



*City of*  
**KINGSTON**

# **Ordinary Meeting of Council Minutes**

**Monday, 28th July 2014**

**City of Kingston  
Ordinary Meeting of Council**

**Minutes**

**28 July 2014**

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

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

**In Attendance:** John Nevins – Chief Executive Officer  
Paul Franklin – General Manager Corporate Services  
Mauro Bolin – General Manager Community Sustainability  
Anthony Basford – General Manager Organisational Development and Governance  
Jonathan Guttmann – Acting General Manager Environmental Sustainability  
Ian Nice – Manager City Development  
Kirsten Norton – Media Officer  
Phil DeLosa – Program Leader Governance  
Joanne Cronin – Governance Officer  
Gabby Pattenden – Administration Officer Governance

**1. Apologies**

An apology from Cr Brownlees was submitted to the meeting.

**Moved: Cr Staikos**

**Seconded: Cr Gledhill**

An apology from Cr Brownlees be received and leave of absence be granted.

**CARRIED**

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

**Moved: Cr Ronke**

**Seconded: Cr Gledhill**

That the Minutes of the Ordinary Meeting of Council held on 23 June 2014, the Special Meeting of Council held on 26 June 2014 and the Special Meeting of Council held on 21 July 2014 be confirmed.

**CARRIED**

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

Cr Peulich disclosed a conflict of interest in Item 8.10

The Chief Executive Officer John Nevins disclosed a conflict of interest in Item 10.1

**4. Petitions**

**4.1 Parking on Nature Strips for Residents of Eighth Street Parkdale**

**Moved: Cr Gledhill**

**Seconded: Cr Eden**

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

**CARRIED**

**4.2 Traffic Safety Measures – The Strand Chelsea**

**Moved: Cr Bearsley**

**Seconded: Cr Gledhill**

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

**CARRIED**

**5. Presentation of Awards**

The Mayor presented a Certificate of Appreciation to CLOC Musical Theatre In recognition of 50 Years of service and contribution to the local community of the City of Kingston. CLOC President Grant Alley and CLOC Administrator Sandra Davies accepted the certificate on behalf of the organisation.

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

There were no reports received

**7. Question Time**

Question time took place at 8.25pm. Refer to page 15 of the minutes.

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**8. Environmental Sustainability Reports**

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

**Moved: Cr Staikos**

**Seconded: Cr Gledhill**

That Council note the contents of the report

**CARRIED**

**8.2 KP14/158 - 1/39 Bernard Street Cheltenham**

It is recorded that Sarah Hadj spoke on behalf of the objectors in relation to this item.  
It is recorded that Alan Cayman spoke on behalf of the applicant in relation to this item.

**Moved: Cr Barth**

**Seconded: Cr West**

That Council refuse to support the proposal to grant a Permit to Use the Land for the Sale of Packaged Liquor at 1/39 Bernard Street Cheltenham, subject to the following conditions:

1. The proposal fails to comply with Clause 52.27 of the Kingston Planning Scheme and would offer no discernible public benefit to the immediate community.
2. The proposal would have an adverse impact on the community.

**CARRIED**

**8.3 KP13/373 - 35 Tennyson Street Highett**

It is recorded that Les Genis spoke on behalf of the objectors in relation to this item.  
It is recorded that James Goulding spoke on behalf of the applicant in relation to this item.

**Moved: Cr Staikos**

**Seconded: Cr Barth**

That Council determine to support the proposal and issue a Notice of Decision to develop the land for the construction of twenty-one (21) dwellings with a reduction in the visitor car parking requirements at 35 Tennyson Street, Highett, 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 6<sup>th</sup> March 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

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and incorporating:

- i. an associated planting schedule showing the proposed location, species type, mature height and width, pot sizes and number of species to be planted on the site. The schedule must be shown on the plan;
  - ii. the delineation of all garden beds, paving, grassed areas, retaining walls, fences and other landscape works including areas of cut and fill throughout the development;
  - iii. all existing trees on the site and within three (3) metres to the boundary of the site on adjoining properties, accurately illustrated to represent actual canopy width and labelled with botanical name, height and whether the tree is proposed to be retained or removed;
  - iv. a range of plant types from ground covers to large shrubs and trees;
  - v. adequate planting densities (e.g.: plants with a mature width of 1 metre, planted at 1 metre intervals);
  - vi. the provision of two (2) suitable medium sized (at maturity) canopy trees within the front setback of the property, with species chosen to be approved by the Responsible Authority;
  - vii. the provision of twenty (20) small (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. all balustrading to first floor balconies be redesigned in accordance with Standard B22 (overlooking) of Clause 55, maintaining good solar access, with a minimum balcony area of 8sqm;
  - c. install the following traffic measures at the Owner/Developer's expense:
    - i. two (2) 'No-Entry' street signs at the intersection of Karen Street and Tennyson Street (one on each side of the road), preventing vehicles travelling on Karen Street from turning left into Tennyson Street. The signs are to be installed according to AS1742.11-1999;
    - ii. one (1) 'One-way' sign on the western side on Tennyson Street directly opposite the proposed vehicle crossing to ensure vehicles leaving the site exit Tennyson Street via Karen Street;
    - iii. kerb outstands on both sides of the road directly outside the subject site to narrow the road width to a minimum of 3.0 metres;
  - d. longitudinal section of basement ramp with gradients, levels and headroom clearance as per AS2890.1:2004 including a flood proof apex as specified

in condition 3 of this permit;

- e. the provision of a full colour palette, finishes and building materials schedule for all external elevations and driveways of the development; and
- f. the sustainable design initiatives outlined in the endorsed Sustainable Management Plan (SMP) as per Condition 8 and 9 of this permit.

#### Endorsed Plans

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

#### Drainage and Water Sensitive Urban Design

3. A flood proof apex (ie ridge level) must be provided to protect the property from overland flows. This apex is to be a minimum of 220mm above the existing invert of kerb and channel level. This apex is to continue through any driveways or pathways that may cross it. The apex is to be a permanent structure (e.g. 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.
4. 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 bioretention system, rainwater tanks connected for reuse and a detention system. The overall outflow of the site to Council drainage system must be limited to 11.2 l/s.
5. 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 – Integrated Stormwater Management".
6. Stormwater works must be provided on the site so as to prevent overflows onto adjacent properties.
7. The basement must be constructed as a fully-tanked dry basement with no AG drain collection or disposal and with an allowance made for any hydrostatic pressures.
8. Before the development commences, a Sustainable Management Plan (SMP) that outlines proposed sustainable design initiatives must be submitted to and approved by the Responsible Authority.

The SMP must incorporate consideration of the following sustainable design criteria:

- Indoor environment
- Energy efficiency

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- Water resources
  - Stormwater management
  - Building materials
  - Bicycle parking
  - Waste Management
  - Urban Ecology
  - Innovation
  - Ongoing building and site management
9. Before the development commences, a MUSIC report (or similar) to demonstrate that the development meets Victoria's best practice stormwater targets pursuant to Clause 19.03-2 must be submitted to and approved by the Responsible Authority. Achieving compliance with this condition must not conflict with other conditions contained within the permit.

**Construction Management**

10. 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



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- 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 experience;
  - 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.
11. 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.
12. 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).

**Parks Department**

13. Prior to the removal of the (*Eucalyptus leucoxylon*) street tree(s) from the (35 Tennyson St) 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.

**Waste Management Plan**

14. 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

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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.

**Road and Drains Engineering**

- 15. Vehicle crossings and other reinstatements must be constructed to Council's industrial strength specifications where more than 4 units are access by the vehicle crossing.
- 16. Property boundary and footpath levels must not be altered without the prior written consent from the Responsible Authority.
- 17. The replacement of all footpaths, including offsets, must be constructed the satisfaction of the Responsible Authority.
- 18. All reinstatements and vehicle crossings must be constructed to the satisfaction of the Responsible Authority.
- 19. Any redundant vehicle crossings must be removed (including redundant portions of vehicle crossings) to the satisfaction of the Responsible Authority.
- 20. All front and side fences must be contained wholly within the title property boundaries of the subject land.

**Lighting**

- 21. Exterior lighting must be installed in such positions as to effectively illuminate all communal areas and laneway areas adjacent to the basement ramp. 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**

- 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 level storey of the development (other than rainwater guttering and downpipes) must be concealed to the satisfaction of the Responsible Authority.
- 24. All externally-located heating and cooling units, exhaust fans and the like must not be located adjacent to bedroom windows on adjoining properties and must be concealed from the street, unless with the further written consent of the

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Responsible Authority.

Completion of Works

25. Prior to the occupation of the dwellings hereby permitted, all buildings and works and the conditions of this permit must be complied with to the satisfaction of the Responsible Authority, unless with the further prior written consent of the Responsible Authority.
26. Prior to the occupation of the dwellings hereby permitted, the landscaping works as shown on the endorsed plans must be completed to the satisfaction of the Responsible Authority. Thereafter, the landscaping shall be maintained to the satisfaction of the Responsible Authority.
27. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.

Time Limits

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

In accordance with section 69 of The 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.

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

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

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

**Note:** The fee for removal of the street tree(s) from the nature strip is **(\$1517.00** 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:** Council does not accept sub-surface water (groundwater) into the stormwater system. Sub-surface water (groundwater) is the responsibility of the property owner to dispose of on site or reach an agreement with the local sewer authority.

**Note:** It is noted the development includes fence to be built over the easement.

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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 occupation of any building approved under this permit, written confirmation from the author of the endorsed SMP is to be submitted to the Responsible Authority that all of the required measures specified in the SMP have been implemented.

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

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

**CARRIED**

**8.4 KP97/645 - Henry Street Landfill - No.101-157 Old Dandenong Road  
Heatherton - Extension of Time**

It is recorded that Wendy Theis spoke on behalf of the applicant in relation to this item.

**Moved: Cr Staikos**

**Seconded: Cr Barth**

That Council determine to support an Extension of Time to Planning Permit No. KP645/1997 at Henry Street Landfill - No.101-157 Old Dandenong Road, Heatherton, to replicate expiry timescales for the existing Planning Permit on this land (Planning Permit No. KP287/2002) and to complete the final shaping and rehabilitation of the land.

**CARRIED**

**8.5 Planning Consultation Meeting Policy Review**

**Moved: Cr Gledhill**

**Seconded: Cr Bearsley**

That Council formally adopt the Planning Consultation Meeting Policy at Appendix 1, subject to the Policy having no reference to the recommendation in Section 3.1.2 of the report, that if less than three objectors want to attend that the Planning Committee meeting that the meeting be cancelled.

**CARRIED**

**8.6 Notice of Application (Advertising) Policy Review**

**Moved: Cr Bearsley**

**Seconded: Cr Gledhill**

That Council formally adopt the Notice of Application (Advertising) Policy at Appendix 1, with effect from 30 July 2014.

**CARRIED**

**8.7 Deciding Planning Applications**

**Moved: Cr Gledhill**

**Seconded: Cr Bearsley**

That Council:

1. Resolve for officers to prepare a Policy that:
  - a. Increases the level of delegated authority to allow officers to decide planning applications that propose residential developments comprising 2, 3, or 4 dwellings which incorporate one, or more, double storey dwellings to the rear of the site where it is demonstrated that such applications satisfy, or can be made to satisfy, the provisions the Kingston Planning Scheme.
  - b. Identifies which planning applications must be brought to Council for a decision and those that are able to be decided under officer delegation, noting that:-
    - (i) any application proposed to be refused does not need to go to Council; and
    - (ii) Planning applications that must be decided at a Planning Committee Meeting / Council Meeting are:
      - Planning applications of major significance
      - Planning applications that a Councillor has identified, in writing to the City Development Department, as being particularly controversial in nature (i.e. a "call in")
      - Planning applications located in the Green Wedge where the cost of development is more than \$20,000
2. To delegate to the Chief Executive Officer the authority to approve the Policy in line with the points above.

**Amendment**

**Moved: Cr West**

**Seconded: Cr Eden**

That Council:

1. Resolve for officers to prepare a Policy that:

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- a. Increases the level of delegated authority to allow officers to decide planning applications that propose residential developments comprising 2, 3, or 4 dwellings which incorporate one, or more, double storey dwellings to the rear of the site where it is demonstrated that such applications satisfy, or can be made to satisfy, the provisions the Kingston Planning Scheme and where there are less than three objections and where the impact of the development is mitigated either by its location on a corner, overlooking a park, or with an attic-style second storey.
- b. Identifies which planning applications must be brought to Council for a decision and those that are able to be decided under officer delegation, noting that:-
  - (i) any application proposed to be refused does not need to go to Council; and
  - (ii) Planning applications that must be decided at a Planning Committee Meeting / Council Meeting are:
    - Planning applications of major significance
    - Planning applications that a Councillor has identified, in writing to the City Development Department, as being particularly controversial in nature (i.e. a “call in”)
    - Planning applications located in the Green Wedge where the cost of development is more than \$20,000

2. To delegate to the Chief Executive Officer the authority to approve the Policy in line with the points above.

Cr Ronke left the meeting, the time being 8:05 PM  
Cr Ronke returned to the meeting, the time being 8:07 PM  
Cr Barth left the meeting, the time being 8:07 PM

**The Amendment was put and LOST**

**A Division was Called:**

**DIVISION:**

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

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

**LOST**

**The Substantive Motion was put and CARRIED**

**8.8 Green Wedge Planning Controls - Application of Green Wedge A Zone**

**Moved: Cr Staikos**

**Seconded: Cr Eden**

That Council:

1. Resolve to request the Minister for Planning to authorise the preparation and exhibition of a Planning Scheme Amendment to the Kingston Planning Scheme to:-

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- 1.1. Introduce the Green Wedge A Zone with a minimum subdivision of 40 hectares in the schedule to the zone over the land presently located in the area covered by the Special Use Zone Schedule 2 north of Kingston and Heatherthorn Roads; and
- 1.2. Make changes to the Local Planning Policy in accordance with those shown in Attachment 1 to this report.
2. That subject to authorisation being granted the Amendment be exhibited in accordance with the requirements of the Planning and Environment Act 1987.

Cr Barth returned to the meeting, the time being 8:10 PM

**CARRIED (Unanimously)**

**Question Time**

**Question 1 – Ian Baldock asked,**

*“There is an excellent cycling and walking path along Centre Dandenong Road to the north of Moorabbin Airport. However, it is not signed as a formal cycle path, with the result that riders older than 12 years are not legally permitted to ride their bikes along it.*

*The same situation exists nearby on other paths where currently riders depend on these paths to safely avoid high density traffic.*

*Could Council ensure that the footpaths to the north and south of Moorabbin Airport (along Lower Dandenong Road and Centre Dandenong Road) as well as along Centre Dandenong Road from Boundary Road to the Dingley roundabout be formally declared and signed as shared cycling paths, in order to allow Kingston residents to ride along them, being safely separated from existing higher speed traffic?”*

**The CEO provided the following response,**

Thanks Mr Baldock for your question. We will need to take your question on notice and get some advice from our traffic engineers and Vic Roads who may be in part the relevant road manager.

We may also need to liaise with Moorabbin Airport Corporation as the managers of the airport land.

**8.9 Green Wedge Planning Controls: Actioning Recent Council Resolutions**

**Moved: Cr Gledhill**

**Seconded: Cr Bearsley**

That Council:

1. Resolve to request Officers to seek and appoint appropriate consultants to assist in developing the strategic basis for a future Planning Scheme Amendment to give effect to resolutions of the Council on 28<sup>th</sup> October 2013, 16 December 2013 and 3 March 2014 as they relate to land located generally south of Kingston and Heatherthorn Roads outside the Urban Growth Boundary.
2. Allocate the required funding from the Green Wedge Reserve for the work

required to Action Item 1. on the basis that it cannot be accommodated within the existing operational budget allocation.

3. Upon completion of the required work a report be brought back to the Council for a decision on seeking authorisation from the Minister to exhibit the amendment.

**CARRIED on the casting vote of the Chairperson**

**A Division was Called:**

**DIVISION:**

**FOR:** Crs Ronke, Peulich, Bearsley and Gledhill (4)

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

**CARRIED on the casting vote of the Chairperson**

### **8.10 Chelsea Trader Carparking Permits**

Cr Peulich declared an indirect conflict of interest in this item by close association due to his mother's electoral office being located in the Chelsea Shopping Centre and left the meeting at 8.40pm prior to any discussion and voting on the matter.

**Moved: Cr Bearsley**

**Seconded: Cr Eden**

That Council:

1. Note the findings of the Chelsea Parking Study and the results of a survey of Chelsea traders.
2. Resolve to introduce a Chelsea Trader Parking Permit Scheme for a trial period of 12 months. The Scheme would involve the following:
  - 2.1. Convert all unrestricted car parking spaces in Council's off-street car parks in the Chelsea shopping precinct to a four hour limit between 9AM and 5PM.
  - 2.2. Offer all business operators in the Chelsea Shopping Centre the opportunity to purchase up to four permits which would exempt them from the time restrictions in designated areas. This offer would be via an "Expression of Interest" process. Should there be excess demand, the number of permits available to each business may need to be reduced.
  - 2.3. Set the price for each permit at \$268 per annum (adjusted for CPI) which is consistent with the price for permits under the Cheltenham and Mordialloc Trader Parking Permit Schemes. As with the other schemes, permits would be transferable within a business.
  - 2.4. Carefully monitor the Scheme to ascertain the impact on both business operators and shoppers and report to Council 12 months after the Scheme's introduction.
3. That the CEO be able to consider the waiver of permit fees (for up to two permits) for use by volunteers working in charitable enterprises operating within the Chelsea Shopping Centre.
4. That any funds raised through the permit scheme be reinvested in the Chelsea



Shopping Centre.

**CARRIED**

Cr Peulich returned to the meeting at 8:46 PM

**8.11 Sport and Recreation Victoria Community Facility Funding Program  
2015/16.**

**Moved: Cr Staikos**

**Seconded: Cr West**

That Council endorse the submission of two projects to the final application stage of the 2015/16 Community Facility Funding Program, with the two projects being:

1. Installation of Sportsfield lighting at Highett Reserve Oval 2
2. Parkdale Tennis Club Court resurfacing project

**CARRIED**

**9. Community Sustainability Reports**

**9.1 Community Grants Program 2014-2015 - Funding Recommendations for  
Triennial, Village Committee and Citywide Grants' Allocations**

Cr Bearsley declared an indirect conflict of interest in this item by close association due to her husband being Vice President of the Aspendale Gardens Residents Association and left the meeting at 8.47pm prior to any discussion and voting on the matter.

**Moved: Cr Gledhill**

**Seconded: Cr Ronke**

1. That Council approve the Triennial, Village Committee and Citywide funding allocations as recommended by the Grants Assessment Panel and the Village Committees in accordance with appendices 1, 2, 3, and 4.

**CARRIED**

2. That Council approve the following grants:
  - Aspendale Gardens Community Services \$1000
  - Edithvale Aspendale Sports Club \$2000
  - Australian Red Cross Chelsea Branch \$221.25
  - Sweet Sheppard Rescue Australia \$500
  - Sundowner Kindergarten \$464
  - Friends of Braeside Park Inc. \$500
  - Carrum Indigenous Nursery \$500
  - Defenders of the South East Green Wedge Inc. \$500
  - Chelsea Baseball Club \$500
  - Chelsea Heights Sporting Club \$3000
  - Aspendale Gardens Residents Association \$1000

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- Mentone St Bede's Football Club \$500
- Mentone Cheltenham Parkland Group \$500

**CARRIED**

Note: The Mayor requested that each part of the motion to be put to the vote separately.

**A Division was Called:**

**DIVISION:**

**FOR:** Crs Ronke, Staikos, West, Gledhill and Barth (5)

**AGAINST:** Cr Eden (1)

**ABSTAINED:** Cr Mayor Peulich (1)

**CARRIED**

Cr Bearsley returned to the meeting at 8:58 PM

**9.2 Irregular Community Funding Grant Requests 2014 - 2015**

**Moved: Cr Staikos**

**Seconded: Cr Gledhill**

That Council:

1. Approve funding of \$10,000 to Chelsea Lawn Tennis Club for the rebuild of a rebound wall as per Appendix 1; and
2. Contribute a one-off allocation of \$15,000 to support service development and delivery by the Cheltenham Community Centre thereby enabling internal funds to be directed towards facility maintenance.

**CARRIED**

**9.3 Aspendale Gardens Community Centre Youth Initiative - 12 Month Trial Proposal**

**Moved: Cr Bearsley**

**Seconded: Cr Ronke**

That Council:

1. Approve a 12 month trial program to be undertaken at Aspendale Gardens Community Centre to establish a youth space, and to deliver youth programs from their Centre; and
2. Fund the Youth Initiative from the global operating budget and be considered and reported through the mid-year budget review process.

**CARRIED**

**9.4 Contract 14/5 Bonbeach Recreation Reserve Pavilion Redevelopment**

**Moved: Cr Ronke**

**Seconded: Cr Bearsley**

That Council:

1. Approve the award of Contract 14/5, Bonbeach Recreation Reserve Pavilion Redevelopment, to Dura Construction Pty Ltd for \$3,011,804 (excl. gst) with the project to be funded from the approved 2014/15 Capital Budget; and
2. Approve the use of a separate contingency sum which is set out along with other ancillary costs in the confidential attachment.

**CARRIED**

**10. Organisational Development & Governance Reports**

**10.1 Chief Executive Officer Performance Criteria**

The Chief Executive Officer John Nevins declared a direct interest in this item by virtue of being the subject of the Item and left the meeting at 9.02pm prior to any discussion and voting on the matter.

**Moved: Cr Gledhill**

**Seconded: Cr Staikos**

That Council:

1. Receive the information.
2. Authorise officers to seek interest from appropriately qualified and experienced consultants to:
  - a) facilitate, in conjunction with Councillors, the development of performance criteria for the position of the Chief Executive Officer and assist Councillors with the reappointment process; and
  - b) facilitate, in conjunction with Councillors, assessment of the performance of the Chief Executive Officer against the agreed performance criteria at the end of the performance period, at Councils option.
3. Receive a short list of consultants for consideration during the August meeting cycle.

**CARRIED**

The Chief Executive Officer John Nevins returned to the meeting at 9.04pm

**10.2 Recording and Live Streaming Of Council Meetings**

**Moved: Cr Staikos**

**Seconded: Cr Ronke**

That Council receive the information and note the actions taken.

Cr Bearsley left the meeting, the time being 9:05 PM

**CARRIED**

**10.3 Council Ward Grants**

This Item was not considered

**10.4 Assembly of Councillors Record Report**

**Moved: Cr Staikos**

**Seconded: Cr Gledhill**

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

**CARRIED**

Cr Bearsley returned to the meeting, the time being 9:06 PM

**11. Corporate Services Reports**

**11.1 Adoption of the 2014/15 Annual Budget**

**Moved: Cr Gledhill**

**Seconded: Cr Bearsley**

That Council:

1. Council adopt the 2014/15 Budget and Statutory Information (including fees and charges) as presented subject to increasing the Capital funding for the Warm Season Grass Conversion Project to \$220,000 with the additional \$100,000 to be funded from Council's Open Space Reserve.
2. In respect of Rates and Charges:-
  - a) Declare a differential rate for rateable land having the characteristics specified in the Schedules to Appendix B of the Budget document, which characteristics will form the criteria for each differential rate so declared:
    - 8.1 General Land (refer to Schedule A)
    - 8.2 Agricultural Land (refer to Schedule B)
    - 8.3 Extractive and Landfill Land (refer to Schedule C);
    - 8.4 Retirement Village Land (refer to Schedule D); andthat the rate of (based on the cents in the dollar of Capital Improved Value set out below) be;

<b>Category</b>	<b>cents in the \$</b>
General Land Rate	0.23546
Agricultural Land	0.18837
Extractive and Landfill Land Rate	0.70638
Retirement Village Land	0.21191

- b) A Municipal Charge of \$100 per rateable property; and
- c) Waste Service Charges as follows:-

Service Choice A - 120 litre garbage, 240 litre recycling and 240 litre green waste bins including recovery of costs attributable to the	\$220
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State Government Landfill Levy	
Service Choice B – 80 litre garbage, 240 litre recycling and 240 litre green waste bins including recovery of costs attributable to the State Government Landfill Levy	\$182
Service Choice C – 120 litre garbage, 240 litre recycling and 120 litre green waste bins including recovery of costs attributable to the State Government Landfill Levy	\$202
Service Choice D – 80 litre garbage, 240 litre recycling and 120 litre green waste bins including recovery of costs attributable to the State Government Landfill Levy	\$170
Service Choice E – 120 litre garbage and 240 litre recycling bins including recovery of costs attributable to the State Government Landfill Levy	\$159
Service Choice F – 80 litre garbage and 240 litre recycling bins including recovery of costs attributable to the State Government Landfill Levy	\$131
Service Choice G – 240 x 2 Share Garbage, 240 Recycle including recovery of costs attributable to the State Government Landfill Levy	\$130
Service Choice H – 240 x 3 Share Garbage, 240 Recycle including recovery of costs attributable to the State Government Landfill Levy	\$101
Service Choice I – 240 x 4 Share Garbage, 240 Recycle including recovery of costs attributable to the State Government Landfill Levy	\$90
Service Choice P – 120 x 2 Share Garbage, 240 Recycle including recovery of costs attributable to the State Government Landfill Levy	\$90
Service Choice W – Additional 120 Green Waste Bin	\$42
Service Choice X – Additional 240 Green Waste Bin	\$54
Service Choice Y – Additional 240 Garbage Bin including recovery of costs attributable to the State Government Landfill Levy	\$137
Service Choice Z – Additional 120 Garbage Bin including recovery of costs attributable to the State Government Landfill Levy	\$129

Note the Waste Service charge for garbage is inclusive of the State Government Landfill Levy applicable to Landfill sites.

3. It be recorded that Council will grant a waiver of \$80.00 of general rates for the property subject to the State Government Municipal Rates Concession pursuant to Section 171 of the Local Government Act 1989.
4. In addition to payment annually or four (4) times yearly on the dates specified in the Local Government Act 1989, namely:-
  - a. in a lump sum on or, before 15 February 2015; or
  - b. by four approximately equal instalments paid on or before 30 September 2014; 30 November 2014, 28 February 2015 and 31 May 2015; or
  - c. by ten approximately equal direct debit payments from 1 September 2014 until 1 June 2015.
5. No incentive be declared for early payment of general rates, municipal charge and waste service charge.
6. The Chief Executive Officer of Council be authorised to give public notice of the adoption of the Budget and Statutory Information in accordance with Sections 130(2) of the Local Government Act 1989.
7. It be recorded that Council requires any person to pay interest on any amounts of rates and charges which:-
  - a. that person is liable to pay; and

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- b. have not been paid by the dates specified for their payment.
8. The interest for the 2014/15 rating year is to be calculated at the rate fixed under Section 2 of the Penalty Rate Act 1983 that is applicable at 1 July 2014 pursuant to Section 172(2) of the Local Government Act 1989 as amended by the Local Government (Further Amendment) Act 1997.
9. The Manager, Finance be authorised to levy and recover the general rates, municipal charge and annual waste service charges in accordance with the Local Government Act 1989

Cr Eden left the meeting, the time being 9:08 PM

**CARRIED**

**11.2 Investment Policy Report - June 2014 Quarter**

**Moved: Cr Staikos**

**Seconded: Cr Ronke**

That Council note that its funds as at 30 June 2014 are invested in line with the risk management profile prescribed in Council's Investment policy.

**CARRIED**

**11.3 Annual Report of the Chairman of the Audit Committee**

**Moved: Cr Gledhill**

**Seconded: Cr Staikos**

That Council notes the 2013/14 Annual Report of the Chairman of the Audit Committee.

Cr West left the meeting, the time being 9:14 PM

Cr Eden returned to the meeting, the time being 9:14 PM

Cr West returned to the meeting, the time being 9:15 PM

**CARRIED**

**11.4 Re-appointment of External Member to the Audit Committee - Bruce Potgieter**

**Moved: Cr Staikos**

**Seconded: Cr Gledhill**

That Council re-appoint Mr Bruce Potgieter as an external member of the Audit Committee for a term to expire on 30 June 2017.

**CARRIED**

**12. Notices of Motion**

**12.1 Notice of Motion No. 19/2014 - Cr Barth - Racial Discrimination Act**

The Notice of Motion was withdrawn by Cr Barth.

Cr Ronke left the meeting, the time being 9:17 PM

Cr Ronke returned to the meeting, the time being 9:18 PM

**12.2 Notice of Motion No. 27/2014 - Cr Gledhill - Conflict of Interest Provisions**

**Moved: Cr Gledhill**

**Seconded: Cr Bearsley**

That Officers provide Councillors with a report that outlines the requirements of the Conflict of Interest provisions contained within the Local Government Act for Councillors in the performance of their duties and that the report address best practice principles in the disclosure of conflicts of interest by Councillors. In preparing the report officers should consider the duties of Councillors in the broadest sense. Further that the report be presented to Councillors at a briefing session during August 2014.

**Amendment**

**Moved: Cr West**

**Seconded: Cr Staikos**

1. That Officers provide Councillors with a report that outlines the requirements of the Conflict of Interest provisions contained within the Local Government Act for Councillors in the performance of their duties and that the report address best practice principles in the disclosure of conflicts of interest by Councillors. In preparing the report officers should consider the duties of Councillors in the broadest sense. Further that the report be presented to Councillors at a briefing session during August 2014.
2. That Council officers develop a new protocol for dealing with potential and perceived conflict issues with regard to development applications involving Kingston Councillors or staff in order to provide more transparency for Councillors and the community.

**CARRIED**

**A Division was Called:**

**DIVISION:**

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

**AGAINST:** Nil (0)

**CARRIED**

3. That include requirements for Councillors or officers with development plans underway or on the drawing board to disclose such plans to Councillors and as soon as conveniently possible to the community via:
  - a public notice in the local papers,
  - mention in the application documents that go out for public exhibition and in any officer reports,
  - notification to a preliminary conference if/when it is held

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4. That Councillors with upcoming development applications refrain from voting or taking part in Councillor assembly discussions or Ordinary Meeting proceedings on similar applications to avoid giving a perception of conflict of interest and/or perceived bias.

**LOST**

Note: The Mayor requested that Parts 1 and 2 of the Amendment be put to the vote separately to Parts 3 and 4.

The amendment (Parts 1 and 2) became the Motion. The Motion was put and carried.

The resolution now reads as follows:

1. That Officers provide Councillors with a report that outlines the requirements of the Conflict of Interest provisions contained within the Local Government Act for Councillors in the performance of their duties and that the report address best practice principles in the disclosure of conflicts of interest by Councillors. In preparing the report officers should consider the duties of Councillors in the broadest sense. Further that the report be presented to Councillors at a briefing session during August 2014.
2. That Council officers develop a new protocol for dealing with potential and perceived conflict issues with regard to development applications involving Kingston Councillors or staff in order to provide more transparency for Councillors and the community.

**12.3 Notice of Motion No. 28/2014 - Cr West - Conflict of Interest**

The Notice of Motion lapsed for the want of a Mover and Seconder.

**13. Urgent Business**

**13.1 Aged Care**

**Moved: Cr Bearsley**

**Seconded: Cr Gledhill**

That an item of urgent business be considered regarding aged care as a confidential item.

**CARRIED**

**13.2 Dingley Bypass**

**Moved: Cr West**

**Seconded: Cr Staikos**



That an item of urgent business be considered regarding Dingley Bypass.

**CARRIED**

**Moved: Cr West**

**Seconded: Cr Staikos**

That Council seek a meeting with Minister Mulder with a view to explaining to him and to State Government the need for a crossing of the Dingley Bypass to be provided to accommodate the southward leg of the Chain of Parks trail.

**CARRIED**

## **9. Confidential Items**

**Moved: Cr Staikos**

**Seconded: Cr Gledhill**

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:

### **13.1 Urgent Business – Aged Care**

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)

### **14.1 Legal Advice to Urgent Business Motion of 26 May 2014**

*This agenda item is confidential in accordance with the Local Government Act s89(2) as it relates to legal advice (s89 2f)*

### **14.2 Proposed Land Transfer to State Government**

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

## **Confidential Appendices**

### **8.9 Green Wedge Planning Controls: Actioning Recent Council Resolutions Appendix 2, Legal Advice - Special Use Zone and Green Wedge Zone**

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

### **9.4 Contract 14/5 Bonbeach Recreation Reserve Pavilion Redevelopment Appendix 1, Attachment for Contract 14/5 Bonbeach Recreation Reserve Redevelopment**

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

### **11.4 Re-appointment of External Member to the Audit Committee - Bruce Potgieter Appendix 1, Bruce Potgieter CV**

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

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**CARRIED**

**Procedural Motion**

**Moved: Cr West**

**Seconded: Cr Staikos**

That the meeting be adjourned for five minutes

**CARRIED**

The meeting was closed to members of the public at 9.37pm

**Moved: Cr Ronke**

**Seconded: Cr Bearsley**

That the meeting be opened to members of the public.

**CARRIED**

The meeting was opened to members of the public at 9.56PM

The meeting closed at 9.56PM

**Confirmed.....**

**The Mayor 25 August 2014**