

# Minutes

## Ordinary Meeting of Council

Tuesday, 28th January 2020

**City of Kingston  
Ordinary Meeting of Council**

**Minutes**

**28 January 2020**

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The meeting commenced at 7.08pm in the Council Chamber, 1230 Nepean Highway, Cheltenham.

**Present:** Cr Georgina Oxley (Mayor)  
Cr Tamara Barth  
Cr Tamsin Bearsley  
Cr Ron Brownlees OAM  
Cr David Eden  
Cr Geoff Gledhill  
Cr Steve Staikos  
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  
Tania Asper, Acting General Manager Planning and Development  
Kesha West, Media and Communications Advisor  
Paul Marsden, Manager City Strategy  
Ian Nice, Manager City Development  
Phil De Losa, Manager Governance  
Gabrielle Pattenden, Governance Officer  
Lindsay Holland, Facilities Officer

**1. Apologies**

An apology from Cr Hua was submitted to the meeting.

**Moved: Cr Bearsley**

**Seconded: Cr Staikos**

That the apology from Cr Hua be received.

**CARRIED**

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

**Moved: Cr Staikos**

**Seconded: Cr Bearsley**

That the Minutes of the Ordinary Meeting of Council held on 9 December 2019 be confirmed.

**CARRIED**

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

The CEO, Julie Reid foreshadowed a declaration of a conflict of interest in Item 14.1.

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**4. Petitions**

**4.1 Calisthenics Park for Edithvale Reserve**

**Moved: Cr Bearsley**

**Seconded: Cr Eden**

That the petition be referred to the CEO for response

**CARRIED**

**4.2 Drinan Road, Chelsea – Traffic**

**Moved: Cr Bearsley**

**Seconded: Cr Eden**

That the petition be referred to the CEO for response

**CARRIED**

**4.3 11 Powlett Street, Mordialloc**

**Moved: Cr Gledhill**

**Seconded: Cr Brownlees**

That the petition be referred to the CEO for response

**CARRIED**

**4.4 10 Groves Street, Aspendale**

**Moved: Cr Bearsley**

**Seconded: Cr Eden**

That the petition be referred to the CEO for response

**CARRIED**

**4.5 Derelict Vehicle - Mentone**

**Moved: Cr Brownlees**

**Seconded: Cr Gledhill**

That the petition be referred to the CEO for response

**CARRIED**

**5. Presentation of Awards**

Mythri Social and Cultural Association

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

Nil

**7. Question Time**

Question time was held at 8.22pm. Refer to page 22 of the minutes.

**Block Resolution**

**Moved: Cr Staikos**

**Seconded: Cr Bearsley**

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

- 8.4 Submission to the Draft Melbourne Industrial and Commercial Land Use Plan
- 10.1 Parking Management Policy - Review
- 10.3 Endorsement of Applications to the State Government's World Game Facilities, Community Facilities and Female Friendly Facilities Funding Programs 2020/2021
- 11.1 Investment Portfolio Report - December 2019
- 11.2 Assembly of Councillors Record Report
- 11.4 Kingston Charitable Fund Grant Assessment Panel - Council Appointed Community Representatives
- 11.5 Quick Response Grants
- 11.6 Award of Contract 19/52 – Cloud Migration of IT Infrastructure

**CARRIED**

**8. Planning and Development Reports**

**8.1 KP-2015/612/A - 215-229 Spring Road Dingley Village**

**Moved: Cr Staikos**

**Seconded: Cr Barth**

That Council determine to support the proposal and issue an amended Planning Permit at 215-229 Spring Road, Dingley Village and endorse the accompanying plans, subject to the exception of the modification of the site's front fence, which must remain in accordance with the front fence approved under the original Planning Permit (KP-2015/612) issued by Council on 4th December 2017 and 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 20 January 2016 and 31 October 2019, but modified to show:
  - (a) The provision of an updated landscape plan in accordance with the submitted development plan and the City of Kingston Landscape Plan Checklist, with such plans to be prepared by a suitably qualified landscape professional and incorporating
    - i. an associated planting schedule showing the proposed location, species type, mature height and width, pot sizes and number of species to be planted on the site. The schedule must be shown on

- the plan;
- ii. the delineation of all garden beds, paving, grassed areas, retaining walls, fences and other landscape works including areas of cut and fill throughout the development;
  - iii. all existing trees on the site and within three (3) metres to the boundary of the site on adjoining properties, accurately illustrated to represent actual canopy width and labelled with botanical name, height and whether the tree is proposed to be retained or removed;
  - iv. the provision of suitable native canopy trees within the front setback and along the perimeter of the site to screen the development;
  - v. the landscaping layout to be informal in design and/or 'natural' plantings incorporated with geometrically aligned/spaced tree avenues and garden beds avoided;
  - vi. a range of plant types from ground covers to large shrubs and trees, species must comprise a minimum of 80% indigenous species, and be provided at adequate planting densities (e.g. plants with a mature width of 1 metre, planted at 1 metre intervals);
  - vii. all trees provided at a minimum of two (2) metres in height at time of planting and medium to large shrubs to be provided at a minimum pot size of 200mm;
  - viii. the provision of notes on the landscape plan regarding site preparation, including the removal of all weeds, proposed mulch, soil types and thickness, subsoil preparation and any specific maintenance requirements; and
  - ix. the existing hard paved areas throughout the balance of the land reinstated as natural features with the exception of an area 30 metres by 33 metres to the south-east of the dwelling.
- b) the provision of a notation on the plan specifying that all materials and finishes will be low to non-reflective;
  - c) the rainwater tank to be relocated to an area adjacent to the dwelling, or other location to the satisfaction of the Responsible Authority;
  - d) existing hard paved areas throughout the balance of the site reinstated as natural features with the exception of an area 30 metres by 33 metres to the south-east of the dwelling.
  - e) the proposed front fence to be constructed of materials in a traditional rural style (i.e. timber, post, wire) along the front of the proposed building footprint.
  - f) external colours and finishes to be of dark, natural and muted tones and with matte finish and non-reflective materials;
  - g) *the proposed driveway nominated to be constructed of a solidified aggregate mixture with dimensions to accommodate emergency vehicles.*
  - h) the location of any reticulated sewerage or on-site wastewater management on the land. If on-site wastewater management is proposed, please provide details of its type and capacity through notations on plan;
  - i) the provision of notations specifying the requirements of Clause 35.04-2 of the Kingston Planning Scheme;

- j) vehicle crossings shown to be constructed at a 90 degree alignment with the kerb on Spring Road and all internal driveways shown to align with the existing/proposed vehicle crossing;
- k) the existing entry shown to be reconstructed to a vehicle crossing 4.6 metres in width and the nature strip and stormwater pit reinstated to the satisfaction of the Responsible Authority;
- l) the proposed vehicle crossing reduced to 4.6 metres in width;
- m) the provision of a full colour, finishes and building materials schedule including a colour palette for all external elevations of the proposed buildings, driveways and pathways of the development.

**Endorsed Plans**

- 2. The development and use as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.
- 3. That the applicant provides Council with a legal document stating that they are aware of the risk from the landfill and of the 500m buffer required by the EPA, and that they are prepared to accept any liability for damage or nuisance arising from these risks.

**Landfill Gas Mitigation**

- 4. Prior to commencement of any works, a design report should be prepared by a suitably qualified consultant which specifies the required gas mitigation measures and verified by an environmental auditor.
- 5. During construction, any deep excavations should be assessed for landfill gases prior to entry, based on occupational health and safety confined space requirements.
- 6. Prior to occupation of the dwelling, an auditor verification letter must be prepared which states that the gas mitigation measures have been installed to a sufficient standard and quality to operate effectively to the satisfaction of the responsible authority.

**Environmental Audit**

- 7. Prior to the commencement of the approved development, an Environmental Audit must be completed pursuant to section 53X of the *Environment Protection Act* 1970, to confirm that the land is suitable for the intended use. If a certificate or a statement of environmental audit is issued or intended to be issued for the land, then:
  - a) The Council must be provided with a copy of the environmental audit report and any clean-up to the extent practicable submission and determination, and a copy of the certificate of environmental audit, or the statement of environmental audit;
  - b) Prior to the commencement of the approved use and development of the land or the issue of an occupancy permit under the *Building Act* 1993 a letter prepared and signed by an environmental auditor in respect of the land must be submitted to the Council to verify that any conditions attached to any statement of environmental audit issued for the land have been satisfied to the extent necessary for the commencement of the use of the land allowed by this permit;
  - c) Any development and use permitted by this permit must comply with conditions imposed in any statement of environmental audit for the land; and

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- d) the owner must enter into an agreement with the Council under [section 173](#) of the [Planning and Environment Act 1987](#) to provide for the following:
  - i. compliance with the conditions of any statement of environmental audit issued in respect of the land; and
  - ii. to notify future occupiers of the land of any conditions attached to any statement of environmental audit.

The agreement must be prepared by or on behalf of the Council and must contain terms and conditions to the satisfaction of the Council. The owner must pay the reasonable Council costs of the preparation, execution and registration of the [section 173](#) agreement.

- 8. The permit holder must, prior to use arrange for a reputable and suitably qualified environmental consultant to provide a letter to the Responsible Authority confirming that the requirements the use of the land in condition 7 have been satisfied.

**Land Management**

- 9. Prior to the occupation of the development hereby approved, a Land Management Plan to the satisfaction of the Responsible Authority must be submitted to, and approved in writing by, the Responsible Authority. When approved the plan will be endorsed and will then form part of the permit. The plan must include, but is not limited to the following:
  - a) Details of the intended use and management of the balance of the land. It should be demonstrated that the balance of the land would be used in a manner that is consistent with the purpose of the Green Wedge Zone;
  - b) Details of the reinstatement of existing hard paved areas with natural features;
  - c) Details of measures to protect and maintain proposed landscaping on the land as shown on the endorsed landscape plan under condition 1 a);
  - d) A weed abatement and management program; and
  - e) Landscaping around the perimeter of the site in accordance with condition 1 a).

The approved Land Management Plan must be implemented to the satisfaction of the Responsible Authority.

**DELWP Biodiversity Conditions**

- 10. Before works start, the permit holder must advise all persons undertaking the (vegetation removal/works) on site of all relevant conditions of this permit
- 11. Before works start, native vegetation protection fencing must be erected around all native vegetation to be retained on site. This fencing must be erected around the native vegetation at a minimum distance of 2 metres from retained native vegetation and at a radius of 12x the diameter at breast height (DBH) to a maximum of 15 metres but no less than 2 metres from the base of the trunk of the trees.
- 12. The protection fencing must be constructed to the satisfaction of the Responsible Authority. The protection fencing must remain in place at least until all works are completed to the satisfaction of the responsible authority. Except with the written consent of the Responsible Authority, within this area;
  - a) no vehicular or pedestrian access, trenching or soil excavation is to occur,

- b) no storage or dumping of tools, equipment or waste is to occur,
  - c) no entry and exit pits for underground services are to be constructed.
13. In order to offset the removal of 0.150 hectares of native vegetation approved as part of this permit, the applicant must provide a native vegetation offset that meets the following requirements and is in accordance with the *Permitted clearing of native vegetation – Biodiversity assessment guidelines and the Native vegetation gain scoring manual*:
- The general offset must:
- a) contribute gain of 0.011 general biodiversity equivalence units;
  - b) be located within the Port Phillip and Westernport Catchment Management Authority boundary or City of Kingston municipal district; and
  - c) have a strategic biodiversity score of at least 0.181.
14. Before any native vegetation is removed, evidence that an offset has been secured must be provided to the satisfaction of the Responsible Authority. This offset must meet the offset requirements set out in this permit and be in accordance with the requirements of *Permitted clearing of native vegetation – Biodiversity assessment guidelines and the Native vegetation gain scoring manual*. Offset evidence can be either:
- a) a security agreement, to the required standard, for the offset site or sites, including a 10 year offset management plan.
  - b) a credit register extract from the Native Vegetation Credit Register
15. Every year, for ten years, after the Responsible Authority has approved the offset management plan, the Applicant must provide notification to the Responsible Authority of the management actions undertaken towards the implementation of the offset management plan. An offset site condition statement, including photographs must be included in this notification.

**United Energy requirements**

16. The applicant must enter into an agreement with United Energy for an extension, upgrade and/or re-arrangement 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
  - c) Making a payment to United Energy to cover the cost of preparing such documentation and work.

**Stormwater Management**

17. Stormwater drainage of the site must be provided so as to prevent any overflows onto adjacent properties and be directed to the nominated point of discharge.

**Sewerage**

18. The dwelling must be connected to reticulated sewerage prior to the commencement of the use.
19. 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.

**Reticulated water**

20. The dwelling must be connected to reticulated water prior to the

commencement of the use.

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

**Roads and Drains**

22. The existing entry is to be reconstructed to a vehicle crossing 4.6 metres in width and the nature strip and storm water pit reinstated to the satisfaction of the Responsible Authority.
23. Vehicle crossings must be constructed at a 90 degree alignment with the kerb on Spring Road and all internal driveways must align with the existing/proposed vehicle crossing.
24. Prior to the commencement of the development, property boundary, footpath and vehicle crossing levels must be obtained from Council's Roads and Drains Department with all levels raised or lowered to the satisfaction of the Responsible Authority.
25. The replacement of all footpaths, including offsets, must be constructed to the satisfaction of the Responsible Authority.
26. All reinstatements and vehicle crossings must be constructed to the satisfaction of the Responsible Authority.
27. All redundant vehicle crossings must be removed (including redundant portions of vehicle crossings) to the satisfaction of the Responsible Authority.
28. All front and side fences must be contained wholly within the title property boundaries of the subject land.

**Prior to Occupation**

29. Within six (6) months from occupation of the dwelling hereby permitted (or otherwise agreed to in writing by the Responsible Authority), landscaping works as shown on the endorsed plans must be completed to the satisfaction of the Responsible Authority. The landscaping must then be maintained to the satisfaction of the Responsible Authority.
30. Prior to the occupation of the dwelling hereby permitted, all buildings and works and the conditions of this permit must be complied with, unless with the further prior written consent of the Responsible Authority.

**Completion of Development**

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

**Permit Expiry**

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

In accordance with Section 69 of The Act, the responsible authority may extend the

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periods referred to if a request is made in writing:

- before the permit expires; or
- within six (6) months after the permit expiry date, where the use and 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 side entry storm water pit within the vehicle crossing must be constructed to the satisfaction of the Responsible Authority.

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

**Note:** Prior to the commencement of the development, you are required to obtain the necessary Health Department approval for any wastewater treatment system on the land.

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

**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		<ul style="list-style-type: none"> <li>• Condition 1 a) ix. and condition 1 d) amended to exclude a 30 m by 33 m hard stand area from being removed as required by these conditions.</li> <li>• Condition 1 e) amended to require new fencing along the front of the proposed building footprint only.</li> <li>• Condition 1 g) amended to allow for a solidified aggregate driveway in lieu of a rural-like surface (i.e.</li> </ul>	Kingston City Council

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		<p>loose rock/gravel).</p> <ul style="list-style-type: none"><li>• Conditions 1 k), l) and condition 22 amended to allow for a 4.6 metre wide crossover in lieu of 3 metres.</li><li>• The plans amended to reflect the above changes in addition to internal and external changes to the dwelling/garages.</li></ul>	
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**CARRIED**

**8.2 KP-2019/629 - 15 Lord Weaver Grove, Bonbeach**

**Moved: Cr Bearsley**

**Seconded: Cr Eden**

That Council determine to support the proposal and issue a Planning Permit to use the land as an innominate use (Lifesaving Club) and the removal of native vegetation at 15 Lord Weaver Grove Bonbeach, subject to the following conditions:

1. Before any permitted clearing of native vegetation 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 form part of this permit. All works constructed or carried out must be in accordance with the endorsed plan. The plans must be drawn to scale with dimensions and georeferenced that clearly show:
  - a) the location and identification of the land affected by this permit, including standard parcel identifiers for freehold land;
  - b) all native vegetation to be retained and describing the measures to be used to protect the identified vegetation during construction
  - c) the location and area of all native vegetation present, including scattered trees, that are permitted to be removed under this permit; and
  - d) the location and area of all planted vegetation to be removed.
2. The use and vegetation removal as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.

**Traffic**

3. The collapsible bollard at the end of Lord Weaver Lane must be frangible.
4. The garage door of the LSV trailer must be located 1.3m south to provide a manoeuvring space for the vehicle to exit the disabled parking bay

**Cultural Heritage Management Plan**

5. All works must be carried out in accordance with the Cultural Heritage Management Plan 16224 dated 19 July 2019 prepared by Biosis.

**Department of Environment, Land, Water and Planning**

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6. The works are to be carried out generally in accordance with application:
  - 'BONBEACH LIFESAVING CLUB REDEVELOPMENT' received on 01/11/19 prepared by Kingston City Council.
7. Any modification to the works proposed will require further approval by the Regional Director, Port Phillip Region, Department of Environment, Land, Water and Planning (DELWP).
8. Prior to works commencing, a construction environmental management plan must be prepared to the satisfaction of Kingston City Council.
9. All revegetation must utilise indigenous species.
10. Indigenous vegetation (other than approved under this consent) must not be damaged or removed as a result of the works.
11. The construction site must be managed in accordance with EPA Publication No. 981 Reducing Stormwater Pollution from Construction Sites (May 2005).
12. Construction equipment, building materials, refuse and site run-off must be contained and controlled and not permitted to impact on the beach or enter Port Phillip Bay.
13. All works must be completed and maintained to the satisfaction of Kingston City Council.
14. This consent under the *Marine and Coastal Act 2018* will expire if the works are not completed within three years of the date of issue, unless an extension of time is applied for and granted by the Regional Director, Port Phillip Region, DELWP.

**Vegetation Removal Conditions**

15. Before works start, the permit holder must advise all persons undertaking the vegetation removal or works on site of all relevant permit conditions and associated statutory requirements or approvals.
16. The total area of native vegetation proposed to be removed totals 0.013ha, comprised of:
  - a) 3 patches of native vegetation with a total area of 0.013ha.
17. To offset the permitted clearing in accordance with Guidelines for the removal, destruction or lopping of native vegetation (DELWP 2017), the permit holder must secure general offset of 0.003 general habitat units:
  - a) located within the Port Phillip and Westernport Catchment Management boundary or Kingston municipal area.
  - b) with a minimum strategic biodiversity score of at least 0.2.
18. Before any native vegetation is removed, evidence that the required offset by this permit has been secured must be provided to the satisfaction of the responsible authority. This evidence must be one or both of the following:
  - a) an established first party offset site including a security agreement signed by both parties, and a management plan detailing the 10-year management actions and ongoing management of the site, and/or
  - b) credit extract(s) allocated to the permit from the Native Vegetation Credit Register.
19. A copy of the offset evidence will be endorsed by the responsible authority and form part of this permit. Within 30 days of endorsement of the offset evidence, a copy of the endorsed offset evidence must be provided to Planning Approvals at

the Department of Environment, Land, Water and Planning, Port Phillip regional office.

20. Where the offset includes a first party offset(s), the permit holder must provide an annual offset site report to the responsible authority by the anniversary date of the execution of the offset security agreement, for a period of 10 consecutive years. After the tenth year, the landowner must provide a report at the reasonable request of a statutory authority.
21. Within 6 months of the conclusion of the permitted clearing of native vegetation under this permit, the offset requirements can be reconciled with the written agreement of the responsible authority and the Department of Environment, Land, Water and Planning.
22. Within the area of native vegetation to be retained and any tree protection zone associated with the permitted use and/or development, the following is prohibited:
  - a) Any vehicle or pedestrian access, trenching or soil excavation, and
  - b) Storage or dumping of any soils, materials, equipment, vehicles, machinery or waste products, and
  - c) Entry or exit pits for underground services, and
  - d) Any other actions or activities that may result in adverse impacts to retained native vegetation.

**Construction Management Plan (CMP)**

23. Prior to the commencement of any buildings and works on the land (including vegetation removal), a Construction Management Plan (CMP) must be submitted to the satisfaction of the Responsible Authority. The CMP must be prepared in accordance with the City of Kingston Construction Management Guidelines, October 2016 (and any superseding versions and/or documents) and include a completed copy of the CMP checklist. The CMP must respond to, but is not limited to the following requirements:
  - i. Element 1 - Public Safety, Amenity and Site Security.
  - ii. Element 2 - Traffic Management
  - iii. Element 3 - Stakeholder Management.
  - iv. Element 4 - Operating Hours, Noise and Vibration Controls.
  - v. Element 5 - Air Quality and Dust Management.
  - vi. Element 6 - Stormwater and Sediment Control.
  - vii. Element 7 - Waste and Materials Re-use.
  - viii. Element 8 – Vegetation
  - ix. A detailed description of the measures to be implemented to protect the native vegetation to be retained during construction works, and the person/s responsible for implementation and compliance. These measures must include the erection of a native vegetation protection fence around all native vegetation to be retained on site, to the satisfaction of the responsible authority, including the tree protection zones of all native trees to be retained. All tree protection zones must comply with AS 4970-2009 Protection of Trees on Development Sites, to the satisfaction of the responsible authority.

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

**Ancillary Use**

24. A Third Party Hire Agreement must be prepared for the ancillary function centre and submitted to the satisfaction of the responsible authority in accordance with Kingston City Council's *Lease and Licence Policy 2018* (or as amended time to time). The Agreement will then be endorsed and form part of the permit. This Agreement must include, but is not limited to the following information:
- a) The suggested strategies for the management of patrons departing the premises
  - b) A section that provides for a nominated person and contact details for each event; and
  - c) A copy of the planning permit.
25. Prior to the commencement of the ancillary use, a register must be prepared which manages and records any complaints regarding the operation of the premises during events held by third parties. The register must be held on-site and available to inspect at any time by the responsible authority.
26. The ancillary use must only operate during the following hours unless with the written consent of the Responsible Authority:
- |                   |                      |
|-------------------|----------------------|
| Sunday – Thursday | 5.00am – 10.30 pm    |
| Friday – Saturday | 5.00am – 12 midnight |
27. Functions held at the venue on a Friday or Saturday must not operate later than 11.30pm on the day of the function, with the building vacated by 12 midnight on these day.
28. No more than 98 patrons are permitted at any one time within the ancillary function centre.

**General amenity conditions**

29. The amenity of the area must not be detrimentally affected by the use, through the:
- a) Transport of materials, goods or commodities to or from the land.
  - b) Appearance of any building, works or materials.
  - c) Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam,
  - d) soot, ash, dust, waste water, waste products, grit or oil.
  - e) Presence of vermin.
  - f) Any other way.
30. The use of the site shall not cause nuisance or be detrimental to the amenity of the neighbourhood by the emission of noise. In this regard any nuisance shall be assessed in accordance with the Australian Standards A51055 and A52107 relating to the measurement of Environmental Noise and recommended sound levels.

**Time Limit**

31. 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:

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- The use and works are not started before two (2) years from date of this permit.
- The works are 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 you are required to obtain the necessary Building Permit.

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

**CARRIED**

**8.3 Proposed Amendment to Mordialloc Alcohol Free Zone**

**Moved: Cr Gledhill**

**Seconded: Cr Brownlees**

That Council proceed with amending the current Mordialloc alcohol free zone to become a 24-hour alcohol free zone.

**CARRIED**

**8.4 Submission to the Draft Melbourne Industrial and Commercial Land Use Plan**

**RECOMMENDATION**

That Council endorse the submission to the draft Melbourne Industrial and Commercial Land Use Plan at Appendix 1.

**Note:** Refer to page 5 of the minutes where this item was block resolved.

**8.5 Removal of Confidential Designation - Parking**

**Moved: Cr Staikos**

**Seconded: Cr Brownlees**

That Council, in accordance with section 77(2)(b) of the Local Government Act 1989, determine that the resolution for agenda item 14.4 'Parking Enforcement and Administrative Functions' at the Ordinary Meeting of Council on 28 October 2019 not be confidential from 18 February 2020.

**CARRIED**

**8.6 Municipal Boundary Change - Cheltenham Level Crossing Removal Works**

**Moved: Cr Staikos**

**Seconded: Cr Gledhill**

That Council:

1. Instruct the Chief Executive Officer to do all things necessary to finalise an agreement for relocation of the municipal boundary with the Bayside City Council, generally in accordance with the plan contained in Appendix 1 and in accordance with the following conditions:
  - a) The principles contained within the Cheltenham Park Interface Document contained in Appendix 2 be those which Kingston City Council would support on the basis a Planning Scheme Amendment were pursued for land located over the planned rail trench.
  - b) On the basis that any future development over the planned rail trench is subdivided and a Public Open Space Contribution is secured, the contribution, as it applies to the proportion of development that is subdivided on what is presently on the Bayside side of the existing municipal boundary, be expended in the Cheltenham Park.
  - c) On the basis land is rezoned for future redevelopment above the rail trench and development occurs, Council make a one-off payment to Bayside City Council at the time of issue of an occupancy permit and based on the assumed rating value of future development on the existing Bayside side of the municipal boundary, to a maximum value of \$35,000, based on a request from Bayside City Council to receive 10% of the rate revenue for the first 10 years of the development to cover its municipal expenses.
  - d) Address any other matters that arise that are required to administer the boundary change in accordance with the above.
2. Upon completion of an agreement that is to the satisfaction of the Chief Executive Officer of both Councils, a letter be prepared to the Minister for Local Government informing the Minister of the agreement.

**CARRIED**

**9. Community Sustainability Reports**

Nil

**10. City Assets and Environment Reports**

**10.1 Parking Management Policy - Review**

**RECOMMENDATION**

That Council:

1. Note the extensive feedback from the Ward Committee meetings, Kingston Parking Strategy, customer feedback and internal review on parking permit areas, fees, eligibility, and the number of permits.
2. Endorse the draft Parking Management Policy to be released for community engagement in February 2020 for a period of four weeks.
3. Extend the current Parking Management Policy 2016, due to expire on 31 December 2019, to 30 June 2020.

**Note:** Refer to page 5 of the minutes where this item was block resolved.

**10.2 Como Parade West, Mentone - Contribution to Footpath and Bus Bay Works**

**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**

**10.3 Endorsement of Applications to the State Government's World Game Facilities, Community Facilities and Female Friendly Facilities Funding Programs 2020/2021**

**RECOMMENDATION**

That Council:

1. Endorse the submission of the following projects as applications to the State Government's World Game Facilities, Community Facilities and Female Friendly Facilities 2020/21 funding programs:
  - a) Female Friendly Facilities – Relocatable change facilities at Edithvale Common and Bonbeach Sporting Reserve;
  - b) World Game Facilities – Synthetic pitch No. 3 upgrade, Kingston Heath Regional Soccer Complex, Community Facilities Fund;
  - c) Community Facilities –Bowling Green Upgrade and Sports Lighting, Chelsea Bowls Club; and
  - d) Community Facilities - Dolamore Reserve Athletics Track Renewal (applications to future funding programs were endorsed by Council on 24<sup>th</sup> June 2019).
2. Refer the funding of applications to the State Government's World Game Facilities, Community Facilities and Female Friendly Facilities 2020/21 funding programs to the preparation of future Council budgets.

**Note:** Refer to page 5 of the minutes where this item was block resolved.

**11. Corporate Services Reports**

**11.1 Investment Portfolio Report - December 2019**

**RECOMMENDATION**

That Council note that its funds as at 31 December 2019 are invested in line with the risk management profile prescribed in Council's Investment policy.

**Note:** Refer to page 5 of the minutes where this item was block resolved.

**11.2 Assembly of Councillors Record Report**

**RECOMMENDATION**

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

**Note:** Refer to page 5 of the minutes where this item was block resolved.

**11.3 Bushfire Recovery Funding**

**Moved: Cr Staikos**

**Seconded: Cr Eden**

That Council:

1. Extend its sympathy to people and communities who have suffered losses from the recent bushfires that have devastated large parts of Australia;
2. Express its thanks to all emergency and welfare services personnel who have worked to protect and support those impacted by the bushfires;
3. Allocate \$50,000 to a recovery project to be determined in consultation with the Shire of Towong that will be a lasting legacy in that community;
4. Donate the proceeds of the 2020 Mordialloc Festival gold coin entry and Bushfire Fundraiser Wine Sales at the Pop Up Bar to be shared equally between Wildlife Victoria and Zoos Victoria;
5. Continue to make staff available upon request from the MAV or affected Councils;
6. Waive the Council facility hire fees for legitimate bushfire fundraising efforts by Community Groups to 30 June 2020;
7. Continue to inform the Kingston community of Federal and State Government and emergency agencies messages through appropriate channels; and
8. Work with St Kilda Football Club to identify opportunities to work together in support of bushfire fundraising in conjunction with AFLW and preseason games at Linton Street.

**CARRIED**

**11.4 Kingston Charitable Fund Grant Assessment Panel - Council Appointed  
Community Representatives**

**RECOMMENDATION**

That Council:

1. Appoint Inge Remmits and Tim Owen to the Kingston Charitable Fund Grant Assessment Panel for a two-year term expiring on 30 November 2019; and
2. Thank Jill Page OAM and Katrina Francis for their contribution to the Charitable Fund Grants Assessment Panel over the last two years.

**Note:** Refer to page 5 of the minutes where this item was block resolved.

**11.5 Quick Response Grants**

**RECOMMENDATION**

That Council approve the following grant applications:

- Chelsea and District Basketball Association - \$1000.00
- Melbourne Schole Community - \$500.00
- Ashley Howard - \$350.00
- Chelsea Kindergarten - \$1000.00

That Council not approve the following grant application:

- Christine Yeghyaian

**Note:** Refer to page 5 of the minutes where this item was block resolved.

**11.6 Award of Contract 19/52 – Cloud Migration of IT Infrastructure**

**RECOMMENDATION**

That Council:

1. Award Contract 19/52 – Cloud migration of IT infrastructure as a lump sum contract with a schedule of rates contract to Thomas Duryea Logicalis Pty Ltd for an estimated value of \$2.495 million (exclusive of GST) for a term of up to 4 years (2+2).
2. Delegate the authority to the Chief Executive Officer to execute Contract 19/52.
3. Delegate the authority to the Chief Executive Officer to execute the option for extending Contract 19/52 for a further two (2) years beyond the initial term of two (2) years on the recommendation of the Manager Information Services and Strategy.

**Note:** Refer to page 5 of the minutes where this item was block resolved.

**Question Time**

Cr Oxley left the meeting at 8:22pm

Cr Bearsley left the meeting at 8:23pm

Cr Oxley returned to the meeting at 8:25pm

Cr Eden left the meeting at 8:27pm

Cr Bearsley returned to the meeting at 8:30pm

Cr Staikos left the meeting at 8:36pm

Cr Eden returned to the meeting at 8:38pm

Cr Staikos returned to the meeting at 8:39pm

Cr Staikos left the meeting at 8:40pm

**Ian MacCallum of Heatherton asked,**

*“At the UN Summit in September last year Prime Minister Scott Morrison claimed Australia was on track to meet its Carbon Emission Targets. Doctor John Hewson, former Leader of the Liberal Party responded at the Australian Farm Institute Roundtable in Canberra, stating that, “The comments made by the Prime Minister at the UN, that we are going to meet our emissions targets, was a gross misrepresentation and was staggering for someone in his position.” The reason the Prime Minister can claim this is because when Labor introduced the carbon tax, emissions did fall. Additionally the government is accounting for the use of carryover credits, the only country to do so. It is the case however that Australia’s emissions overall have continued to rise under the Coalition government. Is Kingston City Council prepared to advocate for much stronger Carbon Emissions Targets?”*

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

*“Council’s adopted Climate Change Strategy includes a commitment to:*

- *Reducing Council emissions by 30% by the end of 2020*
- *Achieving zero corporate net emissions by 2050*
- *Supporting our community to reduce emissions by 20% to 2025*

*Significant opportunity exists to explore further ways in which Council can support its community in addressing the impacts of climate change. This would require close consultation with the community and would need to be scoped further from a resource and cost perspective in the event that Council were to declare a climate emergency. The scope of this work would likely include consideration of the targets endorsed by Council in 2018.”*

**Ian MacCallum of Heatherton asked,**

*“Tonight you will be considering a motion to declare a climate and ecological emergency and I am grateful for this. This year the early onset of the fire season, the intensity and duration of the fires, the prolonged drought, the air pollution and many other factors have served to bring the stark reality of global warming directly into our homes and our lives. For those who have read the hard science it is clear what we have been experiencing goes far beyond the normal variability in Australian weather conditions. As the time for debating the science of climate change is over and the time for action has arrived I am assuming the motion will be carried. Therefore, I would like to know how quickly the council will develop an action plan for mitigation and*

*adaptation in response to this emergency. Will you start immediately, with the aim to complete it by 1st November 2020 at the latest?"*

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

*"In the event that Council resolves tonight to declare a climate change emergency, officers would immediately proceed to scope the work required to develop the action plan. This would include consideration of resourcing and budget allocations which would in turn inform the timeframes for project delivery."*

**Robyn Erwin of Chelsea asked,**

*"In order to safeguard the health and wellbeing of Kingston's residents and in light of the current climate emergency, will Council review the Council Plan to incorporate strategies that ensure that consideration of climate is incorporated into every council strategy and procedure for all departments in terms of actions to mitigate the extent of climate and to adapt to its impacts?"*

**The General Manager Corporate Services provided the following response:**

*"Council is yet to consider this item tonight but as Ms Asper said, Council officers will formulate the response having regard to questions that have been asked here."*

**Robyn Erwin of Chelsea asked,**

*"Given Kingston's large areas of open spaces, both within the Green Wedge and other areas, and in light of growing food shortages expected under a climate emergency, what steps will Kingston take to increase and support production of food within the City?"*

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

*"As part of its review of the Kingston Green Wedge Management Plan (2011), Council has recently appointed consultant firm RMCG to undertake an Agricultural Preservation and Strengthening Strategy. Focussing on land in the Kingston Green Wedge, this strategy will identify ways to support the retention of existing agricultural activities and provide direction as to what form of agricultural model could be sustained into the future. Concurrent to this, Council officers are also considering the role of food production in urban areas through the delivery of community gardens, with an initial focus on exploring the feasibility of a community garden in Dingley Village."*

**Genevieve Moore asked,**

With the climate emergency how will Council address the problem of rising sea levels in the low lying areas of Aspendale, Chelsea and Edithvale?

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

*"As this matter will be discussed at Item 12.2 the Notice of Motion, it will form part of the officer report back to Council should the Notice of Motion be adopted."*

**Sarah Kane Lawson of Parkdale asked,**

*"Will the City of Kingston follow in the footsteps of other SECCCA members and our neighbour Frankston in declaring a climate emergency and support our community to reduce its emissions through education and innovative schemes such as discounted purchasing of solar panels and energy efficient devices?"*

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

*“This will form part of the officer report back to Council should the Notice of Motion be adopted.”*

**Michael J Moore asked,**

*“In light of the climate emergency will Council invest in electric hybrid vehicles and install solar panels on all of their buildings?”*

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

*“This is an outcome of Council’s adopted Climate Change Strategy. To date, Council has invested more than \$500K to install solar on Council buildings. Council will continue to focus on reducing community emissions through a range of interventions including increasing the uptake of electric vehicles and installing solar on further Council buildings.”*

**Alex Breskin of Mentone asked,**

*“What is Kingston Council going to do for the next generation of residents with Climate Change right around the corner and already wreaking havoc on our bush, our agriculture and our livelihoods?”*

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

*“This will form part of the officer report back to Council should the Notice of Motion be adopted.”*

**Giulia Waddell of Parkdale asked,**

*“I believe climate change is the single most important global issue – if it’s not fixed, nothing else matters. How can Council, with its ability to disseminate information widely, help change the attitude of people who say (to me, for example) “I’m not worried – she’ll be right”.*

**Juliana Michaelides of Mentone asked,**

*“What aspects of climate change e.g. sea level rises, loss of the Great Barrier Reef, melting of the poles, the bushfires this year (so far) would weigh on the decision for Kingston Council to declare a “Climate Emergency” and implement an appropriate follow up Plan of Action?”*

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

*“This will form part of the officer report back to Council should the Notice of Motion be adopted.”*

**Ron Gordon of Mentone asked,**

*“At the Ordinary Meeting of Council of 25 November 2109 I asked as outlined on page 30 of the minutes of the Ordinary Meeting of Council:*

*“At the Ordinary Meetings of Council in July, August and September 2019 I have asked for the left hand turn out of Como Parade West into Mentone Parade be reinstated to improve connectivity within Mentone and to ease the traffic flows in Commercial Road Mentone for the benefit of the local residents.*

*The CEO John Nevins and the General Manager City Assets and Environment Daniel Freer have provided answers to the effect that Council has monitored the situation and are working their way through results with the view to continue to monitor the traffic movements through the area. I asked in October 2019 – given that four months of monitoring has taken place can the conclusions drawn from this research be provided so that a clear understanding of what Council is prepared to take to reintroduce the left hand turn out of Como Parade West into Mentone Parade be revealed please – for which the following answer was provided by Ross Gregory Manager Traffic and Transport in a letter dated 8 November 2019: “I note the Council report of July 2019 explored the provision of a left turn from Como Parade West into Mentone Parade and determined the dimensions of the intersection do not allow vehicles to make this turn. This means extensive work, including the removal of the palm tree, would be required to allow the left turns. Additionally, pedestrian movements at this intersection would be negatively affected. This work was estimated to be in the order of \$100,000 but could vary substantially from this depending on the final scope. Given the community support for the changes that have already been made, officers’ observations they have had the desired effect and the substantial impact of further works it is not considered warranted to reopen the left turn at Como Parade West into Mentone Parade at this stage.” Given that Cr Geoff Gledhill’s successful Notice of Motion dated 3<sup>rd</sup> May 2019 requested that officers immediately consider the reinstatement of a left hand turn from Como Parade West into Mentone Parade and that the 1000 signatories of the supporting petition were of the view that a left hand turn would be reinstated at what stage will Council consider reinstating the Left Hand Turn warranted. As the lack of a Left Hand Turn at this location continues to push traffic into residential areas like Commercial Road Mentone could Council solicit the views of Commercial Road residents on the extra traffic in their street and publish the findings for Council and the Community to better understand the need for reinstating this left hand turn for northbound traffic on Como Parade West at Mentone Parade please.”*

*And the General Manager of City Assets and Environment provided the following response as recoded in the minutes of the Ordinary Meeting of Council of 25 November 2019:*

*“This question will be taken on notice and a written response provided.”*

*Because the manager undertook to take this question on notice and provide a written response can I inform the Chamber that I am not in receipt of a written response and given that it is now the 28<sup>th</sup> of January 2020 can I request that a response be provided at the manager’s earliest convenience as the lack of Left Hand Turn at Como Parade West and Mentone Parade Mentone is still adversely impacting those who live and work and visit Mentone.”*

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

*“I understand officers have spoken to Mr Gordon, however and I apologise to Mr Gordon understood a response was provide so I apologise if he has not received a written response. I will follow that up as a matter of priority.”*

**Ron Gordon of Mentone asked,**

*“The pedestrian crossing at the intersection of Florence Street and Mentone Parade Mentone was brought into focus the other day when a woman complained she had to take evasive action from two fast moving bike riders at the crossing last week as she entered it from Florence Street. An inspection of the crossing reveals I believe some inadequacy with the walking feet signage at the crossing. Motorist and bike riders*

*travelling north in Mentone Parade have a walking feet sign visible on the right hand side but not to the left because these signs are positioned from Florence Street – this deficiency could have contributed to the near miss that was brought to my attention. The absence of readable walking feet signage on the left hand side for traffic travelling north in Mentone Parade (the opposite situation prevails for traffic travelling south in Mentone Parade – no visible walking feet on the right hand side) needs to be reviewed in my view and I ask that an onsite inspection be made with the view to providing recommendations on rectifying this potential hazard for pedestrians and vehicular traffic alike. And the other walking feet signs in Mentone have flashing lights as well – why does this crossing not have flashing lights as well?”*

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

*“I will undertake to set up a site meeting with Mr Gordon and officers from the traffic department and work through these issues with him.”*

**Ron Gordon of Mentone asked,**

*“At the Ordinary Meeting of Council of the 25<sup>th</sup> of November 2019 I asked the following question and was provided with an initial response from the General Manager City Assets ad Environment together with a promise of the provision of follow up information:*

*“Mentone Activity Centre is a significant destination and travellers would expect clear signage to assist them in reaching this destination. A quick survey of the outlying entry points to Mentone like Nepean Highway, Warrigal Road, Beach Road and Charman Road reveals at best a smattering of signs directing travellers to Mentone. Which City of Kingston department is responsible for overseeing this service and which Council officer within that department would be best suited to contact in regard to: 1. Establishing a record of what Mentone this way signage is currently in place, 2. Identifying any deficiencies in the Mentone this way signage, 3. Developing a plan to overcome any deficiencies in the Mentone this way signage identified.”*

*In addition to the response I received on 25 November 2019 I had a Council Officer telephone me the next day to clarify the extent of my question which I believe from the conversation we had that he was fully conversant with my request and indicated that I would be kept informed of their progress on rectifying deficiencies in the Mentone this way signage. Given that it is now 28 January 2020 and that no further information has been exchanged since 26 November 2019 in regard to the Mentone this way signage in question. Can I receive an update on the progress made so far together with what is planned to improve this signage please”*

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

*“I will need to take that on notice and follow up on the progress and I will make sure as a matter of priority that we get back to Mr Gordon.”*

**12. Notices of Motion**

**12.2 Notice of Motion No. 2/2020 - Cr West - Declaring a Climate and Ecological Emergency**

Cr Staikos returned to the meeting at 8:42pm

**Moved: Cr West**

**Seconded: Cr Staikos**

That Council:

1. Note that the Municipal Association of Victoria (MAV) Council (May 2019) and the Australian Local Government Association (ALGA) National General Assembly (June 2019), and fellow SECCCA Councils Port Phillip, Bayside, Mornington Peninsula, Cardinia and Bass Coast, as well as neighbouring Frankston have resolved to declare a climate emergency;
2. Note that 85 local councils across Australia representing 29% of the Australian population have declared climate emergencies;
3. Acknowledge the positive work already undertaken by Council through the Climate Change Strategy 2018-2025, our membership of SECCCA, Sustainable Design Assessment in the Planning Process (SDAPP) program, etc
4. Acknowledge that current levels of global warming and future warming already committed constitute a climate emergency, requiring an emergency response by all levels of government, including local government.
5. Declare a Climate and Ecological Emergency in line with the overwhelming consensus of climate science, which indicates rising global temperatures are putting our local economy, people, species, and ecosystems at risk as evidenced by the recent bushfires.
6. Undertake to work with our diverse multicultural communities to raise awareness of climate change, and undertakes to support community action to mitigate greenhouse gas emissions and build environmental resilience.
7. Investigate the financial viability of divestment within council financing, with the aim of moving away from financial institutions, which fund the fossil fuel industry.
8. Ensure there is a Net Gain of trees and of native vegetation in Kingston by ensuring that every tree that is removed is replaced by at least three trees, that other native vegetation that is removed is replaced twofold as close as possible to where it has been removed from, with the costs borne by whatever developer or infrastructure authority has required the removal.
9. Fund a climate change action plan in the 2020-2021 budget cycle, with a focus on giving priority to policy and actions that will provide for both mitigation and adaptation in response to accelerating global warming and climate change, and that this is emphasised as a key priority in the next Council Plan.
10. Call upon State and Federal governments to:
  - a) Declare a climate and ecological emergency.
  - b) Back this up with programs to drive emergency action to reduce greenhouse gases and meet the lower target of the Paris Agreement to keep global warming below 1.5 degrees.
11. Work to establish a National Climate Response Plan that involves the three levels of government to mitigate climate-caused risks based on climate science

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evidence.

12. Further that officers provide a report including recommendations regarding how best these objectives can be met no later than March 2020, including costings, and that in the meantime, work these objectives proceeds to the value of \$25,000.

**CARRIED**

**Procedural Motion**

**Moved: Cr Brownlees**

**Seconded: Cr Bearsley**

That Cr Gledhill be granted an extension of time to speak on the matter.

**CARRIED**

**Procedural Motion**

**Moved: Cr Gledhill**

**Seconded: Cr Brownlees**

That Cr Bearsley be granted an extension of time to speak on the matter.

**CARRIED**

Cr Barth left the meeting at 9:14pm

**12.1 Notice of Motion No. 1/2020 - Cr Staikos - Relocation of the Alex Fraser Concrete Crusher Facility**

**Moved: Cr Staikos**

**Seconded: Cr Eden**

That Council write to the Minister for the Environment, Ms Lily D'Ambrosio, advising that:

1. Council would like to remind the State Government that the City of Kingston has followed the advice of successive Labor and Liberal Planning Ministers since 2008, and implemented the Kingston Green Wedge Management Plan, and consequently adopted Planning Scheme Amendment C143. The express purpose has been to phase out landfills, tips, waste related facilities, including recycling facilities to restore our Green Wedge to compliant uses.
2. Council calls on the State Government to make funding and support available to assist Alex Fraser find and relocate to a new appropriate industrially zoned site in south east Melbourne by December 2023 when their current permit expires to ensure continuity of business operations.
3. The State Government implement comprehensive state-wide recycling and resource recovery policies and strategies to diversify and strengthen the recycling industry, including a container deposit scheme.
4. Council request the Minister convenes a working group consisting of DELWP, Invest Victoria, Environment Victoria, MWRRG, MAV, the City of Kingston and Alex Fraser to assist in the process of relocation.

Cr Barth returned to the meeting at 9:17pm

Cr Bearsley left the meeting at 9:20pm

**CARRIED**

**12.3 Notice of Motion No. 3/2020 - Cr West - Review of Significant Tree Register**

**Moved: Cr West**

**Seconded: Cr Staikos**

That Council:

1. Proceed to review Kingston's Significant Tree Register,
2. Ensure that in future, significant trees that are removed from the register must be replaced by one or more new trees, of similar species and if possible, age or significance on the register,
3. Invites members of the community to nominate trees they consider worthy of inclusion on the register, and that officers provide assessment reports on these trees to those who nominate them.
4. Officers provide a report on the current register, including the species, number and a brief description of the trees currently on the register and for those that have been lost since the current register was adopted about a decade ago. The report to include the reasons why trees have been lost from the register and recommendations about how best to proceed with the review.

**CARRIED**

**13. Urgent Business**

**13.1 Level Crossing Removal – Cheltenham and Mentone**

**Moved: Cr Brownlees**

**Seconded: Cr Gledhill**

That an item of Urgent Business be considered in relation to impact of level crossing removal works in Cheltenham and Mentone.

**CARRIED/LOST**

**Moved: Cr Brownlees**

**Seconded: Cr Gledhill**

That:

Due to the recent disruption to the local businesses in Cheltenham and Mentone as a result of road works and road closures including recent and planned future level crossing removal works, officers provide a report that investigates possible avenues for providing financial support/assistance to those local businesses who apply, and can demonstrate a clear economic and financial impact and hardship. Possible options to include a percentage of rate relieve for the next two years, a community business grant from our Community grant pool, or other alternatives.

**CARRIED**

**13.2 Relocation of Abandoned Vehicle**

**Moved: Cr Brownlees**

**Seconded: Cr Gledhill**

That an item of Urgent Business be considered in relation to the relocation of an abandoned vehicle and that the item be considered in the part of the meeting closed to the public.

**CARRIED**

**13.3 Planning Application – KP-2007/881 – 217-315 Kingston Road, Clarinda**

**Moved: Cr Staikos**

**Seconded: Cr Gledhill**

That an item of Urgent Business be considered in relation to Planning Application KP-2007/881 – 275-315 Kingston Road, Clarinda and that the matter be considered in the part of the meeting closed to the public.

**CARRIED**

**14. Confidential Items**

**Moved: Cr Brownlees**

**Seconded: Cr Staikos**

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:

**13.2 Urgent Business - Relocation of Abandoned Vehicle**

*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)*

**13.3 Planning Application – KP-2007/881 – 217-315 Kingston Road, Clarinda**

*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)*

**14.1 CEO Employment Matters Sub Committee Report**

*This agenda item is confidential in accordance with the Local Government Act s89(2) as it relates to personnel matters (s89 2a)*

**14.2 Chelsea Level Crossing Removal**

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

**Confidential Appendices**

**8.5 Removal of Confidential Designation - Parking  
Appendix 1, Confidential resolution**

*This appendix is confidential in accordance with the Local Government Act*

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*s89(2) as it relates to (s89 2h)*

**11.6 Award of Contract 19/52 – Cloud Migration of IT Infrastructure  
Appendix 1, Master Evaluation Scores CON-19/52**

*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 9.35pm.

**Procedural Motion**

**Moved: Cr Brownlees**

**Seconded: Cr Eden**

That the meeting be opened to members of the public.

**CARRIED**

The meeting was opened to members of the public at 10.11pm.

**Note:** In the part of the meeting closed to the public it was resolved the following part of the resolution be made public in relation to item 14.2:

**14.2 Chelsea Level Crossing Removal**

**Moved: Cr Eden**

**Seconded: Cr Bearsley**

2. That Council determine, in accordance with Section 77(2) of the Local Government Act 1989, that the reports previously declared confidential by the Chief Executive Officer:
- Agenda item 14 of the 2 December 2019 Strategic Councillor Information Session, titled Chelsea Level Crossing Removal – Pedestrian Bridge
  - Agenda item 14.2 of the 9 December 2019 Ordinary Council Meeting, titled Chelsea Level Crossing Removal
  - Agenda item 13 of the 20 January 2020 Strategic Councillor Information Session, titled Chelsea Level Crossing Removal – Pedestrian Bridge
  - Agenda item 14.2 of the 28 January 2020 Ordinary Council Meeting, titled Chelsea Level Crossing Removal

be designated not confidential immediately.

**CARRIED**

The meeting closed at 10.11pm.

**Confirmed.....**

**The Mayor 24 February 2020**