

Minutes

Ordinary Meeting of Council

Monday, 28th October 2019



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**City of Kingston
Ordinary Meeting of Council**

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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
Megan O'Halloran, Acting 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
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 Eden

Seconded: Cr Bearsley

That the Minutes of the following meetings be confirmed:

1. Ordinary Meeting of Council held on 23 September 2019
2. Special Meeting of Council held on 14 October 2019
3. Special Meeting of Council held on 21 October 2019
4. Special Meeting of Council held on 21 October 2019

CARRIED

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

Cr Bearsley foreshadowed a declaration of a conflict of interest in Item 10.1.

The CEO, Julie Reid foreshadowed a declaration of a conflict of interest in Item 14.2.

4. Petitions

4.1 Proposed Fence Around Moorabbin Oval

Moved: Cr Staikos

Seconded: Cr Hua

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

CARRIED

5. Presentation of Awards

The Mayor and Councillors paid tribute to former Mayor and Councillor Bill Nixon OAM.

6. Reports from Delegates Appointed by Council to Various Organisations

Cr West reported on having attended a meeting of the Association of Bayside Municipalities.

Moved: Cr Eden

Seconded: Cr Gledhill

That the delegate's report be received.

CARRIED

7. Question Time

Question time was held at 8.13pm. Refer to page 14 of the Minutes.

Block Resolution

Moved: Cr Hua

Seconded: Cr Brownlees

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

- 9.1 Youth Awards Model Review
- 9.2 Refurbishment of Level 6 Oakleigh Room and Balcony - Award of Contract
- 9.3 CON-19/92 Roy Dore Pavilion Construction - Award of Contract
- 9.4 CON-19/76 Jack Grut Pavilion (Stage 2 works) - Award of Contract
- 9.5 Interfaith Network Committee Recruitment
- 10.3 Moorabbin Archery Club
- 11.1 Assembly of Councillors Record Report
- 11.2 Quick Response Grants
- 11.3 Annual Report 2018/19
- 11.4 Kingston Performance Report, July- September 2019 and Quarterly Financial Statements Report, September 2019
- 11.7 Community Engagement Policy

CARRIED

8. Planning and Development Reports

8.1 Southern Corridor Level Crossing Removals – Priority Project Outcomes

Moved: Cr Bearsley

Seconded: Cr Eden

That Council:

- 1. Endorse the Priority project outcomes Edithvale, Chelsea and Bonbeach Level Crossings Report (Appendix 1) as Council's position in relation to urban and landscape design outcomes for the level crossing removal sites at Edithvale, Chelsea and Bonbeach with the following modifications:
 - 1.1. Reference to the heritage significant components of the station area for Chelsea be expanded in Preferred Outcome 6 to reinforce a desire to accommodate those elements of the heritage fabric of the existing station which are not able to be accommodated in the heritage precinct, repurposed in an agreed location.
 - 1.2. Include a new preferred outcome for Chelsea to explore the appropriateness of land assembly to create an enhanced southern connection and public space in the centre to compensate for the loss of vegetation along the broader rail corridor as part of the project.
 - 1.3. Include a new preferred outcome for Bonbeach to explore whether any potential exists to expand options for access to greater carparking for the Life Saving Club.
 - 1.4. Include a new preferred outcome for Bonbeach to reinforce the importance of monitoring the significant vegetation along the Bonbeach Foreshore.
 - 1.5. Explore the opportunity to work with VicRoads and the LXP to relocate the pedestrian crossing between Kelvin Grove and Foy Avenue, Chelsea to the intersection of Kelvin Grove to enhance pedestrian and vehicular

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access to the foreshore and Chelsea Yacht Club to align with the Chelsea Level Crossing Removal Works.

2. Write to the Level Crossing Removal Project and Southern Program Alliance (SPA) to inform them of Council's position in relation to urban and landscape design outcomes for the level crossing removal sites at Edithvale, Chelsea and Bonbeach.
3. Write to the Level Crossing Removal Project informing them that following feedback from local residents the toilet facilities which incorporate a Changing Places Facility be relocated to the north side of the access road away from residential properties.

Amendment

Moved: Cr West

Seconded: Cr Staikos

That the motion be adopted subject to amendments to the following clauses:

- 1.1 Reference to the heritage significant components of the station area for Chelsea be expanded in Preferred Outcome 6 on page 36 of the agenda (page 22 of the Priority Project Outcomes document – Appendix 1) to reinforce a desire to accommodate those elements of the heritage fabric of the existing station which are not able to be accommodated in the heritage precinct, repurposed in an agreed location e.g. at the front of the community hub facing Station Street.

LOST

- 1.3 Include a new preferred outcome for Bonbeach to explore whether any potential exists to expand options for access to greater carparking for the Life Saving Club provided priority is given to the retention of the Coast Banksia Woodland bordering the railway line.

CARRIED

- 1.4 Include a new preferred outcome for Bonbeach to reinforce the importance of monitoring the significant vegetation along the Bonbeach Foreshore and to the rest of the foreshore impacted by the trenches.

CARRIED

- 1.5 Delete the reference on page 19 of the agenda (page 5 of the Priority Project Outcomes document – Appendix 1) *"This project can deliver the missing link in Melbourne's bicycle network."*

LOST

- 1.6 Add words to the headings at points 3.2 and 3.3, on page 26 of the agenda (page 12 of the Priority Project Outcomes document - Appendix 1), to read *"Opportunities and shortcomings"*.

CARRIED

- 1.7 Considering the considerable significant vegetation lost between Edithvale and Bonbeach Council request that the authority acquire a coastal banksia woodland in or around those areas.

CARRIED

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

The Amendment became the Motion

The Motion was put and CARRIED

The Motion reads as follows:

That Council:

1. Endorse the Priority project outcomes Edithvale, Chelsea and Bonbeach Level Crossings Report (Appendix 1) as Council's position in relation to urban and landscape design outcomes for the level crossing removal sites at Edithvale, Chelsea and Bonbeach with the following modifications:
 - 1.1. Reference to the heritage significant components of the station area for Chelsea be expanded in Preferred Outcome 6 to reinforce a desire to accommodate those elements of the heritage fabric of the existing station which are not able to be accommodated in the heritage precinct, repurposed in an agreed location.
 - 1.2. Include a new preferred outcome for Chelsea to explore the appropriateness of land assembly to create an enhanced southern connection and public space in the centre to compensate for the loss of vegetation along the broader rail corridor as part of the project.
 - 1.3. Include a new preferred outcome for Bonbeach to explore whether any potential exists to expand options for access to greater carparking for the Life Saving Club provided priority is given to the retention of the Coast Banksia Woodland bordering the railway line.
 - 1.4. Include a new preferred outcome for Bonbeach to reinforce the importance of monitoring the significant vegetation along the Bonbeach Foreshore and to the rest of the foreshore impacted by the trenches.
 - 1.5. Explore the opportunity to work with VicRoads and the LXP to relocate the pedestrian crossing between Kelvin Grove and Foy Avenue, Chelsea to the intersection of Kelvin Grove to enhance pedestrian and vehicular access to the foreshore and Chelsea Yacht Club to align with the Chelsea Level Crossing Removal Works.
 - 1.6. Add words to the headings at points 3.2 and 3.3, on page 26 of the agenda (page 12 of the Priority Project Outcomes document - Appendix 1), to read "*Opportunities and shortcomings*".
 - 1.7. Considering the considerable significant vegetation lost between Edithvale and Bonbeach Council request that the authority acquire a coastal banksia woodland in or around those areas.
2. Write to the Level Crossing Removal Project and Southern Program Alliance (SPA) to inform them of Council's position in relation to urban and landscape design outcomes for the level crossing removal sites at Edithvale, Chelsea and Bonbeach.
3. Write to the Level Crossing Removal Project informing them that following feedback from local residents the toilet facilities which incorporate a Changing Places Facility be relocated to the north side of the access road away from residential properties.

CARRIED

9. Community Sustainability Reports

9.1 Youth Awards Model Review

RECOMMENDATION

That Council endorse a revised Youth Awards Model, as per Option 1 of this report.

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

9.2 Refurbishment of Level 6 Oakleigh Room and Balcony - Award of Contract

RECOMMENDATION

That Council:

1. Receive the information and note the outcome of the tender assessment process for Contract 19/87 – Refurbishment - Level 6 Oakleigh Room and Balcony, as set out in the confidential appendices attached to this report.
2. Award Contract 19/87 – Refurbishment - Level 6 Oakleigh Room and Balcony for the final adjusted fixed lump sum price of \$418,177.86 (exclusive of GST) to Total Trade Property Services Unit Trust.
3. Approve the allocation of a separate contingency allocation, as set out in the attached confidential appendix and delegate authority to the CEO, or their nominee, to expend this allowance to ensure the successful completion of the project.

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

9.3 CON-19/92 Roy Dore Pavilion Construction - Award of Contract

RECOMMENDATION

That Council:

1. Receive the information and note the outcome of the tender assessment process for Contract 19/92 – Roy Dore Pavilion Construction, as set out in the confidential appendices attached to this report.
2. Delegate authority to the CEO to award Contract 19/92 – Roy Dore Pavilion Construction for the final adjusted fixed lump sum price of \$5,825,472.00 (exclusive of GST) to 2Construct Pty Ltd. subject to receiving written confirmation from the Victorian State Government in relation to the exact funding allocation for the pavilion project based on its \$4M election commitment in relation to a range of works across the Roy Dore Reserve site.
3. Approve the allocation of a separate contingency allocation, 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 5 of the Minutes where this item was block resolved.

9.4 CON-19/76 Jack Grut Pavilion (Stage 2 works) - Award of Contract

RECOMMENDATION

That Council:

1. Receive the information and note the outcome of the tender assessment process for Con- 19/76 – Jack Grut Pavilion (Stage 2) Construction project, as set out in the confidential appendix attached to this report.
2. Agree to award Contract 19/76 – Jack Grut Pavilion (Stage 2) Construction project for the final adjusted fixed lump sum price of \$1,226,578.40 (exclusive of GST) to KL Modular Systems (Australia) Pty Ltd.
3. Approve the allocation of a separate contingency allocation, 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 5 of the Minutes where this item was block resolved.

9.5 Interfaith Network Committee Recruitment

RECOMMENDATION

That Council appoint the following candidates to the Interfaith Network Committee for the period ending 31 October 2021:

1. Penny McGuire White – Anglican Church representative
2. Andy Mitchell – Baptist Church Mordialloc
3. Pudak Nayati – Indonesia Muslim Community of Victoria
4. Genevieve Marie – ECKANAR
5. Hasan Tawfique – Al-Ehsan Centre
6. Bijo Vargese – St George Jacobite Syrian Orthodox Church

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

10. City Assets and Environment Reports

10.1 CON - 19/111 Contract Award for Outdoor Sports Facilities - Chadwick Reserve Dingley and Aspendale Gardens Sports Reserve

Cr Bearsley declared an indirect Conflict of Interest in this item due to residential amenity as she lives in close proximity to the Reserve and left the meeting at 7.54pm prior to any discussion on the matter.

Moved: Cr Eden

Seconded: Cr Staikos

That Council:

1. Award Contract 19/111 – Outdoor sports facilities Chadwick Reserve Dingley and Aspendale Gardens Sports Reserve – Stage 1 for the final adjusted fixed lump sum price of \$4,018,780 (exclusive of GST) to Joslyn Group Pty Ltd;
2. Authorise the Chief Executive Officer or their delegate to execute the Contract documents for Contract 19/111;
3. Approve the allocation of a separate construction contingency and provision for potential contaminated soil, related to this stage of work, as set out in the attached confidential appendix 1 and delegate authority to the Chief Executive Officer or their delegate to expend in order to ensure the successful completion of the project;
4. Authorise the Chief Executive Officer to enter a funding agreement with the Victorian State Government for the \$4.5M election commitment to the multi-sports facilities developments at Aspendale Gardens Sports Reserve to enable a home for the Aspendale Stingray Soccer Club; and
5. Note the adopted project governance framework.

CARRIED

Cr Bearsley returned to the meeting at 7.56pm.

10.2 Update to Notice of Motion 10/2016 - Weed Killer

Moved: Cr Eden

Seconded: Cr Staikos

That Council:

1. Cease the use of Local Safe to control weeds in Council's playgrounds. In areas where Local Safe has been used, glyphosate will not be used;
2. Commence using social enterprise organisations to undertake hand weeding in Council's playgrounds;
3. Immediately reduce the use of glyphosate through improved practices and use of alternate products and continue to reduce glyphosate through contract renewal processes phasing out completely by 2020, where contractually possible and by agreement;
4. Refer any requirement for additional funding for alternative weed control mechanisms to the mid-year budget review; and
5. Continue to monitor advice from Government regulatory reviews and advice from Australian Pesticides and Veterinary Medicines Authority;

6. Determine that no further contracts or agreements are to occur where glyphosate is being used.

CARRIED

10.3 Moorabbin Archery Club

RECOMMENDATION

That Council:

1. Note the reversal of shooting activities towards a South direction as an interim solution to support the Moorabbin Archery Club's ongoing operations at Highett Reserve
2. Note the findings of the independent risk assessment
3. Authorise the Chief Executive Officer or their delegate to identify and expend savings from Council's 2019/20 capital budget to undertake venue safety improvements at Highett Reserve consisting of:
 - a) Construction of a 2.4m fence atop the existing raised mound on the archery range South boundary
 - b) Installation of a 1.8m chain-mesh fence along the archery range East and West boundaries
4. Support relocation of the Moorabbin Archery Club to an alternative site
5. Note the establishment of a Memorandum of Understanding with the Moorabbin Archery Club confirming interim arrangements and intent of future relocation

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

11.2 Quick Response Grants

RECOMMENDATION

That Council approve the following grant applications:

- Clarinda Seniors Social Group - \$500.00
- Chelsea Pony Club - \$1500.00
- Kingston Heath Cricket Club - \$1500.00
- St Joseph's Church - \$500.00
- HousingFirst Ltd - \$500.00
- Mentone Public Library - \$500.00
- Bonbeach Cricket Club - \$500.00
- Friendship Square Childcare and Kindergarten Co-op - \$747.00
- Chelsea PC Support Group - \$1500.00
- Bonbeach Sports Club - \$700.00
- Neighbourhood Watch Kingston Inc. - \$500.00
- St Andrews Parish - \$500.00
- Pilipino Elderly Association South East Region - \$1000.00

That Council not approve the following grant applications:

- St Andrews Primary School

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

11.3 Annual Report 2018/19

RECOMMENDATION

That Council, having considered the 2018/19 Annual Report, determine that it be adopted pursuant to S134 of the Local Government Act and Regulation 22 of the Local Government (Planning and Reporting) Regulations 2014.

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

11.4 Kingston Performance Report, July- September 2019 and Quarterly Financial Statements Report, September 2019

RECOMMENDATION

That Council receive the Kingston Performance Report July-September 2019 and the Quarterly Financial Statements Report, September 2019.

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

11.5 Award of Contract 19/58 – Provision of Legal Services

Moved: Cr Staikos

Seconded: Cr Brownlees

That consideration of this item be deferred until such a time as Councillors receive a report on the feasibility of adding an in-house counsel to our governance team to be a first point of contact within the organisation for legal advice; to manage Council's dealings with providers of legal services; with a view to streamlining access to legal advice and containing legal expenses.

CARRIED

11.6 Commercial Use of Land Application - Street EatZ

Moved: Cr Staikos

Seconded: Cr Bearsley

That Council approve the two applications from Street EatZ Commercial Events as follows:

- Street EatZ food truck park at Bicentennial Park, Chelsea 20 January – 2 February 2020
- Street EatZ food truck park at Kingston Heath Reserve, Cheltenham 25 – 29 March 2020

subject to a range of conditions including safety measures, emergency management, facility provisions, environmental health considerations and agreement to a commercial use of land fee being satisfied.

CARRIED

11.7 Community Engagement Policy

RECOMMENDATION

That Council:

1. Note the feedback received from the community on the proposed Community Engagement Policy.
2. Adopt the attached Community Engagement Policy.

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

Question Time

Rhys Martin of Carrum asked,

“Why am I required to pay the council \$1541.00 to remove a tree from my nature strip once it has been approved when I can get a private company to do it for less. I currently have a written quote for \$440.00 to remove the same tree in order to move my driveway?”

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.

Genevieve Pound of Chelsea asked,

“Would Council consider advocating for the retention of the heritage-listed Chelsea train station buildings (platforms 1 and 2)?”

The General Manager Planning and Development provided the following response,

“This item was discussed as part of item 8.1 on tonight’s agenda where Council resolved to update its Edithvale, Chelsea and Bonbeach Level Crossing report to do the following: To reinforce a desire to accommodate those elements of the heritage fabric of the existing station which are not able to be accommodated in the heritage precinct, repurposed in an agreed location. The consequence of that resolution will be that Council will be advocating to protect and preserve the heritage station fabric which you raised a question about.”

Genevieve Pound of Chelsea asked,

As suggested, would Council consider relocating the heritage-listed Chelsea train station buildings north of their current location, to opposite the Town Hall, on decking over the railway station as with the Mentone station buildings? Or relocate to the forecourt of the police station?

The General Manager Planning and Development provided the following response,

“As per the previous answer there is a mandate for Council to look for alternative locations if they can’t be within the precinct. Whether or not those locations are suitable would require Council to do some more work on the amount of space that is in those areas and what that land might be set aside to be used for.”

Ron Gordon of Mentone asked,

“Given that the Right Hand turn into Mentone Parade from Como Parade West Mentone has been re-established for some months now providing much needed connectivity within Mentone why is it that a sign indicating Mentone Parade is closed continues to be displayed in Warrigal Road just before the intersection with Princess Street Mentone. I believe this sign is incorrect and ask that it be removed as a matter of priority and that an expected removal date be provided please.”

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.

Ron Gordon of Mentone asked,

“At the Ordinary Meeting of Council in July August and September 2019 I have asked for the left hand turn out of Como Parade West into Mentone Parade be reinstated to improve connectivity within Mentone and to ease the traffic flows in Commercial Road Mentone for the benefit of the local residents.

The CEO John Nevins and the General Manager City Assets and Environment Daniel Freer have provided answers to the effect that Council has monitored the situation and are working their way through results with the view to continue to monitor the traffic movements through the area.

Given that four months of monitoring has taken place can the conclusions drawn from this research be provided so that a clear understanding of what action Council is prepared to take to reintroduce the left hand turn out of Como Parade West into Mentone Parade be revealed please.”

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.

Ron Gordon of Mentone asked,

“In August 2019 Councillors resolved to seek a meeting with the Minister for Transport Jacinta Allan to discuss contentious issues regarding the LXP.

At the September 2019 Ordinary Meeting of Council I asked what were the outcomes of this meeting to be told by the General Manager City Assets and Environment Daniel Freer that Council wrote, soon after the last Council Meeting requesting a meeting, and we are awaiting a response from the Minister at this stage.

Can I ask now in October 2019 when that meeting took place and what were the outcomes of the meeting please.”

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.

Rachael Okoukoni of Moorabbin asked,

“There is some concern from segments of the community with respect to the proposal to phase out the following provisions in Clause 22.11 (The Council Residential Strategy) that currently protect the GRZ3 zone 1. by discouraging two storey developments in the backyard, and 2. By limiting development on an average lot to two dwellings, with proportionally more on larger blocks. Please can officers tell us how many of the 1600 submissions expressed these concerns or advocated for these provisions to be retained.”

The General Manager Planning and Development provided the following response,

“I can't definitively tell you how many of the 1600 submissions raised those points but I will formally come back to you in writing to let you know that.”

Rachael Okoukoni of Moorabbin asked,

“When will Council be making public their recommended rezoning?”

The General Manager Planning and Development provided the following response,

“Currently we are working with the State Government Department of Environment, Land, Water and Planning on the form of our recommendations and the alignment with the State Government policy. We are doing that work in consultation with our Housing and Neighbourhood Character consultants. Both those parties have been provided with copies of all the community submissions so they are well aware of the significant community feedback around some of the areas and the prospect of future rezonings. We are hoping that either our December meeting or our February Council meeting to come back with some recommendations but either way we are hoping to, subject to the view of Council, to put a paper together on the consultation process and provide a summary that we can publicly release. We will provide you with regular updates.

Rachael Okoukoni of Moorabbin asked,

“I’ve seen on the agenda that there is talk of a fence being constructed around RSEA Park. As a resident who lives five doors from this park, will council be properly consulting with all residents and giving them the opportunity to voice their opinions on this prior to any decision being made?”

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

“The petition was received this evening with regard to Moorabbin Reserve. Officers will endeavour to consult the community in regard to any further consideration of fencing around the site. We did that in the first round as part of the masterplan for the site so I see no reason not to do that again, and come back to Council for a resolution.”

Sandy of Chelsea asked the following question,

“Has Kingston Council been contacted by the Telecommunications Industry i.e. Telstra, Vodafone, Optus to inform you of the proposed upgrade from 4G to 5G on existing towers, or the deployment of small cell/antennae in our streets and outside our homes, schools and hospitals, and so what will Kingston Council do to protect the health and safety of residents, in regard to deployment of 5G?”

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

“Officers are looking into this at the moment as the subject of a Notice of Motion on the agenda this evening in regard to the obligations under the Telecommunications Act for notification, however where it is on Council land and is subject to a lease for one of those towers there are obligations under the lease that the tenant must provide notification for any amendments to the tower or other infrastructure. In some respect we have some notification under the lease but will provide a further response in writing with more detailed information.

Clare McPhee of Chelsea asked,

“I refer to my 2019/20 Budget Submission Request No. 2, which I feel has not been adequately answered. Request No. 2 “Council to create public open space in the acknowledged depleted area on the Edithvale/Chelsea border. Council’s open space strategy states there is a need for more public opens pace in the area where Edithvale 8D and Chelsea 9A meet. On p. 109 referring to Local Area Edithvale 8D, the strategy states “two areas are not well served in terms of open space provision: immediately east of the Nepean Highway and the southern section of this locality. The Nepean Highway creates a barrier to the beach for residences already not well served in terms

of open space provision. In the accompanying table on the same page: Recommendations for Area 8D... it states "Enhance open space provision immediately east of Nepean Highway and in the vicinity of Elsie Grove". On page 112, referring to Chelsea 9A, the strategy states "Whilst this area has seemingly adequate amount of open space to service its population, there are areas in the northern sections which are more than 500m from any open space." How does Council plan to meet the needs of all residents, and families with children, living in this part of Edithvale and Chelsea for parkland? May I please have a response in letter format."

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

"A response to this question will be provided in writing."

Andrew Adams of Carrum asked,

"We have heard that the State Government has yet to sign off on the Roy Dore Development Funding Agreement. Is this still the case? If so, what impact will this now have on: a) the project start date (supposed to commence second half of November) and b) the project budget (the portable buildings are already in place and are being hired. They may be required for longer hence more expense)."

The General Manager Community Sustainability provided the following response,

"At this stage my understanding is that the funding agreement has not been executed. The clock can only start with an executed agreement so we rely on that agreement as the trigger to the commencement of the process. From a budget perspective, we own a portion of portables so the cost of hire won't be significant and would not be a material issue for this particular project budget which sits at around \$6.7 million, subject to the funding agreement details."

12. Notices of Motion

12.1 Notice of Motion No. 46/2019 - Cr Eden - Glyphosate

The Notice of Motion was withdrawn by Cr Eden.

12.2 Notice of Motion No. 48/2019 - Cr Eden - 5G Infrastructure Rollout

Moved: Cr Eden

Seconded: Cr Staikos

That:

1. Council immediately advocate to the relevant Ministers and organisations to ensure that the any party involved in the roll out of the 5G network, must fully discharge their ethical, if not legal obligations to inform nearby (impacted) residents.
2. Further, Council seek to ensure such communication is at least done to the same level of planning application notifications.

This will at least ensure that residents are given an opportunity to submit their views, rather than rely on minuscule advertisements appearing at the back of a newspaper.

CARRIED

12.3 Notice of Motion No. 51/2019 - Cr West - LXRA Relocation of Cheltenham Station Buildings

Moved: Cr West

Seconded: Cr Staikos

That Council:

1. Consider a review of the heritage status of the remaining Cheltenham-style station buildings in Kingston with a view to applying for State heritage listing for some or all of them.
2. Reiterate Council's earlier request to plant coastal trees and understorey plants, similar to the plants now bordering the railway line at Edwards Street, in front of the concrete wall bordering the trenches at Cheltenham, Mentone, Edithvale, Chelsea and Bonbeach.
3. Ask for the offset to be accommodated in Kingston for the 2.2 hectares of Coast Banksia Woodland and other native vegetation to be removed for the Level Crossing removals.

CARRIED

12.4 Notice of Motion No. 52/2019 - Cr Staikos - VEC Electoral Review

Moved: Cr Staikos

Seconded: Cr Brownlees

That Council:

1. Notes and accepts the Victorian Electoral Commission (VEC) published final report following an electoral representation review of Kingston City Council.
2. Notes and accepts the recommended electoral structure for council (the VEC recommends Council consist of 11 Councillors elected from three wards - two four-Councillor wards and one three-Councillor ward).
3. Thanks the 32 submitters, the clear majority of whom supported "Option B" which is the electoral structure the VEC has recommended for Council.
4. Writes to the Minister for Local Government the Hon. Adem Somyurek MLC, and advises him of Council's decision in parts (1) and (2) of this recommendation, however, should the VEC proposal be rejected, then Council would support an alternative proposal that would see the community represented by 11 Councillors in 11 single Councillor wards.

CARRIED unanimously

13. Urgent Business

There were no items of urgent business.

14. Confidential Items

Moved: Cr Eden

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:

14.1 Edithvale Life Saving Club Facility

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

14.2 CEO Performance and Remuneration Review Award of Contract

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

14.3 Level Crossing Removal - Cheltenham Forecourt and Heritage Building and Responses to Notice of Motion No. 40/2019 and No. 45/2019

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)

14.4 Parking Enforcement and Administrative Functions

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)

Confidential Appendices

9.2 Refurbishment of Level 6 Oakleigh Room and Balcony - Award of Contract Appendix 2, Tender Evaluation Matrix - CON19-87 Refurbishment - Level 6 Oakleigh Room and Balcony

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

9.2 Refurbishment of Level 6 Oakleigh Room and Balcony - Award of Contract Appendix 3, Tender Items Cost - CON19-87 Refurbishment - Level 6 Oakleigh Room and Balcony

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

9.3 CON-19/92 Roy Dore Pavilion Construction - Award of Contract Appendix 1, Roy Dore Pavilion confidential breakdown of costs

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

9.3 CON-19/92 Roy Dore Pavilion Construction - Award of Contract Appendix 2, Roy Dore Pavilion Project Tender Evaluation Matrix

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

9.4 CON-19/76 Jack Grut Pavilion (Stage 2 works) - Award of Contract Appendix 1, Jack Grut Pavilion (Stage 2) break down of costs

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

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- 9.4 CON-19/76 Jack Grut Pavilion (Stage 2 works) - Award of Contract
Appendix 2, Jack Grut Stage 2 Tender Evaluation Matrix**
This appendix is confidential in accordance with the Local Government Act s89(2) as it relates to (s89 2d)
- 10.1 CON - 19/111 Contract Award for Outdoor Sports Facilities - Chadwick Reserve
Dingley and Aspendale Gardens Sports Reserve
Appendix 1, Financial Overview - Outdoor Sports Facilities - Chadwick Reserve
Dingley and Aspendale Gardens Sports Reserve**
This appendix is confidential in accordance with the Local Government Act s89(2) as it relates to (s89 2d)
- 10.1 CON - 19/111 Contract Award for Outdoor Sports Facilities - Chadwick Reserve
Dingley and Aspendale Gardens Sports Reserve
Appendix 2, Outdoor Sports Facilities - Chadwick Reserve Dingley and
Aspendale Gardens Sports Reserve - Tender Evaluation Matrix for CON 9/111
Stage One works**
This appendix is confidential in accordance with the Local Government Act s89(2) as it relates to (s89 2d)
- 11.5 Award of Contract 19/58 – Provision of Legal Services
Appendix 1, CON-19/58 Tender Evaluation Matrix**
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 8.53pm.

Procedural Motion

Moved: Cr Hua

Seconded: Cr Gledhill

That the meeting be opened to members of the public

CARRIED

The meeting was opened to members of the public at 9.28pm.

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

14.2 CEO Performance and Remuneration Review Award of Contract

Moved: Cr Staikos

Seconded: Cr Brownlees

That Council:

1. Award CON-19/113 – Provision of Chief Executive Officer Performance and Remuneration Services to Topsy Petchey Consulting.
2. Determine, in accordance with Section 77(2) of the Local Government Act, that this resolution be designated not confidential.

CARRIED unanimously

14.3 Level Crossing Removal - Cheltenham Forecourt and Heritage Building and Responses to Notice of Motion No. 40/2019 and No. 45/2019

Moved: Cr Brownlees

Seconded: Cr Gledhill

That Council:

1. Write to the LXP informing them that Council wishes to proceed with its contribution to the deck and car park areas as per the resolution on 27 May 2019.
4. Write to LXP to advise its preferred location for the downside Cheltenham Heritage Station Building is on the land acquired for the project at 260 - 276 Charman Road, Cheltenham as proposed in the email from the LXP dated 25 October 2019 and to encourage the building to be sited closer to the railway trench and with the verandah over the footpath as shown in Appendix 4, page 437 of agenda item 12.3.
7. Determine, in accordance with Section 77(2) of the Local Government Act, that parts 1 and 4 of this resolution be designated not confidential.

CARRIED

The meeting closed at 9.28pm.

Confirmed.....

The Mayor 25 November 2019