

Minutes

Ordinary Meeting of Council

Monday, 23rd July 2018

**City of Kingston
Ordinary Meeting of Council**

Minutes

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

Present: Cr Steve Staikos (Mayor)
Cr Tamsin Bearsley
Cr Ron Brownlees OAM
Cr David Eden
Cr Geoff Gledhill
Cr George Hua
Cr Georgina Oxley
Cr Rosemary West OAM

In Attendance: John Nevins, Chief Executive Officer
Mauro Bolin, General Manager Community Sustainability
Paul Franklin, General Manager Corporate Services
Daniel Freer, General Manager City Assets and Environment
Jonathan Guttmann, General Manager Planning and Development
Ian Nice, Manager City Development
Tracey Cheeseman, Media Advisor
Phil De Losa, Manager Governance
Stephanie O’Gorman, Governance Officer
Gabrielle Pattenden, Governance Officer

1. Apologies

An apology from Cr Barth was submitted to the meeting.

Moved: Cr Oxley

Seconded: Cr West

That the apology from Cr Barth be received.

CARRIED

2. Confirmation of Minutes of Previous Meetings

Moved: Cr Oxley

Seconded: Cr Brownlees

That the Minutes of the Ordinary Meeting of Council held on 25 June 2018 be confirmed.

CARRIED

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

Cr Brownlees foreshadowed a declaration of a conflict of interest in Item 9.1.

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4. Petitions

Removal of Shipping Container - Clayton South

Moved: Cr Hua

Seconded: Cr Gledhill

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

CARRIED

Permit Only Parking Signs - Clayton South

Moved: Cr Hua

Seconded: Cr Gledhill

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

CARRIED

Proposed Car Parking Works for Rowan Road, Dingley Village

Moved: Cr Hua

Seconded: Cr Gledhill

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

CARRIED

5. Presentation of Awards

There were no awards presented.

6. Reports from Delegates Appointed by Council to Various Organisations

There were no delegate's reports.

7. Question Time

Question Time was held at 7.32pm. Refer to page 38 of the Minutes.

Procedural Motion

Moved: Cr Brownlees

Seconded: Cr West

That the order of business be amended to consider Items 8.2, 8.3 and 8.4 at 8.00pm.

CARRIED

Block Resolution

Moved: Cr Hua

Seconded: Cr Gledhill

That the following items be block resolved and that the recommendations in each item be adopted:

- 8.1 Town Planning Application Decisions - June 2018
- 8.5 Dandenong Integrated Water Management Forum - Update
- 8.6 Proposed Dog Off Leash Area at Houghton Road and Orchid Street
- 8.8 State Government Review of Green Wedge Planning Provisions
- 9.3 Update on the Redevelopment of Dingley Library and Harold Box Hall
- 9.4 CON 18/10 – Establishment of Asbestos Removal Services Contractor Panel
- 9.5 Dales Park Pavilion Redevelopment - Issues Arising From Consultation With Club Representatives
- 10.1 Response to Notice of Motion No. 6/2016 - Cr Gledhill - Draft Mooring Policy for Mordialloc Creek - Update
- 10.3 Arts Grants Program 2018/19 - Funding Recommendations for Grant Allocations
- 10.4 Waves Accessible Change Room Facilities
- 10.5 Contract 18/45 Asphalt Paving Minor Works
- 10.6 Draft Fencing Policy
- 10.7 CON 17/116 Tree Planting & Tree Establishment Services
- 11.1 2017/18 Annual Report of the Chairman of the Audit Committee
- 11.3 Assembly of Councillors Record Report
- 11.5 CON 18/43 - Supply, Installation and Acquisition of Computer Hardware Assets

CARRIED

8. Planning and Development Reports

8.1 Town Planning Application Decisions - June 2018

RECOMMENDATION

That the report be noted.

Note: Refer to page 5 of the Minutes where this item was block resolved

8.2 KP17/612 - 40 – 44 Healey Street & 414 – 416 South Road, Moorabbin

It is recorded that Inna Louen spoke on behalf of the objectors in relation to this item.

It is recorded that Shane Linke spoke on behalf of the applicant in relation to this matter.

Moved: Cr Brownlees

Seconded: Cr Hua

That a Notice of Decision to Grant a Permit be issued to allow the Partial demolition and removal of existing buildings, to develop the land for the construction of a place of worship and retirement village in a Special Building Overlay, to use the land for a place of worship, to remove an easement, a reduction of the car parking requirements and to alter access to a road in a Road Zone, Category 1 at 40– 44 Healey Street and 414 - 416 South Road, Moorabbin, subject to the following conditions:

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 three copies must be provided. The plans must be substantially in accordance with the plans submitted to Council on 17 November 2017, but modified to show:
 - a. the north and south basement walls of the 'cut-out' for the Tree Protection Zone of the Eucalyptus on the neighbouring property at 420 South Road increased an additional 2 metres in both directions (north and south)
 - b. adoption of any changes required by Condition 4.b.iii of this permit
 - c. the location of tree protection measures illustrated to scale and labelled on the Basement and Ground Floor Plans and a notation referring to the endorsed tree management and protection plan required by Condition 4 of this permit
 - d. adoption of any changes required by Melbourne Water, in accordance with Conditions (26-31) of this permit
 - e. modifications in accordance with VicRoads' requirements specified in Condition 22 of this permit
 - f. any changes as a consequence of the amended Sustainability Management Plan required under Condition 21 of this permit
 - g. the provision of a longitudinal section of the basement ramp showing gradients, levels, distances, with headroom clearances complying with AS2890.1:2004
 - h. the provision of a flood proof apex of 250mm above the existing kerb and channel invert level for the entire South Road frontage of the subject site
 - i. a notation on the ground floor plan stating 'the existing back of footpath level along the entire Healey Street frontage will not be altered'
 - j. the provision of a subdivision plan, prepared by a suitably qualified land surveyor, detailing the E-1 easement to be removed/relocated so that it is clear of any habitable areas designed in accordance with Condition 35 of this permit
 - k. the provision of at least a 500mm landscape bed provided adjacent to the

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- driveways and common side boundaries
- l. the proposed vehicle crossing kept separate from the neighbour's vehicle crossing to create a pedestrian refuge of no less than 1 metre wide
 - m. a study that reconsiders the extent of screening required to mitigate overlooking with the provision of alternate approaches to privacy screening, which may include planter boxes (limiting the trafficable areas of the balcony and views down) and horizontal louvre screening (to direct views out rather than down)
 - n. any recommendations provided in the Pedestrian Wind Environment Assessment prepared by Windtech (dated 19 September 2017) adopted
 - o. elevation plan(s) of any front fencing proposed, which provides details of its height, materials and colours and ensuring that any fencing does not impact landscaping abilities on site
 - p. a notation on the ground floor south elevation specifying the acoustic quality of the habitable room windows of Apartments 7 and 9
 - q. the provision of an improved landscape plan in accordance with the submitted landscape plan by Zenith Concepts, amended November 2017 but modified to include:
 - i. a survey, including, botanical names of all existing trees to be removed on the site
 - ii. a spreading canopy tree capable of reaching a minimum height of 12 metres in the garden bed between South Road and the driveway north of the existing church
 - iii. deletion of the synthetic turf in the playground area east of the existing heritage church and plantings along the boundary fence
 - iv. the ground floor communal area facing Healey Street adjacent to 412 South Road redesigned to include sufficient soil volume for the inclusion of two spreading canopy trees capable of reaching a minimum mature height of 15 metres
 - v. the location of tree protection measures including for street trees accurately drawn to scale and labelled and notations referring to the endorsed tree management and protection plan required by Condition 4 of this permit
 - vi. a greater amount of balcony planter boxes proposed throughout the development with all planter boxes to be include a minimum substrate depth and width of 60cm x 50cm
- a separate landscape plan for each level of the development which includes accurate specifications for all planter boxes and associated irrigation, drainage, substrate, mulch etc.
- all landscaping measures within the private open space areas of all ground floor apartments, particularly along common boundaries, clearly nominated
- r. the construction of a 2.5m high fence on the Southern Residential Boundary of Healey Street at the full cost of the permit applicant.
 - s. That south facing windows above the first floor be glazed with obscure glass or alternative screening measures.

Endorsed Plans

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

Section 173 Agreement

3. Before the use and development commences, the land owner must enter into an agreement with the Responsible Authority pursuant to section 173 of the *Planning and Environment Act 1987*. The agreement must provide that the persons residing in the development are 'retired persons' as defined by the *Retirement Village Act 1986*. The section 173 agreement must be registered on title. It is further required that this agreement must be registered at the Office of Titles pursuant to section 181 *Planning and Environment Act 1987*. The agreement must be prepared and executed at the owner's expense.

Tree Management and Protection Plan

4. Concurrent with the endorsement of plans, a Tree Protection Plan (drawing) and Tree Management Plan (report) specifically relating to the Eucalyptus located in the north/west corner of the adjacent property 420 South Road must be submitted to and be endorsed by the Responsible Authority.
 - a. The Tree Protection Plan must be drawn to scale, reference the Tree Management Plan and provide details of:
 - i. The Tree Protection Zone and Structural Root Zone calculated in accordance with AS4970-2009.
 - 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.
 - b. The Tree Management plan must be prepared by a suitably qualified arborist, reference the Tree Protection Plan and provide details of:
 - i. Any non-destructive root investigation undertaken in accordance with AS4970-2009 to determine the location and distribution of roots of trees nominated on the Tree Protection Plan.
 - ii. Proposed excavation methods footings and construction methods for works associated with the basement and subsequent works associated with those proposed on the ground floor and landscape plans.
 - iii. Any changes required to the ground floor and landscape plans.
 - 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.
5. All protection measures identified in the Tree Management and Protection Plans must be implemented, and development works undertaken on the land must be undertaken in accordance with the Tree Management and Protection Plans, to the satisfaction of the Responsible Authority.
 6. Before the development starts, including demolition or removal of vegetation, the name and contact details of the project arborist responsible for implementing the Tree Management Plan must be submitted to the Responsible Authority.

Landscaping, Vegetation and Street Tree

7. Prior to the occupation of the development hereby permitted, the 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.
8. Tree Protection Fencing is to be established around the *Melia azedarach* street tree in the South Road nature strip 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.

Prior to the removal of the *Callistemon salignus* (Willow Bottlebrush) street tree from the Healey Street nature strip, payment must be made to Kingston City Council's customer service in accordance with Council's Street Tree Removal Procedures. This fee includes the removal and replacement of this tree/s and that must be undertaken by Council at the expense of the Developer/Owner.

Water Sensitive Urban Design

9. 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. Stormwater Management (drainage) Plan(s) must be prepared, with supporting computations, showing the stormwater (drainage) works to the nominated point of discharge. The plan(s) must show all details of the proposed stormwater works including all existing and proposed features that may have an impact on the stormwater (drainage) works, including landscaping details.
 - b. Prior to submitting detailed 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".
 - c. The stormwater management (drainage) strategy must include a report with music modelling results demonstrating water sensitive urban design

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- 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.
- d. The water sensitive urban design treatments as per conditions 9a, 9b, & 9c above must be implemented on-site, unless an alternative agreement for stormwater quality in-lieu contribution is reached with the Responsible Authority.
10. Stormwater (drainage) works must be implemented in accordance with the approved stormwater management (drainage) plan 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 of 31.6L/s.
 - c. All stormwater (drainage) works must be maintained to the satisfaction of the Responsible authority.
 11. A flood proof apex (i.e. ridge level) protecting the property from any overland flows must be provided. This apex is to be a minimum of 100mm above the existing back of footpath level along the road frontage. This apex is to continue through any driveways or pathways that may cross it. The apex is to be a permanent structure (e.g. rise in concrete driveway/pathway, sleeper retaining wall, solid brick fence/wall). Low mounded soil on its own is unlikely to be acceptable due to the likelihood of future disturbance.
 12. A groundwater assessment report (GAR) must be prepared by a qualified hydrogeologist to assess any possible impacts the proposed development has on the ground water table, surrounding land and buildings to the satisfaction of Responsible Authority. Should the findings of the submitted GAR demonstrate that the site is likely to experience issues associated with ground water management, a ground water management plan (GMP) must be submitted to and approved by the Responsible Authority.
 13. The basement structure must be designed to respond to the findings of the GAR and GMP required under condition 1 and constructed to the satisfaction of the Responsible Authority.

Roads and Drains Department

14. Property boundary and footpath levels must not be altered without the prior written consent form the Responsible Authority.
15. The replacement of all footpaths, including offsets, must be constructed the satisfaction of the Responsible Authority.
16. All reinstatements and vehicle crossings must be constructed to the satisfaction of the Responsible Authority.
17. Vehicle crossings and other reinstatements must be constructed to Council's industrial strength specifications.
18. All redundant vehicle crossings must be removed (including redundant portions of vehicle crossings) to the satisfaction of the Responsible Authority.
19. All front and side fences must be contained wholly within the title property

boundaries of the subject land.

20. Vehicle crossings must be constructed at a 90 degree alignment with the kerb on Healey Street and all internal driveways must align with the existing / proposed vehicle crossing.

Sustainability Management Plan

21. Prior to the endorsement of plans required by condition 1, an amended Sustainability Management Plan (SMP) must be submitted for endorsement. The SMP must be generally in accordance with the plan prepared by JBA Consulting Engineers Pty Ltd, dated 22 September 2017, but amended to reflect any changes made to the proposal, along with ensuring consistency throughout the report and with plans. The SMP must include the following (but is not limited to);
- a. A detailed assessment of the development using the Built Environment Sustainability Scorecard (BESS) meeting the minimum 50% overall score and minimums in Energy (50%), Water (50%), IEQ (50%) and Stormwater (100%) categories in BESS. In areas falling short of the aforementioned targets adjustments will need to be made to demonstrate that the project meets the BESS minimums.
 - b. Provision of a committal language in the report
 - c. A revised Energy 1.2 Thermal Performance Rating meeting at least a 10% improvement on National Construction Code (NCC) minimum requirements. This includes a provision of indicative energy rating assessments for a sample of apartments with different thermal properties. This must be accompanied by a full list of fabric assumptions including glazing considerations.
 - d. A revised Energy 3.6 Internal Lighting (Residential Multiple Dwellings) by indicating a clear commitment to a maximum power density (w/m²) 20% more efficient than minimum standards. Otherwise amend BESS entry to NO
 - e. A revised Energy 3.7 Internal Lighting (Non-Residential) by indicating a clear commitment to a maximum illumination power density (W/m²) in at least 90% of the relevant building class at least 20% lower than required by Table J6.2a of the NCC 2016 BCA Volume 1 Section J (Class 2 to 9) or amend BESS entry to NO.
 - f. A revised stormwater by indicating any bio-retention/raingardens proposed in report. The landscape plan to correspond with proposed stormwater management strategies.

VicRoads Conditions

22. Before the use and development starts, amended plans must be submitted to and approved by the Roads Corporation. When approved by the Roads Corporation, the plans may be endorsed by the Responsible Authority and will then form part of the permit. The plans must be drawn to scale with dimensions and two copies must be provided. The plans must be generally in accordance with the plans date stamped August 2017 and annotated as but modified to show:
- a. The entrance to the porte cochere to be clearly and appropriately signed as a pick up and drop off point only.
23. Before the use of the permitted development, all works required by VicRoads under this permit must be completed to the satisfaction of and at no cost to

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VicRoads.

24. No work must be commenced in, on, under or over the road reserve without having first obtaining all necessary approval under the Road Management Act 2004, the Road Safety Act 1986, and any other relevant acts or regulations created under those Acts.

Public Transport Victoria

25. The permit holder must take all reasonable steps to ensure that disruption to bus operation along South Road is kept to a minimum during the construction of the development. Foreseen disruptions to bus operations during construction and mitigation measures must be communicated to Public Transport Victoria fourteen (14) days prior.

Melbourne Water

26. The Finished floor levels of the proposed development must be set no lower than 300mm above the Melbourne Water graded flood level or the Cardno calculated flood level, whichever is higher.
27. The proposed setback along the eastern property boundary must be maintained as per submitted plan, referenced stormwater overland flow revisions, dated 4 May 2018.
28. No obstructions are permitted within the eastern property boundary setback and any proposed fences must be minimum 50% open style, or open to the flood level, to allow for the passage of overland flow.
29. No obstructions are permitted within the front property setback and the front property setback must be set at natural surface level to ensure the passage of overland flows to the low point on South Road.
30. No fill is permitted outside of the proposed building footprint.
31. Prior to the issue of an Occupancy Permit, a certified survey plan, showing finished floor levels (as constructed) reduced to the AHD, must be submitted to Melbourne Water to demonstrate that the floor levels have been constructed in accordance with Melbourne Water's requirements.

Viva Energy Australia

32. The land owner must at no cost to Viva Energy Australia Pty Ltd, carry out the works (whether or not within the pipeline easement) for the development to meet the requirements of:
- a Construction Risk Assessment completed &
 - *The land owner must at no cost to Viva Energy Australia Pty Ltd, carry out the works (whether or not within the pipeline easement) for the development to meet the requirements of:*
 - (a) Australian Standard AS2885 Pipelines – Gas and Liquid Petroleum;*
 - (b) Pipelines Act 2005; and*
 - (c) Pipeline Regulations 2007*
 - (d) Construction Risk Assessment completed*

South-east Water Conditions

33. Potable Water:
- a. The owner of the subject land must enter into an agreement with South

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East Water for the provision of potable water supply and fulfil all requirements to its satisfaction.

- b. South East Water will only permit one tapping / main meter to service the development.

34. Sewer:

- a. The owner of the subject land must enter into an agreement with South East Water for the provision of sewerage and fulfil all requirements to its satisfaction
- b. This will require the lodgement of a works application for the abandonment and diversion of existing sewers clear of the proposed development.
- c. As 412 South Road Moorabbin is not part of the proposed development, this property will require a sewer extension to provide a separate sewer connection point. The existing dwelling must reconnect to the new sewer connection where internal services must not cross title boundaries.
- d. Any proposed buildings / structures within 1m of a South East Water asset or over a South East Water easement requires the prior consent of South East Water.

35. General Conditions:

- a. All lots within the development must be consolidated into one lot. South East Water does not permit internal sewer & water supply services crossing title boundaries.
- b. The consolidated Plan of Subdivision must be referred to South East Water, in accordance with Section 8 of the Subdivision Act 1988.
- c. Should the development proceed to subdivision with individual lots, the Plan of Subdivision must be referred to South East Water, in accordance with Section 8 of the Subdivision Act 1988.
- d. The Plan of Subdivision must be accompanied by an Owners Corporation Schedule. All lots shown on the Plan of Subdivision must be included in the Owners Corporation Schedule.
- e. South East Water currently have 225mm diameter sewers throughout the subject land located in existing sewerage easements. South East Water will NOT permit the removal of any sewerage easements, unless the sewer is abandoned and diverted outside the subject land or well clear of any proposed buildings / structures.
- f. The certified Plan of Subdivision will need to show sewerage easements over all existing and/or proposed South East Water sewer mains located within the land, to be in favour of South East Water Corporation pursuant to Section 12(1) of the Subdivision Act.

Construction Management

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

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

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

In the event of damage during construction to any adjacent Council roads, footpaths and park land, such damage will be required to be repaired by and at the full cost to the developer, to the satisfaction of the Responsible Authority.

37. Prior to endorsement of the of the CMP under the condition 36, an approved Road Occupation and Works Permit which covers occupation of Council land for construction activities, arranging a Works Zone and assessment of Traffic Management Plans (if applicable).
38. Prior to endorsement of the CMP under the condition 36 an Asset Protection Permit must be approved by the Responsible Authority (if applicable).

Wind Impact Assessment

39. The endorsed Wind Impact Assessment including on walking comfort must be implemented to the satisfaction of the Responsible Authority. Any recommendations of the Assessment must be implemented to the satisfaction of the responsible authority.

Waste Management Plan

40. The endorsed Waste Management Plan (WMP) must be implemented to the satisfaction of the Responsible Authority. The WMP must not be modified further without the written consent of the Responsible Authority.

Completion of Development

41. Prior to the occupation of the development hereby permitted, all buildings and works and the conditions of this permit must be complied with, unless with the further prior written consent of the Responsible Authority.
42. Prior to the 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 in accordance with the endorsed plans under this permit or in an all-weather coloured concrete seal-coat, to the satisfaction of the Responsible Authority.
 - d. Drained and maintained to the satisfaction of the Responsible Authority.

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

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43. Prior to the occupation of the development hereby permitted, all works on or facing the boundaries of adjoining properties must be finished and surface cleaned to a standard that is well presented to neighbouring properties in a manner to the satisfaction of the Responsible Authority.
44. All piping and ducting above the ground floor storey of the development (other than rainwater guttering and downpipes) must be concealed to the satisfaction of the Responsible Authority.
45. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.

Expiry

46. In accordance with section 68 of the *Planning and Environment Act 1987 (Act)*, this permit will expire if one of the following circumstances applies:
 - The development is not started within (2) years from the date of this permit.
 - The use is not started within four (4) years from the date of permit issue.
 - The development is not completed within four (4) years from the date of permit issue.

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

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

Note: Prior to the commencement of the development you are required to obtain the necessary Building Permit.

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

Note: The property in question is subject to flooding from the Moorabbin Main Drain (DR4940) and the applicable 1% flood level is grading from 29.94 metres to Australian Height Datum (AHD) at the south east of 416 South Road down to 29.48m to AHD at the north west of 414 South Road.

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

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

Note: The fee for removal of the street tree(s) from the nature strip is 1,948.25 (including GST), payable to Kingston City Council's Customer Service Department - refer to attached invoice. 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 allocation of street numbering and addressing of properties is vested in

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Council. Any reference to addressing or dwelling/unit/apartment and street numbers or street names on any endorsed plan is indicative only. The onus is on the Permit Applicant/Land Owner to contact Council's Property Data Department to determine the official dwelling/unit/apartment street numbers, street name details and the like for the approved development.

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

Note: The following South East Water agreement options are available:

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

Note: The owner(s), occupiers and visitors of the development allowed by this permit may not be eligible for Council resident or visitor parking permits.

Note: The developer will be responsible for any costs related to the Road Occupation and Works Permit, to the satisfaction of the Responsible Authority.

Amendment

Moved: Cr West

That the recommendation be adopted subject to the inclusion of the following point:

- 1(t) Above the second floor facing south on the southern boundary, the setback be 9 metres further from the second floor setback.

The Amendment LAPSED for want of a Seconder

The Substantive Motion was put and CARRIED

8.3 KP17/974 - 196 Old Dandenong Road Heatherton

It is recorded that Ian Prudden spoke on behalf of the applicant in relation to this item.

Moved: Cr Brownlees

Seconded: Cr West

That the Planning Committee determine to support the proposal and issue a Planning Permit to allow Alterations and Additions to a building associated with an existing plant nursery and Alteration of Access to a Road Zone, Category 1 at No. 196 Old Dandenong Road, Heatherton, subject to the following conditions:

1. Before the development starts amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be substantially in accordance with the plans advertised on 9 April 2018, but modified to show:
 - a) the provision of 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 to be planted on the site, with such plans to be prepared by a suitably qualified landscape professional and incorporating:
 - i) A planting schedule of all proposed trees and shrubs, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant;
 - ii) A survey, including, botanical names of all existing trees to be retained or removed on the site including Tree Protection Zones for trees to be retained calculated in accordance with AS4970-2009;
 - iii) 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;
 - iv) The delineation of all garden beds, paving, grassed area, retaining walls, fences and other landscape works;
 - v) A range of plant types from ground covers to large shrubs and trees, provided at adequate planting densities (e.g. plants 1 metre width at maturity planted 1 metre apart); with the species chosen to be comprised of 100% indigenous species;
 - vi) The provision of a generously planted garden bed of at least 4 metres in width along the western boundary and at least 2 metres in width along the southern boundary within the front setback of the property.
 - vii) The provision of four (4) indigenous canopy trees capable of growing to minimum mature dimensions of 12 metres height and 8 metres width to be planted within the front setback of the property, with the species chosen to be approved by the Responsible Authority, and;
 - viii) All trees provided at a minimum of 2 metres in height at time of planting, medium to large shrubs to be provided at a minimum pot size of 200mm;
 - ix) No trees with a mature height over five (5) meters are to be planted

- over proposed or existing easements;
- x) The provision of notes regarding site preparation, including the removal of all weeds, proposed mulch, soil types and thickness, subsoil preparation and any specific maintenance requirements;
 - xi) The location of any tree protection measures including for street trees accurately drawn to scale and labelled as per the endorsed Tree Management Plan; and
 - xii) 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.
- b) the location of tree protection measures illustrated to scale and labelled on the Ground Floor Plan as per the endorsed Tree Management Plan;
 - c) any changes as required by Condition 4 of this permit;
 - d) the surface material of all driveways / accessways and car parking spaces nominated in all-weather coloured concrete sealcoat, or similar;
 - e) the provision of a full colour, finishes and building materials schedule (including samples) for all external elevations and driveways of the development;
 - f) a notation on the floor / site plan(s) stating: "The redundant vehicle crossings must be removed, kerb & channel must be reinstated and the extension to the existing footpath up to the wing of the vehicle crossing must be constructed to the satisfaction of the Responsible Authority"; and
 - g) landscaping (or other measures) to prevent vehicles parking along the frontage to Old Dandenong Road.
2. The development and use as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.

Trees to be retained

3. The retention of the *Alnus acumintata* subsp. *Glabrata* (Evergreen Alder), *Lophostemon confertus* (Brush Box), *Cupressocyparis leylandii* (Leyland Cypress), *Agonis flexuosa* (Willow Myrtle) located along the eastern boundary of the property and the *Cedrus deodara* cv. (Deodar Cedar cultivar) located in the front setback of the property along the southern boundary.

Tree Management and Protection Plan

4. Concurrent with the endorsement of plans, a Tree Management Plan must be submitted to and be endorsed by the Responsible Authority and incorporating:
- a) A Tree Protection Plan (scale drawing) with a notation referring to the Tree Management Plan 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.

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- 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.
- b) A Tree Management Plan (written report) must be prepared by a suitably qualified arborist, with reference the Tree Protection Plan and provide details of:
- i. Any non-destructive root investigation undertaken in accordance with AS4970-2009 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.
5. 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.
6. 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.
7. The amenity of the area must not be detrimentally affected by the development and/or 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.
8. 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.
9. Before occupation of the development hereby permitted, areas set aside for parking vehicles, access lanes and paths as shown on the endorsed plans must

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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.

In accordance with any Council adopted guidelines for the construction of car parks.

10. Parking areas and access lanes must be kept available for these purposes at all times and maintained to the satisfaction of the Responsible Authority.
11. 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.
12. The use must operate only between the hours of:
Monday to Sunday: 8.00am to 5.00pm
Or otherwise as approved by the Responsible Authority in writing.
13. Max seating of 112 patrons unless otherwise approved by the Responsible Authority in writing.
14. The development and / or use of the site shall not cause nuisance or be detrimental to the amenity of the neighbourhood by the emission of noise. In this regard any nuisance shall be assessed in accordance with the Australian Standards AS1055 and AS2107 relating to the measurement of Environmental Noise and recommended sound levels.
15. Any existing vehicular crossing 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 crossing must be fully constructed to the Responsible Authority's standard specification.
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. 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.
19. No signs or other advertising or identification may be erected or displayed to promote the food and drink premises on site without written Council consent.

Conditions Required by VicRoads:

20. Prior to the commencement of the use or occupation of the development, all disused or redundant vehicle crossings must be removed and the area reinstated to the satisfaction of the Responsible Authority and at no cost to VicRoads.

Time limits

21. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.
22. 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.

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

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

Note: Prior to the commencement of the development or use you are required to obtain the necessary Building Permit.

CARRIED

8.4 KP17/940 - 15 Manoon Road Clayton South

It is recorded that Colin Frederickson spoke on behalf of the objectors in relation to this item.

Moved: Cr Hua

Seconded: Cr Bearsley

That Council determine to support the proposal and issue a Notice of Decision to Grant a Permit to Develop the land for the construction of four (4) dwellings, comprising two (2) double storey and two (2) single storey dwellings at No. 15 Manoon Road, Clayton South, subject to the following conditions:

1. Before the development starts amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be substantially in accordance with the advertised plans prepared by Blueprint Building Designers & Consultants, Job Reference: 17-036, Sheet 1 to Sheet 4 inclusive, Revision A, submitted on 13 April, 2018, but modified to show:
 - a. Dwelling 3 and dwelling 4 modified to each become a single storey dwelling with the design of these dwellings to comply with Clause 55 (ResCode) of the Kingston Planning Scheme and in particular meet car parking requirements, private open space provisions and building setback requirements.
 - b. the provision of an external fixed angled louvre screen at 1700mm above

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- the first floor finished floor level to replace the fixed obscure glass nominated for the north (rear), west (side) and east (side) facing windows in lieu of obscure glazing;
- c. additional overlooking treatment nominated for Bedroom 1 window of Dwelling 2 (west) to comply with Standard B22 of Clause 55.04-6 (Overlooking objective) of the Kingston Planning Scheme;
 - d. the front porch structure of Dwelling 1 not to exceed 3.6 metres above natural ground level;
 - e. the front-facing balcony of Dwelling 1 deleted;
 - f. the garage of Dwelling 1 setback an additional 500mm from the front boundary;
 - g. the ground floor of Dwelling 1 reconfigured so that a visual outlook is provided to the street by including a clear window adjacent to the garage;
 - h. the setback between the south wall of the secluded private open space of dwelling 1 and north wall (master bedroom) of Dwelling 2 to comply with the requirements of Standard B29 of Clause 55.05-5 (solar access to open space objective) of the Kingston Planning Scheme;
 - i. the internal garage doors of Dwellings 2 and Dwelling 4 nominated as to swing in an outwards direction;
 - j. a minimum distance of 5.4 metres between the vehicle crossings to achieve a standard on-street car parking space;
 - k. the first floor level of Dwelling 3 amended to accommodate the following changes which must be absorbed within the approved building envelope (or otherwise to the satisfaction of the Responsible Authority)
 - the bathroom wall set back 3.68m from the site's eastern boundary
 - the retreat room deleted
 - l. the first floor level of Dwelling 4 amended to accommodate the following changes which must be absorbed within the approved building envelope (or otherwise to the satisfaction of the Responsible Authority)
 - the walk in robe and ensuite of bedroom 1 is set back 3m from the site's eastern boundary
 - the bathroom wall is set back 4.13m from the site's northern boundary
 - the retreat room deleted
 - m. the proposed double garage associated with Dwelling 4 nominated as a carport to protect the existing easement and storm overland floor path extending along the western boundary of the site;
 - n. the internal driveways must be at least 500mm from the side boundary at the front property boundary;
 - o. the location of all external heating and/or cooling units for each dwelling;
 - p. provision of a minimum 2000 litre water tank clearly nominated for each dwelling and collected to toilets for flushing;
 - q. the surface material of all driveways / accessways and car parking spaces nominated in all-weather coloured concrete sealcoat, or similar;

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- r. the provision of a full colour palette, finishes and building materials schedule for all external elevations and driveways of the development;
- s. the provision of a landscape plan in accordance with the submitted development plan and, with such plans to be prepared by a suitably qualified landscape professional to the satisfaction of the Responsible Authority and incorporating:
 - i. A planting schedule of all proposed trees and shrubs, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant;
 - ii. A survey, including, botanical names of all existing trees to be retained or removed on the site including Tree Protection Zones for trees to be retained calculated in accordance with AS4970-2009;
 - iii. 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;
 - iv. The delineation of all garden beds, paving, grassed area, retaining walls, fences and other landscape works;
 - v. A range of plant types from ground covers to large shrubs and trees with species to be approved by the Responsible Authority;
 - vi. The provision of one (1) suitable canopy tree to be planted within the front setback of the site capable of reaching a mature height of 12 metres and 5 metres in width, a further one (1) suitable canopy tree capable of reaching a mature height of 6 metres and 3 metres in width to be planted within the private open space of Dwellings 1, 2 and 3, a further two (2) suitable canopy trees capable of reaching a mature height of 6 metres and 3 metres in width to be planted within the private open space of Dwelling 4;
 - 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. No trees with a mature height over five (5) meters are to be planted over proposed or existing easements;
 - ix. The provision of notes regarding site preparation, including the removal of all weeds, proposed mulch, soil types and thickness, subsoil preparation and any specific maintenance requirements; and
 - x. The location of any tree protection measures including for street trees accurately drawn to scale and labelled and notations referring to any endorsed Tree Management Plan.

Endorsed Plans

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

Landscaping Conditions

- 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.
- 4. Before the occupation of the development the landscaping works shown on the

endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.

Street Trees

5. Prior to the removal of the street tree from the Manoon Road nature strip, payment must be made to Kingston City Council's customer service in accordance with Council's Street Tree Removal Procedures. This fee includes the removal and replacement of this tree/s and that must be undertaken by Council at the expense of the Developer/Owner.

Drainage and Water Sensitive Urban Design

6. Unless with the prior written consent of the Responsible Authority, before the development commences, the following Integrated Stormwater Management documents must be prepared, by a suitably qualified person, to the satisfaction of the Responsible Authority.
 - a. Stormwater Management/drainage (drainage) Plan(s) must be prepared, with supporting computations, showing the stormwater (drainage) works to the nominated point of discharge. The plan(s) must show all details of the proposed stormwater (drainage) works including all existing and proposed features that may have impact on the stormwater (drainage) works, including landscaping details.
 - b. The Stormwater Management (drainage) Plan must address the requirements specified within Council's "Civil Design requirements for Developers – Part A: Integrated Stormwater Management".
 - c. A STORM modelling report with results demonstrating water sensitive urban design treatments that achieve Victorian best practice objectives with a minimum 100% rating must be provided as part of the Stormwater Management (drainage) Plan to the satisfaction of the Responsible Authority. These may include the use of an infiltration or bio-retention system, rainwater tanks connected for reuse, or other treatments to the satisfaction of the Responsible Authority.
 - d. The water sensitive urban design treatments as per conditions 6a, 6b & 6c above must be implemented on-site, unless an alternative agreement for stormwater quality in-lieu contribution is reached with the Responsible Authority.
7. Stormwater/drainage works must be implemented in accordance with the approved stormwater management/drainage plan(s) and to the satisfaction of the Responsible Authority including the following:
 - a. All stormwater/drainage works must be provided on the site so as to prevent overflows onto adjacent properties.
 - b. The implementation of stormwater/drainage detention system(s) which restricts stormwater discharge to the maximum allowable flowrate of 9L/s.
 - c. All stormwater/drainage works must be maintained to the satisfaction of the Responsible Authority.

Infrastructure and Road Works

8. Any relocation of pits/power poles or other services affected by this development must be relocated to the satisfaction of the relevant servicing authority and the Responsible Authority, at the cost of the owner/developer.
9. Vehicle crossings must be constructed at a 90 degree alignment with the kerb on

Manoon Road and all internal driveways must align with the existing/proposed vehicle crossing.

Prior to the commencement of development, property boundary, footpath and vehicle crossing levels must be obtained from Council's Roads & Drains Department with all levels raised to the satisfaction of the Responsible Authority.

10. The proposed vehicle crossing must be kept separate from the neighbour's vehicle crossing to create a pedestrian refuge of no less than 1 metre wide.
11. Any reinstatements and vehicle crossings are to be constructed to the satisfaction of the Responsible Authority.
12. The replacement of all footpaths, including offsets, must be constructed to the satisfaction of the Responsible Authority.
13. Any redundant vehicle crossings must be removed (including redundant portions of vehicle crossings) to the satisfaction of the Responsible Authority.
14. All front and side fences must be constructed wholly within the title property boundaries of the subject land.

General amenity conditions

15. All works on or facing the boundaries of adjoining properties must be finished and surface cleaned to a standard that is well presented to neighbouring properties in a manner to the satisfaction of the Responsible Authority.
16. All externally-located heating and cooling units, exhaust fans and the like must not be located adjacent to bedroom windows on adjoining properties and must not be located where they will be highly visible from any public area to the satisfaction of the Responsible Authority.
17. All piping, ducting above the ground floor storey of the development (other than rainwater, guttering and downpipes) must be concealed to the satisfaction of the Responsible Authority.

Completion of Works

18. Prior to the occupation of the dwellings hereby permitted, all buildings and works and the conditions of this permit must be complied with to the satisfaction of the Responsible Authority, unless with the further prior written consent of the Responsible Authority.
19. Prior to the occupation of the dwellings hereby permitted, the landscaping works as shown on the endorsed plans must be completed to the satisfaction of the Responsible Authority. Thereafter, the landscaping shall be maintained (except where that landscaping is on public land) to the satisfaction of the Responsible Authority.

Time Limits

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

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

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

Note: The development includes a carport to be built over the easement. Separate consent from Council and any other relevant service authority is required to build over the easement and will need to be obtained prior to the issued of a Building Permit.

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

Note: Prior to the commencement of the development you are required to obtain the necessary Building Permit.

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

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

Note: The fee for removal of the street tree(s) from the nature strip is **\$548.25** (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: Before removing / pruning any vegetation from the site, the applicant or any contractor engaged to remove any vegetation, should consult Council's Vegetation Management Officer to verify if a Local Laws Permits is required for the removal of such vegetation.

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

Note: The allocation of street numbering and addressing of properties is vested in Council. Any reference to addressing or dwelling/unit/apartment and street numbers or street names on any endorsed plan is indicative only. The onus is on the Permit Applicant/Land Owner to contact Council's Property Data Department to determine the official dwelling/unit/apartment street numbers, street name details and the like for the approved development.

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

Note: The owner(s), occupiers and visitors of the development allowed by this permit may not be eligible for Council resident or visitor parking permits.

LOST

Moved: Cr Oxley

Seconded: Cr West

That Council determine to issue a Notice of Refusal to Grant a Permit to develop the land for the construction of four (4) double storey dwellings at No. 15 Manoon Road, Clayton South on the following grounds:

1. The proposal constitutes an over-development of the site.
2. The proposal would detract from the visual amenity of the locality and the streetscape.
3. The proposal fails to satisfy all the requirements of Clause 55 of the Kingston Planning Scheme (ResCode), in particular Clause 55.02-1 Neighbourhood Character Objective, Clause 55.02-2 Residential Policy Objective, Clause 55.03-1 Street Setback Objective, Clause 55.04-6 Overlooking Objective and Clause 55.05-5 Solar Access to Open Space Objective.
4. The proposal does not satisfy the requirements of Clause 22.11 – Residential Development Policy, of the Kingston Planning Scheme regarding double storey buildings to the rear of sites.
5. The proposal fails to meet the objectives and strategic directions of the Municipal Strategic Statement – Residential Land Use contained at Clause 21.05 of the Kingston Planning Scheme.

CARRIED

8.5 Dandenong Integrated Water Management Forum - Update

RECOMMENDATION

That Council:

1. Endorse the Dandenong Integrated Water Management Forum Strategic Direction Statement.
2. Actively promote the importance of the initiatives identified in the City of Kingston once the Dandenong Integrated Water Management Strategic Forum Strategic Direction Statement is considered by the Victorian State Government.

Note: Refer to page 5 of the Minutes where this item was block resolved

8.6 Proposed Dog Off Leash Area at Haughton Road and Orchid Street

RECOMMENDATION

That Council introduce a dog off leash area in the enclosed area to be known as Haughton Road/Orchid Street Dog Off Leash Park.

Note: Refer to page 5 of the Minutes where this item was block resolved

8.7 Response to Notice of Motion 11/2018 - Cr Oxley - Return Dog Home Policy

Moved: Cr Oxley

Seconded: Cr Bearsley

That Council adopt the following changes to its operating procedures in response to consideration of Notice of Motion 11/2018:

1. A new procedure is introduced that allows the owner of a registered dog which is secured by a Council Officer to be returned to an owner at the owner's work place, if it is located within the City of Kingston, or a mutually agreed location within the City of Kingston.
2. Animal registration and renewal information be enhanced to allow the owner of a registered dog which is secured by a Council Officer, to nominate two additional contacts that a registered dog can be returned to within the City of Kingston. The owner can also choose to nominate a person that does not reside in Kingston to be authorised to pick up their registered dog at large provided they are able to collect the dog within 30 minutes from notification at an agreed location within the City of Kingston.
3. The implementation of a warning notice to be issued to the owner of a registered dog for a first wandering at large offence.
4. No longer charge a fee for the replacement of lost dog tags and continue to trial the use of a new dog tag.
5. Council promote the above initiatives through its website, social media (relevant Facebook Pages) and Kingston Your City.
6. Officers make the required changes to the Council's Domestic Animal Management Plan to introduce the above changes in procedure.

CARRIED

8.8 State Government Review of Green Wedge Planning Provisions

RECOMMENDATION

That Council:

1. Note the State Government's review of Green Wedge Planning Provisions.
2. Submit the survey at Appendix 1 to the Department of Environment, Land, Water and Planning.

Note: Refer to page 5 of the Minutes where this item was block resolved

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9. Community Sustainability Reports

9.1 Community Grants Program 2018-2019 - Funding Recommendations for Partnership Grants and Annual Grants allocations

Cr Brownlees declared an indirect interest by close association in Item 9.1 because his daughter is President of the Farm Road Pre-School Association and left the meeting at 7.13 pm prior to any discussion on the matter.

Moved: Cr Gledhill

Seconded: Cr West

9.1 Part One

That Council:

1. Approves funding of \$3,835 to Farm Road Pre-School Incorporated, subject to applicant complying with all grants conditions.

CARRIED

Cr Brownlees returned to the meeting at 7.15pm following the discussion and voting on Part 1.

9.1 Part Two

Moved: Cr Gledhill

Seconded: Cr West

That Council:

1. Approve the Partnership Grants and Annual Grants' funding allocations, subject to applicants complying with all grants conditions, as recommended in Appendices 1- 3.

(Note: this does not include the Annual Grants relating to Farm Road Pre-School \$3,835 adopted in the previous resolution)

2. Approve the transfer of identified Annual Grants recipients to Partnership Agreements, subject to applicants complying with all grants conditions, as recommended in Appendix 4.
3. Approve the request for Partnership Grant funding for Dingley Village Historical Society, Chelsea Historical Society and Mordialloc Historical Society, subject to applicants complying with all grants conditions. Refer to Appendix 6 (Trim ref 18/113642)
4. Approve additional funding of \$5,194.00 to Eisteddfod by the Bay to cover increased venue hire costs, subject to applicant complying with all grants conditions. Refer to Appendix 9 (Trim ref: 18/333740)

CARRIED

9.2 Funding Request from Emerge - Women and Children's Support Network for its 'Little Sparkz to Bright Minds' Program

Moved: Cr Oxley

Seconded: Cr West

That Council:

1. Approve the request for funding of \$182,075 over three years by Emerge to deliver the '*Little Sparkz to Bright Minds*' Program to support children in their recovery from the impact of family violence in Kingston.
2. Enter into requested three year funding agreement with Year 1 to be funded by utilising under expenditure of \$21,863 in community grants (subject to Council resolution on the annual grants report) and allocating the remaining \$40,737 from the mid-budget review process.

Year 2 & 3 allocations of \$55K and \$64K respectively to be referred to Council's 2019/20 and 2020/21 budget processes for funding.

Cr West left the meeting at 7:27pm

CARRIED

9.3 Update on the Redevelopment of Dingley Library and Harold Box Hall

RECOMMENDATION

That Council:

1. Note the most recent plans for the redevelopment of Stage 1 works at the site of 31 Marcus Road Dingley, which include the proposed multipurpose room extension of the hall brought forward from stage 2 of the project scope into stage 1, based on the outcome of consultation feedback with the community and project stakeholders; and
2. Note the proposed funding adjustments outlined in Section.3.3 of this report and refer these to be considered as part of the 2019/20 budget development process.

Note: Refer to page 5 of the Minutes where this item was block resolved

9.4 CON 18/10 – Establishment of Asbestos Removal Services Contractor Panel

RECOMMENDATION

That Council:

1. Receive the information;
2. Appoint the following contractors to Council's Asbestos Removal Services Panels - Class A & B (Contract 18/10) until 31 July 2021;

Class A - Asbestos Removal Services CON- 18/10
AAH Contracting Pty Ltd
Chapman Gardner Pty Ltd
SLH Industries Pty Ltd

Class B - Asbestos Removal Services CON- 18/10
AAH Contracting Pty Ltd
Chapman Gardner Pty Ltd
Reads Waste Pty Ltd
SLH Industries Pty Ltd

3. Note the confidential tender evaluation matrix for Con 18/10 attached to this report for Council's information (Confidential Appendix 2).

Note: Refer to page 5 of the Minutes where this item was block resolved

9.5 Dales Park Pavilion Redevelopment - Issues Arising From Consultation With Club Representatives

RECOMMENDATION

That Council:

1. Note the outcome of consultation with the club representatives at Dales Park on the concept design options for proposed improved female friendly facilities at the site;
2. Endorse concept design Option 2 as the Club representatives' preferred option for inclusion in the Female Friendly Facilities Grant application to State Government.
3. Authorise officers to work with Club representatives to advocate to State and Federal Government MPs in order to secure external financial support for the project offsetting Council's contribution; and
4. Refer any remaining financial implications associated with this option for consideration in 2019/20 budget development process.

Note: Refer to page 5 of the Minutes where this item was block resolved

10. City Assets and Environment Reports

10.1 Response to Notice of Motion No. 6/2016 - Cr Gledhill - Draft Mooring Policy for Mordialloc Creek - Update

RECOMMENDATION

That Council:

1. Note the proposed consultation actions to be undertaken with Mordialloc Creek Stakeholders; and
2. Consider a further report on this matter at the August 2018 Council Meeting.

Note: Refer to page 5 of the Minutes where this item was block resolved

10.2 Sale of Land Adjoining 20 Wandoo Avenue Clarinda

Moved: Cr Hua

Seconded: Cr Brownlees

That Council:

1. Authorise and direct the CEO or his delegate to publish a public notice in accordance with section 189 of the Local Government Act 1989 ("Act") stating Council's intention to sell land enclosed within 20 Wandoo Ave Clarinda;
2. Authorise and direct the CEO or his delegeate to carry out the necessary administrative procedures to allow Council to carry out its functions under section 223 of the Act;
3. Authorise and direct the CEO or his delegate to convene, if required, a section 223 committee of Council to include Councillors Barth, Staikos and Hua, General Manager of City Assets and Environment and Manager Property, Arts and Leisure Services to hear presentations from parties who wish to be heard in support of their written submissions and report back to Council; and
4. That in the event no submissions are received, authorise and direct the CEO or his delegate to sell the land enclosed within 20 Wandoo Avenue, Clarinda, for \$30,000 plus GST and all costs associated with the sale.

CARRIED

10.3 Arts Grants Program 2018/19 - Funding Recommendations for Grant Allocations

RECOMMENDATION

That Council:

1. Endorse the 2018-19 Arts Grants funding allocations as recommended by Council's Arts and Cultural Advisory Committee:
 - Alison Pilcher - \$3,000
 - Yanni Mougos - \$5,000
 - Robert Scholten - \$5,000
 - Kingston Chinese Senior Citizens Club - \$2,000
 - Citizen Theatre – \$5,000
 - Southern Area Concert Band - \$2,000
2. Authorise officers to distribute the Arts Grants in line with the funding guidelines and conditions outlined.
3. That Council note the proposed relocation of 2017-18 arts grant recipient Georgia Rouette's public art project from the pedestrian underpass at Nepean Hwy – Mordialloc to the Moorabbin Activity Centre.

Note: Refer to page 5 of the Minutes where this item was block resolved

10.4 Waves Accessible Change Room Facilities

RECOMMENDATION

That Council:

1. Note the design and associated costs for the installation of an expanded accessible change facility at Waves Leisure Centre; and
2. Authorise the CEO to redirect Leisure Centre 2018/19 Asset Replacement Capital funding to implement the project in the 2018/2019 financial period.

Note: Refer to page 5 of the Minutes where this item was block resolved

10.5 Contract 18/45 Asphalt Paving Minor Works

RECOMMENDATION

That Council:

1. Award contract No.18/45 Asphalt Paving – Minor works to Prestige Paving Pty Ltd as a schedule of rates contract for one year, with a further one year option at Council's discretion, as per pricing option 1 for a total contract sum of \$800,000 per year; and
2. Authorise the Chief Executive Officer or their delegate to execute this contract and award a further one year option subject to the contractors' satisfactory performance.

Note: Refer to page 5 of the Minutes where this item was block resolved

10.6 Draft Fencing Policy

RECOMMENDATION

That Council:

1. Adopt the Draft Fencing Policy 2018 (Appendix 1) for the purpose of consultation with the community, and
2. Receive a further report including consultation findings and for further consideration.

Note: Refer to page 5 of the Minutes where this item was block resolved

10.7 CON 17/116 Tree Planting & Tree Establishment Services

RECOMMENDATION

That Council:

1. Award Contract 17/116 Tree Planting and Establishment Services to Sevron Environmental Contractors Pty Ltd, as a schedule of rates contract for a four (4) year period, commencing on the 1st of September 2018 with an estimated annual value of \$592,000 (ex GST); and
2. Approve the CEO or his delegated staff authority to exercise the option to extend Contract 17/116 by two periods of two (2) years each, subject to satisfactory performance of the contract.

Note: Refer to page 5 of the Minutes where this item was block resolved

11. Corporate Services Reports

11.1 2017/18 Annual Report of the Chairman of the Audit Committee

RECOMMENDATION

That Council note the Annual Report of the Chairman of the Audit Committee.

Note: Refer to page 5 of the Minutes where this item was block resolved

11.2 Quick Response Grants

Moved: Cr Brownlees

Seconded: Cr Gledhill

1. That Council approve the following grant applications:

- Dingley Village Community Association - \$1388.00 (subject to the acquittal of previous grant);
- Neighbourhood Watch Victoria Inc – \$500.00 (subject to the acquittal of previous grant); and
- Dingley Tennis Club - \$2000.00 (subject to the acquittal of previous grant).

2. That Council not approve the following grant applications:

- SKGA Inc - Sangam Kala Group Australia
- Ken Bushby

3. That Council defer consideration of the following grant application to the August Ordinary Meeting of Council:

- Unified Filipino Elderly Association Inc - \$1000.00.

CARRIED

11.3 Assembly of Councillors Record Report

RECOMMENDATION

That Council note the contents of this report for the public record.

Note: Refer to page 5 of the Minutes where this item was block resolved

11.4 Festivals and Events Options

Moved: Cr Brownlees

Seconded: Cr Bearsley

That Council:

1. Discontinue Globe to Globe Festival and explore alternative options from 2020;
2. Discontinue Harvest/Carrum Festival and explore alternative options from 2020;
3. Combine the Mayoral Appreciation and Volunteer Appreciation events from 2018;
4. Combine the Kingston Charitable Fund Dinner and Grant Giving Ceremony from 2019;
5. Move Carols by Kingston to Bicentennial Park, Chelsea for 2018;
6. Change the format and the focus of the Australia Day Breakfast to have a greater emphasis on the Citizenship ceremony while retaining the Citizen and Community Group of the Year Awards as the key awards to be presented at the event to be held on Australia Day at the Kingston City Hall and that a further report be considered by Council at CIS during September 2018.
7. Continue to enhance and improve the festivals and events program;
8. Note that the target savings of \$400,000 is achieved;
9. Notes the likely 0.8 EFT reduction in event staffing and commitment to seek meaningful redeployment opportunities for effected staff;
10. Advise the community and all event stakeholders of the above decisions; and
11. Undertakes a further review of Council's Festivals and Events program and report to Council no later than June 2019.

Cr West returned to the meeting at 7:30pm

CARRIED

Question Time

Antony Falkingham of Mentone asked,

“Traffic in Mentone between Beach Road and the railway line has become dangerous and intolerable. Between 7.30 and 9.30am in the mornings and again in the afternoons between 3.00 and 6.30pm traffic is gridlocked. Buses are utilising small streets such as Venice Street and with cars parked on both sides of the road it is impossible to move. Parents drop off school children in resident’s driveways and it is impossible to park in front of your home any time after 7.30am, making it difficult to move cars or provide any space for visitors or tradespeople. Council should be working with the schools to have designated safe drop off zones or establishing drop off zones outside the central area of Mentone, then students could be bused to their relevant school. The removal of the Balcombe Road level crossing will make this even worse as stupidly the Warrigal Road level crossing will remain. When will Council do something to assist their ratepayers?”

The CEO provided the following response,

“Council has recently been working closely with the Mentone Primary School and St Patrick’s Primary School as part of an approach to address commuter parking and traffic movements in the area bounded by Balcombe Road, Warrigal Road and the railway line. This work has resulted in a number of changes to parking restrictions in this area and has gone some way now to improving the amenity and ease of movement for residents. Council will now look to work in a similar way with other schools in the Mentone area to address the identified issues in a similar, if appropriate, way, or through other measures identified.”

Note: The following questions concern the same subject and consequently the CEO provided one response to address the overlapping concerns raised.

Alex of Chelsea asked,

“ Does the dog beach proposal seem compliant with Kingston’s 2016 Public Toilet Strategy, given that if it goes ahead it will mean due to the Bristol Street Toilet being included in the off leash area that there is no safe toilet access for 1.4km between Camp Street, Chelsea and The Esplanade, Edithvale, which is of particular disadvantage to families and the elderly?”

Samantha Stretch of Edithvale asked,

“Given Council officers had already established current rules for dogs on Edithvale beach approximately 20 years ago, please can I ask the question what has changed for these rules to be reconsidered? There has been no complaints to Council that I’m aware of. The existing rules are very adequate in my view and those of many other resident walkers of the beach attending the meeting today.”

Susanne of Chelsea asked,

“Could the Council clarify why a 300m stretch of beach has been included in the proposal when the Council’s own Domestic Animal Management Plan states in 3.1 ‘that a dog may be off leash in a designated area provided the owner: b. remains in effective voice or hand control to promptly leash if necessary.’ How is this possible on a stretch of beach this large when the average human voice doesn’t carry more than 180m on a still day?”

Marian of Chelsea asked,

“The hashtag #dogsofinstagram is used in the caption of the City of Kingston’s Instagram post advertising the online survey. Given that this hashtag is followed by dog lovers all over the world (with currently 106 million posts), could the Council please explain the validity of the online survey results:

1. *When there is a clear bias shown on the Council’s Instagram post by use of this hashtag?*
2. *There is currently no technical way to determine whether the people who have completed the survey online live in Australia, have ever been to Edithvale Beach or will every go to Edithvale Beach?*

Sharon of Edithvale asked,

“I walk my dog every possible morning, 2.5km along the Edithvale/Chelsea foreshore, through the proposal zone. Locals are generally responsible dog owners, however, I pick up 6-10 dog poos (not from my dog) every day. I also pick up rubbish as I appreciate living so close to this amazing beach and am happy to protect it. Sadly in summer, rubbish and poo increases exponentially, with extra beachgoers from in and out of Kingston, swarming to Longbeach to enjoy all the facilities and get relief from the heat. Given a singly dog poo contains 2.3million bacteria including e-coli and campylobacter, which are serious sources of infection, particularly for the young (making sandcastles!); the elderly; those who are unwell or pregnant. Is Council concerned for the health of residents in regards to increasing and concentrating dogs and therefore their faeces in this section of the beach and dunes and the effect of the faeces on the quality of the water?”

Luisa of Edithvale asked,

“Given Council has projected an 18% population increase within the next eighteen years and temperatures are also predicted to increase, would the Council not see it as prudent to maintain as much beach space as possible for all beach users?”

Sue of Edithvale asked,

“Given that the proposed designated area for 24 hour off-leash dogs contains numerous beach boxes, how do these beach box owners and their families and friends get access to their beach boxes free of unrestrained dogs?”

Vicki of Edithvale asked the following questions:

Question 1.

“Given the proposal for Edithvale Beach has already been costly and caused much distress in the residential community adjoining this proposal, which is likely to be repeated for residents living in the area adjacent to the Carrum and Chelsea options for the proposal, who will likely raise the same objectors. Will Council consider dropping the proposal altogether to avoid further cost and distress to the community?”

Question 2.

“Could Councillors please clarify if they have physically visited the stretch of beach involved in the proposal, particularly on a hot summer’s afternoon?”

Question 3.

“Given the considerable angst created in the local community and the thousands of dollars already spent of ratepayers’ money on this proposal, could Council please quantify how many residents actually requested this proposal and by what method the requests were made? Does the Council consider it should have a requirement for a certain number of requests lodged in a formal way, before creating distress and spending thousands?”

Sandra of Edithvale asked the following questions,

Question 1.

“In a social media post, Cr Oxley suggested people who do not wish to be around dogs use a separate section of the beach. For residents who live adjacent to the proposed 24/7 off-leash dog beach, access to this beach for regular activities provides much of their quality of life. Has the impact on these residents, especially the elderly who live adjacent to this beach, together with the hundreds of people each week who use the stretch of beach from Chelsea to Aspendale for a long walk or run been taken into consideration?”

Question 2.

“Given that Edithvale Beach attracts thousands of people to Edithvale every summer, has Council considered the economic impact on the area of converting a large section of the beach into a ‘Dog Beach’? Has Council consulted with local shopkeepers in relation to this proposal?”

Mark of Edithvale asked,

“Given Artco the seal regularly but randomly beaches himself on this section of Edithvale Beach and the law states that a dog must not be off leash within 50m of a seal, can the Council outline how this law would be upheld in a 24/7 year round off-leash zone?”

Kevin Harrison of Edithvale asked the following questions:

Question 1.

“Will the Council seek consultation with Bayside City Council in relation to their experience with the dog off leash area at Rickett’s Point and compliance with their Biodiversity Action Plan and protection of significant biodiversity values from wildlife predation and disturbance.”

Question 2.

“Would the Council please clarify its position on what constitutes adequate parking to service the Edithvale 24/7 dog off leash proposal, as there are only 68 parking spaces available 24/7 in this area that houses 137 residences adjoining the proposal site? Even if permits were issued to residents, this would equate to half a permit per household.”

Mrs L Harrison of Edithvale asked:

“Cr Eden debated the point of further congestion as a reason to choose the Carrum site. However the Carrum site is 3.7 kilometres away from major development as an important consideration for the Edithvale site, given its location just 300 metres from the station and recent changes to planning which allow for development of up to 3 stories along the Nepean Highway commercial shops.”

Anna Nayna of Edithvale asked:

“Given Council officers identified Edithvale beach in their statutory compliance process as an area where beach goers frequently picnic, along with the presence of 18 bathing boxes, where residents also picnic, how does Council foresee enforcement of section 3.2 in its Domestic Animal Management Plan which states that a dog may be off leash in a designated area but must be returned to its leash within 200 metres of a picnic? In summer this would largely rule out this section of the beach in terms of compliance to the Council’s own policies?”

Russell Dowling of Edithvale asked:

“Given that Council’s own officers have reference to the increased risk of dog rush and dog attack from this proposal and given that inserting a zone for unrestrained animals in the middle of thousands of passive users of the beach will most likely result in people and animals being harmed, has the Council considered the financial impact of claims against it for breach of duty of care to the residents and of visitors to the City of Kingston?”

Ray Eklund of Edithvale asked:

“Given the Council’s own statutory consultation process identifies ‘envisaged compliance issues with dog owners adhering to boundaries identified by sign only’, what allowances will the Council make for enforcement of compliance, given 2014/2015 528 dog-at-large complaints were received, but only 295 notices of infringement were delivered for the whole of Council precinct and Councillors themselves have reported seeing people flouting existing laws and simple hurriedly leaving the beach when they see the local laws vehicle approaching?”

Susan Eklund of Edithvale asked:

“Given the Victorian Government’s Pet Ownership Program, which is paid for by pet registration fees, teaches all our school children that they are only safe to interact with a dog they don’t know when it is on a leash with its owner how can children safely do this when a dog approached them on the beach particularly when there are no physical boundaries between on leash and off leash?”

Joseph Segota of Chelsea asked:

Given the Council’s own statutory consultation process with regards to the Edithvale dog proposal, identifies an increased risk of dog attacks and dog rush in this area, does the Council consider the proposal to be compliant with section 68A 2(c)iii of the Domestic Animals Act which states that the Domestic Animal Plan prepared by Council must minimise the risk of attack by dogs on people and animals?”

The CEO provided the following response to the above questions:

“Council considered this matter at its Ordinary Meeting of Council on 28 May 2018. Council resolved: ‘That Council commence the statutory advertising process to determine if a 24 hour dog off leash area on the Edithvale Foreshore, between Somme Lane and Bristol Avenue is appropriate.’ Council is currently running a consultation process that commenced on 14 June 2018 and concludes on 31 July 2018. At the end of the consultation process officers will be reviewing all submissions including the questions submitted to tonight’s meeting and then a further public report will be presented to Council for consideration.”

11.5 CON 18/43 - Supply, Installation and Acquisition of Computer Hardware Assets

RECOMMENDATION

That Council:

1. Receive the information and note the outcome of the tender assessment process for Con 18/43, as set out in the confidential appendix attached to this report;
2. Agree to award Contract 18/43 – Supply, Installation and Acquisition of Computer Hardware Assets and accessories as a schedule of rates contract to Learning with Technologies Pty Ltd to a value of up to \$1,500,000 (exclusive of GST) of new computers, peripherals, accessories and associated services.

Note: Refer to page 5 of the Minutes where this item was block resolved

11.6 Ward Advisory Committees

Moved: Cr Brownlees

Seconded: Cr Hua

That Council:

1. Establish a demographically representative advisory committee in each ward to be known as the North Ward Advisory Committee, the Central Ward Advisory Committee and the South Ward Advisory Committee.
2. Adopt the Ward Advisory Committee Terms of Reference and Ward Advisory Committee Guidelines attached to this report.
3. Commences operation of the Ward Advisory Committees in February 2019.

Cr Oxley left the meeting at 7:49pm.

Cr Oxley returned to the meeting at 7:51pm.

Procedural Motion

Moved: Cr West

Seconded: Cr Oxley

That this item be deferred to the September Ordinary Meeting of Council.

CARRIED

12. Notices of Motion

12.1 Notice of Motion No. 21/2018 - Cr Gledhill - Privacy Processes

Moved: Cr Gledhill

Seconded: Cr Brownlees

That officers prepare a report advising Councillors on the existing processes and protocols that are in place to protect the privacy and ensure the appropriate confidentiality of personal details of private individuals communicating with the City of Kingston.

Further, that officers should note any areas they identify as being deficient and suggest improvements where required.

CARRIED

12.2 Notice of Motion No. 22/2018 - Cr Gledhill - Dumping of Railway Ballast

Moved: Cr Gledhill

Seconded: Cr Brownlees

That Council write to Public Transport Victoria seeking confirmation as to the health risks, if any, posed by the dumping of old rail ballast on the rail reserve in Como Pde East between Parkdale and Mordialloc. Further that the letter seek advice as to when this eyesore might be removed.

CARRIED

12.3 Notice of Motion No. 24/2108 - Cr West - Pompei Boatshed

Moved: Cr West

Seconded: Cr Eden

That Council investigate whether there may be any scope for Council to cooperate with the new owners of the Pompei Boatshed with a view to preserving the shed as a centre for wooden boatbuilding or other ways of commemorating Mordialloc's boatbuilding heritage.

CARRIED

Cr Brownlees left the meeting at 9:20pm and did not return.

**12.4 Notice of Motion No. 23/2018 - Cr West - Neighbourhood Character
Advisory Panel**

Moved: Cr West

Seconded: Cr Eden

1. That Council invite residents who have previously taken an interest in maintaining or enhancing the neighbourhood character of their street or area to be appointed to an independent Neighbourhood Character Advisory Group.
2. That such residents be nominated by Councillors or officers or by the Neighbourhood Character consultants on the basis of their record of involvement in Neighbourhood Character issues or of comments or submissions they have made during the NC consultation or to last year's ward meetings.
3. That parts 1 and 2 be subject to a report being brought to Council and that within two weeks Councillors and officers nominate residents.

CARRIED

Procedural Motion

Moved: Cr Oxley

Seconded: Cr Hua

That the meeting be extended to 10.30pm

CARRIED

13. Urgent Business

There were no items of urgent business.

14. Confidential Items

Moved: Cr Gledhill

Seconded: Cr West

That in accordance with the provisions of section 89(2) of the *Local Government Act 1989*, the meeting be closed to members of the public for the consideration of the following confidential items:

14.1 Notice of Motion No. 13/2018 - Cr West - Engagement of Lawyers

This agenda item is confidential in accordance with the Local Government Act s89(2) as it relates to any other matter which the Council or special committee considers would prejudice the Council or any person (s89 2h)

14.2 Confidential Property Purchase

This agenda item is confidential in accordance with the Local Government Act s89(2) as it relates to any other matter which the Council or special committee considers would prejudice the Council or any person (s89 2h)

Confidential Appendices

- 8.5 Dandenong Integrated Water Management Forum - Update
Appendix 1, Draft Dandenong Integrated Water Management (IWM) Forum
Strategic Directions Statement (SDS)**
*This appendix is confidential in accordance with the Local Government Act
s89(2) as it relates to (s89 2c)*
- 9.4 CON 18/10 – Establishment of Asbestos Removal Services Contractor
Panel
Appendix 2, CON 18-10 Tender evaluation matrix**
*This appendix is confidential in accordance with the Local Government Act
s89(2) as it relates to (s89 2d)*
- 10.5 Contract 18/45 Asphalt Paving Minor Works
Appendix 2, CON-18/45 - Tender Evaluation Matrix for Contract Asphalt
Paving Minor Works**
*This appendix is confidential in accordance with the Local Government Act
s89(2) as it relates to (s89 2d)*
- 10.7 CON 17/116 Tree Planting & Tree Establishment Services
Appendix 1, CON-17/116 Confidential Tender Evaluation Report**
*This appendix is confidential in accordance with the Local Government Act
s89(2) as it relates to (s89 2d)*
- 10.7 CON 17/116 Tree Planting & Tree Establishment Services
Appendix 2, CON-17/116 Tender Evaluation Summary**
*This appendix is confidential in accordance with the Local Government Act
s89(2) as it relates to (s89 2d)*
- 11.5 CON 18/43 - Supply, Installation and Acquisition of Computer Hardware
Assets
Appendix 1, Summary of Tender Evaluation Scores for Council Report
CON 18 43 Supply Installation and Acquisition of Computer Hardware
Assets**
*This appendix is confidential in accordance with the Local Government Act
s89(2) as it relates to (s89 2d)*

CARRIED

The meeting was closed to members of the public at 9.49pm.

Moved: Cr Gledhill

Seconded: Cr Eden

That the meeting be opened to members of the public

CARRIED

**City of Kingston
Ordinary Meeting of Council**

Minutes

23 July 2018

The meeting was opened to members of the public at 9.57pm.

The meeting closed at 9.57pm.

Confirmed.....

The Mayor 27 August 2018