’Gorman, Team Leader Governance  
Patrick O’Gorman, Governance Officer  
Gabrielle Pattenden, Governance Officer  
William Thomas, Desktop Support Officer

**1. Apologies**

Apologies from Cr Davies, Cr Eden, Cr Howe and the Chief Executive Officer Peter Bean were submitted to the meeting.

**Moved: Cr Oxley**

**Seconded: Cr Hua**

That the apologies from Cr Davies, Cr Eden, Cr Howe and the Chief Executive Officer, Peter Bean be received.

**CARRIED**

**2. Confirmation of Minutes of Previous Meetings**

**Moved: Cr Oxley**

**Seconded: Cr Hill**

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

**CARRIED**

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

There were no Conflicts of Interest submitted to the meeting.

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**4. Planning and Place Reports**

Cr Bearsley arrived at 7.13pm.

**4.1 Town Planning Application Decisions - November 2022**

**Moved: Cr Hua**

**Seconded: Cr Hill**

That the report be noted.

**CARRIED**

**4.2 KP-2015/336/C - Mentone Girls Grammar School**

It is recorded that Andrew Robertson spoke on behalf of the applicant.

**Moved: Cr Hill**

**Seconded: Cr Staikos**

That the Planning Committee determine to issue a Notice of Refusal to grant an Amended Planning Permit to amend conditions 12, 13, 14, 15, 17, 19, 20, 24 and the inclusion of a new condition 24 and the consequential renumbering of conditions of the planning permit to allow for the limited external use of the aquatic centre and multi-use pitch and courts at Mentone Girls Grammar School, No. 11, 17 and 21 Mentone Parade and No. 36 and 40 Naples Road, Mentone, on the following grounds:

1. The proposal is not consistent with the purpose and objectives of the General Residential Zone at Clause 32.08 of the Kingston Planning Scheme.
2. The proposed intensity and hours of operation will result in adverse amenity impacts to the surrounding residential properties in particular with regards to noise and light spill.
3. The application will result in unreasonable traffic and parking impacts upon the surrounding street network.
4. The application results in a separate use that is not considered ancillary to the broader use of the site as an education centre.

**LOST**

**Note:** Cr Hill requested and was granted by the Chairperson additional time to speak on the matter.

**Moved: Cr Hill**

**Seconded: Cr Staikos**

That the Planning Committee determine to support the proposal and issue a Notice of Decision to grant an Amended Planning Permit to amend conditions 12, 13, 14, 15, 17, 19, 20, 24 and the inclusion of a new condition 24 and the consequential renumbering of conditions of the planning permit to allow for the limited external use of the aquatic centre and multi-use pitch and courts at Mentone Girls Grammar School, No. 11, 17 and 21 Mentone Parade and No. 36 and 40 Naples Road, Mentone, based on the following conditions:

1. Before the development starts amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be substantially in accordance with the plans

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by Peddle Thorp, drawing nos. TP005 Rev E, TP006 to TP008 all Rev C, TP100 and TP101 all Rev C, TP110 and TP111 all Rev C and TP210 Rev C, but modified to show:

- a) the provision of a landscape plan in accordance with the submitted development plan and the City of Kingston Landscape Plan Checklist, with such plans to be prepared by a suitably qualified landscape professional and incorporating:
  - (i) an associated planting schedule showing the proposed location, species type, mature height and width, pot sizes and number of species to be planted on the site. The schedule must be shown on the plan;
  - (ii) the delineation of all garden beds, paving, grassed areas, retaining walls, fences and other landscape works including areas of cut and fill throughout the development;
  - (iii) all existing trees on the site and within three (3) metres to the boundary of the site on adjoining properties, accurately illustrated to represent actual canopy width and labelled with botanical name, height and whether the tree is proposed to be retained or removed;
  - (iv) a range of plant types from ground covers to large shrubs and trees provided at adequate planting densities (e.g. plants with a mature width of 1 metre, planted at 1 metre intervals);
  - (v) provision of a landscape buffer along the Naples Road frontage, and showing the retention of the *Corymbia ficifolia* (Red Flowering Gum) currently growing near the northern boundary at No. 36 Naples Road;
  - (vi) the provision of five (5) additional medium sized (at maturity) canopy trees within the landscape buffer pursuant to Condition 1 (a)(v);
  - (vii) the provision of an improved landscape buffer, incorporating the existing trees growing along the western boundary;
  - (viii) all trees provided at a minimum of two (2) metres in height at time of planting and medium to large shrubs to be provided at a minimum pot size of 200mm;
  - (ix) no trees with a mature height over five (5) metres are to be planted over proposed or existing easements;
  - (x) the provision of notes on the landscape plan regarding site preparation, including the removal of all weeds, proposed mulch, soil types and thickness, subsoil preparation and any specific maintenance requirements, and
  - (xi) a notation of the Tree Protection details as required by conditions 6, 7 and 8 of this permit. This includes all nominated tree protection zones to be drawn to scale on the plans.
- b) An improved site plan showing greater details and dimensions including:
  - (i) The eastern most multi-use court must be repositioned to be setback not less than 3 metres from Naples Road with the setback area landscaped;
  - (ii) All other setbacks of the multi-use courts from property boundaries;
  - (iii) Details of all new boundary and internal fencing;

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- (iv) The cyclone fence at the northern end of the multi-use courts at a maximum height of 3.6 metres above natural ground level;
  - (v) Details of the maintenance access gate to the landscaped area adjacent to Naples Road, generally as shown on the landscape plan by John Patrick Pty Ltd, drawing no. L-VM01 dated August 2016;
  - (vi) Clearly defined locations of all outdoor lighting;
  - (vii) The setbacks of the aquatic building from property boundaries and the Wellness Centre;
  - (viii) Corrections to the depiction of car parking adjacent to the Willow Building to reflect existing conditions and car parking numbers, and
  - (ix) Clearly defined pedestrian access to the new aquatic building, demonstrating compliance with disability access requirements.
- c) Acoustic attenuation recommendations identified in the acoustic report required by condition 4 of this permit, and
- d) Notations of all initiatives nominated by the Sustainable Management Plan required by condition 5 of this permit.
- 2. The use and development, as shown on the endorsed plans, must not be altered without the written consent of the Responsible Authority.
- 3. The school must make available at the start of the school year, all current student enrolment numbers, to the Responsible Authority.
- 4. Prior to the endorsement of plans required by Condition 1, two (2) copies of an acoustic report prepared by a suitably qualified acoustic engineer must be submitted to the Responsible Authority for approval. When approved, the report will be endorsed and will then form part of the permit. The report must:
  - a) Identify all potential noise sources associated with the aquatic building that will impact on adjoining residential properties, having regard to the maximum operating conditions, and
  - b) Provide details of all noise control measures to be incorporated into the development required to achieve compliance with the relevant State Environment Protection Policies.
  - c) Once approved, the development must be constructed in accordance with the recommendations of the endorsed acoustic report to the satisfaction of the Responsible Authority.
- 5. Prior to the endorsement of plans required by Condition 1, three (3) copies of a Sustainable Management Plan (SMP), to the satisfaction of the Responsible Authority, must be submitted to and approved by the Responsible Authority. When approved, the SMP will be endorsed and will then form part of the permit and shall thereafter be complied with. The SMP must include, but is not limited to the following criteria:
  - d) Indoor Environment Quality
  - e) Energy Efficiency
  - f) Water Efficiency
  - g) Stormwater Management
  - h) Building Materials

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- i) Transport
  - j) Waste Management
  - k) Urban Ecology
  - l) Innovation
  - m) Construction and Building Management.
6. A Tree Protection Zone (TPZ) must be installed at a distance of 13.8 metres from the northern front property boundary directly adjacent to the *Corymbia ficifolia* (Red Flowering Gum), and 9 metres to the east and west of the tree. The following must be observed within this zone:
- a) the existing soil level must not be altered either by fill or excavation;
  - b) the soil must not be compacted or the soil's drainage changed;
  - c) no fuels, oils, chemicals, poisons, rubbish and other materials harmful to trees are to be stored or dispersed;
  - d) no storage of equipment, machinery or material is to occur;
  - e) open trenching to lay underground services e.g.: drainage, water, gas, etc. must not be used;
  - f) a layer of organic composted mulch to a depth of between 80mm and 100mm must be spread;
  - g) tree roots must not be severed or injured; and
  - h) machinery must not be used to remove any existing concrete, bricks or other materials
  - i) without the further written consent of the Responsible Authority.
7. All demolition works including removal of existing infrastructure within the nominated Tree Protection Zone of the *Corymbia ficifolia* (Red Flowering Gum), must be done under the supervision of Responsible Authority's Vegetation Management Officer.
8. Prior to the commencement of the development hereby permitted, a Tree Protection Fence defined by a 1.2 metre high temporary fence constructed using steel or timber posts fixed in the ground or to a concrete pad, with the fence's side panels to be constructed of cyclone mesh wire or similar strong metal mesh or netting, must be erected in a radius around the *Corymbia ficifolia* (Red Flowering Gum), pursuant to Condition 6. The above requirements in condition 6 of this permit must be observed within this area.
9. All tree pruning work must be in accordance with the Australian Standards AS4373 (2007) "Pruning of Amenity Trees" and be undertaken by a qualified and experienced Arborist, to the satisfaction of the Responsible Authority.

**Condition 10 required by Public Transport Victoria**

10. The permit holder must take all reasonable steps to ensure that disruption to the bus operation along Mentone Parade is kept to a minimum during the construction of the development. Foreseen disruptions to bus operations and mitigation measures must be communicated to Public Transport Victoria fourteen (14) days prior. Any alterations including temporary works or damage during construction must be rectified to the satisfaction of Public Transport Victoria and at the cost of the permit holder.
11. Prior to the commencement of any buildings and works on the land (including

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demolition), a Construction Management Plan (CMP), to the satisfaction of the Responsible Authority, must be submitted to and approved by the Responsible Authority. The CMP must be prepared in accordance with the City of Kingston Construction Management Policy, July 2015, 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
- h) 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.

12. Unless with the prior written consent of the Responsible Authority, the multi-use courts, multi-sport pitch and wellness centre may be used by a maximum of seventy (70) external users not enrolled at Mentone Girls Grammar School at any one time, this usage is in addition to the external user limits specified in conditions 13 and 15 and within the following hours:

- a) School Terms:  
Monday – Friday 3:30pm to 8:00pm  
Saturdays 8:00am to 5:00pm  
Sunday 9:00am to 2:00pm
- b) School Breaks:  
Monday to Friday 8:00am to 8:00pm  
Saturday 8:00am to 5:00pm  
Sundays 9:00am to 2:00pm

External users of the wellness centre for the purpose of yoga or gym classes are limited to the parent/guardian of swim students and must not attend the facility independent from the swim student's scheduled session.

13. Subject to condition 15 of this planning permit, unless with the prior written consent of the Responsible Authority, the aquatic centre may be used at any one time by a maximum of 120 external users (weekdays during school terms) and 200 external users (weekends and weekdays during school breaks) not enrolled at Mentone Girls Grammar School for swimming and diving activities such as "learn to swim" classes, swimming squad and diving training and other club swimming sports practice sessions (e.g. life saving, water polo, etc.) at the following hours:

- a) School term:  
Monday to Friday 6:00am to 8pm



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- Saturdays 7:00am to 4:00pm  
Sundays 9:00am to 4:00pm
- b) School Breaks:  
Monday to Friday 8:00am to 6:00pm  
Saturdays 7:00am to 4:00pm  
Sunday 9:00am to 4:00pm
14. Unless with the prior written consent of the Responsible Authority, the aquatic centre may be used by students not enrolled in Mentone Girls' Grammar School for activities not associated with the delivery of the curriculum or co-curricular programs offered to students of Mentone Girls' Grammar School within the following hours:
- a) School Terms:  
Monday to Friday 6:00am to 8:00pm  
Saturdays 7:00am to 4:00pm  
Sundays 9:00am to 4:00pm
- b) School Breaks:  
Monday to Friday 8:00am to 6:00pm  
Saturdays 7:00am to 4:00pm  
Sundays 9:00am to 4:00pm
15. Between the hours of 6:00am and 7:30am, Monday to Friday, the aquatic centre must not be used by students not enrolled at Mentone Girls Grammar School at the same time as any aquatic program is being delivered to Mentone Girls Grammar Students. A maximum of sixty (60) students who are not enrolled in Mentone Girls Grammar School may be present on site at any one time during these hours.
16. During school hours, all external parties are to be bused to the school or otherwise arrive by modes other than private motorised vehicles (i.e. foot, cycle).
17. Notwithstanding the times specified in condition 13 during school terms, 'Learn to Swim' programmes are only to use the facility on Saturdays (between 7:00am and 4:00pm) and after 4:00pm on weekdays.
18. The existing gate to the northern main car park must be programmed to open 15 minutes prior to commencement of programs and to close 30 minutes after programs end.
19. The operator must provide literature to all external parties in relation to the availability of onsite car parking, program hours and the arrival restrictions at condition 16.
20. The aquatic facility must not be made available to the general public for recreational swimming.
21. All indoor and outdoor lighting associated with the aquatic centre, and outdoor lighting associated with the multi-sport pitch and multi-use courts must be designed, fitted with suitable baffles and located to prevent any adverse effect on adjoining land, to the satisfaction of the Responsible Authority.
22. The outdoor lighting to the multi-sport pitch and multi-use courts must only operate between the hours of 7.00am and 9.00pm.

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23. The two northernmost multi-use courts adjacent to Naples Road must only be used between the following hours:
  - a) Monday to Thursday 7.00am to 9.00pm
  - b) Fridays and Saturdays 7.00am to 5.00pm
  - c) Sundays No use
24. The maintenance access gate referred to in condition 1(b)(v) of this permit must be programmed to open 15 minutes prior to the commencement of the school day and to close 30 minutes after the school day except when required to provide access for the maintenance of the landscaped area, to the satisfaction of the Responsible Authority.
25. The multi-use pitch and multi-use courts must not be made available to the general public for recreation purposes.
26. The vehicle access road off Naples Road must be closed at all times except when required to provide access for service vehicles, to the satisfaction of the Responsible Authority.
27. The amenity of the area must not be detrimentally affected by the use, including through the:
  - a) Transport of materials, goods or commodities to or from the land;
  - b) Appearance of any building, works or materials;
  - c) Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil;
  - d) Presence of vermin, and
  - e) Any other way.
28. The loading and unloading of goods to and from vehicles must only be carried out on the land.
29. 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, as per Council's "*Civil Design Requirements for Developer – Part A – Integrated Stormwater Management*" to the satisfaction of the Responsible Authority:
  - a) 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.
  - b) The stormwater management (drainage) plan must demonstrate 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 20a and 20b above must be implemented on-site, unless an alternative agreement is reached with the Responsible Authority.
30. Prior to submitting detailed Stormwater Management (Drainage) Plans, a

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qualified person shall undertake stormwater investigation work, and liaise with Council's Development Engineer to obtain Council's requirements. The stormwater investigation work shall include:

- a) The preparation of an electronic CAD drawing showing all existing stormwater pipe alignments as per the signed Memorandum of Understanding between the School and Council signed by the School on 1 November 2013;
  - b) Arranging a CCTV (to Council's specification and satisfaction) of all existing Council pipes that will be "built over" by any proposed works in order to confirm their condition. This shall include, but not limited to, the existing 300mm diameter pipe that bisects the proposed synthetic sports pitch. All pipes that are deemed by Council to be defective shall be replaced at the Applicant's cost along the alignment determined by Council's Development Engineer, and
  - c) The preparation of stormwater computations showing any changes to the rate of stormwater being discharged from the school site.
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.
  - b) The implementation of stormwater (drainage) detention system which restricts stormwater discharge to the maximum allowable flowrate to be determined by Council's Development Engineer, and
  - c) All stormwater (drainage) works must be maintained to the satisfaction of the Responsible authority.
32. Property boundary and footpath levels must not be altered without the prior written consent of the Responsible Authority.
33. All reinstatements and vehicle crossings are to be constructed to the satisfaction of the relevant authority.
34. The replacement of all footpaths, including offsets, must be constructed to the satisfaction of the Responsible Authority.
35. All redundant vehicle crossings must be removed (including redundant portions of vehicle crossings) to the satisfaction of the Responsible Authority.
36. 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:
- a) Constructed to the satisfaction of the Responsible Authority;
  - b) Properly formed to such levels that they can be used in accordance with the plans;
  - c) Surfaced with an all-weather sealcoat to the satisfaction of the Responsible Authority;
  - d) Drained to the satisfaction of the Responsible Authority;
  - e) 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, and

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- f) In accordance with any Council adopted guidelines for the construction of car parks.
  - g) Parking areas and access lanes must be kept available for these purposes at all times and maintained to the satisfaction of the Responsible Authority.
37. 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.
38. The use of the site shall not cause nuisance or be detrimental to the amenity of the neighbourhood by the emission of noise. In this regard any nuisance shall be assessed in accordance with the Australian Standards AS1055 and AS2107 relating to the measurement of Environmental Noise and recommended sound levels, to the satisfaction of the Responsible Authority.
39. 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.
40. In accordance with section 68 of the *Planning and Environment Act 1987* (**The Act**), this permit will expire if one of the following circumstances applies:
- a) The development is not started within two (2) years from the date of permit issue.
  - b) The development is not completed within four (4) years from the date of permit issue.
  - c) The use is discontinued for a period of two (2) years.
- In accordance with section 69 of The Act, the responsible authority may extend the periods referred to if a request is made in writing:
- (i) before the permit expires; or
  - (ii) within six (6) months after the permit expiry date, where the use or development allowed by the permit has not yet started; or
  - (iii) within twelve (12) months after the permit expiry date, where the development allowed by the permit has lawfully started before the permit expires.
41. Within twelve (12) months of the commencement of the amended permit, the permit holder must engage a suitably qualified person to assess the compliance of the use (as amended) with **Condition 38** of this Permit, to the satisfaction of the Responsible Authority.

**CARRIED**

**4.3 KP-2021/832 - Railway Reserve, Balcombe Road, Mentone (Lots 1 and 2 on TP597980P)**

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

**Moved: Cr Hill**

**Seconded: Cr Davey-Burns**

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

**Amended Plans**

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 an electronic copy must be provided. The plans must be substantially in accordance with the plans prepared by CohenLeigh Architects, Drawing No. 210501, Sheets SK01 to SK10, submitted on 21 December 2021, but modified to show:
  - a) The existing bicycle hoops on the north side of the south bound building.
  - b) All recommended noise management protocols of the amended acoustic report as per condition 12 annotated.
  - c) A noise management plan in accordance with condition 18 of this permit.
  - d) All windows shown on floor plans to be consistent with the respective annotation.
  - e) The location of all externally-located heating and cooling units, exhaust fans and the like, clearly shown and annotated.
  - f) Re-located planter boxes.

**Endorsed Plans**

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

**Operation Hours**

3. The use must operate only between the hours of:  
Monday to Sunday: 5.00am to 12.00am (midnight)  
Or otherwise as approved by the Responsible Authority in writing.

**Maximum Capacity**

4. No more than two hundred (200) patrons are to be permitted on the premises at any one time, unless with the prior written consent of the Responsible Authority.
5. No more than twenty (20) patrons are to be permitted in the outdoor patron seating areas between 10.00pm and 12.00am (midnight), unless with the prior written consent of the Responsible Authority.

**Sale and Consumption of Liquor**

6. The serving of liquor is to be restricted to the following times:
  - Monday to Sunday: 10.00am to 12.00am (midnight).Or otherwise as approved by the Responsible Authority in writing.

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7. No more than 200 patrons are to be permitted on the premises at any one time during the licensed hours, unless with the prior written consent of the Responsible Authority.

**Responsible Serving of Alcohol**

8. During all operating hours of the use hereby authorised, there must be present on the site a person above the age of 18 years, who has been authorised by the occupier of the land and that person will be responsible for the good conduct of patrons arriving, using or leaving the land (for the purposes of this permit, this person is known as "The Manager"), to the satisfaction of the Responsible Authority.
9. All staff on the premises (except kitchen staff) must be appropriately trained in the responsible serving of alcohol, to the satisfaction of the Responsible Authority.
10. The Manager (as referred to at condition 8 of this permit) must be qualified in operating in accordance with the policies and guidelines prescribed by the Victorian Gambling and Casino Control Commission, to the satisfaction of the Responsible Authority.

**Live Music Entertainment Venue and Noise**

11. Noise levels associated with the use must at all times comply with the Environment Protection Regulations under the Environment Protection Act 2017 and the incorporated Noise Protocol (Publication 1826, Noise Limit and Assessment Protocol for the Control of Noise from Commercial, Industrial and Trade Premises and Entertainment Venues).
12. Prior to the endorsement of plans required under condition 1 of this planning permit, an amended acoustic report prepared by a suitably qualified acoustic consultant must be submitted to the satisfaction of the Responsible Authority. The acoustic report shall be endorsed concurrently with the amended plans required in condition 1 to form part of the planning permit. The amended acoustic report must be generally in accordance with the report prepared by Resonate, Rev A, dated 16 August 2022, submitted on 2 November 2022, but amended to show:
  - a) A revised noise monitoring location to be more representative of the nearest sensitive receiver.
  - b) The measured average background noise level figures in Table 7 to be consistent with the figures in Table 2.
  - c) The music noise limits in Table 8 to include a date and time this was recorded.
  - d) The average background levels of Table 11 to be consistent with the figures in Table 2.
13. The endorsed acoustic report must be implemented and continue to be maintained, to the satisfaction of the Responsible Authority.
14. The playing of live or pre-recorded music is not permitted outdoors between 10.00pm to 7.00am the next day.
15. Doors and windows must be closed between 10.00pm to 7.00am the next day when live music is played indoors.
16. Live or pre-recorded music is to be only at background music levels (e.g.  $L_{Aeq}$

73dB(A) at 1 metre).

17. Windows must be closed between 10.00pm to 7.00am the next day.

**Noise and Venue Management Plan**

18. Prior to the endorsement of plans under condition 1 of this planning permit, a noise and venue management plan (NVMP) must be submitted that provides detailed technical and management measures to manage music noise levels to not to exceed relevant time and noise level limitations. The noise management plan shall be endorsed concurrently with the amended plans required in condition 1 to form part of the planning permit. The noise management plan shall also include the following:

- a) Incorporation of safe design principles as detailed in the 'Design Guidelines for Licensed Venues (Victorian Commission of Gambling and Liquor Regulation 2017)'.
- b) Details of training provided for staff in the responsible serving of alcohol.
- c) Measures to be taken by management and staff to ensure patrons do not cause nuisance or annoyance beyond the land.
- d) Installation of appropriate signage throughout the venue and in common areas instructing patrons on expected behaviour, including to minimise levels in outdoor areas, including car park, and whilst accessing or leaving the premises.
- e) Adequate seating and places to put down drinks (including in outdoor courtyard), to limit intoxication and associated off site noise impacts.
- f) The maintenance of a register for any complaints.
- g) Provide a telephone number to contact the premises, provided on the internet and a notice put on the door and linked to the complaints register.
- h) Deliveries and waste collections to be conducted in accordance with EPA Publication 1254 'Noise Control Guidelines' and shall not occur after 10:00pm, and before 7:00am weekdays or 9:00am all other days.
- i) Emptying bottles into bins and glass crushing shall not occur after 10:00pm, and before 7:00am weekdays or 9:00am all other days. Noise enclosures are required for any bottle crushers that are to be used.
- j) Measures to encourage incidental smokers not to congregate within car parking areas or cause off site noise impacts.
- k) Procedures to be undertaken by staff in the event of complaints by a member of the public, the Victoria Police, an 'authorised officer' of Council or the Victorian Gambling and Casino Control Commission.
- l) The management and dispersal of patrons, including patrons loitering around the venue after the venue has closed.
- m) The management of large group bookings.
- n) The management of smokers and on and off-site smoking areas (particularly where liquor may not be allowed to be sold and consumed within the smoking area after a particular time).
- o) The management of external queues.
- p) How the movement and exit of patrons is to be managed, particularly where there is a requirement to close different sections of the venue at

different times.

- q) Details of the provision of music including frequency and hours of entertainment provided by live bands and DJs.
- r) Any other measures to be undertaken to ensure no unreasonable amenity impacts from the licensed premises.

The noise and venue management plan must be to the satisfaction of, and be approved by, the Responsible Authority. Once approved, the noise management plan will form a part of the endorsed documents under this permit.

#### **General Amenity**

- 19. The amenity of the area must not be detrimentally affected by the development and/or use, through the:
  - i) Transport of materials, goods or commodities to or from the land.
  - ii) Appearance of any building, works or materials.
  - iii) Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil.
  - iv) Presence of vermin.
  - v) Any other way.
- 20. The loading and unloading of goods to and from vehicles must only be carried out on the land.
- 21. No goods or packaging materials shall be stored or left exposed outside the building so as to be visible to the public from a road or other public place.
- 22. 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.

#### **Completion of Works**

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

#### **Permit Expiry**

- 24. This permit as it relates to use will expire if one of the following circumstances applies:
  - a) The use is not commenced within two (2) years of the issue date of this permit.
  - 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.

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**Note:** Prior to the commencement of the development or use you are required to obtain the necessary building permit.

**Note:** The allocation of street numbering and addressing of properties is vested in Council. Any reference to addressing or dwelling/unit/apartment and street



numbers or street names on any endorsed plan is indicative only. The onus is on the permit applicant/land owner to contact Council's property data department to determine the official dwelling/unit/apartment street numbers, street name details and the like for the approved development.

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

**CARRIED**

#### **4.4 KP-2016/465/A - Moorabbin Reserve, 32-60 Linton Street Moorabbin**

It is recorded that Jane Witham spoke on behalf of the applicant.

Cr Cochrane left the meeting at 7:52pm.

**Moved: Cr Staikos**

**Seconded: Cr Bearsley**

That the Planning Committee determine to support the proposal and issue an amended Planning Permit, approving the varied hours of operation contained within Condition 34 for the use and development of the land for a minor sports and recreation facility and a restricted place of assembly (Clause 36.02), to provide car parking to the satisfaction of the Responsible Authority (Clause 52.06-5A), to vary the existing liquor licence and to grant a new on-premises liquor licence (Clause 52.27), to undertake buildings and works in an area covered by a Special Building Overlay (Clause 44.05) at Moorabbin Reserve, 32-60 Linton Street, 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 plans Development Plans, reference TP01 – TP06, prepared by Williams Ross Architects, dated June 2016, Perspective images, reference 07 - 12, prepared by Williams Ross Architects dated June 2016, Town Planning Assessment, prepared by 10 Consulting Group dated June 2016, Traffic Engineering Report, prepared by Ratio Consultants Pty Ltd, dated 29 June 2016, Waste Management Plan, prepared by Ratio Consultants Pty Ltd, dated 27 June 2016, Civil Engineering Statement prepared by Irwin Consult, Integrated Stormwater Management Plan, prepared by Irwin consult, dated 22 June 2016, revision 2, Landscape Plan prepared by MDG Landscape Architects, Sustainability Report, prepared by Irwin Consult, dated 29 June 2016, revision 4, Acoustic Report, prepared by Marshall Day Acoustics, dated 29 June 2016, Lighting Report, prepared by BRT Consulting Engineers, dated 23 June 2016 and Arboricultural Inspection Report, prepared by Arboriculture Pty Ltd, dated April 2016, but modified to show:
  - a) all requirements of Melbourne Water, in accordance with Conditions 3 to 7 of this permit

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- b) the layout of the lounge / café and entry area amended to strengthen the connection with the outdoor seating area and reducing focus on the gaming facilities
- c) the proposed crossover and driveway access to the hardstand at the southern end of the building relocated to the north end of the road narrowing treatment
- d) the provision of landscaping solutions (eg garden beds / trees) between the car park and forecourt area where possible
- e) a materials and finishes schedule for all building works, hardscaping treatments and furniture / infrastructure including image samples with:
  - i. paving to withstand vehicle loading
  - ii. fountain details to include dog water bowl
  - iii. bollard types
- f) plans to nominate the location of all bicycle parking spaces in accordance with the Traffic Report
- g) a suitably designed treatment to prevent access to the rear section of the car park after 10pm in accordance with the recommendation of the Acoustic report
- h) the colour of the maintenance shed to be 'Woodland Grey' or similar
- i) details of the proposed crossover to the overflow car parking area nominated
- j) the location of grease traps nominated
- k) path works nominated to be 'delivered by Council' as applicable
- l) location of lighting within the proposed car park
- m) the provision of a detailed landscape plan incorporating:
  - i. associated planting schedule showing location, species type, mature height and width, pot sizes, densities and number of species
  - ii. tree species in accordance with recommendations of Council's Parks and Recreation Team
  - iii. street tree plantings to be in accordance with Council's Street Tree Planting Guidelines
  - iv. trees to be purchased in 40cm/45L containers
  - v. ground cover densities to be four plants per square metre
  - vi. details of the proposed bio swale adjacent to the car park
- n) a staging plan including, but not limited to, the following information:
  - i. staging of demolition and construction, and
  - ii. the ongoing operation of existing uses on the land
- o) the provision of a Tree Management Plan (TMP) in accordance with condition 32 of this permit
- p) the Sustainable Management Plan (SMP), Built Environment Sustainability Scorecard (BESS) assessment and plans amended in accordance with the following:

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- i. documents updated to eliminate inconsistencies
  - ii. a waste reduction target nominated
  - iii. commitment to the preparation of an Operational Waste Management Plan
  - iv. the lighting control strategy to include lighting types and efficacy targets across different occupancy areas
  - v. provision of a metering strategy for electricity gas and water
  - vi. the external reflectance details amended in accordance with the development plans and finishes schedule
  - vii. details of standard practice for heat exchange and improvements where such innovations are not possible
  - viii. nomination of domestic hot water systems and strategies to ensure energy efficiency
  - ix. provision of any HVAC strategy details for space occupancies, including efficiency details for proposed system(s) including control logic and energy savings if applicable
  - x. specific details of the method and location of information relating to public transport scheduling
  - xi. the development plans to nominate the catchment area
  - xii. details of water efficiency of fixtures, fittings and irrigation
  - xiii. clear commitments made within the innovation section of the SMP.
- q) The acoustic report amended to also include:
- i. recommendations for clean-up activities following night time events,
  - ii. recommendations to provide noise attenuation to the sports court in accordance with the relevant legislation and / or guidelines

**Endorsed Plans**

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

**Conditions Required by Melbourne Water**

3. Any new building must be constructed with finished floor levels set no lower than 31.45 metres to Australian Height Datum, which is 300mm above the applicable flood level of 31.15m AHD.
4. The car parking areas must be set at natural surface levels.
5. Imported fill must be kept to a minimum on the property below the applicable flood level and must only be used for the sub floor areas of the buildings.
6. Prior to the commencement of works, a separate application direct to Melbourne Water must be made for the approval of any new or modified storm water connection to Melbourne Water's drains or watercourses. You can now apply using our online application process (<http://melbournewater.com.au/apply>).
7. Pollution and sediment laden runoff must not be discharged directly or indirectly into Melbourne Water's drains or waterways.

**Stormwater Management Conditions**

8. Before the development commences, prior to submission of detailed Stormwater

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

9. The Stormwater Management Strategy as per the condition above, must incorporate an appropriate management of 1 in 100 year flow paths from/through the subject site to Council satisfaction.
10. Before the development commences, a detailed Stormwater Management (drainage) Plan, in line with accepted Stormwater Management Strategy pursuant to the two conditions above, showing the stormwater works to the nominated point of discharge must be prepared to the satisfaction of the Responsible Authority. The Stormwater Management (drainage) Plan must be prepared by a qualified person and show all details of the proposed stormwater works including all existing and proposed features that may have impact (e.g. trees to be retained, crossings, services, fences, abutting buildings, existing boundary surface levels, etc.). The Stormwater Management Plan must be prepared as per Council's "Civil Design Requirements for Developers – Part A - Integrated Stormwater Management".
11. The development of the site must be provided with stormwater works which incorporates the use of water sensitive urban design principles to improve stormwater runoff quality and which also retains on site any runoff above the permissible site discharge. The system must be maintained to the satisfaction of the Responsible Authority. The satisfactory options to achieve these desired outcomes may include the use of an infiltration or bioretention system, rainwater tanks connected for reuse and a detention system.
12. Stormwater works must be provided on the site so as to prevent overflows onto adjacent properties.
13. The overall outflow of the development to Council drainage system must be limited to a discharge rate calculated as per Council's "Civil Design Requirements for Developers – Part A - Integrated Stormwater Management" and acceptable to Council.

**Build Over Easement Conditions**

14. Prior to the commencement of works a report must be prepared to the satisfaction of the Responsible Authority detailing measures and mitigations works to future proof the existing 1050mm Council pipe (located beneath the proposed building) for 80 years.
15. The report required as per the condition above must address the following requirements as a minimum:
  - a) Details of the proposed rehabilitation treatment of the existing pipe. Consideration should be given to lining the pipe (approximately 90m under the building between the new pits) to mitigate against concrete deterioration and joint displacement.
  - b) A structural report including computations demonstrating the proposed pipe treatment and the proposed building footing design to avoid loading the existing pipe.
  - c) Engineering drawings to confirm the location, length and details of the

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proposed pipe treatment between junctions pits located to facilitate access to the section of pipe under the building.

16. All existing drainage connections into the existing 1050mm diameter Council pipe must be removed and sealed so that no other active stormwater pipes are located under the proposed building. The existing smaller diameter pipes shall be redirected as part of the proposed drainage design for the carpark and building surrounds. The CCTV report submitted earlier must be referred to for all the locations of these connections.
17. All existing drainage connections into the existing 1050mm diameter Council pipe must be removed and sealed so that no other active stormwater pipes are located under the proposed building. The existing smaller diameter pipes shall be redirected as part of the proposed drainage design for the carpark and building surrounds. The CCTV report submitted earlier to Council must be referred to for all the locations of these connections.
18. All of the existing pits along the alignment of the 1050mm Council pipe, within the full extent of all proposed works including the carpark, must be fully reconstructed to current Council standards as follows:
  - a) Pits located within the carpark or building surrounds must have new cast iron / concrete infilled pit lids to suit the new surface levels.
  - b) Pits located under the proposed building, or at changes in pipe direction, must have buried lids or an alternative approved treatments to Council satisfaction.
19. All drainage construction or modification works to be at the developer's cost.
20. All reports, drawings and documentation required under any issued permit must be to Council's satisfaction.

**Road Infrastructure Conditions**

21. Prior to the commencement of works detailed engineering design drawings must be submitted to the satisfaction of and approved by the Responsible Authority showing all levels and storm water flows for the Shared User Path and Bus Drop Off Point.
22. Vehicle crossings must be constructed at a 90 degree alignment with the kerb on Linton Street and all internal driveways must align with the existing / proposed vehicle crossing.
23. The replacement of all footpaths, including offsets, must be constructed to the satisfaction of the Responsible Authority.
24. All reinstatements and vehicle crossings must be constructed to the satisfaction of the Responsible Authority.
25. Vehicle crossings and other reinstatements must be constructed to Council's industrial strength specifications.
26. All redundant vehicle crossing not in accordance with the endorsed plan must be removed (including redundant portions of vehicle crossings) and kerb reinstated to the satisfaction of the Responsible Authority.

**Function Management Plan**

27. Prior to the commencement of the use a Function Management Plan (FMP) to the satisfaction of the Responsible Authority, must be submitted to and approved by the Responsible Authority. The FMP must address the following:
  - a) the protection of the amenity of the neighbourhood in accordance with the

amenity provisions of the applicable liquor licenses and the acoustic report

- b) the management of functions so that off street parking can be assured for the combined uses on the site at any point in time
- c) the availability of the alternative training facility for overflow car parking

**Traffic Management Conditions**

- 28. Prior to the commencement of use, payment must be made to Kingston City Council for the implementation of the residential parking scheme to the satisfaction of the Responsible Authority.
- 29. Prior to the occupation of the development an Event Management and Transport Management Plan must be prepared to the satisfaction of and approved by the Responsible Authority for any event exceeding 500 patrons. The Event Management and Transport Management Plan should address management recommendations at section 4.4 of the Moorabbin Reserve Traffic Impact Assessment Report prepared by Ratio Consultants Pty Ltd, dated 29 June 2016 and detail:
  - a) methods to encourage public transport usage to the site, including running additional services for peak days
  - b) management of parking resources within the site and consideration of remote car parking
  - c) traffic management at key intersections identified in the following the conclusion of the event.

**Construction Management Conditions**

- 30. Prior to the commencement of any buildings and works on the land (including demolition), a Construction Management Plan (CMP), to the satisfaction of the Responsible Authority, must be submitted to and approved by the Responsible Authority. The CMP must be prepared in accordance with the City of Kingston Construction Management Policy, 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.

**Ecologically Sustainable Development**

- 31. Prior to the occupation of any building approved under this permit, a report from the author of the SMP report, approved pursuant to this permit, or similarly qualified person or company. This report must be submitted to the satisfaction of the Responsible Authority. The report must confirm that all measures specified in

the SMP have been implemented in accordance with the approved Plan.

## Tree Protection Conditions

32. Prior to the endorsement of plans under condition 1 of this permit, a Tree Management Plan (TMP) must be submitted to show how trees 2, 4, 5, 11, 16, 29, 48-52 and 86-90 as nominated in the submitted arborist report will be protected pre, during and post construction, to the satisfaction of the responsible authority. The approved TMP will be endorsed and form part of the planning permit.
33. Prior to the commencement of any works on the site including demolition, a tree protection barrier must be installed at three (3) metres from the base of the *Eucalyptus scoparia* (Wallangarra White Gum) street tree located within the road narrowing treatment at the front of the site.

## Operation Conditions

34. The uses must operate only between the hours nominated below:
- Training Field and Associated Lights 7.00am to 10.00pm, seven days
  - Internal Sports Facilities 7.00am to 10.00pm, seven days, **with the exception of the Community Gym, Aquatics area and Recovery area (Stage 2) which may operate between 5.30am to 10.00pm, seven days**
  - Gaming Room and Lounge 9.00am to 1.00am the following day, Monday to Saturday  
10.00am to 1.00am the following day, Sunday
  - Function Room 7.00am to 1.00am the following day, seven days with the exception of 12 days per calendar year, where the hours can be extended from 7.00am to 2.00am the following day.

Or otherwise as approved by the Responsible Authority in writing.

35. The operator of the function room must keep a venue operations plan (VOP) which lists the date of the events that conclude at 2am the following day. The VOP must show that the number of events is not exceeded to that allowed in the condition above. The VOP must be kept on the premises and be available for inspection by the Responsible Authority as soon as requested.
36. The sale and consumption of liquor on-premises (restaurant / café licence) associated with the Café / Kiosk must only occur between the hours nominated below:
  - 7.00am to 6.00pm, seven days

Or otherwise as approved by the Responsible Authority in writing.

37. The sale and consumption of liquor (Full Club Licence) must operate in accordance with the conditions set out within the existing liquor licence (32103082) with the terrace and external forecourt area to comply with the sale

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and consumption between the following hours:

- 7.00am to 10.00pm except for:
- Sunday 9.00am to 10.00pm and
- Good Friday & Anzac Day 12.00 noon to 10.00pm

38. Any noise emitted from the site must comply with State Environment Protection Policy N-1 (Control of noise from commerce industry and trade) and State Environment Protection Policy N-2 (Control of music noise from public premises).
39. Parking areas and access lanes must be kept available for these purposes at all times and maintained to the satisfaction of the Responsible Authority.

**Amenity Conditions**

40. The amenity of the area must not be detrimentally affected by the development and/or use, through the:
- a) transport of materials, goods or commodities to or from the land
  - b) appearance of any building, works or materials
  - c) emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam
  - d) soot, ash, dust, waste water, waste products, grit or oil
  - e) presence of vermin, or
  - f) any other way
41. The loading and unloading of goods to and from vehicles must only be carried out on the land.
42. No goods or packaging materials shall be stored or left exposed outside the building so as to be visible to the public from a road or other public place.

**Completion of the Development**

43. 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.
44. Before occupation of the development hereby permitted, landscaping works as shown on the endorsed plans must be completed to the satisfaction of the Responsible Authority. The landscaping must then be maintained to the satisfaction of the Responsible Authority.
45. Before occupation of the development hereby permitted, areas set aside for parking vehicles, access lanes and paths as shown on the endorsed plans must be:
- a) Constructed to the satisfaction of the Responsible Authority.
  - b) Properly formed to such levels that they can be used in accordance with the plans.
  - c) Surfaced with an all-weather sealcoat to the satisfaction of the Responsible Authority.
  - d) Drained to the satisfaction of the Responsible Authority.
  - e) 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.



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- f) In accordance with any Council adopted guidelines for the construction of car parks.
46. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.

**Permit Expiry**

47. In accordance with Section 68 of the Planning and Environment Act 1987 (The Act), this permit will expire if one of the following circumstances applies:

- The use and development is not started before two (2) years from date of this permit.
- The development is not completed before four (4) years from the date of this permit.
- The use is discontinued for a period of two (2) years.

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

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

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**Note:** The applicable flood level for the location of the building that has a probability of occurrence of 1% in any one year is 31.15 metres to Australian Height Datum (AHD).

**Note:** If further information is required in relation to Melbourne Water's permit conditions shown above, please contact Melbourne Water on 9679 7517, quoting Melbourne Water's reference 255903.

**Note:** It is noted the development includes part of the proposed building to be built over the easement. Separate consent from Council and the relevant service authority is required to build over the easement and will need to be obtained prior to the issue of a Building Permit.

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

**Note:** Areas relating to food handling, storage and sales must be designed as per Australian Standard for the Design, Construction and Fit-out of Food Premises. By providing detailed plans for these areas to Council's Health Department for approval prior to construction and fit out, it will ensure the areas are compliant with the Food Act.

**Note:** All food premises must be registered with Council prior to the commencement of the use.

**Note:** The fee for the implementation of the Residential Parking Scheme \$10,000 plus GST.

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

**Note:** The owner(s), occupiers and visitors of the development allowed by this permit

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may not be eligible for Council resident or visitor parking permits.

**THIS PERMIT HAS BEEN AMENDED PURSUANT TO SECTION 72 OF THE PLANNING AND ENVIRONMENT ACT 1987 AS FOLLOWS:**

<b>Amendment</b>	<b>Date of Amendment</b>	<b>Description of Amendment</b>	<b>Name of responsible authority that approved the amendment</b>
A	(Date to be the same as Date Amended)	<p>Amending the conditions of the permit by:</p> <ul style="list-style-type: none"> <li>Amending Condition 34 by adding the words '<i>with the exception of the Community Gym, Aquatics area and Recovery area (Stage 2) which may operate between 5.30am to 10.00pm, seven days</i>'</li> </ul>	City of Kingston

<b>Date of Correction</b>	<b>Brief Description of the Correction</b>
28/02/2017	Correct the permit preamble and condition 36 to include on-premises which was omitted from the permit preamble and condition

Cr Cochrane returned to the meeting at 7:55pm.

**CARRIED**

**4.5 1233 Nepean Highway, Highett KP-2016/124/B S87A amendment**

**Moved: Cr Davey-Burns**

**Seconded: Cr Staikos**

That the Planning Committee determine:

1. Not to support the proposed section 87A amendment application to Planning Permit No. 0 - **Error! No document variable supplied..**
2. That Council participate in the Compulsory Conference and Merits Hearing and advance the position outlined in this report, as well as advocate for changes to the amendment application in line with the following (but not limited to) recommendations/requirements:
  - a) An approved Cultural Heritage Management Plan (CHMP) to be provided.
  - b) An assessment against Clause 58 to quantify statements made on compliance standards.
  - c) At ground level, chamfer or curve the southwestern corner of the retail provision to enhance visibility between Nepean Highway and the proposed retail lane.
  - d) Deepen the narrow strip of retail lining the car park ramp to a minimum dimension where plans can illustrate functional retail activity (not back-of-house functions) or delete it entirely to create additional public realm space to accommodate bike parking or seating.
  - e) Maximise visual interest along the resulting wall lining the car park entrance such as through the display of public art and feature lighting.
  - f) Provide a minimum upper-level separation between the western tower and eastern building of 9m, or at a minimum, reinstate the previously endorsed space between tower forms that has narrowed from 7.945m – 8.00m to 7.15m – 7.60m.
  - g) Levels 4-7 are set back a further 3m, in addition to the 4.5m, resulting in a 5-storey base with an additional 4 recessed upper levels at the interface with 1231 Nepean Highway.
  - h) Revise the architectural language to strengthen clear visual distinction between building components as successfully demonstrated in the endorsed scheme, specifically:
    - Within the northern elevation to strengthen distinction between the Nepean Highway 'corner' curvilinear tower form and adjoining rectangular 9-storey component, through complementary material/colour palettes and façade treatments.
    - Within the southern elevation to strengthen distinction between the Nepean Highway tower and Matthieson Street building, reinforcing the central 'break' that was previously present in the endorsed scheme, complementary material/colour palettes and façade treatments that 'break' the elevation into a series of parts.
    - Within the eastern elevation to strengthen the distinction between the 'podium' and recessed upper form through complementary material/colour palettes and façade treatments.
  - i) Adopt previous Tribunal recommendations regarding the dimension of 'snorkel corridors,' specifically increasing their minimum depth towards 1.2

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metres and 1.8 metres' respectively.

- j) Reinstate the previously endorsed widths of east-west corridors within the square eastern 'tower' that have narrowed from 1.6m down to 1.1m-1.32m.
- k) Review internal dwelling layouts to avoid open doors blocking access into adjoining rooms.
- l) Increase north facing balconies from 1.6m to a minimum of 1.7m.
- m) Lighting at lobby entrance (Nepean Highway) to be provided.
- n) An updated SIDRA intersection analysis is to be provided for Karen and Mattheison Street intersection, based on the current volume in that area.
- o) An improved swept path analysis is required to show that a B85 and B99 can pass each other at the location as shown in Figure 7 of the assessment.
- p) Parallel parking spaces 28,29, 134, 136 need to be dimensioned and comply with Planning Scheme or AS/NZS 2890.1
- q) Space 193 and 88 needs 1m aisle extension otherwise swept path is required.
- r) 1m extension has to be provided for 170, 171, 65 and 66 as these spaces are designed based on 2890.1 and swept path shows they are difficult to access.
- s) All lighting (blue circle) and loading bay (red circle) creation on Nepean Highway as per previous conditions should continue (as illustrated in Figure 8).
- t) Update SMP to illustrate the following:
  - Plans need to indicate rainwater tank location, size and connection to all toilets and irrigation as proposed in the BESS assessment
  - Endorsed proposal had a 45,000L tank connected to toilets and irrigation but current proposal has this reduced to 38,000L.
  - BESS assessment indicates that the 38,000L tank will be connected to ALL apartment toilets, but the SMP indicates the tank is only connected to 100 occupants.
  - The SMP needs to have clear statements that a dishwasher with a minimum 5 Star WELS rating and a washing machine with a minimum 3 Star WELS rating will be provided as part of the fit-out to each dwelling to reflect what is in the BESS assessment.
  - To claim the Water 3.1 Water Efficient Landscaping BESS credit, indicate on plans water efficient irrigation, connection of irrigation system to rainwater tank or water efficient plant selection including drought-tolerant turf/lawn.
  - Endorsed SMP indicates a commitment to a 6.5-star minimum. Current SMP only commits to a 6-star minimum.
  - 6.8-star average has been entered into the BESS assessment contrary to commitments. This is again giving the development a higher score than what is proposed. SMP and plans need to indicate a clear commitment to the apartments achieving a 6.8-star average.

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- Roof plans need to indicate the proposed 11.5kWp solar photovoltaic system.
  - Endorsed SMP had commitments to the use of low VOC paints, sealants, adhesives, wall and ceiling covering and E1 or E0-grade composite wood products (e.g. MDF, plywood, engineered-wood flooring). There is currently no commitments in current SMP.
  - Provide evidence that 70% of dwellings receive at least 3 hours of direct sunlight in all Living areas between 9am and 3pm in mid-winter.
  - Single orientation L-shaped open living kitchen spaces and the battle-axe bedrooms with balconies overhanging do not meet the BADS requirements.
  - To claim the Transport 2.1 Electric Vehicle Infrastructure BESS credit, the EV charge point must be shown on plans.
  - There should be a commitment to a minimum of 80% of construction and demolition waste diverted from landfill as per the previously endorsed SMP.
  - Endorsed SMP indicates waste separating and collection for paper, cardboard, PET, glass, aluminium, steel and HDPE. Current WMP does not reflect this.
  - The Urban Ecology 2.1 Vegetation BESS credit must include only turfed or planting areas and cannot include 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 landscape plan accurately and entry in BESS must be updated accordingly.
  - To claim the Urban Ecology 2.4 Private Open Space - Balcony / Courtyard Ecology BESS credit, provide additional notes on the drawings which shows that each dwelling's private open space area will be provided with an external tap, preferably connected to the rainwater tank, and floor waste.
  - For the non-visible flat roofs and exposed concrete driveway, specify light coloured or reflective finishes / materials (Solar Reflective Index >50 or Solar Absorptance<0.6) to help mitigate the urban heat island effect. This must be reflected on plans.
  - Building materials- This section appears to have much fewer commitments than the endorsed SMP. The original commitments must be maintained.
- u) No further encroachment into the TPZ of the protected tree is to occur.
- v) Endorsed ground floor plan has an at grade garden bed with pedestrian movement from the footpath/eastern entrance to the access way down the south side of the site through to the Nepean Highway via a boardwalk with bored piers across the TPZ of the River Red Gum. This is recommended to be retained or something similar provided.
- w) Retention of Condition 12 (Wind Assessment Report) and any necessary changes to the plan required due to this.
- x) Retention of Condition 13 and any necessary changes to the plans due to

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the Daylight and Ventilation Report as endorsed.

- y) It is also recommended that the permit applicant contact Air Services Australia and the Moorabbin Airport Corporation to discuss the application in case cranes are required for the construction which may impact flight paths and/or the height of the final product impacts upon flight paths.

**CARRIED**

**5. Confidential Items**

Nil

The meeting closed at 8.08pm.

**Confirmed.....**

**The Mayor**