

Minutes

Council Meeting

Monday, 22nd February 2021

Table of Contents

1.	Apologies	3
2.	Confirmation of Minutes of Previous Meetings	3
3.	Foreshadowed Declaration by Councillors, Officers or Contractors of any Conflict of Interest	3
	<i>[Note that any Conflicts of Interest need to be formally declared at the start of the meeting and immediately prior to the item being considered – type and nature of interest is required to be disclosed – if disclosed in writing to the CEO prior to the meeting only the type of interest needs to be disclosed prior to the item being considered.]</i>	
4.	Petitions	4
5.	Presentation of Awards	4
6.	Reports from Delegates Appointed by Council to Various Organisations.....	4
7.	Question Time.....	4
8.	Planning and Development Reports	5
9.	Community Sustainability Reports.....	15
10.	City Assets and Environment Reports	18
11.	Corporate Services Reports	21
12.	Notices of Motion	24
13.	Urgent Business.....	24
14.	Confidential Items	24

**City of Kingston
Council Meeting**

Minutes

22 February 2021

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

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

In Attendance: Paul Franklin, Acting Chief Executive Officer
Mauro Bolin, General Manager Community Sustainability
Jonathan Guttman, General Manager Planning and Development
Samantha Krull, General Manager City Assets and Environment
Tony Ljaskevic, Acting General Manager Corporate Services
Jaclyn Murdoch, Manager City Development
Alfred Carnovale, Planning Appeals Coordinator
Phil De Losa, Manager Governance
Patrick O’Gorman, Governance Officer
Gabrielle Pattenden, Governance Officer
Lindsay Holland, Facilities Officer

1. Apologies

Apologies from Cr Cochrane and Cr Howe were submitted to the meeting.

Moved: Cr Oxley

Seconded: Cr Hua

That the apologies from Cr Cochrane and Cr Howe be received.

CARRIED

2. Confirmation of Minutes of Previous Meeting

Moved: Cr Saab

Seconded: Cr Davies

That the Minutes of the Council Meeting held on 27 January 2021 be confirmed.

CARRIED

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

Cr Oxley foreshadowed a declaration of a conflict of interest in Item 10.3 – Aged Care Leases.

Cr Eden foreshadowed a declaration of a conflict of interest in Item 10.3 – Aged Care Leases.

The General Manager City Assets and Environment, Samantha Krull foreshadowed a declaration of a conflict of interest in Item 14.1 – Sunnyboy Lease.

The General Manager Planning and Development, Jonathan Guttman foreshadowed a declaration of a conflict of interest in Item 11.9 – Probity Review – Final Report.

4. Petitions

4.1 Proposed Development at 2 Moola Court, Cheltenham

Moved: Cr Davey Burns

Cr Oxley

That the petition be referred to the CEO for response.

CARRIED

5. Presentation of Awards

Nil

6. Reports from Delegates Appointed by Council to Various Organisations

Nil

7. Question Time

Moved: Cr Oxley

Seconded: Cr Bearsley

That notwithstanding the requirement of the Governance Rules, answers be read out to all questions submitted by 7.00pm given the current measures responding to the Covid-19 Coronavirus.

CARRIED

Question time was held at 8.10pm. Refer to page 14 of the Minutes.

Block Resolution

Moved: Cr Saab

Seconded: Cr Davey-Burns

That the following items be block resolved and that the recommendation in each item be adopted:

- 9.3 5th Mordialloc Sea Scouts Refurbishment - Award of Contract CON 20/035
- 10.1 Re-Submitted Application to the State Government's Community Sports Infrastructure Stimulus Program - Chelsea Netball Court Development
- 10.2 Landfill Services - Outcome of Collective Tender Process and Consideration of Contract
- 10.5 Chelsea Level Crossing Removal - Commuter Parking Agreement

- 11.1 Award of Contract CON-20/053 - Provision of Vehicle Leasing and Fleet Management Services
- 11.2 Kingston Performance Report, October to December 2020
- 11.3 Bi Annual Report from the Chair of the Audit and Risk Committee
- 11.4 CEO and General Manager Expenses
- 11.6 Quick Response Grants
- 11.7 Revised Community Engagement Policy

CARRIED

8. Planning and Development Reports

**8.1 Amendment C190 - Public Acquisition Overlay 249 and 251-253
Charman Road, Cheltenham**

Moved: Cr Hill

Seconded: Cr Davey-Burns

That Council adopt Planning Scheme Amendment C190 to the Kingston Planning Scheme as exhibited and submit the Amendment to the Minister for Planning for approval.

CARRIED

8.2 Cheltenham Level Crossing Removal - Station Building

Moved: Cr Hill

Seconded: Cr Davies

That Council:

1. Defer its considerations regarding the former Frankston-bound Cheltenham Station Building to be relocated to Cheltenham Park until Council has had further time to discuss with the City of Bayside its preferred location for this building.
2. Write to the Level Crossing Removal Project (LXRP) to advise that Council has no objection to the LXRP's proposal to undertake the relocation of the former City-Bound Heritage Station Building to a railway museum or heritage group, subject to confirmation that the views of City of Bayside having been sought and considered in relation to this matter.
3. Express deep concern and disappointment at the way the former City-Bound Heritage Station Building has been disassembled and stored in the Sandringham Driving Range by the LXRP, and call on the LXRP to fund the full restoration and preservation of the building.

CARRIED

8.3 Response to Climate and Ecological Emergency Declaration

Moved: Cr Davey-Burns

Seconded: Cr Saab

That:

1. Council reaffirm its commitment to responding to the climate and ecological emergency and recognises the urgency of action required;
2. Council endorse the draft Climate and Ecological Emergency Response Plan for the purpose of community consultation;
3. A further report be presented to Council at the conclusion of the community consultation;
4. Officers provide further advice to Councillors on the scope and delivery of a communications plan to drive a) engagement and awareness communication the urgency of the climate and ecological emergency situation for Kingston and b) education and behaviour change; and
5. Council investigate the appointment of an independent climate expert to Council's Audit and Risk Committee, and that officers prepare a report for consideration to facilitate this outcome.

CARRIED

8.4 KP-2020/554 - 172-176 Old Dandenong Road Heatherton

Moved: Cr Davies

Seconded: Cr Bearsley

That the Council determine to support the proposal and issue a Planning Permit for Use and development of a Place of Worship in an Environmental Significance Overlay 4, alterations to a road in a Road Zone 1 and removal of native vegetation at 172-176 Old Dandenong Road Heatherton, subject to the following conditions:

1. Before the use/development starts amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be substantially in accordance with the advertised plans prepared by Bruce Henderson Architects Pty Ltd, Drawing No's. TP101 to TP-712 inclusive Revision 1 dated 19/08/2020, received by Council on 17/9/2020, and amended plan Drawing Alternative car parking layout Version 2 dated 1/12/2020, but modified to show:
 - a) all plans updated to show the amended car parking layout shown on the Alternative car parking layout Version 2 dated 1/12/2020
 - b) carparks 1-15 and the associated gravel driveway to be only for overflow carparking and sign posted accordingly
 - c) each car space be clearly delineated by fixed markers or details of another non intrusive methods be specified
 - d) parking spaces, aisles and circular driveway widths be clearly dimensioned
 - e) all building boundary setbacks dimensioned

- f) the proposed stormwater discharge located at least 500mm from the vehicle crossing
 - g) the provision of a landscape plan in accordance with the submitted development plan, with such plans to be prepared by a suitably qualified landscape professional to the satisfaction of the Responsible Authority and incorporating:
 - i. The three (3) proposed '*Eucalyptus ficifolia*' to be substituted for *Eucalyptus camaldulensis* (River Red Gum);
 - ii. The sixteen (16) proposed '*Eucalyptus sideroxylon* 'Rosea'' to be substituted for *Eucalyptus viminalis* ssp. *pryoriana* (Rough-barked Manna Gum);
 - iii. The thirteen (13) proposed '*Tristaniopsis laurina* 'Luscious'' to be substituted for *Eucalyptus radiata* (Narrow-leaved Peppermint);
 - iv. The seven (7) proposed '*Stenocarpus sinuatus*' to be substituted for *Banksia integrifolia* (Coast Banksia);
 - v. Tree 6 (*Fraxinus angustifolia* (Desert Ash) directly south of the existing crossover) to be replaced with one (1) *Eucalyptus viminalis* ssp. *pryoriana* (Rough-barked Manna Gum);
 - vi. The retention of Tree 12 (*Koelreuteria paniculata* (Golden Rain Tree));
 - vii. The replacement of carparks 20-26 with landscaping that is contiguous with the surrounding garden beds;
 - viii. The replacement of carparks 38-39 and 44-45 with an area of suitably landscaped garden bed, including the planting of one *Eucalyptus camaldulensis* (River Red Gum);
 - ix. The area within 5m of the trunk of Tree 11 *Eucalyptus botryoides* (Mahogany Gum) to be landscaped in a way that prevents carparking in this position;
 - x. Tree protection measures including for street trees accurately drawn to scale and labelled as per the endorsed Tree Management Plan.
 - h) the location of tree protection measures illustrated to scale and labeled on the floor plan as per the endorsed Tree Management Plan and any plan changes where required
 - i) all requirements of the Department of Transport and any changes required by Conditions 17 to 21 of this permit
 - j) endorsement of the submitted Sustainable Design Assessment prepared by GIW dated 27 August 2020 Rev B, updated where required, and a summary of the key commitments clearly shown on plans
 - k) provision of a Waste Management Plan in accordance with Condition 22 of this permit.
2. The development and use as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.
 3. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced.

4. Public services and gatherings associated with the use must operate only between the hours of:
 - Monday to Thursday – 7pm to 8pm;
 - Friday – 7pm – 9.30pm;
 - Saturday – 9am – 3pm;
 - Sunday – 7pm to 9pm, and
 - Sunday – an additional service between 9am – 6pm for a 1 hour maximum duration
5. The maximum number of patrons allowed to be present on the premises during the above permitted times must be limited to 250, unless during any special annual service under condition 6, or otherwise as approved by the Responsible Authority in writing.
6. Special annual services are permitted to no more than 5 times per calendar year, limited to a maximum of 300 patrons to be present on the premises, or otherwise as approved by the Responsible Authority in writing.
7. There must be at least a 20 minute separation between public services of more than 150 patrons.

Trees to be retained

8. The retention of the *Eucalyptus botryoides* (Mahogany Gum) located adjacent the site's southern boundary and marked as Tree 11 within the submitted Arborist Report (31/08/2020).
9. The retention of the *Eucalyptus sideroxylon* (Red Ironbark) located adjacent the site's northern boundary and marked as Tree 14 within the submitted Arborist Report (31/08/2020).
10. The retention of the *Corymbia maculata* (Spotted Gum) located adjacent proposed carpark 61 and marked as Tree 20 within the submitted Arborist Report (31/08/2020).
11. The retention of Tree 12 *Koelreuteria paniculata* (Golden Rain Tree).

Tree Protection Fencing

12. Concurrent with the endorsement of plans, a Tree Management Plan prepared by a suitably qualified arborist in accordance with AS4970-2009, must be submitted to and be endorsed by the Responsible Authority and incorporating:
 - a. A Tree Management Plan (written report) must provide details of:
 - i. Any non-destructive root investigation undertaken to determine the location and distribution of roots of trees nominated on the Tree Protection Plan.
 - ii. Proposed footings and construction methods for any buildings or structures within the Tree Protection Zone nominated on the Tree Protection Plan.
 - iii. How excavation impacts, including soil level changes, on trees to be retained will be managed.
 - iv. How the canopy of trees nominated on the Tree Protection Plan will be protected.

- v. Any other measures required to demonstrate the successful ongoing retention and viability post-construction of any trees nominated on the Tree Protection Plan.
- b. A Tree Protection Plan (scale drawing) must provide details of:
 - i. The Tree Protection Zone and Structural Root Zone, calculated in accordance with AS4970-2009, for all trees to be retained on the site and for all trees on neighbouring properties where the Tree Protection Zone falls partially within the subject site.
 - ii. Tree protection fencing, or ground protection where required, provided in accordance with AS4970-2009.
 - iii. Stages of development at which inspections are required to ensure tree protection measures are adhered to must be specified.
 - iv. Appropriate signage on any tree protection fencing prohibiting access, excavation, changes in soil levels, or any storage within the Tree Protection Zone in accordance with AS4970-2009 unless with the prior written consent and under the direct supervision of the consulting arborist.
 - v. Maintenance of the area(s) within the Tree Protection Zone in accordance with AS4970-2009.
 - vi. Any pruning to be undertaken being in accordance with AS4373-2007.
 - vii. A notation to refer to the Tree Management Plan.
- 13. All protection measures identified in the Tree Management Plan must be implemented, and development works undertaken on the land must be undertaken in accordance with the Tree Management Plan, to the satisfaction of the Responsible Authority.
- 14. Prior to the commencement of works, the name and contact details of the project arborist responsible for implementing the Tree Management Plan must be submitted to the Responsible Authority.

Environmental site assessment

- 15. Before the commencement of works (other than works required to comply with this condition), the owner of the land must to the satisfaction of the Responsible Authority:
 - a) Implement any recommendations from the *Site History Assessment* prepared by *Compass Environmental Pty Ltd dated 10/10/2019 Revision 0*.
 - b) engage a professional environmental consultant with demonstrated experience in the assessment of landfill gas risks to conduct an assessment of the potential for landfill gas to impact on the development and prepare and submit to the responsible authority the scope of the proposed risk assessment
 - c) upon approval of the scope of the risk assessment by the responsible authority, have the consultant conduct the risk assessment and prepare a report to be submitted to the responsible authority which contains the consultant's opinion as to any potential risk associated with landfill gas beneath the land and any recommendations for the management or monitoring of the gas.

- d) implement any recommendations of the risk assessment report
- e) if the risk assessment report or audit report requires ongoing management or monitoring, the owner must enter into an agreement under section 173 of the Planning and Environment Act 1987 with the responsible authority requiring the implementation of any ongoing requirements.

The owner/operator under this permit must pay the reasonable costs of the preparation, execution and registration of the section 173 agreement.

Operation Management Plan

- 16. Prior to the commencement of the use, an Operation Management Plan must be submitted to and approved by the Responsible Authority and which must include:
 - a) the site must not be used as a parish, where any events such as weddings, funerals, baptisms, or other specific sacraments would not take place.
 - b) the operator (and users) accepts there is a lesser degree of amenity in this Green Wedge Zone and overlay area affected by the ESO4, that there are existing established businesses nearby that may generate off-site impacts that, within reason, are accepted as part of the existing character and established use rights, that the introduction of their place of worship must protect the existing operation of established businesses, and that the primary responsibility for attenuation measures rests with the place of worship being the agent of change. Further, they agree that they will not raise undue or obstructive concerns to these existing operations.

Department of Transport conditions

- 17. Prior to the commencement of the use, a sealed access crossover at least 3.1 metres wide for the priest's residence must be constructed to the satisfaction of the Responsible Authority and at no cost to Head, Transport for Victoria.
- 18. Prior to the commencement of the use, a sealed access crossover and driveway for the main site entrance at least 6m wide at the property boundary must be constructed to the satisfaction of the Responsible Authority and at no cost to Head, Transport for Victoria.
- 19. Prior to the commencement of use or occupation, the disused/redundant vehicle crossing must be removed, and the area reinstated to the satisfaction of the Responsible Authority and at no cost to the Head, Transport for Victoria.
- 20. Vehicles must enter and exit the land in a forward direction at all times.
- 21. Any security boom, barrier, gate or similar device controlling vehicular access to the premises must be located a minimum of 6m inside the property to allow vehicles to store clear of the Old Dandenong Road pavement and footpath.

Waste Management Plan

- 22. Concurrent with the endorsement of plans, a Waste Management Plan (WMP) to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Plan will be endorsed and will then form part of the permit. The plan must include, but is not limited to, the following:
 - a. The manner in which waste will be stored and collected including: type, size and number of containers.
 - b. Spatial provision for on-site storage.

- c. Details of waste collection.
 - d. The size of the collection vehicle and the frequency, time and point of collection.
23. The WMP must be implemented to the satisfaction of the Responsible Authority. The WMP must not be modified unless without the written consent of the Responsible Authority.

Drainage and Water Sensitive Urban Design

24. Unless with prior written consent of the Responsible Authority, before the development commences the following Integrated Stormwater Management (drainage) documents must be prepared, by a suitably qualified person, to the satisfaction of the Responsible Authority:
- a. Prior to submitting detailed engineering plans, a comprehensive stormwater management (drainage) strategy for the site must be prepared that addresses the requirements specified within Council's "Civil Design requirements for Developers – Part A: Integrated Stormwater Management".
 - b. The stormwater management (drainage) strategy must include a report with MUSIC modelling results demonstrating water sensitive urban design treatments that achieve Victorian best practice objectives. These may include the use of an infiltration or bio-retention system, rainwater tanks connected for reuse, or other treatments to the satisfaction of the Responsible Authority.
 - c. The water sensitive urban design treatments as per conditions above must be implemented on-site, unless an alternative agreement for stormwater quality in-lieu contribution is reached with the Responsible Authority.
 - d. Detailed Stormwater Management (drainage) Plan(s) must be prepared, with supporting computations, showing the stormwater (drainage) works to the nominated point of discharge in line with approved Stormwater Management (drainage) Strategy Report. The plan(s) must show all details of the proposed stormwater works including all existing and proposed features that may have an impact on the stormwater (drainage) works, including landscaping details.
25. Stormwater (drainage) works must be implemented in accordance with the approved stormwater management (drainage) plan and to the satisfaction of the Responsible Authority including the following:
- a. All stormwater (drainage) works must be provided onsite so as to prevent overflows onto adjacent properties.
 - b. The implementation of stormwater (drainage) detention system which restricts stormwater discharge to the maximum allowable flowrate of 25L/s.
 - c. All stormwater (drainage) works must be maintained to the satisfaction of the Responsible authority.

Infrastructure and Road Works

26. 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.

27. Property boundary and footpath levels must not be altered without the prior written consent from the Responsible Authority.
28. All redundant vehicle crossings must be removed (including redundant portions of vehicle crossings) to the satisfaction of the Responsible Authority.
29. Prior to the commencement of development, property boundary, any footpath and vehicle crossing levels must be obtained from Council's Roads and Drains Department with all levels raised or lowered to the satisfaction of the Responsible Authority.

Parking and Traffic Management

30. Before occupation of the development hereby permitted, areas set aside for parking vehicles, access lanes and paths as shown on the endorsed plans must be:
 - i) Constructed to the satisfaction of the Responsible Authority.
 - ii) Properly formed to such levels that they can be used in accordance with the plans.
 - iii) Drained to the satisfaction of the Responsible Authority.
 - iv) In accordance with any Council adopted guidelines for the construction of car parks.
31. Parking areas and access lanes must be kept available for these purposes at all times and maintained to the satisfaction of the Responsible Authority.
32. In areas set aside for car parking, measures must be taken to the satisfaction of the Responsible Authority, to prevent damage to fences or landscaped areas.
33. The car parking provided on the land must always be made available for the use by persons on or visiting the subject premises to the satisfaction of the Responsible Authority and no measure restricting access by such persons to the car park may be taken without the prior written consent of the Responsible Authority.
34. The loading and unloading of goods to and from vehicles must only be carried out in the designated areas on the land.

General amenity conditions

35. The development and use of the site shall not cause nuisance or be detrimental to the amenity of the neighbourhood by the emission of noise. In this regard any nuisance shall be assessed in accordance with the Australian Standards AS1055 and AS2107 relating to the measurement of Environmental Noise and recommended sound levels.
36. No external broadcasting or external amplified sound systems are allowed.

Time limits

37. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.
38. In accordance with Section 68 of the *Planning and Environment Act 1987* (The Act), this permit will expire if one of the following circumstances applies:
 - The development and/or use are not started within two (2) years from date of this permit.

- The development is not completed within four (4) years from the date of this permit.
- The use is discontinued for a period of two (2) years.

In accordance with Section 69 of The Act, the responsible authority may extend the periods referred to if a request is made in writing within the prescribed timeframe.

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 Permits is required for the removal of such vegetation.

Note: All buildings and works must be carried out in accordance with the approved Cultural Heritage Management Plan prepared by Alpha Archaeology dated 22 April 2020 as required by the *Aboriginal Heritage Act 2006*. A copy of the approved CHMP must be held on site during the construction activity.

Note: The Side Entry Storm Water pit within the main entrance vehicle crossing must be constructed to the satisfaction of Council's Roads and Drains Department. (note; The pit must be located either wholly within the vehicle crossing or 500mm outside the proposed vehicle crossing).

Note: The proposed development requires the construction and removal of crossovers. Separate approval under the Road Management Act 2004 for this activity is required from the Head, Transport for Victoria. Please contact the DoT (Roads) prior to commencing any works.

CARRIED

8.5 Update on the Preservation of the Nylex Sign, Mentone

Moved: Cr Hill

Seconded: Cr Davies

That Council:

1. Make an allocation in its 2020/2021 Capital Works budget of up to \$60,000, to support the restoration of the existing Nylex sign located at 29 Nepean Highway, Mentone to be funded through savings delivered through other capital works projects.

**City of Kingston
Council Meeting**

Minutes

22 February 2021

2. Make an annual allocation in future operating budgets to support the operational expenses associated with the costs associated with maintaining the sign.
3. Instruct the Chief Executive Officer to do all things necessary to seek to secure an agreement regarding the successful restoration of the Nylex sign in Mentone.

CARRIED

Question Time

Yeu Wen Mak of Clayton asked,

“In the wake of the pandemic, what specific actions are the council planning to take to ensure the recovery process will be socially just and ecologically safe, beyond the financial support it has already committed to last year?”

The Acting CEO provided the following response,

“Last year as well as significant financial support, Council provided:

- staff and vehicles to assist two organisations, Pantry 5000 and BayCISS, to deliver emergency food parcels to people’s homes;*
- A Community Support Hotline to help residents affected by COVID find assistance.*
- This year we will be delivering several new initiatives:*
- Workshops, devices, and online social groups for older people and people from multicultural communities to develop their digital literacy and overcome isolation;*
- Recruiting Kingston residents to write letters to people who are isolated or lonely;*
- Mental health first aid workshops will be provided for a group of multicultural and faith leaders;*
- Support for small hospitality businesses through ‘parklets’ to create opportunities for outdoor dining spaces.*

Council’s draft Climate and Ecological Emergency Response Plan being presented tonight includes a range of measures to support community and economic recovery efforts flowing from the COVID-19 pandemic;

In addition:

- We continue to deliver our annual 1.3m community grants program;*
- Our Access Care team continue to deliver services to our most vulnerable community members including delivered meals, personal care, and home maintenance.”*

Tom Maher asked,

“This question is in reference to the Agenda item 11.1 Award of Contract CON-20/053 - Provision of Vehicle Leasing and Fleet Management Services. The item has positive statements about the transition to electric vehicles and LeasePlans capability of facilitating this. However, there appears to be no firm commitment in terms of numbers and dates for starting a transition to electric vehicles. Other councils have already committed to implementing numbers of electric vehicles in their fleet and some have schedules to transition all their fleet to electric vehicles by 2025. Are Kingston Council requesting a migration plan to implement electric vehicles as part of this contract?”

The Acting CEO provided the following response,

“Council has tonight as part of Item 8.3 determined to release its draft Climate and Ecological Emergency Response Plan for the purpose of community consultation. The draft reinforces as part of Priority Area 3 a range of initiatives to expand the deployment of Electric vehicle charging network across the municipality and broader South East region. The draft plan also identifies opportunity to increase the uptake of electric vehicles through education, incentives and procurement support for Electric Vehicles.

Council reviews its fleet structure and composition on a continual basis, including the consideration of emissions associated with vehicle production, transportation, operation and disposal processes. Opportunities to introduce Electric Vehicles are included in this consideration and this will continue. Council has been operating hybrid vehicles in its fleet for many years and is moving to other low emissions vehicles as opportunities arise. . Council expects to work in partnership with the new provider of Vehicle Leasing and Fleet Management Services to draw on their experience, expertise and networks to identify further opportunities to introduce additional electric, plug-in hybrid, hybrid or other low emission fuel technology vehicles to the fleet at the time of each vehicle is replaced.”

William Pimm of Mentone asked,

“Question to the acting CEO of Kingston City Council for Council Meeting 22nd February 2021. What are Kingston City Council doing to ensure that the historic Cheltenham Station Building [Frankston side] is retained and relocated in an appropriate position near the new Station. The plan by LXRA is to relocate it [along with the Scout Hall] in an entirely inappropriate position well out of sight and connection with its heritage. Understand that the location preferred by the LXRA Cheltenham Community Reference Group (CRG) and many residents of Cheltenham is the old Cheltenham Bowling Club site. Acknowledge that this is in the Bayside City Council (BCC) park. However, that site is the one referred to and recommended in the 2017 Cheltenham Structure Plan Review(page11) and would seem ideal both practically, opposite Authorised Officers’ office, visually looking up past the new station from Station Road, the shopping centre and the old Cheltenham cemetery. Clearly the problem mitigating against this site is that the LXRA will not permit vehicle access to the proposed site and BCC policy of not supporting the installation any any Council Structure that has no vehicle access. Kingston City Council would be derelict in its duty if it does not do all in its purview to ensure that this Historic Building is maintained in the ideal position to be enjoyed by current and future generations of Cheltenham.”

The Acting CEO provided the following response,

“Council has considered Item 8.2 on tonight’s agenda which relates to the question raised by Mr Pimm where Council deferred its considerations regarding the former Frankston-bound Cheltenham Station Building to be relocated to the Cheltenham Park until such time as the Council has had further time to discuss with the City of Bayside its preferred location for this building. I acknowledge the comment of Mr Pimm about the importance of questions outside of Council’s powers being allowed.”

Rosemary West of Edithvale asked,

“Would Council consider deferring item 8.1 until:

- Council has undertaken a post-lockdown community consultation including a ward meeting on plans for the expanded Cheltenham Station forecourt;*
- Councillors have had time to weigh the costs involved in acquiring and demolishing the Amasso and Johnny Dante buildings and completing the expanded station forecourt against other budget priorities; and*
- Council has undertaken a heritage review of the Amasso and Johnny Dante buildings?*

If not, why not? “

The Acting CEO provided the following response,

“Council has tonight resolved at 8.1 on the next stage of a Planning Scheme Amendment process seeking to apply a Public Acquisition Overlay over the land at 249 and 251-253 Charman Road, Cheltenham. The Officer report outlines the extent of strategic planning work and consultation which has occurred in relation to this matter. Council has not resolved at this stage to demolish either of the buildings or seek to vacate either of the tenants from the properties. Council has not resolved to undertake a heritage review of either the Amasso or Johnny Dante buildings and preliminary Officer advice is they were constructed in the 1950’s and are unlikely to hold heritage significance.”

9. Community Sustainability Reports

9.1 Kingston Woman of the Year Award 2021 Nominations

Moved: Cr Oxley

Seconded: Cr Davey-Burns

That Council:

1. Select the Kingston Woman of the Year 2021, Honourable Mentions, and the Lifetime Award winner as per confidential Appendix 2.
2. Determine, pursuant to Section 125 of the Local Government Act 2020, that the identities of the Winner, Honourable Mentions and the recipient of the Lifetime Award winner remain confidential until 5 March 2021 except for the notification of the award winners by the Mayor prior to 5 March 2021.

CARRIED

9.2 Le Page Sports Pavilion Female Friendly Amenities Upgrade - Award of Contract CON-20/114

Moved: Cr Saab

Seconded: Cr Davey-Burns

That Council:

1. Receive the information and note the outcome of the tender assessment process for Contract CON-20/114 - Le Page Sports Pavilion Female Friendly Amenities Upgrade, as set out in the confidential Appendix 1 as attached to this report
2. Delegate authority to the CEO to award Contract 20/114 – Le Page Sports Pavilion Female Friendly Amenities Upgrade for the fixed lump sum price of \$624,905.73 (exclusive of GST) to Kingdom Constructions Group Pty. Ltd.
3. Approve the allocation of a separate contingency allocation, as set out in the attached confidential Appendix 2 and delegate authority to the CEO, or their nominee, to expend this allowance to ensure the successful completion of the project.

CARRIED

9.3 5th Mordialloc Sea Scouts Refurbishment - Award of Contract CON 20/035

RECOMMENDATION

That Council:

1. Receive the information and note the outcome of the tender assessment process for Contract 20/035 – 5th Mordialloc Sea Scouts Refurbishment, as set out in the confidential Appendix 1 attached to this report.
2. Delegate authority to the CEO to award Contract 20/035 – 5th Mordialloc Sea Scouts Refurbishment for the fixed lump sum price of \$765,000.00 (exclusive of GST) to Insight Construction Group Pty Ltd.
3. Approve the allocation of a separate contingency allocation, as set out in the attached confidential Appendix 2 and delegate authority to the CEO, or their nominee, to expend this allowance to ensure the successful completion of the project.

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

10. City Assets and Environment Reports

10.1 Re-Submitted Application to the State Government's Community Sports Infrastructure Stimulus Program - Chelsea Netball Court Development

RECOMMENDATION

That Council:

1. Endorse the resubmission of the \$3.4million (excl GST) Chelsea Netball Court's redevelopment application to the State Government's Community Sports Infrastructure Stimulus Program;
2. Commit to the commencement of works within a six-month period following the execution of the funding agreement;
3. Commit to providing funding in the 2021/22 Council Capital Works Budget and Long-Term Financial Plan to meet the required financial contribution by Council for the project;
4. Authorise the Chief Executive Officer to negotiate with Sport and Recreation Victoria to secure funding through the execution of a funding agreement for the project; and
5. Write to local Members of Parliament seeking support for the project and the proposed funding allocations.

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

10.2 Landfill Services - Outcome of Collective Tender Process and Consideration of Contract

RECOMMENDATION

That Council delegate the Chief Executive Officer the authority to execute Agreements with Metropolitan Waste and Resource Recovery Group, Cleanaway Pty Ltd and Suez Recycling and Recovery Pty Ltd for the provision of Landfill Services under a common gate fee arrangement on a 4-year guaranteed basis for a four-year term commencing on 1 April 2021 at an estimated cost of \$3.45M in 2021/22.

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

10.3 Aged Care Leases

Cr Oxley declared a general conflict of interest in this item due to her grandmother's residential status with the facility and left the meeting at 8.32pm prior to any discussion on the matter.

Cr Eden declared a general conflict of interest in this item due to his relationship with Cr Oxley and the situation with her grandmother's residential status with the facility and left the meeting at 8.32pm prior to any discussion on the matter.

Moved: Cr Staikos

Seconded: Cr Bearsley

That Council:

1. Give notice in accordance with Section 190 of the Local Government Act 1989 of its intention to vary the existing lease over Corben House, to have an expiry date of 17 October 2023;
2. Appoint a Section 223 Committee to convene on 5 April 2021 at 5pm comprising Cr Staikos, Cr Saab, Cr Hill, General Manager City Assets and Environment, and Manager Property and Arts to hear any submissions received and report back to Council on those submissions; and
3. Authorise the CEO or their delegate to execute the proposed varied lease in the event that there are no submissions.

CARRIED

Cr Oxley returned to the meeting at 8.35pm

Cr Eden returned to the meeting at 8.35pm

10.4 Formation of S223 Committee Proposed Discontinuance and Sale of Road Rear 607 Nepean Highway Carrum

Moved: Cr Davies

Seconded: Cr Bearsley

That:

1. Council appoint a Committee in accordance with Section 223 of the Local Government Act 1989 comprising of Mayor Cr. Steve Staikos; Deputy Mayor Cr. Hadi Saab; Cr. Cameron Howe; General Manager City Assets and Environment, and Manager Property and Arts; and
2. The Section 223 Committee convene at 5pm on 9 March 2021 to hear the submissions and subsequently report back to Council.

CARRIED

10.5 Chelsea Level Crossing Removal - Commuter Parking Agreement

RECOMMENDATION

That Council:

1. Note the following matters:
 - a. Current outstanding items for negotiation being clarity of general parking arrangements on Nepean Highway in Chelsea; clarity on the management of commuter parking signage on Station Street in Chelsea; and legal review of final agreement with Department of Transport.
 - b. If an agreement cannot be reached, the LXP is likely to proceed with all the available carparking on the Nepean Highway side of the rail corridor being signposted for commuters; and
2. Authorise the CEO, or their delegate, to finalise negotiations and enter into an agreement with Department of Transport, generally in accordance with the proposed terms of this report and outcomes shown in Appendix 1.

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

11. Corporate Services Reports

11.1 Award of Contract CON-20/053 - Provision of Vehicle Leasing and Fleet Management Services

RECOMMENDATION

That Council:

1. Award Contract CON-20/053 Provision of Vehicle Leasing and Fleet Management Services to LeasePlan Australia Limited for an initial contract period of three (3) years, with options to extend for two (2) further two (2) year periods, commencing 1 April 2021, for an estimated and indicative total lease cost for leases entered in the initial contract period of three (3) years of \$3,214,452.38 (inc GST), based on current fleet composition, anticipated vehicle replacement requirements and current vehicle pricing and availability; and
2. Authorise the Chief Executive Officer, or their delegate, to exercise the two (2) further two (2) year contract extension options, following a satisfactory review of contract performance.

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

11.2 Kingston Performance Report, October to December 2020

RECOMMENDATION

That Council note:

1. The Kingston Performance Report, October to December 2020; and
2. The Statement of the CEO that a revised budget is not required at this point of time pursuant to S97(3) of the Local Government Act (2020)

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

11.3 Bi Annual Report from the Chair of the Audit and Risk Committee

RECOMMENDATION

That Council note the Annual Report of the Chair of the Audit and Risk Committee.

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

11.4 CEO and General Manager Expenses

RECOMMENDATION

That Council note the report.

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

11.5 Response to Notice of Motion No. 50/2020 - Chief Executive Officer Expenses

Moved: Cr Davies

Seconded: Cr Saab

That the report be noted.

CARRIED

11.6 Quick Response Grants

RECOMMENDATION

That Council approve the following Quick Response Grant applications:

- Andrew Dawson – Heatherton RAID (subject to resubmission of the application in the name of an eligible organisation with a bank account in the name of that organisation)
- Suzanne Maree Donato

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

11.7 Revised Community Engagement Policy

RECOMMENDATION

That Council adopt the attached Community Engagement Policy.

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

11.8 Councillor Code of Conduct

Moved: Cr Davies

Seconded: Cr Oxley

That Council adopt the Councillor Code of Conduct and Councillors sign the Code of Conduct.

CARRIED unanimously

11.9 Probity Review - Final Report

The General Manager Planning and Development declared a material conflict of interest in this item for the reason of being a participant in the process as an interviewee and left the meeting at 8.45pm prior to any discussion on the matter.

Moved: Cr Staikos

Seconded: Cr Davies

That Council:

1. Receive the final report of the Probity Review; and
2. Note that a further report will be presented to Councillors at a Councillor Information Session (CIS) meeting with officer responses to the recommendations outlined in section 3.3.2 of this report for further consideration.
3. Endorse the preparation of a document that summarises the Planning Probity report without waiving the legal privilege and the confidentiality attached to the final report for the further consideration of Council.

CARRIED unanimously

The General Manager Planning and Development, Jonathan Guttmann, returned to the meeting at 9.00pm

12. Notices of Motion

Nil

13. Urgent Business

There were no items of urgent business.

14. Confidential Items

Moved: Cr Hua

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:

14.1 Sunnyboy Lease

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 private commercial information, being information provided by a business, commercial or financial undertaking that—, and because it is or (ii) if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage (section 3(1)(a), (g) and (g(ii))), and

- The report contains revenue information from a tenant and considerations that if made public could harm the business and jeopardise Council's negotiating position..

14.2 Property Acquisition

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 land use planning information, being information that if prematurely released is likely to encourage speculation in land values (section 3(1)(a) and (c)), and
- The report contains information regarding a potential Compulsory Acquisition of property that if made public would jeopardise the negotiation position of Council..

Confidential Appendices

- 9.1 **Kingston Woman of the Year Award 2021 Nominations**
Appendix 1, Kingston Woman of the Year Award 2021-Nomination Summary
This appendix is confidential in accordance with the Local Government Act 2020, s3(1) as it relates to (s3(1)(f).
- 9.1 **Kingston Woman of the Year Award 2021 Nominations**
Appendix 2, Woman of the Year Award Winner and Honourable Mentions 2021
This appendix is confidential in accordance with the Local Government Act 2020, s3(1) as it relates to (s3(1)(f).
- 9.2 **Le Page Sports Pavilion Female Friendly Amenities Upgrade - Award of Contract CON-20/114**
Appendix 1, CON-20/114 - Post interview evaluation matrix - Le Page Pavilion Female Friendly Upgrade
This appendix is confidential in accordance with the Local Government Act 2020, s3(1) as it relates to (s3(1)(g).
- 9.2 **Le Page Sports Pavilion Female Friendly Amenities Upgrade - Award of Contract CON-20/114**
Appendix 2, CON-20/114 - Project budget - Le Page Pavilion Female Friendly Upgrade
This appendix is confidential in accordance with the Local Government Act 2020, s3(1) as it relates to (s3(1)(g).
- 9.3 **5th Mordialloc Sea Scouts Refurbishment - Award of Contract CON 20/035**
Appendix 1, CON 20-035 Post Tender Evaluation Matrix 5th Mordialloc Sea Scouts Refurbishment
This appendix is confidential in accordance with the Local Government Act 2020, s3(1) as it relates to (s3(1)(g).
- 9.3 **5th Mordialloc Sea Scouts Refurbishment - Award of Contract CON 20/035**
Appendix 2, CON 20-035 Project Budget - 5th Mordialloc Sea Scouts Refurbishment
This appendix is confidential in accordance with the Local Government Act 2020, s3(1) as it relates to (s3(1)(g).

- 10.2 Landfill Services - Outcome of Collective Tender Process and Consideration of Contract**
Appendix 1, Appendix 1 : Cleanaway summary
This appendix is confidential in accordance with the Local Government Act 2020, s3(1) as it relates to (s3(1)(g)).
- 10.2 Landfill Services - Outcome of Collective Tender Process and Consideration of Contract**
Appendix 2, Appendix 2: Suez Summary
This appendix is confidential in accordance with the Local Government Act 2020, s3(1) as it relates to (s3(1)(g)).
- 10.2 Landfill Services - Outcome of Collective Tender Process and Consideration of Contract**
Appendix 3, Appendix 3 : Landfill Services Financial Information
This appendix is confidential in accordance with the Local Government Act 2020, s3(1) as it relates to (s3(1)(g)).
- 10.5 Chelsea Level Crossing Removal - Commuter Parking Agreement**
Appendix 1, Letter from LXP Adam Maguire - Chelsea Commuter parking distribution
This appendix is confidential in accordance with the Local Government Act 2020, s3(1) as it relates to (s3(1)(d)).
- 11.1 Award of Contract CON-20/053 - Provision of Vehicle Leasing and Fleet Management Services**
Appendix 1, Tender Evaluation Report CON-20/053 (including Attachments)
This appendix is confidential in accordance with the Local Government Act 2020, s3(1) as it relates to (s3(1)(g,g(ii))).
- 11.1 Award of Contract CON-20/053 - Provision of Vehicle Leasing and Fleet Management Services**
Appendix 2, Probity Auditor Report - Kingston City Council - Vehicle Leasing and Fleet Management Services
This appendix is confidential in accordance with the Local Government Act 2020, s3(1) as it relates to (s3(1)(g)).
- 11.9 Probity Review - Final Report**
Appendix 1, Probity Review - Final Report
This appendix is confidential in accordance with the Local Government Act 2020, s3(1) as it relates to (s3(1)(e)).

CARRIED

The meeting was closed to members of the public at 9.01pm.

Procedural Motion

Moved: Cr Oxley

Seconded: Cr Hua

That the meeting be opened to members of the public

CARRIED

The meeting was opened to members of the public at 9.18pm.

The meeting closed at 9.18pm.

Confirmed.....

The Mayor 22 March 2021