

Minutes

Ordinary Council Meeting

Monday, 16th December 2024

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Peter Bean
Chief Executive Officer
Kingston City Council



City of
KINGSTON

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	<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>	
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**City of Kingston
Ordinary Council Meeting**

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16 December 2024

The meeting commenced at 7.00pm in the Council Chamber, 1230 Nepean Highway, Cheltenham.

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

In Attendance: Peter Bean, Chief Executive Officer
Jonathan Guttman, General Manager Planning and Place
Dan Hogan, General Manager Customer and Corporate Support
Samantha Krull, General Manager Infrastructure and Open Space
Kate Waters, Acting General Manager Community Strengthening
Bernard Rohan, Chief Financial Officer
Jaclyn Murdoch, Manager City Development
Kelly Shacklock, Manager Governance, Risk and Integrity
Jessica Baguley, Governance Officer
Gabrielle Pattenden, Governance Officer
Justin Welsford, Media and Communications Advisor

1. Apologies

There were no apologies submitted to the meeting.

2. Confirmation of Minutes of Previous Meetings

Moved: Cr Hill

Seconded: Cr O'Donnell

That the Minutes of the Ordinary Council Meeting held on 25 November 2024 be confirmed.

CARRIED

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

AGAINST: Nil (0)

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

Cr Ashworth-Collett foreshadowed declarations of conflicts of interest in Item 7.1 – Town Planning Application Decisions - November 2024 and Item 8.1 Kingston Grants Program - Funding Recommendations for Round 2 Community Bi-annual Grants 2024-25.

4. Petitions

4.1 Rubbish Bins at Patterson River

Moved: Cr Howe

Seconded: Cr Agirtan

That the petition be referred to the Chief Executive Officer for response.

CARRIED

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

AGAINST: Nil (0)

5. Delegates' Reports

Nil

Councillor Statements

Cr Ashworth-Collette made a statement acknowledging the success of the recent Carols by Kingston event.

Presentation of Awards

Nil

6. Question Time

Question time was held at 7.06pm.

Cr Athanasopoulos left the meeting at 7:10pm.

Cr Athanasopoulos returned to the meeting at 7:11pm.

Note: Four of the 21 questions received were not accepted due to non-compliance with the Governance Rules; two were determined repetitive of a question already answered, two submitters exceeded the number of questions permitted and one question was considered to embarrass an officer. Preambles submitted with questions were not read out. In accordance with clause 39.9 of the Governance Rules, like questions have been grouped together.

Tavis asked,

“Can Councillors give thought to expanding the National Immunisation Program within Kingston Council to include available sessions earlier in the day to accommodate the needs of families. Could the Council petition the NIPS to consider including the following vaccines free of charge or at a subsidised cost, Chicken Pox (Varicella), Flu (Influenza) Hepatitis B, Meningococcal ACWY, Meningococcal B, Whooping Cough, Covid-19?”

The General Manager Community Strengthening provided the following response,

“Council offers 12 immunisation sessions per month. Two of these are on Saturday mornings, two are on Wednesday mornings, and the remainder are on weekdays at 4pm. This provides a range of options for families. These session times are based on feedback from families in the past. Access to and costs of vaccines is determined by the Federal Government Department of Health & Aged Care, not by Council. Some vaccines are free of charge including:

- Chicken Pox (Varicella) – first dose is free*
- Influenza is free for ‘at-risk’ groups*
- Hepatitis B is free*
- Meningococcal ACWY is offered free to secondary school students through Council-provided sessions;*
- Whooping Cough is free for children under five years.*

Covid-19 vaccines are not delivered by Council.”

Dean Hurlston asked,

“What is the approximate cost per public Council meeting for Councillor and staff meals, refreshments and beverages (if applicable)?”

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

“The average cost per meeting is as follows: Meals - \$1,115 per meeting; refreshments (soft drink) – average \$217.70 per meeting”

Margaret asked,

Were factors other than those of the 'well recognised outcomes of improved health outcomes and community support and inclusion' considered for Park Run? Was there a reason to not widen the considerations of benefits to environmental impacts on the park area if a council park and referral to other agencies eg environmental impacts?

The General Manager Community Strengthening provided the following response,

“Funding priorities are outlined in the Kingston Grants Program Policy. These include but are not limited to:

- *Contributing to Council's strategic priorities*
- *Identifying a local need*
- *Collaboration and partnerships*
- *Financial means.*

Further to this, the Assessment Panel considers the assessment criteria as outlined in the Kingston Grants Program Guidelines, which are:

- *Community need*
- *Community benefit*
- *Capacity to deliver*
- *Capacity for sustainability*
- *Other considerations which include financial means and diversity of activities.*

The Kingston Grants Program will be independently reviewed in 2025 which will include reviewing the funding priorities and assessment criteria.”

Simon asked,

“What was the cost to Kingston to change contractors in relation to “bins on the beach”? For example, any fees payable for the change of contractor, eg: termination, breach, fees, change, modification of the contract etc.”

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

“The previous foreshore waste collection contract came to an end on 30 September 2024, and there were no breach of contract or other contract costs incurred. The existing activity centre litter bin contractor was engaged to undertake this foreshore waste collection service, under the current contract conditions.”

Anna asked,

“Will the Councillors now vote for and establish a Transparency Hub for the City of Kingston similar to that of Frankston City Council?”

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

“There is no current proposal for an additional Council website. Recognising the principle of transparency under the Local Government Act 2020, we are happy to provide information not currently available on our existing website upon request or as received under Freedom of Information applications.”

Deborah asked,

Is it true that someone in Council (the CEO?), but not the Councillors, has decided to do a complete removal of gas supply and change over to electrification at 1230 Nepean Hwy Council headquarters and is allotting a budget of \$4 million of ratepayer money to do this changeover? If the \$4 million budget for this is incorrect, what is the total amount being budgeted for this?”

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

“The project forms part of Council’s Climate and Ecological Emergency Response Plan program, as endorsed by Council in the 2023/24 budget and five-year capital budget. The total project budget, including consultants fees, for electrification of 1230 Nepean Highway is \$2.5 million which is planned to be delivered over two financial years, subject to Council budget processes.”

Note: In accordance with clause 39.9 of the Governance Rules, questions from Simon, Anna, Gil and Wandzia have been grouped together.

Simon asked,

“Will Kingston Council publicly endorse supporting Australia Day celebrations and acknowledge that its not offensive, it’s not “invasion day”, it’s not about white privilege. It’s about all Australians celebrating our shared history and achievements.”

Anna asked,

“Can Kingston Council give a full list of events, celebrations and media being organise for residents to celebrate Australia Day 2025?”

Gil asked,

“Will Kingston Council (and our Councillors) consider putting up a single huge poster on its front window at 1230 Nepean Hwy headquarters enjoining all Kingston residents to come together and celebrate Australia Day January 26 as a community?”

Wandzia asked,

“Will the Council executive acknowledge and act on the fact that many new Councillors were voted in at the last Council election who represent the wishes of a majority of Kingston residents who plainly do want to celebrate Australia and Australia Day January 26?”

The General Manager Community Strengthening provided the following response,

“In relation to question one, Council is able to consider endorsing any matter. There is no Council resolution to support or not support Australia Day. In relation to question two, Council holds a Citizenship Ceremony at Kingston City Hall and our libraries have book displays. The Mordialloc Christmas Summer Carnival is also on at Peter Scullin Reserve. They have a fireworks display on Australia Day. Community groups and organisations can also apply for a Community Small Grant for a community celebration. In relation to media, Council will promote any relevant events or activities. A social media post will also be done from the Citizenship Ceremony. In relation to the third question, the answer is not at this stage. The front window at 1230 Nepean Hwy, is used to promote Council events and campaigns As per the response to question two, there are activities that take place on Australia Day. If Council seeks to implement further activities, Council officers will do so.”

Geoff asked,

“Has our Council replied to the Port Hedland City Council letter received which you acknowledged receiving last month regarding the Covid dangers revealed? Did the Councillors or Mayor have any input in this reply letter to Port Hedland Council from our Council, or did the Council executive take it upon themselves to represent the intentions, directions and will of the whole Kingston Council by replying without including or consulting with the Mayor and Councillors in that reply?”

The General Manager Community Strengthening provided the following response,

“No, the letter didn’t require a response as it was for information.”

Rosemary West asked,

“Will the planning applications for 184 Centre Road Dandenong, Dingley Village (Item 7.2) and 186 Kingston Road Heatherton (Item 7.3) be required to comply with Council’s resolution to require three trees to be planted to replace every tree removed in the event they are adopted? If not, why not?”

The General Manager Planning and Place provided the following response,

“In relation to Item 7.2 the report indicates that two trees are proposed to be removed. The Officer report identifies on Page 50 and 51 of tonight’s agenda the assessment of the trees and the proposed replacement planting. The recommended conditions on Page 74 of the agenda, provide for the native tree planting replacement planting. The response in this situation has considered the required replacement tree planting on the site, based on the provisions outlined in the Kingston Planning Scheme as introduced through the Councils Housing Strategy and located in the landscaping requirements of Schedule 7 to the Neighbourhood Residential Zone. In relation to Item 7.3, the Officer report indicates no trees are proposed to be removed and notes detailed consideration has been given through substantial conditions to the preservation of the Bracelet Honey Myrtle. The conditions contained within the recommendation in addition to retaining the existing tree provide for an additional 29 indigenous trees on the site identified tree at present.”

7. Planning and Place Reports

7.1 Town Planning Application Decisions - November 2024

Cr Ashworth-Collett declared a general conflict of interest in this item, as prior to becoming a Councillor she signed an objection in relation to one of the matters listed, and left the meeting at 7.17pm prior to any discussion on the matter.

Moved: Cr Hill

Seconded: Cr Saab

That Council note the report of Town Planning Decisions for the month of November 2024.

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

AGAINST: Nil (0)

CARRIED

Cr Ashworth-Collett returned to the meeting at 7.19pm.

7.2 KP-2023/720 - 184 Centre Dandenong Road, Dingley Village

It is noted that John Collins spoke on behalf of objectors.

It is noted that Aaron Wu spoke on behalf of the applicant.

Moved: Cr White

Seconded: Cr Howe

That Council determine to issue a Notice of Refusal to Grant a Permit for **Error! No document variable supplied.** at **Error! No document variable supplied.** on the following grounds:

1. The proposal fails to meet the objectives and strategic directions of the Planning Policy Framework – Including the Strategic Directions contained at Clause 02.03, and Clause 15.01 (Built Environment) of the Kingston Planning Scheme.
2. The proposal is not consistent with the purpose of the Neighbourhood Residential Zone (Schedule 7) at Clause 32.09 of the Kingston Planning Scheme as the proposal does not provide a design outcome that is respectful of the existing and preferred neighbourhood character.
3. The proposal fails to satisfy all the requirements of Clause 55 of the Kingston Planning Scheme (ResCode), in particular Clause 55.02-1 Neighbourhood Character Objective, Clause 55.02-2 Residential Policy Objective and Clause 55.03-8 Landscaping.
4. The proposal fails to provide an acceptable built form outcome having regard to the physical and policy context. In particular, the proposal includes an unacceptable built form separation and upper-level dominance.
5. The proposal represents an overdevelopment of the subject site providing an inappropriate response to the Planning Policy Framework expectations and the character of the area having regard to the incremental housing change expected.

CARRIED

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- FOR:** Crs Agirtan, Ashworth-Collett, Erevnidis, Hill, Howe, Oxley, O'Donnell and White (8)
- AGAINST:** Crs Athanasopoulos, Law and Saab (3)

7.3 KP-2023/461 - 186-194 Kingston Road, Heatherton

Moved: Cr Saab

Seconded: Cr Agirtan

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

Amended Plans

1. Before the development starts, amended plans to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and generally in accordance with the advertised plans prepared by Urban Arch Design, job number CC 2336, revision D, dated 5 March 2024, submitted to Council on 6 March 2024, but modified to show:
 - a) A landscape plan in accordance with the submitted development plans and the City of Kingston Landscape Plan Checklist, with such plans to be prepared by a suitably qualified landscape professional, encompassing the area bound by the Kingston Road frontage to the north, the common boundary with 196 Kingston Road to the east, the common boundary with 184 Kingston Road to the west and 10 metres from the proposed extension to the south and incorporating:
 - i. A planting schedule of all proposed trees and shrubs, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant.
 - ii. A survey, including botanical names of all existing trees to be retained or removed on the site, including tree protection zones for trees to be retained calculated in accordance with AS4970-2009.
 - iii. Delineation of all garden beds, paving, grassed area, retaining walls, fences and other landscape works.
 - iv. A range of plant types from ground covers to large shrubs and trees, including a minimum of six (6) small to medium shrub species, provided at adequate planting densities (e.g. plants 1 metre width at maturity planted 1 metre apart); with the species chosen from the Gippsland Plains Grassy Woodlands/Swamp Scrub/Plains Grassy Wetland Mosaic EVC No.53, 55 and 125 and Damp Sands Herb-Rich Woodland/Heathy Woodland Mosaic EVC no. 3 and 48
 - v. A minimum of four (4) locally indigenous canopy trees capable of reaching minimum mature dimensions of 20 metres in height and 20 metres in width to be planted within the minimum 5 metre landscape buffer along the Kingston Road setback.
 - vi. A further twenty (25) indigenous canopy trees capable of reaching the minimum mature height of 12 metres.

- vii. A minimum 5 metre wide garden bed along the Kingston Road frontage.
- viii. 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 200 millimetres.
- ix. All trees planted in lawn areas are to be planted in garden beds edged in timber (or similar) at a minimum dimension of 1m².
- x. Notes regarding site preparation, including the removal of all weeds, proposed mulch, soil types and thickness, subsoil preparation and any specific maintenance requirements.
- xi. Tree protection measures including for the *Melaleuca armillaris* (Bracelet Honey Myrtle) accurately drawn to scale and labelled as per the endorsed tree management plan.
 - b) The location of tree protection measures illustrated to scale and labelled on the site plan as per the endorsed tree management plan required under condition 5 of this planning permit.
 - c) Any changes as per the endorsed tree management plan as required by condition 5 of this planning permit.
 - d) A notation stating that any pruning of the *Melaleuca armillaris* (Bracelet Honey Myrtle) must be undertaken in accordance with AS4373-2007.
 - e) Any new driveway surfaces within the tree protection zone (TPZ) of the *Melaleuca armillaris* (Bracelet Honey Myrtle) entirely permeable and constructed above-grade. A cross-sectional diagram of the driveway surface(s) and sub-base layer(s) in relation to natural ground level (NGL) in this position must be included. If no alterations are to be carried out to the existing driveway surface within the tree protection zone, this must be clearly notated on plans.
 - f) An amended colour palette, finishes and building materials schedule for all external elevations and driveways of the development, utilising muted, natural colours that blend in with the green wedge environment to the satisfaction of the responsible authority.
 - g) An amended existing site plan that nominates the correct boundary dimensions.
 - h) The location of any existing effluent disposal system, details of the capacity and adequacy and whether any upgrades are required.

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.

Noise Attenuation

- 4. The proposed extension herein approved must be constructed so as to comply with any noise attenuation measures required by Section 3 of Australian Standard AS 2021 – 1994, Acoustics – Aircraft Noise Intrusion – Building Siting and Construction, issued by the Standards Association of Australia, to the satisfaction of the Responsible Authority.

Tree Management and Protection Plan

5. Concurrent with the endorsement of plans required under condition 1 of this planning permit, a tree management plan for the *Melaleuca armillaris* (Bracelet Honey Myrtle) located within the Kingston Road setback, 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 be prepared and provide details of:
 - i. Tree protection measures that will be utilised 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 be prepared and must provide details of:
 - i. The tree protection zone and structural root zone for all trees to be retained on the site.
 - ii. The location of tree protection measures to be utilised.
 - iii. A notation to refer to the tree management plan.
 - iv. Clear notation of the project arborist's business name and contact details.
6. 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.
7. 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.

Infrastructure and Road Works

8. 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.
9. Property boundary and footpath levels must not be altered without the prior written consent from the responsible authority.
10. Any reinstatements and vehicle crossovers are to be constructed to the satisfaction of the responsible authority.
11. Any redundant vehicle crossovers must be removed (including redundant portions of vehicle crossovers) to the satisfaction of the responsible authority.

Landfill Gas Risk Assessment

12. Before the commencement of the development under this planning permit (other than works required to comply with this condition), to the satisfaction of the responsible authority:
 - a) The owner of the land must engage a professional consultant with demonstrated experience in the assessment of landfill gas risks to conduct an assessment of the potential for the development to impact on landfill gas and for landfill gas to impact on the development and prepare and

- submit to the responsible authority the scope of the proposed risk assessment for approval by the responsible authority.
- b) Upon approval of the scope of the risk assessment by the responsible authority, the owner must engage the professional consultant to conduct the risk assessment and prepare a report and submit it to the responsible authority which contains the consultant's opinion as to any potential risk associated with the development and landfill gas, together with any recommendations for the management of the risks identified, and whether an audit is required under the *Environment Protection Act 2017* (Vic).
 - c) The owner must implement any recommendations of the consultant's risk assessment report.
 - d) If the risk assessment report recommends an audit is carried out under the *Environment Protection Act 2017* (Vic), the owner must:
 - i. Engage an environmental auditor appointed under the *Environment Protection Act 2017* (Vic) to prepare an environmental audit which includes consideration of both landfill gas and odour risk in relation to the land the subject of this planning permit; and,
 - ii. Following completion of the environmental audit, the owner must provide a copy of the environmental audit report and any statement to the responsible authority.
 - e) The owner must implement the recommendations of the environmental audit.
13. If the risk assessment report or the environmental audit required by this planning permit requires ongoing management or monitoring of the land, then prior to the commencement of the development under this planning permit, the owner must enter into an agreement under Section 173 of the *Planning and Environment Act 1987* (Vic) with the responsible authority requiring the implementation of any ongoing management requirements as specified in the risk assessment report or the environmental audit. The costs of preparing, executing, and recording of the agreement must be met by the owner and must be paid prior to the recording of the agreement on the folio of the register for the land the subject of this planning permit.

General Amenity

- 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 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 development extension 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 development extension hereby permitted, the

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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

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:
- a) The development is not started within two (2) years from the date of permit issue.
 - b) The development is not completed within four (4) years from the date of permit issue.

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

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

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

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

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

Note: Before removing or pruning any vegetation from the site, the applicant or any contractor engaged to remove any vegetation, should consult Council's vegetation management officer to verify if a Local Laws permit 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: If any proposed buildings or works encroach over any parts of the existing waste disposal system, approval to relocate the system must be obtained from Council's environmental health department.

Note: The permit holder must apply to Council's environmental health department for any alteration to the respective septic system.

CARRIED

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

AGAINST: Nil (0)

7.4 KP-2024/270 - 4 Kingsway, Moorabbin

It is noted that Tom Hamilton spoke on behalf of the applicant.

Moved: Cr Saab

Seconded: Cr O'Donnell

That Council determine to support the proposal and issue a planning permit for the construction of a warehouse building, a reduction in the car parking requirements associated with warehouse, the display of business identification signage and the removal of native vegetation at 4 Kingsway, Moorabbin, 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 considered plans consisting of drawing No. TP01 and TP02 revision A, dated 25 March 2024, TP03, TP04, TP05, TP06, TP07, TP08, TP09, TP10, TP11, all revision B and TP11A, TP12A, TP12B and TP13 revision A, all dated 26 September 2024, prepared by Watson Young Architects, but modified to show:
 - a) A landscape plan, generally in accordance with the landscape plans drawing No. 2.1 and 2.2 revision H, dated 29 August 2024, prepared by Jodie Hay Garden Design and the City of Kingston Landscape Plan Checklist, with such plans to be prepared by a suitably qualified landscape professional and incorporating:
 - i. Uniformity with the development plans.
 - ii. The location of all existing trees to be removed from the site to be illustrated and labelled to correspond with the Existing Trees schedule.
 - iii. Carpark spaces nos. 29-33, 34-46 and 21-28 installed with permeable surfaces to be illustrated and notated.
 - iv. Carpark spaces nos. 29-33, 34-46 and 21-28 constructed with a structural soil subgrade to 1 metre below the permeable parking surfaces to be illustrated and notated.
 - v. All *Corymbia citriodora* *Baby Citro* 'Baby cit' (Dwarf Baby Cit Lemon Scented Gum) to be substituted with a minimum of three (3) native canopy tree species capable of reaching the minimum mature dimensions of 12 metres in height and 8 metres in width.
 - vi. An amended Planting Schedule showing 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 at the time of planting.
 - vii. Sectional details of permeable carpark surface to be illustrated to scale and notation including materials and dimensions.
 - viii. Sectional details of structural soils installed beneath the permeable carpark surface to be illustrated to scale and notation including materials and dimensions.
 - ix. Tree protection measures accurately drawn to scale and labelled as

per the endorsed Tree Management Plan prepared by Sustainable Tree Management (Dated: September 2024).

- x. Blue infrastructure including bioswales, where appropriate to do so, throughout the car park and/or its boundaries.
- b) The location of tree protection measures illustrated to scale and labelled on the Existing Conditions and Demolition Plan, Site Plan and Floor Plans as per the endorsed Tree Management Plan prepared by Sustainable Tree Management (dated 24 September 2024).
- c) Details of the size and material finishes of the substation to be provided on site.
- d) A total of eight (8) bicycle parking spaces provided on-site and some or all provided in a secure and weatherproof location.
- e) Notations confirming the location of end of trip facilities provided.
- f) An operable vertical shading system to the office.
- g) Permeable paving incorporated into the light duty pavement area.
- h) An annotation to rainwater tank indicating size, connection to toilet flushing and irrigation system consistent with the sustainable management plan and BESS assessment.
- i) The internal driveway at least 500mm from the side boundary at the front boundary.
- j) Vehicle crossovers constructed at a 90 degree alignment with the kerb on Kingsway and internal driveways in alignment with the vehicle crossover.
- k) The surface material of all driveways, accessways and car parking spaces nominated in all-weather coloured concrete sealcoat, or similar.
- l) A notation on the floor / site plan(s) stating: "The redundant vehicle crossovers must be removed, kerb and channel must be reinstated and the extension to the existing footpath up to the wing of the vehicle crossover must be constructed to the satisfaction of the responsible authority".
- m) All relevant commitments identified in the sustainable management plan required by condition 9 of this planning permit.
- n) Uniformity with the arrangements for waste storage identified in the waste management plan required under condition 27 of this planning permit.

Endorsed Plans

- 2. The development as shown on the endorsed plans must not be altered without the written consent of the responsible authority.
- 3. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the responsible authority, including that any dead, diseased or damaged plants are to be replaced.

Trees to be Retained

- 4. Trees T10B- *Eucalyptus leucoxylon dwarf* (Dwarf Yellow Gum), T10C- *Eucalyptus leucoxylon dwarf* (Dwarf Yellow Gum), T11- *Lophostemon confertus* (Queensland Brush Box), T12- *Lophostemon confertus* (Queensland Brush Box), T16- *Syzygium smithii* (Lily Pilly) and T17- *Liquidambar sp.*(Sweetgum) as shown on endorsed plans must be retained and must not be removed, destroyed

or lopped unless with written consent from the Responsible Authority.

Street Trees

5. Tree protection fencing is to be established around the 19 *Callistemon viminalis* 'Dawson River Weeper' (Dawson River Weeper Bottlebrush) street trees located in the Kingsway nature strip, prior to demolition and maintained until all works on site are complete and:
 - a) The fencing is to be a 1.8 metre high temporary fence constructed using steel or timber posts fixed in the ground or to a concrete pad, with the fence's side panels to be constructed of cyclone mesh wire or similar strong metal mesh or netting.
 - b) The fencing is to encompass the entire nature strip with each end a minimum 2 metres from the base of the tree.
 - c) Tree Protection fencing must be illustrated to scale and labelled on the Landscape Plan, Existing Conditions and Demolition Plan, Site Plan and Floor Plans.

Tree Protection and Management

6. Concurrent with the endorsement of plans required under condition 1 of this planning permit, a tree management plan, generally in accordance with the TMP prepared by Sustainable Tree Management, dated September 2024, prepared by a suitably qualified arborist in accordance with AS4970-2009, providing tree protection measures for trees to be retained on site and street trees, must be submitted to and be endorsed by the responsible authority.
7. All protection measures identified in the endorsed tree management plan must be implemented and development works on the land must be undertaken in accordance with the tree management plan to the satisfaction of the responsible authority.
8. Before the development starts, including demolition or removal of vegetation, the name and contact details of the project arborist responsible for implementing the tree management plan must be submitted to the responsible authority.

Environmentally Sustainable Design

9. Prior to the endorsement of plans required by condition 1 of this planning permit, an amended sustainable management plan (SMP), generally in accordance with the sustainable management plan prepared by Sustainable Development Consultants, SMP.V2a dated 30 August 2024, must be submitted to and approved by the responsible authority. The sustainable management plan must demonstrate that the project maintains the proposed 70% overall score and minimums in Energy (50%), Water (50%), IEQ (50%) and Stormwater (100%) categories in BESS to demonstrate best practice in sustainable design. Considering the response to the points below, should any category fall short of the minimum targets, adjustments will need to be made to demonstrate that the project meets the BESS minimums.
 - a) Refer to [Civil Design Requirements for Developers Part A: Integrated Stormwater Management](#) on how to provide an appropriate stormwater management response. This includes addressing the following:
 - i. Council does not support any proprietary products such as the ones that have been proposed in the current strategy to count towards TP and TN reduction. The proposed Filterra system is a proprietary product.

- ii. When proposing raingardens, they need to meet requirements in section 7.3 of the guide mentioned above.
 - iii. Increase permeable area with permeable surface details to the light duty pavement area.
 - iv. Provide a revised MUSIC assessment demonstrating that the revised stormwater management strategy meets best practice requirements. Include a summary report from the MUSIC auditor tool (<https://www.musicauditor.com.au/>) and use of any modelling parameters that are not in accordance with Melbourne Water's MUSIC Modelling Guidelines to be provided with explanations and supporting evidence.
 - v. When opting for stormwater contributions, a contribution [calculation](#) needs to be provided as part of the submission. For further information: <https://www.kingston.vic.gov.au/property/property-management/drains-and-stormwater/stormwater-requirements-for-developers#section-2>
10. 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.
 11. All works must be undertaken in accordance with the endorsed sustainable management plan to the satisfaction of the responsible authority. No alterations to the sustainable management plan may occur without the prior written consent of the responsible authority.

Green Travel Plan

12. Prior to the endorsement of plans required under condition 1 of this permit, a green travel plan (GTP) to the satisfaction of responsible authority must be submitted to and approved by the responsible authority.
13. All works must be undertaken in accordance with the endorsed green travel plan to the satisfaction of the responsible authority. No alterations to the green travel plan may occur without the prior written consent of the responsible authority.

Drainage and Water Sensitive Urban Design

14. 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 14(a) and 14(b) 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.
15. 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.

Infrastructure and Roadworks

- 16. Property boundary and footpath levels must not be altered without the prior written consent from the responsible authority.
- 17. All reinstatements and vehicle crossovers must be constructed to the satisfaction of the responsible authority.
- 18. The replacement of all footpaths, including offsets, must be constructed to the satisfaction of the responsible authority.
- 19. Vehicle crossovers and other reinstatements must be constructed to Council's industrial strength specifications.
- 20. All redundant vehicle crossovers must be removed (including redundant portions of vehicle crossovers) and reinstated to the satisfaction of the responsible authority.

Car Parking and Traffic

- 21. The largest vehicle that can access the site is a 26 metre long B-double vehicle, unless otherwise agreed in writing by the responsible authority.
- 22. 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, 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.

- 23. 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.
- 24. 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 crossover.
- 25. Any existing vehicular crossover not in accordance with the endorsed plan must be removed and the kerb reinstated in a manner satisfactory to the responsible authority and any proposed vehicular crossover must be fully constructed to the responsible authority's standard specification.
- 26. The loading and unloading of goods to and from vehicles must only be carried out on the land.

Waste Management Plan

- 27. Concurrent with the endorsement of plans required by condition 1 of this planning permit, a waste management plan (WMP) generally in accordance with the waste management plan prepared by Impact Traffic Engineering Pty Ltd, dated 26 March 2024 must be submitted to the satisfaction of the responsible authority for endorsement. The waste management plan must be implemented to the satisfaction of the responsible authority and must not be modified unless with the prior written consent of the responsible authority.

Construction Management Plan

- 28. 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 construction management plan must be prepared in accordance with the City of Kingston Construction Management Policy and Construction Guidelines. The construction management plan must specify and deal with, but is not limited to, the following elements:
 - a) Public safety, amenity and site security.
 - b) Traffic management.
 - c) Stakeholder management.
 - d) Operating hours, noise and vibration controls.
 - e) Air quality and dust management.
 - f) Stormwater and sediment control.
 - g) Waste and materials re-use.

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

VIVA Energy

29. Prior to the commencement of the development, the following must be provided to the satisfaction of Viva Energy:
- a) A safety management study (to be completed in accordance with AS2885.6 of Australian Standard 2885 Pipelines – Gas and Liquid Petroleum).
 - b) The land owner must at no cost to Viva Energy Australia Pty Ltd, carry out the works (whether or not within the pipeline easement) for the development to meet the requirements of:
 - i. Australian Standard AS2885 Pipelines – Gas and Liquid Petroleum.
 - ii. The Pipelines Act 2005 (Vic).
 - iii. The Pipeline Regulations 2017 (Vic).
 - iv. The completed safety management study.
 - c) Signing recoverable works agreement and providing insurances.

Airports Regulations 1996

30. Prior to the commencement of development, evidence must be provided to confirm that the proposal (including the use of cranes) meets with the requirements of the *Airports (Protection of Airspace) Regulations 1996* and is within the relevant Obstacle Limitation Surface (OLS), unless with the written consent of the relevant authority.

General Amenity

31. 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, soot, ash, dust, waste water, waste products, grit or oil.
 - d) Presence of vermin.
 - e) Any other way.
32. 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.
33. 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 satisfaction of the responsible authority.
34. The development and/or 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 *Environment Protection Regulations 2021* and EPA Publication 1826.4 noise limit relating to the measurement of environmental noise and recommended sound levels.

Signage

35. The location and details of the sign(s) as shown on the endorsed plans must not be altered without the prior written consent of the responsible authority.
36. All signs must be located wholly within the title boundaries of the land and must

not protrude above the overall height of the building.

37. The sign(s) must not be located within or encroach onto the road reservation.
38. Signs must not be illuminated internally or by external lights except with the prior written consent of the responsible authority.
39. The sign(s) must not be animated and no flashing or intermittent lights may be displayed.
40. The intensity of the light on the sign(s) must be limited so as not to cause glare or distraction to motorists or other persons or loss of amenity in the surrounding area all to the satisfaction of the responsible authority.
41. This permit (or part of the permit that relates to advertising signs) expires fifteen (15) years from the date of issue of this planning permit.

Completion of Works

42. Once the development has started it must be continued and completed to the satisfaction of the responsible authority.
43. 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.

Permit Expiry

44. 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 before two (2) years from date of this permit.
 - The development 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: The Environment Protection Authority (EPA) Victoria set out the requirements pertaining to site construction hours and permissible noise levels.

Note: Any buildings and works (including eaves) to be located within an easement requires separate consent from Council and/or the relevant service authority. This will need to be obtained prior to the issue of a building permit.

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

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

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

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

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the removal of such vegetation.

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

Note: No further sign(s) or other advertising or identification may be erected or displayed on the site without the prior written consent of the responsible authority, unless specifically exempt from a planning permit under the Kingston Planning Scheme.

CARRIED

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

AGAINST: Nil (0)

8. Community Strengthening Reports

**8.1 Kingston Grants Program - Funding Recommendations for Round 2
Community Bi-annual Grants 2024-25**

Cr Ashworth-Collett declared a material conflict of interest in this item, as she sits on the committee of the Edithvale Lifesaving Club, and left the meeting at 7.53pm prior to any discussion on the matter.

Moved: Cr Law

Seconded: Cr O'Donnell

That Council approve the funding recommendations of the Kingston Grants Program Assessment Panel for Round 2 of the 2024-25 Community Bi-annual Grants as outlined in Appendix 3 with an increased allocation of \$4,655.89 to the Mordialloc Life Saving Club.

CARRIED

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

AGAINST: Nil (0)

Please note: in accordance with the Kingston Grants Program Policy, the reason provided for the increased allocation to the Mordialloc Life Saving club was in order to recognise the local and regional community benefit that an all-terrain beach wheelchair offers in improving beach accessibility and the alignment with Council's All Abilities Action Plan 2024 – 2028 which includes an action to improve beach accessibility.

Cr Ashworth-Collett returned to the meeting at 08:01pm.

9. Infrastructure and Open Space Reports

9.1 Award of Contract CON-24/068 Provision of Security Services - Electronic Security Maintenance & CCTV Maintenance

Moved: Cr Hill

Seconded: Cr Erevnidis

That Council:

1. Award Contract 24/068 Provision of Security Services – Electronic Security Maintenance & CCTV Maintenance as a Schedule of Rates and Lump Sum Contract to Innov8tive Services, as per their tender submission, for a maximum Year 1 cost of \$335,279.00 (excluding GST) and estimated maximum total life of contract cost of \$2,869,844.45 (excluding GST); and
2. Authorise the Chief Executive Officer, or their delegate, to execute the two (2) by two (2) year contract extension options subject to satisfactory performance.

CARRIED

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

AGAINST: Nil (0)

9.2 Award of Contract CON-24/076 Road Resurfacing Works

Moved: Cr Erevnidis

Seconded: Cr Agirtan

That Council:

1. Note the outcome of the tender assessment process for Contract 24/076 Road Resurfacing Works as set out in confidential Appendix 1 attached to this report; and
2. Award Contract 24/076 Road Resurfacing Works to RABS Paving Services Pty Ltd on a schedule of rates basis (as per confidential Appendix 3) for a four year period, with an option of a one year extension subject to satisfactory performance, for a maximum total contract value of \$14M (exclusive of GST).

CARRIED

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

AGAINST: Nil (0)

10. Customer and Corporate Support Reports

10.1 Governance and Compliance Report (1)

Moved: Cr White

Seconded: Cr Agirtan

1. That Council In the exercise of the powers conferred by s147(4) of the *Planning and Environment Act 1987*, Kingston City Council resolves that:
 - a) The members of Council staff referred to in the instrument attached be appointed and authorised as set out in the instrument.;
 - b) The instrument comes into force immediately on resolution and remains in force until such time as the officers are no longer employed, contracted or otherwise engaged to undertake the duties on behalf of Kingston City Council, unless Council determines to vary or revoke it earlier.
2. In the exercise of the powers conferred by the legislation referred to in the attached instrument of delegation, Council resolves that:
 - a) There be delegated to the members of Council staff holding, acting in or performing the duties of the offices or positions referred to in the attached Instrument of Delegation to members of Council staff, the powers, duties and functions set out in that instrument, subject to the conditions and limitations specified in that Instrument, that includes in the conditions and limitations that Council is to be notified where delegation is exercised in relation to s19FA(3)(a), s 19FA(3)(b) and s19FA(3)(c) of the Food Act 1984;
 - b) The instrument comes into force immediately upon this resolution being made and is to be signed by the Council's Chief Executive Officer and the Mayor;
 - c) On the coming into force of the instrument, the previous delegation to members of Council staff (other than the Chief Executive Officer) are revoked;
 - d) The duties and functions set out in the instrument must be performed, and the powers set out in the instruments must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt.

CARRIED

FOR: Crs Agirtan, Erevnidis, Hill, Howe, Oxley, O'Donnell and White (7)

AGAINST: Crs Ashworth-Collett, Athanasopoulos and Law (3)

ABSTAINED: Cr Saab (1)

10.2 Governance and Compliance Report (2)

Moved: Cr O'Donnell

Seconded: Cr White

That Council:

1. Appoint Cr O'Donnell as representative and Cr Oxley as substitute representative, to the external committee of Municipal Association of Victoria;
2. In the exercise of the powers conferred by s147(4) of the *Planning and Environment Act 1987*, resolve that:
 - a) The member of Council staff referred to in the instrument attached be appointed and authorised as set out in the instrument;
 - b) The instrument comes into force immediately on resolution and remains in force until such time as the officers are no longer employed, contracted or otherwise engaged to undertake the duties on behalf of Kingston City Council, unless Council determines to vary or revoke it earlier.
3. Adopt the following Council and Planning Committee meeting dates for 2025 to be held at 7.00pm at the City of Kingston offices, 1230 Nepean Highway, Cheltenham:

Ordinary Council Meetings

Monday 3 February
Monday 24 February
Monday 24 March
Monday 28 April
Monday 26 May
Monday 23 June
Monday 28 July
Monday 25 August
Monday 22 September
Monday 27 October
Monday 24 November
Monday 15 December

Special (Statutory) Council Meeting

Wednesday 12 November

Planning Committee Meetings

Wednesday 19 March
Wednesday 16 April
Wednesday 21 May
Wednesday 18 June
Wednesday 23 July
Wednesday 20 August
Wednesday 17 September
Wednesday 22 October
Wednesday 27 November
Wednesday 17 December

4. Receive and note the Informal Meetings of Councillors Records.

CARRIED

FOR: Crs Agirtan, Athanasopoulos, Erevnidis, Howe, Oxley, O'Donnell and White (7)

AGAINST: Cr Hill (1)

ABSTAINED: Crs Ashworth-Collett, Law and Saab (3)

11. Chief Finance Office Reports

11.1 Oakleigh Pistol Club Lease

Moved: Cr White

Seconded: Cr Howe

That Council, having received no submissions to the proposed lease that was given public notice in conjunction with the 2024/25 Budget, authorise and direct the Chief Executive Officer or their delegate to offer the advertised lease to the Oakleigh Pistol Club with the following principal terms and conditions:

1. An initial term of 7 years plus 2 options each of 7 years;
2. Rental \$757 PA plus GST statutory outgoings and increasing annually 2% during the initial term, and reviewed at the exercise of the options in accordance with Council's Community Leasing Policy at the time of the options;
3. Permitted use being for the purposes normally associated with a community-base pistol sports club and associated sporting activities; and
4. Special Conditions in accordance with Council's 2018 Lease & Licence Policy.

CARRIED

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

AGAINST: Nil (0)

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6. Notices of Motion

Nil

13. Urgent Business

There were no items of urgent business.

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7. Confidential Items

There were no confidential items.

The meeting closed at 8.20pm.

Confirmed.....

The Mayor 3 February 2025