

# Minutes

## Ordinary Meeting of Council

**Monday, 27th November 2017**

**City of Kingston  
Ordinary Meeting of Council**

**Minutes**

**27 November 2017**

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The meeting commenced at 7.28pm in the Council Chamber, 1230 Nepean Highway, Cheltenham.

**Present:** Cr Steve Staikos (Mayor)  
Cr David Eden  
Cr Tamara Barth  
Cr Tamsin Bearsley  
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  
Daniel Freer, General Manager City Assets and Environment  
Jonathan Guttman, General Manager Planning and Development  
Megan O'Halloran, Manager Communications & Community Relations  
Phil De Losa, Manager Governance  
Joanne Creedon, Governance Officer  
Gabrielle Pattenden, Governance Officer

**1. Apologies**

There were no apologies submitted to the meeting.

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

**Moved: Cr West**

**Seconded: Cr Eden**

That the Minutes of the Ordinary Meeting of Council held on 23 October 2017, the Special Meeting of Council held on 15 November 2017 and the Special Meeting of Council held on 20 November 2017.

**CARRIED**

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

Cr West foreshadowed an indirect Conflict of Interest in Item 12.1 Notice of Motion 46/2017 – Cr Oxley – Shopping Strip Improvements.

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**4. Petitions**

**Relocation of Waste Collection - Kestrel Close, Chelsea Heights**

**Moved: Cr Bearsley**

**Seconded: Cr Brownlees**

That the petition be referred to the CEO for consideration.

**CARRIED**

**Northern Patterson River Pedestrian/Cycle Path under Mornington Peninsula Freeway**

**Moved: Cr Bearsley**

**Seconded: Cr Gledhill**

That the petition be referred to the CEO for consideration.

**CARRIED**

**5. Presentation of Awards**

**Mordialloc Community Nursing Home**

The Mayor Cr Staikos acknowledged Mr Bill Nixon OAM, former Mayor and Councillor of the City of Kingston and Chair of the Mordialloc Community Nursing Home Committee of Management. He also acknowledge Mr Nixon's fellow committee members Lesley McGurgan, Wilma Pimm, Merren Ricketson, Suzanne Miles, Lewis Dundas, John Box and Stuart Turner.

Mr Nixon OAM spoke on behalf of the committee and presented Council with a cheque for a \$200,000 donation to the Kingston Charitable Fund.

The Mayor Cr Staikos made a small presentation to the committee and thanked them for their work and the donation to the Kingston Charitable Fund.

**Outgoing Kingston Charitable Fund Community Members**

The Mayor Cr Staikos acknowledged and thanked Nadine Clode and Ian Baldock for their contributions to the Charitable Fund Grants Assessment Panel over the last 2 years and made a small presentation to both on behalf of Council.

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

Nil

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**Block Resolution**

**Moved: Cr Gledhill**

**Seconded: Cr Brownlees**

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

- 9.2 Patterson Lakes Community Centre proposal for funding for improvements to their outdoor area
- 10.1 Asset Management Policy Review
- 10.3 Proposal for Section of Old Dandenong Road to Become a Municipal Road
- 10.4 Frankston Line LXRA Projects - Asset Ownership and Maintenance
- 10.6 GR Bricker Reserve Athletics - Hire Fees
- 10.7 Draft Park Plan for Spring Road Reserve
- 11.1 Kingston Charitable Fund Grant Assessment Panel - Council Appointed Community Representatives
- 11.2 Quick Response Grants
- 11.3 Council Plan 2017-21 - Kingston Performance Report 2017-18 - Quarter 1
- 11.4 Assembly of Councillors Record Report

**CARRIED**

**7. Question Time**

Question time took place at 8.40pm. Please refer to page 10 in the minutes.

8. Planning and Development Reports

8.1 Smart Planning - submission by Council

Moved: Cr West

Seconded: Cr Eden

That Council endorse the submission (Appendix 2) and cover letter (Appendix 3) to the Department of Environment, Land, Water and Planning as Council's response in relation to the *Reforming the Victoria Planning Provisions – Discussion Paper* subject to the following changes:

1. Appendix 2 – Smart Planning Submission

1.1. That the response to ID no 39, Clause 57 (Metropolitan green wedge land) be changed from *"I agree subject to the following comments"* to *"I disagree."*

1.2. That the second sentence of the further comments to ID no 39, Clause 57 (Metropolitan green wedge land) be replaced with the following:

*"Improve transparency and consistency by including reference to Clause 57 in Planning Certificates in Section 32 Statements, so that people buying land in the Green Wedge would at the time of purchase have full disclosure of the provisions at Clause 57."*

**CARRIED**

2. Appendix 3, Covering letter to Reforming the Victorian Planning Provisions Discussion Paper:

2.1. That the Covering letter be amended as follows:

- Replace the words *"supportive of"* in the second paragraph with the words: *"concerned about"*
- Replace the word *"and"* in the first sentence of the second paragraph with the words *"though we agree in principle with the intention to....."*
- Add to the letter the points at 3.3.7 and 3.3.8 of the officer report referring to our concerns about proposals to deregulate controls on licensed premises and gaming premises.

**CARRIED**

**Note:** It was requested by Cr Bearsley and agreed to by the Chairperson that parts 1 and 2 of the Motion be put to the vote separately.

**9. Community Sustainability Reports**

**9.1 Update on Edithvale Life Saving Club**

**Moved: Cr Bearsley**

**Seconded: Cr Oxley**

That Council:

1. Apply to Department of Environment, Land, Water and Planning for Coastal Management Act Consent using the revised Edithvale Life Saving Club building design;
2. Update adjacent residents and the broader community in relation to the revised design;
3. Seek relevant statutory approvals and proceed to detailed design and tender;
4. Undertake tender process for construction of new building; and
5. Negotiate a Heads of Agreement with the Club to support a future lease of the new Life Saving Club facility.

**Amendment**

**Moved: Cr West**

**Seconded: Cr Eden**

That Council:

1. Apply to Department of Environment, Land, Water and Planning for Coastal Management Act Consent using the revised Edithvale Life Saving Club building design;
2. Update adjacent residents and the broader community in relation to the revised design;
3. Seek relevant statutory approvals and proceed to detailed design and tender;
4. Undertake tender process for construction of new building; and
5. Negotiate a Heads of Agreement with the Club to support a future lease of the new Life Saving Club facility.
6. As part of the detailed design, if possible:
  - consider using a narrower ramp for the northern access in order to preserve the existing bluestone walls as visible components of the new facility; and
  - consider how to integrate the existing highly sustainable drainage and swale system that currently looks to be built over by the proposed kiosk.

**The Amendment was put and CARRIED**

**The Amendment became the Motion**

**The Motion was put and CARRIED**

**9.2 Patterson Lakes Community Centre proposal for funding for improvements to their outdoor area**

**RECOMMENDATION**

That Council:

1. Funds and delivers the upgrades to the Patterson Lakes Community Centre (PLCC) outdoor space as outlined. Upgrades to be funded by Council to the value of \$29,745 plus GST are inclusive of:
  - Installation of accessible concrete pathway and associated groundworks;
  - Linked ramp to Centre and modification of external door to improve accessibility;
  - Secure access gate installed within existing internal fence; and
  - Installation of fixed outdoor furniture within concrete pathway.
2. Continues to support PLCC's community engagement activities aimed at activating the redeveloped outdoor area and implementing the proposed collaborative programming and community use of the space.
3. Supports PLCC to comply with their obligations and approval process to achieve their provision and ongoing maintenance of proposed non-fixed equipment and landscaping works.
4. Establishes a Service Agreement with the Community Centre to facilitate implementation of the project and associated outcomes.

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

**10. City Assets and Environment Reports**

**10.1 Asset Management Policy Review**

**RECOMMENDATION**

That Council:

1. Acknowledge and accept that the four yearly Asset Management Strategy and Asset Management Policy planned for presentation in November 2017, be deferred for presentation to Council in February 2018 following Local Government Act legislative changes; and
2. Endorse that the current Asset Management Strategy and Asset Management Policy to continue up until the refreshed policy is endorsed by Council in February 2018.

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



**10.2 EOI Community Shared Facility Parkdale Yacht Club**

**Moved: Cr Gledhill**

**Seconded: Cr Brownlees**

That Council endorse the criteria for the Expression of Interest per Appendix 2 which reflects the Yacht Club's advised facility availability for the shared use of the proposed redeveloped Parkdale Yacht Club.

**Amendment**

**Moved: Cr West**

**Seconded: Cr Eden**

That Council endorse the criteria for the Expression of Interest per Appendix 2 which reflects the Yacht Club's advised facility availability for the shared use of the proposed redeveloped Parkdale Yacht Club subject to the following changes to Section 2.1.3 of the Expression of Interest conditions:

That Council of Appendix 2

- Deletion of the second dot point
- In the third dot point – replace the word 'exclusive' with 'generally' and delete the words Thursdays and Fridays.
- In the fourth dot point – delete 'at the social rooms'.
- In the final dot point – add 'without Parkdale Yacht Club agreement'

**The Amendment was put and CARRIED**

**A Division was Called:**

**DIVISION:**

**FOR:** Crs West, Eden, Barth, Oxley and Staikos (5)

**AGAINST:** Crs Brownlees, Bearsley, Gledhill and Hua (4)

**CARRIED**

**The Amendment became the Motion**

**The Motion was put and CARRIED**

**A Division was Called:**

**DIVISION:**

**FOR:** Crs West, Eden, Barth, Oxley and Staikos (5)

**AGAINST:** Crs Brownlees, Bearsley, Gledhill and Hua (4)

**CARRIED**

**Question Time**

**Bernadette Noonan asked:**

*I submitted a letter which was presented to the Council meeting on 28<sup>th</sup> August 2017 regarding the highly congested on street parking in Swanston Street. On 11<sup>th</sup> September I received an answer. It is now three months later; I have received no further information about the survey. I rang Kingston Council at 9.10 this morning to enquire about the results of the survey. I was told that the person who wrote the letter would not be available as he was in a meeting till 10 o'clock. At 10.30 I rang again but I received the same answer from the staff member who answered the phone. I rang again at 12.00 and informed the secretary that I had to leave my house at 12.30. I was told that the gentleman was on the phone. I said that I would wait until he was available. After a very lengthy wait I did speak to the officer Ross Gregory who told me the survey results had arrived this morning. I would like to make clear the following evidence to show how crowded the parking is in Swanston Street. The cars in the following photos are not owned by residents of Swanston Street. The people who own or drive these cars are treating Swanston Street as a car park. You would be fully aware that most of the surrounding streets in this area have limited parking e.g. Patty St, Collins St, Franklin St, Winsome St. As Swanston Street is probably the busiest street/road after Balcombe Road, I think it also needs limited parking.*

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

**Ian Baldock of Parkdale asked:**

*This issue was initially referred to Council at the December 2014 meeting. I have subsequently followed this up with requests at the November 2016, Mark 2017 & October 2017 Council meetings. At the November 2016 meeting I requested the following for the Boundary Rd / Centre Dandenong Rd intersection slip lane:*

*“Can Council approach VicRoads to implement a painted pedestrian crossing at this left turn, to reinforce motorists obligations to give way to “any pedestrians on the slip lane” crossing the road (“Road Safety Road Rules 2009 – Rule 72(4)(b))?”*

*Vic Roads’ response to Council dated 30/12/2016 was that due to the high speeds in the slip lane they would not put a zebra crossing there, and that they recommended the pedestrian-operated signals. However no timeframe was supplied because of waiting on a review of relative priority and consideration of funding in an unspecified future program.*

*After nearly being run down by two separate cars while crossing this intersection on the day of October’s Council meeting, I feel the continual delays and pushbacks by VicRoads should be more rigorously challenged. My question is: due to the risk to pedestrians and cyclists attempting to cross this high-speed slip lane, can Council please press VicRoads and the State Government to prioritise the installation of these signals to minimise the risk of serious injury to users of this shared bicycle path. Note: this question is a repeat of my question from last month’s meeting, with no response having been received by myself to date on the status of my query.*

**The CEO provided the following response:**

*Officers will provide this request again to VicRoads’ Regional Director for his attention and clarification regarding the timeline for implementation.*

**Ian Baldock of Parkdale asked:**

*At last November's Council meeting, I requested Council declare some footpaths as shared cycle paths. Subsequent to the meeting, Council received a response from the Acting Regional Director of VicRoads (dated 30 December 2016) stating that a shared footpath between Redwood Drive and Howard Rd on Lower Dandenong Rd would be acceptable as it meets all requirements. The author in his letter quoted "VicRoads advises me that Council has prepared works for a share path and it will be completed by early 2017." My question is: since the shared path is not yet in place, could Council please inform me of the estimated completion date?*

**The CEO provided the following response:**

*Officer have re-listed this item for discussion with VicRoads in light of the proposed Mordialloc Bypass Freeway Extension project which crosses this area. The path is shown as part of VicRoads' works in that project, as part of a broader design being undertaken.*

**Ron MacCartney of Carrum asked:**

*When a report of an overflowing rubbish bin on the pedestrian path on Station Street at the south side of Patterson River is reported to Council (with photo) before 7.00am last Friday (24 November), with the phone calls again at 9.00am and hazard and eyesore still not been emptied by close of business today (27 November)?*

**The CEO provided the following response:**

*Council is awaiting service the services our contractor, and expects this to be resolved in the next 24 hours. We apologise for the undue delay as reporting it on Friday and still not having it empty by Monday is a cause of concern.*

**Dorothy Booth of Mentone asked:**

*Approximately 1 year ago I attended the town hall and I noticed a new ticket desk. Unfortunately the box office staff appeared to be struggling to use the desk as it seemed too big. After attending the town hall last month, I noticed the desk was gone. Was the desk unsuitable? Where is it now? How much did it cost? Who is responsible for the purchase?*

**The CEO provided the following response:**

*This question will be taken on notice and a response provided in writing.*

**Stephen Watson of Mentone asked:**

*Despite ignoring community protests, the council appears set to narrow Beach Road to build the Bay Trail. Will the Bay Trail connect Mentone Lifesaving Club completely to Mordialloc's Hazel Pearce Reserve.*

*Will Kingston Council be required to assume financial responsibility for maintenance of Beach Road?*

*How much has Council spent on consultation fees and reports over the past 2 years in relation to Bay Trail?*

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

**Simon Johnson of Parkdale asked:**

*What are the rules and laws around the storage and operation of jet skis around the Mordialloc Creek precinct and who can the public speak to if we have concerns?*

**The CEO provided the following response:**

*Parks Victoria are the agency with the authority to manage the Marine Safety Act which covers the operation of watercraft. Council manages the moorings between the mouth of the creek to the Nepean Highway Bridge. The Department of Environment, Land, Water and Planning manages on behalf of the Crown the creek between the Nepean Highway Bridge and Railway Bridge. The public should speak to Parks Victoria.*

**Simon Johnson of Parkdale asked:**

*The community in Parkdale have lodged multiple petitions with Council, such as 28 August 2017 with regards to removing planter boxes currently filled with cigarette and rubbish, a new zebra crossing at Parkdale Station and fixing the parking problem in front of and behind the shops. The petition specifically asks Council to liaise with me on this matter. Council has not responded to the petitions nor followed up or taken any action. Why? Can you commit to a firm date when this will be done.*

**The CEO provided the following response:**

*This issue has previously been raised in questions to Council and I understand a response has been provided. Officers will confirm tomorrow to ensure this has happened.*

**Simon Johnson of Parkdale asked:**

*Can Council investigate the removal and clean-up of vacant land next to Parkdale library and establish a large car park to accommodate village shoppers?*

**The CEO provided the following response:**

*This land was acquired by Council to expand open space in this area. Officers will inspect to check for and remove any rubbish that has been dumped there.*

**Alex Breskin of Mentone asked:**

*With the EES underway for the Mordialloc Bypass, what will Council do to ensure everyone affected by the freeway is aware of the process and consulted with? Specifically in suburbs such as Waterways, Aspendale Gardens and Dingley Bypass?*

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

**Alex Breskin of Mentone asked:**

*With reference to agenda Item 11.6 of the 23 October 2017 Meeting, 'Investment Portfolio Report', what criteria is used to select a bank for Council's funds? I note that significant funds are entrusted with CBA at 23% which invests heavily in fossil fuel industries regularly, along with NAB at 43%. I also note that AMP holds shares in coal and gas companies. Is efficacy of what ratepayers are investing in a concern at all?*

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

**Fiona Katic asked:**

*What does the City of Kingston do to support the GLBTIQ community?*

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

Cr Gledhill left the meeting at 8.41pm.  
Cr Gledhill returned to the meeting at 8.43pm.

**10.3 Proposal for Section of Old Dandenong Road to Become a Municipal Road**

**RECOMMENDATION**

That Council write to VicRoads, advising that:

1. The proposal to transfer the section of Old Dandenong Road, Heatherton between Barkers Road and Clarinda Road to Council is supported, subject to VicRoads performing road rehabilitation and re-sheeting works to Council's satisfaction in accordance with the recommended treatment in the Condition Report – Old Dandenong Road in *Attachment 1* or equivalent treatment.
2. The road will not be accepted until the road renaming has been gazetted in the Victorian Government Gazette.

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

**10.4 Frankston Line LXRA Projects - Asset Ownership and Maintenance**

**RECOMMENDATION**

That Council:

1. Develop a list of all new assets that will be constructed as part of the LXRA projects along the Frankston train line, with indicative future maintenance and replacement costs;
2. Continues to work with the LXRA in creating land access, lease or maintenance agreements for assets on State Government land that Council will own and/or maintain;
3. Receive a further report in 2018 providing an update on progress.

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

**10.5 Sale of Land Adjoining 40 Elder St Clayton South**

**RECOMMENDATION**

**Moved: Cr Barth**

**Seconded: Cr Eden**

That Council:

1. Authorise and direct the CEO or his delegate to publish a public notice in accordance with section 189 of the Local Government Act 1989 ("Act") stating Council's intention to sell 0.3m wide strip of land enclosed within 40 Elder St Clayton South;
2. Authorise and direct the CEO or his delegete to carry out the necessary administrative procedures to allow Council to carry out its functions under section 223 of the Act;
3. Authorise and direct the CEO or his delegate to convene, if required, a section 223 committee of Council to include Councillors Barth, Staikos and Hua, General Manager of City Assets and Environment and Manager Property, Arts and Leisure Services to hear presentations from parties who wish to be heard in support of their written submissions and report back to Council; and
4. In the event no submissions are received, authorise and direct the CEO and other relevant Council staff, to proceed to sell the 0.3m strip of land enclosed within 40 Elder St Clayton South and that the sale price for the property shall be no less than an open-market valuation instructed by Council.

**CARRIED**

**10.6 GR Bricker Reserve Athletics - Hire Fees**

**RECOMMENDATION**

That Council:

1. Adopt the charging of fees for causal use, including school use at GR Bricker Reserve Athletics Centre as per the fees within Appendix 2; and
2. Directly manage the administration of the facility through the Parks and Recreation team, with support from the Moorabbin Little Athletics Centre for equipment hire.

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

**10.7 Draft Park Plan for Spring Road Reserve**

**RECOMMENDATION**

That Council:

1. Adopt the updated Spring Road Reserve Park Plan as shown at Appendix 1 of this report;
2. Approve and implement the updated Dog off Lead Area to the north section of park as shown in Appendix 1 of this report;
3. Approve a fully fenced section within the larger off lead area in response to community needs;
4. Approve the implementation of works, inclusive of Rowan Road Car Park, and stage one implementation of paths to north section of reserve to define off lead area;
5. Approve funding from the Green Wedge Reserve to undertake stage one works; and
6. Continue the ongoing due diligence investigations to determine the feasibility of constructing sports fields on Spring Road Reserve.

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

**11. Corporate Services Reports**

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

**RECOMMENDATION**

That Council:

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

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

**11.2 Quick Response Grants**

**RECOMMENDATION**

That Council approve the following grant applications:

- Aspendale North Kindergarten
- Dingley Tennis Club

That Council not approve the following grant applications:

- Longbeach PLACE
- Eview
- Mentone Girls Grammar
- St John Vianney Primary School

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

**11.3 Council Plan 2017-21 - Kingston Performance Report 2017-18 - Quarter 1**

**RECOMMENDATION**

That Council note the Kingston Performance Report which will be published on Council's website.

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

**11.4 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.



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**11.5 Kingston Harvest Festival Location**

**Moved: Cr Bearsley**

**Seconded: Cr Gledhill**

That Council:

1. Endorse the location of Roy Dore Reserve Carrum for the Kingston Harvest Festival in 2018 to scale the event to avoid use of the oval and removal of healthy trees.
2. Endorse the ongoing location of Carrum for the Kingston Harvest Festival.
3. Enter into an agreement on suitable terms and conditions with the Carrum Cowboys for the provision of one of the licenced vendor positions at the Harvest Festival for the next four years.
4. Officers advise of suitable locations or formats within the area of Carrum.

Cr Brownlees left the meeting at 9.04pm.

**CARRIED**

**A Division was Called:**

**DIVISION:**

**FOR:** Crs Staikos, West, Bearsley, Gledhill, Eden, Barth, Hua and Oxley  
(8)

**AGAINST:** Nil (0)

**CARRIED**

**12. Notices of Motion**

Cr Brownlees returned to the meeting at 9.08 pm.

**12.1 Notice of Motion No. 46/2017 - Cr Oxley - Shopping Strip Improvements**

**Moved: Cr Oxley**

**Seconded: Cr Gledhill**

That Officers prepare a report on how to improve the viability and street scape of the shopping strips of Chelsea (Nepean Highway) and Edithvale (Nepean Highway) taking into consideration the following:

- Reducing the vacancy rate of shops
- Increasing safety
- Reducing and alleviating traffic and parking concerns
- Assisting small business and a shop local culture
- Reducing the impact of foreshore traffic during summer months
- Increasing and encouraging variety of shops

With possible options for improving the streetscape and viability including:

- Potential for Structure Planning and Precinct Plans
- Beautification Works
- Planning Scheme Amendments

Further that an update on this report be presented to Council no later than the March CIS Cycle.

**CARRIED.**

Cr West returned to the meeting 9.22pm  
Cr Oxley left the meeting at 9.22pm.

**12.2 Notice of Motion No. 47/2017 - Cr Staikos - Amazon**

**Moved: Cr Staikos**

**Seconded: Cr Barth**

That Council:

1. Notes that Amazon will be setting up its Australian operations in the South East of Melbourne.
2. Reaffirms its commitment to support local jobs and encourages local business to find local workers through council's free jobs portal "Kingston Jobs".
3. Stands in solidarity with local businesses especially small business and encourages the community to shop local.

**CARRIED**

4. Writes to Amazon along the following lines:

- a. Council requests that Amazon demonstrates it is serious about being a good corporate citizen in Australia.
- b. We request the company publicly commits to paying a fair share of tax while operating in Australia; and

**CARRIED**

- c. We ask that Amazon meets with the warehousing union (NUW), and commits to:
  - i. Guaranteeing workers have a fair say at work, including the right to raise grievances through their trade union;
  - ii. Ensuring that jobs at the Amazon warehouse are secure jobs with guaranteed hours;
  - iii. Providing workers a living wage;
  - iv. Respecting the right of workers to collectively organise and placing no barriers in the way of any worker that wants to join a union or collectively bargain.

Cr Oxley returned to the meeting at 9.24pm.

Cr Bearsley left the meeting at 9.26pm

**CARRIED**

**Note:** It was requested by Cr Brownlees and agreed to by the Chairperson that parts 1 to 3, parts 4(a) and 4(b) and part 4(c) of the Motion be put to the vote separately.

**12.3 Notice of Motion No. 48/2017 - Cr Gledhill - Parkdale Yacht Club**

The Notice of Motion was withdrawn by Cr Gledhill.

**12.4 Notice of Motion No. 49/2017 - Cr Staikos - Social and Affordable Housing**

**Moved: Cr Barth**

**Seconded: Cr West**

That Council

1. Recognises the potential for planning mechanisms through work including the Councils Housing Strategy to proactively contribute to the supply of social and affordable housing in our municipality.
2. Will work to ensure local planning policy take steps proactively to increase the supply of social housing as defined in the Housing Act 1983 and affordable housing as defined in the Planning and Environment Act 1987.
3. Directs officers to prepare a brief to Councillors on the formulation of a *Kingston Social and Affordable Housing Policy* to sit alongside Council's Housing Strategy that has a key focus on opportunities for implementation in the following areas:
  - a) fast track planning approvals: planning applications lodged by registered housing agencies would be assessed quickly to fast track delivery of social and affordable housing.
  - b) inclusionary housing: also known as inclusionary zoning, where the council would require developer contributions for social and/or affordable housing when Council or a private party undertakes strategic studies that lead to a *planning scheme amendments* or land rezoning, e.g. changing the land use from industrial/ commercial to residential and/or mixed use zones.
  - c) inclusionary approvals: where the council may impose a requirement for social and/or affordable housing on housing developments that include more than 40 units (using Affordable Housing Agreements or 173 agreements).
  - d) density bonuses: where developments will only be considered for approval for higher density or higher scale than the heights recommended in structure plans if the applicant includes a provision for social and/or affordable housing (similar to City of Melbourne C270).
  - e) other measures that will contribute social and affordable housing supply in the municipality, including:
    - for vacant council owned residentially zoned properties to be rented out or offered to a registered housing agency to be used for transitional/social housing.
    - encourage all vacant privately owned residential properties pending development approval or commencement to be rented out or offered to a registered housing agency to be used for transitional/social housing.
    - to survey council land for which no other community or environmental use
    - has yet been established and consider partnering with a registered

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- housing agency to deliver social and affordable housing.
  - to continue to lobby the State Government to include the provision of social housing on the State Government-owned Gasworks site in Highett.
  - identify parcels of VicRoads, VicTrack and other Crown land that would be suitable for long term temporary or permanent social and affordable housing developments and that are not needed for other community or environmental purposes.
4. Further that Councillors be provided copies of the final recommendations of the Social Housing Committee that met during the 2008-12 Council term with a view to considering other measures that will contribute social and affordable housing supply.
  5. Further that Officers prepare a report that includes scoping the engagement of an affordable housing officer to assist in the formulation and implementation of a Kingston's Social and Affordable Housing Policy and to drive the required input into the Councils broader Housing Strategy.

Cr Gledhill left the meeting at 9.40pm.  
Cr Hua left the meeting at 9.40pm.  
Cr Gledhill returned to the meeting at 9.42pm.  
Cr Hua returned to the meeting at 9.46pm.

**CARRIED Unanimously**

**Procedural Motion**

**Moved: Cr West**

**Seconded: Cr Oxley**

That the Ordinary Meeting and Special Meeting be extended by one hour until 11.00pm.

**CARRIED**

**12.5 Notice of Motion No. 50/2017 - Cr Oxley - Legal Advice**

**Moved: Cr Oxley**

**Seconded: Cr Bearsley**

That Officers provide a monthly legal update briefing to Councillors through a CIS cycle that includes

- An update on any ongoing legal disputes or cases Council are currently engaged in.
- An update on potential legal cases or disputes that have arisen
- An update on any legal advice sought between each briefing.
- A copy of all invoices received from any law firm between each briefing

Further that the cost of legal matters for 2015/16, 2016/17 and 2017/18 be included.

**CARRIED**

**12.6 Notice of Motion No. 51/2017 - Cr Gledhill - Code of Conduct Reports**

**Moved: Cr Gledhill**

**Seconded: Cr Brownlees**

That, in light of Council's decision to make two recent code of conduct reports public and in the interests of transparency, all previous reports and investigations into Councillor behaviour from 1997 to current, both Code of Conduct and any other, also be made available to the public. Should it be discovered that the release of such documents may be prejudicial or cause harm to any party other than an elected Councillor, officers should advise Council via a CIS by February 2018.

**Procedural Motion**

**Moved: Cr Bearsley**

**Seconded: Cr Oxley**

That consideration of this matter be deferred until further advice is received from Officers.

**CARRIED**

Cr Brownlees left the meeting at 10.04pm.

**12.7 Notice of Motion No. 52/2017 - Cr West - Conservation Planner**

**Moved: Cr West**

**Seconded: Cr Eden**

1. That Council provide a report to the first Ordinary Council Meeting of 2018 on appointing a Conservation Planner to assess and require all development applications with indigenous vegetation, including subdivision applications, to be referred for expert ecological assessment,
  - Further that the conservation planner ensures that all Councillors are briefed on any such application
  - Further that the report considers whether this role could be performed by the Green Wedge project manager whose appointment is listed for determination by Council;
2. That in the meantime, all development applications with indigenous vegetation, including subdivision applications are referred for expert ecological assessment, and that all Councillors are briefed on such applications at a Councillor Information Session where discussion on the Draft Planning Committee Agenda is conducted.

Cr Gledhill left the meeting at 10.05 pm.

Cr Gledhill returned to the meeting at 10.06pm.

Cr Brownlees returned to the meeting at 10.09pm.

**CARRIED**

**12.8 Notice of Motion No. 53/2017 - Cr West - Landscape Plans**

**Moved: Cr West**

**Seconded: Cr Oxley**

1. That Council officers provide a report on how best to meet the following requirements for the first Ordinary Meeting of Council in 2018:
  - Council requires all development sites with approved landscape plans to be inspected prior to occupation.
  - Consideration of whether Council can fund the extra costs involved by imposing new fees on any development application that proposes to remove trees or native shrubs. And whether this fee can be set at a lower rate where the landscape plan proposes to plant indigenous trees and understorey plants.
  - Investigation of increasing fines for tree removal without a permit where a development application follows.
2. In the meantime, officers to please show more rigor in assessing applications for tree removal prior to development.

**CARRIED**

**12.9 Notice of Motion No. 54/2017 - Cr Eden - Berkeley Living**

**Moved: Cr Eden**

**Seconded: Cr Oxley**

That

1. In light of the recent crisis at the Berkeley Living facility in Patterson Lakes - Council write to the relevant State and Federal Ministers requesting an urgent review of relevant legislation:
  - to protect occupants and residents wellbeing and safety and financial positions, specifically any bonds or entry fees.
  - to prevent rogue operators from taking advantage of such residents
  - to increase powers of the state and federal governments to recover any financial costs of rogue operations or any lost bonds or deposits of residents through increased powers to freeze the operators assets.
2. Council reaffirms its commitment to work with all levels of government to ensure the safety and wellbeing of these residents.

**CARRIED**

**12.10 Notice of Motion No. 55/2017 - Cr Eden - Chelsea Basketball Club**

**Moved: Cr Eden**

**Seconded: Cr Oxley**

That in consideration of the requirements of the Meeting Procedures Local Law a report be prepared for the December 2017 Ordinary Meeting of Council regarding the proposal by the Chelsea Basketball Club for a cooling system, being \$31,000 (approx.) per their quote, and that the Chelsea Basketball Club will manage the installation.

**CARRIED**

**13. Urgent Business**

There were no items of urgent business.

**14. Confidential Items**

**Moved: Cr Brownlees**

**Seconded: Cr Barth**

That Council determine that the following document be designated confidential in accordance with section 77(2) of the *Local Government Act 1989*:

**Confidential Appendices**

**11.1 Kingston Charitable Fund Grant Assessment Panel - Council Appointed Community Representatives  
Appendix 1, KCF Grant Panel - Candidate response to Key Selection Criteria**

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

**CARRIED**

The meeting closed at 10.35pm.

**Confirmed.....**

**The Mayor 11 December 2017**