

Minutes

Ordinary Meeting of Council

Monday, 24th July 2017



**City of Kingston
Ordinary Meeting of Council**

Minutes

24 July 2017

Table of Contents

1.	Apologies	3
2.	Confirmation of Minutes of Previous Meetings	4
3.	Foreshadowed Declaration by Councillors, Officers or Contractors of any Conflict of Interest	4
	<i>[Note that any Conflicts of Interest need to be formally declared at the start of the meeting and immediately prior to the item being considered – type and nature of interest is required to be disclosed – if disclosed in writing to the CEO prior to the meeting only the type of interest needs to be disclosed prior to the item being considered.]</i>	
4.	Petitions	4
5.	Presentation of Awards	4
6.	Reports from Delegates Appointed by Council to Various Organisations.....	5
7.	Question Time.....	5
8.	Planning and Development Reports	6
9.	Community Sustainability Reports.....	27
10.	City Assets and Environment Reports	32
11.	Corporate Services Reports	35
12.	Notices of Motion	39
13.	Urgent Business.....	43
14.	Confidential Items	43

**City of Kingston
Ordinary Meeting of Council**

Minutes

24 July 2017

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 Georgina Oxley
Cr Steve Staikos
Cr Rosemary West OAM

In Attendance: John Nevins, Chief Executive Officer
Mauro Bolin, General Manager Community Sustainability
Jonathan Guttman, General Manager Planning and Development
Phil De Losa, Manager Governance
Joanne Creedon, Governance Officer
Gabrielle Pattenden, Governance Officer
Ian Nice, Manager City Development
Tracey Cheeseman, Acting Team Leader Communications and Events
Lindsay Holland, Facilities Officer

**City of Kingston
Ordinary Meeting of Council**

Minutes

24 July 2017

1. Apologies

An apology from Cr Hua was submitted to the meeting.

Moved: Cr Brownlees

Seconded: Cr Bearsley

That the apology from Cr Hua be received.

CARRIED

2. Confirmation of Minutes of Previous Meetings

Moved: Cr Gledhill

Seconded: Cr Bearsley

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

CARRIED

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

Cr Bearsley foreshadowed a declaration of an indirect conflict of interest in Item 9.1 Community Grants Program 2017-2018 - Funding Recommendations for Partnership Grants, Annual Grants and Access and Equity Grants Allocations.

Cr Brownlees foreshadowed a declaration of an indirect conflict of interest in Item 9.1 Community Grants Program 2017-2018 - Funding Recommendations for Partnership Grants, Annual Grants and Access and Equity Grants Allocations.

Cr Oxley foreshadowed a declaration of an indirect conflict of interest in Item 9.3 Residential Aged Care Homes Transfer and Item 12.2 Notice of Motion No. 27/2017 - Cr West - Southern Cross Care Victoria.

Cr Eden foreshadowed a declaration of an indirect conflict of interest in Item 9.3 Residential Aged Care Homes Transfer and Item 12.2 Notice of Motion No. 27/2017 - Cr West - Southern Cross Care Victoria.

4. Petitions

Parkdale Shopping Centre Improvements

Moved: Cr Gledhill

Seconded: Cr Brownlees

That the petition be referred to the CEO for consideration.

CARRIED

5. Presentation of Awards

World Mission Society Church of God

The Mayor Cr Eden presented a plaque to World Mission Society Church of God in appreciation of their work in undertaking volunteer beach cleaning the City of Kingston.

6. Reports from Delegates Appointed by Council to Various Organisations

There were no delegates' reports

Block Resolution

Moved: Cr Gledhill

Seconded: Cr Staikos

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

- 8.2 Climate Change Strategy Development / TAKE2 Pledge
- 9.2 Community Grants Program 2017-2018 - Irregular Grant Application
- 9.5 Con 17/33 Jack Grut Reserve Pavilion Upgrade - Award of Contract
- 10.1 2017-18 Arts Grants Program - Funding Recommendations for Grant Allocations
- 11.1 Investment Report – June 2017
- 11.2 Supply of Microsoft Enterprise Agreement
- 11.4 Assembly of Councillors Record
- 11.7 Annual Report of the Chairman of the Audit Committee

CARRIED

7. Question Time

Question Time took place at 8.58pm. Refer to page 33 of the Minutes.

8. Planning and Development Reports

8.1 KP 544/2016 - 420 South Road & 34 Healey Street Moorabbin

It is recorded that Robyn Cochrane spoke on behalf of the objectors.

It is recorded that Vaughan Connor spoke on behalf of the applicant.

Moved: Cr Staikos

Seconded: Cr Brownlees

That Council determine to support the proposal and issue a Notice of Decision to use and develop the land for the staged construction of a mixed use development comprising not more than 438 residential apartments, 120 serviced apartments, food and drink premise (café), retail premises, restricted recreation facility (gym), to provide car parking on another site, a reduction in car parking requirements, and loading bay requirements, alter access to a road in a Road Zone Category 1, removal of easements and the creation of a carriageway easement at No. 420 South Road and No. 34 Healey Street Moorabbin 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 25 November 2016, but modified to show:
 - a. the provision of three (3) sets of landscape plans for areas that will be contained within future lot boundaries or common property, in accordance with the submitted landscape plans, but amended to the satisfaction of the Responsible Authority to include:
 - 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. The location of individual plants is to be illustrated on the landscape plans.
 - 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. 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.
 - v. Replacement of the *Hymenosporum flavum* with a species more

- suitable for the location.
- vi. Replacement of the trees proposed for the central courtyard with trees capable of reaching minimum dimensions at maturity of 12 metres in height and a minimum canopy width of 8 metres.
 - vii. A tree capable of reaching a minimum mature height of 6 metres in the front setback of each of the ground floor dwellings along Linton Street.
 - viii. Landscaping, including canopy trees capable of reaching a minimum mature height of 12 metres in the area north of the pedestrian and bicycle paths at 34 Healey Street.
 - ix. No trees with a mature height over five (5) meters are to be planted over proposed or existing easements.
 - x. 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.
 - xi. Specifications to the satisfaction of the Responsible Authority of the soil volume, soil media, irrigation, drainage and any other design feature that confirms that all planter boxes are suitable for the proposed plantings.
 - xii. The provision of fully detailed plans for rain gardens, including any proposed species for these locations.
 - xiii. The location of any tree protection measures including for street trees accurately drawn to scale and labelled and notations referring to the endorsed Tree Management Plan as required by condition 10 of this permit.
 - xiv. 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.
 - xv. Full details of furniture and infrastructure provided for all communal open space areas.
- b. the provision of three (3) sets of landscape plans for areas that will form road reserves and land vested in Council, in accordance with the submitted landscape plans, but amended to the satisfaction of the Responsible Authority to include:
- i. Dimensions of public areas.
 - ii. New plantings including their layout to be provided in all road reserves, and other areas, with any street trees along Linton Street to be *Pyrus calleryana* 'Chanticleer'; plantings along the north/south road to be *Tristaniopsis laurina* 'Luscious', and plantings along the east/west link to be *Tristaniopsis laurina*.
 - iii. The use of small trees, shrubs and low cover plantings only, towards the site's southern interface to Horscroft Place properties.
 - iv. A detailed plant schedule of all proposed trees, shrubs and groundcovers, including botanical names, common names, pot sizes, sizes at maturity and quantities of each plant. All species selected must be to the satisfaction of the Responsible Authority.
 - v. Detailed planting and construction drawings including site contours

**City of Kingston
Ordinary Meeting of Council**

Minutes

24 July 2017

and any proposed changes to existing levels including any structural elements such as retaining walls.

- vi. Street and park tree planting to use 40cm and/or 45 litres and to be in accordance with Council's Tree Management Technical Guidelines (2011).
- c. Fully detailed and dimensioned plans, including;
 - i. The location of tree protection measures illustrated to scale and labeled on the Basement and Ground Floor Plans and a notation referring to the endorsed Tree Management Plan as required by condition 10 of this permit.
 - ii. Finished and natural ground levels throughout the site.
 - iii. The allocation of car parking.
 - iv. The allocation and dimensions of storage, demonstrating a minimum of 6 cubic metres for each apartment.
 - v. The provision of sight splays to basement ramp entries and vehicle access to street frontages, in accordance with the requirements of Clause 52.06-8 of the Planning Scheme.
 - vi. Roof top services, siting and screening treatments.
 - vii. The provision section drawings of balcony planter treatments utilised to prevent overlooking to adjoining residential properties to Healey Street, demonstrating that view lines within nine metres of the balconies are obscured.
 - viii. The provision of horizontal ledge treatments to balcony edges where internal views are possible to lower level balconies and terraces.
 - ix. The location of air condenser for apartments, with these located outside of primary private open space areas and screened from view.
 - x. Details demonstrating the operability of windows to all shared apartment hallways.
 - xi. The provision of a minimum 4.5 metre setback to the western side boundary.
 - xii. A redesign of the alignment, design and width of pedestrian and bicycle paths along the east/west link, to include:
 - 1) An 8.5m wide cross section provided between the north boundary of No. 32 Healey Street and the area earmarked for 'future development' comprising of:
 - A 3m wide landscaping buffer along the boundary

**City of Kingston
Ordinary Meeting of Council**

Minutes

24 July 2017

shared with No.32 Healy Street

- A 3m cycle path,
 - A 2m wide pedestrian path,
 - A 0.5m wide landscape buffer to the north of the pedestrian path
 - A 3 by 3 splay to accommodate a canopy tree adjacent to the Healey Street frontage.
- 2) The path cross section is to be consistent throughout the site except where the path adjoins the residential entries of ground level apartments where the 0.5m wide landscape buffer is not required
- 3) Where the path sits between apartment building A and building M, the realignment required under condition xii 1) is not to significantly reduce the café /function outdoor space.
- xiii. Improvements to the design and identification of secondary building entries through the provision of canopies to each entry, the widening of pavement treatments leading to each entry, and landscaping provided on the perimeter of the pavement treatments.
- xiv. A setback of 3m (measured to the balcony or wall which ever applies) to be provided for all elevations above the podiums of Buildings C and B and to the internal road elevation for Building A.
- xv. The internal rearrangement of apartments located within the inside elbow of residential apartments, generally in accordance with the concept sketch TP104B(2) dated February 2016.
- xvi. All ground floor apartment interface treatment with the public realm to be generally in accordance with Drawing No.TP17B-P2 dated 3 March 2017 and include improvements to the fencing treatment which may comprise a combination of solid and permeable materials.
- xvii. Secondary entries to buildings to be provided with improved visibility and legibility through a combination of canopy treatments, widening of footpath areas leading to them and landscaping.
- d. The provision of amenities such as toilet facilities for the fifth floor common balcony of building A, with the deletion of apartment 401 to enable this provision. Internal layout changes may include the increase in size of apartment 416. Any layout changes must ensure that a direct apartment interface to the common balcony is limited.

**City of Kingston
Ordinary Meeting of Council**

Minutes

24 July 2017

- e. The provision of amenities for the eighth floor common balcony of building B, with the deletion of apartment 701 to enable this provision. Internal layout changes may include the increase in size of apartment 713. Any layout changes must ensure that a direct apartment interface to the common balcony is limited.
 - f. Elevations corrected to reflect the accurate depiction of details on floor plans, and corrected materials legend notations.
 - g. The provision of longitudinal sections of basement ramps showing gradients, levels, distances, head room clearances and the flood proof apex requirements specified by Melbourne Water.
 - h. Provision of a detailed eastern side elevation of building H (serviced apartments), including full details of materials and finishes to articulate and treat this visually exposed wall, to the satisfaction of the Responsible Authority.
 - i. The incorporation of recommendations as specified by the Wind Assessment required by condition 4.
 - j. The incorporation of the initiatives outlined in the amended Sustainability Management Plan required by condition 5.
 - k. Any changes and further details required to waste storage design, provision or location detailed by the Waste Management Plan required by condition 6.
 - l. Any changes and further details required to ensure appropriate noise attenuation measures as detailed in the Acoustic Report required by condition 7.
 - m. The incorporation of changes and additions as specified in the Daylight and Ventilation Report required by condition 8.
2. Unless otherwise agreed in writing by VicRoads, and prior to the commencement of any roadworks, the following must be submitted to and approved by the Roads Corporation (VicRoads):
- a. Functional stage road safety audit;
 - b. Revised Functional Layout Plan (FLP) as per the findings of the functional stage road safety audit.

Endorsed Plans

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

Wind Assessment

4. Prior to the endorsement of plans required by Condition 1, three (3) copies of a detailed 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, generally in accordance

with the report prepared by Windtech, dated 27 July 2016, and must include, but is not limited to:

- n. Wind tunnel testing for the entirety of the development.
- o. A full assessment of all outdoor common areas used for recreation purposes and their suitability for long exposure activities.
- p. All pedestrian areas.

Sustainability Management Plan

5. 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 Ark Resources, dated 24 November 2016, but amended to reflect any changes made to the proposal, along with ensuring consistency throughout the report and with plans. The SMP must include the following (but is not limited to);
 - a. A detailed assessment of the development using the Built Environment Sustainability Scorecard (BESS).
 - b. Provision of sample apartment energy ratings consistent with the SDAPP/BESS guidelines for ratings, and where required a detailed response to address any excessively high cooling loads. A cooling load of 30mj/sqm/yr is acceptable.
 - c. A full assessment of shading requirements for the building, particularly for large areas of glazing exposed to north and west elevations.
 - d. Full details of catchment areas being directed to rainwater tanks, and number of toilets being flushed.
 - e. Full details of rain gardens and their catchment areas, including ongoing maintenance requirements and management regimes to be implemented.
 - f. Correct bicycle parking and facilities provision details.

Waste Management Plan

6. Prior to the endorsement of plans required by condition 1, the provision of three (3) copies of a Waste Management Plan (WMP) must be submitted for approval, to the satisfaction of the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. Three copies of the plan must be submitted. The plan must include but is not limited to:
 - a. The supply of bins for both 'general waste' and 'recyclable waste' and demonstrating how the garbage and recycling aspects of the development will operate, including minimisation of bin numbers where possible to increase collection efficiency;
 - b. The manner in which waste will be stored and collected including: type, size and number of containers and procedure(s) put in place as to how tenants/occupiers are required to dispose of waste;
 - c. Spatial provision for on-site storage;

- d. Private contractor details; and
- e. The size of the collection vehicle and the frequency, time and point of collection, with waste collection to occur with minimal interference to pedestrian amenity.

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

Acoustic Report

- 7. Prior to the endorsement of plans required by Condition 1, the provision of three (3) copies of an Acoustic Report must be submitted for endorsement, to the satisfaction of the Responsible Authority. The report must be prepared by a suitably qualified acoustic engineer to show how the requirements of State Environment Protection Policy N-1 and relevant Australian Standards will be met and must prescribe the form of acoustic treatment to:
 - a. dwellings to protect occupants from external noise sources including existing commercial premises on South Road, communal courtyards and balconies.
 - b. any mechanical plant equipment installed or constructed as part of the development.
 - c. commercial premises within the development.

Where there are recommendations of an ongoing nature, these must be implemented to the satisfaction of the Responsible Authority.

Daylight and Ventilation Report

- 8. Prior to the endorsement of plans required by Condition 1, a daylight and ventilation report (the "Daylight and Ventilation Report") must be prepared to the satisfaction of the responsible authority for consideration and if approved by the Council, endorsement. The Daylight and Ventilation Report must:
 - a. address achievement of appropriate levels of natural light to the satisfaction of the Responsible Authority within apartments and common areas;
 - b. address achievement of ventilation within apartments and common areas to the satisfaction of the Responsible Authority;
 - c. specify any necessary additions or changes required to the plan to achieve the targets specified in sub-paragraphs a. and b.

Easement Plan

- 9. Prior to the occupation of the development the following must occur:
 - a. A Plan of Subdivision prepared by a licensed land surveyor must be submitted, showing the expungement of easements and the creation of a carriageway easement in favour of the adjoining property at No. 422-424 South Road Moorabbin, to the satisfaction of the Responsible Authority.

**City of Kingston
Ordinary Meeting of Council**

Minutes

24 July 2017

- b. The Plan of Subdivision must be certified, and then registered by the Office of Titles.

Tree Management and Protection Plan

10. Before the development starts, including demolition or removal of vegetation, a Tree Protection Plan (drawing) and Tree Management Plan (report) must be submitted to and be endorsed by the Responsible Authority.
11. The Tree Protection Plan must be drawn to scale, reference the Tree Management Plan and provide details of:
 - a. The Tree Protection Zone and Structural Root Zone, calculated in accordance with AS4970-2009, for all trees to be retained on the site and for all trees on neighbouring properties where the Tree Protection Zone falls partially within the subject site.
 - b. Tree protection fencing, or ground protection where required, provided in accordance with AS4970-2009.
 - c. Stages of development at which inspections are required to ensure tree protection measures are adhered to must be specified.
 - d. Appropriate signage on any tree protection fencing prohibiting access, excavation, changes in soil levels, or any storage within the Tree Protection Zone in accordance with AS4970-2009 unless with the prior written consent and under the direct supervision of the consulting arborist.
 - e. Maintenance of the area(s) within the Tree Protection Zone in accordance with AS4970-2009.
 - f. Any pruning to be undertaken being in accordance with AS4373-2007.
12. The Tree Management Plan must be prepared by a suitably qualified arborist, reference the Tree Protection Plan and provide details of:
 - a. Any non-destructive root investigation undertaken in accordance with AS4970-2009 to determine the location and distribution of roots of trees nominated on the Tree Protection Plan.
 - b. Proposed footings and construction methods for any buildings or structures within the Tree Protection Zone nominated on the Tree Protection Plan.
 - c. How excavation impacts, including soil level changes, on trees to be retained will be managed.
 - d. How the canopy of trees nominated on the Tree Protection Plan will be protected.
 - e. Any other measures required to demonstrate the successful ongoing retention and viability post-construction of any trees nominated on the Tree Protection Plan.

Construction Management

13. Prior to the commencement of any buildings and works on the land in a stage start (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 Guidelines, October 2016 (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.

Infrastructure, road works and drainage engineering requirements

14. Before the development commences, detailed engineering plans of existing and proposed Council infrastructure including road works, shared user paths, stormwater works and any other new council infrastructure works must be prepared as per Council's Standards and Specifications and submitted to and approved by Council. All engineering plans for road works, shared user paths, drainage and other new Council infrastructure must be designed in accordance with Councils "Roads and Drainage Design Standards and Presentation of Designs" to Council's satisfaction. A priced schedule of all works related to existing and or proposed Council infrastructure and the payment of Council's engineering fees of 3.25% of the cost of the works are required to be submitted prior to approval.
15. Unless otherwise approved in writing by the Responsible Authority, prior to the occupation of dwellings in a stage, all engineering works related to existing and/or proposed Council infrastructure including the roads, shared user paths, drainage and associated works for that stage must be constructed in accordance with engineering plans and specifications approved by the Council, to the satisfaction of the Responsible Authority and at the cost of the owner/developer. These works include:
 - Vehicle access in approved locations in accordance with approved plans, design and specifications. The works must include construction of concrete lay back and removal of all redundant access points, reinstating the area to match adjacent materials and profiles
 - Underground drainage to serve each lot and roadways including any outfall drainage system outside the land necessary to connect to the Council's or Melbourne Water's drainage system
 - Sealed road pavement
 - Service Conduits
 - Fibre optic conduit network throughout the development
 - Kerb and Channel

**City of Kingston
Ordinary Meeting of Council**

Minutes

24 July 2017

- Footpath and/or Cycle Path where shown on the endorsed plans required by this permit with appropriate linkages to adjoining land
 - Traffic management works including signage, line marking and traffic islands
 - Intersection works with adjoining roads
 - Street lighting
 - Underground utility services
 - Street Signs
 - Permanent Survey Marks
 - Construction of nature strips
 - Any fencing of reserves created by this development
16. Unless with prior written consent of the Responsible Authority, before the development commences the following Integrated Stormwater Management (drainage) documents must be prepared, by a suitably qualified person, to the satisfaction of the Responsible Authority:
- a. Stormwater Management (drainage) Plan(s) must be prepared, 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 works including all existing and proposed features that may have an impact on the stormwater (drainage) works, including landscaping details.
 - b. Prior to submitting detailed plans, a comprehensive stormwater management (drainage) strategy for the site must be prepared that addresses the requirements specified within Council's *"Civil Design requirements for Developers – Part A: Integrated Stormwater Management"*.
 - c. The stormwater management (drainage) strategy must include a report with music modelling results demonstrating water sensitive urban design treatments that achieve Victorian best practice objectives. These may include the use of an infiltration or bio-retention system, rainwater tanks connected for reuse, or other treatments to the satisfaction of the Responsible Authority.
 - d. The water sensitive urban design treatments as required by the above conditions must be implemented on-site, unless an alternative agreement is reached with the Responsible Authority.
17. Stormwater (drainage) works must be implemented in accordance with the approved stormwater management (drainage) plan and to the satisfaction of the Responsible Authority including the following:
- a. All stormwater (drainage) works must be provided onsite so as to prevent overflows onto adjacent properties.
 - b. The implementation of stormwater (drainage) detention system which restricts stormwater discharge to the maximum allowable flowrate of 138 L/sec.
 - c. All stormwater (drainage) works must be maintained to the satisfaction of the Responsible authority.
18. A groundwater assessment report (GAR) must be prepared by a qualified hydro-

**City of Kingston
Ordinary Meeting of Council**

Minutes

24 July 2017

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 ground water management, a ground water management plan (GMP) must be submitted to and approved by the responsible authority.
19. 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 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.
20. In any case where the basement design and construction, required by the above condition of this permit, does not accord with the plan(s) approved under this permit the endorsed plan(s) must be amended to the satisfaction and with the written consent of the responsible authority.
21. 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, entirely at the cost of the owner/developer.
22. 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.
23. The replacement of all footpaths, including offsets, must be constructed the satisfaction of the Responsible Authority.
24. All reinstatements and vehicle crossings must be constructed to the satisfaction of the Responsible Authority.
25. All redundant vehicle crossings must be removed (including redundant portions of vehicle crossings) to the satisfaction of the Responsible Authority.

Environmental Audit

26. Prior to the commencement of any buildings and works:

**City of Kingston
Ordinary Meeting of Council**

Minutes

24 July 2017

- 26.1 subject to condition 26.3 of this permit:
 - 26.1.1 an environmental auditor must be engaged to undertake an environmental audit of the land pursuant to section 53U of the Environment Protection Act 1970; and
 - 26.1.2 the environmental audit referred to in condition 26.1 of this permit must be completed by an environmental auditor pursuant to section 53W of the Environment Protection Act 1970;

- 26.2 the following documents issued upon completion of the environmental audit required by conditions 26.1.1 and 26.1.2 of this permit must be provided to the Responsible Authority:
 - 26.2.1 the environmental audit report issued by the environmental auditor pursuant to section 53X of the Environment Protection Act 1970; and
 - 26.2.2 any clean up to the extent practicable submission made by the environmental auditor pursuant to clause 19 of the State Environment Protection Policy (Groundwaters of Victoria) as varied on 21 March 2002; and
 - 26.2.3 any clean up to the extent practicable determination made by the Environment Protection Authority pursuant to clause 19 of the State Environment Protection Policy (Groundwaters of Victoria) as varied on 21 March 2002; and
 - 26.2.4 any certificate of environmental audit issued by an environmental auditor pursuant to section 53Y of the Environment Protection Act 1970; and
 - 26.2.5 any statement of environmental audit issued by an environmental auditor pursuant to section 53Z of the Environment Protection Act 1970 confirming to the satisfaction of Council that the land is suitable for the development and use allowed by this permit;

- 26.3 the requirement in conditions 26.1.1 and 26.1.2 does not apply to:
 - 26.3.1 works necessarily forming part of the site investigation or an environmental audit process including any investigation, clean up or remediation; or
 - 26.3.2 any works or use permitted with the written consent of the Responsible Authority;

- 27. Prior to the commencement of the use of the land or the issue of an occupancy permit under the Building Act 1993 a letter prepared and signed by an environmental auditor in respect of the land must be submitted to the Responsible Authority verifying that any conditions attached to the certificate of environmental audit or statement of environmental audit issued for the land have been satisfied to the extent necessary for the commencement of the use of the development of the land allowed by this permit or the safe occupancy of the

**City of Kingston
Ordinary Meeting of Council**

Minutes

24 July 2017

development.

28. Any development and/or use permitted by this permit must comply with conditions attached to any certificate of environmental audit or statement of environmental audit for the land;
29. Before the use or development starts the land owner must enter into an agreement with the Council under section 173 of the Planning and Environment Act 1987 to provide for the following: -
 - 29.1 compliance with the conditions attached to any certificate of environmental audit or statement of environmental audit issued for the land;
 - 29.2 provision of security to the Council in relation to compliance with any conditions attached to any certificate of environmental audit or statement of environmental audit; and
 - 29.3 notification to future occupiers and purchasers of the land or any part of the land of any conditions attached to any certificate of environmental audit or statement of environmental audit; and
 - 29.4 the agreement must be prepared by or on behalf of the Council and must contain terms and conditions to the satisfaction of the Council.
30. The owner must pay the reasonable costs of the preparation, execution and registration of the agreement required by condition 29 of this permit.
31. Written notice of the engagement or termination of the engagement of an environmental auditor to undertake an environmental audit of the land required by conditions 26.1.1 and 26.1.2 of this permit must be provided to the Council within 30 days of that engagement or termination.

VicRoads conditions

32. Prior to the commencement of any roadworks, the applicant must submit the detailed engineering design plans along with detailed design stage road safety audit to VicRoads for review and obtain written approval. The detailed design plans must be prepared generally in accordance with the approved functional layout plan and functional stage road safety audit;
33. Prior to the commencement of the use of the development hereby approved, all roadworks as required by VicRoads must be completed generally in accordance with approved FLP and detailed design plans to the satisfaction of VicRoads and the Responsible Authority and at no costs to VicRoads;
34. All disused or redundant vehicle crossings must be removed and the area reinstated to match with the adjacent road environment to the satisfaction of the Responsible Authority and at no cost to the Roads Corporation prior to the commencement of the use of the development hereby approved.
35. No work may be commenced in, on, under or over the road reserve without having first obtaining all necessary approval under the Road Management Act 2004, the Road Safety Act 1986, and any other relevant Act or regulations

created under those Acts;

**Department of Economic Development, Jobs, Transport and Resources
condition**

36. The permit holder must take all reasonable steps to ensure that disruption to bus operation along South Road is kept to a minimum during the construction of the development. Foreseen disruptions to bus operations and mitigation measures must be communicated to Public Transport Victoria fourteen days (14) prior.

Melbourne Water conditions

37. Prior to the development plans being endorsed and the commencement of works, amended plans must be submitted to Council and Melbourne Water addressing Melbourne Water's conditions. Plans must be submitted with ground and floor levels to Australian Height Datum (AHD).
38. Pollution and sediment laden runoff shall not be discharged directly or indirectly into Melbourne Water's drains or waterways.
39. The buildings must be constructed with finished floor levels set a minimum of 300mm above the applicable flood level.
40. The entry / exit driveways of the basement car parks must incorporate a flood proof apex of a minimum of 300mm above the applicable flood level.
41. All doors, windows, vents and openings to the basement car parks, with the exception of the entry / exit driveways, must be a minimum of 300mm above the applicable flood level.
42. Prior to the issue of an Occupancy Permit, a certified survey plan, showing finished floor levels (as constructed) reduced to the Australian Height Datum, must be submitted to Melbourne Water to demonstrate that the floor levels have been constructed in accordance with Melbourne Water's requirements.
43. Prior to the commencement of works, a separate application direct to Melbourne Water must be made for approval of any new or modified storm water connection to Melbourne Water's drains or watercourses.

United Energy conditions

44. The owner/developer must enter into an agreement with United Energy for an extension, upgrade and/or rearrangement of the current electricity supply to lots on the land which may also require:
- a. establishing easement(s) internally or externally to the site; and/or
 - b. providing site(s) to locate substations; and
45. The owner/developer must make a payment to UE to cover the cost of preparing such documentation and work.

Street Trees

46. Tree Protection Fencing is to be established around the two *Melia azedarach*

**City of Kingston
Ordinary Meeting of Council**

Minutes

24 July 2017

(White Cedar) street trees prior to demolition and maintained until all works on site are complete.

- a. The fencing is 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. The fencing is to encompass the entire nature strip with either end 2 metres from the base of the tree.
47. Prior to the removal of the *Callistemon salignus* (Willow Bottlebrush) street tree from the Healey Street nature strip, payment must be made to Kingston City Council's customer service in accordance with Council's Street Tree Removal Procedures. This fee includes the removal and replacement of this tree/s and that must be undertaken by Council at the expense of the Developer/Owner.

Parking construction and management

48. Prior to the occupation of the development, three (3) copies of a car parking management plan prepared by an appropriately qualified traffic consultant, must be submitted to and approved by the Responsible Authority. When approved, the car parking management plan will be endorsed and form part of this permit. The car parking management plan must address, but is not necessarily limited to, all of the following:
- a. The number and location of the car parking spaces to each tenancy/use, apartment and visitors;
 - b. The management of visitor car parking spaces and security arrangements for occupants of the development;
 - c. Details of wayfinding, cleaning, security of end of trip bicycle facilities;
 - d. Policing arrangements and/or formal agreements;
 - e. A schedule of all proposed signage including directional arrows and signage, informative signs indicating location of disabled bays and bicycle parking, exits, restrictions, pay parking system etc;
 - f. Details on how the resident bicycle parking and commercial bicycle parking spaces are to be secured and how visitors are to gain access to this area and how the commercial / retail bicycle parking spaces are to be secured; and
 - g. Details regarding the management of loading and unloading of goods and materials for the commercial and residential uses.
49. The car parking management plan must be implemented to the satisfaction of the Responsible Authority. No alterations may be made without the prior written approval of the Responsible Authority.
50. Prior to the occupation of the dwellings hereby permitted in a specified stage, 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:

**City of Kingston
Ordinary Meeting of Council**

Minutes

24 July 2017

- 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. Clearly signposted/marked as resident, employee, disabled or visitor parking.
- f. 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

51. 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.

Food and Drink Premises (café), Restricted Recreation Facility (gym) and Retail Premises

52. Noise emissions from the site must not exceed that permissible in either the State Environment Protection Policy (Control of Noise from Commerce, Industry or Trade) No. N-1 or the State Environment Protection Policy (Control of Music from Public Premises) No. N-2, or any succeeding legislation, of the Environmental Protection Authority.
53. Without the prior written consent of the Responsible Authority, no form of public address system or sound amplification equipment shall be used on the premises so as to be audible outside the premises.
54. The Food and Drink Premises (café) must only operate between the following hours:

Monday – Friday 7.30am – 5.00pm

Saturday & Sunday 8.00am – 5.00pm
55. Not more than 60 patrons may be permitted on the Food and Drink Premises at any one time.
56. Empty bottles must be stored internally. Any transfer of bottles to external areas must not take place after 10.00pm on any night, or before 7.00am on any day.
57. The Function Room, associated with the Food and Drink Premises (café) located

**City of Kingston
Ordinary Meeting of Council**

Minutes

24 July 2017

in building M must only operate between the following hours:

Monday – Sunday 10.00am – 5.00pm

58. Not more than 50 patrons may be permitted in the Function Room at any one time.

59. The Restricted Recreation Facility (gym) must only operate between the following hours:

Monday – Friday 7.30am – 9.00pm

Saturday & Sunday 8.00am – 10.00pm

60. No group training activities associated with the Restricted Recreation Facility must occur outside the building or on the premises balcony before 9.00am or after 7.00pm.

61. Not more than 100 patrons may be permitted in the Restricted Recreation Facility at any one time.

62. The permitted Retail Premises is restricted to the nominated 486 square metres of floor area shown in building H.

63. The retail premises must only operate between the following hours:

Monday – Sunday 6:00am – 8.00pm

64. Prior to the occupation of building M, details must be provided to the Responsible Authority, regarding the operation and management of the business centre by the owners corporation, as a facility confined to the exclusive use by residents of the development and occupants of the serviced apartments.

65. The ancillary function centre must remain ancillary to the café at all times.

Public realm landscaping and infrastructure requirements

66. The developer shall establish and maintain all horticultural and landscape infrastructure works for a Maintenance Period of two (2) years, inclusive of two (2) summers. The Maintenance Period commences when all works have been completed in accordance with the endorsed plans and following a satisfactory inspection by the Responsible Authority. Any defects noted by the Responsible Authority shall be rectified by the developer prior to the start of the Maintenance Period. All costs associated with the works must be borne by the developer.

67. Maintenance shall include the care of completed works by accepted horticultural and construction practices, as well as rectifying any defects that become apparent under normal use. Maintenance shall include, but not be limited to, the following where and as required:

- a. cultivation, watering, fertilising, weeding, staking
- b. replacement of unsatisfactory plant materials and replanting

**City of Kingston
Ordinary Meeting of Council**

Minutes

24 July 2017

- c. mulching and topping up all mulched surfaces
 - d. maintaining all mulched surfaces clean and tidy condition and reinstating if necessary to the requirements in this Specification
 - e. relaying depressions in paved areas
 - f. re-fixing loose signage and furniture

 - g. making good any soil subsidence or erosion which may occur after the soil filling and
 - h. preparation operations
 - i. repairing or replacing as appropriate any plants, trees, paving or furniture damaged by
 - j. any cause whatsoever; and
 - k. maintaining all sites in a neat and tidy condition.
68. Protect all grassed and planted areas, paving and furniture from damage of any kind whatsoever including malicious, irresponsible or accidental damage during execution and during the Maintenance Period. All reinstatement costs incurred due to failure to comply with this clause are the responsibility of the developer.
69. Replace any plants that fail to thrive or survive during the Maintenance Period within five (5) Working Days of such condition becoming evident. Replacements shall be of a similar size and quality and identical in species or variety to the failed plants unless otherwise approved by the Responsible Authority.
70. Planted areas shall be maintained during the Maintenance Period as follows:
- (a) Individual trees or shrubs:
A weed free watering saucer shall be maintained with a minimum diameter of 1m, except in irrigated lawn areas. Monitor the moisture content of root balls to forestall any water stress.
 - (b) Planting beds:
Planting beds shall be maintained weed free, and the mulch kept topped up to the specified depth and maintained clear of plant stems. Control any plant chlorosis (yellowing) with appropriate fertilisers.
71. Remove by hand any rubbish and weed growth that may occur or reoccur during the Maintenance Period. This work shall be carried out regularly so that at weekly intervals the area is weed and rubbish free.
72. The developer shall maintain a maintenance diary outlining the scheduled maintenance for the duration of the Maintenance Period, which must be provided to the Responsible Authority prior to the responsibility for the future care and maintenance of the works is transferred to Council.
73. The developer must request an inspection by the Responsible Authority a minimum 7-14 working days prior to the end of the Maintenance Period. Any defects noted by the Responsible Authority shall be rectified by the developer prior to the end of the Maintenance Period or extended Maintenance Period required for defects completion as agreed by the Responsible Authority.

**City of Kingston
Ordinary Meeting of Council**

Minutes

24 July 2017

74. At the end of the Maintenance Period or extended Maintenance Period, the developer shall ensure that all Services included in the endorsed plans required by condition 7 are complete and ready for Handover to Council. Complete shall mean that:
- a) the relevant Services comply with endorsed plans
 - b) the Services are in undamaged condition
 - c) horticultural items are thriving and healthy
 - d) pavements, structures and fixtures are stable, clean, and structurally and visually sound;
 - e) all debris and any material stored on or adjacent to the site has been removed from the site; and
 - f) A certificate of compliance in accordance with *AS 4685:2014 - Australian Standards for Playgrounds and Playground Equipment*.

If all of these conditions are satisfactorily complete, the Responsible Authority shall accept Handover of the Services in writing, and Council shall be responsible for those Services thereafter.

If, in the opinion of the Responsible Authority, any of the conditions are not satisfactorily completed, the Maintenance Period and the associated responsibilities of the developer shall be extended for a further period defined by the Responsible Authority to allow the developer further time to bring the relevant Services to completion in accordance with the requirements of this condition and to enable Handover of the relevant Services to Council. If the developer fails to complete the relevant Services in this extended period in accordance with this clause the Responsible Authority may, at the Responsible Authority's discretion, engage a third party to complete the relevant Services, and the costs so incurred by Council shall be borne by the developer.

General amenity conditions

75. 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.
76. 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.
77. Service units, including air conditioning/heating units, must not be located where they will be visible from any public area.
78. 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.
79. No commercial rubbish bins may be placed or allowed to remain in view of the

**City of Kingston
Ordinary Meeting of Council**

Minutes

24 July 2017

public, and no receptacle shall emit any adverse smells.

80. The amenity of the area must not be detrimentally effected by the use of the land, including through the:
- a. Transport of materials, goods or commodities to or from the land.
 - b. Appearance of any building, works or materials.
 - c. Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil.
 - d. Presence of vermin.
 - e. In any other way.
- to the satisfaction of the Responsible Authority.

Completion

81. Prior to the occupation of the dwellings hereby permitted in a stage specified in the endorsed plans, 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.
82. Prior to the occupation of the dwellings hereby permitted in a stage specified in the endorsed plans, 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.
83. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.

Time Limits

84. 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 six (6) years from the date of permit issue.
 - The use is discontinued for a period of two (2) years.
 - The plan of subdivision is not certified within two (2) years from the date of this permit.
 - The plan of subdivision is not registered within five (5) years of the date of certification.

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

**City of Kingston
Ordinary Meeting of Council**

Minutes

24 July 2017

- 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 flood level for the property grades from 30.5 metres to Australian Height Datum (AHD) at the south east corner down to 29.7 metres to AHD at the north west corner. If further information is required in relation to Melbourne Water's permit conditions shown above, please contact Melbourne Water on 9679 7517, quoting Melbourne Water's reference 277409.

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.

Note: The fee for removal of the street tree(s) from the nature strip is **\$2,508.71** (including GST), payable to Kingston City Council's Customer Service Department - refer to cashier code "STRE". Customer Service will confirm payment to the Parks Department. The removal of the tree requires a minimum of 2 weeks' notice from the Developer/Owner.

CARRIED

8.2 Climate Change Strategy Development / TAKE2 Pledge

RECOMMENDATION

That Council:

1. Support the commencement of the development of a Climate Change Strategy.
2. Agree to adopt the TAKE2 Pledge and commit to the actions outlined in Attachment 1.

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

9. Community Sustainability Reports

9.1 Community Grants Program 2017-2018 - Funding Recommendations for Partnership Grants, Annual Grants and Access and Equity Grants Allocations

Cr Brownlees disclosed an indirect conflict of interest by close association in this item and left the room at 7.35pm prior to any discussion on the matter.

Note: In accordance with Section 79(2)(a)(ii) Cr Brownlees provided a written disclosure of the conflict of interest to the CEO.

Cr Bearsley disclosed an indirect conflict of interest by close association in this item as her husband is the president of the Aspendale Gardens Residents Association and her sister is a member of the committee of the Aspendale Gardens Residents Association and left the room at 7.35pm prior to any discussion on the matter.

Procedural Motion

Moved: Cr Gledhill

Seconded: Cr Staikos

That Item 9.1 be considered in two parts to allow separate consideration of two grant allocations (Aspendale Gardens Residents Association – Aspendale Gardens Community Fun Day (Event) - \$8,200 and Farm Road Preschool – Replacement of Outdoor Play Equipment - \$5,000) which are the subject of conflicts of interest declared by Cr Bearsley and Cr Brownlees.

CARRIED

9.1 Part One

Community Grants Program 2017-2018 - Funding Recommendations for Partnership Grants, Annual Grants and Access and Equity Grants Allocations

Moved: Cr Gledhill

Seconded: Cr Staikos

That Council approve the following Annual Grants:

- Aspendale Gardens Residents Association – Aspendale Gardens Community Fun Day (Event) - \$8,200
- Farm Road Preschool – Replacement of Outdoor Play Equipment - \$5,000

Further that, no approved grant be paid to either entity if they are indebted to Council until the debt is satisfied or a repayment plan entered into.

CARRIED

Cr Bearsley returned to the meeting at 7.38 pm

Cr Brownlees returned to the meeting at 7.38 pm

9.1 Part Two

Community Grants Program 2017-2018 - Funding Recommendations for Partnership Grants, Annual Grants and Access and Equity Grants Allocations

Moved: Cr Staikos

Seconded: Cr Gledhill

That Council:

1. Approve the Partnership Grants, Annual Grants and Access and Equity Grants' funding allocations as recommended in Appendices 1- 4.

(**Note:** this does not include the two Annual Grants relating to Aspendale Gardens Residents Association – Aspendale Gardens Community Fun Day (Event) - \$8,200 and Farm Road Preschool – Replacement of Outdoor Play Equipment - \$5,000 adopted in the previous resolution)

2. Approve the transfer of identified Annual Grants recipients to Partnership Agreements as recommended in Appendix 5.
3. Approve the merger of the Access and Equity Grants Program and the Annual Grants Program.
4. Approve additional grants proposals as listed in the Additional Grants Proposals section 4.1.3 of this report.
5. Approve a grant of \$400 for the Friends of Braeside Park (subject to the use of the funds for uniforms that remain on site for volunteers' use).

Further that, no approved grant be paid to any entity who is indebted to Council until the debt is satisfied or a repayment plan entered into.

CARRIED

9.2 Community Grants Program 2017-2018 - Irregular Grant Application

RECOMMENDATION

That Council approves an Irregular Grants funding allocation of \$1,000 to the Cyprian Community of the Southern Suburbs of Melbourne Senior Citizens Club.

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

9.3 Residential Aged Care Homes Transfer

Cr Oxley declared an indirect conflict of interest due to close association and left the meeting at 7.44pm.

Note: In accordance with Section 79(2)(a)(ii) Cr Oxley provided a written disclosure of the conflict of interest to the CEO.

Cr Eden declared an indirect conflict of interest due to close association and left the meeting at 7.44pm.

Note: In accordance with Section 79(2)(a)(ii) Cr Eden provided a written disclosure of the conflict of interest to the CEO.

The Deputy Mayor Cr West assumed the chair.

Moved: Cr Brownlees

Seconded: Cr Gledhill

That Council:

1. Notes and endorses Mercy Health Australia Ltd (Mercy Health) assuming control of Southern Cross Care (Vic) (SCCV) on and with effect from 1 July 2017 and approved by Council's Chief Executive Officer.
2. Notes and endorses the sale and leasing terms previously agreed between SCCV and Council, Council and Mordialloc Community Nursing Home Inc. continuing to apply, modified to give effect to the change in control of SCCV. This includes any change to the model of care, facility design and construction timeline, not including any statutory requirements under the Planning & Environment Act, based on an ongoing expectation of:
 - SCCV constructing a new residential aged care home on 101-103 Collins Street, Mentone, Victoria of at least 126 places (beds);
 - SCCV continuing to lease the four Council owned residential aged care sites until the new home is constructed;
 - Residents as at 23 October 2015 from those sites being offered priority admission to the new home.
3. Endorses the extension of delegated authority to the Chief Executive Officer to undertake all things necessary to give effect to the above resolutions, including:
 - To enter into and procure from Mercy Health and SCCV such amended and/or additional covenants as the Chief Executive Officer considers necessary or desirable to give effect to the change in control of SCCV subject to the satisfaction of Council's legal advisors; and
 - To assess specific actions identified, such as extending the construction timeline.

**City of Kingston
Ordinary Meeting of Council**

Minutes

24 July 2017

Amendment

Moved: Cr Staikos

Seconded: Cr Barth

That Council:

1. Notes and endorses Mercy Health Australia Ltd (Mercy Health) assuming control of Southern Cross Care (Vic) (SCCV) on and with effect from 1 July 2017 and approved by Council's Chief Executive Officer.
2. Notes and endorses the sale and leasing terms previously agreed between SCCV and Council, Council and Mordialloc Community Nursing Home Inc. continuing to apply, modified to give effect to the change in control of SCCV. This includes any change to the model of care, facility design and construction timeline, not including any statutory requirements under the Planning & Environment Act, based on an ongoing expectation of:
 - SCCV constructing a new residential aged care home on 101-103 Collins Street, Mentone, Victoria of a range of 112 to 128 places (beds);
 - SCCV continuing to lease the four Council owned residential aged care sites until the new home is constructed;
 - Residents as at 23 October 2015 from those sites being offered priority admission to the new home.
3. Endorses the extension of delegated authority to the Chief Executive Officer to undertake all things necessary to give effect to the above resolutions, including:
 - To enter into and procure from Mercy Health and SCCV such amended and/or additional covenants as the Chief Executive Officer considers necessary or desirable to give effect to the change in control of SCCV subject to the satisfaction of Council's legal advisors; and
 - To assess specific actions identified, such as extending the construction timeline.
4. a. Work with SCCV to explore other measures of assistance and cooperation including those mentioned in the preamble to Cr West's Notice of Motion, that might be necessary in order to progress this project and to provide for the best interests of present and future residents as promptly as possible, including the possibility of a land exchange to facilitate construction of the aged care facility on the 4500 sqm Remo Street site and the return of the Collins Street site to Council for parkland; and
 - b. Receive a report on these matters as soon as possible, including any cost and timing implications.

Procedural Motion

Moved: Cr Gledhill

Seconded: Bearsley

That consideration of this matter be deferred until the August or September Ordinary Meeting of Council.

LOST

**City of Kingston
Ordinary Meeting of Council**

Minutes

24 July 2017

A Division was Called:

DIVISION:

FOR: Crs Brownlees, Bearsley and Gledhill (3)

AGAINST: Crs West, Staikos and Barth (3)

LOST on the casting vote of the Chairperson

The Amendment was put and CARRIED

A Division was Called:

DIVISION:

FOR: Crs West, Staikos and Barth (3)

AGAINST: Crs Brownlees, Bearsley and Gledhill (3)

CARRIED on the casting vote of the Chairperson

The Amendment became the Motion

The Motion was put and CARRIED

A Division was Called:

DIVISION:

FOR: Crs West, Staikos and Barth (3)

AGAINST: Crs Brownlees, Bearsley and Gledhill (3)

Cr Eden returned to the meeting at 8.29pm

Cr Oxley returned to the meeting at 8.29pm

9.4 Proposed Redevelopment of Acacia Avenue Kindergarten

Moved: Cr Gledhill

Seconded: Cr Bearsley

That Council:

1. Note the concerns of the Acacia Avenue Kindergarten Committee in relation to the proposed relocation to the Mentone Park Primary School site;
2. Endorse the redevelopment of the Acacia Avenue Kindergarten on the Acacia Road frontage of the Southern Road Reserve site, Mentone subject to receiving the \$650K State Government contribution;
3. Direct officers to:
 - progress detailed design and seek tenders
 - engage with the community
 - seek relevant statutory approvals, and
 - enter in to all relevant agreements (including a lease)
 - to support the redevelopment of the Acacia Avenue Kindergarten; and
4. Following redevelopment of the new facility, demolish the existing Kindergarten facility and the former MCH building and return the MCH site to the Southern Road Reserve.

CARRIED

9.5 Con 17/33 Jack Grut Reserve Pavilion Upgrade - Award of Contract

RECOMMENDATION

That Council:

1. Receive the information and note the outcome of the tender process for Con 17/33.
2. Agree to award Contract 17/33 – Jack Grut Reserve Pavilion Upgrade for the revised fixed lump sum price of **\$780,123.00** (exclusive of GST) to KL Modular Systems (Aust) P/L, subject to the finalisation of OHS and financial capability checks.
3. Approve the allocation of a separate \$30,000 contingency allocation and delegate authority to the CEO or his delegate to expend this allowance in order to expedite the successful installation of the prefabricated unit.
4. Note the budget implications arising from this report, as set out within paragraph 4.3.1, and to refer these to the 2017/18 mid-year budget review.

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

10. City Assets and Environment Reports

10.1 2017-18 Arts Grants Program - Funding Recommendations for Grant Allocations

RECOMMENDATION

That Council:

1. Endorse the 2017-18 Arts Grants funding allocations as recommended by the ACAC; and
2. Authorise officers to distribute the Arts Grants in line with the funding guidelines and conditions outlined.

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

10.2 Indoor Court Facilities - Feasibility Planning Update No. 2

Procedural Motion

Moved: Cr Gledhill

Seconded: Cr West

That consideration of this matter be deferred until the August Ordinary Meeting of Council.

CARRIED

10.3 Moorabbin Reserve Park Plan

Moved: Cr Staikos

Seconded: Cr Barth

That Council:

1. Receive the information and community feedback;
2. Adopt the draft Park Plan for Moorabbin Reserve excluding oval fencing. Further that a report detailing options for fencing be presented to the August Ordinary Meeting of Council;
3. Undertake detailed design of the park and implement stage 1 park improvements in the 2017/18 financial year.

CARRIED

Question Time

Lei Zhang of Edithvale asked:

“When will the proposed stormwater drainage work start on Munro Avenue between Fraser Avenue and Bayside Avenue?”

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.

Alex Breskin of Mentone asked:

“Given the damage that plastics cause to the bay, our environment and given that cities such as Port Phillip, Surf Coast, Warburton and Healesville have moved to discouraging or banning plastic bags outright in their municipalities, will Kingston consider adopting similar measures so that our beaches, parks and Green Wedge are safe from plastics?”

The CEO provided the following response:

“Council is considering a Notice of Motion as part of Item 12.5 on tonight’s agenda on this issue.”

Antony Falkingham of Mentone asked:

“Is there a proposal or plans to change the existing two storey height overlay in Brindisi Street Mentone? If so why, considering Council’s recent decision regarding the former Mentone Hotel.”

The CEO provided the following response:

“Council has no proposal before it to change the existing two storey height overlay in Brindisi Street, Mentone. Item 12.2 on tonight’s agenda which relates to a Notice of Motion infers in the background under point six that the Design and Development Overlay could be amended to permit a three storey development on land understood to be on the corner of Brindisi Street and Remo Street Mentone. This matter is not subject to any formal proposal before the Council.”

Simon Johnson of Parkdale asked:

“Is the CEO aware of any email exchange between Councillors and Southern Cross Care or associated entities that may be relevant to any of the items relating to aged care on tonight’s agenda?”

The CEO provided the following response:

“The information relevant to the officer report under Item 9.3 is contained within the officer report. I am aware there have been some email exchanges between Councillors and Southern Cross Care (Vic) but not to my knowledge regarding Mercy Health assuming control as per the officer report.”

Simon Johnson of Parkdale asked:

“The Leader newspaper recently printed a statement from Kingston Citizen of the Year, Mary Rimington, titled “Bid to Protect Vegetation”. It stated “a letter received from the office of the Roads and Safety minister on June 6 advised that approval be given in principle to allow on-road parking on the Beach Road kerbside lane to minimise foreshore vegetation loss” Does such a letter exist and if so, will Council make it public?”

The CEO provided the following response:

“I am not aware of such a letter to Council in June this year but Council cannot answer for Mrs Rimington.”

Simon Johnson of Parkdale asked:

“How is Councillor conduct reviewed to determine good character and if a Councillor is a fit and proper person, to act in the role of a Councillor under the Local Government Act?”

The CEO provided the following response:

“This is done in accordance with the Local Government Act, however a response will be provided in writing.”

Simon Johnson of Parkdale asked:

“Correspondence from Council dated 14 July 2017 states that there are 21 FOI requests in relation to Property that are “completed or in progress as at 30 June 2017”. Are the majority of these with regards to a specific property or matter before Council? If so, what is the property and matter before Council?”

The CEO provided the following response:

“This question will be taken on notice and a response provided in writing.”

Simon Johnson of Parkdale asked:

“Have Councillors declared a conflict of interest, or perceptions of conflict regarding relationships with other Councillors? This question was not responded to in correspondence from the CEO dated July 12. Have Councillors declared this or not and if so, where has this been made public?”

The CEO provided the following response:

“Councillor conflicts of interest declarations are the individual responsibility of individual officers and Councillors generally in the context of items before or likely to be before Council. It is my understanding that all Councillors have complied with the requirements of the Local Government Act when it comes to Conflicts of Interest. All

of these declarations are a matter of public record for Council and Planning meetings and can be viewed on Council's website."

11. Corporate Services Reports

11.1 Investment Report - June 2017

RECOMMENDATION

That Council note that its funds as at 30 June 2017 are invested in line with the risk management profile prescribed in Council's Investment policy.

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

11.2 Supply of Microsoft Enterprise Agreement

RECOMMENDATION

That Council:

1. Approves the appointment of Data#3 as supplier for CON-17/74 – Microsoft Enterprise Agreement for a three year period, at a total contract value of \$850,416.87 (inc. GST);
2. Authorises the Chief Executive Officer or delegate to execute the Contract; and
3. Notes that officers will execute the contact on 25 July 2017.

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

11.3 Meeting Procedures Local Law Review

Moved: Cr Gledhill

Seconded: Cr Brownlees

That, having completed the procedure referred to in section 119(2) of the Local Government Act 1989, Council:

1. Make the Meeting Procedures Local Law as attached in Appendix 1 with a commencement date of 1 August 2017;
2. Authorise the affixing of the common seal to the Meeting Procedures Local Law; and
3. Authorise the Chief Executive Officer to :
 - a. Give public notice of the making of the Meeting Procedures Local Law; and
 - b. Send a copy of the Meeting Procedures Local Law to the Minister for Local Government.

Amendment

Moved: Cr West

Seconded: Cr Staikos

That, having completed the procedure referred to in section 119(2) of the Local Government Act 1989, Council

1. Make the Meeting Procedures Local Law as attached in Appendix 1 with a commencement date of 1 August 2017 subject to the following amendment to the proposed clause 30(1):

Replace the words "by 12 noon seven clear days before"
with the words:
"by 9 am five clear days before" the date of the Council Meeting nominated in the notice of motion."
2. Authorise the affixing of the common seal to the Meeting Procedures Local Law; and
3. Authorise the Chief Executive Officer to :
 - a. Give public notice of the making of the Meeting Procedures Local Law; and
 - b. Send a copy of the Meeting Procedures Local Law to the Minister for Local Government.

**The Amendment was put and LOST
The Substantive Motion was put and CARRIED**

11.4 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.

11.5 Quiet Lakes Special Charge - Section 223 Committee Report and Declaration

Procedural Motion

Moved: Cr Bearsley

Seconded: Cr Gledhill

That consideration of this matter be deferred until the August Ordinary Meeting of Council.

LOST

Moved: Cr Oxley

Seconded: Cr Staikos

That Council:

1. Receive the minutes of 11 July 2017 of the section 223 Committee as in Appendix 2;
2. Note all the submissions received; and
3. Declare a special charge (Special Charge) under section 163(1) of the *Local Government Act 1989* for the purposes of defraying expenses incurred by Council in relation to beach maintenance for the area within the municipal district of Council being the area more commonly described as Quiet Lakes comprising of Lake Legana, Lake Illawong and Lake Carramar as follows:
 - 3.1. The criteria which forms the basis of the declaration of the Special Charge is the ownership of rateable land in the area of the scheme having regard to direct access to Lake Legana, Lake Illawong, or Lake Carramar. The following is specified for which the Special Charge is so declared:
 - (i) The area is the Quiet Lakes area shown on the plans annexed to this report in appendix 1 and 4
 - (ii) The land is all that rateable land shown on the plans annexed to this report in appendix 1 and 4
 - 3.2. The total cost of the performance of the function and exercise of the power by Council is \$510,965 being the estimated cost of the works to be undertaken over the proposed five year term of the Special Charge.
 - 3.3. The total estimated amount to be levied under the scheme over the proposed five year term as the Special Charge is \$246,970 being 49% of total costs incurred.
 - 3.4. Determine that the Special Charge will commence on 1 August 2017 and remain in force for a period of five years.
 - 3.5. Determine that the Special Charge will be declared and assessed in accordance with a flat charge of \$173.92 per rateable property per annum

**City of Kingston
Ordinary Meeting of Council**

Minutes

24 July 2017

- forming a part of this proposed declaration.
- 3.6. Determine that a Notice of Levy will be sent annually to the person who is liable to pay the Special Charge, which will require that the Special Charge is to be paid in the following manner
- (a) by one annual payment to be paid in full by the date fixed by Council in that notice; or
 - (b) by four instalments, to be paid by the dates which are fixed by the Council in the Notice.
- 3.7. Determine that it will consider cases of financial and other hardship and may reconsider other payment options for the Special Charge. No incentives will be given for payment of the Special Charge before the due date for payment.
- 3.8. Determine that it considers that there will be a special benefit to the persons required to pay the Special Charge because there will be a benefit to those persons that is over and above, or greater than, the benefit that is available to persons who are not subject to the proposed Special Charge. This special benefit may be direct or indirect as a result of the expenditure proposed by the Special Charge. The value and the use, occupation and enjoyment of the properties included in the special charge area will be maintained or enhanced through the provision of safe and suitable beach maintenance. Without limitation, Council considers that the works to be provided under the Special Charge Scheme will comprise:–
- (a) Beach planing
 - (b) Debris hand raking, collection and disposal
 - (c) Beach spraying
 - (d) Beach sand retrieval
 - (e) Power supply and maintenance of lighting bollards
- 3.9. For the purpose of having determined the total amount of the Special Charge to be levied under the Scheme, Council further considers and formally determines for the purposes of section 163(2)(a), (2A), and (2B) of the Act that the proportion of the total benefits of the Scheme to which the performance of the function and the exercise of the power relates that will accrue as special benefits to all of the persons who are liable to pay the Special Charge is in a ratio of 51:49.
- 3.10. Thank the submitters and write to them to inform them of the Council decision and the reasons for that decision.
- 3.11. Write to the owners and occupiers of properties within the Quiet Lakes Special Charge scheme advising them of the decision embodied in this resolution.
- 3.12. Authorise the General Manager Corporate Services and Manager Finance and Corporate Performance to levy the Quiet Lakes Special Charge in accordance with section 163(4) of *the Local Government Act 1989*.

CARRIED

11.6 Quick Response Grants

Moved: Cr Staikos

Seconded: Cr Barth

That Council approve the following grant applications:

- Yarrabah School - \$1,000.00 (subject to acquittal of previous grant)
- Mythri Cultural and Social Association of Australia Inc - \$500.00 (subject to acquittal of previous grant)
- Avellineo Circolo Pensioners of Springvale Inc - \$500.00
- Aspendale North Kindergarten - \$1,000.00
- Cosenza Senior Citizens of Kingston Inc - \$500.00
- VICSES Chelsea - \$2000.00 (subject to acquittal of previous grant and pending discussion with the VICSES to seek a reasonable CCTV quote for the area surrounding the SES)

CARRIED

11.7 Annual Report of the Chairman of the Audit Committee

RECOMMENDATION

That the report of the Chair of the Audit Committee be received.

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

12. Notices of Motion

12.1 Notice of Motion No. 26/2017 - Cr West - Trees for Nepean Highway

Moved: Cr West

Seconded: Cr Staikos

1. That Council officers prepare a report outlining whether and how best Council can undertake a program of native and where possible indigenous tree planting along the medians and if possible nature strips along the Nepean Highway through the City of Kingston. This will need to involve discussions with VicRoads and Victrack to seek their in principle support and cooperation for such a project.
2. That with VicRoads support, officers draw up a draft plan that involves:
 - Maintaining and enhancing the existing native trees along the Highway by further complementary plantings.
 - Maintaining and enhancing existing plantations through Activity Centres and adjacent to parks including:
 - The Norfolk Island Pines along the Nepean Highway north and south of the Council offices in Cheltenham;
 - The Canary Island Palms and other recently established plantings through Mordialloc,
 - Complementary native plantings adjacent to Bradshaw and Attenborough Parks
 - For the rest of the highway north of the Mordialloc Creek, maintaining and enhancing the existing planting of a varied avenue of bushy native, ideally indigenous, trees that are favoured by VicRoads for their safety features, ie trees that have slender trunks and scrubby branching foliage such as may be seen through Parkdale. Such trees have important safety features:
 - They screen out oncoming headlights;
 - They help to prevent cars from crossing the centre median,
 - They buffer the impact of such cars in a safer and more effective way than eucalypts.
 - Maintaining and enhancing the planting of local foreshore species on both sides of the highway south of the Creek.
 - Avoiding as far as possible the removal of existing healthy mature trees.
 - Avoiding the planting of more eucalypts whose trunks are likely in time to become hazardous to drivers who accidentally allow their cars to leave the road at speed.
 - Considering the use of appropriate native grasses and ground cover plants to reduce the need for mowing.
 - Instituting a program of monitoring and rubbish collection.
3. This plan should be put out for a period of community consultation before it is finally approved by Council and any relevant statutory authorities.

Cr Brownlees left the meeting at 9.23pm

Councillor Brownlees returned to the meeting at 9.25pm

Cr Oxley left the meeting at 9.25pm.

Cr Oxley returned to the meeting at 9.26pm.

Cr Gledhill left the meeting at 9.29 pm.

CARRIED

12.2 Notice of Motion No. 27/2017 - Cr West - Southern Cross Care Victoria

The Notice of Motion was withdrawn.

12.3 Notice of Motion No. 28/2017 - Cr Oxley - Disc Golf

Cr Gledhill returned to the meeting at 9.30pm

Moved: Cr Oxley

Seconded: Cr Bearsley

That Council officers write a report on the best possible locations for a permanent Disc Golf Course within the City of Kingston and the requirements and costing for installing a course.

Further that, this report is to be presented to the August Ordinary Council meeting.

CARRIED

12.4 Notice of Motion No. 29/2017 - Cr Staikos - Implementation of the Green Wedge Plan

Moved: Cr Staikos

Seconded: Cr West

That:

1. Council reaffirms its commitment to implement the Kingston Green Wedge Plan (KGWP).
2. Council instructs officers to prepare scoping report on the next steps to implement the KGWP . The scoping report will include details on the process, time required and costs associated with a review the KGWP in line with the Ministerial Direction to review Green Wedge Management Plans after five years, with special reference to the following priorities of Council:
 - i. Request Planisphere undertake the project and provide a quote;
 - ii. Advise Council on the preparation of a planning scheme amendment to incorporate and embed the KGWP into the Kingston Planning Scheme;
 - iii. Delete any reference in the KGWP and the Kingston Planning Scheme (MSS) to allowing or encouraging any urban conversion of Green Wedge land;
 - iv. Change the name of the *Kingston Green Wedge Plan* to *Kingston Green Wedge Management Plan*;
 - v. Remove and delete irrelevant and superseded *enterprise sites policy* and any other sections concerning the Green Wedge that are redundant or at odds with the KGWP
 - vi. Consider the preparation of a planning scheme amendment to proceed with the KGWP recommendation (in chapter 8.5 option 3) to rezone *Special Use 2* and *Green Wedge Zone* land to *Green Wedge A Zone* – (noting that explicitly excludes golf courses which are zoned *Special Use 1 Zone*).
 - vii. Consider whether it is still relevant and feasible to ask the Minister to

**City of Kingston
Ordinary Meeting of Council**

Minutes

24 July 2017

authorise a planning scheme amendment to rezone the Waterways wetlands and other Melbourne Water land into the Kingston Green Wedge.

3. That the scoping report advise Council on the:
 - a. Preparation of an *agriculture preservation and strengthening strategy* to support and enhance agriculture in the Green Wedge in line with Action item 48, 50, 51 and 132 of the KGWP;
 - b. Potential impacts on the current uses within the Green Wedge of the proposed Southern Metropolitan Cemeteries Trust proposal for a cemetery;
 - c. Measures Council needs to take to protect and enhance the Green Wedge in the light of the construction of the Mornington Peninsula Freeway Extension (Mordialloc Bypass) with specific reference to its impact on environmental, heritage, agricultural values and on the amenity of existing residents of the Green Wedge and adjacent suburbs, including the establishment of a new wetlands.
 - d. Preparation of a masterplan, funding plan and implementation plan for the *Chain of Parks* including a *Chain of Parks Trail* - a pedestrian, cyclist and equestrian trail from Karkarook Park to Braeside Park - as far as possible along the route recommended in the *Sandbelt Open Space Project* report, with links to other parks

4. That council directs officers to abandon work in relation to any proposed urban re-zoning of the Green Wedge including:
 - a. the land bounded by Springvale and Governor Roads, Braeside Park and Southern Golf Course;
 - b. any proposals to pursue a Rural Living Zone within the Green Wedge; and
 - c. the pursuit of any policy to permit the subdivision to lots smaller than the minimum lot size permitted in the Kingston Green Wedge Zone.

5. That Officers also provide within the report advice on further consultations with the community including land owners and other interested groups on the next phase of implementation of the Kingston Green Wedge Management Plan

CARRIED

A Division was Called:

DIVISION:

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

AGAINST: Nil (0)

CARRIED

12.5 Notice of Motion No. 30/2017 - Cr West - A Ban on Plastic Bags

Moved: Cr West

Seconded: Cr Staikos

That Council:

1. Having regard to the recent Association of Bayside Municipalities decision to develop a position statement supporting a ban on free single-use plastic bags, receives a report at an Ordinary Meeting of Council outlining options for developing advocacy strategies to the State Government seeking support for a ban on the distribution of free single use plastic bags, both acting alone and in cooperation with other organisations and groups, and
2. Writes to the Premier, Daniel Andrews to request that the State Government pass the draft *Environment Protection Amendment (Banning plastic bags, packaging and microbeads) Bill* (2016) or alternative legislation to prevent the distribution of free single use plastic bags.
3. That this matter also be referred to Council's Business and Economic Advisory Committee and the Public Spaces and Environment Advisory Committee.

CARRIED

13. Urgent Business

There were no items of urgent business.

14. Confidential Items

Moved: Cr Staikos

Seconded: Cr Brownlees

That Council determine that the following documents be designated confidential in accordance with section 77(2) of the *Local Government Act 1989*:

Confidential Appendices

- 9.3 Residential Aged Care Homes Transfer
Appendix 5, Legal advice re merger SCCV and Mercy Health - Russell Kennedy**
This appendix is confidential in accordance with the Local Government Act s89(2) as it relates to (s89 2f)
- 11.2 Supply of Microsoft Enterprise Agreement
Appendix 1, Microsoft EA Evaluation Matrix**
This appendix is confidential in accordance with the Local Government Act s89(2) as it relates to (s89 2d)
- 11.5 Quiet Lakes Special Charge - Section 223 Committee Report and Declaration
Appendix 4, Quiet Lakes Special Charge - List of Properties**
This appendix is confidential in accordance with the Local Government Act s89(2) as it relates to (s89 2h)
- 11.6 Quick Response Grants
Appendix 1, Quick Response Grants – Applicants debtor status - July 2017**
This appendix is confidential in accordance with the Local Government Act s89(2) as it relates to (s89 2h)

CARRIED

**City of Kingston
Ordinary Meeting of Council**

Minutes

24 July 2017

The meeting closed at 10.10pm

Confirmed.....

The Mayor 28 August 2017