

Minutes

Ordinary Meeting of Council

Monday, 25th February 2019

**City of Kingston
Ordinary Meeting of Council**

Minutes

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The meeting commenced at 7.05pm in the Council Chamber, 1230 Nepean Highway, Cheltenham.

Present: Cr Georgina Oxley (Mayor)
Cr Tamara Barth
Cr Tamsin Bearsley
Cr Ron Brownlees OAM
Cr David Eden
Cr Geoff Gledhill
Cr George Hua
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 Guttman, General Manager Planning and Development
Natasha Corponi, Communications and Media Advisor
Phil De Losa, Manager Governance
Stephanie O’Gorman, 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 Staikos

Seconded: Cr Bearsley

That the Minutes of the Ordinary Meeting of Council held on 29 January 2019, the Special Meeting of Council held on 11 February 2019 and the Special Meeting of Council held on 18 February 2019 be confirmed.

CARRIED

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

Cr Bearsley foreshadowed a declaration of a conflict of interest in Items 8.4 and 10.5.

4. Petitions

Changed Traffic Conditions Mentone

Moved: Cr Brownlees

Seconded: Cr Gledhill

That the petition be referred to the CEO for response.

CARRIED

5. Presentation of Awards

There were no awards presented.

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6. Reports from Delegates Appointed by Council to Various Organisations

There were no reports from Delegates.

7. Question Time

Question Time was held at 8.01pm. Refer to page 15 of the Minutes.

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 Decisions December 2018
- 8.2 Town Planning Application Decisions - January 2019
- 10.1 Parkdale Tennis Club - Payment of Contribution Towards Court Resurfacing Works
- 10.7 Advanced Waste Resource Recovery Facilities in South East Melbourne 313
- 11.1 Quick Response Grants
- 11.2 Kingston Performance Report, October - December 2018 and Quarterly Financial Statements Report, December 2018
- 11.3 Assembly of Councillors Record Report

CARRIED

8. Planning and Development Reports

8.1 Town Planning Application Decisions December 2018

RECOMMENDATION

That the report be noted.

Note: Refer to page 4 of the Minutes where this item was block resolved.

8.2 Town Planning Application Decisions - January 2019

RECOMMENDATION

That the report be noted.

Note: Refer to page 4 of the Minutes where this item was block resolved.

8.3 KP-2016/171/A - 101A, 101, 103, 105, 107 Collins Street Mentone

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

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

Moved: Cr Brownlees

Seconded: Cr Gledhill

That Council resolve to issue a Notice of Decision to Grant an Amended Planning Permit to develop the land for the construction of buildings and works for a Residential Aged Care Facility at 101A, 101,103,105,107 Collins Street Mentone, subject to the conditions below:

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 18 October 2018 but modified to show:
 - a) Deleted
 - b) Deleted
 - c) the width of the proposed screens on windows along the northern elevation to be increased a further 500mm to demonstrate compliance with overlooking provisions in accordance with Clause 55.04-6;
 - d) vehicle crossings nominated to be constructed at a 90 degree alignment with the kerb on Collins Street;
 - e) a Rain Garden Protection Zone to be placed around the existing rain garden on Collins Street in accordance with Condition 31 of this permit;
 - f) the crossover at 101A Collins Street nominated to be reinstated at the site's frontage and a pram ramp to be installed to the satisfaction of the Responsible Authority;
 - g) Deleted
 - h) a notation on Ground Floor Plans adjacent to the existing Council drains located within the subject site stating, *"Existing drains must be investigated in detail on site and reported to Council to prove that there is no connection of these drains to any Council drainage network beyond the property boundaries and or with other neighbouring properties."*;
 - i) a notation on Ground Floor Plans stating: *"Any existing drain within the subject site which has connection/s to Council drainage network beyond the subject property boundaries and or with neighbouring property must be relocated as per an easement drain relocation plan to be submitted to and approved by Council."*;

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- j) All existing and or any proposed easements to be shown on plans;
- k) the surface material of all driveways / accessways and car parking spaces nominated in all-weather coloured concrete sealcoat, or similar;
- l) the provision of a full colour, finishes and building materials schedule (including samples) for all external elevations and driveways of the development;
- m) Deleted;
- n) windows associated with sitting rooms on the building's northern elevation to be fitted with fixed obscure glazing to a height of 1.7m above the relevant finished floor level where views are not covered by external screens;
- o) an updated Waste Management Plan as required by Condition 32 of this permit;
- p) the width of the vehicle crossing on Collins Street reduced to 6m;
- q) fencing associated with the proposed substation on Collins Street set back 500mm from the frontage to allow for a vegetation strip;
- r) an updated Sustainable Management Plan as required by condition 3 of this permit;
- s) details of proposed acoustic fencing including its acoustic properties;
- t) car parking space No.26 relocated to the site's eastern boundary with a landscaping strip of a minimum dimension of 1.2m in width provided along the site's northern boundary adjacent to No. 28 and No. 30 Teague Avenue;
- u) the internal driveways shown to be at least 500mm from the side (east) boundary at the front of the site;
- v) the building set back a minimum 7.5m at all levels from the site's front (south) property boundary, with the exception of the port cochere ;
- w) the provision of a landscape plan generally in accordance with the submitted landscape plan by Memla (Dated: 22/7/2016 Revision A), but modified to include:
 - 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

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to represent actual canopy width and labelled with botanical name, height and whether the tree is proposed to be retained or removed

- iv) a range of plant types from ground covers to large shrubs and trees provided at adequate planting densities (e.g. plants with a mature width of 2.5 metre, planted at 1 metre intervals)
 - v) the provision of one (1) *Quercus palustris* (Pin Oak) and two (2) *Banksia integrifolia* (Coast Banksia) within the front setback of the site (to replace the *Angophora costata*), provided at a minimum of three (3) metres in height at time of planting
 - vi) all other 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;
 - ix) the provision of planter boxes on balconies utilised by residents or visitors;
 - x) the provision of sections and details of irrigation and drainage of planter boxes on the balconies;
 - xi) 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;
 - xii) deleted; and
 - xiii) the provision of street trees within the nature strip along the sites frontage in accordance with Council's Street Tree Planting Guidelines.
2. The development and/or use as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.

Ecologically Sustainable Design

3. Prior to the endorsement of the Plans required pursuant to Condition 1 of this permit, the provision an updated SMP to be prepared by a qualified person or company must be submitted to and approved by the Responsible Authority in accordance with the requirements under Clause 22.21-4 of the Kingston Planning Scheme.

EPA Condition

4. In accordance with the recommendations from the Audit Report prepared by Peter J Ramsay and Associates Pty Ltd, 14 May 2015, groundwater should not be extracted for the potential uses of potable water supply, agriculture, parks and gardens, stock watering and primary contact recreation, or for uses otherwise precluded by groundwater salinity. Groundwater may only be extracted for groundwater monitoring or clean-up.

Potentially Contaminated Land

5. Prior to the commencement of the construction or carrying out of buildings and

work either:

- a. A Certificate of Environmental Audit for the land must be issued in accordance with Section 53Y of the Environment Protection Act 1970; or
- b. An Environmental Auditor appointed under Section 53S of the Environment Protection Act 1970 must make a Statement in accordance with Section 53Z of that Act that the environmental conditions of the land are suitable for the intended use that is the subject of this permit

for land at No. 101A Collins Street Mentone.

6. Where a Statement of Environmental Audit is issued for the land pursuant to Condition 5 (b) above, prior to 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 conditions attached to the Statement of Environmental Audit issued for the land have been satisfied to the extent necessary for the occupation of dwellings allowed by this permit.
7. Any development permitted by this permit must comply with the conditions imposed by the relevant statement of environmental audit for the land.
8. Where a Statement of Environmental Audit is issued for the land, and any condition of that Statement requires any maintenance or monitoring of an ongoing nature, 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:
 - a. Compliance with the conditions of the relevant statement of environmental audit issued in respect of the land; and
 - b. To notify future occupiers of the land of any conditions attached to the relevant statement of environmental audit.
9. The agreement must be prepared by or on behalf of Council and must contain terms and conditions to the satisfaction of Council. Where a Section 173 Agreement is required, the Agreement must be executed prior to the commencement of the use of the buildings that is the subject of this permit. The owner must pay the reasonable Council.

Drainage Engineering

10. 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.

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- 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 10a, 10b, & 10c above must be implemented on-site, unless an alternative agreement for stormwater quality in-lieu contribution is reached with the Responsible Authority. The development of the site must be provided with stormwater works which incorporates the use of water sensitive urban design principles to improve stormwater runoff quality and which also retains on site any increase in runoff above the permissible site discharge as a result of the approved development. The system must be maintained to the satisfaction of the Responsible Authority. The satisfactory options to achieve these desired outcomes may include the use of an infiltration or bioretention system, rainwater tanks connected for reuse and a detention system.
11. 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 58L/s.
 - c. All stormwater (drainage) works must be maintained to the satisfaction of the Responsible authority. Before the development commences, prior to submission of a detailed Stormwater Management (drainage) Plan of the development as per the condition below, a comprehensive stormwater management (drainage) strategy of the site including a report with MUSIC model output or equivalent and a drainage concept plan incorporating Rainwater Tanks for water reused for toilet flushing and other Water Sensitive Urban Design Treatments to achieve best practice objectives must be prepared as per Council's "Civil Design Requirements for Developers – Part A – Integrated Stormwater Management" to the satisfaction of the Council;
12. In any case where the existing stormwater drain/s located within the subject site is required to be relocated as per conditions 1a & 1b above, the relocation works must be carried out at the developer's costs prior to any building works commencing. All works associated with the drainage relocation must be in

accordance with engineering plans submitted to and approved by Council.

13. Any easement required to accommodate the relocated drains as per above mentioned conditions of this permit must be created in favour of City of Kingston and shown on any future subdivision plan. Any existing easement with redundant pipe must be deleted from the subdivision plan.
14. Deleted
15. Deleted
16. Deleted
17. Deleted
18. Deleted
19. Deleted

Construction Management Plan

20. 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 Guidelines, October 2016 (and any superseding versions and I or documents) and include a completed copy of the CMP checklist. The CMP must respond to, but is not limited to the following requirements:

- 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

Prior to endorsement of the of the CMP under the condition 20, an approved Road Occupation and Works Permit which covers occupation of Council land of construction activities, arranging a Works Zone and assessment of Traffic Management Plans (if applicable). The developer will be responsible for any costs related to this permit, to the satisfaction of the Responsible Authority.

Prior to endorsement of the CMP under the condition 20, an Asset Protection Permit must be approved by the Responsible Authority (if applicable).

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 Conditions

21. The construction and replacement of all footpaths, including offsets, must be constructed to Council's commercial standards and to the satisfaction of the Responsible Authority.
22. All reinstatements and vehicle crossings must be constructed to the satisfaction of the Responsible Authority.
23. Vehicle crossings and other reinstatements must be constructed to council's industrial strength specifications.
24. All redundant vehicle crossings must be removed (including redundant portions of vehicle crossings) to the satisfaction of the Responsible Authority.
25. Prior to the occupation of the development 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.
26. All front and side fences must be contained wholly within the title property boundaries of the subject land.
27. Prior to the commencement of development, property boundary, footpath and vehicle crossing levels must be obtained from Council's Roads and Drains Department with all levels raised or lowered to the satisfaction of the Responsible Authority

Amenity Conditions

28. Exterior lighting must be installed in such positions as to effectively illuminate all communal areas. Such lighting must be designed, baffled and located to the satisfaction of the Responsible Authority to prevent any adverse effect on neighbouring land.
29. 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 not be located where they will be highly visible from any public area to the satisfaction of the Responsible Authority.
30. All overlooking screens and obscure windows to be fixed and maintained to the satisfaction of the Responsible Authority

Rain Garden

31. The minimum requirement is that temporary fencing be placed around the rain garden with no works to be carried out to the rain garden without supervision of the Responsible Authority.

Waste Management Plan

32. Before the commencement of the use approved under this permit, an updated Waste Management Plan must be submitted to the responsible authority for approval. The Waste Management Plan must incorporate the following matters:

- (a) The times of collection to be reduced to twice a week

Height

33. The overall height of the building must not exceed the maximum height nominated on any of the plans endorsed to this permit.
34. A report prepared by a qualified land surveyor to be submitted at the completion of each level, to confirm the height of the building in accordance with the endorsed plans to the Australian Height Datum (AHD) all to the satisfaction of the Responsible Authority.

Completion of the Development

35. 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.
36. 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.
37. Prior to the occupation of the development hereby permitted, the landscaping works as shown on the endorsed plans must be completed to the satisfaction of the Responsible Authority. The landscaping must then be maintained to the satisfaction of the Responsible Authority.
38. Prior to the occupation of the development 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.
39. Prior to the occupation of the development 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.
40. Before occupation of the development 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 with an all-weather sealcoat to the satisfaction of the Responsible Authority.
 - d) Drained to the satisfaction of the Responsible Authority.
 - e) Line-marked to indicate each car space, all access lanes and, if necessary, the direction in which vehicles are to travel to the satisfaction of the Responsible Authority.

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- f) In accordance with any Council adopted guidelines for the construction of car parks.
41. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.
42. In accordance with section 68 of the *Planning and Environment Act 1987*, 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 *Planning and Environment Act 1987*, the responsible authority may extend the periods referred to if a request is made in writing before the permit expires, or within three months afterwards.

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

LOST

A Division was Called:

DIVISION:

FOR: Cr Brownlees (1)

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

LOST

Moved: Cr West

Seconded: Cr Bearsley

That Council determine to issue a Notice of Refusal to Grant a Permit to develop the land for the construction of buildings and works for a Residential Aged Care Facility at 101A, 101,103,105,107 Collins Street Mentone on the following grounds:

1. The proposal constitutes an over-development of the site.
2. The proposal would detract from the visual amenity of the locality and the streetscape.
3. The proposed building height is inconsistent with the requirements of Precincts 3 and 4 of the Mentone Activity Centre, the Activity Centre Zone and the

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Section 173 agreement signed as part of the contract of sale.

4. The proposal fails to satisfy all the requirements of Clause 55 of the Kingston Planning Scheme (ResCode), in particular Clause 55.02-1 Neighbourhood Character Objective, Clause 55.04-1 Side and Rear Setback Objective, Clause 55.04-6 Overlooking.
5. The proposal does not fully satisfy the requirements of Clause 22.11 – Residential Development Policy, of the Kingston Planning Scheme.

Cr Barth left the meeting at 7:38pm

Cr Barth returned to the meeting at 7:42pm

CARRIED

8.4 Amendment C149 – Anomalies

Cr Bearsley declared an indirect interest because of impact on residential amenity as she lives close to the site and left the meeting at 7.47pm prior to any discussion on the matter.

Moved: Cr Staikos

Seconded: Cr Brownlees

That Council:

1. Adopt Amendment C149 to the Kingston Planning Scheme with the following changes:
 - 1.1 Removal of 19 Council owned properties that were proposed to be rezoned to Public Use Zone and Public Park and Recreation Zone for further review.
 - 1.2 Removal of 3 privately owned sites at 22-36 Bulli Street, Moorabbin, 96 – 100 Gladesville Boulevard, Patterson Lakes and 14A/102-114 Gladesville Boulevard, Patterson Lakes for further review.
 - 1.3 Removal of 2-8 Balcombe Road, Mentone at the request of VicRoads.
 - 1.4 Removal of 5 long Island Point, Patterson Lakes at the request of Melbourne Water.
2. Submit Amendment C149 to the Minister for Planning for approval.

CARRIED

Cr Bearsley returned to the meeting at 7:52pm

**8.5 Response to Council on Fenced Dog Off-Leash Area in the South Ward
and other Animal and Foreshore Related Matters**

Moved: Cr Eden

Seconded: Cr Bearsley

That Council:

1. Undertake community consultation regarding the implementation of fencing the existing dog off-leash areas at Iluka Reserve, Aspendale and Roy Dore Reserve, Carrum within the South Ward.
2. Provide customers with greater access to free dog-poo bags in civic and other community and animal related facilities.
3. Implement a trial of a dog-poo bag dispenser in reserves in each Ward including Bicentennial Park and Iluka Reserve in South Ward; Namatjira Reserve and Spring Road Reserve in North Ward.
4. Continue to use the existing supplier for dog-poo bags until a more holistic approach is taken by Council to consider an alternative (such as compostable) and that this be the subject of further advice to Councillors.
5. Officers undertake industry benchmarking and further consult with South and Central Ward Councillors regarding their expectations on the level of resourcing expected along the Kingston foreshore during the 2019/2020 summer period and provide a report of options back to Council.

CARRIED

Question Time

Michelle Wighton asked the following questions,

Question 1.

Do Kingston's current Local Laws allow Council to issue a Footpath Activities Permit (FAP) authorising the use of a footpath to sell or consume liquor?

The CEO provided the following response,

"Council's Local Laws currently bans the sale of any goods from Council Land without a permit. In practice the Footpath Activities Policy does not allow sale of goods, including alcohol, from the footpath but it does allow for alcohol consumption."

Question 2.

If not, is there any current proposal before Council or work being undertaken by Council, or any intention within Council with respect to amending the Local Laws to allow Council to issue a FAP authorising the use of a footpath to see or consume liquor?"

The CEO provided the following response,

"While there is no current proposal to review the Local Law in respect to Footpath Activities, the current Footpath Activities Policy is due for review and a discussion paper will be presented to Council in the coming months."

Question 3.

Does Council consider that the application process for a Footpath Activities Permit authorising the use of a footpath to sell or consume liquor should require the applicant (or Council) to notify the local community of the application and also allow for those affected to formally object to the issuing of the permit? If not, why not?"

The CEO provided the following response,

"Currently there are no requirements in the Policy to provide notification before issuing any Footpath Activities Permit. As noted in the previous question, the Policy is due for review, and this option will form part of the discussion."

Leonie Tyquin of Parkdale asked,

Approximately 8 years ago the planting of trees along Beach Road was initiated by our current Councillors. Residents and ratepayers emphatically opposed this idea. This initiative was withdrawn stating that if residents were not in favour it would not go ahead. The concerns I had eight years ago are still valid. Safety being paramount. Visibility being compromised, access from side streets would be even more difficult than it is already. Roots of these trees could cause problems with footpaths and underground facilities. Mature trees growing higher than existing power lines could also affect street lighting. Why has Council's attitude changed on all these issues?"

The CEO provided the following response,

Council has made a decision on this matter at the December Council Meeting which has been reinforced at the Special Council Meeting held on 18 February that it will be planting street trees along Beach Road. This tree planting proposal is being informed by the Kingston Bay Trail Planning Report 2017, the Bay Trail Functional Layout 2017, the Kingston Bay Trail Vegetation Assessment 2017 the City of Kingston Planning Scheme, the City of Kingston Tree Management Policy and The City of Kingston Vehicle Crossing Road Opening Permit Application 2018, VicRoads Tree Planting Policy 2015, The City of Kingston Electrical Line Clearance Management Plan 2018 and the City of Kingston Indigenous Plant List for Street Trees."

Jane Weston of Parkdale asked,

*"1. Why has there been no consultation with resident ratepayers re: planting trees in their nature strips?
2. Who has to give approval to plant them?
3. How are resident/ratepayers to know if/when Council receives/or not permission from appropriate authorities to plant trees in nature strips on Beach Road between Mentone and Mordialloc?"*

The CEO provided the following response,

"Council resolved at its 10 December 2018 Ordinary Meeting and 18 February 2019 Special Meeting to implement tree planting and officers are acting in accordance with this resolution.

The planting of trees have regard to:

- City of Kingston Indigenous Plant List for Street Trees*
- City of Kingston Electric Line Clearance Management Plan*
- VicRoads Tree Planting Policy*
- City of Kingston vehicle crossing/road opening permit process*
- City of Kingston Tree Management Policy and Technical Guidelines*
- City of Kingston Planning Scheme*
- Kingston Bay Trail Vegetation Assessments undertaken by Biosis*

Officers will write to the property owners to provide details of individual nature strip planting plan following detailed site analysis.”

Bruce Duffy of Chelsea asked the following questions:

Question 1.

“Could the Council undertake a campaign that encourages the users of shared pathways tracks and footpaths to feel good about giving plenty of early warning when they are about to pass a slower user?

Could the Council undertake a campaign that encourages the slower user of such pathways to accept that such a warning is in their best interests?”

The CEO provided the following response,

“Yes, Council encourages safe and respectful use of shared trails and other areas for all users. Officers will investigate an education approach to achieving this end.”

Question 2.

Who decides and how do they decide when amendments to an already approved planning application no longer qualify as amendments but instead require a new planning application?”

The CEO provided the following response,

“The Planning legislation allows for an application to be amended as long as it does not result in a ‘transformation’ of a proposal. Under an amendment request the application follows the process of advertising and seeking community feedback.”

Question 3.

The word amendment conjures up the idea of a minor change. How can Council see the removal, from an already approved planning application, of an underground car park and the addition of a fourth storey as just being a minor change? (In reference to aged care home at 101-103 Collins Street, Mentone).

The CEO provided the following response,

“An amendment to an application can be applied for as long as it does not ‘transform’ what has already been approved. An amendment can be minor or more significant. If an amendment is considered to go beyond the scope permitted, a new planning application can be applied for.”

Dorothy Booth of Mentone asked the following questions,

Question 1.

“In light of a second building (Spencer Street, Melbourne) having used sub-standard cladding experiencing a fire causing a prolonged evacuation. What steps have been taken in the City of Kingston to rectify the non-fire retardant cladding on buildings in our City, if any?”

The CEO provided the following response,

“Council is working directly with the Victorian Building Authority on sites they have requested Council assistance with.”

Question 2.

“What systems are in place to monitor the safety of these buildings for the people occupying them?”

The CEO provided the following response,

“Where appropriate the Council Municipal Building Surveyor has issued Building Notices and Orders requiring the owners address issues of non-compliance.”

Question 3.

Has an objective been set for the cladding replacement to be completed in the City of Kingston?

The CEO provided the following response,

“As mentioned in the previous question, Council has issued Notices and Orders seeking compliance where appropriate.”

Question 4.

How will Council be aware that works have been completed and will the City of Kingston Council be acknowledging works completed in any formal way?

The CEO provided the following response,

The issue of a Building Notice or Order requires Council’s Municipal Building to be satisfied that compliance has been achieved. Notices and orders remain on properties until all matters are addressed to Council’s satisfaction.”

Shellie Kavanagh of Aspendale Gardens asked,

“With regards to the Kerr Cres proposed soccer grounds why are the local residents not being kept up to date with the progress (eg tonight’s agenda item) as promised during the consultation process. It would appear by the makeup of the gallery that other stakeholders are being kept informed.”

The CEO provided the following response,

“Council’s consultation process on this project has been provided through the Kingston webpage, specifically the project is listed on the Your Kingston Your Say webpage as a project. Further Council’s meetings and agendas are provided on our webpage to keep the public informed. Tonight’s report is in response to the consultation to date and seek a further report following further and ongoing consultation.”

Tony Falkingham of Mentone asked the following questions,

Question1.

The Edithvale Seaford Wetlands are recognised under the Ramsar Convention by the United Nations and they now face a considerable threat during the construction of the proposed Mordialloc Freeway. The threat is from the toxic chemicals underground, and the runoff from the completed road. Will the City of Kingston strongly advocate to protect these unique wetlands, and independently review the current Environment Effects Statement?”

The CEO provided the following response,

The proposed Mordialloc Freeway is the subject of an exhibited Environmental Effects Statement which is now subject to Public Hearings between Monday 25 February and Friday 15 March. Council is being legally represented and this legal representation is being supported by evidence that includes:

- *Landscape design*
- *Urban design and strategic planning*
- *Ecology including relationship with the Edithvale Seaford Wetlands*
- *Acoustics*
- *Hydrology*
- *Ecology including birdlife.*

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Council will be using this team to ensure that considerations relating to Environmental concerns are thoroughly considered. Council will be presenting its case to the EES process on Monday 4 March, Tuesday 5 March and Wednesday 6 March.”

Question 2.

“What is the City of Kingston doing to protect and ensure that the heritage of the Pompei Boatbuilding Works and the surrounding landing is not lost and destroyed by inappropriate development?”

The CEO provided the following response,

“At Council’s Ordinary Meeting on 27 August 2018, as part of Notice of Motion 27/2018, Council resolved to engage an independent heritage consultant to ‘support some kind of heritage overlay for the Pompei’s Marine Boat Works and Landing’. Subsequent to this resolution at Council’s cost it has engaged Mr Gary Vines of Biosis to provide a submission to the Heritage Council at a Public Hearing on 27 February 2019. The hearing will consider whether or not the site should fall under a State Heritage listing.”

Question 3.

“What is the City of Kingston planning to make sure that Mordialloc’s 100 plus year history of boatbuilding continues as an important industry along the banks of Mordialloc Creek?”

The CEO provided the following response,

“The use of the Pompei Boat Shed has recently ceased as a boat building yard. Council is unable to control the use of land but continues to encourage opportunities for the Pompei’s Landing Area to be used as an area that recognises the rich boat building activities associated with Mordialloc Creek.”

Note: A question was submitted by Nadene Hager, which was not read out at the meeting as it was deemed to be asked to be derogative to or embarrass a Councillor. The CEO advised that a written response would be provided.

9. Community Sustainability Reports

9.1 CON18/120 - G.H. Soppett Pavilion Redevelopment - Award of Contract

Moved: Cr Brownlees

Seconded: Cr West

That Council:

1. Receive the information and note the outcome of the tender assessment process for Con 18/120, as set out in the confidential appendices to this report.
2. Agree to award Contract 18/120 – G H Soppett Pavilion redevelopment project for the final adjusted fixed lump sum price of \$5,628,469.00 (exclusive of GST) to 2Construct Pty Ltd.
3. Approve the allocation of a separate contingency allocation, as set out in the attached confidential appendix and delegate authority to the CEO, or his nominee, to expend this allowance to ensure the successful completion of the project.

CARRIED

10. City Assets and Environment Reports

10.1 Parkdale Tennis Club - Payment of Contribution Towards Court Resurfacing Works

RECOMMENDATION

That Council:

1. Write to the Parkdale Tennis Club requesting payment of its financial commitment of \$50,000 towards the renewal of 3 existing tennis courts.
2. Note and accept Parkdale Tennis Club's revised offer for a lump sum payment of \$25,000 by 30 March 2019 as outlined in appendix 3.
3. Negotiate a payment plan and execute a funding agreement with the Parkdale Tennis Club for the remaining \$25,000, with all payments to be received by 30 June 2020.

Note: Refer to page 4 of the Minutes where this item was block resolved.

10.2 Response to Notice of Motion 4/2019 - Chain of Parks Trail

Moved: Cr West

Seconded: Cr Staikos

That Council engage a suitably qualified consultant to develop detailed plans for the Sandbelt Parklands (Chain of Parks) including a Chain of Parks Trail to provide for pedestrian, cycling and equestrian uses and wildlife corridors and undertake community consultation in accordance with the project brief (Appendix 5) attached to this report, subject to further refinements to be added to the project brief by officers, including considering retention of the waterbody on the plan of the Delta land (appendix 7).

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Procedural Motion

Moved: Cr Brownlees

Seconded: Cr Bearsley

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

LOST

The Substantive Motion was put and CARRIED UNANIMOUSLY

10.3 Sale of Land Rear of 2 Catania St Mentone

Moved: Cr Staikos

Seconded: Cr Gledhill

That Council:

1. Authorise 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 the land contained in certificate of title Volume 11330 Folio 779 land being land enclosed within 2 Catania St Mentone;
2. Authorise the CEO or his delegete to carry out the necessary administrative procedures to allow Council to carry out its functions under section 223 of the Act;
3. Authorise the CEO or his delegate to convene, if required, a section 223 committee of Council to include Councillors Brownlees, West and Gledhill, General Manager City Assets and Environment and Manager Property and Arts to hear submissions from parties who wish to be heard in support of their written submissions and report back to Council; and
4. In the event no submissions are received, authorise and direct the CEO or his delegate to sell the land enclosed within 2 Catania Street Mentone, for \$9,240 plus GST all costs associated with the sale.

CARRIED

10.4 Notice of Motion No. 36/2018 - Native Tree Vouchers

Moved: Cr Eden

Seconded: Cr Bearsley

That Council:

1. Receive the information as officer's response to Notice of Motion No. 36/2018;
2. Work with community nurseries to confirm number of plants available for the 2019 rate year for the pilot and implement this; and
3. Work with community nurseries to review pilot after one year and modify as required.

CARRIED

**10.5 Kerr Crescent Reserve, Aspendale Gardens - Sports Fields Feasibility
Next Steps**

Cr Bearsley declared an indirect interest because of impact on residential amenity as she lives close to the reserve and left the meeting at 8:51pm prior to any discussion on the matter.

Moved: Cr Eden

Seconded: Cr Gledhill

That Council:

1. Note that the development of additional multiuse sports field facilities at Kerr Crescent, Aspendale Gardens is essential to the future provision of sports field facilities within the City, considering proposed developments at Chadwick Reserve and Dingley Recreation Reserve, Dingley and Jack Grut Reserve, Mordialloc;
2. Receive the concept plan (revised) for the development of additional multiuse sports field facilities at Kerr Crescent, Aspendale Gardens, in response to input and feedback from stakeholders and interested local residents;
3. Endorse the Aspendale Gardens site at Kerr Crescent for the development of multiuse sports fields facility in accordance with the concept plan attached (Appendix 1);
4. Endorse the commencement of the detailed design, procurement and implementation of sports fields, landscape car parking and associated amenity elements of the concept plan in the 2018/19 & 2019/20 financial years;
5. Commit to maintaining, and where possible improve, upgrade of the current provision of recreation facilities i.e. walking paths and picnic facilities at Kerr Crescent, Aspendale Gardens;
6. Undertake further engagement with stakeholders and interested local residents on the following developments at Kerr Crescent, Aspendale Gardens:
 - 6.1. Proposed pavilion – exploring the final position and provision of future tenancy arrangements i.e. hours of use and possible liquor licensing arrangements;
 - 6.2. Car parking – exploring an appropriate design layout to enable the safe access and exiting of vehicles and pedestrians and mitigation of noise, particularly impacts upon surrounding properties;
 - 6.3. Sports lighting – ensuring the sports lighting design minimises glare into surrounding properties, as per relevant Australian Standards and establishment of responsible management practices i.e. use of timing devices to regulate the hours of use;
7. Receive a further report on the engagement findings;
8. Provide further updates to stakeholders and interested local residents of Council's decision to develop additional multiuse sports field facilities at Kerr Crescent, Aspendale Gardens; and
9. Authorise the Chief Executive Officer to execute funding arrangements with the Victoria State Government for its \$4.5M contribution towards the development of multiuse sports field facilities at Kerr Crescent.

CARRIED

Cr Bearsley returned to the meeting at 9:04pm

10.6 Beach Road Social and Cultural Path

Moved: Cr Staikos

Seconded: Cr West

That Council:

1. Endorse the proposed consultation and engagement process for the development of the social and cultural path options.
2. Receive a further report with design options for the social and cultural path.

Amendment

Moved: Cr Bearsley

Seconded: Cr Hua

That Council:

1. Endorse the proposed consultation and engagement process for the development of the social and cultural path options including proactive consultation with nearby residents via a letterbox drop.
2. Receive a further report with design options for the social and cultural path.

The Amendment was accepted by the Mover and Seconder of the Motion

The Motion was put and CARRIED

The Motion reads as follows:

Moved: Cr Staikos

Seconded: Cr West

That Council:

1. Endorse the proposed consultation and engagement process for the development of the social and cultural path options including proactive consultation with nearby residents via a letterbox drop.
2. Receive a further report with design options for the social and cultural path

CARRIED

10.7 Advanced Waste Resource Recovery Facilities in South East Melbourne

RECOMMENDATION

That Council:

1. Continue to work with south-east Melbourne region Councils and the Metropolitan Waste Resource Recovery Group to finalise the South-east Cluster Business Case for Alternative Waste and Resource Recovery services;
2. Note that the business case is being developed in accordance with the State Department of Treasury and Finance guidelines;
3. Authorise the Chief Executive Officer and/or his delegate to enter a confidentiality deed to receive further information on the establishment of a Special Purpose Vehicle (or Joint Venture), business case and commencement of the procurement process for Alternative Waste and Resource Recovery services; and
4. Receive a further report for consideration before making further commitment to an Advanced Waste Resource Recovery Facility.

Note: Refer to page 4 of the Minutes where this item was block resolved.

11. Corporate Services Reports

11.1 Quick Response Grants

RECOMMENDATION

That Council approve the following grant application:

- Vic SES Chelsea Unit - \$2000.00 (subject to acquittal of previous grant)

Note: Refer to page 4 of the Minutes where this item was block resolved.

11.2 Kingston Performance Report, October - December 2018 and Quarterly Financial Statements Report, December 2018

RECOMMENDATION

That Council receive the Kingston Performance Report October-December 2018 and the Quarterly Financial Statements Report, December 2018.

Note: Refer to page 4 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 4 of the Minutes where this item was block resolved.

12. Notices of Motion

12.1 Notice of Motion No. 7/2019 - Cr West - Impact of the Mordialloc Freeway on Woodlands Industrial Estate Businesses

Moved: Cr West

Seconded: Cr Gledhill

That Council engage with businesses on the Woodlands Industrial Estate to ascertain the possible harmful effects of the Mordialloc Freeway as currently designed on their businesses, and ensure that

- their concerns about the closure of Woodlands Drive receive appropriate representation and advocacy from Council officers and legal representatives, and
- if possible the decision to close Woodlands Drive is reversed.

That Council maintain a watching brief to ensure Woodlands Drive is not truncated.

CARRIED

12.2 Notice of Motion No. 8/2019 - Cr Eden - Advocacy Plan

Moved: Cr Eden

Seconded: Cr Staikos

That Council officers prepare a report including an advocacy plan on:

- Improving protections for occupants of existing and new developments; specifically, protections relating to poor / shoddy constructions, use of dangerous materials and breaches of planning and building permits that pose a threat to health and safety.
- Advocating to other levels of government requesting a mandatory reporting scheme for owner / body corporates, property managers, developers and surveyors where a building has defects or issues that pose an issue to the occupants from a health or safety perspective, or breaches of building codes / requirements or permit conditions to report such issues to their applicable authority (Council or the applicable Building Authority)

Further, that as part of this process officers acknowledge and consider the vulnerability of residents living in such developments i.e. the inability of residents to fund litigation, expert consultants, source alternative accommodation when such developments are un-fit for occupancy and the emotional and financial stress that can result.

Cr Gledhill left the meeting at 9:35pm

Cr Gledhill returned to the meeting at 9:38pm

CARRIED

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Procedural Motion

Moved: Cr West

Seconded: Cr Staikos

That the meeting be extended to 10.30pm.

CARRIED

13. Urgent Business

Moved: Cr Gledhill

Seconded: Cr Brownlees

That an item of urgent business be considered regarding a petition on Beach Road Treed Boulevard.

CARRIED

Moved: Cr Gledhill

Seconded: Cr Brownlees

That the petition regarding Beach Road Treed Boulevard be referred to the Chief Executive Officer for response.

CARRIED

14. Confidential Items

Moved: Cr Brownlees

Seconded: Cr Staikos

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

14.1 Kingston Green Wedge Plan Implementation - Large Scale Solar Preliminary Feasibility

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

14.2 Historical Farm Machinery

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

14.3 Kingston Woman of the Year Award Nominations

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

Confidential Appendices

9.1 CON18/120 - G.H. Soppett Pavilion Redevelopment - Award of Contract Appendix 1, Con 18/120 Tender Evaluation Matrix

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

**9.1 CON18/120 - G.H. Soppett Pavilion Redevelopment - Award of Contract
Appendix 2, CON-18/120 Financial Breakdown**

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

CARRIED

The meeting was closed to members of the public at 9.53pm.

Procedural Motion

Moved: Cr Staikos

Seconded: Cr Gledhill

That the meeting be opened to members of the public

CARRIED

The meeting was opened to members of the public at 10.11pm.

Note: In the part of the meeting closed to the public it was resolved that the following parts of the confidential resolution for Item 14.1 be made public:

**14.1 Kingston Green Wedge Plan Implementation - Large Scale Solar
Preliminary Feasibility**

That Council:

1. Provide a copy of the updated Clayton Road Solar Feasibility Report to the owner of the site and undertake a one on one meeting with the landowner to outline the work completed by AECOM and to request a sympathetic environmental interface with the abutting Chain of Parks Trail.
2. *Confidential*
3. Continue to work with the Major Roads Project Authority and VicRoads to investigate the potential for a large scale solar facility on VicRoads land adjoining the Mordialloc Freeway (Enviromix Site) as incorporated in Councils submission to the current EES process.
4. *Confidential*

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The meeting closed at 10.11pm.

Confirmed.....

The Mayor 25 March 2019