



# **Ordinary Meeting of Council**

## **Minutes**

**Monday 17 December 2012**

**The meeting commenced at 7.00pm**

**in the**

**Council Chamber**

**1230 Nepean Highway, Cheltenham**

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

**In Attendance:** John Nevins - Chief Executive Officer  
Mauro Bolin –General Manager Community Sustainability  
Paul Franklin – General Manager Corporate Services  
Rachel Hornsby - General Manager Environmental Sustainability  
Anthony Basford – Acting General Manager Organisational Development & Governance  
Kirsten Leiminger – Media Officer Communications and Public Affairs  
Phil DeLosa – Program Leader Governance  
Stephanie O’Gorman – Governance Officer

**1. Apologies:**

There were no apologies submitted to the meeting.

**2. Confirmation of the Minutes of Previous Meeting**

**Moved: Cr Staikos                      Seconded: Cr West**

That confirmation of the Minutes of the Ordinary Meeting of Council held on 26 November 2012 be deferred to the next Ordinary Meeting of Council on 25 February 2013 and that the Minutes of the Special Meeting of Council held on 3 December 2012 be confirmed.

**CARRIED**

**3. Foreshadowed Disclosure/s by Councillors, Officers or Contractors of any Conflict of Interest:**

Cr Staikos foreshadowed a disclosure of a conflict of interest in Item O 219 – Gaming Machines.

**4. Petitions**

**Hazardous Drains located in Bonavista Ave and Sophia Ave, Aspendale**

**Moved: Cr Ronke                      Seconded: Cr Eden**

That the petition be referred to the CEO for response.

**CARRIED**

**5. Presentation of Awards**

Due to former Councillors being unable to attend the presentations were not held.

**6. Reports from Village Committees**

**(1) Aspendale/Edithvale/Aspendale      Gardens/Waterways      Village Committee**

**Chairperson – Kevin Griffiths**

*Report of Meeting held on 6 December 2012*

**Village Committee Motion**

Now that there are clear lines of responsibility for the issues relating to the Mordialloc Creek Barrier, we encourage Council to develop a planning strategy to provide a framework to guide property owners in future developments.

**Officer Comments**

There are existing requirements on the undeveloped land in the industrial area that the properties be landscaped (including screening planting) when those properties are developed. This is contained in a Section 173 agreement for the industrial properties. This will be managed by conditions on future planning permits before the land is developed.

**Moved: Cr Peulich**

**Seconded: Cr Bearsley**

That the committee be thanked for its advice and be advised that this matter will be managed by conditions on future planning permits before the land is developed.

**CARRIED**

**Highlight:** The consultation with the Village Committee undertaken by members of Council's Community Engagement Team to aid the development of the Municipal Public Health & Wellbeing Plan and the Community Safety Strategy

**(2) Chelsea/Chelsea Heights/Bonbeach Village Committee**

**Chairperson – John Bainbridge**

*No meeting held this month.*

---

**(3) Cheltenham Village Committee**

**Chairperson – Simon Libbis**

*Report of meeting held on 4 December 2012*

**Highlight:** The highlight was the consultation by Nicole Malina and Susan Heywood on the Public Health and Safety Consultation.

---

**(4) Clarinda/Oakleigh South/Clayton South Village Committees**

**Chairperson – Gael Mizzi**

*Report of Meeting held on 5 December 2012*

**Village Committee Motion**

David Catchpool moved a motion of congratulations to all Councillors elected and Councillor Brownlees for his re-election as Mayor.

**Moved: Cr Staikos**

**Seconded: Cr Barth**

That the Village Committee be thanked for its sentiments.

**CARRIED**

**Highlight:** The chance for everyone to come together at the end of the year and thanks to Rob and Erin for their support.

---

**(5) Dingley/Heatherton Village Committee**

**Chairperson – Anne Caprackas.**

*No meeting held this month.*

---

**(6) Mentone/Parkdale Village Committee**

**Chairperson – Barbara Taylor**

*Report of meeting held on 4 December 2012.*

**Highlight:** Nil.

---

**(7) Moorabbin / Highett Village Committee**

**Chairperson – Les Heimann**

*Report of meeting held on 5 December 2012.*

**Village Committee Motion**

That a decision be made regarding a traffic treatment solution at Bulli & Genoa Streets, Moorabbin (even if budget is not available to implement). One of the options should include making the exit from Bulli St / Isabella St one way.

**Officer Comments**

The comments of the Village Committee are noted and will be considered when the local area traffic management is reviewed. The traffic calming requirements for a number of areas in Moorabbin are being considered for review.

**Moved: Cr Staikos    Seconded: Cr Barth**

That the Village Committee be thanked for its advice and be advised that traffic treatments will be considered when the local area traffic management plan is undertaken and that the appropriate Council officers will attend the next Village Committee meeting to discuss with members.

**CARRIED**

**Highlight:** Remembrance of contribution Thelma Mansfield made to the Village Committee and broader Moorabbin community.

---

**(8) Mordialloc Village Committee**

**Chairperson – David van Pelt**

*Report of meeting held on 4 December 2012.*

**Highlight:** Presentation on rain gardens by Jonathan Guttman.

---

**(9) Patterson Lakes/Carrum Village Committee**

**Chairperson – Don Reed**

*Report of meeting held on 5 December 2012*

**Highlight:** Nil.

## **7. Reports from Delegates Appointed by Council to Various Organisations**

**Moved: Cr Staikos    Seconded: Cr Peulich**

That the following delegates reports be accepted:

- Cr West reported on the Metropolitan Transport Forum.
- Cr Brownlees reported on the Launch of the first Protective Services Officers at a Kingston station.

**CARRIED**

## **8. Question Time**

Question Time was held at a later stage in the meeting (refer to page of the Minutes).

## **9. Environmental Sustainability Reports**

### **O 206    KP709/11 – 419 Centre Dandenong Road, Heatherton**

*It is recorded that Brian Pullen spoke on behalf of the objectors in relation to this item.*

*It is recorded that Jim Coomes spoke on behalf of the applicant in relation to this item.*

**Moved: Cr Staikos    Seconded: Cr West**

That Council refuse the application to use and develop the land for a Place of Worship at No. 419 Centre Dandenong Road Heatherton (Lot 1 of TP 684438A), on the following grounds:

- 1 The proposal is not consistent with the objectives of Clause 35.04 – Green Wedge Zone of the Kingston Planning Scheme.
- 2 That the proposal is not consistent with Clause 21.10-2 of the MSS.
- 3 That the proposal is not consistent with the Kingston Green Wedge Plan.

## **Procedural Motion**

**Moved: Cr Staikos**

**Seconded: Cr Peulich**

That Cr West be granted an extension of time to speak on this item.

**CARRIED**

The Substantive Motion was put and **LOST**

## **A Division was called**

### **DIVISION**

**FOR:** Crs Eden, Staikos, Barth and West (4)

**AGAINST:** Crs Bearsley, Ronke, Peulich, Gledhill and Brownlees (5)

**LOST**

**Moved: Cr Ronke**

**Seconded: Cr Gledhill**

That Council determine to support the proposal and issue a Notice of Decision to Grant a Permit to use and develop the land for a Place of Worship at No. No. 419 Centre Dandenong Road Heatherton (Lot 1 of TP 684438A), subject to the following conditions:

1. Before the development starts amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be substantially in accordance with the plans submitted to Council on 20 March 2012, but modified to show:
  - a. the provision of an improved landscape plan and associated planting schedule for the site showing the proposed location, species type, mature height and width, pot sizes and number of species to be planted on the site, with such plans to be prepared by a suitably qualified landscape professional and incorporating:
    - ii) 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;
    - iii) 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;
    - iv) 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;
- v) a range of plant types from ground covers to large shrubs and trees;
  - vi) adequate planting densities (e.g.: plants with a mature width of 1 metre, planted at 1 metre intervals);
  - vii) the provision of twenty five (25) suitable medium sized (at maturity) canopy trees within the front setback (landscape buffer along Centre Dandenong Road, and a minimum of ten (10) suitable medium sized (at maturity) trees within the site, with species chosen to be approved by the Responsible Authority;
  - viii) sustainable lawn areas and plant species taking current water restrictions into consideration;
  - ix) all trees provided at a minimum of two (2) metres in height at time of planting;
  - x) medium to large shrubs to be provided at a minimum pot size of 200mm; and
  - xi) the provision of notes on the landscape plan regarding site preparation, including the removal of all weeds, proposed mulch, soil types and thickness, subsoil preparation and any specific maintenance requirements.
- b. a comprehensive stormwater management strategy of the site comprising a brief drainage report with drainage concept plan to address the minor and major storm events and incorporating Rainwater Tank/s and Water Sensitive Urban Design Treatments to the satisfaction of the Responsible Authority;
  - c. a minimum 3 metre x 3 metre splay at the corner of Ross Street and Centre Dandenong Road;
  - d. the vehicular access to the site located a minimum of 40 metres from the intersection of Centre Dandenong Road and Ross Street;
  - e. the provision of a notation stating: "the intersection of Ross Street and Centre Dandenong Road and Ross Street for a length from the intersection to 2.5 metres beyond the approved northern-most crossover must be designed and constructed at the full cost of the owner/developer as per engineering plans approved by the Responsible Authority";
  - f. the provision of a notation on plans stating: "A 2.5 metre wide shared user path along the Centre Dandenong Road frontage of the property boundary must be constructed in accordance with engineering plans approved by the Responsible Authority";
  - g. the provision of dimensions of the disabled car spaces, in accordance with the requirements of the relevant Australian Standard;



- h. dimensions of the bicycle spaces in accordance with the requirements of Clause 52.34 of the Kingston Planning Scheme, with these to be provided with weather protection;
- i. the capacity of the water tanks shown with a minimum of 10,000 litres required and a notation that water will be re-used for toilet flushing and landscape irrigation;
- j. details notated on plans regarding the implementation of ESD measures outlined in the Sustainability Assessment, prepared by Peter L Brown Architects Pty Ltd, dated May 2012;
- k. the provision of external shading devices designed to be appropriate to their respective façade orientation;
- l. the provision of high sill, mechanically operable sash windows to the Church building (for heat purging purposes);
- m. the surface material of all driveways / accessways and car parking spaces nominated, with all-weather coloured concrete sealcoat, or similar specified for a minimum of 6 metres inside the property boundary and the remainder to be nominated with a permeable treatment; and
- n. the provision of a full colour, finishes and building materials schedule, including samples (illustrated on an A4 or A3 sheet), for all external elevations and driveways of the development, incorporating non-reflective materials and colours.

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. Melbourne Water Conditions**

- a) Pollution and sediment laden run-off shall not be discharged directly or indirectly into Melbourne Water's drains or watercourses.
- b) The church and all associated buildings must be constructed with finished floor levels a minimum of 600mm above the applicable flood level.
- c) The car park must be constructed with finished surface levels no lower than 350mm below the applicable flood level.
- d) Prior to the issue of a Certificate of Occupancy, a certified survey plan, showing finished floor levels (as constructed) reduced to the Australian Height Datum, must be submitted to Melbourne Water to demonstrate that the floor levels have been constructed in accordance with Melbourne Water's requirements.

**4. Moorabbin Airport Conditions**

- a. An aviation study ("Study") being commissioned by the proponent which considers the airport master plan, aviation overlays and NASF guidelines, noting the scope of the study must be to the satisfaction of the MAC;

- b. The recommendations of the Study being implemented by the proponent to the satisfaction of MAC together with any other conditions MAC may reasonably require;
- c. A full set of plans for the proposed development being provided to MAC and those planning documents being to the satisfaction of MAC; and
- d. The development complying with all relevant airport, Council, State and Commonwealth policy, regulatory and legislative requirements to the satisfaction of MAC.

#### Operation of the site

- 5. No more than 200 people may be on the site at any one time.

#### Infrastructure and road works

- 6. Before the development commences, the intersection and Ross Street as described in Condition 1 e) must be designed and constructed at the full cost of the owner/developer and maintained in accordance with the plans approved by the Responsible Authority. Discussion with Council's Development Engineer is recommended prior to submission of a design. A priced schedule of works within the road reserve and the payment of Council's engineering fees of 3.25% of the cost of the works are required to be submitted prior to approval.
- 7. Before the use commences, the dark brown 2.5 metre wide shared user path required pursuant to Condition 1 f) must be designed and constructed at the developer's cost and maintained in accordance with the engineering plans approved by the Responsible Authority. Discussion with Council's Development Engineer and VicRoads is required prior to the submission of a design. A priced schedule of works within the road reserve and the payment of Council's engineering fees of 3.25% of the cost of works are required to be submitted prior to the approval of the engineering plans.
- 8. Prior to the occupation of buildings hereby permitted, or by such later date as is approved by the Responsible Authority in writing, the nature strip, kerb and channel, vehicle crossover and footpath must be reinstated to the satisfaction of the Responsible Authority.
- 9. Any existing vehicular crossing not in accordance with the endorsed plan must be removed and the kerb reinstated in a manner satisfactory to the Responsible Authority and any proposed vehicular crossing must be fully constructed to the Responsible Authority's standard specification.
- 10. **Public Transport Victoria Condition**
  - a. The existing bus stop and associated infrastructure on Centre Dandenong Road must not be altered without the prior consent of the Director of Public Transport. Any alterations including temporary works or damage during construction must be rectified to the satisfaction of the Director of Public Transport and at the cost of the permit holder.
- 11. **VicRoads Conditions**
  - a. Unless otherwise agreed in writing by VicRoads prior to the commencement of the proposed development, functional layout

showing construction of the footpath along the southern frontage of the property must be submitted to and approved by VicRoads.

- b. Before the use of the permitted development and/or commencement of any works required by VicRoads under this permit a detailed engineering design must be prepared generally in accordance with the accepted functional layout plan and to the satisfaction of VicRoads.
- c. The developer must pay the full cost of all roadworks, drainage, road safety devices, service relocations, civil works, public lighting and any other associated costs. All work is to be completed at no cost to VicRoads.
- d. No work must be commenced in, on, under or over the road reserve without having first obtaining all necessary approval under the Road Management Act 2004, the Road Safety Act 1986, and any other relevant acts or regulations created under those Acts.
- e. Where the roadworks, including footpath and nature strip lie within private property, a widening of the road reserve will be required, at no cost to VicRoads. The developer must engage a licensed surveyor to prepare a Plan of Subdivision showing the affected land labelled 'ROAD', which is to be vested in the Roads Corporation upon certification of the Plan of Subdivision, without any encumbrances. Subsequent to the registration of the plan, the subdivider must ensure that the original Certificates of Title that issue in the name of the Roads Corporation, are posted to: VicRoads – Property Services Department, 60 Denmark Street KEW, 3101.

#### Construction Management

12. Before the commencement of any buildings and works on the Land, a Construction Management Plan (CMP), to the satisfaction of the Responsible Authority, must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed as evidence of its approval and will then form part of the permit and shall thereafter be complied with. The CMP must specify and deal with, but not limited to, the following:
  - a) a detailed schedule of works including a full project timing;
  - b) a traffic management plan for the site, including when or whether any access points would be required to be blocked; an outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services; and preferred routes for trucks delivering to the site;
  - c) the location for the parking of all construction vehicles and construction worker vehicles during construction;
  - d) delivery of materials including times for loading/unloading; unloading points; expected frequency; and details of where materials will be stored and how concrete pours would be managed;
  - e) proposed traffic management signage indicating any inconvenience generated by construction;
  - f) fully detailed plan indicating where construction hoardings would be located;
  - g) a waste management plan including the containment of waste on site: disposal of waste, stormwater treatment and on-site facilities for vehicle washing;

- h) containment of dust, dirt and mud within the site and method and frequency of clean up procedures in the event of build up of matter outside the site;
  - i) business operations on the site during construction;
  - j) site security;
  - k) public safety measures;
  - l) construction times, noise and vibration controls;
  - m) restoration of any Council assets removed and/or damaged during construction;
  - n) protection works necessary to road and other infrastructure (limited to an area reasonably proximate to the site);
  - o) remediation of any damage to road and other infrastructure (limited to an area reasonably proximate to the site);
  - p) an emergency contact that is available for 24 hours per day for residents and the Responsible Authority in the event of relevant queries or problems experienced;
  - q) traffic management measures to comply with provisions of AS 1742.3-2002 Manual of uniform traffic control devices – Part 3: Traffic control devices for works on roads; and
  - r) all contractors associated with the construction of the development must be made aware of the requirements of the Construction Management Plan.
13. A pre construction site and immediate surrounds inspection and condition assessment of all road ways and footpaths abutting the development is to be submitted to and approved in writing by the Responsible Authority. This must occur in a media (photos/video) which is able to accurately illustrate the full condition of all potentially impacted assets prior to the construction commencing. In the event of damage during construction, such damage will be required to be repaired by the developer, at the developer's cost and to the satisfaction of the Responsible Authority.
14. During the construction, the following must occur:
- a) any stormwater discharged into the stormwater drainage system is to comply with EPA guidelines;
  - b) stormwater drainage system protection measures must be installed as required to ensure that no solid waste, sediment, sand, soil, clay or stones from the premises enters the stormwater drainage system;
  - c) vehicle borne material must not accumulate on the roads abutting the site;
  - d) the cleaning of machinery and equipment must take place on site and not on adjacent footpaths, roads or parks;
  - e) all litter (including items such as cement bags, food packaging and plastic strapping) must be disposed of responsibly; and
  - f) all site operations must comply with the EPA Publication TG302/92 (including all revisions or replacement guidelines).

#### Drainage and Water Sensitive Urban Design

15. The development of the site must be provided with stormwater works which incorporates the use of water sensitive urban design principles to improve stormwater runoff quality and which also retains on site any increase in runoff as a result of the approved development. The system must be maintained to the satisfaction of the Responsible Authority. Council's Development Engineer can

advise on satisfactory options to achieve these desired outcomes which may include the use of an infiltration or bio retention system, rainwater tanks connected for reuse and a detention system.

16. Before the development commences, a Stormwater Management Plan showing the stormwater works to the nominated point of discharge must be prepared to the satisfaction of the Responsible Authority. The Stormwater Management Plan must be prepared by a qualified person and show all details of the proposed stormwater works including all existing and proposed features that may have impact (e.g. trees to be retained, crossings, services, fences, abutting buildings, existing boundary surface levels, etc.).
17. Stormwater works must be provided on the site so as to prevent overflows onto adjacent properties.
18. Stormwater outflow from the development to the Council drainage system should not exceed the predevelopment outflow of the site.

#### Parking construction

19. Prior to the occupation of the building approved for Stage 1 of the development, areas set aside for parking vehicles, access lanes and paths as shown on the endorsed plans must be:
  - a. Constructed to the satisfaction of the Responsible Authority.
  - b. Properly formed to such levels that they can be used in accordance with the plans.
  - c. Surfaced in accordance with the endorsed plans under this permit or in an all weather coloured concrete seal-coat, to the satisfaction of the Responsible Authority.
  - d. Drained and maintained to the satisfaction of the Responsible Authority.

Parking areas and access lanes must be kept available for these purposes at all times and maintained to the satisfaction of the Responsible Authority.
20. In areas set aside for car parking, measures must be taken to prevent damage to fences or landscaped areas, to the satisfaction of the Responsible Authority.

#### Lighting

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

#### Completion of works

22. Prior to the occupation of the buildings hereby permitted, the landscaping works as shown on the endorsed plans must be completed to the satisfaction of the Responsible Authority. The landscaping must then be maintained to the satisfaction of the Responsible Authority.
23. Prior to the occupation of the buildings hereby permitted, all buildings and works and the conditions of this permit must be complied with,

unless with the further prior written consent of the Responsible Authority.

24. All works on or facing the boundaries of adjoining properties must be finished and surface cleaned to a standard that is well presented to neighbouring properties in a manner to the satisfaction of the Responsible Authority.
25. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.

Amenity conditions

26. The amenity of the area must not be detrimentally effected by the use or development on the land, 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, or
  - e. Adverse behaviour of visitors to or from the premises.

To the satisfaction of the Responsible Authority.

27. No external sound amplification equipment or loud speakers are to be used for the purpose of announcement, broadcast, playing of music or similar purpose.
28. The building must be constructed so as to comply with any noise attenuation measures required by Section 3 of Australian Standard AS 2021-2000, Acoustics – Aircraft Noise Intrusion – Building Siting and Construction.

Time limits

29. In accordance with section 68 of the *Planning and Environment Act* 1987, this permit will expire if one of the following circumstances applies:
  - The development is not started within two (2) years from the date of permit issue.
  - The development is not completed within four (4) years from the date of permit issue.
  - The use does not start within one (1) year of the completion of the development, or
  - The use is discontinued for a period of two (2) years.

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

**CARRIED**

**O 207 KP134/10 – Lot 4 Governor Road, Mordialloc**

*It is recorded that Mary Rimington OAM spoke on behalf of the objectors in relation to this item.*

*It is recorded that Scott Torrington spoke on behalf of the applicant in relation to this item.*

**Moved: Cr West**

**Seconded: Cr Peulich**

That Council defer the consideration of the application until April so Council has time to further investigate the options.

**Procedural Motion**

**Moved: Cr Barth**

**Seconded: Cr Gledhill**

That Cr West be granted an extension of time to speak on this item.

**CARRIED**

The Substantive Motion was put and **LOST**

**A Division was called**

**DIVISION**

**FOR:** Crs Staikos, Peulich, Barth and West (4)

**AGAINST:** Crs Bearsley, Eden, Ronke, Gledhill and Brownlees (5)

**LOST**

**Moved: Cr Bearsley**

**Seconded: Cr Ronke**

That Council determine to support the proposal and issue a Planning Permit to Remove Native Vegetation at Lot AA on PS 407068W, Lot 1 on TP857406C, Lot 1 on TP585132D, Lot 1 on TP879621Y, Lot 1 on 878577E, Lot 1 on 879606U & Part of Crown Allotment 2012 Parish of Lyndhurst, subject to the following conditions:

1. Before the removal of any native vegetation commences, 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 landscape plans submitted to Council on the 11<sup>th</sup> November, 2010, but modified to show:
  - a) the provision of an improved landscape plan and associated planting schedule for the site showing the proposed location, species type, mature height and width, pot sizes and number of species be planted on the site incorporating:

- i) plantings to include both plantings for the wetland and offsets (on-site) in accordance with the requirements of the Department of Sustainability and Environment at Condition 8 of this permit.

### **Endorsed Plans**

2. The works hereby approved, as shown on the endorsed plans, must not be altered without the written consent of the Responsible Authority.

### **Conditions required by the Department of Sustainability & Environment (DSE):**

3. To prevent damage to remaining vegetation (*retained scattered trees*) there must be no temporary or permanent storage of any materials, vehicles or equipment within areas of native vegetation identified to be retained *in accordance with the endorsed plans*. All storage sites must be restricted to existing cleared areas close to existing roads and tracks, and must not adversely impact upon native vegetation, including the root zones of existing trees. Such sites must not be located on or near erodible surfaces, surface water runoff areas or areas infested with weeds.
4. Prior to the commencement of any buildings and works occurring within a defined construction area, Tree Protection Fencing (TPF) must be erected to form an appropriate Tree Protection Zone (TPZ) around trees proposed for retention to the satisfaction of the Responsible Authority. All TPZs must comply with the following:
  - a) Each TPZ must be installed prior to the commencement of any demolition or construction works and shall not be removed until such works have been fully completed to the satisfaction of the *Responsible Authority*.
  - b) Each TPZ should be calculated by 12 x the Diameter at Breast Height (DBH) and be in general accordance with the Australian Standard – Protection of Trees of Development Sites (AS4970-2009).
  - c) Each TPZ should be no less than 2m or greater than 15m. The TPZ of tree ferns should be less than 1m outside of the crown projection.
  - d) The following activities should be excluded from the inside of the TPZ:
    - i) Machine excavation including trenching;
    - ii) Directional drilling that is less than 600mm deep;
    - iii) Excavation for silt fencing;
    - iv) Storage;
    - v) Preparation of chemicals, including preparation of cement products;
    - vi) Parking of vehicles and plant;
    - vii) Refuelling;
    - viii) Dumping of waste;
    - ix) Wash down and cleaning of equipment;
    - x) Placement of fill;
    - xi) Temporary or permanent installation of utilities and signs; and
    - xii) Physical damage to a tree.
  - e) A tree will be considered lost and require an offset if one of the above activities occurs over more than 10% of the total area of the TPZ



unless a qualified arborist can confirm that the specified works will not significantly damage the tree.

5. Soil erosion control measures must be employed throughout the construction stage of the development in accordance with *Construction Techniques for Sediment Pollution Control, EPA 1991* to the satisfaction of the Responsible Authority.
6. All topsoil removed during the earthworks must be stockpiled, maintained in a weed-free condition, respread on the disturbed ground after the completion of the earthworks and *revegetated to prevent erosion*, all to the satisfaction of the Responsible Authority.
7. Prior to the commencement of the vegetation removal on the site, that Council officers work with the applicant to ensure appropriate plant rescue to the extent practicable.
8. Before the development commences, a Construction Management Plan 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 Construction Management Plan must provide details of:
  - a) Location of the construction zone;
  - b) Vegetation within the zone that is to be retained and removed;
  - c) Measures to control sediment laden water runoff including design detail of any structures;
  - d) Where equipment, machinery and earth is to be stored / stockpiled during construction;
  - e) Location of any temporary structures for construction purposes;
  - f) A protocol to be followed if the Growling Grass Frog is detected during construction works, the protocol must provide details of:
    - i) Engagement of a suitable qualified zoologist / herpetologist or wildlife handler to identify frogs and undertake translocation to the nearest suitable habitat, under the relevant authorisation (Management Authorisation under the Wildlife Act 1975).
9. To provide the required offset, within 12 months of the vegetation removal, the applicant or the owner must either:
  - a) Provide to the Responsible Authority, an Allocated Credit Extract issued by the Department of Sustainability and Environment (DSE) Native Vegetation Credit Register which satisfies the required offset; or
  - b) Have prepared an offset plan endorsed by the Responsible Authority. The offset plan must be prepared to the satisfaction of the Responsible Authority and submitted to and approved by the Responsible Authority. The offset plan must include a:
    - i) Description of the site where the offset will be provided including a site plan;
    - ii) Schedule of the works required to achieve the offset over a 10 year period, detailing the:
      - a. Management actions to be performed (eg. Fencing, weed control, pest control, revegetation)
      - b. Person(s) responsible for implementing the specified management actions;
      - c. Timeline for the implementation of the management actions;

- d. Method for which the management actions will be undertaken;
  - e. Standard to which the management actions will be undertaken.
- iii) When approved, the offset plan will be endorsed and will then form part of the permit.
10. Within 12 months of the vegetation removal:
- a) The endorsed offset must be permanently protected to the satisfaction of the responsible Authority (eg. Encumbrance on Title); and
  - b) A copy of the endorsed offset plans and protection mechanism (eg. Title showing encumbrance) must be lodged with the DSE.
11. All vehicles, earth moving equipment and other machinery must be cleaned of soil and plant material before entering and leaving the site to prevent the spread of weeds and pathogens.

### **Ongoing Management**

12. The offset requirements must be provided on the subject site to the satisfaction of the Responsible Authority.
13. Within 1 year of the vegetation removal, the owner of the land must provide the Responsible Authority with the protection mechanism to ensure that the native vegetation offset is provided for in accordance with the endorsed offset plans and is protected in perpetuity, to the satisfaction of the Responsible Authority. The costs associated with the preparation of the protection mechanism are to be borne by the owner / developer.

### **General Amenity Conditions**

14. The amenity of the area must not be detrimentally affected by the works hereby approved, 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.
  - iv) Any other way.

### **Completion of Works**

- v) Once the works (native vegetation removal) hereby permitted has started it must be continued and completed to the satisfaction of the Responsible Authority.

### **Permit Expiry**

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

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

**Extra Condition**

**CARRIED**

**A Division was called**

**DIVISION**

**FOR:** Crs Eden, Ronke, Bearsley, Gledhill and Brownlees (5)

**AGAINST:** Crs Staikos, Peulich, Barth and West (4)

**CARRIED**

## **8. Question Time**

### **1. David Nunns on behalf of the Australian Services Union of Carlton South asked,**

“Why did the security guard engaged by Kingston City Council attempt to stop residents and employees for entering the building to participate in the Ordinary Council Meeting on 17 December 2012?”

#### **The CEO provided the following response,**

“There was no management directive given to security not to allow people into the meeting. Council public meetings are open to any member of the public to attend. I am not aware of anyone that has been unable to come into this room for this meeting. If that has happened it would be wrong.”

### **2. Paul Girdler of Edithvale asked,**

“Why was I as a resident of the City of Kingston told by a security guard I was not allowed to attend tonight’s proceedings and why did he attempt to refuse me entry?”

#### **The CEO provided the following response,**

“The answer to this question is as per the answer to the previous question.”

### **3. Michelle Jackson of Carlton South asked,**

“Why is Council contributing to the gender pay gap by refusing to pay Home Care Workers Band 3, which is paid to male workers with comparable qualifications and is paid by most of Kingston’s neighbouring Councils?”

#### **The CEO provided the following response,**

“Council does not pay on the basis of gender. Council classifies roles based on work value not gender. There are a range of pay scales used by neighbouring Councils.”

### **4. Therese Canty of Carlton asked,**

“Why can’t any elderly people get Kingston Council Home Care and are told by Council that the books are closed?”

#### **The CEO provided the following response,**

“They can access HACC. Aged residents and those with a disability can access a high quality Home Care Program and are subject to an assessment process. Those with need for Essential Services such as personal care and food services are promptly able to access services.

At this stage, the Chairperson decided to adjourn the meeting in accordance with the Meeting Procedures Local Law at 8.50pm due to disorderly behaviour of some members of the gallery.

The meeting resumed at 8.59pm.

**5. Francine Gerraty of Heatherton asked,**

“Many of the Green Wedge landowners, tenants and residents have shown an interest in establishing their own Village Committee as they feel they have no forum to be heard outside this Council. Would Council consider this?”

**The CEO provided the following response,**

“The existing Village Committees provide an opportunity for any residents to be represented. A number of Committees cover the Green Wedge and some may have openings that will be advertised early next year.”

**6. Francine Gerraty of Heatherton asked,**

“Has Council completed a financial assessment of the financial capacity of this Council to achieve the proposed outcomes outlined in the GWP, approved in principal by the previous Council in November 2011 and if it has done so, can Council please make it available to Kingston Ratepayers for viewing or may I herewith request a copy?”

**The CEO provided the following response,**

“This assessment has not been done yet. There are 138 actions in the Green Wedge Plan. This Council will be identifying priorities and likely costs for the actions in 2013. It is important to note it is a long term plan and funding will likely be sought from the State and Federal Governments.”

**7. Don Baron of Mentone asked,**

“Seeking a report on the progress of a petition regarding the restriction of a left hand turn out of Glenelg Drive into Lower Dandenong Road (Monday – Friday) between 4.00pm – 5.30pm.”

**The CEO provided the following response,**

“This petition has been presented to Council and allocated to officers for action. Officers will follow up on this request and contact Mr Baron with an update before the end of the week.”

Cathy Smith of Edithvale submitted a question, however, this question was not read out as Ms Smith was not in the Council Chamber when the question was dealt with.

**O 208 KP443/12 – 11 Central Avenue, Moorabbin**

*It is recorded that Bruce Keen spoke on behalf of the applicant in relation to this item.*

**Moved: Cr Staikos**

**Seconded: Cr Peulich**

That Council determine to support the proposal and issue a Planning Permit to use and develop the land for the construction of a Mixed Use Development comprising two (2) shops, a food and drink premise, eight (8) offices, thirty (30) dwellings with reduced car parking and a waiver of the loading and unloading of vehicle requirements together with associated signage at No. 11 Central Avenue, Moorabbin (Lot 93 on PS 010705), subject to the following conditions:

1. Before the development starts amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be substantially in accordance with the plans submitted to Council on 11 October 2012, but modified to show:
  - a. the provision of a full colour, finishes and building materials schedule, including samples (illustrated on an A4 or A3 sheet), for all external elevations and driveways of the development;
  - b. the location of all externally-located heating and cooling units, exhaust fans and the like, clearly shown;
  - c. the guttering pertaining to the walls on boundary on the site's property boundary nominated as being contained wholly within the title property boundaries of the subject land;
  - d. a notation detailing the floor area of the Unit 1A courtyard located on the second floor;
  - e. details of the proposed planting (including a schedule detailing expected mature height, plant size, and quantities) to the balcony planter boxes located on the second, third, fourth, and fifth floors;
  - f. a minimum 2m x 2m splay at the corner of Central Avenue and Macs Lane for the ground floor for improved visibility; and
  - g. a comprehensive stormwater management strategy of the site comprising a brief drainage report with drainage concept plan to address the minor and major storm events and incorporating Rainwater Tank/s and Water Sensitive Urban Design Treatments to the satisfaction of the Responsible Authority.
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. The development must be in accordance with the Sustainability Management Plan (SMP) prepared by Eco Results referenced as Report No. 2012-160-SMP revised on 5 October 2012 to the satisfaction of the Responsible Authority.
4. Prior to the occupation of any building approved under this permit, written confirmation from the author of the SMP report, approved pursuant to this permit, or similarly qualified person or company, must be submitted to the Responsible Authority. The report must be to the satisfaction of the Responsible Authority and must confirm that all measures specified in the SMP have been implemented in accordance with the approved Plan.
5. Prior to the occupation of the building hereby permitted, all buildings and works and the conditions of this permit must be complied with, unless with the further prior written consent of the Responsible Authority.
6. Before the commencement of any buildings and works on the Land, a Construction Management Plan (CMP), to the satisfaction of the Responsible Authority, must be submitted to and approved by the Responsible Authority and when approved shall thereafter be complied with. The CMP must specify and deal with the parking of vehicles during construction, delivery of materials, containment of waste on site and suppression of dust, business operations on the site during construction.
7. Before the commencement of any buildings and works on the Land, a Waste Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. Three copies of the plan must be submitted. The plan must include but is not limited to:
  - a) The manner in which waste will be stored and collected including: type, size and number of containers.
  - b) Spatial provision for on-site storage.
  - c) Details whether waste collection is to be performed by Council's services or privately contracted.
  - d) The size of the collection vehicle and the frequency, time and point of collection.

The waste management plan must be implemented to the satisfaction of the Responsible Authority. The waste management plan must not be modified unless without the written consent of the Responsible Authority.
8. The development of the site must be provided with stormwater works which incorporates the use of water sensitive urban design principles to improve stormwater runoff quality and which also retains on site any increase in runoff as a result of the approved development. The system

must be maintained to the satisfaction of the Responsible Authority. Council's Development Engineer can advise on satisfactory options to achieve these desired outcomes which may include the use of an infiltration or bio retention system, rainwater tanks connected for reuse and a detention system. The overall outflow of the site to Council drainage system must be limited to 14 litres per second.

9. Before the development commences, a Stormwater Management Plan showing the stormwater works to the nominated point of discharge must be prepared and submitted to the satisfaction of the Responsible Authority. The Stormwater Management Plan must be prepared by a qualified person and show all details of the proposed stormwater works including all existing and proposed features that may have impact (e.g. trees to be retained, crossings, services, fences, abutting buildings, existing boundary surface levels, etc.).
10. Stormwater works must be provided on the site so as to prevent overflows onto adjacent properties.
11. Property boundary and footpath levels must not be altered without the prior written consent of the Responsible Authority.
12. The replacement of all footpaths, including offsets, must be constructed to the satisfaction of the Responsible Authority.
13. All reinstatements and vehicle crossings must be constructed to the satisfaction of the Responsible Authority.
14. No street trees are to be removed or pruned without the prior written consent of the Responsible Authority.
15. A tree protection barrier must be erected/installed around the existing street tree located at the Central Avenue frontage of the subject site, prior to the commencement of any works, to ensure that no physical damage occurs to the tree or the root system of the tree, to prevent the compaction of soil and to prevent the storage of any materials near the street tree trunk to the satisfaction of the Responsible Authority.
16. Prior to the occupation of the building hereby permitted, areas set aside for parking vehicles, access lanes and paths as shown on the endorsed plans must be:
  - e. Constructed to the satisfaction of the Responsible Authority.
  - f. Properly formed to such levels that they can be used in accordance with the plans.
  - g. Surfaced in accordance with the endorsed plans under this permit or in an all weather coloured concrete seal-coat, to the satisfaction of the Responsible Authority.
  - h. Drained and maintained to the satisfaction of the Responsible Authority.



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

17. The location and details of the sign(s) as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.
18. The sign(s) must not be animated and no flashing or intermittent lights may be displayed.
19. The intensity of the light on the sign(s) must be limited so as not to cause glare or distraction to motorists or other persons or loss of amenity in the surrounding area all to the satisfaction of the Responsible Authority.
20. Once the erection of the sign(s) has commenced it must be continued and completed to the satisfaction of the Responsible Authority.
21. The sign(s) shown on the endorsed plans must be constructed to the satisfaction of the Responsible Authority and must be maintained to the satisfaction of the Responsible Authority.
22. 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.
23. All piping and ducting above the ground floor storey of the development (other than rainwater guttering and downpipes) must be concealed to the satisfaction of the Responsible Authority.
24. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.
25. In accordance with section 68 of the *Planning and Environment Act 1987*, this permit will expire if one of the following circumstances applies:
  - The development and use are not started within two (2) years from the date of permit issue.
  - The development is not completed within four (4) years from the date of permit issue.

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

**CARRIED**

**O 209 KP324/12 – 31-33 Garfield Avenue, Cheltenham**

*It is recorded that Karen Sharp spoke on behalf of the objectors in relation to this item.*

**Moved: Cr West**

**Seconded: Cr Gledhill**

That Council oppose the application on the following grounds:

1. The proposal constitutes an over-development of the site.
2. The proposal exhibits excessive bulk and mass.
3. The development fails to respond to the State Planning Policy Framework and Local Planning Policy Framework, namely Clause 15 – Built Environment and Heritage, Clause 16 Housing Clause 21.05 – Residential Land Use, Clause 22.11 – Residential Development Policy.
4. The proposal fails to provide an ‘attic style’ third storey in accordance with Clause 22.01- Cheltenham Business Centre Policy.
5. The application fails to provide adequate daylight to new windows, not satisfying the objective of Clause 55.05-3 – Daylight to New Windows, of the Kingston Planning Scheme.
6. The application does not incorporate adequate design detail that responds to the streetscape, failing to meet the objective of Clause 55.06-1 – Design Detail, of the Kingston Planning Scheme.
7. The application has not allowed sufficient circulation spaces in the basement for waste removal from the bin store area, not meeting the objective of Clause 55.06-4 – Site Services, of the Kingston Planning Scheme.

**CARRIED**

**O 210 Foreshore Reserve Fund**

**Substantive Motion**

**Moved: Cr Ronke**

**Seconded: Cr Peulich**

That Council resolve to:

1. Approve the allocation of up to \$280,000 from the Foreshore Reserve Fund to renew moorings and a jetty at the Mordialloc Creek, and
2. Approve up to \$188,000 from the Foreshore Reserve Fund to construct the final stage of the Carrum Erosion Control Wall.

**Amendment**

**Moved: Cr West**

**Seconded: Cr Staikos**

That Council resolve to:

1. Approve the allocation of up to \$280,000 from the Foreshore Reserve Fund to renew moorings and a jetty at the Mordialloc Creek, and
2. Approve up to \$188,000 from the Foreshore Reserve Fund to construct the final stage of the Carrum Erosion Control Wall.
3. Approve up to \$200,000 for the addition of a cafe to the Carrum Life Saving Club within the existing footprint provided:

(a). this can be managed without causing delay to the main construction project, in line with Council's May 2012 (Item O 74) resolution; and

(b). this funding is needed for this project before the end of the 2012-13 financial year, in which case this should take priority over recommendation 1.

The Amendment was put and **LOST**

The Substantive Motion was put and **CARRIED**

**O 211 Mordialloc Creek Dredging, Decision on Funding**

**Moved: Cr West**

**Seconded: Cr Eden**

That Council:

1. Receive the information
2. Approve the re-allocation of the 2013 capital works budget as detailed in this report to fund the dredging project.
3. Continue to pursue the \$300k Melbourne Water contribution.
4. Approach State Government to request that they at least share the cost of the unallocated funding shortfall.

**CARRIED**

## **10. Community Sustainability Reports**

### **O 212 Outcome of Early Learning Facility Upgrade Grant Applications**

**Moved: Cr Staikos**

**Seconded: Cr Eden**

That Council:

1. Note the recent successful outcome of three Council bids for grant funding for projects totalling \$2.4 million submitted under the 2013 Early Learning Facility Upgrade Programme, namely Edithvale Integrated Children's Centre (\$1.5 million), Kallay Street, Clayton South Redevelopment (\$600K) and Terrigal Drive, Patterson Lakes expansion (\$300K).
2. Refer the following proposed funding contributions for inclusion in the 2013/14 Budget and Financial Strategy deliberations, as set out in the table below.

**CARRIED**

### **O 213 CCTV Systems for Moorabbin and Aspendale**

**Moved: Cr Staikos**

**Seconded: Cr Bearsley**

That Council:

1. Submit CCTV funding proposals to deliver CCTV camera systems in Aspendale and Moorabbin and that these requests include total project funding for the purchase, installation, maintenance and other associated resources required over the five year life of the project.
2. Implement state funded CCTV projects only when the total costs of the projects are funded.
3. Further that the implementation of CCTV systems in Aspendale and Moorabbin be subject to community consultation in Aspendale and Moorabbin.
4. Further that the implementation of CCTV systems in Aspendale and Moorabbin be subject to budget deliberations.

**CARRIED**

**11. Organisational Development & Governance Reports**

**O 214 Assembly of Councillors**

**Moved: Cr Peulich Seconded: Cr Barth**

That Council note the contents of this report for the public record.

**CARRIED**

**O 215 Expenditure of Ward Funds Schedule**

**Moved: Cr Peulich Seconded: Cr Ronke**

That Council:

1. Approve the expenditure of ward funds in accordance with the table of Councillor requests.

**CARRIED**

## **O 216 Mayoral and Councillor Allowances**

**Moved: Cr Peulich**

**Seconded: Cr Ronke**

That Council:

1. Review and determine pursuant to section 74 of the Local Government Act 1989, that the Mayoral Allowance be proposed at \$80,489.13 and the Councillors Allowance be proposed at \$26,829.71, within the Category 3 Council range, plus an amount equivalent to the superannuation guarantee contribution (9%);
2. Proceed with the process for submissions to be made, pursuant to section 223 of the Local Government Act 1989, as detailed in section 3.3 of the report; and
3. Establish a committee, pursuant to section 223 of the Local Government Act 1989, comprising of three Councillors (Crs Staikos, Peulich and Gledhill) to hear any submissions received in relation to the proposed Mayoral and Councillor Allowances, at a meeting on 27 February 2013, commencing at 6.00pm.

**CARRIED**

## **12. Corporate Services Reports**

There were no Corporate Services Reports.

### **13. Notices of Motion**

#### **O 217 Notice of Motion No. 36/2012 - Cr Bearsley**

**Moved: Cr Bearsley**

**Seconded: Cr Ronke**

That Council provide an opportunity for private landowners in the Green Wedge (or their representatives) and relevant Council officers to meet and obtain the private landowners' feedback to the adopted Green Wedge Plan and Officers are to report back to Councillors. A component of this consultation process is to include a meeting between landowners (or their representatives) with Robert Pekin about the Farmland Trust.

#### **Procedural Motion**

**Moved: Cr Ronke**

**Seconded: Cr West**

That the meeting be extended by one hour to 11.00pm.

**CARRIED**

#### **Amendment**

**Moved: Cr West**

**Seconded: Cr Barth**

1. That Council provide an opportunity for private landowners in the Green Wedge (or their representatives) and relevant Council officers to meet and obtain the private landowners' feedback to the adopted Green Wedge Plan and Officers are to report back to Councillors.
2. That officers provide feedback to the landholders with regard to what is and is not permitted under current planning provisions, what else might be possible once the KGWP is adopted with a GWAZ into the Kingston Planning Scheme and what else will be permitted if changes proposed by Matthew Guy as part of the Planning Zones Review are adopted and inform them of the likely timelines for these processes.
3. That a similar opportunity be provided to representatives of community groups that have shown interest in the KGWP process to meet with Council officers and provide detailed feedback and proposals regarding the KGWP, and that officers report to councillors on both consultations.
4. A component of this consultation process is to include a meeting between landowners (or their representatives) with Robert Pekin about the Farmland Trust.
5. Officers to outline to the landholders alternative proposals for the market garden land outlined in officer's report to Council's August 27 Meeting "Response to confidential notice of motion of 27 February 2012:"

Cr West requested that each part of the Amendment be voted on separately, with parts 2, 3 and 5 before parts 1 and 4.

2. That officers provide feedback to the landholders with regard to what is and is not permitted under current planning provisions, what else might be possible once the KGWP is adopted with a GWAZ into the Kingston Planning Scheme and what else will be permitted if changes proposed by Matthew Guy as part of the Planning Zones Review are adopted and inform them of the likely timelines for these processes.

**CARRIED**

**A Division was called**

**DIVISION**

**FOR:** Crs Staikos, Eden, Peulich, Barth and West (5)

**AGAINST:** Crs Ronke, Bearsley, Gledhill and Brownlees (4)

**CARRIED**

3. That a similar opportunity be provided to representatives of community groups that have shown interest in the KGWP process to meet with Council officers and provide detailed feedback and proposals regarding the KGWP, and that officers report to Councillors on both consultations.

**LOST**

**A Division was called**

**DIVISION**

**FOR:** Crs Staikos, Peulich, Barth and West (4)

**AGAINST:** Crs Bearsley, Ronke, Eden, Gledhill and Brownlees (5)

**LOST**

5. Officers to outline to the landholders alternative proposals for the market garden land outlined in officer's report to Council's August 27 Meeting "Response to confidential notice of motion of 27 February 2012:"

**CARRIED**

**A Division was Called**

**DIVISION**

**FOR:** Crs Staikos, Peulich, Barth and West (4)

**AGAINST:** Crs Eden, Ronke, Bearsley, Gledhill and Brownlees (5)

**LOST**

Therefore part 5 was declared Lost on the basis of the outcome of the Division.

1. That Council provide an opportunity for private landowners in the Green Wedge (or their representatives) and relevant Council officers to meet and obtain the private landowners' feedback to the adopted Green Wedge Plan and Officers are to report back to Councillors.

**CARRIED**



4. A component of this consultation process is to include a meeting between landowners (or their representatives) with Robert Pekin about the Farmland Trust.

**CARRIED**

The parts of the Amendment that were Carried became the Substantive Motion

The Substantive Motion was put and **CARRIED**

**A Division was called**

**DIVISION**

**FOR:** Crs Staikos, Ronke, Bearsley, Peulich, Barth, Gledhill, West and Brownlees (8)

**AGAINST:** Cr Eden (1)

**CARRIED**

The Substantive Motion therefore is:

That Council provide an opportunity for private landowners in the Green Wedge (or their representatives) and relevant Council officers to meet and obtain the private landowners' feedback to the adopted Green Wedge Plan and Officers are to report back to Councillors.

That officers provide feedback to the landholders with regard to what is and is not permitted under current planning provisions, what else might be possible once the KGWP is adopted with a GWAZ into the Kingston Planning Scheme and what else will be permitted if changes proposed by Matthew Guy as part of the Planning Zones Review are adopted and inform them of the likely timelines for these processes.

A component of this consultation process is to include a meeting between landowners (or their representatives) with Robert Pekin about the Farmland Trust.

**15. Items in Camera – Confidential Items**

**Moved: Cr Staikos Seconded: Cr Ronke**

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

- O 218 Australia Day Awards as it is a matter that may prejudice individuals.
- O 219 Gaming Machines as it is a matter that may prejudice individuals.
- O 220 Residential Aged Care Facility as it is a contractual matter.
- O 221 Acquisition of Drainage Easement as it is a contractual matter.
- O 222 Acquisition of Land for Footpath Reconstruction as it is a contractual matter.

**CARRIED**

The meeting was closed to the public at 10.45pm.

**Moved: Cr Ronke Seconded: Cr Gledhill**

That the meeting be opened to the public.

**CARRIED**

The meeting was opened to the public at 10.57pm.

The meeting closed at 10.58pm.

.....  
**Confirmed, His Worship the Mayor, February 2013**