

# Minutes

## Ordinary Meeting of Council

Monday, 24th August 2015



City of  
**KINGSTON**

*community inspired leadership*

**City of Kingston  
Ordinary Meeting of Council**

**Minutes**

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

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

**In Attendance:** Paul Franklin, Acting Chief Executive Officer  
Mauro Bolin, General Manager Community Sustainability  
Belinda Ayres, Acting General Manager Corporate Services  
Daniel Freer, General Manager City Assets and Environment  
Ian Nice, Acting General Manager Planning and Development  
Paul Marsden, Acting Manager City Strategy  
Megan O'Halloran, Manager Communications & Community Relations  
Phil De Losa, Program Leader Governance  
Stephanie O'Gorman, Governance Officer  
Gabrielle Pattenden, Governance Administration Officer

**1. Apologies**

**Moved: Cr Brownlees**

**Seconded: Cr Staikos**

That the apology from Cr Ronke be received.

**CARRIED**

It is noted that Cr Ronke did attend the meeting at 7.05pm.

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

**Moved: Cr Staikos**

**Seconded: Cr Barth**

That the Minutes of the Ordinary Meeting of Council held on 27 July 2015 be confirmed.

**CARRIED**

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

Cr Peulich foreshadowed a conflict of interest in Item 8.8.

Cr Bearsley foreshadowed a conflict of interest in Item 11.1.

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**4. Petitions**

**Request to prohibit circuses that use animals**

**Moved: Cr Barth**

**Seconded: Cr Staikos**

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

**CARRIED**

**Fayale Coffee - 29 Taunton Avenue Cheltenham**

**Moved: Cr West**

**Seconded: Cr Brownlees**

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

**CARRIED/LOST**

**5. Presentation of Awards**

There were no awards presented.

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

Cr West reported on having attended the Association of Bayside Municipalities meeting and the Municipal Association of Victoria Planning Committee meeting.

**Moved: Cr West**

**Seconded: Cr Bearsley**

That the delegate's reports be received.

**CARRIED**

**7. Question Time**

Question Time was held at 8.00pm, refer to page 30 of the Minutes.

**Moved: Cr Brownlees**

**Seconded: Cr Staikos**

**Block Resolution**

That the recommendations for the following items be adopted:

- Item 8.1 – Town Planning Application Decisions July 2015
- Item 9.1 – Individual Development Grant Application – Potential Conflict of Interest
- Item 10.1 – Managing Council Owned or Controlled Contaminated Land Policy
- Item 10.2 - Mordialloc Parking Review
- Item 10.4 - Waste Services - MWRRG Group Landfill Contract
- Item 11.2 - Assembly of Councillors Record Report
- Item 11.4 – 2014-15 Local Government Performance Reporting Framework Results
- Item 11.5 – Full Year 2014/15 - Quarterly Performance Report as at June 2015

**CARRIED**

**8. Planning and Development Reports**

**8.1 Town Planning Application Decisions - July 2015**

**RECOMMENDATION**

That the report be noted.

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

**8.2 KP15/404 - 58 Chute Street Mordialloc**

*It is recorded that David Wang spoke on behalf of the applicant in relation to this item.*

**Moved: Cr Brownlees**

**Seconded: Cr West**

That a Notice of Decision to Grant a Permit be issued to develop the land for the construction of two (2) dwellings in a Special Building Overlay at 58 Chute Street Mordialloc, subject to the following conditions:

1. Before the development starts amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be substantially in accordance with the plans submitted to Council on 15 June 2015, 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 and the Tree Management Plan by Arbor Survey (Dated: 19/7/2015), 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. the driveway to dwelling one (1) must be constructed above grade using a permeable surface to the satisfaction of the Responsible Authority;
    - v. a range of plant types from ground covers to large shrubs and trees;

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- vi. adequate planting densities (e.g: plants with a mature width of 1 metre, planted at 1 metre intervals);
  - vii. the provision of one (1) suitable medium sized (at maturity) canopy tree within the front setback of the property and one (1) small (at maturity) tree within the private open space area of each dwelling, with species chosen to be approved by the Responsible Authority;
  - 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.
  - xi. the provision of a notation of the Tree Protection Details as provided in conditions 12, 13 and 14 of this Permit. This includes all nominated tree protection zones to be drawn to scale on the plans.
- b) plan notation on elevation plans to nominate the obscured glazing on first floor windows where indicated by legend item 5;
  - c) an elevation plan of the front fencing, which provides details of its height, materials and colours;
  - d) a reduction in driveway width to 2.6 metres where possible with the additional area created to be used for landscaping;
  - e) the surface material of all driveways nominated in all-weather coloured concrete sealcoat, or similar;
  - f) vehicle crossings must be constructed at a 90 degree alignment with the kerb on Chute Street and all internal driveways must align with the existing / proposed vehicle crossing;
  - g) all requirements of Melbourne Water in accordance with conditions 3 to 11 of this Permit; and
  - h) the provision of a full colour palette, finishes and building materials schedule for all external elevations and driveways of the development.

**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 conditions**

- 3. The finished floor levels for proposed dwellings must be set to a minimum of 2.80 metres to the Australian Height Datum (300mm above the applicable flood level).
- 4. The finished floor of proposed garages must be set to a minimum of 2.65

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metres to the Australian Height Datum (150mm above the applicable flood level).

5. The finished floor/surface levels for any external storage sheds must be 150 mm above the applicable flood level.
6. Prior to the issue of an Occupancy Permit, a certified survey plan showing finished floor/surface levels (as constructed) reduced to the Australian Height Datum must be submitted to Melbourne Water for approval, demonstrating that the floor levels for the dwellings and garages have been constructed in accordance with Melbourne Water's requirements.
7. The open space areas within the property must be constructed at natural surface levels and no fill or retaining walls should be used in the development of this land.
8. Imported fill must be kept to a minimum on the property and must only be used for the sub floor areas of the dwellings and driveway ramps.
9. The 7.8 metre building setback from the front (west) property boundary to the dwellings must not be further reduced without the further written consent of Melbourne Water. This is to ensure adequate open space to allow for the free passage of overland flows.
10. All new internal and front fencing must be at least 50 percent open in design up to the flood level to allow for the passage of floodwaters.
11. Pollution and sediment laden runoff shall not be discharged directly or indirectly into Melbourne Water's drains or waterways.

**Tree Protection**

12. A Tree Protection Zone (TPZ) must be installed at a distance of 2.7 metres from the *Ulmus parvifolia* (Chinese Elm) located in the front setback of the property. The following must be observed within 2.7m 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) a layer of organic composted mulch to a depth of between 80mm and 100mm must be spread;
  - g) tree roots must not be severed or injured; and
  - h) machinery must not be used to remove any existing concrete, bricks or other materials.

without the further consent in writing of Council's Vegetation Management Officer.

13. Prior to the commencement of the demolition and development hereby

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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 2.7m in a radius from the *Ulmus parvifolia* (Chinese Elm). The above requirements in condition 12 of this permit must be observed within this area.

14. All access to the site must be using the existing crossover until the dwellings are complete and the driveway to Dwelling 2 is ready to be constructed.
15. All tree pruning work must be in accordance with the Australian Standards AS4373 (2007) "Pruning of Amenity Trees" and be undertaken by a qualified and experienced Arborist.

**Street Trees**

16. 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 *Melaleuca linariifolia* (Snow In Summer) street tree located on the Chute Street nature strip.

**Drainage and Water Sensitive Urban Design**

17. The development of the site must be provided with stormwater works which incorporates the use of water sensitive urban design principles to improve stormwater runoff quality and which also retains on site any increase in runoff as a result of the approved development. The system must be maintained to the satisfaction of the Responsible Authority. The satisfactory options to achieve these desired outcomes 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 5.8 L/s.
18. Before the development commences, a Stormwater Management Plan showing the stormwater works to the nominated point of discharge must be prepared to the satisfaction of the Responsible Authority. The Stormwater Management Plan must be prepared by a qualified person and show all details of the proposed stormwater works including all existing and proposed features that may have impact (e.g. trees to be retained, crossings, services, fences, abutting buildings, existing boundary surface levels, etc.). The Stormwater Management Plan must be prepared as per Council's "Civil Design Requirements for Developers – Part A – Integrated Stormwater Management".
19. Stormwater works must be provided on the site so as to prevent overflows onto adjacent properties.

**Road and Drains Engineering**

20. Property boundary and footpath levels must not be altered without the prior written consent from the Responsible Authority.
21. The replacement of all footpaths, including offsets, must be constructed to the satisfaction of the Responsible Authority.



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22. Any reinstatements and vehicle crossings must be constructed to the satisfaction of the Responsible Authority.
23. Any redundant vehicle crossings must be removed (including redundant portions of vehicle crossings) to the satisfaction of the Responsible Authority.
24. All front and side fences must be contained wholly within the title property boundaries of the subject land.

General amenity conditions

25. 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.
26. All externally-located heating and cooling units, exhaust fans and the like must not be located adjacent to bedroom windows on adjoining properties and must be concealed from the street, unless with the further written consent of the Responsible Authority.

Commencement of Works

27. Prior to the occupation of the dwellings hereby permitted, the landscaping works as shown on the endorsed plans must be completed to the satisfaction of the Responsible Authority. The landscaping must then be maintained to the satisfaction of the Responsible Authority.
28. Prior to the occupation of the dwellings hereby permitted, all buildings and works and the conditions of this permit must be complied with, unless with the further prior written consent of the Responsible Authority.

Time Limits

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

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

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

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

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

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

**Note:** Before removing / pruning any vegetation from the site, the applicant or any contractor engaged to remove any vegetation, should consult Council's Vegetation Management Officer to verify if a Local Laws Permits is required for the removal of such vegetation.

**Note:** The applicable 1% ARI flood level for the property is 2.50 meters to Australian Height Datum (AHD).

**Note:** If further information is required in relation to Melbourne Water's permit conditions shown above, please contact Melbourne Water on 9679 7517, quoting Melbourne Water's reference 248413.

**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**

Cr Peulich left the meeting at 7:21pm.

**8.3 KP14/740 - 150 & 152 Rosebank Avenue, Clayton South**

**Moved: Cr Staikos**

**Seconded: Cr Barth**

That Council determine to support the proposal and issue a Notice of Decision to Grant a Permit to develop the land for two (2) shops, thirteen (13) dwellings, a reduction of the car parking requirement and waiver of loading and unloading of vehicles requirement at 150 & 152 Rosebank Avenue, Clayton South, subject to the following conditions:

1. Before the development starts amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be substantially in accordance with the plans submitted to Council on 5 March 2015, but modified to show:
  - a. The provision of a longitudinal section of the driveway from Rosebank lane showing gradients, levels, distances, with headroom clearances complying with AS2890.1:2004 and the flood proof apex.
  - b. The pedestrian ramp grade from Rosebank Avenue must have a minimum of 1:14 grade unless otherwise approved by the Responsible Authority.
  - c. Details of the entry door from Rosebank Avenue.
  - d. The provision of additional safety measure such as an amber warning signal located to the satisfaction of the Responsible Authority alerting motorists and pedestrians that a vehicle is entering or exiting the site.
  - e. Clarification of the car stacker model provided (either Klaus Trendvario 4000-215 or Klaus Trendvario 4300-200) to satisfaction of the Responsible Authority.
  - f. Details of the proposed car stacker screen. The screen must have a minimum 50% transparency and provide surveillance to Rosebank Lane.
  - g. Details of main ESD features approved under condition 4, to be shown on the application drawings including but not limited to external shading devices associated with north facing windows for Dwelling 1 and 2, rainwater tanks and solar hot water system to the satisfaction of the Responsible Authority.
  - h. Fencing details including height, material and condition adjacent to Rosebank Lane opposite the subject site to be clarified as existing or to be replaced at the developer's cost.
  - i. Sectional drawings and overlooking diagram must be submitted confirming the level of Rosebank Lane, first and second floor finished floor heights demonstrating full compliance with the prescriptive requirements of Clause 55.04-6 of the Kingston Planning Scheme.
  - j. All balustrade details associated with south facing balconies to be clearly shown on elevation plans must have a minimum height of 1.5m above the finished floor level.

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- k. All east and west facing windows or balconies must be shown on elevation plans including specific details of any screening proposed (must be fixed and have no more than 25 per cent transparency) to the satisfaction of the Responsible Authority
  - l. The secluded private open space dimensions associated with Dwelling 3 and Dwelling 7 to have a minimum area of 8sqm with a minimum 2.0m dimension to improve solar access.
  - m. The first floor north facing windows (facing Rosebank Avenue) associated with Dwelling 1 and 2 enlarged to match balcony openings or for balconies to be extended to provide a continuous balcony with equal openings.
  - n. A schedule to show the car parking allocation. A minimum of one (1) car parking space must be provided to each dwelling and two car spaces allocated to each shop.
  - o. 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.
  - p. The provision of varying materials, textures, colours and finishes to the east and west facing building facades.
2. The development as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.
  3. 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.

**Sustainable Development**

4. Prior to the endorsement of plans pursuant to Condition 1, a revised Sustainable Design Assessment prepared by a suitably qualified professional which incorporates a full STORM and STEPS (Sustainable Tools for Environmental Performance Strategy) or similar assessment of the proposed development. The report must be submitted to and approved by the Responsible Authority as part of the endorsement of the plans. When approved, the Report will be endorsed and will then form part of the Permit and shall thereafter be complied with to the satisfaction of the Responsible Authority.

**Infrastructure and Roadworks**

5. A flood proof apex (ie ridge level) protecting the property from any overland flows must be provided along the Rosebank Lane frontage of the development. This apex is to be at minimum 100mm above the existing property boundary levels along the property boundary abutting Rosebank Lane. This apex is to continue through any driveways or pathways that may cross it. The apex is to be a permanent structure (eg. rise in concrete driveway/pathway, sleeper retaining wall, solid brick fence/wall). Low mounded soil on its own is unlikely to be acceptable due to the likelihood of future disturbance.
6. The development of the site must be provided with stormwater works which incorporates the use of water sensitive urban design principles to improve

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stormwater runoff quality and which also retains on site any increase in runoff above the permissible site discharge as a result of the approved development. The system must be maintained to the satisfaction of the Responsible Authority. The satisfactory options to achieve these desired outcomes may include the use of an infiltration or bioretention system, rainwater tanks connected for reuse and a detention system. The overall outflow of the site to Council drainage system must be limited to 4.5 L/s.

7. Before the development commences, prior to submission of detailed Stormwater Management (drainage) Plan of the development as per condition 4) below, a comprehensive stormwater management strategy of the site including a report with MUSIC model output or equivalent incorporating Rainwater Tanks for water reuse and other Water Sensitive Urban Design Treatments to achieve best practice objectives must be prepared as per Council's "Civil Design Requirements for Developers – Part A – Integrated Stormwater Management" to the satisfaction of the Council;
8. Before the development commences, a Stormwater Management (drainage) Plan showing the stormwater works to the nominated point of discharge must be prepared to the satisfaction of the Responsible Authority. The Stormwater Management Plan must be prepared by a qualified person and show all details of the proposed stormwater works including all existing and proposed features that may have impact (e.g. trees to be retained, crossings, services, fences, abutting buildings, existing boundary surface levels, etc.). The Stormwater Management Plan must be prepared as per Council's "Civil Design Requirements for Developers – Part A – Integrated Stormwater Management".
9. Stormwater works must be provided on the site so as to prevent overflows onto adjacent properties.
10. The proposed carstacker with below-ground structures must be designed and constructed as fully tanked/sealed structure with no AG drain collection or disposal and an allowance made for any hydrostatic pressure.
11. Property boundary and footpath levels and laneway levels must not be altered without the prior written consent form the Responsible Authority.
12. All ramps and changes of grade must be wholly within the property boundary unless otherwise approved in writing by the Responsible Authority.
13. The replacement of all footpaths, including offsets, must be constructed the satisfaction of the Responsible Authority.
14. Vehicle crossings and other reinstatements must be constructed to council's industrial strength specifications.

**Waste Management Plan**

15. Before the commencement of any buildings and works on the land, a Waste Management Plan (WMP) to the satisfaction of the Responsible Authority must be approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit.

The waste management plan must be implemented to the satisfaction of the Responsible Authority. The waste management plan must not be modified unless

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without the written consent of the Responsible Authority.

**Construction Management Plan**

16. Before the commencement of any buildings and works, a Construction Management Plan (CMP), to the satisfaction of the Responsible Authority, must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed as evidence of its approval and will then form part of the permit and shall thereafter be complied with. The CMP must specify and deal with, but is not limited to, the following:

- a. A detailed schedule of works, including the demolition of structures and a full project timing.
- b. a fully detailed plan indicating where construction hoardings would be located;
- c. A waste management plan including the containment of waste on site, disposal of waste, stormwater treatment and on-site facilities for vehicle washing.
- d. Containment of dust, dirt and mud within the site and method and frequency of clean up procedures in the event of build-up of matter outside the site.
- e. Business operations on the site during construction.
- f. Site security.
- g. Public safety measures.
- h. Construction times, noise and vibration controls.
- i. Restoration of any Council assets removed and/or damaged during construction.
- j. Protection works necessary to road and other infrastructure (limited to an area reasonably proximate to the site).
- k. Remediation of any damage to road and other infrastructure (limited to an area reasonably proximate to the site).
- l. An emergency contact that is available for 24 hours per day for residents and the Responsible Authority in the event of relevant queries or problems experienced.
- m. The CMP must identify all relevant permits required for works/occupation outside the property boundary (ie. Hoarding, Asset Protection, Occupation of Public Land).
- n. All contractors associated with the construction of the development must be made aware of the requirements of the Construction Management Plan.

**Lighting**

17. 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

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neighbouring land.

Completion of Works

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

Expiry

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

**Note:** Council does not accept any groundwater (including AG drain) into the stormwater system. Sub-surface water (groundwater) is the responsibility of the property owner to dispose of on site or reach an agreement with the local sewer authority.

**Note:** 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

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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 KP08/197 - 232 - 240 Charman Road Cheltenham**

*It is recorded that Matthew Chapman spoke on behalf of the applicant in relation to this item.*

**Moved: Cr Brownlees**

**Seconded: Cr West**

That Council refuse the application for the extension of the permit on the following grounds:

1. There have been changes to planning policy since the original approval including the introduction of Schedule 1 of the Activity Centre Zone.
2. The application does not adequately address the Kantor Principles.

**CARRIED**

Cr Peulich returned to the meeting at 7:35pm.

**8.5 KP15/299 - 24 Lorna Street Cheltenham**

*It is recorded that Trevor Dihm spoke on behalf of the objectors in relation to this item.*

*It is recorded that Brent Higginbotham spoke on behalf of the applicant in relation to his item.*

**Moved: Cr Brownlees**

**Seconded: Cr Peulich**

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 four (4) dwellings at No. 24 Lorna Street, Cheltenham, 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 the 7 May, 2015, but modified to show:
  - a. the provision of a landscape plan and associated planting schedule for the site showing the proposed location, species type, mature height and width, pot sizes and number of species be planted on the site, with such



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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 types to large shrubs and trees
  - v. adequate planting densities (e.g. plants with a mature width of 1 metre, planted at 1 metre intervals)
  - vi. the provision of two (2) suitable medium-sized (at maturity) spreading canopy trees within the front setback area of the property and one (1) small (at maturity) tree within the private open space area of each dwelling, with species chosen to be approved by the Responsible Authority
  - vii. all trees provided at a minimum of two (2) metres high at time of planting
  - viii. medium to large shrubs and trees provided in pot sizes of 200mm or greater
  - 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
- b. the encroachment into the tree protection zone of the laundry of Dwelling 2 reduced to a maximum of 10%
  - c. each upper floor level bathroom window nominated as being installed with obscure glazing
  - d. the south-facing upper floor level wall associated with the proposed retreat of Dwelling 1 inset a further 1.0 metre so as to provide for improved built form articulation along its southern (side) elevation
  - e. the maximum width of the proposed common driveway reduced to 2.6 metres (where possible) so as to allow for additional landscaping opportunities along either side
  - f. vehicle crossings must be constructed at a 90 degree alignment with the kerb on Lorna Street and all internal driveways must align with the

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existing/proposed vehicle crossings

- g. the proposed vehicle crossing to be kept separate from the vehicle crossing at No. 26 Lorna Street
- h. the provision of a minimum 2000 litre rainwater tank clearly nominated for each dwelling with water re-used for toilet flushing
- i. the surface material of all driveways/accessways and car parking spaces nominated in all-weather coloured concrete sealcoat, or similar
- j. the location of all external heating and/or cooling units for each dwelling, and
- k. the provision of a full colour palette, finishes and building materials schedule for all external elevations and driveway/s of the development.

**Endorsed Plans**

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

**Tree Protection**

- 3. A Tree Protection Zone (TPZ) must be installed at a distance of 2.64 metres from the *Ligustrum lucidum* (Broad Leaf Privet) located in the side yard of the property at No 26 Lorna Street Cheltenham. With the exception of the allowable encroachment specified at Condition 1b of this permit, the following must be observed within 2.64m 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 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 6m in a radius from the *Ligustrum lucidum* (Broad Leaf Privet). The above requirements in condition 3 of this permit must be observed within this area.
- 5. All tree pruning work must be in accordance with the Australian Standards AS4373 (2007) "Pruning of Amenity Trees" and be undertaken by a qualified and experienced Arborist.

**Roads and Drains Engineering**

6. Property boundary and footpath levels must not be altered without the prior written consent of the Responsible Authority.
7. All reinstatements and vehicle crossings are to be constructed to the satisfaction of the relevant authority.
8. Vehicle crossings and other reinstatements must be constructed to Council's industrial strength specifications.
9. The replacement of all footpaths, including offsets, must be constructed to the satisfaction of the Responsible Authority.
10. All redundant vehicle crossings must be removed (including redundant portions of vehicle crossings) to the satisfaction of the Responsible Authority.
11. All front and side fences must be constructed wholly within the title property boundaries of the subject land.
12. 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.

**Drainage and Water Sensitive Urban Design**

13. 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. The overall outflow of the site to Council's drainage system must be limited to 8.0 l/s.
14. Before the development commences, a Stormwater Management Plan showing the stormwater works to the nominated point of discharge must be prepared to the satisfaction of the Responsible Authority. The Stormwater Management Plan must be prepared by a qualified person and show all details of the proposed stormwater works including all existing and proposed features that may have impact (e.g. trees to be retained, crossings, services, fences, abutting buildings, existing boundary surface levels, etc.). The Stormwater Management Plan must be prepared as per Council's Civil Design Requirements for Developers – Part A – Integrated Stormwater Management.
15. A STORM report demonstrating water sensitive urban design treatments and achieving Victorian best practice objectives must be provided as part of the Stormwater Management Plan to the satisfaction of the Responsible Authority.
16. Stormwater works must be provided on the site so as to prevent overflows onto adjacent properties.
17. Property connection to the existing 150mm diameter Council drain is not permitted.
18. The redundant Council pit and small section of the existing Council drain of 150mm within the subject site must be removed and the remaining pipe must be capped with a concrete plug at No. 22 Lorna Street by the Applicant at his/her costs to

Council's satisfaction.

**Street Trees / Parks Department**

19. Prior to the removal of the *Callistemon viminalis* (Weeping Bottlebrush) street tree from the Lorna 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.

**Parking and Traffic Management**

20. Prior to the occupation of each dwelling 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**

21. Any redundant vehicular crossing must be removed and the nature strip, kerb and channel, and footpath must be reinstated to the Responsible Authority's standard specifications and to the satisfaction of the Responsible Authority.
22. Any relocation of pits/power poles or other services affected by this development must be relocated to the satisfaction of the relevant servicing authority and the Responsible Authority, at the cost of the owner/developer.

**General amenity conditions**

23. All externally-located heating and cooling units, exhaust fans and the like must not be located adjacent to bedroom windows on adjoining properties and must be concealed from the street, unless with the further written consent of the Responsible Authority.
24. 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.
25. 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

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Authority.

**Completion of Works**

26. Prior to the occupation of each 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.
27. Prior to the occupation of each 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.
28. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.

**Time Limits**

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

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

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

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

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

**Note:** The fee for removal of the street tree(s) from the nature strip is **\$1501.50** 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 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

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such vegetation.

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

**Note:** Council's Rates Department is responsible for determining and assigning property address details, which include dwelling/unit/apartment and street numbers and/or street names. The onus is on the Permit Applicant/Land Owner to contact Council's Rates Department to determine dwelling/unit/apartment and street numbers, and street name details for the approved development. Any reference to dwelling numbers on endorsed plans is indicative and should not be relied upon for dwelling/unit/apartment and street numbers and/or street name purposes.

**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**

**8.6 KP251/2015 - 1 Long Street, Mentone**

*It is recorded that Amanda Ring spoke on behalf of the applicant in relation to this item.*

**Moved: Cr Brownlees**

**Seconded: Cr West**

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 a three storey building with six (6) dwellings at No. 1 Long Street, Mentone, subject to the following conditions:

1. Before the development starts amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be substantially in accordance with the plans submitted to Council on 28 May 2015, but modified to show:
  - a) the provision of a landscape plan and associated planting schedule for the site showing the proposed location, species type, mature height and width, pot sizes and number of species be planted on the site, with such plans to be

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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 two (2) suitable medium sized (at maturity) canopy trees within the front setback of the property and one (1) small (at maturity) tree within the private open space area of dwelling six (6), with species chosen to be approved by the Responsible Authority;
  - vii. all trees provided at a minimum of two (2) metres in height at time of planting;
  - viii. 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.
- 
- b) the surface material of all driveways / accessways and car parking spaces nominated in all-weather coloured concrete sealcoat, or similar;
  - c) the provision of a full colour, finishes and building materials schedule;
  - d) the provision of minimum 2000 litre rainwater tank clearly nominated for each dwelling with water re-used for toilet flushing;
  - e) skylights provided to all second floor bathrooms with open able windows for ventilation;
  - f) fixed external horizontal shading or other operable external shading devices to the second floor north facing glazing to the satisfaction of the Responsible Authority;
  - g) vehicle crossings constructed at a 90 degree alignment with the kerb on Long Street and all internal driveways to align with the existing / proposed vehicle crossing;

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- h) the provision of a direct entry point from Long Street for dwelling one (1);
  - i) all ground floor studies are to be provided with no internal walls to create an open plan arrangement between the entrance and study spaces;
  - j) note the length of the south boundary on all respective plans.
2. The development and use as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.

Street Tree

3. Prior to the removal of the *Photinia robusta* (Photinia), and the two *Callistemon sp* (Bottlebrush) street trees from the Long 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.

Stormwater

4. The development of the site must be provided with stormwater works which incorporates the use of water sensitive urban design principles to improve stormwater runoff quality and which also retains on site any increase in runoff as a result of the approved development. The system must be maintained to the satisfaction of the Responsible Authority. The satisfactory options to achieve these desired outcomes 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 5 L/s.
5. Before the development commences, a Stormwater Management Plan showing the stormwater works to the nominated point of discharge must be prepared to the satisfaction of the Responsible Authority. The Stormwater Management Plan must be prepared by a qualified person and show all details of the proposed stormwater works including all existing and proposed features that may have impact (e.g. trees to be retained, crossings, services, fences, abutting buildings, existing boundary surface levels, etc.). The Stormwater Management System must be prepared as per Council's "Civil Design Requirements for Developers – Part A: Integrated Stormwater Management".
6. A STORM report demonstrating water sensitive urban design treatments and achieving Victorian best practice objectives must be provided as part of the Stormwater Management Plan to the satisfaction of the Responsible Authority.
7. Stormwater works must be provided on the site so as to prevent overflows onto adjacent properties.



Construction management plan

8. Before the commencement of any buildings and works on the Land, a Construction Management Plan (CMP), to the satisfaction of the Responsible Authority, must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed as evidence of its approval and will then form part of the permit and shall thereafter be complied with. The CMP must specify and deal with, but is not limited to, the following:
- a. a detailed schedule of works including a full project timing;
  - b. the location for the parking of all construction vehicles and construction worker vehicles during construction;
  - c. delivery of materials including times for loading/unloading and unloading points; expected frequency; and details of where materials will be stored and how concrete pours would be managed;
  - d. a fully detailed plan indicating where construction hoardings would be located;
  - e. a waste management plan including the containment of waste on site, disposal of waste, stormwater treatment and on-site facilities for vehicle washing;
  - f. containment of dust, dirt and mud within the site and method and frequency of clean up procedures in the event of build up of matter outside the site;
  - g. business operations on the site during construction;
  - h. site security;
  - i. public safety measures;
  - j. construction times, noise and vibration controls;
  - k. restoration of any Council assets removed and/or damaged during construction;
  - l. protection works necessary to road and other infrastructure (limited to an area reasonably proximate to the site);
  - m. remediation of any damage to road and other infrastructure (limited to an area reasonably proximate to the site);
  - n. an emergency contact that is available for 24 hours per day for residents and the Responsible Authority in the event of relevant queries or problems experienced;
  - o. traffic management measures to comply with provisions of AS 17 42.3-2002 Manual of uniform traffic control devices - Part 3: Traffic control devices for works on roads; and all contractors associated with the construction of the development must be made aware of the requirements of the Construction Management Plan.

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9. The amenity of the area must not be detrimentally affected by the development and/or use, through the:
- i) Transport of materials, goods or commodities to or from the land.
  - ii) Appearance of any building, works or materials.
  - iii) Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil.
  - iv) Presence of vermin.
  - v) Any other way.
10. Before occupation of the development hereby permitted, 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.

Infrastructure

11. 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.
12. The replacement of all footpaths, including offsets, must be constructed to the satisfaction of the Responsible Authority.
13. All reinstatements and vehicle crossings must be constructed to the satisfaction of the Responsible Authority.
14. Vehicle crossings and other reinstatements must be constructed to council's industrial strength specifications.
15. All redundant vehicle crossings must be removed (including redundant portions of vehicle crossings) to the satisfaction of the Responsible Authority.
16. All front and side fences must be contained wholly within the title property boundaries of the subject land.
17. Before occupation of the development hereby permitted, areas set aside for parking vehicles, access lanes and paths as shown on the endorsed plans must be:

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- 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.
- vi) In accordance with any Council adopted guidelines for the construction of car parks.

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

- 18. 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.
- 19. The development and use of the site shall not cause nuisance or be detrimental to the amenity of the neighbourhood by the emission of noise. In this regard any nuisance shall be assessed in accordance with the Australian Standards AS1055 and AS2107 relating to the measurement of Environmental Noise and recommended sound levels.
- 20. Concrete kerbs or other barriers must be provided to the satisfaction of the Responsible Authority to prevent direct vehicle access to an adjoining road other than by a vehicle crossing.
- 21. 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.

Lighting

- 22. Exterior lighting must be installed in such positions as to effectively illuminate all communal area. Such lighting must be designed, baffled and located to the satisfaction of the Responsible Authority.

Completion

- 23. 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

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Responsible Authority. The landscaping must then be maintained to the satisfaction of the Responsible Authority.

24. 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.

25. Prior to the occupation of the dwellings hereby permitted, all boundary fences must be repaired and/or replaced as necessary to the satisfaction of the Responsible Authority, at the cost of the applicant/owner.

General Amenity

26. 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.

27. 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.

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

Time Limits

29. 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 and use are not started before two (2) years from date of this permit.
- The development is not completed before four (4) years from the 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 use or development allowed by the permit has not yet started; or
- within twelve (12) months after the permit expiry date, where the development allowed by the permit has lawfully started before the

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permit expires.

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

**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:** It is noted the development includes fence to be built over the easement. Separate consent from the relevant service authority is required to build over the easement and will need to be obtained prior to the issue of a Building Permit.

**Note:** Prior to the 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:** The fee for removal of the street tree(s) from the nature strip is **\$2663.75** 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.

**CARRIED**

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

**Moved: Cr West**

**Seconded: Cr Bearsley**

That consideration of this item be deferred to the next Ordinary Meeting of Council.

**CARRIED**

**8.8 179 - 217 Centre Dandenong Road, Dingley Village - Kingswood Golf Course**

Cr Peulich declared an indirect interest because of impact on residential amenity in Item 8.8 as his parents own property bordering Kingswood Golf Course and left the meeting at 7:54pm prior to the matter being discussed.

**Moved: Cr Staikos**

**Seconded: Cr Barth M**

That:

1. Council to write to the Planning Minister regarding any potential implications associated with the National Airport Safeguarding Framework on the Kingswood Peninsula Country Club – Kingswood site based on the Ministers recent determination of Kingston Planning Scheme Amendment C111.
2. Council write to the purchaser of the Peninsula Kingswood Country Golf Course - Kingswood Site specifying that any preliminary discussions or engagement with the proponent at the pre Amendment phase will be undertaken on a 'without prejudice' basis and that any such engagement between Council and the proponent does not mean that Council will support, or oppose, any future Planning Scheme Amendment request.
3. Council engage with the purchaser to provide information and technical input as a Planning Scheme Amendment request is formulated having now confirmed that this is the intention of the purchaser.
4. Once a Planning Scheme Amendment request is formulated, direction be sought from the Council in accordance with the options available to the Council under the Planning and Environment Act 1987 (ie. seek authorisation from the Planning Minister for a future Planning Scheme Amendment or determine not to commence the Planning Scheme Amendment process based on the request submitted).

**CARRIED**

**A Division was Called:**

**DIVISION:**

**FOR:** Crs Staikos, West, Bearsley, Eden, Barth and Gledhill (6)

**AGAINST:** Cr Brownlees (1)

**ABSTAINED:** Cr Ronke (1)

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Cr Peulich returned to the meeting at 8:15pm.

Cr Ronke left the meeting at 8:16pm and did not return.

**Question Time**

**Georgina Oxley of Edithvale asked Questions 1-4.**

**Question 1.**

*“What is Council doing about the builder parking situation on the corner of Kelvin Grove and Nepean Highway Chelsea? Cars are being parked illegally in No standing zones with trucks blocking cars and pedestrians entering and exiting Kelvin Grove. This is very unsafe for cars and pedestrians! Can Council ensure compliance with the building permits in terms of a traffic management plan to ensure access for residents? Can Council confirm whether cars parked illegally in the No Standing zone on the South side of Kelvin Grove are being fined?”*

**The Acting CEO provided the following response,**

*“Officers will look at the development and its Planning Permit conditions including any construction Management Plan and Traffic Management Plan. Council’s Local Laws department will be advised of the alleged illegal parking and will look at the site for car parking compliance or otherwise. If cars are illegally parked, they will be booked. I am unaware of any fines that have been issued to date.”*

**Question 2.**

*“How much officer time and ratepayers’ money was spent on the planning application KP14/117 – 2 Leslie Road, Clarinda at VCAT for the purpose of Horse Agistment? Will Council continue to push through these horse agistment applications in the Green Wedge despite VCAT sending a clear message to Council that this is unacceptable?”*

**The Acting CEO provided the following response,**

*“Council is the receiver of such planning applications and must assess and decide them all. VCAT has now decided that no planning permit shall be issued for the subdivision of the land in Leslie Road. As a consequence, the subdivisions cannot proceed. A similar application, also at the VCAT has now been withdrawn, following this decision of the VCAT.”*

**Question 3.**

*“How much more money will Kingston spend on trying to ‘explore’ ideas for destroying and carving up Kingston’s Green Wedge for Residential Development, hidden and disguised under the name ‘Rural Living’?”*

**The Acting CEO provided the following response,**

*“At its meeting on 27 July 2015 Council considered a final version of the Green Wedge Land Assessment Technical Feasibility Report. At this meeting Council resolved not to pursue further examination of the application of the Rural Living Zone for Areas 1 and 2 generally defined as areas outside the Urban Growth Boundary between Kingston*

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*and Heatherton Road and Centre Dandenong Road. The resolution of Council was communicated to affected landowners via a letter dated 12 August 2015.”*

**Question 4.**

*“Prior to pushing through the Collins Street aged care proposal, had Council undertaken a feasibility study of having elderly residents in multi-storey aged care facilities with respect to fire safety evacuations and accessibility issues, allowing freedom of movement and quality of life for Kingston’s aged residents?”*

**The Acting CEO provided the following response,**

*“New multi-storey Aged Care facilities are not uncommon for Ged Care Facilities and must comply with Common Wealth Building Accreditation Standards including those relating to Building Essential Safety Matters. These matters would be a large component of a building permit process.”*

**Victoria Oxley of Edithvale asked Question 5-7.**

**Question 5.**

*“Is Council aware that the fire doors at Pace Development at 95-99 Edithvale Road are not regulated safety/smoke/fire doors? What is Council going to do to ensure compliance with building regulations in respect to fire regulations and proper fire doors for the Pace Building at 95-99 Edithvale Road and what is Council going to do to ensure that future developments in Kingston comply with these important fire safety standards?”*

**The Acting CEO provided the following response,**

*“This matter is one specifically for the Building Surveyor who has issued the Building Permit for the construction of the development. It is understood that the Building Permit was issued by a Private Building Surveyor. Council will ask its Building officers to look at the matter and engage with the Private Building Surveyor to address the matter, should it be found that it needs to be addressed. Overall, the matter raised is one that is dealt with by the Building Surveyor who has issued the Building Permit.”*

**Question 6.**

*“Of the \$5 million allocated, how much has Kingston Council allocated to St Kilda Football Club per ratepayer? What consideration has been given by Council to also fund grassroots family and youth sporting clubs in light of the Council’s decision to fund an elite AFL football club?”*

**The Acting CEO provided the following response,**

*“Council has allocated \$4M to building works and \$1M to open space improvements. In accordance with the April 2015 Council resolution, council’s contribution is towards the community facilities for local residents benefits. Council’s allocation is to the project being delivered, not to St Kilda Football Club as such, but to achieve a partnership based outcome with local leagues and clubs. Council for many years has provided ongoing support to local clubs through renewed facilities significantly subsidised maintenance and also club development initiatives. Contributions to pavilion*



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*reconstruction would be easily in excess of \$10M over the last two to three financial years. Maintenance of buildings and grounds is subsidised by approximately 90%”*

**Question 7.**

*“Who are the Councillor delegates to the Audit Committee? In the last year how many meetings have the Councillor delegates attended?”*

**The Acting CEO provided the following response,**

*“The Councillor delegates are Crs Gledhill and Peulich. Information on attendance is not to hand and can be provided in writing*

**9. Community Sustainability Reports**

**9.1 Individual Development Grant Application - Potential Conflict of Interest**

**RECOMMENDATION**

That Council approve an Individual Development Grant of \$300 to Benjamin Landt to represent School Sport Victoria at the Pacific Softball School Games in Adelaide.

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

**9.2 Award of Contract 15/47 - Construction of Mordialloc Life Saving Club**

**Moved: Cr Brownlees**

**Seconded: Cr West**

That Council:

1. Receive the information contained within this report and attached confidential assessment matrix for the tender submissions received for Con 15/47 – Construction of Mordialloc Life Saving Club including the Indigenous Gathering Place.
2. Award Contract 15/47 – Construction of Mordialloc Life Saving Club for the post tender adjusted fixed lump sum of \$3,533,118.00 (exclusive of GST) to FIMMA Constructions Pty Ltd.
3. Approve the allocation of a separate contingency sum (as set out in the confidential attachment) and authorise the Manager Community Buildings to utilise this contingency sum to address unforeseen issues that may arise during the construction of the building.

**CARRIED**

Cr Eden left the meeting at 8:25pm.

**10. City Assets and Environment Reports**

**10.1 Managing Council Owned or Controlled Contaminated Land Policy**

**RECOMMENDATION**

That Council:

1. Receive the information;
2. Commence community consultation to seek feedback on the draft policy “Managing Council owned or controlled contaminated land”; and
3. That following consultation a report including feedback received is presented to Council for consideration.

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

**10.2 Mordialloc Parking Review**

**RECOMMENDATION**

That Council:

1. Receive the information; and
2. Maintain the current car parking arrangements in Mordialloc.

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

**10.3 Sport and Recreation Victoria 2016/17 Community Sports Infrastructure Fund applications - Major Facilities**

**Moved: Cr Peulich**

**Seconded: Cr Staikos**

That Council:

1. Receive the information; and
2. Submit the GR Bricker Reserve Athletics track redevelopment project to SRV’s 2016/17 Community Sports Infrastructure Fund for the Major Facilities category.

**CARRIED**

**10.4 Waste Services - MWRRG Group Landfill Contract**

**RECOMMENDATION**

That Council:

1. Receive the information;
2. Council resolve to enter into the Metropolitan Waste Resource Recovery Group's (MWMMG) Contract No 2010/1 – Council Contract No 15/80 for Landfill Services to receive and dispose of waste from participating Councils as a Schedule of Rates Contract from 1 January 2016 to 31 March 2017; based upon an estimated annual value \$1,806,138 (excluding Landfill Levy and GST); and subject to annual rise and fall for the remaining contract period with an option for further two by two year optional extensions;
3. That the Chief Executive Officer or his delegate be authorised to enter into all necessary contract documentation; and
4. That the two by two year optional contract extensions be at the discretion of the Chief Executive Officer, or his delegate subject to satisfactory performance.

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

**11. Corporate Services Reports**

**11.1 Council Ward Grants**

Cr Bearsley declared an indirect interest by close association in Item 11.1 as her husband writes for the Aspendale Gardens Residents Association (AGRA) newsletter and AGRA are seeking a Ward Grants allocation. Cr Bearsley left the meeting at 8:35pm prior to the matter being discussed.

**Moved: Cr West**

**Seconded: Cr Brownlees**

That Council:

1. Approve the recommended Council Ward Grants in accordance with the table of Councillor recommendations in Appendix 1 with the addition of the following Ward Grants:
  - Cr West and Cr Brownlees - \$500 each to assist St Bede's/Mentone Tigers player Jack Vawdrey in his recovery from a spinal injury.

**CARRIED**

Cr Bearsley returned to the meeting at 8:37pm.

**11.2 Assembly of Councillors Record Report**

**RECOMMENDATION**

That Council:

1. 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 Adoption of Financial Statements to 30 June 2015**

**Moved: Cr Brownlees**

**Seconded: Cr Peulich**

That Council:

1. Note the recommendation from Council's Audit Committee;
2. Adopt the 2014/15 Annual Performance and Financial Statements as Council's "in principle" statements for 2014/15 and that these statements be forwarded to the Victorian Auditor-General; and
3. Authorise Cr Gledhill, Cr Peulich and the Chief Executive Officer to formally sign the 2014/15 Annual Statements.

**CARRIED**

Cr Staikos left the meeting at 8:38pm.

Cr Eden returned to the meeting at 8:38pm.

**11.4 2014-15 Local Government Performance Reporting Framework Results**

**RECOMMENDATION**

That Council:

1. Note the LGPRF (Local Government Performance Reporting Framework) indicator results.
2. Authorise the Mayor and the Chief Executive Officer to sign the Governance & Management Checklist.
3. Note that a further report will be prepared after access to the “Know your Council” website to review comparative data of other Councils is provided.

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

**11.5 Full Year 2014/15 - Quarterly Performance Report as at June 2015**

**RECOMMENDATION**

That Council:

1. Receive the Quarterly Performance Report as at June 2015

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

Cr Staikos returned to the meeting at 8:45pm.

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**11.6 Community Local Law 2015**

**Moved: Cr West**

**Seconded: Cr Barth**

That, having completed the procedure referred to in section 119(2) of the Local Government Act 1989 and noting that six submissions were received in response to the public notice indicating that Council proposed to make Community Local Law 2015, Council:

1. Make the Community Local Law 2015 as attached in Appendix 1 (the Local Law) with a commencement date of 1 November 2015;

**CARRIED**

2. Authorise the affixing of the common seal to the Local Law; and

**CARRIED**

3. Authorise the Chief Executive Officer to:

- a. Give public notice of the making of the Local Law; and
- b. Send a copy of the Local Law to the Minister for Local Government.

**CARRIED**

4. Amend the Community Local Law to allow the provision of up to four hens on a property of above 350m<sup>2</sup>.

**LOST**

**Note:** It was requested by Cr West and agreed to by the Mayor that the motion be voted on in separate parts.

**12. Notices of Motion**

**12.1 Notice of Motion No. 31/2015 - Cr Peulich - Statewide Waste and Resource Recovery Infrastructure Plan**

**Moved: Cr Peulich**

**Seconded: Cr Staikos**

That Council:

Call on the State Government, Minister for Environment, and Minister for Planning to amend the recently adopted Statewide Waste and Resource Recovery Infrastructure Plan, to remove Kingston's Green Wedge as a waste hub and,

- a) make it clear in any other government plan, policy, state or local planning scheme that materials recycling is prohibited in Kingston's Green Wedge and;
- b) Council consult with local businesses on the impact of waste related facilities in industrial areas.
- c) Council write to the relevant government ministers and local MPs calling for their support and prompt response.

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**Amendment**

**Moved: Cr West**

**Seconded: Cr Staikos**

That the motion be adopted with the following change:

Call on the State Government, Minister for Environment, and Minister for Planning to amend the recently adopted Statewide Waste and Resource Recovery Infrastructure Plan, to emphasise that Kingston's Green Wedge should not be regarded or used as a future waste hub and,

**LOST**

**Amendment**

**Moved: Cr West**

**Seconded: Cr Staikos**

- a) make it clear in any other government plan, policy, state or local planning scheme that materials recycling should be prohibited in Kingston's Green Wedge and;

The Amendment was put and **CARRIED**

**A Division was Called:**

**DIVISION:**

**FOR:** Crs Brownlees, Staikos, West, Eden, Barth and Gledhill (6)

**AGAINST:** Crs Peulich and Bearsley (2)

**CARRIED**

**Amendment**

**Moved: Cr West**

**Seconded: Cr Staikos**

- d) Ask the Minister to support the aforementioned points (a) and (c) by approving Planning Scheme Amendment C143 as recommended by Council.

The Amendment was put and **CARRIED**

The Amendment became the Motion

The 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**

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The Resolution reads as follows:

**Moved: Cr Peulich**

**Seconded: Cr Staikos**

That Council:

Call on the State Government, Minister for Environment, and Minister for Planning to amend the recently adopted Statewide Waste and Resource Recovery Infrastructure Plan, to remove Kingston's Green Wedge as a waste hub and,

- a) make it clear in any other government plan, policy, state or local planning scheme that materials recycling should be prohibited in Kingston's Green Wedge and;
- b) Council consult with local businesses on the impact of waste related facilities in industrial areas.
- c) Council write to the relevant government ministers and local MPs calling for their support and prompt response.
- d) Ask the Minister to support the aforementioned points (a) and (c) by approving Planning Scheme Amendment C143 as recommended by Council.

**CARRIED**

**12.2 Notice of Motion No. 32/2015 - Cr Peulich - Enviromix**

**Moved: Cr Peulich**

**Seconded: Cr Staikos**

That Council officers:

1. Prepare a report updating Council on the status of Enviromix and any outstanding pollution abatement notices, works on site and future plans for investing in the current site or relocation; and
2. Call on the EPA to closely monitor Enviromix.

**CARRIED**

**12.3 Notice of Motion No. 33/2015 - Cr West - Wilson Street Traffic**

**Moved: Cr West**

**Seconded: Cr Staikos**

**I MOVE :**

That towards the end of the six-month trial, Council arrange for a round table discussion or ward meeting at which residents and other interested parties can hear and discuss a report from officers on the outcome of the trial and can present all relevant points of view and ideas on whether to make the pinch points permanent and/or to initiate other measures to provide a lasting solution to this intractable problem.

**Procedural Motion**

**Moved: Cr Bearsley**

**Seconded: Cr Brownlees**

That this matter be deferred until after the six month trial is completed.

**LOST**

The Substantive Motion was put and **CARRIED**



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**13. Urgent Business**

There were no items of urgent business.

**14. Confidential Items**

**Moved: Cr Staikos**

**Seconded: Cr Bearsley**

That in accordance with the provisions of section 89(2) of the *Local Government Act 1989*, the following documents be designated confidential:

**Confidential Appendices**

**8.7 Response to Notice of Motion No.39/2014 - Cr West- Legal Liability for Damages Following Approval of Developments on Unstable Land Appendix 1, Legal Advice - Development on floodplains or unstable ground**

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

**8.8 179 - 217 Centre Dandenong Road, Dingley Village - Kingswood Golf Course Appendix 5, Confidential Advice FINAL**

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

**9.2 Award of Contract 15/47 - Construction of Mordialloc Life Saving Club Appendix 1, Confidential - Tender Evaluation Matrix - Contract 15-47 - Mordialloc LSC**

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

**10.4 Waste Services - MWRRG Group Landfill Contract Appendix 1, Landfill Contract Schedule of Rates**

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

**CARRIED**

The meeting closed at 9.43pm.

**Confirmed.....**

**The Mayor 28 September 2015**