

Minutes

Ordinary Meeting of Council

Monday, 28th November 2016

**City of Kingston
Ordinary Meeting of Council**

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

Present: Cr David Eden (Mayor)
Cr Tamara Barth
Cr Tamsin Bearsley
Cr Ron Brownlees OAM
Cr Geoff Gledhill
Cr George Hua
Cr Georgina Oxley
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, General Manager Planning and Development
Ian Nice, Manager City Development
Tracey Cheeseman, Media Advisor
Phil De Losa, Manager 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 Gledhill

Seconded: Bearsley

1. That the Minutes of the Ordinary Meeting of Council held on 17 October 2016 be confirmed.
2. That the Minutes of the Special Meeting of Council held on 7 November 2016 be confirmed subject to the inclusion of the following apologies being noted:
 - Ms Clare O’Neil MP
 - Mr Mark Dreyfus QC MP
 - Ms Julia Banks MP
 - Senator The Hon Mitch Fifield
 - Mr Tim Richardson MP
 - Mr Hong Lim MP JP
 - Ms Sonya Kilkenny MP
 - The Hon Martin Pakula MP
 - Ms Inga Peulich MLC
 - Mr Murray Thompson MLA
 - The Hon Gordon Rich-Phillips MLC
 - The Hon Philip Dalidakis MP
 - Ms Georgie Crozier MP
 - Ms Sue Pennicuik MLC
 - Mr Adem Somyurek MLC
 - The Hon David Davis MLC

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- Ms Margaret Fitzherbert MP
- Ms Nina Springle MP
- The Hon Gavin Jennings MP

CARRIED

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

Cr Bearsley foreshadowed a conflict of interest in Item 8.5 KP12/519 11-33 Narelle Drive, Aspendale Gardens.

4. Petitions

Parking Restrictions in Findon Court, Highett

Moved: Cr Staikos

Seconded: Cr Barth

That the petition be referred to the CEO for response.

CARRIED

5. Presentation of Awards

There were no awards presented.

6. Reports from Delegates Appointed by Council to Various Organisations

Cr West reported on attending the Inter Council Aboriginal Consultative Committee Meeting .

Moved: Cr Staikos

Seconded: Oxley

That the delegate's report be received.

CARRIED

7. Question Time

Question Time was held at 8.28pm. Refer to page 23 of the Minutes.

Block Resolution

Moved: Cr Staikos

Seconded: Cr West

That the following items be block resolved and that the recommendations in each item be adopted:

- Item 8.1 Town Planning Application Decisions - October 2016:
- Item 8.8 Response Notice of Motion No. 50/2016 - Cr West - Need for Enforcement Regarding Unauthorised Activities in the Green Wedge
- Item 10.1 Bicentennial Skate Park and Active Youth Space - Variation to Contract 15/88
- Item 11.1 Assembly of Councillors Record Report
- Item 11.2 Meeting date for the December 2016 Ordinary Meeting of Council
- Item 11.3 One Vision Council Plan Performance Report and Quarterly Financial Statements as at September 2016
- Item 11.4 Quick Response Grants

CARRIED

8. Planning and Development Reports

8.1 Town Planning Application Decisions - October 2016

RECOMMENDATION

That the report be noted.

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

8.2 KP16/159 - 590 Main Street Mordialloc

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

Moved: Cr Gledhill

Seconded: Cr Brownlees

That Council advise the Tribunal that had it had the opportunity to determine the application it would have refused the proposal on the following grounds:

1. The development fails to adequately address the State and Local Planning Policy Framework including Clause 15 – Built Environment and Heritage, Clause 18 – Transport, Clause 21.13 – Heritage, Clause 22.14 – Mordialloc Activity Centre Policy, Clause 22.15 – Outdoor Advertising Signage Policy and Clause 22.16 – Heritage Policy.
2. The proposal fails to adequately address the objectives and decision guidelines of Clause 43.02 and Schedule 10 (Mordialloc Activity Centre) of the Overlay.
3. The proposal fails to provide for on-site car parking and does not satisfy the objectives and decision guidelines of Clause 52.06 – Car Parking.

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4. The proposal fails to provide for loading and unloading facilities.
5. The proposal will result in negative cumulative impacts associated with the sale and consumption of liquor.
6. The proposal will result in adverse amenity impacts.

CARRIED

8.3 KP15/904 - 600 Nepean Highway Bonbeach

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

Cr Staikos left the meeting at 7:26 pm.

Cr Staikos returned to the meeting at 7:28 pm.

Moved: Oxley

Seconded: Bearsley

That Council determine to support the proposal and issue a Notice of Decision to Grant a Permit to develop the land for the construction of five (5) Dwellings and alter access to a road in a Road Zone Category 1 at No. 600 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 18 August, 2016, but modified to show:
 - a. the provision of an improved 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 to be planted on the site, with such plans to be prepared by a suitably qualified landscape professional and incorporating:
 - i. an associated planting schedule showing the proposed location, species type, mature height and width, pot sizes and number of species to be planted on the site;
 - ii. the delineation of all garden beds, paving, grassed area, retaining walls, fences and other landscape works including areas of cut and fill throughout the development;
 - iii. all existing trees on the site and close to the boundary of the site on adjoining properties, accurately illustrated to represent actual canopy width and labelled with botanical name, height and whether the tree is proposed to be retained or removed;
 - iv. a range of plant types from ground covers to large shrubs and trees, species must comprise a minimum of 80% indigenous coastal species, and be provided at adequate planting densities (e.g. plants with a mature width of 1 metre, planted at 1 metre

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- intervals);
- v. the provision of two (2) suitable medium sized (at maturity) coastal indigenous canopy trees within the front setback of the property and one (1) small (at maturity) coastal indigenous tree within the private open space area of each dwelling, with species chosen to be approved by the Responsible Authority;
 - vi. all trees provided at a minimum of 2 metres in height at time of planting and medium to large shrubs to be provided at a minimum pot size of 200mm;
 - vii. the provision of notes regarding site preparation, including the removal of all weeds, proposed mulch, soil types and thickness, subsoil preparation and any specific maintenance requirements;
 - viii. the provision of a Tree Management Plan by a qualified and experienced Arborist detailing, but not limited to how the neighbouring *Lagunaria patersonii* (Norfolk Island Hibiscus) will be protected during demolition (including the removal of the existing driveway), construction and landscaping, to the satisfaction of the Responsible Authority;
 - ix. a notation of the Tree Protection details as required by the Tree Management Plan. This includes all nominated tree protection zones to be drawn to scale on the plans;
 - x. the driveway that falls within the Tree Protection Zone (TPZ) of the neighbouring *Lagunaria patersonii* (Norfolk Island Hibiscus) must be built above grade using permeable materials to the satisfaction of the Responsible Authority;
 - xi. no trees with a mature height over five (5) meters are to be planted over proposed or existing easements;
 - xii. a notation of the Tree Protection details as required by the Tree Management Plan. This includes all nominated tree protection zones to be drawn to scale on the plans.
- b. amended rooftop terrace plan to show the correct area of the terraces, as amended;
 - c. overlooking screens nominated on the rooftop terrace plans to be clearly shown on the elevation plans;
 - d. a traffic splitter island to enforce left in and left out vehicular movements only;
 - e. the provision of minimum 2000 litre rainwater tank clearly nominated for each dwelling with water re-used for toilet flushing;
 - f. the longitudinal section of reverse fall driveway with levels, distances, grades as per AS2890.1:2004 and flood proof apex;
 - g. the provision of the required apex of 150mm above the existing back of

path level along the full road frontage of the site;

- h. corner splays or area at least 50 per cent clear of visual obstructions extending at least 2 metres along the frontage road from the edge of an exit lane and 2.5 metres on both sides of the exit lane from the frontage shown on plans in accordance with Clause 52.06 of the Kingston Planning Scheme, mail boxes and meters boxes should be nominated to be no more than 1.2m height;
- i. overhead storage in the garages nominated with a height clearance of at least 1.8m between the garage floor and the bottom of the storage area;
- j. adequate lighting nominated along the common driveway, beach pedestrian access and garages doors;
- k. a wheel stops nominated in the visitor parking to ensure visitors do not damage the wall to unit 1;
- l. internal pedestrian doors from garages shown to open into the hallways for practical and safety reasons. Similarly, the store doors in garage 1 be amended to not open into the parking space;
- m. south facing lounge window of dwelling 3 screened to comply standard B22;
- n. vehicle crossing shown to be constructed at a 90 degree alignment with the kerb on Nepean Highway with the internal driveway shown to align with the crossing;
- o. the surface material of all driveways / accessways and car parking spaces nominated in all-weather coloured concrete sealcoat, or similar;
- p. the provision of a full colour, finishes and building materials schedule, including samples (illustrated on an A4 or A3 sheet), for all external elevations and driveways of the development;
- q. the location of all externally-located heating and cooling units, exhaust fans and the like, clearly shown;
- r. a notation on the floor / site plan(s) stating: "The redundant vehicle crossing must be removed, kerb & channel must be reinstated and the extension to the existing footpath up to the wing of the vehicle crossing must be constructed to the satisfaction of the Responsible Authority";

Endorsed Plans

- 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.

Landscaping

4. Prior to the endorsement of the plans referred to in Condition 1 of this permit, a Tree Management Plan must be submitted by a suitably qualified and experienced Arborist in relation to the management and maintenance of the *Lagunaria patersonii* (Norfolk Island Hibiscus) growing on the neighbouring common property at 600A Nepean Highway, and must be approved by the Responsible Authority prior to the commencement of any works including demolition and levelling of the site. The Tree Management Plan must make specific recommendations in accordance with the Australian Standard AS4970: 2009 - Protection of Trees on Development Sites and detail the following to the satisfaction of the Responsible Authority ensuring that the tree remains healthy and viable during construction.
 - i. A tree protection plan to scale is to be submitted along with the tree management plan that is to show:
 - ii. all tree protection zones and structural root zones,
 - iii. all tree protection fenced off areas and areas where ground protection systems will be used
 - iv. all services and buildings and works to be located outside the tree protection zone
 - v. a notation to refer to the tree management plan for specific detail on what actions are required within the tree protection zone.
 - vi. details of how the root system of any tree to be retained will be managed. This must detail any initial non-destructive trenching and pruning of any roots required to be undertaken by the project arborist.
 - vii. supervision timetable and certification of tree management activities required by the Project Arborist to the satisfaction of the responsible authority. The project Arborist must report to council each time they will be attending the site to monitor the construction process;
 - viii. all remedial pruning works that are required to be performed on the tree development of the site. The pruning comments must reference Australian Standards 4373:2007, Pruning of Amenity Trees and a detailed photographic diagram specifying what pruning will occur.
 - ix. the recommendations contained in the approved tree management plan must be implemented to the satisfaction of the Responsible Authority.
5. The owner and occupier of the site must ensure that, prior to the commencement of buildings and works, all contractors and tradespersons operating on the site are advised of the status of trees to be retained as detailed in the endorsed Tree Management Plan and are advised of any obligations in relation to the protection of those trees.
6. No vehicular or pedestrian access, trenching or soil excavation is to occur within the Tree Protection Area as detailed in the endorsed Tree Management Plan without the prior written consent of the Responsible Authority. No storage or dumping of tools, equipment or waste is to occur within the Tree Protection Zone.
7. Prior to the commencement of the demolition and development is hereby

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permitted Tree Protection Zones (TPZ) for the *Lagunaria patersonii* (Norfolk Island Hibiscus) must be installed in accordance with the Tree Management Plan.

8. 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.

VICROADS

9. The crossover and driveway are to be constructed to the satisfaction of the Responsible Authority and at no cost to the Roads Corporation prior to the occupation of the works hereby approved.
10. Prior to the occupation of the buildings the 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.
11. 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).
12. Prior to the commencement of the use hereby approved, all works must be completed in accordance with the approved plans, to the satisfaction of the Responsible Authority and at no costs to VicRoads;
13. The proposed development requires construction of a crossover. 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.

Drainage and Water Sensitive Urban Design

14. A flood proof apex (ie ridge level) protecting the proposed reverse fall driveway must be provided to protect the property from overland flows. This apex is to be a minimum of 150mm above the existing back of path level along the full road 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.
15. 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 9.5 L/s.

16. 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"
17. A STORM report demonstrating water sensitive urban design treatments and achieving Victorian best practice objectives with 100% rating must be provided as part of the Stormwater Management Plan to the satisfaction of the Responsible Authority.

Construction Management Plan

18. Before the commencement of any building or works on the land a Construction Management Plan (CMP) to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority and when approved shall thereafter be complied with. The CMP must include a concept Traffic Management Plan that deals with the parking of vehicles during construction, delivery of materials and construction hours in accordance with the EPA requirements and contain Infrastructure and Road Works.

Cultural Heritage Management Plan

19. The construction of the development hereby approved must be carried out in accordance with the approved Cultural Heritage Management Plan No. 14368 prepared by Benchmark Heritage Management and approved by the Department of Premier and Cabinet on 5th August 2015.

Infrastructure and Road Works

20. 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.
21. Property boundary and footpath levels must not be altered without the prior written consent from the Responsible Authority.
22. The replacement of all footpaths, including offsets, must be constructed to the satisfaction of the Responsible Authority.
23. All reinstatements and vehicle crossings must be constructed to the satisfaction of the Responsible Authority.
24. Vehicle crossings and other reinstatements must be constructed to council's industrial strength specifications.

25. All redundant vehicle crossings must be removed (including redundant portions of vehicle crossings) to the satisfaction of the Responsible Authority.
26. All front and side fences must be contained wholly within the title property boundaries of the subject land.

General amenity conditions

27. 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.
28. 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.
29. Service units, including air conditioning/heating units, where incorporated, must not be located where they will be highly visible from any public area to the satisfaction of the Responsible Authority and if located on the roof of a building, suitable screening and baffling must be provided to the satisfaction of the Responsible Authority.

Completion of Works

30. 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.
31. 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.
32. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.

Time Limits

33. 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

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- within twelve (12) months after the permit expiry date, where the development allowed by the permit has lawfully started before the permit expires.

Note: There appears to be a Melbourne Water pipe at the rear (east) of the site. The Owner/Developer may need to obtain any necessary approval or consent prior to the commencement of the proposed development hereby approved.

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: 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

8.4 KP15/462 1261-1263 Nepean Highway Cheltenham

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

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

Moved: Cr Brownlees

Seconded: Cr Gledhill

That Council determine to support the proposal and issue a Notice of Decision to Grant a Permit to use and develop the land for the construction of not more than eighty (80) apartments and three (3) offices, reduction of the car parking requirements, demolition and construction of building and works within a Heritage Overlay and create and alter access to a road within a Road Zone Category 1 at No. 1261-1263 Nepean Highway 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 10 November 2016, but modified to show:
 - a. the provision of a landscape plan and associated planting schedule for the ground level, level 1 and roof terrace 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 prepared by a suitably qualified landscape professional and incorporating:
 - i. Drainage and irrigation details for planter beds.
 - ii. A mix of plant species, suitable for their location, including low height species at the ground level to the front of the building.
 - iii. The provision of amenities such as tables, BBQ facilities and shaded/covered area for the roof top terrace.
 - b. Deletion of one apartment on level 6 through the consolidation of apartments .08 and .09 and reconfiguration of apartment .10, consistent with these apartment layouts on levels 2-5, along with consequent reallocation of car parking.
 - c. Provision of fully detailed demolition floor, roof and elevation plans of the heritage building, including all key dimensions and levels.
 - d. The operability of balcony screening treatments on the front façade designed to have a sliding operation, ensuring they do not extend beyond the site's property boundary.
 - e. Amended windows oriented the street (and not enclosed by balconies) associated with apartments 2.12, 3.12, 4.12, 5.11 and 6.12, with these window forms to be square and deep set, matching the detail provided in

coloured perspectives.

- f. For apartments 5.04 and 6.04, the bedroom located on the south-eastern boundary deleted, and the south-eastern edge of these apartments set back a minimum of three (3) metres from this boundary. These apartments may be reconfigured to absorb the abutting bedroom associated with the adjoining apartment 5.06 or 6.06.
- g. The front façade screen material 'SCW01' lowered, to allow for a standard balustrade height for apartments on level 6.
- h. On level 7, the provision of a light court, replicating the light court provided on levels below to provide daylight to saddleback windows associated with apartments 2.09, 2.10 and above. This light court must be achieved through no further decrease in boundary setbacks, and may require the consolidation of apartments.
- i. Apartments 2.12 and 2.13 deleted, with this floor space retained and utilised for a non-residential use such as a communal shared space, or caretaker facilities. The extent of the roof form of the heritage building to be retained consistent plans submitted to Council on 7 October 2016.
- j. Removal of the obscure glazing provided to the shared hallway window on levels 1 - 6, and provision of obscured glazing to all bedroom windows oriented to the northern light court.
- k. Increase the roof top terrace trafficable area, with the space extended to one (1) metre off the south-eastern and north-eastern edges, provision of a pergola or solid roof/shade structure adjacent to the entrance lobby and incorporation of BBQ facilities and tables.
- l. The provision of convex mirrors to assist visibility for cars with limited sight lines, such as space #7 on the ground floor, or the provision of additional information to demonstrate adequate sight lines are enabled.
- m. Storage dimensions, demonstrating a minimum of 6 cubic metres allocated for each apartment.
- n. Notations on plans amended to reflect correct bedroom composition and remove the disabled car park notation from the ground floor lift well.
- o. Amended elevations and materials schedule providing details of:
 - i. Material of partitions between terraces and balconies, maximising light penetration whilst providing a privacy treatment.
 - ii. Details of apartment glazing and minimum Visible Light Transmission provided in accordance with daylight modelling, provided on the materials schedule, and notated on plans where required.
 - iii. Material of the electrical substation door/s.
 - iv. Details of the proposed mural for the material CONC04, with this detail to be provided for the entirety of walls on the south-

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- eastern boundary.
- v. Details of the SCRW03, enclosing roof top services.
 - vi. The colour of light courts amended to increase light reflectivity.
 - vii. The proposed colour/finishes to the heritage building.
- p. Remove incorrect notation referring to over the bonnet storage for every apartment.
 - q. The balcony of apartment 6 on levels 2 – 6 shifted further south, achieved through the reconfiguration of the apartments (which may require the deletion of one bedroom or a bathroom), removing the opportunity of views from this balcony to approved balconies at No. 3 Chesterville Road.
 - r. The balcony of apartment 10 on levels 2-4 and apartment 9 on level 5 amended to delete the section that wraps around the bedroom.
 - s. The balcony of apartment 9 on levels 2-4 and apartment 8 on level 5 amended to delete the smaller section that wraps around the living area.
 - t. Delete the south facing windows of the outlier bedroom of apartment 10 on levels 2 – 4 and apartment 9 on level 5.
 - u. Details on plans and the materials schedule regarding how internal views between balconies and habitable rooms are treated including any translucent glazing, ensuring that daylight and outlook are maximised.
 - v. The alignment of section points on floor plans.
 - w. Amendments to plans to ensure consistency in details depicted on elevations, section drawings and floor plans.
 - x. Notations and details on plans of environmentally sustainable initiatives committed to in the amended Sustainability Management Plan required by condition 3, including the system capacity and use of services such as solar panels and rain water tank.
 - y. Any relevant recommendations of the wind report, required by condition 4.

Endorsed Plans

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

Sustainability Management Plan

- 3. Prior to the endorsement of plans required by Condition 1, an amended Sustainability Management Plan (SMP) must be submitted for endorsement. The SMP must be generally in accordance with the plan prepared by Ecogenie, dated 12 June 2015, but amended to reflect changes made to the proposal.

Wind assessment

- 4. Prior to the endorsement of plans required by Condition 1, three (3) copies of a

Wind assessment, to the satisfaction of the Responsible Authority, must be submitted to and approved by the Responsible Authority. The assessment must be prepared by a suitably qualified wind engineer, and assess wind impacts associated with the building, including assessing the roof top communal garden and any potential treatments that may be required to the building and the roof terrace to ameliorate wind impacts.

Construction Management

5. Prior to the commencement of any buildings and works on the land (including demolition), three (3) copies of a Construction Management Plan (CMP), to the satisfaction of the Responsible Authority, must be submitted to and approved by the Responsible Authority. The CMP must be prepared in accordance with the City of Kingston Construction Management Policy, July 2015, Construction Management Guidelines, 1 November 2015 (and any superseding versions and / or documents). The CMP must specify and deal with, but is not limited to, the following elements:

- a. Public Safety, Amenity and Site Security
- b. Traffic Management
- c. Stakeholder Management
- d. Operating Hours, Noise and Vibration Controls
- e. Air Quality and Dust Management
- f. Stormwater and Sediment Control
- g. Waste and Materials Re-use

When approved, the plan will be endorsed and will then form part of the permit and shall thereafter be complied with during the undertaking of all works.

6. The developer/owner must contact the Responsible Authority and VicRoads (if required) and arrange traffic management plans and **WORKS ZONE** for any works that may affect traffic (both vehicular and pedestrian) on Nepean Highway or any of the surrounding streets. Works vehicles may not be able to stop in the street fronting the property. 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.

VicRoads conditions

7. Prior to the commencement of the permitted development, details of appropriate signage prohibiting right turn vehicle movements from the north west bound carriageway of Nepean Highway at the median opening into the service lane must be submitted to VicRoads for approval.
8. Prior to the commencement of use of the permitted development, all works (signage) as shown on the approved drawing by VicRoads must be complete to the satisfaction of the Responsible Authority.

Drainage and Water Sensitive Urban Design (WSUD)

9. The development of the site must be provided with stormwater works which incorporates the use of water sensitive urban design principles to improve stormwater runoff quality and which also retains on site any increase in runoff as

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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 bio-retention system, rainwater tanks connected for reuse and a detention system. The overall outflow of the site to Council drainage system must be limited to 14.4 L/s.

10. Before the development commences, prior to submission of detailed Stormwater Management (drainage) Plan of the development as per the condition below, a comprehensive stormwater management strategy of the site including 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.
11. Before the development commences, a detailed Stormwater Management (drainage) Plan in line with accepted Stormwater Management Strategy pursuant the condition above, 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"*.
12. Stormwater works must be provided on the site so as to prevent overflows onto adjacent properties.
13. A groundwater assessment report (GAR) must be prepared by a qualified hydro-geologist to assess any possible impacts the proposed development has on the ground water table, surrounding land and buildings to the satisfaction of Council.
 - a. Should the findings of the submitted GAR demonstrate that the site is likely to experience issues associated with groundwater management, a groundwater management plan (GMP) must be submitted to and approved by the responsible authority.
14. The basement structure must be designed and constructed to the satisfaction of the responsible authority and must address the following:
 - a. The basement design must address the findings of the GAR and GMP required by the above condition, and
 - b. The basement must be a fully-tanked dry basement with no agricultural (AG) drain collection or disposal to the stormwater system and with an allowance made for hydrostatic pressures in accordance with Council's 'Basements and Deep Building Construction Policy, 2014' and 'Basements and Deep Building Construction Guidelines, 2014', or

In the event it is demonstrated that a fully-tanked dry basement cannot be achieved or if a wet basement is proposed, ground water including an AG

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drain must not be discharged into the stormwater system. Any subsurface water (groundwater) must be disposed of on-site or via an agreement with the local sewer authority.

15. In any case where the basement design and construction, as required by the above condition of this permit, does not accord with the plans approved under this permit, the endorsed plans must be amended to the satisfaction and with the written consent of the Responsible Authority.

Infrastructure and Road Works

16. 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.
17. The replacement of all footpaths, including offsets, must be constructed to the satisfaction of the Responsible Authority.
18. All reinstatements and vehicle crossings must be constructed to the satisfaction of the Responsible Authority.
19. All redundant vehicle crossings must be removed (including redundant portions of vehicle crossings) to the satisfaction of the Responsible Authority.
20. The stormwater junction pit within the proposed vehicle crossing must be modified to the satisfaction of the Responsible Authority.

Parking construction and management

21. 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, 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, to the satisfaction of the Responsible Authority.
 - d. Drained and maintained to the satisfaction of the Responsible Authority.
 - e. Line-marked to indicate each car space, allocation to each apartment and signage of visitor car spaces, and access lanes.

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.

Lighting

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

neighbouring land.

General amenity conditions

23. 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.
24. 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.
25. Any fixed external screening to prevent overlooking marked on the endorsed plans shall be maintained by the owner of the land to the satisfaction of the Responsible Authority. The provision of any obscure glazing shown on the endorsed plans must be through frosted glass or similarly treated glass, and thereafter maintained to the satisfaction of the Responsible Authority. Adhesive film or the like that can be removed must not be used.

Completion

26. 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.
27. 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.
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 (Act)*, this permit will expire if one of the following circumstances applies:
 - The development is not started within (2) years from the date of this permit.
 - The development is not completed within four (4) years from the date of permit issue.

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

- before the permit expires; or
- within six (6) months after the permit expiry date, where the 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: The proposed penetration of prescribed airspace requires separate approval

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from the relevant authority, and this approval must be obtained prior to construction.

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: Council does not accept any subsurface/groundwater (including AG drain) into the stormwater system. Subsurface 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 approved development.

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

Note: The owner(s), occupiers and visitors of the development allowed by this permit may not be eligible for Council resident or visitor parking permits.

CARRIED

8.5 KP12/519 - 11-33 Narelle Drive, Aspendale Gardens

Cr Bearsley disclosed an indirect interest by close association in item 8.5 as her husband is the president of the Aspendale Gardens Residents Association and they have submitted correspondence expressing their opposition to the extension of the permit. Cr Bearsley left the meeting at 7.39pm prior to any discussion on the matter.

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

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

Moved: Cr Oxley

Seconded: Cr Staikos

That Council refuse the request for an extension to the life of the planning permit by writing to the applicant informing that Council is not prepared to extend the life of the planning permit as it is Council's opinion that the permit is being warehoused.

CARRIED

Cr Bearsley returned to the meeting at 7:49 pm.

8.6 KP12/1 - 44 First Avenue Chelsea Heights

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

Procedural Motion

Moved: Cr West

Seconded: Cr Staikos

That Council defer consideration of this item to the December Ordinary Meeting of Council.

LOST

Moved: Cr Oxley

Seconded: Cr West

That Council determine to support the request and issue a two (2) year extension to the life of Planning Permit No. KP-1/2012 for the subdivision of the land into twenty five (25) lots and associated works at 44 First Avenue, Chelsea Heights; with the subdivision works to commence by 4 September 2018. The extension of permit is to be issued on 13 December 2016.

CARRIED

8.7 488-492 South Road Moorabbin - Combined Amendment C154 and Planning Permit KP16/687 Authorisation Request

Moved: Cr Staikos

Seconded: Cr Oxley

Cr Bearsley left the meeting at 8:26 pm.

That Council:

1. Request authorisation from the Minister for Planning to prepare combined Planning Scheme Amendment C154 to the Kingston Planning Scheme and Planning Permit Application KP16/687 under section 96A of the *Planning and Environment Act 1987* to:
 - 1.1 Amend the Schedule to the Public Use Zone of the Kingston Planning Scheme to identify the applicable advertising sign category for this site as Category 2.
 - 1.2 Issue a Planning Permit for signage at 488-492 South Road, Moorabbin.
2. Exhibit combined Amendment C154 to the Kingston Planning Scheme and Planning Permit KP16/687 in accordance with the *Planning and Environment Act 1987* should authorisation to prepare the Amendment be granted by the Minister for Planning.

CARRIED

Question Time

Question Time was held at 8.28pm.

Cr Bearsley returned to the meeting at 8:33 pm

Question 1

Ian Baldock of Parkdale asked the following question

“Braeside Park provides many excellent trails for local cyclists, however for many riding to the park requires them to break the law, in that riding on the footpaths is illegal for those over 12 years of age.

Currently riders depend on these paths to safely avoid the high density traffic travelling along Lower Dandenong Road.

My question is: could Council ensure that the footpaths to the north of Lower Dandenong Road, between Redwood Drive, Braeside and Centre Dandenong Road, Dingley be formally declared and signed as shared cycling paths, in order to allow Kingston residents to ride along them, being safely separated from existing higher-speed traffic?”

The CEO provided the following response:

“Officers will raise this proposal with Vic Roads as the owner of this road.”

Question 2

Ian Baldock of Parkdale asked the following question

“Two years ago at the December 2014 Council meeting I requested the following:

At Council’s December meeting last year, I had concern regarding pedestrian and cyclist safety at the intersection of Boundary Rd & Centre Dandenong Roads, Braeside, particularly the high-speed left-turn slip lane for traffic coming off Boundary Rd to head towards the Nepean Highway. At last year’s meeting, I requested, “Can Council approach VicRoads to implement a painted pedestrian crossing at this left turn, as well as adequate signage to warn approaching traffic of the need to give way to potential foot traffic?”

Since then VicRoads has placed a warning sign for traffic coming off Boundary Road, but have refused to paint a pedestrian crossing on the road surface between the curb and the traffic island (even though they have done so for the left turn lane outside McDonalds on the other side of the road).

My question is: Can Council approach VicRoads to implement a painted pedestrian crossing at this left turn, to reinforce motorists’ obligations to give way to “any pedestrians on the slip lane” crossing the road (“Road Safety Rules 2009 – Rule 72(4)(b))?”

The CEO provided the following response

“Officers will follow this up with the Regional Director at a meeting scheduled mid-December (15th).”

Question 3

Phil Reid of Mordialloc asked the following question:

“Has the Council ever considered using VOIP to reduce telephone charges?”

The CEO provided the following response

“Council has been using this telephony technology for many years at all of its major sites that contain the majority of staff. As part of the recent redesign of our Wide Area Network, the Council is in the process of implementing this technology in all remaining sites over the next few months.”

Question 4

Phil Reid of Mordialloc asked the following question:

“Can the Council refrain from sending out newspapers during the Council election period as they seem to clog up letter boxes?”

The CEO provided the following response

“During the election period, Council distributed one condensed edition of its newsletter – Kingston Your City. Consideration will be given as to whether it is distributed during the next Council election period in 2020.”

Question 5

Phil Reid of Mordialloc asked the following question:

“Is it possible to get a breakdown of the number of rate increases by the percentage increase? This type of information has been supplied by the Monash Council to their rate payers, so hopefully Kingston can do the same.”

The CEO provided the following response:

“Of the 71,396 properties in Kingston 35,941 properties rates increased by less than 2.5% (including 27,360 that received a decrease on the previous year. 35,995 properties rates increased by more than 2.5%.

Our data supplied to the Essential Services Commission indicates that the average increase per assessment in Kingston increased by marginally less than the 2.5% maximum that was set by the State Government which is in compliance with the Fair Go Rates System legislation. Compliance with the legislation is based on the average rates per assessment. If the value of a property increased by more than the average your rates will have risen by more than 2.5%. If your property value has decreased or risen by less than the average, the rates for that property will have decreased or increased by less than 2.5%. Property values in Kingston were assessed by the Valuer-General to have increased by 20% on average as at 1 January 2016 when compared to 1 January 2014.”

Question 6

A question was submitted with 25 names

As none of the residents names were in attendance, a written response will be provided by the CEO.

8.8 Response Notice of Motion No. 50/2016 - Cr West - Need for Enforcement Regarding Unauthorised Activities in the Green Wedge

RECOMMENDATION

That Council receive quarterly updates in the form outlined in this report relating to unauthorised activities in the Green Wedge.

Note: Refer to page 5 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 Bicentennial Skate Park and Active Youth Space - Variation to Contract 15/88

RECOMMENDATION

That Council:

1. Receive the information contained within this report;
2. Approve utilisation of \$300,000 of unutilised carry forward funding from the 2015/16 Park Asset Renewals and Shade capital budgets to partially fund variation to Contract 15/88;
3. Approve the allocation of \$46,000 from the open space reserve to cover the variation to Contract 15/88; and
4. Award a variation to Contract 15/88 – Bicentennial Skate Park for the fixed lump sum of \$345,700 (exclusive of GST) to Naturform Pty Ltd.

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

11. Corporate Services Reports

11.1 Assembly of Councillors Record Report

RECOMMENDATION

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

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

11.2 Meeting date for the December 2016 Ordinary Meeting of Council

RECOMMENDATION

That Council change the December Ordinary Meeting of Council date to 12 December 2016.

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

11.3 One Vision Council Plan Performance Report and Quarterly Financial Statements as at September 2016

RECOMMENDATION

That Council:

1. Receive the Quarterly Performance Report
2. Receive the Quarterly Financial Statements

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

11.4 Quick Response Grants

RECOMMENDATION

1. That Council approve the following grant applications:

- Chelsea Pony Club - \$500.00
- St Josephs Church Chelsea - \$500.00
- Cheltenham Community Centre - \$500.00
- Chelsea District Lions Club - \$570.00
- Kingston City Football Club - \$500.00
- Neighbourhood Watch Victoria Inc Kingston – \$500.00
- Yarrabah School - \$500.00
- Anglican Parish of Longbeach (Pantry 5000) - \$500.00
- Family Life - \$500.00
- Clayton South Primary School - \$500.00
- St Catherine's Primary School - \$500.00

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

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12. Notices of Motion

12.1 Notice of Motion No. 46/2016

1. That Kingston Council invites the No Skyrail Frankston Line Group to present its research and findings in relation to technical solutions and best options for grade separations on the Frankston Line.
2. That pending Council's consideration of these recommendations, Council invites Frankston Council to participate in a joint campaign against Skyrail and to promote viable alternatives to the state government and the community.
3. That the above campaign be forthwith and comprised of letters, online petition, KYC content, ad to be taken out in local papers as well as delegations to relevant stakeholders including the state government and local members of parliament.
4. That Council seek in principle and practical support from the MAV for this campaign.

The Motion LAPSED for want of a Mover and Seconder

12.2 Notice of Motion No. 51/2016 - Cr West - Aboriginal Artefacts at First Avenue Development Site

Moved: Cr West

Seconded: Cr Staikos

1. That Council ask officers to provide a brief report to the December Ordinary Meeting followed by a comprehensive report to the February Ordinary Meeting to answer the following questions:
 - Whether it is true as stated in the CHMP that this is a significant heritage site?
 - What Council can do to preserve this important heritage site and protect it from the impact of the approved development?
 - Why no information about the discovery of these artefacts was provided in the officer report to councillors or in the officer presentation to Planning Panel before Council approved the rezoning and development of this site?
 - Whether Council could investigate the possibility of preserving these artefacts for display in the Gathering Place for Elders or at the Council office or at another suitable site in association with the Friends of the /Edithvale Seaford Wetlands?

CARRIED
2. That Council ask officers or if necessary consultants to make inquiries of:
 - i. relevant Aboriginal groups to establish whether they are happy to have the artefacts displayed in the Gathering Place, FESWI (Education Centre or bird hide) or other suitable Council facilities; and
 - ii. appropriate archaeologists or other cultural heritage experts to establish whether there is any interest in excavating the site that includes the six sites where artefacts were recovered.

CARRIED
3. That Council ask for an independent planning/heritage consultant to advise council whether we can and should require better protection/further research at this site.

CARRIED

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A Division was Called:

DIVISION:

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

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

CARRIED

Note: It was requested by Cr Staikos and agreed to by the Chairperson that each part of the Motion be put to the vote separately.

12.3 Notice of Motion No. 52/2016 - Cr West - Strategic Work to Preserve Diversity in our Shopping Centres

Moved: Cr West

Seconded: Cr Brownlees

I move that Council receive and consider a report on the scope of strategic work to encourage the preservation of strategic work to encourage the preservation of diversity in our shopping centres.

CARRIED

12.4 Notice of Motion No. 54/2016 - Cr Gledhill - Level Crossing Removal Project

Moved: Cr Gledhill

Seconded: Cr Hua

That this Council write to the Minister for Transport, the Hon Jacinta Allen MP and Level Crossing Removal Authority CEO, Mr Kevin Devlin, advising them of its continuing support for the position adopted by the previous Council in relation to the Level Crossing Removal Project as it is undertaken within the City of Kingston.

Further, specific reference should be made to the resolution of the previous Council from 25th July 2016, identified as Item 8.8 in the agenda.

Procedural Motion

Moved: Cr Staikos

Seconded: Cr West

That Council defer this matter until Council receives a full briefing from officers detailing council officer's position on the various options proposed at each of the level crossing removals.

Further that this report include information about:

- Neighbourhood amenity and noise
- Community safety
- Heritage and the need to protect and preserve the heritage stations at Cheltenham as well as Mentone

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- The environment, especially the protection of the Ramsar-listed Edithvale Wetlands
- Preservation of trees along the rail corridor
- Impact on and options for parking
- the number of houses to be acquired and demolished
- Proposed use for open space freed up under elevated rail
- Proposals to close some/any crossings
- Desktop feasibility and cost impact of using tunnels

CARRIED

A Division was Called:

DIVISION:

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

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

CARRIED

12.5 Notice of Motion No. 55/2016 - Cr Oxley - Recording of Council Meetings

Moved: Cr Oxley

Seconded: Cr Bearsley

That Council adopt the amended Recording of Council Meetings Policy to now record meetings closed to the public and that this be implemented as soon as practically possible.

CARRIED

12.6 Notice of Motion No. 56/2016 - Cr Bearsley - Kingston Foreshore

Moved: Bearsley

Seconded: Cr Gledhill

That Council officers prepare a foreshore erosion report that covers:

- The measures that are being undertaken by council or DELWP to assist with mitigation of foreshore erosion;
- Any future measures that are being planned by or considered for Kingston's foreshore with approximate costings;
- Information on how other council/foreshore managers are proactively managing foreshore erosion;
- Any recent research that has been undertaken along Kingston 's beaches such as causes of erosion, and methodologies for calculating current and future erosion risks;
- Discussion on what further studies are required to arm Kingston with the necessary information to look after one of our greatest assets.

CARRIED

12.7 Notice of Motion No. 57/2016 - Cr Bearsley - No Boating Post Request

That council sends a letter to Parks Victoria and the Minister for Climate Change Environment and Water once again requesting that for the safety of swimmers the 'No Boating' post aligned with the centre of Gnotuk Avenue carpark be immediately moved 200 metres south (back to its original position) and that signage be reinstated.

The Notice of Motion was WITHDRAWN

12.8 Notice of Motion No. 58/2016 - Cr West - Tree Vandalism

Moved: Cr West

Seconded: Cr Staikos

1. That Council ask the police for an explanation of why they failed to act more promptly and more effectively to protect the safety of members of the community and to prevent the destruction of trees on council land on the Henry Street Trail and adjacent parkland.

CARRIED

2. That Council, on the foreshore and other areas where views are an issue, plants at least five trees to replace any tree that is destroyed by vandalism and also erects a sign of roughly the same scale as the tree with wording similar to the Frankston and Bayside Council tree vandal signs. And that the sign remains in place until the new trees are as tall as the tree that has been destroyed due to vandalism.

CARRIED

A Division was Called:

DIVISION:

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

AGAINST: Crs Bearsley, Gledhill and Hua (3)

CARRIED

Note: It was requested by Cr Staikos and agreed to by the Chairperson that each part of the Motion be put to the vote separately.

12.9 Notice of Motion No. 59/2016 - Cr West - Bay Trail

Moved: Cr West

Seconded: Cr Staikos

That:

1. Officers prepare a report on the Bay Trail alignment proposing that we minimise the removal of the foreshore vegetation for the completion of the Bay Trail to Mordialloc by planning to:
 - a. Standardise the road lanes as far as possible to the width of the road lanes alongside the recently completed section of the Bay Trail from Charman to Cromer Roads in Bayside; (12.7 metres for environmentally significant areas and 13.4 metres for areas where there is parking in the

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- left hand beachside traffic lane)
 - b. Providing for parking in the left-hand traffic lanes;
 - c. Preventing encroachment into the foreshore vegetation for an extra parking lane.
2. That the Mayor, Cr Eden, write to the Roads Minister Luke Donnellan seeking a meeting to discuss these matters.

CARRIED

A Division was Called:

DIVISION:

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

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

CARRIED

13. Urgent Business

There were no items of urgent business.

14. Confidential Items

Moved: Bearsley

Seconded: Cr Barth

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 KP16/159 - 590 Main Street Mordialloc - VCAT Appeal Lodged

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

14.2 590 Main Street, Mordialloc

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

14.3 Con 16-65 Chelsea Kindergarten Infrastructure Project - Latent Conditions

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

Confidential Appendices

8.8 Response Notice of Motion No. 50/2016 - Cr West - Need for Enforcement Regarding Unauthorised Activities in the Green Wedge Appendix 1, Compliance and the Green Wedge – update as of 16 November 2016

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

12.5 Notice of Motion No. 55/2016 - Cr Oxley - Recording of Council Meetings

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Appendix 2, Legal Advice - Recording and Live Streaming of Council Meetings - 2014

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 10.02pm.

Moved: Cr Bearsley

Seconded: Cr Gledhill

That the meeting be opened to members of the public

CARRIED

The meeting was opened to members of the public at 10.08pm.

The meeting closed at 10.08pm.

Confirmed.....

The Mayor 12 December 2016