

Minutes

Ordinary Council Meeting

Monday, 26th August 2024

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Peter Bean
Chief Executive Officer
Kingston City Council



City of
KINGSTON

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**City of Kingston
Ordinary Council Meeting**

Minutes

26 August 2024

The meeting commenced at 7.04pm in the Council Chamber, 1230 Nepean Highway, Cheltenham.

Present: Cr Jenna Davey-Burns (Mayor)
Cr Tracey Davies (Deputy Mayor)
Cr Tamsin Bearsley
Cr Tim Cochrane
Cr 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 Guttman, General Manager Planning and Place
Dan Hogan, General Manager Customer and Corporate Support
Samantha Krull, General Manager Infrastructure and Open Space
Sally Jones, General Manager Community Strengthening
Bernard Rohan, Chief Financial Officer
Jaclyn Murdoch, Manager City Development
Kelly Shacklock, Manager Governance, Risk and Integrity
Jessica Baguley, Governance Officer
Gabrielle Pattenden, Governance Officer can

1. Apologies

There were no apologies submitted to the meeting.

2. Confirmation of Minutes of Previous Meetings

Moved: Cr Cochrane

Seconded: Cr Saab

That the Minutes of the Ordinary Council Meeting held on 22 July 2024 be confirmed.

CARRIED

FOR: Crs Davey-Burns, Eden, Oxley, Cochrane, Davies, Hill, Howe, Hua, Bearsley and Saab (10)

AGAINST: Nil (0)

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

Cr Eden foreshadowed a declaration of a conflict of interest in Item 7.4 - KP-2024/167 - 648 South Road, Moorabbin.

Cr Oxley foreshadowed a declaration of a conflict of interest in Item 7.4 - KP-2024/167 - 648 South Road, Moorabbin.

4. Petitions

4.1 Inadequate Lighting in Farm Road Reserve

Moved: Cr Davies

Seconded: Cr Cochrane

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

Cr Howe left the meeting at 7:08pm.

CARRIED

FOR: Crs Davey-Burns, Eden, Oxley, Cochrane, Davies, Hill, Hua, Bearsley and Saab (9)

AGAINST: Nil (0)

4.2 City of Kingston Council to Replace the Epsom Wetland Boardwalks

Moved: Cr Cochrane

Seconded: Cr Davies

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

CARRIED

FOR: Crs Davey-Burns, Eden, Oxley, Cochrane, Davies, Hill, Hua, Bearsley and Saab (9)

AGAINST: Nil (0)

4.3 Women's Soccer Pitch at Kingston Heath Reserve

Moved: Cr Davies

Seconded: Cr Cochrane

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

CARRIED

FOR: Crs Davey-Burns, Eden, Oxley, Cochrane, Davies, Hill, Hua, Bearsley and Saab (9)

AGAINST: Nil (0)

4.4 Pedestrian Safety Crossing for Elonera Preschool

Moved: Cr Cochrane

Seconded: Cr Davies

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

CARRIED

FOR: Crs Davey-Burns, Eden, Oxley, Cochrane, Davies, Hill, Hua, Bearsley and Saab (9)

AGAINST: Nil (0)

5. Delegates' Reports

Nil

Councillor Statements

Cr Saab made a statement recognising the achievements of the CUCC Queens Cricket Team and the Le Page Football Club Juniors Team, the success of the recent Moorabbin After Dark event and the opening of the Victory Road Reserve.

Cr Oxley made a statement recognising the achievements of the Chelsea Gulls Womens Basketball Team, the Bonbeach Bluejays Baseball Club, the launch of new lights at Bicentennial Park, the efforts of the Chelsea Bonbeach Train Station Group and the work of the Chelsea SES during recent storms.

Presentation of Awards

Nil

6. Question Time

Question time was held at 7.21pm.

Cr Hill left the meeting at 7:21pm.

Cr Hua left the meeting at 7:21pm.

Cr Oxley left the meeting at 7:22pm.

Cr Oxley returned to the meeting at 7:23pm.

Cr Hill returned to the meeting at 7:23pm.

Cr Hua returned to the meeting at 7:26pm.

Cr Cochrane left the meeting at 7:37pm.

Cr Cochrane returned to the meeting at 7:39pm.

Lindsay asked,

“Can Council please rescind their decision not to replace the Epsom Wetland Boardwalks as the decision was based on inaccurate information. Why did Council not choose \$3000 as their basis of estimate?”

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

“Detailed investigations revealed that replacing the boardwalks is not feasible, mainly due to the significant vegetation and impact on fauna which live in the grasslands. Council is focussing on investing in other pedestrian and cycling infrastructure in the area that will provide broader community benefits. The cost estimates used were informed by recent, equivalent projects completed by Council at the time.”

Wandzia asked,

“Will the Kingston Council follow the good example of the Mornington Peninsula Shire, who will now follow the IBAC rules which promote transparency, and decided to livestream the briefing sessions with Councillors so as to preclude discussion and testing of ideas and voting intentions before an actual Council meeting takes place? Is it not true that briefings should not feature debates and councillors taking collective positions on issues, as this should only occur at the actual council meetings, and that briefing should be strictly a one way information flow from the administration themselves?”

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

“I am unaware of any IBAC rules that apply, but there are no plans to live stream Councillor Briefing Sessions. Binding decisions of Council can only be executed through a properly convened Council meeting in which a Council resolution is made. Particularly for administrative decisions, Councillors must also have an open mind when considering any item before Council for resolution. Briefings are not constrained to a strict one-way information flow from the administration to Council, but work best when issues are clearly explained, understood and subject to inquiry and information sharing.”

Georgia Erevnidis asked,

“Waves is run by Kingston Council. Will they hand over the CCTV footage to make it public? If not, why not?”

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

“The Kingston CCTV camera program is supported by the [CCTV Cameras Code of Practice](#) which sets out standards for Kingston’s Public and Corporate CCTV. This document is available on Council’s website. Access to CCTV footage is restricted to authorised personnel who require it for legitimate purposes only, such as investigating an incident or ensuring public safety. CCTV footage may be disclosed to law enforcement agencies, legal representatives, or other authorised individuals as required by law.”

Anna asked,

“Is it possible, at Council for councillors to vote for a change to the Kingston Governance rules currently forbidding the recording of a council meeting allow the public the right to record and take photos of screens?”

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

“Recording may take place with appropriate permissions in place. Council records Council meetings and makes them publicly available on our website. Council may make decisions regarding the Governance Rules. However, a review of the Governance Rules is not currently planned.

Marc French asked,

“Why did the household residents in the south part of Southern Rd Mentone get a notice from Kingston Council explaining what the old Hella site will become ie an industrial factory warehouse development of some 30 large buildings, whilst all the owners of the factories directly opposite this site reported that they did not get any notice or communication from Council whatsoever? What rights do we have as the owners of factory properties directly opposite the old Hella Southern Rd site and those residential households further south?”

The General Manager Planning and Place provided the following response:

“The Council informally notified the residents of Southern Road given Council had some years ago received feedback regarding the volume of heavy vehicles associated with some of the industrial properties at the northern end of Southern Road. Council will ensure that industrial businesses are also included in future updates. In response to Question 2. Planning rules across Victoria prevent formal advertising taking place in circumstances where industrial zoned land is not within 30 metres from residential zoned land. In demolishing the existing buildings on the site, the Private Building

Surveyor and contractors undertaking the work are required to consider the management of asbestos (should it exist). Council will convey to the landowner the feedback provided through the question to the landowner regarding the demolition process.”

Geoff Adams asked,

“Why hasn’t the City of Kingston, and its Council, joined forces against the SRL project with the Cities of Bayside, Monash and Whitehorse, the 3 of whom have now come together, and are committing funds to fight together to protect their residents from the invasive huge changes and high-rise development proposed by the invasive SRL project? Have the three other Councils of Bayside, Monash and Whitehorse actually approached you or have you had any correspondence whatsoever from them or to them about joining with them to fight against the SRL?”

The General Manager Planning and Place provided the following response:

“The submission presented to the June Council Meeting outlined the issues of highest importance to Kingston. The matters raised by Kingston will on occasion differ from those of other Councils. Kingston continues to actively liaise with the other Councils in relation to the SRL project. Item 7.6 on tonight’s agenda outlines the preparatory work Council is hoping to do in relation to the next phase of the SRL planning process.”

Ryan asked,

“Can Council move the school crossing on Bourke Street, Clarinda adjacent to Warraweena and Allwen Court bus stops as more foot traffic and too many people not using the crossing that is available on Bourke road near Mack Crescent and Warraweena road, Clarinda? Can Council allocate another crossing supervisor to the traffic light crossing on Nepean Hwy, Cheltenham, there is a school crossing supervisor to assist people on the corner Centre Dandy Road/Nepean Hwy, Cheltenham but not at the lights that lead to the council building.”

The General Manager Planning and Place provided the following response:

“The Bourke Street, Clarinda Crossing is amongst the least used in Kingston and will be the subject of further review. The primary purpose of crossings is to assist children which is the primary driver for decisions on crossing locations. The crossing supervisors are positioned in the locations where greatest need to assist children getting to school is. It is unlikely that further crossings would be supported in this location.”

Rose asked,

“Is it correct that whilst in Canberra recently, members of Kingston Council called on the Federal Government to give Council more of a say on the massive building developments being done by the Goodman Group on the periphery of the airport land they lease, some of which have been encroaching and even abutting properties of nearby residents and factories and causing concern in our area? Can you please elaborate clearly whether Council has had any success at Federal government level at all, in getting more of a say and control of this situation with regard to the building developments Goodman has and will be doing?”

The General Manager Planning and Place provided the following response:

“Council is advocating for an enhanced process to give nearby residents more say on development activity on Airport land that is regulated by the Commonwealth Government under Commonwealth Airports Act. The Council has had significant success in influencing airport planning and the manner in which the previous draft Airport Masterplan was considered by the relevant Minister. With significant stakeholder support, the Council is now actively pursuing changes to the

Commonwealth Airports Act to have greater influence over building developments and airport regulation.”

Roslyn asked,

“Can you please outline exactly how Kingston Council is encouraging manufacturing businesses in particular, eg what did you do to make life easier and more profitable for the manufacturing industries in Kingston and how did your actions and policies create a thriving and prosperous economy e.g. did you reduce red tape, did you remove any regulations? How much did Kingston Council spend on building up and supporting the manufacturing industry in the last financial year and how much is proposed to be spent for 24/25?”

The General Manager Planning and Place provided the following response:

“The Council has been a pilot Council working with the State Government Department of Jobs, Skills, Industry and Regions on the Better Approvals for Business Program focussed directly on reducing red tape and aiding businesses. The Council has and continues to support manufacturing industries through development approvals, business mentoring programs, circular economy initiatives, promotions of State Government grants and its own business awards. Should Roslyn have further queries regarding these initiatives and others Council is doing she is encouraged to contact the Kingston Business team.”

Julia asked,

“Is Kingston Council together with its peak bodies arguing the case at the inquiry being held into the Local Government, to remove the rate cap imposed by the State government on rate rises? Does Kingston Council want the removal of the rate cap?. Please answer with a yes or no answer.”

The Chief Executive Officer provided the following response,

“Council has not formed a position on this matter.”

Rob Luker asked,

“Has Council received written confirmation from DEECA that the listing of trees in the council created EVC 161 & 160 species lists as set out in the draft Biodiversity Strategy is correct?”

The General Manager Planning and Place provided the following response:

“Council received correspondence from DEECA on Thursday last week which was emailed to Mr Luker on Friday 23 August.”

Question from Gavin Nolan:

“Can Council please provide the name of the DEECA accredited VQA qualified ecologist or ecologists who signed off on council’s species lists or confirm who else did?”

The General Manager Planning and Place provided the following response:

“The habitat hectare assessment was undertaken by Practical Ecology, accredited consultants who followed the Vegetation Quality Assessment Manual - Guidelines for Applying the Habitat Hectares Scoring Method (DSE 2004). The City of Kingston’s vegetation mapping and revegetation/species lists have been developed following the DEECA processes.”

George asked,

“Has Kingston Council ever appointed anyone in the past five years (paid or voluntary) to the position ‘Community Advocate – City of Kingston’?”

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

“Not as far as I am aware.”

Ian Baldock asked,

“How much has Council spent to demolish the Don Tatnell building, repair the Community Centre & to build the replacement park on the old pool site ? What is Council doing to ensure residents are protected from the dangerous chemicals (known as PFAS) which are present scattered on the grounds of Moorabbin Airport around the Southern Depot?”

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

“The total expenditure on the demolition of Don Tatnell building and pool, remediation of the connection to the community centre, and creation of the new open space was \$2.3M. The Council is aware of Mr Baldock’s previously reflected concerns in relation to the storage of PFAS on the Moorabbin Airport Site. Council will raise with Airport Management and the relevant Commonwealth Department the concerns that Mr Baldock has raised including the specific reference to the Southern Depot.”

Lihla Wyles, asked,

“Why was the sign related to the distress our neighbourhood is experiencing due to the SRL destroying our promised Green Wedge and promised sporting fields, and replaced by the promo of a councillor? Provided the details of the person who has asked the question are available to Council, our Officers will make contact to further investigate this matter.”

The General Manager Planning and Place provided the following response:

“A sign of not more than 5m² may be displayed without planning permission publicising a local political event and this may include information about a candidate for an election.”

Robyn Rooney asked,

“I was just wondering why a sign was removed from Kingston Road about Suburban Rail Loop, an issue that myself and many other residents are very concerned about and replaced with a sign advertising a counsellors election.”

The General Manager Planning and Place provided the following response:

“Officers will further investigate with the person who has asked the question where the sign is located, recognising it may be the same sign as that referred to in the previous question.”

Stephen asked,

“Irrespective of permission by owner or not, given the long-standing angst of the Heatherton community regarding the impact of the SRL plan to locate its massive stabling yard over residents back fences and its sensitivity, why would any councillor see fit to choose to remove approved opposing community owned signs and replace them with a promotional banner of himself for the October council election?”

The General Manager Planning and Place provided the following response,
Officers will contact the person who has asked the question to again understand the location of the sign relevant to the question. The decision to remove or install a lawful sign on private property would be a matter for the relevant landowner.

Rosemary asked,

“What if any action has Council decided to take – or taken - in response to the illegal removal without permit of 20 trees including 4 or 5 remnant banksias from Groves Reserve in 2023? How many of the 31 stormwater-quality-in-lieu projects identified in the report at Item 7.13 have been begun or completed and what and where?”

Response:

“Council issued an infringement to the land occupier which has been paid. Council is continuing to work with the land occupier to achieve an appropriate remediation outcome which will see replacement planting consistent with the relevant ecological vegetation class. The Council has prioritised Bricker Reserve Moorabbin (design by mid 2025 and construction in 2026) and Le Page Park design will occur over the coming year following successful grant funding from Melbourne Water. Council seeks to ensure that wherever possible it works with Melbourne Water to also obtain capital funding through partnerships for stormwater enhancement projects.”

Graeme asked,

“Can you please tell us exactly what the \$2.8 Million dollars you say was spent on capital works in the Chiquita Ward, as shown in your brochure which came with our rate notice recently, was actually spent on? Can you please list accurately and with detail what, where and how you spend this \$2.8 Million dollars.”

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

“The 2024/25 capital works budget of \$2.8M includes improvements to Snowdon Drive Reserve, renewal of the Kingston Heath hockey pitch, planning for the new hockey pitch and baseball improvements at Kingston Heath, two play space upgrades, at Judd Parade Reserve and Meribah Court Reserve, and \$1.05M on the Southern Road Reserve sportsground renewal.”

Douglas Klein asked,

“Can Council please clarify its future plans for the Highett Road Library and if appropriate, request clarification or retraction from the developer for misleading and alarming local residents.”

The General Manager Community Strengthening provided the following response,

“The Council has no plans to move the existing Highett Library to a new home in the Highett Common precinct located in the City of Bayside. Council will make the developer aware of the question and inference that could be drawn from it.”

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7. Planning and Place Reports

7.1 Town Planning Application Decisions - July 2024

Moved: Cr Davies

Seconded: Cr Hua

That the report be noted.

CARRIED

FOR: Crs Davey-Burns, Eden, Oxley, Cochrane, Davies, Hill, Hua, Bearsley and Saab (9)

AGAINST: Nil (0)

7.2 KP-2023/732 - 5-7 The Strand, Chelsea

It is noted that Janine Chalmers spoke on behalf of objectors.

It is noted that Richard Hoxley spoke on behalf of the applicant.

Cr Howe returned to the meeting at 7:45pm.

Cr Bearsley left the meeting at 7:46pm.

Cr Bearsley returned to the meeting at 7:50pm.

Moved: Cr Oxley

Seconded: Cr Eden

That Council determine to issue a notice of refusal to grant a planning permit to use the land for a rooming house at No. 5 – 7 The Strand, Chelsea, on the following grounds:

1. The proposal fails to meet the objectives and strategic directions of the Planning Policy Framework – Strategic Directions contained at Clause 11.03 Activity Centres of the Kingston Planning Scheme.
2. The proposal is not consistent with the purpose and objectives of the Commercial 1 Zone at Clause 34.01 of the Kingston Planning Scheme by providing the proposed rooming house at ground floor.
3. The proposed rooming house will result in a poor level of internal amenity with a lack of living space.
4. The proposal would have a detrimental effect on surrounding properties.

LOST

FOR: Crs Eden, Oxley, Cochrane and Bearsley (4)

AGAINST: Crs Hill, Howe and Saab (3)

ABSTAINED: Crs Davey-Burns, Davies and Hua (3)

Moved: Cr Hill

Seconded: Cr Davies

That Council determine to support the proposal and issue a notice of decision to grant a planning permit to use the land for a rooming house at No. 5 – 7 The Strand, Chelsea, subject to the following conditions:

Endorsed Plans

1. The use as shown on the endorsed plans must not be altered without the written

consent of the Responsible Authority.

Occupants' Number

2. No more than ten (10) people to be accommodated in this rooming house at any one time.

Amenity

3. 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.

Waste Management Plan

4. Prior to use of the site, a Waste Management Plan (WMP) must be submitted and approved by the Responsible Authority. When approved, the Plan will be endorsed and will then form part of the permit.
5. The Waste Management Plan must be implemented to the satisfaction of the Responsible Authority. The Waste Management Plan must not be modified unless without the written consent of the Responsible Authority.

Rooming House Management Plan

6. Prior to the commencement of the use, a Management Plan for the Rooming House is to be prepared, submitted to and approved by the Responsible Authority. The Management Plan must include the following:
 - a) The contact details of the responsible contact person displayed in a manner and location so that it is visible to any person entering the site. This information is to be updated as required immediately following any change to the nominated responsible contact person.
 - b) Contact details for the owner, manager, or agent for leasing purposes of the premises.
 - c) Induction of residents to be familiar with the behaviour requirements of the Management Plan.
 - d) A log for recording residents and visitor details.
 - e) Details of how noise levels and resident behaviour will be managed for reducing impacts on surrounding residential properties.
 - f) Waste disposal in accordance with the Waste Management Plan.
 - g) Details of the terms of accommodation and the maximum number of persons to be accommodated onsite.
 - h) House rules protecting the amenity of the area.
 - i) Car parking spaces are only permitted to be used by the occupants of the units and their visitors and must not be subdivided, on-sold or leased to any other person allocated the use of that space.
 - j) Maintenance of buildings and grounds, including all landscaped areas.
 - k) Provision of information to residents on local public transport and amenities in the area.
 - l) Permanent display of the Management Plan in a common area accessible to all residents of the rooming house facility.
 - m) A process for management to respond to complaints from neighbours; and
 - n) Process to inform Council when changes are made to this plan, including

changes in ownership or management of the premises.

Cultural Heritage Management Plan

7. The Use hereby approved must be carried out in accordance with the approved Cultural Heritage Management Plan No 19625 prepared by Heritage Advisor, Anita Barker and approved by the Bunurong Land Council on 9 February 2024.

Permit Expiry

8. 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 is not started before two (2) years from date of this permit.
- The use is discontinued for a period of two (2) years.

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

Note: An application must be made to the City of Kingston Environmental Health Department for Registration under the provisions of the Public Health and Well Being Regulations 2009, Part 5 – Prescribed Accommodation and Registered Premises.

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

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

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

Note: The use of the site shall not cause nuisance or be detrimental to the amenity of the neighbourhood.

CARRIED on the casting vote of the Chairperson

FOR: Crs Davey-Burns, Davies, Hill, Hua and Saab (5)

AGAINST: Crs Eden, Oxley and Cochrane (3)

ABSTAINED: Crs Howe and Bearsley (2)

7.3 KP-2023/267 - 621 Heatherton Road, Clayton South

It is noted that Stephen O'Brien spoke on behalf of the applicant.

Cr Oxley left the meeting at 8:16pm.

Cr Eden left the meeting at 8:16pm.

Cr Oxley returned to the meeting at 8:18pm.

Cr Eden returned to the meeting at 8:18pm.

Moved: Cr Davies

Seconded: Cr Hua

That Council determine to support the proposal and issue a planning permit at no. 621 Heatherton Road, Clayton South, subject to the following conditions:

Amended Plans

1. Before the use or 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 site plan prepared by 'Megarch Design Services' (drawing no. TP02) and floor plan prepared by 'T-A Square', (project no. TA1723, drawing no. TP.02, dated May 2023, revision A) submitted to Council on 11/10/2023, but modified to show:
 - a) the car parking layout redesigned so as to not impact on the existing landfill gas monitoring bores on-site;
 - b) the provision of two (2) accessible car parking spaces;
 - c) the total number of car parking spaces maintained at 60 as a result of the changes required under condition 1 a) and c);
 - d) the position of existing landfill gas monitoring bores on-site;
 - e) the Landscape Plan prepared for this site by Monarch Garden Design (02/08/2023 Iss. A) to be amended by a suitably qualified landscape professional to the satisfaction of the Responsible Authority to include:
 - i. 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;
 - ii. A survey including botanical names, of all existing trees on neighbouring properties where the Tree Protection Zones of such trees calculated in accordance with AS4970-2009 fall partially within the subject site;
 - iii. The delineation of all garden beds, permeable paving, grassed area, retaining walls, fences and other landscape works;
 - iv. A range of plant types from ground covers to large shrubs and trees, provided at adequate planting densities (e.g. plants 1 metre width at maturity planted 1 metre apart); with the species chosen to 100% indigenous to the City of Kingston, and predominantly locally indigenous as per Gippsland Plains EVC No. 3, 48 and 55;
 - v. A landscaped garden-bed with a range of plant types, is to be included along the west and north perimeter of the new car parking

- spaces; with eight (8) indigenous canopy trees capable of growing to minimum mature dimensions of 12 metres in height and 6 metres in width to be planted in this position;
- vi. The Lightwood (*Acacia implexa*) substituted for long-lived indigenous canopy tree species capable of growing to similar mature dimensions; with multiple indigenous canopy tree species, and suitable indigenous under-storey planting, incorporated into the row of trees to be planted along the western portion of the site's southern boundary;
 - vii. All trees provided at a minimum of 2 metres in height at time of planting, medium to large shrubs to be provided at a minimum pot size of 200mm;
 - viii. Notes regarding site preparation, including the removal of all weeds, proposed mulch, soil types and thickness, subsoil preparation and any specific maintenance requirements;
 - ix. Tree protection measures including for street trees accurately drawn to scale and labelled as per the endorsed Tree Management Plan;
- f) the location of tree protection measures illustrated to scale and labeled on the Ground Floor Plan as per the endorsed Tree Management Plan;
 - g) all car parking bays and driveways to be installed within the Tree Protection Zone (TPZ) of the existing vegetation nominated as using a 'Reinforced Grass or Gravel' surface (e.g. Cellular Paving or Reinforced Turf) in accordance with condition 5;
 - h) a cross-sectional diagram of all carparks and driveways to be installed within the Tree Protection Zone (TPZ) of the existing vegetation at this site, which shows the surface and sub-base layers in relation to Natural Ground Level (NGL), is to be included on the Ground Floor Plan.
 - i) the retention of all existing vegetation at this site, unless with written consent from Council's Vegetation Department.
 - j) any changes as required by condition 6.

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.
- 3. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced.

Cultural Heritage Management Plan

- 4. All works must be carried out in accordance with the Cultural Heritage Management Plan no. 19703 dated 7 June 2024 prepared by Alpha Archaeology Pty Ltd.

Tree Management and Protection

- 5. Unless with written consent from Council's Vegetation Department, all car spaces and driveways to be installed within the Tree Protection Zone (TPZ) of the existing vegetation at this site are to be installed fully above-grade and are to use a 'Reinforced Grass or Gravel' surface (e.g. Cellular Paving or Reinforced Turf).
- 6. Concurrent with the endorsement of plans, a Tree Management Plan prepared

by a suitably qualified arborist in accordance with AS4970-2009, must be submitted to and be endorsed by the Responsible Authority and incorporating:

- a) A Tree Management Plan (written report) must provide details of:
 - i. Any non-destructive root investigation undertaken to determine the location and distribution of roots of trees nominated on the Tree Protection Plan.
 - ii. Proposed footings and construction methods for any buildings or structures within the Tree Protection Zone nominated on the Tree Protection Plan.
 - iii. How excavation impacts, including soil level changes, on trees to be retained will be managed.
 - iv. How the canopy of trees nominated on the Tree Protection Plan will be protected.
 - v. Any other measures required to demonstrate the successful ongoing retention and viability post-construction of any trees nominated on the Tree Protection Plan.
 - b) A Tree Protection Plan (scale drawing) must provide details of:
 - i. The Tree Protection Zone and Structural Root Zone, calculated in accordance with AS4970-2009, for all trees to be retained on the site and for all trees on neighbouring properties where the Tree Protection Zone falls partially within the subject site.
 - ii. Tree protection fencing, or ground protection where required, provided in accordance with AS4970-2009.
 - iii. Stages of development at which inspections are required to ensure tree protection measures are adhered to must be specified.
 - iv. Appropriate signage on any tree protection fencing prohibiting access, excavation, changes in soil levels, or any storage within the Tree Protection Zone in accordance with AS4970-2009 unless with the prior written consent and under the direct supervision of the consulting arborist.
 - v. Maintenance of the area(s) within the Tree Protection Zone in accordance with AS4970-2009.
 - vi. Any pruning to be undertaken being in accordance with AS4373-2007.
 - vii. A notation to refer to the Tree Management Plan.
7. All protection measures identified in the Tree Management Plan must be implemented, and development works undertaken on the land must be undertaken in accordance with the Tree Management Plan, to the satisfaction of the Responsible Authority.
 8. Prior to the commencement of works, the name and contact details of the project arborist responsible for implementing the Tree Management Plan must be submitted to the Responsible Authority.

Operational restrictions

9. The use must operate only between the hours of:

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26 August 2024

Monday to Thursday:	7:00pm to 8:00pm;
Friday:	7:00pm to 9:30pm;
Saturday:	9:00am to 3:00pm; and
Sunday:	9:00am to 9:00pm.

Or otherwise as approved by the Responsible Authority in writing.

10. Not more than 200 patrons must be on-site at any one time.

Landfill gas monitoring

11. Existing landfill gas bores on the land must be maintained and be accessible for ongoing monitoring by Council at all times.

Car Parking and Access

12. 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.

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

13. 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.

General amenity

14. The amenity of the area must not be detrimentally affected by the development and use, 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.
15. The development and use of the site must not cause nuisance or be detrimental to the amenity of the neighbourhood by the emission of noise. In this regard any nuisance must 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.
16. The loading and unloading of goods to and from vehicles must only be carried

out on the land.

17. 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.
18. No signs or other advertising or identification may be erected or displayed on the site without written Council consent.

Completion of Works

19. Prior to the commencement of use hereby permitted, all 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.
20. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.

Permit Expiry

21. The permit as it relates to development (car parking/accessway works) will expire if one of the following circumstances applies:
 - a) The development is not started before two (2) years from date of this permit.
 - b) 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.

22. The permit as it relates to use will expire if one of the following circumstances applies:
 - a) The use is not started within two (2) years after the completion of the development.
 - b) The use is discontinued for a period of two (2) years.

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

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

Note: An application to install/alter a wastewater system must be lodged with Council's environmental health team. This application will determine the type and size of wastewater system. The wastewater system must comply with Environment Protection Authority (EPA) document 891.4: Code of practice – onsite wastewater management and be drawn to scale and represented on the endorsed plans.

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

Note: Any works 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 or use, you are required to obtain any necessary building permit.
- Note:** The applicant/owner must provide a copy of this planning permit to any appointed building surveyor. It is the responsibility of the applicant/owner and building surveyor to ensure that all building development works approved by any building permit is consistent with the planning permit.
- Note:** The applicant/owner must provide a copy of this planning permit and any endorsed plans to any external contractor to ensure that all trees to be retained on site are protected during any works.
- Note:** Before removing / pruning any vegetation from the site, the applicant or any contractor engaged to remove any vegetation, should consult Council's vegetation management officer to verify if a Local Laws 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.

CARRIED

A Division was Called:

DIVISION:

FOR: Crs Davey-Burns, Eden, Oxley, Cochrane, Davies, Hill, Howe, Hua, Bearsley and Saab (10)

AGAINST: Nil (0)

7.4 KP-2024/167 - 648 South Road, Moorabbin

Cr Oxley declared a material conflict of interest in this item due to holding shares in Wesfarmers and left the meeting at 8.21pm prior to any discussion on the matter.

Cr Eden declared a material conflict of interest in this item due to holding shares in Wesfarmers and left the meeting at 8.21pm prior to any discussion on the matter.

It is noted that Amanda Ring spoke on behalf of the applicant.

Moved: Cr Saab

Seconded: Cr Davies

That Council determine to support the proposal and issue a planning permit to use the land for Trade Supplies and a Restricted Retail Premises, to construct a building or construct or carry out works (new trade supplies store and associated car parking), create access to a Transport 2 Zone, reduction of bicycle parking and to construct or put up for display ten (10) business identification signs, three (3) pylon signs and two (2) directional signs at **Error! No document variable supplied.**, subject to the following conditions:

Amended Plans

1. Before the use and 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 plans submitted to Council on 17/06/2024, but modified to show:
 - a) A landscape plan and associated planting schedule for the site showing

- the proposed location, species type, mature height and width, pot sizes and number of species be planted on the site, with such plans to be prepared by a suitably qualified landscape professional and incorporating as a minimum:
- i. Continuous strip garden beds to be installed at ground level along the eastern and southern boundaries with each to be a minimum of 200mm wide;
 - ii. The *Acacia implexa* (Lightwood) located along the Bignell road setback to be substituted with a native tree species capable of reaching the minimum mature dimensions of 15 metres in height and 5 metres in width .
 - iii. An additional 56 canopy trees (in addition to the 13 already shown on the submitted landscape plan, total 69) or equivalent area in green infrastructure of mature tree canopy to be planted/installed throughout the site.
 - iv. A minimum of two (2) native canopy trees capable of growing to the minimum mature dimensions of 8 metres in height and 5 metres in width to be planted in suitably sized planters on the upper car park deck;
 - v. An evergreen climbing suckering plant species, capable of reaching 7 metres in height at maturity, to be planted along the eastern and southern boundaries into mulched continuous strip garden beds to provide vegetated coverage to walls and boundary fences at maturity ;
 - vi. 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;
 - vii. Notes regarding site preparation, including the removal of all weeds, proposed mulch, soil types and thickness, subsoil preparation and any specific maintenance requirements;
 - viii. Sectional details of tree planters to be illustrated to scale and notation including materials, growing media, drainage and dimensions;
 - ix. Tree protection measures including for street trees accurately drawn to scale and labelled as per the endorsed Tree Management Plan;
- b) Access from Bignell Road and the entrance to the building via internal connection (internal footpath).
 - c) Vehicle access on Bignell Road reduced (combining left and right turn into a single lane)
 - d) A notation on the floor / site plan(s) stating: "The redundant vehicle crossover 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".
 - e) Annotation to rainwater tank indicating size and connection to toilet flushing and irrigation system as proposed in the SMP and BESS assessment.
 - f) All roofs and exposed concrete driveway to be specified with light coloured

or reflective finishes / materials (Solar Reflective Index >50 or Solar Absorptance < 0.6) to help mitigate the urban heat island effect. This must be reflected on plans.

- g) Changes as required by condition 34 (Department of Transport and Planning).
- h) The location of tree protection measures illustrated to scale and labelled on the Ground Floor Plan as per the endorsed Tree Management Plan.
- i) Any changes as required by Condition 6.

Endorsed Plans

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

Use

- 4. The use must operate only between the hours of:
Monday to Sunday: 5:00am until 11:00pm
Or otherwise as approved by the Responsible Authority in writing.

Trees to be retained

- 5. The retention of the T12 *Eucalyptus melliodora* (Yellow Box), T13 *Eucalyptus globulus* (Southern Blue Gum), T17 *Eucalyptus robusta* (Swamp Mahogany) located along the South Road setback and T55 *Corymbia citriodora* (Lemon-Scented Gum) located in the south-west corner of property in the Bignell Road setback.

Tree Management and Protection Plan

- 6. Concurrent with the endorsement of plans, a Tree Management Plan prepared by a suitably qualified arborist in accordance with AS4970-2009, must be submitted to and be endorsed by the Responsible Authority and incorporating:
 - a. A Tree Management Plan (written report) must provide details of:
 - i. Any non-destructive root investigation undertaken to determine the location and distribution of roots of trees nominated on the Tree Protection Plan.
 - ii. Proposed footings and construction methods for any buildings or structures within the Tree Protection Zone nominated on the Tree Protection Plan.
 - iii. How excavation impacts, including soil level changes, on trees to be retained will be managed.
 - iv. How the canopy of trees nominated on the Tree Protection Plan will be protected.
 - v. Any other measures required to demonstrate the successful ongoing retention and viability post-construction of any trees nominated on the Tree Protection Plan.
 - b. A Tree Protection Plan (scale drawing) must provide details of:
 - i. The Tree Protection Zone and Structural Root Zone, calculated in

- accordance with AS4970-2009, for all trees to be retained on the site and for all trees on neighbouring properties where the Tree Protection Zone falls partially within the subject site.
- ii. Tree protection fencing, or ground protection where required, provided in accordance with AS4970-2009.
 - iii. Stages of development at which inspections are required to ensure tree protection measures are adhered to must be specified.
 - iv. Appropriate signage on any tree protection fencing prohibiting access, excavation, changes in soil levels, or any storage within the Tree Protection Zone in accordance with AS4970-2009 unless with the prior written consent and under the direct supervision of the consulting arborist.
 - v. Maintenance of the area(s) within the Tree Protection Zone in accordance with AS4970-2009.
 - vi. Any pruning to be undertaken being in accordance with AS4373-2007.
 - vii. A notation to refer to the Tree Management Plan.
7. All protection measures identified in the Tree Management Plan must be implemented, and development works undertaken on the land must be undertaken in accordance with the Tree Management Plan, to the satisfaction of the Responsible Authority.
 8. Prior to the commencement of works, the name and contact details of the project arborist responsible for implementing the Tree Management Plan must be submitted to the Responsible Authority.

Street trees

9. Tree Protection Fencing is to be established around the street trees to be retained located on Bignell Road prior to demolition and maintained until all works on site are complete.
 - a) The fencing is to be a 1.8 metre high temporary fence constructed using steel or timber posts fixed in the ground or to a concrete pad, with the fence's side panels to be constructed of cyclone mesh wire or similar strong metal mesh or netting.
 - b) The fencing is to encompass the entire nature strip with each end 3 metres from the base of the tree.

Environmentally Sustainable Design

10. Concurrently with the endorsement of plans required by condition 1 of this permit, the sustainable management plan (SMP) prepared by Hexicon; dated 22 July 2024, must be endorsed.
11. Prior to the occupation of the building and commencement of the use approved under this permit, written confirmation from the author of the endorsed SMP is to be submitted to and approved by the Responsible Authority detailing that all the required measures specified in the SMP have been implemented, to the satisfaction of the Responsible Authority.

Drainage and Water Sensitive Urban Design

12. 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 12a & 12b 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.
13. 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 as per issued legal point of discharge advice – DR-2024/34.
 - c) All stormwater (drainage) works must be maintained to the satisfaction of the Responsible authority.

General Amenity

14. No polluted and/or sediment laden runoff is to be discharged directly or indirectly into Melbourne Water's drains or watercourses.
15. The amenity of the area must not be detrimentally affected, to the satisfaction of the Responsible Authority, 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) Any other way.
16. 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.

17. 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.

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

18. 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.
19. The development and 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.
20. Concrete kerbs or other barriers must be provided to the satisfaction of the Responsible Authority to prevent direct vehicle access to an adjoining road other than by a vehicle crossing.
21. 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.
22. The loading and unloading of goods to and from vehicles must only be carried out on the land.
23. 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.
24. 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.
25. Construction on the site must be restricted to the following times:
- | | |
|-----------------------------|----------------------------|
| Monday to Friday: | 7:00am to 7:00pm; |
| Saturday: | 9:00am to 6:00pm; and |
| Sunday and Public Holidays: | No construction permitted. |
- Or otherwise as approved by the Responsible Authority in writing.
26. No signs or other advertising or identification may be erected or displayed on the

site without written Council consent.

Signage

27. 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.
28. All signs must be located wholly within the title boundary of the land and must not protrude above the overall height of the building.
29. The sign(s) must not be located within or encroach onto the road reservation.
30. Signs must not be illuminated internally or by external lights except with the prior written consent of the Responsible Authority.
31. No sign(s) or other advertising or identification may be erected or displayed on the site without written Council consent.
32. The sign(s) must not be animated and no flashing or intermittent lights may be displayed.
33. 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.

Department of Transport and Planning Conditions

34. Unless otherwise approved in writing from the Head, Transport for Victoria, prior to commencement of the development amended plans must be submitted to and approved by the Head, Transport for Victoria. When approved by the Head, Transport for Victoria, the plans must be endorsed by the Responsible Authority and will then form part of the permit. The plans must be drawn to scale with dimensions. The plans must be generally in accordance with the concept plans O' Brien Traffic Bunnings Moorabbin left turn lane conceptual layout plan 24330-CLP-01C dated 2nd May 2024 submitted but modified to show:
 - a) all features such as pavement, kerb/shoulders, line marking, power poles, trees, and other road furniture within 50 metres of additional access points.
 - b) details of how the pedestrian paths and safety along the property frontage will be managed in the public realm works including signs for pedestrian safety and tactiles.
35. Prior to the occupation of the development all works outlined on the approved Conceptual Layout Plan must be completed to the satisfaction of the Head, Transport for Victoria at the full cost to the permit holder.
36. The permit holder must avoid disruption to bus operation along South Road during the construction of the development. Any planned disruptions to bus operation during construction and mitigation measures must be communicated to and approved by the Head, Transport for Victoria a minimum of 8 weeks prior.
37. All business identification signs must remain static and not be reflective, flashing, scrolling or use intermittent light. All signs must be secured in a safe manner to ensure there is no public safety risk. All to the satisfaction of the Responsible Authority.
38. All vehicles must always enter and exit the site in a forward direction to the satisfaction of the Head Transport for Victoria.

Completion of Works

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

Signage Expiry

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

Permit Expiry

41. In accordance with Section 68 of the *Planning and Environment Act 1987* (the Act), this permit will expire if one of the following circumstances applies:
- The use and development is not started before two (2) years from date of this permit.
 - The development is not completed before four (4) years from the date of permit issue.
 - The use is discontinued for a period of two (2) years.
 - This permit (or part of the permit that relates to advertising signs) expires 15 years from the date of issue of the permit.

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

Note: 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: Prior to the construction of any crossovers as shown on the endorsed development plans, the following street tree *Pyrus calleryana* 'Capital' (Capital Callery Pear -**Asset NO. #328992**) located on Bignell Road and the following street trees located on South Road *Melia azedarach* (White Cedar -**Asset NO. #254021**), *Melia azedarach* (White Cedar -**Asset NO. #254020**), *Melia azedarach* (White Cedar -**Asset NO. #253986**) and *Melia azedarach* (White Cedar -**Asset NO. #253983**) must be removed by Council at the expense of the Developer/Owner. Payment of the removal and replacement fee for this tree/s must be made to Kingston City Council's customer service in accordance with Council's Tree Management Policy at least 2 weeks prior to its required removal date.

Note: The fee for removal of the street tree(s) from the nature strip is **\$31,806.28** (including GST), payable to Kingston City Council's Customer Service Department - refer to cashier code "STRE". Customer Service will confirm payment to the Parks Department. The removal of the tree requires a minimum of 2 weeks notice from the Developer/Owner.

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 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: 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 in writing to property@kingston.vic.gov.au.

If the permit applicant/land owner adopts the street numbering or addressing from the endorsed plans, or where advertising and/or sales transact (off the plan) prior to Council's official allocation of the street numbering and addressing, it will be viewed to be non-compliant with the guideline and standard applied (Australian/New Zealand Standard for Rural & Urban Addressing / AS/NZS 4819:2011).

Note: The proposed development requires construction of new crossing to South Road. Separate approval under the Road Management Act 2004 for this activity is required from the Head, Transport for Victoria. Please contact the Department of Transport prior to commencing any works.

CARRIED

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

AGAINST: Nil (0)

Cr Oxley returned to the meeting at 8:29pm.

Cr Eden returned to the meeting at 8:30pm.

7.5 KP-2024/90 - Clayton Bowls Club, 37A Springs Road, Clayton South

Moved: Cr Saab

Seconded: Cr Hua

That the Council determine to support the proposal and issue a planning permit to construct and carry out buildings and works (new canopy above bowling green and associated lighting, installation of synthetic turf and installation of electronic scoreboards) in association with the existing bowls club on the land at Clayton Bowls Club, 37A Springs Road, Clayton South, subject to the following conditions:

Endorsed Plans

1. The development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.

Environmentally Sustainable Design

2. The sustainable design assessment prepared by Ecoresults, report No. 2024-3745-SDA, dated 30 May 2024, must be implemented to the satisfaction of the

Responsible Authority. The sustainable design assessment must not be modified unless with the prior written consent to the Responsible Authority.

Stormwater Management

3. 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 (a) and (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.
4. 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.

General Amenity

5. The amenity of the area must not be detrimentally affected by the development, 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.
6. The development 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.
7. 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.
8. All external surfaces of the building elevations must be finished in accordance with the schedule on the endorsed plans and maintained in good condition to the Responsible Authority's satisfaction.

Completion of Works

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

Permit Expiry

10. 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: 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: No signs or other advertising or identification may be erected or displayed on the site without the prior written consent of the Responsible Authority, unless exempt under the Kingston Planning Scheme.

Cr Hill left the meeting at 8:31pm.

CARRIED

FOR: Crs Davey-Burns, Eden, Oxley, Cochrane, Davies, Howe, Hua, Bearsley and Saab (9)

AGAINST: Nil (0)

7.6 Suburban Rail Loop - Approach to Structure Plan Advisory Committee Process

Moved: Cr Davey-Burns

Seconded: Cr Saab

That Council note this report which outlines the proposed approach to legal representation and advocacy through the Advisory Committee Process for the Suburban Rail Loop Precinct Structure Plans.

CARRIED

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

AGAINST: Nil (0)

ABSTAINED: Cr Oxley (1)

7.7 Submission to Victorian Government Housing Targets and Plan Victoria

Cr Hill returned to the meeting at 8:33pm.

Cr Cochrane left the meeting at 8:33pm.

Moved: Cr Hill

Seconded: Cr Bearsley

That Council endorse the submission at Appendix 1 in response to the State Government's draft Housing Targets and Plan Victoria.

Cr Cochrane returned to the meeting at 8:35pm.

CARRIED

FOR: Crs Davey-Burns, Cochrane, Davies, Hill, Hua, Bearsley and Saab (7)

AGAINST: Cr Howe (1)

ABSTAINED: Crs Eden and Oxley (2)

7.8 Adoption of the Economic Development Strategy

Moved: Cr Davies

Seconded: Cr Saab

That Council:

1. Note the results of the community consultation on the draft Economic Development Strategy.
2. Note the minor changes made to the Economic Development Strategy as a result of the community consultation period.
3. Adopt the Economic Development Strategy and Year 1 Annual Action Plan.

CARRIED

FOR: Crs Davey-Burns, Eden, Oxley, Cochrane, Davies, Hill, Howe, Hua, Bearsley and Saab (10)

AGAINST: Nil (0)

7.9 Response to Resolution - Notice of Motion 1/2024 - Parking in Chelsea

Moved: Cr Oxley

Seconded: Cr Bearsley

That Council:

1. Support the continuation of the current parking restrictions in the car parks surrounding the Chelsea shopping strip; and
2. Support a proposal for community consultation on Chelsea parking to be conducted in early 2025.

CARRIED

Cr Hua left the meeting at 8:56pm.

FOR: Crs Davey-Burns, Eden, Oxley, Cochrane, Davies, Hill, Howe, Bearsley and Saab (9)

AGAINST: Nil (0)

7.10 Gazettal of Dog Off Leash Area at Victory Road Reserve

Cr Oxley left the meeting at 8:59pm.

Moved: Cr Saab

Seconded: Cr Hill

That Council resolve under section 26 of the *Domestic Animals Act 1994* to designate a dog off leash area at the Victory Road Reserve and approve officers to undertake the statutory advertising and gazettal process.

Cr Hua returned to the meeting at 8:59pm.

CARRIED

FOR: Crs Davey-Burns, Eden, Cochrane, Davies, Hill, Howe, Hua, Bearsley and Saab (9)

AGAINST: Nil (0)

7.11 Climate and Ecological Emergency Response Plan - Update

Moved: Cr Hill

Seconded: Cr Cochrane

That Council note:

1. The information within this report; and
2. That this report will be provided to Council's Audit and Risk Committee.

Cr Oxley returned to the meeting at 9:02pm.

CARRIED

FOR: Crs Davey-Burns, Eden, Oxley, Cochrane, Davies, Hill, Howe, Hua, Bearsley and Saab (10)

AGAINST: Nil (0)

7.12 Highett Level Crossing Removal - Final Urban Design Report

Moved: Cr Davies

Seconded: Cr Saab

That Council:

1. Note the community feedback on the Draft Highett Level Crossing Removal: Urban Design Report;
2. Adopt the Final Highett Level Crossing Removal: Urban Design Report (the Report); and
3. Write to the Minister for Transport Infrastructure, Chief Executive Officer of the Level Crossing Removal Project, Chief Executive Officer of the Suburban Rail Loop Authority and Secretary of the Department of Transport and Planning (DTP) to:
 - a) inform them of the adoption of the Report and to reinforce the importance

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of the 10 Key Design Moves developed following extensive community engagement; and

- b) request that further technical traffic investigations and Movement and Place assessments be undertaken and shared with Council, to ensure that no unforeseen and potentially detrimental traffic and movement impacts occur in the existing road network in Highett as a result of planned State Government projects.

CARRIED

FOR: Crs Davey-Burns, Eden, Oxley, Cochrane, Davies, Hill, Howe, Hua, Bearsley and Saab (10)

AGAINST: Nil (0)

7.13 Stormwater Quality Contributions Policy Update

Moved: Cr Davies

Seconded: Cr Bearsley

That Council adopt the updated version of the *Kingston's Stormwater Quality In-lieu Contributions Policy* shown as Appendix 1.

CARRIED

FOR: Crs Davey-Burns, Eden, Oxley, Cochrane, Davies, Hill, Howe, Hua, Bearsley and Saab (10)

AGAINST: Nil (0)

8. Community Strengthening Reports

8.1 Kingston Grants Program - Funding Decision Feedback

Moved: Cr Cochrane

Seconded: Cr Davies

That Council:

1. Note the feedback received in the period between 25 June – 26 July 2024, in response to the funding outcomes of the Kingston Grants Program for Round 1 of the Community Bi-annual Grants 2024-25, Operational & Partnership Grants 2024-27 for the Neighbourhood Houses & Community Centres, Specialist Community & Welfare Services and Community Interest Organisations categories, and Community Festival, Events and Creative Activities Grants 2024-27.
2. Increase the 2024-27 Partnership & Operational Grant funding for the Mordialloc Community Centre, by \$10,000, to \$85,000 per annum for 2024-27 with the funding condition that the grant cannot be used for recurrent or ongoing building maintenance costs as stated in the Kingston Grants Program Policy. This increased funding reflects that Mordialloc Community Centre has one of the highest program, participation and volunteer numbers compared to other Community Centres and Neighbourhood Houses in the City of Kingston.

Cr Howe left the meeting at 9:06pm.

CARRIED

FOR: Crs Davey-Burns, Eden, Oxley, Cochrane, Davies, Hill, Hua, Bearsley and Saab (9)

AGAINST: Nil (0)

8.2 Reconciliation Action Plan Progress Report 4

Moved: Cr Davies

Seconded: Cr Hill

That Council note the achievements of the Reconciliation Action Plan 2022–2024, from the period of January-June 2024.

CARRIED

FOR: Crs Davey-Burns, Eden, Oxley, Cochrane, Davies, Hill, Hua, Bearsley and Saab (9)

AGAINST: Nil (0)

8.3 2024 Kingston Youth Awards

Moved: Cr Davies

Seconded: Cr Hill

That Council:

1. Confirm the winners for the Young Citizen of the Year and Young Community Group of the Year awards ahead of the Youth Awards Event on Tuesday 10 September 2024, as per the officer recommendations included in confidential Appendix 1; and
2. Determine, pursuant to Section 125 of the Local Government Act 2020, that the identities of the award winners remain confidential until the Youth Awards Event on 10 September 2024.

CARRIED

FOR: Crs Davey-Burns, Eden, Oxley, Cochrane, Davies, Hill, Hua, Bearsley and Saab (9)

AGAINST: Nil (0)

8.4 Municipal Public Health and Wellbeing Plan 2021-25 - Year 3 Achievements 2023 - 2024

Moved: Cr Hill

Seconded: Cr Saab

That Council note the achievements of Year 3 implementation of the Municipal Public Health and Wellbeing Plan 2021–25.

FOR: Crs Davey-Burns, Eden, Oxley, Cochrane, Davies, Hill, Hua, Bearsley and Saab (9)

AGAINST: Nil (0)

CARRIED

9. Infrastructure and Open Space Reports

9.1 A Name for Kingston's New Aquatic and Leisure Centre

Moved: Cr Cochrane

Seconded: Cr Davies

That Council:

1. Receive the community consultation report on a name for Kingston's new aquatic and leisure centre;
2. Endorse Mordi Aquatic Centre as the name for the new aquatic and leisure centre in Mordialloc; and
3. Endorse officers to proceed with the registration of Mordi Aquatic Centre with Geographic Names Victoria.

CARRIED

FOR: Crs Davey-Burns, Eden, Oxley, Cochrane, Davies, Hill, Hua, Bearsley and Saab (9)

AGAINST: Nil (0)

9.2 Award of Contract CON-24/052 - Manual Litter Collection Services (Foreshore, Open Space Reserves & Precincts)

Moved: Cr Cochrane

Seconded: Cr Davies

That Council:

1. Award CON 24/052 Manual Litter Collection Services to Blue Sky Services (Vic) Pty Ltd for an initial term of two (2) years and 9 months, commencing 1 October 2024 which is estimated to have a total value of \$2,001,927.73 excluding GST plus CPI; and
2. Authorise the Chief Executive Officer, or their delegate, to execute the two (2) year extension period, up to a maximum contract term of four (4) years and nine (9) months, subject to satisfactory contractor performance.

CARRIED

FOR: Crs Davey-Burns, Eden, Oxley, Cochrane, Davies, Hill, Hua, Bearsley and Saab (9)

AGAINST: Nil (0)

9.3 Award of Contract CON-24/030 Programmed and Reactive Painting and Graffiti Removal Panel

Moved: Cr Davies

Seconded: Cr Cochrane

That Council:

1. Award Contract 24/030 Provision of Programmed and Reactive Painting and Graffiti Removal Services Panel as a Schedule of Rates Contract to Aesthetic Painting Services Pty Ltd, Ducon Maintenance Pty Ltd, Eastern Property Services Pty Ltd, Graffiti Rid Pty Ltd, and The Graffiti Eaters Pty Ltd at an estimated Year 1 cost of \$550,000.00 excluding GST for an initial period of 3 years with a further two (2) two-year extension options and an estimated maximum contract cost of \$4,421,004.23 excluding GST for the full seven (7) year contract expiring 31 August 2031, and
2. Authorise the Chief Executive Officer, or their delegate, to execute the two (2) two-year contract extension options subject to satisfactory performance.

Cr Howe returned to the meeting at 9:13pm.

CARRIED

FOR: Crs Davey-Burns, Eden, Oxley, Cochrane, Davies, Hill, Howe, Hua, Bearsley and Saab (10)

AGAINST: Nil (0)

9.4 Award of Contract CON-24/029 Programmed and Reactive Building Maintenance Panel

Moved: Cr Davies

Seconded: Cr Hill

That Council:

1. Award Contract 24/029 Provision of Programmed and Reactive Building Maintenance Services Panel as a Schedule of Rates Contract to Symmetry Commercial Pty Ltd, Ducon Maintenance Pty Ltd, and Eastern Property Services Pty Ltd, at an estimated Year 1 cost of \$700,000.00 excluding GST for an initial contract period of two (2) years with a further two (2) two-year extension options and an estimated maximum contract cost of \$4,761,338.97 for the full six (6) year contract term expiring 31 August 2030, and
2. Authorise the Chief Executive Officer, or their delegate, to execute the two (2) two-year contract extension options subject to satisfactory performance.

CARRIED

FOR: Crs Davey-Burns, Eden, Oxley, Cochrane, Davies, Hill, Howe, Hua, Bearsley and Saab (10)

AGAINST: Nil (0)

9.5 Biodiversity Strategy Adoption

Moved: Cr Hill

Seconded: Cr Davies

That Council:

1. Adopt the Biodiversity Strategy 2024 – 2029; and
2. Endorse that officers continue to engage with key stakeholders on the outcomes of the Technical Report to clarify any further queries.

Cr Cochrane left the meeting at 9:16pm.

Cr Cochrane returned to the meeting at 9:17pm.

CARRIED

FOR: Crs Davey-Burns, Eden, Oxley, Cochrane, Davies, Hill, Howe, Hua, Bearsley and Saab (10)

AGAINST: Nil (0)

9.6 Response to Resolution: Foreshore Waste Collection

Moved: Cr Bearsley

Seconded: Cr Davies

That Council:

1. Receive this report in response to the Notice of Motion No. 2/2024 - Foreshore Waste Collection resolution;
2. Endorse the relocation of foreshore bins from off the sand to foreshore reserves and key entrances to the beach to enable improved service collection; and
3. Receive a report after an 8 month period that reports on the success and challenges of the service improvement.

CARRIED

FOR: Crs Davey-Burns, Cochrane, Davies, Hill, Hua, Bearsley and Saab (7)

AGAINST: Crs Eden and Oxley (2)

ABSTAINED: Cr Howe (1)

Note: Cr Oxley requested through the Chair and was granted an extension of time of two minutes to speak on the matter.

9.7 Kingston Heath Reserve - Basketball Court Renewal

Moved: Cr Davies

Seconded: Cr Cochrane

That Council:

1. Endorse that community engagement be undertaken on the renewal of the existing basketball court to deliver a full sized court, an additional multi-sport half court and rebound wall at the Reserve; and
2. Endorse, subject to positive community feedback and support, that funding for construction be considered in the 25/26 capital works program, subject to the Council budget process.

Cr Oxley left the meeting at 9:32pm.

Cr Saab left the meeting at 9:34pm.

CARRIED

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

AGAINST: Nil (0)

ABSTAINED: Cr Eden (1)

10. Customer and Corporate Support Reports

10.1 Governance and Compliance Report

Moved: Cr Davies

Seconded: Cr Hua

That Council:

1. Receive the Informal Meetings of Councillors Records (Appendix 1);
2. Approve the Minutes of the June 2024 Audit and Risk Committee (Appendix 2)
3. Approve the Audit and Risk Committee Charter as attached at (Appendix 3)
4. Receive the outcome of the annual performance of the Audit and Risk Committee (Appendix 4)
5. Receive the final Councillor Attendance Record for this Council Term - April to August 2024 (Appendix 5)

CARRIED

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

AGAINST: Nil (0)

10.2 Response to Resolution - Key Performance Indicators

Cr Hill left the meeting at 9:37pm.

Moved: Cr Davies

Seconded: Cr Hua

That Council:

1. Not proceed with Key Performance Indicators; and
2. Note the Council Induction 2024 program includes a dedicated day on working together and group dynamics.

CARRIED

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

AGAINST: Nil (0)

61. Chief Finance Office Reports

11.1 2023/24 Capital Budget Outcome

Cr Oxley returned to the meeting at 9:37pm.

Moved: Cr Cochrane

Seconded: Cr Davies

That Council:

1. Note that in 2023/24, Council delivered \$73 million of capital works, which is \$1.3 million higher than the forecast of \$71.7 million and largely reflects the combination of brought forward projects and early deliveries, additional grant funding, budget over expenditure on some projects, and less carry overs into the following financial year;
2. Approve the Capital Budget early deliveries (brought forward) of \$6.2 million from financial year 2024/25 to 2023/24, noting that this amount is not an overspend, but a movement between two budget years (increase of budget 2023/24 and decrease of budget 2024/25);
3. Approve the Capital Budget overspend of \$0.7 million for financial year 2023/24, noting that this amount is funded from additional grants received, and is an increase of budget in 2023/24;
4. Approve the Capital Budget carry over of \$5.6 million from financial year 2023/24 to 2024/25, noting that this amount is not a saving, but a movement between two budget years (decrease of budget 2023/24 and increase to budget 2024/25);
5. Approve additional allocations to the Capital Expenditure Reserve in the 2024/25 financial year of:
 - a) reduced rates requirements from 2023/24 projects of \$0.8 million
 - b) reduced rates requirements from 2024/25 projects of \$2.5 million for:
 - i. Dingley Village Community Hub and North Cheltenham Early Years Centre project of \$1.7 million
 - ii. Old Dandenong Road project of \$0.8 million; and
6. Note that these allocations to the Capital Expenditure Reserve are in line with the purpose of this fund and that these allocations support the Council approved utilisation of this fund for the Aquatic Centre project.

CARRIED

FOR: Crs Davey-Burns, Eden, Oxley, Cochrane, Davies, Howe, Hua and Bearsley (8)

AGAINST: Nil (0)

11.2 Extension of Contract CON-19/109 Provision of Transactional Banking and Bill Payment Services

Moved: Cr Davies

Seconded: Cr Cochrane

That Council:

1. Exercise the available option of further 36 months extension of Contract CON-19/109 Provision of Transactional Banking and Bill Payment Services with the Commonwealth Bank of Australia from 1 April 2024 to 31 March 2027. The contract expenditure for that period is estimated at \$960,000 ex GST (\$320,000 annually), which is line with the past year's spend and is slightly above budget (\$20,000) but will be absorbed in the Materials and Services operating budget.
2. Authorise the Chief Executive Officer to sign extension of the contract with Commonwealth Bank; and
3. Authorise the Chief Executive Officer or delegate to execute the Contract.

CARRIED

FOR: Crs Davey-Burns, Eden, Oxley, Cochrane, Davies, Howe, Hua and Bearsley (8)

AGAINST: Nil (0)

Cr Hill returned to the meeting at 9:38pm.

11.3 Proposed Discontinuance and Sale of Land Enclosed Within 20 Mernda Ave Bonbeach - Outcome of Section 223 Committee

Moved: Cr Howe

Seconded: Cr Davies

That Council:

1. Note the submissions and the minutes of the Section 223 Committee held on 9 July 2024.
2. Authorise officers to undertake the statutory procedures and to discontinue and sell the Road that is enclosed within 20 Mernda Ave Bonbeach, and
3. Advise the submitters of the decision of Council and the reasons for that decision.

CARRIED

FOR: Crs Davey-Burns, Eden, Oxley, Cochrane, Davies, Hill, Howe, Bearsley and Saab (9)

AGAINST: Nil (0)

11.4 Property Strategy

Moved: Cr Saab

Seconded: Cr Hill

That Council:

1. Adopt the draft Property Strategy
2. Note that the Property Strategy will be professionally designed and formatted, and presented to Councillors.

Cr Hua returned to the meeting at 9:40pm.

CARRIED

FOR: Crs Davey-Burns, Eden, Oxley, Cochrane, Davies, Hill, Howe, Hua, Bearsley and Saab (10)

AGAINST: Nil (0)

Procedural Motion

Moved: Cr Davies

Seconded: Cr Cochrane

That the meeting be extended for one hour until 11.00pm.

CARRIED

FOR: Crs Davey-Burns, Eden, Oxley, Cochrane, Davies, Hill, Hua, Bearsley and Saab (9)

AGAINST: Cr Howe (1)

7. Notices of Motion

12.1 Notice of Motion No. 8/2024 - Cr Davies - Electronic Scoreboards

Moved: Cr Davies

Seconded: Cr Bearsley

That:

1. Council Officers prepare a report to be tabled to Council within five months which:
 - a) Lists the number of sporting grounds in Kingston where football, rugby, cricket, soccer, baseball or hockey are played.
 - b) Lists which of those grounds has an electronic scoreboard(s).
 - c) Provides an assessment of the scoreboards, including whether the scoreboards are operational, defective or not working.
 - d) Lists which grounds do not have an operational scoreboard and provide an estimate of costs to install a scoreboard at such grounds.
 - e) Comments on whether other sporting facilities within Kingston should have electronic scoreboards and the costs of installing same.
2. The report should consider whether the costs of installing electronic scoreboards should now be considered part of the Capital Works Program, or another department of Kingston, rather than requiring volunteer sporting clubs to bear the entire cost of installing a scoreboard.
3. If the installation of electronic scoreboards is to be part of the Capital Works Program, the report should also address how a priority installation and/or replacement of scoreboards should be implemented and whether and to what extent sporting clubs should contribute to the cost.

Cr Eden left the meeting at 9.46pm.

CARRIED

FOR: Crs Davey-Burns, Oxley, Cochrane, Davies, Hill, Howe, Hua, Bearsley and Saab (9)

AGAINST: Nil (0)

**12.2 Notice of Motion No. 9/2024 - Cr Howe - Thompson Road Entrance
Landscaping**

Moved: Cr Howe

Seconded: Cr Bearsley

That Council, in an officer report:

1. Provide a landscaping plan for the central median on Thompson Road, Patterson Lakes adjacent to Learmonth Reserve; and
2. Investigates assuming maintenance of the roundabout to the immediate west of the reserve, including the verge over the Thompson Road bridge when entering the suburb.

Cr Eden returned to the meeting at 10.03pm.

LOST on the casting vote of the Chairperson

FOR: Crs Cochrane, Davies, Howe, Hua and Bearsley (5)

AGAINST: Nil (0)

ABSTAINED: Crs Davey-Burns, Eden, Oxley, Hill and Saab (5)

A Division was Called:

DIVISION:

FOR: Crs Cochrane, Davies, Howe, Hua and Bearsley (5)

AGAINST: Nil (0)

ABSTAINED: Crs Davey-Burns, Eden, Oxley, Hill and Saab (5)

LOST on the casting vote of the Chairperson

12.3 Notice of Motion No. 10/2024 Cr Cochrane - Mordialloc Community Centre

Moved: Cr Cochrane

Seconded: Cr Davies

That Council:

1. Develop a Comprehensive Masterplan for the Mordialloc Community Centre (MCC) to ensure the facility meets the current and future community needs effectively and sustainably
2. Evaluate and address space requirements by assessing activities and programmes hosted at MCC, identifying their space needs, and planning accordingly to ensure optimal usage of the new facility.
3. Consider Financial Impacts on the Council by conducting a thorough cost analysis including initial construction, ongoing maintenance, and operational costs to ensure that the project is financially viable and sustainable.
4. Ensure Fit-for-Purpose design by planning for a new building that aligns with the MCC's role in the community, including necessary facilities, accessibility, and integration with existing infrastructure.
5. Engage with stakeholders including community groups, MCC staff, and local

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residents to gather input on their needs and expectations for the new centre.

6. Report back to the council with findings and recommendations, including a timeline for the project and estimated costs. This report should be no later than February 2025.

Cr Howe left the meeting at 10:11pm and did not return.

CARRIED

FOR: Crs Davey-Burns, Eden, Oxley, Cochrane, Davies, Hill, Hua, Bearsley and Saab (9)

AGAINST: Nil (0)

12.4 Notice of Motion No. 11/2024 - Cr Cochrane - Standardisation of Footpath Renewals Across Kingston's Local Shopping Precincts

Moved: Cr Cochrane

Seconded: Cr Saab

That officers provide a report on the feasibility of standardised footpath renewals across all local shopping precincts within the Kingston area.

1. Standardising footpath renewals should provide a uniform appearance across Kingston's shopping precincts. This consistency will reinforce the identity of our local shopping areas, making them more recognisable and aesthetically pleasing to residents and visitors alike. This could include opportunities for tree planting, landscaping and flowers.
2. Consult with local businesses and residents.

CARRIED

FOR: Crs Davey-Burns, Eden, Oxley, Cochrane, Davies, Hill, Hua, Bearsley and Saab (9)

AGAINST: Nil (0)

Cr Hill left the meeting at 10:25pm.

12.5 Notice of Motion No. 12/2024 - Cr Georgina Oxley - Road Conditions in Kingston

Moved: Cr Oxley

Seconded: Cr Saab

That Council:

1. Write to all Kingston Victorian Members of Parliament, the Minister for Roads and the Shadow Minister for Roads and any other relevant stakeholders advising of our concerns about the condition of the State managed roads within Kingston and requests that action be taken as soon as possible to improve the safety and condition of these roads.
 - a) The letter is to include where possible specific roads based on complaint data, feedback from Councillors and feedback received on social media from residents.
2. Undertakes an information campaign to provide information to the community on:

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- a) Which roads within the municipality are Council managed vs State Managed
- b) Where/How the community can easily report potholes
- c) Council's process and response times for potholes on Council roads
3. Immediately assesses the condition of high traffic Council managed roads and develop an action plan to rectify any defects to ensure the safety of highly trafficked roads in the City as a priority.
4. Provides a report to Council as soon as practicable on
 - a) Outcomes of the condition audits
 - b) Processes undertaken within Council to review road conditions
 - c) Responses to pothole complaints including complaint numbers with specific information on said complaints where possible.
 - d) Processes and agreements with other agencies i.e. LXR or SRLA on rectification works on Council assets impacted by major projects.

Cr Bearsley left the meeting at 10:25pm.

Cr Hill returned to the meeting at 10:26pm.

Cr Bearsley returned to the meeting at 10:28pm.

CARRIED

FOR: Crs Davey-Burns, Eden, Oxley, Cochrane, Davies, Hill, Hua, Bearsley and Saab (9)

AGAINST: Nil (0)

Cr Cochrane left the meeting at 10:39pm.

12.6 Notice of Motion No. 13/2024 - Cr Bearsley - Cheltenham Youth Club

Moved: Cr Bearsley

Seconded: Cr Davies

Noting that Cheltenham Youth Club (CYC) is the only facility in the southeast that provides pathways for gymnasts to compete at an elite and Olympic level, that Council:

1. Commit to supporting CYC in helping find an appropriate venue location with the correct space and ceiling height for trampolining and CYC's student numbers.
2. Provide a report as soon as possible, but not later than February 2025, that outlines financial and/or other options for CYC to maintain a Kingston location. In preparing the report council officers will liaise with CYC management as to CYC's current, ongoing and future needs
3. Undertake advocacy to relevant stakeholders about securing further funding for a new CYC location.
4. Any options to support CYC presented in the report and endorsed by council, be included in the preparation of the next budget cycle.

Cr Cochrane returned to the meeting at 10:41pm.

CARRIED

FOR: Crs Davey-Burns, Eden, Oxley, Cochrane, Davies, Hill, Hua, Bearsley and Saab (9)

AGAINST: Nil (0)

12.7 Notice of Motion No. 14/2024 - Cr Hill - Mentone Heritage Train Station

Moved: Cr Hill

Seconded: Cr Bearsley

That Council:

1. Continue to pursue options for commercial tenants at the site of the Mentone Heritage Train Station as a priority, noting a report is due to Council at the end of August 2024 of interested parties.
2. Require officers to have executed a commercial lease and facilitated the commencement of works on the site to operationalise a commercial tenancy by February 2025. Should this timeframe not be met:
 - a) Commit to exploring the concept of a Mentone Renaissance Centre at the site of the Mentone Heritage Train Station.
 - b) Engage with stakeholders with capacity to bring the Mentone Renaissance Centre to life including the Arts and Culture Committee of Council, Mentone Library, the Mordialloc and District Historical Association, Friends of Mentone Station and Gardens, Rotary Club of Mordialloc, and other relevant community groups with expertise in art, culture and community events.
 - c) Provide a report back to Council by February 2025 about the Mentone Renaissance Centre option including cost to Council to establish, timelines and other related deliverability factors.

CARRIED

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

AGAINST: Nil (0)

ABSTAINED: Cr Eden (1)

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13. Urgent Business

There were no items of urgent business.

14. Confidential Items

Nil

The meeting closed at 10.46pm.

Confirmed.....

The Mayor 23 September 2024