

# Minutes

## Ordinary Meeting of Council

Monday, 25th September 2017

**City of Kingston  
Ordinary Meeting of Council**

**Minutes**

**25 September 2017**

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**25 September 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  
Julian Harvey, Acting General Manager City Assets and Environment  
Jonathan Guttmann, General Manager Planning and Development  
Paul Marsden, Manager City Strategy  
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 Oxley**

**Seconded: Cr Barth**

That the Minutes of the Ordinary Meeting of Council held on 28 August 2017 be confirmed.

**CARRIED**

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

There were no Conflicts of Interest submitted to the meeting.

**4. Petitions**

**Redevelopment of Edithvale Lifesaving Club**

**Moved: Cr Oxley**

**Seconded: Cr Bearsley**

That the petition be referred to the CEO for consideration.

**CARRIED**

**Parking in York Street**

**Moved: Cr Bearsley**

**Seconded: Cr Oxley**

That the petition be referred to the CEO for consideration.

**CARRIED**

**5. Presentation of Awards**

Nil

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

Cr West reported having attended a meeting of the Inter Council Aboriginal Consultative Committee.

**Moved: Cr Staikos**

**Seconded: Cr Oxley**

That the delegate report be received.

**CARRIED**

**7. Question Time**

Question time took place at 8.37pm. Refer to page 16 of the minutes.

**Block Resolution**

**Moved: Cr Brownlees**

**Seconded: Cr Hua**

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

- 8.1 Town Planning Application Decisions - August 2017
- 8.3 Amendment C151 - Peninsula Kingswood Golf Course, Dingley Village
- 8.4 Private Planning Scheme Amendment Policy
- 9.1 Public Health and Wellbeing Plan 2017-2021
- 9.2 MiCare (Formerly known as New Hope Foundation) Project Proposal - Cafe Bazaar at Westall Hub
- 9.3 Individual Development Grant Application - Potential Conflict of Interest
- 10.1 2017/18 Capital Program - Forecast (September)
- 10.2 Moorabbin Reserve Park Plan - Oval Fence

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- 11.1 Review of Council Instruments of Delegation
- 11.2 Assembly of Councillors Record Report
- 11.4 Motions for MAV State Council Meeting - October 2017

**CARRIED**

**A Division was Called:**

**DIVISION:**

**FOR:** Cr Brownlees (1)

**AGAINST:** Crs Staikos, West, Bearsley, Gledhill, Barth, Hua, Oxley and Eden  
(8)

**LOST**

**Moved: Cr Staikos**

**Seconded: Cr Brownlees**

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

- 8.1 Town Planning Application Decisions - August 2017
- 8.4 Private Planning Scheme Amendment Policy
- 9.1 Public Health and Wellbeing Plan 2017-2021
- 9.2 MiCare (Formerly known as New Hope Foundation) Project Proposal - Cafe Bazaar at Westall Hub
- 9.3 Individual Development Grant Application - Potential Conflict of Interest
- 10.1 2017/18 Capital Program - Forecast (September)
- 10.2 Moorabbin Reserve Park Plan - Oval Fence
- 11.1 Review of Council Instruments of Delegation
- 11.2 Assembly of Councillors Record Report
- 11.4 Motions for MAV State Council Meeting - October 2017

**CARRIED**

**8. Planning and Development Reports**

**8.1 Town Planning Application Decisions - August 2017**

**RECOMMENDATION**

That the report be noted.

**Note:** Refer to page 6 of the Minutes where this item was block resolved

**8.2 KP16/1050 - 189-199 and 201 Nepean Highway, Mentone**

It is recorded that Kay Fisher spoke on behalf of the objectors.

It is recorded that Marc Ellenbroek spoke on behalf of the applicant.

**Moved: Cr Brownlees**

**Seconded: Cr Gledhill**

That Council determine to support the proposal and issue a Notice of Decision to grant a permit to develop the land for the construction of sixty one (61) dwellings, retail premises, reduction in car parking, alter access to a Road Zone Category One and removal of existing easement at 189-199 and 201 Nepean Highway, Mentone, subject to the following conditions:

1. Before the development starts amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be substantially in accordance with the plans submitted to Council on 14 February 2017, but modified to show:
  - a. the provision of a landscape plan generally in accordance with the submitted landscape plan prepared by and John Patrick Landscape Architects Pty Ltd being Drawing No. L-TP02 Dec. 2016;
  - b. compliance with the rates of on-site parking provision specified in Table 1 of Clause 52.06 of the Planning Scheme;
  - c. compliance with Condition 1(b) may be achieved through a reduction in the retail floor area and subsequent increase in the ground and basement level parking capacity as described on drawings TP099 Rev 01 and TP100 Rev 01 (both dated 05 June 2017), or through alternative design measures which meet the requirements of Clause 52.06, to the satisfaction of the Responsible Authority;
  - d. vehicle crossings must be constructed at a 90 degree alignment with the kerb on Nepean Highway and all internal driveways must align with the existing / proposed vehicle crossing;
  - e. fixed screening in the form of vertical metal fins to a height of 1.7 metres above finished floor level with no more than 25% transparency is to be applied to bedroom and bathroom windows of apartments 304 and 403 and bedroom window only of apartment 503;
  - f. the location of all externally-located heating and cooling units, exhaust fans and the like, clearly shown;
  - g. details of the location and operation of the security intercom system for access into the car parking area;
  - h. any ramps or changes in grade at doorways etc are to be within the

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property boundary;

- i. the provision of a longitudinal section of the basement ramp showing gradients, levels, distances, with headroom clearances complying with AS2890.1:2004;
  - j. the provision of the required 250mm high apex above the existing invert level of kerb and Channel must be provided along the entire road frontage of the subject site; and
  - k. a revised Sustainable Management Plan (SMP) generally in accordance with the Sustainable Management Plan & Water Sensitive Urban Design Response prepared by Ark Resources dated 14 December 2016 but updated to reflect any changes made in response to Condition 1.
2. The development and use as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.

Drainage

3. Unless with prior written consent of the Responsible Authority, before the development commences the following Integrated Stormwater Management (drainage) documents must be prepared, by a suitably qualified person, to the satisfaction of the Responsible Authority:
- a. Stormwater Management (drainage) Plan(s) must be prepared, with supporting computations, showing the stormwater (drainage) works to the nominated point of discharge. The plan(s) must show all details of the proposed stormwater works including all existing and proposed features that may have an impact on the stormwater (drainage) works, including landscaping details.
  - b. Prior to submitting detailed plans, a comprehensive stormwater management (drainage) strategy for the site must be prepared that addresses the requirements specified within Council's "Civil Design requirements for Developers – Part A: Integrated Stormwater Management".
  - c. The stormwater management (drainage) strategy must include a report with music modelling results demonstrating water sensitive urban design treatments that achieve Victorian best practice objectives. These may include the use of an infiltration or bio-retention system, rainwater tanks connected for reuse, or other treatments to the satisfaction of the Responsible Authority.
  - d. The water sensitive urban design treatments as per conditions 3a, 3b, & 3c above must be implemented on-site, unless an alternative agreement is reached with the Responsible Authority.
4. Stormwater (drainage) works must be implemented in accordance with the approved stormwater management (drainage) plan and to the satisfaction of the Responsible Authority including the following:
- a. All stormwater (drainage) works must be provided onsite so as to prevent overflows onto adjacent properties.
  - b. The implementation of stormwater (drainage) detention system which restricts stormwater discharge to the maximum allowable flowrate of 15L/s.
  - c. All stormwater (drainage) works must be maintained to the

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satisfaction of the Responsible authority.

5. The basement structure must be designed and constructed to the satisfaction of the responsible authority and must address the following:
  - a. The basement design must address the findings of the GAR and GMP required under condition 4, and
  - b. The basement must be a fully-tanked dry basement with no agricultural (AG) drain collection or disposal to the stormwater system and with an allowance made for hydrostatic pressures in accordance with Council's 'Basements and Deep Building Construction Policy, 2014' and 'Basements and Deep Building Construction Guidelines, 2014', or

In the event it is demonstrated that a fully-tanked dry basement cannot be achieved or if a wet basement is proposed, ground water including an AG drain must not be discharged into the stormwater system. Any subsurface water (groundwater) must be disposed of on-site or via an agreement with the local sewer authority.

6. In any case where the basement design and construction, required by condition 5 of this permit, does not accord with the plan(s) approved under this permit the endorsed plan(s) must be amended to the satisfaction and with the written consent of the responsible authority.
7. South East Water

The following conditions apply:

- a) **POTABLE WATER**

The owner of the subject land must enter into an agreement with South East Water for the provision of potable water supply and fulfil all requirements to its satisfaction.

- b) **SEWER**

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.

- c) **GENERAL**

Easements pursuant to Section 12(2) of Subdivision Act, in favour of the lots on the plan, are to apply. If either of these two lots is further subdivided, the developer will be required to construct reticulated services to provide separate connection points for all the lots.

Sustainable Development

8. Prior to or in conjunction with the endorsement of plans pursuant to Condition 1, a revised Sustainability Management Plan (SMP) generally in accordance with the Sustainable Management Plan & Water Sensitive Urban Design Response prepared by Ark Resources dated 14 December 2016 that outlines the sustainable design initiatives that will be implemented by the development



must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The SMP must demonstrate that the development will meet the minimum BCA energy efficiency standards of a minimum 5 star and average 6 star energy rating.

Construction Management

9. Prior to the commencement of any buildings and works on the land (including demolition), a Construction Management Plan (CMP), to the satisfaction of the Responsible Authority, must be submitted to and approved by the Responsible Authority. The CMP must be prepared in accordance with the City of Kingston Construction Management Policy, October 2016 and Construction Management Guidelines, 1 November 2015 (and any superseding versions and / or documents). The CMP must specify and deal with, but is not limited to, the following elements:
  - a. Public Safety, Amenity and Site Security
  - b. Traffic Management
  - c. Stakeholder Management
  - d. Operating Hours, Noise and Vibration Controls
  - e. Air Quality and Dust Management
  - f. Stormwater and Sediment Control
  - g. Waste and Materials Re-use
10. When approved, the plan will be endorsed and will then form part of the permit and shall thereafter be complied with during the undertaking of all works.

Roads and Drains

11. The replacement of all footpaths, including offsets, must be constructed to the satisfaction of the Responsible Authority.
12. Prior to the commencement of development, property boundary, footpath and vehicle crossing levels must be set at between 2.5% and 3.5% above top of kerb to the satisfaction of the Responsible Authority;
13. The footpath must be reconstructed to Council's commercial standards of 8.3% Black with 600 x 600 mm saw cuts from property boundary to back of kerb to the satisfaction of the Responsible Authority;
14. All reinstatements and vehicle crossings must be constructed to the satisfaction of the Responsible Authority.
15. Vehicle crossings and other reinstatements must be constructed to council's industrial strength specifications.
16. All redundant vehicle crossings must be removed (including redundant portions of vehicle crossings) to the satisfaction of the Responsible Authority.
17. All front and side fences must be contained wholly within the title property boundaries of the subject land.
18. In the event of damage during construction to any adjacent Council roads, footpaths and park land, such damage will be required to be repaired by and at the full cost to the developer, to the satisfaction of the Responsible Authority.

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19. Prior to the occupation of the building hereby permitted, or by such later date as is approved by the Responsible Authority in writing, the nature strip, kerb and channel, vehicle crossover and footpath must be reinstated to the satisfaction of the Responsible Authority.
20. Any existing vehicular crossing not in accordance with the endorsed plan must be removed and the kerb reinstated in a manner satisfactory to the Responsible Authority and any proposed vehicular crossing must be fully constructed to the Responsible Authority's standard specification.
21. Prior to the occupation of the building hereby permitted, all boundary fences must be repaired and/or replaced as necessary to the satisfaction of the Responsible Authority, at the cost of the applicant/owner.
22. Prior to the occupation of the development an application must be made pursuant to either Section 73 of the Transfer of Land Act or Section 23 of the Subdivision Act to remove the 3.05m wide easement (E1) located on the western boundary of 201 Nepean Highway (Certificate of Title Vol. 5764 Fol. 773).
23. Prior to the occupation of the building hereby permitted, areas set aside for parking vehicles, access lanes and paths as shown on the endorsed plans must be:
  - a. Constructed to the satisfaction of the Responsible Authority.
  - b. Properly formed to such levels that they can be used in accordance with the plans.
  - c. Surfaced in accordance with the endorsed plans under this permit or in an all weather coloured concrete seal-coat, to the satisfaction of the Responsible Authority.
  - d. Drained and maintained to the satisfaction of the Responsible Authority.

Parking areas and access lanes must be kept available for these purposes at all times and maintained to the satisfaction of the Responsible Authority.

24. 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.
25. 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.
26. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.
27. In accordance with section 68 of the *Planning and Environment Act 1987 (Act)*, this permit will expire if one of the following circumstances applies:
  - The development is not started within (2) years from the date of this permit.
  - The development is not completed within four (4) years from the date of permit issue.

In accordance with section 69 of the Act, the responsible authority may extend

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the periods referred to if a request is made in writing:

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

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

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

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

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

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

**CARRIED**

**8.3 Amendment C151 - Peninsula Kingswood Golf Course, Dingley Village**

**Moved: Cr Staikos**

**Seconded: Cr Barth**

That Council:

1. Subject to the owner and/or mortgagee of the land subject to Planning Scheme Amendment C151 (Kingswood Golf Course) and Planning Permit Application KP16/134 finalising to the satisfaction of Council's Legal Advisors agreements under Section 173 of the Planning and Environment Act 1987 relating to issues including the mechanisms for affordable housing provision, developer contributions and design and land use parameters for the mixed use precinct, seek authorisation from the Minister for Planning to prepare combined Planning Scheme Amendment C151 and Planning Permit KP16/134.
2. Exhibit Amendment C151 to the Kingston Planning Scheme and Draft Planning Permit KP16/134 in accordance with the *Planning and Environment Act 1987* should authorisation be granted by the Minister for Planning to prepare the amendment.
3. That a further report be brought back to Council following the close of the exhibition period upon review of any submissions received.

Cr West left the meeting at 7:34pm.

Cr West returned to the meeting at 7:34pm.

**CARRIED**

**8.4 Private Planning Scheme Amendment Policy**

**RECOMMENDATION**

That Council adopt the Kingston Private Planning Scheme Amendment Policy 2017.

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

**9. Community Sustainability Reports**

**9.1 Public Health and Wellbeing Plan 2017-2021**

**RECOMMENDATION**

That Council:

1. Adopt the City of Kingston Public Health and Wellbeing Plan 2017-2021 (refer to Appendix 1).
2. Submit the Public Health and Wellbeing Plan 2017-2021 to the State Government.

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

**9.2 MiCare (Formerly known as New Hope Foundation) Project Proposal -  
Cafe Bazaar at Westall Hub**

**RECOMMENDATION**

That Council approve \$8,780 in funding for a Café Bazaar at the Westall Hub from Council's 2017/18 Operating Budget.

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

**9.3 Individual Development Grant Application - Potential Conflict of Interest**

**RECOMMENDATION**

That Council approve an Individual Development Grant of \$125.00 to Madison Marino to participate in the Victorian State Titles Netball Championships in Werribee from 7 October to 8 October 2017.

**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 West**

**Seconded: Cr Staikos**

That Council:

1. Support Option 2 - Retain the structure as a public art piece, demolition of the interior, entries secured and closed to all public access.
2. Progress the installation of the new 'Metros' toilet unit with photographic replication artwork, facing west on Florence Street subject to discussion with Councillors.

**Procedural Motion**

**Moved: Cr Gledhill**

**Seconded: Cr Oxley**

That consideration of this matter be deferred until the October Ordinary Meeting of Council for clarification and further information on costs.

**CARRIED**

**9.5 Redevelopment of Parkdale Yacht Club**

**Moved: Cr Gledhill**

**Seconded: Cr Brownlees**

That Council:

1. Proceed with the redevelopment of the Parkdale Yacht Club (PYC) building including:
  - detailed design development;
  - tendering;
  - development of a lease / licence as appropriate for PYC; and
  - the undertaking of an Expression of Interest (EOI) process inviting suitable community groups to express an interest in utilising the proposed new facility on a shared basis with PYC.
2. Officers report back to Council on the outcome of the tender and EOI processes.

**Amendment**

**Moved: Cr West**

**Seconded: Cr Oxley**

That Council:

1. Proceed with the undertaking of an Expression of Interest (EOI) process inviting suitable community groups/organisations to express an interest in utilising the proposed new facility on a shared basis with PYC.
2. Officers report back to Council on the outcome of the EOI process.

**The Amendment was put and CARRIED**

**A Division was Called:**

**DIVISION:**

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

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

**CARRIED**

**The Amendment became the Motion**

**The Motion was put and CARRIED**

**A Division was Called:**

**DIVISION:**

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

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

**CARRIED**

**9.6 GH Soppett Pavilion, Mentone Reserve - Concept Designs**

**Moved: Cr West**

**Seconded: Cr Staikos**

That Council:

1. Support Design Option 2 for the proposed new sporting Pavilion at Mentone Reserve.
2. Authorise officers to prepare and execute a funding agreement with State Government to secure their final funding contribution towards the pavilion redevelopment project,
3. Authorise officers to seek a direct funding contribution towards the cost of the pavilion redevelopment of at least \$100,000 from the sporting clubs at the reserve, in line with other similar development projects undertaken elsewhere in Kingston;
4. Authorise officers to undertake wider community consultation on Council's supported design option for the proposed pavilion redevelopment.
5. Based on Council's choice of its preferred concept design option and the outcome of discussions with State Government in relation to their funding contribution, refer the currently unfunded financial implications, estimated at \$1.26m of the chosen pavilion design option for funding as part of Council's 2018/19 budget deliberation process.

**Amendment**

**Moved: Cr Brownlees**

**Seconded: Cr Gledhill**

That Council:

1. Support Design Option 2 for the proposed new sporting Pavilion at Mentone Reserve.
2. Authorise officers to prepare and execute a funding agreement, subject to point 4, with State Government to secure their final funding contribution towards the pavilion redevelopment project,
3. Authorise officers to seek a direct funding contribution towards the cost of the pavilion redevelopment of at least \$100,000 from the sporting clubs at the reserve, in line with other similar development projects undertaken elsewhere in Kingston;
4. Authorise officers to undertake wider community consultation on Council's preferred design option for the proposed pavilion redevelopment and carry out a community benefit assessment prior to the finalisation of any plans or building works.
5. Based on Council's choice of its preferred concept design option and the outcome of discussions with State Government in relation to their funding contribution, refer the currently unfunded financial implications, estimated at \$1.26m of the chosen pavilion design option for funding as part of Council's 2018/19 budget deliberation process.

**The Amendment was withdrawn**

**The Substantive Motion was put and CARRIED**

**Question Time**

Cr Hua left the meeting at 8:39pm.  
Cr Staikos left the meeting at 8:39pm.  
Cr West left the meeting at 8:39pm.  
Cr West returned to the meeting at 8:40pm.  
Cr Hua returned to the meeting at 8:42pm.  
Cr Staikos returned to the meeting at 8:43pm.

**Tom Maher of Aspendale asked:**

*“Over twenty Victorian councils are in the process of introducing a ‘solar savers scheme’ for pensioners to have household solar systems installed. Bayside Council are introducing ‘Solar Savers’ during this Seniors Month. When are Kingston Council going to take up the scheme to help Kingston pensioners and take advantage of Victorian Government funding?”*

**The CEO provided the following response:**

*“Council is currently developing a Climate Change Strategy focusing on energy efficiency and carbon emissions reduction. A key outcome of this strategy will be to prioritise actions for reducing both corporate and community carbon emissions. Potential future participation in the ‘Solar Savers’ scheme will be considered as part of this work. It is anticipated that consultation on the draft Climate Change Policy will occur in early 2018 with a final strategy to be considered by Council in mid – 2018.”*

**Phil Reid of Mordialloc asked:**

*“In light of the following facts;*

- *Buruli ulcers are spreading*
- *Kingston has a large wetland area*
- *Mosquitos are thought to be the cause f Buruli*
- *Buruli has jumped across the bay from the Bellarine Peninsular to the Mornington Peninsular and cases have been reported in Cheltenham, Highett and Bentleigh.*
- *Council is following the recommended procedures for treating wetland which appear not to be working, Buruli is spreading.*

*Is the Council being proactive to reduce Buruli ulcers by either of the following actions?*

1. *Monitoring the number of cases in Kingston*
2. *Warning residents how to reduce the risk*
3. *Advising residents on how to identify the early stages of the ulcer and avoid amputations.”*

**The CEO provided the following response:**

*“Council has an active mosquito monitoring program in the municipality and works closely with the State Government on issues of regional public health and safety.*

*Council will also seek advice from the Department of Health and Human Services on the need to provide any further warnings to the community.”*



**Phil Reid of Mordialloc asked:**

*"In light of the latest ABS data that rates have risen by 40% and inflation by 10% over the last five years. Does Council intend to reduce its spending and set a realistic budget?"*

**The CEO provided the following response:**

*"Council has in place a comprehensive process to review all aspects of its budgets prior to putting them out of the community for consideration. It is arguable that CPI does not reflect the cost drivers that Council has to respond to."*

**Phil Reid of Mordialloc asked:**

*"Should the CEO be put on a performance bonus scheme so that proper metrics are out in place to help justify the CEO salary and make Council more accountable?"*

**The CEO provided the following response:**

*"Council has in place a comprehensive process to review the performance of the CEO with contracted performance criteria in place and the review process is independently facilitated."*

**Alex Breskin of Mentone asked:**

*"Has Council begun or is beginning to look into plastic pollution and how the City of Kingston can mitigate pollution in its area? I refer back to a previous meeting where the City did support action but has yet to communicate what it will do and when it will do it."*

**The CEO provided the following response:**

*"A report will be listed in the October cycle that responds to a previous Notice of Motion that explored the use of plastic bags. This report will provide further directions to Mr Breskin's question."*

**Adrian Dunn of Clayton South asked:**

*Having used Kingston Council website it appear that a number of links are broken; what procedures are in place to make sure that the site is functioning correctly?*

**The CEO provided the response:**

*"Thank you for your feedback. Officers will contact you to identify your specific concerns."*

**Adrian Dunn of Clayton South asked:**

*"The state government some time ago handed out free shoulder bags made out of material to help stop the use of plastic bags to protect the environment. Has the Council thought of using this technique to help support the removal of plastic bags?"*

**The CEO provided the response:**

*"As mentioned in response to an earlier question from Mt Reskin, a report on this question is anticipated in the October meeting cycle."*

**Adrian Dunn of Clayton South asked:**

*"Does the CEO feel that the amalgamations of Council to form Kingston has helped reduce costs with economy of scale or are larger Council more expensive to run?"*

**The CEO provided the response:**

*“Amalgamations has certainly provided economies of scale in many areas of Council operations which have driven cost efficiencies gains.”*

**Anthony Falkingham of Mentone asked:**

*“Since the Victorian Government’s Department of Water and Planning has refused permission to rebuild the Edithvale Life Saving Club, will this also prevent the future redevelopment of other vital Kingston foreshore facilities such as the Mentone Life Saving Club and the Parkdale Yacht Club? Both of these clubs are located in facilities that are now not suitable for their intended use and both of these buildings are in a state of disrepair.”*

**The CEO provided the response:**

*“The Department of Environment, Land, Water and Planning is required to assess each application on its merits. And at present discussions are continuing with the DELWP regarding the Edithvale Life Saving Club. CMA has not yet been sought for the Parkdale Yacht Club project and at present there is no funded redevelopment proposed for the Mentone Life Saving Club.”*

**Stephen Calvert-Smith asked:**

*“Regarding the advertised plans for the Mentone Hotel: why has the Council given the public so little time to responded to the plans? Given the school holidays and the Grand Final long weekend – can we have a one month extension to respond to the plans to the Mentone Hotel?”*

**Dorothy Booth of Mentone asked:**

*“What steps have been taken to restore, renovate and preserve the public toilet block in the Mentone car ark, what displays Mentone motif and mosaic as desired by the Mentone Community?”*

**The CEO provided the response:**

*“This was determined by Council tonight under Item 9.4 on the agenda.”*

**Kay Fisher of Mentone asked:**

*“With the hundreds of units being built in Mentone (that I know of) will Council be considering residential parking permits?”*

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

**Kevin Poulter of Dingley Village asked:**

*“Does Council know yet when Centre Dandenong Road will be returned to Kingston and its arterial status removed?”*

**The CEO provided the response:**

*“While Council is yet to be formally notified that Centre Dandenong Road will be transferred to Council, this has not yet happened. At this time we do not know the likely timing.”*

**Andrew Adams of Carrum asked:**

*“With six months until the Harvest Festival, has the Council made a decision on where it will be held?”*

**The CEO provided the following response:**

*“No decision has been made at this point in time. Further information is being sought and this will be presented to Council at its October meeting.”*

**David Van Pelt of Mordialloc asked:**

*“Are Council aware of the danger to pedestrians created by the non-official pedestrian crossing at the intersection of McDonald Street and Nepean Highway, through the use of different coloured walking bricks and metal screen work have created the illusion of a point to point non-official pedestrian crossing. Apart from the obvious danger of trying to cross the Nepean Highway and cars exiting the roundabout, vehicles turning left from McDonald Street into Nepean Highway pose a considerable treat to pedestrians as well. Could Council please investigate the need for intervention on their part?”*

**The CEO provided the following response:**

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

**David Van Pelt of Mordialloc asked:**

*“Will Council investigate the construction of a pedestrian crossing on the Melbourne side of the McDonald Street railway crossing? At the Bear Street crossing in Mordialloc, there is a pedestrian crossing on both sides. At the McDonald Street crossing in Mordialloc there exists only one on the Frankston side. Many pedestrians however now use the non-crossing Melbourne side to gain entry into McDonald and Albert Streets with cars passing some 300-600mm from them. I request that Council please investigate this situation and remedy where possible.”*

**The CEO provided the following response:**

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

**Simon Johnson of Parkdale asked:**

*“Why are these matters confidential?”*

- *Mordialloc Creek and Pompei’s Landing,*
- *Council’s position for acquisition of open space,*
- *Occupancy of Council controlled land.*

*Are there other matter such as citizen of the year which could be classified as confidential?*

**The CEO provided the following response:**

*“Each of these items have been declared confidential pursuant to Section 89 of the Local Government Act 1989 which sets out the criteria for confidentiality. By definition to explain in detail why would involve publically revealing why they were declared confidential. However Council’s position on acquisition for open space in Cheltenham has been made public.”*

**Simon Johnson of Parkdale asked:**

*“Is there a secret plan to axe Australia Day celebrations?”*

**The CEO provided the following response:**

*“No”*

**Simon Johnson of Parkdale asked:**

*“When does the termite report come back to Council? Will Kingston Council publish a heat map with termite affected areas? Will Kingston redo the survey enabling people to say, ‘I don’t know’ and ask if there is anything else people want to add?”*

**The CEO provided the following response:**

*“A report on termite activity in Kingston will be brought back to the October meeting cycle. On the basis that Council resolves to declare all or part of the City potentially impacted by termites it will then determine how to illustrate this information.”*

**Beryl Smale of Mentone asked:**

*“Does Council know the occupancy rates of multi-storey developments?”*

**The CEO provided the following response:**

*“Council does not keep details on the number of people who occupy multi-storey developments.”*

## **10. City Assets and Environment Reports**

### **10.1 2017/18 Capital Program - Forecast (September)**

#### **RECOMMENDATION**

That Council:

1. Note the report and adjustments to the 2017/18 Capital Program; and
2. Approve the revised Capital Forecast of \$58,358,921 for the 2017/18 financial year.

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

**10.2 Moorabbin Reserve Park Plan - Oval Fence**

**RECOMMENDATION**

That Council:

1. Receive the information and community feedback;
2. Adopt a combination of permanent and part relocatable fence to locations shown in attachment 1;
3. Ensure tree planting to perimeter of fence to soften the visual impact; and
4. Ensure 'mini plaza' entrances with six metre gates for public access to the oval, that are open at all times, except for match games.

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

**11. Corporate Services Reports**

**11.1 Review of Council Instruments of Delegation**

**RECOMMENDATION**

That Council

1. Resolve in the exercise of powers conferred by section 98(1) of the *Local Government Act 1989* (the Act) and the other legislation referred to in the Instruments of Delegation (as annexed), that
  - 1.1 There be delegated to the person holding the position, acting in or performing the duties of Chief Executive Officer the powers, duties and functions set out in the attached *Instrument of Delegation to the Chief Executive Officer*, subject to the conditions and limitations specified in that Instrument.
  - 1.2 There be delegated to the members of Council staff holding, acting in or performing the duties of the offices or positions referred to in the attached *Instrument of Delegation to members of Council staff*, the powers, duties and functions set out in that Instrument, subject to the conditions and limitations specified in that Instrument.
2. Resolve in the exercise of powers conferred by section 86 and 87 of the *Local Government Act 1989* (the Act) and section 188 of the *Planning and Environment Act 1987* that there be delegated to the Planning Committee, duties and functions set out in the attached *Instrument of Delegation to the Planning Committee*, subject to the conditions and limitations specified in that Instrument; and
3. Resolve that in relation to the above-mentioned Instrument of Delegations to the Chief Executive Officer, to Council staff and to the Planning Committee, that
  - 3.1 Each Instrument comes into force immediately the common seal of Council is affixed to the Instrument and remains in force until Council determines to vary or revoke it; and
  - 3.2 On coming into force each Instrument replaces and revokes all the

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previous delegations to the Chief Executive Officer, to members of Council and to the Planning Committee respectively.

- 3.3 The duties and functions set out in each Instrument must be performed, and the powers set out in each Instrument must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt.

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

**11.2 Assembly of Councillors Record Report**

**RECOMMENDATION**

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

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

**Procedural Motion**

**Moved: Cr Barth**

**Seconded Cr West**

That the order of business be altered to now consider Item 12.2.

**CARRIED**

**12.2 Notice of Motion No. 39/2017 - Cr Barth - Marriage Equality**

**Moved: Cr Barth**

**Seconded: Cr West**

That Council:

1. Publicly supports marriage equality irrespective of sex, gender identity or sex characteristics.

**CARRIED**

**A Division was Called:**

**DIVISION:**

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

**AGAINST:** Crs Gledhill and Hua (2)

**ABSTAINED:** Crs Brownlees and Bearsley (2)

**CARRIED**

2. Write to all our local Federal Members of Parliament highlighting Kingston Council's support of marriage equality and articulate our disappointment in their decision to spend \$122M on the voluntary postal vote.

**CARRIED**

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**A Division was Called:**

**DIVISION:**

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

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

**CARRIED**

3. Write to the Commonwealth Human Rights and Equal Opportunity Commission advising them of council's support.

**CARRIED**

**A Division was Called:**

**DIVISION:**

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

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

**CARRIED**

4. Fly a rainbow flag at the Kingston City Hall until marriage equality is achieved.

**CARRIED**

**A Division was Called:**

**DIVISION:**

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

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

**CARRIED**

5. Expresses support and solidarity with members of the Kingston community and Kingston staff who identify as LGBTIQ particularly through this period while the voluntary postal survey on the marriage act is being undertaken.

**CARRIED**

**A Division was Called:**

**DIVISION:**

**FOR:** Crs Brownlees, Staikos, West, Bearsley, Gledhill, Eden, Barth, Hua and Oxley (9)

**AGAINST:** Nil (0)

**CARRIED**

**Procedural Motion**

**Moved: Gledhill**

**Seconded: Cr Hua**

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

**CARRIED**

**Note:** It was requested by Brownlees and agreed by the Chair that each part of the Motion be put to the vote separately.

Cr Oxley left the meeting at 9:26 pm.

### **11.3 Quick Response Grants**

**Moved: Cr Bearsley**

**Seconded: Cr Gledhill**

That Council approve the following grant applications:

- Mordialloc Beaumaris Conservation League - \$1903.00
- Aspendale Gardens Community Centre - \$1958.45
- Friendship Square Child Care Co-Operative - \$2000.00 paid on completion of the planned works.
- Pilipino Elderly Association South Eastern Region Vic. Inc. (PEASER) - \$2000
- Dingley Village Community Association - \$1458 - and that the Association be referred to the 2018/19 Community grants program

That Council not approve the following grant applications:

- Chelsea Football and Netball Club
- Katherine Spencer
- Uganda Pearl of Africa Association in Victoria Inc.

That Council defer consideration of the Australian Animal Rescue Inc. application to the October Ordinary Meeting of Council.

**CARRIED**

### **11.4 Motions for MAV State Council Meeting - October 2017**

#### **RECOMMENDATION**

That Council;

1. Submit the Motion shown in Appendix One to the MAV State Council Meeting on 20 October 2017.
2. Support the Motion from Port Phillip City Council shown in Appendix Two.

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



**12. Notices of Motion**

Cr Oxley returned to the meeting at 9:28pm.

**12.1 Notice of Motion No. 38/2017 - Cr West - Development Register**

**Moved: Cr West**

**Seconded: Cr Staikos**

That Officers provide a report to Council on whether:

1. It is feasible and useful to keep a register of lobbyists, planners, developers and landowners associated with development applications for 10 or more dwellings lodged with Kingston Council in future and, where requested by a councillor, officer or member of the community, during the past 15 years.
2. As a measure of transparency and accountability, councillors and officers ought to disclose any meetings they have had with such lobbyists, planners, developers and landowners with regard to Kingston planning scheme amendments or development applications, apart from planning consultations attended by officers, in notes to be attached to the register.
3. Councillors and officers ought promptly to disclose any multi-unit development applications with which they are or have been personally associated as lobbyist, planner, developer or landowner or as a director shareholder or having a beneficial interest in a company or trust company or trust involved in a multi-unit development, once lodged with Kingston Council or notified to the CEO, and such details also be included in an open register on the Council website.
4. Any relevant risks or problems that are known by Council to have arisen with these development ought also to be recorded in the register, such as unsafe or flammable cladding or financial failure or bankruptcy.

**CARRIED**

**12.3 Notice of Motion No. 40/2017 - Cr West - Mentone and Cheltenham Plans**

The item was withdrawn by Cr West.

**12.4 Notice of Motion No. 41/2017 - Cr Staikos - Mordialloc Bypass**

**Moved: Cr Staikos**

**Seconded: Cr West**

1. Council officers brief Councillors on the matters raised in the Notice of Motion 12.6 that was carried at the May 2017 ordinary Council Meeting,
2. Council works collaboratively with VicRoads to resolve the following issues in relation to the Mordialloc Bypass:
  - a. Council supports the establishment of acoustic fence treatments on both sides of the Mordialloc bypass, with proper vegetation screening to protect the amenity of, Aspendale Gardens, Dingley Village and Waterways residents as well as the amenity of Braeside Park and the Waterways and Woodlands wetlands.
  - b. Council requests that the acoustic fence be lined with a screen of tall indigenous trees to encourage birds to fly across the freeway at a good height, to reduce the risk of being struck by traffic.
  - c. Council does not support the closure of Old Dandenong Road, between Boundary Road and Tootal Road.
  - d. As part of this project Council requests VicRoads improve the traffic management of Centre Dandenong Road, especially between Boundary Road and Tootal Road, and improve the flow of traffic at the roundabout.
  - e. Council reiterates its position to ensure that an overpass/underpass is constructed at or close to the intersection of the Mordialloc Bypass with the Dingley Bypass to allow continuity for passage of cyclists, pedestrians and equestrians along the Chain of Parks trail.
  - f. Council works with VicRoads and Melbourne Water to ensure the establishment of wetlands along the route of the Mordialloc Bypass.
  - g. That the road be located as far to the west as possible on the reservation where it passes Braeside Park and Dingley Village to make room for and the Chain of Parks shared trail to be on the eastern side of the freeway and to minimise any disruption to the Braeside Park historic buildings and rangers' facilities.
  - h. To relocate any of the Braeside Park historic buildings and rangers' facilities that would still be impacted despite (g).
  - i. That VicRoads offers public information sessions to the residents of Dingley Village, Waterways and Aspendale Gardens (east of Wells Road).

**Amendment**

**Moved: Cr Bearsley**

**Seconded: Cr Hua**

1. Council officers brief Councillors on the matters raised in the Notice of Motion

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- 12.6 that was carried at the May 2017 ordinary Council Meeting,
2. Council works collaboratively with VicRoads to resolve the following issues in relation to the Mordialloc Bypass:
- a. Council supports the establishment of acoustic fence treatments on both sides of the Mordialloc bypass, with proper vegetation screening to protect the amenity of, Aspendale Gardens, Dingley Village and Waterways residents as well as the amenity of Braeside Park and the Waterways and Woodlands wetlands.
  - b. Council requests that the acoustic fence be lined with a screen of tall indigenous trees to encourage birds to fly across the freeway at a good height, to reduce the risk of being struck by traffic.
  - c. Council does not support the closure of Old Dandenong Road, between Boundary Road and Tootal Road.
  - d. As part of this project Council requests VicRoads improve the traffic management of Centre Dandenong Road, especially between Boundary Road and Tootal Road, and improve the flow of traffic at the roundabout.
  - e. Council reiterates its position to ensure that an overpass/underpass is constructed at or close to the intersection of the Mordialloc Bypass with the Dingley Bypass to allow continuity for passage of cyclists, pedestrians and equestrians along the Chain of Parks trail.
  - f. Council works with VicRoads and Melbourne Water to ensure the establishment of wetlands along the route of the Mordialloc Bypass.
  - g. That the road be located as far to the west as possible on the reservation where it passes Braeside Park and Dingley Village to make room for and the Chain of Parks shared trail to be on the eastern side of the freeway and to minimise any disruption to the Braeside Park historic buildings and rangers' facilities.
  - h. To relocate any of the Braeside Park historic buildings and rangers' facilities that would still be impacted despite (g).
  - i. That VicRoads offers public information sessions to the residents of Dingley Village, Waterways and Aspendale Gardens (east of Wells Road)
  - j. Council requests a fly over at Governor Road

**The Amendment was put and CARRIED  
The Amendment became the Motion**

**Procedural Motion**

**Moved: Cr Brownlees**

**Seconded: Cr Gledhill**

That the motion now be put.

**CARRIED  
The Motion was put and CARRIED**

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**12.5 Notice of Motion No. 42/2017 - Cr Bearsley - Development of Roy Dore Reserve Pavillion**

**Moved: Cr Bearsley**

**Seconded: Cr Gledhill**

That Council write to the Premier and the Local Member for Carrum requesting that \$10 million dollars from the promised \$50 million dollars for Carrum Beach Promenade be invested in the much needed development of Carrum's Roy Dore Reserve Pavillion instead and that the promenade investment include much needed storage for Carrum Life Saving Club.

**Procedural Motion**

**Moved: Cr Gledhill**

**Seconded: Cr Brownlees**

That the meeting be extended by 20 minutes to 10.20pm.

**CARRIED**

**The Substantive Motion was put and LOST**

**A Division was Called:**

**DIVISION:**

**FOR:** Crs Brownlees, Bearsley, Gledhill and Hua (4)

**AGAINST:** Crs Staikos, West and Oxley (3)

**ABSTAINED:** Crs Eden and Barth (2)

**LOST**

**12.6 Notice of Motion No. 43/2017 - Cr Brownlees - Hire of Council Owned Facilities**

**Moved: Cr Brownlees**

**Seconded: Cr Gledhill**

That Council undertake a review of the policies and guidelines, including available venues, relating to hire/use of council owned facilities and properties for commercial/community events with a view to minimising the impact on the amenity and activity of surrounding residential and commercial neighbourhood. This review to be conducted involving councillors and officers.

**LOST**

**A Division was Called:**

**DIVISION:**

**FOR:** Crs Brownlees, Bearsley, Gledhill and Hua (4)

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

**LOST**

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**13. Urgent Business**

**Moved: Cr Oxley**

**Seconded: Cr West**

That an item of Urgent Business regarding Roy Dore Reserve be considered.

**CARRIED**

**Roy Dore Reserve**

**Moved: Cr Oxley**

**Seconded: Cr Bearsley**

1. That Council writes to the State and Federal Governments seeking a commitment to fund the development of the Roy Dore Reserve pavilion / purposed upgrades; and that Council seek other available funding opportunities; from sporting leagues or organisations.
2. That Council write to the LXRA to seek a briefing on what the \$50million entails and that Council explores any possible enhancements for storage for Carrum Life Saving Club

**CARRIED**

**14. Confidential Items**

**Moved: Cr Staikos**

**Seconded: Cr Gledhill**

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

**14.1 Proposed Property Acquisition**

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

**Confidential Appendices**

**8.4 Private Planning Scheme Amendment Policy**

**Appendix 3, Legal Advice - Private Planning Scheme Amendment Policy**

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

**9.3 Individual Development Grant Application - Potential Conflict of Interest**

**Appendix 2, Community Grants Program 2017-2018 - Individual Development Grant - Application - Madison Marino**

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

**CARRIED**

The meeting was closed to members of the public at 10.11pm

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**Procedural Motion**

**Moved: Cr Gledhill**

**Seconded: Cr Bearsley**

That the meeting be opened to members of the public

**CARRIED**

The meeting was opened to members of the public at 10.16pm

The meeting closed at 10.16pm

**Confirmed.....**

**The Mayor 23 October 2017**