



City of
KINGSTON

Ordinary Meeting of Council Minutes

Monday, 24th November 2014

**City of Kingston
Ordinary Meeting of Council**

Minutes

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The meeting commenced at 7.02pm in the Council Chamber, 1230 Nepean Highway, Cheltenham.

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

1. Apologies

There were no apologies submitted to the meeting.

Note: Cr Ronke was not in attendance.

2. Confirmation of Minutes of Previous Meetings

Moved: Cr Peulich

Seconded: Cr Brownlees

That the Minutes of the Ordinary Meeting of Council held on 27 October 2014 and the Special Meeting of Council held on 12 November 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.

Statement by Cr West – State Election

In accordance with the Councillor Code of Conduct Cr West declared that she is a candidate in the State Election. Cr West also confirmed that she was acting in her capacity as a Councillor at tonight's meeting.

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4. Petitions

4.1 Objection to Grant Planning Permit, 67-71 Barkly Street Mordialloc

Moved: Cr West

Seconded: Cr Brownlees

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

CARRIED

4.2 Reinstatement of clock and matt facilities in renovated change rooms at Don Tatnell Leisure Centre

Moved: Cr Brownlees

Seconded: Cr Peulich

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

CARRIED

4.3 Objection to high density development applications for Valetta Street & Kipling 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

There were no awards presented.

6. Reports from Delegates Appointed by Council to Various Organisations

There were no delegate reports.

7. Question Time

Question Time took place at 8.17pm, please refer to 22 of the minutes.

Block Resolution

Moved: Cr Peulich

Seconded: Cr West

That the recommendations for Items 8.1, 8.8, 9.2, 9.3, 10.1, 10.2, 10.4, 10.5, 10.6, 10.7, 11.1, 11.2, 11.3 be adopted.

CARRIED

8. Sustainable Planning and Development Reports

8.1 Town Planning Application Decisions - October 2014

RECOMMENDATION

That the contents of the report be noted.

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

8.2 KP14/11 - 102-104 Rae Avenue and 90 Kinross Avenue Edithvale

It is recorded that Richard Umbers spoke on behalf of the applicant.

Moved: Cr Bearsley

Seconded: Cr Eden

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 Five dwellings with a waiver of the visitor car parking requirement at 102-104 Rae Avenue and 90 Kinross Avenue Edithvale, subject to the following conditions:

1. Before the development starts amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be substantially in accordance with the plans submitted to Council on 23 July 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. the delineation of all garden beds, paving, grassed areas, retaining walls, fences and other landscape works including areas of cut and fill throughout the development;
 - iii. all existing trees on the site and within three (3) metres to the boundary of the site on adjoining properties, accurately illustrated to represent actual canopy width and labelled with botanical name, height and whether the tree is proposed to be retained or removed;
 - iv. a range of plant types from ground covers to large shrubs and trees;
 - v. adequate planting densities (e.g.: plants with a mature width of 1 metre, planted at 1 metre intervals);
 - vi. the provision of three (3) suitable medium sized (at maturity) spreading canopy trees within the front setback of the property

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- facing Rae Avenue and two (2) medium (at maturity) spreading canopy trees within the front setback of the site facing Kinross Avenue with species chosen to be approved by the Responsible Authority;
- vii. the provision of one (1) suitable small (at maturity) tree within the private open space of each dwelling 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.
- b. the first floor of dwellings 1, 3 and 4 setback a minimum of 4.5 metres from the north-eastern boundary to Kinross Avenue, with the retention of a modulated first floor façade to Kinross Avenue. The increased street setback must be achieved through no further reductions in other setbacks.
 - c. the provision of sight splays to each driveway in accordance with Clause 52.06-8 of the Kingston Planning Scheme, with these splays clear of visual obstructions, with landscaping no higher than 900mm.
 - d. the proposed double vehicle crossings must have a common layback with a triangle of grass between the infill sections of the vehicle crossings and must be constructed to the satisfaction of the Responsible Authority.
 - e. a standard on-street parking bay at least 5.4m between vehicle crossings must be shown on the plans between the two new crossovers on Kinross Avenue.
 - f. the provision of a section drawing of proposed external fixed screening, demonstrating no more than 25% transparency.
 - g. the external screen to the window of bedroom 3 of dwelling 1 deleted, and replaced with a blade screen to its south-western side, with no more than 25% transparency, projecting approximately 400mm from the wall of the dwelling and to a height of 1.7 metres above finished floor level.
 - h. the external screen to the window of bedroom 2 of dwelling 4 deleted, and replaced with a blade screen to its south-western side, with no more than 25% transparency, projecting approximately 400mm from the wall of the dwelling and to a height of 1.7 metres above finished floor level.
 - i. the external screen to the window of bedroom 1 of dwelling 5 deleted, and replaced with a blade screen to its north-eastern side, with no more than 25% transparency, projecting approximately 400mm from the wall of the dwelling and to a height of 1.7 metres above finished floor level.
 - j. the provision of a separate full colour, finishes and building materials schedule (illustrated on an A4 or A3 sheet), for all external elevations

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and driveways of the development, with the surface material of all driveways nominated in all-weather coloured concrete sealcoat or similar.

Endorsed Plans

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

Sustainable Development

3. Prior to the endorsement of plans pursuant to Condition 1, a Sustainable Design Assessment (SDA), prepared by a suitably qualified professional, that outlines proposed sustainable design initiatives must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit.

The **SDA** must incorporate consideration of the following sustainable design criteria:

- a. Indoor environment Energy efficiency
 - b. Water resources
 - c. Stormwater management
 - d. Building materials
 - e. Bicycle parking
 - f. Waste Management
 - g. Urban Ecology
 - h. Innovation
 - i. Ongoing building and site management
4. A STORM report (or similar) with STORM rating of at least 100% or equivalent with a reliability not less than 80%, to demonstrate that the development meets Victoria's best practice stormwater targets pursuant to Clause 19.03-2 of the Kingston Planning Scheme. Achieving compliance with this condition must not conflict with other conditions contained within this permit.

Melbourne Water

5. No polluted and/or sediment laden runoff is to be discharged directly or indirectly into Melbourne Water's drains or watercourses.

Drainage and Water Sensitive Urban Design

6. 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 to the satisfaction of the Responsible Authority. The system must be maintained to the satisfaction of the Responsible Authority. Council's Development Engineer can advise on satisfactory options to achieve these desired outcomes which may include the use of an infiltration or bio retention system, rainwater tanks connected for reuse and a detention system.
7. 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

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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*" to the satisfaction of the Responsible Authority.

8. Stormwater works must be provided on the site so as to prevent overflows onto adjacent properties to the satisfaction of the Responsible Authority.
9. Stormwater outflow from the development to the Council drainage system should not exceed the predevelopment outflow of the site.

Street Trees

10. Prior to the commencement of any works on the site, a tree protection barrier must be installed at least two metres from the base of each (Agonis) street tree located on the nature strip.
11. 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).

Parking and Traffic Management

12. Prior to the occupation of the development hereby permitted, areas set aside for parking vehicles, access lanes and paths as shown on the endorsed plans must, to the satisfaction of the Responsible Authority, be:
 - 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 to the satisfaction of the Responsible Authority and maintained to the satisfaction of the Responsible Authority.

Infrastructure and Road Works

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

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of vehicle crossings) to the satisfaction of the Responsible Authority.

17. The proposed vehicle crossing conflicts with a Side Entry Storm Water pit and the pit must be changed to a grated pit, to the satisfaction of the Responsible Authority.

General amenity conditions

18. Any obscure glazing shown on the endorsed plans must be through frosted glass or similarly treated glass, and thereafter maintained to the satisfaction of the Responsible Authority. Adhesive film or the like that can be removed must not be used.
19. All fixed external screening to prevent overlooking marked on the endorsed plans shall be maintained by the owner of the land to the satisfaction of the Responsible Authority.
20. Service units, including air conditioning/heating units, where incorporated, must not be located where they will be highly visible from any public area to the satisfaction of the Responsible Authority and if located on the roof of a building, suitable screening and baffling must be provided to the satisfaction of the Responsible Authority.
21. All piping, ducting above the ground floor storey of the development (other than rainwater, guttering and downpipes) must be concealed to the satisfaction of the Responsible Authority.
22. All works on or facing the boundaries of adjoining properties must be finished and surface cleaned to a standard that is well presented to neighbouring properties, to the satisfaction of the Responsible Authority.

Completion of Works

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

Time Limits

26. In accordance with section 68 of the *Planning and Environment Act 1987 (Act)*, this permit will expire if one of the following circumstances applies:
 - The development is not started 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

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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: If further information is required in relation to Melbourne Water's permit conditions shown above, please contact Melbourne Water on telephone 9679 7517, quoting Melbourne Water's reference 233361.

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.

CARRIED

8.3 KP13/228 - 6-10 Valetta Street Carrum

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

It is recorded that Brian Lowe spoke on behalf of the applicant.

Moved: Cr Bearsley

Seconded: Cr Brownlees

That Council determine to support the proposal and issue a Notice of Decision to Grant a Planning Permit to develop the land for the construction of Eleven dwellings at 6-10 Valetta Street Carrum, subject to the following conditions:

1. Before the development starts amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be substantially in accordance with the plans submitted to Council on 29 August 2014, but modified to show:
 - a. the provision of a landscape plan in accordance with the submitted development plan and the City of Kingston Landscape Plan Checklist, with such plans to be prepared by a suitably qualified landscape professional and incorporating:
 - 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. paved areas nominated as being on a permeable base;
 - iv. 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;
 - v. the provision of twelve (12) suitable small to medium sized (at maturity) indigenous coastal canopy trees within site, with species chosen to be approved by the Responsible Authority;
 - vi. a range of plant types from ground covers to large shrubs and trees, species must comprise a minimum of 80% indigenous coastal species;
 - vii. adequate planting densities (e.g.: plants with a mature width of 1 metre, planted at 1 metre intervals);
 - 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; and
 - 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 deletion of the gate to the private open space of dwelling 5 through to

the foreshore reserve.

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

Endorsed Plans

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

Sustainable Development

- 3. Prior to the endorsement of plans pursuant to Condition 1, an amended Sustainable Management Plan (SMP), generally in accordance with the report prepared by Simon Ward dated 11 April 2013, must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The SMP must be amended to reflect the current plans.
- 4. A revised STORM report (or similar) with STORM rating of at least 100% or equivalent with a reliability not less than 80%, to demonstrate that the development meets Victoria's best practice stormwater targets pursuant to Clause 19.03-2 of the Kingston Planning Scheme. Achieving compliance with this condition must not conflict with other conditions contained within this permit.

Melbourne Water

5. Pollution and sediment laden runoff shall not be discharged directly or indirectly into Melbourne Water's drains or waterways.
6. The proposal must meet council's specified freeboard requirements for local flows for the construction of all new dwellings, main entry, lifts and storage areas within the car park above council's applicable flood level.
7. The proposal must meet council's specified freeboard requirements for local flows for the construction of the car park above council's applicable flood level.
8. All new decking must be constructed with unenclosed foundations to allow for the passage of overland flows.
9. Any new fencing must be of an open style to allow for the passage of overland flows.
10. Fill must be restricted to the proposed building envelopes and all open space areas within the property must be maintained at the existing natural ground surface levels.
11. All new development must be set back from the toe of the levee north of this site a minimum of 3.0 metres.
12. Prior to the commencement of works, a Site Environmental Management Plan (SEMP) must be submitted to Melbourne Water for review. The SEMP must show the location and nature of environmental values identified through site environmental assessments, and includes details of measures to protect or mitigate risk to those values. The SEMP must include a site map detailing the location and design of all measures in relation to significant site values including the following:
 - Silt fencing
 - Access tracks
 - Spoil stockpiling
 - Trenching locations
 - Machinery/ Plant locations
 - Exclusion fencing around native vegetation/ habitat

In addition to the above, a Work Method Statement and a task Risk Assessment must be submitted to Melbourne Water for review, outlining the general construction techniques to be adopted. The statement must address the following;

- a) OH&S measures in place to reduce risk
 - b) Evacuation procedures during high flows.
 - c) Diversions of flows for low and high flows
 - d) Process for machinery to access the creek
13. The proponent will need to formally apply to Melbourne Water's Asset Services Team to conduct any works on or near a Melbourne Water asset (including waterways), which includes detail of any new or modified stormwater connections. Prior to undertaking any works, the proposal must be accepted by Melbourne Water and the contractor must be in receipt of a Melbourne Water Permit to Work. Please contact Melbourne Waters Asset Services Team on

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telephone 9679 6614 for more information.

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

Drainage and Water Sensitive Urban Design

15. Before the development commences, a comprehensive stormwater management strategy of the site must be prepared to the satisfaction of the Responsible Authority. The strategy must include MUSIC model output incorporating Rainwater Tanks for water reuse and other Water Sensitive Urban Design Treatments to achieve best practice objectives as per Council's *"Civil Design Requirements for Developers – Integrated Stormwater Management"* to the satisfaction of the Council.
16. The development of the site must be provided with stormwater works which incorporates the use of water sensitive urban design principles to improve stormwater runoff quality and which also retains on site any increase in runoff as a result of the approved development. The system must be maintained to the satisfaction of the Responsible Authority. Council's Development Engineer can advise on satisfactory options to achieve these desired outcomes which may include the use of an infiltration or bio-retention system, rainwater tanks connected for reuse and a detention system.
17. Before the development commences, a Stormwater Management Plan showing the stormwater works to the nominated point of discharge must be prepared to the satisfaction of the Responsible Authority. The Stormwater Management Plan must be prepared by a qualified person and show all details of the proposed stormwater works including all existing and proposed features that may have impact (e.g. trees to be retained, crossings, services, fences, abutting buildings, existing boundary surface levels, etc.).
18. Stormwater works must be provided on the site so as to prevent overflows onto adjacent properties.
19. Stormwater outflow from the development to the Council drainage system must be limited to the predevelopment outflow of the site.

Parking and Traffic Management

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

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

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

Infrastructure and Road Works

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

Lighting

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

General amenity conditions

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

Completion of Works

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

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Responsible Authority. Thereafter, the landscaping shall be maintained to the satisfaction of the Responsible Authority.

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

Time Limits

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

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

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

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

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

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

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

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

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

Note: Please note that flooding may be associated with the Melbourne Water regional drainage system and/or the local Council drainage systems. Information available at Melbourne Water indicates that the property is not subject to flooding from Melbourne Water's drainage system, based on a flood level that has a probability of occurrence of 1% in any one year. However, to determine if

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a property is subject to flooding from the local Council drainage system you will need to contact the relevant Council for flood information.

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

Procedural Motion

Moved: Cr Barth

Seconded: Cr Staikos

That consideration of this item be deferred until the December Ordinary Meeting of Council.

CARRIED

8.4 KP13/512 - 530 Station Street Carrum

It is recorded that Richard Berg spoke on behalf of the applicant.

Moved: Cr Bearsley

Seconded: Cr West

That Council determine not to support the proposal to Grant a Planning Permit to develop the land for the construction of Nine (9) dwellings at 530 Station Street Carrum on the following grounds:

1. The proposed extent of visual bulk and massing throughout the length of the site has not adequately responded to the site's most sensitive interfaces, with inadequate articulation and lack of breaks in massing exacerbating the visual dominance of the building.
2. The proposed reduced street setback fails to satisfy the objective contained within Clause 55.03-1 (Street setback), which when combined with the proposed height of built form and encroaching third floor balcony, would be visually dominant within the streetscape.
3. The proposal fails to satisfy the objective of Clause 55.04-4 (North facing windows) of the Planning Scheme, proposing inappropriate setbacks to existing windows.
4. The proposal does not provide adequate internal amenity with regard to the extensive window and balcony screening required to prevent overlooking, with limited outlook available from habitable rooms.
5. Ground floor private open spaces are limited in useability due to; size, location of services, orientation or location next to site access points (basement ramp and pedestrian main entry), failing to satisfy the objective of Clause 55.05-4 (Private open space) of the Planning Scheme.
6. The proposed dwellings are inconsistent with the existing neighbourhood character and therefore the application does not satisfy objectives contained within Clause 15 (Built Environment and Heritage), Clause 21.05 (Residential Land Use), Clause 22.11 (Residential Development Policy) and Clause 55.02-1 (Neighbourhood Character) of the Planning Scheme.

CARRIED

8.5 KP14/569 - 387-421 Spring Road Dingley Village

Moved: Cr Barth

Seconded: Cr Eden

That Council determine to support the proposal and issue a Planning Permit to develop the land for the construction of alterations and extension to an existing retirement village at 387-421 Spring Road Dingley Village, subject to the following conditions:

1. The development, as shown on the endorsed plans, must not be altered without the written consent of the Responsible Authority.
2. Before the commencement of the development hereby permitted, areas set aside for parking vehicles, access lanes and paths as shown on the endorsed plans must be:
 - i) Constructed to the satisfaction of the Responsible Authority.
 - ii) Properly formed to such levels that they can be used in accordance with the plans.
 - iii) Surfaced with an all-weather sealcoat to the satisfaction of the Responsible Authority.
 - iv) Drained to the satisfaction of the Responsible Authority.
 - v) Line-marked to indicate each car space, all access lanes and, if 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.

3. In areas set aside for car parking, measures must be taken to the satisfaction of the Responsible Authority to prevent damage to fences or landscaped areas.
4. All external surfaces of the building elevations must be finished in accordance with the schedule on the endorsed plans and maintained in good condition to the Responsible Authority's satisfaction.
5. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.
6. 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 date of this permit.
 - The development is not completed within four (4) years from the date of this permit.

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

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

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

Note: Prior to the commencement of the development hereby approved, 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.

CARRIED

A Division was Called:

DIVISION:

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

AGAINST: Nil (0)

CARRIED

8.6 KP14/203 - 22 - 24 Pietro Road Heatherton

Moved: Cr Barth

Seconded: Cr Brownlees

That Council determine to support the proposal and issue a Planning Permit to develop the land for the construction of buildings and works comprising of a dwelling extension at 22 - 24 Pietro Road Heatherton, 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 13 June 2014 and 22 August 2014, but modified to show:
 - a. the provision of a rainwater tanks, with a minimum capacity of 2000L connected for toilet flushing
 - b. the maximum height of the development clearly nominated to be under 40 metres AHD
 - c. a notation on the plans stating that 'noise attenuation measures must be provided in accordance with Section 2 and 3 of the Australian Standard AS2021-2000 (Acoustics – Aircraft Noise Intrusion – Building Siting and Construction)
 - d. the proposed crossover reduced in width to between 3m and 4.6m, with the driveway to taper down to this width at the front property boundary
 - e. the existing crossover at the north of the site nominated to be reinstated to the satisfaction of the Responsible Authority,
 - f. the proposed crossover nominated to be constructed in accordance with

the requirements of the Responsible Authority, and

- g. the vehicle crossing nominated to be constructed at a 90 degree alignment with the kerb with the internal driveway to align with the proposed vehicle crossing.

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. Stormwater drainage of the site must be provided so as to prevent any overflows onto adjacent properties and be directed to the nominated point of discharge.

Roads Engineering

4. Prior to the commencement of development, property boundary, 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.
5. All reinstatements and vehicle crossings must be constructed to the satisfaction of the Responsible Authority.
6. All front and side fences must be contained wholly within the title property boundaries of the subject land.

Prior to Occupation

7. Prior to the occupation of the dwelling extension 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.
8. Prior to the occupation of the dwelling extension 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.
9. Prior to the occupation of the dwelling extension hereby permitted, all noise attenuation works must be completed in accordance with AS2021-2000 to the satisfaction of the Responsible Authority.
10. Prior to the occupation of the dwelling extension hereby permitted, or by such later date as is approved by the Responsible Authority in writing, the nature strip, kerb and channel, vehicle crossover and footpath must be reinstated to the satisfaction of the Responsible Authority.
11. Any existing vehicular crossing not in accordance with the endorsed plan must be removed and the kerb reinstated in a manner satisfactory to the Responsible Authority and any proposed vehicular crossing must be fully constructed to the Responsible Authority's standard specification.
12. Prior to the occupation of the dwelling extension hereby permitted, any damaged boundary fences must be repaired and/or replaced as necessary to the satisfaction of the Responsible Authority, at the cost of the applicant/owner.
13. Prior to the occupation of the dwelling extension 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.

Completion of Development

14. 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.
15. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.

Permit Expiry

16. 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: 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 building is located within the 20-25 ANEF (Australian Noise Exposure Forecast system) requiring noise attenuation (please refer to AS2021-2000

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section 2 and 3). Please note that housed, homes, units and plans are unacceptable when the ANEF is greater than 25.

CARRIED

A Division was Called:

DIVISION:

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

AGAINST: Nil (0)

CARRIED

8.7 Amendment C143 - Green Wedge A Zone

Moved: Cr Peulich

Seconded: Cr Brownlees

1. That Council request the Minister for Planning to appoint a Panel under Part 8 of the *Planning and Environment Act 1987* to further consider and report on Amendment C143 to the Kingston Planning Scheme.
2. That all submitters to Amendment C143 be advised in writing of the above resolution.

CARRIED

A Division was Called:

DIVISION:

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

AGAINST: Nil (0)

CARRIED

Question Time

Question 1

Brooke Jamison of Mentone asked,

“105 Collins Street, directly adjacent to the Depot site was recently for sale. Why did the Council approach the owners of this property and offer them money to delay the sale of their property.

The CEO provided the following response,

The Council depot site is an irregular shape and the acquisition of this abutting property of 105 Collins Street would square up the depot site. When Council became aware last week that 105 Collins Street was for sale it approached the owners agents and was advised the owners had two offers and was intending to sell that week. Officers tried to negotiate an opportunity to have the owners defer their sale decision until midday of Tuesday this week so that Council could consider acquiring 105 Collins Street at tonight’s Council meeting. In an attempt to encourage the owners to accept this proposal it was offered that Council would pay the owners \$5000 to defer their decision and if Council brought the site the \$5000 paid would be counted towards the

acquisition price paid by Council. The property owners did not accept this proposal and no money was paid by Council.

Question 2

Brooke Jamison of Mentone asked,

“Why has the sale process for the depot site been rushed forward from the previously outlined 2015 timeline? Would Council consider extending the timeline of the current process to incorporate an appropriate level of community consultation given the current groundswell against development in the areas.”

The CEO provided the following response,

“Council is in the process of progressing a Council resolution relating to the development of aged care facilities. This includes a statutory process relating to the sale of land and lease of facilities. This statutory process includes public advertisement and the opportunity for the public to comment. The recent advertising of this proposal is in accordance with legal advice that this should occur before the Request for Proposal tender process is advertised, not after as originally been proposed ”

Question 3

Brooke Jamison of Mentone asked,

“Will the new Mayor support and RFP for aged care to be undertaken at the current Remo Street site (as well as Collins Street)?”

The CEO provided the following response,

“This matter is to be considered by Council as part of the formal Council Agenda this evening.”

Question 4

Owen Roberts of Mentone asked,

“Why didn’t Council consider looking at both Collins Street and Remo Street for aged care?”

The CEO provided the following response,

“Council has considered both of these sites.”

Question 5

Ralph Wollmer of Cheltenham asked,

“I refer to Council’s decision of 25th August ,2014 which will result in the closure of Wilson Street, Cheltenham to through traffic from January 2015, for an initial period of 12 Months.

Given the extent of opposition to the closing of Wilson Street expressed by residents and other users – in brief, by some 850 petitioner, including at least 270 residents of ‘the traffic study precinct’, and over 100 attendees at a Public Meeting on 5th October, 2014 regarding Wilson Street; and second undertake to develop in consultation with all stakeholders (or their representatives), other specific but less disruptive measures to moderate the impact of traffic volumes in Wilson Street?”

The CEO provided the following response,

“Council has sought to balance the views of all people in the local area, those who live in Wilson Street and those who drive along Wilson Street. Further communication is being discussed with Ward Councillors.”

Question 6

Eva of Blackrock asked,

I would like to find out the Council’s procedures regarding the supply of green waste bins and composting for the high rise buildings in the area of Kingston, which hasn’t been happening. You have been approaching residents in dwellings (single)but residents of the apartment complexes do not get the above. The lack of common sense is unacceptable.”

The CEO provided the following response,

This question will be taken on notice and Council will provide a response by post. Officers will also ring to discuss with Eva.”

Question 7

Krystyne Carter of Carrum asked,

Is there an overview or planning for river foreshore planning, i.e. at Carrum?”

The CEO provided the following response,

There are two Design Development overlays for river and foreshore planning at Carrum. They are DD01 and DD07 controlling height and set-backs. DDO stands for design and development overlay. These Planning Scheme overlays are available online at Council’s website. I will arrange for an officer to call you to discuss your question.”

Question 8

Nicole Rushworth of Carrum asked,

Many of us have contacted our South Ward Councillors to discuss the issue of high density development in our area. We have received responses from Cr Tamsin Bearsley and Cr David Eden but as yet, we have not heard from Cr John Ronke. Therefore, I am seeking Councillor Ronke’s views about (The Development) and whether he will demand compliance with the Council’s Carrum Activity Centre Policy – particularly as it related to ‘respect for neighbourhood character’, and requiring small dwellings reflecting an ‘historic’ coastal cottage character.”

The CEO provided the following response,

This question will be passed onto Cr Ronke.”

Cr Staikos left the meeting at 8.24pm

8.8 Metropolitan Planning Authority - Preparation of a Clayton Structure Plan

RECOMMENDATION

1. That the letter drafted in Appendix 1 be forwarded to the Metropolitan Planning Authority in relation to the preparation of a Structure Plan for Clayton.
2. That Councillors be briefed on the response received from the Metropolitan Planning Authority.

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

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9. Community Sustainability Reports

9.1 Disability Action Plan

Moved: Cr Barth

Seconded: Cr Bearsley

That Council adopt the proposed Disability Action Plan 2015-2019.

Cr Staikos returned to the meeting at 8.26pm

CARRIED

9.2 Access and Equity Grants Recommendations September 2014

RECOMMENDATION

That Council adopt the proposed round one Access and Equity Grant funding allocations as recommended by the Access and Equity Advisory Committee.

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

9.3 Extension of Library Hours (Heatwave)

RECOMMENDATION

That Council resolve to offer extended library open hours on days of extreme heat, subject to trigger points and criteria being met, consistent with Option 2 as detailed in the report.

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

10. City Assets and Environment Reports

10.1 Construction of Madden Road, Heatherton between Boundary Road and the western end via a Special Charge Scheme

RECOMMENDATION

- (a) That Council NOT proceed with the 'Special Charge' scheme as the majority of residents are unfavourable; and
- (b) That Council continues to maintain Madden Road in accordance with Council's Road Management Plan and continue to grade the road; re-sheet with extra crushed rock as required, and also treat with dust suppressant each summer.

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

10.2 Ben Kavanagh Reserve Master Plan

RECOMMENDATION

That Council approve the draft Ben Kavanagh Reserve Master Plan for public consultation for an 8 week period.

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

10.3 Advertising and Promotional Signs On Council Sporting Reserves - Draft Policy

Procedural Motion

Moved: Cr Bearsley

Seconded: Cr Peulich

That consideration of this item be deferred until the December Ordinary Meeting of Council.

CARRIED

10.4 Sport and Recreation Reference Group

RECOMMENDATION

That Council:

1. Extend the inaugural term of the Sport and Recreation Reference Group for an additional 12 months
2. Appoint the existing seven Community members for an additional 12 months.
3. Review the Sport and Recreation Reference Group Terms of Reference once the practical implementation of the Council Consultation Framework has been adopted by Council.

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

10.5 Authority to Undertake Sale of Land Process

RECOMMENDATION

That Council:

1. Authorise and direct the CEO or his delegate to undertake all actions necessary to apply for a planning permit for the subdivision of 48-56 Kallay Street, Clayton South to provide for a lot for sale and a lot to be retained by Council as a public reserve; and
2. Authorise and direct the CEO or his delegate to publish a public notice in

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accordance with section 189 of the Local Government Act 1989 (“Act”) stating Council’s intention to sell 4 Stawell Street, Mentone; 3 Mount View Avenue, Parkdale; and part of 48-56 Kallay Street, Clayton South; and

3. Authorise and direct the CEO and other relevant Council staff to carry out the necessary administrative procedures to allow Council to carry out its functions under section 223 of the Act; and
4. Authorise and direct the CEO and other relevant Council staff to convene, if required, a section 223 committee of Council to include General Manager of City Assets and Environment, Manager Property, Arts and Leisure Services and the respective ward Councillors which shall meet on 4 February 2015, or such other date if required, commencing at 4pm to hear presentations from parties who wish to be heard in support of their written submissions; and
5. In the event no submissions are received, authorise and direct the CEO or his delegate, to proceed to sell 4 Stawell Street, Mentone; 3 Mount View Avenue, Parkdale and (following a sub-division process) part of 48-56 Kallay Street, Clayton South and that the sale price for each property shall be no less than an open-market valuation as determined by a member of Council’s contracted valuation panel.

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

10.6 Contract Variation for Soil Remediation Works at 101 Collins Street, Mentone

RECOMMENDATION

That Council:

1. Note that based on financial analysis as at 18 November 2014 the cost of remediation for 101-103 Collins Street is now estimated to total \$1.1M plus GST, including demolition, contaminated soil removal, reinstatement of site, cost of environmental consultants including associated soil analysis and groundwater analysis (\$113,274 plus GST).
2. Authorise the CEO or his delegate to vary the existing contract with Ausdecom to provide for additional expenditure above the initial contract of \$497,822 plus GST to enable the works to be completed to the satisfaction of Council’s Environmental Consultants URS and Council’s Independent Auditor Peter Ramsay & Associates to approximately \$1.0M plus GST.

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

10.7 Year to Date Quarterly Performance Report as at September 2014

RECOMMENDATION

That Council receive the year to date Quarterly Performance Report against the 2013-2017 Council Plan for the period to 30 September 2014.

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

11. Corporate Services Reports

11.1 Council Consultation Framework

RECOMMENDATION

That Council review the Council Consultation Framework at the Councillors Workshop in December 2014 and that a further report be presented to Council in early 2015 regarding the Council Consultation Framework.

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

11.2 Assembly of Councillors Record Report

RECOMMENDATION

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

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

11.3 Council Ward Grants

RECOMMENDATION

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

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

12. Notices of Motion

12.1 Notice of Motion No. 45/2014 - Cr Brownlees - Neighbourhood Character Study

Moved: Cr Brownlees

Seconded: Cr Bearsley

That officers prepare a report by end of January 2015 that outlines the processes and statutory requirements necessary to commence:

- (a) A 'neighbourhood character' study.
- (b) A 'residential strategy'.

The report to include a brief description of both and how they differ and the steps required for consultation and development, including timelines, costs and impact of both to the City of Kingston community associated with both.

Amendment

Moved: Cr West

Seconded: Cr Eden

- 1. That officers give priority to preparing a report by no later than the end of January 2015 that outlines the processes and statutory requirements

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necessary to commence:

- (a) A 'neighbourhood character' study.
- (b) A 'residential strategy'.

The report to include a brief description of both and how they differ and the steps required for consultation and development, including timelines, costs and impact of both to the City of Kingston community associated with both.

- 2. The report to include consideration of the need to provide strategic justification for proposals to rezone or provide overlays for certain residential areas where residents contend that current and proposed new residential zone provisions do not adequately protect their amenity and neighbourhood character;
- 3. That the scope of the study include provision for community consultation and also take into account views expressed in submissions to the New Residential Zones Strategic Advisory Committee in May.

The Amendment was put and LOST

A Division was Called:

DIVISION:

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

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

LOST on the casting vote of the Chairperson

Procedural Motion

Moved: Cr Peulich

Seconded: Cr Brownlees

That the motion now be put.

CARRIED

The Substantive Motion was put and CARRIED

A Division was Called:

DIVISION:

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

AGAINST: Nil (0)

CARRIED

12.2 Notice of Motion No. 46/2014 - Cr West - Neighbourhood Character Study

The Notice of Motion was withdrawn by Cr West.

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

Moved: Cr West

Seconded: Cr Barth

1. Amend the current adopted Request for Proposal for Collins Street to include an additional option 2 along the lines set out above to provide an alternative option for aged care providers to consider in relation to Kingston Council's aged care facilities and bed licenses, conditional on consultation with an agreement by the Mordialloc Community Nursing Home Committee of management. The second option would involve aged care providers who engage with the RFP process having the opportunity to submit a proposal for
 - the Remo Street site instead of or as well as
 - the Collins Street site.

i.e. providers could submit proposals for both sites, but would be informed that Council plans to select a proposal for one site.
2. Notes that residents of Mordialloc Community Nursing Home and Council's three hostels would be offered exactly the same guarantee of security by Council and any sale contract – i.e. that they would remain in their existing facilities unless or until a new facility is available to move into or until - in the case of the Remo Street option – they move into Corben House or voluntarily choose to move into another appropriate facility while development is underway.
3. That Council undertakes discussions with the Committee of Management for the Mordialloc Community Nursing Home with a view to requesting their approval to offer to an aged care provider the Remo Street land north and west of no 11 & the road reservation (as shown in the attached map) to renovate or redevelop the current MCNH to accommodate 70 beds (as an alternative to the proposed 90-120-bed institution proposed for Collins Street).
4. That Council extends the time for submissions to this important sale process until next February to allow reasonable opportunity for concerned residents to be able to respond and adjusts other timelines accordingly.

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Procedural Motion

Moved: Cr West

Seconded: Cr Eden

That Cr West be granted a 5 minute extension of time.

LOST on the casting vote of the Chairperson

Procedural Motion

Moved: Cr Brownlees

Seconded: Cr Bearsley

That consideration of this item be deferred to the closed part of the meeting.

The Procedural Motion was withdrawn by Cr Brownlees

Procedural Motion

Moved: Cr West

Seconded: Cr Eden

That consideration of this item be deferred until after the Councillor Workshop in December and included in the agenda for the workshop.

CARRIED

A Division was Called:

DIVISION:

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

AGAINST: Crs Brownlees, Bearsley and Gledhill (3)

CARRIED

13. Urgent Business

Moved: Cr West

Seconded: Cr Eden

That an item of urgent business regarding the Mentone Hotel be considered.

CARRIED

Moved: Cr West

Seconded: Cr Eden

That Council as a matter of urgency, considering the recent closure and impending sale of the Mentone Hotel ask officers to prepare a report for Councillors by 8 December to advise councillors:

1. What planning or other measures are available to Council to ensure that this heritage-listed and much-loved building is retained for an appropriate use.
2. Welcome and investigate the progress of the initiative by the Planning Minister Matthew Guy to pursue a State heritage listing for the building,
3. Approach the Shadow Planning Minister, Mr Tee to request him to commit to a similar initiative should his party be elected to government;
4. Ask the Planning Minister after 29 November to undertake a review of State heritage procedures and authorities so that they work better to protect our heritage and avert the need for last-minute interventions like this.

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Amendment

Moved: Cr Peulich

Seconded: Cr Brownlees

1. That Council as a matter of urgency, considering the recent closure and impending sale of the Mentone Hotel ask officers to prepare a report for Councillors by 8 December to advise councillors what planning or other measures are available to Council to ensure that this heritage-listed and much-loved building is retained for an appropriate use.
2. That Council welcome and investigate the progress of the initiative by the Planning Minister Matthew Guy to pursue a State heritage listing for the building,
3. That Council approach the Shadow Planning Minister, Mr Tee to request him to commit to a similar initiative should his party be elected to government;
4. That Council ask the Planning Minister after 29 November to undertake a review of State heritage procedures and authorities so that they work better to protect our heritage and avert the need for last-minute interventions like this.
5. That Council write a letter to the Heritage Council advocating for increased heritage protections for the Mentone Hotel (The Edgy).

The Amendment was put and CARRIED

The Amendment became the Motion

The Motion was put and CARRIED

14. Confidential Items

Moved: Cr Peulich

Seconded: Cr Brownlees

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 Notice of Motion No. 48/2014 - Cr West - Collins Street and Remo Street Plans

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

Confidential Appendices

10.6 Contract Variation for Soil Remediation Works at 101 Collins Street, Mentone

Appendix 1, CON-14/50 - CEO Approval

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

CARRIED

The meeting was closed to members of the public at 9.51pm

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Moved: Cr Staikos

Seconded: Cr Eden

That the meeting be opened to members of the public.

CARRIED

The meeting was opened to members of the public at 10pm

There being no further business the meeting closed at 10pm

**Confirmed.....
The Mayor 8 December 2014**