

Minutes

Council Meeting

Monday, 23rd May 2022



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The meeting commenced at 7.09pm 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 Place
Samantha Krull, General Manager Infrastructure and Open Space
Tony Ljaskevic, General Manager Customer and Corporate Support
Mark Patterson, Acting General Manager Community Strengthening
Phil De Losa, Manager Governance
Patrick O’Gorman, Governance Officer
Gabby 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 Saab

Seconded: Cr Davies

That the Minutes of the Council Meeting held on 26 April 2022 and the Council Meeting held on 9 May 2022 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

4.1 Parking Issues in French Avenue, Edithvale

Moved: Cr Eden

Seconded: Cr Oxley

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

CARRIED

5. Presentation of Awards

The Mayor acknowledged the contributions of Acting General Manager Community Strengthening, Mark Patterson, and Acting General Manager Customer and Corporate Support, Tony Ljaskevic.

6. Reports from Delegates Appointed by Council to Various Organisations

Nil

7. Question Time

Question time was held at 7.16pm

Gabriella Hont of Mentone asked,

"We are all excited about the prospect of a new aquatic and leisure centre for Kingston. Councils such as Moreland and Yarra are operating aquatic facilities without gas, instead using electric heat pumps and renewable energy. The Australian Renewable Energy Agency has partnered with Brimbank Council to fund a pilot project setting out the options available for building a new aquatic and leisure facility without using fossil fuels; an example able to be replicated elsewhere. Given Council has a target of zero emissions for its operations by 2025, will the new centre be designed to run totally on renewable energy, thereby saving the costs associated with buying carbon offsets in future years?"

The General Manager Community Sustainability provided the following response,

"Thank you for your question and interest in Kingston's new Aquatic and Leisure Centre. Kingston is committed to sustainability and achieving our Net Zero emissions by 2025 for our Council operations. Council's 'Community Buildings Environmentally Sustainable Design Policy' seeks to reduce the environmental impact of all our facilities, and Ecologically Sustainable Design is a key principle underpinning the Aquatic and Leisure Centre project right from the beginning. We are committed to moving away from gas and having all-electric facilities, powered by renewable energy. Since July 2021 all our small and large market sites have been powered by renewable energy and 36 of our buildings have rooftop solar. We are also planning our first carbon neutral building at Bonbeach, powered by onsite solar and batteries. For the new Aquatic and Leisure centre we will be speaking to other facility operators in Councils to learn from their experiences. The technology options for new Aquatic Centres are rapidly evolving and Kingston is committed to looking into all existing leading technologies and emerging trends. Expert sustainability consultants will be engaged as part of the design team to ensure use of renewable energy is maximised, as well as other sustainability opportunities such as water conservation and waste minimisation."

En Bloc Resolution

Moved: Cr Davies

Seconded: Cr Davey-Burns

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

- 8.1 Town Planning Application Decisions - April 2022
- 8.2 Homes for Homes Update and Department of Families, Fairness and Housing Potential Sites for Social Housing
- 8.5 Nature Strip Guidelines Community Consultation Report
- 10.4 Response to Council Resolution - Nepean Highway Tree Planting
- 10.5 CON 21/060 - Elonera Kindergarten Modular Facility Development - Novation of Contract
- 11.1 Kingston Performance Reports, January to March 2022
- 11.3 Informal Meetings of Councillors
- 11.4 Quick Response Grants
- 11.5 CEO and General Manager Quarterly Expenses
- 11.6 Governance and Policy Committee Revised Terms of Reference
- 11.7 Motion for MAV State Council Meeting
- 12.1 Quarterly Financial Statements Report, March 2022

CARRIED

8. Planning and Place Reports

8.1 Town Planning Application Decisions - April 2022

RECOMMENDATION

That the report be noted.

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

8.2 Homes for Homes Update and Department of Families, Fairness and Housing Potential Sites for Social Housing

RECOMMENDATION

That Council:

1. Write to the Department of Families, Fairness and Housing (DFFH) and request that the land identified in Appendix 1, be further investigated to determine its appropriateness to be consolidated and redeveloped to increase the supply of social and affordable housing; and
2. Include a note on all multi-dwelling planning permits encouraging applicants to voluntarily commit to the Homes for Homes program.

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

8.3 No Dog Zone 19 Tarella Road Chelsea

Moved: Cr Oxley

Seconded: Cr Eden

That Council:

1. Undertake consultation to introduce a no dog zone in the reserve at 19 Tarella Road, Chelsea; and
2. Receive a further report at the conclusion of community consultation.

CARRIED

8.4 Parklet Policy Adoption

Moved: Cr Cochrane

Seconded: Cr Saab

That Council:

1. Adopt the Parklet Policy to come into effect on 1 June 2022.
2. Allocate an establishment budget of \$23,000 for Financial Year 2022-23 and a recurring operational budget of \$20,000 for subsequent years.
3. Adopt the Parklet Permit Fees and Charges as outlined in this report.

CARRIED

8.5 Nature Strip Guidelines Community Consultation Report

RECOMMENDATION

That Council:

1. Adopt the new Nature Strip Guidelines, May 2022 as attached in Appendix 1; and
2. Undertake awareness and promotion of the new Nature Strip Guidelines for a three month period.

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

8.6 Parkdale and Mentone Draft Urban Design Framework

Moved: Cr Hill

Seconded: Cr Cochrane

That Council:

1. Endorse the *Mentone to Parkdale Level Crossing Removal – Urban Design Framework* for the purpose of community consultation;
2. Include in the consultation direct notification via letter to all properties located between Nepean Highway, Beach Road, Bay Road, George Street, Rogers Street, Lucerne Street and Palermo Street and reinforce community feedback is sought on items including the level of traffic calming (speed cushions), parking and the potential for a vehicle crossing point between Como Parade East and West together with other items covered in the Draft Urban Design Framework;
3. Receive a further report at the conclusion of the consultation phase considering any feedback received;
4. Send an advocacy letter on behalf of our Parkdale and Mentone communities to the Minister for Transport Infrastructure and copy the Chief Executive Officer of the Level Crossing Removal Project and the Local Member for Mordialloc:
 - a) Reiterating our disappointment that Council was not consulted prior to the announcement of the Warrigal Road, Mentone and Parkers Road, Parkdale level crossing removals;
 - b) Asking for an explanation why the announcement of the proposed level crossing removals at Parkers Road and Warrigal Road was handled so differently to level crossing removals at Balcombe Road, Charman Road and Park Road;
 - c) Requesting that the government and the LXRPP detail their plans for meaningful community consultation and indicate on the International Association of Public Participation (IAP2) spectrum, the type of consultation which will be undertaken;
 - d) Asking the government to substantiate the statement on the level crossings website that “Initial engineering and technical assessments have determined a rail bridge over the road to be the best solution at Warrigal Road and Parkers Road”;
 - e) Highlighting the need for the rail under road solution to be thoroughly investigated;

- f) Requesting a formal briefing of Council from the Chief Executive Officer of the LXRП once responses to the above questions have been collated;
5. Include in the letter to the Minister, a summary of the survey results from Council's community survey which ran for four weeks, closing on the 7th September 2021 and was amongst the most popular surveys ever conducted by Council
- 1150 completed the survey with 833 new participants registering on Council's Your Kingston Your Say platform to participate in the survey. Nearly 900 of the respondents were from the suburb of Parkdale.
 - 1086 (94.4%) of the participants were residents.
 - 951 (82.7%) stated they used one or the other crossing daily predominantly as a car driver 854 (74.3%).
 - 975 (84.8%) of participants were supportive of the crossing removal at Warrigal Road, whilst 721 (62.7%) were supportive of the crossing removal at Parkers Road.
 - 876 (76.2%) supported a Rail under road solution (similar to Cheltenham and Mentone), with 129 (11.2%) supporting a Rail over road solution (similar to Carrum) and the next highest being 78 (6.8%) not supporting any of the above solutions.

Procedural Motion

Moved: Cr Bearsley

Seconded: Cr Davey-Burns

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

CARRIED

Cr Bearsley left the meeting at 7:52pm

Cr Bearsley returned to the meeting at 7:54pm

Cr Eden left the meeting at 7:57pm

Cr Oxley left the meeting at 8:03pm

Cr Oxley returned to the meeting at 8:06pm

The Substantive Motion was put and CARRIED

9. Community Strengthening Reports

Nil

10. Infrastructure and Open Space Reports

10.1 Response to Notice of Motion No. 15/2022 - Cr Howe - Indoor Court Facilities

Upon recognising that discussion on this item involved Cornish College, Cr Bearsley declared a general conflict of interest in this item because her son attends Cornish College and left the meeting at 8.15pm during the discussion and prior to the Council decision.

Moved: Cr Howe

Seconded: Cr Oxley

That Council:

1. Consult with Kingston based basketball associations on their preferred investment site for indoor courts;
2. Present this to Council within two months, with a recommendation to endorse a location without any financial commitment; and
3. Announces the decision through its communication channels and commits to further meetings as required with the associations on this subject.

Cr Eden returned to the meeting at 8:10pm

Cr Cochrane left the meeting at 8:10pm

Cr Hua left the meeting at 8:12pm

Cr Cochrane returned to the meeting at 8:12pm

Cr Hua returned to the meeting at 8:24pm

Procedural Motion

Moved: Cr Davies

Seconded: Cr Cochrane

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

CARRIED

The Substantive Motion was put and LOST

A Division was Called:

DIVISION:

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

AGAINST: Crs Staikos and Davey-Burns (2)

ABSTAINED: Crs Davies, Hill, Hua and Saab (4)

LOST

Moved: Cr Oxley

Seconded: Cr Howe

That Council consult with Kingston-based basketball associations and clubs on their requirements for indoor court facilities.

CARRIED

A Division was Called:

DIVISION:

FOR: Crs Staikos, Davey-Burns, Cochrane, Davies, Eden, Hill, Howe, Hua and Oxley (9)

AGAINST: Nil (0)
ABSTAINED: Cr Saab (1)

CARRIED

10.2 Aquatic and Leisure Facility - Community Reference Group

Moved: Cr Cochrane

Seconded: Cr Davies

That Council:

1. Endorse the expression of interest process seeking applications for membership to the new aquatic and leisure centre Community Reference Group; and
2. Endorse the establishment of a Project Steering Group for the new aquatic and leisure centre, which includes Councillors, industry body representatives and funding partners.

Cr Bearsley returned to the meeting at 8.36pm

CARRIED

10.3 Hard Waste Collection Services Review

Procedural Motion

Moved: Cr Davies

Seconded: Cr Davey-Burns

That consideration of this matter be deferred until no later than the October 2022 Council Meeting.

CARRIED

10.4 Response to Council Resolution - Nepean Highway Tree Planting

RECOMMENDATION

That:

1. Council note the Department of Transport guidelines that roadside vegetation over a certain scale must have a roadside barrier installed;
2. Plans for landscaping along Nepean Highway are not progressed any further due to the unbudgeted costs in Council's long-term plan; and
3. Officers continue to lobby for the Department of Transport roadside vegetation guidelines to be updated to facilitate more contemporary environmental outcomes and for barriers to be installed to enable plantings.

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

**10.5 CON 21/060 - Elonera Kindergarten Modular Facility Development -
Novation of Contract**

RECOMMENDATION

That Council approve the Novation of Contract 21/060 – Elonera Kindergarten Modular Expansion Redevelopment to Baxter Projects Pty Ltd (Baxter).

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

11. Customer and Corporate Support Reports

11.1 Kingston Performance Reports, January to March 2022

RECOMMENDATION

That Council receive the Kingston Performance Reports, January to March 2022.

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

11.2 Draft Annual Action Plan 2022-23

Moved: Cr Oxley

Seconded: Cr Saab

That Council endorse the Draft Annual Action Plan 2022-23 with an amendment to Strategic Indicator 25 to read “undertake street and park tree planting in line with Council’s resolution to increase tree canopy cover by at least 1%”.

CARRIED

11.3 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*.

11.4 Quick Response Grants

RECOMMENDATION

That Council approve the following Quick Response Grant applications:

- Beach Patrol Australia Inc (Love Our Street Highett) - \$1449.94
- Invrians' Society of Melbourne Inc - \$1500.00
- Hellenic Community of the City of Moorabbin Ltd - \$1500.00
- Southern Football Netball League Umpires' Association (SFNLUA) - \$1500.00
- Taxiarches Greek School of Mentone and Districts Incorporated - \$337.50

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

11.5 CEO and General Manager Quarterly Expenses

RECOMMENDATION

That Council note the report.

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

11.6 Governance and Policy Committee Revised Terms of Reference

RECOMMENDATION

That Council adopt the revised Terms of Reference in Appendix 1.

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

11.7 Motion for MAV State Council Meeting

RECOMMENDATION

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

- Prohibition of gaming premises in close proximity to supermarkets under the Victorian planning provisions:

That the MAV advocate for changes to the Victorian Planning Provisions that would prohibit the use of land for a Supermarket under the Commercial 2 Zone in situations it is seeking to establish in close proximity to an established Gaming premises.

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

11.8 Appointment of Members to the Environment and Open Spaces Strategic Advisory Committee

Moved: Cr Saab

Seconded: Cr Oxley

That Council appoint the following people to the Environment and Open Spaces Strategic Advisory Committee:

1. Jo Caffrey
2. Nina Earl
3. Robyn Erwin
4. Michelle Hornstein
5. Travis Howell
6. Margaret Hunter
7. David Madill
8. Rosemary West

CARRIED

12. Chief Finance Office Reports

12.1 Quarterly Financial Statements Report, March 2022

RECOMMENDATION

That Council note the Quarterly Financial Statements Report, March 2022.

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

12.2 Draft Budget 2022/23, Long Term Financial Plan 2022-2032, Revenue and Rating Plan 2022-2026

Moved: Cr Staikos

Seconded: Cr Davey-Burns

That Council adopt the Draft 2022/23 Budget, the Draft Long Term Financial Plan 2022-2032, and the Draft Revenue and Rating Plan 2022-2026, for the purpose of inviting community comment.

Cr Eden left the meeting at 9:13pm

Cr Eden returned to the meeting at 9:15pm

Procedural Motion

Moved: Cr Hill

Seconded: Cr Cochrane

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

CARRIED

The Substantive Motion was put and CARRIED

A Division was Called:

DIVISION:

FOR: Crs Staikos, Davey-Burns, Bearsley, Cochrane, Davies, Hill, Hua and

Saab (8)

AGAINST: Nil (0)

ABSTAINED: Crs Eden, Howe and Oxley (3)

CARRIED

13. Notices of Motion

13.1 Notice of Motion No.19/2022 - Cr Howe - Governor Road Duplication

Moved: Cr Howe

Seconded: Cr Hua

That Council executes a campaign requesting a State election commitment to duplicate Governor Road, between Springvale Road and Boundary Road.

Amendment

Moved: Cr Davies

That Council advocates for a State election commitment to duplicate Governor Road, between Springvale Road and Boundary Road.

The Amendment was accepted by the Mover and Seconder

The Motion was put and CARRIED

Procedural Motion

Moved: Cr Cochrane

Seconded: Cr Hill

That the meeting be extended for 30 minutes until 10.30pm

CARRIED

13.2 Notice of Motion No. 20/2022 - Cr Oxley - Heights Park, Chelsea Heights

Moved: Cr Oxley

Seconded: Cr Eden

That officers provide a report to Council no later than August considering upgrades/additions to Heights Park, Chelsea Heights and surrounds including but not limited to:

- a) New fencing along Thames Promenade
- b) Additional lighting
- c) Playground upgrades
- d) Pedestrian access and pathways
- e) Historic recognition of the site
- f) Parking

Cr Cochrane left the meeting at 9:50pm

Cr Cochrane returned to the meeting at 9:52pm

LOST

A Division was Called:

DIVISION:

FOR: Crs Bearsley, Eden, Howe, Hua and Oxley (5)

AGAINST: Crs Staikos and Cochrane (2)

ABSTAINED: Crs Davey-Burns, Davies, Hill and Saab (4)

LOST

14. Urgent Business

Nil

15. Confidential Items

Moved: Cr Bearsley

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 VCAT Matter

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

- because it is Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released, and because it is legal privileged information, being information to which legal professional privilege or client legal privilege applies (section 3(1)(a) and (e)), and
- the explanation as to why the specified ground/s applies is that the report contains legal privileged information and information that would prejudice the Council's position.

Confidential Appendices

8.2 Homes for Homes Update and Department of Families, Fairness and Housing Potential Sites for Social Housing

Appendix 1, Location of suitable DFFH sites

This appendix is confidential in accordance with the Local Government Act 2020, s3(1) as it relates to (s3(1)(c).

10.5 CON 21/060 - Elonera Kindergarten Modular Facility Development - Novation of Contract

Appendix 1, Legal advice - Maddocks re Elonera Kindergarten

This appendix is confidential in accordance with the Local Government Act 2020, s3(1) as it relates to (s3(1)(e).

10.5 CON 21/060 - Elonera Kindergarten Modular Facility Development - Novation of Contract

Appendix 2, Baxter Projects Family Trust Detailed Financial Assessment

This appendix is confidential in accordance with the Local Government Act 2020, s3(1) as it relates to (s3(1)(g(ii))).

11.8 Appointment of Members to the Environment and Open Spaces Strategic Advisory Committee

Appendix 1, Environment and Open Spaces Interview Feedback and Council Recommendation

This appendix is confidential in accordance with the Local Government Act 2020, s3(1) as it relates to (s3(1)(f)).

CARRIED

Cr Eden left the meeting at 10.09pm

Cr Howe left the meeting at 10.09pm

The meeting was closed to members of the public at 10.09pm.

Procedural Motion

Moved: Cr Saab

Seconded: Cr Hua

That the meeting be opened to members of the public.

CARRIED

The meeting was opened to members of the public at 10.23pm.

The meeting closed at 10.23pm.

Confirmed.....

The Mayor 27 June 2022