

# Minutes

## Council Meeting

Monday, 13th December 2021

**Table of Contents**

1.	Apologies .....	3
2.	Confirmation of Minutes of Previous Meetings . <b>Error! Bookmark not defined.</b>	
3.	Foreshadowed Declaration by Councillors, Officers or Contractors of any Conflict of Interest .....	3
	<i>[Note that any Conflicts of Interest need to be formally declared at the start of the meeting and immediately prior to the item being considered – type and nature of interest is required to be disclosed – if disclosed in writing to the CEO prior to the meeting only the type of interest needs to be disclosed prior to the item being considered.]</i>	
4.	Petitions .....	3
5.	Presentation of Awards .....	3
6.	Reports from Delegates Appointed by Council to Various Organisations.....	4
7.	Question Time.....	4
8.	Planning and Development Reports .....	7
9.	Community Sustainability Reports.....	26
10.	City Assets and Environment Reports .....	26
11.	Corporate Services Reports .....	28
12.	Notices of Motion .....	30
13.	Urgent Business.....	32
14.	Confidential Items .....	32

**City of Kingston  
Council Meeting**

**Minutes**

**13 December 2021**

The meeting commenced at 7.15pm 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 George Hua  
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  
Alfred Carnovale, Manager City Development  
Patrick O’Gorman, Governance Officer  
Gabby Pattenden, Governance Officer  
Lindsay Holland, Facilities Officer

**1. Apologies**

There were no apologies submitted to the meeting.

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

**Moved: Cr Davies**

**Seconded: Cr Hill**

That the Minutes of the Council Meeting held on 22 November 2021 and the Council Meeting held on 29 November 2021 be confirmed.

**CARRIED**

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

Cr Howe foreshadowed a declaration of a conflict of interest in Item 8.9.

**4. Petitions**

Nil

**5. Presentation of Awards**

Nil

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

Cr Saab reported on his and Cr Hill's attendance at the South East Councils Climate Change Alliance meeting.

**Moved: Cr Saab**

**Seconded: Cr Davey-Burns**

That the delegate's report be received.

**CARRIED**

**7. Question Time**

**Moved: Cr Oxley**

**Seconded: Cr Hill**

That notwithstanding the requirement of the Governance Rules, answers be read out to all questions submitted online by 7.00pm given the current measures responding to the Covid-19 Coronavirus.

**CARRIED**

Question Time was held at 7.22pm.

Cr Staikos left the meeting at 7.24pm

Cr Staikos returned to the meeting at 7.25pm

**Fraser Gibson asked,**

*"Will Kingston Council request a detailed report on the Active Transport connections and routes for the Cheltenham, Southland, and SRLA and Highett stations including at least the 1600m area around the precincts?"*

*The report is to include projections of movement and access numbers of Cycling, Walking, Personal Mobility Devices users, and persons with a disability around the precincts and integration with public transport and Pick Up Drop off points."*

**The General Manager Planning and Development provided the following response,**

*"Council Officers continue to discuss with Mr Gibson the importance of active transport routes around the Cheltenham, Southland, SRL and Highett Stations. The most recent discussion with Mr Gibson was held on the 10 December, 2021. Several opportunities identified by the Bayside Climate Crisis Group through Mr. Gibson have been incorporated into Kingston Council's draft landscape and urban design work completed for the precinct which is currently on exhibition.*

*The nature of the work Mr. Gibson is flagging regarding cycling, walking, personal mobility device users and disability access around the precinct will be a critical component of the envisaged Precinct Structure Planning work for the Suburban Rail Loo project. This is particularly the case given the envisaged vehicle trips projected into the precinct and the importance of providing visitors other transport choices to access the area.*

*Council would be happy to put forward the suggestion by Mr. Gibson to the SRL to ensure it is built into its future work program."*

**Fraser Gibson asked,**

*“Given the disparate views and shortfalls in the EES EPR’s will Kingston Council please request SRLA to initiate a questionnaire on Active Transport and public and private transport utilisation for each LGA where mode transfers occur?”*

*This could be put to communities by Councils and returned to SRLA for publication prior to the next stage of EES evaluation. It would inform SLRA on the use of access connections, public and private transport and likely public appetite for zero emissions travel and reduced parking and congestion problems.*

*These issues are generally addressed in the SRL EES response summary table items 7, 69, 81, 85, 96, 100, 102, 104, 139, 140 however more specificity is required.”*

**The General Manager Planning and Development provided the following response,**

*“Council would be happy to put forward Mr. Gibson’s suggestion of a questionnaire to the SRLA regarding Active Transport.*

*Council wishes to thank Mr. Gibson for his continued interest in the initial planning phase for the SRL project.”*

**Erin Wallis asked,**

*“Could you please consider providing more dog poo bag stations at more parks around the neighbourhood. In particular, many parks in my area allow dogs, but don’t provide poo bags including Mentone Racecourse Reserve, Derring Lane Reserve, Follet Rd Playground are the ones that come to mind. This helps to keep the neighbourhood clean, encouraging people to pick up after themselves.”*

**The General Manager Planning and Development provided the following response,**

*“I would like to thank Ms. Wallis for her questions. In relation to the suggestions by Ms. Wallis regarding the provision of more dog poo bag stations in parks including Mentone Racecourse Reserve, Derring Lane Reserve and Follet Road Playground our team will assess the nominated locations and determine which of the locations would be suitable for a dispenser to be installed.”*

**Erin Wallis asked,**

*“Living on Eagland Rd, there’s a park and Aged Care facility at the end of our street. Often, cars visiting the park or the Aged Care facility park down the dead end part of the street and it’s really narrow. Sometimes, it means that we struggle to get out of our driveway and often have to drive over the curb or risk hitting other cars because of how tight it is. My question is: can you please put a “no parking zone” on the corner of Norma Ave and Eagland Rd. Location pin: -37.971555, 145.075653 Thank you so much for reading and considering my questions! Love living in Cheltenham (and Kingston) and want the best for the community!”*

**The General Manager Planning and Development provided the following response,**

*“The suggestion by Ms. Wallis regarding the erection of a ‘no parking zone’ near the corner of Norma Avenue and Eagland Road will be further explored by Council’s Traffic and Transport team”*

**En Bloc Resolution**

**Moved: Cr Hill**

**Seconded: Cr Davey-Burns**

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

- 8.5 Planning Policy Framework Translation
- 8.6 Response to Council Resolution 2/2021 – Review of Existing City Development Policies
- 8.7 Suburban Rail Loop East Environmental Effects Statement - Council Submission
- 10.1 Coastal and Marine Management Plan - Final
- 10.2 Foreshore Access Improvements - Mordialloc, Parkdale and Mentone
- 10.3 Sport and Recreation Victoria - Local Sports Infrastructure Fund 2021-22
- 10.5 Stormwater Pumping Station at 141 Thames Promenade, Chelsea Drainage Construction
- 11.2 Kingston Charitable Fund Grant Assessment Panel - Council Appointed Community Representatives
- 11.3 Informal Meetings of Councillors
- 11.4 CEO and General Manager Quarterly Expenses
- 11.7 Complaint Handling Policy

**CARRIED**

**Procedural Motion**

**Moved: Cr Cochrane**

**Seconded: Cr Davies**

That Council resolve that Item 14.3 not be considered as a confidential item and be considered in the meeting open to the public prior to the consideration of item 8.1.

**CARRIED**

**14.3 Aquatic Development - Site Assessment Findings**

**Moved: Cr Cochrane**

**Seconded: Cr Davies**

That Council:

1. Release the site assessment outcome and rankings for the three shortlisted sites identified for a new aquatic development in Kingston's central/south;
2. Note that the privately owned Governor Rd/Wells Rd Mordialloc property is the highest ranked site for the new aquatic facility development and authorise officers to conduct further project due diligence on the Governor Rd/Wells Rd Mordialloc property;
3. Engage with the community on the site assessment process and outcomes via a comprehensive communications campaign, including three community information sessions scheduled for December 2021, January 2022 and February 2022;
4. Receive a report at a future Council Meeting detailing the community feedback received regarding the site assessment process, and the outcomes of the project due diligence on the Governor Rd/Wells Rd Mordialloc site; and
5. Determine, pursuant to Section 125 of the Local Government Act 2020, that the report and this resolution be made publicly available.

Cr Oxley left the meeting at 7:48pm

Cr Oxley returned to the meeting at 7:56pm

**Procedural Motion**

**Moved: Cr Bearsley**

**Seconded: Cr Davey-Burns**

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

**CARRIED**

**The Substantive Motion was put and CARRIED**

**8. Planning and Development Reports**

**8.1 KP-2019/769 - 17, 19, 21 & 26A Camelia Grove & Camelia Grove Drainage and Sewerage Reserve, Cheltenham**

Cr Eden left the meeting at 7.59pm

Cr Oxley left the meeting at 8.00pm

It is recorded that Victor Andreou spoke on behalf of the objector

It is recorded that Jessica Mulligan and Michael Benjamin spoke on behalf of the applicant.

Cr Oxley returned to the meeting at 8.09pm

Cr Oxley left the meeting at 8:14pm

**Moved: Cr Davies**

**Seconded: Cr Cochrane**

That the Council determine to support the proposal and issue a Notice of Decision to Grant a Permit for the Removal and Creation of Reserve, Removal and Creation of Easement, Creation of Road and Subdivision of the land into Three (3) Lots generally in accordance with the submitted plans, at 17, 19, 21 & 26a Camelia Grove, & Camelia Grove Drainage and Sewerage Reserve, Cheltenham, subject to the following conditions:

**Endorsed Plans**

1. The plans to be endorsed and which will then form part of the permit are the plans prepared by KLM Spatial, Reference Number 7091 PP01, Sheet 1 and 2, dated 19/02/2021, Version 8.
2. The subdivision as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.

**Public Open Space Contribution**

3. Prior to the issue of a Statement of Compliance, the applicant or owner must pay to the Responsible Authority an amount equivalent to five per cent (5%) of the site value of all land in the subdivision. If the payment is not made within 12 months of the date of this permit, Council will request a revaluation of the site value at each anniversary and will vary the amount of the payment accordingly.

**United Energy Conditions**

4. The plan of subdivision submitted for certification must be referred to United Energy Distribution Pty Ltd in accordance with Section 8 of the Subdivision Act 1988.
5. The applicant must enter into an agreement with United Energy Distribution Pty Ltd for the extension, upgrading or rearrangement of the electricity supply to lots on the plan of subdivision. A payment to cover the cost of such work will be required.

**South East Water Conditions**

6. The Plan of Subdivision must be accompanied by an Owners Corporation Schedule. All lots shown on the Plan of Subdivision must be included in the Owners Corporation Schedule.

or

The owner of the subject land can enter into an agreement with South East Water for the provision of separate services to each individual lot.

7. Prior to certification, the Plan of Subdivision must be referred to South East Water, in accordance with Section 8 of the Subdivision Act 1988.
8. The certified Plan of Subdivision will need to show sewerage supply easements over all existing and/or proposed South East Water sewer mains located within the land, to be in favour of South East Water Corporation pursuant to Section 12(1) of the Subdivision Act.

**Melbourne Water Conditions**

9. Prior to the Certification, the exact location of Melbourne Water's underground drain within the proposed Lots 2 & 3 must be located by a licensed surveyor as per Melbourne Water's Asset Proving guidelines and the drain location plan must be supplied to Melbourne Water for review and approval.



10. Prior to Certification, the plan of subdivision must be updated to show a Memorandum of Common Provisions AA1106 easement in favour of Melbourne Water for the purpose of 'Drainage'. This easement must be shown over the full area of Lot A and RESERVE No.1. Within Lots 2 & 3, the easement must be extended 7 metres in width centrally located over Melbourne Water's drain.

#### General Conditions

11. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities, electricity and gas services to each lot shown on the endorsed plan in accordance with the authority's requirements and relevant legislation at the time.
12. All existing and proposed easements and sites for existing or required utility services and roads on the land must be set aside in the plan of subdivision submitted for certification in favour of the relevant authority for which the easement or site is to be created.
13. The plan of subdivision submitted for certification under the Subdivision Act 1988 must be referred to the relevant authority in accordance with Section 8 of that Act.

#### Completion of Subdivision

14. Once the subdivision has started it must be continued and completed to the satisfaction of the Responsible Authority.

#### Expiry

15. This permit as it relates to subdivision will expire if one of the following circumstances applies:
  - a. The plan of subdivision is not certified within two (2) years from the date of this permit.
  - b. The plan of subdivision is not registered within five (5) years of the date of certification.

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

**Note:** Each building or part of a building resulting from this subdivision must comply with Regulation 231 of the *Building Regulations 2018*.

**Note:** In accordance with the *Planning and Environment Act 1987* and the *Subdivision Act 1988*, there is no provision to grant an extension of time for a certified plan of subdivision.

**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:** Melbourne Water has reviewed the latest plan PP01 version 8 and confirms

that the above referenced plan (Plan Number: PP01V8, Version: 8) indicates compliance with the above two conditions. It is also confirmed that the location of the drain has also been shown on the plan reference: 7091PP01, sheet 2 of 2, dated 19/02/2021.

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

The following South East Water agreement options are available:

1. Application to enter into a Development Agreement-Works – If South East Water reticulated sewer/water/recycled water (as applicable) is required to be extended to service lots within the development
2. Application For Notice of Agreement Subdivision-Non Works – If South East Water reticulated sewer/water/recycled water (as applicable) is available to the development and the owner only requires Statement of Compliance to release the titles (i.e. subdivision prior to building)
3. Plumbing Industrial, Commercial, Units & Private Water application – If South East Water reticulated sewer/water/recycled water (as applicable) is available to the development and the owner wishes to commence construction of the building/s (i.e. building prior to subdivision)

**CARRIED**

## **8.2 KP-2021/470 - 179-217 Centre Dandenong Road, Dingley Village**

Cr Oxley returned to the meeting at 8:18pm

**Moved: Cr Hua**

**Seconded: Cr Hill**

That Council determine to refuse all seven (7) applications for planning permits and issue Notices of Refusal to Grant Permits for the Removal of Native Vegetation for KP-2021/470, KP-2021/475, KP-2021/480, KP-2021/484, KP-2021/488, KP-2021/489 and KP-2021/492 at 179-217 Centre Dandenong Road, Dingley Village, on the following grounds:

1. The proposal fails to comply with relevant planning policy and local planning policy frameworks contained within the Kingston Planning Scheme, including Clause 12.01 (Biodiversity) and Clause 21.03 (Environment and Landscape Values).
2. The proposal fails to meet the purpose of Clause 52.17 (Native Vegetation).
3. The proposal fails to meet the decision guidelines under Clause 52.17-4.
4. The proposal results in a detrimental impact to the environment and inappropriate loss of native vegetation

Cr Eden returned to the meeting at 8.21pm

**Amendment**

**Moved: Cr Davey-Burns**

**Seconded: Cr Bearsley**

1. That Council determine to refuse six applications for planning permits and issue Notices of Refusal to Grant Permits for the Removal of Native Vegetation for KP-2021/475, KP-2021/480, KP-2021/484, KP-2021/488, KP-2021/489 and KP-2021/492 at 179-217 Centre Dandenong Road, Dingley Village, on the following grounds:
  - a) The proposals fail to comply with relevant planning policy and local planning policy frameworks contained within the Kingston Planning Scheme, including Clause 12.01 (Biodiversity) and Clause 21.03 (Environment and Landscape Values).
  - b) The proposals fail to meet the purpose of Clause 52.17 (Native Vegetation).
  - c) The proposals fail to meet the decision guidelines under Clause 52.17-4.
  - d) The proposals result in a detrimental impact to the environment and inappropriate loss of native vegetation.
2. That Council determine to support the application for a planning permit and issue Notices of Decision to Grant a Permit for the Removal of Native Vegetation for KP-2021/470, at 179-217 Centre Dandenong Road, Dingley Village, subject to the following conditions:
  - a) The tree removal as shown on the endorsed plans and documents must not be altered without the written consent of the Responsible Authority.
  - b) The amenity of the area must not be detrimentally affected by the tree removal, through the:
    - i) Transport of materials, goods or commodities to or from the land.
    - ii) Appearance of any building, works or materials.
    - iii) Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil.
    - iv) Presence of vermin.
    - v) Any other way.
  - c) Once the tree removal has started it must be continued and completed to the satisfaction of the Responsible Authority.
  - d) 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 tree removal is not started before two (2) years from date of this permit.
    - The tree removal is not completed before four (4) years from the date of permit issue.

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

**Note:** Before removing any vegetation from the site, the applicant or any contractor engaged to remove any vegetation, should consult Council's Vegetation

Management Officer to verify if a Local Laws Permits is required for the removal of such vegetation.

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

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

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

Cr Cochrane left the meeting at 8:38pm

Cr Howe left the meeting at 08:41pm

Cr Howe returned to the meeting at 08:41pm

Cr Cochrane returned to the meeting at 8:45pm

**The Amendment was put and CARRIED**

**A Division was Called:**

**DIVISION:**

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

**AGAINST:** Crs Hill, Howe, Hua and Oxley (4)

**ABSTAINED:** Cr Eden (1)

**The Amendment was put and CARRIED**

**The Amendment became the Motion**

**The Motion was put and CARRIED**

### **8.3 KP-2018/523/A - Moorabbin Reserve, 32-60 Linton Street, Moorabbin**

**Moved: Cr Saab**

**Seconded: Cr Davies**

That Council determine to support the proposal and issue a Notice of Decision to Grant an Amended Planning Permit for Buildings and works in a Special Building Overlay, in association with a minor sports and recreation facility and restricted place of assembly, to construct and display business identification signs and to provide car parking to the satisfaction of the Responsible Authority at Moorabbin Reserve, 32-60 Linton Street, Moorabbin, subject to the following conditions:

1. Before the development starts amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies

must be provided. The plans must be substantially in accordance with the plans submitted to Council on 03 July 2018 (revised 28 September 2021), but modified to show:

- a. a note on the plans to state '*No permanent fencing shall be erected on the land to preclude public access to the Moorabbin Reserve unless otherwise agreed in writing by the Responsible Authority*'.
- b. relocate basketball court west as much as possible to allow vegetation to be retained to the Satisfaction of the Responsible Authority;
- c. all works must be located within the lease agreement area;
- d. a monetary contribution to the exercise station (outdoor exercise equipment) to the Satisfaction of Council's Parks and Recreation Department;
- e. the provision of ten (10) bicycle parking spaces plus the bicycle parking spaces required to meet the demand of the Stage 2C extension;
- f. location of lighting within the proposed car park;
- g. speed humps and traffic signs, limiting speed to 5km per hour, shall be designed and installed to the satisfaction of the Responsible Authority at each vehicle entry / exit from car parking egressing to Linton Street;
- h. the vegetation is to reduce light spill from the car park to the residential interface along the western side of Linton Street to the Satisfaction of Council's Parks and Recreation Department;
- i. a note on the plans to read '*The south west corner of the park is to be designated to Water Sensitive Urban Design (WSUD) and no future works are to impact on this section of Moorabbin Reserve*';
- j. the first floor/roof area over the allied health services of Stage 2C to be reduced by a minimum of 0.5m, to the satisfaction of the Responsible Authority;
- k. additional landscaping at ground level with larger planter boxes and provision of a vertical green wall to the portion of building closest to Linton Street to emphasise a 'green edge' to the Satisfaction of Council's Parks and Recreation Department;
- l. reduction in foot path to two (2) metres fronting the portion of building closest to Linton Street to allow additional landscaping opportunities to the Satisfaction of Council's Parks and Recreation Department;
- m. bench seating is to be incorporated into the design between the planter boxes adjoining the portion of the building closest to Linton Street to the Satisfaction of Council's Parks and Recreation Department;
- n. tree planting on the mound to be deleted from the plans. A minimum 2 metre wide garden bed to be planted at the base of the mound (outside) to continue from the proposed basketball court to the Linton Street frontage to the Satisfaction of Council's Parks and Recreation Department;
- o. the tree planting at the base of the mound is to include Eucalyptus melliodora and to be planted 15 to 20 metres to the Satisfaction of Council's Parks and Recreation Department;
- p. DELETED
- q. a tree survey plan by a qualified Arborist to assess the proposed tree removal required for the construction of the basketball court. The offset

- planting (number, location and species) is to be to the satisfaction of Council Parks and Recreation Department;
- r. the provision of a detailed landscape plan incorporating:
    - i) associated planting schedule showing location, species type, mature height and width, pot sizes, densities and number of species.
    - ii) tree species in accordance with recommendations of Council's Parks and Recreation Team.
    - iii) street tree plantings to be in accordance with Council's Street Tree Planting Guidelines.
    - iv) trees to be purchased in 40cm/45L containers
    - v) ground cover densities to be four plants per square metre
    - vi) details of the proposed bio swale adjacent to the car park
    - vii) planting within the front set back of the Stage 2C building, including five (5) native canopy trees, with at least two (2) of the trees capable of growing to a minimum mature height of ten (10) metres, to the satisfaction of the Responsible Authority
  - s. a staging plan including, but not limited to, the following information:
  - t. staging of demolition and construction, and
  - u. the provision of a Tree Management Plan (TMP) in accordance with condition 36 of this permit
  - v. the Sustainable Management Plan (SMP), Built Environment Sustainability Scorecard (BESS) assessment and plans amended to assess Stage 2 development;
  - w. the acoustic report amended to also include Stage 2 development recommendations to provide noise attenuation to the sports court in accordance with the relevant legislation and / or guidelines;
  - x. requirements of VicRoads at conditions 3 and 4 of this planning permit;
  - y. requirements of Melbourne Water at condition 6 of this planning permit;
  - z. DELETED
  - aa. the location of tree protection measures illustrated to scale and labelled on the Ground Floor Plan as per Condition 37;
  - bb. uniformity with the commitments and any changes identified within the amended Waste Management Plan, required under condition 49 of this permit, shown on the plans;
  - cc. a roof/solid enclosure provided over the waste storage area;
  - dd. the signs on the north and south elevation of the Stage 2C building reduced in size by a minimum of thirty percent (30%);
  - ee. the reference to illumination removed from the signs on the northern and southern elevation.

#### Endorsed Plans

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

**VicRoads Conditions**

3. Before the development starts, a Functional Layout Plan (FLP) must be submitted to and approved by the Roads Corporation (VicRoads). When approved by the Roads Corporation, the plans may be endorsed by the Responsible Authority and will then form part of the permit. The plans must show appropriate signage to be installed at South Road and Linton Street intersection to ban the right-hand movements out of Linton Street in PM Peak (4:00 to 6:30) period.
4. Prior to the commencement of the use of the development hereby approved, the following must be completed to the satisfaction of VicRoads and the Responsible Authority and at no costs to VicRoads:
  - a. Undertake community consultation prior to implementing right turn bans as per approved Functional Layout Plan;
  - b. all works must be completed generally in accordance with approved Functional Layout Plan.
5. Unless otherwise agreed in writing by VicRoads, the applicant must implement appropriate traffic management during larger football matches.

**Melbourne Water Conditions**

6. Prior to the endorsement of plans, amended plans must be submitted to Council and Melbourne Water addressing Melbourne Water's conditions. Plans must be submitted with surface and floor levels to Australian Height Datum (AHD) and must be modified to show:
  - a. The exact location of Melbourne Water's underground drain is to be located by a licensed surveyor as per the Asset Proving guidelines; The drain must then be plotted on the proposed development plans for further assessment.
7. The building/structure including footings, eaves etc. must be set a minimum Prior to the commencement of works, a separate application direct to Melbourne Water must be made for any new or modified storm water connection to Melbourne Water's drains or watercourses. Prior to making the application, evidence must be provided demonstrating that Council considers it is not feasible to connect to the local drainage system.
8. Prior to the commencement of works, a separate build over application shall be made directly to Melbourne Water's Asset Services Team for assessment and approval of any proposed works over or near Melbourne Water's drain.
9. No buildings or structures are permitted within the easement and any proposed development within the vicinity of the drain must be designed to ensure there is no detrimental impact upon its structural integrity and performance.
10. The depth of the footings must be adequate to satisfy the angle of repose relative to the drain as per Melbourne Water's specification. Refer to the Melbourne Water Web site Standard Drawing: 'Angle of Repose - Footing Design' for details.
11. Prior to Building Permit being issued, a separate Buildover Application shall be made directly to Melbourne Water for detailed terms and conditions. Design plans shall be submitted to include the driveway type, thickness and landscaping.
  - a. 5 metres from the centreline of the pipeline.
12. The building/structure including footings, eaves etc must be set outside any easement or a minimum 5 metres laterally clear of the centre line of the main

drain, whichever is greater.

13. No access, construction equipment, storage of materials etc is permitted over Melbourne Water's asset.
14. Prior to the commencement of works, a separate application direct to Melbourne Water must be made and accepted for any new or modified storm water connection to Melbourne Water's drains or watercourses.

#### **Fencing**

15. No permanent fencing shall be erected on the land to preclude public access to the Moorabbin Reserve unless other wise agreed in writing by the responsible authority.
16. Any temporary fencing required for the management and safety of public at major events shall be detailed, to the satisfaction of the Responsible Authority, in an Events Management Plan.

#### **Hours of Operation**

17. Any changes required to the hours of operation detailed in Planning permit KP465/2016 as a result of the building works approved shall be amended prior to the occupancy and use of the development permitted by this permit.

#### **Conditions Required by Melbourne Water**

18. Any new building must be constructed with finished floor levels set no lower than 31.45 metres to Australian Height Datum, which is 300mm above the applicable flood level of 31.15m AHD.
19. The car parking areas must be set at natural surface levels.
20. Imported fill must be kept to a minimum on the property below the applicable flood level and must only be used for the sub floor areas of the buildings.
21. Prior to the commencement of works, a separate application direct to Melbourne Water must be made for the approval of any new or modified storm water connection to Melbourne Water's drains or watercourses. You can now apply using our online application process (<http://melbournewater.com.au/apply>).
22. Pollution and sediment laden runoff must not be discharged directly or indirectly into Melbourne Water's drains or waterways.

#### **Stormwater Management Conditions**

23. Unless with the prior written consent of the Responsible Drainage 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 an impact on the stormwater (drainage) works, including landscaping details.
  - b. The Stormwater Management (drainage) Plan(s) must address the requirements specified within Council's "Civil Design Requirements for Developers – Part A – Integrated Stormwater Management" to the satisfaction of the Council.



- c. The Stormwater Management/drainage (drainage) Plan(s) must incorporate an appropriate management of 1 in 100 year flow paths from/through the subject site to Council's satisfaction.
  - c. The Stormwater Management/drainage (drainage) Plan(s) must include details of how the existing stormwater drainage system will be relocated clear of the proposed building, or an alternative acceptable solution, to Council's satisfaction.
  - d. The overall outflow of the development to Council drainage system must be limited to a discharge rate calculated as per Council's "Civil Design Requirements for Developers – Part A - Integrated Stormwater Management" and acceptable to Council.
  - e. A MUSIC modelling report must be prepared with results demonstrating water sensitive urban design treatments that achieve Victorian best practice objectives, such as rainwater tanks connected for reuse and based on a utilization level of water demand approved by Council, and bio-retention systems.
24. The approved water sensitive urban design treatments must be implemented on-site, unless an alternative agreement for stormwater quality in-lieu contribution, or partial treatment/ contribution combination, is agreed to the satisfaction of Council.
25. All stormwater/drainage works must be implementing and maintained in accordance with the approved stormwater management/drainage (drainage) Plan(s) to the satisfaction of the Responsible Authority at the developer's cost.

**Road Infrastructure Conditions**

26. Prior to the commencement of works detailed engineering design drawings must be submitted to the satisfaction of and approved by the Responsible Authority showing all levels and storm water flows for the proposed carpark, paths and all civil infrastructure.
27. Vehicle crossings must be constructed at a 90 degree alignment with the kerb on Linton Street and all internal driveways must align with the existing / proposed vehicle crossing.
28. The replacement of all footpaths, including offsets, must be constructed to the satisfaction of the Responsible Authority.
29. All reinstatements and vehicle crossings must be constructed to the satisfaction of the Responsible Authority.
30. Vehicle crossings and other reinstatements must be constructed to Council's industrial strength specifications.
31. All redundant vehicle crossing not in accordance with the endorsed plan must be removed (including redundant portions of vehicle crossings) and kerb reinstated to the satisfaction of the Responsible Authority.

**Traffic and Event Management Conditions**

32. Any changes required to the Traffic and Event Management plan detailed in Planning permit KP465/2016 as a result of the building works approved shall be amended prior to the occupancy and use of the development permitted by this permit.

**Construction Management Conditions**

33. Prior to the commencement of any buildings and works on the land (including

demolition), a Construction Management Plan (CMP), to the satisfaction of the Responsible Authority, must be submitted to and approved by the Responsible Authority. The CMP must be prepared in accordance with the City of Kingston Construction Management Policy, July 2015 and Construction Management Guidelines, 1 November 2015 (and any superseding versions and / or documents). The CMP must specify and deal with, but is not limited to, the following elements:

- a. Public Safety, Amenity and Site Security
  - b. Traffic Management
  - c. Stakeholder Management
  - d. Operating Hours, Noise and Vibration Controls
  - e. Air Quality and Dust Management
  - f. Stormwater and Sediment Control
  - g. Waste and Materials Re-use
34. 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.

#### **Ecologically Sustainable Development**

35. Prior to the occupation of any building approved under this permit, a report from the author of the SMP report, approved pursuant to this permit, or similarly qualified person or company. This report must be submitted to the satisfaction of the Responsible Authority. The report must confirm that all measures specified in the SMP have been implemented in accordance with the approved Plan.

#### **Tree Protection Conditions**

36. Prior to the endorsement of plans under condition 1 of this permit, a Tree Management Plan (TMP) must be submitted to show how trees 2, 4, 5, 11, 16, 29, 48-52 and 86-90 as nominated in the submitted arborist report will be protected pre, during and post construction, to the satisfaction of the responsible authority. The approved TMP will be endorsed and form part of the planning permit.
37. Prior to the commencement of any works on the site including demolition, a tree protection barrier must be installed at three (3) metres from the base of the *Eucalyptus scoparia* (Wallangarra White Gum) street tree located within the road narrowing treatment at the front of the site.
38. Any noise emitted from the site must comply with State Environment Protection Policy N-1 (Control of noise from commerce industry and trade) and State Environment Protection Policy N-2 (Control of music noise from public premises).
39. Parking areas and access lanes must be kept available for these purposes at all times and maintained to the satisfaction of the Responsible Authority.

#### **Amenity Conditions**

40. The amenity of the area must not be detrimentally affected by the development and/or use, through the:
- a. transport of materials, goods or commodities to or from the land
  - b. appearance of any building, works or materials
  - c. emission of noise, artificial light, vibration, smell, fumes, smoke, vapour,

steam

- d. soot, ash, dust, waste water, waste products, grit or oil
  - e. presence of vermin, or
  - f. any other way
41. The loading and unloading of goods to and from vehicles must only be carried out on the land.
  42. No goods or packaging materials shall be stored or left exposed outside the building so as to be visible to the public from a road or other public place.
  43. The swimming pool plant and equipment must not cause nuisance or be detrimental to the amenity of the neighbourhood by the emission of noise. In this regard the emission of noise must comply with the provisions of the Environmental Protection Authority

#### **Completion of the Development**

44. All **external** surfaces of the building elevations must be finished in accordance with the schedule on the endorsed plans and maintained in good condition to the Responsible Authority's satisfaction.
45. Before occupation of the development hereby permitted, landscaping works as shown on the endorsed plans must be completed to the satisfaction of the Responsible Authority. The landscaping must then be maintained to the satisfaction of the Responsible Authority.
46. Before occupation of the development hereby permitted, areas set aside for parking vehicles, access lanes and paths as shown on the endorsed plans must be:
  - a. Constructed to the satisfaction of the Responsible Authority.
  - b. Properly formed to such levels that they can be used in accordance with the plans.
  - c. Surfaced with an all-weather sealcoat to the satisfaction of the Responsible Authority.
  - d. Drained to the satisfaction of the Responsible Authority.
  - e. Line-marked to indicate each car space, all access lanes and, if necessary, the direction in which vehicles are to travel to the satisfaction of the Responsible Authority.
  - f. In accordance with any Council adopted guidelines for the construction of car parks.
47. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.

#### **Permit Expiry**

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

- **This permit (or part of the permit that relates to signs) expires 15 years from the issue date of this permit.**

In accordance with Section 69 of The Act, the responsible authority may extend the periods referred to if a request is made in writing:

- before the permit expires; or
- within six (6) months after the permit expiry date, where the use or development allowed by the permit has not yet started; or
- within twelve (12) months after the permit expiry date, where the development allowed by the permit has lawfully started before the permit expires.

### **Waste management**

49. Concurrent with the endorsement of plans, an amended Waste Management Plan (WMP) to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Plan will be endorsed and will then form part of the permit. The plan must include, but is not limited to, the following:

- a. The manner in which waste will be stored and collected including: type, size and number of containers.
- b. Spatial provision for on-site storage.
- c. Details whether waste collection is to be performed by Council's services or privately contracted.
- d. The size of the collection vehicle and the frequency, time and point of collection.
- e. Diagrams demonstrating that the waste collection vehicle can enter and/or exit the site in a forward direction.

50. The WMP must be implemented to the satisfaction of the Responsible Authority. The WMP must not be modified unless without the written consent of the Responsible Authority.

### **Signage**

51. The location and details of the sign as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.

52. All signs must be located wholly within the title boundary of the land and must not protrude above the overall height of the building.

53. Signs must not be illuminated internally or by external lights except with the prior written consent of the Responsible Authority.

54. No additional signs or other advertising or identification may be erected or displayed on the site without written Council consent.

55. The sign must not be animated and no flashing or intermittent lights may be displayed.

56. Once the erection of the sign has commenced it must be continued and completed to the satisfaction of the Responsible Authority.

57. The sign shown on the endorsed plans must be constructed to the satisfaction of the Responsible Authority and must be maintained to the satisfaction of the Responsible Authority.

**Note:** The applicable flood level for the location of the building that has a probability of occurrence of 1% in any one year is 31.15 metres to Australian Height Datum (AHD).

**Note:** If further information is required in relation to Melbourne Water's permit conditions shown above, please contact Melbourne Water on 9679 7517, quoting Melbourne Water's reference 255903.

**Note:** It is noted the development includes part of the proposed building 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 or use you are required to obtain the necessary Building Permit.

**Note:** Areas relating to food handling, storage and sales must be designed as per Australian Standard for the Design, Construction and Fit-out of Food Premises. By providing detailed plans for these areas to Councils Health Department for approval prior to construction and fit out, it will ensure the areas are compliant with the Food Act.

**Note:** All food premises must be registered with Council prior to the commencement of the use.

**Note:** The fee for the implementation of the Residential Parking Scheme \$10,000 plus GST.

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

Cr Hua left the meeting at 9.03pm and did not return.

Cr Davey-Burns left the meeting at 9.04pm

Cr Davey-Burns returned to the meeting at 9.05pm

Cr Eden left the meeting at 9:07pm

**CARRIED**

#### **8.4 KP-2021/552 - George Woods Reserve, 2-58 Governor Road, Mordialloc**

**Moved: Cr Oxley**

**Seconded: Cr Cochrane**

That Council determine to support the proposal and issue a Planning Permit for The removal of native vegetation in accordance with the endorsed plans at George Woods Reserve, 2-58 Governor Road, Mordialloc, subject to the following conditions:

1. Before the works 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 substantially in accordance with plans submitted to Council on 20 September 2021 but modified to show:
  - a) A vegetation removal plan to show the amount and location of native vegetation to be removed (Trees no. 3 and 4) and the associated Ecological Vegetation Class.

- b) A Tree Management Plan in accordance with Condition 13 of this permit.
- c) That for every tree removed as part of the application a minimum of three replacement trees are provided.

Endorsed Plans

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

Department of Environment, Land, Water and Planning

- 3. Before works start, the permit holder must advise all persons undertaking the vegetation removal or works on site of all relevant permit conditions and associated statutory requirements or approvals.
- 4. The total area of native vegetation proposed to be removed totals 0.063 hectare, comprised of 2 small, scattered trees.
- 5. To offset the permitted clearing in accordance with Guidelines for the removal, destruction or lopping of native vegetation (DELWP 2017), the permit holder must secure general offset of 0.012 general habitat units and meet the following criteria:
  - a) located within the Port Phillip and Westernport Catchment Management boundary or Kingston City Council municipal area
  - b) with a minimum strategic biodiversity score of at least 0.200, and
- 6. Before any native vegetation is removed, evidence that the required offset by this permit has been secured must be provided to the satisfaction of the responsible authority. This evidence must be one or both of the following:
  - a) an established first party offset site including a security agreement signed by both parties, and a management plan detailing the 10-year management actions and ongoing management of the site, and/or
  - b) credit extract(s) allocated to the permit from the Native Vegetation Credit Register.
- 7. A copy of the offset evidence will be endorsed by the responsible authority and form part of this permit. Within 30 days of endorsement of the offset evidence, a copy of the endorsed offset evidence must be provided to Planning Approvals at the Department of Environment, Land, Water and Planning Port Phillip regional office email: [ppr.planning@delwp.vic.gov.au](mailto:ppr.planning@delwp.vic.gov.au)
- 8. Where the offset includes a first party offset(s), the permit holder must provide an annual offset site report to the responsible authority by the anniversary date of the execution of the offset security agreement, for a period of 10 consecutive years. After the tenth year, the landowner must provide a report at the reasonable request of a statutory authority.
- 9. Within 6 months of the conclusion of the permitted clearing of native vegetation under this permit, the offset requirements can be reconciled with the written agreement of the responsible authority and the Department of Environment, Land, Water and Planning.
- 10. A suitably qualified wildlife handler or zoologist is to be present when felling trees/removing native vegetation, to ensure affected wildlife is not harmed. If displaced wildlife that cannot be relocated on site to an appropriate location away from the construction footprint, or injured wildlife is captured, please contact DELWP on 136 186 for further advice.

Melbourne Water

11. During the works, sediment laden runoff must be contained on site and must not be allowed to enter Mordialloc Creek or the stormwater drainage system.
12. No soil, or any other landscaping materials, are to be stockpiled within 20 metres of Mordialloc Creek.

Vegetation Protection

13. Concurrent with the endorsement of plans, a Tree Management Plan for any retained trees, prepared by a suitably qualified arborist in accordance with AS4970-2009, must be submitted to and be endorsed by the Responsible Authority and incorporating:
  - a) A Tree Management Plan (written report) must provide details of:
    - i) Tree protection measures that will be utilized to ensure all trees to be retained remain viable post-construction.
    - ii) Stages of development at which inspections are required to ensure tree protection measures are adhered to must be specified.
  - b) A Tree Protection Plan (scale drawing) must provide details of:
    - i) The Tree Protection Zone and Structural Root Zone for all trees to be retained on the site and for all trees on neighboring properties where any part of the Tree Protection Zone falls within the subject site.
    - ii) The location of tree protection measures to be utilized.
    - iii) A notation to refer to the Tree Management Plan.
14. All protection measures identified in the Tree Management Plan must be implemented, and development works undertaken on the land must be undertaken in accordance with the Tree Management Plan, to the satisfaction of the Responsible Authority.
15. Prior to the commencement of works, the name and contact details of the project arborist responsible for implementing the Tree Management Plan must be submitted to the Responsible Authority.

Time Limits

16. 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 works are not started within two (2) years from the date of permit issue.
  - The works are 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 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:** Within the area of native vegetation to be retained and any tree protection zone associated with the permitted use and/or development, the following is prohibited:

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

Cr Eden returned to the meeting at 9:12pm

**CARRIED**

### **8.5 Planning Policy Framework Translation**

#### **RECOMMENDATION**

That Council:

1. Note the final draft of the Planning Policy Framework translation for Kingston prepared by the Department of Environment, Land, Water and Planning (DELWP).
2. Note the Minister for Planning will undertake a fast-track Planning Scheme Amendment process under Section 20(4) of the *Planning and Environment Act 1987* to implement the new Planning Policy Framework into the Kingston Planning Scheme.

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

### **8.6 Response to Council Resolution 2/2021 – Review of Existing City Development Policies**

#### **RECOMMENDATION**

That Council adopt the revised Application for a Planning Permit Meeting Policy (formally Planning Consultation Meeting Policy) as outlined in Appendix 2 of this report.

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



**8.7 Suburban Rail Loop East Environmental Effects Statement - Council Submission**

**RECOMMENDATION**

That Council:

1. Endorse the submission at Appendix 1 in relation the Environmental Effects Statement for the Suburban Rail Loop East project.
2. Request to be heard at the Advisory Committee Hearing currently scheduled for early 2022.

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

**8.8 Submission to the Department of Environment, Land, Water and Planning on the Discussion Paper Titled: "Improving the Operation of ResCode"**

**Moved: Cr Hill**

**Seconded: Cr Davey-Burns**

That Council endorse the draft submission (Appendix 1) with the inclusion of an extra paragraph reinforcing the opportunity for the inclusion of Environmental Sustainable Design (ESD) provisions into planning schemes and formally submit it in response to the work of the State Government Department of Environment, Land, Water and Planning in improving the operation of ResCode.

Cr Eden left the meeting at 9:15pm

Cr Cochrane left the meeting at 9:16pm

**CARRIED**

**8.9 Endeavour Cove Comprehensive Development Zone Update**

Cr Howe declared a general conflict of interest in this item due to civil action in which Cr Howe is involved that relates to this matter and left the meeting at 9.18pm prior to any discussion on the matter.

Cr Cochrane returned to the meeting at 9:19pm

**Moved: Cr Staikos**

**Seconded: Cr Davies**

That Council:

1. Note the attached draft Schedule to the draft Schedule to the Comprehensive Development Zone (Appendix 1), the attached draft Comprehensive Development Plan (Appendix 2) and attached draft Car Parking Assessment (Appendix 3).
2. Undertake community consultation as outlined in Section 3.3.3 of this report on the draft documents identified in recommendation 1. and that a further report will be brought back to Council outlining the results of community consultation providing recommendations in relation to a future Planning Scheme Amendment.

**CARRIED**

Cr Howe returned to the meeting at 9.21pm

**9. Community Sustainability Reports**

Nil

**10. City Assets and Environment Reports**

**10.1 Coastal and Marine Management Plan - Final**

**RECOMMENDATION**

That Council endorse the Coastal and Marine Management Plan 2021 for submission to DELWP for Ministerial sign-off in accordance with requirements in the Marine and Coastal Act 2018.

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

**10.2 Foreshore Access Improvements - Mordialloc, Parkdale and Mentone**

**RECOMMENDATION**

That Council:

1. Note the Foreshore Access Audit report; and
2. Approve inclusion of the six identified beach access projects into the capital works forward plan.

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

**10.3 Sport and Recreation Victoria - Local Sports Infrastructure Fund 2021-22**

**RECOMMENDATION**

That Council:

1. Endorse the submission of the following project/s as applications to the Victorian Government's Sport and Recreation Victoria's Local Sports Infrastructure Fund 2021/22:
  - Female friendly change rooms at Walter Galt Reserve;
  - Sport lighting upgrade at Mordialloc Bowls Club;
  - Upgrade of the playspace at Peter Scullin Reserve;
  - Upgrade of the athletic facilities at Edithvale Recreation Reserve;
  - Recreation Planning - Future Investment Strategy for Waves Leisure Centre; and
2. Commit to providing funding in the 2022/23 Council Budget of up to \$645,000 to meet its financial contribution to the endorsed projects if the funding applications are successful.

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

**10.4 Sale of Land - Side of 1 Crown Road, Bonbeach**

**Moved: Cr Oxley**

**Seconded: Cr Davey-Burns**

That Council:

1. Authorise and direct the Chief Executive Officer or delegate to publish a notice in accordance with Section 114 of the Local Government Act 2020 (The Act) and Council's Community Engagement Policy of Council's intention to sell Lot 3 TP842141K (subject land) to the adjoining owner of No. 1 Crown Road Bonbeach 3196;
2. Authorise that if no submissions are lodged in response to the public notice that require Council's consideration, the Chief Executive Officer or delegate is authorised to proceed to sell the subject land for \$15,600 plus costs associated with the sale in accordance with Council's 2017 "*Discontinuance and Sale of Roads, Rights of Way and Drainage Reserve Policy*";
3. Direct that if submissions are lodged in response to the public notice, the submission(s) be considered by a committee of Council comprising Mayor, Deputy Mayor, Councillor from Longbeach Ward, General Manager City Assets and Environment, Manager Property and Arts, and Team Leader Property Services and that a report be presented back to Council on the considerations of the committee; and
4. Authorise the Chief Executive Officer or delegate to undertake the procedures to give effect to the recommendation(s).

**CARRIED**

**10.5 Stormwater Pumping Station at 141 Thames Promenade, Chelsea  
Drainage Construction**

**RECOMMENDATION**

That Council:

1. Note the outcome of the tender assessment process for Contract 21/078 – Stormwater Pumping Station at 141 Thames Promenade, Chelsea, as set out in confidential Appendix 1 attached to this report;
2. Award Contract 21/078 - Stormwater Pumping Station at 141 Thames Promenade, Chelsea for the fixed lump sum price of \$2,213,982.33 (exclusive of GST) to Entracon Construction Pty Ltd; and
3. Approve the allocation of a separate contingency of up to 10% of the contract sum and delegate authority to the CEO or delegate to expend this allowance to ensure the successful completion of the project.

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

**11. Corporate Services Reports**

**11.1 City of Kingston 2022 Award Nominations**

**Moved: Cr Staikos**

**Seconded: Cr Cochrane**

That Council consider this matter in the part of the meeting closed to members of the public due to the discussion involving personal information of the applicants.

**CARRIED**

**11.2 Kingston Charitable Fund Grant Assessment Panel - Council Appointed Community Representatives**

**RECOMMENDATION**

That Council:

1. Appoint Torren Woolley and Ian McKenzie to the Kingston Charitable Fund Grant Assessment Panel for a two-year term expiring on 30 November 2023; and
2. Approve update to the Kingston Charitable Fund Operational Committee Terms of Reference.

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

**11.3 Informal Meetings of Councillors**

**RECOMMENDATION**

That Council receive the report.

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

**11.4 CEO and General Manager Quarterly Expenses**

**RECOMMENDATION**

That Council note the report.

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

**11.5 Quick Response Grants**

**Moved: Cr Oxley**

**Seconded: Cr Davies**

1. That Council approve the following Quick Response Grant applications:
  - Edithvale Life Saving Club - \$1500.00
  - St Andrews Catholic Church Clayton South - \$500.00
  - Bayside Cricket Club - \$1500.00
  - Moorabbin Hebrew Congregation - \$1244.00
2. That Council not approve the following Quick Response Grant application:
  - Glass Road Productions

**CARRIED**

**11.6 Response to Resolution: Representative Community Panel Terms of Reference**

**Moved: Cr Davies**

**Seconded: Cr Bearsley**

That Council adopt the Terms of Reference subject to selection of members on the Panel being based on the following demographic characteristics:

- Age
- Gender
- Suburb
- Cultural background
- Diverse community group affiliations

**CARRIED**

**11.7 Complaint Handling Policy**

**RECOMMENDATION**

That Council adopt the Complaint Handling Policy.

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

**12. Notices of Motion**

**12.1 Notice of Motion No. 24/2021 - Cr Howe - Longbeach Anglican Parish Funding Agreement**

Cr Eden returned to the meeting at 9:30pm

**Moved: Cr Howe**

**Seconded: Cr Oxley**

That Council:

1. Increase the partnership funding agreement by \$10,000 with the Longbeach Anglican Parish for Pantry 5000 from \$25,148.59, which can jointly be used for operations and property matters including building audits by exception this financial year; and
2. Maintain its support with property matters until the Parish has an agreement with a partner to refurbish or rebuild Pantry 5000's facility at St Aidan's in Carrum.

Cr Davies left the meeting at 9:41pm

Cr Davies returned to the meeting at 9:43pm

**CARRIED**

**Procedural Motion**

**Moved: Cr Oxley**

**Seconded: Cr Saab**

That the meeting be extended by one hour until 11.00pm

**CARRIED**

**12.2 Notice of Motion No. 26/2021 - Cr Oxley - Tarella Road**

**Moved: Cr Oxley**

**Seconded: Cr Eden**

That:

1. Council note the following.
  - a. In February 2021 Council was informed at the Councillor workshop that the park at 19 Tarella Road would be open and accessible to the public by September 2021. Council was informed of the following "Vegetation assessment almost complete which will be followed by structure demolition, then fence and path construction before opening in September 2021.
  - b. In June 2021 Council was informed as part of the Councillor Priority Projects Spreadsheet that the park at 19 Tarella Road would be open and accessible to the public by September 2021. Council was informed the following: - "Vegetation assessment almost complete which will be followed by structure demolition, then fence and path construction before opening. Formal opening due September 2021".
  - c. In August 2021 Council was informed of the following "In July 2021, 19 Tarella Road, Chelsea was officially rezoned from Residential to Public Park and Recreation zone. The Environmental Significance Overlay (ESO) which assisted in protecting the vegetation from development means that any works conducted by Council also require a planning permit. The requirements of the ESO mean that all vegetation that is required to be

removed or lopped (including dead vegetation - but not noxious weeds) needs to be assessed and documented by an independent ecologist and arborist and included with the planning permit application. The Open Space Department is currently in the process of seeking approval to replace the boundary fences adjoining neighbouring properties, installing new fences along the road frontages, and formalising the path. Community Buildings are awaiting the planning permit to demolish the house. Officers are working towards opening the Reserve this calendar year (pending the impact of restrictions on works). We are aware of the community interest in the Reserve they fought so hard to protect and will develop a range of engagement opportunities to ensure the community play a helping hand in its ongoing maintenance.”

- d. In September 2021 Council was informed at a Councillor Information Session that the park at 19 Tarella Road would be open by the end of 2021 as there were delays due to COVID-19 restrictions.
  - e. In December 2021 the new revised date for the opening of the park at 19 Tarella Road is mid-late 2022.
2. Council stick to its original promise to the community to open the park at Tarella Road to the community as soon as possible.
  3. Council engage the necessary consultants to manage and oversee the establishment of the park at 19 Tarella Road as soon as practically possible.
  4. The necessary planning application is submitted no later than the 10<sup>th</sup> of January.

**CARRIED**

**A Division was Called:**

**DIVISION:**

**FOR:** Crs Staikos, Davey-Burns, Bearsley, Eden, Hill, Howe, Oxley and Saab (8)

**AGAINST:** Nil (0)

**ABSTAINED:** Crs Cochrane and Davies (2)

**CARRIED**

5. Council aim to open the park to the community no later than April/May 2022.

**LOST**

**A Division was Called:**

**DIVISION:**

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

**AGAINST:** Nil (0)

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

**LOST**

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

**13. Urgent Business**

**Moved: Cr Oxley**

**Seconded: Cr Eden**

That Council consider an item of Urgent Business in relation to the Sport and Recreation Strategy.

**LOST**

**A Division was Called:**

**DIVISION:**

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

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

**ABSTAINED:** Cr Hill (1)

**LOST**

Cr Howe left the meeting at 10.48pm and did not return.

**14. Confidential Items**

**Moved: Cr Saab**

**Seconded: Cr Cochrane**

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

**14.1 VCAT Matter**

*This agenda item is confidential information for the purposes of section 3(1) of the Local Government Act 2020:*

- because it is legal privileged information, being information to which legal professional privilege or client legal privilege applies (section 3(1)(e)), and
- The explanation as to why the specified ground/s applies is the report contains legal information.

**14.2 Property Matter**

*This agenda item is confidential information for the purposes of section 3(1) of the Local Government Act 2020:*

- because it is land use planning information, being information that if prematurely released is likely to encourage speculation in land values (section 3(1)(c)), and
- The explanation as to why the specified ground/s applies is potential property purchase.

**11.1 City of Kingston 2022 Award Nominations**

*This agenda item is confidential information for the purposes of section 3(1) of the Local Government Act 2020:*

- because it is personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs (section 3(1)(f)), and



- The explanation as to why the specified ground/s applies is that it contains personal information about award recipients.

**Confidential Appendices**

**10.5 Stormwater Pumping Station at 141 Thames Promenade, Chelsea Drainage Construction**

**Appendix 1, CON-21/078 Tender Evaluation Matrix - Stormwater Pumping Station at 141 Thames Promenade, Chelsea**

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

**CARRIED**

The meeting was closed to members of the public at 10.49pm.

**Procedural Motion**

**Moved: Cr Bearsley**

**Seconded: Cr Saab**

That the meeting be opened to members of the public.

**CARRIED**

The meeting was opened to members of the public at 11.04pm.

The meeting closed at 11.04pm.

**Confirmed.....**

**The Mayor 31 January 2022**