

Minutes

Ordinary Council Meeting

Monday, 29th January 2024

Table of Contents

1.	Apologies	3
2.	Confirmation of Minutes of Previous Meetings	3
3.	Foreshadowed Declaration by Councillors, Officers or Contractors of any Conflict of Interest	4
	<i>[Note that any Conflicts of Interest need to be formally declared at the start of the meeting and immediately prior to the item being considered – type and nature of interest is required to be disclosed – if disclosed in writing to the CEO prior to the meeting only the type of interest needs to be disclosed prior to the item being considered.]</i>	
4.	Petitions	4
5.	Delegates' Reports, Councillor Statements and Presentation of Awards	4
6.	Reports from Delegates Appointed by Council to Various Organisations	4
7.	Question Time	4
8.	Planning and Place Reports	7
9.	Community Strengthening Reports	34
10.	Infrastructure and Open Space Reports	35
11.	Customer and Corporate Support Reports	36
12.	Chief Finance Office Reports	38
13.	Notices of Motion	39
14.	Urgent Business	40
15.	Confidential Items	41

**City of Kingston
Ordinary Council Meeting**

Minutes

29 January 2024

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

Present: Cr Jenna Davey-Burns (Mayor)
Cr Tracey Davies (Deputy Mayor)
Cr Tamsin Bearsley
Cr Tim Cochrane
Cr Chris Hill
Cr Cameron Howe
Cr Hadi Saab
Cr Steve Staikos

In Attendance: Peter Bean, Chief Executive Officer
Jonathan Guttmann, General Manager Planning and Place
Dan Hogan, General Manager Customer and Corporate Support
Samantha Krull, General Manager Infrastructure and Open Space
Sally Jones, General Manager Community Strengthening
Bernard Rohan, Chief Financial Officer
Kelly Shacklock, Manager Governance, Risk and Integrity
Patrick O’Gorman, Acting Team Leader, Council Governance
Sharon Banks, Governance Officer
Gabrielle Pattenden, Governance Officer
Alfred Carnovale, Manager City Development
Nik Mulhechner, Team Leader Statutory Planning
Justin Welsford, Media and Communications Advisor

1. Apologies

Apologies from Cr Eden, Cr Hua and Cr Oxley were submitted to the meeting.

Moved: Cr Staikos

Seconded: Cr Davies

That the apologies from Cr Eden, Cr Hua and Cr Oxley be received.

CARRIED

FOR: Crs Davey-Burns, Cochrane, Davies, Hill, Howe, Bearsley, Saab and Staikos (8)

AGAINST: Nil (0)

2. Confirmation of Minutes of Previous Meetings

Moved: Cr Staikos

Seconded: Cr Davies

That the Minutes of the Ordinary Council Meeting held on 11 December 2023 be confirmed.

CARRIED

FOR: Crs Davey-Burns, Cochrane, Davies, Hill, Howe, Bearsley, Saab and Staikos (8)

AGAINST: Nil (0)

**City of Kingston
Ordinary Council Meeting**

Minutes

29 January 2024

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

Cr Hill foreshadowed a declaration of a conflict of interest in Item 7.5.

4. Petitions

Nil

5. Delegates' Reports

Nil

Councillor Statements

Cr Saab acknowledged the passing of former Mayor of the City of Moorabbin, Neil Hamilton. Council extends its condolences to Mr Hamilton's family.

The Mayor acknowledged recent awards made to City of Kingston residents.

Presentation of Awards

Nil

6. Question Time

Cr Bearsley left the meeting at 7:20pm.

Cr Saab left the meeting at 7:20pm and did not return.

Moved: Cr Davies

Seconded: Cr Staikos

That Question Time be limited to a period of 15 minutes. Any questions not answered will be responded to later in writing where possible.

CARRIED

FOR: Crs Davey-Burns, Cochrane, Davies, Hill, Howe, and Staikos (6)

AGAINST: Nil (0)

Cr Bearsley returned to the meeting at 7:24pm.

Note: Some questions have been edited and/or the preamble removed for the purpose of complying with the Governance Rules.

Rosemary West asked,

“Question 1 - Would Council consider proposing instead a road overpass over the railway line close to the existing Station Street crossing as this would enable the protection of the remnant Coast Banksia Woodland along the railway line and in Groves Reserve and still enable a link between Attenborough Park and Groves Reserve under the overpass?”

“Question 2 - Re Item 7.2: Given that Council has retained its present policy to discourage two storey developments in backyards in the General Residential Zone 3 (GRZ3) and now in most of the Neighbourhood Residential Zone proposed in Amendment C203 (Council's new Housing Strategy), why is this not mentioned in the officer report that recommends support for three two-storey developments in the backyard of 27 Larnook Crescent, Aspendale?”

The General Manager Planning and Place provided the following response,
“Question 1 - Council understands the required grades for a road crossing over the rail line would be likely be aesthetically and environmentally invasive well beyond the area that presently provided for the road crossing. Council will nonetheless make enquiries with the LXRP as to whether a road overpass over the railway line was considered.”

“Question 2 - Given the extent of planning policy to consider, Section 11 of the Officers report is a summary of the relevant policy being considered. Officers have assessed the application against this policy and have determined that the proposal adequately designs the upper storey components so that they do not cause adverse amenity and character impacts. Officers will generally emphasise this issue (two storey in back yards or character issues) in particular situations they believe the application, does not address adverse amenity and character impacts.”

Irina asked,

“People/residents of Kingston are public. Meeting today is a public meeting. The meeting gallery is a public space. Kingston Council building were built by public tax money. So, how has it became that you are demanding from public so much private information?”

The General Manager Customer and Corporate Support provided the following response,

“There are limitations to public questions as set out under our Governance Rules, such as a maximum of two questions per person, and asking for a name and contact details allows us to apply the rules fairly for everyone. Sometimes we will also provide a response in writing after the meeting. This information is needed in those instances. However, if you do not want your name read out during the meeting, there is a tick box to select that option.”

Stephen asked,

“Last Council meeting 11/12/23 you didn’t answer my first question, labelling it as being objectionable. It appears that any question that you don’t want to answer is “objectionable”. The question was very simple: As we all appreciate, every country has their own flag.”

The CEO provided the following response,

“We have further considered the question asked at the last Council meeting and still deem it to be objectionable and not appropriate to answer in this public forum.”

Marc asked,

“Question 1 - Where is the information regarding Kingston Council’s total accumulated surplus cash deposits viewable for the public to see easily and regularly without too much trouble?”

Question 2 - Where is the information kept and easily found by the public, i.e. searchable, about the investments Kingston Council makes with this surplus cash account or accounts?”

The Chief Finance Officer provided the following response,

“The information on forecast cash is available in the Budget (page ten, 48, 50 and 80-81). Actual cash is then reported in the Annual Report (pages 112, 127 and 150) and the quarterly finance report – all of these reports are on the Council website. The investments are held with financial institutions with credit ratings between AAA and BBB+.”

Julia asked,

“Why did the General Manager of Community Strengthening respond to my question by saying that Council did not undertake any activities to promote the “Yes” campaign when in fact, Kingston Council actually gave, or rented out, a Council building to AG Mark Dreyfus the Labor Party and others to have their “Yes” rally in Kingston? How much was the cost of the hire of this Council building on Nepean Highway at which Mark Dreyfus (AG), Labor Party and others spoke for the “Yes” campaign?”

The General Manager Community Strengthening provided the following response,

“From July to October 2023, Council held multiple free community forums across Kingston to assist in educating the community about the referendum and ask questions about The Voice. As the Attorney General of Australia and Principal Legal Advisor to the Commonwealth Government, Mark Dreyfus MP was invited to present to the community on the process of referendums in Australia.”

Deborah asked,

“Are written minutes of the meetings for the following Council instituted committees kept and available for the public to see and inspect:

- 1. The LGBTIQ+ Advisory Committee*
- 2. Council’s Access and Equity Advisory Committee*
- 3. The new LGBTIQ+ Sub Committee which is commencing in 2024?*

In the interests of transparency, can we please see the record of the minutes taken by these Council run LGBTIQ+ committees?”

The General Manager Community Strengthening provided the following response,

“The minutes of Council Community Advisory Committees are presented to Councillors at Councillor Information Sessions after each meeting has taken place. Per the Terms of Reference, Advisory Committees have no delegated decision-making power from Council, therefore reports are not required to be presented for Council endorsement.”

Rosemary asked,

“Why is Council forming yet another extra new LGBTQ+ Advisory Committee which will be integrated into the already existing Council Access and Equity Advisory Committee in 2024 and also another LGBTQ subcommittee?”

The General Manager Community Strengthening provided the following response,

“Council does not have an existing LGBTQIA+ committee. As part of Council’s Rainbow Local Government commitment, Council is required to engage specifically with LGBTQIA+ members. Rather than have a dedicated committee, Kingston operationalised this by including LGBTQIA+ members in the Access and Equity Advisory Committee. It is currently proposed that these members may be drawn upon twice per year (as a sub-committee) to speak to specific issues impacting LGBTQIA+ community members.”

Graeme asked,

“Does Council have committees and sub committees devoted to traditional pro family, pro parent pro fatherhood and pro motherhood groups?”

The General Manager Community Strengthening provided the following response,

“Council does not have committees and sub committees specifically for families, however provides a wide range of programs and services to families and children. These services are inclusive of all family structure types including LGBTQIA+ families.”

Elena asked,

“In the interest of maintaining a balance in the community, will Council consider flying the flags of Christianity on the main Holy Days, Greek Orthodox, or Muslim religions who all have valid Traditional Family Values at heart, on your Council buildings?”

The General Manager Customer and Corporate Support provided the following response,

“Last year, Council endorsed its Civic Flag Policy that sets out Council’s compliance with the Australian National Flag Protocols administered by the Department of Prime Minister and Cabinet. Council is not currently considering any changes to the policy to include religious observance.”

Rose asked,

“What exactly is the nature and specific intent of the LGBTQIA+ Action Plan Council is committed to further implementing in 2024 and mentioned in your response to Mr Alex Breskin on 20 November 2023?”

The General Manager Community Strengthening provided the following response,

“Kingston is committed to building health and wellbeing for at risk or diverse communities - to ensure an equitable approach. This approach is embedded into our Municipal Health and Wellbeing plan which identifies priority cohorts.”

Roslyn asked,

“Why do I have to enter into a contract and register with the Private Company Bang the Table (BTT) where I have to reveal my personal details such as my age and even sexuality, to be able to communicate and put forward a submission regarding the new governance changes which are being proposed by Council? Who at Council authorised this private company Bang the Table (BTT) to be the gatekeeper portal of communication between the people and Council?”

The General Manager Customer and Corporate Support provided the following response,

“Demographic information is critical to better decision making and inclusive community outcomes. Procurement of online systems are in accordance with Council’s procurement policy and the Local Government Act 2020, both of which are available online.”

Louise asked,

“Has Kingston Council or any individual Councillor received any response from the State Government regarding its re zoning submission – KC Planning Scheme Amendment C203 Kingston Housing Strategy and Neighbourhood Character Study, which was agreed to at its “Special Planning meeting” held on 14 August 2023. What was the result of this C203 Submission?”

The General Manager Planning and Place provided the following response,
“Since submitting Planning Scheme Amendment C203 to the Minister for Planning for approval, after the favourable report it received from an Independent Planning Panel, Officers have liaised with the Department of Transport and Planning regarding any queries they have had. Council is yet to receive any formal response with respect to the Planning Scheme Amendment and it is at this time, the result of the Planning Scheme Amendment will be known.”

Rose asked,

“What does Kingston Council mean by supporting the principle of “leveraging the community” to contribute to the goals of the CEERP – the Climate and Ecological Emergency Response Plan, as mentioned in Agenda 7.8 page 853 11 December 2023?”

The General Manager Planning and Place provided the following response,
“The Council’s adopted Climate and Ecological Emergency Response Plan (CEERP) provides significant clarity around the role a range of segments of the Kingston community will play in working to assist Council in its carbon emissions reduction target. This work involves working with business to reduce reliance on non-renewable energy sources or assisting residents to build or make changes to existing homes to allow them to be live more energy efficiently. This is what is meant by ‘leveraging the community’.”

Larisa asked,

“Was a proposed tender from any other company or registered community group other than ZEROKINGSTON2030 Inc considered and discussed in confidence on the night of 11 December 2023? (Refer 11 December Council Agenda 7.8). How many other Companies and / or community organisations tendered to Kingston Council about this issue?”

The General Manager Planning and Place provided the following response,
“The report provided to Council on the 11th December, 2023 suggests that Council consider a future report be brought back to Council ‘outlining a preferred approach aimed at supporting community led climate action, governance considerations and an estimate of any financial commitment required’. The resolution of the Council in this regard was publicly recorded and aligns with the Officer report and recommendation. The Council has not conducted a tender regarding the matters contained in at Item 7.8 from the meeting on the 11th December, 2023, again noting the resolution requesting a further report from Officers be sought. ”

Catherine asked,

“Why is “ZeroKingston2030 Inc” being regarded as a “community” advisory group when in fact it is a private company with an ABN number 34846172332 headed up by a person called Mr Damien Williams who calls himself its President?”

The General Manager Planning and Place provided the following response,
“The ABN status of an organisation is separate to how it is regarded as a community organisation. The ATO requires an ABN if an organisation is running an enterprise and is also responsible for tax and superannuation. An organisation must have an ABN to be registered as a charity with the Australian Charities and Not-for-profits Commission.”

Tim asked,

“Can the CEO and officers at Kingston Council assure the public that there are No conflicts of interest (or personal relationships) between anyone working for Council, or any of the Councillors themselves, with the private company called KingstonNetZero2030 Inc and its president Mr Damien Williams?”

The General Manager Planning and Place provided the following response,

“To my knowledge, there are no conflicts of interest declared in regard to this matter. Both officers and Councillors are aware of conflict of interest provisions and obligations set by the Local Government Act and Governance Rules.”

Robert asked,

“Why did you insert the word “alleged” - a word I did not use – into my question to you (11 Dec) about how the London based Sortition Foundation is aligned with the extremist organisation called Extinction Rebellion, which you, the Council, contracted to select participants in the internal consultation group you call “Kingston Represent”? Is it legal or ethical for Kingston Council to change the meaning and tone of a person’s question by inserting words?”

The General Manager Customer and Corporate Support provided the following response,

“In preparing Public Questions for this agenda, Officers must consider the Governance Rules. Questions are sometimes modified in order to meet the requirements of the Rules to be read out. Where questions are modified to comply or avoid legal risk, it is declared. This satisfies both legal and ethical considerations.”

Lynette asked,

How much did Kingston Council pay, ie the value of the whole contract, to the London based Sortition Foundation, to select by algorithm, the sample of residents of Kingston to become the consultation group of 200 plus people which Council has named “Kingston Represent”? Have the selected residents received any payment in any form whatsoever from Kingston Council at any stage of their selection and ongoing?

The General Manager Customer and Corporate Support provided the following response,

“Kingston paid Sortition Foundation approximately \$28,800 for the recruitment of a Representative Community Panel. Panel members receive \$50 per session they attend. While exact figures are not available at short notice, six sessions have been held with our 45-person representative Collaborative Engagement Group, and four sessions have been held with smaller subgroups of the Representative Community Panel (between five and 20 participants).”

7. Planning and Place Reports

7.1 Town Planning Application Decisions - December 2023

Moved: Cr Staikos

Seconded: Cr Davies

That the report be noted.

CARRIED

FOR: Crs Davey-Burns, Cochrane, Davies, Hill, Howe, Bearsley and Staikos (7)

AGAINST: Nil (0)

7.2 KP-2023/203 - 77 Larnook Crescent, Aspendale

It is recorded that Daniel Bowden spoke on behalf of the applicant.

Moved: Cr Bearsley

Seconded: Cr Staikos

That Council determine to support the proposal and issue a notice of decision to grant a planning permit for **Error! No document variable supplied.** at **Error! No document variable supplied.**, subject to the following conditions:

Amended Plans

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and generally in accordance with the amended plans prepared by Bello Design Group, Ref No. 2002, Sheets TP01 to TP08, TP11, TP13, TP14, TP16 and TP17 inclusive, dated 8 November 2023, but modified to show:
 - a) high mounted sensor lighting at each dwelling entry.
 - b) the garage of Dwelling 4 correctly labelled.
 - c) Dwelling 4 provided with 6 cubic metres of externally accessible storage.
 - d) the materials and finish schedule to include colours.
 - e) boundary fencing with No. 25 Tarongo Drive updated to reflect existing conditions.
 - f) the driveway area within 12 metres of Tree 8 nominated in a permeable surface.
 - g) an amended landscape plan, generally in accordance with the landscape plan prepared by Bello (dated 2 February 2022), prepared by a suitably qualified landscape professional to the satisfaction of the Responsible Authority and amended to show:
 - i) The raingarden areas included within the site's WSUD Plan Bello (2 February 2022), with details of all plants to be planted in this position, as well as all measures required to maintain the landscaping to be

- planted in this position.
- ii) Details and a diagram of the support structures to be installed to support the Purple Coral Pea (*Hardenbergia violacea*).
 - iii) A range of plant types from ground covers to large shrubs and trees, provided at adequate planting densities (e.g. plants 1 metre width at maturity planted 1 metre apart) within the rear setbacks of Dwellings 3 to 6.
 - iv) The *Acacia melanoxylon* (Blackwood) within the front setback of Dwelling 1 substituted for an indigenous canopy tree species capable of growing to minimum mature dimensions of 12 metres in height and 7 metres in width.
 - v) The *Acacia implexa* (Lightwood) within the rear setback of Dwellings 1 and 5 substituted for a long-lived indigenous canopy tree species that is capable of growing to similar mature dimensions.
 - vi) The retention of the Prickly-leaf Paperbark (*Melaleuca styphelioides*) within the rear setback of Dwelling 4, or an indigenous canopy tree capable of growing to minimum mature dimensions of 10 metres in height and 6 metres in width included in this position to replace this tree.
 - vii) One (1) indigenous canopy tree capable of growing to minimum mature dimensions of 6 metres in height and 4 metres in width included within the south-east corner of Dwelling 3's rear setback.
 - viii) One (1) indigenous canopy tree capable of growing to minimum mature dimensions of 8 metres in height and 5 metres in width included within the rear setback of Dwelling 6.
 - ix) 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.
 - x) Tree protection measures including for street trees accurately drawn to scale and labelled as per the endorsed tree management plan.
- h) the location of tree protection measures illustrated to scale and labelled on the ground floor plan as per the endorsed tree management plan.
 - i) any changes as required by the tree management plan pursuant to condition 6 of this planning permit.
 - j) any changes required by the amended sustainable design assessment pursuant to condition 12 of this planning permit.
 - k) The storage shed of Dwelling 3 relocated outside the tree protection zone of Tree 8.

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.

Trees to be Retained

- 4. The *Eucalyptus sideroxylon* (Red Ironbark, Tree 8 on the proposed plans)

located in the rear setback of Dwelling 3 must be retained on site, to the satisfaction of the Responsible Authority.

5. The *Corymbia ficifolia* (Red Flowering Gum, Tree 9 on the proposed plans) located in the rear setback of Dwelling 4 must be retained on site, to the satisfaction of the Responsible Authority.

Tree Management and Protection Plan

6. Concurrent with the endorsement of plans required under condition 1 of this planning permit, a tree management plan prepared by a suitably qualified arborist in accordance with AS4970-2009, must be submitted to and be endorsed by the Responsible Authority and incorporating:
 - a) A tree management plan (written report) must provide details of:
 - i. Any non-destructive root investigation undertaken to determine the location and distribution of roots of trees nominated on the tree protection plan.
 - ii. Proposed footings and construction methods for any buildings or structures within the tree protection zone nominated on the tree protection plan.
 - iii. How excavation impacts, including soil level changes, on trees to be retained will be managed.
 - iv. How the canopy of trees nominated on the tree protection plan will be protected.
 - v. Any other measures required to demonstrate the successful ongoing retention and viability post-construction of any trees nominated on the tree protection plan.
 - b) A tree protection plan (scale drawing) must provide details of:
 - i. The tree protection zone and structural root zone, calculated in accordance with AS4970-2009, for all trees to be retained on the site and for all trees on neighbouring properties where the tree protection zone falls partially within the subject site.
 - ii. Tree protection fencing, or ground protection where required, provided in accordance with AS4970-2009.
 - iii. Stages of development at which inspections are required to ensure tree protection measures are adhered to must be specified.
 - iv. Appropriate signage on any tree protection fencing prohibiting access, excavation, changes in soil levels, or any storage within the tree protection zone in accordance with AS4970-2009 unless with the prior written consent and under the direct supervision of the consulting arborist.
 - v. Maintenance of the area(s) within the tree protection zone in accordance with AS4970-2009.
 - vi. Any pruning to be undertaken being in accordance with AS4373-2007.
 - vii. A notation to refer to the tree management plan.
7. All protection measures identified in the tree management plan must be implemented, and development works undertaken on the land must be

undertaken in accordance with the tree management plan, to the satisfaction of the Responsible Authority.

8. Prior to the commencement of works, the name and contact details of the project arborist responsible for implementing the tree management plan must be submitted to the Responsible Authority.

Drainage and Water Sensitive Urban Design

9. Unless with the prior written consent of the Responsible Authority, before the development commences, the following integrated stormwater management documents must be prepared, by a suitably qualified person, to the satisfaction of the Responsible Authority.
 - a) Stormwater management/drainage (drainage) plan(s) must be prepared, with supporting computations, showing the stormwater (drainage) works to the nominated point of discharge. The plan(s) must show all details of the proposed stormwater (drainage) works including all existing and proposed features that may have impact on the stormwater (drainage) works, including landscaping details.
 - b) The stormwater management (drainage) plan must address the requirements specified within Council's "Civil Design requirements for Developers – Part A: Integrated Stormwater Management".
 - c) A STORM modelling report with results demonstrating water sensitive urban design treatments that achieve Victorian best practice objectives with a minimum 100% rating must be provided as part of the stormwater management (drainage) plan to the satisfaction of the Responsible Authority. These may include the use of an infiltration or bio-retention system, rainwater tanks connected for reuse, or other treatments to the satisfaction of the Responsible Authority.
 - d) The water sensitive urban design treatments as per conditions 9(a), (b) and (c) above must be implemented on-site, unless an alternative agreement for stormwater quality in-lieu contribution is reached with the Responsible Authority.
10. Stormwater/drainage works must be implemented in accordance with the approved stormwater management/drainage plan(s) and to the satisfaction of the Responsible Authority including the following:
 - a) All stormwater/drainage works must be provided on the site so as to prevent overflows onto adjacent properties.
 - b) The implementation of stormwater/drainage detention system(s) which restricts stormwater discharge to the maximum allowable flowrate of 19.4L/s.
 - c) All stormwater/drainage works must be maintained to the satisfaction of the Responsible Authority.

Waste Management Plan

11. The endorsed waste management plan (WMP) must be implemented to the satisfaction of the Responsible Authority. The waste management plan must not be modified unless without the written consent of the Responsible Authority.

Sustainable Design Assessment

12. Concurrent with the endorsement of plans under condition 1 of this planning permit, the provision of an amended sustainable design assessment (SDA) to be prepared by a suitably qualified professional must be submitted to and approved

by the Responsible Authority. The amended sustainable design assessment must be generally in accordance with the sustainable design assessment prepared by Starating, Revision A, but modified to address the following, to the satisfaction of the Responsible Authority:

- a) To claim the Transport 2.1 Electric Vehicle Infrastructure BESS credit, the location of the electric vehicle charging point in the garage must be shown with a note or associated legend item stating "minimum 32A dedicated circuit from switchboard to garage".
 - b) For the non-visible flat roofs and exposed concrete driveway, specify light coloured or reflective finishes / materials (Solar Reflective Index >50 or Solar Absorptance < 0.6) to help mitigate the urban heat island effect. This must be reflected on plans.
 - c) Provide further information on the proposed raingardens, they currently do not meet requirements in Civil Design Requirements for Developers Part A: Integrated Stormwater management.
13. The endorsed sustainable design assessment must be implemented to the satisfaction of the Responsible Authority. The sustainable design assessment must not be modified unless without the written consent of the Responsible Authority.

Construction Management

14. 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 plan will be endorsed and will then form part of the permit and shall thereafter be complied with during the undertaking of all works.

Infrastructure and Road Works

15. 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.
16. Property boundary and footpath levels must not be altered without the prior written consent from the Responsible Authority.
17. Any reinstatements and vehicle crossovers are to be constructed to the satisfaction of the Responsible Authority.
18. The replacement of all footpaths, including offsets, must be constructed to the

satisfaction of the Responsible Authority.

19. Any redundant vehicle crossovers must be removed (including redundant portions of vehicle crossovers) to the satisfaction of the Responsible Authority.
20. Vehicle crossovers must be constructed to council's industrial strength specifications.

General Amenity

21. 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.
22. 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.
23. 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

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

Permit Expiry

26. In accordance with Section 68 of the *Planning and Environment Act 1987* (the Act), this permit will expire if one of the following circumstances applies:
 - (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: Any buildings and works (including eaves) to be located within an easement requires separate consent from Council and/or the relevant service authority. This will need to be obtained prior to the issue of a building permit.

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.

**City of Kingston
Ordinary Council Meeting**

Minutes

29 January 2024

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 permit is required for the removal of such vegetation.

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: 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.

CARRIED

FOR: Crs Davey-Burns, Cochrane, Davies, Hill, Howe, Bearsley and Staikos (7)

AGAINST: Nil (0)

7.3 KP-2023/233 - 156 Balcombe Road, Mentone

It is recorded that Evan Papadopoulos spoke on behalf of objectors.

It is recorded that Mark Stanojevic spoke on behalf of the applicant.

Moved: Cr Hill

Seconded: Cr Davies

That Council determine to issue a Notice of Refusal to grant a planning permit for **Error! No document variable supplied.** at 156 Balcombe Road, Mentone, on the following grounds:

1. The proposal fails to meet the objectives and strategic directions of the Municipal Planning Strategy in relation to Clause 02.03-1 (Settlement), Clause 02.03-5 (Built Environment and Heritage) and Clause 02.03-6 (Housing) of the Kingston Planning Scheme and represents an overdevelopment of the subject site.

**City of Kingston
Ordinary Council Meeting**

Minutes

29 January 2024

2. The proposal fails to comply with the policies and objectives and will result in a built form outcome that fails to achieve the requirements and guidelines of the Activity Centre Zone (Schedule 2).
3. The proposed variations sought within Precinct 1 of the Activity Centre Zone (Schedule 2) are excessive and not consistent with the preferred character.
4. The proposal will have a detrimental impact on the amenity of the surrounding residential area, including through visual bulk and overshadowing, contrary to the objectives and guidelines of the Activity Centre Zone (Schedule 2).
5. The proposal fails to satisfy all the requirements of Clause 55 of the Kingston Planning Scheme (ResCode), in particular:
 - a) Clause 55.02-1 Neighbourhood Character
 - b) Clause 55.03-1 Street Setback
 - c) Clause 55.03-3 Site Coverage
 - d) Clause 55.03-9 Access
 - e) Clause 55.04-1 Side and Rear Setbacks
 - f) Clause 55.04-3 Daylight to Existing Windows
 - g) Clause 55.05-3 Daylight to New Windows
 - h) Clause 55.05-4 Private Open Space
 - i) Clause 55.05-5 Solar Access to Open Space
6. The proposal will have an unreasonable impact on the surrounding area as a result of traffic impacts and by virtue of the increased demand for on-street car parking, contrary to policy at Clause 18 (Transport) and Clause 02.03-8 (Transport).

Cr Howe left the meeting at 7:58pm.

CARRIED

FOR: Crs Davies, Hill, Bearsley and Staikos (4)

AGAINST: Cr Cochrane (1)

ABSTAINED: Crs Davey-Burns (1)

**7.4 KP-2020/420/B - Mentone Life Saving Club Clubhouse, 66 Bay Trail
Mentone**

Moved: Cr Hill

Seconded: Cr Davies

That Council determine to support the proposal and issue an amended planning permit to use of the land for an innominate use (life saving club), place of assembly and sale and consumption of liquor (restricted club licence), reduce the car parking requirements of Clause 52.06 and removal of native vegetation pursuant to Clause 52.17 at 66 Bay Trail, Mentone (Mentone Life Saving Club), subject to the following conditions:

1. Before any permitted clearing of native vegetation 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 form part of this permit. All works constructed or carried out must be in accordance with the endorsed plan. The plans must be drawn to scale with dimensions and georeferenced that clearly show:
 - a) the provision of a landscape plan in accordance with the submitted development plan, with such plans to be prepared by a suitably qualified landscape professional to the satisfaction of the Responsible Authority and incorporating:
 - i. A planting schedule of all proposed trees and shrubs, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant;
 - ii. A survey, including, botanical names of all existing trees to be retained on the site including Tree Protection Zones calculated in accordance with AS4970-2009;
 - iii. 460 square metres of plants from EVC 161 Coastal Headland Scrub with the percentage of each plant consistent with the *Department of Sustainability and Environment EVC/Bioregion Benchmark for Vegetation Quality Assessment, Gippsland Plain Bioregion*;
 - iv. A minimum of 5 *Allocasuarina verticillate* (Drooping She-oak), planted at a minimum 2 metres in height on the subject site and an additional 15 *Allocasuarina verticillate* (Drooping She-oak) or other species that is deemed appropriate by Council to be planted at a nearby reserve or park;
 - v. Notes regarding site preparation, including the removal of all weeds, proposed mulch, soil types and thickness, subsoil preparation and any specific maintenance requirements; and
 - vi. Tree protection measures accurately drawn to scale and labelled as per the endorsed Tree Management Plan.
 - b) The location of tree protection measures illustrated to scale and labeled on the Ground Floor Plan as per the endorsed Tree Management Plan.
 - c) Any changes as required by condition 6.
 - d) The intersection of the shared user path and beach access way ramp narrowed where possible to improve safety between pedestrians and vehicles to the satisfaction of the Responsible Authority.
 - e) The provision of a corner visual splay for the beach access ramp with the

shared user path in accordance with Clause 52.06-9 or other suitable arrangement to the satisfaction of the Responsible Authority.

Endorsed Plans

2. The use, **liquor licence** and native vegetation removal as shown on the endorsed plans must not be altered without the 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.

Cultural Heritage Management Plan

4. All works must be carried out in accordance with the Cultural Heritage Management Plan 15870 dated 29 June 2020 prepared by Biosis.

Trees to be Retained

5. The retention of the *Banksia integrifolia* (Coast Banksia) identified as trees numbered 2, 3, 4, 5 and 6 in the Treescape Consulting report dated September 2020.

Tree Management and Protection Plan

6. Concurrent with the endorsement of plans in condition 1, a Tree Management Plan prepared by a suitably qualified arborist in accordance with AS4970-2009, must be submitted to and be endorsed by the Responsible Authority and incorporating:
 - a) A Tree Management Plan (written report) must provide details of:
 - i. Any non-destructive root investigation undertaken to determine the location and distribution of roots of trees nominated on the Tree Protection Plan.
 - ii. Proposed construction methods for the carpark within the Tree Protection Zone nominated on the Tree Protection Plan.
 - iii. How excavation impacts, including soil level changes, on trees to be retained will be managed.
 - iv. How the canopy of trees nominated on the Tree Protection Plan will be protected.
 - v. Any other measures required to demonstrate the successful ongoing retention and viability post-construction of any trees nominated on the Tree Protection Plan.
 - b) A Tree Protection Plan (scale drawing) must provide details of:
 - i. The Tree Protection Zone and Structural Root Zone, calculated in accordance with AS4970-2009, for all trees to be retained on the site and for all trees on neighbouring properties where the Tree Protection Zone falls partially within the subject site.
 - ii. Tree protection fencing, or ground protection where required, provided in accordance with AS4970-2009.
 - iii. Stages of development at which inspections are required to ensure tree protection measures are adhered to must be specified.
 - iv. Appropriate signage on any tree protection fencing prohibiting access, excavation, changes in soil levels, or any storage within the

- Tree Protection Zone in accordance with AS4970-2009 unless with the prior written consent and under the direct supervision of the consulting arborist.
- v. Maintenance of the area(s) within the Tree Protection Zone in accordance with AS4970-2009.
 - vi. Any pruning to be undertaken being in accordance with AS4373-2007.
 - vii. A notation to refer to the Tree Management Plan.
7. All protection measures identified in the Tree Management Plan must be implemented, and development works undertaken on the land must be undertaken in accordance with the Tree Management Plan, to the satisfaction of the Responsible Authority.
8. Prior to the commencement of works, the name and contact details of the project arborist responsible for implementing the Tree Management Plan must be submitted to the Responsible Authority.

Department of Environment, Land, Water and Planning

9. The works are to be carried out generally in accordance with:
- The application 'MENTONE LIFESAVING CLUB REDEVELOPMENT' received on 28/07/2020 and the further information received on 7 September 2020 and 12 October 2020; prepared by Kingston City Council.
 - The plans titled Project H18021 Mentone LSC prepared by HEDE Architect version TP1 date 2020.07.08.
10. Any modification to the works proposed will require further approval by the Regional Director, Port Phillip Region, Department of Environment, Land, Water and Planning (DELWP).
11. Prior to works commencing, a construction environmental management plan must be prepared to the satisfaction of Kingston City Council.
12. Any required beach nourishment as recommended in the Coastal Hazard Vulnerability Assessment dated 04/09/2020 will be the responsibility of Kingston City Council.
13. Any required maintenance or upgrades to the bluestone seawall will be the responsibility of Kingston City Council.
14. All revegetation must utilise indigenous species.
15. Indigenous vegetation (other than approved by this consent) must not be damaged or removed as a result of the works.
16. Any clearing or construction activity associated with the works, should be carried out in accordance with the EPA Publication No. 275 *Construction Techniques for Sediment Pollution Control* (May 1991).
17. The construction site must be managed in accordance with EPA Publication No. 981 *Reducing Stormwater Pollution from Construction Sites* (May 2005).
18. Construction equipment, building materials, refuse and site run-off must be contained and controlled and not permitted to impact on the beach or enter Port Phillip Bay.
19. All works must be completed and maintained to the satisfaction of Kingston City

Council.

20. This consent under the *Marine and Coastal Act 2018* will expire if the works are not completed within two years of the date of issue, unless an extension of time is applied for and granted by the Regional Director, Port Phillip Region, DELWP.

Native Vegetation Removal Conditions

21. Before works start, the permit holder must advise all persons undertaking the vegetation removal or works on site of all relevant permit conditions and associated statutory requirements or approvals.
22. The total area of native vegetation proposed to be removed totals 0.074 hectares comprising patches of Coastal Headland Scrub (EVC161) and Berm Grassy Shrubland (EVC311).
23. To offset the permitted clearing in accordance with Guidelines for the removal, destruction or lopping of native vegetation (DELWP 2017), the permit holder must secure general offset of 0.016 general habitat units:
- c) located within the Port Phillip and Westernport Catchment Management boundary or Kingston municipal area.
 - d) with a minimum strategic biodiversity score of at least 0.298.
24. Before any native vegetation is removed, evidence that the required offset by this permit has been secured must be provided to the satisfaction of the responsible authority. This evidence must be one or both of the following:
- e) an established first party offset site including a security agreement signed by both parties, and a management plan detailing the 10-year management actions and ongoing management of the site, and/or
 - f) credit extract(s) allocated to the permit from the Native Vegetation Credit Register.
25. A copy of the offset evidence will be endorsed by the responsible authority and form part of this permit. Within 30 days of endorsement of the offset evidence, a copy of the endorsed offset evidence must be provided to Planning Approvals at the Department of Environment, Land, Water and Planning, Port Phillip regional office.
26. Where the offset includes a first party offset(s), the permit holder must provide an annual offset site report to the responsible authority by the anniversary date of the execution of the offset security agreement, for a period of 10 consecutive years. After the tenth year, the landowner must provide a report at the reasonable request of a statutory authority.
27. Within 6 months of the conclusion of the permitted clearing of native vegetation under this permit, the offset requirements can be reconciled with the written agreement of the responsible authority and the Department of Environment, Land, Water and Planning.
28. A suitably qualified wildlife handler or zoologist is to be present when felling trees/removing native vegetation, to ensure affected wildlife is not harmed. If displayed wildlife that cannot be relocated on site to an appropriate location away from the construction footprint, or injured wildlife is captured, please contact DELWP on 136 186 for further advice.
29. Prior to the commencement of works a Tree Management Plan be prepared for the approval of the responsible authority, that includes measures to ensure the protection and retention of trees along Beach Road, as described in the

Arboricultural Impact Assessment (Treescape Consulting, September 2020).

30. Within the area of native vegetation to be retained and any tree protection zone associated with the permitted development, the following is prohibited:
- g) Any vehicle or pedestrian access, trenching or soil excavation, and
 - h) Storage or dumping of any soils, materials, equipment, vehicles, machinery or waste products, and
 - i) Entry or exit pits for underground services, and
 - j) Any other actions or activities that may result in adverse impacts to retained native vegetation.
31. Prior to the commencement of the use, replacement planting and re-vegetation of the site must occur to the satisfaction of the Responsible Authority. All planting must occur under the direction and supervision of the City of Kingston's Foreshore Team.

Place of Assembly Use

32. A Third Party Hire Agreement must be prepared for any external hire of the building and submitted to the satisfaction of the responsible authority in accordance with Kingston City Council's *Lease and Licence Policy 2018* (or as amended time to time). The Agreement will then be endorsed and form part of the permit. This Agreement must include, but is not limited to the following information:
- k) The suggested strategies for the management of patrons departing the premises;
 - l) A section that provides for a nominated person and contact details for each event; and
 - m) A copy of the planning permit.
33. A register must be prepared which manages and records any complaints regarding the operation of the premises during events held by third parties. The register must be held on-site and available to inspect at any time by the responsible authority.
34. The place of assembly must only operate during the following hours unless with the written consent of the Responsible Authority:
- | | |
|-------------------|----------------------|
| Sunday – Thursday | 5.00am – 10.30 pm |
| Friday – Saturday | 5.00am – 12 midnight |
35. The place of assembly use must not exceed a maximum number of 180 patrons on the premises at any one time.
36. Functions held at the venue on a Friday or Saturday must not operate later than 11.30pm on the day of the function, with the building vacated by 12 midnight on these days.

Venue Management Plan

37. Prior to the commencement of the use, a Venue Management Plan must be submitted the satisfaction of the Responsible Authority. The Management Plan must address, but is not limited to the following:
- a) Management Responsibilities

- b) Emergency Management
- c) Patron Management
- d) Identification of areas of the building available for events
- e) Safety and Security Measures
- f) Noise Control
- g) Incident Recording / Reporting
- h) Complaints Recording / Reporting
- i) Parking Management
- j) Alcohol Consumption Permit Requirements

General Amenity

38. The amenity of the area must not be detrimentally affected by the use, through the:
- a) Transport of materials, goods or commodities to or from the land.
 - b) Appearance of any building, works or materials.
 - c) Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil.
 - d) Presence of vermin.
 - e) Any other way.
39. Outdoor lighting must be designed, baffled and located to the satisfaction of the Responsible Authority to prevent any adverse effect on adjoining land.
40. The use of the site shall not cause nuisance or be detrimental to the amenity of the neighbourhood by the emission of noise. In this regard any nuisance shall be assessed in accordance with the Australian Standards A51055 and A52107 relating to the measurement of Environmental Noise and recommended sound levels.

Department of Energy, Environment and Climate Action (DEECA) Requirements (liquor licence)

41. The use is carried out generally in accordance with:
- The Marine and Coastal Act consent application titled 'Mentone Life Saving Club' dated 15 December 2023, prepared by Russell Rees of Mentone Life Saving Club Inc.
 - The site plan with an annotated red line area, submitted via email on 18 December 2023 by Russell Rees of Mentone Life Saving Club Inc.
42. The operational details must comply with the conditions of any planning permit issued on the site.
43. Any modifications to the works proposed will require further approval by the Regional Manager, Land and Built Environment Programs, Port Phillip Region, Department of Energy, Environment and Climate Action (DEECA).

Sale and Consumption of Liquor

44. The serving and consumption of liquor is to be restricted to the following times:

**City of Kingston
Ordinary Council Meeting**

Minutes

29 January 2024

Sunday to Thursday: 12.00pm to 10:30pm

Friday and Saturday: 12.00pm to 11:30pm

Or otherwise as approved by the Responsible Authority in writing.

45. During all operating hours of the use hereby authorised, there must be present on the site a person above the age of eighteen (18) years, who has been authorised by the occupier of the land and that person will be responsible for the good conduct of patrons arriving, using or leaving the land (for the purposes of this permit, this person is known as "the Manager"), to the satisfaction of the Responsible Authority.
46. All staff on the premises (except kitchen staff) must be appropriately trained in the responsible serving of alcohol, to the satisfaction of the Responsible Authority.
47. The Manager (as referred to under condition 42 of this permit) must be qualified in operating in accordance with the policies and guidelines prescribed by Liquor Control Victoria, to the satisfaction of the Responsible Authority.
48. Once the use (liquor licence) has started it must be continued to the satisfaction of the Responsible Authority.

Time Limits

49. This planning permit as it relates to the liquor licence will expire if the use is not commenced within two (2) years of the date this amended planning permit was issued.
50. In accordance with Section 68 of the Planning and Environment Act 1987 (The Act), this permit will expire if one of the following circumstances applies:
 - The use and works are not started before two (2) years from date of this permit.
 - The works are not completed before four (4) years from the date of permit issue.
 - The use is discontinued for a period of two (2) years.

In accordance with Section 69 of the Planning and Environment Act 1987, an application may be submitted to the responsible authority for an extension of the periods referred to in this condition.

Note: Prior to the commencement of the development, you are required to obtain the necessary building permit.

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 CHMP must be held on site during the construction activity.

THIS PERMIT HAS BEEN AMENDED PURSUANT TO SECTION 72 OF THE PLANNING AND ENVIRONMENT ACT 1987 AS FOLLOWS:

Amendment	Date of Amendment	Description of Amendment	Responsible Authority

**City of Kingston
Ordinary Council Meeting**

Minutes

29 January 2024

A	4 December 2023	<p>Amendment A relates to considered plans Prepared by Jeavons Landscape Architects, drawing no. WD01, WD02, WD3.1-WD3.9 & WD04-WD10, revision A (dated 31/08/2023), submitted to Council on 08/09/2023.</p> <p>The scope of changes pertaining to Amendment A include:</p> <ul style="list-style-type: none"> • Amend condition 1 a) iv. to change the number of required trees to be planted on-site. • Amend the landscape plan to reflect the modified tree numbers. 	City of Kingston
B	(Date to be the same as Date Amended)	<p>Amendment B amends the planning permit preamble to allow for the use of the land for the sale and consumption of liquor (restricted club licence).</p> <p>To reflect the new permission, new conditions have been included on the amended permit from conditions 41 to 49. Condition 2 has also been updated to include the liquor licence. Conditions renumbered accordingly.</p> <p>The red line area plan is endorsed as part of this amendment.</p>	City of Kingston

Cr Howe returned to the meeting at 8.02pm.

CARRIED

FOR: Crs Davey-Burns, Cochrane, Davies, Hill, Howe, Bearsley and Staikos (7)

AGAINST: Nil (0)

7.5 KP-2009/506 - 22 Flinders Street, Mentone

Cr Hill declared a conflict of interest in this item and left the meeting at 8.03pm prior to any discussion on the matter.

Moved: Cr Davies

Seconded: Cr Howe

That Council determine to support the proposed secondary consent application and issue amended endorsed plans associated with planning permit KP-2009/506 at 22 Flinders Street, Mentone, which allowed the development of this site for two (2) dwellings and the subdivision of the land into two (2) lots.

The amendment proposes:

- The addition of a privacy screen along part of the eastern and southern boundaries, measuring approximately 2100mm high at the lowest point, increasing to a maximum height of approximately 2500mm.
- A reduction in the height of the rear pavilion by approximately 100 mm, reduced to 2600mm high to the rear, in lieu of the previously approved 2700mm height.

CARRIED

FOR: Crs Davey-Burns, Cochrane, Davies, , Howe, Bearsley and Staikos
(7)

AGAINST: Nil (0)

Cr Hill returned to the meeting at 8.04pm.

7.6 KP-2023/370 - Stephens Street Foreshore Car Park, Rear of 611-628 Nepean Highway Carrum

Moved: Cr Howe

Seconded: Cr Davies

That the Council determine to support the proposal and issue a planning permit to remove native vegetation in accordance with Clause 52.17 at **Error! No document variable supplied.**, subject to the following conditions:

Amended Plans

1. Before any permitted clearing of native vegetation 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 form part of this permit. All works constructed or carried out must be in accordance with the endorsed plans. The plans must be drawn to scale with dimensions and georeferenced that clearly show:
 - a) Delineation of all native vegetation (including species and height nominated) proposed to be removed under Clause 52.17 on a removal plan.
 - b) Revegetation of the area within the boundaries of the proposed works area with all plants to be consistent with the vegetation composition of EVC's 311 Berm Grassy Shrubland and 160 Coastal Dune Scrub to the satisfaction of the Responsible Authority.
 - c) A planting schedule of all proposed plants, including botanical names,

common names, pot sizes, sizes at maturity, and quantities of each plant.

Endorsed Plans

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

Department of Energy, Environment and Climate Action

3. The works are to be carried out generally in accordance with:
 - Plans titled 'CARRUM ELEVATED BOARDWALK EXTENSION STEPHENS STREET, CARRUM. VIC. 3197' submitted 27 September 2023, prepared by WGA.
 - Plans titled 'BOARDWALK EXTENSION STEPHENS STREET PUBLIC LIGHTING PLAN' dated August 2023, prepared by Powerplant, drawing number 19632-02.
 - The Marine and Coastal Act consent application titled 'CARRUM BOARDWALK EXTENSION TO PATTERSON RIVER' dated 27 September 2023, prepared by Fleur Gascoyne of City of Kingston.
4. Any modification to the works proposed will require further approval by the Regional Director, Port Phillip Region, Department of Energy, Environment and Climate Action (DEECA).
5. Prior to works commencing, a construction environmental management plan (CEMP) must be prepared to the satisfaction of Kingston City Council. The CEMP must include:
 - a) The construction methodology and specific construction measures which minimise the impact of construction on native vegetation.
 - b) Management of Coastal Acid Sulfate Soils.
 - c) Where any construction wastes, equipment, machinery and/or earth is to be stored/stockpiled during construction.
 - d) Identify tree/vegetation protection measures and zones.
 - e) The location of trenching works, boring and pits associated with the provision of services.
 - f) Any public access restrictions during construction.
6. Works must be carried out in accordance with the Victorian Best Practice Guidelines for Assessing and Managing Coastal Acid Sulfate Soils (2010).
7. Indigenous vegetation, other than approved by this consent, must not be damaged or removed as a result of the works.
8. All planting of vegetation within the coastal Crown land must utilise indigenous species.
9. Any landscaping/site remediation associated with the use and/or development must protect retained native vegetation.
10. Any clearing or construction activity associated with the works, should be carried out in accordance with the EPA Publication No. 275 *Construction Techniques for Sediment Pollution Control* (May 1991).
11. The construction site must be managed in accordance with EPA Publication No. 1834: *Civil construction, building and demolition guide* (26 November 2020).
12. Construction equipment, building materials, refuse and site run-off must be

contained and controlled and not permitted to impact on the beach or enter Port Phillip Bay.

13. All works must be completed, the site reinstated, and the works maintained to the satisfaction of Kingston City Council.
14. This consent under the *Marine and Coastal Act 2018* will expire if the works are not completed within two years of the date of issue, unless an extension of time is applied for and granted by the Regional Director, Port Phillip Region, DEECA.

Native Vegetation Removal

15. Before works start, the permit holder must advise all persons undertaking the vegetation removal or works on site of all relevant permit conditions and associated statutory requirements or approvals.
16. The total area of native vegetation proposed to be removed totals 0.009 hectares, comprised of:
 - a) 4 patches of native vegetation with a total area of 0.009 hectares, as per the Native Vegetation Removal Report, Report ID: BIO_2023_203.
17. To offset the permitted clearing in accordance with the Guidelines for the removal, destruction or lopping of native vegetation (DELWP 2017), the permit holder must secure general offset of 0.002 general habitat units:
 - a) Located within the Port Phillip and Westernport Catchment Management boundary or Kingston City Council municipal area.
 - b) With a minimum strategic biodiversity score of at least 0.200.
18. Before any native vegetation is removed, evidence that the required offset by this permit has been secured must be provided to the satisfaction of the responsible authority. This evidence must be one or both of the following:
 - a) An established first party offset site including a security agreement signed by both parties, and a management plan detailing the 10-year management actions and ongoing management of the site, and/or;
 - b) credit extract(s) allocated to the permit from the Native Vegetation Credit Register.
19. A copy of the offset evidence will be endorsed by the responsible authority and form part of this permit. Within thirty (30) days of endorsement of the offset evidence, a copy of the endorsed offset evidence must be provided to Land and Built Environment at the Department of Energy, Environment and Climate Action's regional office.
20. Where the offset includes a first party offset(s), the permit holder must provide an annual offset site report to the responsible authority by the anniversary date of the execution of the offset security agreement, for a period of ten (10) consecutive years. After the tenth year, the landowner must provide a report at the reasonable request of a statutory authority.
21. Within six (6) months of the conclusion of the permitted clearing of native vegetation under this permit, the offset requirements can be reconciled with the written agreement of the responsible authority and the Department of Energy, Environment and Climate Action.
22. Before works start, a native vegetation protection cage or similar structure to the satisfaction of the Responsible Authority, must be erected around the *Tetragonia tetragonioides* (NZ Spinach) growing within the boardwalk footprint. The

**City of Kingston
Ordinary Council Meeting**

Minutes

29 January 2024

protection must remain in place until all works are completed to the satisfaction of the Responsible Authority.

23. Prior to the commencement of the use, replacement planting and re-vegetation of the site must occur to the satisfaction of the Responsible Authority. All planting must occur under the direction and supervision of the City of Kingston's foreshore team.

Time Limits

24. In accordance with Section 68 of the *Planning and Environment Act 1987* (the Act), this permit will expire if one of the following circumstances applies:
- The native vegetation removal is not started within two (2) years from date of this permit.
 - The native vegetation removal 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: Before removing 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 permit is required for the removal of such vegetation.

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 and vegetation to be retained on site are protected during any works.

Note: Within the area of native vegetation to be retained and any tree protection zone associated with the permit, the following is prohibited:

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

CARRIED

A Division was Called:

DIVISION:

FOR: Crs Davey-Burns, Cochrane, Davies, Hill, Howe, Bearsley and Staikos (7)

AGAINST: Nil (0)

7.7 KP-2020/537/A, 191-199 Spring Road, Dingley Village

Moved: Cr Staikos

Seconded: Cr Howe

That Council determine to support the proposal and issue an amended planning permit for the use of the land for a plant nursery and associated buildings and works at 191-199 Spring Road, Dingley Village, subject to the following conditions:

Amended Plans

1. Before the development approved under amended planning permit KP-2020/537/A 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 plans submitted to Council on 15 November 2023 and 23 November 2023, but modified to show:
 - a) A landscape plan in accordance with the submitted development plans, with such plans to be prepared by a suitably qualified landscape professional to the satisfaction of the Responsible Authority and incorporating:
 - i) A planting schedule of all proposed trees and shrubs, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant.
 - ii) A survey, including botanical names, of all existing trees to be retained or removed on the site including tree protection zones for trees to be retained calculated in accordance with AS4970-2009.
 - iii) The delineation of all garden beds, paving, grassed area, retaining walls, fences and other landscape works.
 - iv) A range of plant types from ground covers to large shrubs and trees, provided at adequate planting densities (e.g. plants 1 metre width at maturity planted 1 metre apart); with the species chosen to be 100% indigenous to the City of Kingston and to comprise predominantly of locally occurring species as described by Gippsland Plains No. EVC 3, 48 and 68.
 - v) Suitable understorey and screen planting throughout the garden-bed along the site's northern and southern boundaries; with at least one (1) indigenous canopy tree capable of growing to a minimum 15 metres in height at maturity, and two (2) indigenous canopy trees capable of growing to 8 metres in height at maturity, planted every 15 metres along the length of each garden-bed.
 - vi) All trees provided at a minimum 2 metres in height at time of planting, with medium to large shrubs provided at a minimum 1 metre in height at the time of planting.
 - vii) Notes regarding site preparation, including the removal of all weeds, proposed mulch, soil types and thickness, subsoil preparation and any specific maintenance requirements.
 - b) The location of existing and proposed artificial lighting on site.
 - c) The shed structure allowed under the parent permit shown in its true location with any reference to the former location deleted from the

respective plans.

- d) The maximum height and colour(s) of the containers and shade area clearly notated.
- e) The ground floor plan to include an annotation stating 'all existing vegetation at this site is to be retained unless written consent is provided by the Responsible Authority'.
- f) The garden-bed along the north and south property boundaries to be a minimum 3 metres in width.

Endorsed Plans

- 2. The development and use as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.
- 3. Before completion of the development hereby permitted, landscaping works as shown on the endorsed plans must be completed to the satisfaction of the Responsible Authority. The landscaping must then be maintained to the satisfaction of the Responsible Authority.

Use

- 4. The use must operate only between the hours of:
Monday to Sunday: 6.00am to 6.00pm
Or otherwise as approved by the Responsible Authority in writing.
- 5. No clients or customers are permitted on site.
- 6. The deliveries of any plant stock must occur through online wholesale only.
- 7. The use of the site shall not cause nuisance or be detrimental to the amenity of the neighbourhood by the emission of noise. In this regard, any nuisance shall be assessed in accordance with the Australian Standards AS1055 and AS2107 relating to the measurement of Environmental Noise and recommended sound levels.
- 8. The permit holder must ensure that trucks do not deposit mud onto the road network adjacent to the site. Should this become an issue, then at the direction of the Responsible Authority, the operator must arrange for a contractor to clean the road at no cost to Council.
- 9. The amenity of the area must not be detrimentally affected by the development and use, through the:
 - a) Transport of materials, goods or commodities to or from the land.
 - b) Appearance of any building, works or materials.
 - c) Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil.
 - d) Presence of vermin.
 - e) Any other way.
- 10. All external surfaces of the building elevations must be finished in accordance with the schedule on the endorsed plans and maintained in good condition to the Responsible Authority's satisfaction.

Completion of Works

- 11. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.

**City of Kingston
Ordinary Council Meeting**

Minutes

29 January 2024

12. The removal of the existing buildings needs to occur within one (1) month after the completion of the new shed.

Permit Expiry

13. In accordance with Section 68 of the Planning and Environment Act 1987 (The Act), this permit will expire if one of the following circumstances applies:
- The use and development is not started before two (2) years from date of this permit.
 - The development is not completed before four (4) years from the date of permit issue.
 - The use is discontinued for a period of two (2) years.

In accordance with Section 69 of the Planning and Environment Act 1987, an application may be submitted to the responsible authority for an extension of the periods referred to in this condition.

Note: Prior to the commencement of the development or use, you are required to obtain the necessary building permit.

THIS PERMIT HAS BEEN AMENDED PURSUANT TO SECTION 72 OF THE PLANNING AND ENVIRONMENT ACT 1987 AS FOLLOWS:

Amendment	Date of Amendment	Description of Amendment	Responsible Authority
A	xx January 2024	<p>Amendment A relates to the plans prepared by the permit applicant submitted to Council on 15 November 2023 and 23 November 2023.</p> <p>The scope of changes pertaining to Amendment A include:</p> <ul style="list-style-type: none"> • Updated permit preamble. • Addition of condition 1 requirements relating to amended plans including a landscape plan. • Addition of buildings and works comprising of three (3) igloos, shade area, two (2) containers, and associated works. • Retrospectively updating the built location of the shed approved under KP-2020/537. 	City of Kingston

**City of Kingston
Ordinary Council Meeting**

Minutes

29 January 2024

CARRIED

FOR: Crs Davey-Burns, Cochrane, Davies, Hill, Howe, Bearsley and Staikos (7)

AGAINST: Nil (0)

8. Community Strengthening Reports

Procedural Motion

Moved: Cr Staikos

Seconded: Cr Davies

That the order of business be altered to consider Item 8.1 – Kingston Women of the Year Awards 2024 Nominations and Selection of Winners after item 13.

CARRIED

FOR: Crs Davey-Burns, Cochrane, Davies, Hill, Howe, Bearsley and Staikos (7)

AGAINST: Nil (0)

8.2 Junior Mayor Policy

Moved: Cr Staikos

Seconded: Cr Davies

That Council endorse the Junior Mayor Policy.

CARRIED

FOR: Crs Davey-Burns, Cochrane, Davies, Hill, Howe, and Staikos (7)

AGAINST: Nil (0)

8.3 2023-2026 Kingston Youth Strategy Year One Highlight Report and 2024 Action and Evaluation Plan

Moved: Cr Hill

Seconded: Cr Staikos

That Council:

1. Note the Year One Highlight Report for the 2023-2026 Youth Strategy, as presented at Appendix 1; and
2. Endorse the 2024 Action and Evaluation Plan for the 2023-2026 Youth Strategy, as presented at Appendix 2.

CARRIED

FOR: Crs Davey-Burns, Cochrane, Davies, Hill, Howe, Bearsley and Staikos (7)

AGAINST: Nil (0)

9. Infrastructure and Open Space Reports

9.1 Award of Contract - CON-23/125 - 100 Lochiel Avenue to 111 Kinross Avenue, Edithvale - Road Reconstruction and Drainage Upgrade

Moved: Cr Staikos

Seconded: Cr Cochrane

That Council:

1. Note the outcome of the tender assessment process for Contract No. 23/125 100 Lochiel Avenue to 111 Kinross Avenue, Edithvale - Road Reconstruction and Drainage Upgrade as set out in confidential Appendix 1 attached to this report.
2. Award Contract No. 23/125 100 Lochiel Avenue to 111 Kinross Avenue, Edithvale - Road Reconstruction and Drainage Upgrade for the fixed lump sum price of \$2,777,252.93 (exclusive of GST) to VCrete Contractors Pty Ltd; and
3. Approve the allocation of a separate contingency of up to 10% of the contract sum and delegate authority to the CEO or delegate to expend this allowance to ensure the successful completion of the project.

CARRIED

FOR: Crs Davey-Burns, Cochrane, Davies, Hill, Howe, Bearsley and Staikos (7)

AGAINST: Nil (0)

10. Customer and Corporate Support Reports

10.1 Comensura Contract - Provision of Recruitment Neutral Vendor Managed Services

Moved: Cr Davies

Seconded: Cr Hill

That Council approves the new Comensura contract through the Municipal Association of Victoria (MAV) under the provision of the Recruitment Neutral Vendor Managed Services Tender until 30 September 2026.

CARRIED

FOR: Crs Davey-Burns, Cochrane, Davies, Hill, Howe, Bearsley and Staikos (7)

AGAINST: Nil (0)

10.2 Award of Contract CON-22/074 - Provision of Internet and Data Services

Moved: Cr Cochrane

Seconded: Cr Staikos

That Council:

1. Receive the information and note the outcome of the tender assessment process for Contract 22/074, as set out in the confidential appendix attached to this report, and
2. Award Contract 22/074 - Provision of Internet and Data Services to Logicalis Australia Pty Ltd for a 3-year term at the total cost of \$1,903,473.04 excluding GST.

CARRIED

FOR: Crs Davey-Burns, Cochrane, Davies, Hill, Howe, Bearsley and Staikos (7)

AGAINST: Nil (0)

10.3 Governance and Compliance Report

Moved: Cr Davies

Seconded: Cr Hill

That Council receive the Informal Meetings of Councillors Records as attached at Appendix 1.

FOR: Crs Davey-Burns, Cochrane, Davies, Hill, Howe, Bearsley and Staikos (7)

AGAINST: Nil (0)

CARRIED

10.4 Response to Resolution - Councillor Attendance

Moved: Cr Staikos

Seconded: Cr Davies

That Council:

1. Receive this report;
2. Continue to receive similar quarterly reports of attendance record of Councillors for the entire Council term that removes Council events (civic ceremonies, openings and other formal events) from the list required for quarterly attendance; and
3. Publish the attendance records on Council's website.
4. That any corrections required due to incorrect information recorded can be updated as necessary by Governance in consultation with the relevant Councillor/s and any relevant minute-taking officers.

Amendment

Moved: Cr Howe

That the motion be adopted with the addition of the following at point 5:

“A statement appears on the publication of Councillor attendance records until the end of the Council term, regarding exceptional circumstances of Cr Howe that has at times impacted his attendance.”

The Amendment was accepted by the Mover and Seconder

The Motion was put and CARRIED

FOR: Crs Davey-Burns, Cochrane, Davies, Hill, Howe, Bearsley and Staikos (7)

AGAINST: Nil (0)

The resolution reads as follows:

Moved: Cr Staikos

Seconded: Cr Davies

That:

1. Council receive this report;
2. Council continue to receive similar quarterly reports of attendance record of Councillors for the entire Council term that removes Council events (civic ceremonies, openings and other formal events) from the list required for quarterly attendance;
3. Council publish the attendance records on Council's website;
4. Any corrections required due to incorrect information recorded can be updated as necessary by Governance in consultation with the relevant Councillor/s and any relevant minute-taking officers; and
5. A statement appears on the publication of Councillor attendance records until the end of the Council term, regarding exceptional circumstances of Cr Howe that has at times impacted his attendance.

CARRIED

6. Chief Finance Office Reports

11.1 Lease and Licence Policy

Moved: Cr Staikos

Seconded: Cr Hill

That Council:

1. Approve the Draft Lease and Licence Policy 2024, attached as Appendix 1, for public consultation; and
2. Receive a further report at the conclusion of the public consultation period in early 2024.

CARRIED

FOR: Crs Davey-Burns, Cochrane, Davies, Hill, Howe, Bearsley and Staikos (7)

AGAINST: Nil (0)

7. Notices of Motion

**12.1 Notice of Motion No. 31/2023 - Cr Staikos - Councillor Position
Descriptions and Key Performance Indicators**

Moved: Cr Staikos

Seconded: Cr Hill

That:

1. Council officers prepare Councillor position descriptions (PDs) and Councillor Key Performance Indicators (KPIs) for Kingston Councillors, for the consideration and adoption of Council.
2. Through the development of the PDs and KPIs, Officers consult with Councillors, *Kingston Represent* - Council's community representative panel, local government peak bodies, the Municipal Association of Victoria, the Victorian Local Governance Association and any other bodies who can contribute to the preparation of these documents.
3. The PDs and KPIs be presented to April 2024 meeting of Council, with a view to attach these to the Councillor Code of Conduct.
4. Officers will also prepare advice for the consideration of Council on how Councillor performance will be reviewed and measured based on best practise, sector benchmarking using any applicable interstate or international examples.

CARRIED

FOR: Crs Davey-Burns, Cochrane, Davies, Hill, Bearsley and Staikos (6)

AGAINST: Nil (0)

ABSTAINED: Crs Howe (1)

8. Urgent Business

There were no items of urgent business.

**City of Kingston
Ordinary Council Meeting**

Minutes

29 January 2024

9. Confidential Items

Procedural Motion

Moved: Cr Staikos

Seconded: Cr Davies

That item 8.1 – Kingston Women of the Year Awards 2024 Nominations and Selection of Winners be considered in the part of the meeting closed to the public.

CARRIED

FOR: Crs Davey-Burns, Cochrane, Davies, Hill, Howe, Bearsley and Staikos (7)

AGAINST: Nil (0)

Procedural Motion

Moved: Cr Staikos

Seconded Cr Hill

That in accordance with section 66(1) and 66(2)(a) of the *Local Government Act 2020*, the meeting be closed to members of the public for the consideration of the following item:

8.1 – Kingston Women of the Year Awards 2024 Nominations and Selection of Winners

This agenda item is confidential information for the purposes of section 3(1) of the Local Government Act 2020 as it relates to (s3(1)(f) – personal information)

CARRIED

FOR: Crs Davey-Burns, Cochrane, Davies, Hill, Howe, Bearsley and Staikos (7)

AGAINST: Nil (0)

The meeting was closed to the public at 8.36pm.

Moved: Cr Howe

Seconded: Cr Staikos

That the meeting be opened to members of the public.

CARRIED

FOR: Crs Davey-Burns, Cochrane, Davies, Hill, Howe, , Bearsley, and Staikos

AGAINST: Nil (0)

**City of Kingston
Ordinary Council Meeting**

Minutes

29 January 2024

The meeting opened to members of the public at 8.41pm.

The meeting closed at 8.42pm.

Confirmed.....

The Mayor 26 February 2024