



City of
KINGSTON

Ordinary Meeting of Council Minutes

Monday, 23rd June 2014

**City of Kingston
Ordinary Meeting of Council**

Minutes

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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 Rosemary West OAM

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

1. Apologies

Apologies from Cr Ronke and Cr Staikos were submitted to the meeting.

Moved: Cr Gledhill

Seconded: Cr Brownlees

That the apologies from Cr Ronke and Cr Staikos be received and leave of absence be granted.

CARRIED

2. Confirmation of Minutes of Previous Meetings

Moved: Cr Brownlees

Seconded: Cr Bearsley

That the Minutes of the Ordinary Meeting of Council held on 26 May 2014 and the Special Meeting of Council held on 10 June 2014 be confirmed.

CARRIED

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

There were no Conflicts of Interest submitted to the meeting.

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4. Petitions

4.1 Pedestrian Crossing at Warren Road, Mordialloc

Moved: Cr Gledhill

Seconded: Cr Brownlees

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

CARRIED

4.2 Proposed Development at 529 and 530 Station Street Carrum

Moved: Cr Bearsley

Seconded: Cr Eden

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 the Bentleigh Greens Soccer Club for its contribution to the community and achievements in playing in the 2013 Victorian Premier League Grand Final.

6. Reports from Village Committees

6.1 Recommendations and Highlights from Village Committees

Aspendale/Edithvale/Aspendale Gardens/Waterways Village Committee

Village Committee Motion 1

That, as a matter of urgency, the Councillors meet with this Village Committee or the Chairpersons of all Kingston Village committees. That at this meeting the Councillors have an opportunity to express their concerns with the current structure, and the Village Committee/Chairpersons have an opportunity to outline the ongoing benefits. That this meeting is chaired by a respected, independent person and a summary or recording of the discussion is available to the broader Kingston community.

Moved: Cr Bearsley

Seconded: Cr Brownlees

That the Village Committee be advised that members will have an opportunity to participate in Council's previously determined review of its advisory committee structure inclusive of Village Committees.

CARRIED

A Division was Called:

DIVISION:

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

AGAINST: Crs West, Eden and Barth (3)

CARRIED

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Preamble:

For the past few meetings the Village Committee, with the support of Council officers, has undertaken a study of the local Village Committee area. This has included an overview of all the Living Kingston 2035 resident comments broken into various age groups, as well as looking at our local demographic data and future trends. Conclusions that can be drawn from this lists the following requests from the broader community:

- A broad range of additional recreational facilities by children / young people – swimming pool (most popular), skate parks, athletic tracks, basketball courts.
- More shops in general, and improvement of shopping strips along the beach.
- A range of traffic management for various sites.
- General requests regarding the environment: more trees, cleaner environment, spaces and beaches.
- Vast array of requests for installation of different infrastructure, such as lights at sports ovals, more bins, pathways, drainage.
- Linking with requests for infrastructure, many requests for services; libraries, schools, more rubbish pickups, youth services, appropriate programs for older people.

Village Committee Motion 2

That the Kingston City Council address these needs as a matter of urgency

Moved: Cr Bearsley

Seconded: Cr Gledhill

That the Aspendale/Edithvale/Aspendale Gardens/Waterways Village Committee be thanked for its suggestions and be advised these issues will continue to be considered as part of Council's annual capital works budgeting and Council Planning initiatives.

CARRIED

Clarinda/Clayton South/Oakleigh South Village Committee

Village Committee Motion 1

That the Village Committees continue to meet until December 2014 to enable consultation to be completed in conjunction with all the members of the Village Committee.

Moved: Cr Brownlees

Seconded: Cr Gledhill

That the Clarinda/Clayton South/Oakleigh South Village Committee be thanked for its motion and be advised that Council has resolved to place the village committees in recess to allow consultation to occur on a revised community consultation structure. The consultation will include an opportunity for all Village Committee members to be involved with specific consultation sessions being organised for members. Further details will be provided to all Village Committee members on the times and dates of the consultation sessions which will occur in July 2014.

CARRIED

A Division was Called:

DIVISION:

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

AGAINST: Crs West and Eden (2)

CARRIED

Village Committee Motion 2

That Council look at installing traffic lights at the intersection of Audsley Street and Centre Road, and traffic lights at the intersection of Springs Road and Bourke Road before any Viney Street works are considered.

Moved: Cr Barth

Seconded: Cr Bearsley

That The Clarinda/ Clayton South/Oakleigh South Village Committee be thanked for its motion and advised that officers will review the intersections as identified before undertaking any works on Viney Street

CARRIED

Village Committee Motion 3

That Council provide appropriate treatment to diseased trees rather than reducing or removing trees and notifying neighbouring residents before doing so.

Moved: Cr Barth

Seconded: Cr Brownlees

That the Clarinda/Clayton South/Oakleigh South Village Committee be thanked for its motion and note that the current practice is to notify residents if a tree needs to be removed to adequately manage the risk, and ask that the Village Committee contact officers if there is a specific example where the resident has not been informed

CARRIED

Village Committee Motion 4

That where rubbish bins are blocked by a parked car, the rubbish contractor must physically remove the rubbish bin so it can be collected.

Moved: Cr Barth

Seconded: Cr Brownlees

That the Clarinda/Clayton South/Oakleigh South Village Committee be thanked for its motion and note that there is a requirement for the contractor to collect bins even where the bins are blocked by a vehicle and ask that Village Committee members let their community contacts know that residents can ring or email Council if a bin has not been collected.

CARRIED

Village Committee Motion 5

That Council in consultation with Melbourne Water and the tip site owners develop a seagull management policy which addresses the negative amenity impact upon residents of Clayton South.

Moved: Cr Barth

Seconded: Cr Brownlees

That Council continue to liaise with Melbourne Water on the management strategy for seagulls in Clayton South.

CARRIED

Mordialloc Village Committee

Village Committee Motion 1

That Council approve the Village Committee grants as outlined by the Mordialloc Village Committee Grant Sub-Committee.

Moved: Cr Brownlees

Seconded: Cr Gledhill

That the Mordialloc Village Committee be thanked for their work in assessing the grant applications and be advised that the recommendations will be presented to Council at the July 2014 Ordinary Meeting.

CARRIED

Patterson Lakes/Carrum Village Committee

Village Committee Motion 1

That Council reverse its decision to put Village Committee into recess to ensure there is genuine consultation before any decision is made that keeps Village Committees in the loop and provides us with the opportunity to participate in on-going dialogue that is open and transparent and builds on the good work of the Village Committees

Moved: Cr Bearsley

Seconded: Cr Gledhill

That the Patterson Lakes/Carrum Village committee be advised that Council has determined to place the Village Committees in recess from 30 June 2014 to create an environment which supports a process where all stakeholders have an equal voice in the consultation which will allow Council's consideration of the feedback in a holistic manner at the end of the consultation period.

The process of consultation being organised in accordance with the Council resolution will include an opportunity for all Village Committee members to be involved with specific consultation sessions being organised for members. Further details will be provided to all Village Committee members on the times and dates of the consultation sessions which will occur in July 2014.

CARRIED

Village Committee Motion 2

That Council advise why there was no further engagement with the village committee post the December 2013 submissions when we were told we would be a part of the process? It was outlined that there would be further consultation by a Council Officer in the February 2014 meeting, but this did not happen.

Cr Barth left the meeting, the time being 8:06 PM

Moved: Cr Bearsley

Seconded: Cr Brownlees

That the Patterson Lakes/Carrum Village committee be advised that Council went through an extensive process of review that involved receiving information and evaluating the information which would provide a good understanding of all the issues. This process commenced in November 2013 and culminated in the report being presented to Council on 26 May 2014. The Council resolution of 26 May 2014 determined that consultation on the revised community consultation structure will include Village Committee members and provide an opportunity for all Village Committee members to be involved in contributing to the discussion on a community consultation structure for the Council.

CARRIED

Village Committee Motion 3

Under the Natural Justice Principles it is unfair that the village committees have been put on hold during the consultation process when other committees are continuing to meet. Could Council consider not putting village committees into recess during the consultation process to be able to provide in depth support to the consultation.

Cr Barth returned to the meeting, the time being 8:15 PM

Moved: Cr Bearsley

Seconded: Cr Gledhill

That the Patterson Lakes/Carrum Village committee be advised that Council's reason for placing the Village committees in recess is that Council believes that by allowing consultation in an environment which supports a process where all stakeholders have an equal voice in the consultation will allow Council's consideration of the feedback in a holistic manner at the end of the consultation period. Council believes by providing an opportunity for all Village Committee members to be involved in the consultation process and involving other members of the community through focus groups and an on line survey will provide in depth support to the consultation.

CARRIED

A Division was Called:

DIVISION:

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

AGAINST: Crs West, Eden and Barth (3)

CARRIED

Village Committee Motion 4

That the Harvest Festival position the smokers' area to a location away from the public.

Moved: Cr Bearsley

Seconded: Cr Gledhill

That the Patterson Lakes/Carrum Village Committee be advised that a review will be undertaken prior to the 2014/15 season of festivals and as part of this review the possibility of all festivals being smoke free events will be canvassed with Council.

Amendment

Moved: Cr West

Seconded: Cr Barth

That the Patterson Lakes/Carrum Village Committee be advised that a review will be undertaken prior to the 2014/15 season of festivals and as part of this review the possibility of all festivals being smoke free events will be canvassed with Council and that in the meantime that the Harvest Festival position the smokers' area to a location away from the non-smoking public.

The Amendment was put and LOST

A Division was Called:

DIVISION:

FOR: Crs West, Eden and Barth (3)

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

LOST

The Substantive Motion was put and CARRIED

Cheltenham Village Committee

Village Committee Motion 1

The Cheltenham Village Committee request that the playground equipment at Page Street be considered for upgrade.

Moved: Cr West

Seconded: Cr Eden

That the playground at Page Street be considered for upgrade during 2014 for possible inclusion in the 2014-15 or 2015-16 Playground Renewal Program. And that the village committee members be consulted during the planning stage.

LOST

Moved: Cr Brownlees

Seconded: Cr Gledhill

That the Cheltenham Village Committee be thanked for its motion and note that there is a process each year when Councillors consider the capital program, including how the capital works program delivers on the Kingston Playground Strategy.

CARRIED

Block Resolution

Moved: Cr Brownlees

Seconded: Cr Gledhill

That the recommendations for Cheltenham Village Committee Motion 2 and Dingley Village Committee Motions 1, 2 and 3 be adopted.

CARRIED

Village Committee Motion 2

That the following grant applications be approved for the full amount requested:

- Cheltenham Community Centre
- Cheltenham Junior Football Club
- Farm Road Pre School Incorporated
- Friendship Square Child Care Centre Cooperative
- Kingston Heath Primary School.

That the following grant applications be rejected due to insufficient information or quotes supplied:

- Cheltenham Youth Club
- Le Page Park Cricket Club
- Life Activities Club Cheltenham Inc

That the following grant applications be approved if satisfactory information is supplied and refers the applications back to Council Officers for supply of that information:

- Nola Barber Kindergarten Inc.; No quote supplied (specialised supply options)
- Cyprian Community of the Southern Suburbs of Melbourne Senior Citizens Club; subject to clarification of activity (not for running costs)

Officer Recommendation:

That the Cheltenham Village Committee be thanked for their work in assessing the grant applications and be advised that the recommendations will be presented to Council at the July 2014 Ordinary Meeting.

Note: Refer to Page 9 of the minutes where this item was block resolved.

Dingley/Heatherton Village Committee

Village Committee Motion 1

That the following grant applications be approved for the full amount requested: Abbeyfield Society Dingley Village, Dingley Tennis Club, Dingley Neighbourhood Centre.

That the following grant application be rejected due to incomplete detail in the application: Dingley Village & District Historical Society does not receive approval due to incomplete detail.

Officer Recommendation:

That the Dingley/Heatherton Village Committee be thanked for their work in assessing the grant applications and be advised that the recommendations will be presented to Council at the July 2014 Ordinary Meeting.

Note: Refer to Page 9 of the minutes where this item was block resolved.

Village Committee Motion 2

That, in the event that Village Committees are discontinued, the Dingley/Heatherton Village Committee recommends that any outstanding grant balances be directed to Dingley/Heatherton specific projects.

Officer Recommendation:

That the Dingley/Heatherton Village Committee be thanked for its motion and be advised that the request for outstanding grant balances to be directed to Dingley/Heatherton specific projects will need to be addressed following the outcome of the report to be presented to Council on 25 August 2014.

Note: Refer to Page 9 of the minutes where this item was block resolved.

Village Committee Motion 3

That Council provide assurances that Council has gone through the proper planning processes and is complying with local planning schemes when considering its response to the Costco proposal.

Officer Recommendation:

That the Dingley/Heatherton Village Committee be thanked for its motion and note that officers have prepared a draft submission that takes into consideration the local, state, and federal provisions and that the Council will vote on that submission later this evening.

Note: Refer to Page 9 of the minutes where this item was block resolved.

Procedural Motion

Moved: Cr Gledhill

Seconded: Cr Bearsley

That Council vary the order of the agenda to now consider Item 9.9 – Gnotuk Car Park Landscape Plan.

CARRIED

9.9 Gnotuk Car Park Landscape Plan

Moved: Cr Bearsley

Seconded: Cr Eden

That this matter be deferred so that Councillors and Officers can meet with residents (and regular users such as the boat shed owners, the life saving club and police) to discuss the needs, priorities and issues before releasing the draft plan to the public.

CARRIED

7. Reports from Delegates Appointed by Council to Various Organisations

Cr West left the meeting, the time being 8:41 PM

Cr West returned to the meeting, the time being 8:43 PM

Cr Brownlees reported having attended the 2014 Australasian Reporting Awards where the City of Kingston was presented with the Gold Award for its Annual Report and the Governance Reporting Award – Public Sector. Cr Brownlees presented the two awards to the Mayor who accepted them on behalf of the City of Kingston.

Cr Peulich reported having attended the Australian Local Governance Association Annual Conference in Canberra.

Moved: Cr Brownlees

Seconded: Cr Bearsley

That the delegates' reports be received and Councillors thanked for their reports.

CARRIED

8. Question Time

Cr Brownlees left the meeting, the time being 8:48 PM

Cr Brownlees returned to the meeting, the time being 8:50 PM

Question 1 - Dan Leslie of Aspendale asked,

"If a draft is successful, the suggested project staging is to commence winter/spring 2014. Can Council advise what the outcome of the traffic modelling was with regards to the Roycroft Ave and surrounding streets and highway. And when was this modelling undertaken?"

Question 2 - Dan Leslie of Aspendale asked,

"What was the outcome of Council discussions regarding land values in Roycroft Avenue if this draft progresses?"

Question 3 - Dan Leslie of Aspendale asked,

"What risk assessments have been undertaken by Council with regards to the proposed exit via Roycroft Avenue regarding pedestrian and traffic movement? Especially concerning gridlock and turning onto Nepean Highway?"

Question 4 - Dan Leslie of Aspendale asked,

"What discussions has Council had with Vic Roads regarding the Roycroft Avenue/Nepean Highway intersection, including repositioning of the traffic lights and how the traffic congestion will affect the railway boom gates and train safety?"

The CEO provided the following response,

"These questions are taken on notice and officers will respond directly to the resident."

Question 5 - Dean Kitson of Aspendale asked,

- A. *"If the exit from the Gnotuk Avenue car park proceeds via Roycroft Avenue what luminance or brightness would the security lighting output?"*
- B. *"What baffling to these lights would be installed to ensure residents would not be effected by bright lights?"*

Question 6 - Dean Kitson of Aspendale asked,

- A. *"If the exit from the Gnotuk Avenue car park proceeds via Roycroft Avenue, how much native vegetation would have to be removed?"*
- B. *"Agenda item 4.1 states minor vegetation removal would be required in order to install car park lighting, however other vegetation would have to be removed to allow traffic to exit."*

Question 7 - Dean Kitson of Aspendale asked,

“What percentage of cars that park in the Gnotuk Avenue car park display a City of Kingston Car Park sticker?”

The CEO provided the following response,

“These questions are taken on notice and officers will respond directly to the resident.”

Question 8 - Joe Parker of Edithvale asked,

“The proposed Gnotuk Avenue Car Park plan suggests removal of a very large sand dune and vegetation and the existing boardwalk and viewing platform at Roycroft Avenue; this is a highly contentious environmental issue and requires further explanation as to how this decision was reached?”

The CEO provided the following response,

“No decision has been reached. The draft plan in the agenda has been developed for consultation. No decision will be made prior to consultation.”

Question 9 - Joe Parker of Edithvale asked,

“The proposed boardwalk (2m in width) will ensure the loss of approximately one sixth of the beachfront sand at Gnotuk Avenue at high tide; this is a massive sand loss to beach goers and the suggested reduction of windblown sand into the car park is highly subjective; also given the very limited length of the proposed boardwalk (it is more akin to a viewing platform) did Council Officers consider these major issues before proceeding to a draft plan?”

The CEO provided the following response,

“This item is on the agenda for later this evening. The officer report (in the agenda) sets out the process to develop the draft plan and the proposed process to further consult and consider the project with the community and other stakeholders.”

Question 10 - Mike Hermon of Aspendale Gardens asked,

A. *Do the works proposed as shown on the Draft Gnotuk Car Park Aspendale – Landscape Plan require planning approval such as:*

- *For the installation of showers – which do not appear to be exempt from requiring approval as per Clause 36.02-2 permit requirement of the public Park and Recreation Zone; or*
- *Any vegetation that may be required to be removed to facilitate the proposed works?*

The CEO provided the following response,

“Vegetation removal is likely to require planning approval. For the installation of showers, there is no requirement. Works will also likely require Coastal Management Act consent.

B. *Prior to commencement of works are there any other permits, consents, approvals or the like required to be obtained either from Council or other statutory agencies such as the Department of Environment and Primary Industries (DEPI) for the removal of foreshore vegetation or cultural heritage matters?”*

The CEO provided the following response,

“Yes, as above.”

- C. *“Has the stone wall at the end of Roycroft Avenue been assessed for its heritage value and contribution it provides to the existing neighbourhood character?”*

The CEO provided the following response,

“The wall does contributed to the area’s amenity but there are no heritage requirements”

Question 11 - Mike Hermon of Aspendale Gardens asked,

“Kingston Boatshed Association Inc (KBA) notes in Section 3.2 Consultation/Internal Review of Item 9.9 Gnotuk Car Park Landscape Plan of tonight’s Ordinary Meeting of Council (Agenda) that KBA has not been consulted. KBA has significant concerns regarding this proposal. In particular:

- *Pertaining to public safety and associated liability issues using the boardwalk*
 - a. *Outward opening doors*
 - b. *Transporting boats/watercraft in and out of sheds and onto the beach*
- *Ability of boatshed owners to access their sheds*
- *Showers should not be abutting boat sheds but rather out in the open*
- *Other important matters which KBA will raise at a later date*

It is respectfully requested that since KBA represents over 90% of Kingston boatshed owners, KBA be included as a stakeholder in all further negotiations and correspondence regarding this matter?”

The CEO provided the following response,

“The report this evening is to determine what would be included in a draft plan for consultation. The KBA has been identified as a stakeholder and will be included in any consultation.”

Question 12 - Luke Bedwell of Chelsea asked,

“The motion relating to seagull strategy, should have a fairly obvious conclusion. That conclusion should be to prevent residents from feeding the critters. If they are derived of their reason for gathering, they will likely evacuate the region.”

The CEO provided the following response,

“The comment has been noted.”

Question 13 - Henry Corcoran of Edithvale asked,

“I was informed that family day care workers have not been paid for some weeks due to a computer software issue. If this is true, and if so, when will they be paid all that is due?”

The CEO provided the following response,

“Commonwealth Government software system difficulties led to one (two week) cycle payment being delayed. Council officers worked with those educators that would not be able to cope with the payment deferral and put in place a contingency plan to support those affected. All Commonwealth payments are now proceeding.”

9. Environmental Sustainability Reports

9.1 Town Planning Application Decisions - May 2014

Moved: Cr Brownlees

Seconded: Cr Bearsley

That the report be noted.

CARRIED

9.2 KP13/762 - 64-66 Railway Parade Highett

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

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

Moved: Cr Barth

Seconded: Cr Brownlees

That Council refuse the application to develop the land for the construction of twenty-six (26) dwellings and a reduction of the car parking requirement at No. 64-66 Railway Parade, Highett on the following grounds:

1. The proposal fails to adequately respond to all relevant clauses of the Kingston Planning Scheme, including State and Local Planning Policy Frameworks, Municipal Strategic Statement, particular provisions (including Clause 55) and the Residential 1 Zone.
2. The height and bulk of the proposal does not appropriately transition to the established residential context and neighbourhood character.
3. The proposal has failed to adequately respond to the Design and Development Overlay – Schedule 12 (DDO12), in particular the design objectives, decision guidelines and the mandatory setback requirements.
4. The proposal fails to achieve adequate amenity for future residents and limit amenity impact on adjoining properties.
5. The proposed development has failed to have regard to the equitable development opportunities for the adjoining site.
6. The proposed development has failed to achieve articulation and a high standard of building design which responds adequately to its residential context.
7. The proposal has failed to adequately respond to its corner location.
8. The proposal fails to provide adequate landscaping opportunities.
9. The proposal fails to provide for the required number of visitor car parking spaces.

CARRIED

9.3 KP-142/2014 - 488-490 South Road Moorabbin

Cr Bearsley left the meeting, the time being 9:07 PM

Cr Bearsley returned to the meeting, the time being 9:08 PM

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

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

Moved: Cr Barth

Seconded: Cr Brownlees

That Council determine to support the proposal and issue a Notice of Decision to Grant a Permit to develop the land comprising additions and alterations to the existing buildings for the use as a hospital at No. 488 – 490 South Road, Moorabbin, subject to the following conditions:

1. Before the development starts amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be substantially in accordance with the plans submitted to Council on 6 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 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. additional mature tree planting to the existing garden beds on the eastern side boundary of the subject site adjacent to the portion of the land proposed to be used for the hospital loading bay area; and
 - iv. 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. the location of all externally-located plant and equipment (including any heating and cooling units, exhaust fans and the like);
 - c. the location of a minimum of twenty-two (22) bicycle spaces, including a notation regarding the type of fixtures and dimensional clearances compliant with Australian Standard Parking Facilities, Part 3: Bicycle Parking Facilities (AS2890.3-1993) or the Bicycle Network Victoria – Bicycle Parking Handbook;
 - d. parking spaces for people with disabilities identified on the site plan at a

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- quantum in accordance with the Australian / New Zealand Standard, Parking Facilities Part 6: Off-street parking for people with disabilities (AS/NZS 2890.6-2009);
- e. layout changes to the internal car parking and driveway layout as recommended within the Appendix B of the Parking and Traffic Assessment prepared by Cardno Victoria Pty Ltd referenced as Job Number CG130334 dated 18 March 2014; and
 - f. the inclusion of a table notating all environmental sustainable design measures as set out in the Sustainability Management Plan prepared by Lehr Consultants International (QLD) Pty Ltd and referenced as Revision D dated 25 February 2014.
2. The development and use as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.
 3. Prior to the commencement of the use hereby permitted, (or within such other time as approved by the responsible authority) 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.
 4. Prior to the commencement of the use 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.

Traffic

5. Prior to the commencement of the use hereby permitted, a Car Parking Management Plan to the satisfaction of the Responsible Authority, must be submitted to and approved by the Responsible Authority addressing:
 - a. Details of the allocation of parking within the hospital site;
 - b. Details of how car parking is to be managed on site including how any paid car parking regime would be implemented; and
 - c. Details of expected queuing which could be experienced at any car park control points (if proposed).
6. The payment of a cash contribution of \$15,000 to Council prior to the commencement of the use hereby permitted, to fund implementation of car parking measures to treat the surrounding residential streets that may include parking restrictions, residential permits, and line marking which seeks to limit the ability of Hospital users from parking within the surrounding area.
7. Before the commencement of any buildings and works on the land, a Construction Management Plan (CMP), to the satisfaction of the Responsible Authority, must be submitted to and approved by the Responsible Authority and when approved shall thereafter be complied with. The CMP must specify and deal with the parking of vehicles during construction, delivery of materials, containment of waste on site and suppression of dust, business operations on the site during construction.
8. The developer/owner must contact the Responsible Authority and Vic Roads

and arrange traffic management plans and WORKS ZONE for any works that may affect traffic (both vehicular and pedestrian) or parking in South Road or any of the surrounding streets.

Conditions required by VicRoads

9. Within twelve (12) months from the date of this permit and subject to the development commencing a functional layout showing mitigating road improvement works at the signalised intersection of South Road and site access must be submitted to and approved by the responsible authority following consultation with Vic Roads showing:
 - a. An extended double right turn lane on South Road at the signalised intersection or an extension of the existing single lane right turn lane to the satisfaction of the responsible authority.
 - b. Details of the site access road realigned to account for the double right turn lane on South Road if required by the chosen access alteration.
 - c. The exiting U-turn facility west of the signalised intersection removed.
 - d. Swept path analysis of appropriate design vehicles at the signalised intersection.
 - e. Details of sundry works to the signalised intersection to account for the double right turn lane if required.
10. Before the use of the permitted development and/or commencement of any works required by VicRoads under this permit a detailed engineering design must be prepared generally in accordance with the accepted functional layout plan and to the satisfaction of VicRoads.
11. Before the use of the permitted development, mitigating road improvement works at the South Road / Site Access must be completed in accordance with the approved plans to the satisfaction of and at no cost to VicRoads.
12. The preparation of the detailed engineering design and the construction and completion of all work must be undertaken in a manner consistent with current VicRoads' policy, procedures and standards and at no cost of VicRoads. In order to meet VicRoads requirements for these tasks the applicant will be required to comply with the requirements documented as "Standard Requirements – Developer Funded Projects" and any other requirements considered necessary depending on the nature of the work.
13. No work must be commenced in, on, under or over the road reserve without having first obtaining all necessary approval under the *Road Management Act 2004*, the *Road Safety Act 1986*, and any other relevant acts or regulations created under those Acts.

Environmental Sustainable Design

14. The development must be in accordance with the Sustainability Management Plan prepared by Lehr Consultants International (QLD) Pty Ltd and referenced as Revision D dated 25 February 2014.

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15. Prior to the commencement of the use hereby permitted, written confirmation from the author of the endorsed Sustainability Management Plan (or such other agreed ESD consultant) is to be submitted to the Responsible Authority that all of the required measures specified in the Sustainability Management Plan have been implemented.

Development Engineering

16. A comprehensive stormwater management strategy must be submitted to the satisfaction of the Responsible Authority. This strategy may include STORM report incorporating Rainwater Tanks for water reused for toilet flushing and other Water Sensitive Urban Design Treatments to achieve best practice objectives as per Council's "Civil Design Requirements for Developers – Integrated Stormwater Management".
17. 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.
18. 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.).
19. The Stormwater outflow of the site to Council drainage system must be limited to the predevelopment level outflow of the site.

Roads and Drains

20. Property boundary and footpath levels must not be altered without the prior written consent from the Responsible Authority.
21. Any damaged vehicle crossings and/or footpaths must be reinstated to the satisfaction of the Responsible Authority. Vehicle crossings must be constructed to council's industrial strength specifications.
22. Prior to the occupation of use 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.
 - e. Line-marked to indicate each car space, all access lanes and, if

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necessary, the direction in which vehicles are to travel 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.

Conditions required by EPA Victoria

23. 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.
24. Offensive odours must not be discharged beyond the boundaries of the site so as to exceed the relevant EPA standards.
25. If required, a secondary containment system should be provided for liquids which if split are likely to cause pollution or pose an environmental hazard, in accordance with the EPA Publication 347 Bunding Guidelines 1992 or as amended.
26. Prescribed industrial waste, as defined by the Environment Protection (Industrial Waste Resource) Regulations 2009 or as amended, will be transported with the appropriate EPA transport certificates and disposed of or recycled at appropriately licensed premises.
27. Construction and post-construction activities must be in accordance with EPA Publication 275 Construction Techniques for Sediment Pollution Control 1991 or as amended.

Amenity

28. Any external lighting must be designed, baffled and located to suitably manage any adverse effects on adjoining land to the satisfaction of the Responsible Authority.
29. Without the further written permission of the responsible authority all deliveries of goods (including food linen materials and oxygen supplies) to the designated loading bay area and collection of waste must be wholly contained within the site and from vehicles only during the hours of 7.00am to 7:00pm Monday to Saturday, and 9:00am to 7:00pm on Sunday. Small vehicle courier(s) may deliver to the main entrance and or emergency department at any time.
30. The collection of waste must be carried out in accordance with the Waste Management Plan for 488-490 South Road, Moorabbin prepared by Leigh Design Pty Ltd dated 5 March 2014 to the satisfaction of the responsible authority, and shall endeavour to ensure that the compaction of refuse does not occur whilst the vehicle(s) is stationary at the site.
31. 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.
32. No signs or other advertising or identification may be erected or displayed on the site without the prior written consent of the Responsible Authority other than for signs not requiring a permit pursuant to Clause 52.05-10 of the Kingston

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Planning Scheme.

33. No plant, equipment, services or architectural features other than those shown on the endorsed plans shall be constructed or located above the roof level of the buildings.
34. Bins or other receptacles for any form of rubbish or refuse may not be placed or allowed to remain in the view of the public, and no odour shall be emitted from any such receptacle.

Time Limits

35. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.
36. 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 use and 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 use or development allowed by the permit has not yet started; or
- within twelve (12) months after the permit expiry date, where the development allowed by the permit has lawfully started before the permit expires.

CARRIED

Note: Cr West asked that her name be recorded in the minutes as having voted in the negative.

9.4 KP560/2013 - 2 Ormond Street, Mordialloc

It is recorded that David Van Pelt spoke on behalf of the objectors in relation to this item.

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

Moved: Cr Gledhill

Seconded: Cr Brownlees

The Council refuse the application to develop the land for the construction of eleven (11) dwellings in an apartment building with basement at 2 Ormond Street Mordialloc, on the following grounds:

1. The proposed extent of massing throughout the length of the site is visually intrusive and would result in unreasonable amenity impacts on adjoining properties.
2. The proposal is inconsistent with the existing and emerging massing, scale and neighbourhood character for the area and fails to satisfy the objectives of Clause 22.11 and Clause 55.02-1 of the Kingston Planning Scheme and will not comply with the heritage character of many of the houses in Ormond Street and neighbouring streets.
3. The proposed height of the building does not respect the existing neighbourhood character and fails to meet the objective of Clause 55.03-2 of the Kingston Planning Scheme.

CARRIED

9.5 KP706/2013 - 2 Margaret Street Moorabbin

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

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

Cr Gledhill left the meeting, the time being 9:46 PM

Cr Gledhill returned to the meeting, the time being 9:49 PM

Moved: Cr Barth

Seconded: Cr West

That Council refuse the application to develop the land for the construction of Three (3) Dwellings at 2 Margaret Street Moorabbin on the following grounds:

1. The proposal would detract from the visual amenity of the locality and the streetscape.
2. The proposal would cause traffic congestion in a residential street.
3. 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, would have adverse amenity outcomes for adjoining properties (in particular visual amenity) and is of visually bulky appearance.
4. The proposal fails to comply with the following objectives and standards of Clause 55 of the Kingston Planning Scheme (ResCode):
 - Clause 55.02-1 Neighbourhood character
 - Clause 55.03-1 Street Setback
 - Clause 55.03-8 Landscaping
 - Clause 55.04-1 Side and Rear Setbacks

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- Clause 55.05-5 Solar access to open space
- Clause 55.05-4 Private Open space and Council's

CARRIED

9.6 KP670/2013 - 3 Warrigal Road Mentone

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

Moved: Cr Gledhill

Seconded: Cr Brownlees

That Council determine to support the proposal and issue a Notice of Decision to Grant a Permit to construct two dwellings and alter access to a Road Zone, Category 1 at 3 Warrigal Road, Mentone, 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 31 December 2013, 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, species must comprise a minimum of 80% indigenous coastal species;
 - 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) native suitable medium sized (at maturity) canopy trees within the front setback of the property and one (1) small (at maturity) native tree within the private open space area of each dwelling, with species chosen to be approved by the Responsible Authority;
 - vii. sustainable lawn areas and plant species taking current water restrictions into consideration;
 - viii. all trees provided at a minimum of 2 metres in height at time of

- planting;
- ix. medium to large shrubs to be provided at a minimum pot size of 200mm;
 - x. the provision of notes regarding site preparation, including the removal of all weeds, proposed mulch, soil types and thickness, subsoil preparation and any specific maintenance requirements;
- b. the basement ramp longitudinal section with grades, levels, distances, headroom clearance and the flood proof apex as per AS2890.1:2004. A flood proof apex (ie ridge level) protecting the proposed reverse fall driveway must be provided to protect the property from overland flows. This apex is to be a minimum of 250mm above the existing invert of kerb level along the Warrigal Rd frontage. This apex is to continue through any driveways or pathways that may cross it. The apex is to be a permanent structure (eg. rise in concrete driveway/pathway, sleeper retaining wall, solid brick fence/wall). Low mounded soil on its own is unlikely to be acceptable due to the likelihood of future disturbance;
 - c. the basement ramp modified to the satisfaction of the responsible authority. The ramp should have a grade of no less than 1:10 within 5.0 metres of the frontage and the maximum gradient of the driveway shall not exceed 1:4. Where the difference in grade between two sections of ramp or floor is greater than 1:8 (12.5 per cent) for a summit grade change, or greater than 1:6.7 (15 per cent) for a sag grade change, the ramp must include a transition section of at least 2 metres;
 - d. vehicle crossings must be constructed at a 90 degree alignment with the kerb on Warrigal Road and all internal driveways must align with the existing / proposed vehicle crossing;
 - e. internal doors in the garages to open outwards (away from car spaces);
 - f. the proposed car spaces in each garage are required to have a minimum 11.3m internally in length;
 - g. hand-rails of at least 50% transparent must be provided along the retaining wall on both sides of the ramp;
 - h. the inclusion of a corner splay or area clear of visual obstruction, extending at least 2.0m along the frontage road from the edge of the driveway and 2.5 metres along the driveway from the frontage, provided for the proposed driveway. This area must be clear of visual obstructions may include 1.2m fence, fence higher than 1.2m with 50% clear visual obstruction, vegetation less than 900mm or tree greater than 1.8m. This is to provide a clear view of pedestrians on the footpath, as vehicles exit the site.
 - i. an elevation plan of the front fencing, which provides details of its height, materials and colours and sight line requirements of Clause 52.06-8;
 - j. the surface material of all driveways / accessways and car parking spaces nominated in all-weather coloured concrete sealcoat, or similar;

- k. the inclusion of fixed and obscured glazing and/or external screens (with no more than 25% transparency) to a minimum height of 1.7m above the finished floor level of the south rooftop elevation;
- l. the first floor of dwelling 1's south facing balcony adjacent to the living room setback a minimum of 2.2m from the southern boundary or be redesigned to accord with the provisions of Clause 55.04-4 (Standard B20) of the Kingston Planning Scheme;
- m. free standing trellis (no more than 25% transparency) located along the rear (western) boundary to a minimum height of 2.1m above natural ground level or otherwise approved to the satisfaction of the Responsible Authority;
- n. a notation stating "the crossover will be constructed in accordance with VicRoad requirements" and designed in accordance with Condition 18;
- o. the provision of minimum 2000 litre rainwater tank clearly nominated for each dwelling with water re-used for toilet flushing; and
- p. 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.

Ongoing Conditions

- 2. The development as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.
- 3. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.

Other

- 4. 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.

Street Tree

- 5. Prior to the removal of the (Agonis) street tree(s) from the (3 Warrigal Rd Mentone) 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.
- 6. Prior to the commencement of any works on the site, a tree protection barrier must be installed at least (2) metres from the base of the (Banksia) street tree located on the nature strip.
- 7. Sensitive digging is required during the construction of the proposed crossover to ensure that the health of all street trees located on the crossover is not impacted - no roots over 50mm are to be cut and no branches are to be damaged during any construction works outside any tree protection zone(s).

Engineering

8. The provision of a flood proof apex in accordance with Condition 1c.
9. 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 4.1 l/s.
10. Before the development commences, a Stormwater Management Plan showing the stormwater works to the nominated point of discharge must be prepared to the satisfaction of the Responsible Authority. The Stormwater Management Plan must be prepared by a qualified person and show all details of the proposed stormwater works including all existing and proposed features that may have impact (e.g. trees to be retained, crossings, services, fences, abutting buildings, existing boundary surface levels, etc.). The Stormwater Management Plan must be prepared as per Council's *Civil Design Requirements for Developers – Part A – Integrated Stormwater Management*.
11. Stormwater works must be provided on the site so as to prevent overflows onto adjacent properties.
12. 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.
13. 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.
14. The replacement of all footpaths, including offsets, must be constructed the satisfaction of the Responsible Authority.
15. All reinstatements and vehicle crossings must be constructed to the satisfaction of the Responsible Authority.
16. All front and side fences must be contained wholly within the title property boundaries of the subject land.

VicRoad Conditions

17. Provision for vehicles to enter and exit the site in a forward direction must be available at all times to the satisfaction of the VicRoads;
18. To the satisfaction of and at no cost to VicRoads, the proposed crossover shall be constructed such that it is at least 5m wide at the property boundary, flared at 60 degrees with a 3.0 metre radial turnouts at the kerb and with 1.0 metre clearance from any fixed object at the entrance to the property.

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Time Limit

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

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

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

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

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

Note: The fee for removal of the street tree(s) from the nature strip is (\$734.00 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: Significant areas of Kingston Council have not been flood mapped by Council or Melbourne Water and therefore do not yet have flood overlays applied to them. If a proposed development falls within these unmapped areas, appropriate methods from 'Australian Rainfall and Runoff' are utilised to determine the depth of overland flow past the frontage of the subject site. An apex is then nominated to protect the property from these overland flows.

Note: Council does not accept any groundwater (including AG drain) into the

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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.

Cr Barth left the meeting, the time being 10:00 PM and did not return.

CARRIED

9.7 Costco Preliminary Draft MDP

Moved: Cr Bearsley

Seconded: Cr Gledhill

That Council:

1. Write to the Moorabbin Airport Corporation reflecting its support for the Costco Preliminary Draft Major Development Plan and that Council ask Moorabbin Airport Corporation and Council Strategic Planning Officers work through the issues contained in the original report.

Procedural Motion

Moved: Cr Eden

Seconded: Cr West

That the matter be deferred

LOST

A Division was Called:

DIVISION:

FOR: Crs West and Eden (2)

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

LOST

The Substantive Motion was put and CARRIED

9.8 Unconstructed Road Policy / Special Rates and Charges Schemes Policy

Moved: Cr Brownlees

Seconded: Cr Gledhill

That Council:

1. Approves the Unconstructed Roads Policy
2. Approves the Special Rates and Charges Schemes Policy
3. Directs officers to implement the procedures contained in the policies.

CARRIED

9.10 Renewal of Mordialloc Special Charge

Moved: Cr Brownlees

Seconded: Cr Gledhill

That Council:

1. Receive and note the request from the Mordialloc Traders Association for the declaration of a Special Charge to provide finance for a Marketing and Business Development Fund for the Mordialloc Shopping Precinct.
2. Pursuant to Sections 163 and 223 of the Local Government Act 1989, declare a Special Charge to provide finance for a Marketing and Business Development Fund for the Mordialloc Shopping Precinct. This Special Charge is to be used for the purpose of defraying expenses of advertising, promotion, centre management, business development and other incidental expenses associated with the encouragement of commerce at the Mordialloc Shopping Centre, for a period of seven years, commencing 1st July 2014 and ending 30th June 2021. It is expected that the Special Charge will raise a total of \$57,000 per annum.
3. Considers that there will be a special benefit to the persons required to pay the Special Charge (being owners and tenants of the properties) in that there will be a special benefit over and above that available to persons not subject of the Special Charge and directly or indirectly the viability of the Mordialloc Shopping Centre as a commercial area will be enhanced through increased economic activity. Furthermore the value of the properties included in the scheme, their desirability as letting propositions (where applicable) and their general image and stature, both separately and severally in the contest of the area generally, will be maintained and enhanced.
4. Resolve that the proposed Special Charge be levied on rateable land (with the exception of land used for residential purposes) within the following areas:

<u>Street</u>	<u>Numbers</u>
• Centreway	2 – 6
• Centreway	9
• Beach Road	222 – 231
• Main Street	459A – 541
• Main Street	530 – 626
• Nepean Hwy/Aspendale	1-4

5. Resolve that the Special Charge be levied on a floor area basis as follows:

• Level 1 and above	\$220
• Ground Floor (Area of 1 – 300 sq metres)	\$440
• Ground Floor (Area of 301 – 1000 sq metres)	\$715
• Large properties 1001+ sq metres	\$2,200
6. Resolve that the Special Charge be payable on dates in accordance with provisions of s.167 of the Local Government Act 1989 and be billed on Rate Notices for the relevant properties.
7. Publish a public notice of the declaration of the Special Charge in the Mordialloc Chelsea Leader newspaper and on the City of Kingston website and send written notices to all owners and occupiers of properties in respect of which the charge is to be levied.

CARRIED

10. Community Sustainability Reports

10.1 Redevelopment of Mordialloc Life Saving Club

Moved: Cr Brownlees

Seconded: Cr Gledhill

That Council:

1. Receive the information;
2. Endorse the concept building designs for Stage 1 of the Mordialloc Coastal Resource Centre as detailed in the attachment; and
3. Direct officers to make the plans available for community information and comment, prior to proceeding to detailed design and tender.

CARRIED

A Division was Called:

DIVISION:

FOR: Crs Brownlees, Peulich, West, Bearsley, Gledhill and Eden (6)

AGAINST: Nil (0)

CARRIED

11. Organisational Development & Governance Reports

11.1 Appointment of an Independent Observer

Moved: Cr West

Seconded: Cr Eden

That Council:

1. Receive the information; and
2. Endorse the parameters and processes outlined in this report and the request for quote for the appointment of an independent observer of meeting of Councillors.

LOST on the casting vote of the Chairperson

A Division was Called:

DIVISION:

FOR: Crs West, Gledhill and Eden (3)

AGAINST: Crs Brownlees, Peulich and Bearsley (3)

LOST on the casting vote of the Chairperson

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Moved: Cr Brownlees

Seconded: Cr Bearsley

That the matter no longer be proceeded with

LOST on the casting vote of the Chairperson

A Division was Called:

DIVISION:

FOR: Crs Brownlees, Bearsley and Gledhill (3)

AGAINST: Crs Peulich, West and Eden (3)

LOST on the casting vote of the Chairperson

11.2 Council Plan 2013-2017 and Strategic Resource Plan Update 2014

Moved: Cr Bearsley

Seconded: Cr Brownlees

That Council:

1. Receive the information;
2. Maintain 'One Vision', Council Plan 2013-2017 without adjustment for the 2014-2015 financial year; and
3. Adopt the Strategic Resource Plan 2014 update subject to any changes in the adopted budget being reflected in a revised Strategic Resource Plan.

CARRIED

11.3 Council Ward Grants

Moved: Cr Brownlees

Seconded: Cr Gledhill

That Council:

1. Approve the recommended Council Ward Grants in accordance with the table of Councillor recommendations in Appendix 1. Further that the following Ward Grants be approved:
 - Mordialloc Redbacks Junior football Club \$650 – Cr Brownlees
 - Kingston Historical Network \$500 – Cr Gledhill
 - Kingston Historical Network \$500 – Cr Brownlees

CARRIED

A Division was Called:

DIVISION:

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

AGAINST: Nil (0)

ABSTAINED: Crs West and Eden (2)

CARRIED

11.4 Assembly of Councillors Record Report

Moved: Cr Gledhill

Seconded: Cr Brownlees

That Council:

1. Note the contents of this report for the public record.

CARRIED/

12. Corporate Services Reports

12.1 Procurement Policy Update - Financial Year 2013/14

Moved: Cr Gledhill

Seconded: Cr West

That Council:

1. Resolve to adopt the updated Procurement Policy and Procedures pursuant to the requirements of Section 186A of the Local Government Act 1989.

CARRIED

Extension of Time

Moved: Cr Brownlees

Seconded: Cr Gledhill

That the meeting be extended until 11.30pm.

CARRIED

**12.2 Award of Contract for Supply of Electricity for Unmetered Street Lighting
[MAV EC8310-2013-EL]**

Moved: Cr Bearsley

Seconded: Cr Gledhill

That Council:

1. Award Contract MAV EC8310-2013-EL to ERM Power Retail Pty Ltd for a period of three (3) years from 1 January 2015 to 31 December 2017 at an estimated total cost of \$ 1,662,927 (excluding GST) inclusive of all associated contestable, network and regulated costs.
2. Authorise the Chief Executive Officer or delegate to execute agreements with the recommended tenderer, including any variation resulting from final carbon or other price adjustments that may eventuate.

CARRIED

12.3 Contract No.13/129 - Provision of Legal Services

Moved: Cr Brownlees

Seconded: Cr Gledhill

That Council:

1. Award Contract No. 13/129 to the following providers of Legal Services:

General Municipal

Hunt & Hunt Lawyers
Maddocks
Russell Kennedy Pty Ltd

Planning, Building and Environmental

Hoeys Lawyers Pty Ltd
Hunt & Hunt Lawyers
HWL Ebsworth Lawyers
Maddocks
Russell Kennedy Pty Ltd

Property

Earl & Associates Lawyers
Hunt & Hunt Lawyers
Maddocks
Russell Kennedy Pty Ltd

Human Resources and Industrial Relations

Hunt & Hunt Lawyers
Lander & Rogers
Maddocks
Russell Kennedy Pty Ltd

for an initial period of five (5) years, from 1 July 2014 to 30 June 2019;

2. Authorise the Chief Executive Officer or delegate to execute the Contracts; and
3. Authorise the Chief Executive Officer or delegate to exercise the two(2) further two (2) year extension options, subject to satisfactory performance.

CARRIED

12.4 Draft Busking Guidelines (Previously Street Entertainment Guidelines)

Moved: Cr Bearsley

Seconded: Cr Brownlees

That Council approve the final draft of Council's Busking Guidelines and present the Guidelines to the community for a period of community consultation.

CARRIED

**12.5 Parkdale Land Status Between 9A and 11 The Corso and Dover Place
Parkdale**

Moved: Cr Brownlees

Seconded: Cr Gledhill

That Council:

1. Resolves to commence the discontinuation of the subject road, excluding that part of the road which currently provides access for 9a and 11 The Corso properties, and that in the event Council receives any submissions, a committee be formed in accordance with Section 223 of the Local Government Act.
2. That if the section 223 Committee is required it shall comprise Julian Harvey, Acting General Manager Corporate Services, Newton Gatoff, Acting Manager Property Arts and Leisure Services, and Central Ward Councillors, Cr West, Cr Gledhill and Cr Brownlees.
3. That the Section 223 Committee upon hearing and considering any submission, prepares a report for Council.
4. In the event no submissions are received, Officers proceed to partially discontinue the subject road in accordance with the Local Government Act, ensuring that the existing vehicular access to 9a and 11 The Corso continues, the discontinued road be designated a reserve on title, and at an appropriate time in the future, consider changing the zoning of the discontinued section to Public Park and Recreation Reserve Zone.

CARRIED

12.6 Dog Litter Dispenser Trial

Moved: Cr Bearsley

Seconded: Cr Gledhill

That Council:

1. Note the contents of the report and Officer recommendation, Option 3, to not continue with or expand the use of dog litter bag dispensers.
2. Provide dog litter bags to life saving clubs and cafes on the Kingston foreshore for their members/customers.

CARRIED

A Division was Called:

DIVISION:

FOR: Crs Brownlees, Peulich, West, Bearsley, Gledhill and Eden (6)

AGAINST: Nil (0)

CARRIED

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13. Notices of Motion

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

That Kingston Council resolves to write to the federal government on our opposition to the proposed changes to Section **18C** of the Racial Discrimination Act. With a view that such changes are likely to threaten social cohesion and further lead to racial vilification of our Aboriginal, multicultural and multi-faith communities. *While we strongly support free speech, it is not unlimited free speech. People aren't free to vilify others on the basis of race or religion.*

Moved: Cr West

Seconded: Cr Bearsley

That the matter be deferred to the next Ordinary Meeting of Council.

CARRIED

13.2 Notice of Motion No. 22/2014 - Cr Bearsley - Kingston Your City

I MOVE :

That Council reinstates the 11 issues of KYC.

Moved: Cr Bearsley

Seconded: Cr Brownlees

That the matter be deferred to allow further consideration at a Councillors Briefing Session.

CARRIED

A Division was Called:

DIVISION:

FOR: Crs Brownlees, Peulich, West, Bearsley, Gledhill and Eden (6)

AGAINST: Nil (0)

CARRIED

13.3 Notice of Motion No. 25/2014 - Cr Gledhill - Indigenous Gathering Place

Moved: Cr Gledhill

Seconded: Cr Brownlees

That Council officers prepare a report into the most suitable location for the establishment of an Indigenous Gathering Place within the Mordialloc foreshore precinct.

The precinct is defined as the area to the North of Mordialloc Creek as far as Epsom Rd and to the West of Beach Road.

CARRIED

A Division was Called:

DIVISION:

FOR: Crs Brownlees, Peulich, West, Bearsley, Gledhill and Eden (6)

AGAINST: Nil (0)

CARRIED

14. Urgent Business

There were no items of urgent business.

15. 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:

15.1 Contract No 14/58 - Provision of Loan Finance - Tender Acceptance Report

This agenda item is confidential in accordance with the Local Government Act s89(2) as it relates to contractual matters (s89 2d)

15.2 Notice of Motion No. 26a/2014 - Cr West - Conflict of Interest

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)

15.3 Notice of Motion No. 26b/2014 - Cr West - Conflict of Interest

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)

15.4 Notice of Motion No. 26c/2014 - Cr West - Conflict of Interest

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

Confidential Appendices

12.2 Award of Contract for Supply of Electricity for Unmetered Street Lighting [MAV EC8310-2013-EL]

Appendix 1, MAV EC8310-2013-EL Electricity Unmetered Street Lighting Large Buildings and Facilities and Green Power - Assessment Report

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

12.3 Contract No.13/129 - Provision of Legal Services

Appendix 1, CON-13 129 Tender Evaluation Matrix -Final Evaluation

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

12.3 Contract No.13/129 - Provision of Legal Services

Appendix 2, CON-13 129 Tender Evaluation Matrix - Initial Evaluation

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

CARRIED

**City of Kingston
Ordinary Meeting of Council**

Minutes

23 June 2014

The meeting was closed to members of the public at 11.11pm.

Procedural Motion

Moved: Cr Gledhill

Seconded: Cr Brownlees

That the meeting be opened to members of the public

CARRIED

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

There being no further business the meeting closed at 11.21pm

Confirmed.....

The Mayor 28 July 2014