

Minutes

Ordinary Council Meeting

Monday, 24th July 2023

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**City of Kingston
Ordinary Council Meeting**

Minutes

24 July 2023

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

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

In Attendance: Peter Bean, Chief Executive Officer
Jonathan Guttmann, General Manager Planning and Place
Dan Hogan, General Manager Customer and Corporate Support
Samantha Krull, General Manager Infrastructure and Open Space
Sally Jones, General Manager Community Strengthening
Bernard Rohan, Chief Finance Officer
Justin Welsford, Media and Communications Advisor
Kelly Shacklock, Acting Manager Governance, Risk and Integrity
Ellie Lockard, Governance Officer
Patrick O’Gorman, Governance Officer
Gabrielle Pattenden, Governance Officer

1. Apologies

There were no apologies submitted to the meeting.

2. Confirmation of Minutes of Previous Meetings

Moved: Cr Hill

Seconded: Cr Davies

That the Minutes of the Ordinary Council Meeting held on 26 June 2023 and the Special Council Meeting held on 26 June 2023 be confirmed.

CARRIED

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

There were no Conflicts of Interest submitted to the meeting.

4. Petitions

Nil

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5. Presentation of Awards

Nil

6. Reports from Delegates Appointed by Council to Various Organisations

Nil

7. Question Time

Question time was held at 7.52pm. Refer to page 12 of the Minutes.

En Bloc Resolution

Moved: Cr Davies

Seconded: Cr Staikos

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

- 8.1 Town Planning Application Decisions - June 2023
- 9.3 Response to Resolution - Notice of Motion No. 13/2021 - Public Art Review
- 9.4 Citizenship Policy 2023-26
- 10.1 Wayfinding Strategy
- 11.4 Motions for Municipal Association of Victoria State Council Meeting
- 11.6 Service Model – Concierge and Customer Care
- 12.1 Cultural and Recreation Land Agreements: Policy Adoption

CARRIED

8. Planning and Place Reports

8.1 Town Planning Application Decisions - June 2023

RECOMMENDATION

That the report be noted.

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

8.2 KP-2022/798 - 179-217 Centre Dandenong Road, Dingley Village

Moved: Cr Davey-Burns

Seconded: Cr Staikos

That a Notice of Decision to grant a planning permit be issued for the lopping of native vegetation at 179-217 Centre Dandenong Road, Dingley Village subject to the following conditions:

Endorsed Tree Destruction Plan

1. Prior to the commencement of destruction or lopping, 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 and the plans must:
 - a) Show the location of the tree on an overall site plan.

Lopping Plan for Habitat Stumping

2. Prior to the endorsement of plans under condition 1, a lopping and destruction plan must be submitted to the responsible authority and approved by the responsible authority and must:
 - a) Prescribe objectives, methods, and specifications for destruction (via ringbarking).

Onsite Replacement Planting

3. Prior to the commencement of tree lopping or destruction on site, a plan to the satisfaction of the responsible authority illustrating the location and species of replacement canopy tree planting to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority, showing:
 - a) Three (3) canopy trees indigenous to the City of Kingston capable of growing to a minimum height of 10 meters and a canopy width of 6 meters.
 - b) A minimum of 2 metres in height at the time of planting.
4. The replacement canopy trees planted as a condition of this permit and shown on the endorsed plans are to remain on the land and maintained to the satisfaction of the responsible authority.

Vegetation Offset

5. 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 the general offset of 0.013 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 0.208.

- c) Include one (1) large tree.
6. 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:
 - a) Credit extract(s) allocated to the permit from the Native Vegetation Credit Register.
7. A copy of the offset evidence will be endorsed by the responsible authority and form part of this permit.
8. Within six (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.

Permit Expiry

9. 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 tree removal is not started before two (2) years from date of this permit.
 - The tree removal 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.

Note: Before removing any vegetation from the site, the applicant or any contractor engaged to remove any vegetation, should consult Council's vegetation management officer to verify if a Local Laws permit is required for the removal of such vegetation.

Note: The applicant/owner must provide a copy of this planning permit and any endorsed plans to any external contractor to ensure that all trees to be retained on site are protected during any works.

Note: Within the area of native vegetation to be retained and any tree protection zone associated with the permit, the following is prohibited:

- a. Any vehicle or pedestrian access, trenching or soil excavation.
- b. Storage or dumping of any soils, materials, equipment, vehicles, machinery or waste products.
- c. Entry or exit pits for underground services.
- d. Any other actions or activities that may result in adverse impacts to retained native vegetation.

CARRIED

8.3 KP-2018/701/B - 43-45 Westall Road, Clayton South

Cr Eden left the meeting at 7:16pm.

Moved: Cr Staikos

Seconded: Cr Hua

That an amended planning permit be issued under delegated authority of Council for the use of a primary school, associated works and alteration of access to a road in a Road Zone, Category 1 in accordance with the endorsed plans at 43-45 Westall Road, Clayton South, subject to the list of conditions detailed below:

Amended 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 an electronic must be provided. The plans must be substantially in accordance with the advertised plans prepared by Cyber Drafting and Design, Job No. 18133, Sheets 1 to 8 inclusive, Revision D, dated 22 November 2018, submitted to Council on 23 November 2018 (amended plans prepared by Mark Alsop Architect, Sheets 1, 4, 4A, 5, 6 and 7, dated 3 February 2023, submitted to Council on 15 June 2023), but modified to show:
 - a) bicycle parking and associated amenities in accordance with the requirements of Clause 52.34 of the Kingston Planning Scheme;
 - b) the car parking layout design to comply with Design Standard 2 of Clause 52.06-9 of the Kingston Planning Scheme;
 - c) an acoustic fence along the sections of the north, south and west boundaries of the site which adjoin the neighbouring areas of secluded private open space, to a minimum height of two (2) metres above natural ground level. The design of the fence must be prepared in consultation with a suitably qualified acoustic engineer. The details of the design and acoustic qualities of the fence must be provided;
 - d) internal fencing on the west side of the modified car parking area, including the details of its style, height and materials;
 - e) the surface material of all driveways / accessways and car parking spaces nominated in all-weather coloured concrete sealcoat, or similar;
 - f) a traffic and parking management plan which includes, but not limited to, the means by which the direction of traffic, the pedestrian flows to and from car parking areas, and the car parking will be controlled both on- and off-site;
 - g) the ground floor plan prepared for this address by Mark Alsop Architect (18/11/2021) is to be amended to the satisfaction of the Responsible Authority to show:
 - i) Two (2) indigenous canopy trees capable of growing to minimum mature dimensions of 8 metres in height and 5 metres in width to be planted in the rear setback of the property; with one (1) indigenous tree capable of growing to a similar mature size to be planted in the front setback.
 - ii) A planting schedule of all proposed trees and shrubs, including botanical names, common names, pot sizes, sizes at maturity, and

quantities of each plant.

- iii) All trees provided at a minimum of 2 metres in height at time of planting, medium to large shrubs to be provided at a minimum pot size of 200mm.
- iv) The street tree, the *Melaleuca styphelioides* (Prickly-leaf Paperbark) near the 'shed to be removed', and the *Angophora costata* (Smooth-barked Apple Gum), *Liquidambar styraciflua* (Liquidambar) and *Eucalyptus leucoxylon* (Yellow Gum) around the playground, as being retained.
- v) A survey, including, botanical names of all existing trees to be retained or removed on the site including tree protection zones for trees to be retained calculated in accordance with AS4970-2009.
- vi) Tree protection measures for the existing onsite trees accurately drawn to scale and labelled as per condition 15.
- vii) One (1) *Eucalyptus melliodora* (Yellow Box).

Endorsed Plans

- 2. The use and development as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.
- 3. The use must operate only between the hours of:
Monday to Friday: 8:00am to 5:00pm

Or otherwise as approved by the Responsible Authority in writing.

- 4. Not more than eight (8) staff may be present on the premises at any one time without written consent of the Responsible Authority.
- 5. Not more than seventy (70) students may be present on the premises at any one time without written consent of the Responsible Authority.

Vegetation

- 6. Prior to the completion of all works on site, one (1) additional canopy tree is to be planted in the front setback, the canopy tree is to be:
 - a) A *Eucalyptus melliodora* (Yellow Box); and
 - b) A minimum of 2 metres in height at the time of planting.
- 7. The canopy tree planted as a condition of this permit and shown on the endorsed plans is to remain on the land and maintained to the satisfaction of the Responsible Authority.

Amenity

- 8. Before the use starts or the building is occupied, the acoustic fence as shown on the endorsed plans must be erected and maintained to the satisfaction of the Responsible Authority.
- 9. The amenity of the area must not be detrimentally affected by the use, including 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 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.
10. The use of the site shall not cause nuisance or be detrimental to the area by the emission of noise to the satisfaction of the Responsible Authority. Noise emissions must comply with the State Environment Protection Policy.

Parking and Traffic

11. Before the use commences, a traffic and parking management plan, as endorsed, must be implemented to the satisfaction of the Responsible Authority.

Infrastructure and Road Works

12. Any relocation of pits/power poles or other services affected by this development must be relocated to the satisfaction of the relevant servicing authority and the Responsible Authority, at the cost of the owner/developer.

Vic Roads

13. Before the development starts, a detailed Functional Layout Plan (FLP) must be submitted to and approved by the Roads Corporation (VicRoads). When approved by the Roads Corporation, the plans may be endorsed by the Responsible Authority and will then form part of the permit. The plans must be drawn to scale with dimensions and must show the School Speed Zone sign arrangement along Westall Road as per VicRoads Speed Zone Guidelines. Please refer Traffic Engineering Manual, Volume 3 (Edition 1, June 2017) for more information on speed limits around schools.
14. Unless otherwise agreed in writing by VicRoads, prior to the commencement of the use of the development hereby approved, all works as required by VicRoads must be completed in accordance with approved Functional Layout Plan (FLP) and detailed design plans to the satisfaction of VicRoads and the Responsible Authority and at no costs to VicRoads.
15. Unless otherwise agreed in writing by VicRoads, the electronic signs must be installed and operational prior to the school starting its operation.

Completion of Works

16. Prior to the use of building hereby permitted, all works and conditions of this permit must be complied with to the satisfaction of the Responsible Authority, unless with the further prior written consent of the Responsible Authority.

Tree Management and Protection Plan

17. All works within 5 metres of the existing trees to be retained at this address must be done in a manner that avoids adversely impacting these trees and:
- a) Tree protection fencing and/or ground protection is to be established around all existing trees within 5 metres of the proposed works, prior to demolition and maintained until all works on site are complete, unless otherwise with written consent from Council.
 - i. Tree protection fencing is to be a 1.8-metre-high temporary fence constructed using steel or timber posts fixed in the ground or to a concrete pad, with the fence's side panels to be constructed of cyclone mesh wire or similar strong metal mesh or netting.
 - ii. Ground protection is to consist of a layer of 10mm plyboard, rumble boards or similar, over a 100mm layer of mixed particle mulch.
 - iii. The fencing and/or ground protection is to encompass as much of the

tree protection zones (TPZ) as possible, while allowing clearance for construction works.

- b) Unless with the written consent from Council, all excavation for the portable classroom is to be dug by hand, with the footings to be modified if required to avoid damage to tree roots greater than 40mm in diameter. If required, roots less than 40mm in diameter can be cut with clean, sharp tools.

All canopy pruning must be carried out by a suitably qualified and experience arborist, in a manner consistent with the standard specified within Australian Standard 4373-2007 *Pruning of Amenity Trees* and without the use of climbing spurs/irons.

Time Limits

18. 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 development are not started within two (2) years from the date of permit issue.
 - The development is not completed within 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: Environment Protection Authority (EPA) Victoria set out the requirements pertaining to site construction hours and permissible noise levels.

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: The applicant/owner must provide a copy of this planning permit and any endorsed plans to any external contractor to ensure that all trees to be retained on site are protected during any works.

Note: Before removing / pruning any vegetation from the site, the applicant or any contractor engaged to remove any vegetation, should consult Council's vegetation management officer to verify if a Local Laws permit is required for the removal of such vegetation.

Note: No work must be commenced in, on, under or over the road reserve without having first obtaining all necessary approval under the *Road Management Act 2004*, the *Road Safety Act 1986*, and any other relevant acts or regulations created under those Acts.

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24 July 2023

THIS PERMIT HAS BEEN AMENDED PURSUANT TO SECTION 72 OF THE PLANNING AND ENVIRONMENT ACT 1987 AS FOLLOWS:

Amendment	Date of Amendment	Description of Amendment	Responsible Authority
A	11 July 2022	<p>Amendment A relates to considered / advertised plans Mark Alsop Architect, Sheets 1 to 8 inclusive and dated 07/04/2022.</p> <p>The scope of changes pertaining to Amendment A include:</p> <ul style="list-style-type: none"> - Amending condition 1 to refer to new submitted plan. - Inclusion of landscaping conditions 1(g) and 15 and subsequent renumbering. 	City of Kingston
B	(Date to be the same as Date Amended)	<p>Amendment B relates to the considered / advertised plans prepared by Mark Alsop Architect, Sheets 1 to 7, inclusive of Sheet 4A, dated 3 February 2023, submitted to Council on 15 June 2023.</p> <p>The scope of changes pertaining to Amendment B include:</p> <ul style="list-style-type: none"> - Inserting new condition 1(g)(vii), 6 and 7. - The associated renumbering of proceeding conditions. 	City of Kingston

CARRIED

Note: Item 8.5 was considered prior to Item 8.4.

8.5 Amendment C215king - 6 Mentone Parade, Mentone - Consideration of Submissions

Cr Eden returned to the meeting at 7:19pm.

Moved: Cr Hill

Seconded: Cr Staikos

That Council:

1. Receive and consider the submissions lodged in relation to Amendment C215king (Appendix 2);
2. Request that the Minister for Planning appoint a Planning Panel under Part 8 of the *Planning and Environment Act 1987* to consider submissions and report on Amendment C215king; and
3. Receive a further report at the conclusion of the Planning Panel process on Amendment C215king.

LOST

A Division was Called:

DIVISION:

FOR: Crs Staikos, Davey-Burns, Bearsley, Hill and Saab (5)

AGAINST: Cr Oxley (1)

ABSTAINED: Crs Cochrane, Davies, Eden, Howe and Hua (5)

LOST

Note: Cr Oxley requested through the Chairperson and was granted an extension of time to speak on the matter.

Note: Cr Staikos requested through the Chairperson and was granted an extension of time to speak on the matter.

Note: Cr Eden requested through the Chairperson and was granted an extension of time to speak on the matter.

Question Time

Cr Davey-Burns left the meeting at 7:54pm.

Cr Hua left the meeting at 7:55pm.

Cr Howe left the meeting at 7:57pm.

Cr Davey-Burns returned to the meeting at 7:57pm.

Cr Howe returned to the meeting at 7:58pm.

Cr Hua returned to the meeting at 7:58pm.

Cr Cochrane left the meeting at 8:00pm.

Pamela asked,

"In the new Explanation of Meeting Procedure, you stated that questions must be as "succinct as possible". Please explain how it is possible to write two questions on 7 tiny links. It started out that we had more space to write and each month these lines get less and less. There are supposed to be full pages of lines! Depending on the topic people will decide how "succinct" their questions will be."

The General Manager Customer and Corporate Support provided the following response,

"In response to the question "how is it possible to write two questions on seven tiny lines" while I take that as rhetorical, I do take your point. Perhaps we can consider that in terms of the layout of the printed copy. It might be more worthwhile to submit your questions online which would allow you to have a greater number of characters. Alternatively, if it's an expansive question, you could write a letter to Council or email info@kingston.vic.gov.au in order to go into further detail."

Mya asked,

"The Council must collaborate with other government agencies and supply people with all requested information, not send people to deal with the Federal Government or ACMA and others – you are the people's representative (or maybe not?) and need to do your job properly. Please, supply us with a health and safety assessment for radiation of 5G antennas and how they affect people, animals and wildlife."

The General Manager Customer and Corporate Support provided the following response,

"Unfortunately this is not our responsibility in terms of regulation. This is regulated federally in terms of safety of equipment and I believe ARPANSA is the appropriate scientific and regulatory body. I do recognise the point that you're making however it's simply not something that we can make a determination on."

Note: a question submitted by Michel was not read out as it was deemed under Rule 39 of the Governance Rules to be repetitive of a question already answered.

Sara asked,

"I was told it was Victoria Police that installed face recognition cameras. Victoria Police can't install the face recognition cameras in public spaces without Council permission. The Council needs to show when and why you gave permission to Victoria Police to install face recognition cameras?"

The General Manager Customer and Corporate Support provided the following response,

"In addition to having to comply with the Surveillance Devices Act 1999, Council has a CCTV Cameras Code of Practice which is available on Council's website. We of course observe all applicable privacy laws and we do not govern Victoria Police's surveillance methods in any way, shape or form."

Gail Ash asked,

"As a concerned grandmother of 8 for their future the WHO, WEF and the United Nations seem to be controlling the world. Are you the Council part of this agenda. Aren't Council here to look after residents?"

The Chief Executive Officer provided the following response:

"In response to the question, are Council part of this agenda: No we are not. In response to the question, aren't Council here to look after residents: Yes the Council is here to look after its residents."

Betty asked,

"In the new Explanation of Meeting Procedure, you mentioned Emergency Evacuation of a Chamber. We are all adults here from 50 – 90 years old. We all know what to do in an emergency. Are you instead trying to sabotage the meeting by creating an emergency which will stop the meeting? Are you trying to ignore questions? Is this another diversion tactic that Councillors revert to?"

The General Manager Customer and Corporate Support provided the following response,

"No is the simple answer. Meeting procedure is governed by both the Local Government Act and also our Governance Rules and the reasons for it are transparent in terms of how Council meetings are conducted."

James asked,

"On what basis do you decide to come up with new "Laws" so frequently? The Council are not following the Government and Local Laws regulations, please don't embarrass yourself by telling us what to do. We know our rights. The Councillors shouldn't expect us to follow laws when they themselves are breaking other laws."

The General Manager Customer and Corporate Support provided the following response,

"Council revises laws as often as required, but the rules that we change most often are the Governance Rules, most commonly meeting procedure which governs the way meetings are conducted. The general Local Laws which have a greater, more material impact on the community, the Act sets out that there is a ten year sunset clause on Local Laws and Councils don't typically go out more frequently than that."

Joh asked,

Your reply was not helpful at all. I asked you to show me a breakdown of each year before and after installation of LED street lights.

The Chief Executive Officer provided the following response:

"No contact details have been provided. If Joh would like to get in contact with Council tomorrow, we may be able to assist in responding to that request."

Matt asked,

“Under the Privacy Law 1998 c94 it states you are not allowed to record members of the public in the meetings without consent. No one that attended the Council meetings gave you consent to record us. How did you seek our permission? You are already breaking privacy laws by reading out the name on the question form when they are clearly marked as anonymous.”

The General Manager Customer and Corporate Support provided the following response,

“You may have been here for the preamble from the Mayor, in which he foreshadows the fact that the Council meeting is recorded and that those in the gallery will be recorded also. I believe that there is also signage in the chamber and antechamber which indicates that recording will take place. In reference to the second element, I would apologise where it has occurred that we have read out someone’s name and they have ticked that box.”

Wandzia asked,

“In the latest issue of Kingston Your City Winter Edition 2023, you advertise running a queer group for children 12 to 17 years old which you state is confidential. How many full time and part time staff and others are involved, and do all those involved have the required Working with Children Check and police clearance?”

The General Manager Community Strengthening provided the following response,

“The Queer in Kingston program is appropriately staffed by Youth Workers at all times. All staff overseeing and attending the program have appropriate Working with Children checks and clearances required to work in a program with children.”

Kelvin Granger and Dean Hurlston asked,

“Can Council please advise the dollar (\$) amount of "cost shifting from State Government" they estimate they incurred in 2022/23 Financial Year?”

The Chief Finance Officer provided the following response,

“Officers are currently preparing the 2022/23 financial statements in readiness for the financial year end audit – and as such all expenditure information is not finalised.

Cost shifting occurs when the State Government:

- *reduces, in real terms, payments to Local Government but maintain a requirement for the same level of service delivery; or*
- *requires Councils to perform new functions without adequate resources.*

Whilst a specific estimate of the extent of cost shifting on the City of Kingston is not presently available, I expect that it will be broadly in line with the previous financial year and note that the level of funding from the State Government has been factored into Council’s budget position.

For broader context, the likely areas of understood cost shifting to the City of Kingston from State Government include

- *Flood mitigation works*
- *Electrical line clearance tree pruning*
- *Urban planning and Victorian Building Authority compliance requirements*
- *Library services*
- *Maternal and child health and immunisation programs*
- *Foreshore management and*
- *School crossing supervision.*

We will continue to advocate for grant funding and for any future changes made by the State Government to council conditions to be the subject of appropriate engagement and financial analysis to avoid any increase in cost shifting to Council.”

Dr Damien Williams of Bonbeach asked,

“Last week the Victorian Marine & Coastal Council released a major report on the economic impacts from storm surge and sea level rise in Victoria over the 21st century. Many Kingston suburbs feature on the lists of high risk properties, and these grow over time, as the report demonstrates at 2040, 2070 and 2100. Locally, many hundreds of millions of dollars worth of land and housing faces increasing risk over time. Who or what is going to pay for damage caused by storm surge or sea level rise, particularly to properties that are under-insured or uninsurable?”

The General Manager Planning and Place provided the following response,

“The Local Government sector is awaiting the work on the Department of Energy, Environment and Climate Action (DEECA) on its Coast Vulnerability Assessment which will assist in providing direction to the many Local Government areas that are susceptible to Sea Level Rise. To mitigate the risk of sea level rise the Council has undertaken Coastal Hazard Vulnerability Assessments for key coastal buildings. Where Council has deemed necessary it appropriate it has also removed community buildings proximate to the foreshore. Careful consideration is also given to Council capital works near the foreshore with Carrum being a practical recent example. The Council will continue to work with other Association of Bayside Municipalities to raise with the Victorian Government concerns associated with storm surge and sea level rise and the potential impacts on infrastructure. Given the extent of coastline in metropolitan and regional parts of Victoria considerations relating to the ability to insure property will need to involve conversations between the insurance industry and all levels of Government.”

Dr Damien Williams of Bonbeach asked,

“My question follows the previous one on the risks that Kingston faces from future storm surge and sea level rise. Around the bay, communities like ours in Wyndham, Queenscliffe, Hobsons Bay and Port Phillip are grappling with the prospect of billions of dollars worth of private and public assets being inundated with water. How dire do these predictions need to become before Kingston considers joining with other affected Councils to litigate against companies that are profiting from making climate risk worse?”

The General Manager Planning and Place provided the following response,

“The Council’s Climate and Ecological Emergency Response Plan seeks through its actions to take a proactive approach to helping Future Proof Business and Industry to respond to the issues presented as a consequence of Climate Change. This proactive work includes using our Zero Emissions Business Lead working directly with our business on emissions reductions. The Council also actively participates in the South East Climate Change Alliance to work proactively with the region on partnership projects across the Local Government areas of the South East. A greater focus is now also put into the manner in which the Councils Procurement Policies and Investment strategy works to ensure the decisions and investments Council make are aligned with the Goals of its Climate and Ecological Emergency Response Plan to that speak to:

- Reducing sources of emissions in line with our science-derived targets*
- Support sinks that reduce emissions and absorb carbon*
- Involve and benefit communities*

Considerations regarding litigation against companies that are profiting from making climate risk worse warrants further consideration and potential advocacy to Commonwealth and State Governments given it is legislative breaches in these jurisdictions that would give rise to potential litigation.”

Rosemary West of Edithvale asked,

“Considering that:

- *The recent Melbourne University report on the risk of flooding from climate change induced sea level rise around the bay found that the largest bayside area at risk of flooding by 2040 to 2100 is in Kingston’s former Carrum Carrum Swamp, with 1662 properties at high risk of damage by 2014 and 23,700 by 2100; (see map in the Sunday Age, 23/7)*
- *Yet the Council housing strategy proposes to put another 7000 dwellings in the six suburbs covering the swamp & the panel wants even more intense development:*

Will Council consider a supplementary report or amendment asking the Planning Minister to avoid putting more people in peril by increasing development in flood-prone areas in and around the former swamp?”

The General Manager Planning and Place provided the following response,

“As advised at a previous Council meeting, Council works closely with Melbourne Water who are the Authority primarily charged with catchment-based mapping of areas that are subject to inundation. The Council then has the role of working with Melbourne Water to update its planning scheme to take account of new mapping completed by Melbourne Water and Council Engineers. This involves the application of the Special Building Overlay and Land Subject to Inundation Overlay. As indicated in response to Dr. Williams, Councils will also take in to consideration any work that is completed by the Department of Energy, Environment and Climate Action (DEECA) on its Coast Vulnerability Assessment. The area to which Ms. West refers to as the Carrum Carrum Swamp is intended to have the conservative residential zone (the Neighbourhood Residential Zone) applied to the vast majority, of residentially zoned land through Planning Scheme Amendment C203. The Council has also through the Amendment sought to introduce a range of permeability and private open space standards designed to encourage reduced building footprints in Neighbourhood Residential Zones. Ultimately the Planning Minister will determine the suitability of these initiatives. Should the State Government identify areas where they feel development should no longer occur they would then create a planning tool that provided for the prohibition of any further redevelopment. Such a tool that relates specifically to flooding is not presently available in the Victorian Planning Provisions to outright prevent further development.”

Rosemary West of Edithvale asked,

“Thanks to the Councillors for voting to all off the sale of the Redwood Gardens park last month. Will Council now develop an environmental management plan to protect and manage the red gum urban forest and remnant wallaby grass law on the site and to provide tables, chairs and other equipment to enhance the recreational value of the other part of the park?”

The General Manager Planning and Place provided the following response, *“Future management and activation of Redwood Drive Reserve will be considered through Kingston’s next Open Space Strategy, currently in development, which establishes Council’s strategic priorities for managing and enhancing public open space. In addition, the next Biodiversity Strategy (due to commence in Spring 2023) will identify sites within Kingston which contain valuable biodiversity and recommend appropriate levels of protection and management. Council’s open space maintenance teams are managing the reserve to ensure the existing indigenous and remnant flora on the site is not threatened.”*

8.4 Amendment C206king - Rectification of Anomalies in the Kingston Planning Scheme

Moved: Cr Staikos

Seconded: Cr Hill

That Council:

1. Adopt Planning Scheme Amendment C206king to the Kingston Planning Scheme subject to the following changes:
 - Correction of a grammatical error in the Explanatory Report;
 - Amend the Schedule to the Heritage Overlay to:
 - Change the name of Mordialloc Primary School to Mordialloc Beach Primary School; and
 - Change the address of the heritage building located on the Mordialloc Beach Primary School site to 71-79 Albert Street, Mordialloc.
 - The removal of the following Council-owned sites from the Amendment.
 - 2-6 Swansea Road, Chelsea
 - 5 Launching Way, Carrum
 - 2 Lawrence Avenue, Aspendale
 - The correction of a minor mapping error which incorrectly showed an apartment building at 1A Foster Street, Aspendale to be partially rezoned to Public Use Zone (PUZ6).
2. Submit Planning Scheme Amendment C206king to the Minister for Planning for approval.

CARRIED

**8.6 Response to Resolution - Notice of Motion 15/2023 - Fenced Off-Leash
Dog Parks**

Moved: Cr Staikos

Seconded: Cr Hill

That Council:

1. Endorse The Dog Off Leash Area Guidelines;
2. Note the findings of the feasibility study which indicates Kingston has adequate, well distributed dog parks across the municipality;
3. Support the installation of dog litter bag dispensers at the following additional locations (in addition to the list of sites identified in 2020):
 - Le Page Reserve, Cheltenham
 - Dane Road Reserve, Moorabbin
 - Kerr Crescent Reserve, Aspendale Gardens
 - Browns Reserve, Aspendale
4. Note the improved fenced dog off leash facilities recently constructed at Chadwick Reserve, Dingley Village and Victory Road Reserve, Clayton South and the planned progression of additional facilities at Heatherton Park, Clayton South, Spring Road Reserve, Dingley Village and Snowdon Reserve, Cheltenham;
5. Does not at this time progress the development of a greyhound only dog park; and
6. Prepare a guidance note for officers to follow for the approval of requests for new dog litter bag dispensers when requests are received. This draft guidance note be presented to Councillors in the September CIS cycle.

Cr Cochrane returned to the meeting at 8:16pm.

CARRIED

9. Community Strengthening Reports

9.1 Community Grants Program - Funding Recommendations for Annual Grants, Partnership Grants and Children's Week Grants 2023/24

Moved: Cr Davies

Seconded: Cr Hill

That Council:

1. Approve the Partnership Grants and Annual Grants funding allocations as recommended in Appendices 1 and 2 with an additional approval of the funding application submitted by the Mentone Lifesaving Club Inc and note the remaining applications not recommended for funding, as presented in Appendix 3.
2. Approve the transfer of identified Annual Grants recipients to Partnership Agreements as recommended in Appendix 4.
3. Note the late applications, as presented in Appendix 6 and consider accepting for assessment, by the Annual Grants Assessment Panel, the Anglican Parish of Longbeach – Winter Warmers. Should the Panel's recommendation be to fund the application, allocate \$8,000 of Annual Grants funding.
4. Approve the special request made by Women's Spirit Project for \$35,000 for 2023/24, as presented in Appendix 8.
5. Approve the special request made by Emerge Support for \$29,440 for 2023/24 as presented in Appendix 9.
6. Approve an increase to Council's Community Grants total budget for 2023/24 by \$60,525 to cover the additional allocation as requested by Women's Spirit Project and Emerge as outlined in section 3.5 of this report.
7. Approve the Children's Week Grant funding allocations as recommended in Appendix 7.

CARRIED

9.2 Arts Grants Program - Funding Recommendations for 2023/24

Moved: Cr Davey-Burns

Seconded: Cr Staikos

That Council

1. Resolve to increase the Arts Grants, Arts Projects category budget by \$13,550 and fund applications 1 to 8, as listed in Appendix 1 (applications 1-4) and Appendix 2 (applicants 5-8)
2. Note the Arts Grants, Arts Projects category applications 9-14, not recommended for funding in Appendix 2
3. Note that no eligible applications were received for the Arts Grants, Local makers and creative Businesses category
4. The Kingston Community Grants Review considers, with specific reference to Arts Grants Program:
 - A focus on simplifying the grants application process
 - Ensures the assessment criteria supports emerging artists and achieves

the aim of building and strengthening the arts in Kingston as a strategic priority, including our council plan 1.1.7 *Foster a thriving and innovative arts and culture scene, which is both diverse and inclusive.*

- Reviews the allocation of funding to the Arts Projects Grant Program and if the current allocation of \$20K meets the strategic need of 1.1.7

CARRIED

9.3 Response to Resolution - Notice of Motion No. 13/2021 - Public Art Review

RECOMMENDATION

That Council endorse the Public Art Policy (Appendix 1), Public Art Placement Plan (Appendix 2) and Public Art Guidelines (Appendix 3).

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

9.4 Citizenship Policy 2023-26

RECOMMENDATION

That Council adopt the Citizenship Policy to come into effect from 1 August 2023.

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

10. Infrastructure and Open Space Reports

10.1 Wayfinding Strategy

RECOMMENDATION

That Council adopt the Wayfinding Strategy 2023.

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

11. Customer and Corporate Support Reports

11.1 Informal Meetings of Councillors

Moved: Cr Saab

Seconded: Cr Davey-Burns

That Council receive the report, subject to the amendment of the Informal Meetings of Councillors Record of the meeting on 18 July 2023 to include the arrival and departure times of Councillors where known.

CARRIED

11.2 Quick Response Grants

Moved: Cr Davies

Seconded: Cr Hill

That Council approve the following Quick Response Grant applications:

- Kingston Indian Senior Citizens Association - \$1500.00
- Hihett Football Netball Club - \$1100.00
- Mordialloc Motor Yacht Club - \$1408.00
- Parkdale Secondary College - \$1500.00
- Circolo Pensionati Italiani di Oakleigh e Clayton - \$1500.00 (subject to acquittal of previous grant allocated in December 2022)
- Chelsea Heights Community Centre - \$1418.00
- Martin Whitney - \$1500.00
- Rod Leonard - \$1500.00
- Kate Gothard - \$1500.00
- Mentone Girls' Secondary College Robo Sapiens - \$200.00

CARRIED

11.3 Appointment of Members to Strategic Advisory Committees

Moved: Cr Saab

Seconded: Cr Davey-Burns

That Council:

1. Appoint the following people to Council's Strategic Advisory Committees until the end of the current Council Term in 2024 as follows:

Environment and Open Spaces:

- Louise Doolan
- Robyn Nolan
- Ian Morgans

Access and Equity

- Taru Jain
- Shriya Gupta

Arts and Cultural

- Esnaf (Eddie) Balic

- Paul Morrison
- Ross Coulter
- Andrew Gyopar
- Spiros Panigirakis
- Kirralee Ashworth-Collett
- Merrie McCulloch

Active Kingston

- Michael Hogan
2. Extend membership terms for all current Advisory Committee members to the end of the current Council Term in 2024.

Cr Eden left the meeting at 8:39pm.

Cr Eden returned to the meeting at 8:42pm.

Cr Eden left the meeting at 8:42pm.

Procedural Motion

Moved: Cr Oxley

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

LAPSED for want of a Seconder

The Substantive Motion was put and CARRIED

11.4 Motions for Municipal Association of Victoria State Council Meeting

RECOMMENDATION

That Council endorse the following motions to be submitted to the Municipal Association of Victoria for consideration at the October 2023 State Council Meeting:

1. Changes to the Victorian Planning Provisions in relation to the use of car stackers:
“That the MAV urgently request the State Government to make changes to the Victoria Planning Provisions and prepare a new Planning Practice Note to provide clear policy direction aimed at improving the design, useability, specifications and accessibility of car stackers.”
2. Golf Course Land Planning Guidelines:
“That the MAV request the Victorian Government to review the Planning Guidelines for the Conversion of Golf Course Land for other Purposes, and their practical application.”
3. Maintenance of Freeway and Arterial Roads:
“That the MAV urgently request the State Government to ensure that Freeways and Arterial Roads, for which the Department of Transport Planning (VicRoads) are responsible are maintained to an appropriate level of service.”

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

11.5 Governance Rules Review

Cr Eden returned to the meeting at 8:57pm.

Moved: Cr Staikos

Seconded: Cr Hill

That Council:

1. Pursuant to section 60(4) of the Local Government Act 2020, proceed with community consultation in relation to the amended Governance Rules as attached in Appendix 1; and
2. Receive a report at the September Ordinary Council meeting receiving the results of the community consultation and consider adoption of the final Governance Rules.

Cr Hill left the meeting at 9:01pm.

Cr Hill returned to the meeting at 9:04pm.

CARRIED

11.6 Service Model - Concierge and Customer Care

RECOMMENDATION

That Council note that following a service review of City Works, customer facing concierge services have been transitioned to the Customer Care department and security requirements will become managed by a specialist agency as of 3 July 2023.

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

12. Chief Finance Office Reports

12.1 Cultural and Recreation Land Agreements: Policy Adoption

RECOMMENDATION

That Council adopt the new Cultural and Recreational Lands Policy, and Survey Calculator for the purpose of charging Cultural and Recreational Lands rates on these properties from the 2023/24 rating year onwards.

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

13. Notices of Motion

13.1 Notice of Motion No. 20/2023 - Cr Howe - Let There Be Light

Moved: Cr Howe

Seconded: Cr Oxley

That Council proceed to consultation by August for proposed lighting and safety improvements at Roy Dore Reserve shown at appendix 1, where a previous violent assault has occurred and is subject to lighting requests made by dog walkers and users.

Proposed Alteration

Moved: Cr Howe

Seconded: Cr Oxley

That Council proceed to consultation by September for proposed lighting and safety improvements at Roy Dore Reserve shown at appendix 1, where a previous violent assault has occurred and is subject to lighting requests made by dog walkers and users.

The Proposed Alteration was accepted by the Mover and Seconder

Cr Davey-Burns left the meeting at 9:23pm.

Cr Davey-Burns returned to the meeting at 9:35pm.

LOST

A Division was Called:

DIVISION:

FOR: Crs Eden, Howe, Hua and Oxley (4)

AGAINST: Cr Cochrane (1)

ABSTAINED: Crs Staikos, Davey-Burns, Bearsley, Davies, Hill and Saab (6)

LOST

13.2 Notice of Motion No. 21/2023 - Cr Oxley - Councillor Expenses

Moved: Cr Oxley

Seconded: Cr Eden

That Council implements guidelines whereby: when a Councillor incurs expenses (paid for by the ratepayer) in attending a conference/study course, or expenses travelling interstate or internationally where the spend exceeds \$500 - the Councillor be requested individually to present a brief report to the Council at an Ordinary Council Meeting detailing the benefits achieved for the Kingston community.

Cr Cochrane left the meeting at 9:39pm.

Cr Cochrane returned to the meeting at 9:42pm.

Amendment

Moved: Cr Bearsley

That Council implements guidelines whereby:

1. When a Councillor incurs expenses (paid for by the ratepayer) in attending a conference/study course, or expenses travelling interstate or internationally where the spend exceeds \$500 - the Councillor be requested individually to present a brief report to the Council at an Ordinary Council Meeting detailing the benefits achieved for the Kingston community.
2. For Councillors who have not attended Councillor Information Sessions to have an opportunity to share their reasons and provide details as to whether they have had separate briefings or were able to catch up on the information missed.

The Amendment was ruled out of order in accordance with Rule 25.2 of the Governance Rules as it was deemed that if passed, it would materially disturb the intention and effect of the motion.

Procedural Motion

Moved: Cr Staikos

Seconded: Cr Bearsley

That the meeting be extended for 15 minutes until 10.15pm.

CARRIED

The Substantive Motion was put and LOST

A Division was Called:

DIVISION:

FOR: Crs Eden, Howe and Oxley (3)

AGAINST: Crs Cochrane, Davies, Hill and Saab (4)

ABSTAINED: Crs Staikos, Davey-Burns, Bearsley and Hua (4)

LOST

**City of Kingston
Ordinary Council Meeting**

Minutes

24 July 2023

14. Urgent Business

Nil

15. Confidential Items

Nil

The meeting closed at 10.05pm.

Confirmed.....

The Mayor 28 August 2023