

Minutes

Ordinary Meeting of Council

Monday, 22nd June 2015

**City of Kingston
Ordinary Meeting of Council**

Minutes

22 June 2015

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The meeting commenced at 7.02pm 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 John Ronke
Cr Steve Staikos
Cr Rosemary West OAM

In Attendance: John Nevins, Chief Executive Officer
Mauro Bolin, General Manager Community Sustainability
Paul Franklin, General Manager Corporate Services
Daniel Freer, General Manager City Assets and Environment
Jonathan Guttman, Acting General Manager Sustainable Planning and Development
Ian Nice, Manager City Development
Tracy Cheeseman, Media Advisor
Phil De Losa, Program Leader Governance
Stephanie O’Gorman, Governance Officer
Gabrielle Pattenden, Governance Administration Officer

1. Apologies

There were no apologies submitted to the meeting.

2. Confirmation of Minutes of Previous Meetings

Moved: Cr Barth

Seconded: Cr Staikos

That the Minutes of the Ordinary Meeting of Council held on 25 May 2015, the Special Meeting of Council held on 1 June 2015 and the Special Meeting of Council held on 9 June 2015 be confirmed.

CARRIED

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

There were no foreshadowed Conflicts of Interest submitted to the meeting.

4. Petitions

Materials Recycling 150-170 Old Dandenong Road, Heatherton

Moved: Cr Staikos

Seconded: Cr Barth

That the petition be referred to the CEO for response.

CARRIED

H.A. Droop Pavilion and Ben Kavanagh Reserve (5 Petitions)

Moved: Cr Brownlees

Seconded: Cr Ronke

That the petitions be referred to the CEO for response.

CARRIED

5. Presentation of Awards

Janene Fussell - Chelsea Community Centre

The Mayor invited Cr Ronke to present a Certificate of Achievement to Janene Fussell in recognition of twenty six years of service at the Chelsea Heights Community Centre.

2015 Australasian Reporting Award

The Mayor presented Paul Franklin - General Manager Corporate Services with the 2015 Australasian Reporting Award.

6. Reports from Delegates Appointed by Council to Various Organisations

Cr Barth reported on the quarterly Metropolitan Waste Recovery Forum.

Moved: Cr Barth

Seconded: Cr Brownlees

That the delegate's report be received.

CARRIED

Block Resolution

Moved: Cr Barth

Seconded: Cr Eden

That items 8.1, 8.8, 8.9, 10.1, 10.2, 10.3, 10.4, 10.6, 10.7, 10.8, 10.9, 11.2 and 11.4 be block resolved:

CARRIED

7. Question Time

Question Time was held at 8.00pm. Refer to page 27 of the Minutes.

8. Sustainable Planning and Development Reports

8.1 Town Planning Application Decisions - May 2015

RECOMMENDATION

That the report be noted.

Note: Please refer to page 4 of the Minutes where this item was block resolved.

8.2 KP14/776 - 384 Nepean Highway Parkdale

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

Moved: Cr West

Seconded: Cr Barth

That Council determine to issue a Notice of Refusal to Grant a Permit to develop the land for the construction of six (6) dwellings and create access to a Road Zone Category 1 at 384 Nepean Highway Parkdale 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 proposed extent of massing is visually intrusive and would result in unreasonable amenity impacts on adjoining properties.
3. The development fails to create urban environments that are safe, functional and provide good quality environments with a sense of place, inconsistent with Clause 15.01 of the Kingston Planning Scheme.

LOST

Moved: Cr Brownlees

Seconded: Cr Bearsley

That a Notice of Decision to Grant a Permit be issued to Develop the land for the construction of six (6) dwellings and create access to a Road Zone Category 1 at 384 Nepean Highway Parkdale, 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

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copies must be provided. The plans must be substantially in accordance with the plans submitted to Council on 18 March 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, with such plans to be prepared by a suitably qualified landscape professional and incorporating:
 - i. an associated planting schedule showing the proposed location, species type, mature height and width, pot sizes and number of species to be planted on the site. The schedule must be shown on the plan;
 - ii. the delineation of all garden beds, paving, grassed areas, retaining walls, fences and other landscape works including areas of cut and fill throughout the development;
 - iii. all existing trees on the site and within three (3) metres to the boundary of the site on adjoining properties, accurately illustrated to represent actual canopy width and labelled with botanical name, height and whether the tree is proposed to be retained or removed;
 - iv. a range of plant types from ground covers to large shrubs and trees;
 - v. adequate planting densities (e.g.: plants with a mature width of 1 metre, planted at 1 metre intervals);
 - vi. the provision of 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 each dwelling, 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) provision of north-facing glazing to Dwelling 2's Bedroom 2;
- c) privacy screening to the western edge of Dwelling 3's first floor balcony in accordance with Standard B23 of Clause 55 of the Kingston Planning Scheme;
- d) replacement of Dwellings 1,2, 5 and 6 storage sheds with integrated dwelling storage of a minimum 6m³ accessible within each garage;
- e) reduction to the height of the existing southern boundary side fence to a height of 0.9 metres for a depth of 2 metres from the property frontage, should there be consent from the land owner of 386 Nepean Highway;
- f) plan notation for Dwelling 3's overhead garage storage to achieve a minimum 1.8m headroom clearance above the garage finished floor level;

- g) adequate lighting provided at garage entrances and in the driveways;
- h) internal pedestrian doors to the garage to not open into the garage;
- i) provision of a wheel stop complying with AS2890.1:2004 2.4.5.4 and Figure 2.6 in the visitor parking space adjacent to Dwelling 4;
- j) kerb heights in driveway to be no greater than 150mm in height;
- k) location of any external heating and/or cooling units for the proposed dwellings;
- l) any commitments identified within the submission of a Sustainable Design Assessment required under Condition 9 of this Permit clearly shown on plans;
- m) the provision of a minimum 2000 litre rainwater tank clearly nominated for each dwelling with water re-use for toilet flushing; and
- n) 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.

Street Trees

- 3. 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 stypheloides* (Prickly-leaved Paperbark) street tree and the *Lophostemon confertus* (Queensland Brush Box) located on the Nepean Highway nature strip.

Drainage and Water Sensitive Urban Design

- 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 8 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. The overall outflow of the development to Council drainage system must be limited to a discharge rate calculated as per Council's "Civil Design Requirements for Developers – Part A: Integrated Stormwater Management".
8. Stormwater works must be provided on the site so as to prevent overflows onto adjacent properties.

Sustainable Development

9. Prior to the endorsement of the Plans required pursuant to Condition 1 of this permit, the provision of a Sustainable Design Assessment (SDA) to be prepared by a suitably qualified professional must be submitted to and approved by the Responsible Authority. The SDA must include, but is not limited to, detailing initiatives for stormwater harvesting, insulation, building materials, daylighting, collective rainwater tanks and/or individual rainwater tanks, public and private landscape irrigation and car washing, energy efficient concepts, glazing and internal ventilation and the like.

Construction Management

10. Prior to the commencement of the Development, 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 to the satisfaction of the Responsible Authority. The CMP must specify and deal with, but not limited to, the following, to the satisfaction of the Responsible Authority:
 - a) a pre-construction site inspection and conditions assessment of all infrastructure adjacent to the subject land;
 - b) full details of any proposed construction hoarding locations, temporary footpath closures, proposed public safety signage and any proposed crane location positions external to the subject land;
 - c) a full traffic management plan which is approved by VicRoads and details all proposed local or main road partial or full closures, locations as to how concrete pours will be managed including vehicle storage locations and all required temporary signage and suggested locations;
 - d) all proposed locations for how materials will be stored on and if permitted off site including site sheds and facilities;
 - e) the location for the parking of all construction vehicles and construction worker vehicles during construction;

- f) full details as to the location and means in which loading/unloading of materials will occur;
- g) the means in which construction waste / waste materials will be managed both on and from the site;
- h) the means in which dust will be suppressed during construction
- i) business operations on the site during construction;
- j) site security; and
- k) construction times, noise and vibration controls.

In the event of damage during construction to any adjacent Council roads, footpaths and park land, such damage will be required to be repaired by and at the full cost to the developer, to the satisfaction of the Responsible Authority.

Waste Management Plan

11. Prior to the commencement of the Development, a Waste Management Plan (WMP) to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Plan will be endorsed and will then form part of the permit. Three copies of the plan must be submitted. The plan must include but is not limited to all to the satisfaction of the Responsible Authority:
- a) The manner in which waste will be stored and collected including: type, size and number of containers.
 - b) Spatial provision for on-site storage.
 - c) Details whether waste collection is to be performed by Council's services or privately contracted.
 - d) The size of the collection vehicle and the frequency, time and point of collection.

The waste management plan must be implemented to the satisfaction of the Responsible Authority. The waste management plan must not be modified unless without the written consent of the Responsible Authority.

Road and Drains Engineering

- 12. Property boundary and footpath levels must not be altered without the prior written consent from the Responsible Authority.
- 13. The replacement of all footpaths, including offsets, must be constructed to the satisfaction of the Responsible Authority.
- 14. Any reinstatements and vehicle crossings must be constructed to the satisfaction of the Responsible Authority.
- 15. Any 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.

General amenity conditions

17. All works on or facing the boundaries of adjoining properties must be finished and surface cleaned to a standard that is well presented to neighbouring properties in a manner to the satisfaction of the Responsible Authority.
18. All piping and ducting above the ground floor storey of the development (other than rainwater guttering and downpipes) must be concealed to the satisfaction of the Responsible Authority.
19. All externally-located heating and cooling units, exhaust fans and the like must not be located adjacent to bedroom windows on adjoining properties and must be concealed from the street, unless with the further written consent of the Responsible Authority.

Completion of Works

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

Time Limits

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

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

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

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

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

Note: 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 development includes fence and building eaves to be built over the rear easement. Separate consent from Council and 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: 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

8.3 KP93/5158 - 19-71 Carroll Road, Oakleigh South

Moved: Cr Staikos

Seconded: Cr Barth

That Planning Permit KP-5158/1993 be extended by allowing:

- The filling activities associated with condition 11 should therefore be completed by 31 August 2015.
- Allow the existing ongoing operations of the solid inert transfer waste station until 31 August 2017 in accordance with plans endorsed on 24 May 2000.

CARRIED

Cr Barth left the meeting at 7:47pm.

Cr Barth returned to the meeting at 7:52pm.

Cr Staikos left the meeting at 7:54pm.

8.4 KP15/94 - 10 Mitchell Street Mentone

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

It is recorded that Philip Edwards 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 use and develop the land for accommodation (retirement village) consisting of fourteen (14) units and a reduction of one (1) visitor car space 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 17 February and 18 March 2014, but modified to show:
 - a. the provision of a landscape plan in accordance with the submitted development plan and the City of Kingston Landscape Plan Checklist, with such plans to be prepared by a suitably qualified landscape professional and incorporating:
 - i. an associated planting schedule showing the proposed location, species type, mature height and width, pot sizes and number of species to be planted on the site. The schedule must be shown on the plan
 - ii. 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 retention of the *Arbutus unedo* (Irish Strawberry Tree) growing in the front setback of the site
 - v. the deletion of any hard surfacing or paving within the Tree

Protection Zone of the *Arbutus unedo* (Irish Strawberry Tree)

- vi. a range of plant types from ground covers to large shrubs and trees
 - vii. adequate planting densities (e.g.: plants with a mature width of 1 metre, planted at 1 metre intervals)
 - viii. 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 each dwelling, with species chosen to be approved by the Responsible Authority
 - ix. all trees provided at a minimum of two (2) metres in height at time of planting
 - x. medium to large shrubs to be provided at a minimum pot size of 200mm
 - xi. the provision of notes on the landscape plan regarding site preparation, including the removal of all weeds, proposed mulch, soil types and thickness, subsoil preparation and any specific maintenance requirements.
- b. A note to state the vehicle crossing will be constructed at a 90 degree alignment with the kerb on Mitchell Street.
 - c. The internal driveway/ramp to align with vehicle crossover.
 - d. The proposed vehicle crossing adjoining 12 Mitchell Street must have a common layback with a triangle of grass between the infill sections of the vehicle crossings constructed to the satisfaction of the Responsible Authority
 - e. The visitor car parking space to be clearly identified and marked.
 - f. The areas nominated as bicycle storage to include details of dimensional clearances including the type of bicycle storage racks and designed to the satisfaction of the Responsible Authority
 - g. A vehicle clearance diagram to be provided using figure C1 2890.1:2004 of a B99 vehicle to demonstrate there is no scraping or bottoming of vehicles, or alternative measure to the satisfaction of the Responsible Authority.
 - h. The bin storage door must not open into the basement.
 - i. Additional details of the basement entry garage door. This door must be partially transparent to improve overall safety.
 - j. The surface material of all driveways and car parking spaces nominated in all-weather coloured concrete sealcoat, or similar.
 - k. Additional details of the front fence elevation including proposed height and materials. This fence must not exceed a height of 1.5m.
 - l. The balcony associated with Dwelling 103 to be located in a southerly direction to adjoin Dwelling 104. A minimum 2.8m side setback must be

maintained to the eastern boundary. Any changes to Dwelling G03 are considered to be consequential and must maintain a minimum 2.64m setback to the eastern boundary.

- m. Clarification of the allocation of storage spaces to the satisfaction of the responsible authority.
- n. The provision of a full colour, finishes and building materials schedule, including samples (illustrated on an A4 or A3 sheet), for all external elevations and driveways of the development.

Endorsed Plans

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

Vegetation

- 3. A Tree Protection Zone (TPZ) must be installed at a distance of 5 metres from the *Arbutus unedo* (Irish Strawberry Tree) located in the front setback of the property. The following must be observed within 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
 - g) 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.

- 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 5m in a radius from the *Arbutus unedo* (Irish Strawberry Tree). 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.
- 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 *Melaleuca linariifolia* (Snow in Summer) street tree located on the Mitchell Street nature strip.

Construction Management Plan

7. 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 (i.e. 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.

Groundwater Assessment

8. Prior to the commencement of works, a Groundwater Assessment Report (GAR), to the satisfaction of the Responsible Authority, must be submitted. The GAR must be prepared by a qualified hydrogeologist and assess any possible impact of the proposed development upon existing ground water table

and surrounding land and buildings to the satisfaction of the Council.

Should the results of the GAR indicate that the site is likely to experience issues associated with groundwater management the following documentation must be submitted and approved by the Responsible Authority prior to the commencement of works:

- a. a Groundwater Management Plan (GMP); and
- b. the development plans, endorsed pursuant to Condition 1 of this permit amended to demonstrate a fully-tanked dry basement with no AG drain collection or disposal and an allowance made for any hydrostatic pressures.

Once approved the plans will be endorsed and form part of the planning permit.

Infrastructure

9. The development of the site must be provided with stormwater works which incorporates the use of water sensitive urban design principles to improve stormwater runoff quality and which also retains on site any increase in runoff 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 10 L/s.
10. Before the development commences, prior to submission of detailed Stormwater Management Plan of the development as per condition 3) below, a comprehensive stormwater management (drainage) strategy of the site including a report with MUSIC model output or equivalent and a drainage concept plan incorporating Rainwater Tanks with water reused for toilet flushing 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;
11. Before the development commences, in line with accepted drainage strategy as per condition 10 above, 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 (drainage) 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".
12. Stormwater works must be provided on the site so as to prevent overflows onto adjacent properties.
13. The basement structure must be designed and constructed as a fully-tanked dry basement with no AG drain collection or disposal and an allowance made for any hydrostatic pressures.

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14. Property boundary and footpath levels must not be altered without the prior written consent form the Responsible Authority.
15. The replacement of all footpaths, including offsets, must be constructed the satisfaction of the Responsible Authority.
16. All reinstatements and vehicle crossings must be constructed to the satisfaction of the Responsible Authority.
17. All redundant vehicle crossings must be removed (including redundant portions of vehicle crossings) to the satisfaction of the Responsible Authority.
18. All front and side fences must be contained wholly within the title property boundaries of the subject land.

Waste Management Plan

19. The waste management plan must be implemented to the satisfaction of the Responsible Authority. The waste management plan must not be modified unless without the written consent of the Responsible Authority.

Use

20. The amenity of the area must not be detrimentally affected by the development and use, through the emission of noise, artificial light or vibration.

Lighting

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

Construction

22. All works on or facing the boundaries of adjoining properties must be finished and surface cleaned to a standard that is well presented to neighbouring properties in a manner to the satisfaction of the Responsible Authority.
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 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. 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. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.

Time Limits

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

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

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

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

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 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: 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: Any future residents are likely to be ineligible for resident parking permits.

CARRIED

Cr Staikos returned to the meeting at 7:57pm.

Cr Eden left the meeting at 7:57pm.

8.5 KP14/496 - 273-275 Charman Road Cheltenham

Moved: Cr Brownlees

Seconded: Cr West

That Council determine to issue a notice of Refusal to Grant a Permit to develop the land for the construction of thirteen (13) apartments, one office, one food and drink premises and one retail premises, with a reduction of the car parking requirement and waiver of the loading requirement at No. 273.275 Charman Road Cheltenham on the following grounds:

1. The proposal fails to provide adequate car parking and loading facilities.
2. The proposal has not demonstrated that all apartments will receive adequate daylight.

CARRIED

8.6 KP14/282 - 560 Nepean Highway Bonbeach

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

Moved: Cr Bearsley

Seconded: Cr Ronke

That Council determine to support the proposal and issue a Notice of Decision to Grant a Permit to develop the land for five dwellings and alter access to a Road Zone Category 1 at No. 560 Nepean Highway 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 7 April 2015, but modified to show:
 - a. the detailing on the basement ramp cross section to illustrate how the underside of the ground floor is constructed to achieve 2.1m head clearance
 - b. the provision of an appropriately located intercom system to allow visitors to access the basement car park
 - c. the head clearance for the car slider to provide for an 85th percentile vehicle
 - d. notation on the plan stating that "the line marking and no standing signage must be altered at the cost of the developer and in accordance with the requirements of Vic Roads and the Responsible Authority"
 - e. grade changes to demonstrate that vehicle scraping will not occur
 - f. the street number to be located in a more prominent position to clearly identify the pedestrian entrance to the site

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- g. the externally accessible storage areas nominated with a minimum capacity of 6m³
- h. the glass awning on the ground floor plan set back in accordance with the first floor plan
- i. all requirements of Vic Roads in accordance with condition 21 of this permit
- j. the sustainable design initiatives outlined in the endorsed Sustainable Design Assessment (SDA) as per condition 20
- k. vehicle crossings must be constructed at a 90 degree alignment with the kerb on Nepean Highway and all internal driveways must align with the existing / proposed vehicle crossing.
- l. provision of minimum 2000 litre rainwater tank with water reused for toilet flushing for each dwelling and other water sensitive urban design treatments to achieve best practice objectives with STORM report as per Council's "Civil Design Requirements for Developers – Part A: Integrated Stormwater Management" to Council satisfaction;
- m. the provision of a ground water assessment in accordance with condition 12 of this permit
- n. a fully-tanked dry basement with no AG rain collection or disposal and an allowance made for any hydrostatic pressures, and
- o. 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 sized (at maturity) spreading canopy trees within the front setback of the property

and one (1) small (at maturity) tree within the private open space area of each dwelling, with species chosen to be approved by the Responsible Authority

- vii. 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, and
 - xi. the provision of a notation of the Tree Protection Details as provided in Conditions 3, 4, 5 and 6 of this permit. This includes all nominated tree protection zones to be drawn to scale on the plans.
 - xii. The mature height of plantings along the southern property boundary limited to 1.8m**
- p. the addition of a note to the ground floor plan to state that the new rendered 2m high wall to be constructed to the satisfaction of the Responsible Authority, at the full cost of the owner / developer.**

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 Management

- 3. Prior to the commencement of the development including demolition all tree roots from the neighbouring *Corymbia ficifolia* (Red Flowering Gum) located at 559 Nepean Highway Bonbeach within 3.5 metres of the trees base (southern side) must be exposed by air spade and pruned in accordance with recommendations by Logical Tree Management, James Martens Mullaly dated Tuesday 25 July, 2014.
- 4. All root pruning and exploratory works must be completed under the supervision of Council's Senior Vegetation Management Officer
- 5. All works within 5 metres of the neighbouring *Corymbia ficifolia* (Red Flowering Gum) located at 559 Nepean Highway Bonbeach post root pruning must be in accordance with recommendations outlined in the report by Logical Tree Management, James Martens Mullaly dated Tuesday 25 July, 2014.
- 6. 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.

WSUD, Stormwater and Groundwater Management

- 7. A flood proof apex (ridge level) protecting the property from any overland flows

must be provided in accordance with Kingston City Council's 'Basement Policy Guidelines'. This apex is to be a minimum of 150mm above the existing back of path level along the site frontage. This apex is to continue through any driveways or pathways that may cross it. The apex is to be a permanent structure (eg. rise in concrete driveway/pathway, sleeper retaining wall, solid brick fence/wall). Low mounded soil on its own is unlikely to be acceptable due to the likelihood of future disturbance.

8. 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.
9. 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".
10. Stormwater works must be provided on the site so as to prevent overflows onto adjacent properties.
11. The overall outflow from the development to Council drainage system must be limited to the predevelopment level outflow of the site.
12. Prior to the endorsement of plans pursuant to Condition 1 a Groundwater Assessment Report (GAR) must be prepared by a qualified hydrogeologist assessing any possible impact of the proposed development upon existing ground water table and surrounding land and buildings to the satisfaction of the Council.

Pending the results of the GAR, Council will assess whether the site is likely to experience issues associated with groundwater management. Developers may be required to submit a Groundwater Management Plan (GMP) at Council's discretion.

Roads Infrastructure

13. Prior to the occupation of any part of the development approved under this Planning Permit, the applicant / owner of the land must undertake the works associated with alterations to the line marked on street car parking or pay an amount to the Responsible Authority for the relocation of the line marked car parking spaces along the Nepean Highway street frontage to be determined in consultation with the Responsible Authority.
14. 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.

15. Property boundary and footpath levels must not be altered without the prior written consent from the Responsible Authority.
16. The replacement of all footpaths, including offsets, must be constructed to the satisfaction of the Responsible Authority.
17. All reinstatements and vehicle crossings must be constructed to the satisfaction of the Responsible Authority.
18. Vehicle crossings and other reinstatements must be constructed to council's industrial strength specifications.
19. All front and side fences must be contained wholly within the title property boundaries of the subject land.

Sustainable Development

20. Prior to the endorsement of plans pursuant to Condition 1 of this permit, a Sustainable Design Assessment (SDA) that outlines proposed sustainable design initiatives must be submitted to and approved by the Responsible Authority. The SDA will be endorsed as part of the planning permit. The SDA must incorporate consideration of the following sustainable design criteria:

- Indoor environment Energy efficiency
- Water resources
- Stormwater management
- Building materials
- Bicycle parking
- Waste Management
- Urban Ecology
- Innovation
- Ongoing building and site management

Vic Roads Conditions

21. The crossover and driveway are to be constructed to the satisfaction of the Responsible Authority and at no cost to the Roads Authority.
22. Prior to the commencement of the occupation of the buildings hereby approved, the access lanes, driveways, crossovers and associated works must be provided and available for use and be:
 - a. Formed to such levels and drained so that they can be used in accordance with the plan.
 - b. Treated with an all-weather seal or some other durable surface.
23. Driveways must be maintained in a fit and proper state so as not to compromise the ability of vehicles to enter and exit the site in a safe manner or compromise operational efficiency of the road or public safety (eg. by spilling

gravel onto the roadway)

24. All disused or redundant vehicle crossings must be removed and the area reinstated to kerb & channel, footpath and nature strip to the satisfaction of and at no cost to the Roads Corporation prior to the commencement of the occupation of the buildings or works hereby approved.
25. The proposed development requires reinstatement of disused crossovers to kerb and channel. Separate approval under the Road Management Act for this activity may be required from VicRoads (the Roads Corporation). Please contact VicRoads prior to commencing any works.

Construction and Traffic Management

26. Before the commencement of any buildings and works on the Land, a Construction Management Plan (CMP), to the satisfaction of the Responsible Authority, must be submitted to and approved by the Responsible Authority and when approved shall thereafter be complied with. The CMP should be developed in consultation with Council's Construction Liaison Officer and should include (but not be limited to) details regarding the parking of vehicles during construction, delivery of materials, containment of waste on site and suppression of dust, business operations on the site during construction.
27. The developer/owner must contact the Responsible Authority and VicRoads and arrange traffic management plans and WORKS ZONE for any works that may affect traffic (both vehicular and pedestrian) or parking in Nepean Highway or any of the surrounding streets. Works vehicles will not be able to stop in the street fronting the property if they cannot provide at least 3 metres clearance for other vehicles to pass or if parking restrictions already apply. The developer will be responsible for the costs of arranging a WORKS ZONE and reinstatement of parking restriction signs, to the satisfaction of the Responsible Authority.

Prior to Occupation

28. Prior to the occupation of the dwellings hereby permitted, the new fences must be erected to Council's satisfaction, at the full cost of the applicant/owners.
29. 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.
30. 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.
31. Prior to the occupation of any building approved under this permit, written confirmation from the author of the endorsed SDA is to be submitted to the Responsible Authority that all of the required measures specified in the SDA have been implemented.
32. 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.

33. 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.
34. Prior to the occupation of the dwellings hereby permitted, areas set aside for parking vehicles, access lanes and paths as shown on the endorsed plans must be:
 - a. Constructed to the satisfaction of the Responsible Authority.
 - b. Properly formed to such levels that they can be used in accordance with the plans.
 - c. Surfaced in accordance with the endorsed plans under this permit or in an all weather coloured concrete seal-coat, to the satisfaction of the Responsible Authority.
 - d. Drained and maintained to the satisfaction of the Responsible Authority.

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

Amenity Conditions

35. 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.
36. 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.
37. 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.

Completion of the development

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

Permit Expiry

39. 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

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- 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

8.7 KP185/13 - 1-9 Balcombe Road Mentone - VCAT hearing position on application to amend pursuant to section 87A

Moved: Cr West

Seconded: Cr Brownlees

That Council:

1. Oppose the changes to the external appearance of the building; and
2. Oppose the lack of activation to the southern lane way; and
3. Oppose the changes to the layout of the corridors and lobbies at the upper levels; and
4. Oppose the introduction of additional dwellings with a southerly orientation and poor internal amenity; and
5. Support the proposed medical centre subject to appropriate conditions; and
6. Support the proposed sale and consumption of liquor associated with the approved food and drink premises subject to appropriate conditions.
7. Oppose the proposed sale of packaged liquor associated with the bottle shop.

CARRIED

Cr Bearsley left the meeting at 8:17pm.

Cr Bearsley returned to the meeting at 8:22pm.

Question Time

Question 1

Peter Holmes of Mordialloc asked:

We were at a meeting held in Council Offices with Central Ward Councillors in regards to parking in Bradshaw Street, Mordialloc. At this meeting we were told that parking signs will be in place in 7-10 days for no standing 7am to 6pm 7 days a week on the residents' side as a temporary measure until residents only parking signs can be put up. The signs were from White Street to Cedric Street and there are still no signs in place, why?

The CEO provided the following response:

Signs have been ordered and will be installed as soon as received. Officers will follow up with suppliers tomorrow to check status and provide an update to residents.

Question 2

Ian McSwan of Aspendale asked:

1. ***When will members of the public be given free and unrestricted access to Council's floating pontoons in the Pompei's Landing area?***
2. ***When will boat owners be able to make use of all Council's floating pontoons in Pompei's Landing area for short term visits, loading and unloading of passengers and for minor boat maintenance?***

The CEO provided the following response:

Council is working with existing tenants on the creek to transition to new arrangements that have been adopted by Council. We expect resolution in coming weeks. Council's vision is to provide access to this area for short term visits, loading etc.

Question 3

***Sajan Velandi of Clarinda asked,
What is the update of new LanTrak recycling plant coming in Old Dandenong Road? Any update on last Council meeting regarding that Clarinda stinks?***

The CEO provided the following response,

Council refused the application under delegation on Thursday 18 June. All people who objected will be notified of this decision this week.

Note: The second part of this question was answered along with questions 3 & 4 on the same issue.

Question 3

***Paras Ram of Clarinda asked,
In the last Council meeting, Cr Brownlees mentioned or stated that the odour from Transpacific Victory Road side Clayton is not as bad as before. I as the resident of Clarinda and on behalf of my neighbours would like Cr Brownlees to come and spend a day with us and only then he would know how we feel in Clarinda. It is an insult on the residents of Clarinda when Cr Brownlees only assumes things without realising the actual fact.***

The CEO provided the following response,

The Environmental Health Team are in contact with the Environment Protection Authority (EPA) to examine the concerns Mr Ram raised at the last Council Meeting. Officers spoke with the EPA on 9 June 2015 and are awaiting a detailed response.

Question 4

***Hussein of Clarinda asked,
"Clarinda stinks, any update from the last Council Meeting?"***

The CEO provided the following response,

Council has last week and this week notified approximately 17,000 properties in the suburbs of Oakleigh South, Heatherton, Clarinda, Clayton South and Dingley Village informing them of how to raise odour complaints directly to the Environment Protection Authority (EPA). It is very important that odour complaints are registered with the EPA for investigation. Officers have raised the questions raised at the last Council meeting with the EPA. Officers last contacted the EPA on 9 June 2015 regarding residents' odour concerns and are awaiting a detailed response."

Note: Cr Brownlees declared an indirect conflict of interest by close association in relation to questions 5 and 6 as his son in law is an employee of the St Kilda Football Club and left the meeting at 8:23pm.

Question 5

John Atkinson of Moorabbin asked the following five questions:

- 1. *What other alternative sporting venues were considered for redevelopment before council decided to invest \$5M in one facility at Moorabbin Oval?***

The CEO provided the following response:

In 2014 Council was approached by the Southern Football Netball League, Southern Metropolitan Junior Football League, AFL Victoria, St Kilda Football Club and the State Government to establish a community pavilion to house the community football league administration and playing facilities at Moorabbin Reserve. Over a number of months working through this proposal, the St Kilda Football Club approached all stakeholders with a broader proposal to accommodate their AFL level training and administration needs. As such, Council considered this proposal and has provided conditional funding toward the community based facilities (Community League Administration and Amenities, Indoor Basketball/Netball Court, and landscaping).

- 2. *Please outline the business process by which this decision was reached?***

The CEO provided the following response:

Council's funding contribution is conditional on a number of factors including having the project fully funded. There is a dependency on the completion of a detailed business case and feasibility study in order for the state government contribution extended to fully fund the project. If this is not realized, Council's contribution will be removed.

- 3. *What are the timeslots that have been allocated to local sporting clubs and what percentage of the total playing time does this represent?***

The CEO provided the following response:

The allocation of timeslots has been established from work between the Leagues, Clubs, State Government, AFL and Kingston. This is reflective of St Kilda's and the community leagues' funding commitments and operational requirements. These agreements will be reflected in a Memorandum of Understanding for the project.

- 4. *Will the ground be referenced so a charge can be levied for attending games?***

The CEO provided the following response:

There will be the installation of fencing to allow for the charging for entry to community league finals (which is current practice across the state). The design of fencing infrastructure will be undertaken to allow for permeability across the site outside formal matchday/finals activity.

- 5. *If yes who collects the money and who is responsible for distributing it, and for what purpose?***

The CEO provided the following response:

In the case of community football league finals, the leagues themselves collect the entry fees. The leagues distribute this revenue for their own administrative, training and operational requirements as well as re-distribute to their clubs to assist in their operations.

6. *Who is paying for the up keep of the grounds and facilities?*

The CEO provided the following response:

As a condition of Council's contribution, St Kilda Football Club will be responsible for the ongoing maintenance of the grounds and facilities. Council has articulated the standard and audit mechanism of this maintenance as part of its contribution.

7. *As a retired person I would welcome use of the gym and pool. Will this be possible as a community benefit? Again what time slots and at what cost?*

The CEO provided the following response:

Community access to the St Kilda Football Club gym and aquatic facilities (designed for recovery and rehabilitation) have not been negotiated as part of Council's contribution. These are facilities that are being funded solely by St Kilda Football Club for their use. Gym facilities will be provided in the community football areas for use by local clubs throughout the year. The indoor court facilities are proposed to be available for community use when not being used for training purposes by football clubs.

8. *For the purposes of fairness and equality will the council be providing the Hawks \$5M if they relocate to Dingley?*

The CEO provided the following response:

Council does not have a detailed understanding of the Hawthorn Football Club proposal to purchase land from a private land owner in Kingston, nor has it been approached by Hawthorn Football Club for any contribution. Council is however hopeful that any broader community benefit that can be realized by having the club in Kingston facilitated.

Question 6

Gillian Lelah of Moorabbin asked:

1. *What is Kingston City Council's Consultation plan, including by what method and when, for the proposed Moorabbin Reserve redevelopment?*

The CEO provided the following response:

Council is currently developing a landscape plan which will be the subject of community consultation.

2. *I contacted Kingston City Council on 11 June to ask why two identical information boards in South Road and Linton Street, on the subject of the Moorabbin Reserve Redevelopment, were still in place, despite being very much out of date and misleading to the public, since they refer to Kingston City Council contributing only \$1.5 million. How much longer will these boards remain there?*

The CEO provided the following response:

The boards refer to the approved and adopted and funded community football facility. That project has not been replaced. Council's additional funding contribution is conditional on the expanded \$29 million facility option developed by the St Kilda Football Club being fully funded. When that project is fully funded and we have a new Memorandum of Understanding and the existing one is formally superseded those signs will come down. At present they are a condition under our existing funded community football facility arrangement.

- 3. At any stage has Council considered, or will they consider in the future, fencing off and thereby preventing the local community from accessing the parkland (areas with grass and other vegetation) in the Moorabbin Reserve?**

The CEO provided the following response:

No, as in the previous response to Mr Atkinson, there will be provision for fencing which will only be closed off to public with entry allowed subject to an admission fee during Finals or competition games but at all other times the area will be opened to the public.

- 4. Kingston Your City January 2015 stated that the proposed Moorabbin Reserve Redevelopment would include redevelopment of the northern section of the park to support the emerging new communities in Moorabbin. What exactly was meant by this statement?**

The CEO provided the following response:

I believe this refers to the land situated on the corner of Linton Street and South Road. It presents as an unkempt area. People unfamiliar with the area would be surprised to learn there is a park along Linton Street, and it is intended that landscaping of that area would be undertaken as part of Council's \$1 million contribution to landscaping works on that site, which will be subject to community consultation.

- 5. If I, as a resident, wish to build an additional dwelling on my property, or certain other construction work, then I need to go through the Planning Process, which includes allowing neighbours and others who consider the development will impact on them adversely, to object and a process which ultimately can go to the Victorian Civil and Administrative Tribunal. Will St Kilda Football Club and/or Kingston City Council be subjected to the same process i.e. what will be the planning process for the proposed redevelopment of the Moorabbin Reserve?**

The CEO provided the following response:

It will be considered under exactly the same legislation which is The Planning and Environment Act 1987 (the Act). Council has two hats in this matter, one, as funding body on behalf of community football leagues and two, a statutory role as a planning authority. Council has not yet formally received an application. When an application is received it will then be considered in accordance with the Act and exactly the same expectations and processes that apply to any other development in the City of Kingston will apply to this one, which will include notification if appropriate.

6. ***In the minutes of the 27 April 2015 Ordinary Council Meeting 10.8(h) it states that 'The Council's commitment to this expanded project is predicated on this project being fully funded.' What is the scope of 'this project'?***

The CEO provided the following response:

It is a project with an estimated cost of \$29 million and includes community football facilities, indoor training facilities, administration offices, theatre, toilets and community space in the building. Detailed plans have not been seen for this project so that is broadly the scope of the project. St Kilda describes it as an elite training facility. The community football league would describe it as their home for administration, finals games and some umpire training programs.

7. ***Would Kingston City Council permit the digging up of any part of the northern or southern parts of any parkland, and the removal of trees to create a bitumen or asphalt car park as one feature of the proposed Moorabbin Reserve redevelopment?***

The CEO provided the following response:

The landscape plan is yet to be developed but at no stage has it been suggested that the pulling up of parkland be undertaken to create a bitumen or asphalt car park. There is an existing car park area around the existing Huggins pavilion. There will be car parking of a similar vein around the new facility. It is not envisaged or expected that there would be wholesale removal of grassed areas for the purposes of a bitumen/asphalt car park.

8. ***Do you consider that the 21 years of voluntary work by the Linton Street (Moorabbin) Urban Forest Group Inc. (LSUFG) from 1993 to date, to transform a barren, muddy, neglected car park (from the halcyon Saints days) into a beautiful, natural environment through the planting of thousands of trees, shrubs and ground cover and ongoing maintenance (The Group's success in an environment that people want to use) gives The Group a certain moral authority to be consulted as a Group and as a priority consultation over the proposed redevelopment of the Moorabbin Reserve, in particular as it relates to the Northern and Southern areas of the parkland?***

The CEO provided the following response:

This LSUFG is an important community group who have volunteered many, many hours. They will be consulted with as part of the consultation process on the landscape plan.

9. ***How will Council, with any new lease or contract with St Kilda Football Club, ensure that in years to come there is not a repeat of the lack of maintenance which has resulted in the dilapidated state of the buildings and the eyesore for the community associated with the built form in the Moorabbin Reserve? Council minutes of the 27 April 2015 alluded to this issue.***

The CEO provided the following response:

It is proposed to address this with a maintenance schedule, which will be subject to an audit process. This didn't happen in the past.

10. ***With the wish list/proposal by St Kilda Football Club, to have a second training ground as part of the proposed Moorabbin Reserve Redevelopment***

could this in any way restrict access permanently to the local community in the northern part of the park?

The CEO provided the following response:

There is no proposal for a second oval. If there is, it will not be restricted for the public. It will be open space with the public able to freely access it. That concept is yet to be developed and consulted on with the community.

11. Did the Saints recent wish list/proposal to Council regarding the Moorabbin Reserve Redevelopment, include the removal of part of the northern parkland including the removal of trees, so that a bitumen or asphalt or other permanent car park could be created?

The CEO provided the following response:

This answer was already provided to Question 7.

Cr Bearsley left the meeting at 8:38pm.

8.8 Amendment C144 - 41-47 Melrose Street Parkdale

RECOMMENDATION

That Council:

3. Request the Minister for Planning to appoint a Planning Panel under Part 8 of the *Planning and Environment Act 1987* to further consider and report on proposed Amendment C144 to the Kingston Planning Scheme.
4. Advise all submitters to Amendment C144 in writing of the above resolution.

Note: Please refer to page 4 of the Minutes where this item was block resolved.

8.9 Request from Victoria Police for New Alcohol Free Zone in Cheltenham

RECOMMENDATION

1. That Council resolve to introduce the proposed 24 hour alcohol free zone in Cheltenham.

Note: Please refer to page 4 of the Minutes where this item was block resolved.

9. Community Sustainability Reports

There were no Community Sustainability Reports.

10. City Assets and Environment Reports

10.1 Contract 15/7 - Concrete Paving and Kerb & Channel

RECOMMENDATION

That Council:

1. Receive the information;
2. Accept the tender of Morison Concrete Pty Ltd for Contract No. 15/7 for Concrete Paving and Kerb & Channel Works as a Schedule of Rates contract at their tendered rates based upon Council's estimated work quantities for a total estimated price of \$2,047,425 excl. GST (first year \$682,475.00) subject to annual rise and fall for the contract term of 3 years commencing 1st July 2015 with two two-year optional extensions; and
3. That the two two-year optional contract extensions be at the discretion of the Chief Executive Officer, or delegate subject to satisfactory performance.

Note: Please refer to page 4 of the Minutes where this item was block resolved.

10.2 Contract 15/8 - Pavement Markings

RECOMMENDATION

That Council:

1. Receive the information
2. Accept the tender of Image Linemarking Pty Ltd for Contract 15/8 for Pavement Marking Services as a Schedule of Rates Contract at their tendered rates based upon Council's estimated work quantities for a total estimated price of \$489,558 excl. GST (first year \$163,186.00) subject to annual rise and fall for the contract term of 3 years commencing 1st July 2015 with two two-year optional extensions.
3. That the two two-year optional contract extensions be at the discretion of the Chief Executive Officer, or delegate subject to satisfactory performance.

Note: Please refer to page 4 of the Minutes where this item was block resolved.

10.3 Contract 15/19 - Haughton Road, Clayton South (Main Road to Browning Avenue) Road Reconstruction

RECOMMENDATION

That Council:

1. Receive the information;
2. Award Contract No. 15/19 – Haughton Road, Clayton South (Main Road to Browning Avenue) Road Reconstruction on a Lump Sum basis to Presta & Sons Pty Ltd for the tendered price of \$1,113,000.00; and
3. Approve a Contingency Allowance of \$111,300.00 (10% of contract sum) from within the allocated 2014/15 budgeted project resources to cover unexpected financial variations.

Note: Please refer to page 4 of the Minutes where this item was block resolved.

**10.4 Fraser Avenue Outfall Drain - Stage 2 through Chelsea Public Golf Course
Drainage Construction**

RECOMMENDATION

That Council:

1. Receive the information;
2. Award Contract No. 14/31 – *Fraser Avenue Outfall Drain – Stage 2 through Chelsea Public Golf Course Drainage Construction* – on a Lump Sum basis to *Entracon Civil Pty Ltd* for the tendered price of \$1,523,494.55; and
3. Approve a Contingency Allowance of \$152,349.46 (10% of contract sum) from within the allocated 2014/15 budgeted project resources to cover unexpected financial variations.

Note: Please refer to page 4 of the Minutes where this item was block resolved.

Cr Brownlees returned to the meeting at 8:40pm.

Cr Bearsley returned to the meeting at 8:41pm.

10.5 Mordialloc Parking Review

Moved: Cr West

Seconded: Cr Brownlees

That consideration of this matter be deferred to the July Ordinary Meeting of Council so that additional information can be included on commuter car parking issues around the Mordialloc Train Station.

CARRIED

**10.6 Appointment of Community Members for the Sport and Recreation
Reference Group**

RECOMMENDATION

That Council:

1. Receive the information;
2. Appoint Tony Falkingham and Philip O'Meara as community members to the Sport and Recreation Reference Group up until the end of June 2017;
3. Undertake an expression of interest process to recruit a candidate who has knowledge and expertise in female sport and or recreation; and
4. Present a report back to Council recommending the final community member appointment to the Sport and Recreation Reference Group.

Note: Please refer to page 4 of the Minutes where this item was block resolved.

10.7 Authority to Undertake Sale of Land - 72 Catherine Avenue, Chelsea

RECOMMENDATION

That Council resolves:

1. to authorise and direct the CEO or his delegate to publish a public notice in accordance with section 189 of the Local Government Act 1989 ("Act") stating Council's intention to sell 72 Catherine Avenue Chelsea;
2. to 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;
3. to authorise and direct the CEO and other relevant Council staff to convene, if required, a section 223 committee of Council to include: Cr. David Eden; Cr. Tamsin Bearsley; Cr. John Ronke; Daniel Freer, General Manager City Assets and Environment; and Julian Harvey, Manager Property, Arts and Leisure Services to hear presentations from parties who wish to be heard in support of their written submissions; and
4. that in the event no submissions are received, to authorise and direct the CEO or his delegate, to proceed to sell 72 Catherine Avenue Chelsea and that the sale price for the property shall be no less than an open-market valuation as determined by a member of Council's contracted valuation panel.

Note: Please refer to page 4 of the Minutes where this item was block resolved.

10.8 Local Area Traffic Management - Viney Street, Clarinda

RECOMMENDATION

That Council:

1. Receive the information; and
2. Approve Option 1 Local Area Traffic Management treatments for Viney Street, Clarinda.

Note: Please refer to page 4 of the Minutes where this item was block resolved.

10.9 Bicentennial Skate Park

RECOMMENDATION

That Council:

1. Receive the information and note modified design works to achieve the Master Plan objectives and achieves best value to Council.
2. Bring forward the 2016/2017 capital allocated budget of \$310,475 to construct the skate park in one financial year.

Note: Please refer to page 4 of the Minutes where this item was block resolved.

10.10 Discontinuation and Sale of Land Adjoining 48 Como Parade Mentone

Moved: Cr Brownlees

Seconded: Cr West

Cr Eden left the meeting at 8:43pm.

That Council:

1. Proceeds to publish a notice in the government gazette to discontinue part of the road adjoining 48 Como Parade, Mentone being the land hatched in attachment 1;
2. Thereafter proceeds to execute a transfer of the subject land to the adjoining owner for the sum of \$100,000 (Excluding GST); and
3. That subject to the owner of 48 Como Parade, Mentone meeting all conditions of the planning permit, the asset protection permit and any other Council requirements relating to the construction zone for the subject development, that the hoarding permit fee in relation to the development shall be \$1.
4. That the owner(s) including any associated mortgagees of 48 Como Parade enter into a Section 173 agreement under Planning and Environment Act which shall include the following terms;
 - 4.1 Construction over the land hatched in attachment 1 shall be in accordance with the plans approved to Planning Permit KP14/820.
 - 4.2 The area described as "Grease Trap" of approximately 2m² located to the east of the land hatched in attachment 1 shall not at any time be constructed above ground and shall remain open to the public at all times and;
 - 4.3 That the owner of 48 Como Parade shall construct the footpath in accordance with the plans approved to the Planning Permit KP14/820 or at Council's election shall contribute a sum equal to the cost of constructing the footpath towards the cost of civil works to be undertaken by Council in accordance with condition 6 of the planning permit.

CARRIED

11. Corporate Services Reports

11.1 Proposed Community Local Law and Statutory Community Consultation

Moved: Cr Staikos

Seconded: Cr Barth

That Council:

1. receive the proposed Community Local Law 1 as shown in Appendix 1:
2. authorise commencement of the statutory process for the making of the proposed Local Law, in accordance with Part 5 of the Local Government Act 1989 (the Act), by giving public notice of its intention to make the proposed Local Law and inviting submissions under section 223 of the Act; and
3. determine to appoint a committee, in accordance with section 223 of the Act,

comprising the Mayor Cr Gledhill and Cr Bearsley as nominated to hear the submissions in relation to the proposed Local Law, at a meeting on Tuesday 4th August 2015, commencing at 6.00pm and report to Council; and

4. in the event that no submissions are received, receives a report to adopt the Community Local Law.

CARRIED

11.2 Business and Economic Development Advisory Committee Draft Terms of Reference

RECOMMENDATION

That Council:

1. Note the Draft Terms of Reference for the Business and Economic Development Advisory Committee is currently being consulted on.

Note: Please refer to page 4 of the Minutes where this item was block resolved.

11.3 Council Ward Grants

Moved: Cr Brownlees

Seconded: Cr Bearsley

That Council:

1. Approve the recommended Council Ward Grants in accordance with the table of Councillor recommendations in Appendix 1.

CARRIED

11.4 Assembly of Councillors Record Report

RECOMMENDATION

That Council:

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

Note: Please refer to page 4 of the Minutes where this item was block resolved.

Cr Eden returned to the meeting at 8:46pm.

12. Notices of Motion

12.1 Notice of Motion No. 25/2015 - Cr Staikos- Dingley Village Neighbourhood Centre

Moved: Cr Staikos

Seconded: Cr Barth

That Officers prepare a report that:

1. Outlines the current and future community activity at Dingley Village Neighbourhood Centre (DVNC), Harold Box Hall, the former Maternal Child Health Centre at 31 Marcus Road, Dingley Village.
2. Identifies and forecasts the changing needs of the Dingley Village community for the next 10 to 20 years in collaboration with the DVNC committee of management.
3. Includes an analysis of works undertaken for the past ten years on the site, and includes officer comment on the condition of the buildings.
4. Provides a plan of works required to maintain the centre for the next ten years incorporating best practise asset renewal standards.
5. Provides Council with options on how to transform the centre into an intergenerational hub for the community of Dingley Village.

CARRIED

12.2 Notice of Motion No. 26/2015 - Cr Bearsley - Patterson Lakes Quiet Lakes Blue Green Algae Prevention

Moved: Cr Bearsley

Seconded: Cr Ronke

That the Mayor write to the Minister for Environment, Climate Change and Water Hon Lisa Neville seeking her intervention. Further that Kingston Council request that she instructs Melbourne Water to continue measuring Blue Green Algae (BGA) levels in the Quiet Lakes on a regular weekly basis (as per current regime) and also implement the recommendations of the Patterson Lakes Independent Review as they relate to the Design Flow Water Quality Management Plan.

This includes the following activities for the Quiet Lakes:

- The ongoing operation and maintenance of the Quiet Lakes bore
- Minimising carp
- Aquatic planting
- Desilting

These activities help protect the health of Kingston residents, pets and wildlife.

CARRIED

12.3 Notice of Motion No. 27/2015 - Cr West - Assessment of Proposals for Handing Over Council's Aged Care Facilities

Moved: Cr West

Seconded: Cr Eden

I move that in providing their report, officers:

1. Not make a single recommendation, but provide Councillors with at least three preferred suitable options so that Councillors can scrutinise the grounds and reasoning behind officers' decisions to recommend one or more proposals;

That all tenders be provided in full with the officer report.

Procedural Motion

Moved: Cr Staikos

Seconded: Cr Eden

That consideration of the Notice of Motion be deferred pending further discussion between Cr West and the Chief Executive Officer.

CARRIED

A Division was Called:

DIVISION:

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

AGAINST: Crs Ronke, Brownlees and Bearsley (3)

CARRIED

13. Urgent Business

There were no items of urgent business.

14. Confidential Items

Moved: Cr Bearsley

Seconded: Cr Staikos

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 Air Bridge Between 999 Nepean Highway and Kingston City Hall

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

14.2 Investigating Sports Ground opportunities in the non-urban area of Kingston

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

Confidential Appendices

10.1 Contract 15/7 - Concrete Paving and Kerb & Channel

Appendix 1, Contract 15/7 Concrete footpath K&C works

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

10.1 Contract 15/7 - Concrete Paving and Kerb & Channel

Appendix 2, Concrete Works Tender Price Evaluation

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

10.1 Contract 15/7 - Concrete Paving and Kerb & Channel

Appendix 3, 15-7 Tender Evaluation Matrix

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

10.2 Contract 15/8 - Pavement Markings

Appendix 1, Pavement Markings

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

10.2 Contract 15/8 - Pavement Markings

Appendix 2, Pavement Marking Con No 15-8 - Tender Pricing Schedules

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

10.2 Contract 15/8 - Pavement Markings

Appendix 3, 15-8 Tender Evaluation Matrix

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

10.3 Contract 15/19 - Houghton Road, Clayton South (Main Road to Browning Avenue) Road Reconstruction

Appendix 1, 1519 Tender Evaluation Matrix

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

**City of Kingston
Ordinary Meeting of Council**

Minutes

22 June 2015

10.4 Fraser Avenue Outfall Drain - Stage 2 through Chelsea Public Golf Course Drainage Construction

Appendix 1, Contract 1431 Evaluation matrix - Fraser Avenue Outfall Drain - Stage 2 through Chelsea Public Golf Course drainage construction

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

12.3 Notice of Motion No. 27/2015 - Cr West - Assessment of Proposals for Handing Over Council's Aged Care Facilities

Appendix 1, Legal Advice from Maddocks re Aged Care Facility Resolutions

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

CARRIED

The meeting was closed to members of the public at 9.15pm.

Procedural Motion

Moved: Cr Ronke

Seconded: Cr Brownlees

That the meeting be opened to members of the public.

CARRIED

The meeting was opened to members of the public at 9.19pm.

The meeting closed at 9.19pm.

Confirmed.....

The Mayor 27 July 2015