

Minutes

Ordinary Meeting of Council

Monday, 27th February 2017

**City of Kingston
Ordinary Meeting of Council**

Minutes

27 February 2017

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

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

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

1. Apologies

There were no apologies submitted to the meeting.

2. Confirmation of Minutes of Previous Meetings

Moved: Cr Staikos

Seconded: Cr Oxley

1. That the Minutes of the Ordinary Meeting of Council held on 6 February 2017 be confirmed subject to the following statements being rectified:

Item 7 – Question Time:

- In the CEO’s response to Question 2 from Clare McPhee, the following sentence:

“Council considered advice on this site as part of a report that went to a Special Meeting of Council on 11 April 2016. Council after considering that report decided not to proceed with an action to purchase that site.”

be rectified by the following statement:

“Council considered a report regarding this matter at a Special Meeting of Council on 11 April 2016. The Minutes indicated that Council considered a motion to consider purchasing the land and this motion was lost.”

- In the CEO’s response to Question 1 from Serge Kraskov, the following sentence:

“Council will consider a report in response to a Notice of Motion passed by Council in late 2016 at the next Council meeting on 27 February 2017.”

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be rectified by the following statement:

“Council will consider a report in response to a Notice of Motion passed by Council in late 2016 at an upcoming Council meeting. .”

2. That the Minutes of the Special Meeting of Council held on 13 February 2017 be confirmed.

CARRIED

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

Mr Paul Franklin, General Manager Corporate Services declared an indirect interest by close association in item 10.4.

4. Petitions

4.1 17 Kangaroo and 19 Tarella Roads, Chelsea

Moved: Cr Bearsley

Seconded: Cr Oxley

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

CARRIED

4.2 Opposition to Elevated Rail on the Frankston Line within the City of Kingston’s Municipality

Moved: Cr Bearsley

Seconded: Cr Oxley

That Council congratulate the State Government on the announcements for five rail under solutions within Kingston. Council looks forward to working with them on these projects and reaffirms its position on opposition to elevated rail on the Frankston Line within the City of Kingston’s municipality.

Note: In accordance with clause 19(2) of the Meeting Procedures Local Law, the Chairperson ruled the motion out of order as the petition must be referred to the Chief Executive Officer.

Moved: Cr Bearsley

Seconded: Cr Brownlees

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

CARRIED

5. Presentation of Awards

Cr Bearsley presented a Certificate of Appreciation from the Aspendale Gardens Community Centre in recognition of Council’s contribution and support to ‘Dea’s Garden’ at the Aspendale Gardens

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6. Reports from Delegates Appointed by Council to Various Organisations

Cr West presented on the Association of Bayside Municipalities meeting.

Cr Staikos presented on the Victorian Local Governance Association.

Cr West presented on the Inter-Council Aboriginal Consultative Committee meeting.

Moved: Cr Staikos

Seconded: Cr Oxley

That the delegates' reports be received.

CARRIED

7. Question Time

Question Time was held at 8.33pm. Refer to page 20 of the Minutes.

Block Resolution

Moved: Cr Staikos

Seconded: Cr Hua

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

- 8.1 Town Planning Application Decisions - January 2017
- 8.4 Planning Compliance in the Green Wedge - Quarterly Report - February 2
- 8.5 Proposed Dog Off Leash Area Spring Road Reserve, Dingley Village
- 8.6 Draft Project Briefs - Housing Strategy, Neighbourhood Character Study and Car Parking Review
- 9.1 Con 16-113 Major Construction Works - Builders Panel 2017 - 2020
- 10.1 Parkdale Local Area Traffic Management (LATM) Study - Parking Update
- 10.2 Response to Notice of Motion 56/2016 - Cr Bearsley - Kingston Foreshore
- 10.3 Response to Notice of Motion 38/2016 - GR Bricker Master Plan & Feasibility Study
- 10.6 Permanent Road Closure - Florence Street between Como Parade West and Mentone Parade Mentone
- 11.1 Quick Response Grants
- 11.2 One Vision Council Plan Performance Report and Quarterly Financial Statements as at December 2016
- 11.3 2016/17 Budget Forecast
- 11.5 Assembly of Councillors Record Report

CARRIED

8. Planning and Development Reports

8.1 Town Planning Application Decisions - January 2017

RECOMMENDATION

That the report be noted.

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

8.2 KP526/2016 32 Oakes Avenue Clayton South

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

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

Moved: Cr Staikos

Seconded: Cr Barth

That Council determine to support the proposal and issue a Notice of Decision to Grant a Permit to develop the land for the construction of five (5) double storey dwellings and a reduction of the visitor car parking space subject to the following conditions:

1. Before the development starts amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be substantially in accordance with the plans submitted to Council on 14 November, 2016, but modified to show:
 - a. the provision of a landscape plan in accordance with the submitted development plan and the City of Kingston Landscape Plan Checklist, with such plans to be prepared by a suitably qualified landscape professional and incorporating:
 - i. an associated planting schedule showing the proposed location, species type, mature height and width, pot sizes and number of species to be planted on the site. The schedule must be shown on the plan;
 - ii. the delineation of all garden beds, paving, grassed areas, retaining walls, fences and other landscape works including areas of cut and fill throughout the development;
 - iii. all existing trees on the site and within three (3) metres to the boundary of the site on adjoining properties, accurately illustrated to represent actual canopy width and labelled with botanical name, height and whether the tree is proposed to be retained or removed;
 - iv. a range of plant types from ground covers to large shrubs and

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- trees provided at adequate planting densities (e.g. plants with a mature width of 1 metre, planted at 1 metre intervals);
- v. the provision of two (2) suitable medium sized (at maturity) canopy trees within the front setback of the property facing Oakes Avenue and one (1) small (at maturity) tree within the front setback of dwellings 2 to 5, with species chosen to be approved by the Responsible Authority;
 - vi. the provision of one (1) small (at maturity) tree within the private open space area of each dwelling, with species chosen to be approved by the Responsible Authority;
 - vii. all trees provided at a minimum of two (2) metres in height at time of planting and medium to large shrubs to be provided at a minimum pot size of 200mm;
 - viii. no trees with a mature height over five (5) meters are to be planted over proposed or existing easements; and
 - ix. the provision of notes on the landscape plan regarding site preparation, including the removal of all weeds, proposed mulch, soil types and thickness, subsoil preparation and any specific maintenance requirements.
- b. a minimum break of 1m provided between the first floor of dwellings 4 and 5. As a result of this change variation of the front setback to Oakes Avenue to a minimum of 6m is permitted. This alteration must retain the proposed setback of the first floor from the ground floor and not to result in a variation of the side or rear setbacks at both the ground and first floor
 - c. the location of air conditioning and heating units in accordance with condition 16 of this permit
 - d. the height of the fence extending along the western boundary nominated on the ground floor plans to be a minimum of 1.8m in accordance with the elevation plans
 - e. vehicle crossings shown to be constructed at a 90 degree alignment with the kerb on Haughton and all internal driveways shown to align with the existing / proposed vehicle crossing
 - f. clerestory windows to be shown above the bedrooms 2 and 3 for dwelling 2 to comply with standard B27
 - g. the internal driveways for dwelling 5 shown to be at least 500mm from the side boundary at the front boundary
 - h. the proposed vehicle crossing in Bevan Street shown to be separated from the neighbours vehicle crossing with a pedestrian refuge of no less than 1 metre wide
 - i. the proposed vehicle crossing for dwelling 1 shown to be outside of the prohibited zone (6 metres from the tangent of the corner)
 - j. the proposed double vehicle crossing must have a common layback with a

triangle of grass between the infill sections of the vehicle crossings to create a pedestrian refuge of no less than 1 metre and must be constructed to the satisfaction of the Responsible Authority

- k. a standard on street parking bay at least 5.4m between vehicle crossings shown on the plans
- l. the side entry pits located near vehicle crossings proposed for dwelling 4 to be shown on plans and modified to the satisfaction of the Responsible Authority
- m. the provision of minimum 2000 litre rainwater tank clearly nominated for each dwelling with water re-used for toilet flushing
- n. the provision of a full colour palette, finishes and building materials schedule for all external elevations and driveways of the development
- o. a notation on the floor / site plan(s) stating: "The redundant vehicle crossing must be removed, kerb & channel must be reinstated and the extension to the existing footpath up to the wing of the vehicle crossing must be constructed to the satisfaction of the Responsible Authority"

Endorsed Plans

- 2. The development as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.
- 3. All works on or facing the boundaries of adjoining properties must be finished and surface cleaned to a standard that is well presented to neighbouring properties in a manner to the satisfaction of the Responsible Authority.

Street Trees / Parks Department

- 4. Prior to the commencement of any works on the site including demolition, a tree protection barrier must be installed at three (3) metres from the base of the *Melaleuca linariifolia* (Snow in Summer) street tree located on the Wordsworth Avenue nature strip.
- 5. Prior to the commencement of any works on the site including demolition, a tree protection barrier must be installed at three (3) metres from the base of the *Prunus sp.* street tree located on the Oakes Avenue nature strip.

Drainage and Water Sensitive Urban Design

- 6. The development of the site must be provided with stormwater works which incorporates the use of water sensitive urban design principles to improve stormwater runoff quality and which also retains on site any increase in runoff as a result of the approved development. The system must be maintained to the satisfaction of the Responsible Authority. The satisfactory options to achieve these desired outcomes may include the use of an infiltration or bioretention system, rainwater tanks connected for reuse and a detention system. The overall outflow of the site to Council drainage system must be limited to 8.5 L/s.

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7. Before the development commences, a Stormwater Management Plan showing the stormwater works to the nominated point of discharge must be prepared to the satisfaction of the Responsible Authority. The Stormwater Management Plan must be prepared by a qualified person and show all details of the proposed stormwater works including all existing and proposed features that may have impact (e.g. trees to be retained, crossings, services, fences, abutting buildings, existing boundary surface levels, etc.). The Stormwater Management System must be prepared as per Council's "Civil Design Requirements for Developers – Part A: Integrated Stormwater Management".
8. A STORM report demonstrating water sensitive urban design treatments and achieving Victorian best practice objectives with minimum 100% rating must be provided as part of the Stormwater Management Plan to the satisfaction of the Responsible Authority.
9. Stormwater works must be provided on the site so as to prevent overflows onto adjacent properties.

Infrastructure and Road Works

10. Any relocation of pits/power poles or other services affected by this development must be relocated to the satisfaction of the relevant servicing authority and the Responsible Authority, at the cost of the owner/developer.
11. Property boundary and footpath levels must not be altered without the prior written consent from the Responsible Authority.
12. The replacement of all footpaths, including offsets, must be constructed to the satisfaction of the Responsible Authority.
13. All reinstatements and vehicle crossings must be constructed to the satisfaction of the Responsible Authority.
14. All redundant vehicle crossings must be removed (including redundant portions of vehicle crossings) to the satisfaction of the Responsible Authority.
15. All front and side fences must be contained wholly within the title property boundaries of the subject land.

General amenity conditions

16. Service units, including air conditioning/heating units, where incorporated, must not be located where they will be highly visible from any public area or within close proximity to habitable room windows located on adjoining lots 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.
17. All piping, ducting above the ground floor storey of the development (other than rainwater, guttering and downpipes) must be concealed to the satisfaction of the Responsible Authority.

Completion of Works

18. Prior to the occupation of the dwellings thereby 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.
19. Prior to the occupation of the dwellings hereby permitted, the landscaping works as shown on the endorsed plans must be completed to the satisfaction of the Responsible Authority. Thereafter, the landscaping shall be maintained (except where that landscaping is on public land) to the satisfaction of the Responsible Authority.
20. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.

Time Limits

21. 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: 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 approved development for this site will not be eligible for Council resident or visitor parking permits.

CARRIED

8.3 KP16/1009 - 640 Nepean Highway Carrum

It is recorded that Megan Schutz 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 a two (2) storey building with basement car parking, comprising thirteen (13) dwellings and a shop with a reduction of the car parking requirements and waiver of the loading bay requirement at 640 Nepean Highway, Carrum on the following grounds:

1. The proposal would detrimentally affect the amenity of the Neighbourhood.
2. The proposal would detract from the visual amenity of the locality and the streetscape.
3. The proposal constitutes an over-development of the site.
4. The proposal would cause traffic congestion.
5. The proposal is contrary to the objectives and precinct standards of the Carrum Activity Centre Policy at Clause 22.12 of the Kingston Planning Scheme.

Amendment

Moved: Cr Oxley

That Council determines to issue a Notice of Refusal to Grant a Permit to develop the land for the construction of a two (2) storey building with basement car parking, comprising thirteen (13) dwellings and a shop with a reduction of the car parking requirements and waiver of the loading bay requirement at 640 Nepean Highway, Carrum on the following grounds:

1. The proposal would detrimentally affect the amenity of the Neighbourhood.
2. The proposal would detract from the visual amenity of the locality and the streetscape.

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3. The proposal constitutes an over-development of the site.
4. The proposal would cause traffic congestion.
5. The proposal is contrary to the objectives and precinct standards of the Carrum Activity Centre Policy at Clause 22.12 of the Kingston Planning Scheme.
6. The proposal fails to comply with the requirements of clause 55 (Res Code) of the Kingston Planning Scheme. In particular:
 - Neighbourhood Character
 - Residential Policy
 - Dwelling Diversity
 - Site Coverage
 - Permeability
 - Parking location; and
 - Walls on boundaries

The Amendment was accepted by the Seconder

The Motion was CARRIED

The Motion reads as follows:

That Council determines to issue a Notice of Refusal to Grant a Permit to develop the land for the construction of a two (2) storey building with basement car parking, comprising thirteen (13) dwellings and a shop with a reduction of the car parking requirements and waiver of the loading bay requirement at 640 Nepean Highway, Carrum on the following grounds:

1. The proposal would detrimentally affect the amenity of the Neighbourhood.
2. The proposal would detract from the visual amenity of the locality and the streetscape.
3. The proposal constitutes an over-development of the site.
4. The proposal would cause traffic congestion.
5. The proposal is contrary to the objectives and precinct standards of the Carrum Activity Centre Policy at Clause 22.12 of the Kingston Planning Scheme.
6. The proposal fails to comply with the requirements of clause 55 (Res Code) of the Kingston Planning Scheme. In particular:
 - Neighbourhood Character
 - Residential Policy
 - Dwelling Diversity
 - Site Coverage
 - Permeability
 - Parking location; and
 - Walls on boundaries

8.4 Planning Compliance in the Green Wedge - Quarterly Report - February 2017

RECOMMENDATION

That Councillors note the Information.

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

8.5 Proposed Dog Off Leash Area Spring Road Reserve, Dingley Village

RECOMMENDATION

That Council:

1. Approve and implement a designated off leash area within the Spring Road Reserve, Dingley Village in the area broadly designated on Attachment 1.
2. That the Dog Off Leash area be reviewed as part of any future Master Plan or capital works undertaken for the Spring Road Reserve.
3. That a communication strategy be developed to promote the Dog Off Leash area within the Reserve.

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

8.6 Draft Project Briefs - Housing Strategy, Neighbourhood Character Study and Car Parking Review

RECOMMENDATION

That Council:

1. Receive the information in response to Council's resolution as per item 8.8 of 22 February 2016 Ordinary Council Meeting.
2. Endorse the project briefs at Appendix 1 and Appendix 2 and release them for tender in line with Council's procurement practices.
3. Determine that the project briefs at Appendix 1 and Appendix 2 not be confidential upon the commencement of the formal public tender process.
4. Determine that a further officer report be brought back to Council at the conclusion of the tender process following an evaluation of all tenders received and recommending the appointment of the preferred consultants.

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

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9. Community Sustainability Reports

9.1 Con 16-113 Major Construction Works - Builders Panel 2017 - 2020

RECOMMENDATION

That Council:

1. Receive the information.
2. Approve the appointment of a panel of suitably qualified commercial builders from which future community building tenders will be sought during the period 2017-2020 for major building construction works up the value of \$1 million (excl gst), in accordance with the provisions of Contract 16/113:

Con 16/113 – Major Construction Works - Builders Panel 2017-2020 – Category 1 Works Up to \$1,000,000 (excl. gst)
Ducon Maintenance Pty Ltd
Allmore Constructions Pty Ltd
Mantec Projects Pty Ltd
Fercon Property Group Pty Ltd
CA Property Group Pty Ltd
Fimma Constructions Pty Ltd
Merkon Constructions Pty Ltd
Renascent Constructions Pty Ltd
Cellstruct Industries Pty Ltd
CCAPL P/L (Trading as Cornerstone Constructions P/L)

3. Approve the appointment of a panel of suitably qualified commercial builders from which future community building tenders will be sought during the period 2017-2020 for major building construction for works between the value of \$1 million - \$5 million (excl gst), in accordance with the provisions of Contract 16/113:

Con 16/113 – Major Construction Works - Builders Panel 2017-2020 – Category 2 Works Between \$1,000,001 - \$5,000,000 (excl. gst)
Lloyd Group Pty Ltd
Dura Constructions Pty Ltd
Ducon Maintenance Pty Ltd
Allmore Constructions Pty Ltd

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Mantec Projects Pty Ltd
CA Property Group Pty Ltd
Fimma Constructions Pty Ltd
Renascent Constructions Pty Ltd
Cellstruct Industries Pty Ltd
Behmer & Wright Trading Trust
CCAPL P/L (Trading as Cornerstone Constructions P/L)

4. Note the confidential detailed tender evaluation matrices attached to this report for Council's information.

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

10. City Assets and Environment Reports

10.1 Parkdale Local Area Traffic Management (LATM) Study - Parking Update

RECOMMENDATION

That Council:

1. Receive this report on residential and trader parking protections in Parkdale.
2. Receive a further report on the work with Public Transport Victoria and VicTrack to develop new parking infrastructure to manage parking demand associated with Parkdale Station.

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

10.2 Response to Notice of Motion 56/2016 - Cr Bearsley - Kingston Foreshore

RECOMMENDATION

That Council note the information provided.

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

10.3 Response to Notice of Motion 38/2016 - GR Bricker Master Plan & Feasibility Study

RECOMMENDATION

That Council:

1. Endorse the development of a reserve concept plan for GR Bricker West Reserve to guide future minor reserve improvements.
2. Refer a new initiative funding submission of \$30,000 to the 2017/18 budget process to prepare the concept plan.

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

10.4 EOI Outcome: Masonic Hall 81 Albert St Mordialloc

Paul Franklin, General Manager Corporate Services, declared an indirect interest by close association in item 10.4 and left the meeting at 7.40 pm prior to any discussion on the matter.

Moved: Cr Gledhill

Seconded: Cr Brownlees

That Council:

1. Note the outcome of the EOI for a Lease of the former Masonic Hall at 81 Albert St Mordialloc;
2. Thank the submitters for their submission;
3. Authorise officers to engage with Kids Like Us to explore a modified proposal; and
4. Report back to Council the outcome of further discussion with Kids Like Us.

Amendment

Moved: Cr West

That Council:

1. Note the outcome of the EOI for a Lease of the former Masonic Hall at 81 Albert St Mordialloc;
2. Thank the submitters for their submission;
3. Authorise officers to engage with Kids Like Us to explore a modified proposal; and
4. Report back to Council the outcome of further discussion with Kids Like Us and whether this could be integrated with the previous officer proposal for a youth centre.
5. Consider previous Council sponsored options (prior to the EOI).

The Amendment was accepted by the Mover and Seconder

The Motion was CARRIED

The Motion reads as follows:

That Council:

1. Note the outcome of the EOI for a Lease of the former Masonic Hall at 81 Albert St Mordialloc;
2. Thank the submitters for their submission;
3. Authorise officers to engage with Kids Like Us to explore a modified proposal; and
4. Report back to Council the outcome of further discussion with Kids Like Us and whether this could be integrated with the previous officer proposal for a youth centre.
5. Consider previous Council sponsored (prior to the EOI) options.

Mr Paul Franklin, General Manager Corporate Services returned to the meeting at 7.50pm.

10.5 Patterson Lakes Beach Maintenance

Moved: Cr Oxley

Seconded: Cr West

That Council:

1. Note the results of the preliminary Quiet Lakes residents survey (Appendix 1) with regard to contributing toward an annual special charge per Quiet Lakes property for a higher level of beach maintenance service. The Special Charge would offset the cost of increasing service frequency to monthly and include debris raking (refer Appendix 4 Table 4.2).
2. Pursuant to Section 163 of the Local Government Act introduce a special charge (estimated to be \$175 per property based on Melbourne Water figures for 2016/17) to offset the cost of Quiet Lakes beach maintenance increasing to a monthly service year round including debris raking by Melbourne Water, as set out in Appendix 4 Table 4.2.
3. Resolve that the existing Council contribution of \$80,000 toward Patterson Lakes beach maintenance be adjusted on an annual basis to reflect the actual cost of providing the beach maintenance service agreed with Melbourne Water.
4. Resolve that Council allocate an additional \$16,905 to increase the base level of service (as per Appendix 4 Table 4.1) of beach maintenance service at the Quiet Lakes.
5. Allocate an additional \$5,720 annually should the State Government not commit to funding the sand retrieval activity for Quiet Lakes (refer to Appendix 4 Table 4.3) and adjust the special charge accordingly for residents to contribute the remaining 50% of the total cost of sand retrieval.
6. Continue to advocate to all relevant authorities to take full responsibility for the

sand retrieval as per the independent review.

Amendment

Moved: Cr Bearsley

Seconded: Cr Gledhill

That the recommendation be adopted subject to the removal of point 5.

LOST

Procedural Motion

Moved: Cr Staikos

Seconded: Cr Oxley

That the motion be put.

CARRIED

The Substantive Motion was put and CARRIED

Cr Bearsley left the meeting at 8:12 pm.

10.6 Permanent Road Closure - Florence Street between Como Parade West and Mentone Parade Mentone

RECOMMENDATION

That Council:

1. Permanently close Florence Street, Mentone between Como Parade West and Mentone Parade to vehicles in accordance with Schedule 11, Clause 9 of the *Local Government Act 1989*.
2. Communicate the resulting changes to traffic movement through Mentone via wayfinding signage and a community drop-in.

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

11. Corporate Services Reports

11.1 Quick Response Grants

RECOMMENDATION

That Council approve the following grant applications:

- Joshua Bell - \$500.00
- Kingston City Football Club - \$1469.00 (conditional upon the signage complying with Council's Guidelines for Advertising and Promotional Signs on Council Sporting Reserves)
- Akatokamanava Mauke Enea Community of Victoria Inc - \$500.00

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

11.2 One Vision Council Plan Performance Report and Quarterly Financial Statements as at December 2016

RECOMMENDATION

That Council:

1. Receive the Council Plan Performance Report and Quarterly Financial Statements.

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

11.3 2016/17 Budget Forecast

RECOMMENDATION

That Council:

Note the report and endorse the forecast operating and capital position as at 30 June 2017. See Appendices.

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

Cr Bearsley returned to the meeting at 8:27 pm.

11.4 Arbiter's Findings for Alleged Contravention of Councillor Code of Conduct

Moved: Cr Staikos

Seconded: Cr Brownlees

That Council note the arbiter's findings in relation to an alleged contravention of the Councillor Code of Conduct.

CARRIED

Question Time

Question Time was held at 8.33 pm.

Cr Oxley left the meeting at 8:34 pm.

Cr Oxley returned to the meeting at 8:35 pm.

Question 1.

Serge Kraskov of Edithvale asked:

“The Kingston Council elections took place in late 2016 with the first council meeting in November 2016. Yet three months later the Council is yet to reaffirm its position on elevated on the Frankston line. At the Council meeting held 6 February 2017, the public was told this would take place at Council meeting on 27 February 2017. Now tonight it again has not. Please advise in detail why the Council has not reaffirmed its position on elevated rail and when it will do so.”

The CEO provided the following response:

“At the commencement of tonight’s meeting when minutes of 6 February meeting were considered this was noted and spoken to. A report is being prepared for an upcoming meeting, in response to a Notice of Motion considered by Council in 2016. The report will include consideration of recent announcements by the State Government.

Question 2.

Serge Kraskov of Edithvale asked:

“A motion at tonight’s meeting presented by Cr Bearsley requesting Council to reaffirm its opposition to elevated rail, after receiving a petition of residents from the No Sky Rail Frankston Line group, was not referred to Council. Please explain in detail why it was not.”

The CEO provided the following response:

“Clause 19 of the Meeting Procedures Local Law requires that “A petition or joint letter addressed to any member personally which requires a decision of or directions from the Council must be referred by the Councillor who receives it to the Chief Executive Officer”. The matter having been referred to the CEO will require further consideration of the matter.”

Question 3.

Serge Kraskov of Edithvale asked:

“I asked 6 questions regarding the Frankston line crossing removals during Question Time at the Council meeting held on 6 February 2017. I am yet to receive responses to the questions taken on notice. Can you advise when this will occur and how will I receive the responses?”

The CEO provided the following response:

“The response was posted last week and should arrive in the mail this week.”

Question 4.

Robyn McCrae of Patterson Lakes asked:

“Given the Council has \$3.9 million in the open space fund and given that \$5 million came into this fund in the last 5 years, we can expect that at least \$5 million or more given the level of development going on will come in the next 5 years. What could Council be spending this money on if not on the last piece of environmentally significant land available in South Ward? It cannot be lost!”

The CEO provided the following response:

“In Areas 8,9 10 Council had \$3,903,818 in the Open Space Reserve on 30 June 2016. Council has commitments of \$2,403,000 in Areas 8, 9 and 10 including the following projects:

- 16/17 Bonbeach Reserve Masterplan*
- 16/17 Bicentennial Park \$920,000*
- 17/18 Bonbeach Reserve Masterplan (17/18, 18/19, 19/20) \$983,000*

It is difficult to determine the future revenue in the Open Space Reserve fund for Areas 8, 9 10 over coming years – over the past 6 financial years \$5,241,217 came in through areas 8, 9, 10.

Question 5.

Genevieve Pound of Chelsea asked the following question

“Could the ecological report please be made available to the public re Tarella Road open space?”

The CEO provided the following response:

“Council has received an ecological report it commissioned from Biosis Research. The report was received from the consultant over the weekend. Council will make the ecological report available”.

Question 6.

Clare McPhee of Chelsea asked the following question

“Given that Council has now received the Ecological Assessment from Biosis Research pertaining to 19 Tarella and 17 Kangaroo Roads Chelsea, will Council make this document available by all objectors attending the Planning Consultation Meeting on 1 March 2017?”

The CEO provided the following response:

“Yes we will make the report available to the meeting but it will not be possible to mail the report prior to the meeting. A copy to view will be made available for participants at the meeting, being mindful that the meeting is to discuss the planning application that is before Council to consider. The Council is required to consider the Planning Application against the provisions of the Kingston Planning Scheme.”

Question 7.

Phil Reid of Mordialloc asked the following question

Due to the outbreak of Buruli ulcers, which are thought to be spread by mosquitoes now moving from Bellarine and seen on the Mornington Peninsulas, Frankston Council has taken measures to get mosquitoes tested. As Kingston has a large wetlands and prone to mosquitoes, will the Council be undertaking similar measures to Frankston?

The CEO provided the following response:

“Kingston has a significant history working with the Department of Health and Human Services on mosquito surveillance. Council became aware of concerns associated with mosquito related diseases earlier this month and has already put in place the following:

- *We will be increasing our surveillance from once a month to weekly as a result of the DHHS request*
- *Beyond analysing areas at the Seaford Wetlands additional mosquito trapping will be occurring in the northern and southern parts of the city.*

Officers will continue to work with the Department of Health and Human Services on community alerts and awareness campaigns associated with mosquito carrying diseases.”

Question 8.

Phil Reid asked the following question

“Re asbestos clean-up at Chelsea Bicentennial Park. What part of the clean-up cost will be attributed to the ratepayers? Has the breakdown of procedures been identified and fixed, so that there will not be a reoccurrence?”

The CEO provided the following response:

“All of the cost at present but Council has written to the Education Department seeking a meeting to discuss cost sharing as the contaminated land is Education Department land being used as a car park which Council is getting for a peppercorn lease.

Question 9.

Ian Baldock asked the following question:

“Many senior citizens I am in contact with have expressed a wish for more exercise by cycling in the neighbourhood, but are not confident travelling on our roadways. Kingston’s roads are becoming more heavily used with larger vehicles which provides much risk to our elderly neighbours. They would feel more confident if they could ride on the footpaths but are currently not permitted to legally ride on the footpath unless they are accompanying another cyclist under 12 years of age. With this exemption in place I feel it would increase the mobility and independence of seniors, as well as enabling a more active lifestyle with fitness and health benefits to themselves.

The CEO provided the following response:

“We will take this question on notice for Council to consider as part of ongoing discussions with Vicroads and the development of Council’s Integrated Transport Strategy”.

Question 10.

Lyndel O’Shannessy asked the following question:

“When will the lighting be repaired on Lake Illawong? despite numerous reports by fellow neighbours these are still out of action. It’s been around 6mths now.”

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.

Question 11.

Anthony Moffatt of Patterson Lakes asked the following question:

“Rightly so, the City of Kingston has classified the sand retrieval activity at the Patterson Lakes waterways as an asset integrity function beyond maintenance on a state owned asset. The Patterson Lakes Independent Review states that Melbourne Water is responsible for Civil Works within Melbourne Water Title, that Kingston Council is responsible for Civil Works outside Melbourne Water title and is very clear that residents are only financially responsible for activities that provide a private recreational benefit. How does the City of Kingston propose to legally charge the Quiet Lakes residents for the activity of sand retrieval as an asset management activity of no private recreational benefit within the Melbourne Water title when this activity sits outside the City of Kingston’s jurisdiction in relation to the findings of the Patterson Lakes Independent Review?”

The CEO provided the following response:

“This matter was part of the debate and the vote by Council earlier this evening.”

Question 12.

Alan Antoney of Patterson Lakes asked the following question:

“Given that: 1. Melbourne Water obviously have very little or no interest in the Patterson Lakes Quiet Lakes and I suspect that the beach maintenance is becoming a source of revenue and 2. The City of Kingston has the expertise in contract management and tendering. Why does not The City of Kingston divorce themselves from Melbourne Water and tender the all aspects of the beach maintenance including the input into the KPI’s from the residents via the Patterson Lakes Quiet Lakes Owners & Residents Committee.”

The CEO provided the following response:

“Officers are working with Melbourne Water to work through the best arrangements for the delivery and management of the maintenance services in this area. At this stage there is not a fixed view on the agency that should deliver the service, there is a clear

understanding that the scope and standard of delivery needs to meet the expectations of the community and Council.”

Question 13.

Alison Yates of Patterson Lakes asked the following question:

“How does a reduction of beach maintenance services from 12 per annum, especially beach raking and debris collection, comply with the requirement of managing water quality in accordance with the expectations of the IR and Clause 21.09 “Environment, Wetlands and Waterways” of the Kingston Planning Scheme Objective 1.?”

The CEO provided the following response:

“In the past three years the level of maintenance on the Quiet Lakes has reduced from a 12 month service which was previously delivered under the Precept Charge Model (charge levied to residents by Melbourne Water – understood to be in the vicinity of \$2,000-\$2,750 per property). Council assumed maintenance activities at a reduced level in accordance with the \$80,000 allocation made in 2014 to this activity. Council through the consideration of a report this evening, will be considering an increase in the base level of funding to maintenance on the Quiet Lakes to 6 services per year, with a special charge levied to property owners (approx. \$175) to undertake a further 6 services per year – effectively returning to a 12 month service. This is consistent particularly with Objectives 1 & 2 of Clause 21.09 of the Kingston Planning Scheme”

Question 14.

Ian Millar of Mordialloc asked,

“Given that this construction of ‘shared housing’ continuing at 25 McDonald Street, Mordialloc is proceeding without a planning permit and given the fact that it was allowed to proceed without a planning permit, it is certain that this matter will be taken before the VCAT. The fact that the ‘shared housing’ construction was allowed to commence and to continue without a planning permit is quite clearly a contravention of Clause 52.23 shared housing VC127 4/2/16 and it is certain that a VCAT ruling will require the construction to cease and likely require that the partially completed construction be demolished. Isn’t it incumbent on Kingston Council to become involved and require that construction be halted in order to contain the costs that will be incurred by Kingston’s ratepayers when the developer demands recompense?”

Question 15.

Ian Millar of Mordialloc asked,

“In regard to the construction of shared housing going on at 25 McDonald Street Mordialloc; Kingston Council’s Planning Department have acknowledged, by their word, and by their action in seeking legal advice, mid 2016, regarding shared housing prior to this construction commencing, that this is indeed and a construction of shared housing. Specifically, please explain, in reference to Clause 52.23 9VC127 4/2/16) ‘shared housing’ how Kingston’s Planning Department have advised and allowed this construction of shared housing to commence and continue without the legally required planning permit, the fact of which is in direct contravention of that planning clause?”

Question 16.

Ian Millar of Mordialloc asked,

“On 21st January 2016, describing the amendment to the clause 52.23 ‘shared housing’, the Hon. Lisa Neville MP stated that “Victoria’s shared housing provisions have been changed to clarify that developers of shared housing, such as boarding houses and rooming houses, will require a planning permit to build in residential zones”. My question is, doesn’t the Minister and the VC127 amendment to this clause (gazette on 4/2/16) and referred to in the notes to the clause, state that the construction of sharing housing is not exempt from a planning permit?”

The CEO provided the following response to Questions 14, 15 and 16:

“Officers will provide a written response to Mr. Millar’s questions.”

11.5 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.

12. Notices of Motion

12.1 Notice of Motion No. 1/2017 - Cr Hua - Victoria Police 'No Pursuit Policy'

Note: This matter was deferred at the meeting of 6 February 2017. Prior to deferral, two amendments to the original motion were carried. Council is required to determine the motion following the amendments.

Procedural Motion

Moved: Cr West

Seconded: Cr Oxley

That this item be deferred for discussion until Council’s next MP’s Breakfast or no later than the May Ordinary Meeting of Council.

CARRIED

Cr Barth left the meeting at 8:16 pm and did not return.

12.2 Notice of Motion No. 4/2017 - Cr West - Pompei's Landing

Note: This matter was listed in the confidential section of the agenda as Item 14.1. It was resolved that this item be considered as Item 14.1 in the part of the meeting closed to the public. Refer to page 21 of the Minutes.

12.3 Notice of Motion No. 5/2017 - Cr Brownlees - Ward Based Committees

Moved: Cr Brownlees

Seconded: Cr Gledhill

That officers prepare a report that outlines the processes for establishing and forming, including operational, reporting and staffing possibilities, a Ward based advisory/consultative committee for each ward.

Procedural Motion

Moved: Cr West

Seconded: Cr Staikos

That this item be deferred until Council officers provide a report in response to discussion at the Councillor Planning Workshop about the need to provide locally based Village or Ward Advisory Committees.

CARRIED on the Casting Vote of the Chairperson

12.4 Notice of Motion No. 6/2017 - Cr Gledhill - Beach Road Line Marking

Moved: Cr Gledhill

Seconded: Cr Staikos

That as part of the work undertaken to implement the Bay Trail, officers seek discussions with Vicroads over the merits of installing a solid coloured line along Beach Road from Charman Road to Nepean Highway, immediately inside the current lane dividing broken line. The purpose of the line would be to advise bike riders that they may not proceed any further toward the centre of the road.

CARRIED

12.5 Notice of Motion No. 7/2017 - Cr Gledhill - Future Provision of Sports Ovals

Moved: Cr Gledhill

Seconded: Cr Brownlees

That officers prepare a report outlining what steps Council would be required to take in order to secure suitable land with a view to the future provision of sports ovals, pitches, diamonds and courts. The report should include matters relating to funding, procurement and establishment timelines.

Amendment

Moved: Cr West

That as part of a report on Green Wedge issues discussed at the recent Councillor Planning Workshop, officers prepare a report outlining what steps Council would be required to take in order to secure suitable land with a view to the future provision of sports ovals, pitches, diamonds and courts. Further, that the report should include matters relating to funding, procurement and establishment timelines.

The Amendment was accepted by the Mover and Seconder

The Motion was CARRIED

The Motion reads as follows:

That as part of a report on Green Wedge issues discussed at the recent Councillor Planning Workshop, that officers prepare a report outlining what steps Council would be required to take in order to secure suitable land with a view to the future provision of sports ovals, pitches, diamonds and courts. Further, that the report should include matters relating to funding, procurement and establishment timelines.

13. Urgent Business

There were no items of Urgent Business.

14. Confidential Items

Moved: Cr Gledhill

Seconded: Cr West

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 Notice of Motion No. 4/2017 - Cr West - Pompei's Landing

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

Confidential Appendices

8.4 Planning Compliance in the Green Wedge - Quarterly Report - February 2017

Appendix 1, Planning Compliance in the Green Wedge

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

8.6 Draft Project Briefs - Housing Strategy, Neighbourhood Character Study and Car Parking Review

Appendix 1, Kingston Housing Strategy and Neighbourhood Character Study Project Brief - 21 Feb 2017

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

8.6 Draft Project Briefs - Housing Strategy, Neighbourhood Character Study and Car Parking Review

Appendix 2, Kingston Car Parking Study Project Brief - 27 January 2017

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

**9.1 Con 16-113 Major Construction Works - Builders Panel 2017 - 2020
Appendix 1, Con 16-113 Builders Panel Tender Assessment Matrix - category 1**

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

**9.1 Con 16-113 Major Construction Works - Builders Panel 2017 - 2020
Appendix 2, Con 16-113 Builders Panel - Tender Assessment Matrix - Category 2**

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

**10.4 EOI Outcome: Masonic Hall 81 Albert St Mordialloc
Appendix 1, Evaluation Table for Masonic Hall EOI**

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

**11.4 Arbiter's Findings for Alleged Contravention of Councillor Code of Conduct
Appendix 1, City of Kingston Arbiter's Findings (Application 1 - West Brownlees)**

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

CARRIED

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

Procedural Motion

Moved: Cr Brownlees

Seconded: Cr Bearsley

That the meeting be adjourned for 5 minutes.

CARRIED

Moved: Cr Oxley

Seconded: Cr Gledhill

That the meeting be opened to members of the public

CARRIED

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The meeting was opened to members of the public at 9.58 pm.

The meeting closed at 9.58 pm.

Confirmed.....

The Mayor 27 March 2017