

Minutes

Ordinary Council Meeting

Monday, 28th July 2025

community inspired leadership



**City of Kingston
Ordinary Council Meeting**

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 Chris Howe (Deputy Mayor)
Cr Jane Agirtan
Cr Kirralee Ashworth-Collett (attended online)
Cr Tony Athanasopoulos (attended online)
Cr Georgia Erevnidis
Cr Chris Hill
Cr Tess Law
Cr Sarah O'Donnell
Cr Hadi Saab
Cr Caroline White

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
Kate Waters, Acting General Manager Community Strengthening
Bernard Rohan, Chief Financial Officer
Jaclyn Murdoch, Manager City Development
Kelly Shacklock, Manager Governance, Risk and Integrity
Sharon Lozsan, Team Leader Council Governance
Lily Bowe, Council Governance Officer
Ellie Lockard, Council Governance Officer
Justin Welsford, Media and Communications Advisor

1. Apologies

There were no apologies submitted to the meeting.

2. Confirmation of Minutes of Previous Meetings

Moved: Cr Howe

Seconded: Cr Agirtan

That the Minutes of the Ordinary Council Meeting held on 23 June 2025 be confirmed.

FOR: Crs White, O'Donnell, Hill, Law, Athanasopoulos, Ashworth-Collett, Erevnidis, Howe, Saab, Oxley and Agirtan (11)

AGAINST: Nil (0)

CARRIED

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

Mayor, Cr Oxley, foreshadowed a direct material conflict of interest in Item 12.4 Notice of Motion No. 27/2025 - Cr Erevnidis - Southern Road, Mentone, due to having a beneficial interest in a company that owns share in Goodman Group.

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4. Petitions

4.1 Speed Control Measures - Clayton South

Moved: Cr Athanasopoulos

Seconded: Cr White

That Council:

1. Receive the petition and refer it to the CEO for consideration; and
2. Notify the head petitioner of the outcome following consideration of the petition.

FOR: Crs White, O'Donnell, Hill, Law, Athanasopoulos, Ashworth-Collett, Erevnidis, Howe, Saab, Oxley and Agirtan (11)

AGAINST: Nil (0)

CARRIED

5. Delegates' Reports, Councillor Statements and Presentation of Awards

Delegate's Report

Cr O'Donnell provided a delegate's report regarding attendance at the Australian Local Government Association (ALGA) National General Assembly (NGA) in Canberra in June.

Councillor Statements

Cr O'Donnell also made a statement regarding the development of the Rosedale Golf Course.

Cr Law provided a statement regarding attendance at the ALGA NGA and the Australian Local Government Women's Association annual event.

Cr Erevnidis provided a statement regarding attendance at the ALGA NGA.

Cr Saab provided a statement regarding attendance at the ALGA NGA, ALGA Mayoral Taskforce and the Druze Community Chairty of Victoria *Stand in Solidarity* event.

Cr White welcomed Cr Agirtan back to Council and provided a statement regarding attendance at the ALGA NGA.

Moved: Cr Saab

Seconded: Cr Ashworth-Collett

That the delegates' report and Councillor statements be received and that Councillor Saab's written report be included in the minutes.

FOR: Crs Athanasopoulos, Ashworth-Collett and Saab (3)

AGAINST: Crs White, O'Donnell and Agirtan (3)

ABSTAINED: Crs Hill, Law, Erevnidis, Howe and Oxley (5)

LOST

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Moved: Cr Hill

Seconded: Cr O'Donnell

That the delegates' report and Councillor statements be received.

FOR: Crs White, O'Donnell, Hill, Law, Athanasopoulos, Ashworth-Collett,
Erevnidis, Howe, Saab, Oxley and Agirtan (11)

AGAINST: Nil (0)

CARRIED

6. Question Time

Question time was held at 7.37pm.

A total of 23 questions were received, with 20 being allowed under the Governance Rules. Preambles submitted with questions were not read out. In accordance with clause 39.9 of the Governance Rules, like questions were grouped together.

John asked:

I am seeking clarification on the decision to grant back pay to a Councillor who was stood down. I would appreciate an explanation of:

- 1. The rationale and authority under which back pay was approved in this instance;*
- 2. Whether any review or assessment of the Councillor's conduct during the stand-down period was undertaken prior to that decision;*

General Manager Customer and Corporate Support, Dan Hogan, responded:

The back pay provisions are not subject to a decision, it is a compulsory obligation if a Councillor returns from being stood down.

The Local Government Act 2020 at section 229 (6) states the following: "A Councillor who is no longer stood down under subsection (1) is entitled to their allowance, including any allowance previously withheld unless the Councillor is convicted of the offence."

Georgia asked:

Can Council please provide an update on when the Kingston Libraries app will be available again on iPhones?

Acting General Manager Community Strengthening, Kate Waters, responded:

Full access to the Kingston Libraries app was restored on Friday (25 July 2025) and is once again available for download on all Apple devices. Apologies for any inconvenience that was caused during the time the app was unavailable to download.

Rob asked:

Traffic on Park Road Cheltenham has been getting worse and worse in recent months/years. Could council please review the no standing and parking times in this area?

General Manager Infrastructure and Open Space, Samantha Krull, responded:

The traffic team is aware of the challenges on Park Rd in Cheltenham. Previous investigations have resulted in some changes and improvements to the traffic conditions. The team will conduct further traffic volume and speed surveys on Park Road and will consider additional parking restrictions if required. The investigation work will include consultation with local residents.

Michelle asked:

Long term residents of the Five Ways Caravan Park in Dingley Village have been told that the caravan park will be closing and that they must vacate the park by August 2026. Will Kingston Council be able to provide any help or support to these residents as they require?

General Manager Planning and Place, Jonathan Guttman, responded:

I would like to thank Michelle for her question and concern for the impacted residents.

Council will make enquiries with the privately owned Five Ways Caravan Park to understand what its intentions are with the property and what tenure arrangements exist for the current residents.

Upon receipt of advice from the management of the Caravan Park and the landowner, should the residents be required to relocate, Council will liaise further with appropriate housing service providers to hopefully assist residents.

Rosemary West asked:

- 1. Please advise how residents can best support Council and/or participate in the Priority Projects Standing Advisory Committee process established by the Planning Minister Sonya Kilkenny if we wish to prevent the rezoning of the Rosedale golf course?*
- 2. If Kingston Council works with the other SRL East Councils and the pre-eminent planning lawyer they have engaged, could we claim financial compensation from State Government*

General Manager Planning and Place, Jonathan Guttman, responded:

Thank you Rosemary West for your questions.

In response to Question 1. Council were notified on the 21st July, 2025 by Planning Panels Victoria providing advice on the referral it had received from the Minister for Planning regarding the Rosedale matter. The correspondence Council received is viewable on the State Government Department of Transport and Planning website. The Council has had no role in nominating who the 'Stakeholders' are to this hearing and all enquiries regarding participation in this matter should be made to Planning Panels Victoria. Further consideration as to Council's representation will take place over coming weeks.

In response to Question 2. the Council has and continues to be an active participant in the planning for the Suburban Rail Loop Project. Kingston Council like all other Councils will be seeking to ensure that any land previously used for open space or reserved for this purpose, is appropriately replaced.

Roslyn asked:

Can Council review their policies regarding staff who interact with children and upgrade frequency of checks upon all staff, part timers and volunteers who are dealing in any way with children, especially within the youth services and family services departments, so that these checks are done annual instead of every three years which is the Kingston current policy, and which seems woefully inadequate?

General Manager Customer and Corporate Support, Dan Hogan, responded:

Council does not rely solely on working with children checks to safeguard children and young people.

Council has long established internal policies and processes that to protect this vulnerable cohort. These include:

- 1) The Police and Working with Children Checks Policy,*
- 2) The Child Safety & Wellbeing Policy,*
- 3) The Child Safety and Wellbeing Reporting Procedure and*
- 4) the Child Safety and Wellbeing Code of Conduct.*

In addition, we have additional internal processes that include quarterly working with children checks conducted by the Working with Children's check unit in the Victorian Government Department of Justice and Community Safety.

Council also employs the following controls:

- Examining written applications and engaging in face-to-face interviews for Applicants who engage in Child-Connected Work.*
- Engaging in a thorough examination of a person's suitability to work with children prior to inviting them to take a leadership position with children.*
- Screening all persons in accordance with the WWCC Policy, to verify that they have a valid WWCC before they commence engaging in Child-Connected Work at Council and keeping records of all relevant information.*
- Informing all Applicants for jobs and volunteer positions that involve Child Connected Work of Council's child safety policies and practices, including the Child Safety and Wellbeing Policy, the Reporting Procedure and the Codes of Conduct.*
- Making reasonable efforts to gather, verify and record the following information about a person whom Council proposes to engage to perform Child-Connected Work;*
- Proof of personal identity and any professional or other qualifications;*
- The person's history of work involving children, including any history of complaints, disciplinary action or allegations of reportable conduct made against the person in the course of any employment or voluntary position held by the person; and*
- Council will not offer any Applicant a position at Council until the Applicant provides the required evidence*

Deborah asked:

Is it true that any motions or Councillor inputs seeking to reduce costs or improve efficiency, or reduce staff numbers, is deemed operational in nature and therefore all such inputs are disallowed?

General Manager Customer and Corporate Support, Dan Hogan, responded:

No, while there is legislation and policy that must be considered, there are many ways in which Councillors and Council can work in partnership with the CEO to achieve operational outcomes aligned to strategic objectives.

For example, the adoption last month of the Council & Wellbeing Plan 2025 – 29 by Council sets out a strategic key direction of a "Responsibly Governed" organisation, accompanied by a Key Direction to be a "transparent and efficient organisation that is accountable, responsive and cost-effective." This plan, as a resolution of Council, must now be faithfully executed, and without delay.

The CEO, who under the Local Government Act is responsible for ensuring the effective and efficient management of the day-to-day operations of the Council, is now legally obliged take the practical operational steps to ensure that this occurs.

So while it is true that no individual Councillor is lawfully able to perform the functions of the CEO, such as responsibility for staffing matters, good governance depends on collaboration and communication between the CEO and the Mayor and Council – which can indeed extend to budget and resource allocation, which is a standard annual process in which the input of Councillors and Council is actively sought.

Irina asked:

- 1. Can you please name the third party corporation which Kingston Council is contracting with to choose the 330 people in the Tier 1 community group called 'Kingston Represents' and the smaller Tier 1 sub groups of 45 and the Tier 3 groups?*
- 2. How much is Kingston Council paying this third party corporation mentioned on page 469 of the Agenda tonight 29th July'25?*

General Manager Customer and Corporate Support, Dan Hogan, responded:

In 2023, Council undertook our standard procurement process, requesting quotes from independent organisations expert at selecting representative panels best representing the demographics of any given population.

Sortition Foundation was the preferred tenderer to recruit for the Kingston Representative Community Panel at a contract value of \$23,496.

Geoff asked:

Is it true that IBAC rules state that in all informal Council meetings that there should be no debate on any issues whatsoever at these meetings, and no discussion of how Councillors will vote or should vote, that this debate process should occur only at the actual monthly public meetings according to IBAC rules?

General Manager Customer and Corporate Support, Dan Hogan, responded:

Thanks Geoff. There are no such "IBAC rules" in place per se, but I assume this question is referring to the IBAC recommendations arising from Operation Sandon, an investigation into Casey City Council.

One of the recommendations proposed that a statewide Model Governance Rules and a Model Transparency Policy be made compulsory, noting;

"the limited circumstances in which it may be appropriate to hold pre-council meetings immediately before a public council meeting, such as to discuss procedural arrangements for the meeting iii) makes clear that councillors must not discuss the substance of agenda items in detail, reach agreements on council agenda items in private, and that briefings should involve the presentation of information only

While still only a proposal, Council does have existing Councillor briefing protocols, that includes the following:

Councillor briefings are strictly for the purpose of information exchange and discussion and cannot be used to direct Council officers. All debate, consensus-building, decision- making or the merits of reports must be undertaken at Council meetings or delegated committee meetings.

Jagoda asked:

1. *Is it correct that the new restrictions on questions for the Public Question Time segment in Council meetings, which will be imposed if the vote goes through Council tonight by reducing not only the number of questions to just 15, but those questions that are chose will be vetted as being relevant only to the current agenda and chosen completely at the discretion of the chair?*
2. *Why isn't Kingston following the path of other Councils who have opened the question time to actual people being allowed to speak freely their questions in a public forum?*

General Manager Customer and Corporate Support, Dan Hogan, responded:

The process of public question time is presented to Council tonight for consideration. The Governance Rules that guide the meeting procedure of Council meetings, state that the Mayor has the discretion to answer compliant questions at the public meeting, or answer questions later in writing. The matter before Council tonight is designed to help provide a framework to exercise this discretion. Should this matter be resolved by Council tonight, it will mean that where more than 15 questions are received, those that relate to items on the agenda will be responded to at the Council meeting, and other questions will be responded to in writing.

These changes have been proposed in order to more efficiently manage the Council business agenda given the at times very time consuming process currently practiced.

In terms of other Council's processes for public question time, every Council appears to approach this differently with some requiring in person attendance.

Rose asked:

1. *Can you please tell if a formal report was done examining what caused the total operational failure of both the recording and livestream equipment for the whole Council meeting of June 23 2025?*
2. *If no examination was done, can you explain why not, and if a report was done, can you tell us what exactly caused the technical failure to happen?*

General Manager Customer and Corporate Support, Dan Hogan, responded:

Yes. A report and briefing were provided to me in my capacity as Acting Chief Executive Officer at the time.

An examination of the streaming equipment showed that a damaged coaxial cable was the single point of failure, in a location unable to be identified at the time. This cable has since been replaced, and the system further upgraded with new cameras. We have also established new operating procedures to help prevent or mitigate such circumstances in future.

Again, we apologise for the inconvenience to those who intended to watch live, but we did manage to get a recording of the meeting up early the next day.

Jonathan asked:

1. *What mechanisms does Kingston Council have in place to monitor whether the Edithvale Life Saving Club is delivering genuine community benefit and actively facilitating equitable access in line with Council's policy?*
2. *Will Council commit to reviewing current access arrangements at the Edithvale Life Saving Club to ensure the broader community has visible and fair opportunities to use the facility outside of patrol and training periods?*

Chief Finance Officer, Bernard Rohan, responded:

Officers will work with all tenants to ensure that appropriate community access arrangements are supported. In recommending the adoption of the 2025 policy to Council at this meeting, officers will ensure that all future leases contain clauses that require shared use outside of tenant's operating hours. In the case of the Edithvale Lifesaving Club officers will review current arrangements and work with the club to increase opportunities for shared use.

7. Planning and Place Reports

7.1 Town Planning Application Decisions - June 2025

Moved: Cr Howe

Seconded: Cr Law

That Council note the report of Town Planning Application Decisions for the month of June 2025.

FOR: Crs White, O'Donnell, Hill, Law, Athanasopoulos, Ashworth-Collett, Erevnidis, Howe, Saab and Oxley (10)

AGAINST: Nil (0)

ABSTAINED: Cr Agirtan (1)

CARRIED

7.2 KP-2021/257 - 31-35 Station Road, CHELTENHAM

Moved: Cr Hill

Seconded: Cr Saab

That Council determine to support the proposal and issue a **Notice of Decision to Grant a Permit** be issued to construct a seven (7) storey mixed use building, a reduction in carparking associated with the shop use and associated public realm works at 31-35 Station Road, (Lot 45 of LP2331), including the public footpath and car parking bays to the front of the premises and the adjacent right of way at 29A Station Road, (part of land in PC359910U), CHELTENHAM, 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. The plans must be substantially in accordance with the advertised plans prepared by Adapt Architecture Pty Ltd comprising drawing nos. TP01 to TP06 inclusive, TP06A, TP07 to TP16 inclusive, all Rev D, dated 13 March 2025, but modified to show:
 - a. a notational correction to drawing TP11 Rev D to refer to Level 6 as opposed to Level 4 on the floor plan.
 - b. security lighting at the building entries and within ground floor services (waste storage and amenities) and basement areas.
 - c. detail of balcony screening between the POS areas of apartments sufficient to demonstrate, Standard D15 of Clause 58 of the Kingston Planning Scheme is met.
 - d. a notation on the roof plan to confirm allocation of A/C units to Apartments 16 to 24 inclusive.
 - e. further details of the bin storage room including distinguishing all waste streams, bin chute location, ventilation, bin cleaning facilities and internal dimensions of the bin room.
 - f. the provision of a full colour palette, finishes and building materials schedule for all external walls, architectural features, roofing, soffits, window reveals, pergolas, privacy screens, bench seating of the development.

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- g. main bedrooms of Apartments 2, 6, 10, 11, 12, 15, 16 and 24 to meet the minimum dimensions of Standard D26 of Clause 58 (robes excluded from this dimension).
- h. at least one bedroom of Apartment 23 to meet the minimum dimensions for a Main Bedroom in accordance with Standard D26.
- i. no encroachment of dining areas into the living areas of Apartments 11, 13, 17, 19, 21, 22 and 23 and additional bench space provided to the kitchens of those apartments.
- j. the laundry in Apartments 13 and 22 relocated from the kitchen into the linen cupboard or other suitable location and any consequential changes to the layout of those apartments, with compliance with Clause 58 to be maintained.
- k. detailed specifications of the car stackers to be used in the development.
- l. a stop/go signal or similar at the vehicular entry/ passing place.
- m. details of how the rainwater tank will be accessed for maintenance, leak detection and repair.
- n. specify light coloured or reflective finishes / materials (Solar Reflective Index >50 or Solar Absorptance<0.6) to all non-visible flat roofs and exposed floor surfaces to help mitigate the urban heat island effect.
- o. the location of the electric vehicle charging point in the car parking areas must be shown with a note or associated legend item saying "minimum 32A dedicated circuit from switchboard to each car space".
- p. a notation on plans stating, *'the existing laneway/Right of Way to the north of the property for the full width of the subject site must be designed with colour concrete and exposed aggregate feature bands as per Council Standards; drained and constructed at the full cost of the owner/developer as per engineering plans approved by the Council.'*
- q. a notation on plans stating, *'the public realm works to be provided to Station Road and laneway at 29A Station Road to be designed in accordance with Kingston's Activity Centre Streetscape Suite 2013 and in consultation with the responsible authority and constructed at the full cost of the permit holder / owner / developer in accordance with conditions 24, 30 and 31'.*
- r. any amendments required by the Façade Strategy required by condition 6.
- s. uniformity with the commitments and any changes identified within the Waste Management Plan, required under condition 13 of this permit, shown on the plans
- t. all relevant commitments identified within the Sustainable Management Plan, required under condition 15 of this permit, shown on plans.
- u. uniformity with the commitments and any changes identified within the Acoustic Report, required under condition 18 of this permit, shown on the plans.
- v. uniformity with the Public Realm Management Plan required by condition 24 of this permit.
- w. uniformity with the Car Parking and Bicycle Management Plan required by condition 34 of this permit.
- x. uniformity with the Green Travel Plan required by condition 37 of this permit.

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- y. a note on plans specifying that treatment must be provided to the ground floor Council car park to prevent parked vehicles encroaching onto the laneway in accordance with condition 39.
- z. the provision of a landscape plan in accordance with the submitted development plans and the City of Kingston Landscape Plan Checklist, with such plans to be prepared by a suitably qualified landscape professional and incorporating:
 - i) Uniformity with the amended development plans.
 - ii) A planting schedule of all proposed trees, shrubs, including botanical names, common names, pot sizes, sizes at maturity and quantities of each plant.
 - iii) All planters boxes and green infrastructure on the building facades, including details of landscape maintenance and plant management demonstrating the resilience of the features in the long-term.
 - iv) A range of plant types from ground covers to large shrubs and trees provided at adequate planting densities with the species chosen to comprise of a minimum 60% native species by plant type and total quantities.
 - v) Balcony planters capable of supporting the growth of understorey vegetation to be provided with minimum internal dimensions of 400mm in width and 600mm in depth on the balconies of Apartments 11 and 12 and north side of balconies of Apartments 1, 2, 5, 6, 9, 10, 13 and 14. (Minimum POS areas/ dimensions to be maintained in accordance with standard D20 of Clause 58)
 - vi) In addition to the requirements of condition 1.z.v) the planters must include tensioned marine grade steel cables, rods or similar to support the establishment and growth of climbing plant species, to extend from the planters to the ceiling above.
 - vii) The inclusion of climbing plant species capable of growing over the pergolas on the balconies of Apartments 13 to 16 inclusive.
 - viii) Planters on Level 1 within the courtyards (eastern lightcourts) of Apartments 2 and 3, capable of supporting the growth of climbing planting species on either the external wall or a trellis, as determined by the selected species.
 - ix) In addition to the requirements of condition 1.z.v) the provision of planters with minimum internal dimensions of 300mm wide and 500mm deep, included as part of the upper section of the 1.8 metre high wall that encloses the east side of the courtyards, capable of supporting the growth of cascading plant species as indicated on the Level 1 floor plan and West Elevation development plans.
 - x) Planters at Level 1 within the western light-courts capable of supporting the growth of understorey vegetation.
 - xi) One (1) canopy tree planter with the minimum internal dimensions of 800mm depth and 2.5metres in length with the minimum soil/media volume capacity of 12 cubic metres to be located on the southern side of each balcony belonging to Apartments 15 and 16;

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- xii) One (1) canopy tree capable of growing to the minimum mature dimensions of 6metres in height and 4metres in width to be planted in suitably sized planters located on each balcony of Apartments 15 and 16;
- xiii) Typical sectional details of all planter types, illustrated to scale and labelled including materials, soil media and drainage.
- xiv) 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.
- xv) Notes regarding site preparation, including the removal of all weeds, proposed mulch, soil types and thickness, subsoil preparation and any specific maintenance requirements and,
- xvi) Tree protection measures for the street tree accurately drawn to scale and labelled as per the requirements of condition 5.

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 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. The layouts of the shop premises are to always retain an active frontage to the street, this includes windows and / or glass panels to remain clear and transparent, and the internal layout is to provide activation to the street and not obscure or block glazing, unless otherwise agreed in writing by the Responsible Authority.

Street Trees

- 5. Tree Protection Fencing is to be established around the *Robinia pseudoacacia* 'Frisia' (Golden Robinia) street tree located adjacent to neighbouring Shop 5, 37 Station Road, prior to demolition and maintained until all works on site are complete.
 - a) The fencing is to be a 1.8 metre high temporary fence constructed using steel or timber posts fixed in the ground or to a concrete pad, with the fence's side panels to be constructed of cyclone mesh wire or similar strong metal mesh or netting; and
 - b) The fencing is to encompass the entire garden bed containing the tree.

Façade Strategy

- 6. Concurrent with the endorsement of plans pursuant to Condition 1, a façade strategy and materials and finishes must be submitted to and be approved by the Responsible Authority. All materials, finishes and colours must be in conformity with the approved façade strategy to the satisfaction of the Responsible Authority. Unless otherwise approved by the Responsible Authority, the façade strategy must be generally in accordance with the development plans and must detail the following to the satisfaction of the Responsible Authority:
 - a) a concise description by the architect of the building design concept and how the façade works to achieve this.

- b) elevation details generally at a scale of 1:50 illustrating typical podium and upper level details, balcony niches, entries and doors and utilities and any special features including and not limited to the west elevation mural and its specific finishes, which are important to the building's presentation.
- c) cross sections or another method of demonstrating the façade systems, including fixing details indicating junctions between materials and significant changes in form and/or material.
- d) information about how the façade will be accessed and maintained and cleaned, including any planting proposed and,
- e) a schedule of colours, materials and finishes, including the colour, type and quality of materials showing their application and appearance. Materials and finishes must be of a high quality, contextually appropriate, durable and fit for purpose. This can be demonstrated in coloured elevations or renders from key viewpoints, to show the materials and finishes linking them to a physical sample board with coding.

Drainage and Water Sensitive Urban Design

- 7. 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) 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".
 - b) The stormwater management (drainage) strategy must include a report with MUSIC modelling results or equivalent 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.
 - c) The water sensitive urban design treatments as per conditions 7a and 7b above must be implemented on-site, unless an alternative agreement for stormwater quality in-lieu contribution is reached with the Responsible Authority.
 - d) 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.
- 8. 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.

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- b) The implementation of stormwater (drainage) detention system which restricts stormwater discharge to the maximum allowable flowrate of 4.9L/s.
 - c) All stormwater (drainage) works must be maintained to the satisfaction of the Responsible authority.
9. A groundwater assessment report (GAR) must be prepared by a qualified hydro-geologist to assess any possible impacts the proposed development has on the ground water table, surrounding land and buildings to the satisfaction of Responsible Authority. Should the findings of the submitted GAR demonstrate that the site is likely to experience issues associated with ground water management, a ground water management plan (GMP) must be submitted to and approved by the responsible authority.
10. The basement structure must be designed to respond to the findings of the GAR and GMP required under condition 9 and constructed to the satisfaction of the responsible authority in accordance with the following:
- a) the basement must be a fully-tanked dry basement with no ground water including agricultural (AG) drain collection or disposal into stormwater system and with an allowance made for any hydrostatic pressures in accordance with Council's "Basements and Deep Building Construction Policy 2014" and "Basements and Deep Building Construction Guidelines 2014", or
 - b) in the event it is demonstrated that a fully tanked dry basement cannot be achieved or if a wet basement system is proposed, no groundwater including AG drain from the site shall be discharged into the stormwater system. Council does not accept any groundwater (including AG drain) into the stormwater system. Sub-surface water (groundwater) is the responsibility of the property owner to dispose of on site or reach an agreement with the local sewer authority.
11. In any case where the basement design and construction, as required by Conditions 9 & 10 of this permit, does not accord with the plan(s) approved under this permit, the endorsed plan(s) must be amended to the satisfaction and with the written consent of the Responsible Authority.

Residential Reticulated Gas Service Connection

12. Any new apartment development allowed by this permit must not be connected to a reticulated gas service (within the meaning of clause 53.03 of the relevant planning scheme). This condition continues to have force and effect after the development authorised by this permit has been completed.

Waste Management Plan

13. Concurrent with the endorsement of plans required by Condition 1 of this permit, a Waste Management Plan (WMP), generally in accordance with the WMP prepared by *Leigh Design*, dated 12 April 2023, to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Plan will be endorsed and will then form part of the permit. The plan must include a copy or extract of the amended development plans (ground floor plan) to illustrate the arrangements for waste storage within the development.
14. The WMP must be implemented to the satisfaction of the Responsible Authority. The WMP must not be modified unless without the written consent of the

Responsible Authority.

Sustainable Management Plan

15. Concurrent with the endorsement of plans required by Condition 1 of this permit, an amended Sustainable Management Plan (SMP) that outlines proposed sustainable design initiatives must be submitted to and approved by the Responsible Authority. The amended SMP must be generally in accordance with the SMP prepared by *Northern Environmental Design* dated 28 April 2023 and incorporate the following sustainable design statements/ commitments:
 - a) Alignment with particular provisions at Clause 53.03 of the KPS (no reticulated gas connection).
 - b) A statement that a dishwasher with a minimum 3 Star WELS rating will be provided as part of the fit-out to each dwelling to be consistent with the BESS assessment.
 - c) Specify paints, sealants, adhesives, carpet and engineered wood products that meet current GECA, Global GreenTag GreenRate, Carpet Institute Australia Environmental Classification Scheme Level 2, Green Star or WELL standards for TVOC in paints, adhesives and sealants (by volume) and carpets (by area) and for Formaldehyde in engineered wood (by area).
 - d) Provide evidence that 70% of dwellings receive at least 3 hours of direct sunlight in all Living areas between 9am and 3pm in mid-winter.
 - e) Provide ventilation systems that are designed and monitored to allow an increase in outdoor air available to regular use areas and maintain a maximum CO2 concentration reflecting values entered in IEQ 2.3 Ventilation - Non-Residential BESS credit.
 - f) Maintain the proposed 60% overall score and minimums in Energy (50%), Water (50%), IEQ (50%) and Stormwater (100%) categories in BESS to demonstrate best practice in sustainable design.
16. Any change during the detailed design stage, which prevents or alters the attainment of the commitments and performance outcomes of endorsed sustainable management plan, must be documented by the author of the endorsed SMP or similarly qualified person in an addendum to the sustainable management plan, which must be provided to the satisfaction of the Responsible Authority prior to the commencement of construction.
17. Prior to the occupation of any building approved under this permit, written confirmation from the author of the endorsed SMP is to be submitted to and approved by the Responsible Authority detailing that all of the required measures specified in the SMP have been implemented, to the satisfaction of the Responsible Authority.

Acoustic Treatments

18. Concurrent with the endorsement of plans required under Condition 1 of this permit, an Acoustic Report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The acoustic report must be prepared by a suitably qualified acoustic engineer to the satisfaction of the Responsible Authority and show how the requirements of *Environment*

Protection Regulations 2021 under the *Environment Protection Act 2017* and the 'Noise limit and assessment protocol for the control of noise from commercial, industrial and trade premises and entertainment venues' (*Publication 1826.4, Environment Protection Authority, May 2021*) will be met. The report must, to the satisfaction of the Responsible Authority, prescribe:

- a) The form of acoustic treatment to dwellings to protect occupants from external noise sources; and
- b) the mechanical plant equipment installed or constructed as part of the development including and not limited to the carstackers and lifts.

The plans submitted to the Responsible Authority for endorsement pursuant to this condition must be updated to incorporate the acoustic engineer's recommendations to the satisfaction of the Responsible Authority and where there are recommendations of an ongoing nature, must be implemented to the satisfaction of the Responsible Authority.

Wind Impact Assessment

19. Concurrent with the endorsement of plans required by Condition 1 of this permit, an amended Wind Impact Assessment, generally in accordance with that prepared by ViPAC, dated 18 April 2023 must be submitted to the satisfaction and approval of the Responsible Authority. It must include a Wind Tunnel Study to quantify wind conditions and any wind mitigation strategies. Any modifications required to the development as a result of the study must be incorporated into the development at no cost to the Responsible Authority and must not include reliance on street trees or landscaping.
20. The wind effects statement must be implemented to the satisfaction of the Responsible Authority. The wind effects statement must not be modified unless without the written consent of the Responsible Authority.

Construction Management

21. 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.

Section 173 Agreement

22. Prior to the commencement of the development hereby permitted, the owner of the land must enter into an executive agreement with the Responsible Authority pursuant to Section 173 of the *Planning and Environment Act 1987* to the satisfaction of the Responsible Authority in which it shall be covenanted as follows:

- a) Pursuant to the provisions of Section 181 of the *Planning and Environment Act 1987* this agreement shall be registered with the Registrar of Titles and shall run with the land;
- b) The owner of the land under the permit shall pay the legal costs and be responsible for the preparation and registration of the said agreement.

The Section 173 agreement must specifically provide for the following:

- a) An in lieu contribution for the provision three car parking spaces.
- b) The provision of two parallel carparking spaces in front of the development to the requirements and satisfaction of the Responsible Authority.
- c) Construction of a new footpath in front of the development to the requirements and satisfaction of the Responsible Authority.
- d) The provision of three bicycle hoops as part of the proposed public realm works required by condition 24 of this permit, to the requirements and satisfaction of the Responsible Authority.
- e) Landscaping within the proposed streetscape of the development as required by condition 24 of this permit, to an agreed standard and specification to the satisfaction of the Responsible Authority.
- f) Activating and upgrading the laneway to the west of the subject site (laneway) as an entry and exit point for the Council car park to the north (Council Car Park).
- g) Providing pedestrian access to the Council Car Park along the same Laneway, which will service the existing and any redevelopment of the Council Car Park; and,
- h) Incorporating solar lighting within the development to an agreed standard and specification to illuminate the Laneway to ensure safe environment at night for the Cheltenham community using the Laneway.
- i) the existing laneway/Right of Way to the north of the property for the full width of the subject site, designed with colour concrete and exposed aggregate feature bands as per Council Standards; drained and constructed at the full cost of the owner/developer as per engineering plans approved by the Responsible Authority.
- j) a mechanism put in place to prevent vehicles from obstructing the northern ROW and rear access to the subject land. This mechanism must take the form of kerbing, bollards, a continuous traffic island or similar treatment to be agreed by the Responsible Authority in advance of its installation and provided at the cost of the owner/ developer. Once installed, the mechanism must remain in place to the satisfaction of the Responsible Authority.

Development Agreement

23. Prior to the commencement of the development, the permit holder/developer/owner must enter into a development agreement with the City of Kingston and receive all relevant approvals including, but not limited to roads discontinuance and the removal of the relevant section of the footpath and carparking from the Roads Register and sold to the permit holder/ owner/ developer, pursuant to relevant provisions under the *Local Government Act 1989, Local Government Act 2020* (or any successive legislation) . The agreement must be prepared by or on behalf of the Council and must contain terms and conditions to the satisfaction of the Council. The owner must pay Council costs borne by this process.

Public Realm Works

24. Concurrent with the endorsement of plans required by condition 1 of this permit, a Public Realm Improvement Plan, based on a feature survey, must be prepared in consultation with and to the satisfaction of the Responsible Authority. The plan must include/ demonstrate:
- a) tree planting and street furniture located so as to avoid obstruction to pedestrians.
 - b) all footpaths constructed in accordance with the Activity Centre Streetscape Suite.
 - c) all public realm surface levels (but not limited to the Station Road and laneway footpaths designed to seamlessly tie in with existing levels in the surrounds, with any level changes contained within the subject site.
 - d) the installation of street furniture including but not limited to solar lighting, bicycle stands, seating, and wayfinding/ street signage, and landscaping features (incorporating water sensitive urban design treatments) to the satisfaction of the Responsible Authority.
 - e) Proposed car parking.
 - f) landscaping plans to include but not limited to:
 - i. Lagerstroemia 'Natchez' Tree species on Station Road.
 - ii. Pyrus 'Nivalis' Tree species located along the laneway.
 - iii. All trees in minimum 100 Litre tree containers.
 - iv. tree planters in 'on-grade' planting space (not raised) to allow passive irrigation, as well as strata cells for tree root growth.
 - v. Details of the irrigation system and method.
 - vi. Drainage in all proposed tree pits and garden beds.
 - vii. The species selection annotated.
 - g) design principles, materials and finishes in accordance with the requirements of the Activity Centre Streetscape suite.

All works in the public realm plan must be undertaken at the cost of the developer.

25. Prior to the occupation of the development, the public realm works at condition 24 must be completed to the satisfaction of the Responsible Authority.
26. 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.
27. Property boundary and footpath levels must not be altered without the prior written consent from the Responsible Authority.
28. Any reinstatements must be constructed to the satisfaction of the Responsible Authority.
29. The replacement of all footpaths, including offsets, must be constructed to the satisfaction of the Responsible Authority.
30. Prior to the occupation of the development or by such later date as is approved by the Responsible Authority in writing, the kerb and channel and footpath must be reinstated and two parallel car parking bays formed, to the satisfaction of the Responsible Authority and in accordance with the Activity Centre Streetscape Suite (June 2013), as relevant.
31. Prior to the occupation of the development hereby permitted, or by such later date as is approved by the Responsible Authority in writing, new street furniture must be installed to the satisfaction of the Responsible Authority and in accordance with the Activity Centre Streetscape Suite (June 2013).

Carparking Management/ Loading/ Unloading

32. The largest vehicle that can access the site must not exceed a Small Rigid Vehicle (6.4 metres).
33. The car stackers that form part of the approved development must be maintained, operational and accessible, at all times for the parking of vehicles, to the satisfaction of the Responsible Authority.
34. Concurrent with the endorsement of plans required by condition 1 of this planning permit, a car parking and bicycle parking management plan (CPBPMP) prepared by an appropriately qualified traffic consultant to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the CPBPMP will be endorsed and form part of this planning permit. The CPBPMP must show, but is not necessarily limited to, all of the following to the satisfaction of the Responsible Authority:
 - a) The number and location of the car parking spaces allocated to each dwelling to be no less than the planning scheme requirements for each dwelling typology (i.e. number of bedrooms).
 - b) The number and location of car parking spaces associated with the retail (shop) premises to be no less than 3 car parking spaces with one provided as a disabled car parking spaces in accordance with the Standard AS2890.6-2009 (disabled) and the Building Code of Australia made available on site as per planning scheme requirements.
 - c) The location of vehicle charging infrastructure.
 - d) Details on the management and operation of the car-stackers and car lift.
 - e) Loading and unloading arrangements.

- f) Limitations to the largest vehicle that can access the site to a Small Rigid Vehicle (6.4 metres).
- g) Details of any traffic entry/ exit signal system.
- h) Bicycle parking facilities.
- i) Security arrangements for occupants of the proposed development.
- j) A schedule of all proposed signage including directional arrows, signals and signage, informative signs indicating location of the disabled bay.

The CPBPMP must be implemented to the satisfaction of the Responsible Authority. No alterations may be made to this plan without the prior written approval of the Responsible Authority.

35. 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.
- f) In accordance with any Council adopted guidelines for the construction of car park.

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

Bicycle Parking

36. Prior to the occupation of the development, all bicycle parking facilities must be installed, made available for use and thereafter maintained to the satisfaction of the Responsible Authority.

Green Travel Plan

37. Prior to the occupation of the development the Green Travel Plan (GTP) prepared by *Northern Environmental Design* dated 28 April 2023 Issue A, must be updated to reflect and refer to the endorsed development plans to the satisfaction of the Responsible Authority. The GTP must be implemented to the satisfaction of the Responsible Authority. The GTP must not be modified unless with the written consent of the Responsible Authority.

Infrastructure and Road Works

38. Before the occupation of the development commences, the laneway works as described in Condition 1p must be designed and constructed at the full cost of the owner/developer and maintained in accordance with the plans approved by the Council. Discussion with Council's Development Engineer is required prior to submission of a design. A priced schedule of works within the laneway and the

payment of Council's engineering fees of 3.25% of the cost of the works are required to be submitted prior to approval.

39. Prior to the commencement of development, a mechanism is to be put in place to prevent vehicles from obstructing the northern ROW and rear access to the subject land. This mechanism must take the form of kerbing, bollards, a continuous traffic island or similar treatment to be agreed by the Responsible Authority in advance of its installation and provided at the cost of the owner/developer. Once installed, the mechanism must remain in place to the satisfaction of the Responsible Authority.

Environmental Audit

40. Prior to the commencement of development, an Environmental Audit in accordance with the *Environment Protection Act 2017* must be submitted to, and be to the satisfaction of, the Responsible Authority. At a minimum, the scope of the environmental audit must include:
- a) the identity of the site or activity the audit covers,
 - b) the elements of the environment the audit assesses, such as land, water, air and noise,
 - c) consideration of the standards and reference documents in the audit and,
 - d) any exclusion from the audit and the reason known at the time of scoping the audit.
41. After the completion of the environmental audit, the auditor must prepare and provide to the Responsible Authority:
- a) an environmental audit statement in accordance with the *Environment Protection Act 2017* that the environmental conditions of the land are suitable for the development that is the subject of this permit; and
 - b) an environmental audit report in accordance with the *Environment Protection Act 2017*.
42. Where an environmental audit statement is issued for the land, and any condition of that statement requires any maintenance or monitoring of an ongoing nature, the owner(s) must enter into an agreement with the City of Kingston pursuant to Section 173 of the *Planning and Environment Act 1987*. Where a Section 173 agreement is required, the agreement must be executed prior to the commencement of the use. All expenses involved in the drafting, negotiating, lodging, registering and execution of the agreement, including those incurred by the Responsible Authority, must be met by the owner(s).
43. Prior to any remediation works (if required) being undertaken in association with the environmental audit statement, a 'remediation works' plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The plan must detail all excavation works as well as any proposed structures such as retaining walls required to facilitate the remediation works. Only those works detailed in the approved remediation works plan are permitted to be carried out prior to the issue of an environmental audit statement.
44. No works to construct the development hereby approved shall be carried out on the land and no building contract to construct the development hereby approved may be entered into, other than in accordance with a building contract that stipulates that works must not be commenced until such time as conditions 40 and 41 are satisfied.

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45. Where a statement of environmental audit is issued for the land, the buildings and works and the use(s) of the land that are the subject of this permit must comply with all directions and conditions contained within the statement.
46. Where a statement of environmental audit is issued for the land, prior to the commencement of the use and prior to the issue of an occupancy permit under the *Building Act 1993*, a letter prepared by an environmental auditor appointed under the *Environment Protection Act 2017* must be submitted to the Responsible Authority to verify that the directions and conditions contained within the statement have been satisfied.

Moorabbin Airport Environs

47. Prior to the commencement of works (excluding remediation works), evidence must be provided to confirm that the proposal meets with the requirements of the Airports (Protection of Airspace) Regulations 1996 and be below the relevant Obstacle Limitation Surface (OLS), unless with the written consent of the relevant authority.

General amenity conditions

48. No goods or packaging materials shall be stored or left exposed outside the building so as to be visible to the public from a road or other public place.
49. 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.
50. 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.
51. 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

52. Prior to the occupation of the development 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.
53. 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. Thereafter, the landscaping shall be maintained (except where that landscaping is on public land) to the satisfaction of the Responsible Authority.

Expiry

54. This permit as it relates to development (buildings and works) will expire if one of the following circumstances applies:
 - a. The development is not started within two (2) years of the issue date of this permit.

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- b. The development is not completed within four (4) years of the issue date of this permit.

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: Any landscape plan prepared in accordance with conditions must comply with Council's Landscape Checklist.

Note: Please note for information on how City of Kingston approaches the construction of building and other structures with below ground elements for the benefit of the whole community please refer to City of Kingston 'Basement and Deep Building Construction Policy' and 'Basements and Deep Building Construction Guidelines'. <http://www.kingston.vic.gov.au/Property-and-Development/Engineering-Assessments>

Note: Please note that during basement construction Council does not permit the discharge of surface water or ground water into the Council drainage system unless a Temporary Discharge Permit (TDP) has been obtained. Application form and other construction related permits can be obtained from the following link:
<http://www.kingston.vic.gov.au/Property-and-Development/Construction>

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: The applicant/owner must seek confirmation from Air Services Australia and/or the Airport Lessee Company to ensure the proposal does not intrude into the OLS or PANS-OPS surface.

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FOR: Crs Hill, Law, Athanasopoulos, Ashworth-Collett, Howe and Saab (6)

AGAINST: Crs White and Oxley (2)

ABSTAINED: Crs O'Donnell, Erevnidis and Agirtan (3)

CARRIED

7.3 KP-2021/371 - 12-16 Garfield Street, CHELTENHAM

It is recorded that Andrew Bromley of Pitard Group spoke on behalf of the applicant.

Moved: Cr Hill

Seconded: Cr Saab

That Council determine to support the proposal and issue a notice of decision to grant a planning permit for the construction of a four (4) storey apartment building containing thirty-three (33) dwellings at 12-16 Garfield Street, CHELTENHAM, subject to the following conditions:

Amended Plans

2. 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 generally in accordance with the advertised plans prepared by Pitard Group comprising drawing No. TP-01A - TP-28, revision 2, dated January 2025, but modified to show:
 - (a) Additional section diagrams to demonstrate the north and south facing second floor balconies do not overlook the neighbouring first floor windows in accordance with Clause 55.04-6 (Standard B22) of the Kingston Planning Scheme, or screening provided to comply.
 - (b) All window treatments, including the proposed obscure glazing, referenced in the colour and material schedule, detailing compliance with Clause 55.04-6 (Standard B22) of the Kingston Planning Scheme.
 - (c) The colour and material schedule (specifically swatch MAT-04) and the screening detail included on page TP-26 of the architectural plans updated to reflect each other.
 - (d) An additional screening detail for the proposed 1.7-metre-high screen, detailing compliance with Clause 55.04-6 (Standard B22) of the Kingston Planning Scheme.
 - (e) The north facing bedroom window of ground floor apartment G07 nominated as double glazed.
 - (f) The front fence details removed from the west elevation plan.
 - (g) An amended street elevation plan, which specifies all front fence materials whilst maintaining sections of transparent front fencing.
 - (h) Baffled external lighting to the primary pedestrian entrance, each individual dwelling entry and the driveway/basement entry as appropriate.
 - (i) The allocation of car parking within the basement level.
 - (j) An environmentally sustainable design (ESD) notes section summarising all ESD objectives that are not otherwise shown and detailed on the plans, including the commitment to achieve an average NatHERS rating of 7.5 Stars across the development.
 - (k) A note specifying that water efficient landscaping will be installed, and no irrigation system will be provided.
 - (l) External operable shading devices provided to east and west facing

habitable room windows and external fixed shading devices to north facing habitable room windows, sized optimally for thermal performance, including details of the location, size and type of device or similar device to achieve an equivalent energy rating within each north, east and west facing habitable room, to the satisfaction of the responsible authority.

- (m) The location of both the indoor and outdoor reverse cycle heating and cooling units, with the outdoor units positioned outside of the core useable area of private open space.
- (n) Any changes required by the amended sustainable management plan required by condition 11 of this planning permit.
- (o) Tree protection for the street trees, illustrated to scale and labelled on the ground floor plan.
- (p) Amended landscape plan in accordance with the submitted landscape plan prepared by Species Landscape Architecture, dated 25 July 2024), with such plans to be prepared by a suitably qualified landscape professional to the satisfaction of the Responsible Authority and incorporating:
 - i) All canopy tree balcony planters to be provided with the minimum internal dimensions of 1.7 metres in width and 1100mm in depth and minimum soil volume capacity of 4.4 cubic metres.
 - ii) A further six (6) canopy tree planters located on Level 3 capable of supporting the growth of *Lagerstroemia indica* (Crepe Myrtle) or similar sized tree at maturity to be provided with the minimum internal dimensions of 1.7 metres in width and 1100mm in depth and minimum soil volume capacity of 4.4 cubic metres.
 - iii) A range of plant types from ground covers to large shrubs and trees, including a minimum of four (4) small to medium shrub species and a minimum of four (4) grass and/or groundcover species 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 50% native species by plant type and total quantities.
 - iv) The two (2) proposed *Eucalyptus leucoxylon* 'Rosea' (Rosea Red Ironbark) located near the centre of the south-east boundary of the subject site substituted with native canopy trees capable of reaching the minimum mature dimensions of 8 metres in height and 5 metres in width.
 - v) The six (6) proposed *Pyrus* 'Capitols' (Ornamental Pear) located along the south-east boundary of the subject site substituted with four (4) canopy trees capable of reaching minimum mature dimensions of 8 metres in height and 5 metres in width.
 - vi) An additional six (6) native canopy trees planted along the north-east boundary capable of growing to the minimum mature dimensions of 8 metres in height and 4 metres in width.
 - vii) An additional three (3) canopy trees planted along the north-east boundary capable of providing the minimum mature dimensions of 8 metres in height and 5 metres in width.
 - viii) Notes regarding site preparation, including the removal of all weeds, proposed mulch, soil types and thickness, subsoil preparation and any specific maintenance requirements.
 - ix) Sectional balcony tree planter details to notate minimum dimensions

and depth.

Endorsed Plans

55. The development as shown on the endorsed plans must not be altered without the prior written consent of the responsible authority.

Street Trees

56. Tree protection fencing is to be established around the street trees prior to demolition and maintained until all works on site are complete and:
- (a) The fencing is to be a 1.8-metre-high temporary fence constructed using steel or timber posts fixed in the ground or to a concrete pad, with the fence's side panels to be constructed of cyclone mesh wire or similar strong metal mesh or netting.
 - (b) The fencing is to encompass the entire nature strip with each end 5.5 metres from the base of street tree 1.
 - (c) The fencing is to encompass the entire nature strip with each end 2 metres from the base of street tree 2.

Drainage and Water Sensitive Urban Design

57. 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) 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".
 - (b) 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.
 - (c) The water sensitive urban design treatments as per conditions 4(a), 4(b) and 4(c) above must be implemented on-site, unless an alternative agreement for stormwater quality in-lieu contribution is reached with the responsible authority.
 - (d) 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.
58. 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 15.3L/s.

- (c) All stormwater (drainage) works must be maintained to the satisfaction of the Responsible authority.
59. A groundwater assessment report (GAR) must be prepared by a qualified hydro-geologist to assess any possible impacts the proposed development has on the ground water table, surrounding land and buildings to the satisfaction of responsible authority. Should the findings of the submitted groundwater assessment report demonstrate that the site is likely to experience issues associated with ground water management, a groundwater management plan (GMP) must be submitted to and approved by the responsible authority.
60. The basement structure must be designed to respond to the findings of the groundwater assessment report and groundwater management plan required under condition 6 and constructed to the satisfaction of the responsible authority in accordance with the following:
- (a) The basement must be a fully-tanked dry basement with no ground water including agricultural (AG) drain collection or disposal into stormwater system and with an allowance made for any hydrostatic pressures in accordance with Council's "Basements and Deep Building Construction Policy 2014" and "Basements and Deep Building Construction Guidelines 2014", or
 - (b) In the event it is demonstrated that a fully tanked dry basement cannot be achieved or if a wet basement system is proposed, no groundwater including agricultural (AG) drain from the site shall be discharged into the stormwater system. Council does not accept any groundwater (including AG drain) into the stormwater system. Sub-surface water (groundwater) is the responsibility of the property owner to dispose of on site or reach an agreement with the local sewer authority.
61. In any case where the basement design and construction, as required by conditions 6 and 7 of this planning permit, does not accord with the plan(s) approved under this planning permit, the endorsed plan(s) must be amended to the satisfaction of and with the written consent of the responsible authority.

Waste Management Plan

62. Concurrent with the endorsement of plans required under condition 1 of this planning permit, the waste management plan (WMP) prepared by Quantum Traffic, revision B, dated 15 January 2024 (or subsequent revisions) is to be endorsed by the responsible authority to form part of the planning permit.
63. The waste management plan must be implemented to the satisfaction of the responsible authority. The waste management plan must not be modified unless with the prior written consent of the responsible authority.

Environmentally Sustainable Design

64. Concurrent with the endorsement of plans required under condition 1 of this planning permit, an updated sustainability management plan (SMP) must be submitted and endorsed by the responsible authority. Unless otherwise agreed to by the responsible authority, the report must be generally in accordance with the submitted report prepared by Energy Water Environment, version 5, dated 19 December 2024, but modified to include the following:
- (a) An updated modelled daylight assessment prepared by Energy Water Environment, dated 13 June 25, to include the following:

- i) Include adjacent buildings modelled in line with the future development potential of the site, or alternatively mirrored to reflect the proposed development.
- ii) Specify standard reflectance values in the model (in accordance with the [Sustainable Design Fact Sheets](#)):
 - 1. Ground plane: 0.1
 - 2. External walls and obstructions: 0.4
 - 3. Floor: 0.3
 - 4. Wall: 0.7
 - 5. Ceiling: 0.8
- (b) Model all surrounding building and landscape features, including retaining walls and any changes in fence height in line with the natural ground level changes.
- (c) A summary of all numerical daylight results for each habitable room is to be provided, including non-compliant rooms.
- (d) Clarification of whether a fire sprinkler system will be installed, and what measures have been applied to ensure it meets BESS credit 'Water 4.1 Building Systems Water Use Reduction'. Plans must also be updated to reflect the intended approach.
- (e) Preliminary energy ratings updated to not exceed the maximum allowable cooling load for the Moorabbin Climate Zone of 21MJ/m².
- (f) An updated BESS report to include 25kW rooftop solar photo voltaic system as committed to in the sustainability management plan.

If a BESS credit cannot be achieved, the BESS assessment must be updated accordingly, ensuring the minimum 50% overall score and minimums in Energy (50%), Water (50%), IEQ (50%) and Stormwater (100%) categories are maintained. When approved, the sustainability management plan will be endorsed to form part of the planning permit.

- 65. All works must be undertaken in accordance with the endorsed sustainability management plan to the satisfaction of the responsible authority. No alterations to the sustainability management plan may occur without the written consent of the responsible authority.
- 66. Prior to the issue of the occupancy permit, the owner or developer must notify the responsible authority in writing that construction has commenced to allow for an inspection of environmentally sustainable design (ESD) features as shown on the endorsed documents. Council may visit the site to inspect or require suitable evidence to be provided, to ensure the environmentally sustainable design features have been installed to the satisfaction of the responsible authority.

Construction Management

- 67. 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 construction management plan must be prepared in accordance with the City of Kingston Construction Management Policy and Construction Management Guidelines. The construction management plan 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 construction management plan will be endorsed and will then form part of the planning permit and shall thereafter be complied with during the undertaking of all works.

Infrastructure and Road Works

- 68. 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.
- 69. Property boundary and footpath levels must not be altered without the prior written consent from the responsible authority.
- 70. The proposed vehicle crossover must be constructed to the responsible authority's industrial strength specifications.
- 71. Any reinstatements and vehicle crossovers are to be constructed to the satisfaction of the responsible authority.
- 72. The replacement of all footpaths, including offsets, must be constructed to the satisfaction of the responsible authority.
- 73. Any redundant vehicle crossovers must be removed (including redundant portions of vehicle crossovers) to the satisfaction of the responsible authority.

General Amenity

- 74. 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.
- 75. 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.
- 76. 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

- 77. Prior to the occupation of the development 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.
- 78. 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. Thereafter, 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.

Permit Expiry

79. 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:

- (a) The development is not started within two (2) years from the date of permit issue.
- (b) 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*, 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: For information on how the Kingston City Council approaches the construction of building and other structures with below ground elements for the benefit of the whole community, please refer to City of Kingston 'Basement and Deep Building Construction Policy' and 'Basements and Deep Building Construction Guidelines':

<http://www.kingston.vic.gov.au/Property-and-Development/Engineering-Assessments>

Note: During basement construction, Kingston City Council does not permit the discharge of surface water or ground water into the Council drainage system unless a temporary discharge permit (TDP) has been obtained. Application form and other construction related permits can be obtained from the following link:

<http://www.kingston.vic.gov.au/Property-and-Development/Construction>

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: Before removing or pruning any vegetation from the site, the applicant or any contractor engaged to remove any vegetation, should consult Council's vegetation management officer to verify if a Local Laws permits is required for the removal of such vegetation.

Note: Any landscape plan prepared in accordance with conditions must comply with Council's Landscape Checklist.

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

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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 and 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: All buildings and works must be carried out in accordance with the approved cultural heritage management plan as required by the *Aboriginal Heritage Act 2006*. A copy of the approved cultural heritage management plan must be held on site during the construction activity.

FOR: Crs O'Donnell, Hill, Law, Athanasopoulos and Saab (5)

AGAINST: Crs White, Ashworth-Collett, Erevnidis and Agirtan (4)

ABSTAINED: Crs Howe and Oxley (2)

LOST

A motion to refuse the proposal was then moved:

Moved: Cr White

Seconded: Cr Erevnidis

That Council determine to refuse the proposal for the construction of a four (4) storey apartment building containing thirty-three (33) dwellings at 12-16 Garfield Street, Cheltenham, on the following grounds:

1. The proposal fails to meet the objectives and strategic directions of the Planning Policy Framework – including the strategic directions contained at Clause 02.03, Built Environment and Heritage contained at Clause 15 and Housing contained at Clause 16 of the Kingston Planning Scheme.
2. The proposal is not consistent with the purpose and objectives of the Residential Growth Zone (Schedule No.3) at Clause 32.07 of the Kingston Planning Scheme as the proposal does not provide a design outcome that is respectful of the prevailing and preferred neighbourhood character.
3. The proposal is not consistent with the purpose and objectives of the Design and Development Overlay (Schedule 25) at Clause 43.02 of the Kingston Planning Scheme.
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, Clause 55.03-2 Building Height Objective, Clause 55.03-3 Site Coverage Objective, Clause 55.04-1 Side and Rear Setbacks Objective, Clause 55.04-5 Overshadowing Objective, Clause 55.07-4 Landscaping Objective

FOR: Crs White, Erevnidis, Oxley and Agirtan (4)

AGAINST: Crs O'Donnell, Hill, Law, Athanasopoulos and Saab (5)

ABSTAINED: Crs Ashworth-Collett and Howe (2)

LOST

The original recommendation was again moved:

Moved: Cr Saab

Seconded: Cr O'Donnell

That Council determine to support the proposal and issue a notice of decision to grant a planning permit for the construction of a four (4) storey apartment building containing thirty-three (33) dwellings at 12-16 Garfield Street, CHELTENHAM, subject to the following conditions:

Amended Plans

3. 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 generally in accordance with the advertised plans prepared by Pitard Group comprising drawing No. TP-01A - TP-28, revision 2, dated January 2025, but modified to show:
 - (q) Additional section diagrams to demonstrate the north and south facing second floor balconies do not overlook the neighbouring first floor windows in accordance with Clause 55.04-6 (Standard B22) of the Kingston Planning Scheme, or screening provided to comply.
 - (r) All window treatments, including the proposed obscure glazing, referenced in the colour and material schedule, detailing compliance with Clause 55.04-6 (Standard B22) of the Kingston Planning Scheme.
 - (s) The colour and material schedule (specifically swatch MAT-04) and the screening detail included on page TP-26 of the architectural plans updated to reflect each other.
 - (t) An additional screening detail for the proposed 1.7-metre-high screen, detailing compliance with Clause 55.04-6 (Standard B22) of the Kingston Planning Scheme.
 - (u) The north facing bedroom window of ground floor apartment G07 nominated as double glazed.
 - (v) The front fence details removed from the west elevation plan.
 - (w) An amended street elevation plan, which specifies all front fence materials whilst maintaining sections of transparent front fencing.
 - (x) Baffled external lighting to the primary pedestrian entrance, each individual dwelling entry and the driveway/basement entry as appropriate.
 - (y) The allocation of car parking within the basement level.
 - (z) An environmentally sustainable design (ESD) notes section summarising all ESD objectives that are not otherwise shown and detailed on the plans, including the commitment to achieve an average NatHERS rating of 7.5 Stars across the development.
 - (aa) A note specifying that water efficient landscaping will be installed, and no irrigation system will be provided.
 - (bb) External operable shading devices provided to east and west facing habitable room windows and external fixed shading devices to north facing habitable room windows, sized optimally for thermal performance, including

details of the location, size and type of device or similar device to achieve an equivalent energy rating within each north, east and west facing habitable room, to the satisfaction of the responsible authority.

- (cc) The location of both the indoor and outdoor reverse cycle heating and cooling units, with the outdoor units positioned outside of the core useable area of private open space.
- (dd) Any changes required by the amended sustainable management plan required by condition 11 of this planning permit.
- (ee) Tree protection for the street trees, illustrated to scale and labelled on the ground floor plan.
- (ff) Amended landscape plan in accordance with the submitted landscape plan prepared by Species Landscape Architecture, dated 25 July 2024), with such plans to be prepared by a suitably qualified landscape professional to the satisfaction of the Responsible Authority and incorporating:
 - i) All canopy tree balcony planters to be provided with the minimum internal dimensions of 1.7 metres in width and 1100mm in depth and minimum soil volume capacity of 4.4 cubic metres.
 - ii) A further six (6) canopy tree planters located on Level 3 capable of supporting the growth of *Lagerstroemia indica* (Crepe Myrtle) or similar sized tree at maturity to be provided with the minimum internal dimensions of 1.7 metres in width and 1100mm in depth and minimum soil volume capacity of 4.4 cubic metres.
 - iii) A range of plant types from ground covers to large shrubs and trees, including a minimum of four (4) small to medium shrub species and a minimum of four (4) grass and/or groundcover species 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 50% native species by plant type and total quantities.
 - iv) The two (2) proposed *Eucalyptus leucoxylon* 'Rosea' (Rosea Red Ironbark) located near the centre of the south-east boundary of the subject site substituted with native canopy trees capable of reaching the minimum mature dimensions of 8 metres in height and 5 metres in width.
 - v) The six (6) proposed *Pyrus* 'Capitols' (Ornamental Pear) located along the south-east boundary of the subject site substituted with four (4) canopy trees capable of reaching minimum mature dimensions of 8 metres in height and 5 metres in width.
 - vi) An additional six (6) native canopy trees planted along the north-east boundary capable of growing to the minimum mature dimensions of 8 metres in height and 4 metres in width.
 - vii) An additional three (3) canopy trees planted along the north-east boundary capable of providing the minimum mature dimensions of 8 metres in height and 5 metres in width.
 - viii) Notes regarding site preparation, including the removal of all weeds, proposed mulch, soil types and thickness, subsoil preparation and any specific maintenance requirements.
 - ix) Sectional balcony tree planter details to notate minimum dimensions and depth.

Endorsed Plans

80. The development as shown on the endorsed plans must not be altered without the prior written consent of the responsible authority.

Street Trees

81. Tree protection fencing is to be established around the street trees prior to demolition and maintained until all works on site are complete and:
- (d) The fencing is to be a 1.8-metre-high temporary fence constructed using steel or timber posts fixed in the ground or to a concrete pad, with the fence's side panels to be constructed of cyclone mesh wire or similar strong metal mesh or netting.
 - (e) The fencing is to encompass the entire nature strip with each end 5.5 metres from the base of street tree 1.
 - (f) The fencing is to encompass the entire nature strip with each end 2 metres from the base of street tree 2.

Drainage and Water Sensitive Urban Design

82. 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:
- (e) 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".
 - (f) 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.
 - (g) The water sensitive urban design treatments as per conditions 4(a), 4(b) and 4(c) above must be implemented on-site, unless an alternative agreement for stormwater quality in-lieu contribution is reached with the responsible authority.
 - (h) 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.
83. 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:

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- (d) All stormwater (drainage) works must be provided onsite so as to prevent overflows onto adjacent properties.
 - (e) The implementation of stormwater (drainage) detention system which restricts stormwater discharge to the maximum allowable flowrate of 15.3L/s.
 - (f) All stormwater (drainage) works must be maintained to the satisfaction of the Responsible authority.
84. A groundwater assessment report (GAR) must be prepared by a qualified hydro-geologist to assess any possible impacts the proposed development has on the ground water table, surrounding land and buildings to the satisfaction of responsible authority. Should the findings of the submitted groundwater assessment report demonstrate that the site is likely to experience issues associated with ground water management, a groundwater management plan (GMP) must be submitted to and approved by the responsible authority.
85. The basement structure must be designed to respond to the findings of the groundwater assessment report and groundwater management plan required under condition 6 and constructed to the satisfaction of the responsible authority in accordance with the following:
- (c) The basement must be a fully-tanked dry basement with no ground water including agricultural (AG) drain collection or disposal into stormwater system and with an allowance made for any hydrostatic pressures in accordance with Council's "Basements and Deep Building Construction Policy 2014" and "Basements and Deep Building Construction Guidelines 2014", or
 - (d) In the event it is demonstrated that a fully tanked dry basement cannot be achieved or if a wet basement system is proposed, no groundwater including agricultural (AG) drain from the site shall be discharged into the stormwater system. Council does not accept any groundwater (including AG drain) into the stormwater system. Sub-surface water (groundwater) is the responsibility of the property owner to dispose of on site or reach an agreement with the local sewer authority.
86. In any case where the basement design and construction, as required by conditions 6 and 7 of this planning permit, does not accord with the plan(s) approved under this planning permit, the endorsed plan(s) must be amended to the satisfaction of and with the written consent of the responsible authority.

Waste Management Plan

87. Concurrent with the endorsement of plans required under condition 1 of this planning permit, the waste management plan (WMP) prepared by Quantum Traffic, revision B, dated 15 January 2024 (or subsequent revisions) is to be endorsed by the responsible authority to form part of the planning permit.
88. The waste management plan must be implemented to the satisfaction of the responsible authority. The waste management plan must not be modified unless with the prior written consent of the responsible authority.

Environmentally Sustainable Design

89. Concurrent with the endorsement of plans required under condition 1 of this planning permit, an updated sustainability management plan (SMP) must be

submitted and endorsed by the responsible authority. Unless otherwise agreed to by the responsible authority, the report must be generally in accordance with the submitted report prepared by Energy Water Environment, version 5, dated 19 December 2024, but modified to include the following:

- (g) An updated modelled daylight assessment prepared by Energy Water Environment, dated 13 June 25, to include the following:
 - i) Include adjacent buildings modelled in line with the future development potential of the site, or alternatively mirrored to reflect the proposed development.
 - ii) Specify standard reflectance values in the model (in accordance with the [Sustainable Design Fact Sheets](#)):
 - 1. Ground plane: 0.1
 - 2. External walls and obstructions: 0.4
 - 3. Floor: 0.3
 - 4. Wall: 0.7
 - 5. Ceiling: 0.8
- (h) Model all surrounding building and landscape features, including retaining walls and any changes in fence height in line with the natural ground level changes.
- (i) A summary of all numerical daylight results for each habitable room is to be provided, including non-compliant rooms.
- (j) Clarification of whether a fire sprinkler system will be installed, and what measures have been applied to ensure it meets BESS credit 'Water 4.1 Building Systems Water Use Reduction'. Plans must also be updated to reflect the intended approach.
- (k) Preliminary energy ratings updated to not exceed the maximum allowable cooling load for the Moorabbin Climate Zone of 21MJ/m².
- (l) An updated BESS report to include 25kW rooftop solar photo voltaic system as committed to in the sustainability management plan.

If a BESS credit cannot be achieved, the BESS assessment must be updated accordingly, ensuring the minimum 50% overall score and minimums in Energy (50%), Water (50%), IEQ (50%) and Stormwater (100%) categories are maintained. When approved, the sustainability management plan will be endorsed to form part of the planning permit.

- 90. All works must be undertaken in accordance with the endorsed sustainability management plan to the satisfaction of the responsible authority. No alterations to the sustainability management plan may occur without the written consent of the responsible authority.
- 91. Prior to the issue of the occupancy permit, the owner or developer must notify the responsible authority in writing that construction has commenced to allow for an inspection of environmentally sustainable design (ESD) features as shown on the endorsed documents. Council may visit the site to inspect or require suitable evidence to be provided, to ensure the environmentally sustainable design features have been installed to the satisfaction of the responsible authority.

Construction Management

92. 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 construction management plan must be prepared in accordance with the City of Kingston Construction Management Policy and Construction Management Guidelines. The construction management plan must specify and deal with, but is not limited to, the following elements:

- (h) Public safety, amenity and site security.
- (i) Traffic management.
- (j) Stakeholder management.
- (k) Operating hours, noise and vibration controls.
- (l) Air quality and dust management.
- (m) Stormwater and sediment control.
- (n) Waste and materials re-use.

When approved, the construction management plan will be endorsed and will then form part of the planning permit and shall thereafter be complied with during the undertaking of all works.

Infrastructure and Road Works

93. 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.
94. Property boundary and footpath levels must not be altered without the prior written consent from the responsible authority.
95. The proposed vehicle crossover must be constructed to the responsible authority's industrial strength specifications.
96. Any reinstatements and vehicle crossovers are to be constructed to the satisfaction of the responsible authority.
97. The replacement of all footpaths, including offsets, must be constructed to the satisfaction of the responsible authority.
98. Any redundant vehicle crossovers must be removed (including redundant portions of vehicle crossovers) to the satisfaction of the responsible authority.

General Amenity

99. 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.
100. 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.
101. 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

102. Prior to the occupation of the development 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.
103. 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. Thereafter, 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.

Permit Expiry

104. 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:
 - (c) The development is not started within two (2) years from the date of permit issue.
 - (d) 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*, 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: For information on how the Kingston City Council approaches the construction of building and other structures with below ground elements for the benefit of the whole community, please refer to City of Kingston 'Basement and Deep Building Construction Policy' and 'Basements and Deep Building Construction Guidelines':

<http://www.kingston.vic.gov.au/Property-and-Development/Engineering-Assessments>

Note: During basement construction, Kingston City Council does not permit the discharge of surface water or ground water into the Council drainage system unless a temporary discharge permit (TDP) has been obtained. Application form and other construction related permits can be obtained from the following link:

<http://www.kingston.vic.gov.au/Property-and-Development/Construction>

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

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on site are protected during any works.

Note: Before removing or pruning any vegetation from the site, the applicant or any contractor engaged to remove any vegetation, should consult Council's vegetation management officer to verify if a Local Laws permits is required for the removal of such vegetation.

Note: Any landscape plan prepared in accordance with conditions must comply with Council's Landscape Checklist.

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 and 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: All buildings and works must be carried out in accordance with the approved cultural heritage management plan as required by the *Aboriginal Heritage Act 2006*. A copy of the approved cultural heritage management plan must be held on site during the construction activity.

That Council determine to support the proposal and issue a notice of decision to grant a planning permit for the construction of a four (4) storey apartment building containing thirty-three (33) dwellings at 12-16 Garfield Street, Cheltenham, subject to the conditions contained within this report.

This application requires a decision by Council as it is an application for five (5) or more dwellings that incorporates one or more double storey dwelling(s) to the rear of the site, with three (3) or more objections.

FOR: Crs O'Donnell, Hill, Law, Athanasopoulos, Howe and Saab (6)

AGAINST: Crs White, Ashworth-Collett, Erevnidis and Agirtan (4)

ABSTAINED: Cr Oxley (1)

CARRIED

**7.4 Submission to draft Amendment GC264 - Mentone and Cheltenham
railway station integrated development opportunity sites**

Moved: Cr Hill

Seconded: Cr White

That Council:

1. Endorse and provide the submission in Appendix 1 to the Department of Transport and Planning in response to draft Planning Scheme Amendment GC264.
2. Write to the State Government and request that the component of Planning Scheme Amendment GC264 relating to the Mentone IDO site be removed from the Amendment to provide for the land to be used as Public Open Space.
3. Indicate in the letter to the State Government that if it is not prepared to designate the Mentone IDO site as Public Open Space, it refer the site to the Victorian Planning Authority for consideration in the Mentone Activity Centre Planning work scheduled to commence later this year, so its future role can be considered in a broader strategic context.

Cr Hil requested and was granted an additional two minutes' speaking time through the Chair.

FOR: Crs O'Donnell, Hill, Law, Athanasopoulos, Ashworth-Collett, Erevnidis, Howe, Saab, Oxley and Agirtan (10)

AGAINST: Nil (0)

ABSTAINED: Cr White (1)

CARRIED

8. Community Strengthening Reports

8.1 Response to Notice of Motion 3/2024: Kingston Arts Precinct Masterplan

Moved: Cr Saab

Seconded: Cr Howe

That Council:

1. Note the Kingston Arts Precinct Masterplan;
2. Support officers to further develop the Kingston Arts Precinct Masterplan in line with Council priorities and subject to future planning and budgetary processes; and
3. Consider the inclusion of the Kingston Arts and Cultural Precinct when determining its advocacy priorities for the Council term.

Cr Hill left the meeting at 8:35pm and returned at 8:37pm.

FOR: Crs White, O'Donnell, Hill, Law, Athanasopoulos, Ashworth-Collett, Erevnidis, Howe, Saab, Oxley and Agirtan (11)

AGAINST: Nil (0)

CARRIED

8.2 Individual Development Grants and Community Small Grants - Quarterly Report (April - June 2025)

Moved: Cr Law

Seconded: Cr Agirtan

That Council:

1. Note the funding outcomes of the Individual Development Grants for 1 April – 30 June 2025, as presented in Appendix 1;
2. Note the successful funding outcomes of the Community Small Grants for 1 April – 30 June 2025, as presented in Appendix 2;
3. Endorse that the Community Small Grants, as presented in Appendix 3, are not recommended for funding for 1 April – 30 June 2025.

FOR: Crs O'Donnell, Hill, Law, Athanasopoulos, Ashworth-Collett, Erevnidis, Howe, Saab, Oxley and Agirtan (10)

AGAINST: Cr White (1)

CARRIED

9. Infrastructure and Open Space Reports

9.1 Award of Contract CON-24/138 - Non-Standard Drainage Asset Maintenance

Moved: Cr Agirtan

Seconded: Cr Howe

That Council:

1. Award Contract 24/138 - Provision of Non-Standard Drainage Assets Maintenance Panel, as a schedule of rates contract to a panel of two (2) contractors based on their tendered rates and anticipated work quantities for the initial contract period of three (3) years at an estimated Year 1 cost of \$350,000 exclusive GST, with a maximum five (5) year contract term cost of \$2,300,000 exclusive GST comprising of:
 - a) Part A (Programmed Maintenance) to MetroEnviro Maintenance Pty Ltd (T/A Eldarin);
 - b) Part B (Reactive Maintenance) to GMA Waste Water Services Pty Ltd and MetroEnviro Maintenance Pty Ltd (T/A Eldarin);
2. Authorise the Chief Executive Officer, or their delegate, to exercise the two (2) twelve-month contract extension options upon completion of the initial three (3) year contract term, subject to satisfactory performance for a maximum contract term of five (5) years from the commencement date.

FOR: Crs O'Donnell, Hill, Law, Athanasopoulos, Ashworth-Collett, Erevnidis, Howe, Saab, Oxley and Agirtan (10)

AGAINST: Cr White (1)

CARRIED

9.2 Local Area Traffic Management Policy

Moved: Cr Agirtan

Seconded: Cr O'Donnell

That Council:

1. Note community consultation undertaken on Kingston's draft Local Area Traffic Management Policy;
2. Adopt the Local Area Traffic Management Policy.

FOR: Crs O'Donnell, Hill, Law, Athanasopoulos, Ashworth-Collett, Erevnidis, Howe, Saab, Oxley and Agirtan (10)

AGAINST: Nil (0)

ABSTAINED: Cr White (1)

CARRIED

10. Customer and Corporate Support Reports

10.1 Kingston's Community Engagement Approach

Moved: Cr Howe

Seconded: Cr O'Donnell

Kingston's Community Engagement Approach

That Council defer this item for further discussion at a Councillor Information session, to return for consideration at the September 2025 Council meeting.

Cr Law left the meeting at 8.42pm and returned at 8.44pm.

Cr Athanasopoulos left the meeting at 8:45pm and did not return.

FOR: Crs White, O'Donnell, Hill, Law, Ashworth-Collett, Erevnidis, Howe, Oxley and Agirtan (9)

AGAINST: Nil (0)

ABSTAINED: Crs Saab (1)

CARRIED

10.2 Governance and Compliance Report

Moved: Cr O'Donnell

Seconded: Cr Erevnidis

That Council:

1. Receive and note the Informal Meetings of Councillors Records at Appendix 1; and
2. Be provided with alternative options in relation to potential changes to public question time.

FOR: Crs O'Donnell, Hill, Law, Ashworth-Collett, Erevnidis, Howe, Saab, Oxley and Agirtan (9)

AGAINST: Nil (0)

ABSTAINED: Cr White (1)

CARRIED

11. Chief Finance Office Reports

11.1 Lease and Licence Policy

Moved: Cr Ashworth-Collett

Seconded: Cr Hill

That Council:

1. Adopt the updated Lease and Licence Policy 2025, subject to an amendment in Section 8.6 of the Policy that includes:
 - *“The Policy is to be supported by a clear framework for increasing opportunities for the community and community groups to access tenant-leased-properties outside of tenant-clubs’ regular hours.”*
2. Receive a report at a Councillor Briefing in November 2025 regarding options to encourage and increase the shared use of Council facilities, and approaches to engaging with stakeholders.

FOR: Crs White, O'Donnell, Hill, Law, Ashworth-Collett, Erevnidis, Saab, Oxley and Agirtan (9)

AGAINST: Cr Howe (1)

CARRIED

12. Notices of Motion

12.1 Notice of Motion No. 24/2025 - Cr Howe - Patterson Lakes Sporting Facilities

Moved: Cr Howe

Seconded: Cr O'Donnell

That Council:

1. Acknowledge that Patterson Lakes does not have any sporting ovals for football, cricket or soccer, bowling clubs or basketball courts as per most other suburbs of Kingston;
2. Undertake a review of the current recreational and sporting assets and facilities in Patterson Lakes in terms of condition, use and upgrade requirements; and
3. Receive a report by October 2025 regarding the development of a plan for the upgrade and adaptation of existing Patterson Lakes recreational and sporting assets and facilities for current and potential future uses.

FOR: Crs White, O'Donnell, Hill, Law, Ashworth-Collett, Erevnidis, Howe, Saab, Oxley and Agirtan (10)

AGAINST: Nil (0)

CARRIED

12.2 Notice of Motion No. 25/2025 - Cr Law - Councillor Support and Reimbursement of Expenses Policy - Pre-Paid Transport Options

Moved: Cr Law

Seconded: Cr Saab

That Council receive a report that seeks to amend the Councillor Support and Reimbursement of Expenses Policy to include provision where Council pays direct for Councillor use of rideshare and taxi services for Council-related business.

FOR: Crs Hill, Law and Saab (3)

AGAINST: Crs White, O'Donnell, Ashworth-Collett, Erevnidis, Howe, Oxley and Agirtan (7)

LOST

12.3 Notice of Motion No. 26/2025 - Cr Erevnidis - Durable Outdoor Table Tennis Tables

Moved: Cr Erevnidis

Seconded: Cr Saab

That Council:

1. Assesses the health benefits of durable table tennis tables in Open Spaces and Reserves;
2. Identifies existing locations and any potential additional sites for table tennis installations;
3. Includes options for promoting table tennis availability and use, including installation of signage; and
4. Investigates opportunities for grant funding relating to this motion.

Cr White left the meeting at 9:27pm and returned at 9:29pm.

FOR: Crs White, O'Donnell, Hill, Law, Ashworth-Collett, Erevnidis, Howe, Saab, Oxley and Agirtan (10)

AGAINST: Nil (0)

CARRIED

12.4 Notice of Motion No. 27/2025 - Cr Erevnidis - Southern Road, Mentone

The Mayor, Cr Oxley, declared a direct material conflict of interest due to having a beneficial interest in a company that owns share in Goodman Group, and left the meeting at 9.30pm prior to any discussion on the matter.

Deputy Mayor, Cr Howe assumed the Chair at 9.31pm.

Cr Hill left the meeting at 9:31pm and returned to the meeting at 9:33pm.

Moved: Cr Erevnidis

Seconded: Cr Agirtan

That Council:

1. Take all reasonable steps to consult with the landowners of 54-76 Southern Road, Mentone and 38-44 Southern Road, Mentone, the Airport Lessee Company and the Federal Minister for Infrastructure, Transport, Regional Development and Local Government and advocate for the establishment of a connector road, to divert industrial traffic from the above-mentioned properties from residential areas into the Moorabbin Airport estate.
2. Consult with the Goodman Group with the goal of ensuring it considers the possibility of including amenity enhancing facilities on site (for example, a café/store/wine bar or similar).
3. Be advised of any future planning applications regarding the Southern Road precinct, 54-76 and 38 - 44 Southern Road, Mentone.
4. Commence planting native street trees along Southern Road Mentone at 54-76 and 38-44 to enhance amenity and support Council's urban forest goals.

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5. Obtain legal advice as to whether:
 - a) Council may utilise section 71 of the Planning and Environment Act 1987 (or any other options) to amend the September 2024 subdivision permit for 54-76 Southern Road to impose traffic management conditions recommended by Council's traffic engineers, and if so the basis for such a request and any potential costs that would be incurred;
 - b) Local residents will be able to object to future planning applications at the sites and have their objections considered, or whether an exemption will apply given the industrial zoning of the land.
6. Receive advice on whether if the traffic issues cannot be resolved by way of a connector road it is possible to consider:
 - a) Rezoning the land Industrial 3 Zone in order to provide a buffer between industrial land and the nearby community and allow for associated uses compatible with the nearby community; or
 - b) Rezoning the land Neighbourhood Residential Zone (NRZ) to align with the existing residential area and provide much needed additional but appropriate housing.
7. Receive a report within 90 days on the above items.

Cr Erevnidis requested and was granted an extension of time of two minutes through the Chair.

Procedural Motion

Moved: Cr Agirtan

Seconded: Cr Hill

That the Council meeting be extended for 30 minutes.

FOR: Crs White, O'Donnell, Hill, Law, Ashworth-Collett, Erevnidis, Howe, Saab and Agirtan (9)

AGAINST: Nil (0)

CARRIED

The motion as appearing in the agenda was put to the vote:

Moved: Cr Erevnidis

Seconded: Cr Agirtan

That Council:

1. Take all reasonable steps to consult with the landowners of 54-76 Southern Road, Mentone and 38-44 Southern Road, Mentone, the Airport Lessee Company and the Federal Minister for Infrastructure, Transport, Regional Development and Local Government and advocate for the establishment of a connector road, to divert industrial traffic from the above-mentioned properties from residential areas into the Moorabbin Airport estate.
2. Consult with the Goodman Group with the goal of ensuring it considers the possibility of including amenity enhancing facilities on site (for example, a café/store/wine bar or similar).
3. Be advised of any future planning applications regarding the Southern Road precinct, 54-76 and 38 - 44 Southern Road, Mentone.
4. Commence planting native street trees along Southern Road Mentone at 54-76 and 38-44 to enhance amenity and support Council's urban forest goals.
5. Obtain legal advice as to whether:

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- a) Council may utilise section 71 of the Planning and Environment Act 1987 (or any other options) to amend the September 2024 subdivision permit for 54-76 Southern Road to impose traffic management conditions recommended by Council's traffic engineers, and if so the basis for such a request and any potential costs that would be incurred;
 - b) Local residents will be able to object to future planning applications at the sites and have their objections considered, or whether an exemption will apply given the industrial zoning of the land.
6. Receive advice on whether if the traffic issues cannot be resolved by way of a connector road it is possible to consider:
- a) Rezoning the land Industrial 3 Zone in order to provide a buffer between industrial land and the nearby community and allow for associated uses compatible with the nearby community; or
 - b) Rezoning the land Neighbourhood Residential Zone (NRZ) to align with the existing residential area and provide much needed additional but appropriate housing.
7. Receive a report within 90 days on the above items.

FOR: Crs White, O'Donnell, Hill, Law, Ashworth-Collett, Erevnidis, Howe, Saab and Agirtan (9)

AGAINST: Nil (0)

CARRIED

The Mayor, Cr Oxley returned to the meeting at 9:45pm and resumed the Chair.

12.5 Notice of Motion No. 28/2025 - Cr Law - Mordialloc Creek Underpass

Moved: Cr Law

Seconded: Cr Saab

That Council receive a report detailing the costs, features and benefits of detailed business case and feasibility analysis of alternative replacement options for the Mordialloc Creek Northern Underpass.

FOR: Crs O'Donnell, Hill, Law, Ashworth-Collett and Saab (5)

AGAINST: Crs White and Howe (2)

ABSTAINED: Crs Erevnidis, Oxley and Agirtan (3)

The motion was LOST on the casting vote of the Mayor

12.6 Notice of Motion No. 29/2025 - Cr Erevnidis - Suburban Rail Loop Authority

Moved: Cr Erevnidis

Seconded: Cr Saab

That Council write to the Suburban Rail Loop Authority requesting:

1. Residents living in Heatherton in proximity to the works occurring receive notification a minimum of two business days in advance of any site compaction works;
2. Residents be informed of any significant changes to public transport or road access at least ten business days prior to the changes being implemented;
3. Consideration be given to providing residents who normally work from home with alternative office accommodation, during periods when significant works are planned that may directly impact them;
4. The engagement of appropriate professional resources to support the relocation of wildlife (e. g. duck families or blue tongue lizards) which may be impacted by the project; and
5. Consideration of the neighbourhood character, heritage, environmental sustainability and neighbourhood amenity within 1.6 km of Suburban Rail Loop stations.

Cr Law left the meeting at 09:59pm and did not return.

FOR: Crs White, O'Donnell, Hill, Ashworth-Collett, Erevnidis, Howe, Saab, Oxley and Agirtan (9)

AGAINST: Nil (0)

CARRIED

12.7 Notice of Motion No. 30/2025 - Cr O'Donnell - Glen Street Reserve Pavilion, Aspendale

Moved: Cr O'Donnell

Seconded: Cr White

That Council receive a report within the next two reporting cycles on the Glen Street Reserve Pavilion, Aspendale, that:

1. Considers the urgency of redevelopment due to inadequate access to toilets and change room facilities which currently fail to meet the needs of users,
2. Includes a detailed scope, cost, estimates, and timeline for any proposed redevelopment as a critical infrastructure project,
3. Refers any required funding to be considered as part of the 2026 – 2027 budget process, and
4. Identifies alternative funding opportunities including grants, State Government and community partnership to support the redevelopment.

Cr Saab left the meeting at 10:03pm and did not return.

FOR: Crs White, O'Donnell, Hill, Ashworth-Collett, Erevnidis, Howe, Oxley and Agirtan (8)

AGAINST: Nil (0)

CARRIED

12.8 Notice of Motion No. 31/2025 - Cr O'Donnell - Playground Upgrades

Moved: Cr O'Donnell

Seconded: Cr Howe

That Council receive a report prior to final adoption of the 2026-2027 budget that includes:

1. Preliminary design and cost estimation for proposed works at the following public playground sites:
 - a) Iluka Reserve, Aspendale
 - b) Albany Crescent Train Reserve, Aspendale
 - c) Waterways Drive, Waterways
2. Referral of required capital delivery funding to the 2026 – 2027 budget process for the playground upgrades.

Amendment

Moved: Cr Ashworth-Collett

That the Motion be adopted subject to the addition of the following part 3:

3. That through the annual budget process, officers investigate options to expand the overall local playground renewal program starting in the 2026/27 financial year, with particular consideration given to increasing the number of small/local playgrounds renewed annually.

The proposed amendment was accepted by the Mover and Seconder

The resolution reads as follows:

Moved: Cr O'Donnell

Seconded: Cr Howe

That Council receive a report prior to final adoption of the 2026-2027 budget that includes:

1. Preliminary design and cost estimation for proposed works at the following public playground sites:
 - a) Iluka Reserve, Aspendale
 - b) Albany Crescent Train Reserve, Aspendale
 - c) Waterways Drive, Waterways
2. Referral of required capital delivery funding to the 2026 – 2027 budget process for the playground upgrades.

That through the annual budget process, officers investigate options to expand the overall local playground renewal program starting in the 2026/27 financial year, with particular consideration given to increasing the number of small/local playgrounds renewed annually.

FOR: Crs White, O'Donnell, Hill, Ashworth-Collett, Erevnidis, Howe, Oxley and Agirtan (8)

AGAINST: Nil (0)

CARRIED

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13. Urgent Business

There were no items of urgent business.

14. Confidential Items

Nil.

The meeting closed at 10.13pm.