

Minutes

Ordinary Meeting of Council

Wednesday, 26th April 2017



**City of Kingston
Ordinary Meeting of Council**

Minutes

26 April 2017

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The meeting commenced at 7.00pm in the Council Chamber, 1230 Nepean Highway, Cheltenham and was adjourned to 7.00pm Wednesday 3 May 2017.

Present: Cr David Eden (Mayor)
Cr Tamsin Bearsley
Cr Tamara Barth
Cr Geoff Gledhill
Cr George Hua
Cr Georgina Oxley
Cr Steve Staikos
Cr Rosemary West OAM

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

1. Apologies

An apology from Cr Brownlees was submitted to the meeting.

Moved: Cr Staikos

Seconded: Cr Oxley

That the apology from Cr Brownlees be received.

CARRIED

2. Confirmation of Minutes of Previous Meetings

Moved: Cr Gledhill

Seconded: Cr Hua

That the Minutes of the Ordinary Meeting of Council held on 27 March 2017 and the Special Meeting of Council held on 3 April 2017 be confirmed.

CARRIED

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

There were no Conflicts of Interest submitted to the meeting.

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4. Petitions
Bay Trail

Moved: Cr Gledhill

Seconded: Cr Bearsley

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

CARRIED

Parking in Canberra Street

Moved: Cr Bearsley

Seconded: Cr Oxley

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

CARRIED

Traffic in Parkdale

Moved: Cr Gledhill

Seconded: Cr Bearsley

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

CARRIED

Safe Crossing for Thames Promenade at Drinan/Bertrand Roads

Moved: Cr Bearsley

Seconded: Cr Oxley

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

CARRIED

5. Presentation of Awards

Junior Mayor 2016/17 - Isaac Madafferi

Junior Mayor 2017/18 – Tess Ashley

The Mayor congratulated the outgoing Junior Mayor, Isaac Madafferi on his achievements and success as Junior Mayor for 2016/17.

The Mayor then introduced the newly elected Junior Mayor for 2017/18, Tess Ashley and presented her with the Junior Mayor robes and chains.

6. Reports from Delegates Appointed by Council to Various Organisations

There were no delegates' reports.

7. Question Time

Question Time was held at 8.41pm. Refer to page 19 of the Minutes.

Block Resolution

Moved: Cr Gledhill

Seconded: Cr Barth

That the following items be block resolved:

- 8.1 Town Planning Application Decisions - March 2017
- 10.4 Proposed Acquisition of Part of 43 Centre Dandenong Rd Dingley
- 11.2 Re-appointment of External Member to the Audit Committee - Bruce Potgieter
- 11.4 Assembly of Councillors Record Report
- 11.5 Investment Policy Report - March 2017

CARRIED

8. Planning and Development Reports

8.1 Town Planning Application Decisions - March 2017

RECOMMENDATION

That the report be noted.

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

8.2 KP16/119 26 Clydebank Road Edithvale

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

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

Moved: Cr Oxley

Seconded: Cr West

That Council determines to issue a Notice of Refusal to Grant a Permit to develop the land for the construction of five (5) dwellings and construct buildings and works within the tree protection zone of a significant tree at No. 26 Clydebank Road Edithvale on the following grounds:

1. The proposal exceeds the average wall height of Standard B18 (Walls on Boundaries) of Clause 55.04-2 of the Planning Scheme, and it has not been demonstrated that this is an acceptable outcome for the site context.
2. The proposal has not adequately addressed the overlooking requirements of Standard B22 (Overlooking) of Clause 55.04-6 of the Planning Scheme.
3. The application has provided insufficient information to demonstrate that the proposal satisfies Standard B28 (Private Open Space) of Clause 55.05-4 of the Planning Scheme.

CARRIED

8.3 KP16/413 12 Kitson Road Clayton South

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

Procedural Motion

Moved: Cr Barth

Seconded: Cr Bearsley

That consideration of this item be deferred.

The Motion was Withdrawn

Moved: Cr Barth

Seconded: Cr West

That Council determine to support the proposal and issue a Notice of Decision to Grant a Permit to Develop the Land for the Construction of Two (2) Dwellings at No. 12 Kitson Road, Clayton South subject to the following conditions:

1. Before the development starts amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be substantially in accordance with the plans submitted to Council on 7 February 2017, but modified to show:
 - a. The provision of a landscape plan in accordance with the submitted development plan and the City of Kingston Landscape Plan Checklist, with such plans to be prepared by a suitably qualified landscape professional and incorporating:
 - i. an associated planting schedule showing the proposed location, species type, mature height and width, pot sizes and number of species to be planted on the site. The schedule must be shown on the plan;
 - ii. the delineation of all garden beds, paving, grassed area, retaining walls, fences and other landscape works including areas of cut and fill throughout the development;
 - iii. details of the surface finish of all pathways, paved areas and accessways. This must include a porous material for the construction of the driveway within the tree protection zone of the *Jacaranda mimosifolia* (Jacaranda) located on the neighboring property;
 - iv. all existing trees on the site and within three (3) metres to the boundary of the site on adjoining properties, accurately illustrated to represent actual canopy width and labelled with botanical name, height and whether the tree is proposed to be retained or removed;

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- v. a range of plant types from ground covers to large shrubs and trees provided at adequate planting densities (e.g. plants with a mature width of 1 metre, planted at 1 metre intervals);
 - vi. the provision of two (2) suitable medium sized (must reach a height of 8 – 10 metres and spread of 5 metres or greater at maturity) canopy trees within the front setback of the dwelling one, within the setback and one (1) small (must reach a height of 3 - 5 metres at maturity) tree within the private open space area of each dwelling, with species chosen to be approved by the Responsible Authority;
 - vii. plan notations indicating that the *Jacaranda mimosifolia* (Jacaranda) located on the neighbouring property (10 Kitson Street) is to be protected;
 - viii. all trees provided at a minimum of 1.5 metres in height at time of planting and medium to large shrubs to be provided at a minimum pot size of 200mm;
 - ix. no trees with a mature height over five (5) metres are to be planted over proposed or existing easements; and
 - x. the provision of notes on the landscape plan regarding site preparation, including the removal of all weeds, proposed mulch, soil types and thickness, subsoil preparation and any specific maintenance requirements.
- b. The bedroom 2 and 3 windows of both dwellings fitted with obscure glazing in their entirety but allowing for an awning type opening at the top of them to allow ventilation.
 - c. The provision of suitable privacy measures to prevent overlooking to the rear during construction.
 - d. The Tree Protection Zone of the *Jacaranda mimosifolia* (Jacaranda) located on the neighbouring property (10 Kitson Street) drawn on all site and floor plans.
 - e. Notation on all site and floor plans that the *Jacaranda mimosifolia* (Jacaranda) located on the neighbouring property (10 Kitson Street) is to be protected in accordance with the endorsed Tree Management Plan required by Condition 5 of this permit;
 - f. A Tree Management Plan in accordance with Condition 5 of this permit.
 - g. The entries of each dwelling setback 7.25 metres from the site's front boundary with no reduction in the building's setback from the rear boundary.
 - h. The garages of each dwelling setback 7.85 metres from the site's front boundary with no reduction in the building's setback from the rear boundary.
 - i. The first floor setback of each dwelling increased by 0.95 metres with no reduction in the setback from the rear boundary.

- j. The garage to Dwelling 2 setback 1 metre from the site's western boundary.
- k. The surface material of all driveways / accessways and car parking spaces nominated in all-weather coloured concrete sealcoat, or similar
- l. 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.
- m. The provision of minimum 2000 litre rainwater tank clearly nominated for each dwelling with water re-used for toilet flushing.
- n. Vehicle crossings must be constructed at a 90 degree alignment with the kerb on Kitson Road and all internal driveways must align with the existing / proposed vehicle crossing.
- o. The internal driveway must be at least 500mm from the side boundary at the front boundary.
- p. The proposed vehicle crossing must be kept separate from the neighbours vehicle crossing to create a pedestrian refuge of no less than 1 metre wide.
- q. A standard on street parking bay at least 5.4m between vehicle crossings must be shown on the plans.

Endorsed Plans

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

Landscaping

- 3. Landscaping as shown on the endorsed landscape plan/s must be carried out and completed to the satisfaction of the Responsible Authority prior to the occupation of the development.
- 4. All landscaping works shown on the endorsed landscape plan/s must be maintained and any dead, diseased or damaged plants replaced, all to the satisfaction of the Responsible Authority.

Tree Management Plan

- 5. Prior to the endorsement of the plans referred to in Condition 1 of this permit, a Tree Management Plan must be submitted by a suitably qualified and experienced Arborist in relation to the management and maintenance of the *Jacaranda mimosifolia* (Jacaranda) located on the neighbouring property (10 Kitson Street), and must be approved by the Responsible Authority prior to the commencement of any works including demolition and levelling of the site. The Tree Management Plan must make specific recommendations in accordance with the Australian Standard AS4970: 2009 - Protection of Trees on Development Sites and detail the following to the satisfaction of the responsible authority ensuring that the tree remains healthy and viable during construction.

- a) A tree protection plan to scale is to be submitted along with the tree management plan that is to show:
 - i. all tree protection zones and structural root zones,
 - ii. all tree protection fenced off areas and areas where ground protection systems will be used
 - iii. The materials and construction techniques of the driveway along the western boundary
 - iv. All services to be located within the tree protection zone and a notation to state that all services will either be located outside of the tree protection zone or bored under the tree protection zone; and
 - v. A notation to refer to the tree management plan for specific detail on what actions are required within the tree protection zone.
- b) Details of how the root system of any tree to be protected will be managed. This must detail any initial non-destructive trenching and pruning of any roots required to be undertaken by the project arborist.
- c) Details for the retention of the existing driveway within the tree protection zone of the *Jacaranda mimosifolia* (Jacaranda) located on the neighbouring property (10 Kitson Street) during demolition and construction and specific details of the porous driveway required to be constructed at the same depth of the existing driveway.
- d) Specification that a suitable time must be arranged with Council's Arborist, who must be present to supervise any root excavation within the tree protection zone in relation to the *Jacaranda mimosifolia* (Jacaranda) located on the neighbouring property (10 Kitson Street);
- e) Supervision timetable and certification of tree management activities required by the Project Arborist to the satisfaction of the responsible authority;
- f) All remedial pruning works that are required to be performed on the tree development of the site. The pruning comments must reference Australian Standards 4373:2007, Pruning of Amenity Trees and a detailed photographic diagram specifying what pruning will occur.
- g) The recommendations contained in the approved tree management plan must be implemented to the satisfaction of the Responsible Authority.

Contractors to be Advised of Trees to be Retained

- 6. The owner and occupier of the site must ensure that, prior to the commencement of buildings and works, all contractors and tradespersons operating on the site are advised of the status of trees to be retained as detailed in the endorsed Tree Management Plan and are advised of any obligations in relation to the protection of those trees.

Regulation of Activities in Tree Protection Area

7. No vehicular or pedestrian access, trenching or soil excavation is to occur within the Tree Protection Area as detailed in the endorsed Tree Management Plan without the prior written consent of the Responsible Authority. No storage or dumping of tools, equipment or waste is to occur within the Tree Protection Zone.

Drainage and Water Sensitive Urban Design

8. The development of the site must be provided with stormwater works which incorporates the use of water sensitive urban design principles to improve stormwater runoff quality and which also retains on site any increase in runoff as a result of the approved development. The system must be maintained to the satisfaction of the Responsible Authority. The satisfactory options to achieve these desired outcomes may include the use of an infiltration or bioretention system, rainwater tanks connected for reuse and a detention system.
9. Before the development commences, a Stormwater Management Plan showing the stormwater works to the nominated point of discharge must be prepared to the satisfaction of the Responsible Authority. The Stormwater Management Plan must be prepared by a qualified person and show all details of the proposed stormwater works including all existing and proposed features that may have impact (e.g. trees to be retained, crossings, services, fences, abutting buildings, existing boundary surface levels, etc.). The Stormwater Management Plan must be prepared as per Council's "**Civil Design Requirements for Developers – Part A – Integrated Stormwater Management**".
10. The overall outflow of the site to Council drainage system must be limited to 4.8 L/s.
11. Stormwater works must be provided on the site so as to prevent overflows onto adjacent properties.

Infrastructure and Road Works

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

General Amenity

17. All externally-located heating and cooling units, exhaust fans and the like must not be located adjacent to bedroom windows on adjoining properties and must be concealed from the street, unless with the further written consent of the Responsible Authority.
18. All piping and ducting above the ground floor storey of the development (other than rainwater guttering and downpipes) must be concealed to the satisfaction of the Responsible Authority.
19. Service units, including air conditioning/heating units, where incorporated, must not be located where they will be highly visible from any public area to the satisfaction of the Responsible Authority and if located on the roof of a building, suitable screening and baffling must be provided to the satisfaction of the Responsible Authority.

Completion of Works

20. Prior to the occupation of each dwelling hereby permitted, all buildings and works and the conditions of this permit must be complied with to the satisfaction of the Responsible Authority, unless with the further prior written consent of the Responsible Authority.
21. Prior to the occupation of each dwelling hereby permitted, the landscaping works as shown on the endorsed plans must be completed to the satisfaction of the Responsible Authority. Thereafter, the landscaping shall be maintained to the satisfaction of the Responsible Authority.
22. All works on or facing the boundaries of adjoining properties must be finished and surface cleaned to a standard that is well presented to neighbouring properties in a manner to the satisfaction of the Responsible Authority.
23. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.

Time Limits

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

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

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

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

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

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

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

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

Note: The allocation of street numbering and addressing of properties is vested in Council. Any reference to addressing or dwelling/unit/apartment and street numbers or street names on any endorsed plan is indicative only. The onus is on the Permit Applicant/Land Owner to contact Council's Property Data Department to determine the official dwelling/unit/apartment street numbers, street name details and the like for the approved development.

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

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

CARRIED

8.4 KP17/110 109 Edithvale Road Edithvale

Moved: Cr Bearsley

Seconded: Cr Oxley

That Council determine to support the proposal and issue a Planning Permit to develop the land for the construction of works (replace the surface of a bowling green) at No. 109 Edithvale Road, Edithvale subject to the following conditions:

1. The development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.
2. **Conditions Required by Melbourne Water:**
 - a) Pollution and sediment laden runoff shall not be discharged directly or

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indirectly into Melbourne Water's drains or waterways.

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

4. The development of the site shall not cause nuisance or be detrimental to the amenity of the neighbourhood by the emission of noise. In this regard any nuisance shall be assessed in accordance with the Australian Standards AS1055 and AS2107 relating to the measurement of Environmental Noise and recommended sound levels.

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

6. In accordance with Section 68 of the Planning and Environment Act 1987 (The Act), this permit will expire if one of the following circumstances applies:
 - The development is not started before two (2) years from date of this permit.
 - The development is not completed before 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 or use you are required to obtain the necessary Building Permit.

Note: The applicable flood level for the property is 1.55 metres to Australian Height Datum (AHD).

If further information is required in relation to Melbourne Water's permit conditions shown above, please contact Melbourne Water on telephone 96797517, quoting Melbourne Water's reference 226850

CARRIED

8.5 Declaration of Termite Prone Areas Within the City of Kingston

Moved: Cr Bearsley

Seconded: Cr Gledhill

That Council designate the whole of City of Kingston a termite prone area

Procedural Motion

Moved: Cr Oxley

Seconded: Cr Barth

That consideration of this item be deferred until Council:

1. Conducts consultation with the community, REIV and groups within the construction industry relevant to Kingston.
2. Obtains detailed maps relating to Kingston areas and statistics of the incidence and prevalence of termite infestations.

CARRIED

8.6 Feedback on the Monash National Employment and Innovation Cluster and Proposed Clayton Structure Plan

Moved: Cr Staikos

Seconded: Cr Gledhill

That Council:

1. Lodge the attached submission (Appendix 5) with the Victorian Planning Authority in relation to the draft Monash National Employment and Innovation Cluster Framework Plan.
2. Submit the attached letter (Appendix 6) to the Victorian Planning Authority providing Council's agreement to work with Monash City Council and the Victorian Planning Authority to undertake a Structure Plan for the Clayton Activity Centre.

Cr Oxley left the meeting at 8:01 pm.

Cr Barth left the meeting at 8:01 pm.

Cr Oxley returned to the meeting at 8:04 pm.

Cr Barth returned to the meeting at 8:05 pm.

CARRIED

9. Community Sustainability Reports

There were no Community Sustainability Reports.

10. City Assets and Environment Reports

10.1 Clarinda Tennis Club Request For Funding Support

Moved: Cr Staikos

Seconded: Cr Barth

That Council:

1. Approve the allocation of a \$15,000 grant from the 2016/17 Operating Budget to the Clarinda Tennis Club for the conversion of three clay courts to synthetic grass; and
2. Authorise the Chief Executive Officer or his delegate to enter a funding agreement with the Clarinda Tennis Club to ensure community access is maintained in return for Council's investment in these works.

Cr Gledhill left the meeting at 8:10 pm.

CARRIED

10.2 Response to Notice of Motion 40/2016 - Cr Ronke - Roy Dore Reserve, Carrum - Sporting Pavilion Development Plan

Moved: Cr Bearsley

Seconded: Cr Oxley

That Council:

1. Notes the establishment of a project working group to inform the development of a pavilion concept plan at Roy Dore Reserve;
2. Receive a further report presenting a preferred pavilion concept plan and costing for Roy Dore Reserve, Carrum no later than August 2017; and
3. Endorse a future submission to the Victorian State Government for a funding contribution towards a new pavilion development at Roy Dore Reserve, Carrum.
4. Invite the local member for Carrum Sonya Kilkenny MP to sit as an observing member on the Working Group.

Cr Gledhill returned to the meeting at 8:13 pm.

CARRIED

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

Moved: Cr West

Seconded: Cr Staikos

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

CARRIED

10.4 Proposed Acquisition of Part of 43 Centre Dandenong Rd Dingley

RECOMMENDATION

That Council:

1. Acquire, by agreement, Lot R1 on Plan of Subdivision 64497 (Part 43 Centre Dandenong Road) from the owner for \$30,000 (GST EX) and reimburse all of the owner's legal costs, and undertake all reinstatement and rectification works associated with the disposal of this parcel of land.
2. Authorise the CEO or delegate to give the required notices under the Land Acquisition and Compensation Act and to execute the required land transfer documents to the satisfaction of Council's legal advisors.

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

10.5 Netball Courts - Feasibility Study Outcomes

Moved: Cr Bearsley

Seconded: Cr Oxley

That Council:

1. Proceed with the development of:
 - a) Two floodlit netball courts at Bonbeach Recreation Reserve;
 - b) One floodlit netball court at Chelsea Recreation Reserve;
 - c) One floodlit netball court and planning for a second netball court and / or match-day warm up area at Regents Park;
2. Authorise officers to investigate a potential second floodlit netball court at Regents Park following consultation with the Edithvale Aspendale Football Netball club and family members of the late Jack Cuthbertson regarding their association with the memorial garden and any possible impacts on the garden;
3. Authorise officers to consult with surrounding residents to seek feedback and provide input into the development of netball facilities at Bonbeach Recreation Reserve, Chelsea Recreation Reserve and Regents Park; and
4. Authorise officers, following the consultation outlined above, seek relevant approvals (where necessary), procure and install netball facilities in these locations.

Amendment

Moved: Cr West

Seconded: Cr Staikos

That Council:

1. Proceed with the development of:
 - a) Two floodlit netball courts at Bonbeach Recreation Reserve;
 - b) One floodlit netball court at Chelsea Recreation Reserve;
 - c) One floodlit netball court and investigation into a second netball court or match-day warm up area at Regents Park;
2. Authorise officers to investigate a potential second floodlit netball court at Regents Park following consultation with the Edithvale Aspendale Football Netball club and family members of the late Jack Cuthbertson regarding their association with the memorial garden and any possible impacts on the garden;
3. Authorise officers to consult with surrounding residents to seek feedback and provide input into the development of netball facilities at Bonbeach Recreation Reserve, Chelsea Recreation Reserve and Regents Park; and
4. Authorise officers, following the consultation outlined above, seek relevant approvals (where necessary), procure and install netball facilities in these locations.

LOST

The Substantive Motion was put and CARRIED

11. Corporate Services Reports

11.1 Mayoral and Councillor Allowances

Moved: Cr Gledhill

Seconded: Cr Staikos

That Council, in accordance with section 74 of the Local Government Act 1989 ('the Act') set the Mayoral allowance at \$88,845 and the Councillor Allowance of \$29,615 within the Category 3 Council range, plus an amount equivalent to the superannuation guarantee contribution (9.5%);

CARRIED

11.2 Re-appointment of External Member to the Audit Committee - Bruce Potgieter

RECOMMENDATION

That Council:

1. Re-appoint Mr Bruce Potgieter as an external member of the Audit Committee for a term to expire on 30 June 2020.

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

11.3 Quick Response Grants

Moved: Cr Oxley

Seconded: Cr Bearsley

That the recommendation be adopted with the approval of a grant for \$600 to be approved for the Church of God World Mission Society Inc.

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 Investment Policy Report - March 2017

RECOMMENDATION

That Council note that its funds as at 31st March 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

11.6 Adoption of Draft Council Plan 2017-2021 for Consultation Process

Moved: Cr Staikos

Seconded: Cr Hua

That Council:

1. Adopt the draft Council Plan in accordance with Section 125 & 126 of the Act to commence a statutory Section 223 community consultation process.
2. Hear presentations in support of any submissions received in relation to the draft Council Plan, made in accordance with Section 223 of the Act, at a Special Council Meeting to be held on Monday 5 June 2017 at 7 pm at 1230 Nepean Highway, Cheltenham.
3. Remove the slash (/) that appears in Goal 2 and correct the number of bin collections.

CARRIED

Question Time

Julie Tidy of Cheltenham asked:

“On Wednesday 22 June 2016 I attended a planning meeting as 1 of 6 objectors to an inappropriate development in Rosewarne Avenue Cheltenham (KP694/2015). Council rejected the application as they believed 3 two-storey dwellings to be too large for the zone “General Residential Zone (Schedule 3). At that meeting we heard that Council knows what developments it would like to see in the different zones, however these views are not in writing. Rosemary West spoke about this oversight and argued that Council needed to do something about it. We attended VCAT on 6 February 2017, VCAT decided in favour of the developer, against the wishes of the Council and the affected neighbourhood.

My question is:

1. *Has Council rectified this oversight?*
2. *If not, why not?*
3. *If not, when will this be done?*

Without these wishes in writing, it makes it extremely difficult for Planning Officers, Council and residents to argue against inappropriate developments.”

The Acting CEO provided the following response:

“Council as part of Item 8.6 at its Ordinary Council Meeting of 27 February 2017 resolved upon project briefs for a Housing Strategy, Neighbourhood Character Study and Car Parking Review.

Council has subsequently sought feedback from service providers and a report will be brought to Council shortly and select a consultant(s) to undertake this work.

This work will provide for community consultation and will allow Ms Tidy to provide feedback on appropriate planning controls for her area.

Officers will ensure Ms Tidy is provided with updates on this work.”

Bruce Duffy of Chelsea asked the following questions:

Question 1.

“It is now three years since Kingston was granted its most unfavourable 95% GRZ zoning instead of its asked for 75% NRZ zoning. In that time the neighbourhood character of parts of Kingston has been noticeably changed. What steps has the Council taken in the last 12 months to have our asked for 75% NRZ implemented? Do you have a time frame for when we will get our asked for zoning?”

The Acting CEO provided the following response:

“In relation to Mr Duffy’s question regarding the timeframe for when changes to the zoning may occur, upon appointment of a consultant it is envisaged that a project methodology will be agreed. It is likely that the development of the strategic work will take approximately 12 months based on enquiries made with other Councils. A Planning Scheme Amendment process would then follow. A Planning Scheme Amendment process requires the consent of the Minister at the end of the process. The Amendment process is envisaged to take 12 months.

Question 2.

“In a recent test order by the Level Crossing Removal Authority it was found that the proposed Rail Trench at Edithvale could have a significant detrimental effect on the RAMSAR listed Edithvale Wetlands. In light of this finding what steps does the Council intend to take to protect this wetland? Will the Council ask the State Government to delay the starting date for the project until further tests can be done to determine how significant the damage will be?”

The Acting CEO provided the following response:

“The Level Crossing Removal Authority has referred this crossing treatment to the Minister for Planning to make a decision whether an Environmental Effects Statement is required. The Minister for Planning has ruled that this process is required and has now commenced. Council will also, through Notice of Motion 17/2017 (Item 12.7 on tonight’s agenda) consider receiving a report on the potential threats to the Wetlands and consideration of a future submission to this process.”

Andrea Price of Aspendale asked:

“Re: Agenda Item 10.5. Feasibility study quotes 1 court to 60 players (6 teams). Safety standards would require 2 teams only on court at one time so 3 hours needed to train 6 teams consecutively on 1 court. Aspendale Arrows Netball Club (AANC) now have 30 teams including Net Set Go program. Minimum time requirement is 15 hours per week on 1 court to fully cater for all teams’ training needs. AANC time allotment at Regents Park is 5 days per week 4pm to 6pm, a total of 10 hours per week. 1 court does NOT fully cater for all current teams to train. Connectivity with the senior netball club via common training grounds was cited as a key strategic goal for AANC. Why have the needs of one of the strongest junior female sporting clubs in South Ward been discounted in the proposal currently in front of Council tonight?”

The Acting CEO provided the following response:

“The reference within the report relates to 2016 figures (the figure actually reporting by the Aspendale Arrows Netball Club was “214 junior playing members”, comprised as 27 teams). The ratio of 1 court per 60 participants is Netball Victoria guideline to determined facility provision. It does not suggest that 60 players would use a court at any one time. It applies to the general use of a netball court by 60 participants for training and competition purposes, typically across the period of a week.

A primary focus with the feasibility assessment was to determine approaches to integrate senior game day netball and football activities, which can be achieved through the provision of a single court. The report recognises whilst a single court will assist onsite training, the Aspendale Arrows Netball Club will need to maintain its current off site training arrangements for some teams.

Council has resolved on this item including planning for a second netball court subject to a number of considerations.”

Phil Reid of Mordialloc asked the following questions:

Question 1

“As Kingston is the state’s third biggest illegal graffiti hot spot, with 129 offences recorded in the 12 months to September last year, the latest Crime Statistics Agency data shows. Does Kingston Council in building new public facilities take graffiti into account and design features which minimise the costs in removing graffiti?”

The Acting CEO provided the following response:

“Council provides a range of measures to minimise and take account of graffiti in new and older buildings. A rapid response service also helps address graffiti strikes. All residents are encouraged to report graffiti on Council facilities as soon as possible to enable Council to action its removal.”

Question 2.

Phil Reid of Mordialloc asked:

“In light of the recent announcement that some council employees are being paid more than the Premier of the state, is Council looking at other methods such as reducing the base salary and bringing in performance bonus payments?”

The Acting CEO provided the following response:

“In setting the remuneration of the CEO the Council has regard to the market remuneration for senior executives and receives independent advice on this. Performance bonus based remuneration is not currently being considered by Council. The current CEO remuneration sits in the mid-range for metropolitan CEOs.”

11.7 Advertising of Proposed 2017/18 Draft Budget

Moved: Cr Gledhill

Seconded: Cr Staikos

That Council:

1. Notes the proposed Draft Budget annexed to this report prepared in accordance to Section 127 of the Local Government Act 1989.
2. Delegates the Chief Executive Officer to give public notice of the proposed Draft Budget in accordance with Section 129(1) of the Local Government Act 1989.
3. In accordance with section 223(1) determines that a Special Meeting of Council be held on Monday 5 June 2017 at 7.00pm at 1230 Nepean Highway, Cheltenham for the purposes of hearing submissions in relation to the proposed Draft Budget.
4. That a Special Council Meeting be held on Tuesday 13 June 2017 at 7.00pm to adopt the 2016/17 Budget.

Procedural Motion

Moved: Cr Gledhill

Seconded: Cr West

That Cr Staikos be granted an extension of time.

CARRIED

The Substantive Motion was put and CARRIED

Adjournment of Meeting

Procedural Motion

Moved: Cr Staikos

Seconded: Cr West

That the meeting be adjourned to Wednesday 3 May 2017 at 7.00pm.

CARRIED

A Division was Called:

DIVISION:

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

AGAINST: Crs Bearsley, Gledhill and Hua (3)

CARRIED

The meeting was adjourned at 9.08pm in accordance with Schedule 1, Part 3 of the Meeting Procedures Local Law.

The remaining items will be considered when the meeting resumes on Wednesday 3 May 2017 at 7.00pm.

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Resumption of Adjourned Meeting

The meeting resumed at 7.00pm on Wednesday 3 May 2017 in the Council Chamber, 1230 Nepean Highway, Cheltenham.

Present: Cr David Eden (Mayor)
Cr Tamara Barth
Cr Tamsin Bearsley
Cr Ron Brownlees
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 Guttmann, General Manager Planning and Development
Tracey Cheeseman, Media Advisor
Phil De Losa, Manager Governance
Angela Granter, Governance Officer
Gabrielle Pattenden, Governance Officer

12. Notices of Motion

12.1 Notice of Motion No. 9/2017 - Cr Bearsley - Quiet Lakes

Moved: Cr Bearsley

Seconded: Cr Gledhill

That Council:

1. Immediately write to the Essential Services Commission formally opposing the draft decision to allow Melbourne Water to impose an additional fee on our residents to run MW's Bore and measure MW's water quality in Melbourne Water's own lakes.

LOST

2. Lodges a complaint with the Energy and Water Ombudsman of Victoria against Melbourne Water's refusal to conduct sand retrieval on their own public drainage asset. This activity is an asset integrity function.

LOST

3. Write to Quiet Lakes residents informing them of Council's February decision including:
 - any justification as to why we intend to introduce a separate special charge for the sand retrieval,
 - provide any evidence as to the legality of this
 - provide an update as to our advocacy to date regarding sand retrieval

LOST

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4. Write to the Premier of Victoria (The Hon. Daniel Andrews), the Opposition Leader (The Hon. Matthew Guy), the Minister for Water (The Hon. Lisa Neville), the State Member for Carrum (Ms. Sonya Kilkenny) and Melbourne Water expressing our concern over the high levels of Toxic BGA present in Lake Carramar and seeking their immediate action in addressing the outbreak and providing measures to maintain the water quality to secondary contact standards.

CARRIED

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

Procedural Motion

Moved: Cr West

Seconded: Cr Staikos

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

CARRIED

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

Moved: Cr Gledhill

Seconded: Cr Brownlees

That consideration of this matter be deferred until the Ordinary Meeting of Council on 22 May 2017.

CARRIED

12.3 Notice of Motion No. 11/2017 - Cr Gledhill - Mornington Peninsula Freeway Extension (Mordialloc Bypass)

The item was withdrawn by Cr Gledhill.

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

Moved: Cr Gledhill

Seconded: Cr Hua

That consideration of this matter be deferred until the Ordinary Meeting of Council on 22 May 2017.

CARRIED/

12.5 Notice of Motion No. 15/2017 - Cr Oxley - Domestic/Family Violence in the City of Kingston

Moved: Cr Oxley

Seconded: Cr Brownlees

1. That Officers provide a report on the incidence and prevalence of Domestic/Family Violence in the City of Kingston.
2. The report is to include/take into consideration:
 - a. Relevant Statistics to Kingston and surrounding municipalities.
 - b. Relevant research into the correlation between the number of liquor outlets in the area and the incidence of family/domestic violence.
 - c. Relevant steps and actions taken by Kingston and surrounding municipalities to address this issue.
 - d. Recent Royal Commission findings.
 - e. Recommendations on how Kingston can provide further support to those in domestic/family violence situations.
 - f. Relevant Local Government campaigns to address Domestic Violence like the "Safer Families, Better Communities" campaign from the Local Government Association of Queensland.

CARRIED unanimously

12.6 Notice of Motion No. 16/2017 - Cr West - The Risks of Airport Overdevelopment

Moved: Cr West

Seconded: Cr Staikos

That Council write to the Commonwealth Airports Minister asking the Commonwealth Government to review the Moorabbin Airport Masterplan with a view to minimising the risk to pilots and to surrounding residents by halting any more non-aviation, non-Green-Wedge-compliant development on Moorabbin airport. Further that a copy be sent to the Opposition Airports Minister.

CARRIED

Cr Barth left the meeting at 8:04 pm

12.7 Notice of Motion No. 17/2017 - Cr West - Protecting the Edithvale-Seaford Wetlands from Grade Separation Trenches

Moved: Cr West

Seconded: Cr Staikos

That Council:

1. Acknowledges the significance of the Edithvale-Seaford Wetlands to the local as well as the international community and resolves to take all feasible measures to protect the wetlands and the migratory bird habitat.

CARRIED

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Cr Barth returned to the meeting at 8:07 pm.

2. Instructs officers to:

- Prepare a report to evaluate the potential threats to the Wetlands as detailed in the AECOM & GHD reports;

CARRIED

A Division was Called:

DIVISION:

FOR: Crs Brownlees, Staikos, West, Eden, Barth, Hua and Oxley (7)

AGAINST: Crs Bearsley and Gledhill (2)

CARRIED

- Send letters to the Commonwealth Environment Minister and to the State Environment and Planning Ministers asking them to ensure the most comprehensive environment assessment is undertaken by Commonwealth &/or State Governments and to ensure that the future of the Edithvale-Seaford Wetlands and their migratory bird habitat cannot be jeopardised by the proposed works;

CARRIED

- Prepare an officer report on costs and scope of engaging an eminently qualified external consultant to draft and present a submission to the State and Federal EPBC and EES inquiry/ies on behalf of the Kingston Council and community to ensure the future sustainability and survival of the Edithvale-Seaford Wetlands and their migratory bird habitat in the face of these threats.

CARRIED

A Division was Called:

DIVISION:

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

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

CARRIED

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

Procedural Motion

Moved: Cr Staikos

Seconded: Cr Oxley

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

CARRIED

12.8 Notice of Motion No. 18/2017 - Cr Eden - Bay Watch Committee

Moved: Cr Oxley

Seconded: Cr Staikos

That Council write to Sonya Kilkenny MP, Member for Carrum, Tim Richardson MP, Member for Mordialloc, Murray Thompson MP, Member for Sandringham, Nina Springle MLC, Member for South East Metropolitan Region, Inga Peulich MLC Member for South East Metropolitan Region, Adem Somyurek MLC, Member for South East Metropolitan Region and David Davis MLC, Member for Southern Metropolitan Region advising that Council would like to establish in partnership; a Bay Watch committee comprising Council, Parks Vic, Melbourne Water, EPA and any other interested Local MP to work towards addressing Bay Pollution in Port Phillip Bay.

Further that officers bring a report to the May meeting detailing how this can occur and the functions of the committee.

Procedural Motion

Moved: Cr Staikos

Seconded: Cr Oxley

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

CARRIED

The Substantive Motion was put and CARRIED

13. Urgent Business

Moved: Cr Bearsley

Seconded: Cr Gledhill

That an item of urgent business be considered in relation to the proposed closure of Eel Race Road.

CARRIED

13.1 Proposed Closure of Eel Race Road

Moved: Cr Bearsley

Seconded: Cr Gledhill

That Kingston Council writes to the Premier of Victoria (The Hon. Daniel Andrews), the Opposition Leader of Victoria (The Hon. Matthew Guy), the Minister for Transport (The Hon. Jacinta Allan), and the State Members for Frankston (Mr Paul Edbrooke) and Carrum (Ms Sonya Kilkenny), as well as the LXRA organisation, expressing disappointment regarding the recent decision to close Eel Race Road. Further that Kingston Council implores the State Government and LXRA to reconsider closure of Eel Race Road and to retain the current vehicular access.

Cr Staikos left the meeting at 8:56 pm.

Cr Staikos returned to the meeting at 8:56 pm.

Moved: Cr Oxley

Seconded: Cr Brownlees

That Council defer consideration of this motion until Council write to the LXRA asking them to provide justification for their decision to close Eel Race Road and the effect that this may have on the length of the rail bridge in Carrum and receive a response.

CARRIED

14. Confidential Items

Moved: Cr Gledhill

Seconded: Cr Staikos

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

14.1 Response to Notice of Motion 35/2016 Opportunities for Public Open Space

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

Confidential Appendices

11.2 Re-appointment of External Member to the Audit Committee - Bruce Potgieter

Appendix 1, Bruce Potgieter CV January 2017

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

12.2 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 9.07pm.

Moved: Cr Staikos

Seconded: Cr Brownlees

That the meeting be opened to members of the public

CARRIED

The meeting was opened to members of the public at 9.20pm.

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The meeting closed at 9.20pm.

Confirmed.....

The Mayor 22 May 2017