

**City of Kingston
Special Council Meeting**

Agenda

10 June 2008

Notice is given that a Special Meeting of the Kingston City Council has been scheduled for 7.30pm at 1230 Nepean Highway Cheltenham on Tuesday 10 June 2008.

Business will be as follows:

1. **Apologies**
2. **Declaration by Councillors or Officers of any interest or conflict of interest in any items on the Notice Paper, pursuant to Section 79 Local Government Act 1989.**
3. **Reports by Officers**
K 82 Kingston Road Concrete Recycling
4. **Urgent Business**
5. **Confidential Items in Camera**

K82 295 – 315 Kingston Road, Clarinda

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Approved by: Tony Rijs – General Manager Environmental Sustainability

1. Purpose:

This report provides Council with an update as to the progress of this matter. In addition the report informs Council of recent decision by the Minister for Planning to 'call in' Planning Permit Application KP881/07 from the VCAT and refer the proceeding to Governor in Council for determination.

The report subsequently seeks a resolution from Council in relation to whether or not it wishes to support the Planning Permit Application KP881/07.

2. Background:

The following provides a chronology of recent events in relation to this matter.

• **28 April 2008**

A report prepared by Council Officers was listed on the agenda of the Ordinary Council Meeting held on this day. Council resolved to defer consideration of the report presented.

• **15 May 2008**

The Planning Minister the Hon Justin Madden MLC wrote to the Mayor informing Council that he had determined to call in the matter from the VCAT and refer to the proceeding to the Governor in Council for determination.

A copy of the correspondence from the Minister is provided at Attachment 1 to this report.

• **19 May 2008**

This matter was listed for consideration at a Special Council Meeting on this date. Council resolved at the meeting:

‘That consideration of the item be deferred due to the calling in of the application by the Minister of Planning.’

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• **30 May 2008**

Council received advice from Department of Planning and Community Development (Planning Panels Victoria) that a Directions Hearing had been set for 10 June at 2pm at Planning Panels Victoria, Level 1, 8 Nicholson Street, East Melbourne. In addition the correspondence indicated that *“The VCAT review was set down for hearing in the week commencing the 23 June, 2008 and the Advisory Committee proposes to maintain those hearing dates. Dates for the public hearings will be confirmed after the Directions Hearing”*.

A copy of this letter is included as Attachment 2 to this report.

Terms of Reference for Advisory Committee

Since being informed by the Minister for Planning on 15 May 2008 of his decision to refer this matter to Governor in Council for determination, Council Officers have consistently been seeking to obtain the Terms of Reference for the Advisory Committee. It is understood that one of the primary reasons for Council deferring making a decision at the above mentioned Special Council Meeting on the 19 May 2008 was that Council wanted to obtain the Terms of Reference prior to further considering this matter.

At the time of concluding this report for circulation to Council, Council Officers had not yet received the Terms of Reference for the Advisory Committee.

3. Conclusion:

It is apparent that the correspondence from Planning Panels Victoria has indicated an expectation that following a scheduled directions hearing on 10 June, 2008, a formal public hearing will follow shortly thereafter subject to the outcomes of the Directions Hearing. For this reason it is considered prudent that Council now seek to resolve how it wishes to respond to the merits of the Planning Permit Application KP881/07. Council Officers have instructed its advocate to raise at the directions hearing on 10 June, 2008, the potential for Council to potentially need to further review the manner in which it approaches the Advisory Committee depending on the contents of the Terms of Reference, which as identified remain unknown at the time of completing this report.

Recommendation:

That Council note the contents of this report and resolve on the position it wishes to advance in relation to the merits of Planning Permit Application KP881/07.

Attachments:

1. *Letter from Minister for Planning, 15 May 2008*
2. *Letter from Department of Planning and Community Development, 30 May 2008*

