

# Minutes

## Council Meeting

Monday, 25th October 2021



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The meeting commenced at 7.04pm via the Zoom platform and live streamed.

**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  
Tony Ljaskevic, General Manager Corporate Services  
Samantha Krull, General Manager City Assets and Environment  
Jonathan Guttman, General Manager Planning and Development  
Mark Patterson, Acting General Manager Community Sustainability  
Tracey Cheeseman, Manager Communications and Community Relations  
Ange Marshall, Manager Finance and Corporate Performance  
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 Hua**

**Seconded: Cr Davies**

That the Minutes of the Council Meeting held on 27 September 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**

Nil

5. **Presentation of Awards**

**Statement of Condolence – David Van Pelt**

Cr Davey-Burns acknowledged the contributions of David Van Pelt following his recent passing.

**Recognition of Interim CEO**

The Mayor, Cr Staikos acknowledged the service and contribution of Interim CEO Tim Tamlin.

6. **Reports from Delegates Appointed by Council to Various Organisations**

Nil

7. **Question Time**

**Moved: Cr Saab**

**Seconded: Cr Oxley**

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

**CARRIED**

Question Time was held at 7.11pm

Cr Cochrane arrived at 7.12pm

**Michelle Hornstein of Heatherton asked,**

*“Will the Mayor and Council, when submitting the strategy for the Minister’s authorisation, provide an attachment that includes the 1600+ submission documentation, thereby ensuring that the state government sees the volume of community engagement on this issue?”*

**The Interim CEO provided the following response:**

*“Thank you for your question which we understand to relate to Item 8.1 on tonight’s agenda regarding the Housing Strategy and Neighbourhood Character Study. A public report was presented to the Council as part of Item 8.2 to the Ordinary Council Meeting on the 9<sup>th</sup> December, 2019 and this can be submitted to the State Department of Environment, Land, Water and Planning when submitting the Amendment request. Council will also include a copy of the submissions received. Should the Amendment be authorised by the Planning Minister it will include a further formal process of public consultation.”*

**Dylan Styles of Edithvale asked,**

*“Can you please adopt the new Housing Strategy plans for a detailed consultation but do not adopt or ask the Minister to authorise the Planning Scheme Amendment that would set the present draft strategy in stone?”*

**The Interim CEO provided the following response:**

*“Council is now at the stage of the process whereby it has undertaken a very significant amount of community consultation. The next stage of the process as outlined in the Report before Council tonight which is to seek the Authorisation from the Minister for Planning to commence a Planning Scheme Amendment. This will allow Council to determine whether the Minister is supportive of the direction of the Housing Strategy progressing to a Planning Scheme Amendment for further*

consultation. The Planning Scheme Amendment, if authorised, will then go through a formal further exhibition process as required under the Planning and Environment Act 1987 and any submissions received may be referred to an Independent Planning Panel for consideration and advice then provided back to Council. Council will then need to consider the Panel Report prior to presenting the final form of the Amendment to the Minister for Approval. It is not until the Minister has approved the Planning Scheme Amendment that the Housing Strategy and Neighbourhood Character Guidelines are as Mr Styles puts it “set in stone”.

**Alex Breskin of Mentone asked,**

“To offer reasonable time for residents to find out about their changes and absorb the details of the housing strategy, what is stopping Council sending the letters to the Kingston Community immediately upon receiving authorisation from the Minister and not waiting until February - assuming the plan is that it will be signed off by December or early January?”

**The Interim CEO provided the following response:**

“As outlined under Section 3.3.5 of the Report before Council tonight at Item 8.1 a very substantial process of community engagement is planned should the Planning Minister provide authorisation for a Planning Scheme Amendment. This will require a significant amount of work in developing communications material including letters to individual property owners and a custom designed website to provide both local and neighbourhood information to interested property owners and occupiers. Council has been providing periodic updates to over 4,000 residents who have registered an interest through the Your Kingston Your Say platform. Pending the view of Council, we will provide a further update once the position of the Minister is known with respect to authorising the Amendment.”

**Alex Cunningham of Chelsea asked,**

“What time frame are you proposing between preparing the letters, sending them, giving AusPost time to deliver, and time for people to read and discuss them with their communities before closing off feedback deadlines?”

**The Interim CEO provided the following response:**

“As outlined in Section 3.3.5 of the Report before Council tonight at Item 8.1, a period of 6 weeks exhibition of the Amendment is proposed on the basis it is supported for authorisation by the Minister for Planning. The exact timing for the exhibition to commence is dependent on a range of factors so it is difficult to state at this stage exactly when this will occur. The logistics in relation to matters associated with the exhibition will be further considered including timeframes associated with preparing letters, sending them and ensuring people have sufficient time to read and discuss the letters. As indicated in the response to Mr. Breskin, Council will be providing an update to over 4,000 people who have registered to be kept informed regarding this project.”

**Rosemary West of Edithvale asked,**

“1. Please can Council allow at least three months for consultation on the new Housing Strategy plans, to include a letter to each resident to let them know what Council is planning and how it will affect their neighbourhoods, with maps to show how the new draft strategy compares with the current prevailing housing styles and with the housing strategy adopted by Council but refused by the Minister for Planning in 2020.

2. Please can council also call a breakfast meeting with the Kingston MLAs and ask them to advocate on behalf of the community and Council and to ask the Planning Minister and other relevant Ministers to support Council and community by:

- a) Supporting a housing strategy that accords with the wishes and best interests of the Kingston community and protects our present one-and-two-storey areas

- b) *Abandoning plans to take planning powers away from Councils for areas within 1.6k of the SRL stations*
- c) *Abandoning plans to investigate areas for high density development within 800m of stations in neighbourhood activity centre especially on the foreshore and former Carrum Carrum Swamp low-lying areas;*
- d) *Moving the SRL train yard to an industrial zone, or at least an area that does not impact on the proposed regional Sandbelt Parklands or our existing market gardens.”*

**The Interim CEO provided the following response:**

*“As outlined in Section 3.3.5 of the report before Council at Item 8.1, a period of six weeks’ exhibition of the Amendment is proposed on the basis it is support for authorisation for the Minister for Planning. The six-week period aligns with the resolution of Council on the 5th August, 2020 from the adjourned 27<sup>th</sup> July, 2020 Council Meeting. The report on tonight’s Council Meeting, outlines the manner in which feedback will be provided to property owners regarding the planning scheme amendment. Ms. West’s suggestion regarding engagement with Members of the Legislative Assembly is a matter for the Mayor and Councillors.”*

**Antony Falkingham of Mentone asked,**

*“What is happening with the Sport and Recreation Reference Group? There has been no communication to it members for 12 months. Despite the challenges of COVID, most commercial and community organisations have still able to operate and communicate through online platforms like Zoom, why can’t Council reference groups? It makes you know how genuine and sincere Council is on consultation with the Kingston community.”*

**The Interim CEO provided the following response:**

*“Council is committed to genuine consultation with our community and during Covid implemented a number of online consultation activities for projects, strategies and plans. The Sport and Recreation Committee is currently being reviewed together with other Advisory Committees following a Council report and resolution at the June 2021 meeting. The terms of reference of all Advisory Committees will be reviewed to reflect Council priorities in accordance with the new Council Plan to be considered by Council at this meeting tonight listed on the Agenda at Item 11.1.”*

**En Bloc Resolution**

**Moved: Cr Davey-Burns**

**Seconded: Cr Saab**

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

- 8.3 Climate Council Cities Power Partnership - Proposed Membership
- 8.4 Updated Nature Strip Guidelines
- 8.6 SECCCA Draft Strategic Plan
- 8.7 Aviation Industry Support Policy
- 9.1 Parent First Aid - Outcomes of Pilot
- 9.2 Gambling Action Plan 2021-2025
- 9.4 CON-21/060 Elonera Kindergarten Modular Facility Project - Award of Contract
- 9.5 Back Your Neighbour Phase 4
- 10.1 Sport & Recreation Victoria - World Game Facilities Fund 2021-22

- 10.2 Draft Bonbeach Sports Reserve Master Plan Consultation Findings and Adoption
- 10.3 Update on the Implementation of the Food Organics and Garden Organics Service
- 10.4 Land Exchange Agreement - Horscroft Place Moorabbin
- 10.5 Regents Park Pavilion - Community Consultation Outcomes
- 11.5 Naming of Places Policy
- 11.8 Kingston City Council's Audit and Risk Committee Bi-Annual Report
- 11.9 Audit and Risk Committee Minutes - 15 September 2021
- 11.10 Re-appointment of External Member to the Audit Committee - Bruce Potgieter
- 11.12 Council Instrument of Delegation - Council to Members of Council
- 11.13 Quick Response Grants
- 11.14 Informal Meetings of Councillors

**CARRIED**

## **8. Planning and Development Reports**

### **8.1 Housing Strategy & Neighbourhood Character Study**

**Moved: Cr Saab**

**Seconded: Cr Davies**

That Council:

1. Note the attached correspondence from the Minister for Planning (Appendix 1).
2. Adopt the amended Kingston Housing Strategy and Neighbourhood Character Study, 2021, Ethos Urban (Appendix 2).
3. Adopt the amended Kingston Landscape Character Assessment: Character Analysis and Landscape Guidelines 2021, Hansen (Appendix 3).
4. Abandon Amendment C157, noting that C157 which proposes changes to the Schedule 1 of the Design and Development Overlay, is being incorporated into the current Amendment.
5. Request authorisation from the Minister for Planning to prepare a Planning Scheme Amendment in accordance with the *Planning and Environment Act 1987* to implement the Housing Strategy & Neighbourhood Character Study and Kingston Landscape Character Assessment.
6. Exhibit the Planning Scheme Amendment in accordance with the *Planning and Environment Act 1987* should authorisation be granted by the Minister for Planning to prepare the amendment.
7. Endorse the community engagement program to be undertaken during a proposed 6 week exhibition period as outlined under Section 3.3.5 of this report.
8. Note that a further report will be presented to Council following the close of the exhibition period upon review of the submissions received.

**CARRIED**

9. Request a report be brought back to Council outlining priority locations within the municipality which will undergo significant urban renewal whereby scope for enhancements to the design of streetscapes to facilitate walking and cycling,

enhanced landscape treatments and urban cooling be prioritised.

10. Seek to make amendments to the appropriate sections of the proposed Schedules 1 and 3 to Residential Growth Zone and Design and Development Overlay 25 to require that appropriate consideration be given to the successful integration of new development by providing enhancements to the nature strip and where possible road space to build upon the objectives of Council's Landscape Character Guidelines for these areas.
11. Seek to include Council's Urban Cooling Strategy – Creating a Cool Kingston (April 2020) as a Background Document or Policy Reference in the appropriate sections of the Planning Scheme Amendment.

**CARRIED**

12. Seek to modify the proposed Planning Scheme Amendment by removing the intended Schedule to the Design and Development Overlay 1 from the following properties at 497 to 513 Station Street and 2 and 8 Village Lane and 8 and 10 Joyce Street, Carrum.
13. Seek to include in the proposed Planning Scheme Amendment the land at 8 and 10 Joyce Street and 2 and 8 Village Lane, Carrum in a Mixed-Use Zone and make any consequential required changes to the Carrum Activity Centre Policy and Framework Plan.

**CARRIED**

**A Division was Called:**

**DIVISION:**

**FOR:** Crs Staikos, Bearsley, Cochrane, Davey-Burns, Davies, Howe and Hua (7)

**AGAINST:** Crs Eden and Oxley (2)

**ABSTAINED:** Crs Saab and Hill (2)

**CARRIED**

14. Ensure that the exhibition and community engagement program as outlined under Section 3.3.5 of the report is sufficiently resourced to ensure all aspects including the 'one on one' conversations and email responses to residents can occur during the exhibition period.
15. Seek to include in the proposed Planning Scheme Amendment all properties from the western side of Elizabeth Street, Mentone between Patty Street, Mentone and Collins Street Mentone in the Neighbourhood Residential Zone.

**CARRIED**

**Procedural Motion**

**Moved: Cr Oxley**

**Seconded: Cr Davey-Burns**

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

**CARRIED**

**Procedural Motion**

**Moved: Cr Bearsley**

**Seconded: Cr Davies**

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

**CARRIED**



**Procedural Motion**

**Moved: Cr Hua**

**Seconded: Cr Cochrane**

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

**CARRIED**

**Procedural Motion**

**Moved: Cr Saab**

**Seconded: Cr Hill**

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

**CARRIED**

**Procedural Motion**

**Moved: Cr Bearsley**

**Seconded: Cr Davies**

That Cr Davey-Burns be granted an extension of time to speak on the matter.

**CARRIED**

**Procedural Motion**

**Moved: Cr Hill**

**Seconded: Cr Davies**

That the Mayor, Cr Staikos be granted an extension of time to speak on the matter.

**CARRIED**

**Note:** It was requested by Cr Oxley and agreed to by the Chairperson that parts 1-8, parts 9-11, parts 12-13 and parts 14-15 of the Motion be put to the vote separately.

**Procedural Motion**

**Moved: Cr Oxley**

**Seconded: Cr Davies**

That Standing Orders be suspended.

**CARRIED**

The Interim CEO responded to an additional question.

**Pat Tilley asked:**

*“Will the Council now develop a plan for consultation that includes for example; open meetings, ward meetings and provide options for how the community can get information that is accessible and in plain English, provide summaries that are easy to understand. Instead of the current model that is through the website and the proposed letter to residents.”*

**The Interim CEO provided the following response:**

*“The Council has tonight just completed considering a report at agenda item 8.1 which outlines a significant consultation process at Section 3.3.5 of the report. This section outlines substantial opportunities for community input should the work be authorised for exhibition of the amendment. Council is mindful of how it communicates the Amendment and the importance of trying to use ‘plain English’ to describe complex planning matters. The website and letters will not be the only form of engagement with residents. Questions I have responded to tonight also reinforced the opportunity for members of the community to meet directly with Council Officers to clarify any questions they may have during the period the Amendment is on exhibition if authorised.”*

**Procedural Motion**

**Moved: Cr Oxley**

**Seconded: Cr Hill**

That Standing Orders be resumed.

**CARRIED**

**8.2 Southern Metro Land Use Framework Plan**

**Moved: Cr Hill**

**Seconded: Cr Cochrane**

That Council endorse the attached submission (Appendix 1) to be provided to DELWP, commenting on the draft Southern Metro Land Use Framework Plan and include the Highett and Parkdale areas into the comments in Paragraph 3 regarding Chapter 5 Housing Choice.

Cr Cochrane left the meeting at 8.42pm

Cr Cochrane returned to the meeting at 8.44pm

**CARRIED**

**8.3 Climate Council Cities Power Partnership - Proposed Membership**

**RECOMMENDATION**

That Council join the Cities Power Partnership.

**Note:** Refer to page 6 of the Minutes where this item was block resolved.

**8.4 Updated Nature Strip Guidelines**

**RECOMMENDATION**

That Council approve the updated Nature Strip Guidelines for community consultation.

**Note:** Refer to page 6 of the Minutes where this item was block resolved.

**8.5 Outdoor Dining Activations – Footpath Permits and Parklets**

**Moved: Cr Cochrane**

**Seconded: Cr Davey-Burns**

That Council:

1. Endorse the draft Parklet Policy and allow for community consultation during February/March 2022;
2. Receive a further report following the consultation process and the finalisation of the Parklet Policy that summarises the feedback received and any amendments made;
3. Commence a process to extend parklet permits to 3 April 2022, and where required obtain necessary approval from the Department of Transport, in the following locations:
  - a. Mordialloc Cellar Door (collaboration of businesses), 624 and 626 Main Street, Mordialloc
  - b. Siesta Café, 600 Main Street, Mordialloc
  - c. Chilled @Mordi, 598 Main Street, Mordialloc
  - d. Comma Food and Wine Bar, 2 Station Street, Moorabbin
  - e. Hawker Bar, 292 Highett Road, Highett
  - f. Hot Lips Hacienda and Matteos Pizza, 4-6 Railway Parade, Highett
  - g. Lorenzo's Café and Pizzeria, 138 Station Street, Aspendale
4. In March 2022, consider a further extension of parklet permits to 30 June 2022 subject to a satisfactory compliance review and where adjoining business support is confirmed;
5. Seek and consider expressions of interest from interested businesses for seasonal parklets; and
6. Waive all licence fees for Footpath Activities Permits until 31 July 2022.

Cr Oxley left the meeting at 8.49pm

Cr Oxley returned to the meeting at 8.51pm

**CARRIED**

**8.6 SECCCA draft Strategic Plan**

**RECOMMENDATION**

That Council note the refreshed South East Councils Climate Change Alliance Strategic Plan and provide direction to its delegates to finalise the development of the 2021-2024 Strategic Plan.

**Note:** Refer to page 6 of the Minutes where this item was block resolved.

**8.7 Aviation Industry Support Policy**

**RECOMMENDATION**

That Council:

1. Write to the Moorabbin Airport Chamber of Commerce and Industry and outlines:
  - a. Opportunities for a Council representative(s) to potentially participate in a more formalised manner with the MACCI; and
  - b. Business support and networking opportunities the Kingston Business Team, are able to facilitate through Council programs for interested MACCI members.
2. Formulate a draft Aviation Industry Support Policy following engagement with MACCI and associated aviation stakeholders to be presented to Council for consideration by the February 2022 Council Meeting.
3. Continue to ensure the interests of the MACCI are appropriately recognised as part of the current development of the draft Moorabbin Airport Masterplan.

**Note:** Refer to page 6 of the Minutes where this item was block resolved.

**8.8 Parkdale Station – Heritage Assessment**

**Moved: Cr Cochrane**

**Seconded: Cr Hill**

That Council:

1. Request the Minister for Planning to use his power under Section 20(4) of the Planning and Environment Act 1987 to prepare, adopt and approve Amendment C194 to the Kingston Planning Scheme, to apply an interim Heritage Overlay to the Parkdale Station buildings.
2. Seek authorisation from the Minister for Planning to immediately prepare an amendment to apply a permanent Heritage Overlay to the Parkdale Station buildings if an interim heritage control is granted, and that once authorisation is received, prepare and exhibit the amendment.
3. Advocate through UDAP and to the State Government for the restoration of the station buildings and their full repurposing by the relevant State Government Agency within the new station precinct.
4. Engage a suitably qualified heritage consultant to investigate the potential State Heritage significance of Parkdale Station and subject to the findings of that assessment, prepare:
  - a) The necessary justification to inform a Nomination for an Interim Protection Order and Permanent Listing on the Victorian Heritage Register;
  - b) Write to Heritage Victoria and/or the Heritage Council of Victoria requesting an Interim Protection Order be applied Parkdale Station and subject to this process;
  - c) Write to Heritage Victoria and/or the Heritage Council of Victoria nominating Parkdale Station be included on the Victorian Heritage Register on a permanent basis.
5. Write to LXP to advise them of this resolution.

**CARRIED**

**9. Community Sustainability Reports**

**9.1 Parent First Aid - Outcomes of Pilot**

**RECOMMENDATION**

That Council:

1. Receive this report noting:
  - a) There are a range of existing providers offering courses of different structures and price points;
  - b) Council has not received any notification from the community indicating that there is an unmet demand for parent first aid training, or that courses currently offered were not accessible;
  - c) The state government has recently deployed new-born first aid and CPR awareness videos which are implemented by Maternal & Child Health services in first time parenting education programs.
2. In recognition of item 1 above, recognise that the demand for parent first aid training is currently being met by existing service providers.
3. Continue to be vigilant in supporting our community to identify any future service gaps and take appropriate action.

**Note:** Refer to page 6 of the Minutes where this item was block resolved.

**9.2 Gambling Action Plan 2021-2025**

**RECOMMENDATION**

That Council approve and adopt the Gambling Action Plan 2021-2025.

**Note:** Refer to page 6 of the Minutes where this item was block resolved.

**9.3 Adoption of the Public Health and Wellbeing Plan**

**Moved: Cr Davey-Burns**

**Seconded: Cr Saab**

That Council endorse the recommended changes and adopt the Public Health and Wellbeing Plan 2021-2025.

**CARRIED**

**9.4 CON-21/060 Elonera Kindergarten Modular Facility Project - Award of Contract**

**RECOMMENDATION**

That Council:

1. Receive the information and note the outcome of the tender assessment process for Contract 21/060 – Elonera Pre-School project, as set out in confidential Appendix 1 attached to this report.
2. Award Contract 21/060– Elonera Pre-School project for the final adjusted fixed lump sum price of \$1,059,786.00 (exclusive of GST) to Insight Construction Group Pty Ltd.
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.
4. Note the allocation of funds from N0929 - Children's Services Notional Allocation, to supplement the grant funding from the Victorian School Building Authority (VSBA) as referenced in section 3.6 of this report and in Confidential Appendix 2 attached.

**Note:** Refer to page 6 of the Minutes where this item was block resolved.

**9.5 Back Your Neighbour Phase 4**

**RECOMMENDATION**

That Council support the Taskforce's Phase 4 of the Back Your Neighbour Campaign with a contribution of \$5,000 and Incorporate the Back Your Neighbour Campaign into the update of Council's Multicultural Action Plan.

**Note:** Refer to page 6 of the Minutes where this item was block resolved.

**10. City Assets and Environment Reports**

**10.1 Sport & Recreation Victoria - World Game Facilities Fund 2021-22**

**RECOMMENDATION**

That Council:

1. Endorse the upgrade of sportsground lighting at Kingston Heath Regional Soccer Complex, for application to the State Government's 2021/22 World Game Facilities Fund; and
2. Commit to providing funding of up to \$125,000 in the 2022/23 Council Budget and Long-Term Financial Plan to meet the financial contribution.

**Note:** Refer to page 6 of the Minutes where this item was block resolved.

**10.2 Draft Bonbeach Sports Reserve Master Plan Consultation Findings and Adoption**

**RECOMMENDATION**

That Council:

1. Note the consultation input and feedback to the draft Bonbeach Sports Reserve Master Plan;
2. Adopt the Bonbeach Sports Reserve Master Plan (as set out as Appendix 1);
3. Refer the funding for the implementation of the Bonbeach Sports Reserve Master Plan to the development of future Council budgets and Long Term Financial Plan; and
4. Commence advocacy for funding from Federal and State Governments towards the implementation of the Bonbeach Sports Reserve Master Plan.

**Note:** Refer to page 6 of the Minutes where this item was block resolved.

**10.3 Update on the Implementation of the Food Organics and Garden Organics Service**

**RECOMMENDATION**

That Council:

1. Note the information provided in the report;
2. Endorse to maintain the existing kerbside waste bin collection frequencies until 30 June 2023;
3. Receive a further report in 2022 that includes:
  - a) Information on the status and performance of weekly Food Organic Garden Organic services in metropolitan Melbourne Councils along with any opportunities for Council to increase diversion from landfill;
  - b) Potential for a universal waste charge for residential properties with a Council kerbside waste service;
  - c) The results of an education campaign and community consultation process on future service options; and
  - d) Recommendations on future service options.

**Note:** Refer to page 6 of the Minutes where this item was block resolved.

**10.4 Land Exchange Agreement - Horscroft Place Moorabbin**

**RECOMMENDATION**

That Council:

1. Having given public notice under sections 189/223 of the Local Government Act 1989 and not receiving any submissions, approve and execute the Land Exchange Agreement with Horscroft Pty. Ltd. for part of the land addressed as 2 Horscroft Place Moorabbin 3189 (Council's Land) with part of the land addressed as 4 Horscroft Place Moorabbin 3189 (Adjoining Owner's Land as shown on the Land Exchange Plan attached as Appendix 1 in this report; and
2. Authorise the Chief Executive Officer to act on behalf of Council to:
  - Execute the Land Exchange Agreement, and
  - Sign the Land Transfer giving effect to the Land Exchange Agreement.

**Note:** Refer to page 6 of the Minutes where this item was block resolved.

**10.5 Regents Park Pavilion - Community Consultation Outcomes**

**RECOMMENDATION**

That Council:

1. Note the community engagement feedback on the proposed new pavilion at Regents Park, Aspendale;
2. Endorse the concept plan for the new pavilion at Regents Park, Aspendale, as set out as Appendix 2 and 3;
3. Endorse the commencement of further design development, statutory approvals and procurement processes for the development of a new pavilion at Regents Park, Aspendale; and
4. Note the increase in the cost plan estimate and receive a further report and cost plan prior to tender.

**Note:** Refer to page 6 of the Minutes where this item was block resolved.

**11. Corporate Services Reports**

**11.1 Adoption of the Council Plan**

**Moved: Cr Davey-Burns**

**Seconded: Cr Hill**

That Council adopt the Council Plan 2021-25.

**CARRIED**



**11.2 Adoption of the Financial Plan 2021-22 to 2030-31**

**Moved: Cr Davey-Burns**

**Seconded: Cr Saab**

That Council:

1. Adopt the Financial Plan 2021-22 to 2030-31; and
2. Authorise the Manager Finance and Corporate Performance to make any changes to the Financial Plan as a result of this resolution, including minor and/or administrative wording and grammar changes if required.

**CARRIED**

**11.3 Adoption of the 2021-22 Revised Budget**

**Moved: Cr Hill**

**Seconded: Cr Davies**

That Council:

1. Adopt the 2021-22 Revised Budget; and
2. Authorise the Manager Finance and Corporate Performance to make any changes to the Revised Budget as a result of this resolution, including minor and/or administrative wording and grammar changes if required.

**CARRIED**

**11.4 Annual Report 2020/21**

**Moved: Cr Staikos**

**Seconded: Cr Howe**

That Council consider the 2020/21 Annual Report in accordance with the *Local Government Act 1989* and Regulation 22 of the *Local Government (Planning and Reporting) Regulations 2014*.

**CARRIED**

**11.5 Naming of Places Policy**

**RECOMMENDATION**

That Council adopt the Naming of Places Policy.

**Note:** Refer to page 6 of the Minutes where this item was block resolved.

**11.6 Community Local Law Review**

**Moved: Cr Hill**

**Seconded: Cr Cochrane**

That Council:

1. Having considered the Proposed Local Law as presented in Appendix 2 that responds to Council's resolution of 26 July 2021 (as detailed in the report);
2. Seek a further report to be presented to the November Council Meeting that reviews clauses under "Part 9 – Fire" with consideration of, but not limited to, the following matters:
  - a) burning of offensive materials
  - b) requirement for a permit to light a fire on private property in the open air unless the fire is lit
    - in a purpose-built or constructed barbeque, grill, pizza oven, chiminea, brazier or similar for the purpose of cooking food;
    - in a brazier, chiminea or purpose built or portable fire pit constructed of fire resistant materials while its being used for heating; or
    - for a religious or cultural ceremony
  - c) removal of the 3 metres restriction for solid fuel barbecues, pizza ovens, etc
  - d) ban the use of incinerators
  - e) power to extinguish a fire in breach of the local law
  - f) ensuring all necessary steps are taken to prevent fires on a property and to minimise the possibility of the spread of fire from a property to another property.

**CARRIED**

Cr Eden left the meeting at 9.26pm and did not return.

**11.7 Governance Committee**

**Moved: Cr Oxley**

**Seconded: Cr Saab**

That Council:

1. Adopt the Governance Committee Terms of Reference; and
2. Appoint the Mayor, the Deputy Mayor, Councillor Oxley and Councillor Davey-Burns to the committee.

**CARRIED**

**11.8 Kingston City Council's Audit and Risk Committee Bi-Annual Report**

**RECOMMENDATION**

That Council notes the Bi-Annual Report from the Audit and Risk Committee.

**Note:** Refer to page 6 of the Minutes where this item was block resolved.

**11.9 Audit and Risk Committee Minutes - 15 September 2021**

**RECOMMENDATION**

That Council note the minutes of the Audit & Risk Committee meetings held on 18 August and 15 September 2021.

**Note:** Refer to page 6 of the Minutes where this item was block resolved.

**11.10 Re-appointment of External Member to the Audit Committee - Bruce Potgieter**

**RECOMMENDATION**

That Council re-appoint Mr Bruce Potgieter as an external member of the Audit Committee for a term to expire on 30 September 2024.

**Note:** Refer to page 6 of the Minutes where this item was block resolved.

**11.11 Chief Executive Officer Employment and Remuneration Policy**

**RECOMMENDATION**

That Council:

1. Adopt the Chief Executive Officer Employment and Remuneration Policy contained in Appendix 1; and
2. Establish the CEO Employment Matters Committee in accordance with the Chief Executive Officer Employment and Remuneration Policy.

**Note:** Refer to page 6 of the Minutes where this item was block resolved.

**11.11 Chief Executive Officer Employment and Remuneration Policy**

**Moved: Cr Staikos**

**Seconded: Cr Davies**

That Council:

1. Adopt the Chief Executive Officer Employment and Remuneration Policy contained in Appendix 1;
2. Establish the CEO Employment Matters Committee in accordance with the Chief Executive Officer Employment and Remuneration Policy;
3. Appoint the Mayor, Deputy Mayor, Cr Davies and Cr Oxley to the CEO Employment Matters Committee for 2021/22
4. Note:
  - a) The CEO Employment Matters Committee will recommend to Council the preferred candidate for the appointment of Independent member of the Committee (in accordance with Clause 5.2.2 of the Policy)
  - b) The CEO Employment Matters Committee will recommend to Council the preferred independent professional consultant to support the Council with regard to the employment and management of the CEO (in accordance with Clause 5.1 of the Policy).

**CARRIED**

**11.12 Council Instrument of Delegation - Council to Members of Council**

**RECOMMENDATION**

1. That in the exercise of the powers conferred by the legislation referred to in the attached instrument of delegation, Kingston City Council (Council) resolves that –
  - 2.1 There be delegated to the members of Council staff holding, acting in or performing the duties of the offices or positions referred to in the attached *Instrument of Delegation to members of Council staff*, the powers, duties and functions set out in that instrument, subject to the conditions and limitations specified in that Instrument.
  - 2.2 The instrument comes into force immediately on the resolution of Council.
  - 2.3 On the coming into force of the instrument all previous delegations to members of Council staff (other than the Chief Executive Officer) are revoked.
  - 2.4 The duties and functions set out in the instrument must be performed, and the powers set out in the instruments must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt.

**Note:** Refer to page 6 of the Minutes where this item was block resolved.

**11.13 Quick Response Grants**

**RECOMMENDATION**

That Council approve the following Quick Response Grant applications:

- Homeless Persons Program - Bolton Clarke (Royal District Nursing Service) - \$500.00
- Westall Secondary College - \$1500.00
- Mordialloc Cricket Club - \$578.00
- St David's Anglican Church Moorabbin - \$1500.00

**Note:** Refer to page 6 of the Minutes where this item was block resolved.

**11.14 Informal Meetings of Councillors**

**RECOMMENDATION**

That Council receive the report.

**Note:** Refer to page 6 of the Minutes where this item was block resolved.

**12. Notices of Motion**

**12.1 Notice of Motion No. 18/2021 - Cr Howe - Kananook Creek and Road Reconstruction**

**Moved: Cr Howe**

**Seconded: Cr Bearsley**

That Council receive a report no later than February 2022 outlining costs and expected timeframes in line with Council's long-term financial plan to:

- a. Deliver an Eel Race Road and creek landscaping plan to plant native flowers, shrubs and trees coinciding with the removal of dead, burnt or insignificant vegetation for implementation by mid-2022.
- b. Deliver schematics and locations for a boardwalk or alternatively multiple decked seated areas along the Kananook Creek at Eel Race Road in Carrum;
- c. Deliver a plan detailing access points via zebra crossings from the existing footpath to these identified locations for either decked seated areas or a boardwalk; and
- d. Prioritise the reconstruction of Eel Race Road for the 2022/23 financial year between Valetta and Emma streets.

Cr Davies left the meeting at 9.37pm

Cr Davies returned to the meeting at 9.39pm

**CARRIED**

**12.2 Notice of Motion No. 19/2021 - Cr Howe - Private Sector Commerce Partnerships and Investment**

**Moved: Cr Howe**

**Seconded: Cr Hill**

That:

1. Council develop a discussion paper in 2022 to partner with and encourage investment from private enterprise to not only strengthen our economy, but to build regional and community infrastructure and to develop mutually-beneficial commercial projects;
2. The discussion paper outlines opportunities to derive income for Kingston City Council from private sector partnerships; and
3. Consideration is given to an investment prospectus to support industry interest and discussions that links to marketing and networking activities.

**CARRIED**

**13. Urgent Business**

Nil

**14. Confidential Items**

**Moved: Cr Oxley**

**Seconded: Cr Saab**

That in accordance with section 66(1) and 66(2)(a) of the *Local Government Act 2020*, the meeting be closed to members of the public for the consideration of the following confidential items:

**14.1 Financial Hardship of a Ratepayer**

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

- because it is personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs (section 3(1)(f)), and
- The explanation as to why the specified ground/s applies is it relates to the financial hardship of affected ratepayers..

**Confidential Appendices**

**9.4 CON-21/060 Elonera Kindergarten Modular Facility Project - Award of Contract Appendix 1, 2021004 CON-21-060 Elonera Scoring Matrix - COMBINED Includes Post Tender Clarifications**

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

**9.4 CON-21/060 Elonera Kindergarten Modular Facility Project - Award of Contract Appendix 2, Confidential Funding Table**

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

- 10.3 Update on the Implementation of the Food Organics and Garden Organics Service**  
**Appendix 1, Confidential Attachment No.1 : Financial Information**  
*This appendix is confidential in accordance with the Local Government Act 2020, s3(1) as it relates to (s3(1)(g(ii))).*
- 11.10 Re-appointment of External Member to the Audit Committee - Bruce Potgieter**  
**Appendix 1, Expression of Interest to Join Council's Audit Committee - Bruce Potgieter**  
*This appendix is confidential in accordance with the Local Government Act 2020, s3(1) as it relates to (s3(1)(f)).*
- 11.10 Re-appointment of External Member to the Audit Committee - Bruce Potgieter**  
**Appendix 2, Bruce Potgieter CV**  
*This appendix is confidential in accordance with the Local Government Act 2020, s3(1) as it relates to (s3(1)(f)).*

**CARRIED**

The meeting was closed to members of the public at 9.47pm.

**Procedural Motion**

**Moved: Cr Howe**

**Seconded: Cr Saab**

That the meeting be opened to members of the public

**CARRIED**

The meeting was opened to members of the public at 9.50pm.

The meeting closed at 9.50pm.

**Confirmed.....**

**The Mayor 22 November 2021**