

# Minutes

## Council Meeting

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Monday, 25th May 2020

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**City of Kingston  
Council Meeting**

**Minutes**

**25 May 2020**

The meeting commenced at 7.00pm in the Kingston City Hall, 985 Nepean Highway, Moorabbin.

**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  
Bridget Draper, Acting General Manager City Assets and Environment  
Jonathan Guttmann, General Manager Planning and Development  
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 Brownlees**

That the Minutes of the Council Meeting held on 27 April 2020 be confirmed.

**CARRIED**

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

Cr Gledhill foreshadowed declarations of conflicts of interest in Items 10.2 and 14.6.

**4. Petitions**

**4.1 Woodbine Grove, Chelsea**

**Moved: Cr Bearsley**

**Seconded: Cr Eden**

That the petition be referred to the CEO for response.

**CARRIED**

**5. Presentation of Awards**

Nil

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

Nil

**7. Question Time**

**Moved: Cr Gledhill**

**Seconded: Cr West**

That notwithstanding the requirement of Clause 18(4) of the Meeting Procedures Local Law, answers be read out to all questions submitted by 7.30pm given the current State of Emergency and measures responding to the Covid-19 Coronavirus.

**CARRIED**

Question time was held at 8.29pm. Refer to page 19 of the Minutes.

**Block Resolution**

**Moved: Cr West**

**Seconded: Cr Barth**

- 8.1 Town Planning Application Decisions - April 2020
- 8.6 Community Garden Policy
- 8.7 Suburban Rail Loop - Update
- 8.8 Approach to Economic Response and Recovery
- 8.11 Parking Enforcement Service Delivery - Update
- 9.1 Proposed Delivery Realignment - Bonbeach and Aspendale Life Saving Club Projects
- 9.2 5th Mordialloc Sea Scout Hall - Refurbishment
- 10.1 Kingston City Hall Masterplan - Update
- 10.3 Parking Management Policy - Review
- 10.4 Kiosk at the Edithvale Life Saving Facility
- 10.6 Kangaroo Road and Tarella Road, Chelsea Drainage Construction and Road Reconstruction
- 11.2 Kingston Performance Report, January to March 2020 and Quarterly Financial Statements Report, March 2020
- 11.4 Quick Response Grants
- 11.5 Assembly of Councillors Record Report
- 11.6 Election Period Policy
- 11.8 Award of Contract 19/58 – Provision of Legal Services
- 11.10 Good Governance Framework

**CARRIED**

**8. Planning and Development Reports**

**8.1 Town Planning Application Decisions - April 2020**

**RECOMMENDATION**

That the report be noted.

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

**8.2 KP-2018/102 - 7 Embankment Grove Chelsea**

It is recorded that Fiona Currie spoke on behalf of objectors.

**Moved: Cr Eden**

**Seconded: Cr Bearsley**

That Council determine to issue a Notice of Refusal to Grant a Permit for the development of five (5) dwellings, removal of an easement and associated works in accordance with the endorsed plan at 7 Embankment Grove, Chelsea, on the following grounds:

1. The proposal fails to meet the objectives and strategic directions of the Municipal Strategic Statement – Built Environment and Heritage contained at Clause 21.06 and Housing contained at Clause 21.07 of the Kingston Planning Scheme.
2. The proposal does not satisfy the requirements of Clause 22.06 – Residential Development Policy, of the Kingston Planning Scheme.
3. The proposal is not consistent with the purpose of the General Residential Zone (Schedule 3) at Clause 32.08 of the Kingston Planning Scheme as the proposal does not provide a design outcome that is respectful of the existing and preferred neighbourhood character.

**CARRIED**

**8.3 KP-2019/715 - 10 Groves Street, Aspendale**

It is noted that a written submission was provided by the applicant.

**Moved: Cr Bearsley**

**Seconded: Cr Eden**

That Council determine to support the proposal and issue a Notice of Decision to grant a Planning Permit to use the site as an innominate use (Lifesaving Club) and the removal of native vegetation at 10 Groves Street, Aspendale, subject to the following conditions:

1. Before any permitted clearing of native vegetation starts, amended plans to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plans will be endorsed and will form part of this permit. All works constructed or carried out must be in accordance with the endorsed plan. The plans must be drawn to scale with dimensions and georeferenced that clearly show:
  - i. The location of lighting along the timber walkway between the

Aspendale Surf Life Saving Club building and the Gnotuk Avenue Carpark. Notations on plans must state that lighting must be baffled and designed to not cause adverse amenity impact to adjoining properties in accordance with Condition 31 of this Permit.

- ii. All native vegetation proposed to be retained and describing the measures to be used to protect the identified vegetation during construction
- iii. The location and area of all native vegetation present, that are permitted to be removed under this permit
- iv. The location and area of all planted vegetation to be removed and the location of all replacement planting required to satisfy Condition 23 of this Permit.

#### Approved Use

2. The use and vegetation removal as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.

#### Cultural Heritage Management Plan

3. All works must be carried out in accordance with the Cultural Heritage Management Plan 16225 dated 17 July 2019 prepared by Biosis.

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

4. The works are to be carried out generally in accordance with application:
  - 'ASPENDALE LIFESAVING CLUB REDEVELOPMENT' received on 07/01/2020 prepared by Kingston City Council.
5. Any modification to the works proposed will require further approval by the Regional Director, Port Phillip Region, Department of Environment, Land, Water and Planning (DELWP).
6. Prior to works commencing, a construction environmental management plan must be prepared to the satisfaction of Kingston City Council.
7. All revegetation must utilise indigenous species.
8. Indigenous vegetation (other than approved under this consent) must not be damaged or removed as a result of the works.
9. Any clearing or construction activity associated with the works, should be carried out in accordance with the EPA Publication No. 275 *Construction Techniques for Sediment Pollution Control* (May 1991).
10. The construction site must be managed in accordance with EPA Publication No. 981 *Reducing Stormwater Pollution from Construction Sites* (May 2005).
11. Construction equipment, building materials, refuse and site run-off must be contained and controlled and not permitted to impact on the beach or enter Port Phillip Bay.
12. All works must be completed and maintained to the satisfaction of Kingston City Council.
13. This consent under the *Marine and Coastal Act 2018* will expire if the works are not completed within two years of the date of issue, unless an extension of time is applied for and granted by the Regional Director, Port

Phillip Region, DELWP.

**Vegetation Removal Conditions**

14. 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.
15. The total area of native vegetation proposed to be removed totals 0.009 hectares of Coastal Dune Scrub EVC (EVC160), comprised of:
  - a. One patch of native vegetation with a total area of 0.009ha.
16. To offset the permitted clearing in accordance with Guidelines for the removal, destruction or lopping of native vegetation (DELWP 2017), the permit holder must secure general offset of 0.003 general habitat units:
  - a. located within the Port Phillip and Westernport Catchment Management boundary or Kingston municipal area.
  - b. with a minimum strategic biodiversity score of at least 0.192.
17. Before any native vegetation is removed, evidence that the required offset by this permit has been secured must be provided to the satisfaction of the responsible authority. This evidence must be one or both of the following:
  - a. an established first party offset site including a security agreement signed by both parties, and a management plan detailing the 10-year management actions and ongoing management of the site, and/or
  - b. credit extract(s) allocated to the permit from the Native Vegetation Credit Register.
18. A copy of the offset evidence will be endorsed by the responsible authority and form part of this permit. Within 30 days of endorsement of the offset evidence, a copy of the endorsed offset evidence must be provided to Planning Approvals at the Department of Environment, Land, Water and Planning, Port Phillip regional office.
19. Where the offset includes a first party offset, the permit holder must provide an annual offset site report to the responsible authority by the anniversary date of the execution of the offset security agreement, for a period of 10 consecutive years. After the tenth year, the landowner must provide a report at the reasonable request of a statutory authority.
20. Within 6 months of the conclusion of the permitted clearing of native vegetation under this permit, the offset requirements can be reconciled with the written agreement of the responsible authority and the Department of Environment, Land, Water and Planning.
21. Prior to the removal of any vegetation, suitable fencing must be erected around all areas of native vegetation to be retained to ensure its protection.
22. Within the area of native vegetation to be retained and any tree protection zone associated with the permitted use and/or development, the following is prohibited:
  - a. Any vehicle or pedestrian access, trenching or soil excavation, and
  - b. Storage or dumping of any soils, materials, equipment, vehicles, machinery or waste products, and
  - c. Entry or exit pits for underground services, and
  - d. Any other actions or activities that may result in adverse impacts to

retained native vegetation.

23. Prior to the commencement of the use, replacement planting and re-vegetation of the site must occur to the satisfaction of the Responsible Authority. All planting must occur under the direction and supervision of the City of Kingston's Foreshore Team.

**Ancillary Use**

24. A Third Party Hire Agreement must be prepared for any external hire of the building and submitted to the satisfaction of the responsible authority in accordance with Kingston City Council's *Lease and Licence Policy 2018* (or as amended time to time). The Agreement will then be endorsed and form part of the permit. This Agreement must include, but is not limited to the following information:
- a. The suggested strategies for the management of patrons departing the premises;
  - b. A section that provides for a nominated person and contact details for each event; and
  - c. A copy of the planning permit.
25. A register must be prepared which manages and records any complaints regarding the operation of the premises during events held by third parties. The register must be held on-site and available to inspect at any time by the responsible authority.
26. The ancillary use of the land for functions must only operate during the following hours unless with the written consent of the Responsible Authority:
- |                   |                      |
|-------------------|----------------------|
| Sunday – Thursday | 5.00am – 10.30 pm    |
| Friday – Saturday | 5.00am – 12 midnight |
27. Functions held on the premises must not exceed a maximum number of 135 attendees on the premises at any one time.
28. Functions held at the venue on a Friday or Saturday must not operate later than 11.30pm on the day of the function, with the building vacated by 12 midnight on these days.
29. The First Floor Observation Platform or Observation Terrace must not be accessed by persons other than those performing Surf Life Saving duties.

**Venue Management Plan**

30. Prior to the commencement of the use, a Venue Management Plan must be submitted the satisfaction of the Responsible Authority. The Management Plan must address, but is not limited to the following:
- a) Management Responsibilities
  - b) Emergency Management
  - c) Patron Management
  - d) Identification of areas of the building available for events
  - e) Safety and Security Measures
  - f) Noise Control



- g) Incident Recording / Reporting
- h) Complaints Recording / Reporting
- i) Parking Management
- j) Alcohol Consumption Permit Requirements

**General amenity conditions**

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

**Time Limits**

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

In accordance with Section 69 of the Planning and Environment Act 1987, an application may be submitted to the responsible authority for an extension of the periods referred to in this condition.

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

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

**Note:** A copy of any approved Construction Management Plans required for the construction of the Surf Life Saving Club must be submitted to Council and made available for public viewing.

**CARRIED**

**8.4 KP-2020/110 - 419 Centre Dandenong Road Heatherton**

**Moved: Cr Gledhill**

**Seconded: Cr Hua**

That Council determine to support the proposal and issue a Planning Permit to develop the land for the construction of a fence in a land subject to Inundation Overlay at No. 419 Centre Dandenong Road Heatherton 3202, subject to the following conditions:

Endorsed Plans

1. Before the development starts amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be substantially in accordance with the amended plans prepared by Peter Brown Archlets Pty. Ltd, Job Number 1037, Revision 1, dated Feb 2020 Drawing No. A01 and WD03, received by Council 28 February 2020, but modified to show:
  - a) only existing site conditions and the proposed fence/gate; and
  - b) the provision of a landscape plan in accordance with the submitted development plan, with such plans to be prepared by a suitably qualified landscape professional to the satisfaction of the Responsible Authority and incorporating:
    - i. the location of the existing Coast Banksias on site with the trees required to be removed for the works associated with the construction of the fence, gates and pathways highlighted;
    - ii. a planting schedule of all proposed replacement trees, with replacement trees to be three to one for trees proposed to be removed, being one (1) *Eucalyptus ovata* (Swamp Gum) canopy tree and two (2) understory trees chosen from the following options, *Allocasuarina littoralis* (Black She-oak), *Acacia mearnsii* (Black Wattle), *Acacia melanoxylon* (Blackwood) or *Kunzea ericoides* (Burgan); and
    - iii. all canopy trees provided at a minimum of 2 metres in height at time of planting, understory trees to be provided at a minimum height of 1 metre.
2. The development as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.
3. Finished Floor Levels shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.

Vegetation Condition:

4. At the completion of works Council is to be contacted and the site inspected to ensure the existing trees have not been damaged. Any trees that require replacing are to be replaced as per Condition 1. b) ii.
5. The existing landscaping shown on the endorsed plans and any replacement plantings must be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced

Conditions required by Melbourne Water

6. The perimeter fence must be 'open style' a minimum of 50% of construction to allow for the conveyance of floodwaters.

Completion of Works

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

Expiry

8. This permit as it relates to development (buildings and works) will expire if one of the following circumstances applies:
  - c) The development is not started within two (2) years of the issue date of this permit.
  - d) The development is not completed within four (4) years of the issue date of this permit.

In accordance with Section 69 of the *Planning and Environment Act 1987*, an application may be submitted to the responsible authority for an extension of the periods referred to in this condition.

**Note:** This planning permit approves the Finished Floor Level (FFL) of the building(s) ONLY and does not vary the provisions of Part 4 of the Building Regulations 2006 for siting.

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

**Note:** The applicant/owner must provide a copy of this planning permit to any appointed Building Surveyor. It is the responsibility of the applicant/owner and Building Surveyor to ensure that all building development works approved by any building permit is consistent with the planning permit.

**Note:** Before removing/pruning any vegetation from the site, the permit holder or any contractor engaged to remove vegetation, should contact and consult with Council's Vegetation Management Officer to verify if a Local Law Permit is required for the removal of any vegetation.

**CARRIED**

**8.5 KP-2019/443 - 135 Farm Road Heatherton**

**Moved: Cr Brownlees**

**Seconded: Cr Hua**

That Council determine to support the proposal and issue a Planning Permit for **Error! No document variable supplied.** at No. 135 Farm Road, Heatherton, subject to the following conditions:

Endorsed plans

1. Before the development starts amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be substantially in accordance with the plans prepared by 'A & A Design and Planning', job no. 19-400, Sheets 1 to 2 (revision B, dated 14 November 2019), Sheet 3 (revision C, dated 25 October 2019), submitted to Council on 18 November 2019, but modified to show:

- a) The location of Tree Protection Zones of existing trees as identified within the approved Tree Impact Assessment required by condition 3; and
  - b) Tree protection fencing nominated on the site plan as required by condition 5.
2. The development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.

#### Tree Protection

3. Prior to endorsement of plans under condition 1, a Tree Impact Assessment generally in accordance with the Assessment prepared by 'Treelogic' on 2 January 2020 must be submitted to and approved by the Responsible Authority.
4. All works and staging of the proposal must take place within the proposed envelopes only.
5. Prior to the commencement of the development, temporary tree protection fencing must be installed at least 8 metres to the east of the existing fence along the western boundary. The fencing must comprise of star pickets and para webbing to alert contractors.
6. No excavation for trenching purposes or altering existing grades is to occur within the Tree Protection Zone of any tree.

#### Airport Environs

7. Any new building must be constructed so as to comply with any noise attenuation measures required by Section 3 of Australian Standard AS 2021-2000, Acoustics - Aircraft Noise Intrusion - Building Siting and Construction, issued by Standards Australia International Ltd.

#### Amenity

8. The amenity of the area must not be detrimentally affected by the development, through the:
  - i) Transport of materials, goods or commodities to or from the land.
  - ii) Appearance of any building, works or materials.
  - iii) Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil.
  - iv) Presence of vermin.
  - v) Any other way.
9. The development of the site shall not cause nuisance or be detrimental to the amenity of the neighbourhood by the emission of noise. In this regard any nuisance shall be assessed in accordance with the Australian Standards AS1055 and AS2107 relating to the measurement of Environmental Noise and recommended sound levels.
10. No goods or packaging materials shall be stored or left exposed outside the building so as to be visible to the public from a road or other public place.
11. All external surfaces of the building elevations must be finished in accordance with the schedule on the endorsed plans and maintained in good condition to the Responsible Authority's satisfaction.

#### Completion

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

Permit expiry

13. In accordance with Section 68 of the Planning and Environment Act 1987 (The Act), this permit will expire if one of the following circumstances applies:

- The development is not started before two (2) years from date of this permit.
- The development is not completed before four (4) years from the date of permit issue.

In accordance with Section 69 of the Planning and Environment Act 1987, an application may be submitted to the responsible authority for an extension of the periods referred to in this condition.

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

**CARRIED**

## **8.6 Community Garden Policy**

### **RECOMMENDATION**

That Council adopt the Community Garden Policy.

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

## **8.7 Suburban Rail Loop - Update**

### **RECOMMENDATION**

That:

1. Officers meet with the Suburban Rail Loop Authority to seek further information outlined under Section 4.2 of this report.
2. A workshop be coordinated to identify the opportunities for delivering value creation and community benefits with Internal Departments and further discussions be held with Councillors.
3. Council commence the preparation of a key advocacy document that outlines key actions associated with the areas of advocacy at 4.2.3 including value creation.
4. A further report is presented to Council seeking the adoption of the advocacy document which would then inform operational budgets, resourcing and Council advocacy moving forward.

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

**8.8 Approach to Economic Response and Recovery**

**RECOMMENDATION**

That Council:

1. Note the current profile of the Kingston economy.
2. Establish an Economic Recovery and Response Taskforce of appointed local industry leaders and sector specialists to provide direct advice to Council in assisting economic recovery.
3. Reinforce to the State Government through its initiatives the importance of partnering in key projects identified in Council's Capital Works Program to facilitate immediate local economic investment and employment.
4. Expand the work commenced through the Better Approvals Project (Business Wizardry) to provide additional assistance to business by providing a proactive service to facilitate ease of access to Commonwealth and State Government support programs.
5. Review opportunities to maximise the utilisation of Council's commercial kitchens to support small food-based start-up businesses where commercial rental arrangements are not suitable or available.
6. Until 30<sup>th</sup> June 2021:
  - a. Grant a further 12 month extension to Asset Protection Permits free of charge upon request;
  - b. Provide a reduction in the cost of extending a Planning Permit from \$565 to \$200; and
  - c. Grant a further 12 month extension to Report and Consent requests under the Building Act and requests for Legal Drainage Point of Discharge upon request at no extra charge provided site and adjacent property circumstances have not changed.

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

**8.9 Update on South East Melbourne**

**Moved: Cr Staikos**

**Seconded: Cr Barth**

That once the projects which are proposed to form part of the City Deal are established, a report be provided to Council outlining the proposals.

**Procedural Motion**

**Moved: Cr West**

**Seconded: Cr Eden**

That consideration of this matter be deferred until officers can comply with the April resolution.

**LOST**

**The Substantive Motion was put and CARRIED**

**8.10 Dog Litter Bag Dispenser Locations**

**Moved: Cr Eden**

**Seconded: Cr Brownlees**

That:

1. Council support the establishment of dog litter bag dispensers at the following reserves:
  - Roy Dore Reserve,
  - Bicentennial Park,
  - Iluka Reserve,
  - Bonbeach Sports Reserve,
  - Glen Street Reserve,
  - Kevin Hayes Reserve,
  - Farm Road Reserve,
  - Kingston Heath Reserve,
  - Reg Marlow Park,
  - Spring Road Reserve,
  - Namatjira Park,
  - Moorabbin Reserve
  - Bald Hill Park; and
  - Mentone Dog off Leash Beach Area
  - Highett Reserve (Turner Road)
  - Walter Galt Reserve
  - Chadwick Reserve
  - Bricker Reserve
  - Regents Park
  - Bonbeach Recreation Reserve (near the Scout Hall)
  - The Grange Reserve
2. A review of the number of bins be undertaken at each location listed to ensure adequate bins are provided.
3. As a matter of urgency a bin be installed as soon as possible at Farm Road Reserve near the Centre Dandenong Road end of the reserve (former F6 freeway).

Cr Hua left the meeting at 7.39pm

Cr Hua returned to the meeting at 7.46pm

Cr Staikos left the meeting at 7:46pm

**CARRIED**

Cr Staikos returned to the meeting at 7:48pm

**8.11 Parking Enforcement Service Delivery - Update**

**RECOMMENDATION**

That Council note the content of this report as an update on Parking Enforcement Service Delivery including the work completed on the Supply Implementation and Maintenance of Parking Enforcement Technology.

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

**9. Community Sustainability Reports**

**9.1 Proposed Delivery Realignment - Bonbeach and Aspendale Life Saving Club Projects**

**RECOMMENDATION**

That Council:

1. Approve the proposed accelerated delivery of the Bonbeach Life Saving Club project in advance of the Aspendale Life Saving Club project, on the basis of the current status of both projects; and
2. Approve the associated re-alignment of funding within Council's approved Capital Program, as set out in the table at s.4.3 of this report.

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

**9.2 5th Mordialloc Sea Scout Hall - Refurbishment**

**RECOMMENDATION**

That Council:

1. Note the outcome of negotiations with Scout Victoria in relation to the future of the 4th Mordialloc Sea Scouts building located on Lambert Island, Mordialloc;
2. Authorise officers to continue arrangements for the demolition of the 4<sup>th</sup> Mordialloc Sea Scout building, noting the scouting group is now operating from the 5<sup>th</sup> Mordialloc Sea Scout Hall;
3. Note and approve the proposed concept design (Option 1) for the proposed refurbishment of the 5<sup>th</sup> Mordialloc Sea Scouts building, which has developed following ongoing discussions with representatives of Scouts Victoria following earlier presentations to Council;
4. Note the budget implications arising from this report, based on the proposed concept design (Option 1), as set out in item 4.1, Table 2 of this report; and
5. Authorise officers to undertake detailed design, seek statutory approvals, hold community consultation/information sessions and undertake a tender process for the proposed refurbishment works at 5<sup>th</sup> Mordialloc Sea Scout Hall, George Woods Reserve.

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



**10. City Assets and Environment Reports**

**10.1 Kingston City Hall Masterplan - Update**

**RECOMMENDATION**

That Council:

1. Note the report; and
2. Adopt the Masterplan to enable funding options to be explored with State and Federal Government.

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

**10.2 Foreshore Shared Path - Rennison St, Parkdale to Nepean Highway, Mordialloc**

Cr Gledhill declared an indirect conflict of interest in this item due to residential amenity and left the meeting at 7.48pm.

**Moved: Cr West**

**Seconded: Cr Staikos**

That:

1. Council delegate authority to the CEO to award Contract No 20/018 Foreshore Shared Path Rennison Street, Parkdale to Nepean Highway, Mordialloc on a Lump Sum basis to Delfino Paving Co Pty Ltd for the tendered price of \$1,360,448.00 ex GST; and
2. Council approve the allocation of a separate contingency allowance as set out in the attached confidential appendix and delegate authority to the CEO, or nominee, to expend this allowance to ensure the successful completion of the project.

**CARRIED**

Cr Gledhill returned to the meeting at 8.01pm

**10.3 Parking Management Policy - Review**

**RECOMMENDATION**

That Council:

1. Note the community feedback received about Council's Draft Parking Management Policy – Version 2 and changes made in response to this feedback.
2. Adopt the Parking Management Policy – Version 2.
3. Set the fee for a second Residential Car Parking Permit at \$50 per annum in the User Fees and Charges schedule to the 2020/2021 Annual budget. This fee will be reviewed annually to manage on-street car parking demand.
4. Acknowledge the coronavirus pandemic issue and put a moratorium on charging fees for residential parking permits until 30 September 2020.

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

**10.4 Kiosk at the Edithvale Life Saving Facility**

**RECOMMENDATION**

That Council funds the Edithvale Life Saving Club with an annual contribution of \$10,000 per annum for a term of three years (pro-rata against Council's COVID rental support package).

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

**10.5 Notice of Motion No. 39/2019 - Cr West - The Need to Locate Native Vegetation Offsets Locally**

**Moved: Cr West**

**Seconded: Cr Staikos**

That Council note:

1. That officers endeavoured to locate suitable native vegetation offset sites within Kingston and found that none currently exist; and
2. That there is currently no Council owned land to meet the requirements for the creation of an offset site.

**CARRIED**

3. That officers continue to investigate which privately-owned sites may be feasible as future offset sites, prior to negotiating with the owners of any such sites that look to be feasible. This investigation should include golf courses, once the ecological assessment pursuant to Council's October resolution has been undertaken.

**CARRIED**

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

**10.6 Kangaroo Road and Tarella Road, Chelsea Drainage Construction and Road Reconstruction**

**RECOMMENDATION**

That Council:

1. Delegate authority to the CEO to award Contract No 19/140 Kangaroo Road and Tarella Road, Chelsea Drainage Construction and Road Reconstruction on a Lump Sum basis to Delfino Paving Co Pty Ltd for the tendered price of \$1,102,669.00 ex GST; and
2. Approve the allocation of a separate contingency allowance as set out in the attached confidential appendix and delegate authority to the CEO, or nominee, to expend this allowance to ensure the successful completion of the project.

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

11. Corporate Services Reports

**11.1 Annual Consideration of Council Plan 2017-2021, Approval of the Strategic Resource Plan; Adopt Draft Budget 2020/21 for Public Consultation**

**Moved: Cr Staikos**

**Seconded: Cr Oxley**

That Council:

1. Adopt for consultation the Draft Budget annexed to this report prepared in accordance with Section 127 of the Local Government Act 1989.
2. Give 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 6 July 2020 at 6.30pm at 1230 Nepean Highway, Cheltenham for the purposes of hearing submissions in relation to the Draft Budget.
4. Retain the current Council Plan 2017-2021 without adjustment for the 2020/21 financial year.
5. Adopt the Strategic Resource Plan 2020-2024, subject to any changes in Council's adopted 2020-21 Budget being reflected in a revised Strategic Resource Plan.

Cr Eden left the meeting at 8:10pm

Cr Eden returned to the meeting at 8:13pm

**CARRIED**

**Question Time**

Gabby Choong of asked the following question:

*"I am here to present my question to you today as a community member that is already suffering chronic illness as a result of increasing Electromagnetic radiation in our environment.*

*As I am sure you are aware there is a current federal inquiry into the safety of 5g in relation to both human life and the environment. The previous inquiry in 2001 stated the following,*

*'We are strongly opposed to ARPANSA gaining sole control over the setting of new Australian standards. We are not convinced that ARPANSA will represent Community concerns and Consumer rights properly and fairly.'*<sup>1</sup>

*The ARPANSA is the Australian Radiation Protection and Nuclear Safety Agency*

*No testing of the 5G network in relation to human health and environmental concerns has occurred in Australia. Instead 9 million dollars have been spent on telco campaigns funded by tax payers directed at distracting from 1000's of scientific papers and studies on the dangers of increasing electromagnetic radiation in our communities with 5G.*<sup>2</sup>

*Under the Kingston Public Health and Wellbeing Plan 2017 – 2021, objectives include community safety and to both support / improve health and wellbeing and improve mental wellbeing*<sup>3</sup>

*The activation of increased EMF in our community is in violation of these objectives . Further to this, under the City of Kingston Municipal Emergency Management Plan (MEMP) our community has an obligation to protect vulnerable demographics, including other residents with EMF related illnesses as well as health conditions that may be aggravated by increased radiation pollution <sup>4</sup>*

*Professor Pall of Washington State University heads a group of over 26,000 scientists who have submitted thousands of papers and presented the UN, WHO and governments globally with the International appeal to stop 5G on Earth and in Space, detailing the effects of increased electromagnetic radiation in our communities including, cancer, chronic health conditions, heart palpitations/attack and severe genetic damage including infertility and death.<sup>5</sup>*

*At present Australia's Chief Medical Officer, Brendan Murphy, has been served with a Cease and Desist notice sighting his statements that mislead from scientific research and his duty of care to national health including, 'I'd like to reassure the community that 5G technology is safe.. telecommunications are not hazardous to human health.'<sup>7</sup> Action enacted by the Environment and Communities Safe From Radiation (ECSFR), Australia*

### **Question to Council**

*What are the duty of care obligations, both legal and ethical of this council area, to ensure the health of our community, in particular the vulnerable people and our environment remain prioritised and protected from increased electromagnetic radiation? Will Kingston council accept full accountability for damage to human health and the environment in this council area, in the interim period, while the current federal investigations proceed and a national outcome is reached?*

*Is it not un-Australian to place our community health at risk during this time where a healthy immune system for individuals is our main defence against Covid-19?*

*Further to this I request that under City of Kingston Municipal Emergency Management Plan (MEMP) F Section 6, that Electromagnetic Radiation Pollution is added to the list of community Emergency campaigns so that resources can be allocated appropriately to the research, prevention, preparedness and community education to prevent human health consequences in relation to the proposed/active 4G/5G towers in this council area.<sup>7</sup>*

*It is essential and a duty of care to offer our community protection and safety, including the education of how to reduce health impact both physical, mental and environmental until both above mentioned inquiries are finalised.*

### **References**

<sup>1</sup> The Australian Federal inquiry into Electromagnetic Radiation safety from 2001 recommended, 'A new standard must be ..set only by a truly independent body, free from industry pressures and financial self interests. There is no merit in transferring this responsibility to the biased Australian Radiation Protection and Nuclear Safety Agency (ARPANSA) . Any organisations who, directly or indirectly stand to profit from electromagnetic radiation (like ARPANSA) will naturally, try to impose more lenient standards.'

This inquiry recommended further testing was required to ensure safety for the community. To this date no testing has occurred.

[https://www.aph.gov.au/Parliamentary\\_Business/Committees/Senate/Environment\\_and\\_Communications/Completed\\_inquiries/1999-02/emr/report/index](https://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Environment_and_Communications/Completed_inquiries/1999-02/emr/report/index)

<sup>2</sup> *Canberra Times*, December 16 2019. Finbar O'Mallon

<sup>3</sup> Kingston Public Health and Wellbeing Plan 2017 – 2021 Priority 1. Priority 3.

<sup>4</sup> Kingston Municipal Emergency Management Plan Section D3.4, Section F5

<sup>5</sup> <https://www.5gspaceappeal.org/the-appeal>

<sup>6</sup> <https://ecsfr.com.au/4-part-expose-profit-before-people/>  
Environment and Communities Safe From Radiation (ECSFR), Australia

<sup>7</sup> Scheduled/active Telstra 5g towers in The City of Kingston Council area as follows;  
White side Road, Clayton  
Spring Road, Dingley village  
Sullivan Road Moorabbin  
Governor Road Braeside  
And Nepean Highway Mentone

**The CEO provided the following response,**

*“Council officers have responded to Ms Choong in writing.”*

Cr Gledhill left the meeting at 8:30pm

The CEO Julie Reid left the meeting at 8.34pm for the second question.

**Liane Thompson asked,**

*“Please confirm 1. Is the current CEO subject to a Fair Work Commission bullying application? 2. Have multiple Councillors or staff alleged misconduct 3. In relation to The Cove planning investigation, have the identified staff been terminated.”*

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

*“It is not Council’s practice to comment on staffing matters.”*

Cr Gledhill returned to the meeting at 8:35pm

Cr Bearsley left the meeting at 8.35pm

Cr Bearsley returned to the meeting at 8.36pm

**11.2 Kingston Performance Report, January to March 2020 and Quarterly Financial Statements Report, March 2020**

**RECOMMENDATION**

That Council receive the Kingston Performance Report, January to March 2020 and the Quarterly Financial Statements Report, March 2020.

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

**11.3 Appointment of City of Kingston Audit Committee Chair**

**Moved: Cr Staikos**

**Seconded: Cr Gledhill**

That Council appoint Ms Claire Filson as Chair of the Audit Committee for a term to expire on 30 June 2023.

The CEO Julie Reid returned to the meeting at 8.36pm

**CARRIED**

**11.4 Quick Response Grants**

**RECOMMENDATION**

That Council approve the following grant applications:

- The Food for Change Foundation - \$850.00
- Moorabbin Prospecting and Camping Club - \$1500.00
- Gould League - \$1500.00
- Mentone Pre School - \$347.47 towards this project (subject to acquittal of previous grant).
- Make a Difference Dingley Village - \$1500.00

That Council not approve the following grant application:

- Aspendale North Kindergarten

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

**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.

**11.6 Election Period Policy**

**RECOMMENDATION**

That Council adopt the Election Period Policy (Appendix 3).

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

**11.7 Response to resolution of Council regarding applications for the removal of ten or more trees - Update to Instrument of Delegation to Members of Council Staff - Update to Planning Delegation Policy**

Moved: Cr Eden

Seconded: Cr West

1. In the exercise of the powers conferred by section 11(1) of the *Local Government Act 2020* (the Act) and the other legislation referred to in the *Instrument of Delegation to Members of Council Staff*, attached at Appendix 1, Kingston City Council (Council) resolves that:
  - 1.1. 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 *Instrument of Delegation to Members of Council Staff*, attached at Appendix 1, the powers, duties and functions set out in that Instrument, subject to the conditions and limitations specified in that Instrument.
  - 1.2. The Instrument comes into force immediately upon the resolution.
  - 1.3. On the coming into force of the Instrument all previous delegations to members of Council staff (other than the Chief Executive Officer) are revoked.
  - 1.4. The duties and functions set out in the Instrument must be performed, and the powers set out in the instrument must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt.
2. That Council adopt the revised Planning Delegation Policy attached at Appendix 2.

**CARRIED**

**11.8 Award of Contract 19/58 – Provision of Legal Services**

**RECOMMENDATION**

That Council:

1. Award Contract No. 19/58 to the following providers of Legal Services:

Public Law Panel;

- Hall & Wilcox;
- Holding Redlich;
- Hunt & Hunt
- HWL Ebsworth;
- Maddocks;
- Moray & Agnew; and
- Russell Kennedy.

Corporate and Commercial Law Panel;

- Hall & Wilcox;
- Holding Redlich;
- Hunt & Hunt;
- HWL Ebsworth;
- Maddocks;

- Moray & Agnew; and
- Russell Kennedy.

Planning, Building and Environmental Law Panel;

- Hall & Wilcox;
- Holding Redlich;
- HWL Ebsworth;
- Maddocks; and
- Russell Kennedy

Property Law Panel;

- Hall & Wilcox;
- Holding Redlich;
- Maddocks;
- Moray & Agnew; and
- Russell Kennedy.

Human Resources and Industrial Relations Panel;

- Hall & Wilcox;
- Holding Redlich;
- Hunt & Hunt;
- HWL Ebsworth;
- Maddocks;
- Moray & Agnew; and
- Russell Kennedy

for an initial period of five (5) years, from 1 June 2020 to 31 May 2025;

2. Authorise the Chief Executive Officer or delegate to execute the Contracts; and
3. Authorise the Chief Executive Officer or delegate to exercise the two (2) further two (2) year extension options, subject to satisfactory performance.

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

**11.9 Naming of Single Member Wards**

**Moved: Cr Staikos**

**Seconded: Cr West**

That Councillors resolve to recommend the following names of the new wards provided in the map of Kingston's new electoral boundary structure (refer to Appendix One):

- Ward A: Namatjira
- Ward B: Karkarook
- Ward C: Caruana
- Ward D: Wattle
- Ward E: Chicquita
- Ward F: Como
- Ward G: Iluka



- Ward H: Yammerbook
- Ward I: Sandpiper
- Ward J: Longbeach
- Ward K: Banksia

CARRIED

**A Division was Called:**

**DIVISION:**

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

**AGAINST:** Crs Bearsley and Brownlees (2)

**ABSTAINED:** Crs Gledhill and Hua (2)

CARRIED

**11.10 Good Governance Framework**

**RECOMMENDATION**

That Council adopt the Good Governance Framework.

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

**11.11 Response to Notice of Motion 58/2019 - Probity Review Update**

**Moved: Cr West**

**Seconded: Cr Staikos**

That Council:

1. Resolve to seek assistance to commence the Probity Review in response to the Notice of Motion 58/2019 in accordance with the Draft Project Brief provided in Appendix 1 to this report as amended, *related to the planning matters listed*.
2. Seek responses to the Project Brief from Legal Service Providers contained in the report to conduct the Probity Review.
3. Provide an update to Councillors upon the completion of Stage 1 of the Review.
4. Amend the Draft Project Brief as follows:

**Under the heading: Matters to be Investigated (section 3):**

- a. after point 14: replace the words 'planning applications' with the words *planning matters* and delete the quotation marks
- b. after the second point 2: "Application to rezone the Peninsula Kingswood Golf Club": add the sub heading: *Applications to subdivide Green Wedge land*
- c. after the second point 5: "Application at 370 Old Dandenong Road, Dingley Village or part of the land occupied by Din San Nursery" add the following sub-heading over the following matters listed in the 18 May CIS agenda as the first three dot points on page 5: *Proposals to rezone Green Wedge land for residential development:*
  - A motion to rezone approximately 34 properties as part of a notice of

Motion on the agenda for 23 September 2013

- A resolution to rezone the Green Wedge between Heatherton/Kingston Road and Lower Dandenong Roads to Rural Living Zone, with a minimum lot size of 2000 sq m.
  - Request to the Minister to authorise preparation of a Planning Scheme Amendment to rezone Green Wedge land bounded by Governor and Springvale Roads, Southern Golf Course and Braeside Park.
- d. That a summary shortlist of matters to be investigated by the probity reviewer (as per point 3 of the 9 December Council Resolution 58/2019) be added to this project brief and extended as follows by way of clarification of point iv, and the addition of extra points v and vi:
- i. **Waterways** (including Council resolutions dating back to 1998 and before, including votes recorded; Planning Scheme Amendments L33 and c71, and any matters involving John Woodman and then Kingston Councillors and officers.)
  - ii. **Chicquita Park** (including the history going back to the Commonwealth Government decision to sell, all Council resolutions, the Planning Panel (council submission and panel recommendation, and any other matters raised or documents submitted by Councillors or requested by the reviewer or relating to Phil Staindl's involvement
  - iii. **44 First Avenue, Chelsea Heights** (including applications in 2004, 2010 and 2012, plus officer reports and other documents provided by officers or councillors or panel submissions and any matters involving John Woodman, Megan Schutz or Lorraine Wreford.)
  - iv. **Controversial or non-compliant Green Wedge applications**, including:
    - **Alex Fraser applications**, going back to Council report and recommendation & Council submission to the 2008 Dingley Village application as well as the Clarinda application, plus submissions to the C143 panel and Alex Fraser's submissions for extension, Council reports and any matters related to Phil Staindl's involvement.
    - **Proposed subdivision of land in the Kingston Green Wedge:**
      - o Lot 2 Leslie Road Clarinda
      - o 150-170 Old Dandenong Road, Heatherton
      - o 370 Old Dandenong Road, Dingley Village
    - **Proposals to rezone Green Wedge land for residential development:**
      - o A motion to rezone approximately 34 properties as part of a notice of Motion on the agenda for 23 September 2013
      - o A resolution to rezone the Green Wedge between Heatherton/Kingston Road and Lower Dandenong Roads to Rural Living Zone, with a minimum lot size of 2000 sq m.
      - o Request to the Minister to authorise preparation of a Planning Scheme Amendment to rezone Green Wedge land

bounded by Governor and Springvale Roads, Southern Golf Course and Braeside Park.

- v. **640 Nepean Highway, Carrum**, (including application, officer report and Council resolution, and documents relating to Megan Schutz.)
- vi. **Application for a multi-unit development at Woods Avenue Mordialloc** involving three double storey dwellings, (including application, officer report and Council resolution.)
- e. That all other applications listed, with officer reports, be provided for noting by the probity reviewer and subject to more detailed investigation only if the probity reviewer considers it necessary or if Councillors or officers provide evidence indicating that further investigation is warranted.

**Under the heading: Project Stages, Tasks and Deliverables (section 4)**

- f. Under the heading Stage 1(b) Data Review and Analysis add a third dot point:
  - *the provider will give precedence to interviewing any senior planning officers who have been involved in any of these matters and who may be planning to retire from Council, prior to their departure.*
- g. Replace the first and second dot points under the sub-heading Stage 2 – Report as follows:
  - *Those matters where there is no evidence of improper influence by the parties identified in notice of Motion 58/2019 or of any developer, landholder, Councillor, former Councillor or Council officers on Kingston Council decisions;*
  - *Those matters where there is evidence of improper influence by the parties identified in notice of Motion 58/2019 or by any developer, landholder, Councillor, former Councillor or Council officers on Kingston Council decisions or where for any other reason the probity reviewer considers it is worth requiring referral to Victorian Integrity Agencies.*

**Procedural Motion**

**Moved: Cr Staikos**

**Seconded: Cr Eden**

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

**CARRIED**

**Amendment**

**Moved: Cr Brownlees**

**Seconded: Cr Bearsley**

That the motion be amended to include the words “and including representation of Mr Mark Dreyfus QC on behalf of residents prior to determination and as Council’s representative at panel hearings” at point 4(d)(ii).

**CARRIED**

**A Division was Called:**

**DIVISION:**

**FOR:** Crs Barth, Bearsley, Brownlees, Gledhill and Hua (5)

**AGAINST:** Cr West (1)

**ABSTAINED:** Crs Oxley, Eden and Staikos (3)

**The Amendment was put and CARRIED**

**The Amendment became the Motion**

**Procedural Motion**

**Moved: Cr Gledhill**

**Seconded: Cr Bearsley**

That consideration of this matter be deferred.

**LOST**

**Procedural Motion**

**Moved: Cr Eden**

**Seconded: Cr West**

That the motion now be put.

**CARRIED**

**The Motion was put and CARRIED**

**A Division was Called:**

**DIVISION:**

**FOR:** Crs Oxley, Barth, Eden, Hua, Staikos and West (6)

**AGAINST:** Cr Bearsley (1)

**ABSTAINED:** Crs Brownlees and Gledhill (2)

**CARRIED**

**The Resolution now reads as follows:**

**Moved: Cr West**

**Seconded: Cr Staikos**

That Council:

1. Resolve to seek assistance to commence the Probity Review in response to the Notice of Motion 58/2019 in accordance with the Draft Project Brief provided in Appendix 1 to this report as amended, *related to the planning matters listed*.
2. Seek responses to the Project Brief from Legal Service Providers contained in the report to conduct the Probity Review.
3. Provide an update to Councillors upon the Completion of Stage 1 of the Review.
4. Amend the Draft Project Brief as follows:

**Under the heading: Matters to be Investigated (section 3):**

- a. after point 14: replace the words 'planning applications' with the words *planning matters* and delete the quotation marks
- b. after the second point 2 "Application to rezone the Peninsula Kingswood Golf Club": add the sub heading: *Applications to subdivide Green Wedge land*
- c. after the second point 5: "Application at 370 Old Dandenong Road, Dingley

Village or part of the land occupied by Din San Nursery” add the following sub-heading over the following matters listed in the 18 May CIS agenda as the first three dot points on page 5: *Proposals to rezone Green Wedge land for residential development:*

- A motion to rezone approximately 34 properties as part of a notice of Motion on the agenda for 23 September 2013
  - A resolution to rezone the Green Wedge between Heatherton/Kingston Road and Lower Dandenong Roads to Rural Living Zone, with a minimum lot size of 2000 sq m.
  - Request to the Minister to authorise preparation of a Planning Scheme Amendment to rezone Green Wedge land bounded by Governor and Springvale Roads, Southern Golf Course and Braeside Park.
- d. That a summary shortlist of matters to be investigated by the probity reviewer (as per point 3 of the 9 December Council Resolution 58/2019) be added to this project brief and extended as follows by way of clarification of point iv, and the addition of extra points v and vi:
- i. **Waterways** (including Council resolutions dating back to 1998 and before, including votes recorded; Planning Scheme Amendments L33 and c71, and any matters involving John Woodman and then Kingston Councillors and officers.)
  - ii. **Chicquita Park** (including the history going back to the Commonwealth Government decision to sell, all Council resolutions, the Planning Panel (council submission and panel recommendation, and any other matters raised or documents submitted by Councillors or requested by the reviewer or relating to Phil Staindl’s involvement and including representation of Mr Mark Dreyfus QC on behalf of residents prior to determination and as Council’s representative at panel hearings
  - iii. **44 First Avenue, Chelsea Heights** (including applications in 2004, 2010 and 2012, plus officer reports and other documents provided by officers or councillors or panel submissions and any matters involving John Woodman, Megan Schutz or Lorraine Wreford.)
  - iv. **Controversial or non-compliant Green Wedge applications**, including:
    - **Alex Fraser applications**, going back to Council report and recommendation & Council submission to the 2008 Dingley Village application as well as the Clarinda application, plus submissions to the C143 panel and Alex Fraser’s submissions for extension, Council reports and any matters related to Phil Staindl’s involvement.
    - **Proposed subdivision of land in the Kingston Green Wedge:**
      - o Lot 2 Leslie Road Clarinda
      - o 150-170 Old Dandenong Road, Heatherton
      - o 370 Old Dandenong Road, Dingley Village
    - **Proposals to rezone Green Wedge land for residential**

**development:**

- A motion to rezone approximately 34 properties as part of a notice of Motion on the agenda for 23 September 2013
  - A resolution to rezone the Green Wedge between Heatherton/Kingston Road and Lower Dandenong Roads to Rural Living Zone, with a minimum lot size of 2000 sq m.
  - Request to the Minister to authorise preparation of a Planning Scheme Amendment to rezone Green Wedge land bounded by Governor and Springvale Roads, Southern Golf Course and Braeside Park.
- v. **640 Nepean Highway, Carrum**, (including application, officer report and Council resolution, and documents relating to Megan Schutz.)
- vi. **Application for a multi-unit development at Woods Avenue Mordialloc** involving three double storey dwellings, (including application, officer report and Council resolution.)
- e. That all other applications listed, with officer reports, be provided for noting by the probity reviewer and subject to more detailed investigation only if the probity reviewer considers it necessary or if Councillors or officers provide evidence indicating that further investigation is warranted.

**Under the heading: Project Stages, Tasks and Deliverables**

- f. Under the heading Stage 1(b) Data Review and Analysis add a third dot point:
- *the provider will give precedence to interviewing any senior planning officers who have been involved in any of these matters and who may be planning to retire from Council, prior to their departure.*
- g. Replace the first and second dot points under the sub-heading Stage 2 – Report as follows:
- *Those matters where there is no evidence of improper influence by the parties identified in notice of Motion 58/2019 or of any developer, landholder, Councillor, former Councillor or Council officers on Kingston Council decisions;*
  - *Those matters where there is evidence of improper influence by the parties identified in notice of Motion 58/2019 or by any developer, landholder, Councillor, former Councillor or Council officers on Kingston Council decisions or where for any other reason the probity reviewer considers it is worth requiring referral to Victorian Integrity Agencies.*

**Procedural Motion**

**Moved: Cr Eden**

**Seconded: Cr Staikos**

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

**CARRIED**

**12. Notices of Motion**

**12.1 Notice of Motion No. 17/2020 - Cr Eden - Best Practice in Relation to Transparency**

**Moved: Cr Eden**

**Seconded: Cr West**

That Council request the Victorian Local Government Inspectorate to brief Council on how to make sure best practice in relation to transparency is followed.

Cr Bearsley left the meeting at 9:49pm

Cr Brownlees left the meeting at 9:49pm

**CARRIED**

Cr Bearsley returned to the meeting at 9:51pm

**12.2 Notice of Motion No. 18/2020 - Cr Eden - Waste Management Task Force**

**Moved: Cr Eden**

**Seconded: Cr Gledhill**

The item be deferred to the June Council Meeting, to allow for the following to occur:

1. Arrange a presentation from the CEO of MWRRG to expand on the comprehensive reforms planned with the Recycling Victoria plan and the Infrastructure Victoria White Paper on Recycling and Resource recovery.
2. Identify key strategic items from Kingston's Waste Strategy
3. Have a workshop of Councillors and the relevant general manager to discuss options to tackle the waste crisis, and unemployment.

**CARRIED**

**12.3 Notice of Motion No. 19/2020 - Cr Gledhill - Report on Bay Trail Barrier**

**Moved: Cr Gledhill**

**Seconded: Cr Bearsley**

That officers prepare a report to inform Councillors what steps can be taken to provide an improved level of protection for Bay Trail users, relating in particular to the lack of any effective barrier between path users and vehicles travelling on Beach Road.

Further that the report also consider general bicycle user safety throughout Kingston.

Further that this report be made available for Councillor discussion during the June cycle.

Cr Brownlees returned to the meeting at 9:54pm

**LOST**

**A Division was Called:**

**DIVISION:**

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

**AGAINST:** Cr West (1)

**ABSTAINED:** Crs Oxley, Barth, Eden and Staikos (4)

**LOST**

**12.4 Notice of Motion No. 20/2020 - Cr Gledhill - Discussion of Items in the Public Section of Council Meetings**

**Moved: Cr Gledhill**

**Seconded: Cr Bearsley**

That any future Council consideration, discussion or debate relating to the following matters:

- Cheltenham Rail Crossing works,
- 17-19 Tarella Rd Chelsea,
- Solar Farms in Kingston's Green Wedge and
- Planning around the proposed Suburban Rail Loop

be undertaken in the public section of Council meetings rather than in camera. The only exceptions would be where discussion involved the details of any financial consideration made to a specific individual or private entity or where the confidentiality is imposed by the State Government or relevant authority. In this case that would be made clear to Kingston residents and ratepayers.

**Moved: Cr Eden**

**Seconded: Cr West**

That this matter be deferred for 30 days to avoid prejudicing an open space matter.

**CARRIED**

**12.5 Notice of Motion No. 21/2020 - Cr Oxley - Smoking Ban**

**Moved: Cr Oxley**

**Seconded: Cr Barth**

That officers provide a report to commence the process to amend the local law to ban smoking on the foreshore, in all Council reserves and in all shopping strips. The report is to come back to Council by June with a view to commencing the statutory process including community consultation in early July.

**CARRIED**

**Procedural Motion**

**Moved: Cr Staikos**

**Seconded: Cr West**

That the meeting be extended for 30 minutes until 11.00pm

**LOST**



**Procedural Motion**

**Moved: Cr Brownlees**

**Seconded: Cr Bearsley**

That the meeting be extended for 15 minutes until 10.45pm and that the remaining items on the agenda prior to the confidential items and Item 14.3 be completed.

**CARRIED**

Items 12.6 and 12.7 were not considered and are proposed for consideration at the next meeting.

**12.6 Notice of Motion No. 22/2020 - Cr West - Attendance Fees for Advisory Committees**

I move that officers provide a report to the June Council Meeting on the cost and feasibility of offering a \$200 a year attendance fee for all members of Council advisory groups.

**12.7 Notice of Motion No. 23/2020 - Cr West - Resumption of Planning Consultations**

I move that Council resumes holding Planning Consultations for residents to engage with officers, councillors and developers on Zoom or another on-line platform in line with Council policy as soon as conveniently possible, starting with the application for 22 Sycamore Ave., Mentone.

**13. Urgent Business**

**Moved: Cr Oxley**

**Seconded: Cr Staikos**

That a matter of Urgent Business be considered in relation to calling of Council Meetings.

**CARRIED**

**Moved: Cr Oxley**

**Seconded: Cr Staikos**

That until the Governance Rules are adopted, Council adopt the following policy in relation to a Council Meeting being called by the Chief Executive Officer in the exercise of delegated power:

The Chief Executive Officer only exercise the power to call a Council Meeting if the Chief Executive Officer has received a written notice from:

- The Mayor; or
- at least three Councillors

specifying the business to be transacted and the date of the Council Meeting to be called a minimum of 48 hours' notice prior to the meeting.

Further that notice of the meeting be advertised on Council's website.

**CARRIED**

#### **14. Confidential Items**

**Moved: Cr Staikos**

**Seconded: Cr Brownlees**

That in accordance with the provisions of section 66(1) and 66(2)(a) of the *Local Government Act 2020*, the meeting be closed to members of the public for the consideration of the following confidential items:

##### **14.1 Kingston Green Wedge Plan Implementation**

*This agenda item is confidential information for the purposes of section 3(1) of the Local Government Act 2020:*

- *because the item deals with land use planning information, being information that if prematurely released is likely to encourage speculation in land values (section 3(1)(c)).*
- *this ground applies because the issue is still being explored.*

##### **14.2 Leasing and Licensing Policy - Arrears**

*This agenda item is confidential information for the purposes of section 3(1) of the Local Government Act 2020:*

- *because the information is Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released (s3 (1)(a)).*
- *this ground applies because that the matter involves continuing negotiations with respective clubs.*

##### **14.3 Proposed Lease of Mills Road**

*This agenda item is confidential information for the purposes of section 3(1) of the Local Government Act 2020:*

- *because the information is Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released (s3 (1)(a)).*
- *this ground applies because the matter has not been executed by the leasing party.*

**14.4 Response to Notice of Motion 32/2018 - Investigation of Open Space Opportunities Oakleigh South**

*This agenda item is confidential information for the purposes of section 3(1) of the Local Government Act 2020:*

- *because the information is Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released (s3 (1)(a)).*
- *this ground applies because negotiations are still continuing.*

**14.5 Interim Heritage Overlay**

*This agenda item is confidential information for the purposes of section 3(1) of the Local Government Act 2020:*

- *because the item deals with land use planning information, being information that if prematurely released is likely to encourage speculation in land values (section 3 (1)(c)).*
- *this ground applies because the site in question involves a development application.*

**14.6 Revised approach to Parkdale Secondary College - Joint Use Agreement**

*This agenda item is confidential information for the purposes of section 3(1) of the Local Government Act 2020:*

- *because the item deals with legal privilege information, being information to which legal professional privilege or client legal privilege applies (section 3(1)(e)).*
- *this ground applies because negotiations are continuing with the Parkdale Secondary College.*

**14.7 Response to Special Council Meeting - 30 March 2020 - Purchase of Leaseholds at 245-247 Charman Road, Cheltenham**

*This agenda item is confidential information for the purposes of section 3(1) of the Local Government Act 2020:*

- *because the item deals with information that was confidential information for the purposes of section 77 of the Local Government Act 1989 (section 3(1)(l)).*
- *this ground applies because the information was previously designated confidential.*

**Confidential Appendices**

**10.2 Foreshore Shared Path - Rennison St, Parkdale to Nepean Highway, Mordialloc Appendix 1, Tender Evaluation Summary: Contract No. 20/018 – Foreshore Shared Path Rennison Street Parkdale to Nepean Highway Mordialloc**

*This agenda item is confidential information for the purposes of section 3(1) of the Local Government Act 2020:*

- *because the item deals with private commercial information, being information provided by a business, commercial or financial undertaking that – (i) relates to trade secrets; or (ii) if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage (section 3(1)(g)).*
- *this ground/s applies because the document includes financial information from the tenderers.*

**10.6 Kangaroo Road and Tarella Road, Chelsea Drainage Construction and Road Reconstruction Appendix 3, CON-19/140 Evaluation Matrix - Kangaroo Road and Tarella Road**

**Chelsea Drainage Construction and Road Reconstruction**

*This agenda item is confidential information for the purposes of section 3(1) of the Local Government Act 2020:*

- *because the item deals with private commercial information, being information provided by a business, commercial or financial undertaking that – (i) relates to trade secrets; or (ii) if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage (section 3(1)(g)).*
- *this ground/s applies because the document includes financial information from the tenderers.*

**CARRIED**

Cr Barth left the meeting at 10.38pm and did not return.

The meeting was closed to members of the public at 10.38pm.

As item 14.7 was not completed by the conclusion time of 11.00pm, the Council Meeting is deemed to be adjourned in accordance with clause 21(3) of the Meeting Procedures Local Law.

**Confirmed.....**

**The Mayor 22 June 2020**