

# Minutes

## Ordinary Council Meeting

Monday, 27th May 2024



City of  
**KINGSTON**

*community inspired leadership*

**City of Kingston  
Ordinary Council Meeting**

**Minutes**

**27 May 2024**

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The meeting commenced at 7.05pm in the Council Chamber, 1230 Nepean Highway, Cheltenham.

**Present:** Cr Jenna Davey-Burns (Mayor)  
Cr Tracey Davies (Deputy Mayor)  
Cr Tamsin Bearsley  
Cr David Eden  
Cr Chris Hill  
Cr Cameron Howe  
Cr George Hua  
Cr Georgina Oxley  
Cr Hadi Saab

**In Attendance:** Peter Bean, Chief Executive Officer  
Jonathan Guttmann, General Manager Planning and Place  
Dan Hogan, General Manager Customer and Corporate Support  
Samantha Krull, General Manager Infrastructure and Open Space  
Sally Jones, General Manager Community Strengthening  
Bernard Rohan, Chief Financial Officer  
Alfred Carnovale, Manager City Development  
Kelly Shacklock, Manager Governance, Risk and Integrity  
Patrick O’Gorman, Team Leader Council Governance  
Jessica Baguley, Governance Officer  
Gabrielle Pattenden, Governance Officer  
Justin Welsford, Media and Communications Advisor

Cr Eden arrived at 7.07pm.

Cr Oxley arrived at 7.07pm.

**1. Apologies**

Apologies from Cr Cochrane and Cr Staikos were submitted to the meeting.

**Moved: Cr Bearsley**

**Seconded: Cr Hua**

That the apologies from Cr Cochrane and Cr Staikos be received.

**FOR:** Crs Davey-Burns, Eden, Oxley, Davies, Hill, Howe, Hua, Bearsley and Saab (9)

**AGAINST:** Nil (0)

**CARRIED**

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

**Moved: Cr Hill**

**Seconded: Cr Davies**

That the Minutes of the Ordinary Council Meeting held on 22 April 2024 be confirmed.

**FOR:** Crs Davey-Burns, Eden, Oxley, Davies, Hill, Howe, Hua and Saab (8)

**AGAINST:** Nil (0)

**ABSTAINED:** Crs Bearsley (1)

**CARRIED**

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

There were no Conflicts of Interest submitted to the meeting.

**4. Petitions**

**4.1 Warren Road Shopping Village Update**

**Moved: Cr Davies**

**Seconded: Cr Hill**

That the petition be referred to the CEO for response.

**CARRIED**

**FOR:** Crs Davey-Burns, Eden, Oxley, Davies, Hill, Howe, Hua, Bearsley and Saab (9)

**AGAINST:** Nil (0)

**5. Delegates' Reports**

Nil

**Councillor Statements**

Cr Hill spoke about his recent attendance at the Kingston Volunteer Appreciation Event.

Cr Saab acknowledged the following:

- The Zhe Cheng Khor Moral Uplifting Society and their recent 22<sup>nd</sup> Anniversary Celebrations.
- The Moorabbin Rams Rugby Team commemoration of the club's formation
- Junior Council Elections and the election of the Junior Mayor and Deputy Junior Mayor

Cr Oxley acknowledged the work of Council Officers in relation to the Chelsea Structure Plan, expressed appreciation to those who have contributed to the consultation and encouraged local residents to submit their views.

**Presentation of Awards**

Nil

**6. Question Time**

Question time was held at 7.21pm.

Cr Hill left the meeting at 7:33pm.

Cr Hill returned to the meeting at 7:34pm.

**Marc asked,**

*"Has any current Councillor who sits on Kingston Council at present, ever questioned the constant rate rises the Council imposes every year in their Budgets? Has any current Councillor voted against the rate rises put forward by the Executive in their annual budgets?"*

**The General Manager Customer and Corporate Support provided the following response,**

*“Yes, the necessity, structure, amount and fairness of rates are a subject of extensive consideration and debate by Officers and Councillors. The State Government is responsible for setting a rate cap to limit how much rates can increase each year. Within the current term, Council has previously amended Officer Recommendations in the application and collection of rates, during Covid impacted years when community need for rate relief was at its greatest.”*

**Wandzia asked,**

*“Regarding the revamp of toilets at the Turner Road Reserve Highett Facilities, can you please explain what is meant by “converting the current public toilets to all gender umpire change facilities.... as well as exploring reconfiguring the existing change rooms to meet all gender requirement”? Will girls and women who meet the definition of being biologically female, have separate toilet and change room i.e. safe space facilities at the new Turner Road Reserve Highett sporting[sic] Reserve Facility revamp that is being proposed or will the facilities for women be open to transgender women as well?”*

**The General Manager Infrastructure and Open Space provided the following response,**

*“Council’s Pavilion Assessment and Prioritisation Policy establishes a framework which objectively assesses and prioritises existing sporting reserve pavilions for future development. Key in this policy is the provision of inclusive and accessible spaces, including provision of gender inclusive design (women and gender diverse friendly upgrades). Providing gender inclusive design in changerooms and umpire rooms enables a broad range of our community to use these spaces. They are designed to feel safe to use by any gender teams playing their sport at the reserve, through the provision of private cubicles for toilets and showers.”*

**Larisa asked,**

*“Why does Council say that it will continue to apply ‘an intersectional lens’ in identifying population groups in our Kingston area where Council separates people into identity boxes labelled e.g. multicultural; older people; Aboriginal or Torres Strait Islander; LGBTQIA+ people; and young people etc? Doesn’t this prioritising of an intersectional approach mean that you will treat these people in those boxes differently?”*

**The General Manager Community Strengthening provided the following response,**

*“An intersectional lens enables inequities experienced by different population groups to be factored into the planning and delivery of actions, helping to reduce barriers and improve access and participation to better health and wellbeing outcomes. This ensures our approach to health and wellbeing is inclusive and represents the diverse needs of our community.”*

**Robert asked,**

*“On 26<sup>th</sup> February 2024 I asked: “Can you please tell me the full total cost plus the ongoing cost of contracting the communication portal company called the ‘Bang the Table?’” I was promised to receive a written response that I’m yet to receive.”*

**The General Manager Customer and Corporate Support provided the following response,**

*“Apologies a response wasn’t provided soon after the February Council Meeting. I am informed that a response has since been provided to you and I am happy to provide your response tonight as well. Kingston has been using the digital engagement platform Bang the Table to host our Your Kingston Your Say consultation website since 2016. Your Kingston Your Say allows our community to participate and provide feedback to help inform decision-making on projects that matter to them, right across Kingston. It costs \$43,792.43 annually and has attracted over 67,000 visits to the site in the last twelve months.”*

**Note:** In accordance with Sub-Rule 39.8 of the Governance Rules, questions from Jenny, Lindsay, Alex and Carly have been grouped together.

**Jenny asked,**

*“Can we have at least one of the boardwalks replaced across the grasslands in the Epsom Park estate?”*

**Lindsay asked,**

*“Can the Council please explain why they have reversed their commitment to replace the Epsom Park Wetland boardwalks. Clearly, although slow, Kingston Council had commenced planning and committed funding to have the boardwalks replaced this year. What happened?”*

**Alex asked,**

*“Will Council consider the potential for Epsom Grassland to have a boardwalk, or give residents an opportunity to determine how to best realise the space for its environment and interface with the community?”*

**Carly asked,**

*“When will boardwalks in Epsom estate be replaced- why can’t an alternative be designed and built such as one pier like boardwalk?”*

**The General Manager Infrastructure and Open Space provided the following response,**

*“Council was required to remove the developer-installed deteriorating boardwalks in the Epsom Grasslands for safety reasons. Planning immediately commenced for walking and cycling paths in the area, and we began exploring opportunities to replace the boardwalks as we had hoped to rebuild. Unfortunately, detailed investigations revealed that building new boardwalks is not feasible. Through the project planning process an ecological assessment of the grasslands was undertaken which revealed significant species in the area, meaning that approval for any construction in the area is unlikely to be granted. Council did explore minimal impact piling options for the boardwalk, but these were cost prohibitive. Whilst we acknowledge the disappointment community members may feel in losing these boardwalks, we will continue to focus on investing in other pedestrian and cycling infrastructure in the area that will improve accessibility and provide broader community benefits.”*

**Deborah asked,**

*“Why has someone at Council on the very last page of the 22 April Agenda, taken out a notice saying they are going to put the 11th Dec Council meeting unavailable for the public to see as ‘designated confidential’ – an appendix 5 ‘Confidential Minutes’ situation as it relates to (s3(1)(h))? Who has made the decision to hide the live stream video of this meeting from the public which has now been removed from the section of the Council website – Agenda & Minutes – and has also been removed from the ‘live streaming’ section on the Council website?”*

**The General Manager Customer and Corporate Support provided the following response,**

*“Any items which are designated confidential under the Local Government Act 2020 are listed in the agenda and minutes with a statement explaining the reason for their confidential nature. The reference on the last page of the 22 April agenda and minutes relates to a contractual matter which is confidential under the Local Government Act 2020 due to the commercial nature of the information contained, and the current status of the project procurement. The recording of the 11 December Council meeting has not been removed from Council’s website. It can be found under Archived Media.”*

**Geoff asked,**

1. *“Is it true that the register of lobbyists only gets presented to Council once every two years?”*
2. *Is it correct that in the informal meeting records in the 25/3/24 Council agenda, there has been a Councillor or Council planning workshop dealing with Kingston’s strategic direction & documents for 2024/25 at which Redbridge consulting group were invited to participate and where the lobbyists Kos Samaras and Simon Welsh (directors at Redbridge) participated?”*

**The General Manager Customer and Corporate Support provided the following response,**

1. *“Yes, in accordance with Council’s Planning Interactions Policy, Council’s Register of Contact with Lobbyists is tabled at Council once every two years.*
2. *Yes, Redbridge were invited to address the Councillor Planning Workshop regarding general polling research and electoral implications for the major parties at both a State and Federal level. This was intended to assist Council define its advocacy approach and understand a range of political, economic and financial considerations impacting local community opportunities.”*

**Colin asked,**

1. *“Does Council have direct dealings with the group calling itself Rainbow Local Government?”*
2. *Does Council seek accreditation from Rainbow Local Government for its Youth Services Programs or any other Council programs from these people?”*

**The General Manager Community Strengthening provided the following response,**

1. *“Council has minimal direct dealings with Rainbow Local Government, predominantly via correspondence regarding Council’s Rainbow Commitments.*
2. *No. Rainbow Local Government is not an accrediting body for Rainbow Tick Accreditation.”*

**Jagoda asked,**

*“Why are Councillors and Council Executive supportive of ‘reforms’ which seem to create added burdens upon Councillors such as broadening the scope of sanctions upon Councillors; increasing the power of a Chief Municipal Inspector to issue infringements for certain offences upon Councillors or formalising the ability to suspend or disqualify individual Councillors?”*

**The General Manager Customer and Corporate Support provided the following response,**

*“Council believes in the need for good governance in local government, and supports the principles of transparency, accountability and integrity at the heart of the reforms arising from an investigation and report from the Independent Broadbased Anti-Corruption Commission.”*

**Stephen asked,**

1. *“Does Council’s proposed 30 year lease to the Company ‘Launch Housing’ for \$1 a year of the Council owned properties at 6 Lochiel Ave Edithvale and 33 Balcombe Rd Mentone, which is being considered as social housing for “homeless elderly women” going to have a defined use that extends to transgender women?”*
2. *Can the Council CEO on behalf of Council please answer “What is a woman?”*

**The Chief Executive Officer provided the following response,**

1. *“No.*
2. *The Oxford English dictionary defines a woman both as “an adult female human being” and “a person with the qualities traditionally associated with females.”*

**Roslyn asked,**

*“Why did the CEO, Mr Peter Bean, read out nearly all the full names and surnames of the resident questioners in the Question Time segment of the recent Council meeting, when many of those people had specifically ticked the box and asked that their full names were to be withheld for privacy reasons? Can the privacy of the residents who question Council please be respected by Kingston CEO and Council?”*

**The Chief Executive Officer provided the following response,**

*“Apologies for making this mistake. This error was recognised and in line with Council’s privacy policy, all public question time submitters were contacted in writing the week of the meeting via the emails provided that acknowledged this error and their last names were muted on the recording of the meeting and not recorded in the minutes of the meeting. The process has been reviewed to ensure this does not happen again. A change of process will try to prevent this error from being made again.”*

**Rose asked,**

*“How many internal consultation groups has Kingston Council now created? Can you name these consultation groups?”*



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**The General Manager Customer and Corporate Support provided the following response,**

*“If I understand your questions correctly, Council has one formally convened internal consultation group, the Kingston Staff Consultation Committee. Other groups are more operationally based, such as OHS Committees or Project Control or Working Groups for particular capital or operational projects, like the new swim centre project, or our Records Management Transformation project.”*

**Alex asked,**

*“I was informed by residents around Jack Holt Way that their bin schedule is at the same time as street sweeping, which has caused a clash in that the streets are not fully cleaned with the wheelie bins creating an obstacle in these streets. This has meant debris accumulates on the streets, with the nearby wetlands, creeks and grasslands accumulating trash and affecting the environment. Will council consider changing either the bin or street sweeping schedule so that this clash can be resolved?”*

**The General Manager Infrastructure and Open Space provided the following response,**

*“The street sweeping in Jack Holt Way is performed every five weeks and on different days of the week depending on the time of year. The street sweeping removes debris from the gutter of both sides of the road to ensure the local waterways and wetlands are kept clean. The kerbside bin collections are always performed on a Wednesday and the bins are collected from the nature strips on the southern side of Jack Holt Way. The kerbside bin collections should not affect street sweeping in Jack Holt Way as bins are not placed on the road.”*

**Douglas asked,**

*“Given concerns and even alarm within the Highbury and Cheltenham communities over the Suburban Rail Loop Authority Key Directions, what is Council’s response and proposed actions to the impending height regulations, the Gasworks site being forced to accommodate open space lost from Sir William Fry Reserve and to build higher towers, up to 18 storeys; the near doubling of Highbury and Cheltenham populations (across Kingston and Bayside) AND the traffic gridlock resulting from towers above Southland while Bay Road is narrowed and additional traffic lights installed on both Nepean Highway and Bay Road?”*

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

*“Since 2020 Council has undertaken a significant program of advocacy in response to the State Government’s Suburban Rail Loop Project. This includes the adoption of Council’s Cheltenham Suburban Rail Loop Design Advocacy Report in 2021 and active participation through the State Government’s Environmental Effects Statement process. This work has sought to clearly articulate community concerns and Council objectives in relation a range of matters including the provision of open space, shared user path connections, community infrastructure and affordable housing. Council officers are currently reviewing the SRLA’s recently released Emerging Directions for Cheltenham and Clayton with a submission to be presented to Council for its consideration through the June Meeting cycle.”*

**Ian asked,**

*“Could you please ensure Council ensures their dog litter bag dispenses at Walter Galt Reserve in Parkdale is adequately stocked to cater for this high-use dog recreation area?”*

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

*“The dog litter bins at Walter Galt Reserve are refilled twice per week with a roll of 500 bags each time. This will be increased to three times per week to meet the increasing demand.”*

**Ian asked,**

*“In my area of Parkdale, close to the High School, there are many elderly residents. Many of them have mobility issues, and it is not uncommon to see them using the 4-wheeled walkers with seats to get around to the shops and for their general exercise. However, I have been told by several of my neighbours that the state of the local footpaths, with different levels between blocks, cause them difficulty because of their walkers catching on the cracks in the paths. Could Council please check footpath levels in Parkdale close to the High School & take action to ensure that the paths are maintained and made level to ensure smooth passage for all pedestrians?”*

**The General Manager Infrastructure and Open Space provided the following response,**

*“All residential footpaths within Kingston are proactively inspected every three years, as per Council’s Road Management Plan. The area around Parkdale Secondary College was last inspected in October 2023 and staff undertook remedial actions on any defects observed that exceeded intervention levels. Where minor displacements in the footpath were observed, preventative maintenance works have been programmed with our contractors. These works include grinding down imperfections to make for a smoother transition between concrete panels. Residents are welcome to report specific locations for additional inspections and maintenance.”*

**Douglas asked,**

*“With the drastic densification facing Highett from State Government initiatives including the SRLA Directions and DoTP draft standards to reduce or eliminate minimum parking requirements for apartments in locations like Highett Activity Centre with medium Public Transport Accessibility, what is the Council’s response to the resultant reduction of public amenity and livability including less public open space and massively increased pressure on local infrastructure including schools, kindergartens, maternal care and community centres for which there appears no Government budget provision within published plans?”*

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

*“Council’s adopted Cheltenham Suburban Rail Loop Design Advocacy Report (2021) presented an integrated vision for the precinct with a focus on open space, integrated water management, community infrastructure, traffic management, environmentally sustainable design and sustainable transport. This work informed Council’s subsequent submissions and advocacy through the State Government’s Environmental Effects Statement Advisory Committee hearing. Council officers are currently reviewing the SRLA’s Emerging Directions for Cheltenham and Clayton with a submission to be presented to Council for its consideration through the June Meeting cycle.”*

**Rosemary asked,**

*“Re Item 7.1: How many trees and how much native vegetation of which species and EVC were removed from 29-39 Mills Road Braeside; on what grounds and were Councillors informed in advance?”*

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

*“Item 7.1 relates to town planning application decisions from April 2024. The table shows a record of permit request KP-2024/16 for the land at 29-39 Mills Road Braeside which was made in January 2024 for the removal of native vegetation (specifically one tree – a Southern Mahogany). As stipulated in the table the decision on the application was that no permit was required. Following a referral to an expert ecologist it was established that no planning permit was required as it was deemed to be planted vegetation. As such Council issued a no planning permit required letter to the applicant in April 2024.”*

**Rosemary asked,**

*“Have the four banksias Council resolved in February 2023 to be planted on the foreshore and the eight banksias to be planted on other Council reserve(s) to replace the four banksias removed for the rebuilding of the Parkdale Sailing Club yet been planted and if so, where?”*

**The General Manager Infrastructure and Open Space provided the following response,**

*“The four coastal banksias planned to be planted north of the Parkdale Yacht Club have not been planted yet and are part of the contract to build the accessible pedestrian ramp to the foreshore, which is currently under construction. The project is due for completion by mid-2024. In relation to the eight banksias we will provide a written response on this question.”*

**Procedural Motion**

**Moved: Cr Howe**

**Seconded: Cr Davies**

That the order of business be altered to consider Item 11.1 - Adoption of 2024/25 Budget, 2024-2034 Financial Plan and 2024-2028 Revenue & Rating Plan prior to Item 8.1.

**CARRIED**

**FOR:** Crs Davey-Burns, Eden, Oxley, Davies, Hill, Howe, Hua, Bearsley and Saab (9)

**AGAINST:** Nil (0)

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**7. Planning and Place Reports**

**7.1 Town Planning Application Decisions - April 2024**

**Moved: Cr Oxley**

**Seconded: Cr Davies**

That the report be noted.

**CARRIED**

**FOR:** Crs Davey-Burns, Eden, Oxley, Davies, Hill, Howe, Hua, Bearsley and Saab (9)

**AGAINST:** Nil (0)

**7.2 KP-2023/454 - 138 White Street & 141-143 McDonald Street, Mordialloc**

It is recorded that John Glossop spoke on behalf of the applicant.

**Moved: Cr Hill**

**Seconded: Cr Bearsley**

That Council determine to support the proposal and issue a Notice of Decision to Grant a Permit for the construction of twenty (20) three storey dwellings, a reduction in the visitor car parking requirements and alterations to access to a Transport Zone 2 at 138 White Street and 141 & 143 McDonald Street, Mordialloc subject to the following conditions:

Amended Plans

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 generally in accordance with the advertised plans prepared by Ammache Architects Pty Ltd comprising Drawing No's. TP002 to TP005, TP005-1, TP005-2, TP006, TP101 to TP103 inclusive, TP201 to TP204 inclusive, TP300 to TP303, TP400 to TP403 inclusive, TP500 to TP505 inclusive Rev no. R10, all dated 20 December 2023 but modified to show:
  - a) Waste bins located on the adjacent nature strips removed from the ground floor plan.
  - b) mailboxes nominated.
  - c) Elevations which show the height of adjacent built form to the west of the site.
  - d) The services cabinetry finished in a manner that ensures its integration with the development.
  - e) Tactile or similar detail of the external finishes to be applied at the dwelling entries including samples/ specifications of colour and texture to ensure a fine grain architectural response.
  - f) External lighting at the dwelling entries.
  - g) A 2.5 metre wide shared user path constructed along the White Street frontage to the satisfaction of the Responsible Authority.

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- h) A 1 metre by 1 metre sightline visibility splay shown at the southeast corner of the site, with the consequence that the footpath be widened at this corner.
- i) A 2 metre by 2 metre visibility splay at the northeast corner of the site such that no obstruction above 900mm lies within it.
- j) A 2.5 metre by 2 metre sightline visibility splay provided at the exit aisle to the common vehicle access and at the garages of Units 1, 2, 19 and 20 in accordance with Clause 52.06-9 or the provision of convex mirrors to Council's satisfaction, fully contained within the site boundary.
- k) The common vehicle crossing constructed in industrial strength to the satisfaction of the Responsible Authority.
- l) the provision of a full colour palette, finishes and building materials schedule for all external elevations and driveways of the development with the addition of a detail advising the expressed joint finish of the west wall of the development.
- m) the provision of an amended landscape plan generally in accordance with the landscape plan prepared by Memla dated 14 December 2023, with such plan to be prepared by a suitably qualified landscape professional and incorporating:
  - i) All plants other than the *Pyrus calleryana* 'Capital' to be substituted for species indigenous to the City of Kingston
  - ii) Climbing plants planted into natural soil to cover the western wall at the end of the driveway and planted between the garage doors to cover the garage walls facing the driveway.
  - iii) Climbing plants planted into natural soil to cover the ground level walls at the north-east and south-east of the development.
  - iv) All trees provided at a minimum of 2 metres in height at time of planting, medium to large shrubs to be provided at a minimum pot size of 200mm.
  - v) Notes regarding site preparation, including the removal of all weeds, proposed mulch, soil types and thickness, subsoil preparation and any specific maintenance requirements.
  - vi) Tree protection measures including for street trees accurately drawn to scale and labelled as per the endorsed Tree Management Plan.
- n) The location of tree protection measures illustrated to scale and labelled on the Ground Floor Plan as per the endorsed Tree Management Plan.
- o) any amendments required by Condition 9 (Waste management plan).
- p) any amendments required by Condition 11 (Sustainable design assessment)
- q) any amendments required by Condition 20 (Head, Transport for Victoria)

**Endorsed Plans**

2. The development as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.
3. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced.

Tree Management and Protection

4. Concurrent with the endorsement of plans, a Tree Management Plan prepared by a suitably qualified arborist in accordance with AS4970-2009, for the 3 street trees in Treeby Boulevard and any other tree potentially impacted by the development, must be submitted to and be endorsed by the Responsible Authority and incorporating:
  - a) A Tree Management Plan (written report) must provide details of:
    - i) Tree protection measures that will be utilized to ensure all trees to be retained remain viable post-construction.
    - ii) Stages of development at which inspections are required to ensure tree protection measures are adhered to must be specified.
  - b) A Tree Protection Plan (scale drawing) must provide details of:
    - i) The Tree Protection Zone and Structural Root Zone for all trees to be retained on the site and for all trees on neighboring properties where any part of the Tree Protection Zone falls within the subject site.
    - ii) The location of tree protection measures to be utilized.
    - iii) A notation to refer to the Tree Management Plan.
5. All protection measures identified in the Tree Management Plan must be implemented, and development works undertaken on the land must be undertaken in accordance with the Tree Management Plan, to the satisfaction of the Responsible Authority.
6. Prior to the commencement of works, the name and contact details of the project arborist responsible for implementing the Tree Management Plan must be submitted to the Responsible Authority.

Drainage and Water Sensitive Urban Design

7. 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) Prior to submitting detailed engineering plans, a comprehensive stormwater management (drainage) strategy for the site must be prepared that addresses the requirements specified within Council's "Civil Design requirements for Developers – Part A: Integrated Stormwater Management".
  - b) The stormwater management (drainage) strategy must include a report with MUSIC modelling results 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.
  - c) The water sensitive urban design treatments as per conditions 7a & 7b above must be implemented on-site, unless an alternative agreement for stormwater quality in-lieu contribution is reached with the Responsible Authority.
  - d) Detailed Stormwater Management (drainage) Plan(s) must be prepared, with supporting computations, showing the stormwater (drainage) works to

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the nominated point of discharge in line with approved Stormwater Management (drainage) Strategy Report. 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.

8. 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 16.3 L/s.
  - c) All stormwater (drainage) works must be maintained to the satisfaction of the Responsible authority.

Waste Management Plan

9. Concurrent with the endorsement of Condition 1 plans, a Waste Management Plan (WMP) to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Plan will be endorsed and will then form part of the permit. The plan must include, but is not limited to, the following:
  - a) The manner in which waste will be stored and collected including: type, size and number of containers.
  - b) Spatial provision for on-site storage.
  - c) Details whether waste collection is to be performed by Council's services or privately contracted.
  - d) The size of the collection vehicle and the frequency, time and point of collection.
10. The WMP must be implemented to the satisfaction of the Responsible Authority. The WMP must not be modified unless without the written consent of the Responsible Authority.

Sustainable Management Plan

11. Concurrent with the endorsement of Condition 1 plans, a revised Sustainable Management Plan (SMP), generally in accordance with that prepared by Efficient Energy Choices dated 20 July 2023 and updated to incorporate the following:
  - a) The minimum 50% overall score and minimums in Energy (50%), Water (50%), IEQ (50%) and Stormwater (100%) categories in BESS to demonstrate best practice in sustainable design. Should any category fall short of the minimum targets, adjustments will need to be made to demonstrate that the project meets the BESS minimums.
  - b) To claim the credit, Management 4.1 Building Users Guide - a commitment to providing a Building Users Guide (BUG) to future owners. The BUG must:
    - i. identify the main sustainable design initiatives, systems and processes that building users will interact with,
    - ii. collate and present information that covers the function and use of

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- the building; and,
- iii. use non-technical language targeted to building occupants, and where required, to Building Managers.
  - c) The Urban Ecology 2.1 Vegetation BESS credit must include only turfed or planting areas and cannot include other landscaping elements such as hard paving/pavers (including permeable paving), loose pavers/stepping stones aggregate/pebbles, synthetic grass, decks, pool, RW tanks, storage sheds etc. This area must be demarcated on landscape plan accurately and entry in BESS must be updated accordingly.
  - d) Concrete to be specified with recycled aggregate where appropriate and recycled water used in the manufacture.
  - e) Steel - All fabricated structural steelwork to be supplied by a steel fabricator/contractor accredited to the Environmental Sustainability Charter of the Australian Steel Institute.
  - f) All timber used on site to be PEFC or FSC certified.
  - g) Provide an appropriate stormwater management response which includes details and sections of how the rainwater tank located under the common driveway will be accessible for future maintenance, leak detection or repair or relocate the tank to a more accessible location.

When approved the SMP will be endorsed and form part of this permit.

- 12. 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

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

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

Infrastructure and Road Works

- 14. 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



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Responsible Authority, at the cost of the owner/developer.

15. Property boundary and footpath levels must not be altered without the prior written consent form the Responsible Authority.
16. Any reinstatements and vehicle crossings are to be constructed to the satisfaction of the Responsible Authority.
17. The replacement of all footpaths, including offsets, must be constructed to the satisfaction of the Responsible Authority.
18. All redundant vehicle crossings must be removed (including redundant portions of vehicle crossings) to the satisfaction of the Responsible Authority.
19. Prior to the occupation of any part of the development approved under this Planning Permit, the applicant / owner of the land must construct a Shared User Path along White Street as per council designed drawings which are to be obtained from the Roads and Drains and Engineering Design Departments. The Shared User Path must be completed to the satisfaction of the Responsible Authority.

Head, Transport for Victoria

20. Prior to the commencement of use, all disused or redundant vehicle crossings must be removed, from White Street, and the area reinstated kerb and channel to the satisfaction of the Responsible Authority and at no cost to the Head, Transport for Victoria.

Environmental Audit Conditions

21. Prior to the commencement of works (other than works required to comply with this condition), the owner of the land must provide to the satisfaction of the responsible authority:
  - (a) A certificate of environmental audit must be issued for the land in accordance with Part IXD of the Environment Protection Act 1970, or
  - (b) An environmental auditor appointed under the Environment Protection Act 1970 must make a statement in accordance with Part IXD of that Act that the environmental conditions of the land are suitable for the sensitive use.

General Amenities

22. 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.
23. 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.
24. All piping, ducting above the ground floor storey of the development (other than rainwater, guttering and downpipes) must be concealed to the satisfaction of the Responsible Authority.

Completion of Works

25. 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.
26. Prior to the occupation of the dwellings hereby permitted, the landscaping works

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as shown on the endorsed plans must be completed to the satisfaction of the Responsible Authority. Thereafter, the landscaping shall be maintained (except where that landscaping is on public land) to the satisfaction of the Responsible Authority.

Permit Expiry

27. 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:
- (a) The development is not started within two (2) years from the date of permit issue.
  - (b) 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.

**The following notes to this permit are for information only:**

**Note:** The proposed development requires reinstatement of disused crossovers to kerb and channel. Separate approval under the *Road Management Act 2004* for this activity may be required from the Head, Transport for Victoria. Please contact DTP (Roads) prior to commencing any works.

**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 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

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

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

Cr Oxley left the meeting at 7:49pm.

Cr Oxley returned to the meeting at 7:51pm.

**CARRIED**

**FOR:** Crs Davey-Burns, Eden, Oxley, Davies, Hill, Howe, Hua, Bearsley and Saab (9)

**AGAINST:** Nil (0)

**Note:** Cr Hill requested through the Chair and was granted an extension of time of two minutes to speak on the matter.

**11.1 Adoption of 2024/25 Budget, 2024-2034 Financial Plan and 2024-2028 Revenue & Rating Plan**

**Moved: Cr Saab**

**Seconded: Cr Eden**

That Council:

1. Adopt the 2024/25 Budget and statutory information (including fees and charges) as attached to this report (refer Appendix 1);
2. Adopt the 2024-2034 Financial Plan (refer Appendix 2);
3. Adopt the 2024-2028 Revenue & Rating Plan (refer Appendix 3);
4. In respect of Rates and Charges declare:
  - a) A differential rate for rateable land having the characteristics specified in the Revenue & Rating Plan, which characteristics will form the criteria for each differential rate so declared:
    - 4.1.1. General Land;
    - 4.1.2. Agricultural Land;
    - 4.1.3. Extractive and Landfill Land;
    - 4.1.4. Retirement Village Land;
    - 4.1.5. Residential Heritage Land;and that the rate (based on the cents in the dollar of Capital Improved Value set out below) be:

Category	Rate in the \$
Agricultural Land	0.0014078
Extractive and Landfill Land	0.0052793
General Land	0.0017598
Residential Heritage Land	0.0015838
Retirement Village Land	0.0015838

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- b) A Municipal Charge of \$100 per rateable property; and
- c) Waste Service Charges as follows:
- |   |       |
|---|-------|
| Service Choice A - 120 litre garbage, 240 litre recycling and 240 litre green waste bins including recovery of costs attributable to the State Government Landfill Levy | \$371 |
| Service Choice B – 80 litre garbage, 240 litre recycling and 240 litre green waste bins including recovery of costs attributable to the State Government Landfill Levy  | \$307 |
| Service Choice C – 120 litre garbage, 240 litre recycling and 120 litre green waste bins including recovery of costs attributable to the State Government Landfill Levy | \$340 |
| Service Choice D – 80 litre garbage, 240 litre recycling and 120 litre green waste bins including recovery of costs attributable to the State Government Landfill Levy  | \$284 |
| Service Choice E – 120 litre garbage and 240 litre recycling bins including recovery of costs attributable to the State Government Landfill Levy                        | \$276 |
| Service Choice F – 80 litre garbage and 240 litre recycling bins including recovery of costs attributable to the State Government Landfill Levy                         | \$228 |
| Service Choice G – 240 litre x 2 Share Garbage, 240 litre Recycle including recovery of costs attributable to the State Government Landfill Levy                        | \$216 |
| Service Choice H – 240 litre x 3 Share Garbage, 240 litre Recycle including recovery of costs attributable to the State Government Landfill Levy                        | \$173 |
| Service Choice I – 240 litre x 4 Share Garbage, 240 litre Recycle including recovery of costs attributable to the State Government Landfill Levy                        | \$155 |
| Service Choice P – 120 litre x 2 Share Garbage, 240 litre Recycle including recovery of costs attributable to the State Government Landfill Levy                        | \$155 |
| Service Choice W – Additional 120 litre Green Waste Bin   | \$70  |
| Service Choice X – Additional 240 litre Green Waste Bin   | \$86  |
| Service Choice Y – Additional 240 litre Garbage Bin including recovery of costs attributable to the State Government Landfill Levy                                      | \$213 |
| Service Choice Z – Additional 120 litre Garbage Bin including recovery of costs attributable to the State Government Landfill Levy                                      | \$201 |
5. Grant a waiver of \$123.30 of general rates for properties eligible for the State Government Municipal Rates Concession in accordance with Section 171 of the Local Government Act 1989.
6. Determine to allow:

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- 6.1. in accordance with Section 167(1) and (2), payment of rates and charges by four approximately equal instalments paid on or before 30 September 2023, 30 November 2023, 28 February 2024 and 31 May 2024;
- 6.2. in accordance with Section 167(2A) and (2B) payment of rates and charges by lump sum on or before 15 February 2024;
- 6.3. payment of rates and charges by ten approximately equal direct debit payments from 1 September 2023 until 1 June 2024;
- 6.4. payment of rates and charges in any instalment (only via the Payble payment solution, and providing rates and charges are paid in full by 31 May 2024).
7. Determine that no incentive be declared for early payment of general rates, municipal charge and waste service charge.
8. Note that the Debt Collection Policy and Hardship Policy will be considered at the June 2024 Council meeting. These policies provide a framework for managing and recovering collectibles, and providing hardship assistance related to the payment of rates and charges.
9. Determine the following changes to Council Reserves to be enacted:
  - 9.1. Continue existing Council contributions to the Green Wedge Reserve and Foreshore Reserves beyond 2024/25 and ongoing
  - 9.2. Continue the Art Fund Reserve in line with previous Council resolution to fund public art
  - 9.3. Continue the Capital Reserve Fund with a replenished balance of \$3.0 million to this fund in 2024/25 with future project savings allocated to this fund for utilisation on the capital works program and offset minor capital works overspends, including to potentially offset future borrowing requirements for the new aquatic and leisure centre.
10. Determine that the Chief Executive Officer of Council be authorised to give public notice of the adoption of these documents if required.
11. Determine that the Manager Finance be authorised to levy and recover the general rates, municipal charge and annual waste service charges in accordance with the *Local Government Act 1989*.
12. Having considered all feedback made on the draft budget, provide written responses to each of the contributors of the decision, and thank them for their interest in Council's Budget process.
13. Fix the penalties for parking infringements in contravention of the Regulations made under the *Road Safety Act 1986* at the amounts set out in the Fees and Charges Section of the 2024/2025 Budget, which amounts will continue as the penalties so fixed until Council resolves otherwise (whether during or after the 2024/2025 Financial Year).
14. Adopt the level of borrowings included in the 2024/25 Budget and 2024-34 Long Term Financial Plan of \$55.95 million in accordance with section 104 of the Local Government Act 2020 and from 2024/25 with Council to approve the final form of the borrowings following a competitive procurement and assessment.
15. Authorise the Manager Finance to make any changes to these documents as a result of this resolution, including minor and/or administrative wording and grammar changes if required.
16. Authorise Officers to do all things necessary to make all required applications to commence the statutory processes required for the delivery of the budgeted

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capital works program.

17. Note the Edithvale Wetlands Pedestrian Path project has \$100,000 funding allocated in 2024/25 for planning or preliminary works and is currently scheduled for construction in 2025/26 .
18. In adopting the 2024/25 Budget and the Fees and Charges Schedule, cap venue hire fee increases at 100 per cent, with any affected fee increases above this threshold subject to a further report to Council for approval.
19. Support existing regular community venue hirers of the above mentioned venues affected by the fee changes with transition by retaining 2023/24 fees for these hirers in the 2024/25 financial year.

**CARRIED**

**FOR:** Crs Davey-Burns, Eden, Oxley, Davies, Hill, Hua, Bearsley and Saab (8)

**AGAINST:** Nil (0)

**ABSTAINED:** Cr Howe (1)

**Note:** Cr Saab requested through the Chair and was granted an additional minute to speak on the matter.

**8. Community Strengthening Reports**

**8.1 Draft Gambling Policy 2024-2028**

**Moved: Cr Saab**

**Seconded: Cr Davies**

That consideration of this item be deferred to a future Council Meeting to allow for consultation with stakeholders.

Cr Eden left the meeting at 8:22pm.

Cr Eden returned to the meeting at 8:24pm.

**CARRIED**

**FOR:** Crs Davey-Burns, Eden, Oxley, Davies, Hill, Howe, Hua, Bearsley and Saab (9)

**AGAINST:** Nil (0)

**8.2 Municipal Public Health and Wellbeing Plan - Year 4 Health Plan Action Plan Adoption**

**Moved: Cr Davies**

**Seconded: Cr Saab**

That Council:

1. Note the outcomes of the public comment period for the draft Year 4 (2024-25) Health Plan Action Plan for the Municipal Public Health and Wellbeing Plan 2021-25; and
2. Endorse the Year 4 (2024-25) Health Plan Action Plan for the Municipal Public Health and Wellbeing Plan 2021-25.

**CARRIED**

**FOR:** Crs Davey-Burns, Eden, Oxley, Davies, Hill, Howe, Hua, Bearsley and Saab (9)

**AGAINST:** Nil (0)

**8.3 Lift Installation Progress - Old Mentone Bakery**

**Moved: Cr Hill**

**Seconded: Cr Bearsley**

That Council:

1. Take no further action in relation to the installation of a four person lift at the Old Mentone Bakery;
2. Consult with Mordialloc and District Historical Society on the timeline for a new report to come back to an Ordinary Council Meeting no later than the November 2024 that details the findings and recommended next steps; and
3. Receive a report by the March 2025 Council Meeting that details the findings and recommended next steps.
4. Officers provide monthly updates to the Ward Councillor and present to Councillors at an August briefing session.

Cr Oxley left the meeting at 8.32pm.

**Moved: Cr Davies**

That the Motion be adopted subject to the following point 3:

3. Consult with Mordialloc and District Historical Society on the timeline for a new report to come back to an Ordinary Council Meeting no later than the October 2024 that details the findings and recommended next steps; and

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

**The Motion was put and CARRIED**

**FOR:** Crs Davey-Burns, Eden, Davies, Hill, Howe, Hua, Bearsley and Saab (8)

**AGAINST:** Nil (0)

**The resolution reads as follows:**

**Moved: Cr Hill**

**Seconded: Cr Bearsley**

That Council:

1. Take no further action in relation to the installation of a four person lift at the Old Mentone Bakery;
2. Continue to work with the Mordialloc and District Historical Society on options and alternatives that are fit for purpose to enable extended use of the building;
3. Consult with Mordialloc and District Historical Society on the timeline for a new report to come back to an Ordinary Council Meeting no later than the October 2024 that details the findings and recommended next steps with any financial considerations to be referred to the next budget cycle; and
4. Officers provide monthly updates to the Ward Councillor and present to Councillors at an August briefing session.

**CARRIED**



**8.4 Outcomes of the Community Consultation Related to January Citizenship Ceremonies**

Cr Oxley returned to the meeting at 8.37pm.

**Moved: Cr Howe**

That Council abandons the proposal in the officer report and does not re-enter this matter.

**The Motion LAPSED for want of a Seconder**

**Moved: Cr Saab**

**Seconded: Cr Hill**

That Council:

1. Note the findings of the community consultation, as presented in Appendix 1;
2. Note the previous report presented to the Council Meeting on 20 November 2023 which included the advice of Traditional Owners, the Bunurong Land Council representing the Bunurong people of the South-Eastern Kulin Nation, the Derrimut Weelam Gathering Place Steering Committee, the Reconciliation Action Plan (RAP) Advisory Group, the RAP Working Group and Aboriginal and Torres Strait Islander staff members, that showed unanimous support for holding the January citizenship ceremonies three days before or three days after 26 January, and not on January 26 (Appendix 2); and
3. Commit to exploring the opportunity of running or support the running of a Healing Ceremony either in conjunction with the citizenship ceremony on or around the 26th January or otherwise, in partnership with the Derrimut Weelam Gathering Place.

**FOR:** Crs Davey-Burns, Hill and Saab (3)

**AGAINST:** Crs Howe and Hua (2)

**ABSTAINED:** Crs Eden, Oxley, Davies and Bearsley (4)

**LOST**

**Note:** Cr Hill requested through the Chair and was granted an extension of time of two minutes to speak on the matter.

Cr Eden left the meeting at 9:11pm.

Cr Eden returned to the meeting at 9:11pm.

**Moved: Cr Davies**

**Seconded: Cr Hua**

That Council hold the January Citizenship Ceremony on 26 January.

**Amendment**

**Moved: Cr Saab**

**Seconded: Cr Hill**

That the motion be adopted subject to the addition of the following:

That Council explore the idea of holding a healing ceremony in partnership with the Derrimut Weelam Gathering Place in January.

Cr Eden left the meeting at 9:26pm.

Cr Eden returned to the meeting at 9:28pm.

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**The Amendment was put and CARRIED**

**FOR:** Crs Davey-Burns, Eden, Oxley, Davies, Hill, Bearsley and Saab (7)  
**AGAINST:** Nil (0)  
**ABSTAINED:** Crs Howe and Hua (2)

**Amendment**

**Moved Cr Oxley**

That the Motion be adopted subject to the addition of the following:

That Council explore opportunities for further functions to be held on Australia Day recognising the unified Australia.

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

**The Substantive Motion was put and CARRIED**

**A Division was Called:**

**DIVISION:**

**FOR:** Crs Eden, Oxley, Davies, Howe, Hua and Bearsley (6)  
**AGAINST:** Crs Davey-Burns, Hill and Saab (3)

**The Resolution reads as follows:**

**Moved: Cr Davies**

**Seconded: Cr Hua**

That Council:

1. Hold the January Citizenship Ceremony on 26 January;
2. Explore the idea of holding a healing ceremony in partnership with the Derrimut Weelam Gathering Place in January; and
3. Explore opportunities for further functions to be held on Australia Day recognising the unified Australia.

**CARRIED**

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**9. Infrastructure and Open Space Reports**

**9.1 Heatherton Park Masterplan**

**Moved: Cr Hill**

**Seconded: Cr Saab**

That Council endorse the Heatherton Park Masterplan.

Cr Oxley left the meeting at 9:41pm.

Cr Howe left the meeting at 9:42pm.

**Procedural Motion**

**Moved: Cr Bearsley**

**Seconded: Cr Davies**

That the meeting be extended for one hour until 11.00pm.

**CARRIED**

**FOR:** Crs Davey-Burns, Eden, Davies, Hill, Bearsley and Saab (6)

**AGAINST:** Nil (0)

Cr Hua left the meeting at 9:45pm.

**The Substantive Motion was put and CARRIED**

**FOR:** Crs Davey-Burns, Eden, Davies, Hill, Bearsley and Saab (6)

**AGAINST:** Nil (0)

**9.2 Granary Lane Toilet Demolition**

**Moved: Cr Hill**

**Seconded: Cr Davies**

That Council:

1. Approve the demolition of the former public toilet at Granary Lane in Mentone;
2. Note that the Open Space Strategy lists Keith Styles Reserve as a District level Recreation reserve which may include a public toilet, and that this will be considered as part of the new Public Toilet Strategy;
3. Note that the public toilets at Florence Street will be reviewed to achieve an improved outcome; and
4. Note the artwork on the Granary Lane Toilet block is to be professionally digitised prior to demolition and officers will work with local history groups to document the story and history of the Granary Lane artwork, and that the area will be repurposed into open space with seating and references to the artwork incorporated.

Cr Oxley returned to the meeting at 9:49pm.

Cr Howe returned to the meeting at 9:49pm.

Cr Hua returned to the meeting at 9:49pm.

**CARRIED**

**FOR:** Crs Davey-Burns, Eden, Oxley, Davies, Hill, Howe, Hua, Bearsley and Saab (9)

**AGAINST:** Nil (0)

**9.3 Award of Contract CON-24/008 Recycling Processing Services**

Cr Hill left the meeting at 9:49pm.

**Moved: Cr Eden**

**Seconded: Cr Davies**

That Council:

1. Award Contract No. 24/008 – Recycling Processing Services as a Schedule of Rates Contract to Cleanaway Pty Ltd, at their tendered rates based upon Council’s anticipated workloads for the initial contract period from 1 July 2024 to 30 June 2027, up to a maximum value of \$11,754,240 excluding GST for the full five year contract; and
2. Authorise the Chief Executive Officer, or their delegate, to execute the single two-year contract extension subject to satisfactory performance.

**CARRIED**

**FOR:** Crs Davey-Burns, Eden, Oxley, Davies, Howe, Hua, Bearsley and Saab (8)

**AGAINST:** Nil (0)

**9.4 New Aquatic and Leisure Centre - Facility Naming Consultation**

**Moved: Cr Davies**

**Seconded: Cr Eden**

That Council:

1. Endorse the five (5) shortlisted names proposed for Kingston’s new aquatic and leisure facility for the purpose of community consultation and engagement; and
2. Note that community consultation and engagement is scheduled to occur between 30 May – 30 June 2024, in line with Geographic Naming Victoria (GNV) requirements.

**CARRIED**

**FOR:** Crs Davey-Burns, Eden, Oxley, Davies, Howe, Hua, Bearsley and Saab (8)

**AGAINST:** Nil (0)

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**10. Customer and Corporate Support Reports**

**10.1 Our Roadmap: Council Plan Year Four Annual Action Plan 2024-25 - Final**

**Moved: Cr Davies**

**Seconded: Cr Eden**

That Council adopt the Annual Action Plan 2024–25 (Appendix 1).

**CARRIED**

**FOR:** Crs Davey-Burns, Eden, Oxley, Davies, Howe, Hua, Bearsley and Saab (8)

**AGAINST:** Nil (0)

Cr Hill returned to the meeting at 9:52pm.

Cr Davies left the meeting at 9:52pm.

**10.2 Performance Report - Council Plan Year Three - Quarter Three (January to March 2024)**

**Moved: Cr Eden**

**Seconded: Cr Saab**

That Council receive the Year Three Annual Action Plan 2023–24 for Quarter Three (January to March 2024).

**CARRIED**

**FOR:** Crs Davey-Burns, Eden, Oxley, Hill, Howe, Hua, Bearsley and Saab (8)

**AGAINST:** Nil (0)

**10.3 Governance and Compliance Report**

**Moved: Cr Saab**

**Seconded: Cr Bearsley**

That Council:

1. Receive the Informal Meetings of Councillors Records of the Councillor Briefing Session of the 6<sup>th</sup> of May 2024 in Appendix 1 & the Strategic Briefing Session of the 20<sup>th</sup> of May 2024 in Appendix 3;
2. Receive the minutes from the March Audit and Risk Committee Meeting as attached at Appendix 4);
3. Accept the resignation of Cr Staikos as the Councillor delegate to the Municipal Association of Victoria;
4. Appoint Cr Saab as the new Councillor delegate and the Mayor Cr Davey-Burns as alternate to the Municipal Association of Victoria for the remainder of the Council term;
5. Note the Councillor appointed to the Metropolitan South Eastern Region MAV Representative and Mayor is redundant, based on the Councillor delegates appointed to the MAV;
6. Approve the value of Contract No. 23/035 Parkdale Yacht Club Accessible

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Pedestrian Ramp to Foreshore & Solar Lighting to \$992,631.18 (exclusive of GST); and

7. Approve the amendment of the previously allocated separate contingency to 10% of the amended contract sum is \$99,263.12 (exclusive of GST) in relation to point 6, and delegate authority to the CEO or delegate to expend this allowance is to ensure the successful completion of the project.

Cr Davies returned to the meeting at 9:55pm.

**CARRIED**

**FOR:** Crs Davey-Burns, Eden, Oxley, Davies, Hill, Howe, Hua, Bearsley and Saab (9)

**AGAINST:** Nil (0)

**10.4 Response to Resolution - Councillor Position Descriptions and Key Performance Indicators**

**Moved: Cr Oxley**

**Seconded: Cr Eden**

That Council:

1. Adopt the Councillor Position Descriptions;
2. Defer the consideration of the Key Performance Indicators until such time as Performance Indicators can be developed that more wholly encompass the feedback provided by the Representative Panel in regards to outcomes and deliverables rather than simply attendance; and
3. Officers circulate the proposed State Government changes that would impact the role of Councillor when this report comes back for consideration

**CARRIED**

**FOR:** Crs Eden, Oxley, Davies, Hill, Hua, Bearsley and Saab (7)

**AGAINST:** Nil (0)

**ABSTAINED:** Crs Davey-Burns and Howe (2)

**10.5 Operation Sandon Recommendations - Overview of Trial**

Cr Howe left the meeting at 10:22pm and did not return.

**Moved: Cr Oxley**

**Seconded: Cr Saab**

That Council, in response to the recommendations pertaining to Council governance practices and processes from Operation Sandon:

1. Continue the following meeting procedure practices in respect to Council Meetings and Planning Committee Meetings:
  - a) no en bloc voting;
  - b) recording of all individual votes of a motion in the minutes; and
2. Endorse the Briefing Protocols for Council Meetings and Planning Committee pre-meetings and for Councillor briefing sessions.

**CARRIED**

**FOR:** Crs Davey-Burns, Eden, Oxley, Hill and Saab (5)

**AGAINST:** Nil (0)

**ABSTAINED:** Crs Davies, Hua and Bearsley (3)

**10.6 Update on Rainbow Local Government Pledge - Commitment achieved**

**Moved: Cr Hill**

**Seconded: Cr Saab**

That Council note the achievement of the five commitments of the Rainbow Local Government Pledge as per the Council Resolution from the Council Meeting on 24 May 2021.

Cr Eden left the meeting at 10:28pm.

**CARRIED**

**FOR:** Crs Davey-Burns, Oxley, Davies, Hill, Bearsley and Saab (6)

**AGAINST:** Nil (0)

**ABSTAINED:** Cr Hua (1)

Cr Eden returned to the meeting at 10:31pm.

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**10.7 Audit and Risk Committee Biannual Report**

**Moved: Cr Eden**

**Seconded: Cr Saab**

That Council receive the Audit and Risk Committee Biannual Report to Council.

**CARRIED**

**FOR:** Crs Davey-Burns, Eden, Oxley, Davies, Hill, Hua, Bearsley and Saab  
(8)

**AGAINST:** Nil (0)



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**11. Chief Finance Office Reports**

**11.1 Adoption of 2024/25 Budget, 2024-2034 Financial Plan and 2024-2028 Revenue & Rating Plan**

Refer to page 19 of the Minutes for the Resolution on this item.

**11.2 Quarterly Finance Report March 2024**

**Moved: Cr Eden**

**Seconded: Cr Davies**

That Council note the March 2024 quarterly financial report and investment report.

**CARRIED**

**FOR:** Crs Davey-Burns, Eden, Oxley, Davies, Hill, Hua, Bearsley and Saab  
(8)

**AGAINST:** Nil (0)

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**6. Notices of Motion**

Nil

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**7. Urgent Business**

There were no items of urgent business.

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**8. Confidential Items**

**Moved: Cr Hua**

**Seconded: Cr Saab**

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

**14.1 Unpaid Rates and Charges Recovery Under The Provision of Section 181 Local Government Act 1989**

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

- because it is personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs (section 3(1)(f)), and
- the explanation as to why the specified ground/s applies is that the report contains sensitive information about individual properties within the municipality..

**14.2 Rates Exemption Requests**

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

- because it is private commercial information, being information provided by a business, commercial or financial undertaking (section 3(1)(g)), and
- the explanation as to why the specified ground/s applies is that there are legal, financial and confidential assessments of a business/es.

**CARRIED**

**FOR:** Crs Davey-Burns, Eden, Oxley, Davies, Hill, Hua, Bearsley and Saab (8)

**AGAINST:** Nil (0)

The meeting was closed to members of the public at 10.32pm.

**Moved: Cr Saab**

**Seconded: Cr Bearsley**

That the meeting be opened to members of the public.

**CARRIED**

**FOR:** Crs Davey-Burns, Eden, Oxley, Davies, Hill, Hua, Bearsley and Saab (8)

**AGAINST:** Nil (0)

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The meeting was opened to members of the public at 10.36pm.

The meeting closed at 10.37pm.

**Confirmed.....**

**The Mayor 24 June 2024**