

Minutes

Council Meeting

Monday, 22nd June 2020



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The meeting commenced at 7.04pm in the Council Chamber, 1230 Nepean Highway, Cheltenham.

Present: Cr Georgina Oxley (Mayor)
Cr Tamara Barth
Cr Tamsin Bearsley
Cr Ron Brownlees OAM
Cr David Eden
Cr Geoff Gledhill
Cr George Hua
Cr Steve Staikos
Cr Rosemary West OAM

In Attendance: Julie Reid, Chief Executive Officer
Mauro Bolin, General Manager Community Sustainability
Paul Franklin, General Manager Corporate Services
Jonathan Guttman, General Manager Planning and Development
Samantha Krull, General Manager City Assets and Environment
Phil De Losa, Manager Governance
Gabrielle 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 Gledhill

Seconded: Cr Brownlees

That the Minutes of the Council Meetings held on 25 May 2020, 8 June 2020 and 17 June 2020 be confirmed.

CARRIED

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

The CEO, Julie Reid foreshadowed a declaration of a conflict of interest in items 14.3 and 14.4.

4. Petitions

4.1 Proposed Redevelopment of Harbour Town Park, Patterson Lakes

Moved: Cr Bearsley

Seconded: Cr Eden

That the petition be referred to the CEO for response.

CARRIED

4.2 Get Our Kids to School Safely

Moved: Cr West

Seconded: Cr Gledhill

That the petition be referred to the CEO for response.

CARRIED

5. Presentation of Awards

Nil

Acknowledgement

Council acknowledged the passing of Les Williams OAM and his contribution to the City of Kingston community and as a Councillor and Mayor of the City of Chelsea.

6. Reports from Delegates Appointed by Council to Various Organisations

Nil

7. Question Time

Moved: Cr Gledhill

Seconded: Cr West

That notwithstanding the requirement of Clause 18(4) of the Meeting Procedures Local Law, answers be read out to all questions submitted by 7.30pm given the current State of Emergency and measures responding to the Covid-19 Coronavirus.

CARRIED

Question time was held at 9.11pm. Refer to page 17 of the Minutes.

Block Resolution

Moved: Cr Hua

Seconded: Cr Eden

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

- 8.1 Planning Compliance in the Green Wedge - June 2020
- 8.4 Heritage and Significant Tree Review Update
- 9.1 CON-19/47 - Painting Services Panel - Award of Contract
- 9.2 CON-19/48 Provision of Electrical Services Panel - Award of Contract
- 9.3 CON-19/50 - Plumbing Services Panel - Award of Contract
- 9.4 CON-19/49 - Provision of Minor Building Works Panel - Award of Contract
- 9.6 Interfaith Committee recruitment
- 10.1 CON-19/136 - Regents Park Shed Renewal
- 10.2 Bay Trail Public Art Project
- 10.3 2020-2021 Arts Grants Program - Funding Recommendations for Grant Allocations
- 10.4 Proposed lease to southern program alliance - 8 Chelsea Rd Chelsea
- 11.2 Procurement Policy Update - Financial Year 2019/20
- 11.3 Annual Report of the Chairman of the Audit Committee 2019/20
- 11.4 Supply of Microsoft Enterprise Agreement
- 11.5 Investment Portfolio Report - March 2020
- 11.8 Assembly of Councillors Record Report
- 11.10 Response to Council Resolution - Independent Governance Review

CARRIED

8. Planning and Development Reports

8.1 Planning Compliance in the Green Wedge - June 2020

RECOMMENDATION

That Council receive the report.

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

8.2 Response to urgent business item regarding abandoned vehicle in Yarra Court, Mentone

Moved: Cr Brownlees

Seconded: Cr Gledhill

That Council:

1. Note the contents of this report in response to the item arising from the Ordinary Council Meeting on 28 January 2020.
2. Check the vehicle's registration after 9 July 2020 but otherwise take no further action.

Cr Eden left the meeting at 7:19pm

Cr Eden returned to the meeting at 7:21pm

CARRIED

8.3 Chelsea Level Crossing Removal - Pedestrian Bridge

Moved: Cr Staikos

Seconded: Cr Brownlees

That Council:

1. Note the correspondence received from the Hon Jacinta Allan, Minister for Transport Infrastructure in relation Council's resolution of 10 March, 2020 to provide a \$750,000 contribution towards construction of the Chelsea pedestrian bridge (Appendix 2).
2. Note the subsequent correspondence received from LXP seeking a further contribution of \$370,000 from Council to construct the 8m wide pedestrian bridge that was the subject of Council's March 2020 resolution (Appendix 3).
3. Write to the Minister for Transport Infrastructure to reinforce the Council's existing position as resolved at its Special Council Meeting of 10 March, 2020.

CARRIED

8.4 Heritage and Significant Tree Review Update

RECOMMENDATION

That Council:

1. Note the update in relation to Council resolutions as part of Item 8.8 of the 24th February, 2020 and Item 8.8 of the 27th April, 2020 Ordinary Council Meetings.
2. Authorise the General Manager Planning and Development or Manager City Strategy to utilise delegation to commence a Planning Scheme Amendment to seek to apply an 'Interim' control over a property, precinct or tree in the following circumstances:
 - 2.1. When the features on the subject land have been assessed by a Heritage Advisor or Arborist to be of potential significance and warrant inclusion in

- the Kingston Planning Scheme; and
- 2.2. An immediate threat exists that as a consequence of a submitted Planning Application and / or a request made to Council under Section 29A of the Building Act by a Building Surveyor whereby the identified features of potential significance on the subject land may be demolished or undermined; and
 3. Upon exercising the delegation identified in Pt 2. of this resolution, Officers:
 - 3.1. Notify the land owner and as appropriate Building Surveyor after the Planning Scheme Amendment request has been lodged with the Minister for Planning.
 - 3.2. Outline to the land owner the options available on the basis an 'Interim' Planning Scheme Amendment is approved.
 4. On the basis the Planning Minister approves a request made under Part 2. of this recommendation, Officers promptly progress the exhibition of the Permanent Planning Scheme Amendment to provide for submissions and consideration if required by an Independent Planning Panel.
 5. Receive a report upon completion of the assessment of all community nominations of potential heritage places and potential significant trees outlining all the submissions received and those which are recommended to be incorporated into the Kingston Planning Scheme.
 6. Write to all members of the community who have made submissions to the recent consultation process thanking them for the submissions and providing an update on the next stage of the assessment of the nominations.

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

9. Community Sustainability Reports

9.1 CON-19/47 - Painting Services Panel - Award of Contract

RECOMMENDATION

That Council:

1. Receive the information and note outcome of the tender evaluation process for Contract 19/47.
2. Appoint the following four (4) contractors to deliver the provisions of Contract 19/47 Painting Services Panel (Category A – Painting Services) for an Initial Contract Term of two years:
 - Aesthetic Painting Services Pty Ltd (t/a Aesthetic Property Services)
 - Lauro Lima Painting Pty Ltd
 - Programmed Property Services Pty Ltd
 - The Haugen Family Trust (t/a Summerhill Services Pty Ltd)
3. Delegate authority to the Chief Executive to extend the operation of Contract 19/47 beyond the Initial Contract Term for a further two (2) periods of two (2) years, up to a maximum Contract Term of six (6) years from the contract commencement date, subject to satisfactory ongoing performance of the appointed contractors.

4. Note the confidential tender evaluation matrix for Con 19/47 attached to this report for Council's information (Appendix A).

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

9.2 CON-19/48 Provision of Electrical Services Panel - Award of Contract

RECOMMENDATION

That Council:

1. Note the report and the outcome of the tender evaluation process for Con 19/48, as per the confidential tender evaluation matrix attached to this report for Council's information (Appendix A).
2. Appoint the following (3) three contractors to deliver the provisions of Contract 19/48 Provision of Electrical Services Category A (Reactive Maintenance) for an Initial Contract Term of two years:-
 - Brandon Air Conditioning & Mechanical Services Pty Ltd
 - Sundancer Cruz Pty Ltd (t/a Alert Electrical Group)
 - Wallgates Electrical Services Pty Ltd
3. Appoint the following (5) five contractors to deliver the provisions of Contract 19/48 Provision of Electrical Services Category B (Programmed Works) for an Initial Contract Term of two years:-
 - Commlec Services Pty Ltd
 - Grouts Electrical Pty Ltd (t/a Platinum Electrical Contractors Gippsland/Port Melbourne)
 - JMP Electrical Contractors Pty Ltd
 - Sundancer Cruz Pty Ltd (t/a Alert Electrical Group)
 - Wallgates Electrical Services Pty Ltd
4. Delegate authority to the Chief Executive to extend the operation of Contract 19/48 beyond the Initial Contract Term for a further two (2) periods of two (2) years, up to a maximum Contract Term of six (6) years from the Commencement Date, subject to satisfactory ongoing performance of the appointed contractors.

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

9.3 CON-19/50 - Plumbing Services Panel - Award of Contract

RECOMMENDATION

That Council:

1. Note the report and the outcome of the tender evaluation process for Con 19/50.
2. Appoint the following (3) three contractors to deliver the provisions of Contract 19/50 Provision of Plumbing Services Category A (Reactive Maintenance) for an

Initial Contract Term of two years:

- Blue Contracting Pty Ltd. (t/a Blue Plumbing)
 - International Plumbing Solutions Pty. Ltd. (t/a New Plumbing Solutions)
 - Omnigas Services Pty Ltd (t/a Omni Trade Services)
3. Appoint the following (5) five contractors to deliver the provisions of Contract 19/50 Provision of Plumbing Services Category B (Programmed Works) for an Initial Contract Term of two years:
- Blue Contracting Pty Ltd. (t/a Blue Plumbing)
 - Hydrotech Services Pty Ltd
 - International Plumbing Solutions Pty. Ltd. (t/a New Plumbing Solutions)
 - MCD Hydraulics Vic Pty Ltd (t/a Australian Facilities Plumbing)
 - Omnigas Services Pty Ltd (t/a Omni Trade Services)
4. Delegate authority to the Chief Executive to extend the operation of Contract 19/50 beyond the Initial Contract Term for a further two (2) periods of two (2) years, up to a maximum Contract Term of six (6) years from the Commencement Date, subject to satisfactory ongoing performance of the appointed contractors.

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

9.4 CON-19/49 - Provision of Minor Building Works Panel - Award of Contract

RECOMMENDATION

That Council:

1. Note the report and the outcome of the tender evaluation process for Con 19/49, as per the confidential tender evaluation matrix attached to this report (Appendix A).
2. Appoint the following (3) three contractors to deliver the provisions of Contract 19/49 Provision of Minor Building Works Part A (Reactive Maintenance) for an Initial Contract Term of two years:-
 - Ducon Maintenance Pty Ltd (t/a Ducon Building Solutions)
 - Omnigas Services Pty Ltd (t/a Omni Trade Services)
 - Symmetry Commercial Pty Ltd
3. Appoint the following (5) five contractors to deliver the provisions of Contract 19/49 Provision of Minor Building Works Part B (Programmed Works) for an Initial Contract Term of two years:-
 - Corstocon Pty Ltd (t/a Cornerstone Constructions)
 - Ducon Maintenance Pty Ltd (t/a Ducon Building Solutions)
 - Omnigas Services Pty Ltd (t/a Omni Trade Services)
 - Symmetry Commercial Pty Ltd
 - Total Trade Property Services Pty Ltd
4. Delegate authority to the Chief Executive to extend the operation of Contract 19/49 Category A and Category B beyond their Initial Contract Terms for a

further two (2) periods of two (2) years, up to a maximum Contract Term of six (6) years from the contract commencement date, subject to satisfactory ongoing performance of the appointed contractors.

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

9.5 1230 Nepean Highway - Ground Floor Masterplan

Procedural Motion

Moved: Cr Bearsley

Seconded: Cr Gledhill

That consideration of this matter be deferred to allow for further discussion at a Councillor Information Session.

CARRIED

9.6 Interfaith Committee Recruitment

RECOMMENDATION

That Council endorse the Interfaith Network Committee's recommendation of Mr Sagar Gandhi from the Local Spiritual Assembly of the Baha'i of Kingston to sit on the Committee for the period ending 31 October 2021.

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

10. City Assets and Environment Reports

10.1 CON-19/136 - Regents Park Shed Renewal

RECOMMENDATION

That Council

1. Award Contract No. 19/136; Supply and install a green keeper shed and associated works at Regents Park to DQ Constructors Pty Ltd for the lump sum of \$110,594, excluding GST.
2. Approve the allocation of a separate contingency of \$16,589 (15% of the lump sum amount) and delegate authority to the CEO, or nominee, to expend this allowance to ensure the successful completion of the project;
3. Approve the allocation of existing budget and additional funding from savings within the 2019/20 Capital Program (refer Section 4.3 of this report) to meet the cost associated with Contract No. 19/136; Supply and install a green keeper shed and associated works at Regents Park; and
4. Approve the carry forward of funding to 2020/21 to meet the cost of works associated with Contract No. 19/136; Supply and install a green keeper shed and associated works at Regents Park.

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

10.2 Bay Trail Public Art Project

RECOMMENDATION

That Council:

1. Note the conceptual design options for the Beach Road social and cultural path for delivery before the launch of the Bay Trail in 2021;
2. Authorise officers to undertake a community feedback survey on the concepts presented;
3. Approach the State Government to seek joint funding for the project; and
4. Receive a further report following the completion of the community feedback survey with recommendations from the Arts and Cultural Advisory Committee and outlining funding opportunities.

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

10.3 2020-2021 Arts Grants Program - Funding Recommendations for Grant Allocations

RECOMMENDATION

That Council:

1. Endorse the 2020-21 Arts Grants funding allocations as recommended by the ACAC;
2. Approve an increase in Arts grants funding for the 2020-2021 of \$15,092; and
3. Authorise officers to distribute the Arts Grants in line with the funding guidelines and conditions outlined.

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

10.4 Proposed Lease to Southern Program Alliance - 8 Chelsea Rd Chelsea

RECOMMENDATION

That Council:

1. Grant an eighteen (18) month lease to Southern Program Alliance during the delivery of the Edithvale, Chelsea and Bonbeach Level Crossing Removal Project at an annual rental \$40,800 per annum plus GST; and
2. Determine that access to Chelsea Lane is to be maintained for pedestrian and vehicular movements.

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

11. Corporate Services Reports

11.1 Festival and Events Policy

Moved: Cr Staikos

Seconded: Cr Eden

That Council adopt the revised Festivals & Events Policy subject to the following changes:

Section 6 – Related Documents and Resources

- (b) Coastal Management Act 1995 to read Marine and Coastal Act 2018
- (f) Road Safety (Traffic Management) Regulations 2005 to read Road Safety (Traffic Management) Regulations 2019
- (g) Privacy Act 1988 to read the Privacy and Data Protection Act 2014

CARRIED

11.2 Procurement Policy Update - Financial Year 2019/20

RECOMMENDATION

That Council adopt the unchanged Procurement Policy pursuant to the requirements of Section 186A of the *Local Government Act 1989*.

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

11.3 Annual Report of the Chairman of the Audit Committee 2019/20

RECOMMENDATION

That Council note the Annual Report of the Chairman of the Audit Committee.

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

11.4 Supply of Microsoft Enterprise Agreement

RECOMMENDATION

That Council:

1. Approve the appointment of WINC as supplier for CON-NPN 2.17-3 – Microsoft Enterprise Agreement for a three-year period, at an estimated contract value of \$1,637,017.26 (Ex GST); and
2. Authorise the Chief Executive Officer or delegate to execute the Contract.

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

11.5 Investment Portfolio Report - March 2020

RECOMMENDATION

That Council note that its funds as at 31 March 2020 are invested in line with the risk management profile prescribed in Council's Investment Policy.

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

11.6 Community Local Law Review

Moved: Cr Eden

Seconded: Cr Brownlees

That Council having considered the legal advice regarding smoking ban provisions:

1. Endorse the proposed Local Law (Appendix 2) for the purposes of commencing community consultation inclusive of smoking ban provisions.
2. Authorise commencement of the statutory process for the making of the proposed Local Law, in accordance with Part 5 of the Local Government Act 1989 (the Act), by giving public notice of its intention to make the proposed Local Law and inviting submissions under section 223 of the Act.
3. Determine to appoint a committee, in accordance with section 223 of the Act, comprising of Cr Oxley, Cr Staikos and Cr Brownlees to hear the submissions in relation to the proposed amending Local Law, at a meeting on Tuesday 4 August 2020, commencing at 5.00pm.
4. Receive a report to consider adopting the amending Community Local Law following the consultation process.

CARRIED

11.7 Quick Response Grants

Moved: Cr West

Seconded: Cr Staikos

1. That Council approve the following grant applications:
 - Parkdale Vultures Football Club - \$1399.00
2. That Council approve the following late application received 20 June 2020:
 - Kingston Heath Cricket Club - \$1500.00
3. That the application from the Mordialloc Sailing Club be reviewed and presented to Council at the 27 July 2020 Council Meeting.

CARRIED

11.8 Assembly of Councillors Record Report

RECOMMENDATION

That Council note the contents of this report for the public record.

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

11.9 Audit of Compliance with Council Resolutions

Moved: Cr Eden

Seconded: Cr West

That Council receive the report in response to part 3 of the resolution of Item 11.4 of the Council Meeting on 23 March 2020 and reiterate the prior motion with respect to completing an audit.

LOST

A Division was Called:

DIVISION:

FOR: Crs Oxley, Eden and West (3)

AGAINST: Cr Brownlees (1)

ABSTAINED: Crs Barth, Bearsley, Gledhill, Hua and Staikos (5)

LOST

Moved: Cr Brownlees

Seconded: Cr Staikos

That Council receive the report in response to part 3 of the resolution of Item 11.4 of the Council Meeting on 23 March 2020.

CARRIED

11.10 Response to Council Resolution - Independent Governance Review

RECOMMENDATION

That Council:

1. Receive a summary of the tender process for the Independent Governance Review in accordance with the Council resolution of 23 March 2020
2. Note that officers, under delegation, action the awarding of Contract No. 20/029 – Provision of Independent Governance Review to Moore Stephens (Vic) Pty Ltd.

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

12. Notices of Motion

12.1 Notice of Motion No. 18/2020 - Cr Eden - Waste Management Task Force

Moved: Cr Eden

Seconded: Cr West

That Council seek to get a consultant to prepare a report to Council on the development of a proactive, resourced and effective task force to manage local and regional waste matters. The consultant should have expertise in local government, government advocacy and ideally issues impacting Kingston.

CARRIED

12.2 Notice of Motion No. 24/2020 - Cr Brownlees - Tree Removal Policy

Procedural Motion

Moved: Cr Brownlees

Seconded: Cr Gledhill

That consideration of this matter be deferred to the 27 July 2020 Council Meeting

CARRIED

12.3 Notice of Motion No. 25/2020 - Cr Eden - Report on Breaches

Moved: Cr Eden

Seconded: Cr West

That Council in a public meeting be provided each month a report detailing any and all breaches of:

1. Legislation
2. Policies
3. Processes or procedures
4. Other relevant practices or requirements

The report must not be designated confidential and be provided each month as a report to the ordinary Council meeting and Audit Committee.

Procedural Motion

Moved: Cr Brownlees

Seconded: Cr Gledhill

That consideration of this matter be deferred until a report is presented by the Chief Executive Officer that provides for:

1. The cost of the proposal;
2. A legal opinion on the legality and practicality of implementing the proposal without impacting, contravening, or conflicting with established protocols and procedures and other Legislative requirements, and the ability of Council officers to adequately comply with and support the intent of the motion.

CARRIED

A Division was Called:

DIVISION:

FOR: Crs Barth, Bearsley, Brownlees, Gledhill, Hua and Staikos (6)

AGAINST: Crs Oxley, Eden and West (3)

CARRIED

12.4 Notice of Motion No. 26/2020 - Cr West - Attendance Fees for Advisory Committees

Moved: Cr West

Seconded: Cr Eden

That officers provide a report to the 27 July 2020 Council Meeting on the cost and feasibility of offering a \$200 a year attendance fee for all members of Council advisory groups and of the ICACC.

CARRIED

12.5 Notice of Motion No. 27/2020 - Cr West - Resumption of Planning Consultations

Moved: Cr West

Seconded: Cr Eden

That Council resumes holding Planning Consultations for residents to engage with officers, Councillors and developers on Zoom or another on-line platform in line with council policy as soon as conveniently possible, including the application for 22 Sycamore Ave., Mentone.

CARRIED

12.6 Notice of Motion No. 28/2020 - Cr Bearsley - Appreciation of CEO and Officers During COVID-19

Cr Eden left the meeting at 8:56pm

Moved: Cr Bearsley

Seconded: Cr Gledhill

That, as a Council, we show our appreciation and confidence in our CEO and officers for their hard work during the State of Emergency for Covid-19. We thank them for keeping Council running smoothly, in challenging circumstances and for providing necessary support to the wider Kingston community.

CARRIED

12.7 Notice of Motion No. 29/2020 - Cr Gledhill - Mentone Station and Gardens

Moved: Cr Gledhill

Seconded: Cr Brownlees

That Council support a grant of \$5000 in favour of the Friends of Mentone Station and Gardens in order to complete the second book about the history on the Mentone station.

CARRIED

Question Time

Cr Oxley left the meeting at 9:11pm

Cr Oxley returned to the meeting at 9:12pm

Cr Hua left the meeting at 9:16pm

Cr Eden returned to the meeting at 9:19pm

Chris Hill of Mentone asked,

“Overwhelmingly residents were not in favour of plans to rezone large areas of Kingston that currently have a 9m height limit to 11m 3 storeys, as most believe this level of development would not be appropriate in our quiet residential streets, so consultants are again reviewing the aps. Will they and Council officers now look to protect more of our neighbourhood from 3 storey development especially those streets within close walking distance to schools, where families have historically resided and will always choose to live?”

The General Manager Planning and Development provided the following response,

“Council officers will further review the feedback provided for Mr. Hill with respect to the relationship between the application of the housing zones and proximity to schools. This feedback will also be provided to the consultants undertaking the Housing Strategy and Neighbourhood Character Work.”

Chris Hill of Mentone asked,

“If the Consultants are again reviewing the maps for the Housing Strategy, will they and Council Officers take the opportunity to revisit the feedback of the 1,600 Kingston residents who took time out of their busy schedules to send in their submissions, in order to ensure all future revisions to plans are much more in line with Community expectations?”

The General Manager Planning and Development provided the following response,

“Council Officers are presently reviewing the maps for the Housing Strategy and liaising with the consultants who have prepared the Housing Strategy and Neighbourhood Character Work. Once the review is complete a report will be provided to Council for its formal consideration prior to a Planning Scheme Amendment being submitted to the State Department of Environment, Land, Water and Planning for Authorisation to then commence a further consultation process.”

Gavin Nolan of Mentone asked,

“At the Council meeting on 25 May 2020 item 12.4 was a notice of motion, calling for matters including 17 – 19 Tarella Road Chelsea, to be discussed publicly rather than hidden in confidential, and was referred to as an “open space matter.”

The mere mention of this land being still secretly on particular councillor's radars raised concerning alarm bells; particularly given that it is a privately owned block of land.

Some years ago I had a discussion with the owner of this land, where at that time the intent of certain councillors was highlighted.

It was noted that the opportunity to develop the land and optimise its potential was being negatively impacted by councillors seeking that the State Government Planning Minister impose restrictive overlays on the land.

This has been a very questionable process by Council and the supposed level of importance of the vegetation was strongly refuted by ecology experts from Ecology and Heritage Partners. And endeavours by Council to garner support from the EPA were met with a complete non commitment.

A look back through minutes, agendas and council meeting footage reflects that under these adverse circumstances, particular councillors were then propositioning the idea that Council use, what would be a vast amount of ratepayer's money, to purchase this plot of land.

To see this very questionable Tarella Road matter still floating around in the background under a veil of secrecy, particularly during these financially delicate and difficult times for the Kingston and broader community, is a major and serious concern for the Kingston ratepayers.

The process has a very familiar ring to it, for those familiar with the disregard shown for ratepayer's funds during the recent Beach Road narrowing.

Given councillors recent calls for greater transparency and prudent use of ratepayer's money, for councillors to be spending a large sum of ratepayer's money, hidden within the process of confidentiality, on this very contentious matter, would surely present as a dereliction of good councillor behaviour and governance.

Can you confirm that this further community unsupported spending of many millions of dollars of ratepayer money is or has been being contemplated, in secret by councillors?"

The General Manager City Assets and Environment provided the following response,

"This matter is considered confidential under the Local Government Act."

Ian Baldock of Mentone asked,

"Parkdale Secondary College currently has a large, very old, gum tree located in the South West corner of the school grounds. This tree contains large, old growth limbs which overhang the footpath, the adjoining units & access lane (Warren Lane) & extend over the southbound lane of Warren Lane. Any of these limbs falling have the potential for much damage & loss of life. Could Council please ensure that this tree is examined to ensure that local residents & passers-by are not put at risk."

The General Manager City Assets and Environment provided the following response,

"The tree is located within the Parkdale Secondary College site on State Government owned land and would not typically be audited under Council's programmed trees inspections. Council officers will make contact with the school to follow up and recommend an inspection be undertaken on the tree."

12.8 Notice of Motion No. 30/2020 - Cr Gledhill - Ward Boundaries

Moved: Cr Gledhill

Seconded: Cr Bearsley

That the Mayor immediately write to the Premier of Victoria seeking his intervention to suspend the recently announced changes to the City of Kingston ward boundaries raising the following concerns:

- This request is based on the lack of consultation by the Minister and his department with the community or Council. Furthermore the Minister has chosen to completely ignore the recommendations of the recent Victorian Electoral Commission review.
- Considering the devastating allegations made against the Minister in the media it is imperative that this Council be absolutely confident that the changes were made in the interests of the Kingston Community rather than for any alternative motivation the Minister may have had.

Further that Council include in the letter a request to defer the October Council elections.

Cr Hua returned to the meeting at 9:20pm

CARRIED

12.9 Notice of Motion No. 31/2020 - Cr West - Restoring Don Tatnell

Moved: Cr West

Seconded: Cr Eden

That Council:

- Consider restoring the Don Tatnell swimming pool on its existing site as an option when Councillors consider a report that has been requested on possible alternative sites for a replacement pool. And to that end:
- Investigate the cost of restoring the pool infrastructure to make it workable.

CARRIED

Moved: Cr Brownlees

Seconded: Cr West

That the meeting be extended for 30 minutes until 10.30pm

CARRIED

12.10 Notice of Motion No. 32/2020 - Cr West - Concern re MWRRG's Opposition to Council's Decision to Refuse Alex Fraser Application

Moved: Cr West

Seconded: Cr Eden

That Council:

1. Note with concern that the Metropolitan Waste and Resource Recovery Group, appears to be advocating for the vested interests of the waste management industry at the expense of the values, interests and amenity of the Kingston

Council and community and of our efforts to protect our part of the South East Green Wedge from inappropriate industrial uses;

2. Note that this has been done by lodging submissions in opposition to
 - Council's planning scheme amendment C143 to rezone the former Special Use Zone land north of Heatherton Road to Green Wedge A Zone to facilitate the phasing out of the waste management and recycling activities and the rehabilitation of these sites for the Sandbelt Parklands (Chain of Parks) for which State Government has allocated \$25 million to cover land acquisition and construction costs; and
 - Council's refusal of the application by the foreign-owned Alex Fraser Pty Ltd to extend its permit to operate a concrete crusher, which is now prohibited on Green Wedge A Zone land, by 15 years.
3. Request the MWRRG to withdraw its submission to the Advisory Committee appointed to consider and advise the Planning Minister on Alex Fraser's appeal against Council's refusal of this application;
4. Determine that, if the MWRRG fails to withdraw the submission which the Principal Strategic Planner has been listed to present to the Advisory Committee, Council inform MWRRG that we have no confidence in the way they are exercising their management and planning responsibilities and failing to represent the best interests of the Kingston Council and community and that we will consider formally withdrawing from the MWRRG.
5. Draw Council's concerns to the attention of the Advisory Committee, the Planning and Environment Ministers and the Premier.

Cr Gledhill left the meeting at 10:05pm

Cr Gledhill returned to the meeting at 10:07pm

CARRIED

13. Urgent Business

There were no items of urgent business.

14. Confidential Items

Moved: Cr Staikos

Seconded: Cr Brownlees

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 Kingston Green Wedge Plan Implementation

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

- *land use planning information, being information that if prematurely released is likely to encourage speculation in land values (section 3(1)(c)).*

14.2 Contract Matter

This agenda item is confidential information for the purposes of section 3(1) of the

Local Government Act 2020 because it is:

- *legal privileged information, being information to which legal professional privilege or client legal privilege applies (section 3(1)(e)), and*
- *The explanation as to why the specified ground/s applies is it relates to legal advice provided to Council, confidential resolutions of Council, as well as on-going contractual negotiations.*

39.3 CEO Employment Matters - Quarterly Review

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 that it relates to a staffing matter.*

40.4 CEO Employment Matters - Key Performance Objectives

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 that it relates to a staffing matter.*

Confidential Appendices

8.1 Planning Compliance in the Green Wedge - June 2020

Appendix 1, Green Wedge Spreadsheet for Council - update May 2020

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

9.1 CON-19/47 - Painting Services Panel - Award of Contract

Appendix 1, CON 19-47 Painting Services Tender Evaluation Matrix Category A

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

9.2 CON-19/48 Provision of Electrical Services Panel - Award of Contract

Appendix 1, CON 19-48 Tender Evaluation Matrices - Category A (Reactive Works) & Category B (Programmed Works)

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

9.3 CON-19/50 - Plumbing Services Panel - Award of Contract

Appendix 1, CON-19/50 Tender Evaluation Assessment Matrices - Category A & Category B Plumbing Services Panel

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

9.4 CON-19/49 - Provision of Minor Building Works Panel - Award of Contract

Appendix 1, CON-19/49 - Tender Evaluation Matrices - Minor Building Works

Panel - Category A Reactive Works & Category B Programmed Works

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

11.6 Community Local Law Review

Appendix 3, Maddocks Lawyers - proposed Local Law amendments

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

11.6 Community Local Law Review

Appendix 4, Russell Kennedy Lawyers - advice on proposed smoking ban

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

11.6 Community Local Law Review

Appendix 5, Russell Kennedy Lawyers - further legal advice - proposed smoking ban

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

11.10 Response to Council Resolution - Independent Governance Review

Appendix 1, Independent Governance Review - submission list

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

CARRIED

The meeting was closed to members of the public at 10.10pm.

Procedural Motion

Moved: Cr Staikos

Seconded: Cr Hua

That the meeting be opened to members of the public.

The meeting was opened to members of the public at 10.42pm.

The meeting closed at 10.42pm.

Confirmed.....

The Mayor 27 July 2020