

Minutes

Ordinary Meeting of Council

Monday, 9th December 2019

Table of Contents

1.	Apologies	3
2.	Confirmation of Minutes of Previous Meetings	3
3.	Foreshadowed Declaration by Councillors, Officers or Contractors of any Conflict of Interest	3
	<i>[Note that any Conflicts of Interest need to be formally declared at the start of the meeting and immediately prior to the item being considered – type and nature of interest is required to be disclosed – if disclosed in writing to the CEO prior to the meeting only the type of interest needs to be disclosed prior to the item being considered.]</i>	
4.	Petitions	3
5.	Presentation of Awards	4
6.	Reports from Delegates Appointed by Council to Various Organisations.....	4
7.	Question Time.....	4
8.	Planning and Development Reports	5
9.	Community Sustainability Reports.....	6
10.	City Assets and Environment Reports	7
11.	Corporate Services Reports	9
12.	Notices of Motion	11
13.	Urgent Business.....	14
14.	Confidential Items	15

**City of Kingston
Ordinary Meeting of Council**

Minutes

9 December 2019

The meeting commenced at 7.02pm 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 George Hua
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
Rachelle Quattrocchi, Manager Infrastructure
Jonathan Guttmann, General Manager Planning and Development
Kesha West, Media and Communications Advisor
Phil De Losa, Manager Governance
Gabrielle Pattenden, Governance Officer
Lindsay Holland, Facilities Officer

1. Apologies

There were no apologies submitted to the meeting.

2. Confirmation of Minutes of Previous Meetings

Moved: Cr Eden

Seconded: Cr Gledhill

That the Minutes of the Ordinary Meeting of Council held on 25 November 2019 be confirmed.

CARRIED

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

Cr Gledhill foreshadowed a declaration of a conflict of interest in Item 11.4.

4. Petitions

4.1 Shade Sails for Chelsea

Moved: Cr Bearsley

Seconded: Cr Eden

That the petition be referred to the CEO for response

CARRIED

5. Presentation of Awards

Mordialloc Beaumaris Conservation League

The Mayor presented a certificate of appreciation to the Mordialloc Beaumaris Conservation League in recognition of their 50th anniversary.

Cr West paid tribute to Barry Ross, Secretary of the Defenders of the South East Green Wedge, who passed away on 7 December 2019.

6. Reports from Delegates Appointed by Council to Various Organisations

There were no delegates' reports.

7. Question Time

Question time was held at 8.06pm. Refer to page 12 of the Minutes.

Block Resolution

Moved: Cr Staikos

Seconded: Cr Gledhill

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

- 8.1 Response to resolutions from Special Council Meeting of 14 October 2019 regarding former Kingswood Golf Course
- 8.2 Housing Strategy & Neighbourhood Character Study - Consultation Summary report
- 9.1 Draft Family and Children's Strategy 2020-2024
- 9.2 Response to Budget Submission 8 - Kingston Toy Library
- 10.2 City of Yarra and Macedon Ranges Shire - Fourth Kerbside Collection Bin for Glass
- 10.3 Kingston City Hall Masterplan - Update
- 11.1 Quick Response Grants
- 11.2 Provision of Banking Services
- 11.3 Appointment and Authorisation of Officers under the Planning and Environment Act 1987
- 11.5 Assembly of Councillors Record Report

CARRIED

8. Planning and Development Reports

**8.1 Response to resolutions from Special Council Meeting of 14 October 2019
regarding former Kingswood Golf Course**

RECOMMENDATION

That Council:

1. Receive the response to resolutions of 14 October 2019;
2. Prepare a project brief and request a quote from Dr Jeff Yugovic of Biosis Pty Ltd for ecologist assessments of all golf courses within the City of Kingston;
3. Write to the owner of the 179 – 219 Centre Dandenong Road, Dingley Village (former Kingswood Golf Course Site) requesting continued cooperation regarding access to and management of the subject land; and
4. Amend the Instruments of Delegation and any subordinate policy to capture the criteria outlined in the report below to ensure that, where required, decisions are made by Council in instances where 10 or more trees are proposed to be removed.

Note: Refer to page 4 of the Minutes where this item was block resolved.

**8.2 Housing Strategy & Neighbourhood Character Study - Consultation
Summary report**

RECOMMENDATION

That Council:

1. Note the key findings of the Consultation Summary report prepared by Ethos Urban (Appendix 1).
2. Note that a further report will be brought to Council with the changes recommended by Ethos Urban to the Housing Strategy and Neighbourhood Character Study and seeking adoption of the finalised Strategy.

Note: Refer to page 4 of the Minutes where this item was block resolved.

9. Community Sustainability Reports

9.1 Draft Family and Children's Strategy 2020-2024

RECOMMENDATION

That Council:

1. Approve the release of the draft Kingston Family and Children's Strategy 2020-2024 and Action Plan for community consultation; and
2. Receive a further report regarding the outcomes of the community consultation process.

Note: Refer to page 4 of the Minutes where this item was block resolved.

9.2 Response to Budget Submission 8 - Kingston Toy Library

RECOMMENDATION

That Council:

1. Note the resource implications and planned facility improvement works and actions outlined in section 3.3.2 of this report; and
2. Approve the allocation of \$12,575 to the KTL for operating costs from unallocated funds in the 2019/20 Annual Grants budget and consider providing an ongoing contribution through the Community Partnerships Grant program subject to a broader strategic review process to identify key directions for the future of toy library services in Kingston.

Note: Refer to page 4 of the Minutes where this item was block resolved.

10. City Assets and Environment Reports

**10.1 Response to Notice of Motion No. 42/2019 - Cr. West - LXP Tree
Removals and Failure to Replace Parking Spaces**

Moved: Cr West

Seconded: Cr Staikos

That Council:

1. Note the limited community response rate of 10.7% of potentially impacted properties following the recent community consultation process examining changes to the existing parking restrictions in Cameron Street, Courtney Street, Edward Street, Hoffman Street, Nepean Highway Service Road, Page Street and Tuck Street

CARRIED

2. Undertake additional community consultation in early 2020 with a view towards optimally achieving a 25% response to determine the level of community support to modify the existing parking restrictions to provide more all-day parking during the Level Crossing Removal Works.

CARRIED

3. Receive a further report in the March 2020 meeting cycle regarding whether to proceed with the removal of the four-hour parking restrictions on one side of the road in Cameron Street, Page Street, Tuck Street, Hoffman Street Courtney Street and the Nepean Highway Service Road while the level crossing removal works are taking place to provide a better overall balance of short and long-term parking;

CARRIED

4. Install hockey stick line markings in the streets to help prevent parked cars obstructing access to driveways; and

CARRIED

5. Receive a further report regarding whether or not to proceed with the implementation of more all-day parking after the Level Crossing Removal Works.

CARRIED

Note: It was requested by Cr Gledhill and agreed to by the Chairperson that each part of the Motion be put to the vote separately.

10.2 City of Yarra and Macedon Ranges Shire - Fourth Kerbside Collection Bin for Glass

RECOMMENDATION

That Council:

1. Note the information provided regarding the removal of Glass Products from comingled recycling bins at City of Yarra and Macedon Ranges Shire.
2. Review options within the existing Recycling Services contract to lower compaction rates to reduce the amount of broken glass and other fine material within the waste stream, which increases the resource recovery.
3. Receive a further report with details of any regulatory and policy changes from State Government with the publication of the Circular Economy White Paper and the Infrastructure Victoria Review into Recycling and Resource Recovery. This report to consider the options available for possible service changes and the environmental, financial, social and risk implications.

Note: Refer to page 4 of the Minutes where this item was block resolved

10.3 Kingston City Hall Masterplan - Update

RECOMMENDATION

That Council place the draft Stage 2 Masterplan on public display for feedback.

Note: Refer to page 4 of the Minutes where this item was block resolved

10.4 Outcome of Section 223 Committee for Proposed Discontinuance and Possible Sale of Golden Lane

Moved: Cr Bearsley

Seconded: Cr Eden

That Council:

1. Note the submissions and the minutes of the section the 223 committee.
2. Authorise officers to undertake the discontinuance and sale of Golden Lane.
3. Advise the submitters of the decision of Council and the reasons for that decision.

Cr Barth left the meeting at 7:35pm

CARRIED

10.5 Outcome of Section 223 Committee for Proposed Sale of Discontinued Road Side of 2 Dyson and Rear of 44 Walkers Rd Carrum

Moved: Cr Bearsley

Seconded: Cr Eden

That Council:

1. Receive the submissions and the minutes of the Section 223 Committee;
2. Authorise officers to undertake the statutory procedure to sell the discontinued Road; and
3. Advise the submitters of the decision of Council and the reasons for that decision.

CARRIED

10.6 Food Organic Green Organic Implementation Options

Moved: Cr Staikos

Seconded: Cr Gledhill

That Council:

1. Approve the option to retender for the supply of Caddies and Compostable Bin Liners as per the 22 July 2019 Ordinary Council Meeting resolution.
2. Receive a further report to award the tender (if the final price inclusive of GST is above the CEO delegation of \$750,000).
3. Receive a further report in early 2020 that considers options for the ongoing supply and distribution of compostable bin liners and the next stages of implementation for Food Organic Garden Organic waste service.

CARRIED

11. Corporate Services Reports

11.1 Quick Response Grants

RECOMMENDATION

That Council approve the following grant applications:

1. CWA Dingley Village Branch - \$250.00
2. Parkdale Bowling and Social Club - \$1500.00
3. Chelsea Red Cross - \$1000.00

That Council not approve the following grant application:

4. Nikita Djordjevic

Note: Refer to page 4 of the Minutes where this item was block resolved

11.2 Provision of Banking Services

RECOMMENDATION

That Council:

1. Award Contract 19/109 for the provision of Transactional Banking and Bill Payment Services for a period of four years commencing 1 April 2020 at an annual cost of approximately \$293,000 to the Commonwealth Bank of Australia; and
2. Authorise the CEO or delegate to exercise the available options of two (2) further periods of 36 months subject to further reports from the Manager Finance and Corporate Performance.

Note: Refer to page 4 of the Minutes where this item was block resolved

11.3 Appointment and Authorisation of Officers under the Planning and Environment Act 1987

RECOMMENDATION

That:

1. Council, in the exercise of the powers conferred by s 224 of the Local Government Act 1989 and by s147(4) of the Planning and Environment Act 1987, resolve that Corey Smith, Lachlan Hughes and Toby Gilbert be appointed and authorised as set out in the attached Instruments of Appointment and Authorisation.
2. Each Instrument come into force immediately on resolution and remain in force until such time as the officer is no longer employed, contracted or otherwise engaged to undertake the duties on behalf of Kingston City Council, unless varied or revoked earlier.

Note: Refer to page 4 of the Minutes where this item was block resolved

11.4 Australia Day Award Nominations 2020

Cr Gledhill declared a direct interest in this item and left the meeting at 7.44pm prior to any discussion on the matter.

Moved: Cr Brownlees

Seconded: Cr Staikos

The Council:

1. Select the winners of the City of Kingston Australia Day 2020 Awards as per confidential appendix 2:
2. Determine, in accordance with Section 77(2) of the Local Government Act 1989, that the identity of the winners be designated confidential until 26 January 2020, except for the notification of the award winners by the Mayor.

CARRIED

Cr Barth returned to the meeting at 7:45pm

Cr Gledhill returned to the meeting at 7.45pm

11.5 Assembly of Councillors Record Report

RECOMMENDATION

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

Note: Refer to page 4 of the Minutes where this item was block resolved

12. Notices of Motion

12.1 Notice of Motion No. 57/2019 - Cr West - Heritage Review

Moved: Cr West

Seconded: Cr Staikos

I move that Council receive a report to the February 2020 meeting cycle into reviewing our heritage overlay considering the following points:

1. Whether there are places or features in Kingston that warrant heritage listing that were not previously identified;
2. The condition of existing heritage-listed places and whether Council could take any measures to enable better maintenance of those places that are in a poor state of repair, such as
 - providing an enhanced rate rebate for heritage-listed properties;
 - other measures that officers, consultants or councillors may recommend;
3. Consideration of a panel of one or more different heritage consultants with different specialities be appointed to undertake this review to ensure
 - that it serves as a peer review of the earlier review;
 - that various heritage values are taken into account, for instance industrial buildings and cultural heritage may require a different perspective and

speciality from the standards adopted some years ago for our current heritage overlay;

4. That the project begin by initiating community consultation for this review and by inviting citizens to nominate buildings and other features to be placed on watchlist pending assessment, so that any development applications trigger urgent assessments.
5. That the community consultation make available a list of the buildings and features covered by the present heritage overlay, with a brief description of each and with links to enable citizens to access the detailed Statements of Significance.
6. That the report include whether this outcome can be achieved with existing staff, in which case whether the CEO would consider designating a heritage planner from the existing staff, or whether extra resources would be required.
7. That the report include recommendations regarding how best these objectives may be implemented, and costings, and that in the meantime work on the community consultation proceeds to the value of \$25,000.

CARRIED

Question Time

Michael Daley of Mentone asked,

“An Application for a Planning Permit reference KP-2018/385, 4-6 Horscroft Place Moorabbin, has recently been advertised. This application lists the City of Kingston as the Responsible Authority and on pages 120 and 121 the application defines a boundary realignment with 2 Horscroft Place as the mechanism for a reduction in the car parking requirement by 8 spaces. At the 22nd July meeting of the Kingston Council item 10.3 was a carried motion to initiate a land swap of land owned by the City of Kingston at 2 Horscroft Place and adjoining land at 4 Horscroft Place. In my view, this makes the City of Kingston a party to the KP-2019/235 Planning Permit Application. My question- “Is the council prepared to continue in its dual roles as Responsible Authority for and party to the Planning Permit Application KP2019/385?”

The General Manager Planning and Development provided the following response,

“The Planning Application you refer to seeks a permit to develop the land for the construction of 13 three-storey townhouses and 29 apartments within two five-storey buildings. The proposal does not include a boundary realignment. It’s a residential development application that includes a small proportion of land which Council owns. In direct respect to Councils dual role in this application, I advise that we separate our functions; our Council’s Property department would be responsible for overseeing any future land swap or ownership change of hands for any proposed boundary alignment should the planning application be granted, which is yet to be determined. Council’s City Development department act as responsible authority for all planning applications lodged. In this instance, given the size of the proposed application, the application will be determined by the Council following the statutory processes which are underway at the moment that need to be followed in its assessment. We would be willing to meet with Mr Daley to further discuss the issues raised in his question.”

Robyn Daley of Mentone asked,

“When the rezoning recommendations are made public, will the maps showing where objections came from also be made public?”

The General Manager Planning and Development provided the following response,

“Ms Daley’s question refers to the attachment on item 8.2 which provides a range of maps that show broadly where submissions were received with respect to the Housing and Neighbourhood Character work. Ms Daley’s question is very much about getting more specific information about where the objections came from. We will check with our Privacy Officer to work out what level of detail we can provide you with respect to individual submissions. It may be possible to provide you with how many were received in each street, which was the intention of the map, or it might be that we can provide you with all of the submissions and where they came from, but we will need some privacy advice so we will come back to you with a more formal response to your question”

Robyn Daley of Mentone asked,

“The City of Kingston is currently seeking community input regarding an “Urban Cooling Strategy”, part which focuses on maintaining open space without energy absorbing surfaces as a means of enhancing cooling. Will Council adhere to the private open space specifications of the planning scheme in new developments so as to promote Urban Cooling instead of the usual ‘not quite there’ that denotes the private open space of most current planning applications?”

The General Manager Planning and Development provided the following response,

“In responding to this question it is important to talk to the Draft Housing and Neighbourhood Character guidelines. One of the significant pieces of feedback we received particularly from people in our General Residential Zone 3 areas was around needing more canopy tree vegetation on development sites but also to protect and reinforce something that Kingston has had for some time, which is in those incremental change area - larger open space areas than that which the Rescode would otherwise provide for, and those large open space areas are private open space areas with a minimum dimension of five metres instead of three, and also a minimum 40 square metres plus additional area if there are more than two bedrooms for the dwellings. Those principles have stood in our Scheme since about 2004 and were quite unique at that time. For those areas where we don’t see much change, the community has certainly provided us with feedback that they are very important and that they should be protected. The opportunity in implementing our Housing and Neighbourhood Character work, and it is shown in the guidelines at the back of the document, is to be more explicit about where we want canopy trees and in some instances the guidelines talk to having not only a canopy tree in the rear garden but also reinforcing the need to have that in the front garden where there is a front garden for the units. The other point I would make that is related is that Council has recently changed its Community Local Law which relates to when trees of a certain size are removed anywhere in the City of Kingston to now require a replacement tree. We hope our finalised work on Housing and Neighbourhood Character will enhance what we are hoping to achieve out of the private open space areas and go directly to what our Urban Cooling Strategy is seeking which is more shaded areas both in public and private land within the municipality.”

12.2 Notice of Motion No. 58/2019 - Cr West - Probity Review - Planning Developments

Moved: Cr West

Seconded: Cr Staikos

That:

1. Officers provide a report to Council that lists all applications or approvals of developments with more than 10 dwellings in the past 15 years in the City of Kingston with which the following planners and lobbyists named in current IBAC proceedings have been involved:
 - John Woodman, planner and developer
 - Megan Schutz, planner
 - Phil Staindl, lobbyist
 - Lorraine Wreford, lobbyist
 - Wolfdene, development company owned by John Woodman's son.
2. That the list includes details including the date of the application and approval, what rezoning or planning permit application was involved and the names of any other lobbyists, planners, developers and landowners associated with such applications or approvals.
3. Noting the involvement of persons of interest from the recent IBAC hearings and operation Sandon - Council undertake a probity review of the following planning applications, including but not limited to:
 - Controversial or non-compliant Green Wedge applications,
 - Chicquita Park
 - Waterways
 - 44 First Avenue Chelsea Heights
4. That officers provide a report of the costs involved by the February 2020 Meeting in:
 - various parts of this resolution,
 - appointing an independent legal expert to undertake the work involved in point 3 and to advise on whether or not referral to IBAC may be warranted, for the first Councillor Briefing and Ordinary Meeting of 2020 and in the meantime proceed with this work up to the value of \$25,000.
5. In the meantime, officers proceed with this work, starting with parts 1 and 2, to the value of \$25,000.

CARRIED

13. Urgent Business

There were no items of urgent business.

**City of Kingston
Ordinary Meeting of Council**

Minutes

9 December 2019

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:

14.1 Cheltenham Property Matter

This agenda item is confidential in accordance with the Local Government Act s89(2) as it relates to proposed developments (s89 2e)

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

11.2 Provision of Banking Services

**Appendix 1, Provision of Transactional Banking and Bill Payment Services
Tender Scoring matrix**

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

11.4 Australia Day Award Nominations 2020

Appendix 2, Australia Day Award Winners - 2020

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

CARRIED

The meeting was closed to members of the public at 8.32pm.

Procedural Motion

Moved: Cr Gledhill

Seconded: Cr Brownlees

That the meeting be opened to members of the public

CARRIED

The meeting was opened to members of the public at 9.03pm.

The meeting closed at 9.03pm.

Confirmed.....

The Mayor 28 January 2020