

Minutes

Council Meeting

Monday, 24th May 2021



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**City of Kingston
Council Meeting**

Minutes

24 May 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 Tim Cochrane
Cr Tracey Davies
Cr Jenna Davey-Burns
Cr David Eden
Cr Chris Hill
Cr Cameron Howe
Cr George Hua
Cr Georgina Oxley

In Attendance: Tim Tamlin, Interim Chief Executive Officer
Mauro Bolin, General Manager Community Sustainability
Tony Ljaskevic, Acting General Manager Corporate Services
Samantha Krull, General Manager City Assets and Environment
Paul Marsden, Acting General Manager Planning and Development
Alfred Carnovale, Manager City Development
Phil De Losa, Manager Governance
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 Oxley

Seconded: Cr Davies

That the Minutes of the Council Meeting held on 26 April 2021, the Council Meeting held on 3 May 2021 and the Council Meeting held on 17 May 2021 be confirmed.

CARRIED

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

There were no Conflicts of Interest submitted to the meeting.

4. Petitions

4.1 KP-2020/691 - Lot 2 Clarinda Road, Oakleigh South (2 petitions)

4.2 Alex Avenue Moorabbin – Parking

4.3 Dog Beach Winter Schedule

Moved: Cr Saab

Seconded: Cr Oxley

That the petitions be referred to the CEO for response.

CARRIED

5. Presentation of Awards

Recognition of Achievement - Lynsey Gillies

6. Reports from Delegates Appointed by Council to Various Organisations

The Mayor Cr Staikos reported on his attendance with the Interim CEO at the MAV State Council meeting.

Moved: Cr Staikos

Seconded: Cr Oxley

That the delegate's report be received.

CARRIED

7. Question Time

Question time was held at 7.35pm. Refer to page 8 of the Minutes.

Block Resolution

Moved: Cr Davies

Seconded: Cr Cochrane

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

- 8.1 Town Planning Application Decisions - April 2021
- 9.2 Carrum Surf Life Saving Club Proposed Extension
- 10.1 Public Lighting Policy
- 10.2 Response to Resolution - Weekly Green Waste Collection
- 10.3 CON-21/020 - Provision of Litter Bin Collection Service
- 10.4. New Mulch Storage Facility at 206 Old Dandenong Road, Heatherton
- 11.1 Informal Meetings of Councillors
- 11.2 Quick Response Grants
- 11.3 Kingston Performance Report, January to March 2021 and Quarterly Financial Statements Report, March 2021
- 11.5 CEO and General Manager Expenses
- 11.6 VEC Local Government Elections Report - Kingston Council

CARRIED

8. Planning and Development Reports

8.1 Town Planning Application Decisions - April 2021

RECOMMENDATION

That the report be noted.

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

8.2 KP-2020/442 - 3-9 Alward Avenue, Clayton South

It is recorded that Peter Pascuzzi spoke on behalf of the applicant.

Moved: Cr Hill

Seconded: Cr Hua

That Council issue a Notice of Refusal to Grant a Permit to develop the land for twelve (12) dwellings, at 3 – 9 Alward Avenue, Clayton South, on the following grounds:

1. The proposal fails to meet the objectives and strategic directions of the Municipal Strategic Statement – Built Environment and Heritage contained at Clause 21.06 and Housing contained at Clause 21.07 of the Kingston Planning Scheme.
2. The proposal does not satisfy the requirements of Clause 22.06 – Residential Development Policy, of the Kingston Planning Scheme.

3. The proposal fails to satisfy all the requirements of Clause 55 of the Kingston Planning Scheme, including Clause 55.05-5 Solar Access to Open Space.
4. The proposal is not consistent with the purpose and objectives of the General Residential Zone Schedule 3 of the Kingston Planning Scheme.
5. The proposal represents an overdevelopment of the subject site providing an inappropriate response to local policy expectations and the character of the area.

CARRIED

8.3 Kingston Planning Scheme Amendment C168 - Environmental Audit Overlay

Cr Hill left the meeting at 7:29pm

Moved: Cr Oxley

Seconded: Cr Saab

That Council:

1. Request authorisation from the Minister for Planning to prepare Amendment C168 to the Kingston Planning Scheme to apply the Environmental Audit Overlay to 48 properties provided in Appendix 1 to this report.
2. Exhibit Amendment C168 to the Kingston Planning Scheme in accordance with the *Planning and Environment Act 1987* and should authorisation be granted by the Minister for Planning to prepare the amendment.

CARRIED

8.4 Response to Resolution - Coastline Commerce Digital Marketing Plan

Moved: Cr Howe

Seconded: Cr Bearsley

That consideration of this item be deferred until the June Council Meeting

CARRIED

8.5 Gazetting Dog Off Leash Areas

Cr Hill returned to the meeting at 7:32pm

Moved: Cr Staikos

Seconded: Cr Davies

That Council:

1. Resolve under section 26 of the Domestic Animals Act 1994 to designate dog off leash areas in the listed reserves below. The dog off leash areas in the reserves or part of the reserves will be identified by signs erected within the reserve. The signs may also display conditions limiting dog off leash times during organised sporting activities:
 - Amaroo Drive Reserve Chelsea Heights
 - Bald Hill Park Clayton South

- Bicentennial Park Chelsea
 - Bonbeach Sports Reserve Bonbeach
 - Browns Reserve Aspendale
 - Chadwick Reserve Dingley Village
 - Dales Park Reserve Oakleigh South
 - Derring Lane Cheltenham
 - Farm Road Reserve Cheltenham
 - George Woods Reserve Mordialloc
 - Glen Street Reserve Aspendale
 - GR Bricker Reserve Moorabbin
 - Heatherton Park Clayton South
 - Houghton Road/Orchid Street, Clayton South
 - Iluka Reserve Aspendale
 - Kevin Hayes Reserve Mordialloc
 - Kingston Heath Reserve Cheltenham
 - Le Page Park Cheltenham
 - Mavis Hutter Reserve Oakleigh South
 - Moorabbin Reserve Moorabbin
 - Namatjira Park Clayton South
 - Nurten Parade Reserve Aspendale Gardens
 - Reg Marlow Reserve Mentone
 - Roy Dore Reserve Carrum
 - Sir William Fry Reserve Cheltenham
 - Snowden Drive Cheltenham
 - Southern Road Reserve Mentone
 - Spring Road Reserve, Dingley Village
 - Swallow Reserve Dingley Village
 - Turner Road Reserve Highett
 - Walter Galt Reserve Parkdale
2. Revoke all previous Section 26 orders relating to dog off leash areas in the reserves listed in item 1 above.

CARRIED

Question Time

Shengqiong Wang asked,

“Question 1 - How did the Kingston council deliver a full detailed foreshore parking rule/policy to public or all the council’s residents or properties owners before 22 March 2021?”

Question 2 - According to the 26 April 2021 council meeting “Agenda Item No: 11.7 PARKING INFRINGEMENT REIMBURSEMENT SCHEME UPDATE”, the city council reimbursed lots of individuals who sought an internal review of a parking infringement, issued under the Infringements Act 2006, and were unsuccessful in having it overturned. It proves that the city council’s internal review procedure or guideline has big problem. In order to avoid, at least reduce the cost of do such reimbursements, it is very necessary to acknowledge the internal review procedure or guideline problem, and improve it. What’s the plan to improve it?”

Note: In accordance with Rule 39.6 of the Governance Rules, these questions will be responded to in writing as the questioner was not present in the gallery.

Bruce Duffy of Chelsea asked,

“Has the Council looked into the possible negative effects that the use of and the disposal of artificial lawn could have on the environment?”

The Interim CEO provided the following response:

“In April 2020 Council adopted its Urban Cooling Strategy. The strategy highlights scientific evidence of a link between the use of artificial turf and an associated increase in ground surface daytime temperatures. The strategy provides a range of objectives and actions which seek to increase vegetation cover and incorporate heat mitigation principles through the planning and building process. Given that artificial lawn is predominantly plastic, failing to separate and recycle artificial lawn will contribute to waste to landfill. Whilst historically it has been easier, and cheaper to dispose of artificial lawn to landfill, Council is committed to reducing waste to landfill and will work with contractors to ensure that waste materials are disposed of responsibly.”

Dylan Styles asked,

“If Kingston Council states that there is no place for discrimination based on age, gender, religion, race, disability, sexuality and gender identity, why is it that Kingston has a Prevention of Family Violence Action Plan that seeks to address gender equality issues, a Multicultural Action Plan, an Interfaith Committee, a Reconciliation Action Plan, a Positive Aging Plan, a Disability Action Plan and nothing for 11,000+ Kingston residents that identify as LGBTIQ+?”

The Interim CEO provided the following response:

“This matter will be the subject of discussion in Item 9.1.”

9. Community Sustainability Reports

9.1 Rainbow Tick Accreditation

Moved: Cr Saab

Seconded: Cr Oxley

That:

1. Council commit to seeking Accreditation which would include the following five elements:
 - Obtain Rainbow Tick accreditation;
 - Establish an LGBTIQ + advisory committee;
 - Develop an LGBTIQ + action plan;
 - Fly the rainbow flag;
 - Participate in the annual Pride March; and
2. The CEO review the deployment of existing resources to achieve the Rainbow Tick Accreditation within current budget allocations other than the one-off payment of \$28,099 required to undertake the three year Rainbow Tick Accreditation certificate
3. Council receive a report detailing any additional resources required if the CEO is unable to achieve the outcome in item 2 above without detracting from current service levels and outcomes.

Amendment

Moved Cr Davies

Seconded Cr Bearsley

That:

1. Subject to points 2 and 3, Council commit to seeking Accreditation which would include the following five elements:
 - Obtain Rainbow Tick accreditation;
 - Establish an LGBTIQ + advisory committee;
 - Develop an LGBTIQ + action plan;
 - Fly the rainbow flag;
 - Participate in the annual Pride March; and
2. The CEO review the deployment of existing resources to achieve the Rainbow Tick Accreditation within current budget allocations other than the one-off payment of \$28,099 required to undertake the three year Rainbow Tick Accreditation certificate;
3. Council receive a report detailing any additional resources required if the CEO is unable to achieve the outcome in item 2 above without detracting from current service levels and outcomes.

LOST

Procedural Motion

Moved: Cr Oxley

Seconded: Cr Davey-Burns

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

CARRIED

The Substantive Motion was put and CARRIED

A Division was Called:

DIVISION:

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

AGAINST: Nil (0)

ABSTAINED: Crs Hua, Cochrane and Howe (3)

CARRIED

9.2 Carrum Surf Life Saving Club Proposed Extension

RECOMMENDATION

That Council:

1. Endorse proceeding with the proposed extension of the Carrum Surf Life Saving Club, confirming the necessary budgetary allocation as a co-contribution towards project completion; and
2. Authorise officers to continue progressing the project, which includes:
 - informing the community;
 - detailed design development;
 - obtaining relevant statutory approvals;
 - developing future leasing/licencing arrangements for the redeveloped facility;
 - undertaking a public tender process; and
 - reporting to Council of the outcome of the tender process, once complete.

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

9.3 Highett Hub - Proposed Community Consultation

Moved: Cr Davey-Burns

Seconded: Cr Saab

That Council endorse a community consultation process to inform Kingston residents of the forecast shortfall of sessional kindergarten facilities in the Highett, Moorabbin and Cheltenham area and gauge interest in the provision of additional infrastructure in the form of an integrated early years 'Highett Hub'.

CARRIED

10. City Assets and Environment Reports

10.1 Public Lighting Policy

RECOMMENDATION

That Council:

1. Note the community feedback received on Council's draft Public Lighting Policy and the changes made in response to the feedback; and
2. Endorse the Public Lighting Policy attached in Appendix 3 of this report.

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

10.2 Response to Resolution - Weekly Green Waste Collection

RECOMMENDATION

That Council:

1. Note the information in this report;
2. Maintain the current fortnightly green waste collection frequencies, including over the summer months; and
3. Receive a further report in late 2021 that provides a 12-month review of the Food Organic Garden Organic service and recommendations to further divert food waste from landfill, including bin collection frequency options.

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

10.3 CON-21/020 - Provision Of Litter Bin Collection Service

RECOMMENDATION

That Council:

1. Note the information outlined in the report;
2. Delegate authority to the Chief Executive Officer to award Contract No. 21/020 – Provision of Litter Bin Collection Service as a Schedule of Rates Contract to Total Waste Solutions at their tendered rates based upon Council's anticipated

work quantities for a total initial 5 year term estimated price of \$2,200,000 ex GST subject to annual rise and fall from 1 July 2021 to 30 June 2026 with two one-year optional contract extensions; and

3. Authorise the Chief Executive Officer, or delegated authority, to execute the two one-year optional contract extensions subject to satisfactory performance.

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

10.4 New Mulch Storage Facility at 206 Old Dandenong Road Heatherton

RECOMMENDATION

That Council receive a report on the New Mulch Storage Facility at 206 Old Dandenong Road Heatherton no later than the August 2021 Council Meeting.

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

10.5 Response to Resolution - The Need to Locate Vegetation Offsets Locally

Moved: Cr Oxley

Seconded: Cr Saab

That:

1. Council receive the report on the response to Notice of Motion 39/2019 – “The Need to Locate Vegetation Offsets Locally” no later than the August 2021 Council Meeting;
2. Officers collate all Council resolutions in relation to tree canopy cover and tree plantings (including street trees, Council trees in parks and reserves, and trees on private land) as part of this report and provide responses to these;
3. Officers provide options in this report for increasing tree canopy cover in the City of Kingston and providing for increased plantings and 3:1 replacement plantings in consultation with Councillors and the Public Spaces and Environment Advisory Committee. Further that replacement plantings will be over and above any offsets as required by any legislation or permit requirements.

Cr Hua left the meeting at 8:29pm

Cr Hua returned to the meeting at 8:36pm

CARRIED

11. Corporate Services Reports

11.1 Informal Meetings of Councillors

RECOMMENDATION

That Council receive the report.

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

11.2 Quick Response Grants

RECOMMENDATION

That Council approve the following Quick Response Grant application:

- Acacia Avenue Pre School

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

11.3 Kingston Performance Report, January to March 2021 and Quarterly Financial Statements Report, March 2021

RECOMMENDATION

That Council receive the:

1. Kingston Performance Report, January to March 2021; and
2. Quarterly Financial Statements Report, March 2021.

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

11.4 Mayoral and Councillor Allowances

Moved: Cr Bearsley

Seconded: Cr Saab

That Council, in accordance with section 74 of the Local Government Act 1989 (the Act) set the Mayoral allowance at \$100,434 and the Councillor Allowance of \$31,427.65 within the Category 3 Council range, plus an amount equivalent to the superannuation guarantee contribution

Cr Eden left the meeting at 8:49pm

Cr Eden returned to the meeting at 8:50pm

CARRIED

11.5 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.

11.6 VEC Local Government Elections Report - Kingston Council

RECOMMENDATION

That Council receive the report.

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

12. Notices of Motion

12.1 Notice of Motion No. 8/2021 - Cr Oxley - Scout Halls

Moved: Cr Oxley

Seconded: Cr Davey-Burns

That:

1. Officers provide a report no later than the July Council Meeting on the additional works that have been requested at the 7th Cheltenham Scout Hall on Argus Street and the Aspendale Scout Hall at Browns Lane. The report is to include estimated costs of the works and any additional budget allocations that may be required;
2. The Community Buildings team be thanked for their work on the Scout Halls DDA compliance project, particularly through the challenges of COVID-19.

CARRIED

12.2 Notice of Motion No. 9/2021 - Cr Oxley - Disc Golf in Bicentennial Park

Moved: Cr Oxley

Seconded: Cr Davies

That officers provide a report considering the temporary installation of 3-4 disc golf baskets at Bicentennial Park for a trial period in spring 2021.

Further that the trial period be used to gauge the interest of locals as to whether a permanent disc golf course could be erected at Bicentennial Park.

CARRIED

13. Urgent Business

There were no items of urgent business.

14. Confidential Items

Moved: Cr Oxley

Seconded: Cr Davies

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 Property Matter

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

- it is private commercial information, being information provided by a business, commercial or financial undertaking, and because it is private commercial information, being information provided by a business, commercial or financial undertaking that if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage (section 3(1)(g) and (g(ii))), and
- the report includes information relating to the trading conditions of a Council tenant that if released would unreasonably disadvantage the tenant..

Confidential Appendices

10.2 Response to Resolution - Weekly Green Waste Collection

Appendix 1, Financial Information NOM 45-2020 Confidential Attachment

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

10.3 CON-21/020 - Provision Of Litter Bin Collection Service

Appendix 1, CON 21 020 - Tender Evaluation Matrix - Summary

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

CARRIED

The meeting was closed to members of the public at 9.11pm.

Procedural Motion

Moved: Cr Howe

Seconded: Cr Hua

That the meeting be opened to members of the public.

CARRIED

The meeting was opened to members of the public at 9.21pm.

The meeting closed at 9.21pm.

Confirmed.....

The Mayor 28 June 2021