

Minutes

Council Meeting

Monday, 22nd November 2021

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**City of Kingston
Council Meeting**

Minutes

22 November 2021

The meeting commenced at 7.00pm in the Council Chamber, 1230 Nepean Highway, Cheltenham.

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

In Attendance: Peter Bean, Chief Executive Officer
Jonathan Guttmann, General Manager Planning and Development
Samantha Krull, General Manager City Assets and Environment
Tony Ljaskevic, General Manager Corporate Services
Mark Patterson, Acting General Manager Community Sustainability
Phil De Losa, Manager Governance
Patrick O’Gorman, Governance Officer
Gabby Pattenden, Governance Officer
Lindsay Holland, Facilities Officer

1. Apologies

There were no apologies submitted to the meeting.

2. Confirmation of Minutes of Previous Meetings

Moved: Cr Davies

Seconded: Cr Hill

That the Minutes of the Council Meeting held on 25 October 2021 and the Council Meeting held on 10 November 2021 be confirmed.

CARRIED

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

Cr Howe foreshadowed a conflict of interest in Item 8.1

4. Petitions

4.1 Use of Glyphosate in Public Spaces

Moved: Cr Eden

Seconded: 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

Question time was held at 7.14pm

Tom Maher asked,

“With the Council’s commitment to reduce climate emissions to zero, can the council confirm that the Aspendale lifesaving club redevelopment will include solar panels and will exclude the installation of a gas service?”

The General Manager Community Sustainability provided the following response:

Thank you Mr Maher for your question. Through you Mr Mayor, the installation of angled solar panels would further increase the height of the proposed building, impacting on views from properties immediately adjoining the new building. In addition, their exclusion also would eliminate the risk of reflections from the panels impacting the neighbours to the rear of the new building. Unfortunately, due to the limitations of the available electrical supply infrastructure in the area, natural gas will still need to be used in this building in the form of energy efficient instantaneous gas units to heat water for showers.

In this case, Council has had to strike a balance between its objective to maximise the use of electricity in the new facility, against the environmental impact of having to accommodate a new large electricity sub-station in this sensitive foreshore location.

The new building is designed with a high degree of environmentally sustainable design features, including:

- *Energy efficient Air Conditioning systems;*
- *Water efficient fixtures and appliances;*
- *Rainwater collection & reuse, water tanks use for all toilets and boat washdowns;*
- *Thermal insulation to all key areas of roof and facades;*
- *Energy efficient LED lighting throughout;*
- *Energy saving natural ventilation via electrically operated windows and louvres.*

Fraser Gibson asked,

“Will Councillors seize the opportunity for the Shared Use Path from Heather Grove Crossing to Southland station East Platform 2 to be commenced in 2022 as Early Works under existing Planning Scheme Amendment GC70?”

The General Manager Planning and Development provided the following response:

“On behalf of Councillors and Officers I would firstly like to acknowledge the effort Mr. Gibson and members of the community he has been working with to constructively contribute to early consideration of the Suburban Rail Loop Project and I am aware that he has met now with Councillors Staikos, Davey-Burns and Hill together with Officers on a couple of occasions to discuss the project.

With respect to Mr. Gibson's question I note Heather Grove is a street located within the municipality of Bayside and our Council is working closely with Bayside on integrated planning across the precinct. Kingston Council strongly supports the connection of the existing Shared User Path that terminates at Heather Grove in close proximity to Jean Lane being connected into a broader Shared User Path network through the Southland Precinct and further north to Highett Road and potentially beyond. Following input from Mr. Gibson the link through Cheltenham and Highett is shown on Page 48 of the Councils Draft Suburban Rail Loop Advocacy Report which is listed as Item 8.11 on tonight's agenda.

Council will confirm with the Suburban Rail Loop Authority whether or not it intends to complete any Shared Use Path Infrastructure as part of its early works and advise Mr. Gibson accordingly."

Fraser Gibson asked,

Will Councillors seize the opportunity for the Shared Use Path bridge over Bay Road from Southland station to Sir William Fry Reserve to be commenced 2022 to be commenced in 2022 as Early Works under existing Planning Scheme Amendment GC70?

The General Manager Planning and Development provided the following response:

Council again strongly support Mr. Gibson's suggestion of the Shared Use Path bridge over Bay Road from Southland Station to Sir William Fry Reserve. This conceptual intent of this bridge is illustrated on Page 60 of Council's Draft Suburban Rail Loop Advocacy Report.

Council will confirm with the Suburban Rail Loop Authority whether or not it intends to complete any Shared Use Path Infrastructure as part of its early works and advise Mr. Gibson accordingly.

Again I would like to thank Mr. Gibson for his ongoing interest in the project

Bonnie Meiselbach asked,

In 2019, following community concerns around the use of Glyphosate Kingston Council moved to cease the use of Glyphosate as soon as possible, as a Residents Association we were somewhat surprised when Council reintroduced the use of Glyphosate without any community consultation. So, we ask Council, why wasn't the community consulted on this issue and how will Council ensure that the communities voice is heard on this matter?

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

"Council resolved in September 2021 to endorse the selective use of Glyphosate for weed control in low-risk areas, continuing the use of manual and steam weeding in playgrounds, childcare centres, preschools, and maternal child health centres.

Under Council's Community Engagement Policy, community consultation is not required to be undertaken for operational matters, other than to inform of changes. Community concern about the use of Glyphosate is understood and we want to assure residents that a risk assessment and evaluation would be undertaken at each site to determine the most appropriate weed management approach."

En Bloc Resolution

Moved: Cr Howe

Seconded: Cr Davies

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

- 8.3 Town Planning Application Decisions - October 2021
- 8.7 Footpath Activities Policy
- 8.8 Food and Health Registration Renewals 2022
- 8.12 Douglas Lane Foreshore (Chelsea) Car Park Proposal
- 9.1 CON-21/064 Roy Dore Tennis and Netball Court Project - Award of Contract
- 9.2 Dingley Village Community Precinct - Basketball Court Options
- 10.4 Contract No. CON-21/066 - Road Resurfacing Works
- 11.1 Procurement Policy - Local Government Act 2020
- 11.2 Delegation of Authority to Chief Executive Officer - Contracts for Supply of Retail Electricity & Gas [Procurement Australia Contract 2506/0641]
- 11.4 Naming of Pavilion at Roy Dore Reserve
- 11.8 Kingston Performance Report - July to September 2021 and Quarterly Financial Statements Report - September 2021

CARRIED

8. Planning and Development Reports

8.1 KP-2013/645/B - 11 Pier One Drive and Part 107 - 109 McLeod Road, Patterson Lakes

Cr Howe declared a material conflict of interest in this item due to civil action between Cr Howe and a director of the company involved in the application and left the meeting at 7.26pm.

Moved: Cr Staikos

Seconded: Cr Davies

That consideration of this item be deferred until the completion of the future Planning Scheme Amendment work for the precinct.

CARRIED

Cr Howe returned to the meeting at 7.36pm

8.2 KP-2021/410 - 640-641 Nepean Highway Carrum

Moved: Cr Howe

Seconded: Cr Bearsley

That Council determine to support the proposal and issue a Notice of Decision to Grant a Permit to use the land for the sale and consumption of liquor (restaurant and café licence) in accordance with the endorsed plans at No. 640-641 Nepean Highway, Carrum, subject to the following conditions:

1. The use as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.
2. Once the use has started it must be continued to the satisfaction of the Responsible Authority.

Sale and Consumption of Liquor

3. The serving of liquor is to be restricted the following times, unless with further written consent from the Responsible Authority:

Internal area

- Monday to Thursday 7.00am to 11.00pm
- Friday and Saturday 7.00am to 12 midnight
- Sunday 10.00am to 11.00pm
- Public Holiday 12 noon to 10.00pm

External area

- Monday to Thursday 7.00am to 9.00pm
- Friday and Saturday 7.00am to 10.00pm
- Sunday 10.00am to 9.00pm
- Public Holiday 12 noon to 9.00pm

4. No more than ninety-eight (98) patrons are permitted on the premises at any one time during the licensed hours, including fifty-four (54) patrons within the internal area and forty-four (44) patrons within the external area, unless with further written consent from the Responsible Authority.
5. The sale and consumption of liquor must only occur from the red line area, to the satisfaction of the Responsible Authority.
6. The predominant activity carried out at all times on the premises must be the preparation and serving of meals for consumption on the licensed premises.

Amenity

7. Before the use starts, a patron management plan must be submitted to the Responsible Authority for approval. When approved, the plan will be endorsed and will then form part of the permit. The endorsed patron management plan must be implemented and continue to be maintained, to the satisfaction of the Responsible Authority. The plan must include:
 - (a) Staffing and other measures/procedures which are designed to ensure the orderly management of patrons.
 - (b) Signage to be used to encourage responsible off-site patron behaviour.
 - (c) The training of staff in the management of patron behaviour and the

- responsible serving of alcohol.
- (d) Standard procedures to be undertaken by staff in the event of complaints by a member of the public, the Victoria Police, a Council Officer or a VCGLR Officer.
 - (e) Information on the mitigation of negative impacts on amenity experienced in the surrounding residential areas and management of anti-social behaviour.
8. The amenity of the area must not be detrimentally affected by the use, through the:
- (a) Transport of materials, goods or commodities to or from the land.
 - (b) Appearance of any building, works or materials.
 - (c) Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil.
 - (d) Presence of vermin.
 - (e) Any other way.
9. Noise levels emanating from the premises must not exceed those required to be met under the *Environment Protection Regulations 2021* under the *Environment Protection Act 2017* and the 'Noise limit and assessment protocol for the control of noise from commercial, industrial and trade premises and entertainment venues' (Publication 1826.4, Environment Protection Authority, May 2021) to the satisfaction of the Responsible Authority.
10. Emptying of bottles into garbage bins located external to the building is permitted only between the hours of 8.00am and 10.00pm on any given day, to the satisfaction of the Responsible Authority.
11. No live or amplified music to be played, with the exception of background music, to the satisfaction of the Responsible Authority.
12. No goods or packaging materials shall be stored or left exposed outside the building so as to be visible to the public from a road or other public place.
13. No signs or other advertising or identification may be erected or displayed on the site without written Council consent.

Department of Environment, Land, Water and Planning (DELWP)

14. There must be no:
- (a) storage of materials (including temporary stack sites) or spoil;
 - (b) truck turning areas;
 - (c) new entry points;
 - (d) parking of vehicles;
 - (e) vegetation removal;
 - (f) buildings and works; and
 - (g) discharge of stormwater or other concentrated flow of water;
- on the adjoining Crown land as part of the development and its future use.
15. All stormwater and surface drainage should be directed to a legal point of discharge away from the Crown land and managed in accordance with the Environment Protection Authority & Melbourne Water Best Practice

Environmental Management Guidelines for Urban Stormwater.

16. Any landscaping works undertaken on the site must not include the planting of environmental weeds.
17. Prior to work commencing, the shared boundary with Crown land must be suitably fenced (and erected on the correct boundaries of the land) to the satisfaction of the Responsible Authority and the Department of Environment, Land, Water and Planning (DELWP), at the applicant's expense.
18. No structures are to encroach upon the adjoining Crown land.
19. No vegetation is to be removed on the Crown land and no pathways created on the Crown land from the private property.
20. Crown land is not to be utilized as an easement or as legal access.
21. Crown land is not to be used for temporary access or storage associated with the proposal.

Expiry

22. In accordance with Section 68 of the Planning and Environment Act 1987 (Act), this permit will expire if one of the following circumstances applies:
 - The use is not started within two (2) years from date of this permit.
 - The use is discontinued for a period of two (2) years.

In accordance with Section 69 of the Planning and Environment Act 1987, an application may be submitted to the responsible authority for an extension of the periods referred to in this condition.

Note: Prior to the commencement of the development or use you are required to obtain the necessary Building Permit.

Note: Prior to the commencement of the development or use you are required to obtain the necessary Council Environmental Health Department approvals.

Note: A liquor license must be obtained from the Victorian Commission for Gambling and Liquor Regulation (VCGLR), before acting on this permit.

CARRIED

8.3 Town Planning Application Decisions - October 2021

RECOMMENDATION

That the report be noted.

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

8.4 Renewal of Mordialloc Traders Association Special Charge

Moved: Cr Cochrane

Seconded: Cr Bearsley

That Council:

1. Receive and note the request from the Mordialloc Traders Association to commence the statutory process for the proposed declaration of a Special Charge for a Marketing and Business Development Fund for the Mordialloc Main Street Precinct for seven years, commencing on 1 July 2022.
2. Give public notice of its intention to declare the Mordialloc Special Charge for the Mordialloc Main Street Precinct.
3. Pursuant to Section 163 and 223 of the Local Government Act 1989, implement the processes and procedures as outlined in Appendix 1 – Council Process for the Declaration of a Special Charge.

CARRIED

8.5 Response to Council Resolution 2/2021 – Review of Existing City Development Policies

Moved: Cr Staikos

Seconded: Cr Hill

That Council:

1. Adopt the revised Planning Delegation Policy as outlined in Appendix 1 subject to the following:
 - Modify the policy by updating Section 5 to replace the words “applications located in the Green Wedge and cost of the development exceeds \$20,000” with “all applications where the cost of development exceeds \$20,000 for land located outside the Urban Growth Boundary”;
2. Adopt the revised Notice of Application for a Planning Permit (Advertising) Policy (formally Notice of Application (Advertising) Policy) as outlined in Appendix 2 of the report; and
3. Defer consideration of the revised Application for a Planning Permit Meeting Policy (formerly Planning Consultation Meeting Policy) as outlined in Appendix 3 of the report.

CARRIED

**8.6 Response to Council Resolution (Notice of Motion No. 52/2017) -
Conservation Planner**

Moved: Cr Oxley

Seconded: Cr Davey-Burns

That Council amend its resolution of 26 March 2018 by replacing part 1 of the resolution with the following:

1. Seek the advice of an expert ecologist for an application for a planning permit to develop or subdivide land greater than 4,000sqm that could have an impact on vegetation.

Cr Cochrane left the meeting at 7:48pm

CARRIED

8.7 Footpath Activities Policy

RECOMMENDATION

That Council endorse the Footpath Activities Policy with Clause 9.5.12 allowing cooking on the footpath.

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

8.8 Food and Health Registration Renewals 2022

RECOMMENDATION

That Council:

1. Implement the model discussed in section 3.4.1 for the 2022 renewal of food and health registrations, charging proportionate fees at no discount, 25% discount or 50% discount based on the business type.
2. Provide an extension of time for payment of food and health registration renewal fees to 28 February 2022.

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

8.9 Domestic Animal Management Plan 2021-2025

Cr Cochrane returned to the meeting at 7:49pm

Moved: Cr Oxley

Seconded: Cr Davey-Burns

That Council adopt the final draft Domestic Animal Management Plan 2021-2025 as outlined in Appendix 1 to this report.

CARRIED

8.10 Amendment C201- Application of Environmental Audit Overlay

Moved: Cr Davies

Seconded: Cr Davey-Burns

That Council:

1. Adopt Amendment C201 to the Kingston Planning Scheme; and
2. Submit Amendment C201 to the Minister for Planning for approval.

CARRIED

8.11 Suburban Rail Loop - Design Advocacy

Moved: Cr Saab

Seconded: Cr Davey-Burns

That:

1. Council immediately commence community consultation on the draft design advocacy documents for Highett / Cheltenham and Heatherton Suburban Rail Loop sites as outlined in Section 3.3.2 of this report;
2. Council receive a report at the first Council meeting of 2022 to seek adoption of the design advocacy documents in order to meet the timelines for the SRL Environmental Effects Statement process which commences in February 2022; and
3. In response to the recently gazetted *Suburban Rail Loop Bill 2021*, Council adopt the attached areas for investigation within Highett / Cheltenham and Clayton South for the purpose of commencing further discussions with neighbouring Councils and the SRLA on future precinct planning work.

Cr Eden left the meeting at 8:05pm

Cr Eden returned to the meeting at 8:08pm

CARRIED

8.12 Douglas Lane Foreshore (Chelsea) Car Park Proposal

RECOMMENDATION

That Council:

1. Note the consultation results received;
2. Introduce paid parking in Douglas Lane, Chelsea foreshore car park for non-Kingston residents to bring the car park into conformity with other foreshore carparks;
3. Implement a short-term permit restriction in the southern end of the car park on Saturdays, from November 2021 to April 2022 as a transition into the new arrangement to support the Chelsea Yacht Club; and
4. Implement a short-term permit restriction in six parking spaces immediately east of the Chelsea Yacht Club on Friday – Sunday, November 2021 to April 2022.

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

9. Community Sustainability Reports

9.1 CON-21/064 Roy Dore Tennis and Netball Court Project - Award of Contract

RECOMMENDATION

That Council:

1. Receive the information and note the outcome of the tender assessment process for Contract 21/064 – Roy Dore Tennis and Netball Court project, as set out in confidential Appendix 1 attached to this report;
2. Award Contract 21/064 – Roy Dore Tennis and Netball Court project for the final adjusted fixed lump sum price of \$1,152,304.00 (exclusive of GST) to Turf One Pty Ltd; and
3. Approve the allocation of a separate contingency, as set out in the attached confidential Appendix 2, and delegate authority to the CEO, or 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.

9.2 Dingley Village Community Precinct - Basketball Court Options

RECOMMENDATION

That Council:

1. Note the site evaluation process and recommendation to retain a full-size basketball court at 31 Marcus Road, Dingley Village, with the associated impact on parking provision; and
2. Continue with design development of 31 Marcus Road, inclusive of the full-size basketball court, to the point of undertaking a public tender process, reporting back to Council on the outcome of the tender process once complete.

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

10. City Assets and Environment Reports

10.1 Patterson Lakes Waterways Maintenance Agreement

Moved: Cr Howe

Seconded: Cr Bearsley

That Council:

1. Note that a premium in rates is derived from waterfront properties and the Patterson Lakes waterways comprise public open space, which are designated as reserves for recreation and drainage, and under the Water Act classed as waterways, with an essential regional drainage network and floodplain role;
2. Re-enter a management plan with Melbourne Water for the next 5 years with a

- revised cost base due to glyphosate usage;
3. Allow the special charge scheme for the Quiet Lakes to expire on 30 June 2022;
 4. Enter into separate discussions to address sand replenishment of beaches with Melbourne Water, including for erosion at locations expressed to the open space department as public safety risks; and
 5. Communicate via a distributed bulletin an update on the beach maintenance agreement to impacted properties now, and hereafter biannually a Patterson Lakes Waterways bulletin detailing maintenance and relevant waterways issues.

CARRIED

10.2 Hard Waste Collection Services Review

Moved: Cr Oxley

Seconded: Cr Davey-Burns

1. That Council conduct community consultation on Your Kingston Your Say on whether Council should introduce on-call hard waste services or remain on an annual hard waste service.
2. That at the conclusion of the consultation Council receive a report and recommendation on the service provision.

CARRIED

10.3 Response to Resolution July 2021 - Public Art Budget

Moved: Cr Howe

Seconded: Cr Davey-Burns

That Council:

1. Acknowledge that 2% of the Kingston capital budget for open space and building projects over \$1,000,000 in value, provides a base level of funding for public art over the coming 5 years that may require further supplementation; and that this funding be considered in the 2022-23 budget and future capital program.
2. Endorse the staged delivery of a series of new interconnected public art trails across Kingston commencing at the Patterson River with up to 11 artworks, with 50% of those artworks to be commissioned following detailed planning, being undertaken prior to work commencing on other areas of the trails, subject to approved funding in the 2022/23 budget and forward capital program;
3. Endorse Option 1 guiding a mixed approach for commissions, with latitude provided to make the Patterson River sculpture trail iconic and responsive to its unique environment, including at least three (3) commissioned, major pieces and three (3) leased sculptures with the support of cultural organisations such as McClelland Gallery and Sculpture Park;
4. Endorse that officers initiate a cultural partnership with McClelland Gallery and Sculpture Park to develop a proposal and costings for Option 1 and exceptions as described above to the Patterson River sculpture trail;
5. Receive a report in 2022 on the costings and options for installation, including proposed funding in Council's budget to provide for at least one (1) sculpture to

be installed at Patterson River by December 2022; and

6. Receive a report in 2022 that considers the development and adoption of a Public Art Strategy, and ongoing annual budget for public art across the municipality with scoping including sculpture, projection and visual art.

Cr Cochrane left the meeting at 8.42pm

Cr Cochrane returned to the meeting 8.46pm

CARRIED

10.4 Contract No. CON-21/066 - Road Resurfacing Works

RECOMMENDATION

That Council:

1. Note the information outlined in the report;
2. Award Contract CON-21/066 Road Resurfacing Works to RABS Paving Services Pty Ltd as a Schedule of Rates Contract in accordance with their tendered rates (subject to annual rise and fall) for a three-year term, from 1 December 2021 to 30 November 2024;
3. Approve approximate total expenditure of up to \$8,000,000 ex GST (year 1 estimate \$2,000,000 ex GST) under Contract CON-21/066, based upon Council's estimated annual Road Resurfacing budget and projected quantities of work for the total three-year contract term; and
4. Authorise the Chief Executive Officer, or their delegate, to execute the contract.

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

11. Corporate Services Reports

11.1 Procurement Policy - Local Government Act 2020

RECOMMENDATION

That Council:

1. Adopt the Procurement Policy provided as Appendix 1 to this report, pursuant to the requirements of Section 108 of the *Local Government Act 2020 (Vic)*.
2. Note the date of effect for the Policy, beginning 31 December 2021.

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

11.2 Delegation of Authority to Chief Executive Officer - Contracts for Supply of Retail Electricity & Gas [Procurement Australia Contract 2506/0641]

RECOMMENDATION

That Council vary the Instrument of Delegation to the Chief Executive Officer to delegate authority to the Chief Executive Officer to accept tenders and execute contract agreements for the supply of electricity (including 100% Green Power) to all small market Council facilities and the supply of natural gas to Council's single large market facility, on the basis of best value being offered to Council, following a tender process to be completed by Procurement Australia in November 2021 [Procurement Australia Contract 2506/0641].

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

11.3 Probity Review Recommendations Implementation - Political Donations

Moved: Cr Eden

Seconded: Cr Oxley

1. That Council adopt the Policy in Appendix 1 that incorporates the following changes:
 - rename the title of the policy to 'Councillor Gift, Hospitality & Political Donations Policy'
 - clarify that the definition of gift includes any donations offered to or received for any purpose, including political donations, and
 - include section 6 which states that "any political donation (whether accepted or declined) irrespective of the value must be declared in the Gifts, Hospitality and Political Donations Register. For the avoidance of doubt, this includes the declaration of political donations under the value of \$50", and
2. That following adoption of the policy Councillors disclose any political donations received in the period between 12 months prior to the 2020 Council elections (being 24 October 2019) to adoption of the policy.
3. That the resource material for Personal Interest Return disclosures be amended to clarify the definition of a gift includes political donations, as per Appendix 2
4. That ethics training is developed for Councillors and staff.

Procedural Motion

Moved: Cr Davey-Burns

Seconded: Cr Bearsley

That consideration of this matter be deferred until the February Council meeting for further discussion with the Governance Committee.

CARRIED

11.4 Naming of Pavilion at Roy Dore Reserve

RECOMMENDATION

That Council, having considered the responses to the community engagement process, endorse the naming of the pavilion at Roy Dore Reserve as the 'Carrum Sports Complex'.

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

11.5 Community Local Law Review

Moved: Cr Hill

Seconded: Cr Cochrane

That Council:

1. Pursuant to section 73(3) of the Local Government Act 2020, publish a notice that states:
 - (a) the objectives of the proposed local law; and
 - (b) the intended effect of the proposed local law; and
 - (c) that a copy of the proposed local law is available for inspection—
 - (i) at the Council's office; and
 - (ii) on the Council's Internet site; and
 - (d) the community engagement process that applies in respect of the making of the local law (as outlined in section 3.2 of this report)
2. Receive a further report following the community consultation to consider the making of the Local Law

Cr Eden left the meeting at 9:30pm

Cr Oxley left the meeting at 9.35pm

Cr Oxley returned to the meeting at 9.39pm

CARRIED

A Division was Called:

DIVISION:

FOR: Crs Staikos, Saab, Bearsley, Cochrane, Davey-Burns, Davies and Hill (7)

AGAINST: Cr Oxley (1)

ABSTAINED: Cr Howe (1)

CARRIED

11.6 Quick Response Grants

Moved: Cr Oxley

Seconded: Cr Bearsley

That Council approve the following Quick Response Grant applications:

- Chelsea Church of Christ – \$800.00
- Waterways Residents' Association - \$1500.00
- Dingley Tennis Club - \$1500.00
- Bonbeach Cricket Club - \$1500.00
- Mordialloc Sailing Club Inc. - \$1500.00

That Council approve the following late application due to its urgency:

7th Cheltenham Scout Group - \$500.00

CARRIED

11.7 Informal Meetings of Councillors

Moved: Cr Oxley

Seconded: Cr Bearsley

That Council receive the report.

CARRIED

11.8 Kingston Performance Report - July to September 2021 and Quarterly Financial Statements Report - September 2021

RECOMMENDATION

That Council note:

1. The 2017-21 Council Plan Performance Report, July to September 2021; and
2. The Quarterly Financial Statements, September 2021.

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

11.9 Councillor Appointments to Committees and Organisations 2021/22

Moved: Cr Davey-Burns

Seconded: Cr Davies

That Council determine the appointments to committees and organisations:

Legislative Committees	2022 Appointee/s
Planning Committee	All Councillors
Audit and Risk Committee	Mayor Cr Oxley

Internal Committees/Organisations	2022 Appointee/s
Governance Committee	Mayor Deputy Mayor Cr Oxley Cr Saab
CEO Employment Matters Committee	Mayor Deputy Mayor Cr Davies Cr Oxley (appointed at the October Council Meeting)

Advisory Committees	2022 Appointee/s
Access and Equity	Cr Davey-Burns Cr Oxley
Arts and Culture	Cr Davey-Burns Cr Howe Cr Bearsley (alternate)
Business and Economic Development	Cr Hua Cr Oxley
Community Safety	Cr Cochrane
Public Spaces and Environment To be reviewed as the Climate Emergency Consultative Committee	Cr Saab
Active Kingston	Cr Davies Cr Hill Cr Saab (alternate)
Youth (12-17 years old)	Cr Eden Cr Oxley Cr Saab
Youth (18-25 years old)	Cr Eden Cr Oxley Cr Saab

Consultative Committees	2022 Appointee/s
Bay Watch	<i>Terms of Reference state that the Committee will expire upon Council adoption of the new Coastal and Marine Management Plan</i>

**City of Kingston
Council Meeting**

Minutes

22 November 2021

LF Payne Hall Usage Committee	Cr Oxley
Kingston Charitable Fund (KCF) Community Grants Panel	Mayor Cr Oxley
Kingston Interfaith Network	Cr Bearsley Cr Saab
Kingston Historic Network	Cr Bearsley Cr Staikos (alternate)

External Committees/Organisations	2022 Appointee/s
Association of Bayside Municipalities	Cr Davey-Burns Cr Hill (alternate)
Friends of Manatuto Committee	<i>Discontinued</i>
Inter Council Aboriginal Consultative Committee	<i>To be reviewed</i>
Local Government Waste Management Forum	Cr Staikos Cr Oxley (alternate) Cr Saab (alternate)
Metropolitan South Eastern Region MAV Representatives and Mayors	Mayor
Metropolitan Transport Forum	Cr Saab Cr Oxley (alternate)
Moorabbin Airport Consultative Committee	Cr Davies Cr Hua Cr Staikos (alternate)
Municipal Association of Victoria	Mayor
Municipal Association of Victoria Environment Committee	<i>Discontinued</i>
Municipal Association of Victoria Planning Committee	<i>Discontinued</i>
GSEM	Mayor Cr Oxley (alternate) Cr Saab (alternate)
South East Councils Climate Change Alliance (SECCCA)	Cr Hill Cr Saab
Victorian Local Governance Association	Mayor

CARRIED

12. Notices of Motion

12.1 Notice of Motion No. 20/2021 - Cr Howe - Patterson River Funding Advocacy

Moved: Cr Howe

Seconded: Cr Oxley

That:

1. As a recognised election issue, Council contact the Liberal and Labor state divisions and respective ministers, highlighting that adequate funding for the maintenance of the state-owned Patterson River is deficient, and broader investment including to fund DELWP's concept plan is required to realise the full potential of Patterson River.
2. At The Beauty Spot on the Nepean Highway and at the nearest point on McLeod Road to Launching Way real estate boards (or a sign of similar size) are installed, representing Kingston City Council's support of funding DELWP's concept plan now or at the November state election.

Cr Saab left the meeting at 9:45pm

Cr Eden returned to the meeting at 9:47pm

CARRIED

Procedural Motion

Moved: Cr Hill

Seconded: Cr Davies

That the meeting be extended by 30 minutes until 10.30pm

CARRIED

12.2 Notice of Motion No. 21/2021 - Cr Howe - Fiscal Review

Moved: Cr Howe

Seconded: Cr Davey-Burns

That Council receive a report at the January 2022 Council Meeting, analysing material and services expenditure that reveals where inefficiencies exist and savings can be made; in addition to where competitive negotiation could lead to savings that could be directed to the capital works programming.

CARRIED

12.3 Notice of Motion No. 23/2021 - Crs Oxley, Eden & Howe - Mornington Peninsula Freeway Potholes

Moved: Cr Oxley

Seconded: Cr Eden

That Council immediately write to the Department of Transport requesting that they immediately investigate and fix the large number of potholes along the Mornington Peninsula Freeway between Edithvale Road and the Frankston Freeway entry/exit ramps that are causing significant safety hazards and that they provide a timeline for rectification.

Cr Saab returned to the meeting at 10:09pm

CARRIED

13. Urgent Business

There were no items of urgent business.

14. Confidential Items

Moved: Cr Oxley

Seconded: Cr Cochrane

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 Notice of Motion No. 22/2021 - Crs Oxley & Howe - Waiver of Rates

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 applies is to protect the personal information of the owners of the subject properties..

Confidential Appendices

9.1 CON-21/064 Roy Dore Tennis and Netball Court Project - Award of Contract Appendix 1, Confidential Tender Evaluation Matrix

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

9.1 CON-21/064 Roy Dore Tennis and Netball Court Project - Award of Contract Appendix 2, Confidential Project Funding Table

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

- 10.2 Hard Waste Collection Services Review**
Appendix 1, Confidential Attachment 1 - Annual Hard Waste Collection Information
This appendix is confidential in accordance with the Local Government Act 2020, s3(1) as it relates to (s3(1)(g).
- 10.4 Contract No. CON-21/066 - Road Resurfacing Works**
Appendix 1, Tender Evaluation Matrix Contract 21-066 Road Resurfacing Works
This appendix is confidential in accordance with the Local Government Act 2020, s3(1) as it relates to (s3(1)(g,g(ii)).

CARRIED

The meeting was closed to members of the public at 10.14pm.

Procedural Motion

Moved: Cr Oxley

Seconded: Cr Saab

That the meeting be opened to members of the public

CARRIED

The meeting was opened to members of the public at 10.27pm.

The meeting closed at 10.27pm.

Confirmed.....

The Mayor 13 December 2021