

Minutes

Ordinary Meeting of Council

Monday, 22nd July 2019



Table of Contents

1.	Apologies	3
2.	Confirmation of Minutes of Previous Meetings	3
3.	Foreshadowed Declaration by Councillors, Officers or Contractors of any Conflict of Interest	3
	<i>[Note that any Conflicts of Interest need to be formally declared at the start of the meeting and immediately prior to the item being considered – type and nature of interest is required to be disclosed – if disclosed in writing to the CEO prior to the meeting only the type of interest needs to be disclosed prior to the item being considered.]</i>	
4.	Petitions	4
5.	Presentation of Awards	4
6.	Reports from Delegates Appointed by Council to Various Organisations.....	4
7.	Question Time.....	4
8.	Planning and Development Reports	5
9.	Community Sustainability Reports.....	6
10.	City Assets and Environment Reports	9
11.	Corporate Services Reports	20
12.	Notices of Motion	21
13.	Urgent Business.....	22
14.	Confidential Items	23

**City of Kingston
Ordinary Meeting of Council**

Minutes

22 July 2019

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

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

In Attendance: John Nevins, Chief Executive Officer
Mauro Bolin, General Manager Community Sustainability
Paul Franklin, General Manager Corporate Services
Daniel Freer, General Manager City Assets and Environment
Jonathan Guttman, General Manager Planning and Development
Tracey Cheeseman, Program Leader, Strategic Communications & Engagement
Phil De Losa, Manager Governance
Stephanie O’Gorman, Governance Officer
Gabrielle Pattenden, Governance Officer

1. Apologies

An apology from Cr Hua was submitted to the meeting.

Moved: Cr Gledhill

Seconded: Cr Bearsley

That the apology from Cr Hua be received.

CARRIED

2. Confirmation of Minutes of Previous Meetings

Moved: Cr Brownlees

Seconded: Cr Gledhill

That the Minutes of the Ordinary Meeting of Council held on 24 June 2019 and the Special Meeting of Council held on 17 July 2019 be confirmed.

CARRIED

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

Cr Bearsley foreshadowed a declaration of a conflict of interest in Items 9.5 and 10.7.

Cr Brownlees foreshadowed a declaration of a conflict of interest in Item 9.5.

John Nevins, Chief Executive Officer, foreshadowed a declaration of a conflict of interest in Item 14.1.

**City of Kingston
Ordinary Meeting of Council**

Minutes

22 July 2019

4. Petitions

4.1 Objection to Application for Planning Permit - 276 Nepean Highway, Parkdale

Moved: Cr Gledhill

Seconded: Cr Brownlees

That the petition be referred to the Chief Executive Officer for response.

CARRIED

4.2 Chelsea Skate Park Lights

Moved: Cr Bearsley

Seconded: Cr Eden

That the petition be referred to the Chief Executive Officer for response.

CARRIED

5. Presentation of Awards

Councillors acknowledged the contribution and legacy of retiring Chief Executive Officer, John Nevins and presented him with a gift.

6. Reports from Delegates Appointed by Council to Various Organisations

Cr West reported on attending the Melbourne Planning Summit meeting.

Moved: Cr Brownlees

Seconded: Cr Gledhill

That the delegates' reports be received.

CARRIED

7. Question Time

Question Time was held at 8.45pm. Refer to page 11 of the Minutes.

Block Resolution

Moved: Cr Barth

Seconded: Cr West

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

- 8.1 Parking Infringement Reimbursement Scheme Update
- 8.2 Green Wedge Plan Review Steering Committee
- 9.1 CON-19/23 - Dales Park Pavilion Construction - Award of Contract
- 9.2 CON-19/36 - 43 Garden Boulevard, Dingley – Council Depot Award of Contract
- 9.6 Draft 2019 - 2022 Kingston Youth Strategy
- 10.2 2019-2020 Arts Grants Program - Funding Recommendations for Grant Allocations
- 10.5 Introduction of a Food Organic Garden Organic Service
- 10.6 Canterbury Road Capital Investment Works
- 10.8 Suburban Rail Loop Confidentiality Deed
- 11.1 Annual Report of the Chairman of the Audit Committee 2018/19
- 11.2 Quick Response Grants
- 11.3 Appointment of Members to Strategic Advisory Committees
- 11.4 Assembly of Councillors Record Report

CARRIED

8. Planning and Development Reports

8.1 Parking Infringement Reimbursement Scheme Update

RECOMMENDATION

That Council:

1. Note the contents of this report as an update on the Parking Infringement Reimbursement Scheme.
2. Note that appropriate provision has been made in the Financial Statements for the 2018/19 financial year and Long Term Financial Strategy (\$2,048,920.73).
3. Provide to Council's Audit Committee a copy of this report prior to the next Audit Committee Meeting on 17 September 2019 and that relevant Officers attend to respond to any questions Committee Members may have.
4. Receive a further report in July 2020 regarding the effectiveness of the Parking Infringement Reimbursement Scheme.

Note: Refer to page 4 of the Minutes where this item was block resolved.

8.2 Green Wedge Plan Review Steering Committee

RECOMMENDATION

That Council:

1. Endorse the Terms of Reference of the Green Wedge Management Plan Steering Committee (refer Appendix 1).
2. Note the indicative meeting dates of the committee

Note: Refer to page 4 of the Minutes where this item was block resolved.

9. Community Sustainability Reports

9.1 CON-19/23 - Dales Park Pavilion Construction - Award of Contract

RECOMMENDATION

That Council:

1. Receive the information and note the outcome of the tender assessment process for Contract 19/23 – Dales Park Pavilion Construction, as set out in the confidential appendices attached to this report.
2. Agree to award Contract 19/23 – Dales Park Pavilion Construction for the final adjusted fixed lump sum price of \$4,265,711.00 (exclusive of GST) to DURA Constructions Pty Ltd.
3. Approve the allocation of a separate contingency allocation, as set out in the confidential appendix and delegate authority to the CEO, or his nominee, to expend this allowance to ensure the successful completion of the project.

Note: Refer to page 4 of the Minutes where this item was block resolved.

9.2 CON-19/36 - 43 Garden Boulevard, Dingley – Council Depot Award of Contract

RECOMMENDATION

That Council:

1. Receive the information and note the outcome of the tender assessment process for Contract 19/36 - 43 Garden Boulevard, Dingley – Council Depot, as set out in the confidential appendices to this report;
2. Agree to award Contract 19/36 – 43 Garden Boulevard, Dingley – Council Depot for the final adjusted fixed lump sum price of \$2,891,250.00 (exclusive of GST) to Ducon Buildings Solutions Pty Ltd; and
3. Approve the allocation of a separate contingency allocation, as set out in the confidential appendix and delegate authority to the CEO, or his nominee, to expend this allowance to ensure the successful completion of the project.

Note: Refer to page 4 of the Minutes where this item was block resolved.

**9.3 Response to Notice of Motion No. 36/2019 - Scout and Guide Halls
Compliance with Disability Discrimination Act**

Moved: Cr Oxley

Seconded: Cr Bearsley

That Council:

1. Undertake works on access to buildings and bathrooms required at Scout Halls as detailed in section 3.3.2, which has been prepared in response to the Notice of Motion No. 36/2019, considered at the Ordinary Meeting of Council on 22 June 2019.
2. Authorise officers to undertake further collaboration with Scouts Victoria and Guides Victoria to:
 - review need for remaining works as listed in 3.3.2
 - Review the list of facilities and priorities for intervention that targets those of greatest usage; and
 - Provide a further report at the September Ordinary Meeting of Council outlining these priorities including the potential for funding contributions and a proposed funding strategy.

CARRIED Unanimously

9.4 Mentone Life Saving Club Redevelopment Project

Moved: Cr Gledhill

Seconded: Cr Brownlees

That Council:

1. Note the State Government funding announcement relating to the redevelopment of Mentone Life Saving Club facility.
2. Note the outcome of initial consultation with the Mentone Life Saving Club representatives and the Club's support for the redevelopment of the facility.
3. Note the attached concept design proposal for the Mentone Life Saving Club facility and precinct, for the proposed future redevelopment of the facility.
4. Note the financial implications arising from this report, as set out in section 4.3 of this report, including the pre-commitments in future years.
5. Approve the inclusion of a kiosk within the building design, as recommended in the Life Saving Victoria's "Facilities of the Future" design guidelines.
6. Approve the configuration of the public amenities in the attached concept plan and authorises officers to continue to work with the Mentone Ice-bergers group to identify suitable alternatives that meet their requirements.
7. Approve that Option 1 of the viewing and observation options be presented as part of the proposed public consultation process as outlined in section 3.3.4 of this report.
8. Authorise officers to continue to work with club representatives, Life Saving Victoria (LSV) and Emergency Services Infrastructure Authority (ESIA) to progress the redevelopment of the facility, including the following actions:

**City of Kingston
Ordinary Meeting of Council**

Minutes

22 July 2019

- Continue to engage with relevant stakeholders, including the Mentone Life Saving Club and Mentone Ice-bergers group;
- Undertake further community consultation;
- Provide an update report to Councillors regarding the key outcomes of the community consultation process; and
- Seek an additional funding contribution from the State Government to contribute to the cost of the proposed precinct works within the project.

CARRIED

9.5 Community Grants Program 2019-2020 - Funding Recommendations for Partnership Grants and Annual Grants Allocations

Cr Bearsley declared an indirect interest by close association as her family members are members of the Aspendale Gardens Residents' Association and left the meeting at 7:52pm prior to any discussion on Part 1 of the matter.

Cr Brownlees declared an indirect interest by close association as his daughter is part of the Farm Road Pre-School Association and his grandchildren attend the Farm Road Pre-School and left the meeting at 7:52pm prior to any discussion on Part 1 of the matter.

Procedural Motion

Moved: Cr Gledhill

Seconded: Cr Staikos

That Parts 1 and 2 of the Officer recommendation be considered separately.

CARRIED

9.5 Part 1

Moved: Cr Gledhill

Seconded: Cr Staikos

That Council:

1. Approves funding of \$2,000 to Farm Road Pre-School Incorporated, subject to applicant complying with all grant conditions.
2. Approves funding of \$8,500 to Aspendale Gardens Residents Association, subject to applicant complying with all grant conditions.

CARRIED

Cr Brownlees returned to the meeting at 7:53pm.

Cr Bearsley returned to the meeting at 7:53pm.

9.5 Part 2

Moved: Cr Gledhill

Seconded: Cr Bearsley

That Council:

3. Approves the Approves the Partnership Grants and Annual Grants' funding allocations as recommended in Appendices 1- 3.

**City of Kingston
Ordinary Meeting of Council**

Minutes

22 July 2019

4. Approves the transfer of identified Annual Grants' recipients to Partnership Agreements as recommended in Appendix 4.
5. Approves the late application from Destiny Care and allocates \$10,000 Annual Grant funding for its emergency relief program.
6. Approves the late application from Parkdale Cricket Club and allocates \$7,500 Annual Grant funding as a contribution to the purchase of a ride-on turf roller.
7. Approves additional funding of \$2,643 to Chelsea Bowling Club to cover the cost of purchasing new tables and chairs.
8. Approves additional funding of \$8,000 to Rotary Club Chelsea for the purchase of mobility scooters.
9. Approves additional funding of \$8,200 to Mordialloc Light Opera Company to help cover the increased costs of production.
10. Approves additional grant funding of \$6,000 to the Pantry 5000 Partnership Grant to help cover costs of increased demand on its welfare relief services.
11. Engage with Emergency Relief Providers in Kingston to understand community needs and consider external funding sources to support growth in demand.

CARRIED

9.6 Draft 2019 - 2022 Kingston Youth Strategy

RECOMMENDATION

That Council:

1. Endorse the draft Kingston Youth Strategy for public consultation and feedback.
2. Receive a further report outlining the consultation findings and consideration of the draft Kingston Youth Strategy.

Note: Refer to page 4 of the Minutes where this item was block resolved.

10. City Assets and Environment Reports

10.1 Street and Park Tree Management Strategy

Moved: Cr West

Seconded: Cr Staikos

That Council:

1. Acknowledge feedback received during consultation on the Street and Park Tree Management Strategy.
2. Adopt the Street and Park Tree Management Strategy (refer Appendix 1) subject to adding the following words to the second dot point under the heading 'Increasing Canopy Cover on page 192:

"by planting one and if there is room two trees on every house frontage, where practical."

Procedural Motion

Moved: Cr Brownlees

Seconded: Cr Bearsley

That consideration of this item be deferred to the August Ordinary Meeting of Council.

LOST

The Substantive Motion was put and CARRIED

10.2 2019-2020 Arts Grants Program - Funding Recommendations for Grant Allocations

RECOMMENDATION

That Council:

1. Endorse the 2019-2020 Arts Grants funding allocations as recommended by the ACAC;
2. Refer the over expenditure of \$3,715 to Council's mid-year operational budget review; and
3. Authorise officers to distribute the Arts Grants in line with the funding guidelines and conditions outlined.

Note: Refer to page 4 of the Minutes where this item was block resolved.

10.3 Proposed Boundary Realignment - 2 Horscroft Place Moorabbin

Moved: Cr Staikos

Seconded: Cr Brownlees

That Council:

1. Authorise the CEO or delegate to enter into an agreement in principle (AIP) with the owner of 4-6 Horscroft Place, Moorabbin to exchange land with Council to the satisfaction of Council's legal advisors; and
2. Authorise the commencement of the statutory processes (following execution of the AIP) under section 189 of the Act to notify the public of its intention to enter into a conditional contract for the sale and exchange of the land as indicated on the plan at Figure 1 of this report of this report.
3. Receive a report following completion of the public advertising of the proposal for Council's further consideration.

CARRIED

Note: Cr Oxley requested that it be recorded in the Minutes that she voted against the motion.

10.4 Response to Notice of Motion No. 23/2019 - Cr. Gledhill - Mentone Traffic Movements

Moved: Cr Gledhill

Seconded: Cr Brownlees

That Council endorse the following traffic management changes in response to Notice of Motion No. 23/2019 – Mentone Traffic Movements:

1. Re-open the right turn from Como Parade West into Mentone Parade;
2. Re-establish the T-intersection at Mentone Parade and Florence Street; and
3. Establish a pedestrian crossing at the northern leg of Mentone Parade from the Piazza to the northern side of Florence Street.

CARRIED

Question Time

Chris Hill of Mentone asked the following questions:

Question 1.

“Is it fair that people made decisions to purchase properties based on the zoning of their street and the resulting neighbourhood character, could now have those protections against higher density developments stripped away, if the proposed changes were to be passed as is?”

The CEO provided the following response,

“Council resolved at its Ordinary Council Meeting on 23 April 2019 to endorse the Draft Housing Strategy and Neighbourhood Character Study for the purpose of community consultation. This draft Strategy in part considers how and where Kingston will accommodate more residents as Melbourne’s population continues to grow. This strategy approach is required as more people want to live in Kingston. This included a resolution to provide for a six (6) week community consultation processes. The consultation process was subsequently extended and is scheduled to conclude on 2 August 2019.

You are encouraged to make a submission on the basis on any changes you are seeking to the draft Housing and Neighbourhood Character Study. Councillors will then be provided with the feedback received through the consultation process and will then as a Council formally consider adopting a Housing and Neighbourhood Character Study.

Before any of the existing planning controls are able to be changed through a Planning Scheme Amendment would then be commenced which requires initial authorisation from the Planning Minister and then goes through another process of community consultation prior to Council and ultimately the Planning Minister determining the final form of any changes to the Kingston Planning Scheme.

Question 2.

“Jim Papadimitriou from DELWP made the comment at the Central Ward meeting that managing growth in our suburbs has to be balanced against existing character and our one to two storey character needs to be protected, so given so much of the areas in Kingston which are currently zoned GRZ3 with a 9m height limit are proposed to be rezoned as GRZ – Incremental Change with an 11m and 3 storey height limit, will Council now respond to this stance from the State Government and make adjustment to the proposed new housing and planning rules by increasing the proportion of properties to be rezoned as Neighbourhood Residential Zone, particularly those which are currently zoned GRZ3?”

The CEO provided the following response,

“Prior to the Central Ward Meeting, officers met with Mr Papadimitriou and other representatives to discuss the draft Housing Strategy and Neighbourhood Character Work. Officers have also provided representatives of the Department of Environment Land Water and Planning (DELWP) a recent tour of some parts of Kingston to reinforce the levels of housing change that have occurred in some key renewal/activity centre locations. This tour highlighted recent developments in locations including the Moorabbin and Cheltenham Activity Centres and Jacksons Green development in Clayton South but also reinforcing the areas that have a one and two storey character.

The Department have agreed to meet again with officers to further discuss the manner in which the Neighbourhood Residential Zone could be applied through Kingston. Consultation with the Department will be a key component in resolving the final form of the Housing Strategy and Neighbourhood Character Work, as to be determined by Council after it considers the community’s feedback. Mr Papadimitriou’s presentation to the Central Ward Meeting on 11 Jul 2019 has also been added to Council’s website. Part of the discussions also included the fact that at present approximately three quarters of Kingston Residential Zones are GRZ3: 9 metres/3 storey and one quarter of Kingston’s Residential Zones are GRZ2: 11 metres/3 storey. The Draft Strategy proposes for:

- Approximately 50% of Kingston Residential Zones to be Neighbourhood Residential 9 metres/2 storeys. Given the tenor of the question this would likely be considered an improvement; and
- Retention of the existing DDO1 height and storey controls along Kingston’s foreshore equal to approximately 7%.

(approximately 35% to GRZ: 11 meters/ 3 storeys balance in Residential Growth Zone (14 metre/4 storeys e.g. Highett Gasworks, Cedar Woods in Clayton.)

Barbara Spodinger of Mentone asked the following questions:

Question 1.

“What procedure did you use to determine the fate of most of Cheltenham and Mentone? You propose 3 storey houses which will be townhouses or units creating a huge population and traffic increase and will diminish children’s play areas which will end up as shadowy, damp and messy outdoor areas.”

The CEO provided the following response,

“Council resolved at its Ordinary Council Meeting on 23 April to endorse the Draft Housing Strategy and Neighbourhood Character Study for the purpose of community consultation. Prior to this resolution Council engaged Ethos Urban to prepare this work on Council’s behalf. Council is taking submissions until 2 August and I would encourage you to make a submission in this process. Upon review of submissions Council will determine any changes that may be appropriate to the Draft work.”

Question 2.

“Why are so many areas currently zoned for 1 and 2 storeys proposed to be 3 and 4 storeys. Will Council review their proposed changes for the three areas and revise zoning back to Neighbourhood Residential Zone to protect current 1 and 2 storey character of these streets?”

The CEO provided the following response,

“As mentioned in response to Ms Spodinger’s previous question, Council is currently seeking community feedback on its Draft Housing and Neighbourhood Character Study. Currently most of Kingston’s residential zoned land is located in General Residential Zone where a maximum 9 metres of 3 storeys is permitted except in coastal areas covered by Design and Development Overlay 1. Council’s Draft Housing Strategy recommends to include approximately 50% of the residential zoned land in a Neighbourhood Residential Zone that has a 2 storey height limit. No change to the approximately 7% covered by existing DDO1 foreshore height/storey control.

Denise Pilkington of Edithvale asked,

“If Kingston’s population has been increasing by an average of 2,036 per annum since the existing Residential Strategy was adopted in 2006 and with the same rate of growth we will easily reach the population target of 24,000 new residents by 2036. Why do we need the extra development which would result if the proposed changes from the Council’s Draft Housing Strategy and Neighbourhood Character Study were adopted?”

The CEO provided the following response,

“In response to your question, Council has recently been advised that the Victoria in Future 2019 projections have been released by the Department of Environment Land Water and Planning. Officers will be working with its consultant Ethos Urban to determine any implications of the revised population properties. Ms Pilkington is encouraged to make a submission to Council by 2 August for further consideration by Council.

Lesley Boyd of Mentone asked the following questions:

Question 1.

“Kingston Council’s proposed Housing Strategy and Neighbourhood Character Study – Draft Report says there is a need to accommodate an increased number of older people, with an expected 15% over 70s. Therefore, isn’t it important to retain the two storey in the backyard policy to ensure that the single storey housing preferred by many older people, like myself and disabled people, is still being built so that downsizers have this option?”

The CEO provided the following response,

“You are encouraged to put your thoughts forward regarding the needs of the elderly and Council’s approach to housing.”

Question 2.

“Given not everyone in the 60+ age range has access to the internet, nor do they necessarily feel comfortable online and many don’t have time to visit Council offices during working hours, why has Council not simply communicated to every household in Kingston what is proposed, rather than asking people to follow a series of links to find out what changes Council is proposing?”

The CEO provided the following response,

“Council has not solely relied on electronic media to advise the community about the Housing Strategy and Neighbourhood Character Study including:

- Media releases resulting in articles in local papers*
- Multiple articles in KYC*
- Ad screens in our Council customer centres, libraries, hubs and arts centres*
- Notice sent to all homes in Kingston in 2017 and in 2019*
- Brochures available at Council customer service and libraries*

Robyn Daley of Mentone asked the following questions:

Question 1.

“Given approximately over 80% of properties in City of Bayside are zoned Neighbourhood Residential Zone and often these properties are closer to activity centres than areas of Kingston which have been proposed for Incremental Change, why is it that Kingston are proposing that such a small percentage of Kingston properties will be regional Neighbourhood Residential Zone, especially as there is no discernible difference in neighbourhood character of the 2 areas?”

The CEO provided the following response,

“You are encouraged to make a submission by 2 August and raise these areas that you believe are similar to areas in the City of Bayside that are included in a Neighbourhood Residential Zone. These could then be further reviewed and further advice provided to Councillors. Officers will undertake a review of the zoning interface along all its residential abutments as part of reviewing its submissions.”

Question 2.

“Apparently some residents have been advised in many cases properties rezoned as GRZ incremental will not be appropriate sites for 3 storeys given many planning requirements which will need to be met:

- a) Why rezone these areas for 3 storey in the first place?*
- b) Given developers currently don’t stick to planning requirements still get approval, what confidence can we have for these assurances?”*

The CEO provided the following response,

“Council is wanting to give certainty to residents regarding its Residential Zones and as the first step has issued a draft Housing and Neighbourhood Character Strategy for community feedback. Please make a submission with your concerns and proposals.”

Nola Baker of Parkdale asked,

“In the proposed housing plan, could we have definite limit on the development of a single block, to two townhouses, with the back townhouse to be single level? Could we also limit the size of rooftop decks which in some cases at present are almost becoming an extra storey?”

The CEO provided the following response,

“Preliminary advice provided this time by Council’s consultants is achieving this objective. For a range of reasons which include the size of the block and its proximity to public transport and given State Planning Scheme objectives. Council will examine additional planning controls for rooftop decks as part of completing its Housing Strategy and Neighbourhood Character Guidelines.”

Valerie of Parkdale asked,

“Could we extend the amount of permeable land around new housing by not including driveways to be included in the calculation?”

The CEO provided the following response,

“Planning Practice Note 84 prepared by the DELWP explains the manner in which the garden area standard is intended to work. The garden area standard was introduced approximately 2 years ago and was designed to increase permeability standards. Driveways are explicitly excluded from being considered as part of the Garden Area Standard and therefore are not counted as part of the required permeability standards.”

Julian of Mentone asked the following questions:

Question 1.

- *“What Objective Quality Evidence is being provided by Council that the change in zoning is not impacting on community in terms of impact to hospital, ambulance, fire and police facilities. In term of dealing with population growth?”*
- *Also, existing residents, neighbours losing solar efficiency?”*

The CEO provided the following response,

“The State Government is the responsible authority for these services and Council works with the State and these service providers as part of its advocacy on behalf of the Kingston community having good access. In response to question 2, an Amendment was recently made to the Victorian Planning Provisions to better protect the rights of residents who have erected solar panels on their homes.”

Question 2.

“The rezoning of the area to incremental change (3 storeys) allowed in proposal. What impact is being addressed with the street’s water supply when dealing with fire services, street access?”

The CEO provided the following response,

“Council is required to refer any proposed changes to its Planning Scheme to Water, Telecommunications, Transport and Gas Utilities. This process allows these utility providers to provide input as to whether areas that will change through development are able to accommodate the intended changes.”

Penny McGuire-White of Mentone asked,

“Has the Council ever considered having special membership fees for Waves and Don Tatnell for people over the age of 75 or 80 that have been members and regular attendees for 15 or 20 years? Several of us have been attending Don Tatnell’s 3 or 4 times a week since 2000 and some lap-swimmers have been going almost since the pool opened. We have been supporting and paying for the centre for a long time!”

The CEO provided the following response,

“This question is taken on notice. Officers will discuss directly with Ms McGuire-White and provide a response.”

Juliana Michaelides of Mentone asked:

*“If the proposed zoning changes are adopted will the resulting extra development meet, or in fact, exceed the target of 24,000 extra residents by 2036?
Has modelling shown the proposed wide-spread increase in density to be optimal?”*

The CEO provided the following response:

“As I indicated in response to a previous question, Council is currently working with its housing and neighbourhood character consultant to understand what impact the new Victoria in Future 2019 projecting will have for Kingston. Ms Michaelidis is encouraged to make a submission by 2nd August 2019.

Simon of Parkdale asked:

“If Council were to say no to extra density across the municipality, what would the State Government’s response be, based on Council’s earlier inability to get its previous 2014 amendment through?”

The CEO provided the following response:

“Officers are unable to comment on what the response from the State Government would be. Council is however unlikely to be able to construct its planning scheme in such a manner for approval by the Planning Minister that translates to ‘no extra density’ being permitted in Kingston.”

Simon of Parkdale asked:

“Will Kingston Council have a ‘man of the year’ award to celebrate the outstanding contribution that men in Kingston make to industry, community and society? Why doesn’t Kingston have a LGBTIQ person of the year award? Why won’t Council have more inclusive awards to support equality? Why exclude this section of the community? I note that people who “identify as female” can nominate for the ‘Woman of the Year Award’? What if you identify as non-binary or trans?”

The CEO provided the following response:

“Council has no proposal to add to existing and valued community awards”.

Simon of Parkdale asked:

“I refer to the 7 News article titled “Vic Govt moves to avoid recycling backlog” dated 21 July 2019. “The founder of SKM Recycling which collects about half of the state’s kerbside recycling says he’s “run out of money” and plans to close his doors next week”. I also refer to my previous question on recycling at City of Kingston minutes dated 26 February 2018 talking about the failing of kerbside recycling and what Council was doing to fix the problem. I ask, does Kingston still have a contract with SKM? Is Kingston’s recycling being stockpiled by SKM or anyone else? Has Kingston’s recycling currently or previously gone to landfill? Can Kingston Council give a 100% guarantee that when ratepayers put something in their recycling bin, that it actually gets recycled? Will Council stop charging ratepayers recycling fees, given they can’t deliver their service?”

The CEO provided the following response:

- “1. Council does have a contract on foot with SKM for processing of Council’s recyclables which is currently being honoured. But Council is very aware of the stress the company is under.
2. Council’s collected materials are sorted and then processed either directly by SKM or through their contract partners. It is understood that processing is not undertaken immediately on receipt, and as such stockpiling does occur on a short-term basis.
3. In the period of service interruption in 2018, an amount of Kingston’s recyclables was put to landfill. This was publicly reported at the time. Since then it has gone for recycling.
4. Council’s contract with SKM is clear that their responsibility is to recycle the material. Where there has been interruption to service Council has enforced its contract expectations.
5. SKM has not defaulted on their contract with Kingston since the service interruption in 2018.”

Ron Gordon of Mentone asked:

“When can we expect works in relation to Agenda Item 10.4 22nd July 2019 relating to the response to Notice of Motion No. 23/2018 – Mentone Traffic Movements: a) to commence? b) to be completed? c) and who is responsible for implementing the improvements?”

The CEO provided the following response:

“Subject to Council’s consideration of this matter tonight, discussions will be held with the contractor to determine the timeline for implementation, following communication and engagement with local tenders and schools and consideration of community impacts.”

Ron Gordon of Mentone asked:

“In relation to Agenda Item 10.4 22nd July 2019 relating to the response to Notice of Motion No. 23/2019 – Mentone Traffic Movements it would seem that alterations to allow for a left hand turn by northbound traffic in Como Parade West to enter Mentone Parade is not supported by the report and as such we would like to ask: A. What will be the most expeditious way to get this item back onto the agenda for consideration as denying a left hand turn here will continue to create unwanted traffic flow in Commercial Road? B. We note that an immediate change to the left hand turn is not supported so does this mean its reintroduction is still under active consideration and if so what are the details?”

The CEO provided the following response:

“Council will continue to monitor traffic movements in Mentone with further level crossing works being undertaken and will consider additional changes as necessary.”

Ron Gordon of Mentone asked:

“In relation to Agenda Item 10.4 22nd July 2019 relating to the response to Notice of Motion No. 23/2019 – Mentone Traffic Movements why is it reported in 3.3.1 that the right hand turn movement can be reintroduced through relatively low impact changes to line marking and signage and goes on to say the cost of this work is in the order of \$30,000. And given that the surface in question still needs to be re profiled as part of the original works relating to this project and so one would imagine be covered in the original costing and not an additional cost as seems to be inferred in the report is this reintroduction of the right hand turn going to cost an additional \$30,000?”

The CEO provided the following response,

“The works within the project have been estimated as alterations to what has been put in place as part of the awarded Mentone Renaissance project. Any opportunity to manage these costs, subject to Council’s consideration of the matter this evening, will be explored.”

Margaret Gordon of Mentone asked,

*“In relation to agenda item 10.4 22nd July 2019 will the City of Kingston be prepared to:
a) inform the Mentone community of the traffic changes through a series of full page articles in the local paper outlining improvements b) erect on street signage reinforcing the improvement messages conveyed in the local paper full page articles”?*

Note: In accordance with clause 18(4) of the Meeting Procedures Local Law, this question will be responded to in writing as the questioner was not present in the gallery.

Stephen Calvert-Smith of Mentone asked,

“If there are any Councillors left who still think that the crazy business-destroying traffic arrangements at the Mentone shops are a good idea, will they please stand up and say so?”

The CEO provided the following response,

“Council will consider this item at 10.4 on tonight’s agenda”

Cr Staikos left the meeting at 8:41pm.

Cr Staikos returned to the meeting at 8:46pm.

Cr Barth left the meeting at 8:47pm.

Cr Barth returned to the meeting at 8:49pm

10.5 Introduction of a Food Organic Garden Organic Service

RECOMMENDATION

That Council:

1. Implement the Food Organic Garden Organic service in line with the proposal within this report.
2. Receive a further report in the September meeting cycle on the options for compostable bags/liners and caddies.

Note: Refer to page 4 of the Minutes where this item was block resolved.

10.6 Canterbury Road Capital Investment Works

RECOMMENDATION

That Council:

1. Receive and note this report;
2. Advocate to The Hon. Jaala Pulford Minister for Roads and local Members of Parliament for the duplication of Governor Road either as part of future works to the Mornington Peninsula Freeway Extension project or as a separate project; and
3. Undertake further assessment of traffic movements 6 months after the opening of the Mornington Peninsula Freeway Extension to determine requirement for works by Council giving consideration to the need for the implementation of a Special Charge Scheme.

Note: Refer to page 4 of the Minutes where this item was block resolved.

10.7 Kerr Crescent Reserve, Aspendale Gardens - Consultation Findings Car Park and Sports Lighting

Cr Bearsley declared an indirect interest due to residential amenity as she lives in close proximity to the site and left the meeting at 8:54pm prior to any discussion on the matter.

Moved: Cr Eden

Seconded: Cr Gledhill

That Council:

1. Note the community and stakeholder feedback received from consultation activities with the planned development of sports lighting and car parking facilities at Kerr Crescent, Aspendale Gardens;
2. Approve the following design and operational considerations:
 - 2.1. Access to the car park is operated by an automatic gate with the times of operation be limited to 8am to 9.30pm;
 - 2.2. Treatments such as raised pavements and signage (where appropriate) be installed at the interface of pedestrians and vehicles;
 - 2.3. The car parking will be an asphalt finished surface to minimise noise, suppress dust, and improve safety;
 - 2.4. The sport lighting does not operate beyond 9.00pm on any night and a timing device is installed to ensure that the lights do not operate after this time;
 - 2.5. The car park lighting is sequenced with a timer to turn off 30 minutes after the sports lighting is turned off; and
 - 2.6. Following the completion of all works, a further traffic management study is undertaken, in consultation with residents, to identify the need for car parking controls in local streets.
3. Continue to liaise with residents at 2, 4 & 6 Batten Place, Aspendale Gardens

and other relevant organisations to continue for the purpose of maximising the clearance buffer of the car park and adjacent properties and identification of suitable treatments for fencing material and heights and trees and landscaping.

CARRIED

Cr Bearsley returned to the meeting at 9:06pm.

10.8 Suburban Rail Loop Confidentiality Deed

RECOMMENDATION

That Council authorise the CEO to sign a mutual confidentiality deed between Council and Rail Projects Victoria for the Suburban Rail Loop project (provided in Appendix 1).

Note: Refer to page 4 of the Minutes where this item was block resolved.

11. Corporate Services Reports

11.1 Annual Report of the Chairman of the Audit Committee 2018/19

RECOMMENDATION

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

Note: Refer to page 4 of the Minutes where this item was block resolved.

11.2 Quick Response Grants

RECOMMENDATION

That Council approve the following grant applications:

- Whitelion Youth Agency Ltd - \$1000.00 (subject to confirmation that they are Not for Profit and have a Volunteer Board)
- Chelsea Primary School - \$750.00

That Council not approve the following grant applications:

- Angus Varney
- United Filipino Elderly Association
- Kim and Forday Ltd
- Livingston Kindergarten

Note: Refer to page 4 of the Minutes where this item was block resolved.

11.3 Appointment of Members to Strategic Advisory Committees

RECOMMENDATION

That Council appoint the following people to Strategic Advisory Committees until 30 June 2020:

- David Madill - Public Spaces and Environment Advisory Committee;
- Clare McPhee – Public Spaces and Environment Advisory Committee; and
- Jane Del Rosso – Business and Economic Development Advisory Committee.

Note: Refer to page 4 of the Minutes where this item was block resolved.

11.4 Assembly of Councillors Record Report

RECOMMENDATION

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

Note: Refer to page 4 of the Minutes where this item was block resolved.

12. Notices of Motion

12.1 Notice of Motion No. 37/2019 - Cr Brownlees - Beach Road Tree Planting

Moved: Cr Brownlees

Seconded: Cr Gledhill

That due to the refusal by VicRoads to not allow the planting of nature strip trees on the residential side of Beach Road as indicated in Item 10.7(4) of the December 10th 2018 resolution relating to the Foreshore Shared Path Construction project 1, the tree planting proposed along the residential side of Beach Road between Charman Road Mentone and Owen Street Mordialloc, not be proceeded with at this time. Further that the beach/foreshore side planting should proceed as planned to provide for the timely completion of the next stage of the Foreshore Path.

CARRIED

12.2 Notice of Motion No. 38/2019 - Cr Gledhill - Traffic and Parking - Nepean Highway, Parkdale

Moved: Cr Gledhill

Seconded: Cr Brownlees

1. That officers review the traffic movements and parking capacity along the Nepean Highway service lane between Sixth and Fourth Streets Parkdale. Further that the same aspects should also be reviewed for the eastern ends of Fourth, Fifth and Sixth Streets.
2. A report to be made available to Councillors in the August cycle.

CARRIED

12.3 Notice of Motion No. 39/2019 - Cr West - The Need to Locate Native Vegetation Offsets Locally

Moved: Cr West

Seconded: Cr Bearsley

That Council officers endeavour to locate offsets for native vegetation removal incurred by Council and (if possible) road and other authorities in Kingston (in respect of infrastructure and other development projects) within Kingston where suitable offset sites are available.

CARRIED

13. Urgent Business

John Nevins, Chief Executive Officer declared a direct interest in this item as it directly affects him and left the meeting at 9.40pm prior to any discussion on the matter.

13.1 Retirement Gift for the Chief Executive Officer

Moved: Cr Staikos

Seconded: Cr Brownlees

That an item of urgent business be considered regarding a retirement gift for the outgoing Chief Executive Officer.

CARRIED

Moved: Cr Staikos

Seconded: Cr Barth

That council approve the expenditure of \$2,000 for the purposes of a gift to the retiring CEO Mr John Nevins.

CARRIED

John Nevins, Chief Executive Officer returned to the meeting at 9.42pm.

13.2 Appointment of Chief Executive Officer

Moved: Cr Staikos

Seconded: Cr Brownlees

That an item of urgent business be considered regarding the appointment of the Chief Executive Officer in the meeting closed to the public.

CARRIED

14. Confidential Items

Moved: Cr Gledhill

Seconded: Cr Staikos

That in accordance with the provisions of section 89(2) of the *Local Government Act 1989*, the meeting be closed to members of the public for the consideration of the following confidential items:

13.2 Urgent Business – Appointment of Chief Executive Officer

This agenda item is confidential in accordance with the Local Government Act s89(2) as it relates to personnel matters (s89 2a)

14.1 2018/19 CEO Performance Review

This agenda item is confidential in accordance with the Local Government Act s89(2) as it relates to personnel matters (s89 2a)

Confidential Appendices

**9.1 CON-19/23 - Dales Park Pavilion Construction - Award of Contract
Appendix 1, Dales Park Pavilion Tender Evaluation matrix**

This appendix is confidential in accordance with the Local Government Act s89(2) as it relates to (s89 2d)

**9.1 CON-19/23 - Dales Park Pavilion Construction - Award of Contract
Appendix 2, Dales Park Pavilion Project Expenditure**

This appendix is confidential in accordance with the Local Government Act s89(2) as it relates to (s89 2d)

**9.2 CON-19/36 - 43 Garden Boulevard, Dingley – Council Depot Award of Contract
Appendix 2, Con 19-36 Final Tender Evaluation Matrix**

This appendix is confidential in accordance with the Local Government Act s89(2) as it relates to (s89 2d)

**9.2 CON-19/36 - 43 Garden Boulevard, Dingley – Council Depot Award of Contract
Appendix 3, Con 19-36 43 Garden Boulevard Dingley Depot - Breakdown of
total project expenditure**

This appendix is confidential in accordance with the Local Government Act s89(2) as it relates to (s89 2d)

CARRIED

The meeting was closed to members of the public at 9.42pm.

**City of Kingston
Ordinary Meeting of Council**

Minutes

22 July 2019

Moved: Cr Brownlees

Seconded: Cr Barth

That the meeting be opened to members of the public.

CARRIED

The meeting was opened to members of the public at 9.57pm.

Note: In the part of the meeting closed to the public it was resolved that the following resolution be made public:

Moved: Cr Staikos

Seconded: Cr Brownlees

1. That Council appoint Julie Reid as Chief Executive Officer for a term of four (4) years commencing on 26 August 2019 in accordance with section 94 of the Local Government Act 1989 (Vic) and subject to and in accordance with the terms and conditions of the attached Contract of Employment.
2. That the common seal be affixed to the Contract of Employment in accordance with Council's Meeting Procedures Local Law.
3. That Council determine, in accordance with Section 77(2) of the Local Government Act 1989 (Vic), that this resolution be designated not confidential at 12.00 noon on Tuesday 23 July 2019 with the exception of the Contract of Employment (which is to remain confidential).

CARRIED unanimously

The meeting closed at 9.57pm.

Confirmed.....

The Mayor 26 August 2019