



*City of*  
**KINGSTON**

# **Ordinary Meeting of Council Minutes**

**Monday, 15th December 2014**

**City of Kingston  
Ordinary Meeting of Council**

**Minutes**

**15 December 2014**

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

**Present:** Cr Geoff Gledhill (Mayor)  
Cr Tamara Barth  
Cr Tamsin Bearsley  
Cr Ron Brownlees OAM  
Cr David Eden  
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  
Rachel Hornsby, General Manager Sustainable Planning and Development  
Belinda Ayres, Acting General Manager Corporate Services  
Tracey Cheesman, Media Advisor  
Phil De Losa, Program Leader Governance  
Joanne Creedon, Governance Officer  
Gabby Pattenden, Governance Administration Officer  
Ian Nice, Manager City Development

**1. Apologies**

There were no apologies submitted to the meeting.

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

**Moved: Cr Peulich**

**Seconded: Cr Barth**

That the Minutes of the Ordinary Meeting of Council held on 24 November 2014 and the Special Meeting of Council held on 8 December 2014 be confirmed.

**CARRIED**

Cr Staikos attended the meeting at 7.01pm

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

Cr Peulich disclosed an indirect conflict of interest in Item 12.3.

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**4. Petitions**

**4.1 Objection to the closure of Wilson Street, Cheltenham to through traffic from January 2015**

**Moved: Cr Brownlees**

**Seconded: Cr West**

That the petition be referred to the Chief Executive Officer for response.

**CARRIED**

**4.2 Support for the re-building and replacement of Senior Citizens Community Centre in Keith Styles Reserve, Mentone**

**Moved: Cr Brownlees**

**Seconded: Cr Bearsley**

That the petition be referred to the Chief Executive Officer for response.

**CARRIED**

**4.3 Mordialloc Preschool Redevelopment**

**Moved: Cr Brownlees**

**Seconded: Cr Peulich**

That the petition be referred to the Chief Executive Officer for response.

**CARRIED**

**5. Presentation of Awards**

There were no awards to be presented

**6. Reports from Delegates Appointed by Council to Various Organisations**

Cr West provided a delegate report from the Association of Bayside Municipalities Stakeholders Workshop.

**Moved: Cr Brownlees**

**Seconded: Cr Bearsley**

That the delegate report be received and Cr West be thanked for her report.

**CARRIED**

**Block Resolution**

**Moved: Cr Peulich**

**Seconded: Cr West**

That the recommendations for Items 8.1, 9.3, 10.2, 11.2, 11.3 be adopted.

**CARRIED**

**7. Question Time**

Question time took place at 8.48pm please see page 28 of the minutes.

**8. Sustainable Planning and Development Reports**

**8.1 Town Planning Application Decisions - November 2014**

**RECOMMENDATION**

That the contents of the report be noted.

**Note:** Refer to page 5 of the minutes where this item was block resolved.

**8.2 KP4/245 - 111 Kinross Avenue Edithvale**

It is recorded that Lauren Wilson spoke on behalf of the objectors.

It is recorded that Megan Schutz spoke on behalf of the applicant.

**Moved: Cr Bearsley**

**Seconded: Cr Ronke**

That Council determine to support the proposal and issue a Notice of Decision to Grant a Planning Permit to develop the land for the construction of Forty-seven dwellings and creation of two easements, at 111 Kinross Avenue Edithvale, 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 25 July 2014, but modified to show:
  - a. the provision of an improved landscape plan in accordance with the submitted development plan and the City of Kingston Landscape Plan Checklist, with such plans to be prepared by a suitably qualified landscape professional and incorporating:
    - i. an associated planting schedule showing the proposed location, species type, mature height and width, pot sizes and number of species to be planted on the site;
    - ii. the delineation of all garden beds, paving, grassed area, retaining

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- walls, fences and other landscape works including areas of cut and fill throughout the development;
- iii. the provision of creeper plants in the garden beds required by conditions 1 g) and h) below, with species to the satisfaction of the Responsible Authority;
  - iv. the legend updated to include details of all surface treatments, to the satisfaction of the Responsible Authority;
  - v. all existing trees on the site and close to the boundary of the site on adjoining properties, accurately illustrated to represent actual canopy width and labelled with botanical name, height and whether the tree is proposed to be retained or removed;
  - vi. adequate planting densities (e.g.: plants with a mature width of 1 metre, planted at 1 metre intervals);
  - vii. The provision of bio-retention tree pits along Main Road; and
  - viii. Details of the species and quantities to be planted in the rain gardens, along with the deletion of the two trees located in the rain gardens – either in a separate plan or contained on the site landscape plan.
- b. The provision of a separate detailed landscape plan for Central Lane, including a fully detailed planting schedule for dwelling frontages, surface materials schedule, and provision of communal seating areas.
  - c. Plans amended to show and dimension the carriageway easement and clearly indicate the drainage easement.
  - d. The staging plan submitted to Council on 21 November 2014 amended to show the central landscape area in Central Lane, within Stage 1.
  - e. The communal mail boxes shifted to the north side of Main Road.
  - f. The footpath along the southern side of Main Road modified to provide for landscaped sight splays at the end of West Lane and East Lane.
  - g. The width of West Lane increased by 0.5 metres through the reduction of ground floor front gardens of dwellings 21-29, and the provision of landscaping beds between the garage doors of each of these dwellings. The provision of trellis attached to the brick work of walls.
  - h. The width of East Lane increased by 1 metre through the reduction of ground floor front gardens by 0.5 metres to dwellings 30-38 and dwellings 39-47, and the provision of landscaping beds between the garage doors of each of these dwellings. The provision of trellis attached to the brickwork of these dwellings.
  - i. The first floor balconies of dwellings 21, 30 and 39 extended to wrap around along the northern side of these dwellings, extending along the length of internal living and kitchen areas, and with a minimum width of 1 metre.
  - j. The provision of a design element to the north-west corner of dwelling 21 extending between the ground and first floors, and wrapping the corner, in order to mark the corner and increase visual interest.
  - k. High sill heights and obscure glazing removed from first and second storey west facing windows of dwellings 21-29, and the provision of external fixed screening, providing both passive solar shading and an overlooking

treatment.

- l. Internal view treatments removed from the east facing first and second floor windows of dwellings 30-38.
- m. The provision of external fixed screening to the west facing first and second floor windows of dwellings 39-47, providing both passive solar shading and an overlooking treatment.
- n. The provision of a lighting plan for all shared areas.
- o. The east wall of the study of dwelling 16 deleted.
- p. The provision of first floor west facing windows to the stairwells of dwellings 17, 18 and 19.
- q. The provision of internal fencing heights on the ground floor plan, and details of any internal gates.
- r. Clarification if front fencing is proposed along the Kinross Avenue frontage, with any fencing to be no higher than 1.2 metres.
- s. Front fence heights for dwellings oriented to Edithvale Common nominated as being no higher than 1.2 metres.
- t. The entries of dwellings 2-12 brought forward to either align with or project forward of garage doors.
- u. The required minimum internal garage dimensions must be clear of pedestrian doors, rubbish bins and any other site services. All bins and required storage must be located in readily accessible areas.
- v. The provision of a minimum of six cubic metres of external storage clearly demonstrated for each dwelling.
- w. The provision of 600 litre rainwater tanks drawn to scale and nominated for toilet flushing, in accordance with the Sustainability Management Plan prepared by Ark Resources, dated 24 July 2014.
- x. The provision of external clotheslines for all dwellings oriented to Kinross Avenue, and dwellings 2-12, 13, 29, 38, and 47.
- y. The staging plan amended to show Main Road, West Lane and the accessway to dwellings 13-15 within Stage 1.

#### Endorsed Plans

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

#### Easement Creation

- 3. Prior to the commencement of works above ground finished floor level the following must occur:
  - a. The Council drain through the site must be constructed, to the satisfaction of the Responsible Authority.
  - b. A Plan of Creation of Easement prepared by a licensed land surveyor must be submitted, showing the drainage and carriageway easements in favour of the City of Kingston, to the satisfaction of the Responsible Authority.
  - c. The Plan of Creation of Easement must be certified, and then registered by the Office of Titles.

Potential Acid Sulphate Soils

4. Prior to the commencement of the development, an Acid Sulphate Soil Management Plan must be submitted, where relevant. If the approved development requires works at depths greater than two metres below ground surface, an Acid Sulphate Soil Environmental Management Plan must be submitted to, and approved by the Environment Protection Authority. The Plan must have regard to the approved Acid Sulphate Soil Environmental Management Plan, prepared for works required to construct Council's drain through the site.
5. All works must be carried out in accordance with the Victorian Best Practice Guidelines for Assessing and Managing Coastal Acid Sulphate Soils (BPMG) and any Plan required by Condition 4 above.

Section 173 Agreement

6. Prior to the occupation of the development, the existing Section 173 Agreement on Title must be ended.

Construction Management

7. Before the commencement of any buildings and works on the land in a stage start, a Construction Management Plan (CMP) which may be staged, to the satisfaction of the Responsible Authority, must be submitted to and approved by the responsible authority. When approved, the plan will be endorsed as evidence of its approval and will then form part of the permit and shall thereafter be complied with. The CMP must specify and deal with, but is not limited to, the following:
  - a) A detailed schedule of works including a full project timing;
  - b) 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 and 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) A 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) Site security;
  - j) Public safety measures;



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- k) Construction times, noise and vibration controls;
  - l) Restoration of any Council assets removed and/or damaged during construction;
  - m) Protection works necessary to road and other infrastructure (limited to an area reasonably proximate to the site);
  - n) Remediation of any damage to road and other infrastructure (limited to an areas reasonably proximate to the site);
  - o) An emergency contact that is available for 24 hours a day.
  - p) Traffic management measures to comply with provisions of AS 17 42.3-2002 Manual of uniform traffic control devices – Part 3: Traffic control devices for works on roads; and
  - q) All contractors associated with the construction of the development must be made aware of the requirements of the Construction Management Plan.
8. During the construction, the following must occur:
- a) Any stormwater discharges 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 enter 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 1254 (including all revisions or replacement guidelines)

**Street Trees**

9. 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 leucoxylon* (Yellow Gum), *Angophora costata* (Smooth Barked Apple) and the *Angophora costata* (Smooth Barked Apple) on the Kinross Avenue nature strip.
10. Prior to the removal of the *Angophora costata* (Smooth Barked Apple) and *Eucalyptus leucoxylon* (Yellow Gum), street tree from the Kinross Avenue nature strip, payment must be made to Kingston City Council's customer service in accordance with Council's Street Tree Removal Procedures. The removal of these trees must be undertaken by Council at the expense of the Developer/Owner.

**Melbourne Water**

11. All dwellings must be constructed with finished floor levels a minimum of 300mm above the applicable flood level which is a minimum of 1.85 metres to Australian Height Datum (AHD).
12. All garages must be constructed with finished surface levels a minimum of 150mm above the applicable flood level which is a minimum of 1.70 metres to

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AHD.

13. No fill is permitted outside the proposed building envelopes with exception of the minimal ramping required for vehicles to enter the proposed garages.
14. Any new fencing must be constructed of an open style to allow for the passage of overland flows.
15. Prior to the commencement of works separate application, direct to Melbourne Water, must be made for any new or modified storm water connection to Melbourne Water's drains or watercourses. Prior to accepting an application, evidence must be provided demonstrating that Council considers that it is not feasible to connect to the local drainage system.  
  
Contact Asset Services on telephone 9679 6614 for Melbourne Water's connection requirements, including payment of appropriate fees.
16. Prior to the issue of an Occupancy Permit, a certified survey plan showing finished floor levels (as constructed) reduced to the Australian Height Datum must be submitted to Melbourne Water. The Plan must demonstrate that the floor levels have been constructed in accordance with Melbourne Water's requirements.
17. Pollution and sediment laden runoff shall not be discharged directly or indirectly into Melbourne Water's drains or waterways.

**Drainage and Water Sensitive Urban Design**

18. Before the development commences, a comprehensive stormwater management strategy of the site must be prepared to the satisfaction of the Responsible Authority. The strategy must include MUSIC model output incorporating Rainwater Tanks for water reuse and other Water Sensitive Urban Design Treatments to achieve best practice objectives as per Council's "*Civil Design Requirements for Developers – Integrated Stormwater Management*" to the satisfaction of the Council.
19. 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.
20. Before the development commences, a Stormwater Management Plan showing the stormwater works to the nominated point of discharge must be prepared to the satisfaction of the Responsible Authority. The Stormwater Management Plan must be prepared by a qualified person and show all details of the proposed stormwater works including all existing and proposed features that may have impact (e.g. trees to be retained, crossings, services, fences, abutting buildings, existing boundary surface levels, etc.). The Stormwater Management Plan must be prepared as per Council's "*Civil Design Requirements for Developers – Part A – Integrated Stormwater Management*".
21. Stormwater works must be provided on the site so as to prevent overflows onto adjacent properties.
22. The overall stormwater outflow from the development to the Council drainage system must be limited to 77 l/s.

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23. Stormwater discharge from the development site to the proposed new Council drain within the easement is not permitted.

**Parking and Traffic Management**

24. Prior to the occupation of the development hereby permitted in a specified stage, areas set aside for parking vehicles, access lanes and paths for that stage as shown on the endorsed plans must, to the satisfaction of the Responsible Authority, be:
- a. Constructed to the satisfaction of the Responsible Authority.
  - b. Properly formed to such levels that they can be used in accordance with the plans.
  - c. Surfaced in accordance with the endorsed plans under this permit or in an all-weather coloured concrete seal-coat, to the satisfaction of the Responsible Authority.
  - d. Drained and maintained to the satisfaction of the Responsible Authority.
  - e. Line-marked to indicate each car space, allocation of visitor car spaces, access lanes and road markings.
  - f. Kerb heights in circulation roadways and parking areas must be no higher than 150mm.
  - g. Provided with wheel stops to the front of each visitor car parking space designed to meet *Australian Standards AS2890.1 – 2004, Parking Facilities: Off-street parking*.

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

**Infrastructure and Road Works**

25. Property boundary and footpath levels must not be altered without the prior written consent from the Responsible Authority.
26. The replacement of all footpaths, including offsets, must be constructed to the satisfaction of the Responsible Authority.
27. All reinstatements and vehicle crossings must be constructed to the satisfaction of the Responsible Authority.
28. All redundant vehicle crossings must be removed (including redundant portions of vehicle crossings) to the satisfaction of the Responsible Authority.

**Lighting**

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

**General amenity conditions**

30. Any obscure glazing shown on the endorsed plans must be through frosted glass or similarly treated glass, and thereafter maintained to the satisfaction of the Responsible Authority. Adhesive film or the like that can be removed must not be used.

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31. All fixed external screening to prevent overlooking marked on the endorsed plans shall be maintained by the owner of the land to the satisfaction of the Responsible Authority.
32. Service units, including air conditioning/heating units, where incorporated, must not be located where they will be highly visible from any public area to the satisfaction of the Responsible Authority and if located on the roof of a building, suitable screening and baffling must be provided to the satisfaction of the Responsible Authority.
33. All piping, ducting above the ground floor storey of the development (other than rainwater, guttering and downpipes) must be concealed to the satisfaction of the Responsible Authority.
34. 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, to the satisfaction of the Responsible Authority.
35. All new boundary fencing shown on plans required by this development is to be constructed at the full cost of the owner/developer.

**Completion of Works**

36. Prior to the occupation of the dwellings hereby permitted in a specified stage, all buildings and works and the conditions of this permit for that stage must be complied with to the satisfaction of the Responsible Authority, unless with the further prior written consent of the Responsible Authority.
37. Prior to the occupation of the dwelling hereby permitted in a specified stage, the landscaping works as shown on the endorsed plans for that stage must be completed to the satisfaction of the Responsible Authority. Thereafter, the landscaping shall be maintained to the satisfaction of the Responsible Authority.
38. Once the development of a specified stage has started it must be continued and completed to the satisfaction of the Responsible Authority.

**Time Limits**

39. In accordance with section 68 of the *Planning and Environment Act 1987 (Act)*, this permit will expire if one of the following circumstances applies:
  - The first stage of the development shown on endorsed plans is not started within two (2) years from the date of the permit issue.
  - The first stage of the development shown on endorsed plans is not completed within four (4) years from the date of permit issue.
  - The second stage of the development shown on endorsed plans is not started within five (5) years from the date of the permit issue.
  - The second stage of the development shown on endorsed plans is not completed within seven (7) years from the date of the permit issue.

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

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

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development allowed by the permit has lawfully started before the permit expires.

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- Note:** The development includes fences 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 you are required to obtain the necessary Building Permit.
- Note:** The applicant/owner must provide a copy of this planning permit to any appointed Building Surveyor. It is the responsibility of the applicant/owner and Building Surveyor to ensure that all building development works approved by any building permit is consistent with the planning permit.
- Note:** If further information is required in relation to Melbourne Water's permit conditions shown above, please contact Melbourne Water on telephone 9679 7517, quoting Melbourne Water's reference 201491.
- Note:** The applicable flood level for the property is 1.55 metres to Australian Height Datum (AHD).
- Note:** Environment Protection Authority (EPA) Victoria set out the requirements pertaining to site construction hours and permissible noise levels.
- Note:** The fee for removal of the street trees from the nature strip is **(\$1838.15 including GST)**, payable to Kingston City Council's Customer Service Department - refer to cashier code "STRE". Customer Service will confirm payment to the Parks Department. The removal of the tree requires a minimum of 2 weeks' notice from the Developer/Owner.
- Note:** The allocation of street numbering and addressing of properties is vested in Council. Any reference to addressing or dwelling/unit/apartment and street numbers or street names on any endorsed plan is indicative only. The onus is on the Permit Applicant/Land Owner to contact Council's Property Data Department to determine the official dwelling/unit/apartment street numbers, street name details and the like for the approved development.

**CARRIED**

**8.3 KP13/228 - 6-10 Valetta Street Carrum**

It is recorded that John Nolan spoke on behalf of the objectors.

It is recorded that Kiril Jovanoski spoke on behalf of the applicant.

**Moved: Cr Bearsley**

**Seconded: Cr Ronke**

That Council determine to support the proposal and issue a Notice of Decision to Grant a Planning Permit to develop the land for the construction of Eleven dwellings at 6-10 Valetta Street Carrum, 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 29 August 2014, but modified to show:
  - a. the provision of a landscape plan in accordance with the submitted development plan and the City of Kingston Landscape Plan Checklist, with such plans to be prepared by a suitably qualified landscape professional and incorporating:
    - ix. 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;
    - x. the delineation of all garden beds, paving, grassed area, retaining walls, fences and other landscape works including areas of cut and fill throughout the development;
    - xi. paved areas nominated as being on a permeable base;
    - xii. all existing trees on the site and close to the boundary of the site on adjoining properties, accurately illustrated to represent actual canopy width and labelled with botanical name, height and whether the tree is proposed to be retained or removed;
    - xiii. the provision of twelve (12) suitable small to medium sized (at maturity) indigenous coastal canopy trees within site, with species chosen to be approved by the Responsible Authority;
    - xiv. a range of plant types from ground covers to large shrubs and trees, species must comprise a minimum of 80% indigenous coastal species;
    - xv. adequate planting densities (e.g.: plants with a mature width of 1 metre, planted at 1 metre intervals);
    - xvi. all trees provided at a minimum of 2 metres in height at time of planting;
    - xvii. medium to large shrubs to be provided at a minimum pot size of 200mm; and
    - xviii. the provision of notes regarding site preparation, including the removal of all weeds, proposed mulch, soil types and thickness, subsoil preparation and any specific maintenance requirements.

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- b. The deletion of the gate to the private open space of dwelling 5 through to the foreshore reserve.
- c. The provision of a secure intercom entry to the car park.
- d. The provision of a secure gated entry on the western boundary, adjacent to the bin enclosure, as a consequence the internal gate to the bin enclosure may be deleted.
- e. Column locations amended to be in accordance with Australian Standard AS2890.1:2004, with minimum setbacks of 3650mm from the back wall and 750mm from the parking aisle.
- f. The provision of clear sightlines on either side of the vehicle entry through either a corner splay or area at least 50% clear of visual obstructions, in accordance with Clause 52.06-8 of the Planning Scheme.
- g. The deletion of steps, air conditioning condensers and paving from the foreshore reserve.
- h. The provision of a secure opening at the western end of the car park area, to provide daylight and cross-flow ventilation to the car park.
- i. The provision of fixed vertical screening treatments to the west facing windows of bedrooms 1 and 2 of apartment 8, which limit overlooking (with no more than 25% transparency) and provide passive solar shading appropriate for a western orientation.
- j. The provision of screening treatments to the sides of balconies for apartments 8, 9, 10 and 11 in accordance with Standard B23 of the Kingston Planning Scheme, ensuring the retention of outward views but limitation of downward views.
- k. The provision of a minimum of one metre clear to the sky, to the light court of the bedroom 2 window of apartment 4.
- l. The location of mailboxes and shared meter boxes nominated on plans.
- m. The provision of external clotheslines for ground floor apartments.
- n. The provision of details and notes on plans relating to the implementation of initiatives nominated in the revised Sustainability Management Plan required by Condition 3.

**Endorsed Plans**

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

**Sustainable Development**

- 3. Prior to the endorsement of plans pursuant to Condition 1, an amended Sustainable Management Plan (SMP), generally in accordance with the report prepared by Simon Ward dated 11 April 2013, 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 SMP must be amended to reflect the current plans.
- 4. A revised STORM report (or similar) with STORM rating of at least 100% or equivalent with a reliability not less than 80%, to demonstrate that the development meets Victoria's best practice stormwater targets pursuant to Clause 19.03-2 of the Kingston Planning Scheme. Achieving compliance with

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this condition must not conflict with other conditions contained within this permit.

Melbourne Water

5. Pollution and sediment laden runoff shall not be discharged directly or indirectly into Melbourne Water's drains or waterways.
6. The proposal must meet council's specified freeboard requirements for local flows for the construction of all new dwellings, main entry, lifts and storage areas within the car park above council's applicable flood level.
7. The proposal must meet council's specified freeboard requirements for local flows for the construction of the car park above council's applicable flood level.
8. All new decking must be constructed with unenclosed foundations to allow for the passage of overland flows.
9. Any new fencing must be of an open style to allow for the passage of overland flows.
10. Fill must be restricted to the proposed building envelopes and all open space areas within the property must be maintained at the existing natural ground surface levels.
11. All new development must be set back from the toe of the levee north of this site a minimum of 3.0 metres.
12. Prior to the commencement of works, a Site Environmental Management Plan (SEMP) must be submitted to Melbourne Water for review. The SEMP must show the location and nature of environmental values identified through site environmental assessments, and includes details of measures to protect or mitigate risk to those values. The SEMP must include a site map detailing the location and design of all measures in relation to significant site values including the following:
  - Silt fencing
  - Access tracks
  - Spoil stockpiling
  - Trenching locations
  - Machinery/ Plant locations
  - Exclusion fencing around native vegetation/ habitatIn addition to the above, a Work Method Statement and a task Risk Assessment must be submitted to Melbourne Water for review, outlining the general construction techniques to be adopted. The statement must address the following:
  - a) OH&S measures in place to reduce risk
  - b) Evacuation procedures during high flows.
  - c) Diversions of flows for low and high flows
  - d) Process for machinery to access the creek
13. The proponent will need to formally apply to Melbourne Water's Asset Services Team to conduct any works on or near a Melbourne Water asset (including waterways), which includes detail of any new or modified stormwater connections. Prior to undertaking any works, the proposal must be accepted by



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Melbourne Water and the contractor must be in receipt of a Melbourne Water Permit to Work. Please contact Melbourne Waters Asset Services Team on telephone 9679 6614 for more information.

14. Prior to the issue of an Occupancy Permit, a certified survey plan, showing finished floor levels (as constructed) reduced to the Australian Height Datum, must be submitted to Melbourne Water to demonstrate that the floor levels have been constructed in accordance with Melbourne Water's requirements.

**Drainage and Water Sensitive Urban Design**

15. Before the development commences, a comprehensive stormwater management strategy of the site must be prepared to the satisfaction of the Responsible Authority. The strategy must include MUSIC model output incorporating Rainwater Tanks for water reuse and other Water Sensitive Urban Design Treatments to achieve best practice objectives as per Council's "*Civil Design Requirements for Developers – Integrated Stormwater Management*" to the satisfaction of the Council.
16. 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.
17. 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.).
18. Stormwater works must be provided on the site so as to prevent overflows onto adjacent properties.
19. Stormwater outflow from the development to the Council drainage system must be limited to the predevelopment outflow of the site.

**Parking and Traffic Management**

20. Prior to the occupation of the development hereby permitted, areas set aside for parking vehicles, access lanes and paths as shown on the endorsed plans must, to the satisfaction of the Responsible Authority, be:
  - h. Constructed to the satisfaction of the Responsible Authority.
  - i. Properly formed to such levels that they can be used in accordance with the plans.
  - j. Surfaced in accordance with the endorsed plans under this permit or in an all-weather coloured concrete seal-coat, to the satisfaction of the Responsible Authority.
  - k. Drained and maintained to the satisfaction of the Responsible Authority.
  - l. Line-marked to indicate each car space and allocation of resident and visitor car spaces, and all access lanes.

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- m. Provided with wheel stops to the front of each car parking space designed to meet *Australian Standards AS2890.1 – 2004, Parking Facilities: Off-street parking*.

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

**Infrastructure and Road Works**

21. Property boundary and footpath levels must not be altered without the prior written consent from the Responsible Authority.
22. The replacement of all footpaths, including offsets, must be constructed to the satisfaction of the Responsible Authority.
23. All reinstatements and vehicle crossings must be constructed to the satisfaction of the Responsible Authority.
24. All redundant vehicle crossings must be removed (including redundant portions of vehicle crossings) to the satisfaction of the Responsible Authority.

**Lighting**

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

**General amenity conditions**

26. Any obscure glazing shown on the endorsed plans must be through frosted glass or similarly treated glass, and thereafter maintained to the satisfaction of the Responsible Authority. Adhesive film or the like that can be removed must not be used.
27. All fixed external screening to prevent overlooking marked on the endorsed plans shall be maintained by the owner of the land to the satisfaction of the Responsible Authority.
28. Service units, including air conditioning/heating units, where incorporated, must not be located where they will be highly visible from any public area to the satisfaction of the Responsible Authority and if located on the roof of a building, suitable screening and baffling must be provided to the satisfaction of the Responsible Authority.
29. All piping, ducting above the ground floor storey of the development (other than rainwater, guttering and downpipes) must be concealed to the satisfaction of the Responsible Authority.
30. 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, to the satisfaction of the Responsible Authority.

**Completion of Works**

31. Prior to the occupation of the dwelling hereby permitted, all buildings and works and the conditions of this permit must be complied with to the satisfaction of the Responsible Authority, unless with the further prior written consent of the Responsible Authority.
32. Prior to the occupation of the dwelling hereby permitted, the landscaping works

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as shown on the endorsed plans must be completed to the satisfaction of the Responsible Authority. Thereafter, the landscaping shall be maintained to the satisfaction of the Responsible Authority.

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

**Time Limits**

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

- The development is not started within (2) years from the date of this permit.
- The development is not completed within four (4) years from the date of permit issue.

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

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

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

**Note:** The property is subject to a Kingston Special Building Overlay. The minimum finished floor level of the proposed building (habitable areas) must be 1.77 metres to Australian Height Datum (AHD) and the finished floor level of the garage/car park areas must be a minimum of 1.62 metres to AHD.

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

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

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

**Note:** Please note that flooding may be associated with the Melbourne Water regional drainage system and/or the local Council drainage systems. Information available at Melbourne Water indicates that the property is not subject to

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flooding from Melbourne Water's drainage system, based on a flood level that has a probability of occurrence of 1% in any one year. However, to determine if a property is subject to flooding from the local Council drainage system you will need to contact the relevant Council for flood information.

If further information is required in relation to Melbourne Water's conditions shown above, please contact Land Development on telephone 9679 7517 quoting Melbourne Water's Reference 207433.

**CARRIED**

**A Division was Called:**

**DIVISION:**

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

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

**CARRIED**

**8.4 KP11/325 - 36-40 Jean Street Cheltenham**

It is recorded that Peter Burr spoke on behalf of the objectors.

**Moved: Cr West**

**Seconded: Cr Brownlees**

That Council determine to not support the proposal for Amendments to the permit and plans including an increase in apartments and reduction of visitor car parking at 36-40 Jean Street Cheltenham on the following ground:

1. The proposal has not substantiated that the amendments would not result in an unreasonable impact on the local street network by way of reliance on on-street parking and increased traffic generation.

**CARRIED**

**8.5 KP13/382 - 18 Flinders Street Mentone**

It is recorded that Tim Maslin spoke on behalf of the objectors.  
It is recorded that Sam Battiato spoke on behalf of the applicant.

Cr Peulich left the meeting at 8.10pm

**Moved: Cr West**

**Seconded: Cr Brownlees**

That Council determine to not support the proposal to Develop the Land for Alterations to Dwelling 3 and Dwelling 4 (Double Storey Extension) and Re-Subdivision of the Land at 18 Flinders Street Mentone on the following grounds:

1. The proposal results in excessive visual bulk and massing to the detriment of the local neighbourhood character.
2. The proposal would detract from the visual amenity of the locality and the streetscape.
3. The proposal fails to comply with the following objectives and standards of Clause 55 of the Kingston Planning Scheme (ResCode):
  - Clause 54.02-1 Neighbourhood character
  - Clause 54.02-2 Integration with the street
  - Clause 54.03-1 Street Setback
  - Clause 54.04-1 Side and Rear Setbacks
  - Clause 55.04-2 Walls on boundaries
  - Clause 54.05-2 Private Open space
4. The subdivision limits future redevelopment opportunities.
5. The proposal would not result in an orderly planning outcome.
6. The proposal would impact adversely on the amenity of the owner/resident of unit one.

Cr Peulich returned to the meeting, at 8.16pm

**CARRIED**

**8.6 KP14/213 - 1 Wimborne Ave Chelsea**

It is recorded that Greg Tasker spoke on behalf of the objectors.  
It is recorded that Daniel Bowden spoke on behalf of the applicant.

**Moved: Cr Barth**

**Seconded: Cr Eden**

That Council determine not to support the proposal to develop the land for the construction six (6) dwellings at 1 Wimborne Ave Chelsea, on the following grounds:

1. The proposal results in excessive visual bulk and massing to the detriment of the local neighbourhood character.
2. The proposal fails to comply with the following objectives and standards of Clause 55 of the Kingston Planning Scheme (ResCode):
  - Clause 55.02-1 Neighbourhood character
  - Clause 55.03-1 Street Setback
  - Clause 55.04-1 Side and Rear Setbacks
  - Clause 55.04-2 Walls on boundaries
  - Clause 55.06-2 Front Fence

**CARRIED**

**A Division was Called:**

**DIVISION:**

**FOR:** Crs Ronke, Brownlees, Peulich, Staikos, West, Eden and Barth (7)

**AGAINST:** Crs Bearsley and Gledhill (2)

**CARRIED**

**8.7 KP14/384 - 209 Station Street Edithvale**

It is recorded that Neil Fletcher spoke on behalf of the applicant.

**Moved: Cr Brownlees**

**Seconded: Cr Peulich**

That Council determine to support the proposal and issue a Notice of Decision to develop the land for the construction of seven (7) dwellings on a lot at 209 Station Street, Edithvale on the following grounds:

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 12 November 2014, 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:
    - xix. 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;
    - xx. the delineation of all garden beds, paving, grassed area, retaining walls, fences and other landscape works including areas of cut and fill throughout the development;
    - xxi. all existing trees on the site and close to the boundary of the site on adjoining properties, accurately illustrated to represent actual canopy width and labelled with botanical name, height and whether the tree is proposed to be retained or removed;
    - xxii. a range of plant types from ground covers to large shrubs and trees, species must comprise a minimum of 80% indigenous coastal species;
    - xxiii. adequate planting densities (e.g.: plants with a mature width of 1 metre, planted at 1 metre intervals);
    - xxiv. the provision of two (2) suitable medium sized (at maturity) indigenous canopy trees within the front setback of the property and one (1) small (at maturity) tree within the private open space area of dwellings one (1) and seven (7), with species chosen to be approved by the Responsible Authority;
    - xxv. sustainable lawn areas and plant species taking current water restrictions into consideration;
    - xxvi. all trees provided at a minimum of 2 metres in height at time of planting;
    - xxvii. medium to large shrubs to be provided at a minimum pot size of 200mm; and
    - xxviii. the provision of notes regarding site preparation, including the removal of all weeds, proposed mulch, soil types and thickness, subsoil preparation and any specific maintenance requirements.
  - b. sight splays or areas free of visual obstruction in accordance with the

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requirements of Clause 52.06-8 of the Kingston Planning Scheme. The mail boxes are to be no more than 1.2 metres in height;

- c. first floor windows along the north, south and east elevation screened in accordance with Standard B22, including a mixture of screening devices, highlight windows and obscure glazing unless screened by a balcony;
- d. all screened windows need to show dimension of 1.7 metres above finished floor level demonstrating compliance with Standard B22 has been achieved;
- e. All elevation plans correctly labelled, north, south east and west.
- f. a flood proof apex (ridge level) protecting the property from any overland flows must be provided in accordance with Kingston City Council's 'Basement Policy Guidelines'. This apex is to be a minimum of RL 7.25 (AHD). This apex is to continue through any driveways or pathways that may cross it. The apex is to be a permanent structure (eg. rise in concrete driveway/pathway, sleeper retaining wall, solid brick fence/wall). Low mounded soil on its own is unlikely to be acceptable due to the likelihood of future disturbance;
- g. vehicle crossings must constructed at a 90 degree alignment with the kerb on Station Street and all internal driveways must align with the existing / proposed vehicle crossing;
- h. the surface material of all driveways / accessways and car parking spaces nominated in all-weather coloured concrete sealcoat, or similar;
- i. the provision of minimum 2000 litre rainwater tank clearly nominated for each dwelling with water re-used for toilet flushing;
- j. the provision of a longitudinal section of the reverse fall driveway showing gradients, levels, distances complying with AS2890.1:2004 and flood proof apex;
- k. 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;
- l. any requirements specified by the Sustainable Design Assessment (SDA) required by Condition 3 of this Permit;
- m. all walls to be constructed along the northern property boundary are to be set back 150mm from the property boundary;
- n. all exposed walls (beyond the 1.9 metre high property boundary fence) along the northern elevation are to be rendered in a muted tone.

**Endorsed Plans**

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



**Sustainable Development**

3. Prior to the endorsement of plans pursuant to Condition 1, a Sustainable Design Assessment (SDA), prepared by a suitably qualified professional, that outlines proposed sustainable design initiatives 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 **SDA** must incorporate consideration of the following sustainable design criteria:
  - a. Indoor environment Energy efficiency
  - b. Water resources
  - c. Stormwater management
  - d. Building materials
  - e. Bicycle parking
  - f. Waste Management
  - g. Urban Ecology
  - h. Innovation
  - i. Ongoing building and site management.
4. Prior to the occupation of the dwellings hereby permitted, the landscaping works as shown on the endorsed plans must be completed to the satisfaction of the Responsible Authority. The landscaping must then be maintained to the satisfaction of the Responsible Authority.
5. Prior to the occupation of the dwellings hereby permitted, all buildings and works and the conditions of this permit must be complied with, unless with the further prior written consent of the Responsible Authority.

**Parking**

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.

**Infrastructure and Road Works**

7. Property boundary and footpath levels must not be altered without the prior written consent form the Responsible Authority.
8. The replacement of all footpaths, including offsets, must be constructed the satisfaction of the Responsible Authority.
9. All reinstatements and vehicle crossings must be constructed to the satisfaction of the Responsible Authority.
10. Vehicle crossings and other reinstatements must be constructed to council's industrial strength specifications.
11. All redundant vehicle crossings must be removed (including redundant portions of vehicle crossings) to the satisfaction of the Responsible Authority.
12. All front and side fences must be contained wholly within the title property boundaries of the subject land.

**Drainage**

13. A flood proof apex (ridge level) protecting the property from any overland flows must be provided along the Station Street frontage in accordance with Kingston City Council's 'Basement Policy Guidelines'. This apex is to be a minimum of RL 7.25 (AHD). This apex is to continue through any driveways or pathways that may cross it. The apex is to be a permanent structure (eg. rise in concrete driveway/pathway, sleeper retaining wall, solid brick fence/wall). Low mounded soil on its own is unlikely to be acceptable due to the likelihood of future disturbance.
  
14. 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 additional runoff above the permissible site discharge. The system must be maintained to the satisfaction of the Responsible Authority. Council's Development Engineer can advise on satisfactory options to achieve these  
  
desired outcomes which may include the use of an infiltration or bioretention system, rainwater tanks connected for reuse and a detention system.
  
15. Before the development commences, a Stormwater Management Plan showing the stormwater works to the nominated point of discharge must be prepared to the satisfaction of the Responsible Authority. The Stormwater Management Plan must be prepared by a qualified person and show all details of the proposed stormwater works including all existing and proposed features that may have impact (e.g. trees to be retained, crossings, services, fences, abutting buildings, existing boundary surface levels, etc.). The Stormwater Management Plan must be prepared as per Council's "*Civil Design Requirements for Developers – Part A: Integrated Stormwater Management*".
  
16. A STORM report demonstrating water sensitive urban design treatments and achieving Victorian best practice objectives must be provided as part of the Stormwater Management Plan to the satisfaction of the Responsible Authority.
  
17. Stormwater works must be provided on the site so as to prevent overflows onto adjacent properties.
  
18. The permissible site discharge of the development must be calculated based on Council's "*Civil Design Requirements for Developers – Part A: Integrated Stormwater Management*".

**Completion**

19. Prior to the occupation of the dwellings 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.
  
20. 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.
  
21. Prior to the occupation of the dwellings hereby permitted, all boundary fences

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must be repaired and/or replaced as necessary to the satisfaction of the Responsible Authority, at the cost of the applicant/owner.

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

**General Amenity**

23. 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.
24. 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.
25. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.

**Time Limits**

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

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

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

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

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

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

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

**Note:** The allocation of street numbering and addressing of properties is vested in Council. Any reference to addressing or dwelling/unit/apartment and street numbers or street names on any endorsed plan is indicative only. The onus is

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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**

**A Division was Called:**

**DIVISION:**

**FOR:** Crs Brownlees, Peulich, Staikos, West, Eden, Barth and Gledhill (7)

**AGAINST:** Crs Ronke and Bearsley (2)

**CARRIED**

**8.8 Chelsea Traders Carparking Permit Scheme**

Cr Peulich disclosed an indirect conflict of interest by close association in this item by virtue of his mother having her electoral office in Chelsea and left the meeting at 8.43pm prior to any discussion on the matter.

**Moved: Cr Bearsley**

**Seconded: Cr Eden**

That Council:

1. Receive the information and note the additional feedback from traders.
2. Resolve to amend the previous Council resolution to simplify the areas where permit holders can park (see Appendix 1).
3. Introduce a pilot fee of \$200 for the first 12 months.

**CARRIED**

Cr Peulich returned to the meeting at 8.48pm.

Cr Eden left the meeting at 8.49pm

Cr Eden returned to the meeting at 8.52pm

**Question Time**

**Question 1**

**Lauren Wilson and Jodie Vuat of Edithvale asked,**

*"How does Council plan to deal with the traffic congestion caused by the development of the RSL site at 90 Kinross Avenue and the opening of the new Children's Hub as this is potentially an additional 140+ cards per day using the Kinross Avenue and Edithvale Road intersection?"*

**The CEO provided the following response,**

*"This matter was previously discussed at Council this evening. Council felt that the conditions on the permit adequately addresses this issue."*

**Question 2**

**Brooke Jamison of Mentone asked,**

*"I heard on 3AW that the State Government in conjunction with local Councils has accepted a target to increase open space in Victoria by 20% by 2020.*

*Firstly, has the Kingston City Council accepted this? Secondly, how does the Council intend to meet this target without including Collins Street if this is not kept for open space."*

**The CEO provided the following response,**

*"The Metropolitan Planning Authority is planning a Metropolitan Open Space Strategy. The development of that strategy is in the early stages and officers from the City of Kingston are contributing to that work. The City of Kingston does not have an adopted position to increase the amount of public space by 20% by 2020."*

**Question 3**

**Ralph Cleary of Cheltenham asked,**

*"In light of the petition received by Council against the closure of Wilson Street by affected residents in local streets and users of facilities in Wilson Street, will Council defer the decision to trial close Wilson Street be deferred to enable meaningful community consultation?"*

**The CEO provided the following response,**

*"Council will be proceeding with the trial closure in an attempt to improve the amenity of Wilson Street and residents and safety of all Wilson Street users."*

**Question 4**

**Ian Baldock of Parkdale asked,**

*"At Council's December meeting last year, I had a concern regarding pedestrian and cyclist safety at the intersection of boundary Road and Centre Dandenong Road Braeside, particularly regarding high-speed left turn slip lane for traffic coming off Boundary Road to head towards the Nepean highway. At last year's meeting I requested, 'Can Council approach VicRoads to implement a painted pedestrian crossing at this left turn, as well as adequate signage to warn approaching traffic of the need to give way to potential pedestrian for traffic.'*

*Since then VicRoads have placed a warning sign for traffic coming off Boundary Road but have refused to paint a pedestrian crossing on the road surface between the curb and the traffic island (even though they have done so for the left lane turning outside McDonalds on the other side of the road)*

*Can Council approach VicRoads to implement a painted pedestrian crossing at this left turn, to reinforce motorists obligations to give way to 'any pedestrians on the slip lane' crossing the road (Road Safety Road Rules 2009 – Rule 72 (4) (b))?"*

**The CEO provided the following response,**

*"The request can again be forwarded to VicRoads. I encourage Mr Baldock to also contact his local Members of Parliament."*

**Question 5**

**Ian Baldock of Parkdale asked,**

*“At Council’s October meeting, Council resolved to authorise the CEO to execute a funding agreement with the state government of \$8 million for the redevelopment of the Moorabbin Reserve.*

*However with plans having been publicised showing a proposed development of the Junction Oval, including the use by St Kilda Football club to use the Oval as its new grounds with training on the adjoining Ian Johnson Oval, I question the need for the funding promised by Kingston Council in developing the Moorabbin Reserve for St Kilda which apparently will not be used for the training purposes proposed in October’s funding agreement request.*

*Can Council please clarify for me:*

- 1. The latest status on the proposed usage for the Moorabbin Reserve and;*
- 2. Has the funding detailed in October’s meeting (agenda Item 10.5) been confirmed by all parties mentioned?*

**The CEO provided the following response,**

*“The Moorabbin Reserve is to be redeveloped to increase use by local sports clubs, residents and visitors. The funding has been confirmed by all parties. The plans and discussions about Junction Oval have not impacted on the commitment to the redevelopment of Moorabbin Reserve.”*

**Question 6**

**Dorothy Booth of Mentone asked,**

*“What actions has Council taken to register their concerns with the new Labour Government regarding the future of the Mentone Hotel?”*

**The CEO provided the following response,**

*“Council supports the previous Planning Minister’s requests for heritage protection and will lobby the new State Government as canvassed at the last Council Meeting.*

**Question 7**

**Paul Adams of Mentone asked,**

*“How does Council propose to fit 176 bed licences into the suggested 100/120 bed licence aged care facility planned for the former Kingston City Council depot site?”*

**The CEO provided the following response,**

*“The matter will be considered as part of the agenda his evening. It is expected that Collins Street will provide 120 high care aging in place beds and Corben House will continue to for a minimum of 5 years provide 46 low care beds, a total of 166. At present there are 142 low care beds and 30 high care beds, a total of 172.”*

**Question 8**

**Cecilia Heath of Mordialloc asked,**

*“How does Kingston value the importance of high quality early childhood education programs through preschool kindergarten programs in areas of high community demand such as Mordialloc where kindergarten infrastructure is inadequate?”*

The CEO provided the following response,

*“Council has undertaken extensive early years planning and has invested approximately 16 million in the Parkdale and Edithvale Hubs which open in February and in the order of \$9million for the Westall Hub which is now being planned. Council has also on tonight’s agenda a report to redevelop and expand the Mordialloc Kindergarten. Council is planning and committed to providing early years community infrastructure to ensure the needs of the community – current and future can be met.”*

**Question 9**

Dylan minster of Mordialloc asked,

*“How important is early childhood learning to the Council? Also how are we going to ensure our growing and changing population is accommodate with respect to the above?”*

The CEO provided the following response,

*“Early years services and facilities are of significant importance to Council. Extensive strategic planning and widespread investment in the development of early years services and facilities has ensured our community infrastructure is capable of meeting the current and future needs.” In response tot the previous question I provided details of current initiatives.”*

**9. Community Sustainability Reports**

**9.1 Contract 14/146 - Mentone Activity Hub Construction Project: Award of Contract**

**Moved: Cr Brownlees**

**Seconded: Cr West**

That this matter be deferred to allow Officers to conduct further discussions with the tenderers as soon as possible.

Further that a meeting be held early in 2015 with proposed tenants of the new building.

**CARRIED**

**9.2 Contract 14/147 - Mordialloc Kindergarten Construction Project: Award of Contract**

**Moved: Cr Brownlees**

**Seconded: Cr Peulich**

That Council:

1. Receive the information
2. Award Contract 14/147 – Mordialloc Kindergarten Construction Project for the fixed lump sum of \$1,507,109.00 exclusive of GST to CorStoCon Pty Ltd t/a Cornerstone Constructions.
3. Approve the reallocation of \$80,000 (excl GST) of surplus funds, achieved through savings in 2014/15 for the delivery of Capital Program Project C0259 Clayton South Kindergarten Construction Project, as proposed in the report.

4. Approve the expenditure of separate associated project contingency, design and ancillary project costs, as set out in the confidential attachment.

**CARRIED**

### **9.3 Update on Westall Hub**

#### **RECOMMENDATION**

That Council:

1. Receive the information;
2. Endorse the attached concept plans;
3. Authorise the Chief Executive Officer to execute all relevant documents, prepared to the satisfaction of Council's solicitors, to support the development of the Westall Hub project;
4. Direct officers to undertake all necessary actions to progress the development of the Westall Hub facility and associated works, including proceeding to detailed design and seeking tenders;
5. Approve in principle the utilisation of funds totalling \$1.225 million from the proceeds of future asset sales, subject to Section 189 and 223 of the Local Government Act, to support the development of the Westall Hub and direct that Council's Property Services Department bring a future report detailing proposed asset sales;
6. Endorse the associated relocation of services from the Westall Kindergarten to the new Westall Hub site;
7. Engage all stakeholders associated with the relocated service and facility to advise them of the propose Hub developments, service relocation and associated matters; and
8. Refer the proposed funding model detailed in section 3.3.2, inclusive of potential asset sales, to the 2015/16 budget financial strategy deliberations.

**Note:** Refer to page 4 of the minutes where this item was block resolved.



**10. City Assets and Environment Reports**

**10.1 Proposed Sale of 101 Collins Street and Lease of Aged Care Properties**

**Moved: Cr Brownlees**

**Seconded: Cr Bearsley**

That Council:

1. Resolves to sell 101-103 Collins Street (the "Land"), Mentone on terms and conditions to the satisfaction of Council's legal advisers including the following:
  - 1.1 That the purchase price shall be no less than market value.
  - 1.2 The selection by Council of an approved aged care provider ("Approved Provider") following a public request for proposal, to purchase and develop the land for the sole purpose of a licensed residential aged care facility capable of accommodating the bed licences from the following facilities:  
Northcliffe Lodge  
Nixon Hostel  
Mordialloc Community Nursing Home
  - 1.3 The purchaser entering into a S173 agreement including the following:
    - 1.3.1 Development of the land for a residential aged care facility and no other purpose
    - 1.3.2 Stipulating maximum heights and minimum setbacks
2. Resolves to lease to the selected (see 1.2) approved aged care provider:  
Northcliffe Lodge,  
Nixon Hostel,  
Corben House,  
Mordialloc Community Nursing Home  
on terms and conditions to the satisfaction of Council's legal advisers including (but not limited to) the following:
  - 2.1 The tenant must be a licensed residential aged care provider.
  - 2.2 The permitted use must be for a residential aged care facility.
  - 2.3 The leases may contain options to renew on particular terms.
  - 2.4 The tenant, through the leases or separate agreements with Council shall provide commitments regarding management of the residential aged care facilities.
  - 2.5 That the tenant or a related entity must complete a new residential aged care facility at 101 Collins Street, Mentone ("New Facility").
  - 2.6 The leases (except for Corben House) to terminate upon completion, relocation and occupation of the New Facility.
3. That all submitters be advised in writing of the decision of Council.

**Procedural Motion**

**Moved: Cr West**

**Seconded: Cr Staikos**

That this matter of this important sale and lease process be deferred until Council is in a position to determine whether this site best meets the needs of the residents of current Council-owned aged care facilities, their families and the wider community.

The Procedural Motion (Moved by Cr West, Seconded Cr Staikos) was **LOST**

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Cr Peulich left the meeting at 9.33pm  
Cr Peulich returned to the meeting at 9.34pm  
Cr Ronke left the meeting at 9.37pm  
Cr Ronke returned to the meeting at 9.37pm

**Amendment**

**Moved: Cr West**

That Council:

1. Resolves to sell 101-103 Collins Street (the "Land"), Mentone on terms and conditions to the satisfaction of Council's legal advisers including the following:
  - 1.1 That the purchase price shall be no less than market value.
  - 1.2 The selection by Council of an approved aged care provider ("Approved Provider") following a public request for proposal, to purchase and develop the land for the sole purpose of a licensed residential aged care facility capable of accommodating the bed licences from the following facilities:
    - Northcliffe Lodge
    - Nixon Hostel
    - Mordialloc Community Nursing Home
  - 1.3 The purchaser entering into a S173 agreement including the following:
    - 1.3.1 Development of the land for a residential aged care facility and no other purpose
    - 1.3.2 Stipulating maximum heights and minimum setbacks
2. Resolves to lease to the selected (see 1.2) approved aged care provider:
  - Northcliffe Lodge,
  - Nixon Hostel,
  - Corben House,
  - Mordialloc Community Nursing Homeon terms and conditions to the satisfaction of Council's legal advisers including (but not limited to) the following:
  - 2.1 The tenant must be a licensed residential aged care provider.
  - 2.2 The permitted use must be for a residential aged care facility.
  - 2.3 The leases may contain options to renew on particular terms.
  - 2.4 The tenant, through the leases or separate agreements with Council shall provide commitments regarding management of the residential aged care facilities.
  - 2.5 That the tenant or a related entity must complete a new residential aged care facility at 101 Collins Street, Mentone ("New Facility").
  - 2.6 The leases (except for Corben House) to terminate upon completion, relocation and occupation of the New Facility.
3. That all submitters be advised in writing of the decision of Council.
4. Amend the current adopted Request for Proposal to include an additional option 2 along the lines set out above to provide an alternative option for aged care providers to consider in relation to Kingston Council's aged care facilities and bed licenses, conditional on consultation with and agreement by the Mordialloc Community Nursing Home Committee of Management. The second option

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would involve aged care providers who engage with the RFP process having the opportunity to submit a proposal for

- the Remo Street site instead of or as well as
- the Collins Street site.

i.e. providers could submit proposals for both sites, but would be informed that Council plans to select a proposal for one site.

5. Notes that residents of Mordialloc Community Nursing Home and Council's three hostels would be offered exactly the same guarantee of security by Council and any sale contract – ie that they would remain in their existing facilities unless or until a new facility is available to move into or until - in the case of the Remo Street option – they move into Corben House or voluntarily choose to move into another appropriate facility while development is underway.
6. That Council undertakes discussions with the Committee of Management for the Mordialloc Community Nursing Home with a view to requesting their approval to offer to an aged care provider the Remo Street land north and west of no 11 & the road reservation (as shown in the attached map) to renovate or redevelop the current MCNH to accommodate approximately 70 beds (as an alternative to the proposed 90- 120-bed institution proposed for Collins Street);
7. That Council defers any further motions on this important sale and lease process until after the RFP process is concluded and Council is in a position to determine which of the two potential sites best meets the needs of the residents of current Council-owned aged care facilities, their families and the wider community.

The proposed Amendment was ruled out of order by the Chairperson.

The Substantive Motion was put and **CARRIED**

**A Division was Called:**

**DIVISION:**

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

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

**CARRIED**

**10.2 Artwork Acquisition**

**RECOMMENDATION**

That Council:

1. Endorse the Public Art Advisory Panel's recommendation to purchase the Lisa Waup artwork, 'Echidna', for Council's Civic Art Collection at a cost of \$1800; and,
2. Place the artwork on public display at an anticipated cost of \$1500.

**Note:** Refer to page 4 of the minutes where this item was block resolved.

**11. Corporate Services Reports**

**11.1 Appointment of Councillors to Committees and Organisations for 2014/15**

**Moved: Cr Staikos**

**Seconded: Cr Peulich**

**PROPOSED ACTION**

That Council appoint Councillors to various committees and organisations for 2015 in accordance with the table in Section 3.3.4 of the report.

**CARRIED**

**11.2 Council Ward Grants**

**RECOMMENDATION**

That Council approve the recommended Council Ward Grants in accordance with the table of Councillor recommendations in Appendix 1.

**Note:** Refer to page 4 of the minutes where this item was block resolved.

**11.3 Assembly of Councillors Record Report**

**RECOMMENDATION**

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

**Note:** Refer to page 4 of the minutes where this item was block resolved.

**12. Notices of Motion**

**12.1 Notice of Motion No. 47/2014 - Cr West - Collins Street and Remo Street Plans**

**The Notice of Motion was withdrawn by Cr West**

**12.2 Notice of Motion No. 49/2014 - Cr West - Green Wedge Land Assessment**

**Moved: Cr West**

**Seconded: Cr Staikos**

That Council:

1. Review its motion (attached) to seek a consultant to provide a strategic justification for the Green Wedge assessment plans in the light of the policies of the newly elected government, and
2. Seek a discussion with the new minister or his/her representative about whether such proposed strategic justification is realistic.
3. Advise the successful tenderer that any further work on this project is suspended at least until such discussions have taken place.

Cr Staikos requested that each part of the Motion be put to the vote separately.

The Chairperson refused the request.

**LOST**

**A Division was Called:**

**DIVISION:**

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

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

**LOST**

**12.3 Notice of Motion No. 50/2014 - Cr Staikos - Golf Course Policy**

Cr Peulich disclosed an indirect conflict of interest in this Item due to residential amenity as his place of residence is abutting Kingswood Golf Club and left the meeting at 10.23pm prior to any discussion on the item.

**Moved: Cr Staikos**

**Seconded: Cr Barth**

1. That Officers prepare a Golf Course Policy for consideration by Council along the lines of the Motion passed at the May meeting of Council (13.6) and of the legal advice consequently received, with reference to:
  - a) providing certainty for the future of Golf Courses in the City of Kingston,
  - b) any relevant provisions in Plan Melbourne,
  - c) any guidance by the new state government;
  - d) an assessment of the suggestion of rezoning golf course land to Green Wedge Zone.
2. That this draft policy be provided to Councillors in the February 2015 meeting cycle

**CARRIED**

Cr Peulich returned to the meeting at 10.37pm

**12.4 Notice of Motion No. 51/2014 - Cr West - Collins Street and Remo Street Plans**

The Chairperson ruled the Notice of Motion out of order in accordance with Clause 31(7) of the Meeting procedures Local Law.

Cr Eden left the meeting at 10.37pm

Cr Bearsley left the meeting at 10.37pm

Cr Barth left the meeting at 10.39 pm and did not return

Cr Eden returned to the meeting at 10.39pm

Cr Bearsley returned to the meeting at 10.40pm

**12.5 Notice of Motion No. 52/2014 - Cr Peulich - Sports Fields**

**Moved: Cr Peulich**

**Seconded: Cr Brownlees**

That Council review its spending on sports fields with a view to bringing funding in line with nearby Local Government Areas to be considered at Council's budget deliberations.

**CARRIED**

**12.6 Notice of Motion No. 53/2014 - Cr Peulich - Promotion of Globe to Globe Festival**

**Moved: Cr Peulich**

**Seconded: Cr Bearsley**

That Council consider engaging an outside organisation (such as Yoruba) to promote and enhance Kingston's Globe to Globe Festival 2015 as a matter of urgency on the following basis:

1. Terms are to be subject to negotiation which the Council authorises the CEO to undertake
2. Scope may include promotion and performance
3. That any successful organisation work with Council officers and the Globe to Globe Committee to enhance the festival.

**CARRIED**

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Cr West left the meeting at 10.46pm

**12.7 Notice of Motion No. 54/2014 - Cr Peulich - Efficiency and Effectiveness Review**

**Moved: Cr Peulich**

**Seconded: Cr Brownlees**

That Council commence an independent efficiency and effectiveness review of council spending and operations to be completed before Council finalises its next budget and after Council defines the scope and other relevant matters including looking at how other Councils have undertaken similar processes.

Cr West returned to the meeting at 10.48pm

**Procedural Motion**

**Moved: Cr Brownlees**

**Seconded: Cr Peulich**

That the meeting be extended by 30 minutes.

**CARRIED**

The Substantive Motion was put and **CARRIED**

**12.8 Notice of Motion No. 55/2014 - Cr Peulich - Regional Sports Field Complex**

**Moved: Cr Peulich**

**Seconded: Cr Bearsley**

That Council reaffirm its support for a regional sports fields complex with the best location situated in the Kingston Green Wedge and that an officer report be compiled to outline the best location for acquisition as well as costs associated with the complex.

Further that appropriate budget options be prepared to fund acquisitions and delivery of a major project including securing external funding. Including what sports would be accommodated and how they would be accommodated.

Cr Staikos left the meeting at 11.06pm

**Amendment**

**Moved: Cr West**

**Seconded: Cr: Eden**

That Council reaffirms its support for a regional sports fields complex with the best location situated in the Kingston Green Wedge and that an officer report be compiled to outline the best location for acquisition as well as costs associated with the complex.

Further that appropriate budget options be prepared to fund acquisitions and delivery of a major project including securing external funding provided it doesn't encroach on valuable agricultural land.

Cr Staikos returned to the meeting at 11.07pm

The Amendment was put and **LOST**

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**A Division was Called:**

**DIVISION:**

**FOR:** Crs Staikos, West and Eden (3)

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

**LOST**

The Substantive Motion was put and **CARRIED**

**A Division was Called:**

**DIVISION:**

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

**AGAINST:** Nil (0)

**CARRIED**

**12.9 Notice of Motion No. 56/2014 - Cr Peulich - EOI Process for Mordialloc Food and Wine Festival**

**The Notice of Motion was withdrawn by Cr Peulich.**

**13. Urgent Business**

**Moved: Cr Staikos**

**Seconded: Cr West**

That an item of Urgent Business regarding the VCAT appeal relating to request for extension of Planning Permit KP881/2007 at No. 275-315 Kingston Road Clarinda (Alex Fraser) be considered.

**CARRIED**



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**13.1 VCAT appeal relating to request for extension of Planning Permit  
KP881/2007 at No. 275-315 Kingston Road Clarinda (Alex Fraser)**

**Moved: Cr Staikos**

**Seconded: Cr Bearsley**

That Council determine not to support the secondary consent application seeking an extension of a further 15 years to Planning Permit KP881/2007, for the following reasons:

1. There have been changes to planning policy since the grant of the permit, including the adoption of the Kingston Green Wedge Final Plan (April 2012). This has and will continue to inform changes to the Kingston Planning Scheme to facilitate the recommendations of the Kingston Green Wedge Final Plan (April 2012).
2. There is insufficient information for the application to be properly assessed by Council.
3. The request is not consistent with the future direction of waste policy in Victoria.
4. The application is premature. The permit is not due to expire until 2023, which is approximately 9 years from now. Condition 8 then requires the request to be lodged not less than 3 years prior to the expiry, which is still 6 years from now. The timing of any request for extension, specifically the duration of an extension, is critical having regard to the surrounding land use pattern and the integration of those land uses with any extension of time.
5. The financial investment in the land is acknowledged and has the certainty of approval until 2023.
6. A request made at the time envisaged by Condition 8 (6 years from now) may be able to facilitate a further extension of the Planning Permit. At that time, an assessment will be made based on appropriate information, justification and knowledge of the Kingston Planning Scheme 'of the day'.

Further that Council ask the acting Minister for Planning to call in the application and refuse the application in line with the interim ban on materials recycling.

Cr Brownlees returned to the meeting at 11.14pm

Cr Ronke left the meeting, the time being 11.16pm

Cr Ronke returned to the meeting, the time being 11.17pm

**CARRIED**

**A Division was Called:**

**DIVISION:**

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

**AGAINST:** Nil (0)

**CARRIED**

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**14. Confidential Items**

**Moved: Cr Staikos**

**Seconded: Cr Bearsley**

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 following confidential items:

**14.1 Nominations for the 2015 Australia Day Awards**

*This agenda item is confidential in accordance with the Local Government Act s89(2) as it relates to any other matter which the Council or special committee considers would prejudice the Council or any person (s89 2h)*

**Confidential Appendices**

**9.1 Contract 14/146 - Mentone Activity Hub Construction Project: Award of Contract  
Appendix 1, Con-14-146 Confidential Evaluation Matrix - Mentone Activity Hub.xls**

*This appendix is confidential in accordance with the Local Government Act s89(2) as it relates to (s89 2d)*

**9.2 Contract 14/147 - Mordialloc Kindergarten Construction Project: Award of Contract  
Appendix 1, Con-14-147 Confidential Evaluation Matrix - Mordialloc Kindergarten.xls.xlsx**

*This appendix is confidential in accordance with the Local Government Act s89(2) as it relates to (s89 2d)*

**CARRIED**

The meeting was closed to members of the public at 11.18pm

**Procedural Motion**

**Moved: Cr Staikos**

**Seconded: Cr Brownlees**

That the meeting be opened to the public.

**CARRIED**

The meeting was opened to members of the public at 11.21pm

There being no further business the meeting closed at 11.21pm

**Confirmed.....**

**The Mayor 23 February 2015**