

Minutes

Council Meeting

Tuesday, 26th April 2022



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**City of Kingston
Council Meeting**

Minutes

26 April 2022

The meeting commenced at 7.03pm in the Council Chamber, 1230 Nepean Highway, Cheltenham.

Present: Cr Steve Staikos (Mayor)
Cr Jenna Davey-Burns (Deputy Mayor)
Cr Tamsin Bearsley
Cr Tim Cochrane
Cr Tracey Davies
Cr David Eden
Cr Chris Hill
Cr Cameron Howe
Cr George Hua
Cr Georgina Oxley
Cr Hadi Saab

In Attendance: Peter Bean, Chief Executive Officer
Jonathan Guttmann, General Manager Planning and Development
Samantha Krull, General Manager City Assets and Environment
Tony Ljaskevic, General Manager Corporate Services
Peter Gillieron, Acting Manager Property Services
Phil De Losa, Manager Governance
Stephanie O’Gorman, Governance Officer
Emily Scopel-Reed, 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 Oxley

Seconded: Cr Saab

That the Minutes of the Council Meeting held on 28 March 2022 be confirmed.

CARRIED

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

Cr Howe foreshadowed a declaration of a conflict of interest in Item 15.2 - VCAT Matter.

4. **Petitions**

Proposed Development - Christensen Street, Cheltenham

Moved: Cr Saab

Seconded: Cr Davey-Burns

That the petition be referred to the Chief Executive Officer for response.

CARRIED

Basketball Court for Waterways

Moved: Cr Bearsley

Seconded: Cr Davies

That the petition be referred to the Chief Executive Officer for response.

CARRIED

5. **Presentation of Awards**

Recognition of Natasha Drake (Chelsea SES)

Council recognised the life of contribution and service to the Kingston community of Natasha Drake.

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

There were no delegates reports presented to the meeting.

7. **Question Time**

Question Time was held at 7.27pm.

Gavin Nolan of Mentone asked,

"In relation to aquatic development:

- 1. Of the 180 sites investigated how many were privately owned?*
- 2. How did the reports preferred privately owned Governors road site even get presented into the mix of options? Did Council just magically discover it, and if so who discovered it and under what circumstances, or was Council approached by the owner wanting to sell?*
- 3. Does the Option Deed mentioned on page 7 of the council report mean Council and therefore ratepayers will forfeit a sum of money, if the sale doesn't go through by the June 2022 deadline?"*

The General Manager Infrastructure and Open Space provided the following response,

"In relation to the questions regarding aquatic development:

- 1. This question will be taken on notice with a response provided separately to Mr Nolan.*
- 2. We considered a range of sites including Council owned and privately owned land. A number of suitability criteria were considered including size of land, access, constraints and environmental considerations. Council approached the landowner due to the identified high priority of the site and its close proximity to Jack Grut reserve.*
- 3. An option fee was paid as part of securing the option under a confidential Council report. This is confidential and cannot be disclosed at this stage as it relates to commercial property information."*

En Bloc Resolution

Moved: Cr Davey-Burns

Seconded: Cr Davies

That the following items be resolved *en bloc* and that the recommendations in each item be adopted:

- 9.1 Redevelopment of 71 Catherine Avenue, Chelsea - Outcome of Community Consultation
- 9.2 Reconciliation Action Plan (RAP)
- 10.1 Landfill Services Update
- 10.3 Bonbeach Sports Reserve Pavilion Development – Community Consultation Findings
- 11.1 Draft Bi-Annual Report from the Audit and Risk Committee - March 2022
- 11.2 Audit and Risk Committee Minutes - 16 March 2022
- 11.3 Nomination in a State or Federal Election Policy
- 11.4 Informal Meetings of Councillors
- 11.5 Quick Response Grants
- 12.3 Removal of Drainage Reserve Rear Sherwood and Catherine Avenue, Chelsea

CARRIED

Cr Hua left the meeting at 7:28pm.

8. Planning and Place Reports

8.1 Endeavour Cove - Planning Scheme Amendment Update

Moved: Cr Staikos

Seconded: Cr Davies

That Council:

1. Note the amended Comprehensive Development Plan (Appendix 1) and amended Schedule 1 of the Comprehensive Development Zone (Appendix 2).
2. Submit the amended Comprehensive Development Plan (Appendix 1) and amended Schedule 1 of the Comprehensive Development Zone (Appendix 2) to the Minister for Planning as part of Amendment C204 (interim control) and Amendment C205 (permanent control).

Cr Howe left the meeting at 7:30pm.

Cr Hua returned to the meeting at 7:30pm.

CARRIED

9. Community Strengthening Reports

9.1 Redevelopment of 71 Catherine Avenue, Chelsea - Outcome of Community Consultation

RECOMMENDATION

That Council:

1. Note the findings of community consultation in support of the proposed redevelopment of 71 Catherine Avenue, Chelsea, for the purpose of accommodating the Chelsea Men's Shed.
2. Endorse officers to continue with design development of 71 Catherine Avenue, to the point of undertaking a public tender process to be awarded in accordance with relevant financial delegation.

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

9.2 Reconciliation Action Plan (RAP)

RECOMMENDATION

That Council:

1. Adopt the Innovate Reconciliation Action Plan 2022-2024; and
2. Note resources of \$157,200 for the 2022/23 and 2023/24 financial years will be allocated for materials / services and expenses associated with implementation of the Innovate Reconciliation Action Plan 2002-2024.

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

10. Infrastructure and Open Space Reports

10.1 Landfill Services Update

RECOMMENDATION

That Council:

1. Note the information contained within this report; and
2. Council vary the Instrument of Delegation dated 23 August 2021 regarding financial delegation of the CEO in relation to the contract for Landfill Services for 2021/22 to \$4.7M excluding GST.

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

10.2 Disc Golf Trial - Bicentennial Park

Moved: Cr Oxley

Seconded: Cr Eden

That Council:

1. Note the outcomes, feedback and data gained from the trial at Bicentennial Park which supports the provision of a new permanent course in the south of Kingston;
2. Endorse the allocation of \$40,000 to engage a sports consultant to undertake preliminary planning and detailed site feasibility assessment in the south of Kingston, including a cost plan to develop a permanent course; and
3. Receive a further report at the June 2022 Council Meeting on the outcomes of the feasibility assessment which will provide a preferred location, concept plan of the course layout, and cost plan for a permanent Disc Golf facility in the south of Kingston for consideration.

Cr Howe returned to the meeting at 7:34pm.

CARRIED

10.3 Bonbeach Sports Reserve Pavilion Development - Community Consultation Findings

RECOMMENDATION

That Council:

1. Note the community engagement feedback on the proposed pavilion at Bonbeach Sports Reserve;
2. Endorse the concept plan for the proposed pavilion at Bonbeach Sports Reserve, as set out as Appendix 3 and 4 for the purpose of seeking funding contributions from Federal and State governments; and
3. Receive a future report confirming funding contributions towards the implementation of the Bonbeach Sports Reserve Master Plan, including a \$5M contribution from the State Government towards the proposed pavilion development.

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

10.4 LXR - Asset Allocation Update and Potential Streetscape Upgrades

Moved: Cr Eden

Seconded: Cr Oxley

That Council:

1. Note the final list of assets that are allocated to Council at the completion of the Carrum, Cheltenham, Mentone, Edithvale, Chelsea and Bonbeach Level Crossing Removal Projects and their anticipated maintenance costs over the next 10 years, as shown in Appendix 1;
2. Authorise the Chief Executive Officer to execute the required agreements once settled with the LXR, to cover the increase in maintenance costs from the

original agreement;

3. Endorse the use of this funding towards the design and construction of shopping centre upgrades opposite the railway corridor in Edithvale and subject to the availability of funds in Bonbeach; and
4. Receive a future report once the scope and timing of these projects is determined.

Cr Cochrane left the meeting at 7:48pm.

Cr Cochrane returned to the meeting at 7:50pm.

CARRIED

11. Customer and Corporate Support Reports

11.1 Draft Bi-Annual Report from the Audit and Risk Committee - March 2022

RECOMMENDATION

That Council note Audit and Risk Committee Bi-Annual Report.

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

11.2 Audit and Risk Committee Minutes - 16 March 2022

RECOMMENDATION

That Council note the minutes of the Audit & Risk Committee meeting held on 16 March 2022.

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

11.3 Nomination in a State or Federal Election Policy

RECOMMENDATION

That Council adopt the Nomination in a State or Federal Election Policy in Appendix 1.

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

11.4 Informal Meetings of Councillors

RECOMMENDATION

That Council receive the report.

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

11.5 Quick Response Grants

RECOMMENDATION

That Council approve the following Quick Response Grant applications:

- Anglican Parish of Longbeach - \$1500.00
- South Metro Showtime - \$1500.00
- Bayside Community Information & Support Service Inc - \$700.00
- St Andrews Parish - \$1500.00
- Chabad of Dingley - \$1500.00
- Mentone & St Bedes O.C. Amateur Football Club - \$1500.00

That Council not approve the following Quick Response Grant applications:

- Ed Kovalev
- Friends of Kingston Heath Reserve
- The Shack Reserve Co
- Megan Fisher
- Warren Smith
- Robert Scholten
- Samantha Carter

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

12. Chief Finance Office Reports

12.1 Proposed Sale of Council Reserve (Part) at 40 Redwood Drive, Dingley Village

Moved: Cr Hua

Seconded: Cr Davies

That :

1. Council commence the statutory and administrative procedures to consider the sale of the subject land to Mitchell Laminates for the current market valuation referred to in this report;
2. A further report be received at the conclusion of the statutory procedures to consider selling, or not selling, the subject land;
3. Any funds derived from a future sale of part of the Reserve (should that occur) be directed to the Open Space Reserve for the Dingley area; and
4. The Kingston Residents' Association is thanked for its submission.

Cr Hill left the meeting at 7:54pm.

Amendment

Moved: Cr Davey-Burns

That :

1. Council commence the statutory and administrative procedures to consider the sale of the subject land to Mitchell Laminates for the current market valuation referred to in this report;
2. A further report be received at the conclusion of the statutory procedures to consider selling, or not selling, the subject land;
3. Any funds derived from a future sale of part of the Reserve (should that occur) be directed to the Open Space Reserve for the Dingley area;
4. The Kingston Residents' Association is thanked for its submission; and
5. The preservation and maintenance of the native vegetation on the remaining reserve is prioritised and that efforts are made to include seating areas for workers in the area to enjoy on their lunch break.

Cr Hill returned to the meeting at 7:59pm

The Amendment was accepted by the Mover and Seconder

The Motion was CARRIED

12.2 Proposed Discontinuance and Sale of Road - Side of 2 Emma Street, Carrum

Moved: Cr Bearsley

Seconded: Cr Saab

That Council, having considered that there were no submissions lodged in response to the public notice published on the 1 November 2021 in accordance with Section 114 of the Local Government Act 2020, under clause 3 of Schedule 10 of the Local Government Act 1989 (Vic), and Council's Community Engagement Policy of Council's intention to discontinue and sell Lot 1 TP965740L subject land) to the adjoining owner of 2 Emma Street, Carrum:

1. Authorise the Chief Executive Officer or delegate to proceed to discontinue the road and sell the subject land for \$21,725.00 inclusive of GST plus costs associated with the sale in accordance with Council's 2017 *"Discontinuance and Sale of Roads, Rights of Way and Drainage Reserve Policy"*, and
2. Authorise the Chief Executive Officer or delegate to undertake the procedures to give effect to the recommendation(s).

CARRIED

**12.3 Removal of Drainage Reserve Rear Sherwood and Catherine Avenue,
Chelsea**

RECOMMENDATION

That Council, having considered the responses received in response to the public notice published on 12 October 2021, in accordance with section 114 of the *Local Government Act 2020 (Act)*:

1. Authorise the Chief Executive Officer or his delegate to apply for a planning permit; and
2. Authorise the Chief Executive Officer or nominated delegate to carry out the necessary administration procedures to allow to proceed with any sales and that Council would apply to take title of any unsold parcels.

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

13. Notices of Motion

13.1 Notice of Motion No. 17/2022 - Cr Howe - Launching Way

Moved: Cr Howe

Seconded: Cr Eden

That:

1. Council acknowledges that it was a part of a steering committee comprising itself, Melbourne Water, BIAV and Parks Victoria to create the 2017 Launching Way Precinct Plan.
3. Council agrees it is a fact that Parks Victoria and Melbourne Water have fulfilled a number of their actions in the plan.
4. It is accepted as a fact that the Victorian Recreational Fishing Peak Body asked on 11 November 2020 when Council would meet its commitment.
5. Council agrees it is a fact that the Boating Industry Association of Victoria also followed up enquiring about a joint site visit on 30 November 2020.
6. Council acknowledges it is factual the reconstruction of Launching Way was submitted as a priority project in February 2021 and is listed in budget documents with Councillor requests.
7. Council prepares costings to repave Launching Way and highlights the project in the road analysis expected to be received.

CARRIED

2. It is accepted as an extrinsic fact that Council subsequently agreed to both lead and fund the repaving and line marking of Launching Way in the short-term.

LOST

8. Council updates Councillors and writes to members of the steering committee with anticipated project delivery timelines.

LOST

A Division was Called:

DIVISION:

FOR: Crs Eden, Howe and Oxley (3)

AGAINST: Crs Staikos, Davey-Burns, Davies and Saab (4)

ABSTAINED: Crs Bearsley, Cochrane, Hill and Hua (4)

LOST

Note: It was requested by Cr Oxley and agreed to by the Chairperson that part 2 of the Motion be put to the vote separately.

Note: It was requested by Cr Bearsley and agreed to by the Chairperson that part 8 of the Motion be put to the vote separately.

CARRIED/LOST

13.2 Notice of Motion No. 18/2022 - Cr Howe - Berekley Living Retirement Village

Moved: Cr Howe

Seconded: Cr Bearsley

That Council

1. Within fourteen (14) days writes to the Minister for Consumer Affairs, Gaming and Liquor Regulation, Shadow Minister and Member for Carrum, stating supporting reasons for their intervention and support to demolish Berkeley Living Retirement Village. This letter should request that the Minister explore:
 - a. Using the State Government's powers of Public Acquisition through a Planning Scheme Amendment to acquire the land for Open Space funded through the State Governments Suburban Parks Program; or
 - b. Promptly request the Director of Consumer Affairs Victoria to instigate proceedings to progress the forced sale of the land to facilitate its redevelopment.
2. Within forty-five (45) days a media release is produced that outlines actions Council has taken and costs it has incurred in seeking to 'secure' the former Berkeley Living Retirement Village. This release must outline its requests to the Victorian State Government as outlined under point one (1) of this motion and any responses it has received.

Cr Eden left the meeting at 8:29pm.

Cr Davies left the meeting at 8:34pm.

CARRIED

A Division was Called:

DIVISION:

FOR: Crs Davey-Burns, Bearsley, Hill, Howe, Hua and Oxley (6)

AGAINST: Cr Cochrane (1)

ABSTAINED: Crs Staikos and Saab (2)

CARRIED

14. Urgent Business

There were no items of urgent business.

15. Confidential Items

Moved: Cr Oxley

Seconded: Cr Saab

That in accordance with 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:

15.1 Property Matter

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

- because it is information that was confidential information for the purposes of section 77 of the Local Government Act 1989 (section 3(1)(l)), and
- the explanation as to why the specified ground/s applies is that this involves commercial discussions that if released prior may jeopardise Council's decision..

15.2 VCAT Matter

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

- because it is legal privileged information, being information to which legal professional privilege or client legal privilege applies (section 3(1)(e)), and
- the explanation as to why the specified ground/s applies is the report contains legal information..

CARRIED

The meeting was closed to members of the public at 8.36pm.

Cr Davies returned to the meeting at 8:37pm.

Cr Eden returned to the meeting at 8:37pm.

Procedural Motion

Moved: Cr Saab

Seconded: Cr Oxley

That the meeting be opened to members of the public.

CARRIED

The meeting was opened to members of the public at 8.52pm.

The meeting closed at 8.52pm.

Confirmed.....

The Mayor 23 May 2022