

Minutes

Ordinary Meeting of Council

Monday, 22nd May 2017

**City of Kingston
Ordinary Meeting of Council**

Minutes

22 May 2017

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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
Paul Marsden, Manager City Strategy
Ian Nice, Manager City Development
Megan O'Halloran, Manager Communications and Community Relations
Phil De Losa, Manager Governance
Joanne Creedon, Governance Officer
Gabrielle Pattenden, Governance Officer

1. Apologies

There were no apologies submitted to the meeting.

2. Confirmation of Minutes of Previous Meetings

Moved: Cr Staikos

Seconded: Cr Gledhill

That the Minutes of the Ordinary Meeting of Council held on 26 April 2017 be confirmed.

CARRIED

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

The Chief Executive Officer disclosed a conflict of interest in Item 11.6 - Contract No 17/42 - Provision of Loan Finance - Tender Acceptance Report.

4. **Petitions**

Bay Trail

Moved: Cr Brownlees

Seconded: Cr Gledhill

That the petition be referred to the CEO for consideration.

CARRIED

Rezoning of Industrial Land in Mordialloc

Moved: Cr Gledhill

Seconded: Cr Brownlees

That the petition be referred to the CEO for response.

CARRIED

5. **Presentation of Awards**

Nil

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

Cr West reported on attending a meeting of the Association of Bayside Municipalities, a meeting of the Inter Council Aboriginal Committee and the MAV Planning Advisory Committee.

Moved: Cr Staikos

Seconded: Cr Oxley

That the delegates' reports be received.

CARRIED

7. Question Time

Question time was held at 8.48pm. Refer to page 20 of the minutes.

Block Resolution

The Chief Executive Officer John Nevins declared a direct interest in Item 11.6 - Contract No 17/42 - Provision of Loan Finance - Tender Acceptance Report by virtue of his ownership of bank shares and left the meeting at 7.11pm prior to any discussion on the matter.

Moved: Cr Gledhill

Seconded: Cr Hua

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

- 8.1 Municipal Building Control Intervention Filter
- 8.2 Renewable Energy Opportunities
- 8.3 Planning Compliance in the Green Wedge - Quarterly Report - May 2017
- 8.4 Response to Notice of Motion 18/2017 - Bay Watch Committee
- 10.1 Discontinuance and Sale of Roads, Rights of Way and Drainage Reserves Policy
- 10.2 Boatshed Bathing Box Policy Review
- 10.3 Proposed Acquisition of 141 Thames Promenade and Proposed Lease of Part 149 Thames Promenade Chelsea Heights
- 10.4 Draft Park Plan for Spring Road Reserve
- 10.5 Response to Notice of Motion No. 43/2016 - Patterson River Infrastructure for improving Amenity and Access
- 10.6 Old Wells Road, Patterson Lakes Reconstruction Contract
- 10.7 Endorsement of Applications to the 2018/2019 Community Sports Infrastructure Fund and Proposed Approach for the Future Development of Applications
- 11.1 Quick Response Grants
- 11.2 Assembly of Councillors Record Report
- 11.4 One Vision Council Plan Performance Report and Quarterly Financial Statements as at March 2017
- 11.6 Contract No 17/42 - Provision of Loan Finance - Tender Acceptance Report

CARRIED

The Chief Executive Officer John Nevins returned to the meeting at 7.12pm.

8. Planning and Development Reports

8.1 Municipal Building Control Intervention Filter

RECOMMENDATION

That Council:

1. Adopt the Municipal Building Control Intervention Filter as set out by the Victorian Municipal Building Surveyors Group.
2. That the policy when adopted be promoted across the community and building industry.
3. That the Victorian Building Authority, Building Practitioners Board and Council's Insurer be advised when the policy is adopted.

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

8.2 Renewable Energy Opportunities

RECOMMENDATION

That Council:

1. Support the commencement of a feasibility study investigating the potential for renewable energy investment in the Kingston Green Wedge;
2. Fund the feasibility study through the Kingston Green Wedge Reserve if funding is unable to be secured through the New Energy Jobs Fund; and
3. Receive a report on the study at its completion.

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

8.3 Planning Compliance in the Green Wedge - Quarterly Report - May 2017

RECOMMENDATION

That Council notes the information.

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

8.4 Response to Notice of Motion 18/2017 - Bay Watch Committee

RECOMMENDATION

That Council:

1. Further explore with Government Departments/Agencies and local MPs the role a Bay Watch committee may play at a local level to assist existing Government Plans and Programs designed to enhance the overall health of Port Phillip Bay.
2. Following discussions with Government Departments/Agencies and local MPs a further report be brought back to Council with recommendations on key areas for focus of a future Bay Watch Committee.
3. The draft Council Plan is updated to recognise the intentions of Notice of Motion 18/2017.

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

8.5 KP16/1089 - 13 Waratah Avenue Mordialloc

It is recorded that Elizabeth Chandler spoke on behalf of objectors.

It is recorded that John Lockhead spoke on behalf of the applicant.

Moved: Cr West

Seconded: Cr Staikos

That Council resolve issue a Notice of Refusal to Grant a Permit to develop the land for the construction of one (1) new double storey dwelling to the rear of the existing at 13 Waratah Avenue Mordialloc, on the following grounds:

1. The proposal fails to comply with relevant state and local planning policies contained within of the Kingston Planning Scheme.
2. The proposal is contrary to Clause 22.11 in that the proposal fails to concentrate two storey developments towards the front of the site. The proposal results in excessive visual bulk and massing to the detriment of the local neighbourhood character and the amenity of adjoining residents.
3. The proposal fails to comply with the following objectives and standards of Clause 55 of the Kingston Planning Scheme (ResCode):
 - Clause 55.05-4 Private open space

LOST

8.5 KP16/1089 - 13 Waratah Avenue Mordialloc

Moved: Cr Brownlees

Seconded: Cr Gledhill

That Council resolve to support the proposal and issue a Notice of Decision to Grant a Permit to develop the land for the construction of one (1) new double storey dwelling to the rear of the existing at 13 Waratah Avenue Mordialloc, subject to the following conditions:

1. Before the development starts amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be substantially in accordance with the plans submitted to Council on 31 January 2017, but modified to show:
 - a. the provision of a landscape plan in accordance with the submitted development plan and , with such plans to be prepared by a suitably qualified landscape professional to the satisfaction of the Responsible Authority and incorporating:
 - i. A planting schedule of all proposed trees and shrubs, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant.
 - ii. A survey, including, botanical names of all existing trees to be retained or removed on the site including Tree Protection Zones for trees to be retained calculated in accordance with AS4970-2009.
 - iii. A survey including botanical names, of all existing trees on neighbouring properties where the Tree Protection Zones of such trees calculated in accordance with AS4970-2009 fall partially within the subject site
 - iv. The delineation of all garden beds, paving, grassed area, retaining walls, fences and other landscape works;
 - v. A range of plant types from ground covers to large shrubs and trees;
 - vi. The retention of the *Pyrus ussuriensis* (Ornamental Pear) and *Jacaranda mimosifolia* (Jacaranda) in the front setback of the existing dwelling;
 - vii. A canopy tree in the Secluded Private Open Space of Dwelling 2 capable of reaching a minimum height at maturity of 6 metres;
 - viii. All trees provided at a minimum of 2 metres in height at time of planting, medium to large shrubs to be provided at a minimum pot size of 200mm;
 - ix. No trees with a mature height over five (5) meters are to be planted over proposed or existing easements; and
 - x. The provision of notes regarding site preparation, including the

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- removal of all weeds, proposed mulch, soil types and thickness, subsoil preparation and any specific maintenance requirements;
- xi. The location of any tree protection measures including for street trees accurately drawn to scale and labelled and notations referring to any endorsed Tree Management Plan.
 - xii. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced
- b. The *Pyrus ussuriensis* (Ornamental Pear) and *Jacaranda mimosifolia* (Jacaranda) in the front setback of the existing dwelling to be retained;
 - c. The location of the tree protection measures specified in the endorsed tree management plan are to be illustrated to scale and labelled on the Ground Floor Plan and a notation referring to the Tree Management Plan;
 - d. an elevation plan of the front fencing, which provides details of its height, materials and colours;
 - e. 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;
 - f. the location of all externally-located heating and cooling units, exhaust fans and the like, clearly shown;
 - g. the provision of a 400mm trellis with openings of no more than 25%, or similar, to the western fence of Dwelling 2 between the rear property boundary and the wall on boundary of Dwelling 2, to achieve a visual barrier of 1.8 metres high above the finished floor level of the decking;
 - h. The decking to Dwelling 2 set back from the North West boundary one (1) metre;
 - i. a window on the front door of Dwelling 2 that provides clear views to the internal accessway;
 - j. Carport to Dwelling 1 shown at 6 metres in length;
 - k. Bin Storage area for the existing Dwelling; and
 - l. the provision of minimum 2000 litre rainwater tank clearly nominated for each new dwelling with water re-used for toilet flushing.
2. The development as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.

Tree Management and Protection Plan Conditions

3. Before the development starts, including any related demolition or removal of vegetation, a Tree Management Plan (report) and Tree Protection Plan (drawing), to the satisfaction of the Responsible Authority, must be submitted to and be endorsed by the Responsible Authority.
4. The Tree Management Plan must be specific to the trees shown on the Tree Protection Plan, in accordance with AS4970-2009, prepared by a suitably qualified arborist and provide details of tree protection measures that will be utilised to

ensure all trees to be retained remain viable post-construction. Stages of development at which inspections are required to ensure tree protection measures are adhered to must be specified.

5. The Tree Protection Plan must be in accordance with AS4970-2009, be drawn to scale and provide details of:
 - a. The Tree Protection Zone and Structural Root Zone for all trees to be retained on the site and for all trees on neighbouring properties where any part of the Tree Protection Zone falls within the subject site.
 - b. The location of tree protection measures to be utilised.

Street Tree Conditions

6. Tree Protection Fencing is to be established around the *Tristanopsis laurina* (Kanooka) street tree prior to demolition and maintained until all works on site are complete. The fencing is:
 - a. to be a 1.8 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
 - b. to encompass the entire nature strip with each end 3 metres from the base of the tree.

Melbourne Water conditions

7. The dwelling must be constructed with finished floor levels set no lower than 7.74 metres to Australian Height Datum (AHD) which is 300mm above the applicable flood level of 7.44 metres to AHD.
8. The carport must be set at natural surface level and must remain unenclosed with no roller/tilt doors for the life of the structure unless with the prior consent from Melbourne Water.
9. Prior to the issue of an Occupancy Permit, a certified survey plan, showing finished floor levels (as constructed) reduced to the AHD, must be submitted to Melbourne Water to demonstrate that the floor levels have been constructed in accordance with Melbourne Water's requirements.
10. The setback of 3 metres at the southern boundary as proposed must not be altered without prior written consent from Melbourne Water. The existing natural ground surface levels must be maintained within this setback and be kept clear of all permanent structures (i.e. no garages, sheds or water tanks), with exception of any carport.
11. Imported fill must be kept to a minimum on the property and only be used for the sub floor areas of the dwelling.
12. Any new fence must be of an open style of construction (minimum 50%) to allow for the passage of floodwaters/ overland flows.
13. The decking must be constructed with unenclosed foundations to allow for the passage of overland flows.
14. Pollution and sediment laden runoff shall not be discharged directly or indirectly

into Melbourne Water's drains or waterways.

Roads and Drains Conditions

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

Drainage and Water Sensitive Urban Design Conditions

20. Unless with the prior written consent of the responsible authority, before the development commences, the following Integrated Stormwater Management documents must be prepared, by a suitably qualified person, to the satisfaction of the responsible authority:
21. Stormwater management (drainage) plan(s) must be prepared as per Council's "Civil Design Requirements for Developers- Part A – Integrated Stormwater Management", with supporting computations, showing the stormwater (drainage) works to the nominated point of discharge. The plan(s) must show all details of the proposed stormwater (drainage) works including all existing and proposed features that may have impact on the stormwater (drainage) works, including landscaping details.
22. Stormwater (drainage) works must be implemented in accordance with the approved stormwater management (drainage) plan(s) and to the satisfaction of the responsible authority including the following:
23. All stormwater (drainage) works must be provided on the site so as to prevent overflows onto adjacent properties.
24. The implementation of stormwater (drainage) detention system(s) which restricts stormwater discharge to the maximum allowable flowrate of 5.9L/s.
25. All stormwater (drainage) works must be maintained to the satisfaction of the Responsible Authority

General Amenity Conditions

26. All works on or facing the boundaries of adjoining properties must be finished and surface cleaned to a standard that is well presented to neighbouring properties in a manner to the satisfaction of the Responsible Authority.
27. All piping and ducting above the ground floor storey of the development (other than rainwater guttering and downpipes) must be concealed to the satisfaction of the Responsible Authority.

Completion of Works

28. Prior to the occupation of Dwelling 2 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.

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

30. Prior to the occupation of the Dwelling 2 hereby permitted, the trellis required under (Condition 1) of this permit must be erected to Council's satisfaction, at the full cost of the applicant/owner(s).

31. Prior to the occupation of the Dwelling 2 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.

Expiry Conditions

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

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

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

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

Note: 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: for a storm event with a 1% chance of occurrence in any one year, the floor level for the property grades from 7.44 metres to Australian Height Datum (AHD) at the

northern boundary to 7.29 metres to A.H.D at the southern boundary

Note: If further information is required in relation to Melbourne Water's permit conditions shown above, please contact Melbourne Water on telephone 9679 7571, quoting Melbourne Water's reference **280090**

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

9. Community Sustainability Reports

9.1 Future Options for Public Toilet Located at Granary Lane, Mentone

Moved: Cr Brownlees

Seconded: Cr Gledhill

That Council:

1. Demolish existing public toilet and replace with modern 'Mettros' unit, with the installation of photographic replications of the Mosaic tile cladding on the existing toilet, and that officers report back to ward Councillors prior to installation on options for siting of the new toilet in Florence Street car park precinct and retention of the walls with most of the existing mural.
2. Consider the financial implications of the preferred option, and if required, make provision in the Forward Capital Plan to allow works to be carried out prior to failure of the damaged sewer outlined in this report.

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Procedural Motion

Moved: Cr Barth

Seconded: Cr Oxley

That Cr West be granted an extension of time to speak on the matter.

CARRIED

Moved: Cr West

Seconded: Cr Oxley

That consideration of this item be deferred until the June Ordinary Meeting of Council subject to further information on all the options.

CARRIED

9.2 Patterson Lakes Community Centre Request for Council Support for Recovery from Fire

Moved: Cr Bearsley

Seconded: Cr Gledhill

Cr Staikos left the meeting at 8:00 pm.

Cr Staikos returned to the meeting at 8:02 pm.

1. That Council fund the following upgrades to the Patterson Lakes Community Centre as part of repairs to the building following the 21 March 2017 fire:
 - a. 50% of the cost of spring flooring in the hall to a maximum \$7,500 cost to Council;

CARRIED
 - b. A stainless steel kitchen at an estimated cost of \$20,000 to Council;

CARRIED
 - c. \$20,000 for stainless steel appliances.

CARRIED
2. That Council provide in-kind support to promote the reopening of the Patterson Lakes Community Centre.

CARRIED
3. With a view to assisting in principle the funding of the children's playground, that Council start discussions with Patterson Lakes Community Centre Committee of Management to consider its ongoing development needs in relation to alignment with Council's objectives of broad community access, social benefit and financial capacity for community groups and individuals to use the Centre.

CARRIED

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

9.3 Naming of the Aboriginal Gathering Place

Moved: Cr Gledhill

Seconded: Cr Brownlees

That Council endorse the name “The Derrimut Weelam Gathering Place” for the Aboriginal Gathering Place located in Mordialloc Life Saving Club.

CARRIED

10. City Assets and Environment Reports

10.1 Discontinuance and Sale of Roads, Rights of Way and Drainage Reserves Policy

RECOMMENDATION

That Council approves the Discontinuance and Sale of Roads, Rights of Way and Drainage Reserves Policy (2017) as per Attachment 1.

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

10.2 Boatshed Bathing Box Policy Review

RECOMMENDATION

That Council:

1. Approve the revised Boatshed Bathing Box Policy attached as Appendix 2 of this report; and
2. Approve the new transfer and administration fees detailed in this report including applying the changes to the ‘User fees and Charges’ for Bathing Boxes as part of the 2017/2018 budget process.

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

10.3 Proposed Acquisition of 141 Thames Promenade and Proposed Lease of Part 149 Thames Promenade Chelsea Heights

RECOMMENDATION

That Council:

1. Acquire 141 Thames Promenade, Chelsea Heights from Melbourne Water for \$51,000. The funds for this acquisition shall be drawn from Council's rolling capital works program for drainage improvements;
2. Enter into a Lease & Licence for 50 years for an amount of \$25,001 for part of 149 Thames Promenade, Chelsea Heights as well as reinstating and rectifying changes made to the existing fence and access point. The funds for this agreement shall be drawn from Council's rolling capital works program for drainage improvements;
3. Authorise the CEO or delegate to execute the required land transfer documents for 141 Thames Promenade, Chelsea Heights to the satisfaction of Council's legal advisors;
4. Authorise the CEO or delegate to execute the required lease documents for Part 149 Thames Promenade, Chelsea Heights to the satisfaction of Council's legal advisors; and
5. Prepare a planning scheme amendment seeking to rezone 141 Thames Promenade, Chelsea Heights to Public Use Zone – Service and Utility (PUZ1).
6. Prepare a planning scheme amendment to introduce a Public Acquisition Overlay (PAO) over Part 149 Thames Promenade, Chelsea Heights (being the proposed leased and licensed portion of 149 Thames Promenade).
7. Make this report public once all contracts regarding the sale, lease and licencing of 141 and 149 Thames Promenade, Chelsea Heights land have been executed.

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

10.4 Draft Park Plan for Spring Road Reserve

RECOMMENDATION

That Council:

1. Receive the information;
2. Undertake broader consultation on the draft Spring Road Reserve Park Plan (*appendix 1*) that establishes a path network across the site, provides seating, shelters and drinking fountains; area for oval investigations and overflow car parking along Rowans Road; and
3. Approve the updated Dog Off Lead Area for implementation that is aligned with the proposed paths and broadly with the Dog Off Lead area approved on 27 February 2017 meeting; and

4. Receive a further report outlining the consultation feedback on park plan for consideration prior to adoption.

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

10.5 Response to Notice of Motion No. 43/2016 - Patterson River Infrastructure for improving Amenity and Access

RECOMMENDATION

That Council:

1. Receive the information;
2. Endorse the priority list of works, subject to the consent of Parks Victoria, DELWP and Melbourne Water as land owners, for the 2016/17 and 2017/18 operating budgets; and
3. Advocate to Parks Victoria, DELWP and Melbourne Water as land owners to continue to make improvements to their assets through this area.

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

10.6 Old Wells Road, Patterson Lakes Reconstruction Contract

RECOMMENDATION

That Council:

1. Award Contract No. 16/31 Old Wells Road, Patterson Lakes - Road Reconstruction on a Lump Sum basis to Parkinson Group (Vic) Pty Ltd for the tendered price of \$1,137,945.00 ex GST from the 2017/2018 civil infrastructure capital allocation; and
2. Approve a Contingency Allowance of \$113,794.50 ex GST (10% of contract sum) from within the allocated 2017/2018 civil infrastructure capital allocation to cover unexpected financial variations.

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

10.7 Endorsement of Applications to the 2018/2019 Community Sports Infrastructure Fund and Proposed Approach for the Future Development of Applications

RECOMMENDATION

That Council:

1. Endorse the submission of the following seven projects to the 2018/19 Community Sports Infrastructure Program:
 - Major Facilities – Development of new clubrooms for the Parkdale Yacht Club, Parkdale;
 - Cricket Infrastructure – Irrigation and drainage upgrade at Southern Road Reserve, Mentone;
 - Minor facilities – Edithvale precinct sports lighting upgrade – new flood lights on rink 1 at the Edithvale Bowling Club and new low profile floodlights on oval 1 at Edithvale Recreation Reserve;
 - Minor facilities - Upgrade of the existing hard court at the Mentone Tennis Club and installation of the 'Book a Court' public access system;
 - Female Friendly facilities – Upgrade of existing amenities at Southern Road Reserve;
 - Female friendly facilities - Upgrade of existing amenities at Keeley Park; and
 - Female Friendly facilities – Upgrade of existing amenities at Bonbeach Recreation Reserve.
2. Support the implementation of a revised approach for the future assessment of applications for submission to the Community Sports Infrastructure Funding program, as set out at Appendix 3.
3. Refer Council's funding of applications to the preparation of Council 2018/19 budget process.

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

10.8 Bay Trail Update

Moved: Cr Gledhill

Seconded: Cr Brownlees

That Council:

1. Notes this report
2. Receives a further report on the results of the community consultation at the June 2017 Council Meeting and until that is returned to Council, no further action be taken in relation to implementation of the Bay Trail which would include any changes to the design of Beach Road.

LOST

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Moved: Cr West

Seconded: Cr Staikos

That Council:

1. Notes this report
2. Receives a further report on the results of the community consultation at the June 2017 Council Meeting.
3. That the Notice of Motion at Item 12.4 be adopted and included in the Council minutes as follows:
 - a. Council notes advice from VicRoads dated 26 April that seeks a reduction in parking in the adopted Bay Trail alignment.
 - b. Council notes advice from VicRoads on 31 January approving the appropriate standard road widths of 13.4m (where there is parking on both sides) and 12.7m (where there is no parking).
 - c. Council notes that VicRoads have not approved in finality any plans for the remaining stretch of the Kingston Bay Trail,
 - d. Council notes that VicRoads has not advised Council of any concerns with the narrowing of Beach Road lane widths to the VicRoads standards,
 - e. Officers continue to negotiate with VicRoads to minimize the loss of parking, eg at T-intersections with smaller streets, such as they have approved in Mordialloc;
 - f. Council has proceeded with the consultation via information sessions and submissions on the basis of Council's adopted plan with amendments as requested by VicRoads and will consider the submissions as per the Council March resolution
 - g. Council has written to the Roads Minister, Mr Donnellan, responding to VicRoads' preliminary investigation, providing clarification regarding Council's process and seeking a meeting with the Minister and with VicRoads in order to finalise the plan's implementation in accordance with VicRoads requirements;
 - h. All parties are asked to participate in good faith to ensure ratepayers' funds are not wasted on designs that seek to comply with VicRoads directions which continue to change.
 - i. Council reiterate its desire to complete the Bay Trail as soon as practicable, whilst minimising the loss of environmentally significant native vegetation and of parking.
 - j. That both VicRoads letters and the background analysis below be included in the minutes.

CARRIED

A Division was Called:

DIVISION:

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

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

CARRIED

Question Time

Cr Hua left the meeting at 8:49 pm.

Cr Hua returned to the meeting at 8:52 pm.

Glenn Farrell of Cheltenham asked:

“In a period of less than 24 hours (4/5 May) two persons were struck by trains in the vicinity of the dangerous Charman Rd and Park Rd level crossing. Given the proximity to busy Charman Rd shops and Cheltenham primary school will the council request the Government fast track removal of the Cheltenham level crossings to increase community safety?”

Note: In accordance with clause 18(4) of the Meeting Procedures Local Law, this question will be responded to in writing as the questioner was not present in the gallery.

Tony Falkingham of Mentone asked:

“What are Council’s firm plans for Sport and Recreation, especially facilities within the municipality? With a large projected increase in Kingston’s population over the next 15 years, the existing facilities will be inadequate, if they are not already.”

The CEO provided the following response:

“Council continues to invest significant funds into upgrading its existing sporting facilities, grounds and buildings, but participation in sporting activities continues to increase beyond general population growth. Recent attempts to negotiate the purchase of land to provide more sportsgrounds were not successful. However Kingston’s Green Wedge Plan identifies opportunities in our Green Wedge and this is something Council would like to explore in partnership with the State.

Tony Falkingham of Mentone asked:

“When is Council going to address the traffic and parking issues in Mentone, with a full survey and resident consultation? The proposed parking restrictions in Naples Road will only push parking into other parts of Naples Road and surrounding streets. The current situation is dangerous.”

The CEO provided the following response:

“Council is undertaking a Local Area Traffic Management plan for Mentone. It is in the final stages of development and is expected to be made available to the community for consultation in the coming months.”

Simon Johnson of Parkdale asked:

“Is there a social media policy or relevant other policies that are applicable to Councillors, e.g. Code of Conduct?”

The CEO provided the following response:

“All Councillors are bound by a Councillor Code of Conduct as required under the Local Government Act. Kingston’s Councillor Code of Conduct also references the use of social media.”

Simon Johnson of Parkdale asked:

“Schedule 6 Local Law 5 contains a specific list of “Environmental Weeds” such as sweet pittosporum. Park 8 Section 39 states “The owner or occupier of land must not allow to grow on that land any environmental weed species described in Schedule 6 except with the approval of an Authorised Officer.” This schedule is available on the Council website. I’m told that Council Community Local Law (consolidated) has removed this specific list of Environmental Weeds and that Schedule 6 Local Law 5 no longer applies. Is that accurate? What measures will Council take to protect the environment against weeds such as sweet pittosporum? What measures will Council take against owners/occupiers of land, who refuse to remove these environmental weeds? Can Council reconsider an amendment to put this list back into the Local Law to protect the environment?”

The CEO provided the following response:

“Council’s Community Local Law under Clause 35 states: “The owner or occupier of any premises must not allow to grow on those premises any noxious weed except with the approval of Council”. A Noxious Weed is then defined under our Local Law as “Noxious weed has the meaning ascribed to it by the Catchment and Land Protection Act 1994”. Under the Community Local Law the Infringement Notice Penalty is 2 Penalty Units with a possible maximum penalty of 5 Units. A Penalty Unit is currently fixed by the State Government at \$100.00. Council will make enquiries with Mr Johnson on the basis he believes a noxious weed or weeds exist and the matter will be further investigated.”

Simon Johnson of Parkdale asked:

“The community welcomes the Level Crossing Removal Authority decision for a rail-under-road solution at Mentone. How will Kingston Council work with the State Government to ensure the Mentone Renaissance is “fit for purpose” given the redevelopment to the station precinct?”

The CEO provided the following response:

“Council considered an Officer Report at its Ordinary Council Meeting on 27 March 2017 and resolved that Council “Commence a review of the Cheltenham Structure Plan and preparation of a Framework Plan for Mentone Station to be informed by the design solutions for Cheltenham and Mentone as announced by the Level Crossing Removal Authority”. This resolution will provide for a Framework Plan for Mentone Station that takes account of Council’s Mentone Renaissance work.”

11. Corporate Services Reports

11.1 Quick Response Grants

RECOMMENDATION

That Council approve the following grant applications:

- The Miranda Foundation - \$500.00
- Dingley Central Probus Club - \$1,000.00
- Chelsea Heights Kindergarten \$500.00
- Bonbeach Life Saving Club - \$1,000.00
- Patterson Lakes Kindergarten - \$1,000.00
- Neighbourhood Watch Victoria Inc Kingston - \$500.00
- Food for Change Foundation - \$500.00
- Mordialloc Preschool - \$500.00

That Council not approve the following grant applications:

- Chelsea Primary School
- Madeline Simm
- Red Angels Under 15s Team

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

11.2 Assembly of Councillors Record Report

RECOMMENDATION

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

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

11.3 Meeting Procedures Local Law Review

Moved: Cr Bearsley

Seconded: Cr Staikos

That Council:

1. Receive the proposed Meeting Procedures Local Law as shown in Appendix 1 subject to the following changes:
 - the inclusion of clause 41(c) to read as follows:
“for a Councillor to not leave the meeting room or building when ordered by the Chairperson to do so under clause 40(2)”
 - the inclusion of clause 41(e) to read as follows:
“for any visitor to contravene clause 40(1)(c) of this Local Law”
 - to amend Clause 21(1) to read as follows:
“Subect to sub-clause (2) a Council meeting must conclude no later than three hours after the commencement of the meeting.”
 - to amend Clause 21(2) to read as follows:
“A Council meeting may be extended beyond three hours by resolution.”
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 of Cr Eden, Cr Oxley and Cr Staikos as nominated to hear the submissions in relation to the proposed Local Law, at a meeting on Tuesday 4 July commencing at 5.30pm and report to Council; and
4. In the event that no submissions are received, receive a report to adopt the Meeting Procedures Local Law.

CARRIED

11.4 One Vision Council Plan Performance Report and Quarterly Financial Statements as at March 2017

RECOMMENDATION

That Council receive the Council Plan Performance Report and Quarterly Financial Statements as at March 2017.

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

11.5 Special Charge Scheme - Quiet Lakes

Moved: Cr Bearsley

Seconded: Cr Oxley

That Council:

1. In accordance with section 163(1A) of the Act, directs that public notices be given of the intention of Council to declare, at its Ordinary meeting to be held on 24 July 2017, a special charge for the purposes of Quiet Lakes beach maintenance as detailed in Appendix 1 –‘Proposed Declaration of Special Charge’
2. In accordance with section 163(1C) of the Act, directs that separate letters enclosing a copy of the public notice be sent to the owners of the properties set out in the Appendix 1 – ‘Proposed Declaration of Special Charge’, advising an intention of Council to declare the Special Charge as its ordinary meeting to be held on 24 July 2017, the amount for which the property owner will be liable, the basis of the calculation of the Special Charge and notifying such persons that submissions in writing in relation to the ‘Proposed Declaration of Special Charge’ will be considered by Council in accordance with sections 163A, 163B and 223 of the Act;
3. Establish a Committee in accordance with section 223 of the Act, comprising of the three South Ward Councillors to hear and consider any submissions lodged in response to the notification of Council’s intention to declare the Quiet Lakes Special Charge Scheme at a meeting on 10 July 2017, commencing at 6.30pm (or a mutually convenient date and time) at the municipal offices, 1230 Nepean Highway Cheltenham and report to Council; and
4. Confirm the details of the proposed Quiet Lakes Special Charge Scheme at \$173.92 per annum per property for a five year term commencing 1 August 2017.

CARRIED

11.6 Contract No 17/42 - Provision of Loan Finance - Tender Acceptance Report

RECOMMENDATION

That Council resolve to:

1. Invite:
 - *Commonwealth Bank of Australia; and*
 - *National Australia Bank*to submit final bids to Council for the provision of \$3.250 million of loan finance.
2. Delegate the award of the contract to the General Manager Corporate Services on the recommendation of the Manager Finance and Corporate Performance.
3. Note officers will use the principle of lowest cost available now to award the contract.

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

12. Notices of Motion

12.1 Notice of Motion No. 10/2017 - Cr Gledhill - Removal of Confidentiality

Moved: Cr Gledhill

Seconded: Cr Brownlees

That in the interests of transparency and good governance, that all matters pertaining to Item 3.1 (Pompei Lease on the Mordialloc Creek) which were adopted at the Special Meeting of Council held on March 14th 2017 be removed from the confidential status with the exception of Item One of the resolution.

Moved: Cr Staikos

Seconded: Cr West

That consideration of this item be adjourned to the part of the meeting closed to the public to allow discussion of the content of the resolution.

CARRIED

A Division was Called:

DIVISION:

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

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

CARRIED

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12.2 Notice of Motion No. 14/2017 - Cr Gledhill - Occupancy of the Mordialloc Creek Site

Cr Eden applied to exempt himself from Item 12.2 due to a conflicting personal interest in accordance with section 79B of the Local Government Act 1989.

Moved: Cr Brownlees

Seconded: Cr Staikos

That Cr Eden be exempted from the decision.

CARRIED

Cr Eden left the meeting at 9.16 pm

Note: The Deputy Mayor assumed the Chair for Item 12.2.

Moved: Cr Gledhill

Seconded: Cr Brownlees

That in light of Mr Leon Pompei's latest threat to commence legal action against the City of Kingston, I move that council instruct officers to withdraw any offers that may have been made, unless mandated by the supreme court of Victoria, and resume the original Supreme Court action which is required in order for Council to seek vacant possession of Council managed land adjacent to the Mordialloc Creek.

Moved: Cr Staikos

Seconded: Cr Oxley

That consideration of this item be adjourned to the part of the meeting closed to the public to allow discussion of the content of the resolution.

CARRIED

A Division was Called:

DIVISION:

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

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

CARRIED on the casting vote of the Chairperson

Cr Eden returned to the meeting at 9.19pm

12.3 Notice of Motion No. 19/2017 - Cr Gledhill - Bay Trail

In accordance with Clause 28(15) of the Meeting Procedures Local Law this item was not discussed as it was considered and resolved at item 10.8.

12.4 Notice of Motion No. 20/2017 - Cr West - Bay Trail Correspondence

In accordance with Clause 28(15) of the Meeting Procedures Local Law this item was not discussed as it was considered and resolved at item 10.8.

12.5 Notice of Motion No. 21/2017 - Cr Barth - Social Media

Moved: Cr Barth

Seconded: Cr Staikos

That:

1. Council write to the account owners of the "Do not narrow beach road" social media account expressing its disappointment in the misogynist and personally demeaning attacks on women Councillors hosted as unmoderated comments and asks owners of the account/s to do their best to discourage this kind of behaviour.
2. Council does not support or accept the use of electronic communication to bully Councillors through the posting and transmission of messages of an intimidating or threatening nature
3. Council reaffirms its commitment to equality and empowerment of women and denounces any behaviour that demonstrates the dislike of, or contempt against women or people of colour.
4. Council finds the use of ageist remarks unacceptable and notes that a person's age is not relevant to their abilities as a Councillor, and using age as grounds for personal attack is reprehensible.
5. Council notes there is no place in a civil society for intimidation and attacks on Councillors undertaking their democratic duty.
6. Officers be instructed to draft amendments to the Councillor Code of Conduct to ensure that councillor social media accounts are not used to spread/host misinformation and hateful remarks against other councillors and council remarks.

Procedural Motion

Moved: Cr Oxley

Seconded: Cr Brownlees

That Cr Barth be granted an extension of time to speak on the matter.

CARRIED

Procedural Motion

Moved: Cr Barth

Seconded: Cr Staikos

That Cr West be granted an extension of time to speak on the matter.

CARRIED

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Procedural Motion

Moved: Cr Bearsley

Seconded: Cr Hua

That Cr Bearsley be granted an extension of time to speak on the matter

CARRIED

Procedural Motion

Moved: Cr Oxley

Seconded: Cr West

That Cr Barth be granted an extension of time to speak on the matter

CARRIED

The Substantive motion was put and CARRIED

A Division was Called:

DIVISION:

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

AGAINST: Nil (0)

ABSTAINED: Crs Bearsley, Gledhill and Hua (3)

CARRIED

**12.6 Notice of Motion No. 22/2017 - Cr West - Mornington Peninsula Freeway
Extension Announcement**

Moved: Cr West

Seconded: Cr Staikos

That Council:

1. Ask officers to provide a report on the feasibility study and business plan, when they are released, and their key findings.
2. Council respectfully request the State Government to consider and provide a report to the Council and community on the potential impact of the MPFE on:
 - a) Braeside Park and the wetlands and heritage buildings on the park,
 - b) the Kingston Green Wedge,
 - c) environmental, horticultural and Aboriginal Cultural Heritage issues, and
 - d) the amenity and road access of the residents of Aspendale Gardens (east of Wells Road), Richfield Retirement Village, Waterways, Dingley Village and the Green Wedge.
 - e) Whether the freeway will need to be constructed as an elevated freeway (Skyroad) through the Waterways and Braeside Park wetlands or any other part of the route
3. Council asks State Government to:
 - a) undertake an Environmental Effects Statement investigation into any potential impact that may be caused by the MPFE, especially to the Braeside Park and

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Waterways Wetlands and ensure that any negative impact is minimised;

- b) Give greater priority to the extension of Westall Road to improve motorists' access from the Dandenong Bypass to the Monash Freeway, before commencing the Mornington Peninsula Freeway extension.
- c) ensure that an overpass is constructed at or close to the intersection of the MPFE with the Dingley Bypass to allow continuity for passage of cyclists, pedestrians and equestrians along the Chain of Parks trail, whose route is currently proposed to end in a T-junction at the Dingley Bypass.
- d) ensure that the impact on Kingston's market gardens is minimised.
- e) work with Council to plan for and fund the construction of wetlands on land adjoining the Settlement Creek and Dunlops Creek and on the Green Wedge triangle abutting Springvale Road.
- f) consider the formation of a community reference group to guide decisions about reviewing and implementing plans for the MPFE.

Cr Oxley left the meeting at 10.09pm

Cr Brownlees left the meeting at 10.09pm

Cr Oxley returned to the meeting at 10.10pm

Cr Hua left the meeting at 10.11pm

Cr Gledhill left the meeting at 10.12pm

Cr Brownlees returned to the meeting at 10.13pm

Cr Gledhill returned to the meeting at 10.14pm

Cr Hua returned to the meeting at 10.15pm

CARRIED

13. Urgent Business

There were no items of urgent business.

14. Confidential Items

Moved: Cr Staikos

Seconded: Cr Gledhill

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

12.1 Notice of Motion No. 10/2017 - Cr Gledhill - Removal of Confidentiality

This agenda item is confidential in accordance with the Local Government Act s89(2) as it relates to any other matter which the Council or special committee considers would prejudice the Council or any person (s89 2h)

12.2 Notice of Motion No. 14/2017 - Cr Gledhill - Occupancy of the Mordialloc Creek Site

This agenda item is confidential in accordance with the Local Government Act s89(2) as it relates to any other matter which the Council or special committee considers would prejudice the Council or any person (s89 2h)

14.1 Proposed Land Acquisition

This agenda item is confidential in accordance with the Local Government Act s89(2) as it relates to matters affecting the security of Council property (s89 2g)

Confidential Appendices

**8.3 Planning Compliance in the Green Wedge - Quarterly Report - May 2017
Appendix 1, Planning Compliance in the Green Wedge - May 2017**

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

**10.6 Old Wells Road, Patterson Lakes Reconstruction Contract
Appendix 1, 1631 Tender Evaluation Matrix**

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

**11.6 Contract No 17/42 - Provision of Loan Finance - Tender Acceptance Report
Appendix 1, Tendered Options for Loan Funding**

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

**12.1 Notice of Motion No. 10/2017 - Cr Gledhill - Removal of Confidentiality
Appendix 1, Resolution from Special Meeting of Council - 14 March 2017**

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

CARRIED

The meeting was closed to members of the public at 10.21pm.

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Moved: Cr Brownlees

Seconded: Cr Staikos

That the meeting be opened to members of the public

CARRIED

The meeting opened to members of the public at 10.47pm

Note: During the closed part of the meeting Council made the following resolution:

12.1 Notice of Motion No. 10/2017 - Cr Gledhill - Removal of Confidentiality

Moved: Cr Gledhill

Seconded: Cr Brownlees

That in the interests of transparency and good governance, that all matters pertaining to Item 3.1 (Pompei Lease on the Mordialloc Creek) which were adopted at the Special Meeting of Council held on March 14th 2017 be removed from the confidential status with the exception of Parts 1, 8 and 10 of the resolution.

CARRIED

Note: The parts of the resolution (i.e. parts 2, 3, 4, 5, 6, 7 & 9) for Item 3.1 - Special Meeting of Council on 14 March 2017 that are no longer confidential read as follows:

2. Authorise expenditure as necessary to undertake works on the Pompei's Landing ramp in order to address OH&S issues;
3. Empowers only the CEO and the General Manager of City Assets and Environment to interact with Mr Leon Pompei with relation to anything included in this motion. This includes inspections and surveillance;
4. Express its desire and willingness to positively resolve the dispute with Mr Leon Pompei forthwith;
5. Will work to remove any impediment caused by its action or inaction on this matter being resolved;
6. Instructs officers to act in good faith with Mr Leon Pompei to ensure that this matter is resolved amicably and in accordance with the express direction of Council;
7. Do all things necessary to obtain relevant approvals, authorisations in grant and purpose from any relevant state department;
9. That the execution of all above points be delegated to the relevant officers and no further resolution of Council is required on the above matters.

The meeting closed at 10.47pm.

Confirmed.....

The Mayor 26 June 2017