

Minutes

Ordinary Meeting of Council

Monday, 23rd October 2017



**City of Kingston
Ordinary Meeting of Council**

Minutes

23 October 2017

Table of Contents

1.	Apologies.....	3
2.	Confirmation of Minutes of Previous Meetings	3
3.	Foreshadowed Declaration by Councillors, Officers or Contractors of any Conflict of Interest	3
	<i>[Note that any Conflicts of Interest need to be formally declared at the start of the meeting and immediately prior to the item being considered – type and nature of interest is required to be disclosed – if disclosed in writing to the CEO prior to the meeting only the type of interest needs to be disclosed prior to the item being considered.]</i>	
4.	Petitions.....	4
5.	Presentation of Awards	4
6.	Reports from Delegates Appointed by Council to Various Organisations	4
7.	Question Time	5
8.	Planning and Development Reports.....	6
9.	Community Sustainability Reports.....	29
10.	City Assets and Environment Reports.....	34
11.	Corporate Services Reports	39
12.	Notices of Motion.....	42
13.	Urgent Business	43
14.	Confidential Items.....	43

**City of Kingston
Ordinary Meeting of Council**

Minutes

23 October 2017

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

Present: Cr David Eden (Mayor)
Cr Tamara Barth
Cr Tamsin Bearsley
Cr Ron Brownlees OAM
Cr Geoff Gledhill
Cr 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
Paul Marsden, Manager City Strategy
Ian Nice, Manager City Development
Tracey Cheeseman, Acting Team Leader Communications and Events
Phil De Losa, Manager Governance
Joanne Creedon, Governance Officer
Gabrielle Pattenden, Governance Officer

1. Apologies

There were no apologies submitted to the meeting.

2. Confirmation of Minutes of Previous Meetings

Moved: Cr Gledhill

Seconded: Cr Brownlees

That the Minutes of the Ordinary Meeting of Council held on 25 September 2017 be confirmed.

CARRIED

Suspension of Standing Orders

Moved: Cr Staikos

Seconded: Cr Brownlees

That standing orders be suspended.

CARRIED

Expression of Appreciation to Mayor

Councillors Staikos, Brownlees, Barth, Oxley, Gledhill, West, Bearsley and Hua paid tribute to the efforts of Mayor Cr Eden during his term as Mayor.

Address by Mayor Cr David Eden

Cr Eden reflected on Council's achievements during his term as Mayor and thanked his Councillor colleagues, the Chief Executive Officer and Council officers for their support.

**City of Kingston
Ordinary Meeting of Council**

Minutes

23 October 2017

Resumption of Standing Orders

Moved: Cr Brownlees

Seconded: Cr Bearsley

That standing orders be resumed.

CARRIED

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

Cr Oxley foreshadowed a declaration of an indirect conflict of interest in Item 9.2 - Working Group Membership - Prevention of Violence Against Women.

Cr Eden foreshadowed a declaration of an indirect conflict of interest in Item 9.2 - Working Group Membership - Prevention of Violence Against Women.

Paul Franklin, General Manager Corporate Services foreshadowed a declaration of an indirect conflict of interest in Item 10.12 – Masonic Hall, 81 Albert Street, Mordialloc.

4. Petitions

Nil

5. Presentation of Awards

Nil

6. Reports from Delegates Appointed by Council to Various Organisations

Nil

Block Resolution

Moved: Cr Staikos

Seconded: Cr Gledhill

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

- 8.1 Town Planning Application Decision s – September
- 8.6 Response to Notice of Motion 37/2017 - Planning Considerations for Vacant Buildings
- 8.7 Response to Notice of Motion No. 30/2017 - Cr West - A Ban on Plastic Bags
- 8.9 Planning Compliance in the Green Wedge - Quarterly Report - October 2017
- 9.3 CON 17/01 - Provision of Cleaning Services - Award of Contracts
- 9.5 Rene Anderson Complex (Carrum) Proposed Renovation Works
- 10.1 SES Funding Provided by Council and State Government Funding Provisions
- 10.2 Westley Street, Carrum - Road Reconstruction
- 10.3 Munro Avenue, Edithvale (Cliffe Lane to Fraser Avenue) Road Reconstruction
- 10.7 Contract Variation Approval for Contract No. 16/112 - Governor Road / Burdekin Boulevard Intersection Braeside, Road Reconstruction and Traffic Signal Installation
- 10.8 Response to Notice of Motion 30/2016 - Master Plan for Regents Park
- 10.9 Emergency Management Annual Report and Update
- 10.10 Ownership and Maintenance of Assets in the Proposed LXRA Linear Park East of Centre Road, Clayton South
- 10.11 CON-17/84: Energy Efficient Street Light Procurement
- 11.2 Quick Response Grants
- 11.3 Assembly of Councillors Record Report
- 11.5 Kingston Your City Review
- 11.6 Investment Portfolio Report - September 2017
- 11.7 Proposed Renaming of Keys Road Reserve to Harold Caterson Reserve

CARRIED

7. Question Time

Question Time took place at 8.55pm. Please refer to page 30 of the minutes.

8. Planning and Development Reports

8.1 Town Planning Application Decisions - September 2017

RECOMMENDATION

That the report be noted.

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

8.2 KP16/1086 - 95 Devon Street Cheltenham

It is recorded that Scott Nathan spoke on behalf of the objectors.

It is recorded that Kiril Jovanoski spoke on behalf of the applicant.

Moved: Cr Gledhill

Seconded: Cr Brownlees

That Council determine to support the proposal and issue a Notice of Decision to Grant a Planning Permit to develop the land for the construction of four (4) dwellings at 95 Devon Street, 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 13 April 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. A planting schedule of all proposed trees and shrubs, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plan;
 - ii. A survey, including, botanical names of all existing trees to be retained or removed on the site including Tree Protection Zones for trees to be retained calculated in accordance with AS4970-2009
 - iii. A survey including botanical names, of all existing trees on neighbouring properties where the Tree Protection Zones of such trees calculated in accordance with AS4970-2009 fall partially within the subject site
 - iv. The delineation of all garden beds, paving, grassed area, retaining walls, fences and other landscape works
 - v. A range of plant types from ground covers to large shrubs and trees;

**City of Kingston
Ordinary Meeting of Council**

Minutes

23 October 2017

- vi. A native canopy tree in the south/west corner of the property, supplied and planted at a minimum of 5 metres in height and capable of reaching a minimum mature height of 12 metres
 - vii. A canopy tree in the Devon Street front setback of Unit 1 capable of reaching a minimum mature height of 6 metres and a canopy tree in the private open space of Units 1, 2, 3 and 4 capable of reaching a minimum mature height of 5 metres
 - viii. All trees, with the exception of the native tree to be supplied at 5 metres in height, provided at a minimum of 2 metres in height at time of planting, medium to large shrubs to be provided at a minimum pot size of 200mm
 - ix. No trees with a mature height over five (5) meters are to be planted over proposed or existing easements
 - x. The provision of notes regarding site preparation, including the removal of all weeds, proposed mulch, soil types and thickness, subsoil preparation and any specific maintenance requirements
 - xi. The location of any tree protection measures including for street trees accurately drawn to scale and labelled and notations referring to the endorsed Tree Management and Protection Plan
 - xii. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced
- b) The location of tree protection measures are to be illustrated to scale and labeled on the Ground Floor Plan and a notation referring to the endorsed Tree Management and Protection Plan as required by Condition 5 of this permit.
 - c) A Tree Management and Retention Plan as required by Condition 5 of this permit.
 - d) The provision of a laundry within each dwelling
 - e) Provision of an external sun shading devices such as an external blind or similar to all west facing habitable room windows
 - f) A notation on the plan stating “the guttering pertaining to the walls on boundaries nominated as being contained wholly within the title boundaries of the subject land”
 - g) A variation to the colour scheme of the first floors of Dwelling 2 and 3, and the provision of a full colour palette, finishes and building materials schedule for all dwelling external elevations and driveways of the development
 - h) The provision of minimum 2000 litre rainwater tank clearly nominated for each dwelling with water re-used for toilet flushing
 - i) A notation on the plan stating “The property is subject to Kingston Flood SBO. The minimum finished floor level of the proposed buildings (habitable areas) must be 26.62m to Australian Height Datum (AHD) and the finished floor level of the proposed garages must be minimum 26.47m to AHD.”
 - j) Replacement of all dwelling’s storage sheds with integrated dwelling storage of a minimum 6m³ externally accessible or accessible within

**City of Kingston
Ordinary Meeting of Council**

Minutes

23 October 2017

- each garage, outside of areas of secluded private open space dimension
- k) Dwelling 3 to be provided with the minimum dimensions of 5 metres in accordance with Clause 55.05-4 (Private Open Space) of the Kingston Planning Scheme
 - l) The fence adjacent to dwelling 3 along Mena Avenue to be reduced to 1.2metres with 25% transparency
 - m) The front fence of Dwelling 1 and Dwelling 2 to be reduced to 1.2metres along Devon Street and part of Mena Avenue (up to corner of Dining/Living room of Dwelling 2 – except the secluded private open space of Dwelling 2) in accordance with Schedule 3 of General Residential Zone
 - n) A notation on the plan stating “Dwelling 3 must remain a three-bedroom dwelling”
 - o) The boundary fence between Dwelling 1, Dwelling 2 and No 97 Devon Street increased minimum of 1.8m in accordance with Clause 55.04-6 of the Kingston Planning Scheme
 - p) The provision of a full colour palette, finishes and building materials schedule including samples (illustrated on an A4 or A3 sheet) for all external elevations and driveway/s of the development.

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 and Street Trees

- 3. The *Jacaranda mimosifolia* (Jacaranda) is to be retained and protected in accordance with the endorsed Tree Management and Protection Plan.
- 4. The native canopy tree to be planted in the south/west corner of the property is to be supplied and plants at a minimum height of 5 metres.
- 5. Before the development starts, including demolition or removal of vegetation, a Tree Protection Plan (drawing) and Tree Management Plan (report) must be submitted to and be endorsed by the Responsible Authority;
 - a) The Tree Protection Plan must be drawn to scale, reference the Tree Management Plan and provide details of:
 - i. The Tree Protection Zone and Structural Root Zone, calculated in accordance with AS4970-2009, for all trees to be retained on the site and for all trees on neighbouring properties where the Tree Protection Zone falls partially within the subject site.
 - ii. Tree protection fencing, or ground protection where required, provided in accordance with AS4970-2009.
 - iii. Stages of development at which inspections are required to ensure tree protection measures are adhered to must be specified.
 - iv. Appropriate signage on any tree protection fencing prohibiting access, excavation, changes in soil levels, or any storage within the Tree Protection Zone in accordance with AS4970-2009 unless with the prior written consent and under the direct supervision of the consulting arborist.

**City of Kingston
Ordinary Meeting of Council**

Minutes

23 October 2017

- v. Maintenance of the area(s) within the Tree Protection Zone in accordance with AS4970-2009.
 - vi. Any pruning to be undertaken being in accordance with AS4373-2007.
 - b) The Tree Management plan must be prepared by a suitably qualified arborist, reference the Tree Protection Plan and provide details of:
 - i. Any non-destructive root investigation undertaken in accordance with AS4970-2009 to determine the location and distribution of roots of trees nominated on the Tree Protection Plan.
 - ii. Proposed footings and construction methods for any buildings or structures within the Tree Protection Zone nominated on the Tree Protection Plan.
 - iii. How excavation impacts, including soil level changes, on trees to be retained will be managed.
 - iv. How the canopy of trees nominated on the Tree Protection Plan will be protected.
 - v. Any other measures required to demonstrate the successful ongoing retention and viability post-construction of any trees nominated on the Tree Protection Plan.
 - 6. All protection measures identified in the Tree Management and Protection Plans must be implemented, and development works undertaken on the land must be undertaken in accordance with the Tree Management and Protection Plans, to the satisfaction of the Responsible Authority.
 - 7. Before the development starts, including demolition or removal of vegetation, the name and contact details of the project arborist responsible for implementing the Tree Management Plan must be submitted to the Responsible Authority.
 - 8. Tree Protection Fencing is to be established around the two *Tristaniopsis laurina* (Water Gum) street trees on the Mena Street nature strip prior to demolition and maintained until all works on site are complete.
 - a) The fencing is to be a 1.8 metre high temporary fence constructed using steel or timber posts fixed in the ground or to a concrete pad, with the fence's side panels to be constructed of cyclone mesh wire or similar strong metal mesh or netting
 - b) The fencing is to encompass the entire nature strip with each end 2 metres from the base of the tree.
- OR
- Prior to the removal of the *Lophostemon confertus* (Queensland Brush Box) street tree from the Devon Street nature strip, payment must be made to Kingston City Council's customer service in accordance with Council's Street Tree Removal Procedures. This fee includes the removal and replacement of this tree/s and that must be undertaken by Council at the expense of the Developer/Owner.
- Drainage and Water Sensitive Urban Design
- 9. Unless with the prior written consent of the Responsible Authority, before the development commences, the following Integrated Stormwater Management documents must be prepared, by a suitably qualified person, to the satisfaction

of the Responsible Authority.

- a) Stormwater Management/drainage (drainage) Plan(s) must be prepared, with supporting computations, showing the stormwater (drainage) works to the nominated point of discharge. The plan(s) must show all details of the proposed stormwater (drainage) works including all existing and proposed features that may have impact on the stormwater (drainage) works, including landscaping details.
 - b) The Stormwater Management (drainage) Plan must address the requirements specified within Council's "Civil Design requirements for Developers – Part A: Integrated Stormwater Management".
 - c) A STORM modelling report with results demonstrating water sensitive urban design treatments that achieve Victorian best practice objectives with a minimum 100% rating must be provided as part of the Stormwater Management (drainage) Plan to the satisfaction of the Responsible Authority. These may include the use of an infiltration or bio-retention system, rainwater tanks connected for reuse, or other treatments to the satisfaction of the Responsible Authority.
 - d) The water sensitive urban design treatments as per conditions 9a, 9b & 9c, above must be implemented on-site, unless an alternative agreement is reached with the Responsible Authority.
10. Stormwater/drainage works must be implemented in accordance with the approved stormwater management/drainage plan(s) and to the satisfaction of the Responsible Authority including the following:
- a) All stormwater/drainage works must be provided on the site so as to prevent overflows onto adjacent properties.
 - b) The implementation of stormwater/drainage detention system(s) which restricts stormwater discharge to the maximum allowable flowrate of 8.7L/s.
 - c) All stormwater/drainage works must be maintained to the satisfaction of the Responsible Authority.

Road and Drains Engineering

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. Any reinstatements and vehicle crossings must be constructed to the satisfaction of the Responsible Authority.
14. Any 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.
16. Vehicle crossings must be constructed at a 90 degree alignment with the kerb on Devon Street and Mena Avenue and all internal driveways must align with the existing / proposed vehicle crossing.
17. The proposed vehicle crossing must be kept separate from the neighbour's vehicle crossing to create a pedestrian refuge of no less than 1 metre wide.

**City of Kingston
Ordinary Meeting of Council**

Minutes

23 October 2017

18. The proposed vehicle crossing must not be within the prohibited zone, (6 metres from the tangent of the corner).
19. 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.

General amenity conditions

20. 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.
21. 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.
22. 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.

Completion of Works

23. Prior to the occupation of the dwellings 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.
24. 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 to the satisfaction of the Responsible Authority.
25. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.

Time Limits

26. 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

**City of Kingston
Ordinary Meeting of Council**

Minutes

23 October 2017

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 fee for removal of the street tree(s) from the nature strip is **(\$798.25 including GST)**, payable to Kingston City Council's Customer Service Department - refer to cashier code "STRE". Customer Service will confirm payment to the Parks Department. The removal of the tree requires a minimum of 2 weeks' notice from the Developer/Owner.

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.

Amendment

Moved Cr West

Seconded Cr Oxley

That the recommendation be adopted subject to the plans being amended to include the retention of the Norfolk Island Pine.

The Amendment was put and CARRIED

The Amendment became the Motion

The Motion was put and CARRIED

A Division was Called:

DIVISION:

FOR: Crs Brownlees, Bearsley, Gledhill, Hua and Eden (5)

AGAINST: Crs Staikos, West and Oxley (3)

ABSTAINED: Crs Barth (1)

CARRIED

8.3 KP15/612 - 215-229 Spring Road Dingley Village

It is recorded that Max Buontempo spoke on behalf of the applicant.

Moved: Cr Staikos

Seconded: Cr Barth

That Council determine to support the proposal and issue a Notice of Decision to Use and develop the land for the construction of one (1) dwelling and associated buildings and works (including rainwater tank) and remove native vegetation from the land in accordance with Clause 52.17 at 215-229 Spring Road Dingley Village, 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 20 January 2016, but modified to show:
 - a) the provision of an updated 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. the provision of suitable native canopy trees within the front setback and along the perimeter of the site to screen the development;
 - v. the landscaping layout to be informal in design and/or 'natural' plantings incorporated with geometrically aligned/spaced tree avenues and garden beds avoided;
 - vi. a range of plant types from ground covers to large shrubs and trees, species must comprise a minimum of 80% indigenous species, and be provided at adequate planting densities (e.g. plants with a mature width of 1 metre, planted at 1 metre intervals);
 - 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. 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; and
 - ix. the existing hard paved areas throughout the balance of the land

reinstated as natural features.

- b) the provision of a notation on the plan specifying that all materials and finishes will be low to non-reflective;
- c) the rainwater tank to be relocated to an area adjacent to the dwelling, or other location to the satisfaction of the Responsible Authority;
- d) existing hard paved areas throughout the balance of the site reinstated as natural features;
- e) the proposed front fence to be constructed of materials in a traditional rural style (i.e. timber, post, wire);
- f) external colours and finishes to be of dark, natural and muted tones and with matte finish and non-reflective materials;
- g) the proposed driveway nominated to be constructed of an all-weather permeable and rural-like surface (i.e. loose rock/gravel) with dimensions to accommodate emergency vehicles;
- h) the location of any reticulated sewerage or on-site wastewater management on the land. If on-site wastewater management is proposed, please provide details of its type and capacity through notations on plan;
- i) the provision of notations specifying the requirements of Clause 35.04-2 of the Kingston Planning Scheme;
- j) vehicle crossings shown to be constructed at a 90 degree alignment with the kerb on Spring Road and all internal driveways shown to align with the existing/proposed vehicle crossing;
- k) the existing entry shown to be reconstructed to a vehicle crossing 3 metres in width and the nature strip and stormwater pit reinstated to the satisfaction of the Responsible Authority;
- l) the proposed vehicle crossing reduced to 3 metres in width;
- m) the provision of a full colour, finishes and building materials schedule including a colour palette for all external elevations of the proposed buildings, driveways and pathways of the development.

Endorsed Plans

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

Landfill gas mitigation

- 3. Prior to commencement of any works, a design report should be prepared by a suitably qualified consultant which specifies the required gas mitigation measures and verified by an environmental auditor.
- 4. During construction, any deep excavations should be assessed for landfill gases prior to entry, based on occupational health and safety confined space requirements.
- 5. Prior to occupation of the dwelling, an auditor verification letter must be prepared which states that the gas mitigation measures have been installed to a sufficient standard and quality to operate effectively to the satisfaction of the responsible authority.

Environmental Audit

**City of Kingston
Ordinary Meeting of Council**

Minutes

23 October 2017

6. Prior to the commencement of the approved development, an Environmental Audit must be completed pursuant to section 53X of the *Environment Protection Act 1970*, to confirm that the land is suitable for the intended use. If a certificate or a statement of environmental audit is issued or intended to be issued for the land, then:
- a) The Council must be provided with a copy of the environmental audit report and any clean-up to the extent practicable submission and determination, and a copy of the certificate of environmental audit, or the statement of environmental audit;
 - b) Prior to the commencement of the approved use and development of the land or the issue of an occupancy permit under the Building Act 1993 a letter prepared and signed by an environmental auditor in respect of the land must be submitted to the Council to verify that any conditions attached to any statement of environmental audit issued for the land have been satisfied to the extent necessary for the commencement of the use of the land allowed by this permit;
 - c) Any development and use permitted by this permit must comply with conditions imposed in any statement of environmental audit for the land; and
 - d) the owner must enter into an agreement with the Council under section 173 of the Planning and Environment Act 1987 to provide for the following:
 - i. compliance with the conditions of any statement of environmental audit issued in respect of the land; and
 - ii. to notify future occupiers of the land of any conditions attached to any statement of environmental audit.

The agreement must be prepared by or on behalf of the Council and must contain terms and conditions to the satisfaction of the Council. The owner must pay the reasonable Council costs of the preparation, execution and registration of the [section 173](#) agreement.
7. The permit holder must, prior to use arrange for a reputable and suitably qualified environmental consultant to provide a letter to the Responsible Authority confirming that the requirements the use of the land in condition 6 have been satisfied.

Land Management

8. Prior to the occupation of the development hereby approved, a Land Management Plan to the satisfaction of the Responsible Authority must be submitted to, and approved in writing by, the Responsible Authority. When approved the plan will be endorsed and will then form part of the permit. The plan must include, but is not limited to the following:
- a) Details of the intended use and management of the balance of the land. It should be demonstrated that the balance of the land would be used in a manner that is consistent with the purpose of the Green Wedge Zone;
 - b) Details of the reinstatement of existing hard paved areas with natural features;
 - c) Details of measures to protect and maintain proposed landscaping on the land as shown on the endorsed landscape plan under condition 1 a);
 - d) A weed abatement and management program; and

- e) Landscaping around the perimeter of the site in accordance with condition 1 a).

The approved Land Management Plan must be implemented to the satisfaction of the Responsible Authority.

DELWP Biodiversity Conditions

- 9. Before works start, the permit holder must advise all persons undertaking the (vegetation removal/works) on site of all relevant conditions of this permit
- 10. Before works start, native vegetation protection fencing must be erected around all native vegetation to be retained on site. This fencing must be erected around the native vegetation at a minimum distance of 2 metres from retained native vegetation and at a radius of 12x the diameter at breast height (DBH) to a maximum of 15 metres but no less than 2 metres from the base of the trunk of the trees.
- 11. The protection fencing must be constructed to the satisfaction of the Responsible Authority. The protection fencing must remain in place at least until all works are completed to the satisfaction of the responsible authority. Except with the written consent of the Responsible Authority, within this area;
 - a) no vehicular or pedestrian access, trenching or soil excavation is to occur,
 - b) no storage or dumping of tools, equipment or waste is to occur,
 - c) no entry and exit pits for underground services are to be constructed.
- 12. In order to offset the removal of 0.150 hectares of native vegetation approved as part of this permit, the applicant must provide a native vegetation offset that meets the following requirements and is in accordance with the *Permitted clearing of native vegetation – Biodiversity assessment guidelines and the Native vegetation gain scoring manual*:

The general offset must:

 - a) contribute gain of 0.011 general biodiversity equivalence units;
 - b) be located within the Port Phillip and Westernport Catchment Management Authority boundary or City of Kingston municipal district; and
 - c) have a strategic biodiversity score of at least 0.181.
- 13. Before any native vegetation is removed, evidence that an offset has been secured must be provided to the satisfaction of the Responsible Authority. This offset must meet the offset requirements set out in this permit and be in accordance with the requirements of *Permitted clearing of native vegetation – Biodiversity assessment guidelines and the Native vegetation gain scoring manual*. Offset evidence can be either:
 - a) a security agreement, to the required standard, for the offset site or sites, including a 10 year offset management plan.
 - b) a credit register extract from the Native Vegetation Credit Register
- 14. Every year, for ten years, after the Responsible Authority has approved the offset management plan, the Applicant must provide notification to the Responsible Authority of the management actions undertaken towards the implementation of the offset management plan. An offset site condition

statement, including photographs must be included in this notification.

United Energy requirements

15. The applicant must enter into an agreement with United Energy for an extension, upgrade and/or re-arrangement of the current electricity supply to lots on the land which may also require:
- a) Establishing easement(s) internally or externally to the site; and/or
 - b) Providing site(s) to locate substations; and
 - c) Making a payment to United Energy to cover the cost of preparing such documentation and work.

Stormwater Management

16. Stormwater drainage of the site must be provided so as to prevent any overflows onto adjacent properties and be directed to the nominated point of discharge.

Sewerage

17. The dwelling must be connected to reticulated sewerage prior to the commencement of the use.
18. The owner of the subject land must enter into an agreement with South East Water for the provision of sewerage and fulfil all requirements to its satisfaction.

Reticulated water

19. The dwelling must be connected to reticulated water prior to the commencement of the use.
20. The owner of the subject land must enter into an agreement with South East Water for the provision of reticulated water and fulfil all requirements to its satisfaction.

Roads and Drains

21. The existing entry is to be reconstructed to a vehicle crossing 3 metres in width and the nature strip and storm water pit reinstated to the satisfaction of the Responsible Authority.
22. Vehicle crossings must be constructed at a 90 degree alignment with the kerb on Spring Road and all internal driveways must align with the existing/proposed vehicle crossing.
23. Prior to the commencement of the development, property boundary, footpath and vehicle crossing levels must be obtained from Council's Roads and Drains Department with all levels raised or lowered to the satisfaction of the Responsible Authority.
24. The replacement of all footpaths, including offsets, must be constructed to the satisfaction of the Responsible Authority.
25. All reinstatements and vehicle crossings must be constructed to the satisfaction of the Responsible Authority.
26. All redundant vehicle crossings must be removed (including redundant portions of vehicle crossings) to the satisfaction of the Responsible Authority.
27. All front and side fences must be contained wholly within the title property boundaries of the subject land.

Prior to Occupation

**City of Kingston
Ordinary Meeting of Council**

Minutes

23 October 2017

28. Within six (6) months from occupation of the dwelling hereby permitted (or otherwise agreed to in writing by the Responsible Authority), landscaping works as shown on the endorsed plans must be completed to the satisfaction of the Responsible Authority. The landscaping must then be maintained to the satisfaction of the Responsible Authority.
29. Prior to the occupation of the dwelling hereby permitted, all buildings and works and the conditions of this permit must be complied with, unless with the further prior written consent of the Responsible Authority.

Completion of Development

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

Permit Expiry

31. 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 and use are not started before two (2) years from date of this permit.
 - The development is not completed before four (4) years from the commencement of works.
 - The use is discontinued for a period of two (2) years.

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

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

Note: The side entry storm water pit within the vehicle crossing must be constructed to the satisfaction of the Responsible Authority.

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

Note: Prior to the commencement of the development, you are required to obtain the necessary Health Department approval for any wastewater treatment system on the land.

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.

Procedural Motion

Moved: Cr West

Seconded: Cr Staikos

That consideration of this item be deferred.

LOST

Amendment

Moved: Cr West

Seconded: Cr Staikos

That Council determine to support the proposal and issue a Notice of Decision to Use and develop the land for the construction of one (1) dwelling and associated buildings and works (including rainwater tank) and remove native vegetation from the land in accordance with Clause 52.17 at 215-229 Spring Road Dingley Village, 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 20 January 2016, but modified to show:
 - (a) The provision of an updated 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. the provision of suitable native canopy trees within the front setback and along the perimeter of the site to screen the development;
 - v. the landscaping layout to be informal in design and/or 'natural' plantings incorporated with geometrically aligned/spaced tree avenues and garden beds avoided;
 - vi. a range of plant types from ground covers to large shrubs and trees, species must comprise a minimum of 80% indigenous species, and be provided at adequate planting densities (e.g. plants with a mature width of 1 metre, planted at 1 metre intervals);
 - 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;

**City of Kingston
Ordinary Meeting of Council**

Minutes

23 October 2017

- viii. 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; and
 - ix. the existing hard paved areas throughout the balance of the land reinstated as natural features.
- (b) the provision of a notation on the plan specifying that all materials and finishes will be low to non-reflective;
 - (c) the rainwater tank to be relocated to an area adjacent to the dwelling, or other location to the satisfaction of the Responsible Authority;
 - (d) existing hard paved areas throughout the balance of the site reinstated as natural features;
 - (e) the proposed front fence to be constructed of materials in a traditional rural style (i.e. timber, post, wire);
 - (f) external colours and finishes to be of dark, natural and muted tones and with matte finish and non-reflective materials;
 - (g) the proposed driveway nominated to be constructed of an all-weather permeable and rural-like surface (i.e. loose rock/gravel) with dimensions to accommodate emergency vehicles;
 - (h) the location of any reticulated sewerage or on-site wastewater management on the land. If on-site wastewater management is proposed, please provide details of its type and capacity through notations on plan;
 - (i) the provision of notations specifying the requirements of Clause 35.04-2 of the Kingston Planning Scheme;
 - (j) vehicle crossings shown to be constructed at a 90 degree alignment with the kerb on Spring Road and all internal driveways shown to align with the existing/proposed vehicle crossing;
 - (k) the existing entry shown to be reconstructed to a vehicle crossing 3 metres in width and the nature strip and stormwater pit reinstated to the satisfaction of the Responsible Authority;
 - (l) the proposed vehicle crossing reduced to 3 metres in width;
 - (m) the provision of a full colour, finishes and building materials schedule including a colour palette for all external elevations of the proposed buildings, driveways and pathways of the development.

Endorsed Plans

- 2. The development and use as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.
- 3. That the applicant provides Council with a legal document stating that they are aware of the risk from the landfill and of the 500m buffer required by the EPA, and that they are prepared to accept any liability for damage or nuisance arising from these risks.

Landfill Gas Mitigation

- 4. Prior to commencement of any works, a design report should be prepared by a suitably qualified consultant which specifies the required gas mitigation measures and verified by an environmental auditor.

**City of Kingston
Ordinary Meeting of Council**

Minutes

23 October 2017

5. During construction, any deep excavations should be assessed for landfill gases prior to entry, based on occupational health and safety confined space requirements.

Prior to occupation of the dwelling, an auditor verification letter must be prepared which states that the gas mitigation measures have been installed to a sufficient standard and quality to operate effectively to the satisfaction of the responsible authority.

Environmental Audit

6. Prior to the commencement of the approved development, an Environmental Audit must be completed pursuant to section 53X of the *Environment Protection Act 1970*, to confirm that the land is suitable for the intended use. If a certificate or a statement of environmental audit is issued or intended to be issued for the land, then:
- a) The Council must be provided with a copy of the environmental audit report and any clean-up to the extent practicable submission and determination, and a copy of the certificate of environmental audit, or the statement of environmental audit;
 - b) Prior to the commencement of the approved use and development of the land or the issue of an occupancy permit under the *Building Act 1993* a letter prepared and signed by an environmental auditor in respect of the land must be submitted to the Council to verify that any conditions attached to any statement of environmental audit issued for the land have been satisfied to the extent necessary for the commencement of the use of the land allowed by this permit;
 - c) Any development and use permitted by this permit must comply with conditions imposed in any statement of environmental audit for the land; and
 - d) the owner must enter into an agreement with the Council under [section 173](#) of the [Planning and Environment Act 1987](#) to provide for the following:
 - i. compliance with the conditions of any statement of environmental audit issued in respect of the land; and
 - ii. to notify future occupiers of the land of any conditions attached to any statement of environmental audit.

The agreement must be prepared by or on behalf of the Council and must contain terms and conditions to the satisfaction of the Council. The owner must pay the reasonable Council costs of the preparation, execution and registration of the [section 173](#) agreement.

7. The permit holder must, prior to use arrange for a reputable and suitably qualified environmental consultant to provide a letter to the Responsible Authority confirming that the requirements the use of the land in condition 6 have been satisfied.

Land Management

8. Prior to the occupation of the development hereby approved, a Land Management Plan to the satisfaction of the Responsible Authority must be submitted to, and approved in writing by, the Responsible Authority. When approved the plan will be endorsed and will then form part of the permit. The plan must include, but is not limited to the following:
- a) Details of the intended use and management of the balance of the land. It

should be demonstrated that the balance of the land would be used in a manner that is consistent with the purpose of the Green Wedge Zone;

- b) Details of the reinstatement of existing hard paved areas with natural features;
- c) Details of measures to protect and maintain proposed landscaping on the land as shown on the endorsed landscape plan under condition 1 a);
- d) A weed abatement and management program; and
- e) Landscaping around the perimeter of the site in accordance with condition 1 a).

The approved Land Management Plan must be implemented to the satisfaction of the Responsible Authority.

DELWP Biodiversity Conditions

- 10. Before works start, the permit holder must advise all persons undertaking the (vegetation removal/works) on site of all relevant conditions of this permit
- 11. Before works start, native vegetation protection fencing must be erected around all native vegetation to be retained on site. This fencing must be erected around the native vegetation at a minimum distance of 2 metres from retained native vegetation and at a radius of 12x the diameter at breast height (DBH) to a maximum of 15 metres but no less than 2 metres from the base of the trunk of the trees.
- 12. The protection fencing must be constructed to the satisfaction of the Responsible Authority. The protection fencing must remain in place at least until all works are completed to the satisfaction of the responsible authority. Except with the written consent of the Responsible Authority, within this area;
 - a) no vehicular or pedestrian access, trenching or soil excavation is to occur,
 - b) no storage or dumping of tools, equipment or waste is to occur,
 - c) no entry and exit pits for underground services are to be constructed.
- 13. In order to offset the removal of 0.150 hectares of native vegetation approved as part of this permit, the applicant must provide a native vegetation offset that meets the following requirements and is in accordance with the *Permitted clearing of native vegetation – Biodiversity assessment guidelines and the Native vegetation gain scoring manual*:

The general offset must:

 - a) contribute gain of 0.011 general biodiversity equivalence units;
 - b) be located within the Port Phillip and Westernport Catchment Management Authority boundary or City of Kingston municipal district; and
 - c) have a strategic biodiversity score of at least 0.181.
- 14. Before any native vegetation is removed, evidence that an offset has been secured must be provided to the satisfaction of the Responsible Authority. This offset must meet the offset requirements set out in this permit and be in accordance with the requirements of *Permitted clearing of native vegetation – Biodiversity assessment guidelines and the Native vegetation gain scoring manual*. Offset evidence can be either:
 - a) a security agreement, to the required standard, for the offset site or sites,

including a 10 year offset management plan.

b) a credit register extract from the Native Vegetation Credit Register

15. Every year, for ten years, after the Responsible Authority has approved the offset management plan, the Applicant must provide notification to the Responsible *Authority* of the management actions undertaken towards the implementation of the offset management plan. An offset site condition statement, including photographs must be included in this notification.

United Energy requirements

16. The applicant must enter into an agreement with United Energy for an extension, upgrade and/or re-arrangement of the current electricity supply to lots on the land which may also require:
- a) Establishing easement(s) internally or externally to the site; and/or
 - b) Providing site(s) to locate substations; and
 - c) Making a payment to United Energy to cover the cost of preparing such documentation and work.

Stormwater Management

17. Stormwater drainage of the site must be provided so as to prevent any overflows onto adjacent properties and be directed to the nominated point of discharge.

Sewerage

18. The dwelling must be connected to reticulated sewerage prior to the commencement of the use.
19. The owner of the subject land must enter into an agreement with South East Water for the provision of sewerage and fulfil all requirements to its satisfaction.

Reticulated water

20. The dwelling must be connected to reticulated water prior to the commencement of the use.
21. The owner of the subject land must enter into an agreement with South East Water for the provision of reticulated water and fulfil all requirements to its satisfaction.

Roads and Drains

22. The existing entry is to be reconstructed to a vehicle crossing 3 metres in width and the nature strip and storm water pit reinstated to the satisfaction of the Responsible Authority.
23. Vehicle crossings must be constructed at a 90 degree alignment with the kerb on Spring Road and all internal driveways must align with the existing/proposed vehicle crossing.
24. Prior to the commencement of the development, property boundary, footpath and vehicle crossing levels must be obtained from Council's Roads and Drains Department with all levels raised or lowered to the satisfaction of the Responsible Authority.
25. The replacement of all footpaths, including offsets, must be constructed to the satisfaction of the Responsible Authority.
26. All reinstatements and vehicle crossings must be constructed to the satisfaction

of the Responsible Authority.

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

Prior to Occupation

29. Within six (6) months from occupation of the dwelling hereby permitted (or otherwise agreed to in writing by the Responsible Authority), landscaping works as shown on the endorsed plans must be completed to the satisfaction of the Responsible Authority. The landscaping must then be maintained to the satisfaction of the Responsible Authority.
30. Prior to the occupation of the dwelling hereby permitted, all buildings and works and the conditions of this permit must be complied with, unless with the further prior written consent of the Responsible Authority.

Completion of Development

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

Permit Expiry

32. 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 and use are not started before two (2) years from date of this permit.
 - The development is not completed before four (4) years from the commencement of works.
 - The use is discontinued for a period of two (2) years.

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

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

Note: The side entry storm water pit within the vehicle crossing must be constructed to the satisfaction of the Responsible Authority.

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

Note: Prior to the commencement of the development, you are required to obtain the necessary Health Department approval for any wastewater treatment system on the land.

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.

**City of Kingston
Ordinary Meeting of Council**

Minutes

23 October 2017

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.

**The Amendment was accepted by the Mover and Seconder
The Motion was put and CARRIED**

8.4 KP16/1051 - 450 Station Street Bonbeach

It is recorded that Joanne Steele spoke on behalf of the objectors.

It is recorded that Sophie Loddo spoke on behalf of the applicant.

Moved: Cr Oxley

Seconded: Cr Bearsley

That Council determine to issue a Notice of Refusal to Grant a Permit to develop the land for the construction of five (5) double storey dwellings at 450 Station Street Bonbeach subject to 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.

Cr Staikos left the meeting at 9.04pm.

Cr Staikos returned to the meeting at 9.08pm.

CARRIED

8.5 Planning Consultation Meeting Policy Review

Procedural Motion

Moved: Cr West

That consideration of this item be deferred.

LAPSED

Moved: Cr West

That Council not adopt Version 3 of the Planning Consultation Meeting Policy at Appendix 1 of the report.

LAPSED

**City of Kingston
Ordinary Meeting of Council**

Minutes

23 October 2017

Moved: Cr Gledhill

Seconded: Cr Hua

That Council adopt Version 3 of the Planning Consultation Meeting Policy at Appendix 1 of the report.

Amendment

Moved: Cr West

Seconded: Cr Staikos

That Council not adopt Version 3 of the Planning Consultation Meeting Policy at Appendix 1 subject to the inclusion of the following, "If there are at least three objectors Officers should ask objectors if they wish to have a Planning Consultation."

LOST

A Division was Called:

DIVISION:

FOR: Crs Staikos and West (2)

AGAINST: Crs Brownlees, Bearsley, Gledhill, Barth, Hua and Oxley (6)

ABSTAINED: Cr Eden (1)

LOST

The Substantive Motion was put and CARRIED

8.6 Response to Notice of Motion 37/2017 - Planning Considerations for Vacant Buildings

RECOMMENDATION

That Council note the powers available under the Building Act and Community Local Law to address the concerns raised through Notice of Motion 37/2017 associated with the amenity and safety of vacant buildings in the municipality.

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

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

RECOMMENDATION

That Council:

1. Notes the actions undertaken by Officers in response to Notice of Motion No. 30/2017;
2. Be further advised following feedback from the Business and Economic Development Advisory Committee; and
3. Continue to advocate to the Victorian State Parliament on the importance of the 'Inquiry into the Environment Protection Amendment (Banning Plastic Bags, Packaging and Microbeads) Bill 2016'.

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

**8.8 Cheltenham Structure Plan Review and Mentone Urban Design
Framework - Community Consultation**

Moved: Cr West

Seconded: Cr Staikos

1. That Council Undertake community consultation on the draft Cheltenham Structure Plan Review and draft Urban Design Framework for Mentone Station and Gardens.
2. Further, that an officer report be brought back to the December Ordinary Council Meeting following the conclusion of the community consultation period.

CARRIED

3. That the consultation includes the following options:

- a. Minimise the impact of the trenches with more public open space over the railway line with an option to discuss up to 6-8 storey development over the trench at Cheltenham, i.e. leaving a wider space looking through to the park.

CARRIED

- b. Retain the heritage shops on Charman Street from Johnny Dante to the railway line.

LOST

- c. For new developments on Charman Road to be in keeping with the prevailing character of Charman Road and for instance to retain or include parapets to fit with the prevailing heritage character of Charman Road.

LOST

- d. That the trench fences be lined with foreshore-style plantings as there is now along Edward Street.

CARRIED

- e. That as many trees as possible to be retained along the railway alignment.

CARRIED

- f. That the main heritage Station buildings be retained for the same use.

LOST

- g. That provision be made for the Rotary Sunday Market or other similar community events by either:

- Requiring a ground floor car park of approximately half the size of the existing Council carpark to be provided at the western side of any future development of the site, and/or
- That the heritage station buildings be realigned along the south and north sides of the proposed town square over the railway trench, with their verandas facing inward.

LOST

- h. That cycle &/or walking paths be provided along east and west sides of the railway line to the north and south of Mentone and Cheltenham to encourage commuters to walk to the station.

CARRIED

4. Officers arrange for a ward meeting to be held for Central ward residents to discuss these plans in November,

**City of Kingston
Ordinary Meeting of Council**

Minutes

23 October 2017

- a. to be chaired by a Ward Councillor or Jo Canning from Social Fabric Planning,
- b. the above points along with other proposals advanced by officers, including the 6 – 8 storey buildings proposed for over the railway trench in Cheltenham to be included in:
 - the notice to be sent to all Cheltenham and Mentone residents and
 - the agenda for discussion.

LOST

A Division was Called on part 4:

DIVISION:

FOR: Crs Staikos, West and Oxley (3)

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

ABSTAINED: Crs Barth and Eden (2)

LOST

Note: It was requested by Cr Staikos and agreed to by the Chairperson that part 1 and 2 together, all parts of part 3 and part 4 of the Motion be put to the vote separately.

The final resolution reads as follows:

1. That Council Undertake community consultation on the draft Cheltenham Structure Plan Review and draft Urban Design Framework for Mentone Station and Gardens.
2. Further, that an officer report be brought back to the December Ordinary Council Meeting following the conclusion of the community consultation period.
3. That the consultation includes the following options:
 - a. Minimise the impact of the trenches with more public open space over the railway line with an option to discuss up to 6-8 storey development over the trench at Cheltenham, i.e. leaving a wider space looking through to the park.
 - b. That the trench fences be lined with foreshore-style plantings as there is now along Edward Street.
 - c. That as many trees as possible to be retained along the railway alignment.
 - d. That cycle &/or walking paths be provided along east and west sides of the railway line to the north and south of Mentone and Cheltenham to encourage commuters to walk to the station.

8.9 Planning Compliance in the Green Wedge - Quarterly Report - October 2017

RECOMMENDATION

That Council notes the information.

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

Question Time

Cr Hua left the meeting at 8.55pm.
Cr Brownlees left the meeting at 8.55pm.
Cr Hua returned to the meeting at 8.59pm.
Cr Gledhill left the meeting at 8.59pm.

Ian Baldock of Parkdale asked:

“Due to the risk to pedestrians and cyclists attempting to cross this high-speed slip lane, can Council please press VicRoads and the State Government to prioritise the installation of these signals to minimise the risk of serious injury to users of this shared bicycle path?”

The CEO provided the following response:

“Officers will raise this matter again with VicRoads and the local MPs to alert them to this matter.”

Ian Baldock of Parkdale asked:

“Since the shared footpath (between Redwood Drive and Howard Road on Lower Dandenong Road) is not yet in place, could Council please inform me of the estimated completion date?”

The CEO provided the following response:

“Officers will investigate this matter further with VicRoads and provide a response.”

Simon Johnson of Parkdale asked:

“When will Council advocate for local traders in Parkdale and replace the planter boxes in Parkdale shopping district, contact United Energy to fix their rotten, leaning power poles and fix the loading zone parking behind the shops so traders can load stock into their shops without being fined?”

The CEO provided the following response:

“Council works closely with traders and has recently undertaken a parking review in this area. There are loading zones in this centre. I am not aware of traders having raised concerns as conveyed in this question but I will ask our Trader Liaison Officer to follow up with the traders.

Council has recently engaged with United Energy on Mr Johnson’s behalf regarding a specific power pole and United Energy advised that it does comply with its standards, but Council is not aware of any United Energy power poles being rotten and leaning, however if you have any such evidence please provide it to United Energy as the responsible authority or Council and Council will then pass this on to United Energy.

When Council talks with the traders regarding their loading zones we can also follow up about the planter boxes."

Simon Johnson of Parkdale asked:

"Did a Councillor make a complaint about 'Do Not Narrow Beach Road' signs being displayed on residents houses and Council land on Beach Road and what was the basis?"

The CEO provided the following response:

"Yes, it is my understanding that a Councillor was passing on a resident complaint. Signs erected on Council land require approval for designated sites."

Simon Johnson of Parkdale asked:

"I refer to the news.com.au article on September 28 2017 titled, 'crackdown on illegal or non-compliant brothels', and photos of the Fire Banana, a brothel in Mentone.

"What is the basis that Kingston Council funds investigations into illegal brothels and how much money has Council spent over the past two years. Has Council funded sex in brothels under the guise of an investigation or is only 'an offer' required to get the place shut down?"

The CEO provided the following response:

"Council has received complaints from the community relating to the establishment of illegal brothels in various locations across the municipality. I am unable tonight to accurately state the amount of money spent, but Council seeks to recover its costs in the prosecutions it leads through the Magistrates Court. In recent proceedings before the court the Magistrates have generally awarded costs.

With respect to the conduct of the investigation the investigators takes instructions from Council Officers and its legal advisers. Councils investigation is limited to being able to prove that a sexual service is being offered. It is not necessary for Council's investigator to solicit and receive sexual services."

Anthony Falkingham of Mentone asked:

After numerous requests to Council the traffic congestion around Venice Street and Naples Road Mentone remaining a nightmare. Residents are unable to park in their own street and have to put up with cars travelling well over the 40km speed limit. Mentone Grammar refuse to take any responsibility as the majority of congestion is caused by them. The situation is not fair to rate payers and it is dangerous. When will Council do something?

Note: This question was placed in the Question Box after the 7.30pm deadline. In accordance with Clause 18(3) of the Meeting Procedures Local Law the question will be answered in writing.

Anthony Falkingham of Mentone asked:

Is Council about to commence a plumbing supplies business. Why has Council already purchased a 'Metros' toilet for the Mentone Shopping Centre, prior to a final Council decision on the toilet block located at Mentone shopping centre. Is this within Council's financial delegation/sub delegation to spend in excess of \$140,000 of ratepayers money on an item that has yet to be decided by Council. It would be far more prudent to invest ratepayers funds until a final decision is made, instead of purchasing an item that would like lose a large part of its value as soon as Council takes possession of it.

Note: This question was placed in the Question Box after the 7.30pm deadline. In accordance with Clause 18(3) of the Meeting Procedures Local Law the question will be answered in writing.

Alex Breskin of Mentone asked:

With the recent VCAT decision to not permit the building application for Dent's Paddock will Council now consider acquiring the land to make it a reserve, as community have campaigned for?

Note: This question was placed in the Question Box after the 7.30pm deadline. In accordance with Clause 18(3) of the Meeting Procedures Local Law the question will be answered in writing.

9. Community Sustainability Reports

9.1 Prevention of Violence Against Women Action Plan Update

Moved: Cr Oxley

Seconded: Cr Staikos

That Council:

1. Develop and adequately resource a comprehensive Council wide approach to the development of a domestic and family violence prevention action plan to be presented to Council in April,
2. Reiterate its earlier motions to address domestic and family violence within the City of Kingston and accordingly direct officers not to limit/narrow the scope of this plan.

Cr Brownlees returned to the meeting at 9.02pm.

Cr Gledhill returned to the meeting at 9.03pm.

CARRIED

9.2 Working Group Membership - Prevention of Violence Against Women

Cr Oxley declared an indirect conflict of interest due to close association in Item 9.2 - Working Group Membership - Prevention of Violence Against Women as her mother is an applicant for membership of the working group and left the room at 9.07pm prior to any discussion on the matter.

Cr Eden declared an indirect conflict of interest due to close association in Item 9.2 - Working Group Membership - Prevention of Violence Against Women as Cr Oxley's mother is an applicant for membership of the working group. and left the room at 9.07pm prior to any discussion on the matter.

Cr West, Deputy Mayor assumed the Chair.

Moved: Cr Staikos

Seconded: Cr Bearsley

That Council endorse the membership of the Prevention of Violence Against Women (PVAW) Working Group as presented.

CARRIED

**City of Kingston
Ordinary Meeting of Council**

Minutes

23 October 2017

Cr Eden returned to the meeting at 9.09pm
Cr Oxley returned to the meeting at 9.09pm

Cr Eden assumed the chair.

9.3 CON 17/01 - Provision of Cleaning Services - Award of Contracts

RECOMMENDATION

That Council:

1. Note the outcome of tender evaluation process, as set out within the attached confidential appendices.
2. Agrees to award Contract 17/1 – Provision of scheduled cleaning services as follows:
 - (i) Contract 17/1(a) – Municipal Offices to ACS Property Services Pty. Ltd. at an annual cost of \$225,436.65 (ex GST) for an initial three year term.
 - (ii) Contract 17/1(b) – Managed Family & Children's Centres to ACS Property Services Pty. Ltd. at an annual cost of \$168,588.60 (ex GST) for an initial three year term.
 - (iii) Contract 17/1(c) – Community Centres & Activity Hubs to TJS Services (VIC) Pty. Ltd. at an annual cost of \$65,383.32 (ex GST) for an initial three year term.
 - (iv) Contract 17/1(d) – Libraries & Associated Facilities to TJS Services (VIC) Pty. Ltd. at an annual cost of \$70,245.72 (ex GST) for an initial three year term.
 - (v) Contract 17/1(e) – Delivered Meals Facilities to ACS Property Services Pty. Ltd. at an annual cost of \$8,437.92 (ex GST) for an initial three year term.
3. Delegate authority to the Chief Executive, or his nominee, to extend the operation of Contract 17/1 beyond the initial three year contract term for a further two (2) periods of two (2) years, i.e. up to a maximum contract term of seven (7) years from the contract commencement date, subject to satisfactory ongoing performance of the appointed contractors.

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

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

Moved: Cr Staikos

Seconded: Cr Brownlees

That Council:

1. Adopt Option 4 to locate a new Mentone public toilet against the wall of 42 Florence Street facing west into the carpark
2. Close the Granary Lane public toilet when the new Mentone public toilet is opened for public use.

Cr Barth left the meeting at 9.10pm.

Procedural Motion

Moved: Cr Staikos

Seconded: Cr Gledhill

That the motion now be put.

CARRIED

The Motion was put and CARRIED

9.5 Rene Anderson Complex (Carrum) Proposed Renovation Works

RECOMMENDATION

That Council:

1. Endorse the attached concept plans;
2. Direct officers to proceed to detailed design of the Rene Anderson Complex renovation project and to seek tenders in relation to this project for future consideration of Council;
3. Direct officers to engage with the community regarding the proposed Rene Anderson Complex renovation via a number of community information sessions;
4. Direct officers to report back to Council on the outcome of the tender process; and
5. Direct officers to negotiate and develop new lease/licenses with the current user groups.

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

10. City Assets and Environment Reports

10.1 SES Funding Provided by Council and State Government Funding Provisions

RECOMMENDATION

That Council:

1. Following the 2017/18 financial year no longer provide contribution funding of \$16,052 to each of the Kingston VICSES Units (Chelsea and Moorabbin), following the State Government announcement to provide Municipal Emergency Service Volunteer Unit Subsidy directly to the VICSES (noting that there is no net loss in funding to the Kingston VICSES Units (Chelsea and Moorabbin));
2. Continue to provide support to the Kingston VICSES Units (Chelsea and Moorabbin) for their accommodation until new accommodation is established; and
3. Continue to consider and provide in-kind support to the Kingston VICSES units (Chelsea and Moorabbin) to support their members and the Kingston community.

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

10.2 Westley Street, Carrum - Road Reconstruction

RECOMMENDATION

That Council:

1. Award Contract No. 17/44 Westley Street, Carrum Road Reconstruction on a Lump Sum basis to Vcrete Contractors Pty Ltd for the tendered price of \$784,019.88 ex GST from the 2017/2018 civil infrastructure capital allocation; and
2. Approve a Contingency Allowance of \$78,401.99 ex GST (10% of contract sum) from within the allocated 2017/2018 civil infrastructure capital allocation to cover unexpected financial variations.

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

10.3 Munro Avenue, Edithvale (Cliffe Lane to Fraser Avenue) Road Reconstruction

RECOMMENDATION

That Council:

1. Award Contract No. 17/78 Munro Avenue, Edithvale Road Reconstruction on a Lump Sum basis to Parkinson Group (VIC) Pty Ltd for the tendered price of \$699,582.10 ex GST from the 2017/2018 civil infrastructure capital allocation; and
2. Approve a Contingency Allowance of \$69,958.21 ex GST (10% of contract sum) from within the allocated 2017/2018 civil infrastructure capital allocation to cover unexpected financial variations.

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

10.4 Authority to Undertake Sale of 6 Lochiel Ave Edithvale

Moved: Cr Bearsley

Seconded: Cr Oxley

That Council:

1. Authorise and direct the CEO or his delegate to publish a public notice in accordance with section 189 of the Local Government Act 1989 ("Act") stating Council's intention to sell 6 Lochiel Avenue Edithvale;
2. Authorise and direct the CEO or his delegeate to carry out the necessary administrative procedures to allow Council to carry out its functions under section 223 of the Act;
3. Authorise and direct the CEO or his delegate to convene, if required, a section 223 committee of Council to include Councillors Eden, Bearsley and Oxley, General Manager of City Assets and Environment and Manager Property, Arts and Leisure Services and which shall meet on Monday 4 December 2017, or such other date if required, commencing at 4:30pm to hear presentations from parties who wish to be heard in support of their written submissions and report back to Council; and
4. That in the event no submissions are received, to authorise and direct the CEO

**City of Kingston
Ordinary Meeting of Council**

Minutes

23 October 2017

and other relevant Council staff, to proceed to sell 6 Lochiel Avenue Edithvale and that the sale price for the property shall be no less than an open-market valuation as determined by a Council Valuer.

CARRIED

10.5 EOI Community Shared Facility Parkdale Yacht Club

Moved: Cr Gledhill

Seconded: Cr Brownlees

That Council endorse the criteria for the Expression of Interest (EOI) for the shared use of the proposed re-developed Parkdale Yacht Club.

Cr Barth returned to the meeting at 9.21pm.

Procedural Motion

Moved: Cr Gledhill

Seconded: Cr Bearsley

That consideration of this item be deferred until the November Ordinary Meeting of Council.

LOST

The Substantive Motion was put and LOST

A Division was Called:

DIVISION:

FOR: Crs Staikos, Oxley and Eden (3)

AGAINST: Crs Bearsley, Gledhill and Hua (3)

ABSTAINED: Crs Brownlees, West and Barth (3)

LOST

10.6 LXRA Carrum Revitalisation

Moved: Cr Bearsley

Seconded: Cr Gledhill

That Council:

1. Advocate to the State Government for the inclusion of the following projects as part of the Carrum Revitalisation project:
 - Additional Storage facilities for Carrum lifesaving Club -\$150,000
 - Further contribution to Carrum Sailing and Motor Boat club of \$350,000 to cover the shortfall in their upcoming facility redevelopment and project management costs
 - Projects listed under section 3.3 of the report.
2. Await outcomes of Level Crossing Removal Authority community consultation on the renaming of Carrum railway station to Carrum Beach railway station, before providing support.

CARRIED

10.7 Contract Variation Approval for Contract No. 16/112 - Governor Road / Burdekin Boulevard Intersection Braeside, Road Reconstruction and Traffic Signal Installation

RECOMMENDATION

That Council:

1. Approve the variation amount of \$155,623 to contract number 16/112 for the reconstruction of Governor Road and Burdekin Boulevard Intersection Braeside, Road Reconstruction and Traffic Signal Installation including an additional contingency allowance of 5% ex GST; and
2. Authorise Officers to source these additional funds from savings made within the allocated 2017/2018 civil infrastructure capital program.

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

10.8 Response to Notice of Motion 30/2016 - Master Plan for Regents Park

RECOMMENDATION

That Council;

1. Endorse the proposed new location for the Jack Cuthbertson Memorial Garden at Regents Park;
2. Note the feedback and information received on the draft Regents Park Master Plan from key stakeholders; and
3. Authorise officers to undertake wider community consultation on the draft Regents Park Master Plan.

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

10.9 Emergency Management Annual Report and Update

RECOMMENDATION

That Council

1. Notes and endorses the annual report that provides an update on emergency management over the last 12 months and proposed future and emerging issues within emergency management over the next 12 months.
2. Notes the "Councils and Emergencies Position Paper", and proposed changes within the emergency management sector affecting Local Government.

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

**10.10 Ownership and Maintenance of Assets in the Proposed LXRA Linear Park
East of Centre Road, Clayton South**

RECOMMENDATION

That Council:

1. Write to the Level Crossing Removal Authority seeking to establish a working group with City of Monash, City of Glen Eira, City of Greater Dandenong and State Government agencies (VicTrack, VicRoads, Public Transport Victoria and LXRA) to determine a schedule and delivery model for maintenance of the Linear Park over the life of the asset.
2. Consider its' position in regard to the ongoing asset ownership, maintenance and management of the Linear Park as requested by the Level Crossing Removal Authority (LXRA) in the letter dated 27 September 2017 (Attachment 1) following further clarification of roles and responsibilities through the working group.

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

10.11 CON-17/84: Energy Efficient Street Light Procurement

RECOMMENDATION

That Council:

1. Note the recommendations of the Tender Evaluation Report for *Tender 1805/1024: Supply of United Energy Approved "P" Category LED Luminaries* (Attachment 1), conducted by Procurement Australia for the joint procurement with Mornington Peninsula Shire of LED luminaires.
2. Approve the purchase of LED Luminaires from Aldridge Traffic Systems, as recommended in the Tender Evaluation Report, for \$170 + GST per light to a maximum cost of \$1,275,000 (7,500 x \$170).
3. Accept *Contract UED-011441: Retrofit of Existing Public Lighting to Energy Efficient Public Lighting* (Attachment 2) from United Energy for \$772,780.01 + GST for the replacement of street lights on United Energy's public lighting network.

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

10.12 Masonic Hall - 81 Albert Street Mordialloc

Moved: Cr West

Seconded: Cr Staikos

That Council:

1. Note the outcome of further discussion with Kids Like Us;
2. Write to thank Kids Like Us for their proposal through the Expression of Interest process and to inform them that Council will not further pursue their proposal;
3. Direct officers to finalise plans for an integrated youth facility at the site;
4. Authorise officers to apply for a Planning Permit to support the proposed use;
5. Authorise officers to commence the base building works required up to the available budget; and
6. Receive a report on the financing of the fit out of the integrated youth facility for consideration of inclusion in the Forward Capital Works Budget for 2018/19.
7. Refer the proposal to the Mordialloc Masonic Hall Reference Group concurrently with action being taken on parts 3 to 6.

CARRIED

11. Corporate Services Reports

11.1 Annual Report 2016/17

Moved: Cr Brownlees

Seconded: Cr Gledhill

That Council, having considered the 2016/17 Annual Report, determine that it be adopted pursuant to S134 of the Local Government Act and Regulation 22 of the Local Government (Planning and Reporting) Regulations 2014.

CARRIED

11.2 Quick Response Grants

RECOMMENDATION

That Council approve the following grant applications:

- Mentone Pony Club Inc.

That Council not approve the following grant applications:

- Sophie Suthcliffe
- Chelsea Longbeach SLSC
- Days for Girls Bayside
- Australian Animal Rescue Inc.

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

11.3 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.

11.4 Community Local Law - Annual Review

Moved: Cr Staikos

Seconded: Cr Barth

That Council

1. Receive the proposed Community Local Law amendments;
2. Authorise commencement of the statutory process for the making of the proposed Local Law, in accordance with Part 5 of the Local Government Act 1989 (the Act), by giving public notice of its intention to make the proposed Local Law and inviting submissions under section 223 of the Act; and
3. Determine to appoint a committee, in accordance with section 223 of the Act, comprising of Cr Brownlees, Cr Oxley and Cr Staikos as nominated to hear the submissions in relation to the proposed amending Local Law, at a meeting on Tuesday 5 December 2017, commencing at 4.30pm and report to Council; and
4. In the event that no submissions are received, receive a report to adopt the amending Community Local Law.

CARRIED

11.5 Kingston Your City Review

RECOMMENDATION

That Council:

1. Receive the information on the recent review of KYC.
2. Endorse the recommended options in section 3.3.4 of the report.

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

11.6 Investment Portfolio Report - September 2017

RECOMMENDATION

That Council note that its funds as at 30 September 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.

11.7 Proposed Renaming of Keys Road Reserve to Harold Caterson Reserve

RECOMMENDATION

That Council:

1. Approve the proposal to rename Keys Road Reserve as Harold Caterson Reserve
2. Lodge the naming proposal with the Office of Geographical Names for consideration;
3. Advise the public submitters of Council's decision.

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

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

Moved: Cr Staikos

Seconded: Cr Oxley

That Council, having considered the Arbiter's report and his assessment that the breach falls towards the lower end of the range of seriousness of possible breaches of the Code of Conduct, determine to receive the report and take no further action.

That Council determine in accordance with the provisions of Section 77 of the Local Government Act that the Arbiters Report is not confidential following this meeting.

CARRIED

Procedural Motion

Moved: Cr Brownlees

Seconded: Cr Oxley

That the meeting be extended by 15 minutes to 10.15pm.

CARRIED

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

Moved: Cr West

Seconded: Cr Oxley

That Council receive the Arbiter's report contained in Appendix 1 and determine that in accordance with the provisions of Section 77 of the Local Government Act that the Arbiters Report is not confidential following this meeting.

CARRIED

12. Notices of Motion

12.1 Notice of Motion No. 44/2017 - Cr Staikos - Special (Statutory) Meeting

Moved: Cr Staikos

Seconded: Cr Oxley

I move that the Statutory Meeting to be held on 15 November 2017 start at 7.30pm (not at 7pm as previously adopted by Council).

CARRIED

Suspension of Standing Orders

Moved: Cr West

Moved: Cr Staikos

That standing orders be suspended.

CARRIED

Address by Cr Brownlees

Cr Brownlees addressed the meeting to clarify a statement he had made at the September Ordinary Meeting of Council on 25 September 2017 regarding the recording of Cr West as an applicant on a development application.

Cr Brownlees clarified that Cr West was incorrectly recorded as an applicant on this application and confirmed that he was unaware that the information was incorrect at the time that he made the statement.

Address by Cr West

Cr West outlined the statement made by Cr Brownlees to the meeting expressing her concern that she has never been an applicant for a development.

Resumption of Standing Orders

Moved: Cr Oxley

Moved: Cr Gledhill

That standing orders be resumed.

CARRIED

12.2 Notice of Motion No. 45/2017 - Cr West - Mentone and Cheltenham Plans

The Notice of Motion was withdrawn by Cr West.

13. Urgent Business

There were no items of urgent business.

14. Confidential Items

Moved: Cr Oxley

Seconded: Cr Staikos

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

Confidential Appendices

- 8.9 Planning Compliance in the Green Wedge - Quarterly Report - October 2017**
Appendix 1, Green Wedge Spreadsheet for Council - update September 2017
This appendix is confidential in accordance with the Local Government Act s89(2) as it relates to (s89 2h)
- 9.3 CON 17/01 - Provision of Cleaning Services - Award of Contracts**
Appendix 1, Stage 1 - Outcome of Shortlisting Assessment
This appendix is confidential in accordance with the Local Government Act s89(2) as it relates to (s89 2d)
- 9.3 CON 17/01 - Provision of Cleaning Services - Award of Contracts**
Appendix 2, Stage 2 - Outcome of Final Tender Evaluation Assessment
This appendix is confidential in accordance with the Local Government Act s89(2) as it relates to (s89 2d)
- 10.2 Westley Street, Carrum - Road Reconstruction**
Appendix 1, Westley Street Carrum Road Reconstruction Contract 1744 Evaluation Matrix
This appendix is confidential in accordance with the Local Government Act s89(2) as it relates to (s89 2d)
- 10.3 Munro Avenue, Edithvale (Cliffe Lane to Fraser Avenue) Road Reconstruction**
Appendix 1, Munro Avenue Edithvale - Contract 1778 - Evaluation Matrix
This appendix is confidential in accordance with the Local Government Act s89(2) as it relates to (s89 2d)
- 10.11 CON-17/84: Energy Efficient Street Light Procurement**
Appendix 1, CON-17/84 - Tender Evaluation Report
This appendix is confidential in accordance with the Local Government Act s89(2) as it relates to (s89 2d)

**City of Kingston
Ordinary Meeting of Council**

Minutes

23 October 2017

- 10.11 CON-17/84: Energy Efficient Street Light Procurement
Appendix 2, United Energy Contract - Sustainable Public Lighting
Standard T5 Retrofit**
*This appendix is confidential in accordance with the Local Government Act
s89(2) as it relates to (s89 2d)*
- 10.12 Masonic Hall - 81 Albert Street Mordialloc
Appendix 1, Kids Like Us - Attachment 1 - Masonic Hall Report**
*This appendix is confidential in accordance with the Local Government Act
s89(2) as it relates to (s89 2h)*
- 11.8 Arbiter's Findings for Alleged Contravention of Councillor Code of
Conduct
Appendix 1, Arbiter's Report / Findings re Code of Conduct complaint
(Application 2 - West Gledhill)**
*This appendix is confidential in accordance with the Local Government Act
s89(2) as it relates to (s89 2f,h)*
- 11.9 Arbiter's Findings for Alleged Contravention of Councillor Code of
Conduct
Appendix 1, Report of the Arbiter re Code of Conduct complaint
(Application 4 - Gledhill West)**
*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 10.11pm

Confirmed.....

The Mayor 27 November 2017