

Minutes

Ordinary Council Meeting

Monday, 23rd October 2023



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**City of Kingston
Ordinary Council Meeting**

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The meeting commenced at 7.02pm in the Council Chamber, 1230 Nepean Highway, Cheltenham.

Present: Cr Hadi Saab (Mayor)
Cr Chris Hill (Deputy Mayor)
Cr Tamsin Bearsley
Cr Jenna Davey-Burns
Cr Tracey Davies
Cr David Eden
Cr Cameron Howe (attended online)
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
(attended online)
Sally Jones, General Manager Community Strengthening
Kate Waters, Manager Inclusive Communities
Bernard Rohan, Chief Financial Officer
Kelly Shacklock, Manager Governance, Risk and Integrity
Patrick O’Gorman, Governance Officer
Gabrielle Pattenden, Governance Officer

1. Apologies

An apology from Cr Cochrane was submitted to the meeting.

Moved: Cr Davies

Seconded: Cr Eden

That the apology from Cr Cochrane be received.

CARRIED

2. Confirmation of Minutes of Previous Meetings

Moved: Cr Hill

Seconded: Cr Davies

That the Minutes of the Ordinary Council Meeting held on 25 September 2023 be confirmed.

CARRIED

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

The CEO, Peter Bean foreshadowed a declaration of a conflict of interest in Item 15.1 – CEO Employment Matters.

4. Petitions

Nil

5. Presentation of Awards

City of Moorabbin Guest Book

6. Delegates' Reports and Councillor Statements

Cr Davey-Burns made statements in relation to her attendance at a ceremony at the Derrimut Weelam Gathering Place, the Spring Fair Event and a meeting of the Friends of Mentone Station Gardens.

7. Question Time

Question time was held at 7.14pm.

Debbie of Heatherton asked,

"Why do our roads continue to remain rough, neglected, uneven surfaces, with some having dangerous potholes? Is Kingston Council responsible for this zone/electorate?"

The Chief Executive Officer provided the following response,

"Local roads in Kingston are maintained in accordance with the levels of service in Kingston's Road Management Plan available on our website. Arterial roads are maintained by the Department of Transport and Planning. Road users are encouraged to bring to Council or to the Department's attention any specific defects which are considered dangerous, for repairs to be undertaken."

Note: A question submitted by Wandzia was not be read out and an answer not provided as, in accordance with the question was considered to be repetitive of a question, matter, issue or principle already answered.

Rosemary West of Edithvale asked,

"Given that the Golf Course Redevelopment Strategic Advisory Committee recommended approving the rezoning of Kingswood golf course for residential development despite a very strong case against rezoning from Council and 8000 objectors including Mark Dreyfus KC MHR, why would Council think it can ask the Planning Minister to appoint a Golf Course Redevelopment Strategic Advisory Committee for Rossdale golf course and not expect the same outcome?"

The General Manager Planning and Place provided the following response,

"The report presented as Item 8.6 on tonight's agenda provides guidance to the Council on the manner in which, the request made by the Rossdale Golf Course could be appropriately considered based on a range of 'threshold matters' relating to the subject land. The Executive Summary of the report prepared highlights a range of considerations that Officers considered previously to have not been addressed. Whether or not these matters could or even should be overcome, are considered issues that should be addressed first before any redevelopment proposal is put before the Council or the Planning Minister, for any further assessment."

Rosemary West of Edithvale asked,

“Tonight’s officer report, including bar graphs on pages 10 & 11 of the Council agenda, shows that the three for one tree replacement ratio has been helpful in stemming the decline in Kingston’s tree canopy since 2019, so why would officers recommend and Councillors consider voting to phase out or undermine the three for one ratio for replacing trees on the foreshore and elsewhere in Kingston?”

The General Manager Planning and Place provided the following response,

“The report presented as part of Item 8.1 on tonight’s agenda highlights the significant additional work that has been done relating to Council’s Urban Forest Strategy, Urban Cooling Strategy, Biodiversity Strategy and Council’s recently adopted Planning Scheme Amendment C203 which includes Council’s Landscape Guidelines that provide Officers with a range of methods to address replacement vegetation (trees, shrubs and ground cover) in a contemporary manner on development sites. The report also illustrates the extent to which Officers give consideration, to the nature of conditions applied to development applications to determine both the retention and replacement of appropriate vegetation based on the sites conditions and the development proposed.”

8. Planning and Place Reports

8.1 Response to Notice of Motion 19/2023 - Tree Planting

Moved: Cr Oxley

Seconded: Cr Eden

That Council

1. Note the advice of officers in relation to the way vegetation replacement is being considered as part of applications received by Council to remove vegetation or redevelop land as a response to the report requested;
2. Facilitate outcomes that align with key Council strategies including Council's Urban Forest Strategy, Urban Cooling Strategy, Biodiversity Strategy and the recently adopted Planning Scheme Amendment C203, which incorporate planning scheme changes and the introduction of Council's Landscape Design Guidelines in situations where trees are proposed to be removed, or in situations where revegetation opportunities are presented through redevelopment;
3. Be presented with a report to an Ordinary Meeting quarterly advising Council of the
 - Number of applications for Local Law Tree Removal Applications
 - Number of trees approved for removal
 - Number of trees refused for removal
 - Number of trees required to be planted
 - Number of trees removed for planning applications
 - Number of trees retained for planning applications

LOST

A Division was Called:

DIVISION:

FOR: Crs Eden and Oxley (2)

AGAINST: Crs Staikos, Davey-Burns, Bearsley, Davies, Hill, Hua and Saab (7)

LOST

Moved: Cr Davies

Seconded: Cr Hill

That Council:

1. Note the advice of officers in relation to the way vegetation replacement is being considered as part of applications received by Council to remove vegetation or redevelop land as a response to the report requested;
2. Facilitate outcomes that align with key Council strategies including Council's Urban Forest Strategy, Urban Cooling Strategy, Biodiversity Strategy and the recently adopted Planning Scheme Amendment C203, which incorporate planning scheme changes and the introduction of Council's Landscape Design Guidelines in situations where trees are proposed to be removed, or in situations where revegetation opportunities are presented through redevelopment;
3. No longer relies as heavily on a prescribed '3:1 tree ratio where practical and possible' based on the recently completed strategic planning work identified in Recommendation 2; and
4. Request appropriate metrics be established through the quarterly reporting of the Council Plan Annual Actions to advise the Council on the degree of replacement

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tree planting occurring where proposals to remove trees are successful.

Cr Staikos left the meeting at 7:46pm.

Cr Howe arrived at 7.46pm.

Cr Staikos returned to the meeting at 7:48pm.

Amendment

Moved: Cr Oxley

Seconded: Cr Eden

That Council

1. Note the advice of officers in relation to the way vegetation replacement is being considered as part of applications received by Council to remove vegetation or redevelop land as a response to the report requested;
2. Facilitate outcomes that align with key Council strategies including Council's Urban Forest Strategy, Urban Cooling Strategy, Biodiversity Strategy and the recently adopted Planning Scheme Amendment C203, which incorporate planning scheme changes and the introduction of Council's Landscape Design Guidelines in situations where trees are proposed to be removed, or in situations where revegetation opportunities are presented through redevelopment;
3. No longer relies as heavily on a prescribed '3:1 tree ratio where practical and possible' based on the recently completed strategic planning work identified in Recommendation 2; and
4. Request appropriate metrics be established through the quarterly reporting of the Council Plan Annual Actions to advise the Council on the degree of replacement tree planting occurring where proposals to remove trees are successful.
5. Ensure on Council's own projects, where trees are removed, that where possible continue to replace the trees 3:1 on the land, or if not possible on the subject land, as close as possible to the subject land.

The Amendment was put and LOST

A Division was Called:

DIVISION:

FOR: Crs Eden and Oxley (2)

AGAINST: Crs Davey-Burns, Bearsley, Davies and Hill (4)

ABSTAINED: Crs Staikos, Hua and Saab (3)

LOST

The Substantive Motion was put and CARRIED

A Division was Called:

DIVISION:

FOR: Crs Staikos, Davey-Burns, Bearsley, Davies, Hill, Howe, Hua and Saab (8)

AGAINST: Crs Eden and Oxley (2)

CARRIED

The resolution reads as follows:

Moved: Cr Davies

Seconded: Cr Hill

That Council:

1. Note the advice of officers in relation to the way vegetation replacement is being considered as part of applications received by Council to remove vegetation or redevelop land as a response to the report requested;
2. Facilitate outcomes that align with key Council strategies including Council's Urban Forest Strategy, Urban Cooling Strategy, Biodiversity Strategy and the recently adopted Planning Scheme Amendment C203, which incorporate planning scheme changes and the introduction of Council's Landscape Design Guidelines in situations where trees are proposed to be removed, or in situations where revegetation opportunities are presented through redevelopment;
3. No longer relies as heavily on a prescribed '3:1 tree ratio where practical and possible' based on the recently completed strategic planning work identified in Recommendation 2; and
4. Request appropriate metrics be established through the quarterly reporting of the Council Plan Annual Actions to advise the Council on the degree of replacement tree planting occurring where proposals to remove trees are successful.

CARRIED

8.2 Submission to Suburban Rail Loop Precincts Discussion Paper

Moved: Cr Davey-Burns

Seconded: Cr Davies

That Council:

1. Endorse the SRLA Precincts Discussion Paper submission attached at Appendix 2; and
2. Provide a copy of the submission to the Suburban Rail Loop Authority.

Cr Hua left the meeting at 7:50pm.

CARRIED

8.3 Chelsea Structure Plan Recommencement

Moved: Cr Oxley

Seconded: Cr Eden

That Council, subject to Council's approval of a further detailed engagement plan:

1. Note the approach outlined in this report to be undertaken for the completion of the Chelsea Structure Plan; and
2. Receive a further report at the completion of the initial community consultation period considering all submissions and feedback received.

CARRIED

**8.4 Mordialloc and Aspendale Level Crossing Removal Project: Consultation
- Draft Urban Design Framework**

Cr Hill left the meeting at 8:08pm.

Moved: Cr Bearsley

Seconded: Cr Davey-Burns

That Council:

1. Undertake community consultation on the Mordialloc and Aspendale Level Crossing Removal Project: Draft Urban Design Framework.
2. Receive a further officer report considering feedback received and presenting a final version of the Urban Design Framework after the conclusion of the community consultation period.
3. Note the feedback that Councillors have received from a Justin Marden and receive a response from the Level Crossing Removal Project in relation to the matters he has raised.

Cr Oxley left the meeting at 8:10pm.

Cr Hill returned to the meeting at 8:10pm.

Cr Oxley returned to the meeting at 8:13pm.

Cr Hua returned to the meeting at 8:14pm.

CARRIED

**8.5 Mordialloc Aspendale Level Crossing Removal - Submission to Planning
Boundary and Concept Plan**

Moved: Cr Bearsley

Seconded: Cr Staikos

That Council:

1. Adopt the attached submission to the Level Crossing Removal Project's (LXRP) Mordialloc and Aspendale planning approval and concept plan engagements;
2. Write to the Level Crossing Removal Project to provide a copy of Council's submission and request a briefing from the LXRP team on the released concept designs; and
3. Write to the Minister for Transport Infrastructure to provide him with a copy of Council's submission and invite him to Mordialloc to understand more about the work Council has been completing with the community.

Cr Howe left the meeting at 8:23pm.

CARRIED

8.6 Rossdale Golf Course Update - Request for an Advisory Committee

Moved: Cr Bearsley

Seconded: Cr Staikos

That Council:

1. Resolve to request that the Minister for Planning to review the 'Planning guidelines for conversion of golf course land to other purposes' in light of:
 - a) The resolution of the Municipal Association of Victoria's request at its recent State Council Meeting.
 - b) The review by the Advisory Committee who assessed Draft Kingston Planning Scheme Amendment C199 and associated development plan and permit for the Proposed Kingswood Golf Course Redevelopment, Dingley Village.
 - c) Clear risks presented on existing Golf Course sites such as the Rossdale in relation to established cultural heritage, environmental values and flooding.
2. Make clear to the proponent of the Rossdale Golf Course that Council will not progress further with consideration of the information it has submitted until it has received a response from the Minister for Planning on the above matters.

CARRIED

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9. Community Strengthening Reports

9.1 Municipal Public Health and Wellbeing Plan - Year 2 Achievements, 2022 - 2023

Moved: Cr Davey-Burns

Seconded: Cr Davies

That Council note the achievements of Year 2 implementation of the Municipal Public Health and Wellbeing Plan 2021-25.

CARRIED

9.2 Community Grants Review - Final Kingston Grants Model

Moved: Cr Staikos

Seconded: Cr Hill

That Council:

1. Note the outcomes of the public exhibition period on the proposed community grants model.
2. Approve the Kingston Grants Model as outlined in section 3.4, subject to the following change:
 - The Community Festivals and Events Grants be renamed Community Festivals, Events and Creative Activities Grants
3. Establish the following grants streams from 1 January 2024:
 - Operational and Partnership Grants
 - Community Bi-annual Grants
 - Community Small Grants
 - Individual Development Grants
 - Community Festivals, Events and Creative Activities Grants
4. Note the Kingston Grants Program Policy and Program Guidelines will be presented for consideration at the November Ordinary Council Meeting.

Amendment

Moved: Cr Oxley

Seconded: Cr Eden

That Council:

1. Note the outcomes of the public exhibition period on the proposed community grants model.
2. Approve the Kingston Grants Model as outlined in section 3.4, subject to the following change:
 - The Community Festivals and Events Grants be renamed Community Festivals, Events and Creative Activities Grants
 - The approval process for community small grants being amended to read: Council officer(s) assessment, eligibility and due diligence check with recommendation presented to Council for endorsement
3. Establish the following grants streams from 1 January 2024:
 - Operational and Partnership Grants
 - Community Bi-annual Grants
 - Community Small Grants

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- Individual Development Grants
 - Community Festivals, Events and Creative Activities Grants
4. Note the Kingston Grants Program Policy and Program Guidelines will be presented for consideration at the November Ordinary Council Meeting.

The Amendment was put and LOST

A Division was Called:

DIVISION:

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

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

ABSTAINED: Crs Bearsley and Howe (2)

LOST

Amendment

Moved: Cr Davies

That Council:

1. Note the outcomes of the public exhibition period on the proposed community grants model.
2. Approve the Kingston Grants Model as outlined in section 3.4, subject to the following change:
 - The Community Festivals and Events Grants be renamed Community Festivals, Events and Creative Activities Grants
 - Any Community Small Grants not recommended to be approved for funding by Council officers to be presented to Council for endorsement
3. Establish the following grants streams from 1 January 2024:
 - Operational and Partnership Grants
 - Community Bi-annual Grants
 - Community Small Grants
 - Individual Development Grants
 - Community Festivals, Events and Creative Activities Grants
4. Note the Kingston Grants Program Policy and Program Guidelines will be presented for consideration at the November Ordinary Council Meeting.

Cr Howe returned to the meeting at 8:45pm.

Cr Howe left the meeting at 9:16pm and did not return.

Cr Eden left the meeting at 9:23pm.

Cr Eden returned to the meeting at 9:26pm.

The Amendment was accepted by the Mover and Seconder

The Substantive Motion was put and CARRIED

9.3 Flag Display and Management

Moved: Cr Staikos

Seconded: Cr Davey-Burns

That Council:

1. Adopt the Civic Flag Policy;
2. Install additional flag poles (which will result in four flag poles at each location) at the following sites in 2023/24:
 - Cheltenham Civic Centre
 - Mentone Council Office
 - Kingston City Hall
3. Consult with traditional owners and relevant stakeholders regarding flying the Aboriginal and Torres Strait Islander flags at Attenborough Park and at war memorial sites and the Mentone RSL; and
4. Receive a further report after consultation with the traditional owners and relevant stakeholders, outlining the consultation outcomes and recommended options.

CARRIED

9.4 Historical Societies Network

Moved: Cr Bearsley

Seconded: Cr Davies

That Council endorse:

1. The proposed Historical Societies Network Committee; and
2. The associated Terms of Reference.

Cr Hill left the meeting at 9:36pm.

Cr Hill returned to the meeting at 9:37pm.

CARRIED

10. Infrastructure and Open Space Reports

10.1 Response to Resolution - Notice of Motion 4/2023 - Foreshore Guidelines

Moved: Cr Davies

Seconded: Cr Hill

That Council endorse the Foreshore Guidelines subject to review by the Department of Energy, Environment and Climate Action (DEECA), and subject to the inclusion of the following content from section 3.4 of the officer report:

'planting must comply with the planning permit requirements and the guideline should not pre-empt this process, however, from a foreshore management and biodiversity perspective when tree planting is required, it is not unreasonable to plant on a 1:1 ratio or seek ecological advice on the impact to the EVC should a deviation be required'.

Cr Davey-Burns left the meeting at 9:45pm.

Cr Davey-Burns returned to the meeting at 9:47pm.

Cr Staikos left the meeting at 9:53pm.

CARRIED

A Division was Called:

DIVISION:

FOR: Crs Davey-Burns, Bearsley, Davies, Hill, Hua and Saab (6)

AGAINST: Crs Eden and Oxley (2)

CARRIED

Procedural Motion

Moved: Cr Davey-Burns

Seconded: Cr Bearsley

That the meeting be extended by one hour until 11.00pm.

CARRIED

10.2 Kingston's Walking and Cycling Plan

Moved: Cr Davey-Burns

Seconded: Cr Bearsley

That Council:

1. Receive the feedback provided on Kingston's Draft Walking and Cycling Plan; and
2. Adopt the Walking and Cycling Plan.

Cr Staikos returned to the meeting at 9:58pm.

CARRIED

11. Customer and Corporate Support Reports

11.1 Kingston Annual Report 2022-23

Moved: Cr Saab

Seconded: Cr Hill

That, in accordance with the Local Government Act 2020, Council receive the 2022-23 Annual Report.

CARRIED

11.2 Community Engagement Policy

Moved: Cr Staikos

Seconded: Cr Bearsley

That Council adopt the revised Community Engagement Policy.

CARRIED

11.3 Bi-Annual Report from the Audit and Risk Committee - September 2023

Moved: Cr Staikos

Seconded: Cr Davey-Burns

That Council receive the bi-annual report from the Audit and Risk Committee.

CARRIED

11.4 Governance and Compliance Report

Moved: Cr Staikos

Seconded: Cr Bearsley

That Council:

1. Receive the Informal Meetings of Councillors Records as attached in Appendices 1 – 4;
2. Amend Informal Meetings of Councillors Record in Appendix 5 of the Strategic Councillor Information Session on 18 September 2023 to note the attendance of Cr Georgina Oxley;
3. Receive the Minutes of the Audit & Risk Committee meeting in Appendix 6 that was held on 13 September 2023;
4. Approve the updated Audit and Risk Committee Charter as indicated at Appendix 7; and
5. Appoint Mark Moloney to the Business and Economic Development Advisory Committee.

CARRIED

11.5 Quick Response Grants

Moved: Cr Staikos

Seconded: Cr Bearsley

That Council approve the following Quick Response Grant applications:

- Aspendale Lifesaving Club \$1,500.00
- Kritha Inc \$1,500.00
- St Andrews Calisthenics Incorporated - \$1,500.00
- Chelsea Community Church of Christ and Care Works Inc \$1,000.00
- St. David's Parkdale Uniting Church \$1,500.00

That Council not approve the following Quick Response Grant application:

- Mr Rob King

CARRIED

12. Chief Finance Office Reports

Nil

13. Notices of Motion

13.1 Notice of Motion No. 27/2023 - Cr Oxley - Weed Killer Spraying List

Moved: Cr Oxley

Seconded: Cr Eden

Given that at the August Council Meeting, Council elected to not display signage at the location of herbicide spraying in public areas to alert the public to the type of chemicals being sprayed, that:

1. Council makes available on Council's website or similar an ongoing list detailing:
 - The location of herbicide/weed killing chemical spraying in publicly accessible areas.
 - The type of herbicide/weed killing chemical used.
 - The date that the spraying will occur.
2. Any updates to this list occur prior to the spraying occurring.

LOST

A Division was Called:

DIVISION:

FOR: Crs Eden, Hua and Oxley (3)

AGAINST: Crs Davey-Burns, Bearsley, Davies and Hill (4)

ABSTAINED: Crs Staikos and Saab (2)

LOST

14. Urgent Business

There were no items of urgent business.

15. Confidential Items

Moved: Cr Staikos

Seconded: Cr Davey-Burns

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 CEO Performance Matters Report

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

- because it is personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs (section 3(1)(f)), and
- the explanation as to why the specified ground/s applies is this report relates to personnel information of the CEO..

CARRIED

The meeting was closed to members of the public at 10.41pm.

Moved: Cr Staikos

Seconded: Cr Davey-Burns

That the meeting be opened to members of the public.

CARRIED

The meeting was opened to members of the public at 10.48pm.

The meeting closed at 10.48pm.

Confirmed.....

The Mayor 20 November 2023