

Minutes

Ordinary Meeting of Council

Monday, 23rd April 2018



**City of Kingston
Ordinary Meeting of Council**

Minutes

23 April 2018

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The meeting commenced at 7.04pm in the Council Chamber, 1230 Nepean Highway, Cheltenham.

Present: Cr Steve Staikos (Mayor)
Cr Tamara Barth
Cr Tamsin Bearsley
Cr David Eden
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
Daniel Freer, General Manager City Assets and Environment
Jonathan Guttman, General Manager Planning and Development
Caroline Reidy, Manager Finance
Paul Marsden, Manager City Strategy
Jaclyn Murdoch, Acting Manager City Development
Tracey Cheeseman, Media Advisor
Phil De Losa, Manager Governance
Joanne Creedon, Governance Officer
Gabrielle Pattenden, Governance Officer
Sasha Pearson, Governance Officer

1. Apologies

An apology from Cr Brownlees was submitted to the meeting.

Moved: Cr Eden

Seconded: Cr Oxley

That the apology from Cr Brownlees be received.

CARRIED

2. Confirmation of Minutes of Previous Meetings

Moved: Cr Eden

Seconded: Cr Bearsley

That the Minutes of the Ordinary Meeting of Council held on 26 March 2018 be confirmed.

CARRIED

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

There were no Conflicts of Interest submitted to the meeting.

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4. Petitions

Netball Courts at Bonbeach Recreation Reserve

Moved: Cr Bearsley

Seconded: Cr Oxley

That the petition be referred to the CEO for consideration.

CARRIED

Toilet at Marlow Reserve

Moved: Cr Gledhill

Seconded: Cr Eden

That the petition be referred to the CEO for consideration.

CARRIED

5. Presentation of Awards

Floor Covering Industry Association

6. Reports from Delegates Appointed by Council to Various Organisations

Cr West reported on having attended a meeting of the Metropolitan Transport Forum.

Moved: Cr West

Seconded: Cr Gledhill

That the delegate's report be received.

CARRIED

7. Question Time

Question Time took place at 7.57pm.

Refer to page 9 of the minutes.

Block Resolution

Moved: Cr Oxley

Seconded: Cr West

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

- 8.2 Draft Climate Change Strategy
- 9.1 2018 Youth Awards
- 9.2 Make Renting Fair Campaign
- 11.2 Assembly of Councillors Record Report
- 11.3 Quick Response Grants
- 11.4 Audit Committee Charter
- 11.5 Motions for MAV State Council Meeting - May 2018
- 11.6 Review of Council Instruments of Delegation
- 11.7 Response to Notice of Motion 5/2018 - Cr West - Rate Reform to Encourage Heritage Protection, Farming and Amenity

CARRIED

8. Planning and Development Reports

8.1 KP17/896 - Regents Park, Sixth Avenue Aspendale

It is recorded that Russell Bathard spoke on behalf of objectors.

Moved: Cr Oxley

Seconded: Cr Bearsley

That the Council determine to support the proposal and issue a Notice of Decision to Grant a Permit to remove native vegetation pursuant to Clause 52.17 of the Kingston Planning Scheme at Regents Park, Sixth Avenue, Aspendale, subject to the following conditions:

Endorsed plans

1. Before any native vegetation removal begins, 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. The plans must be generally in accordance with the plans submitted to Council on 20 November 2017 but amended to include:
 - a) Existing vegetation to be retained clearly nominated, specifically the area between Sixth Avenue and the sports ground and directly south of the proposed netball courts;
 - b) The species of the native vegetation proposed to be removed clearly nominated; and
 - c) 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 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.

Protection of existing vegetation

2. Before works start, a native vegetation protection fence must be erected around all remnant patches and trees to be retained on site. This fence must be erected around the remnant patch at a minimum distance of 2 metres from retained native vegetation and at a radius of 12x the diameter at a height of 1.3 metres to a maximum of 15 metres but no less than 2 metres from the base of the trunk of tree. The fence must be constructed of chain mesh or similar to the satisfaction of the Responsible Authority. The fence must remain in place until all works are completed to the satisfaction of the Responsible Authority. The fence must not be adjusted unless with the written consent of the Responsible Authority.
3. Except with the written consent of the Responsible Authority, within the area of native vegetation to be retained and any associated tree protection zone, the following are prohibited:
 - a) Site offices or other facilities;
 - b) Vehicular or pedestrian access;
 - c) Trenching or soil excavation;
 - d) Storage or dumping of any soils, materials, equipment, vehicles, machinery or waste products;
 - e) Entry and exit pits for underground services;
 - f) Any other actions or activities that may result in adverse impacts to retained native vegetation.

Native vegetation offsets

4. To offset the removal of 0.133 hectares of native vegetation, the permit holder must secure a native vegetation offset, in accordance with the Permitted clearing of native vegetation – Biodiversity assessment guidelines (DEPI 2013) and Native vegetation gain scoring manual (DEPI 2013) as specified below:

General offset

- a) A general offset of 0.004 general biodiversity equivalence units with the following attributes:
 - i. Be located within the Port Phillip and Westernport Catchment Management Authority boundary or City of Kingston municipal district; and
 - ii. have a strategic biodiversity score of at least 0.080.

Offset evidence and timing

5. Before any native vegetation is removed, evidence that the required offset for the project has been secured must be provide to the satisfaction of the Responsible Authority. The offset evidence can be:
 - a) A security agreement signed by both parties, to the required standard, for the offset site or sites, including a 10 year offset management plan; and/or

b) An allocated credit extract from the Native Vegetation Credit Register.

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 by the Responsible Authority, a copy of the endorsed offset evidence must be provided to the Department of Environment, Land, Water and Planning.

6. In the event that a security agreement is entered into as per condition 5 a), the applicant must provide the annual offset site condition 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.

Notification of permit conditions

7. 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.

Expiry

8. 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 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.

In accordance with Section 69 of The Act, the responsible authority may extend the periods referred to if a request is made in writing:

- before the permit expires; or
- within six (6) months after the permit expiry date, where the development allowed by the permit has not yet started; or
- within twelve (12) months after the permit expiry date, where the development allowed by the permit has lawfully started before the permit expires.

CARRIED

Procedural Motion

Moved: Cr West

Seconded: Cr Barth

That the order of business be altered to consider Urgent Business before Item 8.3.

CARRIED

13. Urgent Business

Moved: Cr West

Seconded: Cr Oxley

That an item of urgent business in relation to Regents Park be considered.

LOST

8.2 Draft Climate Change Strategy

RECOMMENDATION

1. That the draft Climate Change Strategy 2018-2025 be endorsed for the purpose of community consultation.
2. That a further report be presented to Council following the completion of the proposed six week community consultation period.

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

8.3 Response to Notice of Motion 46/2017 - Chelsea and Edithvale Shopping Strips

Moved: Cr Oxley

Seconded: Cr Bearsley

That Council:

1. Receive the report as response to Council's Notice of Motion No. 46/2017.
2. Note the current community and State Government led projects being undertaken in the Edithvale Activity Centre and:
 - a. Advocate for streetscape revitalisation, improved safety, pedestrian connectivity and beautification works to be provided by the Level Crossing Removal Authority as part of the Edithvale Road level crossing removal.
 - b. Facilitate a meeting between representatives of the Edithvale Collective and the Level Crossing Removal Authority to provide an opportunity for the Edithvale Collective to share key ideas, opportunities and priorities identified through the Neighbourhood Project.
4. Engage with local real estate agents and the owners of vacant premises to better understand the factors influencing long term vacancies in the Chelsea and Edithvale Activity Centres.
5. Conduct car parking surveys in Edithvale and Chelsea during the 2018/19 summer period to determine the level of car parking demand, vehicle turnover and point of origin with a further report to be brought back to Council in 2019 considering the survey results and any implications for parking management in the centres.

CARRIED

3. Commence preparation of a Structure Plan for the Chelsea Major Activity Centre.

CARRIED

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A Division was Called:

DIVISION:

FOR: Crs Barth, Bearsley, Eden, Gledhill, Hua and Oxley (6)

AGAINST: Cr West (1)

ABSTAINED: Cr Staikos (1)

CARRIED

Note: It was requested by Cr West and agreed to by the Chairperson that parts 1, 2, 4 and 5 of the Motion be put to the vote separately to part 3.

Question Time

Finn McCarthy of Phillip Venturer Scout Unit asked:

We have observed the Kingston Council upgrading sporting facilities around Kingston. While this provides for those who are mainstream sporting orientated, we are interested in what future planning the Council is considering for youth who are not generally sports orientated and especially of interest to us in scouting.

The CEO provided the following response:

Council recognises that it must invest its resources across a number of different community service profiles, including sport, youth development, events, arts and culture to encourage community development and involvement in community activities, and scouting is an important part of the Kingston community. Some of the things that Council has done to assist with scouts are: Chelsea Scouts were in a reserve in a rundown building; they now utilise the Chelsea Hub. Scouts own many of their own buildings but they are on Council land and all of the essential safety measures installed in those buildings have been funded by Council and at present Council is working with senior scout representatives to support scouting's strategic approach to its future property portfolio in the City of Kingston and will continue to support those initiatives and work to support scouting in Kingston.

Dorothy Booth of Mentone asked:

Kingston Council's website recently ran an article dated 19.3.2018 (and still available online) with a title stating, 'detailed design works underway for the Baytrail'. The story advised that, 'detailed design work is now underway'. At the same time acknowledgement was given that residents have lodged an appeal at VCAT against Council's planning application. Given the obvious community concerns with Council's proposal, why are Council apparently forging ahead spending more of ratepayers money on what Council are describing as 'detailed design work'? Wouldn't it be more prudent to wait until the outcome of the VCAT hearing is known, a direction given and the way forward is known with certainty?

The CEO provided the following response:

The development of detailed design drawings is further detail of the functional layout plans. At present they are in two dimensions and they need to be developed in three dimensions. This will assist in the timely implementation of the project should VCAT be resolved in Council's favour.

Bruce Duffy of Chelsea asked:

Can Council look at the environmental impact of allowing new developments, in the sand belt area of Kingston, to build large concrete underground car parks? These car parks are becoming more common and extend down into the environmentally sensitive sand belt area water table?

The CEO provided the following response:

This question raises an important question for Council when considering such planning applications. Council when considering these planning applications in proximity of the sand belt area seeks advice from Council's Infrastructure Department where underground car parks are proposed. This provides a technical assessment of the manner in which the basement is to be constructed taking into account the site's relationship with the water table. Council does take into consideration that whatever Council may subsequently support, it is sustainable into the future.

Bruce Duffy of Chelsea asked:

Before someone is badly injured on Kingston's shared pathways could Council consider commencing a campaign that encourages cyclists to give plenty of warning before overtaking pedestrians and slower cyclists? And considering a campaign that encourages those being overtaken to appreciate the warning rather than getting angry about being warned?

The CEO provided the following response:

Council will be developing an integrated transport strategy which will consider issues and develop strategies for cycling practices, infrastructure and behaviours in Kingston. Thank you for your suggestion and this will be considered in the strategy development, which will be published as a draft for public comment before being considered for adoption by Council.

Christine Crisp of Bonbeach asked:

Regarding netball courts in Bonbeach Reserve. Under Local Government guidelines - is a contract to carry out works legally binding prior to actual signing and dating of the contract document?

The CEO provided the following response:

In the context of this particular matter, there was a tender advertised that included the contract documents for the tenderers to include in their responses. There was an evaluation conducted, then there was a letter of acceptance sent, I think it was dated 6 March, to the successful tenderer. The successful tenderer then signed accepting that. The contract was then formed at that point. We also pulled together all the documents later on, but the contract was formed at that point.

Christine Crisp of Bonbeach asked:

Regarding the location of netball courts at Bonbeach Reserve. The proposed location shown on the new plan will still not provide additional parking and there is also a plan to build a new indoor stadium on the existing car park. How will adequate parking be provided due to both proposals?

The CEO provided the following response:

Council tonight under agenda Item 10.2 will be considering a report on the Bonbeach netball courts. That report does not propose additional car parking, however it does make recommendations in terms of the concerns that have been raised by the community regarding car parking at the site and the surrounding residential streets following Council's rounds of recent community consultation on the proposal. There is no proposal by the Council at this point in time to build or extend the existing indoor stadium on this site. Should consideration of new courts be required a detailed assessment would be required.

Christine Crisp of Bonbeach asked:

Regarding netball courts at Bonbeach Reserve. Have the Aboriginal Heritage Board been contacted by Council staff to ascertain if the overlay would prevent the courts from being located elsewhere within the Reserve?

The CEO provided the following response:

Council has not spoken with the Aboriginal Heritage Authority at this stage regarding any works on the site. Council is aware that there is an Aboriginal Heritage Overlay running north-south across the back of where the cricket nets are on the western oval. The future of those netball courts will be determined under Item 10.2 this evening.

Simon Johnson of Parkdale asked:

Will Kingston Council publish a current position on the Edithvale and Bonbeach train stations and whether its preference is sky rail or trench?

The CEO provided the following response:

Council has been aware for quite some time of the State Government's proposal to excavate and have rail beneath road at Edithvale and Bonbeach. Tonight under agenda item 8.7 Council will formulate a response to the Environmental Effects Statement which addresses the proposal to have rail under road on that site.

Simon Johnson of Parkdale asked:

Kingston Council charges sporting clubs and other entities for renting, leasing or otherwise using Council buildings. Will Council publish a list of buildings and what revenue they generate? How is revenue calculated? What happens when this entities are behind on their payments or refuse to pay?

The CEO provided the following response:

At this point in time Council does not publish a list of buildings and the revenue they generate. However all rentals for community buildings are levied in accordance with Council's Community Leasing Policy which is a public policy. If someone is behind, and we monitor this on a regular basis, discussions are held with the tenant to understand why they're behind in their payments. We then work with the tenant to develop a repayment plan. Council has always been able to successfully do that.

Simon Johnson of Parkdale asked:

It takes many years for a head of lettuce to decompose in landfill. This is because it is not composted properly with access to air. It produces methane instead of being composted and making nutrient rich soil. What steps can Kingston Council take to stop food waste going to landfill? What measures will Council take in light of recent events in the recycling industry where the contents of recycling bins are just ending up in landfill?

The CEO provided the following response:

Council has entered into a new waste collection and recycling contract. That contract gives Council the option to look at food scraps going into the recycling bin, however receiver of that waste needs to have the processing facilities to receive that. Council a couple of years ago was one of ten Councils that entered into a collaborative contract with a company that can process not only the green waste but the green waste with the food scraps. This Council a couple of years ago established a receiving facility to recycle food scraps and the new kerbside collection and recycling contracts Council entered into earlier this year include the option for Council to include food scraps in its green waste bins. Council is committed to reviewing its Waste Management Strategy and in the life of the this Council term Council will turn its mind to how it will go about doing that. There are significant implications for bin collection services and a number of other things would need to be put in place but this Council has put in place all the building blocks necessary to do that. In light of recent events in the recycling industry where the contents of recycling bins are ending up in landfill, Kingston's recycling is not going to landfill. Kingston under its existing contract will receive a government subsidy to 30 June this year to help redirect its recyclables. Our contractor will continue to receive those and process those at additional cost and we are being advised this will meet China's revised standards under its Sword policy. Under Council's new recycling contract which comes into effect in October this year, the successful tenderer on that matter has advised that they are capable of processing the Kingston Community's recyclables in accordance with China's new environmental standards.

Robyn Nolan asked:

On Monday 9 April the Mayor went on National ABC radio and claimed that Council will be removing 8599 square metres of vegetation as part of this Bay Trail section which includes narrowing Beach Road. He also claimed on Council's website that only 17 parking spaces would be lost in this section. Council's own commissioned Biosis vegetation assessment document however clearly references the required clearing of vegetation for this current proposed section of the Bay Trail between Mentone Life Saving Club and Rennison Street is 5710 square metres. Also Council well knows that there will be considerably more parking spaces lost than 17. So I ask given the community concerns relating to this proposal could Council please provide accurate and balanced facts rather than ones which would appear designed to confuse and mislead the community?

The CEO provided the following response:

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

Robyn Nolan asked:

Again why do Kingston Council appear to mislead the public on details regarding the current Bay Trail proposal which is currently the subject of a controversial planning application by Council? Council claimed in Council's own 'Kingston Your City' publication and also on Kingston's Council's website that cycling body Bicycle Network has conducted an 'independent safety audit' of the proposal. Yet at the very time that Council were singing the praises of the 'safety audit', in their publication and on their own website it would appear Council were actually fully aware that such a report did not exist. Bicycle Network in fact put the following statement - Quote: 'To be clear Bicycle Network did not conduct a safety audit as has been claimed.' So I again ask the question why Council persist with what seems to be a determined attempt to mislead the public by providing seemingly false and inaccurate information.

The CEO provided the following response:

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

Gavin Nolan asked:

Why do Council persist in highlighting Bicycle Network as some kind of knowledgeable and reputable cycling body on respect of Council's Bay Trail proposal? Bicycle Network has recently been exposed for appearing to mislead the cycling community and the broader community regarding this Council proposal. Recently Bicycle Network publicly claimed that a number of other cycling groups supported Council's proposal. They have since had to remove these comments following Amy Gillet Foundation and Triathlon Victoria publicly stating that this was not correct.

These organisations as well as Bayside Triathlon Club and respected motoring organisation RACV have all stated that they do not supposed Kingston's Council's proposal which includes narrowing Beach Road.

So again respectfully the question posed why do Council persist with appearing to present false information and give the impression they have support from organisations which they know is simply not correct.

The CEO provided the following response:

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

8.4 Response to Notice of Motion 38/2017 - Development Register

Moved: Cr West

Seconded: Cr Eden

Cr Oxley left the meeting at 8:15pm

Cr Oxley returned to the meeting at 8.30pm

That:

1. Council note the response to Notice of Motion 38/2017.
2. Officers produce for Councillors an annual register that identifies the address, proposal description, applicant details and application status of all application received for ten or more dwellings.

CARRIED

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3. As Council wishes to seek further information to be included in the register, that if necessary council seek legal advice on whether we have the ability to include other information that is provided as part of the planning application and approval process including:
- a) the names of planners, developers, landowners, lobbyists, and other parties associated with the development applications on the register;

LOST

A Division was Called:

DIVISION:

FOR: Crs Staikos and West (2)

AGAINST: Crs Barth, Bearsley, Eden, Gledhill and Hua (5)

ABSTAINED: Cr Oxley

LOST

3. As Council wishes to seek further information to be included in the register, that if necessary council seek legal advice on whether we have the ability to include other information that is provided as part of the planning application and approval process including:
- b) details of any complaints about or problems experienced by any such developers or other parties that comes to Council's notice during, prior to or after the development listed on the register.

CARRIED

Note: It was requested by Cr Eden and agreed to by the Chairperson that parts 1 and 2; part 3 (a); and part 3 (b) of the Motion be put to the vote separately.

The resolution reads as follows:

That:

1. Council note the response to Notice of Motion 38/2017.
2. Officers produce for Councillors an annual register that identifies the address, proposal description, applicant details and application status of all application received for ten or more dwellings.
3. As Council wishes to seek further information to be included in the register, that if necessary council seek legal advice on whether we have the ability to include other information that is provided as part of the planning application and approval process including:
 - details of any complaints about or problems experienced by any such developers or other parties that comes to Council's notice during, prior to or after the development listed on the register.

8.5 Amendment C151 - Kingswood Golf Course

Moved: Cr Barth

Seconded: Cr Hua

1. That the proposed Development Plan be included as part of the package of documentation to be placed on public exhibition for combined Planning Scheme Amendment C151 and Planning Permit Application KP16/134.
2. That a further report be presented to Council at the close of the exhibition period to consider submissions in accordance with Section 22 and 23 of the Planning and Environment Act 1987.

Cr Eden left the meeting at 8:40pm

Amendment

Moved: Cr West

That the words 'request for advisory committee' be removed from the terms of reference on pages 133 – 135 and be deleted from the title in minutes.

The Chairperson rejected the Amendment as the intent of the motion was not clearly expressed.

Procedural Motion

Moved: Cr Hua

Seconded: Cr West

That consideration of this item be deferred to allow time for officers to correct the report.

Cr West withdrew seconding the Motion.

Cr Hua withdrew the Motion.

Amendment

Moved: Cr West

Seconded: Cr Hua

1. That the proposed Development Plan be included as part of the package of documentation to be placed on public exhibition for combined Planning Scheme Amendment C151 and Planning Permit Application KP16/134.
2. That a further report be presented to Council at the close of the exhibition period to consider submissions in accordance with Section 22 and 23 of the Planning and Environment Act 1987.
3. The attached terms of reference (Appendix 2) to the advisory committee are in no way supported by Council as a result of this resolution.

The Amendment was put and CARRIED

The Amendment became the Motion

The Motion was put and CARRIED

Procedural Motion

Moved: Cr Bearsley

Seconded: Cr Oxley

That the order of business be altered to consider Item 10.2 prior to Item 8.6

CARRIED

10.2 Bonbeach Recreation Reserve Outdoor Netball Courts Consultation Findings

Moved: Cr Bearsley

Seconded: Cr Oxley

That Council:

1. Note community input and feedback from the consultation activities associated with the proposed development of outdoor netball courts at Bonbeach Recreation Reserve;
2. Authorise officers to undertake the following investigations and works:
 - a. Surveying surrounding residents to install parking restrictions and line markings within surrounding streets;
 - b. Relocating the outdoor netball courts to the south of the initial proposed location as per Appendix 1 and ensure its footprint is kept to a minimum whilst meeting Netball Victoria's facility guidelines;
 - c. Design and implement outdoor netball courts sports lighting to incorporate lighting fittings that minimise glare and light spill;
 - d. Providing an acoustic fence/sound wall along the site boundary to the west and north (as far as Royal Ave) of Bonbeach Recreation Reserve, subject to consultation with and approval by surrounding property owners;
 - e. Working with the Bonbeach Football and Netball Club and Chelsea Basketball Association to review car parking arrangements to minimise impacts upon residents, including parking of buses away from residential properties and spreading car parking across the formal and informal car parking areas;
 - f. Install security lighting on the Scout Hall and ensure its ongoing use; and
 - g. Commence a consultation and design process, including site identification and works for the upgrade of the playground facility with residents.
3. Authorise officers to allocate savings from the 2017/18 operational budget to implement the investigations and works (identified above);
4. Note the Bonbeach Recreation Reserve Netball Courts Concept Plan (Revised) (Appendix 1) and authorises officers to engage with South Ward Councillors to finalise detail of the concept plan for 1 May 2018 works initiation; and
5. Provide a written update to residents surrounding Bonbeach Recreation Reserve outlining any design changes and timeline for implementation.

Cr Eden returned to the meeting at 9:00pm

CARRIED

It is recorded that the Mayor provided an apology on behalf of Council in relation to the matter.

Cr Oxley left the meeting at 9:14pm and did not return.

Cr Eden left the meeting at 9:14pm and did not return.

8.6 Cheltenham Structure Plan Review – Proposed Change to the Municipal Boundary

Moved: Cr Gledhill

Seconded: Cr Hua

That Council:

1. Note the collaborative consultation process that has occurred between the City of Kingston, the City of Bayside and the Level Crossing Removal Authority throughout the preparation of the Cheltenham Structure Plan Review and consideration of issues relating to the realignment of the municipal boundary.
2. Commence a process under the Local Government Act to move the municipal boundary west to generally align with the boundary shown in the Cheltenham Structure Plan Review.

Amendment

Moved: Cr West

That Council:

1. Note the collaborative consultation process that has occurred between the City of Kingston, the City of Bayside and the Level Crossing Removal Authority throughout the preparation of the Cheltenham Structure Plan Review and consideration of issues relating to the realignment of the municipal boundary.
2. Commence a process under the Local Government Act to move the municipal boundary west to generally align with the boundary shown in the Cheltenham Structure Plan Review subject to officers agreeing to amend Council's resolved plans if necessary to reach agreement with Bayside Council on their adopted position with regard to the height of the frontage of the multi-storey buildings adjacent to Cheltenham Park.

Cr Barth left the meeting at 9:16pm

Cr Barth returned to the meeting at 9:18pm

The Motion LAPSED for want of a Seconder

The Substantive Motion was put and CARRIED unanimously

8.7 Edithvale Bonbeach Environmental Effects Statement Submission

Moved: Cr West

Seconded: Cr Barth

Cr Gledhill left the meeting at 9:28pm

Cr Gledhill returned to the meeting at 9:30pm

That Council:

1. Note this report in relation the Environmental Effects Statement for the Edithvale and Bonbeach Level Crossing Removal Project.
2. Endorse the proposed Council submission at Appendix 1 in relation the Environmental Effects Statement for the Edithvale and Bonbeach Level Crossing Removal Project.

CARRIED

3. Employ:

- a legal advocate to present Council's case to the EES panel as recommended in the officer report and in the legal advice,
- expert witness(es) on
 - hydrogeology; and
 - ecology to provide independent assessments of the potential risks to the wetlands and to the birds – especially the rare migratory birds that depend on this habitat, and on the serious threats to the Coastal Banksia Woodland at Bonbeach resulting from the anticipated drawdown of 30-40 cm for the groundwater under the foreshore.

CARRIED on the casting vote of the Chairperson

Note: It was determined by the Chairperson that parts 1 and 2 of the Motion be put to the vote separately to part 3.

9. Community Sustainability Reports

9.1 2018 Youth Awards

RECOMMENDATION

That Council undertake a review of the Youth Awards, to ensure continuing relevance to young people and the broader community, with a report to be presented to Council prior to the 2019 Awards.

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

9.2 Make Renting Fair Campaign

RECOMMENDATION

That Council:

1. Write a letter to be signed by the Mayor to Tenants Victoria confirming support for the Make Renting Fair campaign;
2. Write a letter to be signed by the Mayor to The Hon. Marlene Kairouz, Minister for Consumer Affairs supporting the campaign;
3. Promote the campaign via social media; and
4. Sign and submit the Make Renting Fair campaign petition.

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

9.3 Edithvale Life Saving Club - Project Update

Moved: Cr Bearsley

Seconded: Cr Gledhill

That Council:

1. Note the successful outcome of the Coastal Management Act Consent application for the Edithvale LSC redevelopment project;
2. Note and endorse the budget implications, as set out in paragraph 4.3 of this report, for the Edithvale LSC redevelopment project and to refer these for inclusion in the 2019/20 Budget setting process;
3. Authorise officers to undertake a tender process for construction of the new LSC building; and
4. Negotiate a Heads of Agreement with the Club to support a future lease of the new facility.

Amendment

Moved: Cr West

That Council:

1. Note the successful outcome of the Coastal Management Act Consent application for the Edithvale LSC redevelopment project;
2. Note and endorse the budget implications, as set out in paragraph 4.3 of this report, for the Edithvale LSC redevelopment project and to refer these for inclusion in the 2019/20 Budget setting process;
3. Authorise officers to undertake a tender process for construction of the new LSC building subject to minor alterations to plans to retain the current level of the terrace in front of the kiosk to allow people to continue to enjoy and sit behind the bluestone wall as it curves around to the steps, and to cover the steps with a narrower ramp to provide disability and other pedestrian access.

This to be subject to DELWP approval, as it can be altered later if and when the sea level rises to the point where the terrace could be inundated; and

4. Negotiate a Heads of Agreement with the Club to support a future lease of the new facility.

**The Amendment LAPSED for want of a Seconder
The Motion was put and CARRIED**

10. City Assets and Environment Reports

**10.1 Mordialloc Sailing Club's Request to Deviate from Leasing Policy
Regarding a New Proposed Lease**

Moved: Cr Bearsley

Seconded: Cr Gledhill

That Council:

1. Writes to Mordialloc Sailing Club to offer the club a 21 year lease;
2. Authorises the CEO or his delegate to publish a notice in accordance with Section 190 of the Local Government Act 1989 advising of Council's intention to enter into a lease with Mordialloc Sporting Club including the following terms:
 - Rent: \$1,277 (year 1), \$2,555 (year 2)
 - Review: Annual 2% increases starting from year 2; and
 - Term: 21 years (7+7+7);
3. Appoints Cr Oxley, Cr Bearsley, Cr Eden, General Manager City Assets & Environment and Manager Property, Arts & Leisure to hear any submissions received and that any submission be heard at 5:00 pm on 5 June 2018 or other suitable time; and
4. In the event no submissions are received, authorises the CEO or his delegate to execute a lease on the advertised terms and to the satisfaction of Council's solicitor.

CARRIED

10.3 Bentleigh Greens Soccer Club's Proposed Realignment of Fence at Kingston Heath Reserve Regional Soccer Facility

Moved: Cr Gledhill

Seconded: Cr Hua

That Council

1. Approve the relocation of the northern boundary fence of the soccer Pitch 1 at Kingston Heath Reserve, as set out as Appendix 2 (Option 2 – 12 metre fence);
2. Authorise officers to fund the fence relocation, from within the 2017/18 Council Budget; and
3. Write to stakeholder groups at Kingston Heath Reserve advising them of Council's decision and express Council's appreciation for their input and feedback.

CARRIED

11. Corporate Services Reports

11.1 Annual Consideration of Council Plan 2017-2021, Approval of the Strategic Resource Plan; Adopt Draft Budget 2018/19 for Public Consultation

Moved: Cr Gledhill

Seconded: Cr Hua

That Council:

1. Notes the Draft Budget annexed to this report prepared in accordance to Section 127 of the Local Government Act 1989.
2. Gives public notice of the Draft Budget in accordance with Section 129(1) of the Local Government Act 1989.
3. In accordance with section 223(1) determines that a Special Meeting of Council be held on Monday 4 June 2018 at 7.00pm at 1230 Nepean Highway, Cheltenham for the purposes of hearing submissions in relation to the Draft Budget.
4. Adopts the attached Council Plan 2017-2021 without adjustment for the 2018-2019 financial year.
5. Adopts the Strategic Resource Plan 2018-2022, subject to any changes in Council's adopted 2018/19 Budget being reflected in a revised Strategic Resource Plan.
6. That a Special Council Meeting be held on Tuesday 12 June 2018 at 7.00pm to adopt the 2018/19 Budget.

CARRIED unanimously

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 Quick Response Grants

RECOMMENDATION

That Council approve the following grant applications:

- Neighbourhood Watch Kingston - \$500.00
- Bonbeach Primary School - \$1000.00
- Edithvale Pre School Centre Association Inc. - \$499.00
- Mordialloc Roller Hockey Club - \$1000.00
- Melbourne Hebrew Congregation - \$1000.00

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

11.4 Audit Committee Charter

RECOMMENDATION

That Council adopt the draft Audit Committee Charter dated April 2018.

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

11.5 Motions for MAV State Council Meeting - May 2018

RECOMMENDATION

That Council submit the Motions shown in Appendix 1 and 2 of the report to the MAV State Council Meeting on 18 May 2018.

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

11.6 Review of Council Instruments of Delegation

RECOMMENDATION

In the exercise of the powers conferred by section 98(1) of the Local Government Act 1989 (the Act) and the other legislation referred to in the attached Instruments of delegation, that Council resolves that:

1. There be delegated to the person holding the position, acting in or performing the duties of Chief Executive Officer the powers, duties and functions set out in the attached Instrument of Delegation to the Chief Executive Officer, subject to the conditions and limitations specified in that Instrument.
 - 1.1. The instrument comes into force immediately the common seal of Council is affixed to the instrument.
 - 1.2. On the coming into force of the instrument all previous delegations to the Chief Executive Officer are revoked.
 - 1.3. The duties and functions set out in the instrument must be performed, and the powers set out in the instruments must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt.

It is noted that the instrument includes a power of delegation to members of Council staff, in accordance with section 98(3) of the Act.

2. There be delegated to the members of Council staff holding, acting in or performing the duties of the offices or positions referred to in the attached Instrument of Delegation to members of Council staff, the powers, duties and functions set out in that instrument, subject to the conditions and limitations specified in that Instrument.
 - 2.1. The instrument comes into force immediately the common seal of Council is affixed to the instrument.
 - 2.2. On the coming into force of the instrument all previous delegations to members of Council staff (other than the Chief Executive Officer) are revoked.
 - 2.3. The duties and functions set out in the instrument must be performed, and the powers set out in the instruments must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt.

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

11.7 Response to Notice of Motion 5/2018 - Cr West - Rate Reform to Encourage Heritage Protection, Farming and Amenity

RECOMMENDATION

That Council:

1. Note this report as the response to Notice of Motion 5/2018.
2. Advocate to the State Government to extend the coverage of the vacant Residential Land Tax to the Kingston municipal area.
3. Note that the Draft 2018/19 Budget considered at Item 11.1 includes a differential rate of 90% of the General Rate for residential and rural properties (that do not qualify for the existing Agricultural Land differential) that are Heritage listed as per Attachment 1 to this report and any other residential and rural properties that achieve Heritage listing in the future also be subject to the differential rate.

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

11.8 Response to Notice of Motion No. 51/2017 - Cr Gledhill - Code of Conduct Reports (regarding Councillor Behaviour)

Moved: Cr Gledhill

Seconded: Cr Bearsley

That consideration of this item be deferred until the May Ordinary Meeting of Council.

CARRIED

11.9 Recording of the Public Gallery at Council and Planning Committee Meetings

Moved: Cr Bearsley

Seconded: Cr Hua

That consideration of this item be deferred until the May Ordinary Meeting of Council.

CARRIED

12. Notices of Motion

12.1 Notice of Motion No. 10/2018 - Cr West - Heritage Act

Moved: Cr West

Seconded: Cr Gledhill

That Council:

1. Write to the Minister for Planning Richard Wynne requesting that he review and reform the Heritage Act to give more weight to cultural heritage matters including the use of heritage-listed facilities in keeping with community expectations of groups that are objecting to developments that have impacted adversely on facilities with highly valued social and cultural heritage aspects including the Palace Theatre, the Beaumaris Hotel, the Khyatts Hotel in Brighton and the Mentone Hotel.
2. Seek the support of the National Trust in this matter.

Procedural Motion

Moved: Cr Gledhill

Seconded: Cr West

That the meeting be extended for 30 minutes until 10.30pm.

CARRIED

The Substantive Motion was put and CARRIED

Procedural Motion

Moved: Cr Bearsley

Seconded: Cr Gledhill

That consideration of items 12.2 and 12.3 be deferred until the May Ordinary Meeting of Council.

CARRIED

13. Confidential Items

Moved: Cr Gledhill

Seconded: Cr Hua

That in accordance with the provisions of section 89(2) of the *Local Government Act 1989*, the meeting be closed to members of the public for the consideration of the following confidential items:

14.1 Notice of Motion No. 7/2018 - Cr West - Mentone Hotel

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)

14.2 Notice of Motion No. 8/2018 - Cr West - Mentone Hotel

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

14.3 Notice of Motion No. 9/2018 - Cr West - Mentone Hotel

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)

14.4 Notice of Motion No. 13/2018 - Cr West - Engagement of Lawyers

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 Amendment C151 - Kingswood Golf Course - Request for Advisory Committee

Appendix 1, Legal Advice

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

8.6 Cheltenham Structure Plan Review – Proposed Change to the Municipal Boundary

Appendix 2, Legal Advice

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

**8.7 Edithvale Bonbeach Environmental Effects Statement submission
Appendix 1, Letter to Mr Paul Marsden - EES - Edithvale & Bonbeach Level Crossing re...**

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

CARRIED

The meeting was closed to members of the public at 10.03pm.

**City of Kingston
Ordinary Meeting of Council**

Minutes

23 April 2018

Procedural Motion

Moved: Cr Hua

Seconded: Cr Bearsley

That the meeting be opened to members of the public.

CARRIED

The meeting was opened to members of the public at 10.06pm.

The meeting closed at 10.06pm.

Confirmed.....

The Mayor 28 May 2018