

# Minutes

## Council Meeting

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Monday, 31st January 2022

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The meeting commenced at 7.00pm in the via the Zoom platform and live streamed.

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

**In Attendance:** Peter Bean, Chief Executive Officer  
Jonathan Guttmann, General Manager Planning and Development  
Samantha Krull, General Manager City Assets and Environment  
Tony Ljaskevic, General Manager Corporate Services  
Mark Patterson, Acting General Manager Community Sustainability  
Phil De Losa, Manager Governance  
Patrick O’Gorman, Governance Officer  
Gabby Pattenden, Governance Officer  
Lindsay Holland, Facilities Officer

**1. Apologies**

An Apology from Cr Hua was submitted to the meeting.

**Moved: Cr Oxley**

**Seconded: Cr Hill**

That the apology from Cr Hua be received.

**CARRIED**

**2. Confirmation of Minutes of Previous Meetings**

**Moved: Cr Saab**

**Seconded: Cr Davies**

That the Minutes of the Council Meeting held on 13 December 2021 be confirmed.

**CARRIED**

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

Cr Davies foreshadowed a declaration of a conflict of interest in Item 9.1 – Kingston Woman of the Year Award – Nominations and Selection of Winners.

Cr Bearsley foreshadowed a declaration of a conflict of interest in Item 12.3 – Notice of Motion No. 3/2022 – Cr Howe – Cornish College Proposed Stadium Development.

**4. Petitions**

Nil

**5. Presentation of Awards**

Nil

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

Nil

**7. Question Time**

No questions were submitted.

**En Bloc Resolution**

**Moved: Cr Davey-Burns**

**Seconded: Cr Cochrane**

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

- 8.1 Town Planning Application Decisions - November 2021
- 8.2 Town Planning Application Decisions - December 2021
- 9.2 Kingston Interfaith Network Committee Recruitment 2021
- 10.1 CON-21/080 Governor Road Boat Ramp Car Park Upgrade, Mordialloc
- 10.2 Peter Scullin Playspace - Consultation Findings
- 10.3 Response to Notice of Motion 10/2021 – Cr Howe - Bonbeach YCW (Junior Football, Netball, Cricket)
- 11.1 Informal Meetings of Councillors
- 11.2 Draft Annual Action Plan 2021-22
- 11.3 Response to Notice of Motion – Fiscal Review

**CARRIED**

**8. Planning and Development Reports**

**8.1 Town Planning Application Decisions - November 2021**

**RECOMMENDATION**

That the report be noted.

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

**8.2 Town Planning Application Decisions - December 2021**

**RECOMMENDATION**

That the report be noted.

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

**8.3 KP-2021/55 - 11 Powlett Street, Mordialloc**

**Moved: Cr Oxley**

**Seconded: Cr Saab**

That consideration of this item be deferred to the next Planning Committee or Council Meeting to allow for the correction of the report by Planning officers.

**CARRIED**

**8.4 KP-2020/706 - 217-221 Nepean Highway, Parkdale**

It is noted that Amanda Chaplin spoke on behalf of objectors.

**Moved: Cr Davies**

**Seconded: Cr Hill**

That Council determine to issue a Notice of Refusal to Grant a Planning Permit for the construction of ten triple storey dwellings and five double storey dwellings, the removal of an easement and alterations to the access to a road in a Road Zone, Category 1 at 217-221 Nepean Highway, Parkdale, on the following grounds:

1. The proposal fails to meet the objectives and strategic directions of the Municipal Strategic Statement relating to Built Environment and Heritage contained at Clause 21.06 and Housing contained at Clause 21.07 of the Kingston Planning Scheme.
2. The proposal fails to satisfy the requirements in Clause 22.06 (Residential Development Policy) of the Kingston Planning Scheme, as the proposal represents an unsuitable and poorly considered development of the site and provides an inappropriate response to local policy expectations and the character of the area.
3. The proposal is not consistent with the purpose and objectives of the General Residential Zone (Schedule 3) of the Kingston Planning Scheme.

4. The proposal fails to provide an acceptable built form outcome having regard to the physical and policy context.
5. The proposal fails to adequately satisfy the Design Standards of Clause 52.06-9 (Car Parking) and the Decision Guidelines of Clause 52.06-10 of the Kingston Planning Scheme.
6. The proposal fails to satisfy the requirements in Clause 55 (Two or more Dwellings on a Lot and Residential Buildings) of the Kingston Planning Scheme, in particular:
  - a. Clause 55.02-1 (Neighbourhood Character)
  - b. Clause 55.02-2 (Residential policy)
  - c. Clause 55.02-5 (Integration with the street)
  - d. Clause 55.03-1 (Street setback)
  - e. Clause 55.03-6 (Open Space)
  - f. Clause 55.03-7 (Safety)
  - g. Clause 55.03-9 (Access)
  - h. Clause 55.03-10 (Parking location)
  - i. Clause 55.04-5 (Overshadowing open space)
  - j. Clause 55.04-6 (Overlooking)
  - k. Clause 55.05-2 (Dwelling entry)
  - l. Clause 55.05-4 (Private open space)
  - m. Clause 55.05-5 (Solar Access to Open Space)
  - n. Clause 55.06-1 (Design Detail)
  - o. Clause 55.06-2 (Front fences)
7. The proposal represents an overdevelopment of the subject site providing a built form outcome that is an inappropriate response to the character of the area, results in detrimental amenity impacts to surrounding properties and is an inadequate response to local policy expectations for this site.

**CARRIED**

**8.5 KP-2021/339 - 557-561 Main Street, Mordialloc**

It is noted that Rosemary West spoke on behalf of objectors.

It is noted that Alister Shenfield spoke on behalf of the applicant.

**Moved: Cr Cochrane**

**Seconded: Cr Howe**

That Council determine to support the proposal and issue a notice of decision to grant a planning permit for the use of the land for a food and drink premises and eleven (11) dwellings, buildings and works including the construction of a four storey building and a reduction in the car parking requirement associated with the food and drink premises at 557-561 Main Street, Mordialloc, 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 an electronic copy must be provided. The plans must be substantially in accordance with the advertised plans prepared by prepared by JFK Design, job number 557MSM, sheets TP-01-TP-04 and TP-11-TP-13 dated June 2021 and sheets TP-00 and TP-04-TP-10 dated 8 July 2021, but modified to show:
  - a. The canopy over the footpath in front of the site extended to the full width of the building. Gaps or cut-outs may be provided where climbing plants up the building are proposed.
  - b. A mural and/or art piece (or similar) referencing the site's boat building history, located on both sides of the garage entry door.
  - c. The accessible car parking space relocated so as not provided in a tandem space or otherwise in an obstructed location.
  - d. A minimum of one (1) bicycle parking space per dwelling, including a minimum of 20 per cent of bicycle parking spaces as horizontal ground level spaces.
  - e. A notation stating: "the existing Council brick drain traversing the site must be replaced with minimum 450mm diameter size reinforced concrete pipe with associated custom designed pits at both ends along the full length of the easement on the subject site in accordance with the engineering plans approved by Council".
  - f. A full colour schedule of all finishes and building materials for all external elevations and driveways of the development.
  - g. An interpretative sign/signage referencing the history of both the Seeker III hull and boat building in Mordialloc.
  - h. The provision of an amended landscape plan in accordance with the submitted landscape plan prepared by JFK Design and dated April 2021, but modified to show:
    - 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 with all plants chosen to be to the satisfaction of the Responsible Authority.
    - ii) A survey including botanical names, of all existing trees on

- neighbouring properties where the tree protection zones of such trees calculated in accordance with AS4970-2009 fall partially within the subject site.
- iii) A range of plant types from ground covers to large shrubs, provided at adequate planting densities (e.g. plants 1 metre width at maturity planted 1 metre apart); with the species chosen to comprise of 100 per cent coastal indigenous species by plant type and total quantities.
  - iv) The provision of 80 square metres of canopy coverage of the external west facing wall to be provided through the use of a green façade, with the climbing plants required for the façade to be planted in the planter boxes located on the third floor.
  - v) The provision of two (2) indigenous trees capable of growing to minimum mature dimensions of 5 metres in height and 3 metres in width to be planted within the southern courtyard; with the species chosen to be approved by the Responsible Authority.
  - vi) Nominated plant species for the southern courtyard to be shade tolerant indigenous species.
  - vii) 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.
  - viii) The delineation of all garden beds, paving, grassed area, retaining walls, fences, planter boxes, climbing trellis and other landscape works.
  - ix) Notes including cross-sectional diagrams showing the dimensions, substrate specifications, drainage and irrigation for all planter boxes, with all planter boxes to have a minimum depth of 1 metre.
  - x) Notes specifying soil volume, substrate specifications and irrigation requirements for the in-ground garden beds provided for climbers.
  - xi) Notes regarding site preparation, including the removal of all weeds, proposed mulch, soil types and thickness, subsoil preparation and any specific maintenance requirements.
  - xii) The landscaping surrounding the base of the Seeker III hull with a nautical theme, including either water, which could be expressed as a sculptural element in a pond or as part of a fountain, or sand or rocks at its base which would give a sense of a vessel run aground, or similar.
  - xiii) Interpretative signage referencing the history of both the Seeker III hull and boat building in Mordialloc.
  - xiv) Illumination of the Seeker III hull.
- i. Consistency with the waste management plan required by condition 17 of this planning permit.
  - j. Consistency with the amended sustainable management plan required by condition 18 of this planning permit.
  - k. Any changes recommended in the amended acoustic report required by condition 20 of this planning permit.



- l. Any changes recommended in the vibration management plan required by condition 21 of this planning permit.
- m. Any changes recommended in the car parking management plan required by condition 23 of this planning permit.

**Endorsed Plans**

2. The development and use 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.

**Food and Drink Premises**

4. The food and drink premises use must operate only between the hours of 7:00am and 9:00pm, seven days a week, or otherwise as approved by the Responsible Authority in writing.
5. No more than fifty-two (52) patrons are permitted in the food and drink premises at any one time.
6. 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.
7. The use must comply at all times with the EPA Publication 1826 'Noise Limit and Assessment Protocol for the Control of Noise from Commercial, Industrial and Trade Premises and Entertainment Venues' (EPA 1826).

**Drainage and Water Sensitive Urban Design**

8. 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 engineering 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 8(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.
  - d. Detailed stormwater management (drainage) plan(s) must be prepared, with supporting computations, showing the stormwater (drainage) works to the nominated point of discharge in line with approved stormwater management (drainage) strategy report. 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.
- e. 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 calculated as per Council's "Civil Design requirements for Developers – Part A: Integrated Stormwater Management".
    - c. All stormwater (drainage) works must be maintained to the satisfaction of the Responsible Authority.
  9. The existing easement brick drain must be replaced with minimum 450mm diameter reinforced concrete pipe with custom designed pits at both ends of the easement within the easement in accordance with condition 1(e) at the permit holder's cost prior to commencing any building works. All works associated with drainage upgrade must be in accordance with engineering plans submitted to and approved by the Council. A priced schedule of the drainage upgrade works within the easement and the payment of Council's engineering fees of 3.25% of the total cost of the replacement drainage works are required to be submitted prior to final approval of the engineering plans.
  10. The required custom pit designs incorporating boundary fences must be provided by the developer where drain enters and leaves the property. This design must utilise a methodology which does not cause damage to the existing drain outside 557-561 Main Street, Mordialloc. The design must include an appropriate transition between the new 450mm diameter pipe and the existing brick drains at either end of the new pipe, to accommodate the profiles of the existing drainage which will be retained outside the subject property and immediately past these pits. These pits will be located in the drainage easement on the northern and southern boundaries of the site.
  11. The required new minimum 450mm diameter pipe must be of a higher class and with concrete backfill if adequate cover for the pipe cannot be achieved to ensure the structural integrity of the new pipe both during and post apartment construction.
  12. Any existing drainage connections from the neighbouring properties to the current brick drain within 557-561 Main Street, Mordialloc must be reconnected to the proposed new 450mm diameter drain to Council's standard.
  13. The stormwater flow in the existing brick drain must be maintained and kept in working by the developer at all time.
  14. The developer is responsible to design, build and cover the cost of the new drain as per the standard developer-built infrastructure (i.e., plans, engineering fees, supervision by Council, etc.).

**Seeker III Hull**

15. The permit holder must either:
  - a. Prior to the commencement of works, pay a monetary contribution to the Responsible Authority to the sum of \$3,000 to contribute towards the

refurbishment of the Seeker III hull; or,

- b. Prior to the endorsement of the plans required by condition 1 of this permit, submit to the Responsible Authority plans detailing the refurbishment of the Seeker III hull to the satisfaction of the Responsible Authority and to be approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the planning permit. The plans must be drawn to scale with dimensions and an electronic copy must be provided. The plans must include, but are not limited to, repainting the Seeker III hull and ensuring it is structurally sound. The plans must be accompanied by the written consent for the proposed works of both the owner of the Seeker III hull and the public land manager. The refurbishment works shown on the plans must be carried out and completed by, and at the full cost of, the permit holder, all to the satisfaction of the Responsible Authority.

#### **Waste Management Plan**

16. The waste management plan prepared by Salt3 and dated 3 June 2021, or as amended and approved by the responsible Authority from time to time, must be implemented to the satisfaction of the Responsible Authority. The waste management plan must not be modified unless with the written consent of the Responsible Authority.

#### **Sustainable Management Plan**

17. Prior to the endorsement of plans required by condition 1 of this planning permit, an amended sustainable management plan (SMP) 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 be generally in accordance with the sustainable management plan prepared by Low Impact Development Consulting and dated 28 May 2021, but amended to:
  - a. Provide the option of installing electric vehicle charge points with the provision of electrical connection points to the car parking area.
  - b. Increase the size of the photo voltaic solar system proposed.
18. Prior to the occupation of any building approved under this permit, written confirmation from the author of the endorsed sustainable management plan is to be submitted to and approved by the Responsible Authority detailing that all of the required measures specified in the sustainable management plan have been implemented, to the satisfaction of the Responsible Authority.

#### **Acoustic Treatments**

19. Prior to the endorsement of plan required by condition 1 of this planning permit, an amended acoustic report prepared by a suitably qualified acoustic consultant must be submitted to the satisfaction of the Responsible Authority. When approved, the acoustic report shall be endorsed to form part of the planning permit. The amended acoustic report shall be generally in accordance with the statement of evidence prepared by Darren Tardio of Enfield Acoustics dated 8 May 2020, but shall include, and clearly set out:
  - a. Relevant acoustic and vibration criteria (noting that EPA 1826 recently superseded SEPP N-1) for noise impact to- and from- the use.
  - b. Relevant noise and vibration measurements.
  - c. Glazing recommendations, and floorplan markups showing the applicable locations.

- d. Performance requirements for the façade and ventilation, to be developed upon during design development.
20. Within three (3) months of the occupation of the development or such time that the Responsible Authority approves in writing, written confirmation from the author of the endorsed acoustic report, or similarly qualified acoustic engineer, is to be submitted to and approved by the Responsible Authority detailing that all of the required measures specified in the acoustic report have been implemented, to the satisfaction of the Responsible Authority.

#### **Vibration Management Plan**

21. Prior to the endorsement of plan required by condition 1 of this planning permit, a vibration management plan prepared by a suitably qualified consultant must be submitted to the satisfaction of the Responsible Authority. When approved, the vibration management plan shall be endorsed to form part of the planning permit. The vibration management plan must include, but not be limited to, the following:
- a. Further vibration measurements, assessment and mitigation advice in accordance with referenced standards.
  - b. Assess and document how relevant standards could be achieved for all habitable parts of the building at all times of the day and night (during all potential modes of operation of the railway siding and line).
  - c. Document key elements of construction proposed to meet these standards, such as building methodologies or features.
22. Prior to the occupation of any building approved under this permit, written confirmation from the author of the endorsed vibration management plan is to be submitted to and approved by the Responsible Authority detailing that all of the required measures specified in the vibration management plan have been implemented, to the satisfaction of the Responsible Authority.

#### **Car Parking and Access**

23. Prior to the endorsement of plans pursuant to condition 1, a car parking management plan 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. Traffic and car parking operations on and adjacent to the site must conform to this endorsed plan. An electronic copy of the plan must be submitted. The plan must include (but not limited to):
- a. Allocating of car parking spaces to individual dwellings and the food and drink premises.
  - b. Signage of all car parking spaces.
  - c. Line marking of car parking spaces and detail of any proposed access controls such as roller doors/gates etc. securing access to the car parking area.
  - d. Servicing of the drainage and maintenance of the car parking areas.
24. The car parking management plan 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.
25. 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:

- i) Constructed to the satisfaction of the Responsible Authority.
- ii) Properly formed to such levels that they can be used in accordance with the plans.
- iii) Surfaced with an all-weather sealcoat to the satisfaction of the Responsible Authority.
- iv) Drained to the satisfaction of the Responsible Authority.
- v) Line-marked to indicate each car space and the nominated warehouse unit, all access lanes and, if necessary, the direction in which vehicles are to travel to the satisfaction of the Responsible Authority.
- vi) In accordance with any Council adopted guidelines for the construction of car parks.

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

26. In areas set aside for car parking, measures must be taken to the satisfaction of the Responsible Authority, to prevent damage to fences or landscaped areas.
27. Concrete kerbs or other barriers must be provided to the satisfaction of the Responsible Authority to prevent direct vehicle access to an adjoining road other than by a vehicle crossing.

#### **Construction Management**

28. 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**

29. 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.
30. Property boundary and footpath levels must not be altered without the prior written consent from the Responsible Authority.
31. Any reinstatements and new/modified vehicle crossovers must be constructed to the satisfaction of the Responsible Authority.

32. The replacement of all footpaths, including offsets, must be constructed to the satisfaction of the Responsible Authority.
33. Any redundant vehicle crossovers must be removed (including redundant portions of vehicle crossovers) to the satisfaction of the Responsible Authority.
34. All front and side fences must be contained wholly within the title property boundaries of the subject land.
35. Prior to the occupation of any part of the development approved under this planning permit, or prior to the issue of a statement of compliance for the subject site, the applicant/owner of the land must construct all public realm improvement works, including footpaths and garden beds located along the Main Street frontage of the site, in accordance with the endorsed plans and at the developer's cost (including paving).

#### **General Amenity**

36. 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.
37. 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.
38. 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.

#### **Potentially Contaminated Land**

39. Before a sensitive use (residential use, child care centre, pre-school centre, primary school, secondary school or children's playground) commences or before the construction or carrying out of buildings and works in association with a sensitive use commences:
  - a. A preliminary risk screen assessment statement in accordance with the *Environment Protection Act 2017* must be issued stating that an environmental audit is not required for the use or the proposed use; or
  - b. An environmental audit statement under Part 8.3 of the *Environment Protection Act 2017* must be issued stating that the land is suitable for the use or proposed use.

#### **Department of Transport (Referral Authority)**

40. Prior to the development commencing amended plans must be submitted to and approved by the Head, Transport for Victoria. When approved by the Head, Transport for Victoria, the plans must be endorsed by the Responsible Authority and will then form part of the permit. The plans must be drawn to scale with dimensions and two copies must be provided. The plans must be generally in accordance with the plans date stamped 27 August 2020 but modified to show:
  - a. An annotation on stating that all car parking within the land zoned Public Park and Recreation Zone is for public use.

#### **Melbourne Water**

41. The finished floor levels of the food and drink area, stores and waste areas, must be set no lower than 2.4 metres to AHD, with the exclusion of minimal transition

areas to the satisfaction of Melbourne Water.

42. The finished floor level of the entry to the lift and stairs to the residential apartments must be set no lower than 3.0 metres to AHD which is 600mm above the applicable 2100 flood level of 2.4m to AHD.
43. The finished surface of car park area must be set no lower than 2.4m to AHD which is at the applicable 2100 Sea Level Rise flood level.
44. Any electrical fittings or utilities such as gas/electricity meters, electrical substations, fire controls, car stacker mechanism etc. must be protected from flooding to the satisfaction of the relevant utility authority/distributor.
45. Prior to the issue of an occupancy permit, a certified survey plan, showing finished floor levels of the building and surface of the car stacker (as constructed) reduced to the AHD must be submitted to Melbourne Water to demonstrate that the floor levels have been constructed in accordance with Melbourne Water's requirements.

**Department of Environment, Land, Water and Planning**

46. There must be no:
  - a. storage of materials (including temporary stack sites) or spoil;
  - b. truck turning areas;
  - c. new entry points;
  - d. parking of vehicles;
  - e. vegetation removal;
  - f. buildings and works; and
  - g. discharge of stormwater or other concentrated flow of water;

on the adjoining Crown land as part of the development and its future use.

47. All stormwater and surface drainage should be directed to a legal point of discharge away from the Crown land and managed in accordance with the Environment Protection Authority and Melbourne Water Best Practice Environmental Management Guidelines for Urban Stormwater.
48. Any landscaping works undertaken on the site must not include the planting of environmental weeds.
49. No structures are to encroach upon the adjoining Crown land.
50. Crown land is not to be utilized as an easement or as legal access.
51. Crown land is not to be used for temporary access or storage associated with the proposal.

**Department of Transport (Public Land Manager)**

52. The developer (or the owner of the development site or any part of it ("landowner")) must:
  - a. Enter into a post-development approval Section 173 agreement between VicRoads, Council, and the developer/landowner, which imposes the rest of the obligations set out below (except for item 45); and
  - b. Pay all of VicRoads and Council's costs relating to such a Section 173 agreement.
53. The developer (and/or any subsequent landowners of the development site, including any owner corporation former for the building) must be responsible for

- the maintenance of the car park, kerbing, general landscaping and the landmark (the Seeker) and all related lighting/landscaping, on the VicRoads land.
54. The development must not disrupt existing uses/users of the VicRoads' land, including the boat ramp owner/user, Telstra, ESSO, and must not prevent the public from enjoying access to and use of any part of the VicRoads land and other adjoining land which is reserved for public park purposes.
  55. The location and means of access to the development and to the building must be to VicRoads satisfaction.
  56. If any part of the VicRoads land is required by the developer for access/construction/lay down purposes as part of the development, such access/use will only be provided after the developer has signed a licence agreement with VicRoads, and this agreement will require the developer to pay market rental for that use/access. The developer must pay VicRoads' costs in relation to the preparation, negotiation and execution of this agreement. The licence agreement will require the developer to not make any objections to any application for planning approval (if such approval is required) or any other form of objection to VicRoads placing or permitting any form of advertising within the road reserve or any of the VicRoads land.
  57. The developer must pay VicRoads' costs (not exceeding \$5,500 including GST) relating to the provision of this PLM Consent, upon demand.
  58. VicRoads will require the landscaping shown on the landscape plans to be undertaken by the developer on the VicRoads land to VicRoads' satisfaction.
  59. If there are any changes to the proposed use or development as set out in the permit application, a further or additional consent from VicRoads will be required.
  60. The developer must acknowledge (in the Section 173 agreement) that if any part of the VicRoads land is required for a transport purpose in the future, the developer (and any subsequent land owner) will not have any claim for compensation for any funds expended on maintenance or landscaping of the VicRoads land.

#### **Completion of Works**

61. 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.
62. Prior to the occupation of 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.

#### **Permit Expiry**

63. This permit as it relates to use and 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.
  - b. The development is not completed within four (4) years of the issue date of this permit.
  - c. The use is not commenced within five (5) 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:** Any buildings and works (including eaves, screening devices and the like) 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.

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

**Note:** Prior to the commencement of development, property boundary, footpath and vehicle crossover levels must be obtained from Council's roads and drains department with all levels raised or lowered to the satisfaction of the Responsible Authority.

**Note:** The proposed vehicle crossover must be to Council's standard drawing S201 and upgraded to industrial strength due to traffic volumes.

**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:** A copy of the construction management plan must be provided to Council's planning department and be made available for inspection prior to commencement of the development.

**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.

**Note:** Any planting within public road land must be in accordance with the VicRoads Tree Policy.

**Amendment**

**Moved: Cr Staikos**

That the recommendation be adopted with the following changes:

- Replace condition 1(h)(xii) with the following condition:  
“The landscaping surrounding the base of the Seeker III hull with a nautical theme, including sand, rocks and foreshore vegetation (including coastal spinifex and bower spinach (warrigal greens)) at its base, which would give a sense of a vessel run aground, or similar.”
- Include an additional note as follows:  
**Note:** The use of the adjacent area for the purpose of boating / maritime activities, pedestrian and vehicular access, permitted car parking, maintenance access, and planting and landscaping must not be adversely impacted at either the construction stages, or with the ongoing use and development of the land, in accordance with the permit.

**The Amendment was accepted by the Mover and Seconder**

**Amendment**

**Moved: Cr Staikos**

**Seconded: Cr Davey-Burns**

That the recommendation be adopted with the following change:

- Replace condition 1(b) with the following condition:  
“The façade revised to include the following:
  - i. The south-west elevation and north-west elevations to incorporate brick materials (recycled red brick, handmade bricks or the like) to replicate the western side and front façade of the original building. Materials selected should be similar to the style, design, colour and dimensions of the materials found on the original building.
  - ii. The original yellow ‘Pompei’s of Mordialloc Boatbuilding Works’ sign to be restored and incorporated into the building façade. If the sign has been lost or destroyed, or is not site-appropriate in size, it can be replaced by an appropriately sized replica.”

**The Amendment was put and CARRIED**

**The Amendment became the Motion**

**Amendment**

**Moved: Cr Hill**

That the recommendation be adopted with the following change:

- Include an additional note as follows:  
**Note:** New residents of the building must be made aware of the surrounding commercial activities and that any noise related issues will need to take into consideration the mixed use nature of the precinct.”

**The Amendment was accepted by the Mover and Seconder**

**The Substantive Motion was put and CARRIED**

**The Motion reads as follows:**

That Council determine to support the proposal and issue a Notice of Decision to Grant a Planning Permit for the use of the land for a food and drink premises and eleven (11) dwellings, buildings and works including the construction of a four storey building and a reduction in the car parking requirement associated with the food and drink premises at 557-561 Main Street, Mordialloc, 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 an electronic copy must be provided. The plans must be substantially in accordance with the advertised plans prepared by prepared by JFK Design, job number 557MSM, sheets TP-01-TP-04 and TP-11-TP-13 dated June 2021 and sheets TP-00 and TP-04-TP-10 dated 8 July 2021, but modified to show:
  - a. The canopy over the footpath in front of the site extended to the full width of the building. Gaps or cut-outs may be provided where climbing plants up the building are proposed.
  - b. The façade revised to include the following:
    - i. The south-west elevation and north-west elevations to incorporate brick materials (recycled red brick, handmade bricks or the like) to replicate the western side and front façade of the original building. Materials selected should be similar to the style, design, colour and dimensions of the materials found on the original building.
    - ii. The original yellow 'Pompei's of Mordialloc Boatbuilding Works' sign to be restored and incorporated into the building façade. If the sign has been lost or destroyed, or is not site-appropriate in size, it can be replaced by an appropriately sized replica.
  - c. The accessible car parking space relocated so as not provided in a tandem space or otherwise in an obstructed location.
  - d. A minimum of one (1) bicycle parking space per dwelling, including a minimum of 20 per cent of bicycle parking spaces as horizontal ground level spaces.
  - e. A notation stating: "the existing Council brick drain traversing the site must be replaced with minimum 450mm diameter size reinforced concrete pipe with associated custom designed pits at both ends along the full length of the easement on the subject site in accordance with the engineering plans approved by Council".
  - f. A full colour schedule of all finishes and building materials for all external elevations and driveways of the development.
  - g. An interpretative sign/signage referencing the history of both the Seeker III hull and boat building in Mordialloc.
  - h. The provision of an amended landscape plan in accordance with the submitted landscape plan prepared by JFK Design and dated April 2021, but modified to show:
    - 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 with all plants chosen to be to the satisfaction

- of the Responsible Authority.
- ii) A survey including botanical names, of all existing trees on neighbouring properties where the tree protection zones of such trees calculated in accordance with AS4970-2009 fall partially within the subject site.
  - iii) A range of plant types from ground covers to large shrubs, provided at adequate planting densities (e.g. plants 1 metre width at maturity planted 1 metre apart); with the species chosen to comprise of 100 per cent coastal indigenous species by plant type and total quantities.
  - iv) The provision of 80 square metres of canopy coverage of the external west facing wall to be provided through the use of a green façade, with the climbing plants required for the façade to be planted in the planter boxes located on the third floor.
  - v) The provision of two (2) indigenous trees capable of growing to minimum mature dimensions of 5 metres in height and 3 metres in width to be planted within the southern courtyard; with the species chosen to be approved by the Responsible Authority.
  - vi) Nominated plant species for the southern courtyard to be shade tolerant indigenous species.
  - vii) 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.
  - viii) The delineation of all garden beds, paving, grassed area, retaining walls, fences, planter boxes, climbing trellis and other landscape works.
  - ix) Notes including cross-sectional diagrams showing the dimensions, substrate specifications, drainage and irrigation for all planter boxes, with all planter boxes to have a minimum depth of 1 metre.
  - x) Notes specifying soil volume, substrate specifications and irrigation requirements for the in-ground garden beds provided for climbers.
  - xi) Notes regarding site preparation, including the removal of all weeds, proposed mulch, soil types and thickness, subsoil preparation and any specific maintenance requirements.
  - xii) The landscaping surrounding the base of the Seeker III hull with a nautical theme, including sand, rocks and foreshore vegetation (including coastal spinifex and bower spinach (warrigal greens)) at its base, which would give a sense of a vessel run aground, or similar.
  - xiii) The landscaping surrounding the base of the Seeker III hull with a nautical theme, including either water, which could be expressed as a sculptural element in a pond or as part of a fountain, or sand or rocks at its base which would give a sense of a vessel run aground, or similar.
  - xiv) Interpretative signage referencing the history of both the Seeker III hull and boat building in Mordialloc.
  - xv) Illumination of the Seeker III hull.
- i. Consistency with the waste management plan required by condition 17 of

this planning permit.

- j. Consistency with the amended sustainable management plan required by condition 18 of this planning permit.
- k. Any changes recommended in the amended acoustic report required by condition 20 of this planning permit.
- l. Any changes recommended in the vibration management plan required by condition 21 of this planning permit.
- m. Any changes recommended in the car parking management plan required by condition 23 of this planning permit.

#### **Endorsed Plans**

- 2. The development and use 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.

#### **Food and Drink Premises**

- 4. The food and drink premises use must operate only between the hours of 7:00am and 9:00pm, seven days a week, or otherwise as approved by the Responsible Authority in writing.
- 5. No more than fifty-two (52) patrons are permitted in the food and drink premises at any one time.
- 6. 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.
- 7. The use must comply at all times with the EPA Publication 1826 'Noise Limit and Assessment Protocol for the Control of Noise from Commercial, Industrial and Trade Premises and Entertainment Venues' (EPA 1826).

#### **Drainage and Water Sensitive Urban Design**

- 8. 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 engineering 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 8(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.
- d. Detailed stormwater management (drainage) plan(s) must be prepared, with supporting computations, showing the stormwater (drainage) works to the nominated point of discharge in line with approved stormwater management (drainage) strategy report. 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.
9. 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 calculated as per Council's "Civil Design requirements for Developers – Part A: Integrated Stormwater Management".
    - c. All stormwater (drainage) works must be maintained to the satisfaction of the Responsible Authority.
  10. The existing easement brick drain must be replaced with minimum 450mm diameter reinforced concrete pipe with custom designed pits at both ends of the easement within the easement in accordance with condition 1(e) at the permit holder's cost prior to commencing any building works. All works associated with drainage upgrade must be in accordance with engineering plans submitted to and approved by the Council. A priced schedule of the drainage upgrade works within the easement and the payment of Council's engineering fees of 3.25% of the total cost of the replacement drainage works are required to be submitted prior to final approval of the engineering plans.
  11. The required custom pit designs incorporating boundary fences must be provided by the developer where drain enters and leaves the property. This design must utilise a methodology which does not cause damage to the existing drain outside 557-561 Main Street, Mordialloc. The design must include an appropriate transition between the new 450mm diameter pipe and the existing brick drains at either end of the new pipe, to accommodate the profiles of the existing drainage which will be retained outside the subject property and immediately past these pits. These pits will be located in the drainage easement on the northern and southern boundaries of the site.
  12. The required new minimum 450mm diameter pipe must be of a higher class and with concrete backfill if adequate cover for the pipe cannot be achieved to ensure the structural integrity of the new pipe both during and post apartment construction.
  13. Any existing drainage connections from the neighbouring properties to the current brick drain within 557-561 Main Street, Mordialloc must be reconnected to the proposed new 450mm diameter drain to Council's standard.
  14. The stormwater flow in the existing brick drain must be maintained and kept in working by the developer at all time.
  15. The developer is responsible to design, build and cover the cost of the new drain as per the standard developer-built infrastructure (i.e., plans, engineering fees,

supervision by Council, etc.).

**Seeker III Hull**

16. The permit holder must either:
- a. Prior to the commencement of works, pay a monetary contribution to the Responsible Authority to the sum of \$3,000 to contribute towards the refurbishment of the Seeker III hull; or,
  - b. Prior to the endorsement of the plans required by condition 1 of this permit, submit to the Responsible Authority plans detailing the refurbishment of the Seeker III hull to the satisfaction of the Responsible Authority and to be approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the planning permit. The plans must be drawn to scale with dimensions and an electronic copy must be provided. The plans must include, but are not limited to, repainting the Seeker III hull and ensuring it is structurally sound. The plans must be accompanied by the written consent for the proposed works of both the owner of the Seeker III hull and the public land manager. The refurbishment works shown on the plans must be carried out and completed by, and at the full cost of, the permit holder, all to the satisfaction of the Responsible Authority.

**Waste Management Plan**

17. The waste management plan prepared by Salt3 and dated 3 June 2021, or as amended and approved by the responsible Authority from time to time, must be implemented to the satisfaction of the Responsible Authority. The waste management plan must not be modified unless with the written consent of the Responsible Authority.

**Sustainable Management Plan**

18. Prior to the endorsement of plans required by condition 1 of this planning permit, an amended sustainable management plan (SMP) 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 be generally in accordance with the sustainable management plan prepared by Low Impact Development Consulting and dated 28 May 2021, but amended to:
- a. Provide the option of installing electric vehicle charge points with the provision of electrical connection points to the car parking area.
  - b. Increase the size of the photo voltaic solar system proposed.
19. Prior to the occupation of any building approved under this permit, written confirmation from the author of the endorsed sustainable management plan is to be submitted to and approved by the Responsible Authority detailing that all of the required measures specified in the sustainable management plan have been implemented, to the satisfaction of the Responsible Authority.

**Acoustic Treatments**

20. Prior to the endorsement of plan required by condition 1 of this planning permit, an amended acoustic report prepared by a suitably qualified acoustic consultant must be submitted to the satisfaction of the Responsible Authority. When approved, the acoustic report shall be endorsed to form part of the planning permit. The amended acoustic report shall be generally in accordance with the statement of evidence prepared by Darren Tardio of Enfield Acoustics dated 8 May 2020, but shall include, and clearly set out:

- a. Relevant acoustic and vibration criteria (noting that EPA 1826 recently superseded SEPP N-1) for noise impact to- and from- the use.
  - b. Relevant noise and vibration measurements.
  - c. Glazing recommendations, and floorplan markups showing the applicable locations.
  - d. Performance requirements for the façade and ventilation, to be developed upon during design development.
21. Within three (3) months of the occupation of the development or such time that the Responsible Authority approves in writing, written confirmation from the author of the endorsed acoustic report, or similarly qualified acoustic engineer, is to be submitted to and approved by the Responsible Authority detailing that all of the required measures specified in the acoustic report have been implemented, to the satisfaction of the Responsible Authority.

#### **Vibration Management Plan**

22. Prior to the endorsement of plan required by condition 1 of this planning permit, a vibration management plan prepared by a suitably qualified consultant must be submitted to the satisfaction of the Responsible Authority. When approved, the vibration management plan shall be endorsed to form part of the planning permit. The vibration management plan must include, but not be limited to, the following:
- a. Further vibration measurements, assessment and mitigation advice in accordance with referenced standards.
  - b. Assess and document how relevant standards could be achieved for all habitable parts of the building at all times of the day and night (during all potential modes of operation of the railway siding and line).
  - c. Document key elements of construction proposed to meet these standards, such as building methodologies or features.
23. Prior to the occupation of any building approved under this permit, written confirmation from the author of the endorsed vibration management plan is to be submitted to and approved by the Responsible Authority detailing that all of the required measures specified in the vibration management plan have been implemented, to the satisfaction of the Responsible Authority.

#### **Car Parking and Access**

24. Prior to the endorsement of plans pursuant to condition 1, a car parking management plan 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. Traffic and car parking operations on and adjacent to the site must conform to this endorsed plan. An electronic copy of the plan must be submitted. The plan must include (but not limited to):
- a) Allocating of car parking spaces to individual dwellings and the food and drink premises.
  - b) Signage of all car parking spaces.
  - c) Line marking of car parking spaces and detail of any proposed access controls such as roller doors/gates etc. securing access to the car parking area.
  - d) Servicing of the drainage and maintenance of the car parking areas.



25. The car parking management plan 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.
26. 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:
- i) Constructed to the satisfaction of the Responsible Authority.
  - ii) Properly formed to such levels that they can be used in accordance with the plans.
  - iii) Surfaced with an all-weather sealcoat to the satisfaction of the Responsible Authority.
  - iv) Drained to the satisfaction of the Responsible Authority.
  - v) Line-marked to indicate each car space and the nominated warehouse unit, all access lanes and, if necessary, the direction in which vehicles are to travel to the satisfaction of the Responsible Authority.
  - vi) In accordance with any Council adopted guidelines for the construction of car parks.

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

27. In areas set aside for car parking, measures must be taken to the satisfaction of the Responsible Authority, to prevent damage to fences or landscaped areas.
28. Concrete kerbs or other barriers must be provided to the satisfaction of the Responsible Authority to prevent direct vehicle access to an adjoining road other than by a vehicle crossing.

#### **Construction Management**

29. 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**

30. 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.

31. Property boundary and footpath levels must not be altered without the prior written consent from the Responsible Authority.
32. Any reinstatements and new/modified vehicle crossovers must be constructed to the satisfaction of the Responsible Authority.
33. The replacement of all footpaths, including offsets, must be constructed to the satisfaction of the Responsible Authority.
34. Any redundant vehicle crossovers must be removed (including redundant portions of vehicle crossovers) to the satisfaction of the Responsible Authority.
35. All front and side fences must be contained wholly within the title property boundaries of the subject land.
36. Prior to the occupation of any part of the development approved under this planning permit, or prior to the issue of a statement of compliance for the subject site, the applicant/owner of the land must construct all public realm improvement works, including footpaths and garden beds located along the Main Street frontage of the site, in accordance with the endorsed plans and at the developer's cost (including paving).

#### **General Amenity**

37. 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.
38. 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.
39. 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.

#### **Potentially Contaminated Land**

40. Before a sensitive use (residential use, child care centre, pre-school centre, primary school, secondary school or children's playground) commences or before the construction or carrying out of buildings and works in association with a sensitive use commences:
  - a. A preliminary risk screen assessment statement in accordance with the *Environment Protection Act 2017* must be issued stating that an environmental audit is not required for the use or the proposed use; or
  - b. An environmental audit statement under Part 8.3 of the *Environment Protection Act 2017* must be issued stating that the land is suitable for the use or proposed use.

#### **Department of Transport (Referral Authority)**

41. Prior to the development commencing amended plans must be submitted to and approved by the Head, Transport for Victoria. When approved by the Head, Transport for Victoria, the plans must be endorsed by the Responsible Authority and will then form part of the permit. The plans must be drawn to scale with dimensions and two copies must be provided. The plans must be generally in accordance with the plans date stamped 27 August 2020 but modified to show:

- a. An annotation on stating that all car parking within the land zoned Public Park and Recreation Zone is for public use.

**Melbourne Water**

42. The finished floor levels of the food and drink area, stores and waste areas, must be set no lower than 2.4 metres to AHD, with the exclusion of minimal transition areas to the satisfaction of Melbourne Water.
43. The finished floor level of the entry to the lift and stairs to the residential apartments must be set no lower than 3.0 metres to AHD which is 600mm above the applicable 2100 flood level of 2.4m to AHD.
44. The finished surface of car park area must be set no lower than 2.4m to AHD which is at the applicable 2100 Sea Level Rise flood level.
45. Any electrical fittings or utilities such as gas/electricity meters, electrical substations, fire controls, car stacker mechanism etc. must be protected from flooding to the satisfaction of the relevant utility authority/distributor.
46. Prior to the issue of an occupancy permit, a certified survey plan, showing finished floor levels of the building and surface of the car stacker (as constructed) reduced to the AHD must be submitted to Melbourne Water to demonstrate that the floor levels have been constructed in accordance with Melbourne Water's requirements.

**Department of Environment, Land, Water and Planning**

47. There must be no:
  - a. storage of materials (including temporary stack sites) or spoil;
  - b. truck turning areas;
  - c. new entry points;
  - d. parking of vehicles;
  - e. vegetation removal;
  - f. buildings and works; and
  - g. discharge of stormwater or other concentrated flow of water;on the adjoining Crown land as part of the development and its future use.
48. All stormwater and surface drainage should be directed to a legal point of discharge away from the Crown land and managed in accordance with the Environment Protection Authority and Melbourne Water Best Practice Environmental Management Guidelines for Urban Stormwater.
49. Any landscaping works undertaken on the site must not include the planting of environmental weeds.
50. No structures are to encroach upon the adjoining Crown land.
51. Crown land is not to be utilized as an easement or as legal access.
52. Crown land is not to be used for temporary access or storage associated with the proposal.

**Department of Transport (Public Land Manager)**

53. The developer (or the owner of the development site or any part of it ("landowner")) must:
  - a. Enter into a post-development approval Section 173 agreement between

VicRoads, Council, and the developer/landowner, which imposes the rest of the obligations set out below (except for item 45); and

- b. Pay all of VicRoads and Council's costs relating to such a Section 173 agreement.
54. The developer (and/or any subsequent landowners of the development site, including any owner corporation former for the building) must be responsible for the maintenance of the car park, kerbing, general landscaping and the landmark (the Seeker) and all related lighting/landscaping, on the VicRoads land.
55. The development must not disrupt existing uses/users of the VicRoads' land, including the boat ramp owner/user, Telstra, ESSO, and must not prevent the public from enjoying access to and use of any part of the VicRoads land and other adjoining land which is reserved for public park purposes.
56. The location and means of access to the development and to the building must be to VicRoads satisfaction.
57. If any part of the VicRoads land is required by the developer for access/construction/lay down purposes as part of the development, such access/use will only be provided after the developer has signed a licence agreement with VicRoads, and this agreement will require the developer to pay market rental for that use/access. The developer must pay VicRoads' costs in relation to the preparation, negotiation and execution of this agreement. The licence agreement will require the developer to not make any objections to any application for planning approval (if such approval is required) or any other form of objection to VicRoads placing or permitting any form of advertising within the road reserve or any of the VicRoads land.
58. The developer must pay VicRoads' costs (not exceeding \$5,500 including GST) relating to the provision of this PLM Consent, upon demand.
59. VicRoads will require the landscaping shown on the landscape plans to be undertaken by the developer on the VicRoads land to VicRoads' satisfaction.
60. If there are any changes to the proposed use or development as set out in the permit application, a further or additional consent from VicRoads will be required.
61. The developer must acknowledge (in the Section 173 agreement) that if any part of the VicRoads land is required for a transport purpose in the future, the developer (and any subsequent land owner) will not have any claim for compensation for any funds expended on maintenance or landscaping of the VicRoads land.

#### **Completion of Works**

62. 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.
63. Prior to the occupation of 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.

#### **Permit Expiry**

64. This permit as it relates to use and 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.
- b. The development is not completed within four (4) years of the issue date of this permit.
- c. The use is not commenced within five (5) 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:** Any buildings and works (including eaves, screening devices and the like) 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.

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

**Note:** Prior to the commencement of development, property boundary, footpath and vehicle crossover levels must be obtained from Council's roads and drains department with all levels raised or lowered to the satisfaction of the Responsible Authority.

**Note:** The proposed vehicle crossover must be to Council's standard drawing S201 and upgraded to industrial strength due to traffic volumes.

**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:** A copy of the construction management plan must be provided to Council's planning department and be made available for inspection prior to commencement of the development.

**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.

**Note:** Any planting within public road land must be in accordance with the VicRoads Tree Policy.

**Note:** The use of the adjacent area for the purpose of boating / maritime activities, pedestrian and vehicular access, permitted car parking, maintenance access, and planting and landscaping must not be adversely impacted at either the construction stages, or with the ongoing use and development of the land, in accordance with the permit.

**Note:** New residents of the building must be made aware of the surrounding commercial activities and that any noise related issues will need to take into consideration the mixed use nature of the precinct.

**Procedural Motion**

**Moved: Cr Saab**

**Seconded: Cr Davies**

That the meeting be adjourned for five minutes.

**CARRIED**

**Procedural Motion**

**Moved: Cr Saab**

**Seconded: Cr Cochrane**

That the meeting resume.

**CARRIED**

**8.6 KP-2021/313 - 14 Wright Street, Carrum**

It is noted that Chris Mackenzie spoke on behalf of the applicant.

**Moved: Cr Howe**

**Seconded: Cr Oxley**

That Council determine to issue a Notice of Refusal to Grant a Permit for the development of four (4) dwellings and associated works in accordance with the endorsed plans at 14 Wright Street, Carrum, on the following grounds:

1. The proposal fails to meet the objectives and strategic directions of the Municipal Strategic Statement relating to Built Environment and Heritage contained at Clause 21.06 and Housing contained at Clause 21.07 of the Kingston Planning Scheme.
2. The proposal fails to satisfy the requirements in Clause 22.06 (Residential Development Policy) of the Kingston Planning Scheme, as the proposal represents an overdevelopment of the site and provides an inappropriate response to local policy expectations and the character of the area.
3. The proposal fails to satisfy the requirements in Clause 55 (Two or more Dwellings on a Lot and Residential Buildings) of the Kingston Planning Scheme, in particular:

- a. Clause 55.02-1 (Neighbourhood Character)
  - b. Clause 55.03-1 (Street setback objective)
  - c. Clause 55.03-10 (Parking Location)
  - d. Clause 55.04-5 Overshadowing open space objective
  - e. Clause 55.05-6 Storage objective
4. The proposal is not consistent with the purpose and objectives of the General Residential Zone (Schedule 2) of the Kingston Planning Scheme.
  5. The proposal fails to provide an acceptable built form outcome having regard to the physical and policy context.
  6. The proposal represents an overdevelopment of the subject site providing an inappropriate response to local policy expectations and the character of the area.

**LOST**

**Moved: Cr Davies**

**Seconded: Cr Davey-Burns**

That Council determine to support the proposal and issue a Notice of Decision to Grant a Permit for the development of four (4) dwellings and associated works in accordance with the endorsed plans at 14 Wright Street, Carrum, 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 Archsign, comprising Sheet Nos. SA1.0 to GA1.0, inclusive (Rev C) dated September 2021, but modified to show:
  - a. Details of the fencing (height and materials) enclosing Dwelling 1's secluded private open space from the front setback area.
  - b. The maximum building height nominated on the elevations.
  - c. The provision of a revised colour schedule, showing the cladding material framing the first floor façade of Dwelling 1 and the entry porches of the remaining dwellings changed from 'Blackish base' to a more natural and muted colour in accordance with Clause 21.11-3 of the Kingston Planning Scheme or alternative alterations to the material and colour schedule for all external elevations to the satisfaction of the Responsible Authority.
  - d. A full set of elevations, including the west elevation of Dwelling 1, the east elevation of Dwelling 2, the west elevation of Dwelling 3, and the west elevation of Dwelling 4.
  - e. The height of Dwelling 2 and 3 reduced or other alternative alteration to the satisfaction of the Responsible Authority so no additional overshadowing of the secluded private open space of Unit 2, 16 Wright Street is created at 3pm on 22 September.
  - f. The layout of Dwelling 1 designed to allow for a maximum three-point turn for vehicles associated with the Dwelling 1 garage to exit the site in a forward direction.
  - g. The Dwelling 1 storage space redesigned to be internally accessible or relocated to be externally accessible from the private open space, to the

satisfaction of the Responsible Authority.

- h. A notation within the first floor study room of Dwelling 1 which states 'must not be converted to a bedroom'.
- i. The location of tree protection fencing illustrated to scale and labelled on the Ground Floor Plan.
- j. The provision of a revised Landscape Plan in accordance with the submitted Landscape Plan prepared by Etched, (Date: August 2021, LTP1), with such plans to be prepared by a suitably qualified landscape professional to the satisfaction of the Responsible Authority and incorporating;
  - i) Species chosen to comprise of a minimum 80% coastal indigenous species by plant type and total quantities;
  - ii) The *Tristaniopsis laurina* 'Luscious' within the rear setback of Units 2-4 to be substituted for indigenous canopy trees capable of growing to minimum mature dimensions of 8 metres in height and 5 metres in width;
  - iii) 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;
  - iv) Tree protection fencing accurately drawn to scale and labelled.

#### 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.

#### Street Trees

- 4. Tree Protection Fencing is to be established around the *Corymbia ficifolia* 'Wildfire' (Dwarf Red Flowering Gum) street tree 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.
  - b) The fencing is to encompass the entire nature strip.

#### Drainage and Water Sensitive Urban Design

- 5. A minimum 2000 litre rainwater tank must be provided for each new dwelling with water re-used for toilet flushing.
- 6. Unless with the prior written consent of the Responsible Authority, before the development commences, the following Integrated Stormwater Management documents must be prepared, by a suitably qualified person, to the satisfaction of the Responsible Authority.
  - a) Stormwater Management/drainage (drainage) Plan(s) must be prepared, with supporting computations, showing the stormwater (drainage) works to the nominated point of discharge. The plan(s) must show all details of the



- proposed stormwater (drainage) works including all existing and proposed features that may have impact on the stormwater (drainage) works, including landscaping details.
- b) The Stormwater Management (drainage) Plan must address the requirements specified within Council's "Civil Design requirements for Developers – Part A: Integrated Stormwater Management".
  - c) A STORM modelling report with results demonstrating water sensitive urban design treatments that achieve Victorian best practice objectives with a minimum 100% rating must be provided as part of the Stormwater Management (drainage) Plan to the satisfaction of the Responsible Authority. These may include the use of an infiltration or bio-retention system, rainwater tanks connected for reuse, or other treatments to the satisfaction of the Responsible Authority.
  - d) The water sensitive urban design treatments as per conditions 6 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.
7. Stormwater/drainage works must be implemented in accordance with the approved stormwater management/drainage plan(s) and to the satisfaction of the Responsible Authority including the following:
- a) All stormwater/drainage works must be provided on the site so as to prevent overflows onto adjacent properties.
  - b) The implementation of stormwater/drainage detention system(s) which restricts stormwater discharge to the maximum allowable flowrate of 6.3L/s.
  - c) All stormwater/drainage works must be maintained to the satisfaction of the Responsible Authority.

#### Sustainable Design Assessment

8. Prior to the endorsement of plans required by condition 1, a Sustainable Design Assessment (SDA) must be submitted to and approved by the Responsible Authority. The SDA must be generally in accordance with the SDA prepared by Frater, dated 5 August 2021. All works must be undertaken in accordance with the endorsed SDA and continued to be maintained to the satisfaction of the responsible authority. No alterations to the SDA may occur without the written consent of the Responsible Authority.

#### Infrastructure and Road Works

- 9. 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.
- 10. Property boundary and footpath levels must not be altered without the prior written consent from the Responsible Authority.
- 11. Any reinstatements and vehicle crossings are to be constructed to the satisfaction of the Responsible Authority.
- 12. The replacement of all footpaths, including offsets, must be constructed to the satisfaction of the Responsible Authority.
- 13. Any redundant vehicle crossings must be removed (including redundant portions of vehicle crossings) to the satisfaction of the Responsible Authority.

#### General amenity conditions

14. 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.
15. 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.
16. 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

17. 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.
18. 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.

#### Time Limits

19. In accordance with section 68 of the *Planning and Environment Act 1987* (the Act), this permit will expire if one of the following circumstances applies:
  - The development is not started within two (2) years from the date of permit issue.
  - The 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:** The development includes shed to be built over the easement. Separate consent from Council and the relevant service authority is required to build over the easement and 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.

**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 / 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 & 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.

**CARRIED**

**A Division was Called:**

**DIVISION:**

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

**AGAINST:** Crs Eden, Howe and Oxley (3)

**ABSTAINED:** Cr Hill (1)

**CARRIED**

**8.7 KP-2021/621 - 40-46 Pietro Road, Heatherton**

**Moved: Cr Davies**

**Seconded: Cr Saab**

That Council defer consideration of this item to allow the officer report to be updated to consider the objection which has been received and that this matter be relisted for the next available Council or Planning Committee Meeting.

**CARRIED**

**8.8 Tree Removal Applications under the Community Local Law at No.179-217 Centre Dandenong Road Dingley Village**

**Moved: Cr Howe**

**Seconded: Cr Bearsley**

That consideration of this item be deferred until the February Planning Committee or Council Meeting.

**CARRIED**

**8.9 Suburban Rail Loop - Design Advocacy Adoption**

Cr Eden left the meeting at 8.47pm

Cr Oxley left the meeting at 8.47pm

**Moved: Cr Davey-Burns**

**Seconded: Cr Saab**

That Council:

1. Adopt the Heatherton Stabling Facility and Cheltenham SRL Station Precinct Design Advocacy reports and early initiatives with the following amendments:
  - a. Include two additional early initiatives as follows:
    - i) Protect native wildlife, including those of local significance, through their identification in the Environmental Effects Statement (EES) and ensure appropriate mitigation measures are put in place.
    - ii) Provide appropriate traffic management measures to manage local traffic congestion and access through project construction.
  - b. Amend the initiative section of the 'Relocation of the Farmers Market' to read 'Ensure the continuing operation of the Kingston Farmers Market'
  - c. Amend the staging section of the 'Relocation of the Farmers Market' to read:
    - i) Immediately engage with the Farmers Market to understand their needs.
    - ii) Identify mitigation measures through the EES process.
    - iii) Ensure the market is able to operate at an alternative location prior to the commencement of works.
2. Write to the Suburban Rail Loop Authority and Environmental Effects Statement Independent Advisory Committee advising of adoption.
3. Promote the work it has completed to provide for broader community awareness through the Kingston Your City community paper.
4. In line with the resolution for Notice of Motion 4/2021 regarding the Suburban Rail Loop Authority and the resolution for Notice of Motion 17/2021, reaffirm its strong and unanimous opposition to the location of the Stabling Yard in its submission and representation in the EES process through its continued advocacy of alternative sites.

Cr Howe left the meeting at 8.53pm

Cr Howe returned to the meeting at 8.55pm

Cr Howe left the meeting at 8.56pm

Cr Howe returned to the meeting at 8.58pm

**CARRIED**

**8.10 Mentone to Parkdale Level Crossing Removal - Early Objectives**

**Moved: Cr Cochrane**

**Seconded: Cr Hill**

That Council:

1. Adopt the attached early objectives report that will be followed by the development of a more detailed draft Urban Design Framework that will form part of a community consultation process to be conducted later this year; and
2. Write to the Level Crossing Removal Project advising of its resolutions.
3. Coordinate a meeting with the Local Member of Parliament to reinforce the early objectives it has identified for the crossing removals at Mentone and Parkdale.

Cr Oxley returned to the meeting at 9.04pm

Cr Howe left the meeting at 9.05pm

Cr Howe returned to the meeting at 9.09pm

**CARRIED**

**9. Community Sustainability Reports**

**9.1 Kingston Woman of the Year Award 2022 - Nominations and Selection of Winners**

Cr Davies declared a general conflict of interest in this item as a nominee of the award is a client of her private law firm and left the meeting at 9.12pm prior to any discussion on the matter.

**Moved: Cr Oxley**

**Seconded: Cr Davey-Burns**

That Council

1. Select the winner(s) of the Kingston Woman of the Year Award 2022 and four category winners reflecting each of the nomination categories (Courageous Commitment, Excelling in Arts and Sport, Inspiring Innovation and Success in STEM) as per Confidential Appendix 2; and
2. Determine, pursuant to Section 125 of the Local Government Act 2020, that the identities of all award winners remain confidential until 11 March 2022 except for the notification of the award winners by the Mayor prior to 11 March 2022.

Cr Eden returned to the meeting at 9.14pm.

**CARRIED Unanimously by the Councillors present**

Cr Davies returned to the meeting at 9.16pm

**9.2 Kingston Interfaith Network Committee Recruitment 2021**

**RECOMMENDATION**

That Council appoint the five recommended candidates to the Kingston Interfaith Network Committee.

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

**10. City Assets and Environment Reports**

**10.1 CON-21/080 Governor Road Boat Ramp Car Park Upgrade, Mordialloc**

**RECOMMENDATION**

That Council:

1. Receive the information and note the outcome of the tender assessment process for Contract 21/080 - Governor Road Boat Ramp Car Park Upgrade, Mordialloc, as set out in confidential Appendix 1 attached to this report;
2. Award Contract 21/080 – Governor Road Boat Ramp Car Park Upgrade, Mordialloc for the fixed lump sum of \$925,092.73 (exclusive of GST) to CDN Constructors Pty Ltd; and
3. Approve the allocation of a separate contingency of up to 10% of the contract sum, as set out in the report below and delegate authority to the CEO, or delegate, to expend this allowance to ensure successful completion of the project.

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

**10.2 Peter Scullin Playspace - Consultation Findings**

**RECOMMENDATION**

That Council:

1. Note the consultation input and feedback to the draft Peter Scullin Reserve Playspace Plan;
2. Endorse the Peter Scullin Reserve Playspace Plan (as set out as Appendix 1);
3. Refer the funding for the implementation of the Peter Scullin Playspace to the development of Council's 2022/23 budget; and
4. Receive a future report for Peter Scullin and Hazel Pierce Reserves that considers feedback to the draft Peter Scullin Reserve Playspace Plan, particularly the provision of facilities that engage older children in active recreation activities.

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

**10.3 Response to Notice of Motion 10/2021 – Cr Howe - Bonbeach YCW (Junior Football, Netball, Cricket)**

**RECOMMENDATION**

That Council:

1. Endorse the proposed double storey pavilion concept, as set out in Appendices 1 and 3 for the purposes of community consultation and feedback;
2. Receive a future report presenting the feedback and outcomes of the community consultation;
3. Authorise officers to commence a value management approach to identify and quantify potential project savings;
4. Endorse landscaping, car parking and oval 5 lighting and drainage at Bonbeach Sports Reserve as key advocacy projects leading to the 2022 Victorian State Government election;
5. Commit to delivery of a new pavilion, associated landscaping, car parking and oval 5 lighting and drainage, subject to the award of \$5M funding from the State Government; and
6. Receive a future report, confirming funding contributions towards the implementation of the Bonbeach Sports Reserve Master Plan, including contributions from the State Government, user groups/clubs and any other funding agency.

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

**11. Corporate Services Reports**

**11.1 Informal Meetings of Councillors**

**RECOMMENDATION**

That Council receive the report.

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

**11.2 Draft Annual Action Plan 2021-22**

**RECOMMENDATION**

That Council endorse the Draft Annual Action Plan 2021-22 and the amendments to adopted Strategic Indicators.

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

**11.3 Response to Notice of Motion - Fiscal Review**

**RECOMMENDATION**

That Council:

1. Note this report in response to Notice of Motion No.21/2021 – Fiscal Review.
2. Note the proposed options and next steps
3. Endorse the recommended option being Option 2 – Defer the decision to undertake Service Performance Review until after Council considers the work currently underway by the CEO on the enhancement of service delivery through a proposed re-alignment of some of Council's functions.
4. Note the recently completed and current initiatives underway that go towards creating efficiencies and savings.

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

**12. Notices of Motion**

**12.1 Notice of Motion No. 1/2022 - Cr Howe - Riverend Road**

**Moved: Cr Howe**

**Seconded: Cr Oxley**

That Council:

1. Express in detail with examples to the City of Greater Dandenong (CGD) in a letter that the 2km Riverend Road regional loop and Riverend Road reconstruction are critical public safety upgrades that additionally enhance integrated transport outcomes;

**A Division was Called:**

**DIVISION:**

**FOR:** Crs Bearsley, Eden, Hill, Howe and Oxley (5)

**AGAINST:** Cr Saab (1)

**ABSTAINED:** Crs Staikos, Davey-Burns, Cochrane and Davies (4)

**LOST on the Casting Vote of the Chairperson**

2. Request that the City of Greater Dandenong considers these upgrades in its 2022/23 program and works closely with impacted stakeholders towards that outcome; and

**LOST**

**A Division was Called:**

**DIVISION:**

**FOR:** Crs Eden, Howe and Oxley (3)

**AGAINST:** Crs Hill and Saab (2)

**ABSTAINED:** Crs Staikos, Davey-Burns, Bearsley, Cochrane and Davies (5)

**LOST**



3. Contact Cornish College to affirm that Council supports these upgrades and will conduct further investigations of municipal footpath integrations in the event of the City of Greater Dandenong budgeting the project.

**CARRIED**

**A Division was Called:**

**DIVISION:**

**FOR:** Crs Bearsley, Davies, Eden, Hill, Howe and Oxley (6)

**AGAINST:** Nil (0)

**ABSTAINED:** Crs Staikos, Davey-Burns, Cochrane and Saab (4)

**CARRIED**

**Note:** It was requested by Cr Eden and agreed to by the Chairperson that each part of the Motion be put to the vote separately.

**12.2 Notice of Motion No. 2/2022 - Cr Howe - Festive Decorations**

**Moved: Cr Howe**

**Seconded: Cr Oxley**

That:

1. Council receive a report in a timely fashion to a future ordinary meeting, enabling facilitation in 2022 of a plan to raise charitable donations each festive season through the addition of Christmas decorations to the landmark Norfolk Island Pine at the Carrum Promenade;
2. The report will detail Council resources required with an emphasis on public donations and other funding streams for decorations, which would enhance the foreshore skyline in the festive season;
3. It will be discussed within the report an annual festive launch event, where Council will play its role as the land manager in activating the Carrum Promenade;
4. Options will be detailed for local and national charity beneficiaries of the donations received; and

**LOST**

**A Division was Called:**

**DIVISION:**

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

**AGAINST:** Nil (0)

**ABSTAINED:** Crs Staikos, Davey-Burns, Cochrane, Davies, Hill and Saab (6)

**LOST**

5. Council receive a discussion paper at a Councillor Information Session in the first quarter that presents options for a municipal wide response to public festive decorations for the Christmas period, including high-level detail of a multi-year

funding plan that builds upon Kingston's arts and culture programming.

**CARRIED**

**Note:** It was requested by Cr Hill and agreed to by the Chairperson that parts 1-4 and part 5 of the Motion be put to the vote separately.

**Procedural Motion**

**Moved: Cr Oxley**

**Seconded: Cr Bearsley**

That the meeting be extended for 30 minutes until 10.30pm.

**CARRIED**

**12.3 Notice of Motion No. 3/2022 - Cr Howe - Cornish College Proposed Stadium Development**

Cr Bearsley declared a general conflict of interest in this item as her son attends Cornish College and left the meeting at 9.53pm prior to any discussion on the matter.

**Moved: Cr Howe**

**Seconded: Cr Oxley**

That:

1. Council enter promptly into discussions firstly with Cornish College and subsequently with CGD to discuss the context of and what level of support would be considered reasonable for the proposed 4-court stadium development;
2. Council engage with relevant stakeholders including Chelsea and District Basketball Association, but particularly Kingston Comets Basketball Association to understand their position and vision for growth in CC's proposed facility;
3. Council present this feedback in a report to a future ordinary meeting with a recommendation for consideration of Council, including discussion of Bonbeach Stadium's future uses; and
4. The report shall make a recommendation as per point three (3), but not bind the Council financially to an immediate decision and will provide contextual information as Federal and State elections campaigns get underway.

Cr Cochrane left the meeting at 9.56pm

Cr Cochrane returned to the meeting at 10.02pm

**LOST**

**A Division was Called:**

**DIVISION:**

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

**AGAINST:** Cr Davey-Burns (1)

**ABSTAINED:** Crs Staikos, Davies, Hill and Saab (4)

**LOST**

Cr Bearsley returned to the meeting at 10.08pm.

Cr Howe left the meeting at 10.08pm and did not return.

**12.4 Notice of Motion No. 4/2022 - Cr Howe - Live Music**

The Motion lapsed for want of a Mover and Seconder.

**12.5 Notice of Motion No. 5/2022 - Cr Oxley - Chelsea Woolworths Car Park**

**Moved: Cr Oxley**

**Seconded: Cr Eden**

That officers undertake a review of the Chelsea Woolworths carpark with a view to improve traffic flows and car parking in the area while taking into consideration local businesses and residents.

Cr Davey-Burns left the meeting at 10.09pm

Cr Davey-Burns returned to the meeting at 10.11pm

**CARRIED**

**12.6 Notice of Motion No. 6/2022 - Cr Oxley - Shopping Strip Revitalisation Campaign**

**Moved: Cr Oxley**

**Seconded: Cr Eden**

That in the lead up to the State election Council start a shopping strip revitalisation campaign for the shopping strips in Edithvale, Chelsea, Chelsea Heights and Bonbeach in consultation with the Ward Councillors for these areas.

**Procedural Motion**

**Moved: Cr Oxley**

**Seconded: Cr Eden**

That the meeting be extended for 20 minutes until 10.50pm.

**CARRIED**

**The Substantive Motion was put and LOST**

**A Division was Called:**

**DIVISION:**

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

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

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

**LOST**

**12.7 Notice of Motion No. 7/2022 - Cr Oxley - Netball Courts in Edithvale/Aspendale**

**Moved: Cr Oxley**

**Seconded: Cr Eden**

That officers investigate the site feasibility of providing 1-2 netball courts locally for use by the Edithvale Aspendale Netball Club and Aspendale Arrows and provide a report back to Council no later than April 2022.

**LOST**

**A Division was Called:**

**DIVISION:**

**FOR:** Crs Bearsley, Eden and Oxley (3)

**AGAINST:** Cr Davies (1)

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

**LOST**

**12.8 Notice of Motion No. 8/2022 - Cr Oxley - Biodiversity of Council Parks**

**Moved: Cr Oxley**

**Seconded: Cr Eden**

That officers provide a report to Council outlining how Council manages the biodiversity of Council's parks and reserves where significant flora and fauna are present. This report is to be presented no later than March 2022.

**Procedural Motion**

**Moved: Cr Cochrane**

**Seconded: Cr Saab**

That the meeting be extended by 10 minutes until 11.00pm.

**CARRIED**

**The Substantive Motion was put and LOST**

**A Division was Called:**

**DIVISION:**

**FOR:** Crs Eden, Hill, Oxley and Saab (4)

**AGAINST:** Crs Bearsley, Cochrane and Davies (3)

**ABSTAINED:** Crs Staikos and Davey-Burns (2)

**LOST**

**13. Urgent Business**

There were no items of urgent business.

**14. Confidential Items**

**Confidential Appendices**

**9.1 Kingston Woman of the Year Award 2022 - Nominations and Selection of Winners**

**Appendix 1, Kingston Woman of the Year Award 2022 - Nomination Summary**

*This appendix is confidential in accordance with the Local Government Act 2020, s3(1) as it relates to (s3(1)(f).*

**9.1 Kingston Woman of the Year Award 2022 - Nominations and Selection of Winners**

**Appendix 2, Kingston Woman of the Year Award 2022 - Winners**

*This appendix is confidential in accordance with the Local Government Act 2020, s3(1) as it relates to (s3(1)(f).*

**10.1 CON-21/080 Governor Road Boat Ramp Car Park Upgrade, Mordialloc**

**Appendix 1, CON-21/080 Tender Evaluation Matrix - Governor Road Boat Ramp Car Park Upgrade, Mordialloc**

*This appendix is confidential in accordance with the Local Government Act 2020, s3(1) as it relates to (s3(1)(h).*

The meeting closed at 10.51pm.

**Confirmed.....**

**The Mayor 28 February 2022**