

Minutes

Council Meeting

Monday, 22nd August 2022



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**City of Kingston
Council Meeting**

Minutes

22 August 2022

The meeting commenced at 7.03pm in the Council Chamber, 1230 Nepean Highway, Cheltenham.

Present: Cr Jenna Davey-Burns (Acting Mayor)
Cr Tamsin Bearsley
Cr Tracey Davies
Cr David Eden
Cr Chris Hill
Cr Cameron Howe
Cr George Hua
Cr Georgina Oxley
Cr Hadi Saab

In Attendance: Peter Bean, Chief Executive Officer
Jonathan Guttmann, General Manager Planning and Place
Dan Hogan, General Manager Customer and Corporate Support
Samantha Krull, General Manager Infrastructure and Open Space
Sally Jones, General Manager Community Strengthening
Bernard Rohan, Chief Financial Officer
Phil De Losa, Manager Governance
Patrick O’Gorman, Governance Officer
Stephanie O’Gorman, Governance Officer
Gabrielle Pattenden, Governance Officer
Kelly Shacklock, Team Leader Organisational Governance
Lindsay Holland, Facilities Officer
Jaclyn Murdoch, Manager City Development

1. Apologies

Apologies from Cr Staikos and Cr Cochrane were submitted to the meeting.

Moved: Cr Saab

Seconded: Cr Bearsley

That the apologies from Cr Staikos and Cr Cochrane be received.

CARRIED

2. Confirmation of Minutes of Previous Meetings

Moved: Cr Davies

Seconded: Cr Hill

That the Minutes of the Council Meeting held on 25 July 2022 and the Council Meeting held on 15 August 2022 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

4.1 Planning Application KP2015/336/C - Mentone Girls Grammar School, 11, 17 and 21 Mentone Parade and 36 and 40 Naples Road, Mentone

Moved: Cr Hill

Seconded: Cr Davies

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

CARRIED

5. Presentation of Awards

Nil

6. Reports from Delegates Appointed by Council to Various Organisations

Cr Saab provided an update on the South East Councils Climate Change Alliance.

Moved: Cr Davies

Seconded: Cr Hill

That the delegates' reports be received.

CARRIED

7. Question Time

Question time was held at 7.51pm. Refer to page 18 of the Minutes.

En Bloc Resolution

Moved: Cr Davies

Seconded: Cr Bearsley

That the following items be resolved *en bloc* and that the recommendations in each item be adopted:

8.1 Town Planning Application Decisions July 2022

9.1 2022-2023 Arts Grants Program - Funding Recommendations for Grant Allocations

11.1 Kingston Performance Reports, April to June 2022

11.2 Audit and Risk Committee Minutes - 29 June 2022

11.4 Quick Response Grants

CARRIED

8. Planning and Place Reports

8.1 Town Planning Application Decisions July 2022

RECOMMENDATION

That the report be noted.

Note: Refer to page 4 of the Minutes where this item was resolved *en bloc*.

Procedural Motion

Moved: Cr Hill

Seconded: Cr Bearsley

That Council alter the order of business in accordance with Rule 19 of the Governance Rules, to consider Item 8.2 - KP2022/193 - 128-134 Bay Trail Parkdale after Question Time.

CARRIED

8.3 Climate and Ecological Emergency Response - Update

Moved: Cr Hill

Seconded: Cr Saab

1. That Council receive the report outlining:
 - a) The actions undertaken to implement the Climate and Ecological Emergency Response Plan;
 - b) The staff engagement program as part of the Net Zero 2030 climate awareness and engagement campaign;
 - c) Ecologically Sustainable Design (ESD) Amendment "VC216", developed by the Department of Environment, Land, Water and Planning (DELWP) which was gazetted into every Victorian municipal Planning Scheme on Friday 10 June and supports climate action under Priority Area 1 of the Climate and Ecological Emergency Response Plan; and
2. That an update be provided to Council's Audit and Risk Committee on the work being undertaken to implement the Climate and Ecological Emergency Response Plan.

CARRIED

9. Community Strengthening Reports

9.1 2022-2023 Arts Grants Program - Funding Recommendations for Grant Allocations

RECOMMENDATION

That Council:

1. Endorse the 2022-23 Arts Grants funding allocations as recommended by the ACAC; and
2. Distribute the Arts Grants in line with the funding guidelines and conditions outlined.

Note: Refer to page 4 of the Minutes where this item was resolved *en bloc*.

9.2 2022 Kingston Youth Awards

Moved: Cr Davies

Seconded: Cr Saab

That Council:

1. Determine the winner for the Young Citizen of the Year award ahead of the Youth Awards Event on 13 September 2022 as per Confidential Appendix 1; and
2. Determine, pursuant to Section 125 of the Local Government Act 2020, that the identity of the award winner remains confidential until 13 September 2022.

CARRIED unanimously

10. Infrastructure and Open Space Reports

Nil

11. Customer and Corporate Support Reports

11.1 Kingston Performance Reports, April to June 2022

RECOMMENDATION

That Council receive the Kingston Performance Reports, April to June 2022.

Note: Refer to page 4 of the Minutes where this item was resolved *en bloc*.

11.2 Audit and Risk Committee Minutes - 29 June 2022

RECOMMENDATION

That Council receive the minutes of the Audit and Risk Committee meeting held on 29 June 2022.

Note: Refer to page 4 of the Minutes where this item was resolved *en bloc*.

11.3 Informal Meetings of Councillors

Moved: Cr Davies

Seconded: Cr Hua

That Council receive the report subject to the Informal Meetings Record for Monday 8 August 2022 being amended to remove Cr Eden as an attendee at the meeting.

CARRIED

11.4 Quick Response Grants

RECOMMENDATION

1. That Council approve the following Quick Response Grant applications:
 - Mentone Public Library - \$1500.00
 - Bonbeach Football Netball Club - \$1500.00
 - Amputee Golf Victoria - \$1500.00
 - Red Chamber Chinese Art Inc. - \$1500.00 (subject to acquittal of previous grant allocated in August 2021)
 - Edithvale Life Saving Club - \$1500.00
 - Multicultural Nature Guide - \$1500.00
2. That Council not approve the following Quick Response Grant application:
 - Bonbeach Fitness Group

Note: Refer to page 4 of the Minutes where this item was resolved *en bloc*.

11.5 Response to Resolution: Accessibility of Council Meetings

Moved: Cr Oxley

Seconded: Cr Saab

1. That Council implement the following measures to improve accessibility of Council meetings:
 - Introduce meeting protocols whereby the Chair verbalises the Councillors that are present and not present in the meeting, and announces when Councillors leave the meeting;
 - Provide word & pdf versions of minutes and agendas on our public website to improve the compatibility of relevant accessibility assistance systems e.g. for vision impaired; and
 - Provide clear and concise information on Council's public website regarding accessibility options for people with a disability in accessing our Council building and bathroom facilities.
2. That a further report be provided to the October Council meeting providing further information/updates on the following:
 - Closed captioning for live Council meetings;
 - The availability for agendas and minutes on the public website to be accessible for culturally and linguistically diverse backgrounds; and
 - General streaming improvements, e.g. improvements to the viewing quality and the alternative use of cameras.

Amendment

Moved: Cr Davies

Seconded: Cr Bearsley

1. That Council implement the following measures to improve accessibility of Council meetings:
 - Provide Word, if possible, and/or accessible PDF versions or other formats of minutes and agendas on our public website to improve the compatibility of relevant accessibility assistance systems e.g. for vision impaired; and
 - Provide clear and concise information on Council's public website regarding accessibility options for people with a disability in accessing our Council building and bathroom facilities.
2. That a further report be provided to the October Council meeting providing further information/updates on the following:
 - Closed captioning for live Council meetings;
 - The availability for agendas and minutes on the public website to be accessible for culturally and linguistically diverse backgrounds; and
 - General streaming improvements, e.g. improvements to the viewing quality and the alternative use of cameras.

Cr Howe left the meeting at 7:45pm

Cr Howe returned to the meeting at 7:46pm

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

Question Time

Cr Hua left the meeting at 7.50pm

Cr Hua returned to the meeting at 7.52pm

Pat Tilley of Bonbeach asked,

“My question is on behalf of my neighbour at 1/23 and myself regarding a planning permit and build at No. 21 Bondi Rd Bonbeach. Two weeks ago my neighbour rang regarding safety issues on the site and has been waiting for a callback since then. I also have rung last week and again today to discuss a range of issues regarding the build. My first question is: When can we expect to get callbacks to discuss our issues on safety, permits and agreed design issues. Second Question is: Regarding our agreements made at a planning consultation meeting held at Council two years ago how binding are the agreements made at that meeting and the negotiated outcomes when it comes to granting permits and approving final designs. As they build next door the developer seems to have been approved for elements that were not agreed in the planning consultation meeting?”

The General Manager Planning and Place provided the following response,

“Council’s Team Leader of Planning Compliance and Vegetation has had a conversation today with Ms. Tilley and has committed to providing further updates in respect of the matters she has raised.

It has been identified that there are some planning compliance and construction management issues with this development that the Team has been actively managing. However, unfortunately, there has been limited engagement from the permit holder to date.

With respect to the specific question regarding the Planning Consultation meeting, the objections lodged by both Ms Tilley and another party to the original application were later withdrawn on the basis of amended plans which resolved their concerns. These plans were later endorsed to form part of the permit.

The Planning Compliance team will undertake an inspection to confirm how the works are progressing to ensure they are carried out in accordance with the approvals.”

Rosemary West of Edithvale asked,

Question 1 – “When Council announced plans for a second synthetic turf hockey pitch on green open space at Kingston Heath Reserve last year, you said this would be subject to community consultation. In this week’s Kingston Your City paper, you say you are putting the hockey pitch on Kingston Heath Reserve, yet there has been no community consultation. Are you still planning to consult the community? And if you have already decided to go ahead with taking green open space for the synthetic turf hockey pitch on Kingston Heath Reserve what is the point of consulting the community?”

The General Manager Infrastructure and Open Space provided the following response,

“Council resolved at its July 2021 Meeting to provide in principle endorsement of Kingston Heath Reserve as a future site for the development of an additional hockey pitch, and to receive feedback from tenant sporting and community clubs and key stakeholders including the Friends of Kingston Heath, on the potential development of an additional hockey pitch and remodelling of baseball facilities.

This consultation has been undertaken and the next step will be broader community consultation planned to commence in early September.

This will include drop in sessions and feedback through the Your Kingston Your Say web page. Following all feedback from the consultation, a further report will be presented to Council.”

Question 2 – “We note that a recent liveability survey of 4000 Kingston residents found that “the Kingston community aspires to neighbourhoods that feature high quality and well-maintained open spaces.” (P.27) And that their top priorities are a -“Protection of natural environment and “well maintained open spaces. Their top ‘like’ is “Great walking/jogging/riding paths connecting the community. “ (p. 21, your Kingston your future, Phase 1 consultation report.)

Does Council’s decision to replace green open space with a synthetic hockey pitch on Kingston Heath Reserve means Council cares more about the few people who play competitive sport than the majority of Kingston residents who value parklands for their environmental and passive recreation qualities?”

The General Manager Infrastructure and Open Space provided the following response,

“Council provides a range of open spaces to meet the varying open space needs of the community and environment – this includes for passive use, sport fields to meet sporting needs and growth, as well as protecting natural resource areas.

Council is yet to make a final decision on a proposed second Hockey field at Kingston Heath Reserve. The next step is to undertake community consultation after which a further report will be presented to Council.”

Rob Luker of Parkdale asked,

Question 1 - “I refer to agenda Item 8.2 - 128-134 Bay Trail, Parkdale. The agenda item simply recommends the removal of native vegetation and alteration of an access road enabling the construction of the Parkdale Yacht Club carpark. The application details many topics but there is no mention of the Foam St DDA ramp. Many councillors and senior managers are aware of ongoing discussions about the best location for the DDA ramp. We believe Antibes St offers many safety benefits and offers superior facilities for the disabled. Is the Foam St ramp included in the works? If so why, when there are ongoing discussions with residents?

Question 2 – “I note the vegetation planting includes many trees that will grow to 30m high. Planting of trees this high appears to contravene DELWP EVC codes for this section of foreshore and will surely upset the local residents. Why is council taking this cause of action Why is council deliberately refusing to consult with the affected residents under the guise that they are not “adjoining land owners”?

The General Manager Planning and Place provided the following response:

“The triggers for the Planning Application are to remove native vegetation and to alter and create access to a road in a Transport Road Zone 2. The planning application does not relate to the Foam Street ramp.

The replacement trees proposed are a direct response to Council’s intent to actively replace vegetation when removing it. The replacement trees Coast Teatree and Coast Banksia are commonly found on the Kingston Foreshore and recommended by Council’s Vegetation Management Officers as appropriate replacement planting.

With respect to Mr Luker’s question regarding consultation in relation to Item 8.2 on tonight’s agenda Section 7.5 of the Planning Report Clause 67.02-2 of the Planning Scheme requires notice to be given to the owner or occupiers of adjoining land in

accordance with Section 52(1)(c) of the Act. As there are no adjoining owners or occupiers of land adjoining the site i.e. directly abutting and contiguous, there is no requirement within the planning scheme for residential or other properties on the northeast side of Beach Road to receive notice of the application.”

8.2 KP2022/193 - 128-134 Bay Trail Parkdale

Moved: Cr Hill

Seconded: Cr Saab

That Council determine to support the proposal and issue a Planning Permit for the removal of native vegetation and to alter and create access to a road in a Transport Zone 2 at 128-134 Bay Trail, Parkdale 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 titled Parkdale Yacht Club Accessibility Improvements, Parkdale, received 12 May and prepared by Fleur Gasgoyne, 'Parkdale Yacht Club Proposed Carpark Layout – Overall Plan prepared by the City of Kingston dated May 2022, 'Parkdale Yacht Club Proposed Carpark Layout – Car Park Layout Detail Plan 1' prepared by the City of Kingston dated May 2022, 'Parkdale Yacht Club Proposed Carpark Layout – Car Park Layout Detail Plan 2', prepared by the City of Kingston dated May 2022, 'Parkdale Yacht Club Proposed Carpark Layout – Car Park Layout Detail Plan 3' prepared by the City of Kingston dated May 2022, 'Vegetation Removal Plan – Foreshore Accessibility Improvements at Parkdale Yacht Club' prepared by Arboriculture Pty Ltd dated 1 June 2022 and 'LANDSCAPE WORKING DRAWINGS: Parkdale Yacht Club – Pedestrian Ramp' prepared by Jeavons Landscape Architects dated 21 March 2022 but modified to show:
 - a) the provision of a landscape plan in accordance with the submitted development plans to the satisfaction of the Responsible Authority incorporating:
 - i. A planting schedule of all proposed trees and shrubs, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant;
 - ii. A survey, including, botanical names of all existing trees to be retained or removed on the site including Tree Protection Zones for trees to be retained calculated in accordance with AS4970-2009;
 - iii. Six (6) *Leptospermum laevigatum* (Coast Tea-tree) and Twelve (12) *Banksia integrifolia* (Coast Banksia);
 - iv. Three (3), in addition to the trees required by the condition above, of either *Leptospermum laevigatum* (Coast Tea-tree) or *Banksia integrifolia* (Coast Banksia);
 - v. The retention of Tree 13, *Banksia integrifolia* (Coast Banksia)
 - vi. All trees provided at a minimum of 2 metres in height at time of planting, medium to large shrubs to be provided at a minimum pot size of 200mm;
 - vii. Notes regarding site preparation, including the removal of all weeds,

proposed mulch, soil types and thickness, subsoil preparation and any specific maintenance requirements;

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

Landscape

3. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced.
4. Concurrent with the endorsement of plans, a Tree Management Plan prepared by a suitably qualified arborist in accordance with AS4970-2009, must be submitted to and be endorsed by the Responsible Authority and incorporating:
 - a) A Tree Management Plan (written report) must provide details of:
 - i. Tree protection measures that will be utilized to ensure all trees to be retained remain viable post-construction.
 - ii. Stages of development at which inspections are required to ensure tree protection measures are adhered to must be specified.
 - b) A Tree Protection Plan (scale drawing) must provide details of:
 - i. The Tree Protection Zone and Structural Root Zone for all trees to be retained on the site and for all trees on neighboring properties where any part of the Tree Protection Zone falls within the subject site.
 - ii. The location of tree protection measures to be utilised.
 - iii. A notation to refer to the Tree Management Plan.
5. All protection measures identified in the Tree Management Plan must be implemented, and development works undertaken on the land must be undertaken in accordance with the Tree Management Plan, to the satisfaction of the Responsible Authority.
6. Prior to the commencement of works, the name and contact details of the project arborist responsible for implementing the Tree Management Plan must be submitted to the Responsible Authority.
7. Concurrent with the endorsement of plans, a plan to the satisfaction of the Responsible Authority identifying all native vegetation to be retained and describing the measures to be used to protect the identified vegetation during construction, must be prepared and submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will form part of this permit. All works constructed or carried out must be in accordance with the endorsed plan.
8. To offset the permitted clearing in accordance with *Guidelines for the removal, destruction or lopping of native vegetation (DELWP 2017)*, the permit holder must secure general offset of 0.006 general habitat units:
 - a) located within the Port Phillip and Westernport Catchment Management boundary or Kingston municipal area.
 - b) with a minimum strategic biodiversity score of at least 0.208.
9. Concurrent with the endorsement of plans, evidence that the required offset has been secured must be provided to the satisfaction of the Responsible Authority. This evidence is one or both of the following:
 - an established first party offset site including a security agreement signed

by both parties, and a management plan detailing the 10 year management actions and ongoing management of the site and/or,

- credit extract(s) allocated to the permit from the Native Vegetation Credit Register.

A copy of the offset evidence will be endorsed by the responsible authority and form part of this permit. Within 30 days of endorsement of the offset evidence by the responsible authority, a copy of the endorsed offset evidence must be provided to the Department of Environment, Land, Water and Planning.

DELWP Conditions

10. Any modifications to the works proposed will require further approval by the Regional Director, Port Phillip Region, Department of Environment, Land, Water and Planning (DELWP).
11. Prior to the commencement of works, the location of the temporary site compound must be submitted and to the satisfaction of the Department of Environment, Land, Water and Planning (DELWP).
12. Prior to works commencing, a construction environmental management must be prepared to the satisfaction of Kingston City Council.
13. All planting of vegetation within the coastal Crown land must utilise indigenous species.
14. Indigenous vegetation, other than approved by this consent, must not be damaged or removed as a result of the works.
15. Any clearing or construction activity associated with the works, should be carried out in accordance with the with EPA Publication No. 275 Construction Techniques for Sediment Pollution Control (May 1991).
16. The construction site must be managed in accordance with EPA Publication No. 981 Reducing Stormwater Pollution from Construction Sites (May 2005).
17. Construction equipment, building materials, refuse and site run-off must be contained and controlled and not permitted to impact on the beach or enter Port Phillip Bay.
18. All works must be completed, the site reinstated, and the works maintained to the satisfaction of Kingston City Council.
19. This consent under the Marine and Coastal Act 2018 will expire if the works are not completed within two years of the date of issue, unless an extension of time is applied for and granted by the Regional Director, Port Phillip Region, Port Phillip Region, DELWP.
20. Before works start, the permit holder must advise all persons undertaking the vegetation removal or works on site of all relevant permit conditions and associated statutory requirements or approvals.
21. The total area of native vegetation proposed to be removed totals 0.018 hectares, comprised of:
 - a) 6 patches of native vegetation with a total area of 0.018 hectares [containing 0 large trees]
 - b) 0 large scattered trees
 - c) 0 small scattered trees
22. To offset the permitted clearing in accordance with *Guidelines for the removal,*

destruction or lopping of native vegetation (DELWP 2017), the permit holder must secure general offset of 0.006 general habitat units:

- a) the located within the Port Phillip and Westernport Catchment Management boundary or Kingston City Council municipal area.
 - b) with a minimum strategic biodiversity score of at least 0.208
23. Before any native vegetation is removed, evidence that the required offset by this permit must be provided to the satisfaction of the responsible authority. This evidence must be one or both of the following:
- a) an established first party offset site including a security agreement signed by both parties, and a management plan detailing the 10-year management actions and ongoing management of the site, and/or
 - b) credit extract(s) allocated to the permit from the Native Vegetation Credit Register.
24. A copy of the offset evidence will be endorsed by the responsible authority and form part of this permit. Within 30 days of endorsement of the offset evidence, a copy of the endorsed offset evidence must be provided to Planning Approvals at the Department of Environment, Land, Water and Planning Port Phillip regional office.
25. Where the offset includes a first party offset(s), the permit holder must provide an annual offset site report to the responsible authority by the anniversary date of the execution of the offset security agreement, for a period of 10 consecutive years. After the tenth year, the landowner must provide a report at the reasonable request of a statutory authority.
26. Within 6 months of the conclusion of the permitted clearing of native vegetation under this permit, the offset requirements can be reconciled with the written agreement of the responsible authority and the Department of Environment, Land, Water and Planning.
27. A suitably qualified wildlife handler or zoologist is to be present when felling trees/removing native vegetation, to ensure affected wildlife is not harmed. If displaced wildlife cannot be relocated on site to an appropriate location away from the construction footprint, or injured wildlife is captured, please contact DELWP on 136 186 for further advice.
28. Before works commence, identify and protect the tree protection zone of "Tree 13" as identified in the Arboricultural Inspection Report (Arboriculture Pty Ltd, March 2022) with suitable temporary fencing to ensure protection during construction.
29. In accordance with Section 68 of the Planning and Environment Act 1987 (The Act), this permit will expire if one of the following circumstances applies:
- The development is not started before two (2) years from date of this permit.
 - The development is not completed before four (4) years from the date of permit issue.
 - The use is discontinued for a period of two (2) years.
- In accordance with Section 69 of the Planning and Environment Act 1987, an application may be submitted to the responsible authority for an extension of the periods referred to in this condition.

Note:

- Within the area of native vegetation to be retained and any tree protection zone associated with the permitted use and/or development, the following is prohibited:
 - a) Any vehicle or pedestrian access, trenching or soil excavation, and
 - b) Storage or dumping of any soils, materials, equipment, vehicles, machinery or waste products, and
 - c) Entry or exit pits for underground services, and
 - d) Any other actions or activities that may result in adverse impacts to retained native vegetation.

Amendment

Moved: Cr Oxley

Seconded: Cr Bearsley

That the motion be adopted subject to condition 1. a) i. to read as follows:

“A planting schedule of all proposed trees and shrubs, to include Rhagodia candolleana ‘Seaberry Saltbush’ (amongst other trees and shrubs) and including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant”.

The Amendment was accepted by the Mover and Seconder

Amendment

Moved: Cr Davies

Seconded: Cr Bearsley

Cr Eden left the meeting at 8:19pm

Cr Eden returned to the meeting at 8:20pm

That the motion be adopted subject to:

1. The removal of conditions 1. a) iii. and 1. a) iv.
2. Condition 1. a) vi. to read as follows:

“All trees provided be trees that do not usually grow beyond five metres in height, medium to large shrubs to be provided at a minimum pot size of 200mm”

The Amendment was LOST

A Division was Called:

DIVISION:

FOR: Crs Bearsley, Davies, Howe and Hua (4)

AGAINST: Crs Eden, Oxley and Saab (3)

ABSTAINED: Crs Davey-Burns and Hill (2)

LOST

The Substantive Motion was put and CARRIED

The Motion reads as follows:

Moved: Cr Hill

Seconded: Cr Saab

That Council determine to support the proposal and issue a Planning Permit for the removal of native vegetation and to alter and create access to a road in a Transport Zone 2 at 128-134 Bay Trail, Parkdale 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 titled Parkdale Yacht Club Accessibility Improvements, Parkdale, received 12 May and prepared by Fleur Gasgoyne, 'Parkdale Yacht Club Proposed Carpark Layout – Overall Plan prepared by the City of Kingston dated May 2022, 'Parkdale Yacht Club Proposed Carpark Layout – Car Park Layout Detail Plan 1' prepared by the City of Kingston dated May 2022, 'Parkdale Yacht Club Proposed Carpark Layout – Car Park Layout Detail Plan 2', prepared by the City of Kingston dated May 2022, 'Parkdale Yacht Club Proposed Carpark Layout – Car Park Layout Detail Plan 3' prepared by the City of Kingston dated May 2022, 'Vegetation Removal Plan – Foreshore Accessibility Improvements at Parkdale Yacht Club' prepared by Arboriculture Pty Ltd dated 1 June 2022 and 'LANDSCAPE WORKING DRAWINGS: Parkdale Yacht Club – Pedestrian Ramp' prepared by Jeavons Landscape Architects dated 21 March 2022 but modified to show:
 - a) the provision of a landscape plan in accordance with the submitted development plans to the satisfaction of the Responsible Authority incorporating:
 - i. A planting schedule of all proposed trees and shrubs, to include *Rhagodia candolleana* "Seaberry Saltbush" (amongst other trees and shrubs) and including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant;
 - ii. A survey, including, botanical names of all existing trees to be retained or removed on the site including Tree Protection Zones for trees to be retained calculated in accordance with AS4970-2009;
 - iii. Six (6) *Leptospermum laevigatum* (Coast Tea-tree) and Twelve (12) *Banksia integrifolia* (Coast Banksia);
 - iv. Three (3), in addition to the trees required by the condition above, of either *Leptospermum laevigatum* (Coast Tea-tree) or *Banksia integrifolia* (Coast Banksia);
 - v. The retention of Tree 13, *Banksia integrifolia* (Coast Banksia)
 - vi. All trees provided at a minimum of 2 metres in height at time of planting, medium to large shrubs to be provided at a minimum pot size of 200mm;
 - vii. Notes regarding site preparation, including the removal of all weeds, proposed mulch, soil types and thickness, subsoil preparation and any specific maintenance requirements;
2. The development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.

Landscape

3. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced.
4. Concurrent with the endorsement of plans, a Tree Management Plan prepared by a suitably qualified arborist in accordance with AS4970-2009, must be submitted to and be endorsed by the Responsible Authority and incorporating:
 - a) A Tree Management Plan (written report) must provide details of:
 - i. Tree protection measures that will be utilized to ensure all trees to be retained remain viable post-construction.
 - ii. Stages of development at which inspections are required to ensure tree protection measures are adhered to must be specified.
 - b) A Tree Protection Plan (scale drawing) must provide details of:
 - i. The Tree Protection Zone and Structural Root Zone for all trees to be retained on the site and for all trees on neighboring properties where any part of the Tree Protection Zone falls within the subject site.
 - ii. The location of tree protection measures to be utilised.
 - iii. A notation to refer to the Tree Management Plan.
5. All protection measures identified in the Tree Management Plan must be implemented, and development works undertaken on the land must be undertaken in accordance with the Tree Management Plan, to the satisfaction of the Responsible Authority.
6. Prior to the commencement of works, the name and contact details of the project arborist responsible for implementing the Tree Management Plan must be submitted to the Responsible Authority.
7. Concurrent with the endorsement of plans, a plan to the satisfaction of the Responsible Authority identifying all native vegetation to be retained and describing the measures to be used to protect the identified vegetation during construction, must be prepared and submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will form part of this permit. All works constructed or carried out must be in accordance with the endorsed plan.
8. To offset the permitted clearing in accordance with *Guidelines for the removal, destruction or lopping of native vegetation (DELWP 2017)*, the permit holder must secure general offset of 0.006 general habitat units:
 - c) located within the Port Phillip and Westernport Catchment Management boundary or Kingston municipal area.
 - d) with a minimum strategic biodiversity score of at least 0.208.
9. Concurrent with the endorsement of plans, evidence that the required offset has been secured must be provided to the satisfaction of the Responsible Authority. This evidence is one or both of the following:
 - an established first party offset site including a security agreement signed by both parties, and a management plan detailing the 10 year management actions and ongoing management of the site and/or,
 - credit extract(s) allocated to the permit from the Native Vegetation Credit Register.

A copy of the offset evidence will be endorsed by the responsible authority and form part of this permit. Within 30 days of endorsement of the offset evidence by the responsible authority, a copy of the endorsed offset evidence must be provided to the Department of Environment, Land, Water and Planning.

DELWP Conditions

10. Any modifications to the works proposed will require further approval by the Regional Director, Port Phillip Region, Department of Environment, Land, Water and Planning (DELWP).
11. Prior to the commencement of works, the location of the temporary site compound must be submitted and to the satisfaction of the Department of Environment, Land, Water and Planning (DELWP).
12. Prior to works commencing, a construction environmental management must be prepared to the satisfaction of Kingston City Council.
13. All planting of vegetation within the coastal Crown land must utilise indigenous species.
14. Indigenous vegetation, other than approved by this consent, must not be damaged or removed as a result of the works.
15. Any clearing or construction activity associated with the works, should be carried out in accordance with the with EPA Publication No. 275 Construction Techniques for Sediment Pollution Control (May 1991).
16. The construction site must be managed in accordance with EPA Publication No. 981 Reducing Stormwater Pollution from Construction Sites (May 2005).
17. Construction equipment, building materials, refuse and site run-off must be contained and controlled and not permitted to impact on the beach or enter Port Phillip Bay.
18. All works must be completed, the site reinstated, and the works maintained to the satisfaction of Kingston City Council.
19. This consent under the Marine and Coastal Act 2018 will expire if the works are not completed within two years of the date of issue, unless an extension of time is applied for and granted by the Regional Director, Port Phillip Region, Port Phillip Region, DELWP.
20. Before works start, the permit holder must advise all persons undertaking the vegetation removal or works on site of all relevant permit conditions and associated statutory requirements or approvals.
21. The total area of native vegetation proposed to be removed totals 0.018 hectares, comprised of:
 - a) 6 patches of native vegetation with a total area of 0.018 hectares [containing 0 large trees]
 - b) 0 large scattered trees
 - c) 0 small scattered trees
22. To offset the permitted clearing in accordance with *Guidelines for the removal, destruction or lopping of native vegetation* (DELWP 2017), the permit holder must secure general offset of 0.006 general habitat units:
 - a) the located within the Port Phillip and Westernport Catchment Management boundary or Kingston City Council municipal area.

- b) with a minimum strategic biodiversity score of at least 0.208
23. Before any native vegetation is removed, evidence that the required offset by this permit must be provided to the satisfaction of the responsible authority. This evidence must be one or both of the following:
- a) an established first party offset site including a security agreement signed by both parties, and a management plan detailing the 10-year management actions and ongoing management of the site, and/or
- b) credit extract(s) allocated to the permit from the Native Vegetation Credit Register.
24. A copy of the offset evidence will be endorsed by the responsible authority and form part of this permit. Within 30 days of endorsement of the offset evidence, a copy of the endorsed offset evidence must be provided to Planning Approvals at the Department of Environment, Land, Water and Planning Port Phillip regional office.
25. Where the offset includes a first party offset(s), the permit holder must provide an annual offset site report to the responsible authority by the anniversary date of the execution of the offset security agreement, for a period of 10 consecutive years. After the tenth year, the landowner must provide a report at the reasonable request of a statutory authority.
26. Within 6 months of the conclusion of the permitted clearing of native vegetation under this permit, the offset requirements can be reconciled with the written agreement of the responsible authority and the Department of Environment, Land, Water and Planning.
27. A suitably qualified wildlife handler or zoologist is to be present when felling trees/removing native vegetation, to ensure affected wildlife is not harmed. If displaced wildlife cannot be relocated on site to an appropriate location away from the construction footprint, or injured wildlife is captured, please contact DELWP on 136 186 for further advice.
28. Before works commence, identify and protect the tree protection zone of "Tree 13" as identified in the Aboricultural Inspection Report (Arboriculture Pty Ltd, March 2022) with suitable temporary fencing to ensure protection during construction.
29. In accordance with Section 68 of the Planning and Environment Act 1987 (The Act), this permit will expire if one of the following circumstances applies:
- The development is not started before two (2) years from date of this permit.
 - The development is not completed before four (4) years from the date of permit issue.
 - The use is discontinued for a period of two (2) years.
- In accordance with Section 69 of the Planning and Environment Act 1987, an application may be submitted to the responsible authority for an extension of the periods referred to in this condition.

Note:

- Within the area of native vegetation to be retained and any tree protection zone associated with the permitted use and/or development, the following is

prohibited:

- a) Any vehicle or pedestrian access, trenching or soil excavation, and
- b) Storage or dumping of any soils, materials, equipment, vehicles, machinery or waste products, and
- c) Entry or exit pits for underground services, and
- d) Any other actions or activities that may result in adverse impacts to retained native vegetation.

CARRIED

11.6 Governance Rules

Moved: Cr Hill

Seconded: Cr Davies

That Council, having considered feedback from community consultation, adopt the Governance Rules as amended (refer Appendix 1).

Procedural Motion

Moved: Cr Oxley

Seconded: Cr Bearsley

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

CARRIED

The Substantive Motion was put and CARRIED

12. Chief Finance Office Reports

Nil

13. Notices of Motion

Nil

14. Urgent Business

There were no items of urgent business.

15. Confidential Items

Nil

The meeting closed at 8.53pm.

Confirmed.....

The Mayor 26 September 2022