



City of
KINGSTON

Ordinary Meeting of Council Minutes

Monday, 27th October 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 Paul Peulich (Mayor)
Cr Ron Brownlees OAM
Cr Tamara Barth
Cr Tamsin Bearsley
Cr David Eden
Cr Geoff Gledhill
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
Megan O'Halloran, Manager Communications & Community Relations
Phil De Losa, Program Leader Governance
Joanne Creedon, Governance Officer
Gabrielle Pattenden, Administration Officer Governance

1. Apologies

An apology from Cr Ronke was submitted to the meeting.

Moved: Cr Brownlees

Seconded: Cr Gledhill

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

CARRIED

2. Confirmation of Minutes of Previous Meetings

Moved: Cr Staikos

Seconded: Cr Bearsley

That the Minutes of the Ordinary Meeting of Council held on 22 September 2014 be confirmed.

CARRIED

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

Cr Gledhill disclosed a conflict of interest in Item 12.6, Notice of Motion No. 43/2014 - Hansard Right of Reply statements about Councillors - Cr West

Cr Eden disclosed a conflict of interest in Item 12.6, Notice of Motion No. 43/2014 - Hansard Right of Reply statements about Councillors - Cr West

Cr Brownlees disclosed a conflict of interest in Item 10.5, Moorabbin reserve Redevelopment Update

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Chief Executive Officer John Nevins disclosed a conflict of interest in Item 11.1, CEO Performance Criteria and Re-appointment

4. Petitions

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

Moved: Cr Gledhill

Seconded: Cr Brownlees

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

CARRIED

4.2 Proposal for naming of laneway between Elsie Grove and Berry Avenue Edithvale

Moved: Cr Bearsley

Seconded: Cr Eden

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

CARRIED

5. Presentation of Awards

Greg McMahon - Services to Parkdale Secondary College and the City of Kingston

The Mayor congratulated Mr McMahon on his commitment to not only the Parkdale Secondary College Community but the wider Kingston community. Mr McMahon has actively worked with Council to help facilitate a partnership approach to the development of the school land and support the complex relationships to make Parkdale a genuine community precinct. Mr McMahon had a vision that through collaboration it was possible to use land and building assets by all community members – as can be seen with the new Parkdale Family and Children’s Centre and the multipurpose use of new facilities at the school and surrounding green space.

Parkdale Secondary College 50th Anniversary

The Mayor congratulated Parkdale Secondary College on their 50 year celebration. Parkdale Secondary College celebrated this milestone with events highlighting the school’s successes including the school’s Art Show which exhibited work from many talented Parkdale Secondary students, including artworks such as pencil, pen, charcoal, paints, textiles or film. The school also hosted a ‘Back to Parkdale’ event where over 350 past student and staff members came back to relive their Parkdale Secondary College days. Council recognised the significant contribution Parkdale Secondary College has made to the community with its reputable education facilities and support of Kingston’s youth.

Ken Carney - Services to Aspendale Gardens Residents Association

The Mayor acknowledged Ken Carney for his tireless dedication as President of Aspendale Gardens Resident's Association for the last 22 years. In his time as President Ken led with passion and vision, as evidenced by the Aspendale Gardens community going from strength to strength: a thriving Community Centre, a Primary School and now a sportsground – all of which have been established in his time. Ken and his committee lobbied for very hard for all these initiatives, along with countless other 'smaller' but nonetheless important projects including traffic changes, extra footpaths and bus stops. Council acknowledged that is Aspendale Gardens is a better place to live because of Ken Carney

6. Reports from Delegates Appointed by Council to Various Organisations

Cr Brownlees presented a report from Mordialloc Community Centre AGM and 50th Anniversary Book Launch.

Recognition of Mayor

Cr Brownlees recognised the Mayor's term of officer and congratulated the Mayor on his achievements during his 12 months term.

The Mayor thanked Cr Brownlees for his recognition and commented on his own experiences as Mayor over the previous 12 months.

Block Resolution

Moved: Cr Staikos

Seconded: Cr Gledhill

That the recommendations for Items 9.1, 10.1, 10.2, 10.3, 10.4, 10.8, 10.10, 10.11 and 11.4 be adopted.

CARRIED

7. Question Time

Question Time took place at 8.02pm please refer to p20 of the agenda.

8. Sustainable Planning and Development Reports

8.1 Town Planning Application Decisions - September 2014

RECOMMENDATION

That the contents of the report be noted.

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

8.2 KP14/215 - 1157 Nepean Highway Highett

It is recorded that Andrew Clarke appeared on behalf of the applicant.

Moved: Cr Staikos

Seconded: Cr Barth

That Council refuse the application to develop the land for the construction of 11 dwellings with a reduction in the visitor car parking requirements at 1157 Nepean Highway Highett on the following grounds:

1. The proposal is inconsistent with the existing scale and character for the area and fails to satisfy the objectives of Clause 22.11 and Clause 55.02-1 of the Kingston Planning Scheme.
2. The proposal is inconsistent with Clause 22.17 and Schedule 12 to the Design and Development Overlay of the Kingston Planning Scheme.
3. The proposed extent of massing throughout the length of the site is visually intrusive and would result in unreasonable amenity impacts on adjoining properties.
4. The proposed height and transition when viewed from Turner Street is excessive and fails to meet the objective of Clause 55.03-2 of the Kingston Planning Scheme.
5. The reduction in the visitor car parking requirement will result in unreasonable impacts to the amenity of the surrounding area.
6. The proposal fails to address opportunities for overlooking and does not satisfy the requirements of Clause 55.04-6 (Overlooking) of the Kingston Planning Scheme.
7. The application fails to demonstrate sound Environmental Sustainable Design, and fails to satisfy Clause 55.03-5 of the Kingston Planning Scheme.

CARRIED

8.3 KP14/214 - 431 Station Street Bonbeach

It is recoded that Peter Thompson spoke on behalf of the applicant in relation to this Item.

Moved: Cr Bearsley

Seconded: Cr Eden

That Council determine to support the proposal and issue a Notice of Decision to Grant a Permit to develop the land for the construction of six dwellings at No. 431 Station Street Bonbeach, 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 4 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. 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, 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) suitable medium to large sized (at maturity) indigenous coastal canopy tree and four (4) small sized (at maturity) indigenous coastal canopy trees within rest of the site, 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 two (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 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 obscured awning windows provided with fixed winders to limit outwards views
- c. the provision of adequate lighting within the common areas dwelling entry points
- d. rain water tanks must be consistent with the drainage plan specified in condition 5 of the permit.
- e. vehicle crossings nominated to be constructed at a 90 degree alignment with the kerb on Station Street and all internal driveways to align with the existing / proposed vehicle crossing
- f. the existing vehicle crossing nominated to be reconstructed to Council's industrial strength requirements
- g. the proposed vehicle crossing separated from the existing vehicle crossing at 2 Cannes Avenue
- h. a standard on street parking bay at least 5.4m between vehicle crossings shown
- i. 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
- j. the location of all any externally-located heating and cooling units, exhaust fans and the like shown.

Endorsed Plans

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

Melbourne Water Condition

- 3. Pollution and sediment laden runoff shall not be discharged directly or indirectly into Melbourne Water's drains or waterways.

Street Trees

- 4. Prior to the removal of the *Allocasuarina verticillata* (Drooping She Oak) street tree from the Station Street 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.

Drainage and Water Sensitive Urban Design

- 5. 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.
- 6. Before the development commences, a Stormwater Management Plan (SMP) 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 System must be prepared as per Council's "Civil Design Requirements for Developers – Part A: Integrated Stormwater Management".

Should the SMP require changes the development layout or design of the development, amended plans must be submitted and approved by the Responsible Authority. These plans may include those endorsed pursuant to condition 1 and the Sustainable Design Assessment.

7. Stormwater works must be provided on the site so as to prevent overflows onto adjacent properties.
8. Stormwater outflow from the development to the Council drainage system must be limited to the predevelopment level of outflow of the site.

Construction Traffic Management Plan

9. Before the commencement of any buildings and works on the Land, a Construction Traffic Management Plan (CTMP), 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 and delivery of materials to ensure that access along Station Street is appropriately maintained.

Road Infrastructure

10. 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.
11. The replacement of all footpaths, including offsets, must be constructed to the satisfaction of the Responsible Authority.
12. All reinstatements and vehicle crossings must be constructed to the satisfaction of the Responsible Authority.
13. Vehicle crossings and other reinstatements must be constructed in accordance with Council's industrial strength specifications.
14. All redundant vehicle crossings must be removed (including redundant portions of vehicle crossings) to the satisfaction of the Responsible Authority.
15. 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.
16. All front and side fences must be contained wholly within the title property boundaries of the subject land.

Completion of Development

17. All works on or facing the boundaries of adjoining properties must be finished and surface cleaned to a standard that is well presented to neighbouring properties in a manner to the satisfaction of the Responsible Authority.
18. All piping and ducting above the ground floor storey of the development (other

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than rainwater guttering and downpipes) must be concealed to the satisfaction of the Responsible Authority.

19. Prior to the occupation of the dwellings hereby permitted, the landscaping works as shown on the endorsed plans must be completed to the satisfaction of the Responsible Authority. The landscaping must then be maintained to the satisfaction of the Responsible Authority.
20. Prior to the occupation of the dwellings hereby permitted, all buildings and works and the conditions of this permit must be complied with, unless with the further prior written consent of the Responsible Authority.
21. Prior to the occupation of the dwellings hereby permitted, or by such later date as is approved by the Responsible Authority in writing, the nature strip, kerb and channel, vehicle crossover and footpath must be reinstated to the satisfaction of the Responsible Authority.
22. Prior to the occupation of the dwellings hereby permitted, boundary fences must be repaired and/or replaced as necessary to the satisfaction of the Responsible Authority, at the cost of the applicant/owner.
23. Prior to the occupation of the dwellings hereby permitted, areas set aside for parking vehicles and access 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.

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

Permit Expiry

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

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

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

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

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

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

Note: 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. As such, no additional construction criteria will apply.

For the purposes of the Building Code of Australia - Building in Flood Hazard Areas, Melbourne Water recommends that the applicant should seek flow rate velocity information for local flows from council.

Note: The fee for removal of the street tree(s) from the nature strip is (\$605.25 including GST), payable to Kingston City Council's Customer Service Department - refer to cashier code "STRE". Customer Service will confirm payment to the Parks Department. The removal of the tree requires a minimum of 2 weeks' notice from the Developer/Owner.

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

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

CARRIED

8.4 KP14/231 - 95 Broadway Bonbeach

Moved: Cr Bearsley

Seconded: Cr Eden

That Council determine to support the proposal and issue a Notice of Decision to Grant a Permit to Develop the land for the construction of five (5) dwellings including retaining the existing dwelling and a waiver of the visitor car parking requirement at No. 95 Broadway, Bonbeach, 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 advertised plans submitted to Council on 11 June 2014 (and known as Rev A RFI May 2014) but modified to show:
 - a. the provision of a landscape plan 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 at adequate planting densities (e.g.: plants with a mature width of 1 metre, planted at 1 metre intervals);
 - v. the provision of one (1) suitable medium sized (at maturity) canopy tree within the front setback of each dwelling (proposed or existing); with species chosen to be approved by the Responsible Authority;
 - vi. the provision of one (1) small (at maturity) tree within the private open space area of each dwelling (proposed or existing), with species chosen to be approved by the Responsible Authority;
 - vii. the deletion of the proposed garden sheds located behind proposed garage one (1) and garage two (2);
 - viii. all trees provided at a minimum of two (2) metres in height at time of planting and medium to large shrubs to be provided at a minimum pot size of 200mm; and
 - ix. 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.
- x. the provision of a notation of the Tree Protection Details as provided in Conditions 3, 4 and 5 of this permit. This includes all nominated tree protection zones to be drawn to scale on the plans.
 - b. provision of a minimum 2000 litre rainwater tank with water reused for toilet flushing for each new dwelling;
 - c. clarify whether or not there is a window to bedroom 4 of dwelling 1 at the upper level on the floor plans and elevations and if there is a window, details of the window with appropriate screening to meet Standard B22 of Clause 55.04-6;
 - d. screen or obscure windows of bedroom 3 and bedroom 1 windows in the north-western elevation of dwelling 2 to meet Standard B22 of Clause 55.04-6 of the Kingston Planning Scheme;
 - e. bin storage locations;
 - f. reduction in driveway width from the front of the site to the rear of Dwelling 1 to no more than 3 metres with the additional areas created used for landscaping along the south-eastern side of the driveway;
 - g. the door of each garage nominated as a panel lift door, or similar; and
 - h. 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.
2. The development as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.
3. A Tree Protection Zone (TPZ) must be installed at a distance of 5.5 metres from the *Liquidambar styraciflua* (Liquidambar) located on the neighbouring property at 93 Broadway Bonbeach. The following must be observed within 5.5m of the tree:
- a) the existing soil level must not be altered either by fill or excavation;
 - b) the soil must not be compacted or the soil's drainage changed;
 - c) no fuels, oils, chemicals, poisons, rubbish and other materials harmful to trees are to be stored or dispersed;
 - d) no storage of equipment, machinery or material is to occur;
 - e) open trenching to lay underground services e.g.: drainage, water, gas, etc. must not be used;
 - f) tree roots must not be severed or injured; and
 - g) machinery must not be used to remove any existing concrete, bricks or other materials.
4. Prior to the commencement of the demolition and development hereby permitted, a Tree Protection Fence defined by a 1.2 metre high temporary fence constructed using steel or timber posts fixed in the ground or to a concrete pad, with the fence's side panels to be constructed of cyclone mesh wire or similar strong metal mesh or netting, must be erected 5.5m in a radius from the *Liquidambar styraciflua* (Liquidambar). The above requirements in

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condition 3 of this permit must be observed within this area.

5. All tree pruning work on the neighbour's *Liquidambar styraciflua* (Liquidambar) must be in accordance with the Australian Standards AS4373 (2007) "Pruning of Amenity Trees" and be undertaken by a qualified and experienced Arborist.
6. Prior to the commencement of any works on the site including demolition, a tree protection barrier must be installed at three (3) metres from the base of the *Eucalyptus sideroxylon* (Red Flowering Iron Bark) and the *Pyrus* sp. (Ornamental Pear Tree) street tree located on the Broadway nature strip.
7. Prior to the occupation of the dwellings hereby permitted, the landscaping works as shown on the endorsed plans must be completed to the satisfaction of the Responsible Authority. The landscaping must then be maintained to the satisfaction of the Responsible Authority.
8. Prior to the occupation of the dwellings hereby permitted, all buildings and works and the conditions of this permit must be complied with, unless with the further prior written consent of the Responsible Authority.
9. Property boundary and footpath levels must not be altered without the prior written consent form the Responsible Authority.
10. The replacement of all footpaths, including offsets, must be constructed the satisfaction of the Responsible Authority.
11. Any reinstatements and vehicle crossings must be constructed to the satisfaction of the Responsible Authority.
12. Any redundant vehicle crossings must be removed (including redundant portions of vehicle crossings) to the satisfaction of the Responsible Authority.
13. All front and side fences must be contained wholly within the title property boundaries of the subject land.
14. The development of the site must be provided with stormwater works which incorporates the use of water sensitive urban design principles to improve stormwater runoff quality and which also retains on site any 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 14.7l/s.
15. Before the development commences, a Stormwater Management Plan showing the stormwater works to the nominated point of discharge must be prepared to the satisfaction of the Responsible Authority. The Stormwater Management Plan must be prepared by a qualified person and show all details of the proposed stormwater works including all existing and proposed features that may have impact (e.g. trees to be retained, crossings, services, fences, abutting buildings, existing boundary surface levels, etc.). The Stormwater Management System must be prepared as per Council's "Civil Design Requirements for Developers – Part A: Integrated Stormwater Management".

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16. Stormwater works must be provided on the site so as to prevent overflows onto adjacent properties.
17. All works on or facing the boundaries of adjoining properties must be finished and surface cleaned to a standard that is well presented to neighbouring properties in a manner to the satisfaction of the Responsible Authority.
18. All piping and ducting above the ground floor storey of the development (other than rainwater guttering and downpipes) must be concealed to the satisfaction of the Responsible Authority.
19. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.
20. 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 allocation of street numbering and addressing of properties is vested in Council. Any reference to addressing or dwelling/unit/apartment and street numbers or street names on any endorsed plan is indicative only. The onus is on the Permit Applicant/Land Owner to contact Council's Property Data Department to determine the official dwelling/unit/apartment street numbers, street name details and the like for the approved development.

If the Permit Applicant/Land Owner adopts the street numbering or addressing from the endorsed plans, or where advertising and/or sales transact (off the

plan) prior to Council's official allocation of the street numbering and addressing, it will be viewed to be non-compliant with the guideline and standard applied (*Australian/New Zealand Standard for Rural & Urban Addressing / AS/NZS 4819:2011*).

CARRIED

8.5 KP14/531 - 316-322 Kingston Road, Clarinda

Moved: Cr Barth

Seconded: Cr Staikos

That Council determine to support the proposal and issue a Planning Permit to develop the land for the construction of alterations to existing building at No. 316 -332 Kingston Road, Clarinda 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. The proposed building alteration/extensions must be constructed and thereafter maintained in materials, styles and colours compatible with the existing building, to the satisfaction of the responsible authority.
3. 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.
4. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.
5. 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 before two (2) years from date of this permit.
 - The development is not completed before four (4) years from the commencement of works.
 - The use is discontinued for a period of two (2) years.

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

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

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

CARRIED

8.6 Funding Request - Kingston Green Wedge

Moved: Cr Staikos

Seconded: Cr Barth

1. That Council support the sending of the attached letter to the State Government and Opposition to highlight State Government funding opportunities in the Kingston Green Wedge.

CARRIED

2. That Council clearly convey estimate costs of acquisitions outlined in the letter.

LOST on the casting vote of the Chairperson

Note: Cr West requested that Parts 1 and 2 of the Motion be put to the vote separately.

9. Community Sustainability Reports

9.1 Fee Schedule for the Family and Children's Centres 2014/15

RECOMMENDATION

That Council:

1. Approve the following fee schedule for the Parkdale & Edithvale Family and Children's Centres for the period January – June 2015:
 - Child Care \$107 p/day
 - Sessional 4 y/o kindergarten \$400 per term
2. Make provisions within the ratified fee structure/policy for the Manager Family, Youth and Children's Services to apply:
 - A full-time child care discount to be determined and applied as appropriate.
 - The application of a fee policy framework that allows discretion to be exercised in situations where financially vulnerable families would be adversely impacted by the higher fees.

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

10. City Assets and Environment Reports

10.1 Bayside Avenue, Edithvale - Road Reconstruction Tender Report

RECOMMENDATION

That Council:

1. Award Contract No. 14/105 – Bayside Avenue, Edithvale road reconstruction – on a Lump Sum basis to NASI PTY LTD for the tendered price of \$1,340,168.46.
2. Approve a Contingency Allowance of \$134,017 (10% of contract sum) from within the allocated 2014/15 budgeted project resources to cover unexpected financial variations.

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

10.2 Basements and Deep Building Construction Policy

RECOMMENDATION

That Council receive the information and adopt the Basements and Deep Building Construction Policy.

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

10.3 Foreshore Bin Replacement Program

RECOMMENDATION

That Council endorse the implement of the foreshore bin replacement program.

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

10.4 Commercial Use of Council Land Approval

RECOMMENDATION

That Council adopts the Commercial Use Of Council Land 2014 policy with the proposed wording amendments.

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

10.5 Moorabbin Reserve Redevelopment Update

Cr Brownlees disclosed an indirect interest by close association in this item and left the meeting at 7.55pm prior to any discussion on the matter.

Note: A written disclosure was provided to the Chief Executive Officer in accordance with Section 79(2) of the Local Government Act 1989.

Moved: Cr Staikos

Seconded: Cr Gledhill

That Council authorise the CEO to execute a Funding Agreement with the State Government of \$8 million for the redevelopment of the Moorabbin Reserve.

CARRIED

Cr Brownlees returned to the meeting at 8.05pm

Question Time

Question 1.

Michael Tate of Mentone asked,

“Can a new aged care provide in Kingston take residents from the Cities of Bayside, Casey and Glen Eira? If yes, Can you please explain the benefits of a new aged care provider to the resident of the City of Kingston. However all existing Council hostel residents have their accommodation and existing financial arrangements guaranteed under the proposal for a new residential hostel in Collins Street, Mentone ”

The CEO provided the following response,

“Whilst most facilities draw residents locally, catchment areas can be sub regional but still with a preference for the local community. However existing Council hostel residents have their accommodation and existing financial arrangements guarantees under the proposal for a new residential hostel in Collins Street Mentone ”

Question 2.

Bill Ivinson of Mentone asked,

“The Kingston Council’s 2012 Open Space Strategy update stressed the lack of open space in the 4C/6A local area – Mentone North, Cheltenham South and a crucial need to maximise quality and diversity of open space in this area.

If the Council does not use its property at 101 – 103 Collins Street, Mentone as an open space park, how does Council plan to meet the open space needs of this area particularly given the increasing number of residents and residential development in Mentone?”

The CEO provided the following response,

“Council has an active program of purchasing appropriately located open space when it becomes available. The recent purchase of two lots adjoining Reg Marlow Reserve and the purchase of a property adjoining the park on Parkers Road, Parkdale reflects this approach by Council.

The Council land at 101 Collins Street is subject to two agenda items to com at tonight's Council meeting."

Question 3.

Bill Ivinson of Mentone asked,

"I understand that Council plans for the Mordialloc nursing Home at 10 brindisi Street, Mentone to close with patients to move to a proposed new aged care facility to be built at 101 – 103 Collins Street Mentone. What is the Council's plan for the future use of 10 Brindisi Street, Mentone site together with nearby land along Remo Street, Mentone?"

The CEO provided the following response,

Should the Mordialloc Community Nursing Home become vacant Council will likely initiate a public consultation process on the site's future use.

Question 4.

Bill Ivinson of Mentone asked,

"Has the Council seriously investigated the option to have a not for profit aged care operator develop 10 Brindisi Street, Mentone site into a much needed larger aged care facility, rather than sell its 101 – 103 Collins Street site, Mentone to an aged care operator?"

If the answer is no, would you please explain why not? If the answer is yes, would you please advise the details of the depth and extent of the investigation and also explain why the opportunity to use the 101 – 103 Collins Street, Mentone site for open park space is being sacrificed for an aged care development?"

The CEO provided the following response,

"Council has considered in detail a range of options regarding the future of its residential aged care facilities and the Council land at 101 Collins Street and the Brindisi Street site are both the subject of agenda items yet to be considered at tonight's Council meeting.

Question 5.

Bruce Duffy of Chelsea asked,

"After all the expense and consultation with residents why has our residential planning submission rejected?"

The CEO provided the following response,

"The standing Advisory Committee, recommended to the Planning Minister that the City of Kingston further consider a new Residential Housing Strategy and Council is yet to consider this advice."

Question 6.

Bruce Duffy of Chelsea asked,

"Has, or will the Council register a complaint with the Minister objecting to his rejection of our submission?"

The CEO provided the following response,

"The Minister has out in place provisions that essentially mirror the 'pre-1 July' zoning controls and Council is yet to consider this response."

Question 7.

Brooke Jamison of Mentone asked,

“What are the current plans for open space / parkland in the City of Kingston? What areas or options are on the table for the much needed are in Mentone?”

The CEO provided the following response,

“Council has commenced work on a master plan for the Mentone Reserve and has recently purchased land to expand Reg Marlow Reserve and the park abutting the Parkdale Library.”

Question 8.

Ian Baldock, Parkdale asked;

“The Walter Galt Reserve in Parkdale has had available a drinking fountain which provided water for pedestrians as well as a lower drinking facility for their pets. This has been much used by the many pet owners using this park. However recently the fountain on the south eastern path in the park has been modified by removing the drinking taps and drinking attachments.

Could Council please notify me why this drinking fountain has been made non operations and of any plans to restore the fountain (and a date it may be operational so that park users and their pets can use it again?)”

The CEO provided the following response,

“This question is taken on notice and officers will respond directly to the resident.”

10.6 Public Notices for Sale of 101 Collins Street and Lease of Aged Care Properties

Moved: Cr Brownlees

Seconded: Cr Gledhill

That Council:

1. Authorise and direct the Chief Executive Officer or his delegate to publish public notices in accordance with sections 189 and 190 of the Local Government Act 1989 (“Act”) stating Council’s intention to sell 101 Collins Street, Mentone and to lease four Council properties at 9-15 Brindisi Street, Mentone; 10 Brindisi Street, Mentone; 27 Chute Street, Mordialloc; and 8-12 Northcliffe Road, Edithvale;
2. 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
3. Authorise and direct the CEO and other relevant Council staff to convene, if required, a Special meeting of Council on December 8th 2014, or such other date if required, commencing at 6pm to hear presentations from parties who wish to be heard in support of their written submissions
4. That the previous confidential resolutions only of 25 March 2013 and 22 September 2014 concerning Council’s Aged Care facilities be no longer considered confidential and be made public.

Procedural Motion

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Moved Cr West

Seconded Cr Staikos

That Council defer this item until it has a prospective aged care provider with an offer that Council is prepared to accept.

Procedural Motion

Moved: Cr Staikos

Seconded: Cr Barth

That an extension of time be granted to Cr West.

CARRIED

T
he Procedural Motion (Moved by Cr West, Seconded Cr Staikos) was **LOST** on the casting vote of the Chairperson

The Substantive Motion was put and **CARRIED** on the casting vote of the Chairperson

A Division was Called:

DIVISION:

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

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

CARRIED on the casting vote of the Chairperson

10.7 Land Acquisition - Fraser Avenue Drainage Scheme

Moved: Cr Bearsley

Seconded: Cr Eden

That Council authorises the Chief Executive Officer or his delegate to:

1. Execute a Memorandum of Understanding with Melbourne Water and:
2. Purchase the land hatched in yellow, being part of the land described in certificate of title volume 8718 folio102 situated at Edithvale Road and known as the Chelsea Public Golf Course and Edithvale Recreation Reserve to the satisfaction of Council's legal and valuation advisors and thereafter execute all legal documentation to complete the purchase of the same land and;
3. Utilise funds to meet the cost of purchase from Council's 2014/15 infrastructure budget which will be offset from a grant provided by Melbourne Water and;
4. Lease the remaining balance of land being part of the land described in certificate of title volume 8718 folio102 situated at Edithvale Road and known as the Chelsea Public Golf Course to the satisfaction of Council's legal and valuation advisors and thereafter execute all legal documentation to complete the lease of the same land.

CARRIED

10.8 Final Busking Guidelines

RECOMMENDATION

That Council adopt the final Busking Guidelines.

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

10.9 Kingston City Hall Liquor License Permit Review and Outdoor Events

Moved: Cr Staikos

Seconded: Cr Bearsley

That Council:

1. Amend the planning permit to reduce the extend of the 'red line' in accordance with appendix 1, and changes in appendix 2.
2. Permit the use of outdoor areas for activities that will not have an adverse impact on the amenity of adjoining residents subject to the following:
 - All events to be licenced by temporary liquor licences
 - No amplified music in the carpark beyond 9:00pm
 - No amplified music at the front of the premises beyond 11:00pm
 - No more than 8 licenced outdoor events be held in any calendar year

CARRIED

A Division was Called:

DIVISION:

FOR: Crs Brownlees, Staikos, West, Bearsley and Gledhill (5)

AGAINST: Crs Peulich, Eden and Barth (3)

CARRIED

10.10 Annual Report 2013/14

RECOMMENDATION

That Council receive the 2013/14 Annual Report.

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

10.11 Investment Policy Report - September 2014 Quarter

RECOMMENDATION

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

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

11. Corporate Services Reports

11.1 CEO Performance Criteria and Re-appointment

The CEO John Nevins disclosed a direct conflict of interest in Item 11.1 due to being the subject of the report and left the meeting at 8.53pm prior to any discussion on the matter.

Moved: Cr Brownlees

Seconded: Cr Staikos

That Council agree to enter into a contract of employment in accordance with the performance criteria developed by the Committee of Councillors (comprising of all Councillors) and the contract of employment prepared by Council's legal advisors to appoint Mr John Nevins to the position of Chief Executive Officer for a period of 4-years commencing 9 November 2014.

CARRIED

CEO John Nevins returned to the meeting at 8.56pm

11.2 Municipal/District Cooperation Agreement with the Timor-Leste Government

Moved: Cr Barth

Seconded: Cr Staikos

That Council enters into a cooperation agreement on a 12 month trial basis with Timor-Leste.

CARRIED

A Division was Called:

DIVISION:

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

AGAINST: Nil (0)

CARRIED

11.3 Council Ward Grants

Moved: Cr Brownlees

Seconded: Cr Bearsley

That Council approve the recommended Council Ward Grants in accordance with the table of Councillor recommendations in Appendix 1 with an amendment to the amount listed for Chelsea Baseball Club from \$500 to \$1000 as per the appliactin form.

CARRIED

11.4 Assembly of Councillors Record Report

RECOMMENDATION

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

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

12. Notices of Motion

12.1 Notice of Motion (Rescission) No. 38/2014 - 2 Leslie Road, Clarinda - Crs Eden, West & Staikos

Moved: Cr West

Seconded: Cr Staikos

That Council rescinds the motion to issue a Notice of Decision to Grant a Permit to subdivide the site into five (5) lots at No.2 Leslie Road Clarinda, Item 8.4 (22 September 2014 Ordinary Meeting).

Procedural Motion

Moved Cr Eden

Seconded Cr Barth

That Council defer this item to seek legal advice on the matter.

LOST on the casting vote of the Chairperson

A Division was Called:

DIVISION:

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

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

LOST on the casting vote of the Chairperson

The Substantive Motion was put and **LOST** on the casting vote of the Chairperson

A Division was Called:

DIVISION:

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

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

LOST on the casting vote of the Chairperson

12.2 Notice of Motion No. 39/2014 - Legal Liability for Damages Following Approval of Developments on Unstable Land - Cr West

Moved: Cr West

Seconded: Cr Brownlees

That Council:

1. Request an assessment from our lawyers of what Kingston Council's (i.e. Councillors' and rate payers') legal liability would be if Kingston Council staff and Councillors approve developments on known flood plains or unstable ground and damage occurs and that;
2. Officers prepare a report based on the legal advice regarding whether Council can require developers and/or landowners and future home-owners to retain liability for any future potential damage.

CARRIED

12.3 Notice of Motion No. 40/2014 - Trader Parking - Cr Bearsley

Moved: Cr Bearsley

Seconded: Cr Eden

That Council defer implementation of the Chelsea Trader Parking Scheme and that this matter be considered at the December Ordinary Meeting of Council.

CARRIED

Cr Eden left the meeting at 9.32pm

12.4 Notice of Motion No. 41/2014 - Affordable storage for community groups - Cr Bearsley

Moved: Cr Bearsley

Seconded: Cr Gledhill

That Council Officers prepare a report on affordable storage options for community groups within Kingston. The report is to be presented council by the end of February 2015.

CARRIED

Cr Eden returned to the meeting at 9.37pm

12.5 Notice of Motion No. 42/2014 - Mentone Seniors Building and Master Plan for Mentone Reserve - Cr West

Moved: Cr West

Seconded: Cr Staikos

That Council:

1. Halt any further work on a tender to demolish and rebuild the Mentone Seniors Building.
2. Broaden the current Mentone Reserve Master Plan process to include a uses analysis of all current and projected buildings on the Mentone Reserve and a needs analysis for Mentone user groups including the Mentone and Turkish Senior Citizens Groups, the Mentone and Mordialloc Art Group, CAB, Mentone Subscription Library and St Bede's Mentone Tigers Football Club and consideration of how their needs might best be met and whether there might be more community benefit in developing a sporting hub and community hub on the reserve and that;
3. Officers prepare a report with options for Councillors to consider to address the apparent need for this building and whether more appropriate accommodation might be provided elsewhere on the reserve for the Mentone and Turkish Senior Citizens Groups and Mentone Mordialloc Art Group.

LOST on the casting vote of the Chairperson

A Division was Called:

DIVISION:

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

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

LOST on the casting vote of the Chairperson

12.6 Notice of Motion No. 43/2014 - Hansard Right of Reply statements about Councillors - Cr West

Cr Gledhill disclosed an indirect interest because of conflicting duties in this item and left the meeting at 9.51pm prior to any discussion on the matter.

Note: A written disclosure was provided to the Chief Executive Officer in accordance with Section 79(2) of the Local Government Act 1989.

Cr Eden disclosed an indirect interest as a consequence of becoming an interested party in this item and left the meeting at 9.51pm prior to any discussion on the matter.

Note: A written disclosure was provided to the Chief Executive Officer in accordance with Section 79(2) of the Local Government Act 1989.

The Notice of Motion was withdrawn by Cr West.

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Cr Gledhill returned to the meeting at 9.52pm
Cr Eden returned to the meeting at 9.52pm

12.7 Notice of Motion No. 44/2014 - Collins Street and Remo Street plans - Cr West

Moved: Cr West

Seconded: Cr Staikos

That Council:

1. Seek legal advice on the possibility of running a dual RFP process relevant to Kingston Council's aged care facilities and bed licenses with a view to inviting a Not-For-Profit provider to lodge an alternative RFP to take over management of the Mordialloc Community Nursing Home and of Corben House and in time to redevelop an expanded aged care facility on the MCNH site, to be run in conjunction with Corben House, via an additional Request for Proposal process, to be run simultaneously with the RFP Council has resolved to undertake for the Collins Street site.
2. Request transitional assistance from the Commonwealth Government to assist with the costs of supporting residents in our existing aged care homes until a new or refurbished facility can be provided.
3. Requests an officer report on whether it is now possible to make public some or all previously confidential motions and reports concerning Council's aged care policies and facilities excepting those reports covered in Item 10.6.

Procedural Motion

Moved: Cr Staikos

Seconded: Cr Eden

That an extension of time be granted to Cr West.

CARRIED

The Substantive Motion was put and **CARRIED**

13. Urgent Business

There were no items of urgent business.

14. Confidential Items

Moved: Cr Staikos

Seconded: Cr Gledhill

That in accordance with the provisions of section 89(2) of the *Local Government Act 1989*, the meeting be closed to members of the public for the consideration of the following confidential items:

14.1 Victory Road Clarinda Landfill

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

Confidential Appendices

- 10.1 Bayside Avenue, Edithvale - Road Reconstruction Tender Report Appendix 1, 14105 Bayside Avenue Road Reconstruction Evaluation Matrix.xls**
This appendix is confidential in accordance with the Local Government Act s89(2) as it relates to (s89 2d)
- 11.1 CEO Performance Criteria and Re-appointment Appendix 1, CEO Performance Criteria - Councillor Form**
This appendix is confidential in accordance with the Local Government Act s89(2) as it relates to (s89 2a)
- 11.1 CEO Performance Criteria and Re-appointment Appendix 2, CEO Performance Criteria - Review Form Staff**
This appendix is confidential in accordance with the Local Government Act s89(2) as it relates to (s89 2a)
- 11.1 CEO Performance Criteria and Re-appointment Appendix 3, Draft CEO Contract**
This appendix is confidential in accordance with the Local Government Act s89(2) as it relates to (s89 2a)
- 11.1 CEO Performance Criteria and Re-appointment Appendix 4, Maddocks - Kingston CEO Contract Letter**
This appendix is confidential in accordance with the Local Government Act s89(2) as it relates to (s89 2a)

CARRIED

The meeting was closed to members of the public at 10.15pm.

Procedural Motion

Moved: Cr Staikos

Seconded: Cr Gledhill

That the meeting be adjourned for 5 minutes.

CARRIED

Procedural Motion

Moved: Cr Staikos

Seconded: Cr Gledhill

That the meeting be opened to members of the public

CARRIED

The meeting was opened to members of the public at 10.20pm

There being no other business the meeting closed at 10.20pm

Confirmed.....

The Mayor 24 November 2014