

Minutes

Council Meeting

Wednesday, 27th January 2021



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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: Julie Reid, Chief Executive Officer
Mauro Bolin, General Manager Community Sustainability
Darryn Paspas, Acting General Manager Corporate Services
Samantha Krull, General Manager City Assets and Environment
Paul Marsden, Acting General Manager Planning and Development
Jaclyn Murdoch, Manager Planning and Development
Alfred Carnovale, Planning Appeals Coordinator
Keshia West, Media and Communications Advisor
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 Davey-Burns

Seconded: Cr Oxley

That the Minutes of the Council Meeting held on 14 December 2020 be confirmed.

CARRIED

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

Cr Oxley foreshadowed a declaration of a conflict of interest in Item 8.1.

Cr Eden foreshadowed a declaration of a conflict of interest in Item 8.1.

The CEO, Julie Reid foreshadowed a declaration of a conflict of interest in Item 14.1.

4. Petitions

**4.1 Petition - Reopen and Upgrade McIndoe Parade / Elm Grove, Parkdale
Pedestrian Crossing**

Moved: Cr Cochrane

Seconded: Cr Davies

That the petition be referred to the CEO for response.

CARRIED

4.2 Extend Carrum Foreshore Boardwalk

Moved: Cr Howe

Seconded: Cr Oxley

That the petition be referred to the CEO for response.

CARRIED

5. Presentation of Awards

The Mayor and Councillors acknowledged the contributions of outgoing CEO Julie Reid.

6. Reports from Delegates Appointed by Council to Various Organisations

There were no delegates' reports.

7. Question Time

Question Time was held at 8.58pm. Refer to page 19 of the Minutes

Block Resolution

Moved: Cr Davies

Seconded: Cr Hill

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

- 9.1 Policy Amendment - Environmentally Sustainable Design for Community Buildings
- 9.2 Community Grants Policy Review
- 10.1 CON-20/116 - Contract Award Dolamore Reserve Athletics Track Renewal
- 10.2 Endorsement of Applications to the State Government's World Game Facilities Fund and Community Cricket Programs 2020/2021
- 10.4 Contract 20/099 - Minor Asphalt Works
- 11.1 Audit and Risk Committee Minutes - 16 December 2020

CARRIED

8. Planning and Development Reports

8.1 KP-2016/171/A - 101A, 101, 103, 105 & 107 Collins Street Mentone - VCAT Amended Plans Position Sought

Cr Oxley declared a general conflict of interest in this item as her grandmother will be a future resident of the proposed facility and left the meeting at 7.18pm prior to any discussion on the matter.

Cr Eden declared a general conflict of interest in this item due to his relationship with Cr Oxley and the situation with her grandmother being a future resident of the proposed facility and left the meeting at 7.18pm prior to any discussion on the matter.

Moved: Cr Hill

Seconded: Cr Cochrane

That Council:

- 1. Note the changes proposed in the attached 'VCAT Amended Plans' provided by Mercy Aged and Community Care Limited which have generally addressed the changes sought through the interim VCAT Order.
- 2. Make a submission to VCAT noting that Council maintains its objection to the proposed 4 storey development.

CARRIED

Cr Oxley returned to the meeting at 7.22pm

Cr Eden returned to the meeting at 7.22pm

8.2 Tree Removal Application at 1 Glennie Avenue, Oakleigh South - PT-2020/500

Moved: Cr Saab

Seconded: Cr Davies

That Council support grant of Local Law Permits for those trees outlined in Section 2 of this report where the Recommendation is to remove pursuant to the assessment criteria contained within Clause 42 of the Community Local Law and provide for replacement planting at a ratio of up to 3:1 for each tree proposed to be removed.

CARRIED

8.3 KP-2020/115 - 43 Golden Avenue Chelsea

It is recorded that Brian Keefe spoke on behalf of the applicant.

It is recorded that Barbara Beaumont spoke on behalf of objectors.

Moved: Cr Oxley

Seconded: Cr Eden

That Council determine to support the proposal and issue a Notice of Decision to Grant a Permit for the development of land for five (5) dwellings at 43 Golden Avenue, Bonbeach, subject to the following conditions:

1. Before the development starts amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be substantially in accordance with the advertised plans prepared by 'Planning & Design P/L', project no. 6429 drawing no. TP-01 and TP-02, dated 10/07/2020, submitted to Council on 17/07/2020, but modified to show:
 - a) The total garden area remaining compliant with the minimum required 35% as a result of any changes from condition 1.
 - b) Windows added to the west-facing kitchen walls of Dwelling 2 and 3 and to the south-facing bedroom 2 wall of Dwelling 5 to improve surveillance along the common driveway and designed to have minimum sill heights of no less than 1.4 metre above the finished surface level of the driveway.
 - c) Sensor lighting provided to the visitor car parking space and designed to have limited light pollution into adjoining Dwelling 2 and 3.
 - d) External screening to address overlooking for upper level windows, nominated as being permanently fixed with no more than 25% transparency.
 - e) A diagram of the external screening showing dimensions, materiality and demonstrating compliance with the standard requirements of B22 under Clause 55.04-6.
 - f) The part of the notation on the material schedule specifying obscured glazing to have a "...maximum transparency of 25%..." deleted.
 - g) The rainwater tanks nominated as having a minimum capacity of 2000L and

- connected for toilet flushing.
- h) The minimum finished floor level of the proposed buildings (habitable areas) and garages must be nominated at 2.69m and 2.54m to AHD, respectively.
 - i) Access designed to ensure all vehicles exiting the garages of Dwelling 1 and 3 can do so in no more than a 3-point turn in accordance with AS/NZS 2890.1.
 - j) Provision of a longitudinal section of the reverse fall driveway with levels and grades to AHD, and designed in accordance with Clause 52.06 of the Kingston Planning Scheme.
 - k) The internal driveway setback at least 500 millimetres from the side boundary at the front property boundary.
 - l) The surface material of all driveways / accessways and car parking spaces to be nominated in all-weather coloured concrete sealcoat or similar or permeable paving.
 - m) The location of all externally-located heating and cooling units, exhaust fans and the like, clearly shown and located in accordance with condition 22.
 - n) The provision of a full colour palette, finishes and building materials schedule for all external elevations, front fencing and driveways of the development.
 - o) the provision of a landscape plan in accordance with the submitted development plan and with such plans to be prepared by a suitably qualified landscape professional to the satisfaction of the Responsible Authority and incorporating:
 - i. A planting schedule of all proposed trees and shrubs, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant with all plants chosen to be to the satisfaction of the Responsible Authority;
 - ii. A survey, including, botanical names of all existing trees to be retained or removed on the site including Tree Protection Zones for trees to be retained calculated in accordance with AS4970-2009;
 - iii. A survey including botanical names, of all existing trees on neighbouring properties where the Tree Protection Zones of such trees calculated in accordance with AS4970-2009 fall partially within the subject site;
 - iv. The delineation of all garden beds, paving, grassed area, retaining walls, fences and other landscape works;
 - v. A range of plant types from ground covers to large shrubs and trees, provided at adequate planting densities (e.g. plants 1 metre width at maturity planted 1 metre apart); with the species chosen to comprise of a minimum 80% coastal indigenous species by plant type and total quantities;
 - vi. The provision of at least three (3) native canopy trees capable of growing to minimum mature dimensions of 12 metres in height and 7 metres in width to be planted within the front setback of the property, with the species chosen to be approved by the Responsible Authority;
 - vii. The provision of one (1) canopy tree capable of growing to minimum mature dimensions of 8 metres in height and 5 metres in width to be

- planted within the secluded private open space of Unit 1, 2, 3 and 4, with the species chosen to be approved by the Responsible Authority;
- viii. All trees provided at a minimum of 2 metres in height at time of planting, medium to large shrubs to be provided at a minimum pot size of 200mm;
 - ix. The provision of notes regarding site preparation, including the removal of all weeds, proposed mulch, soil types and thickness, subsoil preparation and any specific maintenance requirements; and
 - x. The location of any tree protection measures including for street trees accurately drawn to scale and labelled as per the endorsed Tree Management Plan.
- p) The location of tree protection measures illustrated to scale and labelled on the Ground Floor Plan as per the endorsed Tree Management Plan.
 - q) Any changes as required by Conditions 3 and 4.

Endorsed Plans

- 2. The development as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.

Trees to be retained

- 3. The retention of the *Leptospermum laevigatum* (Coast Teatree) located in the north-west corner of the property.

Vegetation Management

- 4. Concurrent with the endorsement of plans, a Tree Management Plan must be submitted to and be endorsed by the Responsible Authority and incorporating:
 - a) A Tree Protection Plan (scale drawing) with a notation referring to the Tree Management Plan must provide details of:
 - i. The Tree Protection Zone and Structural Root Zone, calculated in accordance with AS4970-2009, for all trees to be retained on the site and for all trees on neighbouring properties where the Tree Protection Zone falls partially within the subject site.
 - ii. Tree protection fencing, or ground protection where required, provided in accordance with AS4970-2009.
 - iii. Stages of development at which inspections are required to ensure tree protection measures are adhered to must be specified.
 - iv. Appropriate signage on any tree protection fencing prohibiting access, excavation, changes in soil levels, or any storage within the Tree Protection Zone in accordance with AS4970-2009 unless with the prior written consent and under the direct supervision of the consulting arborist.
 - v. Maintenance of the area(s) within the Tree Protection Zone in accordance with AS4970-2009.
 - vi. Any pruning to be undertaken being in accordance with AS4373-2007.
 - b) A Tree Management Plan (written report) must be prepared by a suitably qualified arborist, with reference the Tree Protection Plan and provide

details of:

- i. Proposed footings and construction methods for any buildings or structures within the Tree Protection Zone nominated on the Tree Protection Plan.
 - ii. How excavation impacts, including soil level changes, on trees to be retained will be managed.
 - iii. How the canopy of trees nominated on the Tree Protection Plan will be protected.
 - iv. Any other measures required to demonstrate the successful ongoing retention and viability post-construction of any trees nominated on the Tree Protection Plan.
5. All protection measures identified in the Tree Management Plan must be implemented, and development works undertaken on the land must be undertaken in accordance with the Tree Management Plan, to the satisfaction of the Responsible Authority.
6. Prior to the commencement of works, the name and contact details of the project arborist responsible for implementing the Tree Management Plan must be submitted to the Responsible Authority.

Street tree

7. Tree Protection Fencing is to be established around the street trees prior to demolition and maintained until all works on site are complete.
- a) The fencing is to be a 1.8 metre high temporary fence constructed using steel or timber posts fixed in the ground or to a concrete pad, with the fence's side panels to be constructed of cyclone mesh wire or similar strong metal mesh or netting.
 - b) The fencing is to encompass the entire nature strip with each end 3 metres from the base of the tree.

Drainage and Water Sensitive Urban Design

8. Unless with the prior written consent of the Responsible Authority, before the development commences, the following Integrated Stormwater Management documents must be prepared, by a suitably qualified person, to the satisfaction of the Responsible Authority.
- a) Stormwater Management/drainage (drainage) Plan(s) must be prepared, with supporting computations, showing the stormwater (drainage) works to the nominated point of discharge. The plan(s) must show all details of the proposed stormwater (drainage) works including all existing and proposed features that may have impact on the stormwater (drainage) works, including landscaping details.
 - b) The Stormwater Management (drainage) Plan must address the requirements specified within Council's "Civil Design requirements for Developers – Part A: Integrated Stormwater Management".
 - c) A STORM modelling report with results demonstrating water sensitive urban design treatments that achieve Victorian best practice objectives with a minimum 100% rating must be provided as part of the Stormwater Management (drainage) Plan to the satisfaction of the Responsible Authority. These may include the use of an infiltration or bio-retention system, rainwater tanks connected for reuse, or other treatments to the

satisfaction of the Responsible Authority.

- d) The water sensitive urban design treatments as per conditions 8 a), b) and c) above must be implemented on-site, unless an alternative agreement for stormwater quality in-lieu contribution is reached with the Responsible Authority.
9. Stormwater/drainage works must be implemented in accordance with the approved stormwater management/drainage plan(s) and to the satisfaction of the Responsible Authority including the following:
- a) All stormwater/drainage works must be provided on the site so as to prevent overflows onto adjacent properties.
 - b) The implementation of stormwater/drainage detention system(s) which restricts stormwater discharge to the maximum allowable flowrate of 12.1L/s.
 - c) All stormwater/drainage works must be maintained to the satisfaction of the Responsible Authority.

Sustainable Design Assessment

10. Concurrent with the endorsement of the plans required pursuant to Condition 1 of this permit, the provision of a Sustainable Design Assessment (SDA) substantially in accordance with the SDA prepared by 'Melbourne Energy Rating Pty. Ltd.' dated 30 June 2020 must be submitted to and approved by the Responsible Authority. The SDA must include, but is not limited to, detailing initiatives for stormwater harvesting, insulation, building materials, daylighting, collective rainwater tanks and/or individual rainwater tanks, public and private landscape irrigation and car washing, energy efficient concepts, glazing and internal ventilation and the like.
11. All works must be undertaken in accordance with the endorsed Sustainable Design Assessment to the satisfaction of the responsible authority. No alterations to the SDA may occur without the written consent of the Responsible Authority.

Construction Management Plan

12. Prior to the commencement of any buildings and works on the land, a Construction Management Plan (CMP), to the satisfaction of the Responsible Authority, must be submitted to and approved by the Responsible Authority. The CMP must be prepared in accordance with the City of Kingston Construction Management Policy and Construction Management Guidelines. The CMP must specify and deal with, but is not limited to, the following elements:
- a. Public Safety, Amenity and Site Security
 - b. Traffic Management
 - c. Stakeholder Management
 - d. Operating Hours, Noise and Vibration Controls
 - e. Air Quality and Dust Management
 - f. Stormwater and Sediment Control
 - g. Waste and Materials Re-use

When approved, the plan will be endorsed and will then form part of the permit and shall thereafter be complied with during the undertaking of all works.

Cultural Heritage Management Plan

13. The works hereby approved must be carried out in accordance with the approved Cultural Heritage Management Plan No. 17218 prepared by AKWP Heritage Advisors and approved by the Director Heritage Services Aboriginal Victoria, acting under authority delegated by the Secretary, Department of Premier and Cabinet on 30 October 2020.

Infrastructure and Road Works

14. Vehicle crossings must be constructed at a 90 degree alignment with the kerb on Golden Avenue and all internal driveways must align with the existing/proposed vehicle crossing.
15. Any relocation of pits/power poles or other services affected by this development must be relocated to the satisfaction of the relevant servicing authority and the Responsible Authority, at the cost of the owner/developer.
16. Property boundary and footpath levels must not be altered without the prior written consent form the Responsible Authority.
17. All reinstatements and vehicle crossings must be constructed to the satisfaction of the Responsible Authority.
18. The replacement of all footpaths, including offsets, must be constructed to the satisfaction of the Responsible Authority.
19. Vehicle crossings must be constructed to council's industrial strength specifications unless otherwise approved by the Responsible Authority.
20. Any redundant vehicle crossings must be removed (including redundant portions of vehicle crossings) to the satisfaction of the Responsible Authority.

General amenity conditions

21. All works on or facing the boundaries of adjoining properties must be finished and surface cleaned to a standard that is well presented to neighbouring properties in a manner to the satisfaction of the Responsible Authority.
22. All externally-located heating and cooling units, exhaust fans and the like must not be located adjacent to bedroom windows on adjoining properties and must not be located where they will be highly visible from any public area to the satisfaction of the Responsible Authority.
23. All piping, ducting above the ground floor storey of the development (other than rainwater, guttering and downpipes) must be concealed to the satisfaction of the Responsible Authority.

Completion of Works

24. Prior to the occupation of the dwellings hereby permitted, all buildings and works and the conditions of this permit must be complied with to the satisfaction of the Responsible Authority, unless with the further prior written consent of the Responsible Authority.
25. Prior to the occupation of the dwellings hereby permitted, the landscaping works as shown on the endorsed plans must be completed to the satisfaction of the Responsible Authority. Thereafter, the landscaping shall be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced.

Expiry

26. This permit as it relates to development (buildings and works) will expire if one of

the following circumstances applies:

- a. The development is not started within two (2) years of the issue date of this permit.
- b. The development is not completed within four (4) years of the issue date of this permit.

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: Environment Protection Authority (EPA) Victoria set out the requirements pertaining to site construction hours and permissible noise levels.

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

Note: The applicant/owner must provide a copy of this planning permit to any appointed Building Surveyor. It is the responsibility of the applicant/owner and Building Surveyor to ensure that all building development works approved by any building permit is consistent with the planning permit.

Note: The applicant/owner must provide a copy of this planning permit and any endorsed plans to any external contractor to ensure that all trees to be retained on site are protected during any works.

Note: Before removing / pruning any vegetation from the site, the applicant or any contractor engaged to remove any vegetation, should consult Council's Vegetation Management Officer to verify if a Local Laws Permits is required for the removal of such vegetation.

Note: Any landscape plan prepared in accordance with conditions must comply with Council's Landscape Checklist.

Note: The allocation of street numbering and addressing of properties is vested in Council. Any reference to addressing or dwelling/unit/apartment and street numbers or street names on any endorsed plan is indicative only. The onus is on the Permit Applicant/Land Owner to contact Council's Property Data Department to determine the official dwelling/unit/apartment street numbers, street name details and the like for the approved development.

If the Permit Applicant/Land Owner adopts the street numbering or addressing from the endorsed plans, or where advertising and/or sales transact (off the plan) prior to Council's official allocation of the street numbering and addressing, it will be viewed to be non-compliant with the guideline and standard applied (Australian/New Zealand Standard for Rural & Urban Addressing / AS/NZS 4819:2011).

Note: The owner(s), occupiers and visitors of the development allowed by this permit may not be eligible for Council resident or visitor parking permits.

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

Note: The property is subject to flooding as per recently prepared flood map of the area. The applicable flood level for the subject site for 1 in 100 year ARI is 2.39m Australian Height Datum (AHD).

CARRIED

8.4 KP-2020/462 - 66 Golden Avenue, Bonbeach

It is recorded that Duncan Van Rooyen spoke on behalf of the applicant.

Moved: Cr Oxley

Seconded: Cr Davey-Burns

That Council issue a Notice of Refusal to Grant a Permit for the development of six (6) dwellings, subdivision of the land into six (6) lots and associated works in accordance with the submitted plans at 66 Golden Avenue, Bonbeach, on the following grounds:

1. The proposal fails to comply with relevant local planning policies contained within of the Kingston Planning Scheme.
2. The proposal results in excessive visual bulk and massing to the detriment of the local neighbourhood character.
3. The proposal fails to achieve consistency and is not compatible with the existing neighbourhood character of the established surrounding residential area.
4. The proposal fails to comply with relevant following objectives and standards of Clause 55 of the Kingston Planning Scheme (ResCode):
 - Clause 55.02-1 – Neighbourhood Character
 - Clause 55.02-2 – Residential Policy
 - Clause 55.03-1 – Street Setback
 - Clause 55.03-5 – Energy Efficiency
 - Clause 55.03-7 – Safety
 - Clause 55.03-9 – Access
 - Clause 55.03-10 – Parking Location
 - Clause 55.04-6 – Overlooking
5. The proposal represents an overdevelopment of the subject site providing an inappropriate response to local policy expectations and the existing and preferred character of the area having regard to the incremental housing change (and General Residential Zone – Schedule 3) expected given the double storey dwellings to the rear of the site and number of dwellings proposed for the site.
6. The proposal fails to satisfy all the requirements of Clause 55 of the Kingston Planning Scheme (ResCode), the following clauses:
 - Clause 55.02-1 Neighbourhood Character Objective (Standard B1)
 - Clause 55.02-2 Residential Policy Objective (Standard B2)
 - Clause 55.03-1 Street Setback Objective (Standard B6)
 - Clause 55.06-4 Site Services Objectives (Standard B34)

CARRIED

8.5 Victorian Civil and Administrative Tribunal Process for Mediated Outcomes

Moved: Cr Oxley

Seconded: Cr Eden

That Council:

1. Adopt the new process for managing VCAT mediated outcomes where Officers are not otherwise delegated, as per the process outlined under Option 1 of this report, with the inclusion of the relevant Ward Councillor of objector parties to the original planning application.
2. Support the new process being formalised in Council's Planning Delegation Policy

This covers the following:

- A minimum two Councillors (Mayor and ward Councillor)
- Deputy Mayor (where the Mayor is the ward Councillor)
- If original advertising of the application was across multiple wards, then the relevant ward Councillor in addition to the above.
- The relevant Councillor of the ward of where objector parties to the original planning application reside in addition to the above

CARRIED

9. Community Sustainability Reports

9.1 Policy Amendment - Environmentally Sustainable Design for Community Buildings

RECOMMENDATION

That Council:

1. Endorse the 2020 revision of the ESD (Environmentally Sustainable Design) Policy for Community Buildings.
2. Acknowledge that revision of the ESD Policy for Community Buildings is an essential element of organisation wide response to the declared Climate and Ecological Emergency.

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

9.2 Community Grants Policy Review

RECOMMENDATION

That Council:

1. Note the important role of the Community Grants Program in promoting and maintaining a strong and socially connected community.
2. Approve the draft Community Grants Policy 2021-2025.

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

9.3 CON-20/115 Chadwick Reserve Pavilion - Award of Contract

Moved: Cr Hua

Seconded: Cr Davies

That Council:

1. Receive the information and note the outcome of the tender assessment process for Contract 20/115 Chadwick Reserve Pavilion construction, as set out in the confidential Appendix A of this report.
2. Delegate authority to the CEO to award Contract 20/115 – Chadwick Reserve Pavilion construction for the final adjusted fixed lump sum price of \$3,195,602.00 (excl. of GST) to 2Construct Pty Ltd.
3. Approve the allocation of a separate contingency allocation, as set out in the attached confidential Appendix B and delegate authority to the CEO, or her nominee, to expend this allowance to ensure the successful completion of the project.

CARRIED

10. City Assets and Environment Reports

10.1 CON-20/116 - Contract Award Dolamore Reserve Athletics Track Renewal

RECOMMENDATION

That Council:

1. Note the outcome of the tender evaluation process for Contract 20/116 – Dolamore Reserve Athletics Track Renewal, as set out in the attached confidential appendices;
2. Delegate authority to the CEO to award Contract No 20/116 – Dolamore Reserve Athletics Track Renewal to Polytan Asia Pacific Pty Ltd for a final adjusted lump sum cost of \$1,263,622 (ex GST), inclusive of track widening, plus an additional 20% contingency allocation;
3. Delegate authority to the CEO, or her nominee, to approve the award of Club requested optional items as part of Contract No 20/116 up to maximum of \$75,013 (ex GST).
4. Fund the tender shortfall up to \$303,624 (ex GST) inclusive of the club requested optional items from across Open Space Reserves should State

Government support not be available, shared between areas 4, 6, and 7 at 20%, 60%, and 20% respectively, given the regional nature of the athletics facility, from the 2021/22 capital budget.

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

10.2 Endorsement of Applications to the State Government's World Game Facilities Fund and Community Cricket Programs 2020/2021

RECOMMENDATION

That Council:

1. Endorse the submission of the following projects as applications to the State Government's World Game Facilities and Community Cricket Program 2020/21 funding programs:
 - a) World Game Facilities – Soccer field drainage upgrades at Keeley Park, Clayton South;
 - b) World Game Facilities – Soccer field facility upgrades and safety works at Edithvale Recreation Reserve, Edithvale;
 - c) Community Cricket Program – Cricket oval drainage upgrades at Jack Grut Reserve, Mordialloc; and
2. Commit to providing funding in the 2021/22 Council Budget and Long-Term Financial Plan to meet its financial contribution to the endorsed projects.

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

10.3 Lease Parkdale Yacht Club

Moved: Cr Cochrane

Seconded: Cr Davies

That Council:

1. Publish, in accordance with section 190 of the Local Government Act 1989, notice of its intention to grant a lease/licence to the Parkdale Yacht Club Inc for an initial term of seven years plus two options, each of seven years, at a commencing rental of \$4,592 pa plus GST for that part of the facility shown on Appendix 1;
2. Invite submissions on Council's proposal that will be considered in accordance with section 223 of the Local Government Act 1989;
3. Appoint a section 223 committee comprising Cr Steve Staikos, Cr Tim Cochrane, Cr Hadi Saab, General Manager City Assets & Environment, Manager Property & Arts, and the Team Leader Property Services, on 17 March 2021 to hear any submissions lodged in response to the public notice should any submitter request to be heard in support of the submission, and report back to Council on any submissions;
4. Authorise the CEO or her delegate to grant a lease to The Parkdale Yacht Club on the advertised terms in the event that there are no submissions lodged in

response to the public notice; and

5. Grant a seven-year licence to the Girl Guides Victoria Inc. and to the Beach Patrol Australia Inc. respectively for that part of the facility shown on Appendices 2 and 3 at commencing licence fees of \$104 plus GST per annum.

CARRIED

10.4 Contract 20/099 - Minor Asphalt Works

RECOMMENDATION

That:

1. Council delegate authority to the CEO to award Contract No 20/099 Minor Asphalt Works on a Schedule of Rates basis (subject to annual CPI adjustments) to Prestige Paving Pty Ltd up to an annual amount in line with Council's Infrastructure Maintenance Budget and available budgets for some minor Capital Works, but not exceeding \$1.4M in any financial year, for an initial three year period commencing on 1 March 2021.
2. Authorise the Chief Executive Officer or their delegate to execute this contract and award two further two-year options subject to the contractor's satisfactory performance.

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

11. Corporate Services Reports

11.1 Audit and Risk Committee Minutes - 16 December 2020

RECOMMENDATION

That the minutes of the Audit & Risk Committee meeting held on 16 December 2020 be noted.

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

11.2 Appointment of Acting Chief Executive Officer

Moved: Cr Staikos

Seconded: Cr Oxley

That Council, in accordance with Section 44(4) of the Local Government Act 2020 appoint Paul Franklin be appointed as the Acting Chief Executive Officer with all statutory and delegated powers, duties and functions of the Chief Executive effective 13 February 2021 until the Interim Chief Executive is appointed.

Further that the salary package of the Acting CEO be equal to that of the current Chief Executive Officer.

CARRIED

12. Notices of Motion

12.1 Notice of Motion No. 1/2021 - Cr Howe - Coastline Commerce Digital Marketing Plan

Moved: Cr Howe

Seconded: Cr Bearsley

That:

- Feedback be sought from traders regarding the implementation of a commerce digital marketing plan for our coastline from branding to communication, with the intention of increasing revenue lines of hospitality and recreational operators of the Patterson River corridor north to Mentone.
- Such information should be detailed within an officer report prepared for consideration of Councillors by autumn, including outlining and comparing potential options of implementation.

Procedural Motion

Moved: Cr Saab

Seconded: Cr Davey-Burns

That consideration of this matter be deferred to allow for discussion at a Councillor Information Session or Big Ideas Workshop.

LOST

Amendment

Moved: Cr Eden

Seconded: Cr Oxley

That:

- Feedback be sought from traders regarding the implementation of a commerce digital marketing plan for our coastline from branding to communication, with the intention of increasing revenue lines of hospitality and recreational operators of the Patterson River corridor north to Mentone.
- Such information should be detailed within an officer report prepared for consideration of Councillors by autumn, including outlining and comparing potential options of implementation.
- A preliminary scoping document be presented to Councillors around viable options for economic development and promotion of Kingston-based businesses and industry at an upcoming Councillor Information Session and at the Big Ideas Workshop.

The Amendment was accepted by the Mover and Seconder

Amendment

Moved: Cr Oxley

Seconded: Cr Howe

That:

1. A preliminary scoping document be presented to Councillors around viable options for economic development and promotion of Kingston-based businesses and industry at an upcoming Councillor Information Session and at the Big Ideas Workshop;
2. After this scoping session and incorporating feedback from Councillors, feedback be sought from traders regarding the implementation of a commerce digital

marketing plan for our coastline from branding to communication, with the intention of increasing revenue lines of hospitality and recreational operators of the Patterson River corridor north to Mentone;

3. As part of this report, officers consider the involvement of and engage with Natalie from the Kingston Collective and Claire from Support Small Kingston VIC; and
4. Such information be detailed within an officer report prepared for the consideration of Councillors by autumn, including outlining and comparing potential options of implementation.

Cr Davies left the meeting at 8.51pm

Cr Davies returned to the meeting at 8.53pm

The Amendment was put and CARRIED

The Amendment became the Motion

The Substantive Motion was put and CARRIED

Question Time

Geoff Barlow of Brighton East asked,

“The Mentone Athletics Club, Mentone Masters and Mentone Little Athletics are very happy with your decision tonight to accept a tender for the reconstruction of the Dolamore Mentone Athletics track. We thank the Councillors and staff for the good work. We will be pleased to hear when the project will likely commence.”

The CEO provided the following response:

“The project is expected to commence in March 2021.”

Cr Hua left the meeting at 8:58pm

Cr Oxley left the meeting at 8:58pm

12.2 Notice of Motion No. 2/2021 - Cr Howe - Applications of Significant Public Interest

Moved: Cr Howe

That officers prepare a report for consideration and discussion at the next available Council Meeting. This officer report should explore the following:

- Kingston City Council develops a planning and development process for applications of significant public interest, with the intention of protecting Kingston's reputation and improving stakeholder relations outcomes.
- That the CEO agree upon the definition of significant public interest
- Such applications would be subject to a higher standard of communication and public relations, including but not limited to influencer outreach, offensive/defensive PR strategies, advertising communication and response period modifications, along with briefing contact persons (i.e. Councillors, customer service) prior to advertising

- Applications may be designated as being of significant public interest, prior to or during advertising by the CEO or a delegate of the CEO; or if three or more signatures of Councillors designate the application as a significant public interest and this is presented to the CEO.

LAPSED for want of a Seconder

12.3 Notice of Motion No. 3/2021 - Cr Davies - Kingston Heath Reserve

Cr Oxley returned to the meeting at 9:00pm

Moved: Cr Davies

Seconded: Cr Davey-Burns

That with reference to the Council resolution at the Council Meeting on the 24 August 2020, item number 10.3 Kingston Heath Reserve - Hockey and Baseball Needs Analysis Update (Councillor Workshop Item 10.17), Council note that point 1 of the resolution is complete. In relation to point 4, Council note that the election period has now concluded, and that the future of the Delta Site will take quite some time to be determined. Given the pressing needs of the local hockey and baseball clubs for a timely decision, the following matter be brought forward.

Further that Council resolve that:

1. Officers commence Stage 2 - Facility Analysis and Site Assessment Investigations for hockey and baseball facilities; and
2. Council receive a report on the findings of Stage 2 and provides direction on the next steps including future sporting and recreation needs, site recommendations, concept development, funding options, prior to undertaking community and stakeholder consultation.
3. The Stage 2 report identify any spaces that would be taken from public parkland for the use of sporting clubs (which may prevent public passive open space usage) and provide:
 - a) recommendations on how to increase, if possible, open space levels in the immediate area by the same amount and/or;
 - b) recommendations on how to preserve public access of such areas and allow sporting usage (i.e. as is the case for baseball at Kingston Heath Reserve)
 - c) an estimate of market value of the land proposed for the sporting facility that is being built or constructed

Cr Hua returned to the meeting at 9:03pm

Cr Hill left the meeting at 9:04pm

Cr Hill returned to the meeting at 9:07pm

CARRIED

A Division was Called:

DIVISION:

FOR: Crs Bearsley, Eden, Hua, Staikos, Cochrane, Davey-Burns, Hill,
Howe, Saab and Davies (10)

AGAINST: Cr Oxley (1)

CARRIED

12.4 Notice of Motion No. 4/2021 - Crs Saab & Davies - Suburban Rail Loop

Moved: Cr Saab

Seconded: Cr Davies

Following the announcement of the Delta land on the Sandbelt Parkland (also known as the Chain of Parks) as the State Government's preferred location for the rail stabling yard needed for the Suburban Rail Loop we move that Council writes to the Premier, Daniel Andrews, Suburban Rail Loop Authority, the Minister for Planning, Richard Wynne, the Minister for Energy, Environment and Climate Change, Lily D'Ambrosio and the Minister for Transport and Infrastructure, Jacinta Allan to advise them that:

- Council absolutely rejects and expresses its disappointment with the government's proposed location of the stabling yard, acknowledging the distress and concern for which our community has responded to the announcement on land that was long earmarked for the chain of parks.
- The preservation of the, Sandbelt Open Space Chain of Parks project in the Kingston Green Wedge is fundamentally important to the Kingston Council and community and to the wider South East Melbourne, for which this has for five decades been planned to provide regional parkland.
- Council requests that the Government formally acknowledge Council as a key stakeholder and requests that they engage further on key decisions that will impact City of Kingston residents.

Further that Council:

1. Undertake to work towards identifying an alternative site for the stabling yard to be put forward to the Suburban Rail Loop Authority.
2. Call on the Suburban Rail Loop Authority and the State Government to conduct a proper and meaningful information and consultation process with the Cheltenham, Heatherton and Clarinda communities prior to any final decision on the site.
3. Request that the State Government work closely with Council and the community, in particular the directly affected local residents of Cheltenham, Heatherton and Clarinda, to ensure their needs and concerns are adequately represented and to recognise that the proposed station, the Sir William Fry Reserve and the Rail Stabling Yard have much wider implications and flow-on adverse impacts to surrounding residents in and beyond the City of Kingston.
4. Undertake, through the Environmental Effects Statement process, to recognise and articulate the concerns and issues raised by the community about the current proposed location and its damaging impact on the natural environment including the local flora and fauna and on the amenity of surrounding residents.
5. Recognise the historic struggle undertaken by residents and by Councillors to

protect this site from inappropriate development including from putrescible landfill and a concrete crusher.

6. Crucially, will do its best to ensure that the Sandbelt Open Space, Chain of Parks concept incorporated into the planning scheme in 1994, emphasised in the Kingston Green Wedge Management Plan of 2012, and the Chain of Parks Masterplan adopted by Council in 2020 will be delivered as originally intended.
7. Call on the State Government to deliver on their \$25 million 2018 election commitment to deliver the Kingston Green Wedge Chain of Parks starting with the immediate purchase of the Delta and Henry Street sites for parkland.
8. As a key stakeholder, Council has and will continue to provide detailed site-specific information and advice to the State Government in particular through the Environmental Effects Statement process, and will advocate for the project to be subject to a full EES for all stages of the project without exemptions.
9. Will invite Premier Daniel Andrews and Ministers Jacinta Allan, Lily D'Ambrosio and Richard Wynne for a site tour of the Delta parkland site and of the Chain of Parks and requests a meeting with the ministers and the Suburban Rail Loop Authority CEO.
10. Note community concerns on the closure of Old Dandenong Road and will seek State Government confirmation that any site to be finally used by the Suburban Rail Loop will not impact on access between Clarinda and Heatherton.

CARRIED unanimously

13. Urgent Business

Moved: Cr Howe

Seconded: Cr Bearsley

That an item of Urgent Business be considered in relation to applications of significant interest (previously tabled as Item 12.2)

CARRIED

Applications of Significant Public Interest

Moved: Cr Howe

Seconded: Cr Bearsley

That officers prepare a report for consideration and discussion at the April Council Meeting. This officer report should explore the following:

- Kingston City Council develops a planning and development process for applications of significant public interest, with the intention of protecting Kingston's reputation and improving stakeholder relations outcomes.
- That the CEO agree upon the definition of significant public interest.
- Such applications would be subject to a higher standard of communication and public relations, including but not limited to influencer outreach, offensive/defensive PR strategies, advertising communication and response period modifications, along with briefing contact persons (i.e. Councillors, customer service) prior to advertising.

- Applications may be designated as being of significant public interest, prior to or during advertising by the CEO or a delegate of the CEO; or if three or more signatures of Councillors designate the application as a significant public interest and this is presented to the CEO.

CARRIED

Procedural Motion

Moved: Cr Bearsley

Seconded: Cr Saab

That the meeting be extended for 30 minutes until 10.30pm

CARRIED

14. Confidential Items

Moved: Cr Oxley

Seconded: Cr Hua

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 Confidential - CEO Employment Matters

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, and 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)(e) and (f)), and
- The explanation as to why the specified ground/s applies is the item is legal privileged information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs (section 3(1)(e) and (f)).

The explanation as to why the specific ground/s applies is that it deals with personal information and legal advice.

Confidential Appendices

9.3 CON-20/115 Chadwick Reserve Pavilion - Award of Contract

Appendix 1, CON-20_115 Tender Evaluation Matrix 2 - POST INTERVIEW

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

9.3 CON-20/115 Chadwick Reserve Pavilion - Award of Contract

Appendix 2, Chadwick Financials - Appendix to Council Report.pdf

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

9.3 CON-20/115 Chadwick Reserve Pavilion - Award of Contract

Appendix 3, OHS Compliance Certificate

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

**10.1 CON-20/116 - Contract Award Dolamore Reserve Athletics Track Renewal
Appendix 1, CON-20/116 Dolamore Athletics Track Renewal - Tender
Evaluation Report**

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

**10.1 CON-20/116 - Contract Award Dolamore Reserve Athletics Track Renewal
Appendix 2, Appendix 2 - Dolamore Athletics Track Project Financial Summary**

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

**10.4 Contract 20/099 - Minor Asphalt Works
Appendix 2, Tenders Day Rates Pricing CON 20-099**

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

**10.4 Contract 20/099 - Minor Asphalt Works
Appendix 3, Tender Evaluation Matrix**

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

**10.4 Contract 20/099 - Minor Asphalt Works
Appendix 4, Tenders Pricing CON 20-099**

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

**10.4 Contract 20/099 - Minor Asphalt Works
Appendix 5, Tenders Calculation Totals CON 20-099**

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 9.55pm.

Procedural Motion

Moved: Cr Oxley

Seconded: Cr Hill

That the meeting be opened to members of the public

CARRIED

The meeting was opened to members of the public at 10.02pm.

The meeting closed at 10.02pm.

Confirmed.....

The Mayor 22 February 2021