

# Minutes

## Ordinary Meeting of Council

Monday, 23rd March 2020

**City of Kingston  
Ordinary Meeting of Council**

**Minutes**

**23 March 2020**

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

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

**In Attendance:** Julie Reid, Chief Executive Officer  
Mauro Bolin, General Manager Community Sustainability  
Paul Franklin, General Manager Corporate Services  
Bridget Draper, Acting General Manager City Assets and Environment  
Jonathan Guttmann, General Manager Planning and Development  
Phil De Losa, Manager Governance  
Gabrielle Pattenden, Governance Officer  
Lindsay Holland, Facilities Officer

**1. Apologies**

An apology from Cr Barth was submitted to the meeting.

**Moved: Cr Staikos**

**Seconded: Cr Brownlees**

That the apology from Cr Barth be received.

**CARRIED**

**2. Confirmation of Minutes of Previous Meetings**

**Moved: Cr Bearsley**

**Seconded: Cr Staikos**

That the Minutes of the Ordinary Meeting of Council held on 24 February 2020, the Special Meeting of Council held on 10 March 2020 and the Special Meeting of Council held on 16 March 2020 be confirmed.

**CARRIED**

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

The CEO, Julie Reid foreshadowed declarations of conflicts of interest in items 12.2, 12.3, 14.4 and 14.5.

**4. Petitions**

Nil

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**5. Presentation of Awards**

Nil

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

There were no delegates' reports

**7. Question Time**

**Moved: Cr Staikos**

**Seconded: Cr Hua**

That notwithstanding the requirement of Clause 18(4) of the Meeting Procedures Local Law that answers be read out to all questions submitted by 7.30pm given the current State of Emergency and measures responding to the Covid-19 Coronavirus.

**CARRIED**

Question time was held at 7.56pm. Please refer to page 25 of the Minutes.

**Block Resolution**

**Moved: Cr Gledhill**

**Seconded: Cr Hua**

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

- 8.1 Planning Compliance in the Green Wedge - February 2020
- 8.3 Financial Support Options for Traders Impacted by Major Construction Works
- 8.5 Moorabbin Activity Centre West Precinct - Draft Urban Design Framework - Community Consultation
- 8.6 Horscroft Place Urban Design Analysis
- 8.7 Response to Notice of Motion No. 36/2018 - Cr. Eden - Native Tree Vouchers - Project Update
- 9.1 Library Strategy Adoption
- 9.4 Re-Naming - Former Mordialloc Masonic Hall
- 10.1 Moorabbin Reserve Park Plan - Oval Fence
- 10.2 Bicentennial Skate Park Lighting
- 10.3 2019/20 Capital Forecast Report
- 10.4 CON-19/151 Chelsea Road (Drinan Road to Beardsworth Avenue), Chelsea Road Reconstruction
- 10.5 Future Use of 42 Florence Street, Mentone
- 10.6 Update on actions in response to Council Resolution 28 October, 2019 - Weed Killer
- 10.7 Adoption of Chain of Parks Trail Plans
- 10.8 Kingston Calisthenics College - Request for Council Support
- 10.9 Response to Notice of Motion No. 42/2019 - Cr. West - LXR Tree

Removals and Failure to Replace Parking Spaces

11.1 Assembly of Councillors Record Report

11.2 Quick Response Grants

**CARRIED**

**8. Planning and Development Reports**

**8.1 Planning Compliance in the Green Wedge - February 2020**

**RECOMMENDATION**

That Council receive the report

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

**8.2 Amendment C180 - Hawthorn Football Club**

**Moved: Cr Staikos**

**Seconded: Cr Gledhill**

That Council:

1. Request the Minister for Planning appoint a Panel under Part 8 of the Planning and Environment Act 1987 to consider and report on Amendment C180 and Planning Permit Application KP359/2019.
2. That all submitters to combined Amendment C180 and Planning Permit Application KP359/2019 be advised in writing of the above resolution.

**Procedural Motion**

**Moved: Cr West**

**Seconded: Cr Eden**

That consideration of this item be deferred until the April Ordinary Meeting of Council

**LOST**

**The Substantive Motion was put and CARRIED**

**8.3 Financial Support Options for Traders Impacted by Major Construction Works**

**RECOMMENDATION**

That Council:

1. Notes the support already provided by Council to traders affected by construction disruption.
2. Supports the recommended initiatives including:
  - a. Providing for an extension of time for impacted business rate payers to pay Rates and Health/Food Premises Registration on a case-by-case basis.
  - b. Extending the time for Footpath Activities Permits at no cost for the

equivalent of two financial years.

- c. Boosting marketing and promotion of impacted centres through a coordinated campaign.

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

#### **8.4 Response to Climate and Ecological Emergency Declaration**

**Moved: Cr West**

**Seconded: Cr Staikos**

That:

1. Council note the existing Our Place Community Workshops and the collaborative approach taken by Council Environmental Education Officer to raise awareness and inspire emissions reductions and environmental resilience amongst our community.
2. Council's Investment Policy be reviewed and presented to Council in line with requirements of the Local Government Bill which is before Parliament.
3. Council note the allocation of \$100,000 to the Environmental Planning Team's 2020/2021 budget to fund a consultant to further investigate vegetation management and expansion opportunities, the results of which will feed into the development of an Urban Forest Strategy.
4. A further workshop will be undertaken with Councillors and PSEAC to further explore and scope how Council might respond to point eight of the Notice of Motion regarding 3:1 native vegetation replacement
5. Council receive a report from the aforesaid consultant on the extent and location of remnant or significant indigenous vegetation on private and public land, in Kingston, including mapping of known areas such as creekbanks, roadsides and private land such as 19 Tarella Road as well as known sites on Council reserves.  
Further that officers establish and include in the report whether State authorities require a permit from Council or DELWP for the removal of trees or other remnant or significant indigenous vegetation from their land.
6. Council receives a report on the possible risk and impact of flooding of Kingston properties as a result of sea level rise predicted as a consequence of climate change. Based on existing knowledge and if there is time, in this report, that Council's Housing Strategy consultants be asked to consider whether Council's Housing Strategy should be amended to include possible mitigation measures, for example:
  - whether all houses in assessed flood risk areas should be included in the Neighbourhood Residential Zone (limited change area) in order to limit the height and number of houses subject to flooding.
  - or whether other measures would be more appropriate.
7. Council note the establishment of a 1.0 EFT role for three years to oversee the development and delivery of a Climate and Ecological Emergency Response Plan and Urban Forest Strategy.
8. Council approve the attached letter calling for a Climate and Ecological Emergency declaration to be sent to Federal and State Government Ministers.

9. Council write to any government agencies or authorities with current or proposed projects involving tree removals and ask if they would agree to either replace any trees or native vegetation removed in Kingston as per point 8 of the resolution of the Ordinary Meeting of Council on 28 January 2020 (net gain of trees and native vegetation) or to pay Council to replace them.

**CARRIED on the casting vote of the Chairperson**

**8.5 Moorabbin Activity Centre West Precinct - Draft Urban Design Framework - Community Consultation**

**RECOMMENDATION**

That:

1. Council endorse the draft Moorabbin West Urban Design Framework for the purpose of community and stakeholder consultation.
2. A further report be presented to Council following the conclusion of the consultation period.

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

**8.6 Horscroft Place Urban Design Analysis**

**RECOMMENDATION**

That:

1. Council endorse the draft Urban Design Analysis Moorabbin East for the purpose of community and stakeholder consultation.
2. A further report be presented to Council following the conclusion of the consultation period.

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

**8.7 Response to Notice of Motion No. 36/2018 - Cr. Eden - Native Tree Vouchers - Project Update**

**RECOMMENDATION**

That Council:

1. Note the results of the 2019 Free Tree Voucher trial.
2. Endorse the following changes to the scheme as proposed for 2020:
  - a) Introducing an expiry date of 31 October 2020 for the redemption of vouchers in order to encourage planting to occur during the optimum planting season.
  - b) Increasing the availability of plant stock to 5,000 with half of these to made

up of shrubs and grasses in response to community feedback.

- c) Limiting plant suppliers to locations and businesses within the City of Kingston in response to community feedback.

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

### **8.8 Urban Cooling Strategy - Consultation Feedback and Updated Strategy**

#### **Procedural Motion**

**Moved: Cr West**

**Seconded: Cr Eden**

That consideration of this item be deferred until the April Ordinary Meeting of Council

**CARRIED**

### **8.9 Update on the Endeavour Cove Investigation**

**Moved: Cr Bearsley**

**Seconded: Cr Gledhill**

That:

1. Council receive the findings of the work completed regarding an investigation into the land contained within Schedule 1 to the Comprehensive Development Zone contained at Clause 37.02 of the Kingston Planning Scheme.
2. Council commence the background work (including a comprehensive parking review) to review the Planning controls covered by Schedule 1 to the Comprehensive Development Zone contained at Clause 37.02 of the Kingston Planning Scheme and that direction from Council then be sought on commencing a Planning Scheme Amendment.
3. The Chief Executive Officer write to all parties involved in providing feedback into the investigation and that a meeting be arranged to outline the outcomes of the investigation.
4. Note that the Chief Executive Officer and General Manager Planning and Development will convene a workshop of relevant staff in the City Development and Compliance and Amenity Department to discuss the findings of the investigation and advance the implementation of the internal process improvements outlined in Section 3.3.3 of this report.

**CARRIED**



**8.10 Proposed Fenced Dog Off-Leash Areas in the South Ward Consultation  
Feedback and Other Animal and Local Laws Matters**

**Moved: Cr Bearsley**

**Seconded: Cr Eden**

That Council:

1. Note the submissions received in response to the consultation on the proposed fencing of the existing dog off-leash areas in Iluka Reserve Aspendale and Roy Dore Reserve Carrum; and
2. Proceed with the works associated with the introduction of fencing and associated user infrastructure for the existing dog off-leash area in Roy Dore Reserve Carrum during the 2020/2021 financial year.
3. Provide a maximum allocation of \$25,000 in the 2020/2021 budget towards the purchase of dog-poo bags for distribution in Council's civic and other community and animal related facilities and that this amount be further reviewed as part of the 2021/2022 budget once demand is further understood.

**Amendment**

**Moved: Cr Oxley**

**Seconded: Cr Staikos**

That Council:

1. Note the submissions received in response to the consultation on the proposed fencing of the existing dog off-leash areas in Iluka Reserve Aspendale and Roy Dore Reserve Carrum; and
2. Proceed with the works associated with the introduction of fencing and associated user infrastructure for the existing dog off-leash area in Roy Dore Reserve Carrum during the 2020/2021 financial year.
3. Provide a maximum allocation of \$25,000 in the 2020/2021 budget towards the purchase of dog-poo bags for distribution in Council's civic and other community and animal related facilities and that this amount be further reviewed as part of the 2021/2022 budget once demand is further understood.
4. Proceed with the works for establishing a fenced off lead area at Iluka Reserve as per option 3 in the report.

**CARRIED**

**The Amendment became the Motion**

**The Motion was put and CARRIED**

**8.11 KP-2018/385 - 2, 4 & 6 Horscroft Place Moorabbin**

**Moved: Cr Staikos**

**Seconded: Cr Hua**

That Council determine to support the proposal and issue a Notice of Decision to Grant a Permit to develop the land for the construction of:

- two or more dwellings on a lot
- buildings and works that exceed the Building Height set out in the Precinct Requirements
- works within a Special Building Overlay

at 2, 4 & 6 Horscroft Place Moorabbin, 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 amended plans prepared by Roger Brayshaw Pty Ltd, Drawing No's. 217-068 Sheets 1 to 28 inclusive, Revision E submitted on 22 February 2020, but modified to show:
  - a) the provision of a security gate or other alternative to the basement carpark located within proximity to the street and an elevation provided to show details of its design;
  - b) an intercom or similar to be nominated within proximity to the vehicle access point;
  - c) the proposed finished floor/surface levels for the service yards and terraces at ground level;
  - d) the vehicle crossing reduced to 6m in width;
  - e) the proposed vehicle crossing shown to be constructed at 90-degree alignment with the kerb at Horscroft Place and all internal driveways to align;
  - f) the proposed ventilation of the basement car parking;
  - g) the habitable room window, balcony, terrace, deck or patio of dwellings at ground level of townhouses and apartments designed in accordance with Clause 55.04-6 (Standard B22) of the Kingston Planning Scheme, to prevent overlooking to adjoining properties to the south west (side) and south east (rear);
  - h) notation to state that doors of Townhouses and Block A adjacent to the south eastern boundary be provided with fixed obscured glazing (no more than 25% transparent and unopenable) ;
  - i) details of the proposed screening devices to be nominated on elevation plans;
  - j) windows on the north west elevation of building A to comply with internal overlooking requirements of Standard D15 of Clause 58.04-2;
  - k) internal screens provided within balconies and terraces to limit internal overlooking;

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- l) the location of all externally-located heating and cooling units, exhaust fans and the like, clearly shown;
- m) all relevant commitments identified within the Management Plan prepared by LID on 20 July 2019 and subsequent amendment, required under condition 19 of this permit, shown on plans;
- n) all requirements of Melbourne Water in accordance with Conditions 12 to 18 of this permit;
- o) bathrooms for apartment to comply with the standard D17 and be provided with toilet clear of the circulation area; and
- p) The provision of landscape plans in accordance with the plans submitted by Wallbrink Landscape Architecture; Ground & First Floor Landscape Plans; Issue H; 06/11/2019.amended to the satisfaction of the Responsible Authority and incorporating:
  - i. The area within the pedestrian entry, outside of the footprints of ground floor apartments A1 and B1 to contain structural soils or similar, to a minimum depth of 1 metre below natural ground level to provide for canopy tree planting;
  - ii. A green façade on both levels of the north facing wall of Apartment Building B, apartment's 2-5;
  - iii. A minimum substrate depth of 1 metre in the garden bed between the base of Apartments 2-5 and the shared boundary wall with the reserve;
  - iv. A green façade on the west wall of Apartment Building A;
  - v. Substitution of the two *Banksia marginata* proposed for either side of the Horscroft Place pedestrian entrance with two (2) indigenous canopy trees capable of reaching minimum dimensions at maturity of 15 metres in height and a canopy width of 12 metres;
  - vi. Sectional details of the area containing structural soil or similar at the Horscroft Place pedestrian entrance, and for the area between Apartment Building B and the north boundary

**Endorsed Plans**

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

**Tree Protection Zones**

- 3. Concurrent with the endorsement of plans, a Tree Management Plan for trees on neighbouring properties whose tree protection zone (TPZ) extends into the subject site, must be submitted to and be endorsed by the Responsible Authority and incorporate;
  - 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.

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- 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. Any non-destructive root investigation undertaken in accordance with AS4970-2009 to determine the location and distribution of roots of trees nominated on the Tree Protection Plan.
  - ii. Proposed footings and construction methods for any buildings or structures within the Tree Protection Zone nominated on the Tree Protection Plan.
  - iii. How excavation impacts, including soil level changes, on trees to be retained will be managed.
  - iv. How the canopy of trees nominated on the Tree Protection Plan will be protected.
  - v. Any other measures required to demonstrate the successful ongoing retention and viability post-construction of any trees nominated on the Tree Protection Plan.
4. 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.
5. 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.

**Drainage and Water Sensitive Urban Design**

6. Unless with prior written consent of the Responsible Authority, before the development commences the following Integrated Stormwater Management (drainage) documents must be prepared, by a suitably qualified person, to the satisfaction of the Responsible Authority:
- a) Stormwater Management (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 works including all existing and proposed features that may have an impact on the stormwater (drainage) works, including landscaping details.
  - b) Prior to submitting detailed plans, a comprehensive stormwater management (drainage) strategy for the site must be prepared that

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- addresses the requirements specified within Council's "Civil Design requirements for Developers – Part A: Integrated Stormwater Management".
- c) The stormwater management (drainage) strategy must include a report with MUSIC modelling results or equivalent demonstrating water sensitive urban design treatments that achieve Victorian best practice objectives. 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 6a, 6b, & 6c above must be implemented on-site, unless an alternative agreement for stormwater quality in-lieu contribution is reached with the Responsible Authority.
7. Stormwater (drainage) works must be implemented in accordance with the approved stormwater management (drainage) plan and to the satisfaction of the Responsible Authority including the following:
- a. All stormwater (drainage) works must be provided onsite so as to prevent overflows onto adjacent properties.
  - b. The implementation of stormwater (drainage) detention system which restricts stormwater discharge to the maximum allowable flowrate of 28.2L/s.
  - c. All stormwater (drainage) works must be maintained to the satisfaction of the Responsible authority.
8. A flood proof apex (i.e. ridge level) protecting the property from any overland flows must be provided. This apex is to be at minimum 2.48m to Australian Height Datum (AHD) along the entire Thames Promenade and Swan Walk road frontages of the subject site is to continue through any driveways or pathways that may cross it. The apex is to be a permanent structure (eg. rise in concrete driveway/pathway, sleeper retaining wall, solid brick fence/wall). Low mounded soil on its own is unlikely to be acceptable due to the likelihood of future disturbance.
9. A groundwater assessment report (GAR) must be prepared by a qualified hydro-geologist to assess any possible impacts the proposed development has on the ground water table, surrounding land and buildings to the satisfaction of Responsible Authority. Should the findings of the submitted GAR demonstrate that the site is likely to experience issues associated with ground water management, a ground water management plan (GMP) must be submitted to and approved by the responsible authority.
10. The basement structure must be designed to respond to the findings of the GAR and GMP required under condition 9 and constructed to the satisfaction of the Responsible Authority and in accordance with the following:
- a) the basement must be a fully-tanked dry basement with no ground water including agricultural (AG) drain collection or disposal into stormwater system and with an allowance made for any hydrostatic pressures in accordance with Council's "Basements and Deep Building Construction Policy 2014" and "Basements and Deep Building Construction Guidelines 2014", or
- in the event it is demonstrated that a fully tanked dry basement cannot be achieved or if a wet basement system is proposed, no groundwater including AG drain from the site shall be discharged into the stormwater

system. Council does not accept any groundwater (including AG drain) into the stormwater system. Sub-surface water (groundwater) is the responsibility of the property owner to dispose of on site or reach an agreement with the local sewer authority.

11. In any case where the basement design and construction, as required by Conditions 8 & 9 of this permit, does not accord with the plan(s) approved under this permit, the endorsed plan(s) must be amended to the satisfaction and with the written consent of the Responsible Authority.

#### Melbourne Water's Conditions

12. The dwellings & offices must be constructed with finished floor levels set no lower than 30.82 metres to Australian Height Datum (AHD), which is 300mm above the applicable flood level of 30.52m to AHD.
13. The basement car park to the entry/exist to have an apex set no lower than 30.82 metres to Australian Height Datum (AHD), which is 300mm above the applicable flood level of 30.52m to AHD. The basement to be tanked / all doors, windows & vents to be set 300mm above the applicable flood level to AHD.
14. The buildings must be setback a minimum of 1.0 metres from the eastern boundary of the site for the conveyance of flood flow. This setback must be maintained at natural surface level and no fill or retaining walls are permitted within this setback.
15. The hard waste storage area, bike storage areas and external storage units must be constructed with finished floor levels set no lower than 30.67 metres to AHD, which is 150mm above the applicable flood level of 30.52 metres to AHD, to the satisfaction of the responsible Authority.
16. Imported fill must be kept to a minimum on the property and only be used for the sub floor areas of the dwellings, driveway ramps.
17. Any new fence/gates, including internal fencing, must be of an open style of construction (minimum 50% open) to allow for the passage of overland flows.
18. Prior to the issue of an Occupancy Permit, a certified survey plan, showing finished floor levels (as constructed) reduced to the Australian Height Datum, must be submitted to Melbourne Water to demonstrate that the floor levels have been constructed in accordance with Melbourne Water's requirements.

#### Sustainable Management Plan

19. Prior to the endorsement of plans required by Condition 1 of this permit, an updated Sustainable Management Plan (SMP) generally in accordance with the report prepared by LID Consulting dated 29 July 2019 providing the following information:
  - Thermal Comfort: Confirm commitment of providing double glazing (or better) to all living areas and bedrooms in the report, otherwise amend BESS assessment reflect this.
  - Private open space: Provide additional notes which show that each dwelling's private open space will be provided with external tap and floor waste.
20. Prior to the occupation of any building approved under this permit, written confirmation from the author of the endorsed SMP is to be submitted to and approved by the Responsible Authority detailing that all of the required measures specified in the SMP have been implemented, to the satisfaction of the

Responsible Authority.

Construction Management

21. Prior to the commencement of any buildings and works on the land (including demolition), 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.

Environmental conditions

22. Before the construction of the development authorised by this permit commences, other than demolition and works required by this environmental assessment process, a Site Contamination Assessment Report (SCAR) of the land must be submitted to and approved by the responsible authority. The assessment must be:
- (a) Carried out by a suitably qualified environmental professional with suitable qualifications who is a member of the Australian Contaminated Land Consultants Association (Victoria);
  - (b) Carried out in accordance with the *Potentially Contaminated Land General Practice Note* (Department of Sustainability and Environment June 2005) to the satisfaction of the responsible authority; and
  - (c) Paid for by the owner or permit holder along with all costs and expenses associated with the preparation of the site contamination assessment report and those incurred by the responsible authority to review the report.
23. The SCAR may draw upon or provide additional material to the report of 18 July 2018 by Greencap and must include:
- (a) A review of the site history, including previous known land uses and activities that may have had the potential to cause contamination of the land, and including anything known about the likelihood and significance of any contamination of the land;
  - (b) Soil testing across the land to allow adequate assessment of the level, nature and distribution of any contamination within, or in close proximity to the land;
  - (c) Details of any provisions, recommendations and requirements (including but not limited to, clean up, construction, ongoing maintenance and monitoring) required to effectively address and manage any contamination within the land; and

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- (d) Recommendations as to whether the land is suitable for the use for which the land is proposed to be developed, and whether an environmental auditor should be appointed under section 53S of the *Environmental Protection Act 1970* (EP Act) to undertake an environmental audit in accordance with the provisions of the EP Act.

The SCAR must be provided in its entirety to the responsible authority.

- 24. The responsible, upon receipt of the SCAR may direct the owner to procure a peer review of the report and provide that peer review in the form of a written report to the council.
- 25. If the SCAR and/or any peer review report, determines that an environmental auditor should be appointed under section 53S of the *Environment Protection Act 1970* (EP Act) to undertake an environmental audit in accordance with the provisions of the EP Act, before the construction of the development authorised by this permit commences, the environmental auditor must be appointed and undertake an environmental audit in accordance with the provisions of the EP Act and issue:
  - (a) A *certificate of environmental audit* for the land in accordance with section 53Y of the EP Act (certificate); or
  - (b) A *statement of environmental audit* for the land in accordance with section 53Z of the EP Act (statement),

The certificate or statement must be provided to the responsible authority along with any and all reports and other materials provided to or created by the environmental auditor for the purposes of completing the environmental audit, including the report produced by the environmental auditor as a result of the environmental audit.

- 26. If, pursuant to condition 25, a *statement of environmental audit* is issued:
  - (a) The development authorised by this permit must not be undertaken unless the statement clearly states that the land is suitable for the sensitive use for which the land is being developed;
  - (b) The development authorised by this permit must not be undertaken until compliance is achieved with the terms and conditions that the statement states must be complied with before the development commences (pre-commencement conditions);
  - (c) Before the construction of the development authorised by this permit commences, a letter prepared by the environmental auditor appointed under condition 25 above, which states that the pre-commencement conditions have been complied with must be submitted to the responsible authority;
  - (d) The development authorised by this permit must not be occupied until compliance is achieved with the provisions, recommendations and requirements that the statement states must be implemented and complied with before the development is occupied (pre-occupancy conditions);
  - (e) Before the development authorised by this permit is occupied, a letter prepared by the environmental auditor appointed under condition 25 above which states that the pre-occupancy conditions have been complied with must be submitted to the responsible authority;
  - (f) If any term or condition of the *statement of environmental audit* requires any ongoing maintenance or monitoring, the owner of the land (or another



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person in anticipation of becoming the owner of the land) must enter into an agreement with the responsible authority pursuant to section 173 of the *Planning and Environment Act 1987* (agreement). The agreement must:

- i provide for the undertaking of the ongoing maintenance and monitoring as required by the statement; and
- ii be executed before the sensitive use for which the land is being developed commences,

The owner of the land, or other person in anticipation of becoming the owner of the land, must pay all costs and expenses (including legal expenses) of, and incidental to, the agreement (including those incurred by the responsible authority).

27. Written notice of the engagement or termination of the engagement of an environmental auditor to undertake an environmental audit of the land required by this permit must be provided to the responsible authority within 30 days of that engagement or termination.

**Infrastructure and Road Works**

28. 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.
29. Property boundary and footpath levels must not be altered without the prior written consent from the Responsible Authority.
30. Any reinstatements and vehicle crossings are to be constructed to the satisfaction of the Responsible Authority.
31. The replacement of all footpaths, including offsets, must be constructed to the satisfaction of the Responsible Authority.
32. Any redundant vehicle crossings must be removed (including redundant portions of vehicle crossings) to the satisfaction of the Responsible Authority.

**General amenity conditions**

33. 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.
34. 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.
35. 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.
36. All overlooking screens and obscure windows to be fixed and maintained to the satisfaction of the Responsible Authority
37. Exterior lighting proposed within communal areas must be installed in such positions as to effectively illuminate all communal areas to the satisfaction of the Responsible Authority. Such lighting must be designed, baffled and located to the satisfaction of the Responsible Authority to prevent any adverse effect properties within the site or on neighbouring land to the satisfaction of the Responsible Authority.

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Completion of Works

38. 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.
39. 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.

Time Limits

40. In accordance with section 68 of the *Planning and Environment Act 1987* (the Act), this permit will expire if one of the following circumstances applies:
  - The development is not started within two (2) years from the date of permit issue.
  - The development is not completed within four (4) years from the date of permit issue.

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:** Any buildings and works (including eaves) to be located within an easement requires separate consent from Council and/or the relevant service authority. This will need to be obtained prior to the issue of a building permit.

**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 applicable flood level for the property is 30.52 metres to Australian Height Datum (AHD).

**Note:** Any new garages finished floor levels set no lower than 30.62 metres to AHD.

**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 development includes fences and steps to be built over the easement. Separate consent from Council and the relevant service authority is required to build over the easement and will need to be obtained prior to the issue of a Building Permit.

**Note:** Please note that during basement construction Council does not permit the discharge of surface water or ground water into the Council drainage system unless a Temporary Discharge Permit (TDP) has been obtained. Application form and other construction related permits can be obtained from the following link: <http://www.kingston.vic.gov.au/Property-and-Development/Construction>

**Note:** Please note for information on how City of Kingston approaches the construction of building and other structures with below ground elements for the benefit of the whole community please refer to City of Kingston 'Basement and Deep Building Construction Policy' and 'Basements and Deep Building Construction Guidelines'. <http://www.kingston.vic.gov.au/Property-and-Development/Engineering-Assessments>

**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.

**CARRIED**

## **9. Community Sustainability Reports**

### **9.1 Library Strategy Adoption**

#### **RECOMMENDATION**

That Council adopt the Kingston Library Strategy 2020 -2030 (refer Appendix 1).

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

**9.2 CON-19/55 Award of Contract - Concierge Services**

**Moved: Cr Brownlees**

**Seconded: Cr Gledhill**

That Council:

1. Award Contract 19/55 Concierge Services to National Protective Services Pty Ltd – for a period of three years for the price of \$154,947.00 per annum (exclusive of GST);
2. Delegate authority to the Chief Executive to extend the operation of Contract 19/55 beyond the Initial Contract Term for a further period of two years, i.e. up to a maximum Contract Term of five years from the contract commencement date, subject to satisfactory ongoing performance;
3. Approve an additional \$15,000 operational budget allocation in the current financial year to bridge the gap in funding to deliver the scope of works contained in the contract until 30 June 2020 via the mid-year budget review process; and
4. Refer the ongoing adjusted full year budget implications (as detailed in Section 4.3), in 2020/21 financial year and beyond for the delivery of these contracted services to the 2020/21 budget process, as a budget pre-commitment.

**Moved: Cr Staikos**

**Seconded: Cr West**

**LOST**

That Council adopt Option 2 – full in-house option.

**LOST**

**A Division was Called:**

**DIVISION:**

**FOR:** Crs Oxley, Bearsley, Staikos and West (4)

**AGAINST:** Crs Brownlees, Gledhill and Hua (3)

**ABSTAINED:** Cr Eden (1)

**CARRIED on the casting vote of the Chairperson**

**9.3 Sitting Fee for ICACC Indigenous Community Members**

**Moved: Cr West**

**Seconded: Cr Staikos**

That Council pay a sitting fee of \$50 – up to \$200 annually for each ICACC meeting Kingston Indigenous Community members attend (4 meetings per annum).

**LOST**

**9.4 Re-Naming - Former Mordialloc Masonic Hall**

**RECOMMENDATION**

That Council endorse *Platform 81* as the name of the former Mordialloc Masonic Hall, currently being redeveloped as a youth facility.

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

**10. City Assets and Environment Reports**

**10.1 Moorabbin Reserve Park Plan - Oval Fence**

**RECOMMENDATION**

That Council:

1. Receive the information and community feedback on the preferred fence type and location at Moorabbin Reserve;
2. Rescind the decision of 25 September 2017 for a combination of a permanent and part relocatable fence; and
3. Adopt a continuous permanent fence with regular entrances that are open for public access, except for game days.

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

**10.2 Bicentennial Skate Park Lighting**

**RECOMMENDATION**

That Council:

1. Allocate \$300,000 funding from the Active Youth Spaces Strategy funding in the 2020/21 budget for the installation of lights at Bicentennial Skate Park; and
2. Design the lighting system at Bicentennial Skate Park to minimise environmental impacts and to activate when people are present after dark until 9pm each night.

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

**10.3 2019/20 Capital Forecast Report**

**RECOMMENDATION**

That Council:

1. Council note the report and endorse the forecast capital position to 30 June 2020 of \$80,934,549; and
2. Council refer to the appendices for individual project forecasting.

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

**10.4 CON-19/151 Chelsea Road (Drinan Road to Beardsworth Avenue),  
Chelsea Road Reconstruction**

**RECOMMENDATION**

That:

1. Council delegate authority to the CEO to award Contract No. 19/151 Chelsea Road (Drinan Road to Beardsworth Avenue), Chelsea Road Reconstruction on a Lump Sum basis to CDN Constructors Pty Ltd for the tendered price of \$2,651,411.74 ex GST; and;
2. Council approve the allocation of a separate contingency allowance as set out in the attached confidential appendix and delegate authority to the CEO, or 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

**10.5 Future Use of 42 Florence Street, Mentone**

**RECOMMENDATION**

That Council:

1. Seek to lease the building in an arms-length transaction on commercial terms for an initial lease term of up to 5 years including options;
2. Appoint a commercial estate agent to identify a qualified commercial tenant; and
3. Receive a further report once a tenant has been identified seeking authorisation to publish a notice in accordance with Section 190 of the Local Government Act 1989 advising of Council's intention to enter into a lease subject to the rental being equal to or in excess of \$50,000 per annum.

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

**10.6 Update on actions in response to Council Resolution 28 October, 2019 -  
Weed Killer**

**RECOMMENDATION**

That Council note progress on the implementation of the Council resolution from October 2019.

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

**10.7 Adoption of Chain of Parks Trail Plans**

**RECOMMENDATION**

That Council:

1. Approve the concept plans for the Chain of Parks to be incorporated into the Green Wedge Management Plan; and
2. Utilise the concept plans for the Chain of Parks as the basis for advocacy to the State Government review of the Sandbelt Open Space Project Development Plan.

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

**10.8 Kingston Calisthenics College - Request for Council Support**

**RECOMMENDATION**

That Council:

1. Approve a grant funding allocation of \$7,500 per annum to the Kingston Calisthenics College Inc for a three-year term, commencing from 1 April 2020;
2. Authorise the Chief Executive Officer to prepare and execute a service agreement with the Kingston Calisthenics College Inc for the term of the grant; and
3. Note and refer the Kingston Calisthenics College's request for a long-term home to the Mordialloc Community Facilities Strategic review project.

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

**10.9 Response to Notice of Motion No. 42/2019 - Cr. West - LXP Tree Removals and Failure to Replace Parking Spaces**

**RECOMMENDATION**

That Council:

1. Not proceed with the removal of the 4-hour timed restrictions on one side of the road in Tuck Street, Page Street, Courtney Street, Cameron Street, Hoffman Street and the Nepean Highway Service Road during the Level Crossing Removal Works.
2. Write to the Level Crossing Removal Project and the Southern Program Alliance to request that during the approximate two-month major occupation starting on the 23<sup>rd</sup> May 2020 that all workers are bussed in from an off-site location.

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

**11. Corporate Services Reports**

**11.1 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

**11.2 Quick Response Grants**

**RECOMMENDATION**

That Council approve the following grant applications:

- Christine Lewis - \$1496.00
- Bonbeach Sports Club -\$1000.00
- Senior Citizens of Freccia Azzura Club - \$500.00
- Mythri Social and Cultural Association - \$500.00
- Unified Filipino Elderly Association Inc - \$1000.00
- Mia Scott - \$600.00

That Council not approve the following grant application:

- Ella O'Toole
- Tamil Senior Citizens Fellowship

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

**11.3 In House Legal Service Providers**

**Procedural Motion**

**Moved: Cr Eden**

**Seconded: Cr Gledhill**

That consideration of this item be deferred until the matter can be discussed at a Councillor Information Session.

**CARRIED**



**11.4 Independent Governance Review**

**Moved: Cr Eden**

**Seconded: Cr West**

1. That Council adopt the attached scope and seek tenders from suitably qualified respondents to conduct the Independent Governance Review; and
2. That Council receive a report on the outcome of the tender process prior to the award of the contract.
3. Further that as part of this review, Council officers undertake an audit of compliance with Council resolutions since November 2016 and that this is to occur and a report brought back within 90 days.

**CARRIED**

**7. Question Time**

Cr Gledhill left the meeting at 7.56pm.

Cr Gledhill returned to the meeting at 7.59pm.

Cr Bearsley left the meeting at 7.59pm.

Cr Bearsley returned to the meeting at 8.02pm.

**Chris Hill of Mentone asked,**

*"I understand Council have already decided to postpone the decision on the Housing Strategy until the April Ordinary Meeting, however given the COVID-19 crisis and the fact the State is about to enter lockdown, I was hoping to clarify whether this will mean all future decisions relating to the Housing Strategy will be indefinitely postponed until further notice?"*

**The General Manager Planning and Development provided the following response,**

*"Council is yet to decide on the contents of the items to be listed for consideration by the Council at the April Ordinary Council Meeting. Careful consideration will need to be given to the ability for Council to meaningfully advance the Housing Strategy and Neighbourhood Character work during the COVID-19 crisis. It was envisaged that for the next stage of community engagement a range of activities that involved public gatherings would be conducted, and such activities are not presently possible. This impacts on the ability to engage on the Housing Strategy and Neighbourhood Character Work as previously planned. Further advice will be provided to parties on the Council's mailing list for the Housing Strategy and Neighbourhood Character Work once discussions have occurred with Councillors."*

**Pat Tilley of Bonbeach asked,**

*"I am representing Kingston Save our Streets group and ask that the community expects consultation on the amendments on the Housing Strategy and maps to be made available prior to Council adopting the Strategy. What plans do Council have to meet their community's expectations on this major project?"*

**The General Manager Planning and Development provided the following response,**

*“As reinforced in the response to an earlier question Council will need to further consider its approach to community engagement given the implications of the COVID-19 crisis. Once a further opportunity has occurred to discuss this matter with Councillors’ advice will be provided to all parties on the Councils mailing list for the Housing and Neighbourhood Character work.”*

**Pat Tilley of Bonbeach asked,**

*“On the amended Housing Strategy can I ask on behalf of South Ward residents and those who sent in submissions. Without the community being advised of changes please outline how confident the community can be in Council and consultants that they have been listened to and their ideas be adopted?”*

**The General Manager Planning and Development provided the following response,**

*“Once again, due to the COVID-19 crisis, there will be a delay in being able to respond to the community with respect to their questions, but we will get back to them as best we possibly can”.*

**Rachael Okoukoni asked,**

*“1. Recently there were maps made available to the community displaying feedback on the proposed re-zoning of certain areas of Kingston. These maps clearly showed areas of Kingston which are opposed to having changes applied to the height and density of their area. My area of Moorabbin and my parents area of Mentone were two such areas. My question - will we see this community feedback displayed in the recommendations made for council to vote on? 2. Given the current climate of uncertainty and given the plan for further community consultation on the re-zoning prior to any decision being finalized, would it be appropriate to defer any decisions until such time that community consultation can be included? It is looking like it would be difficult to obtain feedback on the proposed changes at this time.”*

**The General Manager Planning and Development provided the following response,**

*“I believe I have answered the question with respect to the COVID-19 crisis and the need to talk to Councillors. As for the summary of where submissions have come from, we can certainly include that in the next report to Council.”*

**Genevieve Moore and Michael Moore asked,**

*“First, thank you Councillors for refusing to accept the amended application for a 3 storey apartment on Como Pde. East and Eighth St. You recognised its inappropriate nature for our residential area and the problems of excessive traffic and waste management at the site. Will Council now act to save our area from continued onslaught of applications for 3 story developments by rezoning Bethel Ave and the numbered streets to Neighbourhood Residential Zone with a 9m, 2-storey limit?”*

**The General Manager Planning and Development provided the following response,**

*“Council will be considering the application of Planning Zones as part of its Housing Strategy and Neighbourhood Character Work and the feedback of Mr. and Mrs. Moore will be provided to the consultants assisting Council with this work. Mr. and Mrs Moore will be kept updated once the consultation process for the Housing Strategy and Neighbourhood Character study is determined by Council.”*

**Denise Pilkington asked,**

*“Given that the Council’s own data indicates Kingston is meeting its population targets with the current planning scheme, why do we need to increase the housing density so radically?”*

**The General Manager Planning and Development provided the following response,**

*“Kingston is required to consider the Victoria in Future Population Projections which were updated last year. Decisions regarding the application of the different zones will be considered as part of developing its work in formulating its Housing Strategy and Neighbourhood Character Work.”*

**Barbara Spadinger of Mentone asked,**

*“As our elected representatives, why have you not taken notice of the large number of 'No' submissions from the whole of Kingston Municipality to three-storey rezoning? Our narrow suburban streets are already crowded with parked cars, and we don't want to be overlooked or overshadowed by large buildings. Residential blocks running north-south would have afternoon sun blocked out, creating a depressing atmosphere. Children can't have a healthy lifestyle with lack of outdoor play areas, and adults need outdoors for gardening and relaxation. Kingston has already increased by following the present zoning rules, so why are you considering squashing more people into already highly populated areas? It is unacceptable.”*

**The General Manager Planning and Development provided the following response,**

*“Issues associated with the overshadowing and overlooking are considered as part of the assessment of planning applications. The comments made regarding outdoor play areas and the provision of Private Open Space for new medium density development will be considered as part of the Housing and Neighbourhood Character work.”*

**Karl Spadinger of Mentone asked,**

*“It's abhorrent to hear that our elected Council will not support the large number of residents' "No" submissions against changing the zoning to allow three storeys. We strongly object for that idea to go ahead. We already have an unpleasant situation with cars parking over driveways because of their frustration. What else is needed for us to make the point that our objections are serious?”*

**The General Manager Planning and Development provided the following response,**

*“In situations where vehicles are parked across driveways contact should be made with Council and Officers can inspect and issue infringements if non-compliance is observed. This application of the zones will be further considered in the context of the work Council is doing in formulating its Housing Strategy and Neighbourhood Character Work.”*

**Graeme Worcester of Parkdale asked,**

*“Why has the Council not provided residents with information about the extra development impact of Kingston’s proposed Housing Strategy? Over 600 residents attended the 207 ward meetings and overwhelmingly wanted to retain a ‘village atmosphere’, low density housing, return to GNZ, and restrict three storey development and ‘over development’ in general. Why is Council proposing a Housing Strategy that will increase more high density development when we have either reached that figure or have areas designated for suitable proposed high density development in more strategic areas other than areas of Parkdale currently being considered?”*

**The General Manager Planning and Development provided the following response,**

*“I spoke to Mr Worcester earlier today just before the commencement of the meeting and agreed to come back to him with a more substantive response once we have had a chance to talk to Councillors about the Housing Strategy and Neighbourhood Character work.”*

**Kevin Poulter of Dingley Village asked,**

*“ISPT sent an anonymous flyer regarding cutting down and punning up to 80 trees on Kingswood Golf course park. Is it true that the permits they quoted do not match those on file at Council?”*

**The General Manager Planning and Development provided the following response,**

*“Council has raised some concerns regarding some discrepancies in the flyer and has sought to arrange a meeting with representatives of the owner of the Kingswood Peninsula Golf Course Dingley Village to discuss these issues. Following this meeting advice will be provided to Mr Poulter on the outcomes.”*

**Damien Williams of Chelsea asked,**

*“Like governments elsewhere, the City of Kingston is presented with a once-in-a-lifetime opportunity to invest more in emissions reduction as part of the overall recovery from COVID-19. What plans does Council currently have in place to better communicate its climate emergency resolution to Kingston residents so that the urgency of this matter is made clear?”*

**The General Manager Planning and Development provided the following response,**

*“The Council recognises the importance of working with the community on emissions reductions and has taken significant steps in recent years to do the following:*

- Transfer its street lights to efficient LED lighting;*
- Increase its expenditure on Solar Panels; and*
- Is actively working with Procurement Australia to explore the bulk procurement of renewable energy.*

*The formulation of the Climate and Ecological Emergency Response Plan will provide opportunities for Council to further engage with its community on other opportunities to also support community initiatives to reduce emissions.”*

**Tom Maher asked,**

*“Why has there been no apparent involvement of the Council Transport department in the Climate Emergency report tabled at tonight’s Council Meeting? 20% of Kingston’s emissions come from transport. Any vehicle that uses petrol or diesel for fuel will need to become obsolete to eliminate emissions. There needs to be Kingston Council leadership, education and action in speeding up the adoption of improved technology to reduce emissions both in its own operations and within community. There are Australian manufacturers of electric garbage trucks. There are purchasable electric vans used by other Victorian councils. Kingston Council can be an example to the community. So -why has there been no apparent involvement of the Council Transport department in the report?”*

**The General Manager Planning and Development provided the following response,**

*“In 2018/19, 16.9% of Council emissions were attributable to transport related fuel use (diesel and unleaded petrol). The majority was contractor fuel use for waste, Parks and foreshore management. Transport as a sector represents approximately 20.46% of Kingston’s total community emissions, Council related transport emissions (both fleet and contractor fuel) make up 0.1% of community emissions. Item 8.4 on tonight’s agenda responds to the specific points in a Notice of Motion from the January Council meeting. Transport will be picked up in the development of the Climate and Ecological Emergency Response Plan. Council is also developing an Integrated Transport Strategy. Reducing carbon emissions is a key challenge identified and responded to by the Draft Strategy and further consultation on this work is scheduled for the second half of the year.”*

**Tom Maher asked,**

*“Can Kingston Councillors ensure that they limit their contact with those most at risk from the Corona virus? After U3A (University of the Third Age) had cancelled all its activities and was closing its doors, three Councillors turned up for the AGM. It would have been better if they had shown example by not attending. Can Councillors Limit their contact with the elderly?”*

**The General Manager Corporate Services provided the following response,**

*“I’m sure everyone will acknowledge this is a fast-moving situation, and I’m equally sure that Councillors always have the best interests of the community at their heart and only wish to engage with all residents in a safe, socially-distant way”.*

**Ron Gordon of Mentone asked,**

*“ ‘Mentone This Way’ strategically placed signage is important to allow visitors to easily reach the Mentone Activity Centre, Mentone. Given limited resources and as indicated last month on this topic - we will investigate the signage on a single entrance road to Mentone – this month we look at Mentone Parade, Mentone – this thoroughfare intersects with Beach Road and leads into the centre of Mentone intersecting with Como Parade West. There is no sign at the Beach Road and Mentone Parade intersection indicating ‘Mentone This Way’. Can a sign to this effect be installed at Beach Road to help people visit Mentone please. Please indicate when this ‘Mentone This Way’ signage will be provided and if Council considers it can’t be provided please outline all the reasons why Council considers such a sign cannot be provided”.*

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**The General Manager City Assets and Environment provided the following response,**

*“The signage requires approval from the Department of Transport, and has previously indicated the way finding signage is noted in the context and timeframe of the Level Crossing Removal works to be completed this year.”*

**12. Notices of Motion**

**12.1 Notice of Motion (Rescission) No. 6/2020 - Crs Barth, Staikos & West -  
Items 12.1 and 13.1 Ordinary Meeting of Council 24 February 2020**

**Moved: Cr Staikos**

**Seconded: Cr West**

That:

- Item 12.1 Notice of Motion No. 4/2020 – Cr Gledhill – Amendment to Meeting Procedures Local Law be rescinded.

**CARRIED**

- Item 13.1 Urgent Business, Resolution on the Bay Trail Report into Safety and Construction be rescinded.

**LOST**

**A Division was Called:**

**DIVISION:**

**FOR:** Crs Brownlees, Staikos and West (3)

**AGAINST:** Crs Bearsley, Gledhill and Hua (3)

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

**LOST**

**Note:** It was requested by Cr Staikos and agreed to by the Chairperson that each part of the Motion be put to the vote separately.

**12.2 Notice of Motion No. 7/2020 - Cr Eden - Publication of Expenses and the CEO Contract**

The CEO, Julie Reid declared a direct interest in items 12.2 and 12.3 as she is party to the matters and left the meeting at 8.32pm prior to any discussion on the matters.

**Moved: Cr Eden**

**Seconded: Cr Hua**

That Council determine to make public the CEO contract, and CEO / General Manager expenses in the same way as Councillor expenses.

Further that this occur subject to the compliance with *The Privacy and Data Protection Act 2014 (VIC)*, and the Australian Privacy Principles.

Further that a report be presented to Council no less than every quarter to note such expenses.

**Amendment**

**Moved Cr Staikos**

That Council determine to make public the CEO contract (with the exception of the key performance objectives) and CEO / General Manager expenses in the same way as Councillor expenses.

Further that this occur subject to the compliance with *The Privacy and Data Protection Act 2014 (VIC)*, and the Australian Privacy Principles.

Further that a report come to Council no less than every quarter to note such expenses.

**The Amendment was accepted by the Mover and Seconder**

**The Motion was CARRIED**

**12.3 Notice of Motion No. 8/2020 - Cr Brownlees - Process for Amending CEO Employment Contract**

**Procedural Motion**

**Moved: Cr Brownlees**

**Seconded: Cr Gledhill**

That the matter be considered in the part of the meeting closed to the public to be dealt with in conjunction with item 14.5.

**LOST**

**Moved: Cr Brownlees**

**Seconded: Cr Gledhill**

That a report be provided having regard to the information contained in the officer report at Item 14.5 of the agenda that considers the following:

1. Council amends Item 8.5.2 of the Chief Executive Officer (CEO) contract (related to expense claims approval) that will provide for the provision for the CEO to spend up to \$500 on any individual matter related to professional associations, professional development, conferences and incidental expenses to allow for the CEO's day to day performance of the position as required under the employment conditions as listed in 8.5.1 of the contract, without having to gain prior approval

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from Council for that expenditure.

2. Claims for reimbursement are to be made and dealt with by the General Manager Corporate Services in accordance with adopted and approved practices and procedures.
3. A limit of \$2500 in any three month period would apply and a report would be submitted to Council at the end of each quarter.

Further that any changes to the CEO contract would need the consent and agreement of the Chief Executive officer.

**LOST**

**A Division was Called:**

**DIVISION:**

**FOR:** Crs Bearsley, Brownlees, Gledhill and Staikos (4)

**AGAINST:** Crs Oxley, Eden and West (3)

**ABSTAINED:** Cr Hua (1)

**LOST on the casting vote of the Chairperson**

The CEO, Julie Reid returned to the meeting at 9.06pm.

**12.4 Notice of Motion No. 9/2020 - Cr Oxley - Tree Removal**

**Moved: Cr Oxley**

**Seconded: Cr Eden**

That:

1. Council receive ongoing reports at CIS to inform Councillors if any tree proposed to be removed within the municipality that is over 8m
2. This report includes but not limited to the reason for removal.
3. This report is provided to Councillors with enough time to consider the tree removal at an Ordinary Council Meeting if required except in cases where the tree is posing a serious risk requiring more prompt removal.

**CARRIED on the casting vote of the Chairperson**



**12.5 Notice of Motion No. 11/2020 - Cr Oxley - Leisure Centre**

**Moved: Cr Eden**

**Seconded: Cr Oxley**

That Council officers provide options in the upcoming report to Council for the rebuild of a leisure centre to be located in Kingston's South Ward, and the feasibility for the construction of additional indoor basketball courts to be co-located on site to provide for the required additional basketball courts in Kingston's south, and that consideration be given to the Chelsea Basketball Club for access to these courts taking into consideration their usage requirements.

Cr Hua left the meeting at 9:12pm

Cr Hua returned to the meeting at 9:16pm

**CARRIED**

**12.6 Notice of Motion No. 12/2020 - Cr West - Flood Mitigation**

The Notice of Motion was withdrawn.

**12.7 Notice of Motion No. 13/2020 - Cr West - Mapping Areas of Indigenous Vegetation in Kingston**

The Notice of Motion was withdrawn.

**13. Urgent Business**

**Moved: Cr Oxley**

**Seconded: Cr Gledhill**

That an item of Urgent business be considered in relation to the delegation to the Chief Executive Officer.

**CARRIED**

**Moved: Cr Oxley**

**Seconded: Cr Brownlees**

That Council vary the Instrument of Delegation to the Chief Executive Officer or Acting Chief Executive Officer to remove the limitation to award a contract exceeding the value of \$750,000 subject to:

- A matter that has been listed on a Council meeting agenda for the award of a contract and a quorum of Council cannot be achieved to deal with the award of a contract; and
- The limitation that the variation is effective during the State of Emergency declared by the State Government to combat COVID-19.

**CARRIED**

**14. Confidential Items**

**Moved: Cr Gledhill**

**Seconded: Cr Hua**

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:

**14.1 Notice of Motion No. 10/2020 - Cr Oxley - Tarella Road Land**

*This agenda item is confidential in accordance with the Local Government Act s89(2) as it relates to any other matter which the Council or special committee considers would prejudice the Council or any person (s89 2h)*

**14.2 Mordialloc Creek - Mooring Fees**

*This agenda item is confidential in accordance with the Local Government Act s89(2) as it relates to contractual matters (s89 2d) and legal advice (s89 2f)*

**14.3 Property Matter**

*This agenda item is confidential in accordance with the Local Government Act s89(2) as it relates to contractual matters (s89 2d) and proposed developments (s89 2e)*

**14.4 Chief Executive Officer Employment Matters (Conflict of Employment Disclosure)**

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

**14.5 Chief Executive Officer Employment Matters (Additional Expenses)**

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

**Confidential Appendices**

**8.1 Planning Compliance in the Green Wedge - February 2020**

**Appendix 1, Green Wedge Spreadsheet for Council - update January 2020 - Confidential**

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

**9.2 CON-19/55 Award of Contract - Concierge Services**

**Appendix 1, Tender Evaluation CON-19/55 Award of Contract - Concierge Services**

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

**10.4 CON-19/151 Chelsea Road (Drinan Road to Beardsworth Avenue), Chelsea Road Reconstruction**

**Appendix 1, CON-19/151 Evaluation Matrix - Chelsea Road Chelsea Road Reconstruction**

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

**CARRIED**

**City of Kingston  
Ordinary Meeting of Council**

**Minutes**

**23 March 2020**

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The meeting was closed to members of the public at 9.24pm.

**Procedural Motion**

**Moved: Cr Eden**

**Seconded: Cr Hua**

That the meeting be opened to members of the public.

**CARRIED**

The meeting was opened to members of the public at 9.49pm.

The meeting closed at 9.49pm.

**Confirmed.....**

**The Mayor 27 April 2020**