

Minutes

Ordinary Meeting of Council

Monday, 24th September 2018

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

Present: Cr Steve Staikos (Mayor)
Cr Tamara Barth
Cr Ron Brownlees OAM
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
Julian Harvey, Acting General Manager City Assets and Environment
Jonathan Guttmann, General Manager Planning and Development
Ian Nice, Manager City Development
Tracey Cheeseman, Media Advisor
Natasha Corponi, Communications and Media Advisor
Phil De Losa, Manager Governance
Stephanie O’Gorman, Governance Officer
Gabrielle Pattenden, Governance Officer

1. Apologies

The apologies from Cr Bearsley and Cr Eden were submitted to the meeting.

Moved: Cr Brownlees

Seconded: Cr Oxley

That the apologies from Cr Bearsley 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 27 August 2018 and the Special Meeting of Council held on 17 September 2018 be confirmed.

CARRIED

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

John Nevins, Chief Executive Officer foreshadowed a conflict of interest in items 14.1 and 14.3.

Procedural Motion

Moved: Cr Gledhill

Seconded: Cr Brownlees

That the order of business be amended to consider an item of Urgent Business next.

CARRIED

Urgent Business

13.1 Objection to telecommunications tower at Gerry Green Reserve

Moved: Cr Gledhill

Seconded: Cr Brownlees

That an item of urgent business in relation to a petition regarding objection to telecommunications tower at Gerry Green Reserve be considered.

CARRIED

Moved: Cr Gledhill

Seconded: Cr Brownlees

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

Cr Barth left the meeting at 7:08pm.

CARRIED

4. Petitions

Given Council's policy that petitions must be submitted by 5.00pm, seven days before a meeting, Council determined to consider a late petition under Urgent Business (refer above).

5. Presentation of Awards

There were no awards presented.

6. Reports from Delegates Appointed by Council to Various Organisations

There were no delegates' reports.

Procedural Motion

Moved: Cr Brownlees

Seconded: Cr Gledhill

That the order of business be amended to consider Item 8.5 KP17/983 - 86 Albert Street, Mordialloc next.

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Note: Item 8.5 was deferred from the Planning Committee meeting on Wednesday 19 September 2018, for further consideration at this meeting. The matter resumed at the point it was deferred i.e. a motion was moved by Cr West and seconded by Cr Gledhill (this is shown in the Minutes of the Planning Committee meeting).

8.5 KP17/983 - 86 Albert Street, Mordialloc

Note: In accordance with Clause 28(5) of the Meeting Procedures Local Law, Cr West and Cr Gledhill (as the mover and seconder) accepted an alteration to the motion to include four (4) conditions (conditions 1j – m).

Moved: Cr West

Seconded: Cr Gledhill

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 five (5) dwellings with basement car parking and associated works at No. 86 Albert Street, Mordialloc, subject to the following conditions:

1. Before the development starts amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be substantially in accordance with the plans submitted to Council on the 27th April, 2018, but modified to show:
 - a. 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, species must comprise a minimum 80% indigenous coastal species by total numbers and plant type;
 - vi. The provision of two (2) indigenous canopy trees to be planted within the front setback of the site capable of reaching a mature height of 9 metres in height and a width of at least 3 metres, a further one (1) indigenous canopy tree to be planted within the private open space area of each dwelling capable of reaching a mature height of 6 metres and a width of at least 2 metres;
 - 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

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- pot size of 200mm;
- viii. No trees with a mature height over five (5) metres are to be planted over the 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;
 - 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;
- b. the third level balconies of Dwellings 2 and 4 reduced by 1m at the north side and Dwellings 3 and 5 at the south side;
 - c. the third level Living 2 areas of Dwellings 2, 3, 4 and 5 inset an additional 1m at the east side;
 - d. the provision of a longitudinal section of the basement ramp showing gradients, levels, distances, with headroom clearances complying with AS2890.1:2004 and flood apex;
 - e. the provision of the required 150mm high apex above the existing back of footpath level along the entire Albert Street frontage of the subject site;
 - f. the provision of security lighting adjacent to the basement access ramp and the pedestrian pathway on the northern side of the proposed development;
 - g. the street tree to be shown as removed tree on the site/floor plan;
 - h. any changes/notation required under condition 4 of this permit; and
 - i. the surface material of all driveways/accessways and car parking spaces nominated in all-weather coloured concrete sealcoat, or similar.
 - j. The obscure glazing shown to the balcony of dwelling 1 on the western elevation amended to a solid screen at least 1.8 metres in height above finished floor level, so as to prevent overlooking to 84 Albert Street Mordialloc;
 - k. A notation which confirms the 1.8 metre high boundary fencing will be extended in the area which is currently occupied by the existing garage;
 - l. The removal of the third storey from dwellings 2, 3, 4 and 5 including their associated balconies;
 - m. A notation that states all trees on neighbouring properties must be protected during construction.

Endorsed Plans

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

Street Trees

- 3. Prior to the removal of the *Callistemon sp.* (Bottlebrush) street tree located in the Albert 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 and that must be undertaken by Council at the expense of the Owner/Developer.

Sustainable Design Assessment

4. Prior to the endorsement of the Plans required pursuant to Condition 1 of this permit, the provision of a Sustainable Design Assessment (SDA) to be prepared by a suitably qualified professional must be submitted to and approved by the Responsible Authority. The SDA must include, but is not limited to, detailing initiatives for stormwater harvesting, insulation, building materials, daylighting, collective rainwater tanks and/or individual rainwater tanks, public and private landscape irrigation and car washing, energy efficient concepts, glazing and internal ventilation and the like.

Drainage and Water Sensitive Urban Design

5. 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 5a), 5b) & 5c), above must be implemented on-site, unless an alternative agreement is reached with the Responsible Authority.
6. 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 7.4L/s.
 - c. All stormwater/drainage works must be maintained to the satisfaction of the Responsible Authority.
7. A flood proof apex (ridge level) protecting the property from any overland flows must be provided. This apex is to be a minimum 150mm above the back of footpath level along the entire Albert Street frontage of the site. 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

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to be acceptable due to the likelihood of future disturbance.

8. A groundwater assessment report (GAR) must be prepared by a qualified hydro-geologist 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.
9. The basement structure must be designed to respond to the findings of the GAR and GMP required under Condition 8 of this permit and constructed to the satisfaction of the Responsible Authority.

Parking and Traffic Management

10. Prior to the occupation of each dwelling hereby permitted, areas set aside for parking vehicles, access lanes and paths as shown on the endorsed plans must, to the satisfaction of the Responsible Authority, 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 to the satisfaction of the Responsible Authority and maintained to the satisfaction of the Responsible Authority.

Infrastructure and Road Works

11. 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.
12. Vehicle crossings must be constructed at a 90 degree alignment with the kerb on Albert Street and all internal driveways must align with the existing / proposed vehicle crossing.
13. Prior to the commencement of the development hereby approved, property boundary, footpath and vehicle crossing levels must be obtained from Council's Roads and Drains Department with all levels raised to the satisfaction of the Responsible Authority.
14. The internal driveway must be at least 500mm from the side boundary at the front boundary.
15. The proposed vehicle crossing must be kept separate from the neighbour's vehicle crossing to create a pedestrian refuge of no less than 1.0 metre wide.
16. The replacement of all footpaths, including offsets, must be constructed to the satisfaction of the Responsible Authority.
17. All reinstatements and vehicle crossings must be constructed to the satisfaction of the Responsible Authority.
18. Vehicle crossings and other reinstatements must be constructed to Council's

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industrial strength specifications.

19. All redundant vehicle crossings must be removed (including redundant portions of vehicle crossings) to the satisfaction of the Responsible Authority.
20. All proposed fencing must be contained wholly within the title property boundaries of the subject land.

General amenity conditions

21. 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 be concealed from the street, unless with the further written consent of the Responsible Authority.
22. 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.
23. Service units, including air conditioning/heating units, where incorporated, must not be located where they will be highly visible from any public area to the satisfaction of the Responsible Authority and if located on the roof of a building, suitable screening and baffling must be provided to the satisfaction of the Responsible Authority.

Lighting

24. Exterior lighting must be installed in such positions as to effectively illuminate all communal areas to the satisfaction of the Responsible Authority. Such lighting must be designed, baffled and located to the satisfaction of the Responsible Authority to prevent any adverse effect on neighbouring land, to the satisfaction of the Responsible Authority.

Completion of Works

25. Prior to the occupation of each dwelling 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.
26. Prior to the occupation of each dwelling 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 to the satisfaction of the Responsible Authority.
27. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.

Time Limits

28. 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:

- before the permit expires; or
- within six (6) months after the permit expiry date, where the

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

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: 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: The fee for removal of the street tree(s) from the nature strip is **\$1017.42** (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: Environment Protection Authority (EPA) Victoria set out the requirements pertaining to site construction hours and permissible noise levels.

Note: Council's Rates Department is responsible for determining and assigning property address details, which include dwelling/unit/apartment and street numbers and/or street names. The onus is on the Permit Applicant/Land Owner to contact Council's Rates Department to determine dwelling/unit/apartment and street numbers, and street name details for the approved development. Any reference to dwelling numbers on endorsed plans is indicative and should not be relied upon for dwelling/unit/apartment and street numbers and/or street name purposes.

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*).

Cr Barth returned to the meeting at 7:19pm

CARRIED

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7. Question Time

Question Time was held at 7.50pm. Refer to page 13 of the Minutes.

Block Resolution

Moved: Cr Barth

Seconded: Cr Oxley

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

- 8.2 Environmental Upgrade Agreements for Kingston Business Community
- 9.1 Youth Awards Model Review
- 10.1 Sport and Recreation Strategy – Consultation Findings and Strategy Adoption
- 10.2 Contract 18-3 Road Resurfacing Works
- 10.4 Tender Evaluation Report for Mentone Renaissance Stage 2 – Shopping Centre Streetscape Works
- 10.5 Heatherton Park Cap Rectification Works
- 10.6 Response to Notice of Motion No. 15/2016 - Cr Brownlees - Planning Policy (Parking and Rear Setbacks) and to Notice of Motion No. 20/2018 Cr Hua - Impact of Multi-Unit Development on Parking
- 10.7 2018/19 Capital Adjustments post 2017/18 EOFY
- 11.2 Meeting Procedures (Amendment) Local Law
- 11.3 Use of Common Seal Review
- 11.4 Quick Response Grants
- 11.5 Assembly of Councillors Record Report
- 11.6 Community Local Law - Annual Review
- 11.7 Recording of Public Gallery
- 11.8 Australia Day Breakfast Options

CARRIED

8. Planning and Development Reports

8.1 Proposed Edithvale 24 Hour Dog Off Leash Consultation Feedback

Procedural Motion

Moved: Cr Oxley

Seconded: Cr Barth

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

Amendment

Moved: Cr Brownlees

Seconded: Cr Gledhill

That consideration of this item be deferred to the October Ordinary Meeting of Council and Ward Councillors be provided with an opportunity to meet with local residents to discuss the proposal.

CARRIED

The Amendment became the Motion

Amendment

Moved: Cr West

That the motion be adopted including that officers provide advice on the feasibility of a trial where for one hour every day, from 11 to 12, the Edithvale Beach from the Lifesaving club to Bristol Avenue is patrolled during fine weather to ensure compliance with Council's rules prohibiting dog off-leash access

The Amendment LAPSED for want of a Seconder

The Motion was put and CARRIED

8.2 Environmental Upgrade Agreements for Kingston Business Community

RECOMMENDATION

That Council:

1. Establish an Environmental Upgrade Agreements program commencing January 2019 for Kingston's commercial ratepayers.
2. Appoint the Sustainable Melbourne Fund to administer and support the delivery of Environmental Upgrade Agreements.
3. Delegate to the CEO the power to enter into an Environmental Upgrade Agreement on behalf of Council, and
4. Delegate to the CEO the power to declare and levy an environmental upgrade charge to participating properties.

Note: Refer to page 11 of the Minutes where this item was block resolved.

8.3 Bonbeach, Edithvale and Carrum Level Crossing Removals - Council Advocacy

Cr Oxley declared an indirect interest by close association in relation to this item because her mother's amenity will be directly affected by the outcome of this decision as she lives close to the subject site and left the meeting at 7.40pm prior to discussion on the matter.

Moved: Cr Brownlees

Seconded: Cr Barth

That Council:

1. Advocate for the outcomes detailed at section 3.3 of this report in future discussions with the Level Crossing Removal Authority and Southern Program Alliance.
2. Reiterate its position of advocacy surrounding the projects listed in its letter to the LXRA dated 15 November 2017 (as attached).
3. Write to the Level Crossing Removal Authority and Southern Program Alliance to inform them of Councils position in relation urban and landscape design outcomes for the level crossing removal sites at Edithvale, Bonbeach and

Carrum and its advocacy position for capital projects within Carrum.

Amendment

Moved: Cr West

That Council:

1. Advocate for the outcomes detailed at section 3.3 of this report in future discussions with the Level Crossing Removal Authority and Southern Program Alliance.
2. Reiterate its position of advocacy surrounding the projects listed in its letter to the LXRA dated 15 November 2017 (as attached).
3. Write to the Level Crossing Removal Authority and Southern Program Alliance to inform them of Councils position in relation urban and landscape design outcomes for the level crossing removal sites at Edithvale, Bonbeach and Carrum and its advocacy position for capital projects within Carrum.
4. Commission an assessment by one or more of Council's expert witnesses of whether the Inquiry and Advisory Committee's report on the EES adequately resolves the uncertainties it identifies and provides for adequate protection to ensure that the Edithvale Wetlands and Bonbeach Coastal Banksia Woodland cannot be damaged by the trench construction proposed by the LXRA for the Edithvale and Bonbeach level crossing removals and of whether the Planning Minister's assessment requires adequate compliance with the IAC recommendations.

The Amendment LAPSED for want of a Seconder

The Substantive Motion was put and CARRIED

8.4 Heritage Overlay - Pompei's Marine Boat Works and Landing

Note: The information provided in Item 8.4 relates to Item 14.2 on the Agenda.

Cr Oxley returned to the meeting at 7:49pm

Question Time

Marian of Chelsea asked,

"Re: 24 hour off leash proposal. 238 respondents to the survey online identified themselves as living interstate. How many of these people voted for the proposal? How many voted against the proposal? How many of the interstate respondents visit Edithvale regularly according the survey – Weekly? Fortnightly? Monthly? Will the Council contact some of these people to enquire what prompted them to complete a survey that has no relevance to them?"

The CEO provided the following response,

"We only have the report for the analysis that has been done on this matter. We do not propose to contact interstate respondents regarding when and how often they visit Edithvale."

Ian Baldock of Braeside asked,

“At last month’s Council meeting (August 2019), I put the following question to Council:

2 months ago at the June Council meeting, I requested the following:

4 years ago I requested that the northern footpath along Lower Dandenong road below Moorabbin Airport be declared a shared cycle with the result that riders older than 12 years would be legally permitted to ride their bikes along it. I was subsequently advised that the dimensions were such that it was not large enough to be declared a shared cycle path. Since then there has been extensive industrial development along Lower Dandenong Road, making any attempts to cycle along this road increasingly hazardous with the increase in heavy industrial traffic. My question is: Since the footpaths have been rebuilt and realigned due to the extensive industrial construction in the airport grounds, could Council ensure that the footpaths to the South of Moorabbin Airport (along Lower Dandenong Road), be formally declared and signed as shared cycling paths in order to allow Kingston residents to ride along them, being safely separated from existing higher-speed traffic?

Unfortunately I still am waiting on a response from Council to this request.

My question is:

When can I expect a response from Council to the above question?

I was informed that:

- 1. My request had been referred to VicRoads and Council was waiting on their response; and*
- 2. I would be sent a copy of Council’s correspondence with VicRoads on this matter.*

Unfortunately, I am still waiting on the promised letter from Council.

My questions are:

- 1. What is the current status of Council’s request to VicRoads; and*
- 2. When can I expect to receive the letter that Council promised to send me at last month’s Council meeting?*

The CEO provided the following response,

“Council will follow up with VicRoads regarding the matter and an update will be provided to Mr Baldock. The letter to Mr Baldock was signed and posted last week.”

Stephen Calvert-Smith of Mentone asked,

“Why was there such a delay in the construction of the building on the Mentone triangle site, corner of Florence Street and Mentone Parade? What did the builder do that he was not supposed to have done and why did he do it? Why did the Council have to engage another builder?”

The CEO provided the following response,

“The private development of the Mentone Triangle has taken longer than anticipated due to the complexity of the restoration of the Heritage Building. Officers are not aware that the builder did anything that was contrary to the approvals which are in place. Council officers are not aware that another builder was engaged on this site?”

Simon of Parkdale asked,

*“Why has Kingston Council placed traffic islands in Parkers Road and narrowed the road in multiple locations on Como Parade in Parkdale and how much did this cost? Why was the community *recently* consulted and given the opportunity to object? Will Council explain to ratepayers why it’s spending so much money narrowing roads, specifically in Parkdale and Mordialloc and what the benefit is in doing so? What is the cost/benefit?”*

The CEO provided the following response,

“Council undertakes various traffic safety works throughout the municipality to protect the safety and amenity of all road users. The cost of the specific project will be provided together with a summary of the consultation in a written response.

Simon of Parkdale asked,

“The cost to cut down or prune a tree used to be set at \$60. Now it’s \$100. Given the millions of dollars that narrowing Beach Road will cost, you don’t appear to be spending our money that well, that ratepayers should be donating extra. How do you justify a 66% increase? Has the performance of Council increased by 66%?”

The CEO provided the following response,

“Council has recently examined the cost of a permit for this service in other municipalities and its fees are now more reflective of the fee charged in other Council areas. Council receives approximately 1,000 applications per year and the fees charged are used to assist in funding the work of the officers who undertake this work. The cost of the Bay Trail is primarily due to construction of the Bay Trail, not changes in some section of Beach Road width, e.g. From Mordialloc Creek to Rennison Street, there is no change.”

Simon of Parkdale asked,

“Kingston Council is rolling out a number of initiatives to prevent family violence. Documents tabled at the last Council meeting describe completely unrelated activities including ‘use books that challenge gender stereotypes in story time at Libraries’ and ‘use gender-neutral and gender sensitive language in service delivery and communications’ and ‘family and children’s centres continue to provide non-gender specific experiences to all children’. My question is:

- *How is this specifically related to preventing family violence?*
- *Is Kingston Council rolling this out on behalf of the widely condemned Labor ‘safe schools’ initiative?*
- *Is Kingston banning the words ‘he’, ‘she’, ‘him’ and ‘her’ per above?”*

The CEO provided the following response,

“Providing gender equity is a significant focus of the strategy. Council has determined the need for the strategy based on research and consultation associated with the development of public health and wellbeing, play, Community Safety Strategy and the issue being of state-wide and national priority.”

Sharon Wyatt of Edithvale asked,

“Section 4.3 ‘Resource Implications’ on page 25 of tonight’s agenda states that ‘a very high and likely unprecedented level of enforcement and oversight would be required...’. The cost to properly patrol the proposed stretch of off leash beach especially during peak periods, such as summer, is envisaged to be approx. \$48,000 and likely substantially more if shifts of inspectors are needed on hot days. Wouldn’t it be a more efficient use of tax payer money to allocate funds over a couple of years to vastly improve facilities at the established off leash areas and raise public awareness of what’s already available.”

The CEO provided the following response,

“This question will be considered as part of the report to be brought to Council regarding this matter.”

Paula Bunden of Chelsea asked,

“If the Council’s own report states that voice control of dogs won’t be possible on busy days, why would this proposal be adopted if it can’t be safely implemented?”

The CEO provided the following response,

“This question will be considered as part of the report to be brought to Council regarding this matter.”

Vicki of Edithvale asked,

“Given the vulnerability of the foreshore reserve vegetation and fauna, does Council consider that if option 2 is implemented as a 12 month trial, too much destruction of vegetation and impact on fauna may occur before the review takes place?”

The CEO provided the following response,

“This question will be considered as part of the report to be brought to Council regarding this matter.”

Vicki of Edithvale asked,

“In the consultation document regular reference is made to dog owners’ responsibility, in relation to liability. Given the Council’s own report outlays 14 areas of increased risk if the proposal goes ahead, does Council consider this may increase its own liability, when aggressive incidents happen on the beach, in particular with the noted increased risk to children and non-English speaking beach users?”

The CEO provided the following response,

“This question will be considered as part of the report to be brought to Council regarding this matter.”

Vicki of Edithvale asked,

“If the upcoming Biodiversity Action Plan in twelve months’ time has the capacity to negate this proposal, wouldn’t it be sensible to complete the Biodiversity review before spending further funds and resources on the dog beach proposal?”

The CEO provided the following response,

“This question will be considered as part of the report to be brought to Council regarding this matter.”

Marian of Chelsea asked,

“Given that 22% of survey respondents stated they were unaware of the existing Mentone 24 hour dog beach, does Council consider it would be more prudent to promote awareness of this beach for dog owners before spending \$48,000 on the allocation of another site?”

The CEO provided the following response,

“This question will be considered as part of the report to be brought to Council regarding this matter.”

9. Community Sustainability Reports

9.1 Youth Awards Model Review

RECOMMENDATION

That Council:

1. Continue to seek nominations from young people aged 12 – 25 for the Young Citizen of the Year and Young Community Group of the Year award categories; and
2. Request the Youth Advisory Committee to develop a new approach to recognising and celebrating the achievements of young people in the City of Kingston.

Note: Refer to page 11 of the Minutes where this item was block resolved.

9.2 CON 18/70 Construction of Edithvale Life Saving Club - Result of Tender Process

Moved: Cr West

Seconded: Cr Oxley

That Council:

1. Proceed with Option 2 (including the concrete roof garden and roller blinds in the social room) and award Contract 18/70 – Construction of Edithvale Life Saving Club project for the adjusted fixed lump sum price of \$4,955,052.00 (exclusive of GST) to 2Construct P/L;
2. Approve the allocation of a separate contingency, as set out in the attached confidential appendix and delegate authority to the CEO to expend this allowance to ensure the successful completion of the project.
3. Note and approve the budget implications arising from this report, as set out in paragraph 4.3.1 of this report.

4. Seek additional funding from the State Government for this project where possible.

CARRIED

9.3 Appointment of Members to the Youth Advisory Committee

Moved: Cr Oxley

Seconded: Cr Barth

That:

1. Given the concerns raised by some Councillors, that Council refer this matter to the Victorian Equal Opportunity and Human Rights Commission and the Commission for Children and Young People for advice and guidance with respect to the appointment of members to the committee.
2. Council develop terms/guidelines for engagement for the Youth Advisory Committee as an appendix to the Terms of Reference.
3. Council bring the report with regards to the membership of the Youth Advisory Committee to the October Council Meeting.

CARRIED

A Division was Called:

DIVISION:

FOR: Crs Barth, Oxley, Staikos and West (4)

AGAINST: Cr Brownlees (1)

ABSTAINED: Crs Gledhill and Hua (2)

CARRIED

10. City Assets and Environment Reports

10.1 Sport and Recreation Strategy - Consultation Findings and Strategy Adoption

RECOMMENDATION

That Council:

1. Note the community consultation findings in response to the draft Sport and Recreation Strategy;
2. Adopt the revised Sport and Recreation Strategy as set out in Appendix 1; and
3. Refer the recommendations and implementation of the Sport and Recreation Strategy to the preparation of Council's future strategic planning and budget processes.

Note: Refer to page 11 of the Minutes where this item was block resolved.

10.2 Contract 18-3 Road Resurfacing Works

RECOMMENDATION

That Council:

1. Award Contract No.18/3 Road Resurfacing Works to Downer EDI Works Pty Ltd based on a schedule of rates contract for a total value up to \$3,000,000 for 21 months period with a further 12 month extension at Council's discretion, to the value of \$1,500,000; 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 11 of the Minutes where this item was block resolved.

10.3 Update To Notice of Motion 10/2016 - Cr Eden - Weed Killer

Moved: Cr Brownlees

Seconded: Cr Gledhill

That Council:

1. Continue to trial the use of Local Safe around Council's 114 playgrounds to 30 June 2019.
2. Receive a further report on the use of alternate treatments to Glyphosate in Council's operations for weed management including consideration of heat application or 'weed burning' as proposed in a recent discussion with officers.

CARRIED

10.4 Tender Evaluation Report for Mentone Renaissance Stage 2 – Shopping Centre Streetscape Works

RECOMMENDATION

That Council:

1. Authorise the Chief Executive Officer or their delegate to award Contract No. 18/69 – Mentone Parade Shopping Centre Streetscape Works – Stage 2 Como Parade West to Florence Street to CDN Constructors Pty Ltd on a Lump Sum basis for the tendered price of \$2,899,712.77 (GST exclusive).
2. Approve a Contingency Allowance of \$150,000.00 ex GST from civil infrastructure capital allocation to cover unexpected financial variations.
3. Authorise the Chief Executive Officer to execute documents for Contract 18/69.

Note: Refer to page 11 of the Minutes where this item was block resolved.

10.5 Heatherton Park Cap Rectification Works

RECOMMENDATION

That Council:

1. Award contract CON-18/59 Heatherton Park Landfill Cap Remediation to Goldsmith Civil and Environmental Pty Ltd for a sum of \$1,111,356.25 including GST in accordance with their tender submission.
2. Authorise allocation of \$263,644 including GST as a contingency amount on contract 18/59.
3. Authorise the CEO or their delegate to execute the contract.

Note: Refer to page 11 of the Minutes where this item was block resolved.

10.6 Response to Notice of Motion No. 15/2016 - Cr Brownlees - Planning Policy (Parking and Rear Setbacks) and to Notice of Motion No. 20/2018 Cr Hua - Impact of Multi-Unit Development on Parking

RECOMMENDATION

That Council:

1. Endorse "Issues and Opportunities Discussion Paper" appended to this report for the purposes of community consultation, in accordance with section 3.2;
2. Receive a further report outlining the consultation feedback, analysis and recommendations for further consideration.

Note: Refer to page 11 of the Minutes where this item was block resolved.

10.7 2018/19 Capital Adjustments post 2017/18 EOFY

RECOMMENDATION

That Council approves the adjustments to the 2018/19 Capital Program as identified in this report and attachments.

Note: Refer to page 11 of the Minutes where this item was block resolved.

10.8 Response to Notice of Motion 26/2017 - Cr West - Trees for Nepean Highway

Procedural Motion

Moved: Cr West

Seconded: Cr Brownlees

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

CARRIED

11. Corporate Services Reports

11.1 Ward Advisory Committees

Moved: Cr Brownlees

Seconded: Cr Gledhill

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.

Amendment

Moved: Cr West

Seconded: Cr Barth

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

Clearly distinguish the purposes of the two categories of Advisory Groups, they be described as Strategic Advisory Committees and Ward Committees.

The Amendment was put and CARRIED

The Amendment became the Motion

Amendment

Moved: Cr West

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

To enable better representation from experienced and involved citizens, to appoint on merit regardless of whether or not they also belong to a Strategic Advisory Committee, subject to the need to represent all sections of the community.

The Amendment LAPSED for want of a Seconder

Amendment

Moved: Cr West

Seconded:

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

To enable the Ward Committees to have the benefit of the experience of the former village committees by inviting applications from former village committee members for Ward Committee membership.

The Amendment LAPSED for want of a Seconder

Amendment

Moved: Cr West

Seconded: Cr Oxley

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

To reconsider the numbers of members of the Strategic Advisory Committees and Ward Committees with a view to all committees having a maximum 21 members.

The Amendment was put and CARRIED

The Amendment became the Motion

Amendment

Moved: Cr West

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

To set terms of three years, beginning with equal numbers of members of three, two and one years to provide continuity and turnover.

The Amendment LAPSED for want of a Seconder

Amendment

Moved: Cr West

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

To allow each Strategic Advisory Committee and Ward Committee to elect a spokesperson to present a maximum of one recommendation per committee meeting to an Ordinary Council Meeting.

The Amendment LAPSED for want of a Seconder

Amendment

Moved: Cr West

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

That there be at least four meetings a year for each committee, with provision for more meetings at the committees' discretion.

The Amendment LAPSED for want of a Seconder

Amendment

Moved: Cr West

Seconded: Cr Oxley

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

That Council consider and receive a report on the implications of providing the same retainer payment to members of Strategic Advisory Committees as to Ward Committees.

The Amendment was put and CARRIED

The Amendment became the Motion

Amendment

Moved: Cr West

Seconded:

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

Delete the sentence allowing direct nomination of community members by Councillors in section 3.1.3 on page 451 of the report.

The Amendment LAPSED for want of a Seconder

The Motion was put and CARRIED

The Resolution reads as follows:

Moved: Cr Brownlees

Seconded: Cr Gledhill

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. Commence operation of the Ward Advisory Committees in February 2019.
4. Clearly distinguish the purposes of the two categories of Advisory Groups, they be described as Strategic Advisory Committees and Ward Committees.
5. Reconsider the numbers of members of the Strategic Advisory Committees and Ward Committees with a view to all committees having a maximum 21 members.
6. Consider and receive a report on the implications of providing the same retainer payment to members of Strategic Advisory Committees as to Ward Committees.

CARRIED

11.2 Meeting Procedures (Amendment) Local Law

RECOMMENDATION

That, having completed the procedure referred to in section 119(2) of the Local Government Act 1989, Council:

1. Make the Meeting Procedures (Amendment) Local Law as attached in Appendix 1 with a commencement date of 25 September 2018;
2. Authorise the affixing of the common seal to the Meeting Procedures Local Law; and
3. Authorise the Chief Executive Officer to :
 - a. Give public notice of the making of the Meeting Procedures Local Law; and
 - b. Send a copy of the Meeting Procedures Local Law to the Minister for Local Government.

Note: Refer to page 11 of the Minutes where this item was block resolved.

11.3 Use of Common Seal Review

RECOMMENDATION

1. That Council no longer require the affixation of the common seal to Section 173 Agreements, Transfer of Land documents, Leases and Licenses and other Contract documents (excepting non-CEO employment contracts) of greater than \$100,000 value.
2. That henceforth the common seal be affixed to such individual documents as Council by Resolution or the Chief Executive Officer as delegate determines should bear the common seal.

Note: Refer to page 11 of the Minutes where this item was block resolved.

11.4 Quick Response Grants

RECOMMENDATION

That Council approve the following grant applications:

- Chelsea PC Support Group - \$1000.00
- Clarinda Baptist Church - \$1000.00

Note: Refer to page 11 of the Minutes where this item was block resolved.

11.5 Assembly of Councillors Record Report

RECOMMENDATION

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

Note: Refer to page 11 of the Minutes where this item was block resolved.

11.6 Community Local Law - Annual Review

RECOMMENDATION

That Council

1. Receive the proposed Community Local Law amendments;
2. Authorise commencement of the statutory process for the making of the proposed Local Law, in accordance with Part 5 of the Local Government Act 1989 (the Act), by giving public notice of its intention to make the proposed Local Law and inviting submissions under section 223 of the Act; and
3. Determine to appoint a committee, in accordance with section 223 of the Act, comprising of Cr Bearsley, Cr Hua and Cr West as nominated to hear the

- submissions in relation to the proposed amending Local Law, at a meeting on Tuesday 13 November 2018, commencing at 5.00pm and report to Council; and
4. In the event that no submissions are received, receive a report to adopt the amending Community Local Law.

Note: Refer to page 11 of the Minutes where this item was block resolved.

11.7 Recording of Public Gallery

RECOMMENDATION

That Council:

1. Adopt the revised *Recording of Meetings Policy* contained in Appendix 1; and
2. Conduct a three month trial of Closed Circuit Television recording of the public gallery commencing October 2018 to assess the capability of the system in terms of image, sound, recording and storage.

Note: Refer to page 11 of the Minutes where this item was block resolved.

11.8 Australia Day Breakfast Options

RECOMMENDATION

That Council:

1. Receive the information;
2. Modify the delivery of the Australia Day Breakfast event to increase the focus on new citizens and community participation in the event.

Note: Refer to page 11 of the Minutes where this item was block resolved.

12. Notices of Motion

Refer to Item 14.1.

13. Urgent Business

There were no further items of Urgent Business.

14. Confidential Items

Moved: Cr Brownlees

Seconded: Cr Gledhill

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. 28/2018 - Cr Staikos - Reappointment of Mr John Nevins as Chief Executive Officer**
This agenda item is confidential in accordance with the Local Government Act s89(2) as it relates to personnel matters (s89 2a)
- 14.2 Heritage Overlay - Pompei's Marine Boat Works and Landing**
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)
- 14.3 July 2017 to May 2018 (2017/18) CEO Performance Review**
This agenda item is confidential in accordance with the Local Government Act s89(2) as it relates to personnel matters (s89 2a)

Confidential Appendices

- 9.2 CON 18/70 Construction of Edithvale Life Saving Club - Result of Tender Process**
Appendix 1, Edithvale LSC - Tender Evaluation Matrix
This appendix is confidential in accordance with the Local Government Act s89(2) as it relates to (s89 2d)
- 9.2 CON 18/70 Construction of Edithvale Life Saving Club - Result of Tender Process**
Appendix 3, Letter from Edithvale Life Saving Club regarding concerns on impacts of work programme - August 2018
This appendix is confidential in accordance with the Local Government Act s89(2) as it relates to (s89 2d)
- 9.2 CON 18/70 Construction of Edithvale Life Saving Club - Result of Tender Process**
Appendix 4, Con 18/70 - comparison of all tender breakdowns against budget allocation - September 2018
This appendix is confidential in accordance with the Local Government Act s89(2) as it relates to (s89 2d)
- 9.2 CON 18/70 Construction of Edithvale Life Saving Club - Result of Tender Process**
Appendix 5, Certificate of OHS Compliance - 2Construct Pty Ltd - September 2018
This appendix is confidential in accordance with the Local Government Act s89(2) as it relates to (s89 2d)
- 9.3 Appointment of Members to the Youth Advisory Committee**
Appendix 2, Youth Advisory Committee - Legal Advice - s77 Confidential Information

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This appendix is confidential in accordance with the Local Government Act s89(2) as it relates to (s89 2f,h)

- 10.2 Contract 18-3 Road Resurfacing Works
Appendix 1, Contract 18-3 Road Resurfacing Works Evaluation Matrix**
This appendix is confidential in accordance with the Local Government Act s89(2) as it relates to (s89 2d)
- 10.2 Contract 18-3 Road Resurfacing Works
Appendix 5, Contract 18-3 Detailed Cost Estimates**
This appendix is confidential in accordance with the Local Government Act s89(2) as it relates to (s89 2d)
- 10.4 Tender Evaluation Report for Mentone Renaissance Stage 2 – Shopping Centre Streetscape Works
Appendix 2, Contract 18-69 - Tender Evaluation Matrix**
This appendix is confidential in accordance with the Local Government Act s89(2) as it relates to (s89 2d)
- 10.5 Heatherton Park Cap Rectification Works
Appendix 1, CON-18/59 Heatherton Park Landfill Cap Remediation Tender Evaluation Report**
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 9.00pm.

Moved: Cr Gledhill

Seconded: Cr Brownlees

That the meeting be opened to members of the public

CARRIED

The meeting was opened to members of the public at 9.26pm.

The meeting closed at 9.26pm.

Confirmed.....

The Mayor 22 October 2018