



City of
KINGSTON

Ordinary Meeting of Council Minutes

Monday, 22nd September 2014

**City of Kingston
Ordinary Meeting of Council**

Minutes

22 September 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 Ron Brownlees OAM
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 – Acting General Manager City Assets and Environment
Mauro Bolin – General Manager Community Sustainability
Rachael Hornsby – General Manager Sustainable Planning and Development
Belinda Ayres – Acting General Manager Corporate Services
Megan O’Halloran – Manager Communications & Community Relations
Phil DeLosa – Program Leader Governance
Joanne Cronin – Governance Officer
Gabby Pattenden – Administration Officer Governance
Jonathan Guttman – Manager City Strategy
Jeremy Hopkins – Principal Planner

1. Apologies

An apology from Cr Ronke was submitted to the meeting.

Moved: Cr Bearsley

Seconded: Cr West

That an apology from Cr Ronke be received and leave of absence be granted.

CARRIED

It is noted that Cr. Ronke attended the meeting at 7.12pm.

2. Confirmation of Minutes of Previous Meetings

Moved: Cr Staikos

Seconded: Cr Brownlees

That the Minutes of the Ordinary Meeting of Council held on 25 August 2014, the Special Meeting of Council held on 1 September 2014, the second Special Meeting of Council on 1 September and the Special Meeting of Council held on 15 September 2014 be confirmed.

CARRIED

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

Cr Gledhill disclosed a conflict of interest in Item 8.2
Cr Peulich disclosed a conflict of interest in Item 12.2

4. Petitions

4.1 Mentone Primary School '5 Minute Parking / Drop Off Zone'

Moved: Cr Brownlees

Seconded: Cr Gledhill

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

CARRIED

4.2 Keys Road Cheltenham - Proposed Pedestrian Crossing

Moved: Cr Barth

Seconded: Cr Gledhill

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

CARRIED

4.3 Mordialloc Community Nursing Home

Moved: Cr Gledhill

Seconded: Cr Brownlees

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

CARRIED

5. Presentation of Awards

Australian Property Institute - Excellence Award for Local Government Buildings.

The Mayor advised the meeting that Council had recently been awarded the Local Government Property Award is sponsored by the Department of Transport, Planning & Local Infrastructure to acknowledge a local government organisation that has delivered a project that brings long term social benefits local community.

The award was presented to Council for their development of the Carrum Surf Lifesaving Club building.

The building is the first new municipal building on Kingston's Foreshore in 50 years, the Carrum Surf Life Saving Club is now known as a landmark building that has been a catalyst for the regeneration of the foreshore precinct.

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6. Reports from Delegates Appointed by Council to Various Organisations

Cr Brownlees presented a report from the Moorabbin Airport Community Consultative Committee.

Moved: Cr Gledhill

Seconded: Cr West

That the delegate report be received and Cr Brownlees thanked for his report.

CARRIED

Block Resolution

Moved: Cr Gledhill

Seconded: Cr Barth

That the recommendations for Items 8.9, 9.1, 9.2, 10.1, 10.2, 10.4, 10.5, 10.6, 11.3 and 11.4 be adopted.

CARRIED

7. Question Time

Question time took place at 8.27pm. Refer to page 31 of the minutes.

8. Sustainable Planning and Development Reports

8.1 Town Planning Application Decisions - August 2014

Moved: Cr Staikos

Seconded: Cr Brownlees

That the contents of the report be noted.

CARRIED

8.2 KP13/792 - 1 & 2 / 9 Woods Avenue Mordialloc

Cr Gledhill disclosed a direct conflict of interest in Item 8.2 by virtue of being a director of the company that owns the property and left the meeting at 7:09pm prior to any discussion on the matter.

It is recorded that Rod Clancy spoke on behalf of the objectors in relation to this item.

Cr Ronke arrived at the meeting at 7.12pm

Procedural Motion

Moved: Cr West

Seconded: Cr Eden

That consideration of the item be deferred to the next Ordinary Meeting of Council on 27 October 2014.

LOST

Moved: Cr Brownlees

Seconded: Cr Bearsley

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 four (4) dwellings at 1 & 2 / 9 Woods Avenue Mordialloc, 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 14 May 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:
 - 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 walls, fences and other landscape works including areas of cut and fill throughout the development;
 - iii. 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;
 - 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

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- metre, planted at 1 metre intervals);
- vi. the provision of two (2) suitable medium sized (at maturity) spreading canopy trees within the front setback of the property and one (1) small (at maturity) tree within the private open space area of each dwelling, with species chosen to be approved by the Responsible Authority;
 - vii. the provision of two (2) suitable canopy trees along the western landscape buffer of the proposed driveway (not first 10 metres), 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 2 metres in height at time of planting;
 - x. medium to large shrubs to be provided at a minimum pot size of 200mm;
 - xi. 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;
 - xii. the provision of permeable surfacing for the first 10 metres of the proposed driveway with material chosen to be approved by the Responsible Authority;
 - xiii. all works within the tree protection zone of the neighbouring Oak Tree at 7 Woods Avenue must be in accordance with the Australian Standard AS4970-2009 Protection of Trees on Development Sites
- b. The dimensions of the secluded open space of Dwellings 2 and 3 to demonstrate the 60m² area nominated on the plan
 - c. all boundary fences provided to a height of at least 1.8m (using trellis extension or new fencing) to comply with overlooking provisions;
 - d. the maximum wall heights on the east and west boundary nominated to demonstrate how an average height of 3.2m is achieved;
 - e. the north facing window of Dwelling 4 provided with 1m clear to the sky;
 - f. adequate lighting provided along the common accessway;
 - g. the provision of minimum 2000 litre rainwater tank clearly nominated for each dwelling with water re-used for toilet flushing;
 - h. the existing vehicle crossing nominated to be reconstructed as a 3 metre wide vehicle crossing;
 - i. vehicle crossings nominated to be constructed at a 90 degree alignment with the kerb on Woods Avenue and all internal driveways to align with the vehicle crossings;
 - j. visibility splays to be provided for both dwellings in accordance with design standard 1 of Clause 52.06;
 - k. the internal width of the garages nominated to comply with Clause 52.06;
 - l. the internal doors of the garages nominated to swing into the dwelling;

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- m. ramp gradients / slopes within the accessway shown;
- n. all externally accessible storage areas nominate with a capacity of 6m³;
- o. the surface material of all driveways / accessways and car parking spaces nominated in all-weather coloured concrete sealcoat, or similar;
- p. samples (illustrated on an A4 or A3 sheet), for all external elevations and driveways of the development; and
- q. the guttering pertaining to the garages / walls on boundary on the site's property boundaries nominated as being contained wholly within the title property boundaries of the subject land.

Endorsed Plans

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

Stormwater Management

- 3. 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 l/s.
- 4. 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.).
- 5. Stormwater works must be provided on the site so as to prevent overflows onto adjacent properties.

Roads and Drains Engineering

- 6. Property boundary and footpath levels must not be altered without the prior written consent form the Council's Roads and Drains Department.
- 7. The replacement of all footpaths, including offsets, must be constructed the satisfaction of Council's Roads and Drains Department.
- 8. Prior to the occupation of the dwelling 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 reinstated to the satisfaction of the Responsible Authority.
- 9. All redundant vehicle crossings must be removed (including redundant portions of vehicle crossings) to the satisfaction of Council's Roads and Drains Department.
- 10. All front and side fences must be contained wholly within the title property boundaries of the subject land.
- 11. The storm water junction pit within the vehicle crossing must be modified to a

Terra Firma Pit Lid.

Completion of Works

12. Prior to the occupation of the dwellings hereby permitted, the fences / fence treatments required under Condition 1e) of this permit must be erected to Council's satisfaction, at the full cost of the applicant/owner(s).
13. 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.
14. 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.
15. Prior to the occupation of the dwellings hereby permitted, all boundary fences must be repaired and/or replaced as necessary to the satisfaction of the Responsible Authority, at the cost of the applicant/owner.
16. Prior to the occupation of the dwellings hereby permitted, areas set aside for parking vehicles, access lanes and paths as shown on the endorsed plans must be:
 - a. Constructed to the satisfaction of the Responsible Authority.
 - b. Properly formed to such levels that they can be used in accordance with the plans.
 - c. Surfaced in accordance with the endorsed plans under this permit or in an all weather coloured concrete seal-coat, to the satisfaction of the Responsible Authority.
 - d. Drained and maintained to the satisfaction of the Responsible Authority.

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

Ongoing Conditions

17. 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.
18. 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.
19. 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 Responsible Authority.
20. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.
21. 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

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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: 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: 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 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*).

Further that the statement made by the CEO in relation to a complaint received from Cr West regarding the process and assessment of the application be included in the minutes.

CARRIED on the casting vote of the Chairperson

A Division was Called:

DIVISION:

FOR: Crs Ronke, Brownlees, Bearsley and Peulich(4)

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

CARRIED on the casting vote of the Chairperson

CEO Comments:

Following a question from Councillor West the following comments were read out by the CEO from a statement provided by the General Manager of Sustainable Planning and Development in relation to a complaint received from Cr West regarding the process and assessment of the application:

"I have also reviewed the file including looking at the plans, objections, correspondence, and officer report. My review, along with Ian's (Manager City Development) review and advice below, gives me the confidence to say that, as far as I can ascertain, there is nothing out of the ordinary about the application, the process that was followed, or the assessment and recommendations by the officer. The application is not dissimilar to other applications we receive and the report has thoroughly set out assessment against the relevant provision of the Kingston Planning Scheme."

Further, the following comments provided by the Manager City Development were also read out by the CEO:

"I have reviewed the planning file (KP13/792) for the development of the site at 1&2/9 Woods Avenue, Mordialloc and conclude as follows:

- *the application was submitted to Council on 17 December 2013*
- *all correspondents contained in the files (2 parts) is in order*
- *the Council report for the application is thorough, justifies and substantiates the reasons for Planning Officers recommending approval, is consistent with the provisions of the Kingston Planning Scheme, covers all relevant issues and concludes with a recommendation to support the application based on an assessment against the provisions of ResCode) Clause 55 of Kingston planning Scheme)*
- *the officer report would stand up to any external review and/or audit as it is a professional report covering all relevant issues pertaining to the planning application."*

Cr Gledhill returned to the meeting at 7:34pm

8.3 KP13/748 - 53 Tootal Road Dingley Village (Cr Barth?)

It is recorded that Michael Myer spoke on behalf of the applicant in relation to this Item.

Moved: Cr Barth

Seconded: Cr Staikos

That Council determines to refuse the application, it could do so on the following grounds:

1. The proposal would detract from the visual amenity of the locality and the streetscape.
2. The proposal is contrary to Clause 22.11-3 in that the proposal fails to concentrate two storey developments towards the front of the site. The

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proposal results in excessive visual bulk and massing to the detriment of the local neighbourhood character.

3. 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 55.06-1 – Design Detail
 - Clause 55.06-1 – Front Fence

LOST

A Division was Called:

DIVISION:

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

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

LOST

Moved: Cr Brownlees

Seconded: Cr Gledhill

That Council determine to support the proposal and issue a Notice of Decision to Develop the land for the construction of nine (9) double storey dwellings at 53 Tootal Road, Dingley Village, 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 24 April 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:
 - 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

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- 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 one (1) small (at maturity) tree within the private open space area of units 1, 2, 3, 4, 5 and 9, with species chosen to be approved by the Responsible Authority;
 - vii. the provision of a landscape buffer along the proposed driveway at a minimum width of 1 metre along the southern boundary (other than required for the reversing aisle width under condition 1d), 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;
 - 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; and
 - xii. the provision of a notation of the Tree Protection Details as provided in Conditions 3-13 of this permit. This includes all nominated tree protection zones to be drawn to scale on the plans.
- b. the provision of minimum 2000 litre rainwater tank with water reused for toilet flushing for each dwelling;
 - c. vehicle crossings must be constructed at a 90 degree alignment with the kerb on Tootal Road and all internal driveways must align with the existing / proposed vehicle crossing;
 - d. increase the reversing aisle width opposite garage turning circles to a minimum 6.4m in width so all vehicles may exit in a forward direction;
 - e. Bedroom 2 of the first floor of dwellings 1,2,3,4 and 5 setback a minimum 7.54m from the southern boundary. This change must be absorbed into the approved first floor footprint.
 - f. Bedroom 2 and 3 associated with dwellings 8 and 9 relocated a minimum of 7.54m from the southern boundary. A minimum 3.41m setback must be maintained to the eastern boundary for bedroom 3 of dwelling 9.
 - g. deletion of study notation associated with Dwellings 2, 3, 4 and 5;
 - h. relocation of the proposed site services and front fencing to be outside of the 6.0m setback from the western (front) title boundary unless

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otherwise approved;

- i. deletion or relocation of the western (second) visitor car parking space to be outside of the 6.0m setback from the western (front) title boundary unless otherwise approved;
- j. visitor parking space(s) to be clearly designated and marked;
- k. revised notations and elevation plans to ensure screening devices comply with Clause 55.04-6 (Standard B22) of the Kingston Planning Scheme;
- l. the surface material of all driveways / accessways and car parking spaces nominated in all-weather coloured concrete sealcoat, or similar;
- m. a notation on the ground floor plan stating: "The redundant vehicle crossing must be removed, kerb and channel must be reinstated and the extension to the existing footpath up to the wing of the vehicle crossing must be constructed to the satisfaction of the Responsible Authority";
- n. the provision of a full colour, finishes and building materials schedule, including samples (illustrated on an A4 or A3 sheet), for all external elevations and driveways of the development; and
- o. all relevant environmentally sustainable design measures outlined within the report required under condition 20 of this permit to be shown on the plans.

Ongoing

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

Landscape Conditions

3. A Tree Protection Zone (TPZ) must be installed at a distance of 9.4 metres from the Red Flowering Gum (*Corymbia ficifolia*) numbered 3 in the Tree Management Plan located in the private open space of the proposed unit 6. A qualified arborist is to be employed to oversee any works (excavation and or construction) within of this zone. This includes relocating any tree protection fencing during construction. The following must be observed within 9.4m of the tree:
 - a) the existing soil level must not be altered either by fill excavation;
 - b) the soil must not be compacted or the soil's drainage changed;
 - c) no fuels, oils, chemicals, poisons, rubbish and other materials harmful to trees are to be stored or dispersed;
 - d) no storage of equipment, machinery or material is to occur;
 - e) open trenching to lay underground services e.g.: drainage, water, gas, etc. must not be used;
 - f) tree roots must not be severed or injured;

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- g) machinery must not be used to remove any existing concrete, bricks or other materials;
 - h) the area within the defined tree protection zone must be mulched to an average depth of 100mm; and
 - i) the tree protection signage must be installed on all tree protection fencing
4. Prior to the commencement of the development including demolition hereby permitted a Tree Protection Fence defined by a 1.2 metre high temporary fence constructed using steel or timber posts fixed in the ground or to a concrete pad, with the fence's side panels to be constructed of cyclone mesh wire or similar strong metal mesh or netting, must be erected 9.4m in a radius from the Red Flowering Gum (*Corymbia ficifolia*) numbered 3 in the Tree Management Plan. The above requirements in condition 3 must be observed within this area.
5. The footings for the proposed units 5, 6 and 7 that are within the defined tree protection zone of 9.4 metres of the Red Flowering Gum (*Corymbia ficifolia*) numbered 3 in the Tree Management Plan, must be constructed using pier and beam or screw piers with an edge beam supporting the structure that is above existing grade. The floor must be suspended over the tree protection zone. A structural engineer must be engaged to design the footings in consultation with the project arborist and Council's Vegetation team.
6. No hard surfaces are permitted in the private open space areas of units 6 and 7 within the tree protection zone of 9.4 metres of the Red Flowering Gum (*Corymbia ficifolia*) numbered 3 in the Tree Management Plan.
7. The existing septic tank within the tree protection zone of the Red Flowering Gum (*Corymbia ficifolia*) numbered 3 in the Tree Management Plan, must remain intact and filled under the supervision of the project arborist
8. A Tree Protection Zone (TPZ) must be installed at a distance of 7.5 metres to the east, 8 metres to the south and 7.5 metres to the west of the three (3) English Oaks (*Quercus robur*) numbered 4, 5 and 6 in the Tree Management Plan, located in the private open space of the proposed unit 7. The following must be observed within the tree protection zones of the three (3) English Oak trees:
- a. the existing soil level must not be altered either by fill excavation;
 - b. the soil must not be compacted or the soil's drainage changed;
 - c. no fuels, oils, chemicals, poisons, rubbish and other materials harmful to trees are to be stored or dispersed;
 - d. no storage of equipment, machinery or material is to occur;
 - e. open trenching to lay underground services e.g.: drainage, water, gas, etc. must not be used;
 - f. tree roots must not be severed or injured; and
 - g. machinery must not be used to remove any existing concrete, bricks or other materials.
 - h. the area within the defined tree protection zone must be mulched to an

average depth of 100mm

- i. the tree protection signage must be installed on all tree protection fencing
9. Prior to the commencement of the development in demolition hereby permitted a Tree Protection Fence defined by a 1.2 metre high temporary fence constructed using steel or timber posts fixed in the ground or to a concrete pad, with the fence's side panels to be constructed of cyclone mesh wire or similar strong metal mesh or netting, must be erected 7.5 metres to the east, 8 metres to the south and 7.5 metres to the west in a radius from the three (3) English Oaks (*Quercus robur*) numbered 4, 5 and 6 in the Tree Management Plan. The above requirements in condition 8 must be observed within this area.
 10. No hard surfaces are permitted in the private open space of unit 7 and 8 within the tree protection zone of 7.5 metres to the east, 8 metres to the south and 7.5 metres to the west of the three (3) English Oaks (*Quercus robur*) numbered 4, 5 and 6 in the Tree Management Plan.
 11. The footings for the proposed units 7 and 8 that are within the defined tree protection zone of 7.5 metres to the east, 8 metres to the south and 7.5 metres to the west of the three (3) English Oaks (*Quercus robur*) numbered 4, 5 and 6 in the Tree Management Plan, must be constructed using pier and beam or screw piers with an edge beam supporting the structure that is above existing grade. The floor must be suspended over the tree protection zone. A structural engineer must be engaged to design the footings in consultation with the project arborist and Council's Vegetation team.
 12. All tree pruning work must be in accordance with the Australian Standards AS4373 (2007) "Pruning of Amenity Trees" and be undertaken by a qualified and experienced Arborist.
 13. All building and works including demolition must be carried out in accordance with the approved Tree Management Plan prepared by Arbor Survey – Mark Reynolds, dated 26 July 2014. This includes certifying the specific requirements of the Tree Management Plan including but not limited to pre-demolition, pre-construction, foundation, building completion and landscape construction and final certification.
 14. All fencing proposed (post) within Tree Protection Zone of trees numbered 1, 2, 3, 4, 5 and 6 in the Tree Management Plan must be hand dug under the supervision a by a qualified and experienced Arborist and to the satisfaction the Responsible Authority.

Section 173 Agreement

15. Prior to the commencement of the development hereby permitted, the owner of the land must enter into an executive agreement with the Responsible Authority pursuant to Section 173 of the *Planning and Environment Act 1987* to the satisfaction of the Responsible Authority in which it shall be covenanted as follows:
 - a. the suitable retention and ongoing maintenance of trees associated with Dwellings 5,6,7,8 in accordance with the endorsed plans approved under

KP748/2013 or any subsequent approval to the satisfaction of the Responsible Authority;

- b. all trees delineated on the approved Tree Protection Plan approved under KP748/2013 or any subsequent approval showing the Tree Protection Zone must be protected at all times to the satisfaction of the Responsible Authority; and
- c. no building (including dwellings, garages, carports or any other building) may be constructed within the Tree Protection Zone on each lot in accordance with the endorsed plans approved under KP748/2013 or any subsequent approval.

The owner must pay the reasonable costs of the preparation, execution and registration of the section 173 agreement.

Drainage Conditions

- 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 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 26l/s.
- 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. Water sensitive urban design treatments must be designed to achieve best practice objectives with STORM report as per Council's "*Civil Design Requirements for Developers – Part A: Integrated Stormwater Management*" to Council satisfaction.

Sustainable Development

- 20. The provision of an Sustainable Design Assessment prepared by a suitably qualified professional which incorporates a full STEPS (Sustainable Tools for Environmental Performance Strategy) or similar assessment of the proposed development. The report must be submitted to and approved by the Responsible Authority as part of the endorsement of the plans. When approved, the Report will be endorsed and will then form part of the Permit and shall thereafter be complied with to the satisfaction of the Responsible Authority.

Roads and Drains

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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. Vehicle crossings and other reinstatements must be constructed to council's industrial strength specifications.
25. All redundant vehicle crossings must be removed (including redundant portions of vehicle crossings) to the satisfaction of the Responsible Authority.
26. All front and side fences must be contained wholly within the title property boundaries of the subject land.

Construction

27. 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.
28. 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.
29. 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.
30. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.

Time Limit

31. 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

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permit expires.

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: 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

A Division was Called:

DIVISION:

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

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

CARRIED

8.4 KP14/117 - 2 Leslie Road Clarinda

It is recorded that Diana Donoghue spoke on behalf of the objectors in relation to this Item.

It is recorded that Michael Treadwell spoke on behalf of the applicant in relation to this Item.

Moved: Cr Staikos

Seconded: Cr Barth

That Council determine to refuse the proposal and issue a Refusal to Grant a Planning Permit to subdivide the land into five (5) lots at No. 2 Leslie Road Clarinda, on the following grounds:

1. The subdivision is inconsistent with the purpose of the Schedule 2 of the Special Use Zone.
2. The subdivision is inconsistent with the site's location outside of the Urban Growth Boundary, and State and Local planning policies which discourage inappropriate development in non-urban areas.
3. The application has failed to demonstrate that the land is suitable for subdivision or demonstrated that the subdivision would facilitate appropriate future uses or development within the Special Use Zone.

LOST

A Division was Called:

DIVISION:

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

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

LOST

Moved: Cr Gledhill

Seconded: Cr Brownlees

That Council resolve to issue a Notice of Decision to Grant a Permit to subdivide the site into five (5) lots at No.2 Leslie Road Clarinda, subject to the inclusion of standard subdivision conditions, all conditions required by Internal and External Referral Authorities and a condition requiring a five per cent public open space requirement condition for the land.

CARRIED

A Division was Called:

DIVISION:

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

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

CARRIED

8.5 KP14/418 - 69 Madden Road, Heatherton

Moved: Cr Gledhill

Seconded: Cr Brownlees

That Council determine to support the proposal and issue a Planning Permit to develop the land for the construction of a shed at 69 Madden Road, Heatherton, subject to the conditions:

Endorsed Plans

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

Drainage

2. No polluted waters, including sullage waters arising from further developments on this land, must be discharged into the stormwater drainage system.
3. Stormwater drainage of the site must be provided to prevent any overflows onto adjacent properties.

Vegetation Protection Measures

4. No vegetation is to be removed without the prior written consent of the Responsible Authority.
5. All existing vegetation shown on the endorsed plans for retention must be suitably marked and adequately protected before any development starts on the site and that vegetation must not be removed, destroyed or lopped without the prior written consent of the Responsible Authority.

General amenity conditions

6. The amenity of the area must not be detrimentally affected by the development, through the:
 - i) Transport of materials, goods or commodities to or from the land.
 - ii) Appearance of any building, works or materials.
 - iii) Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil.
 - iv) Presence of vermin.
 - v) Any other way.
7. Any new building must be constructed so as to comply with any noise attenuation measures required by Section 3 of Australian Standard AS 2021-2000, Acoustics - Aircraft Noise Intrusion - Building Siting and Construction, issued by Standards Australia International Ltd.
8. The development of the site shall not cause nuisance or be detrimental to the amenity of the neighbourhood by the emission of noise. In this regard any nuisance shall be assessed in accordance with the Australian Standards AS1055 and AS2107 relating to the measurement of Environmental Noise and

recommended sound levels.

9. All external surfaces of the building elevations must be finished in accordance with the schedule on the endorsed plans, including being natural colours with muted and non-reflective tones, and maintained in good condition to the Responsible Authority's satisfaction.

Completion of Works

10. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.
11. 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: Prior to the commencement of the development or use 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: Environment Protection Authority (EPA) Victoria set out the requirements pertaining to site construction hours and permissible noise levels.

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

CARRIED

8.6 KP14/272 - 151 - 165 Spring Road Dingley Village

Moved: Cr Bearsley

Seconded: Cr Gledhill

That Council determine to support the proposal and issue a Planning Permit to Develop the land for the construction of one (1) dwelling in the Green Wedge Zone at 151-165 Spring Road Dingley Village, 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 6th June 2014, but modified to show:
 - a. the provision of a landscape plan for the area adjacent to the road frontage to a depth of 6 metres, in accordance with the submitted development plan and the City of Kingston Landscape Plan Checklist, with such plans to be prepared by a suitably qualified landscape professional and incorporating:
 - i. an associated planting schedule showing the proposed location, species type, mature height and width, pot sizes and number of species to be planted on the site. The schedule must be shown on the plan;
 - ii. the delineation of all garden beds, paving, grassed areas, retaining walls, fences and other landscape works including areas of cut and fill throughout the nominated area;
 - iii. all existing trees on site, 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, species must comprise a minimum of 80% indigenous species;
 - v. the provision of a natural planting design within the site, including along property boundaries;
 - vi. adequate planting densities (e.g.: plants with a mature width of 1 metre, planted at a minimum 1 metre intervals);
 - vii. the provision of four (4) suitable medium sized (at maturity) indigenous canopy trees within the nominated area, with species chosen to be approved by the Responsible Authority;
 - viii. all trees provided at a minimum of two (2) metres in height at time of planting;
 - ix. medium to large shrubs to be provided at a minimum pot size of 200mm; and
 - x. the provision of notes on the landscape plan regarding site preparation, including the removal of all weeds, proposed mulch, soil types and thickness, subsoil preparation and any specific maintenance requirements.

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- b. siting of and removal or alteration of the existing dwelling (so it can no longer be used as a dwelling) within one month of the occupation of the replacement dwelling;
- c. the provision of a full colour palette, finishes and building materials schedule for all external elevations and driveways of the development, and avoids bright, bold or extravagant colour schemes;
- d. accurate boundary length to Spring Road;
- e. deletion of window tinting and replacement with fixed operable screening devices or similar over west-facing façade windows;
- f. all-weather surface to driveway with dimensions adequate to accommodate emergency vehicles;
- g. the provision of minimum 2000 litre rainwater tank clearly nominated for the new dwelling with water re-used for toilet flushing;

Endorsed Plans

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

Road and Drains Engineering

- 3. Property boundary and footpath levels must not be altered without the prior written consent from the Responsible Authority.
- 4. Any front and side fences must be contained wholly within the title property boundaries of the subject land.

General amenity conditions

- 5. 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.

Completion of Works

- 6. 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.
- 7. 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.
- 8. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.

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Time Limits

9. 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: Prior to the commencement of the development you are required to obtain the necessary Health Department approval for the septic tank system.

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: 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

8.7 KP14/261 - 248-254 Osborne Ave Clayton South

It is recorded that Lucy Teslei 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 Grant a Planning Permit for Use and development of the land for a transfer station and materials recycling and a reduction of the car parking requirement at 248-254 Osborne Ave Clayton South, 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 27 June 2014, but modified to show:
 - a) The vehicle crossing constructed at a 90 degree alignment with the kerb on Deals Road and all internal driveways must align with the proposed vehicle crossing.
 - b) The maximum trucks size accessing the site to be nominated;
 - c) A swept path diagram demonstrating the access gates and internalised driveways are wide enough to accommodate the maximum truck size accessing the site;
 - d) A survey plan to clarify if there is any changes to the topography of the site;
 - e) Clarification there are no buildings associated with the employee amenities area;
 - f) Clarification the Sugar Gum within the front setback is to be removed;
2. The development and use as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.

Environment Protection Authority Victoria

3. Conditions Required by Environment Protection Authority Victoria:

- a) Nuisance dust must not be discharged beyond the boundaries of the premises.
- b) On days when meteorological conditions are unfavourable, such as high wind conditions or if there are insufficient dust suppressant measures available, activities on the site should cease or be limited.
- c) Visible checks for off-site dust movement must be regularly performed.
- d) Offensive odours must not be discharged beyond the boundaries of the premises.
- e) There must be no composting at the premises.

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- f) There must be no processing or treatment of wastes other than sorting and separating.
 - g) All machinery and equipment associated with the activity must be regularly monitored and serviced to ensure effective operation at all times.
 - h) Noise emissions from the premises must comply with the requirements of the State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade) No. N-1.
 - i) There must be no discharge or seepage of waste from the premises to the land or water (including stormwater) environments.
 - j) Liquid wastes and stormwater contaminated with waste must not be discharged beyond the boundary of the premises.
 - k) There must be no burning or melting of waste at the premises.
 - l) Prescribed industrial wastes, as defined by the Environment Protection (Industrial Waste Resource) Regulations 2009, must not be accepted at the premises.
 - m) Wastes not permitted at the premises must be transported with the appropriate EPA transport certificates and disposed of or recycled at an appropriately licensed premises.
 - n) There must be no discharge of litter beyond the boundary of the premises.
 - o) Any fill material brought onto the site must meet the specifications contained in EPA publication IWRG621, Soil Hazard Categorisation and Management 2009 or as amended.
 - p) The design and operation of the premises should be in accordance with Sustainability Victoria's Guide to Best Practice at Resource Recovery Centres 2009.
4. The Site Management Plan (SMP) must be developed to the satisfaction of the Responsible Authority and endorsed in any permit that may be issued.
5. Where practical, temporary (or fixed), purpose-built enclosures or containments should be considered to assist in managing dust and litter at the premises.

Roads and Drains

- 6. Stormwater drainage of the development must be contained and managed within the subject site and any overflows onto adjacent properties must be prevented.
- 7. Prior to the commencement of development, property boundary, footpath and vehicle crossing levels must be obtained from Council's Roads and Drains Department with all levels raised or lowered to the satisfaction of the Responsible Authority.
- 8. The replacement of all footpaths, including offsets, must be constructed to the satisfaction of the Responsible Authority.
- 9. All reinstatements and vehicle crossings must be constructed to the satisfaction of

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the Responsible Authority.

10. Vehicle crossings and other reinstatements must be constructed to council's industrial strength specifications.
11. Any 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.

Amenity

13. The amenity of the area must not be detrimentally affected by the development and/or use, through the:
 - i) Transport of materials, goods or commodities to or from the land.
 - ii) Appearance of any building, works or materials.
 - iii) Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil.
 - iv) Presence of vermin.
 - v) Any other way.
14. Areas set aside for car parking and access lanes must be kept available for these purposes at all times and maintained to the satisfaction of the Responsible Authority.
15. Materials must not be deposited on any road as a result of operations on site to the satisfaction of the responsible authority.

Operation

16. The use must only operate between the hours of:

Monday to Friday:	6am to 6pm;
Saturday:	7am to 4pm; and
Sunday:	9am to 1pm

Or otherwise as approved by the Responsible Authority in writing.

17. Without the further consent of the Responsible Authority, no more than four (4) persons may work on the premises at any one time.
18. Once the use has started, it must be continued to the satisfaction of the Responsible Authority.

Time Limit

19. Use of the land for a Transfer Station and Materials Recycling must cease after a period of *seven (7)* years from the date of this permit in accordance with the endorsed plans
20. 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:

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

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

- before the permit expires; or
- within six (6) months after the permit expiry date, where the 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: Prior to the commencement of the development or use you are required to ob the necessary Building Permit.

CARRIED

8.8 Future Green Wedge On Ground Projects

Moved: Cr Staikos

Seconded: Cr West

That Council:

1. Authorise Officers to proceed with the plantings at the identified Green Wedge Gateway Sites:
 - 1.1 Warrigal and South Roads - \$45,000
 - 1.2 Clayton and Leslie Roads - \$20,000
 - 1.3 Centre & Lower Dandenong Road - \$45,000
 - 1.4 Lower Dandenong and Springvale Roads - \$45,000
 - 1.5 Governor and Springvale Roads - \$45,000
2. Advocate to the State Government to provide funding for the relevant State Department or Agency to commence the acquisition and open space development of parts of the 91 – 185 Kingston Road, Heatherton where filling is nearing completion and on land connecting the Deals Road Reserve with Clayton Road proximate to Ryans Road.
3. Provide a two (2) year extension to the Green Wedge Project Officer role.
4. Seek Officers to draft a funding submission to State Government and the opposition (for Council approval) including the following proposals from the Kingston Green Wedge Landscape Plan as outlined in the Councillor Information Session Agenda of 8 September 2014:
 - a. H04 - Complete off-road link between the Barkers Street and Henry Street trails;
 - b. H16 - Provide for path network from the Henry Street Trail to the Elder

Street South road underpass;

- c. C06 - Create a single gated common entrance to the existing race track, pistol club and motorcycle track;
- d. D05 - Prepare (and estimates to implement) a master plan for the Rowans Road former landfill site, to include two sports grounds.

CARRIED

**8.9 Airports Act 1996 Regulatory Streamline Package Efficiency Proposals
Master Plan and Response to Discussion Paper**

Officer Recommendation:

That Council make a submission to the discussion paper in the form of Appendix 1 to this report.

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

9. Community Sustainability Reports

9.1 Individual Development Grant Application

Officer Recommendation:

That Council approves a \$500 individual development grant application to Lisa Ferguson.

Note: Refer to page 13 of the minutes where this item was block resolved.

9.2 Update on Parkdale Hub - Stage 2

Officer Recommendation:

That Council Officers instruct Council's solicitors to prepare the relevant legal documentation required to secure access to an additional ten (10) car parking spaces on the site of Parkdale Secondary College, on terms consistent with Council's current car parking arrangements on the site, for a sum of \$80K and to fund this from within the Parkdale Hub Capital Project allocation within the approved 2014/15 capital program.

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

Question Time

Question 1.

Paul Adams of Mentone asked,

“Has Council instigated any feasibility study that confirms that the Collins Street site is more suitable for development of aged care than redevelopment of the current aged care facility in Remo Street?”

The CEO provided the following response,

“Council has debated a range of options and resolved on the basis of information available, that the Collins Street site was the most appropriate to support the development of a residential aged care facility.”

Question 2.

Paul Adams of Mentone asked,

“If Collins Street is sold for aged care, what alternative sites can Council offer the ever increasing resident numbers?”

The CEO provided the following response,

“The focus of this question is unclear. If it concerns increasing resident numbers the proposed aged care facility will provide improved local access. If it concerns public open space Council has recently required land to expand Reg Marlow Reserve and in Parkdale has just acquired land to expand the park beside the library.”

Question 3.

Bruce Duffy of Chelsea asked,

“Could the CEO of Kingston Council please clarify the status of Kingston’s original submission of the Residential Planning Zone with the 75% neighbourhood Residential Zone. Has the Minister accepted or rejected that submission?”

The CEO provided the following response,

“The Residential Zones Standing Advisory Committee has considered the City of Kingston’s proposal for the use of the residential zones, including the use of the Neighbour Residential Zone. The Standing Advisory Committee has released two reports (an overarching report and a Kingston specific report). The Committee did not support the Council’s proposal. The Council now needs to review the reports and decide how to proceed.”

Question 4.

Ian Baldock of Parkdale asked,

“Two months ago I forwarded to Council as a question to the Mayor; ‘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

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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?

However, after being informed by the CEO, at the July Council meeting, that Council would investigate my request, I have not received any further communication from Council on this issue.

Could you please notify me of the status of my request and any actions arising from it."

The CEO provided the following response,

"My apologies to Mr Baldock for no response to his original question. Officers will respond directly to the resident."

9.3 Update on Community Information Sessions - Mordialloc Life Saving Club and proposed Gathering Place on Mordialloc Foreshore

Moved: Cr Brownlees

Seconded: Cr Gledhill

That Council:

1. Receive the information regarding both the Gathering Place and the outcome of community information sessions in relation to the proposed Mordialloc Life Saving Club;
2. Endorse Option 2 as the preferred option for the Gathering Place;
3. Consider the Funding of the proposed Gathering Place Model in the 2015-16 budget development process; and
4. Pursue external funding opportunities to support the development of the Gathering Place on the preferred location as determined by Council.

CARRIED

10. City Assets and Environment Reports

10.1 2014/15 Capital Program - Budget Adjustments

Officer Recommendation:

That Council confirm the 2014/15 Capital Budget adjustments identified in this report providing a forecast 2014/15 Capital Budget of \$55,983,857.

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

10.2 2014 General Valuation Report

Officer Recommendation:

That Council:

1. Note the return of the 2014 General Valuation.
2. Adopt the 2014 General Valuation made and prepared by the Valuer General Victoria (VGV) with the following total values:

Site Value	\$27,757,150,001
Capital Improved Value	\$43,241,497,001
Net Annual Value	\$2,365,642,131

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

10.3 Green Wedge Sports Facilities Opportunities Paper

Moved: Cr Barth

Seconded: Cr Staikos

That Council:

1. Receive the Green Wedge Sports Facilities Opportunities Paper subject to deleting:
 - a) the sentence on page 18 of the City of Kingston, Green Wedge Sports Facilities Opportunities Paper, Final Report June 2014 (last paragraph, second column) that identifies as a suitable site for a regional hockey centre; *“The open space north of Rowan Road (Dingley Village) is considered an option, along with Aspendale Gardens”*,
 - b) the third paragraph in section 9.4 on page 18 of the City of Kingston, Green Wedge Sports Facilities Opportunities Paper, Final Report June 2014 that expands on this point,
 - c) following the sentence from paragraph 1 of section 2.4 on page 5 of the City of Kingston, Green Wedge Sports Facilities Opportunities Paper, Final Report June 2014 (referring to the prohibition of indoor sports facilities) *“this may change with proposed amendments to the zone provisions”*.
2. Resolve to proceed with Options 1 and 2 subject to deleting dot point 1 of option 1, on page 327 of the Officers Report: *“Investigate immediate opportunities to re-configure existing sports grounds within Dingley Village to accommodate increased use for Australian Rules football and cricket.”*

CARRIED

10.4 Gnotuk Avenue Car Park Draft Landscape Plan

Officer Recommendation:

That Council support the Gnotuk Avenue Car Park Draft Landscape Plan going out for community consultation.

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

10.5 Contract No. 14/72 - Park Infrastructure & Landscape Services

Officer Recommendation:

That Council:

1. Award the Park Infrastructure & Landscape Services - Contract No.14/72 to a panel of three (3) contractors, 'Urban Plumb & Scape PTY LTD', 'Super Gardens PTY LTD in Trust for the Stanbrook Grasby and Griffiths Unit Trust TA Super Gardens' and 'Symons PTY LTD and Termorshuizen Family Trust trading as Sevron', as Schedule of Rates Contracts for an initial term of three (3) years, commencing on 01 October, 2014.

2. Authorise the CEO or delegate to exercise the option to extend the Contract No. 14/72 for one (1) period of two (2) years, subject to satisfactory performance of the contracted service providers.

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

10.6 Contract No.14/89 Walkers Road, Carrum - Road Reconstruction

Officer Recommendation:

That Council:

1. Award Contract No. 14/89 – WALKERS ROAD, CARRUM ROAD RECONSTRUCTION – on a Lump Sum basis to PRESTA & SONS PTY LTD for the tendered price of \$693,300.00.
2. Approve a Contingency Allowance of \$69,330 (10% of the contract sum) from within the allocated 2014/15 budgeted project resources to cover unexpected financial variations.

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

10.7 Patterson Lakes Independent Review

Moved: Cr Bearsley

Seconded: Cr Ronke

That Council:

1. Acknowledges the Patterson Lakes Independent Review and in principle accepts the recommendations.
2. Allocates \$80k per annum to be paid to Melbourne Water to assist with the cost of the beach raking and debris clean up activity as of 2015/16 financial year. Further that this be reviewed every 5 years.
3. Investigates an additional fee on the rates notice for quiet lakes residents to be charged their portion of the beach raking expense due to the private nature of the quiet lakes beaches.

CARRIED

11. Corporate Services Reports

11.1 Conflict of Interest Provisions for Councillors

Moved: Cr Gledhill

Seconded: Cr Brownlees

That Council:

1. Receive the information;
2. Adopt the recommendations from the Victorian Ombudsman's report as listed in section 3.3.2.1;
3. Review the current guidelines provided to Councillors at meetings;
4. Make use of the conflict of interest disclosure form;
5. Amend and update the Councillors' Code of Conduct to strengthen commitment to conflict of interest principles in line with the Ombudsman's recommendations; and
6. Adopt the new protocol for potential and perceived conflicts of interest, including, but not limited to, development applications as set out in section 3.3.3

Amendment

Moved: Cr West

Seconded: Cr Eden

That Council:

1. Receive the information;
2. Adopt the recommendations from the Victorian Ombudsman's report as listed in section 3.3.2.1;

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3. Review the current guidelines provided to Councillors at meetings;
4. Make use of the conflict of interest disclosure form;
5. Amend and update the Councillors' Code of Conduct to strengthen commitment to conflict of interest principles in line with the Ombudsman's recommendations; and
6. Adopt the new protocol for potential and perceived conflicts of interest, including, but not limited to, development applications as set out in section 3.3.3 with the addition of a provision for informing the community by including notification on the planning register and by verbal notification to a planning consultation if/when one is held.

LOST

A Division was Called:

DIVISION:

FOR: Crs Staikos and West (2)

AGAINST: Crs Ronke, Brownlees, Bearsley, Gledhill, Eden and Peulich (6)

ABSTAINED: Cr Barth (1)

LOST

Amendment

Moved: Cr West

Seconded: Cr Staikos

That Council:

1. Receive the information;
2. Adopt the recommendations from the Victorian Ombudsman's report as listed in section 3.3.2.1;
3. Review the current guidelines provided to Councillors at meetings;
4. Make use of the conflict of interest disclosure form;
5. Amend and update the Councillors' Code of Conduct to strengthen commitment to conflict of interest principles in line with the Ombudsman's recommendations; and
6. Adopt the new protocol for potential conflicts of interest, including, but not limited to, development applications as set out in section 3.3.3

LOST

Amendment

Moved: Cr Eden

Seconded: Cr Barth

That Council:

1. Receive the information;
2. Adopt the recommendations from the Victorian Ombudsman's report as listed in section 3.3.2.1;

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3. Review the current guidelines provided to Councillors at meetings;
4. Make use of the conflict of interest disclosure form;
5. Amend and update the Councillors' Code of Conduct to strengthen commitment to conflict of interest principles in line with the Ombudsman's recommendations; and
6. Adopt the new protocol for potential and perceived conflicts of interest, including, but not limited to, development applications as set out in section 3.3.3
7. Request a report to be compiled that details what is included in the planning register and possible modifications.

Cr West left the meeting, the time being 9.21pm

Cr West returned to the meeting, the time being 9.22pm

The Amendment was put and **CARRIED**

The Amendment became the Motion

The Motion was put and **CARRIED**

11.2 Kingston Carols Relocation

Moved: Cr Barth

Seconded: Cr Gledhill

That Council relocate the annual Kingston Carols event to Sir William Fry Reserve from 2014.

Cr Ronke left the meeting, the time being 9:24pm

Cr Ronke returned to the meeting, the time being 9:25pm

Cr Ronke left the meeting, the time being 9:26pm and did not return to the meeting.

CARRIED

11.3 Motions for MAV State Council Meeting - October 2014

Officer Recommendation:

That Council submit the motion shown in Appendix 1 to the MAV State Council Meeting in October 2014.

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

11.4 Assembly of Councillors Record Report

Officer Recommendation:

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

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

11.5 Council Ward Grants

Moved: Cr Barth

Seconded: Cr West

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

- Hihett Pre School Inc. - \$587.60

Cr Gledhill left the meeting, the time being 9:30pm

Cr Gledhill returned to the meeting, the time being 9:31pm

CARRIED

12. Notices of Motion

12.1 Notice of Motion No. 35/2014 - Cr West - Collins St & Remo St

THAT COUNCIL CONSIDER

1. Retaining the Collins Street depot site for public open space and
2. Inviting a Not-For-Profit provider (via a Request for Proposal) to redevelop an expanded nursing home on the MCNH site.
3. Requesting transitional assistance from the Commonwealth Government to assist with the costs of supporting residents in our existing aged care homes until a new or refurbished facility can be provided.

Procedural Motion

Moved Cr Barth

Seconded Cr Gledhill

That the order of business be varied to allow this Item to be considered following the consideration of Item 14.1 on the agenda.

CARRIED

12.2 Notice of Motion No. 36/2014 - Cr West - Kingswood Golf Course

Cr Peulich disclosed an indirect conflict of interest in Item 12.2 by virtue of residential amenity as his place of residence abuts the golf course and left the room at 9.38pm prior to any discussion taking place.

Cr Barth left the meeting at 9.38pm and did not return to the meeting.

Moved: Cr West

Seconded: Cr Staikos

That Council write to the Peninsula Kingswood Golf Club Board to request that they inform the successful tenderer for the sale of Kingswood Golf Course of the relevant provisions in the Kingston Planning Scheme.

CARRIED

Cr Peulich returned to the meeting at 9.42pm

12.3 Notice of Motion No. 37/2014 - Cr West - Port of Hastings

Moved: Cr West

Seconded: Cr Staikos

That Council request Officers to prepare a report within a month on the likely impacts on the City of Kingston and on the environment of Westernport that balances the GHD report with the Victoria University and environmental reports.

LOST

A Division was Called:

DIVISION:

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

AGAINST: Crs Brownlees, Bearsley, Gledhill and Peulich (4)

LOST

13. Urgent Business

13.1 L'Chaim Chabad

Moved: Cr Staikos

Seconded: Cr Brownlees

That an item of Urgent Business be considered relating to a property issue involving L'Chaim Chabad.

CARRIED

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Moved: Cr Staikos

Seconded: Cr Brownlees

I MOVE THAT

Officers work with L'Chaim Chabad – Kingston and Moorabbin Hebrew Congregation to determine an appropriate air-conditioner for the Exley Street property and report to Council on funding options.

CARRIED

13.2 Councillor Conduct

Moved: Cr Brownlees

Seconded: Cr Bearsley

That an item of Urgent Business be considered relating to Councillor conduct.

CARRIED

Moved: Cr Brownlees

Seconded: Cr Bearsley

That Council recommend that Cr Rosemary West, advise in writing, all those various recipients of her email of 21 September 2014, that contains reference to items 3 and 4 to a development proposal at 9 Woods Avenue Mordialloc, advising those recipients that she wishes to apologise and withdraw the comments, and that the reference was not intended to impugn the integrity or be defamatory of, Cr Geoff Gledhill or his family, and that there is no evidence to substantiate any impropriety or unlawful or illegal behaviour that could be considered a breach of the Local Government Act in this matter.

CARRIED

A Division was Called:

DIVISION:

FOR: Crs Brownlees, Bearsley, Gledhill and Peulich (4)

AGAINST: Crs Staikos, West and Eden (3)

CARRIED

14. Confidential Items

Moved: Cr Brownlees

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:

14.1 Residential Aged Care

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

14.2 Investigation into Alleged Breach of Privacy

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

Confidential Appendices

**10.5 Contract No. 14/72 - Park Infrastructure & Landscape Services
Appendix 1, 14_72 Tender Evaluation Matrix Table.xlsx**

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

**10.5 Contract No. 14/72 - Park Infrastructure & Landscape Services
Appendix 2, Parks Infrastructure & Landscape Service - Confidential
Tender Report**

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

**10.6 Contract No.14/89 Walkers Road, Carrum - Road Reconstruction
Appendix 1, Contract 1489 Walkers Road, Carrum - Road Reconstruction -
Evaluation matrix**

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

CARRIED

Procedural Motion

Moved: Cr Gledhill

Seconded: Cr Brownlees

That the meeting be adjourned for 5 minutes.

CARRIED

The meeting was closed to members of the public at 10.35pm

Procedural Motion

Moved: Cr Brownlees

Seconded: Cr Gledhill

That the meeting be opened to members of the public.

CARRIED

Note: Item 12.1 was not discussed

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There being no further business the meeting closed at 11.13pm

Confirmed.....

The Mayor 27 October 2014