

# Minutes

## Ordinary Council Meeting

Monday, 28th November 2022

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**City of Kingston  
Ordinary Council Meeting**

**Minutes**

**28 November 2022**

The meeting commenced at 7.07pm in the Council Chamber, 1230 Nepean Highway, Cheltenham.

**Present:** Cr Hadi Saab (Mayor)  
Cr Chris Hill (Deputy Mayor)  
Cr Tamsin Bearsley  
Cr Tim Cochrane  
Cr Jenna Davey-Burns  
Cr Tracey Davies  
Cr David Eden  
Cr Cameron Howe  
Cr George Hua  
Cr Georgina Oxley  
Cr Steve Staikos

**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  
Jaclyn Murdoch, Manager City Development  
Kelly Shacklock, Acting Manager Governance  
Stephanie O’Gorman, Team Leader Council Governance  
Patrick 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 Hill**

**Seconded: Cr Davies**

That the Minutes of the Ordinary Council Meeting held on 24 October 2022 and the Special (Statutory) Council Meeting held on 9 November 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.

**City of Kingston  
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**4. Petitions**

Nil

**5. Presentation of Awards**

There were no presentations of awards

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

The Mayor, Cr Saab reported on the Annual General Meeting of the South East Councils Climate Change Alliance (SECCCA) and acknowledged the contribution of Council officer Emily Boucher to the committee upon her retirement as Chairperson.

**Moved: Cr Davey-Burns**

**Seconded: Cr Davies**

That the delegate's report be received.

**CARRIED**

**7. Question Time**

Question Time was held at 7.32pm. Refer to page 5 of the Minutes.

**En Bloc Resolution**

**Moved: Cr Staikos**

**Seconded: Cr Cochrane**

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

8.2 Integrated Water Strategy

9.2 Kingston Awards Program

9.3 Draft Child Safe Standards Strategy and Action Plan

10.2 CON-22/021 Bourke Road, Oakleigh South, Reconstruction with Shared User Path (Old Dandenong Road to Clarinda Road)

10.3 CON-22/080 Bondi Road Outfall Drain, Bonbeach Reserve, Bonbeach - Pump Station

11.1 Kingston Performance Report - July to September 2022

11.2 Recording of Council Meetings Policy

11.3 Extension of Comensura Contract

11.4 Audit and Risk Committee Minutes - 28 September 2022

11.5 Quick Response Grants

11.6 Informal Meetings of Councillors

12.1 Quarterly Finance Report September 2022

Cr Eden left the meeting at 7:27pm

Cr Eden returned to the meeting at 7:30pm

Cr Howe left the meeting at 7:31pm

**CARRIED**

**Question Time**

Cr Cochrane left the meeting at 7:32pm

Cr Howe returned to the meeting at 7:34pm

Cr Cochrane returned to the meeting at 7:34pm

**Penny McGuire White of Mentone asked,**

*“How much authority does Council have over its properties that are let out to various organisations? Does Council inspect these properties on a regular basis?”*

**The Chief Finance Officer provided the following response,**

*“1. Council maintains responsibility for all its buildings, and where properties are leased to clubs and community organisations, Council follows its Lease & Licence Policy, adopted in November 2018. This policy, and Council’s standard leases clarify roles and responsibilities, including with respect to access arrangements.  
2. Officers inspect leased properties at the commencement of leases for the purposes of providing a condition report and also on a two-yearly program as part of a structural audit report.”*

**Helen Fischer of Bentleigh asked,**

*“Do Councillors think that the survey reported in the Council Agenda regarding the Kingston Heath Reserve proposed second, synthetic hockey field is a fair representation of the entire Kingston community? This important councillors' decision will take away open, green space from all residents for decades to come and will affect the entire Kingston population.”*

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

*“Consistent with our approach to similar projects, the consultation process for the Kingston Heath Reserve Sporting Facility Improvement Plan included the following:*

- *Stakeholder engagement – multiple workshops/meetings to understand the current uses, parameters and needs of the user groups at the Reserve;*
- *Information bulletin – two separate bulletins were mailed out to 2,610 residents surrounding Kingston Heath Reserve;*
- *Social media campaign – Facebook and Instagram posts including ‘boosting’ posts to promote the project, which reached 13,802 and 1,056 people respectively;*
- *Your Kingston Your Say – project page established on YKYS website which received 1,962 visits;*
- *Onsite signage – five (5) signs were posted around the Reserve displaying the concept plan and QR code directing people to the YKYS page;*
- *Onsite consultation session – held on Thursday 15 September from 4pm to 6pm outside the Ron Brownlees Pavilion which attracted 5 people;*
- *Survey responses – which drew a total of 429 responses, 419 submissions via the YKYS online survey and a further 10 submissions via email.*

*The online survey was openly available for comment and feedback from 8 September to 9 October 2022 (inclusive). The 429 responses received demonstrates a high level of engagement, in comparison to other similar projects seeking community feedback.*

*Regarding open space, the report notes that the proposed hockey field constitutes a repurposing of the area that is currently used for sporting activities, and it does not have a significant impact upon areas within the park that are used for non-sporting purposes. Current sporting facilities (including pavilions) occupy approx. 10.5ha or 35% of the entire Reserve.”*

**Rosemary West of Edithvale asked,**

*“Given that 61% of the 428 participants in council’s survey of whether residents support fencing off the central open space on Kingston Heath Reserve for a synthetic turf hockey pitch are hockey players, and another 22% play baseball, and that these figures indicate that:*

- *Most of the non-hockey players do not support the proposed new synthetic hockey pitch, &*
- *Few or none of the non-hockey and/or baseball players support the proposed new synthetic hockey pitch. )*

*1: Does it bother officers or Council that the consultation seems to have been stacked by hockey players?*

*2: Why does Council not rely on the representative Kingston Your Future and Public Open Space surveys of more than 4000 residents rather than small-scale surveys stacked by organised sport players?”*

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

*“1: The consultation process for the Kingston Heath Reserve Sporting Facility Improvement Plan was consistent with our approach on other similar projects, as outlined in the above response to the previous question.*

*There were multiple opportunities for the broader community to provide input and feedback through multiple channels via the online survey, in-person at the onsite consultation session, and via email and phone.*

*Hockey club (and by extension other sporting club) players and volunteers are part of our community, having been involved in activities at Kingston Heath Reserve for decades.*

*2: The open space strategy states Kingston Heath as having a Social/Family/Recreation/SPORT/Play function. The Kingston Heath Reserve Masterplan states that the primary focus of the park should be for active sporting pursuits. It also states that the secondary focus of the reserve should be for passive and informal recreational, leisure and cultural activities.*

*As per the previous response, the proposed hockey field is the repurposing of an area that is currently used for sporting activities, and it does not have a significant impact upon areas within the park that are used for non-sporting purposes.*

*Consultation for the Kingston Heath Reserve Sporting Facility Improvement Plan was centred around the concept plan/layout as per the Council Resolution.”*

**Bruce Cutts of Mordialloc asked,**

*“Considering that State Government has now committed to replacing the Delta parkland with a Kingston Fields type sports grounds at Dingley Village, would Council consider deferring item 10.1 until officers can properly consider whether the second hockey pitch or perhaps a new regional hockey centre could be located on the new*

*Kingston Fields sports ground in Dingley Village, so that residents can maintain the green, open space at Kingston Heath Reserve and not have another synthetic hockey field?"*

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

*"Council welcomes the opportunity to work with the State Government to explore long-term options for hockey facilities in a Regional Sporting Precinct. Any site will require land to be purchased and potentially rehabilitated, and funding secured, before development can be undertaken and it is expected that this would be a minimum of 10-15 years away."*

**8. Planning and Place Reports**

**8.1 Mordialloc and Highett Railway Stations - Heritage Assessments**

**Moved: Cr Cochrane**

**Seconded: Cr Davey-Burns**

That Council:

1. Request that the Minister for Planning prepare, adopt and approve an amendment to the Kingston Planning Scheme to apply an interim Heritage Overlay to the Frankston bound Highett Station building pursuant to Section 20(4) of the *Planning and Environment Act 1987*.
2. Concurrently seek authorisation from the Minister for Planning to prepare an amendment to the Kingston Planning Scheme to apply a permanent Heritage Overlay to the Frankston bound Highett Station building and once authorisation is received undertake exhibition of the amendment.
3. Advocate to the Heritage Council for the inclusion of the Mordialloc Water Tower on the Victorian Heritage Register when the recommendation of Heritage Victoria is put to public notice.
4. Advocate for the State Government to retain the Highett and Mordialloc Station buildings as part of its future level crossing removal projects.
5. Require the Level Crossing Removal Project (LXRP) to fund the internal and external restoration of the Highett and Mordialloc Station buildings to facilitate their repurposing and reactivation within the new station precincts, noting LXRP is the entity seeking to undertake works which may disturb the buildings.
6. Write to the Chief Executive Officer of the Level Crossing Removal Project and Minister for Transport Infrastructure to advise of this resolution.

**CARRIED**

**8.2 Integrated Water Strategy**

**RECOMMENDATION**

That Council:

1. Adopt “*Our Water Ways*”- *Kingston’s Integrated Water Strategy* and the supporting document, titled “*Our Water Ways*”- *Kingston’s Integrated Water Story, The Full Picture*.
2. Authorise the Manager City Strategy to approve future changes to the implementation plan that is attached to “*Our Water Ways*”- *Kingston’s Integrated Water Strategy*, due to new information received during the life of the document that will influence the accuracy of the actions, timelines and targets and ensure these are reported to Council through its Annual Actions aligned with its Council Plan.
3. Authorise the Manager City Strategy to approve future changes to “*Our Water Ways*”- *Kingston’s Integrated Water Strategy* and “*Our Water Ways*”- *Kingston’s Integrated Water Story, The Full Picture* that would further improve the wording or images from a Traditional Owners’ perspective.

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



**8.3 Urban Forest Strategy - Draft for Consultation**

**Moved: Cr Davey-Burns**

**Seconded: Cr Hill**

That Council:

1. Commence community consultation on the draft Urban Forest Strategy (Appendix 1) for a minimum ten-week public consultation period as outlined under Section 4.2 of this report; and
2. Receive a further report at the conclusion of the public consultation.

Cr Howe returned to the meeting at 8:13pm

Cr Staikos left the meeting at 7:45pm

Cr Staikos returned to the meeting at 7:47pm

**Amendment**

**Moved Cr Oxley**

**Seconded: Cr Eden**

To adopt the motion with the addition of the following point 3:

3. Prior to this item coming to Council for adoption, that officers provide further targets in terms of the number of trees required to be planted to meet drafted percentage targets.

Cr Howe left the meeting at 8:05pm.

The Amendment was accepted by the Mover and Seconder of the Substantive Motion as an alteration to the Substantive Motion.

**The Substantive Motion was put and CARRIED**

**The Resolution reads as follows:**

**Moved: Cr Davey-Burns**

**Seconded: Cr Hill**

That Council:

1. Commence community consultation on the draft Urban Forest Strategy (Appendix 1) for a minimum ten-week public consultation period as outlined under Section 4.2 of this report; and
2. Receive a further report at the conclusion of the public consultation.
3. Prior to this item coming to Council for adoption, that officers provide further targets in terms of the number of trees required to be planted to meet drafted percentage targets.

**CARRIED**

**8.4 KP-2021/613 - 33 Kubis Avenue, Aspendale**

**Moved: Cr Bearsley**

**Seconded: Cr Hua**

Cr Davies left the meeting at 8:18pm

Cr Davies returned to the meeting at 8:20pm

That Council determine to support the proposal and issue a Notice of Decision to Grant a Permit for the development of three (3) dwellings and removal of an easement at 33 Kubis Avenue, Aspendale, 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 amended plans prepared by Crowhurst Building Design, Project No's. 746 Sheets TP 1 to TP 10 Revision E & Bayview landscaping TP LP1, submitted on 16 September 2022, but modified to show:
  - a. the provision of an amended landscape plan in accordance with the the Landscape Plan prepared by Bayview Landscaping (*Date: February 2022*), with such plans to be prepared by a suitably qualified landscape professional to the satisfaction of the Responsible Authority and incorporating:
    - i. 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;
    - ii. A survey including botanical names, of all existing trees on neighbouring properties where the Tree Protection Zones of such trees calculated in accordance with AS4970-2009 fall partially within the subject site;
    - iii. A range of plant types from ground covers to large shrubs and trees, provided at adequate planting densities (e.g. plants 1 metre width at maturity planted 1 metre apart); with the species chosen to comprise of a minimum 80% coastal indigenous species by plant type and total quantities and 100% indigenous canopy trees;
      - Provision of to increase plant diversity.
      - Please note: *Myoporum petiolatum* (Sticky Boobiolla), *Xanthorea minor* (Small Grass-tree) and *Comesperma volubile* (Love Creeper) are native however the *Lomandra longifolia* (Spiny Headed Mat-rush) is indigenous.  
*Refer to the link provided below for suitable plant species; [Gardens for Wildlife - Kingston City Council](#)*
    - iv. *Acacia implexa* (Lightwood) x 3 to be replaced with *Banksia integrifolia* (Coast Banksia) x 3;
    - v. Tree Protection Measures within the subject site for the following trees identified in the Preliminary Arboricultural Assessment prepared by Taylors (*Date: June 19, 2020; Version 1*) and Arboricultural Impact Assessment by TMC Reports (*Date of report: Friday, April 15,*

2022) to be accurately drawn to scale and labelled and including the following notation;

“Tree Protection Measures:

- T4 *Prunus domestica* (Plum)-
    - No excavation is allowed within the Tree Protection Zone.
    - Ground protection is to be installed within the Tree Protection Zone immediately on completion of demolition.
    - Preparation and pouring of concrete slab for Garage floor of Dwelling 3 must be above existing grade within the Tree Protection Zone.
  - T5 *Laurus nobilis* (Bay Laurel) & T6 *Eriobotrya japonica* (Loquat)-
    - No excavation is allowed within the Tree Protection Zones.
    - Ground protection is to be installed within the Tree Protection Zones immediately on completion of demolition.
    - All landscape works must be above existing grade within the Tree Protection Zones.
    - Preparation and pouring of concrete slab for Garage floor of Dwelling 3 must be above existing grade within the Tree Protection Zone.
  - Gentle demolition is required within all Tree Protection Zones of all neighbouring trees which fall partially within the subject site”.
- vi. notation to the plans to state that the existing boundary fence shared between the subject site and 10 Balaka Avenue to be retained to reduce the potential impact to existing vegetation growing on boundary fences.
- b. The location of tree protection measures illustrated to scale and labeled on the Ground Floor Plan as per Condition 1.a.v.
- c. Vehicle crossings be constructed at a 90 degree alignment with the kerb on Kubis Avenue and Coinda Drive and all internal driveways be aligned with the existing / proposed vehicle crossing
- d. The north-east Bedroom 2 window of Dwelling 1 window clearly nominated to comply with Clause 55.04-6 (Overlooking) of the Kingston Planning Scheme.
- e. Additional information on both first floor and elevation plans to demonstrate all first floor north-east and north-west facing windows are designed to comply Clause 55.04-6 (overlooking) of the Kingston Planning Scheme.
- f. a minimum 2000L rainwater tank clearly nominated for each new dwelling and collected to toilets for flushing
- g. separation of the proposed crossover from the neighbouring crossover to achieve a pedestrian splay of 1 metre between
- h. the provision of a full colour palette, finishes and building materials schedule for all external elevations and driveways of the development.
- i. the location of all externally-located heating and cooling units, exhaust fans

and the like, clearly shown

- j. all relevant commitments identified within the Sustainable Design Assessment, required under condition 8 of this permit, shown on plans
- k. The provision of a site coverage plan demonstrating the overall site coverage does not exceed 50% in accordance with Clause 55.03-3 (site coverage) of the Kingston Planning Scheme.

#### Endorsed Plans

- 2. The development as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.
- 3. The Plan of Removal of Easement, as shown on the endorsed plans, must not be altered without the prior written consent of the Responsible Authority.
- 4. 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

#### Tree Protection

- 5. Prior to the commencement of works, the name and contact details of the project arborist responsible for implementing the Tree Protection Measures must be submitted to the Responsible Authority.

#### Drainage and Water Sensitive Urban Design

- 6. Unless with the prior written consent of the Responsible Authority, before the development commences, the following Integrated Stormwater Management documents must be prepared, by a suitably qualified person, to the satisfaction of the Responsible Authority.
  - a. Stormwater Management/drainage (drainage) Plan(s) must be prepared, with supporting computations, showing the stormwater (drainage) works to the nominated point of discharge. The plan(s) must show all details of the proposed stormwater (drainage) works including all existing and proposed features that may have impact on the stormwater (drainage) works, including landscaping details.
  - b. The Stormwater Management (drainage) Plan must address the requirements specified within Council's "Civil Design requirements for Developers – Part A: Integrated Stormwater Management".
  - c. A STORM modelling report with results demonstrating water sensitive urban design treatments that achieve Victorian best practice objectives with a minimum 100% rating must be provided as part of the Stormwater Management (drainage) Plan to the satisfaction of the Responsible Authority. These may include the use of an infiltration or bio-retention system, rainwater tanks connected for reuse, or other treatments to the satisfaction of the Responsible Authority.
  - d. The water sensitive urban design treatments as per conditions 6a, 6b & 6c above must be implemented on-site, unless an alternative agreement for stormwater quality in-lieu contribution is reached with the Responsible Authority.
- 7. Stormwater/drainage works must be implemented in accordance with the approved stormwater management/drainage plan(s) and to the satisfaction of the Responsible Authority including the following:

- a. All stormwater/drainage works must be provided on the site so as to prevent overflows onto adjacent properties.
- b. The implementation of stormwater/drainage detention system(s) which restricts stormwater discharge to the maximum allowable flowrate of 7.8L/s.
- c. All stormwater/drainage works must be maintained to the satisfaction of the Responsible Authority.

#### Sustainable Design Assessment

8. Prior to the endorsement of plans, an amended Sustainable Design Assessment (SDA) to be prepared by a suitably qualified professional must be submitted to and approved by the Responsible Authority. The SDA must include, all the comments incorporated in the report provided by Council's Sustainable Design Advisor but is not limited to, detailing initiatives for stormwater harvesting, insulation, building materials, daylighting, collective rainwater tanks and/or individual rainwater tanks, public and private landscape irrigation and car washing, energy efficient concepts, glazing and internal ventilation and the like.

#### Construction Management

9. Prior to the commencement of any buildings and works on the land, a Construction Management Plan (CMP), to the satisfaction of the Responsible Authority, must be submitted to and approved by the Responsible Authority. The CMP must be prepared in accordance with the City of Kingston Construction Management Policy and Construction Management Guidelines. The CMP must specify and deal with, but is not limited to, the following elements:
  - a. Public Safety, Amenity and Site Security
  - b. Traffic Management
  - c. Stakeholder Management
  - d. Operating Hours, Noise and Vibration Controls
  - e. Air Quality and Dust Management
  - f. Stormwater and Sediment Control
  - g. Waste and Materials Re-use

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.

#### Infrastructure and Road Works

10. Any relocation of pits/power poles or other services affected by this development must be relocated to the satisfaction of the relevant servicing authority and the Responsible Authority, at the cost of the owner/developer.
11. Property boundary and footpath levels must not be altered without the prior written consent from the Responsible Authority.
12. Any reinstatements and vehicle crossings are to be constructed to the satisfaction of the Responsible Authority.
13. The replacement of all footpaths, including offsets, must be constructed to the satisfaction of the Responsible Authority.
14. Any redundant vehicle crossings must be removed (including redundant portions of vehicle crossings) to the satisfaction of the Responsible Authority.
15. Vehicle crossings must be constructed at a 90 degree alignment with the kerb on

Kubis Avenue and Coinda Drive and all internal driveways must align with the existing / proposed vehicle crossing.

**South-East Water Conditions**

16. POTABLE WATER - The owner of the subject land must enter into an agreement with South East Water for the provision of drinking water supply and fulfil all requirements to its satisfaction.
17. SEWER - The owner of the subject land must enter into an agreement with South East Water for the provision of sewerage and fulfil all requirements to its satisfaction.
18. GENERAL - All lots shown on the Plan of Subdivision must be included in the Owners Corporation schedule.
19. Prior to certification, the Plan of Subdivision must be referred to South East Water, in accordance with Section 8 of the Subdivision Act 1988.

**General amenity conditions**

20. All works on or facing the boundaries of adjoining properties must be finished and surface cleaned to a standard that is well presented to neighbouring properties in a manner to the satisfaction of the Responsible Authority.
21. All 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.
22. All piping, ducting above the ground floor storey of the development (other than rainwater, guttering and downpipes) must be concealed to the satisfaction of the Responsible Authority.

**Completion of Works & Easement Removal**

23. Prior to the occupation of the dwellings hereby permitted, all buildings and works and the conditions of this permit must be complied with to the satisfaction of the Responsible Authority, unless with the further prior written consent of the Responsible Authority.
24. Prior to the occupation of the dwellings hereby permitted, the landscaping works as shown on the endorsed plans must be completed to the satisfaction of the Responsible Authority. Thereafter, the landscaping shall be maintained to the satisfaction of the Responsible Authority.
25. Once the removal of easement has started it must be continued and completed to the satisfaction of the Responsible Authority.

**Time Limits**

26. In accordance with section 68 of the *Planning and Environment Act 1987* (the Act), this permit will expire if one of the following circumstances applies:
  - The development is not started within two (2) years from the date of permit issue.
  - The plan of removal of an easement is not certified within two (2) years from the date of this permit.
  - The development is not completed within four (4) years from the date of permit issue.
  - The plan of removal of an easement is not registered within five (5) years

of the date of certification.

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:** Environment Protection Authority (EPA) Victoria set out the requirements pertaining to site construction hours and permissible noise levels.

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

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

**Note:** The applicant/owner must provide a copy of this planning permit and any endorsed plans to any external contractor to ensure that all trees to be retained on site are protected during any works.

**Note:** The Side Entry Storm Water pit near the vehicle crossing must be constructed to the satisfaction of Council's Roads and Drains Department.

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

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

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

**Note:** As part of Kingston's Social and Affordable Housing Strategy July 2020 Council encourages a permit holder and/or owner to voluntarily commit to the Homes for Homes Limited program (ACN 143 151 544, ABN 26 143 151 544)

**Note:** The owner of the subject land is required to obtain a 'Notice of Agreement' from South East Water. All requirements must be fulfilled to its satisfaction prior to South East Water consenting to the issuing of a Statement of Compliance.

#### **AGREEMENT OPTIONS**

The following South East Water agreement options are available:

1) Application to enter into a Development Agreement-Works – If South East Water reticulated sewer/water/recycled water (as applicable) is required to be extended to service lots within the development

2) Application For Notice of Agreement Subdivision-Non Works – If South East Water reticulated sewer/water/recycled water (as applicable) is available to the development and the owner only requires Statement of Compliance to release the titles (i.e. subdivision prior to building)

3) Plumbing Industrial, Commercial, Units & Private Water application – If

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South East Water reticulated sewer/water/recycled water (as applicable) is available to the development and the owner wishes to commence construction of the building/s (i.e. building prior to subdivision)

**CARRIED**



9. Community Strengthening Reports

**9.1 Response to Resolution - Notice of Motion No. 9/2022 - Music Festivals**

**Moved: Cr Howe**

**Seconded: Cr Bearsley**

Cr Eden left the meeting at 8:37pm.

Cr Eden returned to the meeting at 8:38pm.

Cr Staikos left the meeting at 8:40pm.

That Council:

1. Express formally to key promoters and organisers of music festivals of all scales its passion to host music festivals in our city, including an interest in being active in communicating them as part of our calendar of events; and
2. Proceed with obtaining quotes of a Major Outdoor Event Feasibility Study to be presented for further consideration in April 2023 and further investigate locations for future major infrastructure upgrades that aid Kingston sites in being more attractive to potential promoters.

**CARRIED**

**9.2 Kingston Awards Program**

**RECOMMENDATION**

That Council:

1. Realign Kingston's schedule of awards to coincide with State and National celebrations; and
2. Receive a further report discussing the introduction of Business Awards.

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

**9.3 Draft Child Safe Standards Strategy and Action Plan**

**RECOMMENDATION**

That Council receive this information and approve the draft Child Safe Standards Strategy 2023-2026 and Action Plan.

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

**10. Infrastructure and Open Space Reports**

**10.1 Kingston Heath Reserve Sporting Facility Improvement Plan -  
Consultation Findings and Adoption**

Cr Staikos returned to the meeting at 8:47pm.

Cr Howe left the meeting at 8:49pm.

Cr Bearsley left the meeting at 8:49pm.

Cr Hua left the meeting at 8:49pm.

Cr Hill left the meeting at 8:49pm.

**Moved: Cr Davies**

**Seconded: Cr Cochrane**

That Council:

1. Receive the stakeholder and community consultation feedback and input on the proposed Kingston Heath Reserve Sporting Facility Improvement Plan;
2. Adopt the Kingston Heath Reserve Sporting Facility Improvement Plan, as set out as Appendix 1;
3. Prioritise the implementation of Stage 1, comprising the construction of a new additional synthetic hockey field including sports lighting and supporting hockey infrastructure (shelters, goals, netting etc), formalising an emergency access path, relocation, and renewal of cricket nets adjacent to the hockey field and relocation of the cricket oval to the west of the Reserve.
4. Prioritise the Stage 1 funding shortfall of up to \$2M in the development of future Council budgets and review of its Long Term Financial Plan;
5. Refer the funding of Stage 2 and 3 of the Kingston Heath Reserve Sporting Facility Improvement Plan to the development of future Council budgets and review of its Long Term Financial Plan;
6. Authorise officers to continue advocacy and make applications for funding from Federal and State Governments, Sporting Associations and clubs, towards the implementation of Kingston Heath Reserve Sporting Facility Improvement Plan; and
7. Endorse the future strategic assessment of open space within the surrounding locality of Kingston Heath Reserve to be considered as a separate matter, through the development of the future strategies including Council's Property Strategy and Open Space Strategy.

Cr Hill returned to the meeting at 8:51pm.

Cr Howe returned to the meeting at 8:52pm.

Cr Hua returned to the meeting at 8:53pm.

**Amendment**

**Moved: Cr Staikos**

That Council:

1. Receive the stakeholder and community consultation feedback and input on the proposed Kingston Heath Reserve Sporting Facility Improvement Plan;
2. Adopt the Kingston Heath Reserve Sporting Facility Improvement Plan, as set out as Appendix 1;
3. Include in Council budget processes consideration of the implementation of Stage 1, as one of the priority projects (together with consideration of the current status of all priority projects), comprising the construction of a new additional synthetic hockey field including sports lighting and supporting hockey infrastructure (shelters, goals, netting etc), formalising an emergency access path, relocation, and renewal of cricket nets adjacent to the hockey field and relocation of the cricket oval to the west of the Reserve;
4. Note the Stage 1 funding shortfall of an estimated \$2M, for consideration in Council budget processes and in the review of Council's Long Term Financial Plan;
5. Refer the funding of Stage 2 and 3 of the Kingston Heath Reserve Sporting Facility Improvement Plan to future Council budgets and review Council's Long Term Financial Plan;
6. Authorise officers to continue advocacy and make applications for funding from Federal and State Governments, Sporting Associations and clubs, towards the implementation of Kingston Heath Reserve Sporting Facility Improvement Plan; and
7. Endorse the future strategic assessment of open space within the surrounding locality of Kingston Heath Reserve to be considered as a separate matter, through the development of the future strategies including Council's Property Strategy and Open Space Strategy.

**The Amendment to the Substantive Motion was accepted as an alteration by the Mover and Seconder of the Substantive Motion**

**The Motion was put and CARRIED**

**The Resolution reads as follows:**

**Moved: Cr Davies**

**Seconded: Cr Cochrane**

That Council:

1. Receive the stakeholder and community consultation feedback and input on the proposed Kingston Heath Reserve Sporting Facility Improvement Plan;
2. Adopt the Kingston Heath Reserve Sporting Facility Improvement Plan, as set out as Appendix 1;
3. Include in Council budget processes consideration of the implementation of Stage 1, as one of the priority projects (together with consideration of the current status of all priority projects), comprising the construction of a new additional synthetic hockey field including sports lighting and supporting hockey infrastructure (shelters, goals, netting etc), formalising an emergency access path, relocation, and renewal of cricket nets adjacent to the hockey field and relocation of the cricket oval to the west of the Reserve;

4. Note the Stage 1 funding shortfall of an estimated \$2M, for consideration in Council budget processes and in the review of Council's Long Term Financial Plan;
5. Refer the funding of Stage 2 and 3 of the Kingston Heath Reserve Sporting Facility Improvement Plan to future Council budgets and review Council's Long Term Financial Plan;
6. Authorise officers to continue advocacy and make applications for funding from Federal and State Governments, Sporting Associations and clubs, towards the implementation of Kingston Heath Reserve Sporting Facility Improvement Plan; and
7. Endorse the future strategic assessment of open space within the surrounding locality of Kingston Heath Reserve to be considered as a separate matter, through the development of the future strategies including Council's Property Strategy and Open Space Strategy.

**The Amendment to the Substantive Motion was accepted as an alteration by the Mover and Seconder of the Substantive Motion**

**The Motion was put and CARRIED**

**Note:** The above item has been corrected in accordance with a resolution of Council at its meeting on 30 January 2023 to vary the Minutes in order to correct an error.

**10.2 CON-22/021 Bourke Road, Oakleigh South, Reconstruction with Shared User Path (Old Dandenong Road to Clarinda Road)**

**RECOMMENDATION**

That Council:

1. Note the outcome of the tender assessment process for Contract CON-22/021 – Bourke Road, Oakleigh South Partial Reconstruction with Shared User Path (Old Dandenong Road to Clarinda Road) as set out in confidential Appendix 1 attached to this report;
2. Award Contract CON-22/021 – Bourke Road, Oakleigh South Partial Reconstruction with Shared User Path (Old Dandenong Road to Clarinda Road) for the fixed lump sum price of \$1,493,245.16 (exclusive of GST) to VCrete Contractors Pty Ltd; and
3. Approve the allocation of a separate contingency of up to 10% of the contract sum and delegate authority to the Chief Executive Officer or delegate to expend this allowance to ensure the successful completion of the project.

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

**10.3 CON-22/080 Bondi Road Outfall Drain, Bonbeach Reserve, Bonbeach - Pump Station**

**RECOMMENDATION**

That Council:

1. Note the outcome of the tender assessment process for Contract CON-22/080 - Bondi Road Outfall Drain, Bonbeach Reserve, Bonbeach, Pump Station Stage 1 as set out in confidential Appendix 1 attached to this report;
2. Award Contract CON-22/080 – Bondi Road Outfall Drian, Bonbeach Reserve, Bonbeach, Pump Station Stage 1 for the fixed lump sum price of \$1,234,842.42 (exclusive of GST) to Entracon Construction Pty Ltd; and
3. Approve the allocation of a separate contingency of up to 10% of the contract sum and delegate authority to the Chief Executive Officer or delegate to expend this allowance to ensure the successful completion of the project.

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

11. Customer and Corporate Support Reports

**11.1 Kingston Performance Report - July to September 2022**

**RECOMMENDATION**

That Council receive the Kingston Performance Report, July to September 2022.

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

**11.2 Recording of Council Meetings Policy**

**RECOMMENDATION**

That Council adopt the Recording of Council Meetings Policy (Appendix 1).

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

**11.3 Extension of Comensura Contract**

**RECOMMENDATION**

That Council approve the extension of the Comensura contract through Municipal Association of Victoria (MAV) to 30 September 2023

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

**11.4 Audit and Risk Committee Minutes - 28 September 2022**

**RECOMMENDATION**

That Council receive the minutes of the Audit and Risk Committee meeting held on 28 September 2022.

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

**11.5 Quick Response Grants**

**RECOMMENDATION**

That Council:

1. Approve the following Quick Response Grant applications:
  - Mentone Little Athletics Centre - \$840.00
  - Mordialloc Sporting Club - \$1500.00
  - Parkdale Yacht Club - \$1500.00
  - St Andrews Parish Clayton South - \$1500.00
  - St Andrews Calisthenics - \$1500.00
2. Not approve the following Quick Response Grant applications:
  - Taxiarches Greek School of Mentone and Districts Incorporated
  - Multicultural Women Victoria
  - Melbourne 7 Melody Notes Inc

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

**11.6 Informal Meetings of Councillors**

**RECOMMENDATION**

That Council receive the report.

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

12. Chief Finance Office Reports

12.1 Quarterly Finance Report September 2022

**RECOMMENDATION**

That Council receive the September 2022 quarterly financial report.

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



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**13. Notices of Motion**

**13.1 Notice of Motion No. 26/2022 - Cr Oxley - No-Spray Register**

**Moved: Cr Oxley**

**Seconded: Cr Eden**

That officers bring back a report no later than March 2023 exploring the implementation of a "no spray register" for the spraying of chemical herbicides like glyphosate etc.

**LOST**

**A Division was Called:**

**DIVISION:**

**FOR:** Crs Staikos, Eden, Howe and Oxley (4)

**AGAINST:** Crs Bearsley and Davies (2)

**ABSTAINED:** Crs Davey-Burns, Cochrane, Hill, Hua and Saab (5)

**LOST**

**13.2 Notice of Motion No. 29/2022 - Cr Howe - Fashion Week**

**Moved: Cr Howe**

**Seconded: Cr Oxley**

That Council formally contacts and requests a meeting with Westfield, regarding Melbourne Fashion Week to host event/s in 2023 at Southland in Cheltenham, which the city would publicise and communicate as a celebration of the arts.

Cr Eden left the meeting at 9:31pm and did not return.

**CARRIED**

**13.3 Notice of Motion No. 30/2022 - Cr Howe - Olinda Junket**

**Moved: Cr Howe**

**Seconded: Cr Oxley**

That Council cancels the February Olinda Junket to discuss the budget and planning, and opts to as previously use the Platform 81 office in Mordialloc as a first preference, or alternatively any other venue or office deemed suitable at no additional expense to ratepayers.

**Procedural Motion**

**Moved: Cr Staikos**

**Seconded: Cr Bearsley**

That the meeting be extended for 30 minutes until 10.30pm

**CARRIED**

**The Substantive Motion was put and LOST**

**A Division was Called:**

**DIVISION:**

**FOR:** Crs Howe and Oxley (2)

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**AGAINST:** Crs Staikos, Davey-Burns, Bearsley, Cochrane, Davies, Hill and Saab (7)

**ABSTAINED:** Crs Hua (1)

**LOST**

**13.4 Notice of Motion No. 31/2022 - Cr Davies - Amendment to Council Resolution - Bay Trail**

Cr Davey-Burns left the meeting at 10:05pm.

Cr Hill left the meeting at 10:06pm.

**Moved: Cr Davies**

**Seconded: Cr Bearsley**

1. That Council Officers are instructed to submit an Amendment to Planning Permit KP2022/193 – 128-134 Bay Trail Parkdale) from the Council Meeting on 22<sup>nd</sup> August, 2022 which seeks approval to:
  - a) Amend Condition 1a) iii. to read as follows:  
'Seven *Leptospermum laevigatum* (Coast Tea-tree)'
  - b) Amend Condition 1a) iv. by deleting this condition
  - c) Amend Condition 1a) vi. to read as follows:  
'All vegetation and trees provided must comply with landform Ecological Vegetation Class Coastal Headland Scrub (EVC161) and the trees provided at a minimum of 1 metre in height (where able to be sourced) at the time of planting, medium to large shrubs to be provided, if possible, at a minimum pot size of 200mm;
2. That the Amendment Application be submitted for consideration by the Council at a Planning Committee Meeting or Ordinary Council Meeting no later than the meeting scheduled for the 27<sup>th</sup> February, 2023.

Cr Davey-Burns returned to the meeting at 10:07pm.

Cr Hill returned to the meeting at 10:09pm.

Cr Cochrane left the meeting at 10:09pm.

Cr Cochrane returned to the meeting at 10:11pm.

Cr Oxley left the meeting at 10:16pm.

Cr Oxley returned to the meeting at 10:16pm.

**CARRIED**

**A Division was Called:**

**DIVISION:**

**FOR:** Crs Staikos, Davey-Burns, Bearsley, Cochrane, Davies, Hill, Howe, Hua and Saab (9)

**AGAINST:** Cr Oxley (1)

**CARRIED**

**13.5 Notice of Motion No. 32/2022 - Cr Oxley - Potholes**

**Moved: Cr Oxley**

**Seconded: Cr Bearsley**

That Council explores in a report (to be presented no later than February 2023) a superior surface or maintenance program for implementation at Wells Road/Service Road, Patterson Lakes that would mitigate the formation of potholes to be completed in 2023.

**LOST**

**A Division was Called:**

**DIVISION:**

**FOR:** Crs Howe and Oxley (2)

**AGAINST:** Cr Bearsley (1)

**ABSTAINED:** Crs Staikos, Davey-Burns, Cochrane, Davies, Hill, Hua and Saab (7)

**LOST**

Cr Oxley left the meeting and 10.22pm and did not return.

**14. Urgent Business**

There were no items of urgent business.

**15. Confidential Items**

There were no confidential items

The meeting closed at 10.23pm.

**Confirmed.....**

**The Mayor 12 December 2022**