

# Minutes

## Ordinary Meeting of Council

Monday, 24th February 2020

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

**Present:** Cr Steve Staikos (Chair)  
Cr Tamara Barth  
Cr Tamsin Bearsley  
Cr Ron Brownlees OAM  
Cr Geoff Gledhill  
Cr George Hua  
Cr Rosemary West OAM

**In Attendance:** Julie Reid, Chief Executive Officer  
Mauro Bolin, General Manager Community Sustainability  
Paul Franklin, General Manager Corporate Services  
Bridget Draper, Acting General Manager City Assets and Environment  
Jonathan Guttman, General Manager Planning and Development  
Ian Nice, Manager City Development  
Kesha West, Media and Communications Advisor  
Phil De Losa, Manager Governance  
Gabrielle Pattenden, Governance Officer  
Lindsay Holland, Facilities Officer

**1. Apologies**

Apologies from Cr Oxley (Mayor) and Cr Eden were submitted to the meeting.

**Moved: Cr Barth**

**Seconded: Cr Bearsley**

That the apologies from Cr Oxley (Mayor) and Cr Eden be received.

**CARRIED**

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

**Moved: Cr Brownlees**

**Seconded: Cr Gledhill**

That the Minutes of the Ordinary Meeting of Council held on 28 January 2020 be confirmed.

**CARRIED**

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

There were no Conflicts of Interest submitted to the meeting.

**4. Petitions**

**4.1 Declare a Climate Change Emergency**

**4.2 Support for a Climate Change Emergency Declaration**

**Moved: Cr West**

**Seconded: Cr Brownlees**

That the petitions be referred to the CEO for response.

**CARRIED**

**5. Presentation of Awards**

There were no presentations of awards.

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

There were no delegates' reports.

**7. Question Time**

Question time was held at 8.07pm. See page 22 of the minutes.

**8. Planning and Development Reports**

**8.1 Town Planning Application Decisions - December 2019**

**Moved: Cr Brownlees**

**Seconded: Cr Hua**

That the report be noted.

**CARRIED**

**8.2 Town Planning Application Decisions - January 2020**

**Moved: Cr Hua**

**Seconded: Cr Bearsley**

That the report be noted.

**CARRIED**

**8.3 KP-2017/452/B - 50-76 Deals Road, Clayton South**

**Moved: Cr Hua**

**Seconded: Cr Brownlees**

That Council determine to support the proposal to amend the endorsed plans for buildings and works (upgrade of shooting bay / shooting range) at 50-76 Deals Road, Clayton South, subject to the following conditions:

1. The development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.
2. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.
3. In accordance with Section 68 of the Planning and Environment Act 1987 (The Act), this permit will expire if one of the following circumstances applies:
  - The development is not started before two (2) years from date of this permit.
  - The development is not completed before four (4) years from the date of permit issue.

In accordance with Section 69 of The 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 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:** Prior to the commencement of the development or use you are required to obtain the necessary approvals from the Property Services Department.

**CARRIED**

**8.4 KP-2017/441 - 1-5 Lake Drive Dingley Village**

It is recorded that Nick Touzeau spoke on behalf of the applicant.

**Moved: Cr Brownlees**

**Seconded: Cr Hua**

That Council determine to support the proposal and issue a Planning Permit to construct buildings and works on the land and use the land for a restricted recreation facility, restricted retail and food and drinks premises with a reduction of car parking requirements and to subdivide the land into 40 lots, at 1-5 Lake Drive Dingley Village, subject to the following conditions:

1. Before the development starts (excluding demolition or buildings and works not requiring approval under the Kingston Planning Scheme, such as routine repairs and maintenance), 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 prepared by Nettletontribe, dated 15.10.2019, submitted to Council, but modified to show:
  - a) The allocation of car parking spaces, including any changes required by Viva Energy required under condition 11; and
  - b) Deleted
  - c) An amended plan of subdivision in accordance with any changes required to development plans.
  - d) The location of tree protection measures illustrated to scale and labeled on the Ground Floor Plan (and basement plan if there is one) and a notation referring to the endorsed Tree Management Plan as required by this permit.
  - e) the provision of Showers and Change Rooms in accordance with Clause 52.34 – 5 of the Kingston Planning Scheme;
  - f) summary of all key commitments identified within the Sustainable Management Plan prepared by Sustainable Development Consultants on April 2019 S3756 SMP V1.
  - g) A Tree Management and Protection Plan as required by Condition 5 of this permit.
  - h) Deleted
  - i) the provision of landscape plans in accordance with the advertised plans, amended to the satisfaction of the Responsible Authority and incorporating:
    - i) Ten (10) *Eucalyptus camaldulensis* (River Red Gum) in the Boundary Road frontage, an additional ten (10) *Eucalyptus camaldulensis* River red Gum) planted within the site native;
    - ii) Six (6) additional trees to be either, or a combination of, *Allocasuarina littoralis* (Black She-oak), *Acacia mearnsii* (Black Wattle) or *Acacia melanoxylon* (Blackwood) planted within the site;
    - iii) The *Eucalyptus pauciflora* (Snow Gums) planted in the locations proposed in the advertised landscape plans;

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- iv) All additional trees are to be provided at a minimum of 2 metres in height at time of planting;
  - j) Submission of the advertised 'Tree Retention and Removal Plan' for endorsement
  - k) The location of tree protection measures illustrated to scale and labeled on the Ground Floor Plan as per the endorsed Tree Management Plan.
2. The development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.

**Tree Retention/Removal Plan**

- 3. Deleted
- 4. All trees shown as retained on the endorsed Tree Retention and Removal Plan are to be retained.

**Tree Management and Protection Plan**

5. Concurrent with the endorsement of plans, a Tree Management Plan prepared by a suitably qualified arborist in accordance with AS4970-2009, must be submitted to and be endorsed by the Responsible Authority and incorporating:
- a) A Tree Management Plan (written report) must provide details of:
    - i. Any non-destructive root investigation undertaken to determine the location and distribution of roots of trees nominated on the Tree Protection Plan.
    - ii. Proposed footings and construction methods for any buildings or structures within the Tree Protection Zone nominated on the Tree Protection Plan.
    - iii. How excavation impacts, including soil level changes, on trees to be retained will be managed.
    - iv. How the canopy of trees nominated on the Tree Protection Plan will be protected.
    - v. Tree protection fencing to isolate the River Red Gums growing between Willow Street and the eastern boundary
    - vi. Any other measures required to demonstrate the successful ongoing retention and viability post-construction of any trees nominated on the Tree Protection Plan.
  - b) A Tree Protection Plan (scale drawing) must provide details of:
    - i. The Tree Protection Zone and Structural Root Zone, calculated in accordance with AS4970-2009, for all trees to be retained on the site and for all trees on neighbouring properties where the Tree Protection Zone falls partially within the subject site.
    - ii. Tree protection fencing, or ground protection where required, provided in accordance with AS4970-2009.
    - iii. Stages of development at which inspections are required to ensure tree protection measures are adhered to must be specified.
    - iv. Appropriate signage on any tree protection fencing prohibiting access, excavation, changes in soil levels, or any storage within the Tree Protection Zone in accordance with AS4970-2009 unless with

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- the prior written consent and under the direct supervision of the consulting arborist.
- v. Maintenance of the area(s) within the Tree Protection Zone in accordance with AS4970-2009.
  - vi. Any pruning to be undertaken being in accordance with AS4373-2007.
  - vii. A notation to refer to the Tree Management Plan.
6. All protection measures identified in the Tree Management Plan must be implemented, and development works undertaken on the land must be undertaken in accordance with the Tree Management Plan, to the satisfaction of the Responsible Authority.
7. Prior to the commencement of works, the name and contact details of the project arborist responsible for implementing the Tree Management Plan must be submitted to the Responsible Authority.

**Drainage and Water Sensitive Urban Design**

8. Unless with the prior written consent of the Responsible Authority, before the development commences (excluding demolition or buildings and works not requiring approval under the Kingston Planning Scheme, such as routine repairs and maintenance), 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.
9. Stormwater (drainage) works must be implemented in accordance with the approved stormwater management (drainage) plan and to the satisfaction of the Responsible Authority including the following:
- a) All stormwater (drainage) works must be provided onsite so as to prevent overflows onto adjacent properties.
  - b) The implementation of stormwater (drainage) system with maximum overall



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outflow of the subject site to Council drainage not exceeding to the predevelopment level outflow.

- c) The implementation of stormwater/drainage detention system(s) which restricts stormwater discharge to the predevelopment level outflow.
- d) All stormwater (drainage) works must be maintained to the satisfaction of the Responsible authority.

**Sustainable Management Plan**

- 10. Prior to the endorsement of the Plans required pursuant to Condition 1 of this permit, the provision of an amended Sustainable Management Plan, generally in accordance with the Report No. 2017-769, prepared by EcoResults dated 21 August 2017 to be submitted to and approved by the Responsible Authority however amended to address the following items:
  - The development to meet the minimum 50% overall score and minimums in Energy (50%), Water (50%), IEQ (50%) and Stormwater (100%) categories in BESS.
  - The SMP updated to make reference to the proposed café, retail and gym to meet NCC building fabric requirements
  - Provide commitment of DTS methods in the BESS assessment

**Viva Energy Australia**

- 11. 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 2017
  - d) Safety Management Study completed

**Subdivision Conditions**

- 12. The subdivision as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.
- 13. Once the subdivision has started it must be continued and completed to the satisfaction of the Responsible Authority.

**Conditions required by Melbourne Water:**

- 14. No polluted and/or sediment laden runoff is to be discharged directly or indirectly into Melbourne Water's drains or watercourses.
- 15. Prior to the endorsement of the Plans required pursuant to Condition 1 of this permit, the provision of an amended Sustainable Management Plan, generally in accordance with the Report No. 2017-769, prepared by EcoResults dated 21 August 2017 to be submitted to and approved by the Responsible Authority however amended to address the following items:
  - Stormwater including the size and location rain water tanks connected for toilets and irrigation; and
  - Updated commitments in the report to correspond with the credit requirements. Indicate a clear commitment to a maximum illumination power density (W/m<sup>2</sup>) 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).

Conditions required by South East Water:

*Potable Water*

16. The owner of the subject land must enter into an agreement with South East Water for the provision of potable water supply and fulfil all requirements to its satisfaction.

*Sewer*

17. 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.

*General Conditions*

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

or

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

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

*United Energy*

20. Entering into an agreement with United Energy for an extension, upgrade and/or rearrangement of the current electricity supply to lots on the land which may also require:

- a) establishing easement(s) internally or externally to the site; and/or
- b) providing site(s) to locate substations; and

Making a payment to UE to cover the cost of preparing such documentation and work.

*Multinet Gas*

21. A Statement of Compliance be obtained from Multinet Gas prior the plan of subdivision being released from the Titles Office.

*Mandatory conditions for subdivision permits*

22. The owner of the land must enter into an agreement with:
  - a) telecommunications network or service provider for the provision of telecommunication services to each lot shown on the endorsed plan in accordance with the provider's requirements and relevant legislation at the time; and
  - b) suitably qualified person for the provision of fibre ready telecommunication facilities to each lot shown on the endorsed plan in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.
23. Before the issue of a Statement of Compliance for any stage of the subdivision

under the Subdivision Act 1988, the owner of the land must provide written confirmation from:

- a) a telecommunications network or service provider that all lots are connected to or are ready for connection to telecommunications services in accordance with the provider's requirements and relevant legislation at the time; and
- b) a suitably qualified person that fibre ready telecommunication facilities have been provided in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.

**Restricted Recreation facility**

24. No more than:

- a) Thirty (30) clients may be present on the premises at any one time; and
- b) Five (5) staff members may be present on the premises at the one time.

Or otherwise as approved by the Responsible Authority in writing.

25. Prior to the commencement of the use authorised by this permit, an Operational and Management Manual to the satisfaction of the Responsible Authority must be prepared and submitted to the Responsible Authority for approval. When approved the Operational and Management Manual will be endorsed and form part of this permit. The Operational and Management Manual must include (but not be limited to) the following:

- a) Details on how access will be provided to patrons after hours;
- b) The contact details of the nominated person(s) responsible for the day to day management and control of the facility;
- c) A complaint handling process to effectively manage any complaints received from any neighbours. The Complaints Register to be kept at the premises must include details of the complaint received, any action taken and the response provided to the complainant. This Complaints Register shall be maintained by the permit holder and available for inspection by the Responsible Authority at all times;
- d) Details of lighting and any other security measures put in place for the use of patrons after hours;
- e) Documented emergency procedures in the event of any systems failure, as well as measures for staff evacuation should it be required; and
- f) Location of safety signage

**Restricted Retail**

26. The restricted retail use must only operate between the following hours:

- Monday – Sunday 6.00am – 9.00pm

**Food and Drinks Premises (café)**

27. The café use must only operate between the following hours:

- Monday – Sunday 6.00am – 5.30pm

**Time Limit**

28. 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 plan of subdivision is not certified within two (2) years from the date of this permit.
- The plan of subdivision is not registered within five (5) years of the date of certification.

In accordance with section 69 of the Act, the Responsible Authority may extend the certification time if a request is made in writing prior to the expiry of the permit or within six (6) months after the permit expiry date.

#### Signage Conditions

29. The location and details of the sign(s) as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.
30. All signs must be located wholly within the title boundary of the land and must not protrude above the overall height of the building.
31. The sign(s) must not be located within or encroach onto the road reservation.
32. The sign(s) must not be animated and no flashing or intermittent lights may be displayed.
33. The intensity of the light on the sign(s) must be limited so as not to cause glare or distraction to motorists or other persons or loss of amenity in the surrounding area all to the satisfaction of the Responsible Authority.
34. Once the erection of the sign(s) has commenced it must be continued and completed to the satisfaction of the Responsible Authority.
35. The sign(s) shown on the endorsed plans must be constructed to the satisfaction of the Responsible Authority and must be maintained to the satisfaction of the Responsible Authority.
36. This permit (or part of the permit that relates to advertising signs) expires 15 years from the date of issue of the permit.

#### Time limits

37. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.
38. 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 date of this permit.
  - The development is not completed within four (4) years from the date of this permit.
  - The plan of subdivision is not certified within two (2) years from the date of this permit.
  - The plan of subdivision is not registered within five (5) years of the date of certification.

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 allowed by the permit has lawfully started before the permit expires.

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

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

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

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

**Note:** Before removing / 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:** Each building or part of a building resulting from this subdivision must comply with Regulation 503 of the Building Regulations 2006.

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

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

### **AGREEMENT OPTIONS**

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

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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)

**THIS PERMIT HAS BEEN AMENDED PURSUANT TO SECTION 72 OF THE PLANNING AND ENVIRONMENT ACT 1987 AS FOLLOWS:**

Amendment	Date of Amendment	Description of Amendment	Name of responsible authority that approved the amendment
A	(Date to be the same as Date Amended)	Amend Condition 1 requirements Amend condition 3 Amend condition 6 and 7 Inclusion of Conditions 9 (Viva Energy) Inclusion of Conditions 22-25 relating to the restricted retail and recreation uses	City of Kingston

**CARRIED**

**8.5 KP-1997/959/E - 918-928 Springvale Road Braeside**

It is recorded that Anna Kennedy spoke on behalf of the applicant

**Procedural Motion**

**Moved: Cr West**

**Seconded: Cr Barth**

That consideration of this matter be deferred.

**LOST**

**Moved: Cr Brownlees**

**Seconded: Cr Gledhill**

That Council determine to support the proposal and issue an Amended Planning Permit to develop and use the site for an integrated information centre, observation tower, service station, restaurant, convenience shop (240m<sup>2</sup>), bike paths, landscaping and the display of signage subject to the list of conditions detailed below, and the revised plans be endorsed to form part of this approval at No. 918-928 Springvale Road, Braeside, subject to the following conditions:

1. Before the development and/or use 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 generally in accordance with the plans endorsed to the application by the City of Kingston on August 26, 1999, encompassing pages 1 to 7 (inclusive), but modified to show:
  - a) methods of site drainage;
  - b) details of all proposed signage; and
  - c) the provision of services to the satisfaction of the relevant referral authorities.
2. Building elevations of Stage 2 Restaurant are to be submitted prior to the commencement of construction of any component of Stage 2.
3. All buildings and works must be in accordance with the endorsed plans which shall not be amended or altered without the prior written consent of the Responsible Authority.
4. The owner of the land must enter into an Agreement with the Responsible Authority pursuant to Section 173 of the Planning and Environment Act 1987 to ensure:
  - a) the co-ordinated integration and staging of development. The Agreement must specify that the petrol filling station, convenience store and restaurant shall not commence operations until the satisfactory completion of the information centre, observation tower, bike paths, mounding, landscaping and accessways.
  - b) transfer to the adjoining landowner to the west at no cost, of the area denoted as 'spectator mound' on the concept plan for use in conjunction with the existing soccer ground, if the adjoining land owner wishes.
5. The following conditions must be met:
  - a) The on - site sediment / litter controls must be implemented to ensure that

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- rubbish does not enter the drainage system;
- b) On - site drainage / run off controls must be implemented to ensure that oil, grease, detergents etc. do not enter the drainage system
  - c) Measures must be implemented to ensure that if the site is flooded there is no contamination of surrounding groundwater systems;
  - d) On-site advertising signs must be kept to a minimum, not face in a westerly direction and not be located on the Observation Tower on the subject site;
  - e) The landscaping of the site should be sympathetic to the non-urban nature of land uses on the western side of Springvale Road, particularly on its western and northern boundaries, and conform with the locally indigenous types of vegetation of Braeside Park;
  - f) Lighting must be subdued / baffled so that the development, other than the tower, is not visible from Braeside Park; and
  - g) Melbourne Parks and Waterways must be directly involved with the development of the proposed Information Centre and Observation Tower on the subject land.
6. Melbourne Parks and Waterways, the Sandbelt Parklands Advisory Committee and adjoining property owners must be further consulted and comment on the final development plan (s) to be prepared to the satisfaction of the responsible authority, as required by the provisions of the proposed amendment.

**Signage Conditions**

- 7. The location and details of the sign(s) as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.
- 8. All signs must be located wholly within the title boundary of the land and must not protrude above the overall height of the building.
- 9. The sign(s) must not be located within or encroach onto the road reservation.
- 10. Signs must not be illuminated internally or by external lights except with the prior written consent of the Responsible Authority.
- 11. No sign(s) or other advertising or identification may be erected or displayed on the site without written Council consent.
- 12. The sign(s) must not be animated and no flashing or intermittent lights may be displayed.
- 13. The intensity of the light on the sign(s) must be limited so as not to cause glare or distraction to motorists or other persons or loss of amenity in the surrounding area all to the satisfaction of the Responsible Authority.
- 14. Once the erection of the sign(s) has commenced it must be continued and completed to the satisfaction of the Responsible Authority.
- 15. The sign(s) shown on the endorsed plans must be constructed to the satisfaction of the Responsible Authority and must be maintained to the satisfaction of the Responsible Authority.

**Expiry**

- 16. This permit (or part of the permit that relates to advertising signs) expires 15 years from the date of issue of the permit.
- 17. In accordance with Section 68 of the Planning and Environment Act 1987 (The



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Act), this permit will expire if one of the following circumstances applies:

- The use and development is not started before two (2) years from date of this permit.
- The development is not completed before four (4) years from the date of permit issue.
- The use is discontinued for a period of two (2) years.

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

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

**CARRIED**

**8.6 Response to Notice of Motion No. 36/2018 - Cr. Eden - Native Tree Vouchers - Project Update**

**Procedural Motion**

**Moved: Cr Brownlees**

**Seconded: Cr Gledhill**

That consideration of this matter be deferred until the March Ordinary Meeting of Council.

**CARRIED**

**8.7 Response to Notice of Motion No. 54/2019 - Community Garden for Dingley Village**

**Moved: Cr Barth**

**Seconded: Cr Hua**

That Council:

1. Endorse the draft Community Garden Policy for the purposes of community consultation.
2. Arrange a meeting with the community group interested in establishing a community garden in Dingley Village to notify them of the preparation of the draft Community Garden Policy and assist them in submitting a formal application to Council.

**CARRIED**

**8.8 Response to Notice of Motion No. 57/2019 - Heritage Review**

**Moved: Cr West**

**Seconded: Cr Gledhill**

That Council:

1. Commence community consultation to contribute to the development of a list of potentially significant heritage places as part of Stage 1.
2. Engage a suitably qualified consultancy to undertake a preliminary review of Kingston's heritage places (Stage 1) through a public tender process.
3. Receive a report at the conclusion of the preliminary review of Kingston's heritage places (Stage 1) with recommendations on how to proceed.
4. Note it currently provides a reduction in annual rates for privately owned residential heritage places with further measures to be investigated as part of the scope of works undertaken by a heritage consultant as part of Stage 1 and reported back to Council.

**CARRIED**

**8.9 Response to Notice of Motion No. 58/2019 - Probity Review**

**Moved: Cr West**

**Seconded: Cr Brownlees**

That Council:

1. Note that fourteen (14) 'applications or approvals of developments' have been identified where the involvement of some of the parties or organisations in which they are employed meet the search criteria established through the Council resolution of more than 10 dwellings in the past 15 years;
2. Allocate time at an upcoming Councillor Information Session to workshop the items contained in Section 3.3.2 of this report; and
3. Receive a further report at the April Ordinary Council Meeting outlining the status of the IBAC investigation and the proposed scope and method of procurement to conduct the probity review.

**CARRIED**

**9. Community Sustainability Reports**

**9.1 Mentone Life Saving Club and Precinct Redevelopment Project Update -  
Community Consultation Outcomes**

**Moved: Cr Gledhill**

**Seconded: Cr Brownlees**

That Council:

1. Notes the attached independent community consultation report, including key outcomes and recommendations relating to the recent engagement process.
2. Note the updated concept plans, as outlined in section 3.3.1 of this report, and authorise officers to proceed with Option 1 for the redevelopment of the Mentone Life Saving Club facility and precinct inclusive of:
  - a publicly accessible roof top deck;
  - a registered “changing places” facility;
  - additional publicly accessible toilet/change facilities to support, amongst other things, the activities of the Mentone Ice-bergers user group; and,
  - inclusion of a new Gross Pollutant Trap facility, to improve stormwater litter management.
3. Approve the proposed funding arrangements for the revised building and precinct works based on Option 1 scope of works, totalling \$14.5 million, as set out within Table 5 in section 4.3 of this report.
4. Authorise officers to continue to work with Mentone Life Saving Club representatives, Life Saving Victoria (LSV) and Emergency Services Infrastructure Authority (ESIA) to progress the redevelopment of the facility and precinct, including the following actions:
  - Undertaking detailed design development;
  - Seeking and obtaining relevant statutory approvals;
  - Develop future leasing/licensing arrangements for use of the facility;
  - Seeking tenders for the construction of the facility and precinct; and
  - Reporting back to Council on the outcome of the tender process, once complete.
5. Note the proposed project governance structure, as outlined in section 3.3.4 of this report, which will be established to guide the planning, management and implementation of the MLSC building & wider foreshore precinct project.
6. Note that a letter requesting additional State Government funding for this project has been provided to the Minister for Police and Emergency Services, and the subsequent response from the Minister, confirming that no additional State funding is available for this project.
7. Approve the proposal to further advocate to local Members of Parliament to seek support for additional grant applications and funding contributions for the project from various sources including State Government departments, such as DELWP, Department of Justice, Department of Health and Human Services.

**CARRIED**

**9.2 CON-19/55 Award of Contract - Concierge Services**

**Procedural Motion**

**Moved: Cr Gledhill**

**Seconded: Cr Brownlees**

That consideration of this matter be deferred until the March Ordinary Meeting of Council.

**CARRIED**

**9.3 Update on Pokies Advocacy Campaign 2019 Report**

**Moved: Cr Gledhill**

**Seconded: Cr Barth**

That Council receive the report and note the progress of the advocacy campaign.

**CARRIED**

**9.4 Kingston Woman of the Year Award Nominations**

**Moved: Cr Brownlees**

**Seconded: Cr Bearsley**

That Council:

1. Select the City of Kingston Woman of the Year 2020 as per confidential appendix 2.
2. Determine, in accordance with Section 77(2) of the Local Government Act 1989, that the identity of the winner be designated confidential until 8 March 2020, except for the notification of the award winner by the Mayor.

**CARRIED**

**10. City Assets and Environment Reports**

**10.1 Don Tatnell Leisure Centre Urgent Works and Forward Planning for Aquatic Facilities**

**Moved: Cr Brownlees**

**Seconded: Cr Gledhill**

That Council:

1. Commit to investing in high quality aquatics and leisure facilities and receive a report identifying future opportunities, inclusive of a funding strategy, for the delivery of aquatic and leisure facilities that meets the current and future needs of the Kingston community;
2. Note the Don Tatnell Leisure Centre has reached the end of its useful life and agree to close the facility immediately;
3. Support the transition of members and users at the Don Tatnell Leisure Centre to

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- the Waves Leisure Centre, Highett (where possible) or other suitable facilities;
4. Invite members, community, stakeholders and interest groups to attend community information sessions on these Council resolutions; and
  5. Continue to investigate and report upon structural and building conditions at Don Tatnell Leisure Centre.

**CARRIED**

**10.2 Response to Notice of Motion No. 53/2019 - Cr. Staikos - Traffic Consultation - Bernard Street, Cheltenham**

**Moved: Cr Staikos**

**Seconded: Cr Barth**

That Council:

1. Engage with Department of Transport and Cheltenham Secondary College regarding the relocation of the bus stop on the north side of Bernard Street outside Cheltenham Secondary College, further west away from the pedestrian crossing, to a location opposite the bus stop on the south side.
2. Engage with the community regarding the installation of a large speed hump at the pedestrian crossing on Bernard Street near Cavanagh Street, and explore the following options for implementing a bicycle path along Bernard Street:
  - a) Convert the existing car parking lanes to bicycle lanes, but not implement any car parking restrictions. This will provide a visual indication of bicycle activity but not affect car parking availability.
  - b) Implement line marked bicycle lanes of 1.5m in each travelling direction and removing on-street parking on one side of the road.
  - c) Implement 2.5m wide two-way bike path and 600mm separation kerb on the south side of Bernard Street, with indented kerb and channel at the bus stops. Remove all on-street parking on the south side of Bernard street.
3. Organise a working group with representatives from the key stakeholders, including local residents, Cheltenham Secondary College, Department of Transport, and local businesses.

**CARRIED**

**11. Corporate Services Reports**

**11.1 Assembly of Councillors Record Report**

**Moved: Cr Gledhill**

**Seconded: Cr Barth**

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

**CARRIED**

**11.2 Quick Response Grants**

**Moved: Cr Gledhill**

**Seconded: Cr Brownlees**

That Council approve the following grant applications:

- Aspendale Lifesaving Swimming and Youth Club Inc - \$1500.00
- Avellino Circolo Pensioners of Springvale Inc - \$500.00 (subject to acquittal of previous grant)

That Council not approve the following grant application:

- Highett Community Bank Branch
- The Pyjama Foundation
- Big Pig Canteen
- Nicholas Martin
- John O'Connor

**CARRIED**

**11.3 Kingston Performance Report, October-December 2019 and Quarterly Financial Statements Report, December 2019**

**Moved: Cr Barth**

**Seconded: Cr West**

That Council receive the Kingston Performance Report - October to December 2019 and the Quarterly Financial Statements Report, December 2019.

**CARRIED**

**Question Time**

**Anthony Blair of Cheltenham asked,**

1. *I have significant concerns about illegal and dangerous parking in the Hall / Maude / Barker Streets precinct. How often do parking inspectors attend? How many days a week do they attend and between what hours?*
2. *How does the Council co-ordinate the myriad of works in Kingston, specifically around the LXRA? For example, the road and rail shutdowns, developers closing roads and essential service works such as water, electricity, telecommunications including the NBN."*

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

1. *The Hall/Maude/Barker Street precinct is on the parking enforcement patrol schedule and therefore checked regularly. Patrol regularity and times are at random and in line with Council's summer period enforcement hours. Mr Blair is encouraged contact Council should he observe any illegal and dangerous parking. Given the proximity of that location, we should be able to get parking officers there quite quickly if you do catch anyone who has infringed.*

2. *The Level Crossing Removal Project and utilities (except telecommunications) are ultimately state government responsibilities covered by state government legislation. The level crossing removal authority meet with our officers regularly to discuss their traffic management planning. Usually they have a meeting one month or so out from scheduled works to provide guidance on when and where their works are proposed to occur. They also, through their legislation, have some wide-ranging powers with respect to use identified local roads in our area to undertake their level crossing removal works. Council has some powers over electricity, gas and water and related infrastructure activities, and work with those entities to undertake those works to provide Council with advance notice of those works and also for them to undertake required community consultation. The exception to that is emergency works where an authority would need to come in and do works urgently due to a gas leak or a water issue. With respect to the NBN and other telecommunications, a lot of that is covered by Federal legislation, and we don't have direct control over those works, but we do encourage solid traffic management arrangements if the NBN works are inconveniencing local residents. With private developments we do have a lot of ability to control directly, and through the planning permits, depending on the scale of the application, we will at times seek a construction management plan which asks the developer to outline the extent of the works that they might be undertaking, and consequently a traffic management plan with respect to the way they might undertake the works."*

**Steven Scott of Moorabbin asked,**

*"When St.Kilda play football games at RSEA Park, the streets surrounding the ground have been packed with cars parked on both sides of the roads - this creates traffic chaos in our streets, makes it difficult to get in and out of our driveways. Will council be looking at taking action to change the parking arrangements in the surrounding streets to allow parking on one side of the streets (this was how it was back when St.Kilda were previously playing games at the ground) to Lessen the clogging up of our local streets when matches are played at RSEA?"*

**Note:** In accordance with clause 18(4) of the Meeting Procedures Local Law, this question will be responded to in writing as the questioner was not present in the gallery.

**Tom Maher asked,**

*"With building replacements or reconstruction (e.g. Mentone Lifesaving and Don Tatnell) is the Council ensuring that the buildings have solar panel systems included in the plans? Also the removal of gas services so as to provide all electric powered buildings. This to ensure emissions reduction and lower ongoing costs."*

**Note:** In accordance with clause 18(4) of the Meeting Procedures Local Law, this question will be responded to in writing as the questioner was not present in the gallery.

**Mary of Dingley Village asked,**

Given that the Don Tatnell pool has suffered with issue for many years, what contingency money has been set aside for its replacement (all pools have a lifespan), especially from constituents' money and Council money?

**Note:** In accordance with clause 18(4) of the Meeting Procedures Local Law, this question will be responded to in writing as the questioner was not present in the gallery.

**Ron Gordon of Mentone asked,**

*“Mentone This Way strategically placed signage is important to allow visitors to easily reach the Mentone Activity Centre.*

*Last year I canvassed the lack of this signage with Council indicating they would address it however progress has been slow and somewhat ambiguous so with my limited time and resources I have decided in 2020 to tackle the problem and break it into smaller manageable sections concentrating on one entry point to the Mentone Activity Centre at a time.*

*Tonight I want to start with Warrigal Road – given that Mentone This Way signage is in place at the intersection of Nepean Highway and Warrigal Roads with Como Parade West, Mentone and Parkdale signage be put in place to assist Road Users.*

*This measure is particularly relevant this time with the imminent road closures and detours that will be caused by the LXR as they continue their Level Crossing Removal work at Mentone.*

*Can we have it clarified who is the responsible authority for this signage and when could we expect this signage to be in place please?”*

**The General Manager City Assets and Environment provided the following response,**

*“Your suggestion for ‘Mentone This Way’ signage at Warrigal Road and Como Parade West is noted in the context of level crossing removal works to be completed this year.*

*To answer the last part of the question as Warrigal Road is an arterial road, approval for permanent signs is required from Department of Transport. However as this is not a primary route into the activity centre it is unlikely to be supported by the Department’s Tourist and Community Facilities signing policy.*

*With respect to the detours from level crossing removal works, it is understood that LXR will have a detour program in place. Council will work with LXR to ensure the detour signage appropriately identifies this as the route to the Mentone Activity Centre during periods where Balcombe Road is closed.”*

**Ron Gordon of Mentone asked,**

*“I note from the Minutes of the Ordinary Council Meeting of 28 January 2020:*

*Moved: Cr Brownlees*

*Seconded: Cr Gledhill*

*That Council:*

- 1. Note the Level Crossing Removal Project’s quote to construct footpath, streetscaping, bus bay and associated road works in Como Parade West as per Council’s scope.*
- 2. Note the analysis of costs, resourcing, timing and risks for Council to manage the delivery of the Como Parade West works.*
- 3. Not accept the offer from the Level Crossing Removal Project with regard to carrying out footpath replacement and associated works on the west side of Como Parade West Mentone and that these works be deferred until after completion of the Level Crossing removal.*
- 4. Officers engage with the Ward Councillors and consult with traders, the community and the Chamber of Commerce to formulate a suitable program and design outcome for the future works.*

**CARRIED**



Q1. Point 3 highlights deferment of 10.2 and in the associated notes it indicates this work is identified in Council's capital works program with funding of 1,400,000 over 2021/22 and 2022/23 financial years – is the 2021/22 and 2022/23 financial years the deferment envisaged for these works?

Q2. Point 3 generally outlines footpath replacement which creates the notion of replacing like with like however the detailed notes relating to this footpath describe how it is planned to be 1.5 metres wider and so the road 1.5 metres narrower – is this replacement in 2021/22 and 2022/23 financial years to involve narrowing 85 metre section of Como Parade West by 1.5 metres?

Q3. When will Council begin to avoid so-called development that involves closing or narrowing roads (e.g. Florence Street, Beach Road) restricting access like not being able to turn left out of Como Parade West into Mentone Parade and removing car parks and adopt development that allows for efficient access, convenient car parking in sufficient quantity and reducing congestion to make Mentone a better place?"

**The General Manager City Assets and Environment provided the following response,**

"Q1. Funding is currently provided in 2021/22 and 2022/23 as noted by the question. This is the planned timing for the works; however the exact timing will be determined by the design, scope and through consultation with ward councillors, traders, the community and the chamber of commerce, as per part 4 of the resolution in the preamble.

Q2. As per the answer to question 1, any potential change to road widths would be considered through consultation with those groups.

Q3. The road and car parking changes in Mentone have generally been in line with the Mentone Structure Plan Implementation adopted by Council in 2015. The Plan identifies the significant volume of pedestrians that traverse Mentone from the local schools, and identifies footpath changes, pedestrian treatments and areas where public places could be created within the Mentone Activity Centre to support the centre. It is noted the plan included the installation of a roundabout at Florence Street and Davies Street and traffic lights at Balcombe Road and Davies Street to provide for efficient movement of vehicles to the large off-street car parks along Florence Street. This said, each stage of the implementation is subject to consultation with traders and the community and the design refined through this process."

**Ron Gordon of Mentone asked,**

"The roundabout at Como Parade West and Balcombe Road Mentone allows traffic the flexibility to get to the other side of Como Parade West and Balcombe Road efficiently, safely and legally by turning 180 degrees through the roundabout.

With LXP plans to remove this roundabout and replace it with yet another set of traffic lights making up to 4 sets of lights in a 500 metre length of Balcombe Road how will motorists get to the other side of the road? Will there be U-Turn sequencing designed into the signalisation at this intersection?

Will Council rethink the removal of the roundabout at Como Parade West and Balcombe Road Mentone and insist it remains so that its operation can be evaluated once the level crossing is removed and if this evaluation proves the roundabout to be unworkable include its replacement in the Council's capital works program, with funding of \$1,400,000 over 2021/22 and 2022/23 financial years?

Will Council support the deferment of the removal of the roundabout at Como Parade West and Balcombe Road Mentone?"

The General Manager City Assets and Environment provided the following response,

*“The installation of traffic signals to replace the roundabout is part of the level crossing removal works, it is not a Council project. Part of the works is for a ‘Shared User Path’ along the rail line, and this requires a signalised crossing over Balcombe Road for safety of the path users. The replacement of the roundabout with traffic signals was identified by level crossing removal project as the safest and most efficient arrangement for this intersection and for the operation of Balcombe Road given the pedestrian signals need to be installed.”*

## 12. Notices of Motion

### 12.1 Notice of Motion No. 4/2020 - Cr Gledhill - Amendment to Meeting Procedures Local Law

**Moved: Cr Gledhill**

**Seconded: Cr Brownlees**

That a report be presented to the March Ordinary meeting of Council outlining the process to amend the Meeting Procedures Local Law that gives effect to the following changes:

1. The following words to be added to Clause 26(7) ... *“Further, Council must not commit any expenditure on the matter (aside from that directly associated with the preparation of the report) prior to the officer report being presented to an Ordinary or Special Meeting of Council.”*
2. The following words to be added to Clause 30(7)(b) ... *“Further, Council must not commit any expenditure on the matter (aside from that directly associated with the preparation of the report) prior to the officer report being presented to an Ordinary or Special Meeting of Council.”*

**CARRIED**

### 12.2 Notice of Motion No. 5/2020 - Cr Brownlees - Installation of Solar Lights at Kingston Heath Reserve

**Moved: Cr Brownlees**

**Seconded: Cr Gledhill**

That Council install either one or two lights capable of providing sufficient illumination to light the entrance from the southern car park and the covered barbeque area at Kingston Heath Reserve as discussed with officers and that funding be referred to the 2020/21 budget for consideration.

**CARRIED**

**13. Urgent Business**

**Moved: Cr Gledhill**

**Seconded: Cr Bearsley**

That an item of Urgent Business be considered in relation to the Bay Trail.

**CARRIED**

**Moved: Cr Gledhill**

**Seconded: Cr Bearsley**

That:

1. Officers prepare a report to be tabled at the April Ordinary Meeting of Council detailing the number and nature of safety related incidents that have occurred during the construction phase of the Baytrail. The report should include matters that relate to safe work practices and road safety and should detail the responses and remedies that have taken place as a result.
2. A further report confirm or otherwise that the construction of the path had been in exact accordance with the 26 June 2017 resolution of Council and supporting documentation

Further that a response be provided confirming that the path width and buffers on both the coastal roadside comply with the resolution.

**CARRIED**

**Moved: Cr West**

**Seconded: Cr Barth**

That an item of Urgent Business be considered in relation to the need for a public meeting in relation to the Housing Strategy.

**LOST**

**14. Confidential Items**

**Moved: Cr Brownlees**

**Seconded: Cr Hua**

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 KP-723/2018 - 422 Nepean Highway & 1 Thomas Court Parkdale - VCAT CC position sought**

*This agenda item is confidential in accordance with the Local Government Act s89(2) as it relates to proposed developments (s89 2e)*

**Confidential Appendices**

**9.2 CON-19/55 Award of Contract - Concierge Services  
Appendix 1, Tender Evaluation CON-19/55 Award of Contract - Concierge Services**

*This appendix is confidential in accordance with the Local Government Act s89(2) as it relates to (s89 2d)*

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- 9.2 CON-19/55 Award of Contract - Concierge Services  
Appendix 2, Certificate of Compliance National Protection Service**  
*This appendix is confidential in accordance with the Local Government Act s89(2) as it relates to (s89 2d)*
- 9.2 CON-19/55 Award of Contract - Concierge Services  
Appendix 3, Concierge Service - In House Delivery Options Cost Assumptions**  
*This appendix is confidential in accordance with the Local Government Act s89(2) as it relates to (s89 2d)*
- 9.4 Kingston Woman of the Year Award Nominations  
Appendix 1, Kingston Woman of the Year 2020 Nomination Summary**  
*This appendix is confidential in accordance with the Local Government Act s89(2) as it relates to (s89 2h)*
- 9.4 Kingston Woman of the Year Award Nominations  
Appendix 2, Woman of the Year Award Winner 2020**  
*This appendix is confidential in accordance with the Local Government Act s89(2) as it relates to (s89 2h)*

**CARRIED**

The meeting was closed to members of the public at 8.47pm.

**Procedural Motion**

**Moved: Cr Gledhill**

**Seconded: Cr Barth**

That the meeting be opened to members of the public.

**CARRIED**

The meeting was opened to members of the public at 8.59pm.

The meeting closed at 8.59pm.

**Confirmed.....**

**The Mayor 23 March 2020**