

# Minutes

## Council Meeting

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Monday, 21st September 2020



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The meeting commenced at 7.01pm via the Zoom Platform.

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

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

**1. Apologies**

There were no apologies submitted to the meeting.

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

**Moved: Cr Brownlees**

**Seconded: Cr Hua**

That the Minutes of the Council Meeting held on 24 August 2020 and the Council Meeting held on 7 September 2020 be confirmed.

**CARRIED**

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

Cr Bearsley foreshadowed a declaration of a conflict of interest in Item 10.2.

The CEO, Julie Reid foreshadowed a declaration of a conflict of interest in Items 11.3, 14.1 and 14.2.

Cr Hua left the meeting at 7.05pm

**4. Petitions**

**4.1 Remove Current Ban on Fire Pits in Kingston Council**

**Moved: Cr Gledhill**

**Seconded: Cr Bearsley**

That the petition be referred to the CEO for response.

**CARRIED**

**4.2 Parkdale Library Needs a Playground**

**Moved: Cr West**

**Seconded: Cr Staikos**

That the petition be referred to the CEO for response.

Cr Hua returned to the meeting at 7.08pm

**CARRIED**

**5. Presentation of Awards**

Nil

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

Nil

**7. Question Time**

**Moved: Cr Gledhill**

**Seconded: Cr West**

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

**CARRIED**

Question time was held at 8.02pm. See page 12 of the Minutes.

**Block Resolution**

**Moved: Cr Staikos**

**Seconded: Cr Gledhill**

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

- 8.1 VCAT Requirements for Ward Changes
- 8.2 Planning Compliance in the Green Wedge - Update September 2020
- 8.3 Tree Removal Application PT-2020/414 - 1 Glennie Avenue Oakleigh South
- 8.4 Chelsea Level Crossing Removal Project - Carparking, Public Realm and Heritage Update
- 9.1 Central Registration Scheme for Funded Kindergarten Policy
- 9.2 Gambling Policy 2020 - 2024
- 9.3 Patterson Lakes Community Centre - Operational Model
- 10.1 Cleanaway Recycling Contract
- 10.4 Community Support During COVID-19
- 10.5 Bay Trail Art and Cultural Project
- 11.1 Adoption of the Annual Statements to 30 June 2020

- 11.2 2020-21 Revised Budget
- 11.5 Clarification for Attendance Fees for Members of Advisory Committees and ICACC
- 11.6 Quick Response Grants

**CARRIED**

**8. Planning and Development Reports**

**8.1 VCAT Requirements for Ward Changes**

**RECOMMENDATION**

That Council:

1. Revoke the resolution relating to Notice of Motion No. 10/2013 of the 23 March 2013 Ordinary Meeting of Council; and
2. Authorise the applicable Officers to exercise their delegation, provided in the Instrument of Sub-delegation by the Chief Executive Officer until such time as Officers present a report to the new Council with an updated procedure reflective of the single member ward structure.

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

**8.2 Planning Compliance in the Green Wedge - Update September 2020**

**RECOMMENDATION**

That Council receive the report.

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

**8.3 Tree Removal Application PT-2020/414 - 1 Glennie Avenue Oakleigh South**

**RECOMMENDATION**

That Council support the grant of Local Law Permits for those trees outlined in Section 2 of this report pursuant to the assessment criteria contained within Clause 42 of the Community Local Law and provide for replacement planting at a ratio of 3:1 for each tree proposed to be removed.

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

**8.4 Chelsea Level Crossing Removal Project - Carparking, Public Realm and Heritage Update**

**RECOMMENDATION**

That Council:

1. Note the options provided by the Level Crossing Removal Project in relation to carparking and landscaping options in Chelsea (Appendices 3, 4, 5 and 6);
2. Write to the Level Crossing Removal Project and Southern Program Alliance to:
  - a) Inform them of Council's support of the landscaping and carparking plan – Option 4 (Appendix 6) noting the extent to which it seeks to balance landscaping and carparking needs within the centre;
  - b) Reaffirm to the Level Crossing Removal Project, Council's expectations regarding their engagement and consultation with local traders and residents directly impacted by the project; and
3. Note the Level Crossing Removal Project's position in relation to the existing Chelsea Station Building and the status of other heritage items within the precinct.

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

**9. Community Sustainability Reports**

**9.1 Central Registration Scheme for Funded Kindergarten Policy**

**RECOMMENDATION**

That Council approve the attached Central Registration Scheme for Funded Kindergarten Policy to be implemented, which includes the registration and allocation of funded three-year-old kindergarten places, to support the Victorian State Government's announcement to implement funding for two years of kindergarten prior to children commencing school.

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

**9.2 Gambling Policy 2020 - 2024**

**RECOMMENDATION**

That Council approve the Gambling Policy 2020-2024.

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

**9.3 Patterson Lakes Community Centre - Operational Model**

**RECOMMENDATION**

That Council:

1. Endorse the implementation of proposed Maximised Operational Model for Patterson Lakes Community Centre as outlined below in Option 1;
2. Approve the reallocation of the Community Grants (Partnership Grant \$66,567 20/21) for the Patterson Lakes Community Centre to Council's operational budget to contribute to operational costs for management of Patterson Lakes Community Centre; and
3. Approve the additional allocation of funds (\$87,989 20/21), as detailed in table section 4.3, to enable delivery of recommended Operational Model, Option 1.

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

**9.4 Celebrating our Heritage - Options for Activating Historical Collections**

**Moved: Cr Staikos**

**Seconded: Cr Eden**

That Council:

1. Endorse the preparation of (draft) strategic policy statement to define Council's position on acquisition, preservation and display of heritage collections.
2. Endorse the preparation of an operational plan to support management of heritage collections in partnership with community stakeholders that aligns with the strategic position.
3. Note the options for the management of existing and future heritage collections, as outlined in response to the feasibility study (Table 1), with Council noting a preference for Option 5 or Option 6.
4. Refer this report to the 2020-24 Council for further consideration and deliberation.

**CARRIED**

**10. City Assets and Environment Reports**

**10.1 Cleanaway Recycling Contract**

**RECOMMENDATION**

That Council:

1. Note the information contained in this report;
2. Delegate to the Chief Executive Officer or her representative authority to extend contract CON-19/112 Receipt of Recycling Services using the three single year extensions available for an annual estimated cost of up to \$2.8M; and
3. Receive a further report on the Metropolitan Waste and Resource Recovery Group collaborative contract for Recycling Processing when this information is

available.

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

### **10.2 Outcome of Section 223 Committee Kerr Crescent Aspendale Gardens**

Councillor Bearsley declared an indirect conflict of interest in this item due to residential amenity as her residential property is within close proximity and left the meeting at 7.31pm prior to any discussion on the matter.

**Moved: Cr Staikos**

**Seconded: Cr Eden**

That Council:

1. Consider the outcome of the Section 223 Committee hearing;
2. Having considered point 1, grant a lease to United Energy for the purposes of a substation on that part of the reserve shown on Appendix 4 on the terms and conditions in this report; and
3. Authorise officers to write to the submitter thanking them for their submission and advising of Council's decision.

**CARRIED**

Cr Bearsley returned to the meeting at 7.34pm

### **10.3 Kingston Integrated Transport Strategy**

**Moved: Cr Staikos**

**Seconded: Cr West**

That Council:

1. Note the community feedback received about the Council's draft Integrated Transport Strategy and changes made in response to this feedback; and
2. Adopt the Kingston Integrated Transport Strategy.

**CARRIED**

### **10.4 Community Support During COVID-19**

#### **RECOMMENDATION**

That Council having consideration of the State Government's "Roadmap to Recovery" Program extends its commercial rent waiver for commercial tenants currently receiving the waiver from 30 September 2020 to 31 December 2020.

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



**10.5 Bay Trail Art and Cultural Project**

**RECOMMENDATION**

That Council:

1. Note the community feedback obtained from 'Your Kingston Your Say' for the Bay Trail Art and Cultural Project;
2. Note the proposed project delivery model, funding and project timeline in this report; and
3. Endorse that artist Deb McNaughton is commissioned to create and install the Rainbow Sculpture.

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

**11. Corporate Services Reports**

**11.1 Adoption of the Annual Statements to 30 June 2020**

**RECOMMENDATION**

That Council:

1. Note the recommendation from Council's Audit Committee;
2. Adopt the 2019/20 Annual Performance Statement and Annual Financial Report (Annual Statements) as Council's "in principle" statements for 2019/20;
3. Authorise Cr Oxley (Mayor), Cr Gledhill and Julie Reid (Chief Executive Officer) to sign the final audited 2019/20 Annual Statements; and
4. Authorise Cr Oxley (Mayor) and Julie Reid (Chief Executive Officer) to sign the Governance and Management Checklist.

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

**11.2 2020-21 Revised Budget**

**RECOMMENDATION**

That Council adopt the revised operational and capital budgets for 2020-21.

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

**11.3 CEO Performance and Remuneration Review Services - Contract Extension**

The CEO, Julie Reid declared a direct conflict of interest in this item as the matter is relevant to her position and left the meeting at 7.47pm prior to any discussion on the matter.

**Moved: Cr Staikos**

**Seconded: Cr Brownlees**

That Council adopt option 2 in the officer report CON-19/113 – Provision of Chief Executive Officer Performance and Remuneration Services.

**CARRIED**

The CEO, Julie Reid returned to the meeting at 7.50pm

**11.4 Community Local Law - Smoking Ban to Smoke Free Areas - Shopping Strips**

**Moved: Cr Oxley**

**Seconded: Cr Barth**

That Council:

1. Pursuant to clause 203D of Community Local Law No. 4 and, having considered the matters prescribed by clause 203E of Community Local Law No. 4, determines that the footpaths, between the kerbside or the road and curtilage of adjacent building, along the length of the shopping strips outlined in Appendix 1 which includes areas within the:
  - a) Moorabbin Activity Centre
  - b) Cheltenham Activity Centre
  - c) Mentone Activity Centre
  - d) Mordialloc Activity Centre
  - e) Chelsea Activity Centreare smoke free areas for the purposes of Community Local Law No. 4.
2. Undertake further discussions with the owners of Westfield Shopping Centre Southland to explore the application of a smoking ban at the Southland Centre and that Councillors be advised of the outcome of these discussions.

**CARRIED**

**11.5 Clarification for Attendance Fees for Members of Advisory Committees and ICACC**

**RECOMMENDATION**

1. That Council commence payment of attendance fees following the renewal of the committees after the 2020 Council elections
2. That attendance fees not be paid to the Business and Economic Development Advisory Committee
3. That attendance fees not be paid to members across all Advisory Committees who act in their capacity as official representatives of external bodies or organisations
4. That an appropriate gift be provided to members of the Youth Advisory Committee (12-17 age) in lieu of attendance fees.

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

**11.6 Quick Response Grants**

**RECOMMENDATION**

That Council:

1. Approve the following grant applications:
  - Heatherton Cricket Club - \$1500.00
  - Aspendale Entertainment Community Troupe - \$1000.00 (subject to the performance proceeding in 2021).
  - Kingston Toy Library - \$1500.00
  - Yarrabah School - \$1500.00
  - Victorian Skateboard Association - \$1500.00
2. Defer the consideration of the following grant application pending further information:
  - CUCC Kings

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

**Question Time**

**Greg Herridge of Bonbeach asked,**

*"I raised a query on 2/9/20 via [info@kingston.vic.gov.au](mailto:info@kingston.vic.gov.au) and received an "automated reply" that same date. I have heard nothing since. How long should I be expected to wait before I get someone to tell me either a) the answer to my question asked on 2/9/20 or b) what is being done to get me an answer? Is this common to have such a wait with no reply? Is this why ratepayers are frustrated that they cannot get answers from Council? Don't ratepayers deserve the courtesy of a call back if there is going to be an undue delay in responding fully to a question? We all understand that there can be delays for all sorts of reasons from time to time, but that is why responsive/customer-focussed call centres have processes - to keep customers informed in the event of unexpected delays/bottlenecks in responding to customer queries/needs. At a minimum there should be an exception report which shows management which queries are open and overdue for a response. Is my enquiry on that exception report, or has it been lost? Can we get better at dealing with ratepayers' enquiries or do we think that the above is acceptable? Please advise."*

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

*"Firstly, apologies for the delayed response to your earlier e-mail. The Communications manager has been in contact with Mr Herridge on Friday to explain what went wrong. Where Mr Herridge's e-mail was forwarded to our Communications inbox; the person who usually manages this inbox has recently left and we have clearly not put the right process in place to manage it. Communications are collecting all the data to answer and will reply to Mr Herridge this week. I can assure everyone that this level of service is not considered acceptable at Kingston."*

**Greg Herridge of Bonbeach asked,**

*"Through the course of campaigning I have been contacted by 15-20 ratepayers concerned about the gaps in the completion of the Level Crossing Removal works at Carrum. Is council fully confident that all outstanding issues with construction works are being dealt with properly prior to handover, in order to ensure that ratepayers are not left to pick up the bill for rectification works where construction does not meet the community's needs or public safety requirements? What is the next step in Council's action plan to ensure that Kingston's concerns are listened to and dealt with by LXP prior to handover? (We need solutions, not emails at this stage of the game, I think) Do we have a clear picture of the various risk areas so that we can ensure that there is appropriate risk management in place? Does council have a list of all of the identified concerns regarding the at the Carrum LXP site and all other LXP sites within the City of Kingston? There is no shortage of feedback from residents so such a list would not be difficult to collate if required, to quantify the extent of Council's exposure. Do we have a manageable problem or a ticking time bomb? Have we escalated and followed up with urgency if the blockage is with LXP or other entities? I can assure you that a large number of ratepayers are quite irate about the lack of communication back to them on the status/resolution of these issues. So it seems to me that this cannot wait until November. Handover of the Carrum works from LXP to Council is scheduled to be completed before then - from which point ratepayers will be stuck with the ongoing bill for rectification and maintenance of the handed over assets, such as the much-discussed toilet block, privacy screens for residents under the rail station, fall and trip hazards in front of Carrum Newsagency, new "blank canvas" concrete walls/areas that are already being repeatedly targeted by graffiti attackers, etc. This does not directly impact me as much as others who live closer to the sites in question, but as a ratepayer I too am very concerned about the immediate and long term implications for our community, not the least of which is the ongoing adverse cost impact for*

ratepayers. Please advise of proposed next steps to get a fair outcome for Kingston ratepayers, residents and visitors to our popular area. With thanks, Greg Herridge.”

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

“Council officers are actively involved in regular site inspections across all of the Level Crossing Removal Projects in Kingston. Officers have been monitoring the progress throughout the projects and have been in contact with many residents and traders who have been impacted by the works. The LXP works have not yet been handed over to Council and outstanding issues would need to be resolved by the LXP before Council would take over assets. Officers will continue to advocate to the LXP, noting the rectification of the specific items Mr Herridge has mentioned for Carrum.”

**John Zeccola asked,**

“Can Council please advise what is Council's policy regarding community sporting clubs contributing funding to their facilities? For example, new coaches' boxes and ground lighting. What is the percentage amount that they must fund. Please specify.”

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

“Council's Sports Ground Infrastructure Policy nominates the shared responsibilities for investing in and maintaining infrastructure that supports organised sporting activities on Council's sports grounds.

With regard to coaches' boxes and substitute benches - the policy states that the provision, replacement, maintenance and repairs is a joint responsibility between the clubs that use them and Council. In terms of club contributions, recent new installations have seen contributions of 50% Club and 50% Council. Contributions from the Commonwealth and State Governments are generally considered a club contribution to these facilities.

For sports ground lighting, while Council is generally responsible for costs associated with the installation, repair and maintenance, contributions from community sporting clubs supports Council to attract funding from Commonwealth and State Governments. Any contributions from community sporting clubs is considered on a case-by-case basis and generally influenced by the tenant club's financial capacity.

A copy of Council's Sports Ground Infrastructure Policy will be sent to Mr Zeccola.”

**John Zeccola asked,**

“Can Council please advise the following: 1) Number of people (and overall percentage) over the age of 50 who have been employed full time in the City of Kingston in 2019 and 2) How many of positions advertised for full time employment have been filled by people who previously not been employed at Local Government level, in other words only from private enterprise?”

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

“Question 1:

For overall hires between December 2016 and December 2019:

- 122 employees hired over the age of 50 from December 2016 to December 2019 (18% of all new hires); and
- 565 employees hired under the age of 50 from December 2016 until December 2019 (82%).

*I can further advise for full time positions hired from December 2016 to December 2019 that:*

- *37 employees hired over the age of 50 for fulltime positions (15%); and*
- *211 employees hired under the age of 50 for fulltime positions (85%).*

*ABS statistics show for the last census that for Kingston the proportion of population aged between 50 and 65 was 18% of the total Kingston population.*

*The new Local Government Act mandates that the Chief Executive Officer must adopt and maintain a recruitment policy that—*

- (a) ensures that recruitment decisions are based on merit; and*
- (b) supports transparency in recruitment processes and the public advertising of positions; and*
- (c) has regard to the gender equity, diversity and inclusiveness measures specified in the workforce plan.”*

*“Question 2:*

*I advise that we do not collect information in our HR systems regarding where people have come from prior to Kingston – whether private sector; Not for profit; state or federal government or local government – as it is not relevant to the recruitment process or decision.”*

**Nicole Calder of Cheltenham asked,**

*“Do sitting councillors believe it is appropriate for family members to openly and often viciously attack other councillors and candidates online?”*

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

*“If a member of the community feels that a Councillor has behaved inappropriately as suggested in the question, the matter may be referred to the Victorian Electoral Commission as the responsible authority for such matters.”*

**Nicholas Hokin of Dingley Village asked,**

*“Is it acceptable behaviour under the local government code of conduct for current councillors to openly back the campaigns of so called independent council candidates through printed materials being distributed to homes in multiple wards? And, further to this, is it appropriate that sitting councillors use social media platforms to attack, attempt to influence potential voters and intimidate other council candidates in these wards?”*

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

*“If a member of the community feels that a Councillor has behaved inappropriately as suggested in the question, the matter may be referred to the Victorian Electoral Commission as the responsible authority for such matters.”*

**12. Notices of Motion**

**12.1 Notice of Motion No. 25/2020 - Cr Eden - Report on Breaches**

**Moved: Cr Eden**

**Seconded: Cr West**

That Council in a public meeting be provided each month detailing any and all identified breaches of:

1. Legislation
2. Policies
3. Processes or procedures
4. Other relevant practices or requirements

The report must not be designated confidential and be provided each month as a report to the ordinary Council meeting and Audit Committee.

**LOST**

**A Division was Called:**

**DIVISION:**

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

**AGAINST:** Crs Bearsley, Brownlees, Gledhill and Hua (4)

**ABSTAINED:** Crs Barth and Staikos (2)

**LOST**

**12.2 Notice of Motion No. 36/2020 - Crs Staikos & Barth - Remove Current Ban on Fire Pits in the City of Kingston**

**Moved: Cr Staikos**

**Seconded: Cr Barth**

That the City of Kingston reviews the Community Local Law and conducts community consultation with a view to repealing the ban on fire pits.

Cr West left the meeting at 8.43pm

Cr Eden left the meeting at 8.43pm

**CARRIED**

Cr West returned to the meeting at 8.45pm

**12.3 Notice of Motion No. 37/2020 - Cr Hua - Secure Future for Kingswood Golf Course**

**Moved: Cr Hua**

**Seconded: Cr Brownlees**

That Council:

1. Council writes to the Minister for Planning requesting that he commences the process to amend the Urban Growth Boundary to have the entire Kingswood Golf Course land in Dingley Village outside the Urban Growth Boundary; and
2. Council lobbies all local MPs to support the above change of the Urban Growth Boundary.

Cr Eden returned to the meeting at 8.46pm

**Amendment**

**Moved: Cr West**

That:

1. Council write to the Minister for Planning requesting that he commences the process to amend the Urban Growth Boundary to have the entire Kingswood Golf Course land in Dingley Village outside the Urban Growth Boundary;
2. Council lobby all local MPs to support the above change of the Urban Growth Boundary; and
3. A report be presented to the November Council Meeting on the preparation of strategic support for this proposal and for that to be integrated with the review of the Kingston Green Wedge Management Plan.

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

**Amendment**

**Moved: Cr Eden**

**Seconded: Cr West**

That:

1. Council write to the Minister for Planning requesting that he commences the process to amend the Urban Growth Boundary to have the entire Kingswood Golf Course land in Dingley Village outside the Urban Growth Boundary;
2. Lobby all local MPs to support the above change of the Urban Growth Boundary;
3. A report be presented to the November Council Meeting on the preparation of strategic support for this proposal and for that to be integrated with the review of the Kingston Green Wedge Management Plan; and
4. Given some Councillors in the past sought to move the Green Wedge Urban Growth Boundary to facilitate residential and commercial development, Council reiterate that no work will be done by officers to support any form of increased development in the Green Wedge in parallel.

**The Amendment was put and CARRIED**



**A Division was Called:**

**DIVISION:**

**FOR:** Crs Oxley, Barth, Eden, Gledhill, Staikos and West (6)

**AGAINST:** Cr Brownlees (1)

**ABSTAINED:** Crs Bearsley and Hua (2)

**CARRIED**

**The Amendment became the Motion**

**The Motion was put and CARRIED**

**A Division was Called:**

**DIVISION:**

**FOR:** Crs Oxley, Barth, Bearsley, Brownlees, Eden, Gledhill, Hua, Staikos and West (9)

**AGAINST:** Nil (0)

**CARRIED**

**12.4 Notice of Motion No. 38/2020 - Cr Gledhill - Outdoor Trading Provisions**

Cr West left the meeting at 9:32pm

Cr Brownlees left the meeting at 9:32pm

**Moved: Cr Gledhill**

**Seconded: Cr Staikos**

That officers provide an urgent report on what local laws and fees and charges would need to be changed to allow hospitality businesses (food and beverage retailers) to maximise their opportunity to take advantage of relaxed outdoor trading provisions. Further that the report note any concerns or unintended consequences discovered.

Cr Brownlees returned to the meeting at 9:36pm

Cr West returned to the meeting at 9:37pm

**CARRIED**

**12.5 Notice of Motion No. 39/2020 - Cr Gledhill - Mentone Pedestrian Crossings**

**Moved: Cr Gledhill**

**Seconded: Cr West**

That the traffic bulletin issued on August 28th seeking feedback from Mentone residents relating to Como Parade East and West be reissued in a form that reflects the very clear view of local residents for a structured crossing on both sides of the rail line. Both crossings would be supervised during school arrival and departure times.

Cr Staikos left the meeting at 9.40pm

Cr Staikos returned to the meeting at 9.42pm

**CARRIED**

**Procedural Motion**

**Moved: Cr Staikos**

**Seconded: Cr Barth**

That the meeting be extended for 30 minutes until 10.30pm

**CARRIED**

**12.6 Notice of Motion No. 40/2020 - Cr Brownlees - Stanley and Edward Streets, Cheltenham**

Cr Eden left the meeting at 9.48pm

**Moved: Cr Brownlees**

**Seconded: Cr Gledhill**

That Council write an urgent letter to The Minister for Transport and Infrastructure Jacinta Allan, and the CEO of LXRA, Mr Kevin Devlin, requesting an immediate resolution and remediation of the currently closed road connection between Edwards Street and Stanley Avenue Cheltenham, that will provide for the road being returned to at least its original road width so that the local community will again have a safe and convenient access to the Cheltenham shopping centre, and Cheltenham Library instead of the unnecessary and unsafe current temporary detour through small local residential streets.

**Amendment**

**Moved Cr West**

That Council:

1. Write an urgent letter to The Minister for Transport and Infrastructure Jacinta Allan, and the CEO of LXRA, Mr Kevin Devlin, requesting an immediate resolution and remediation of the currently closed road connection between Edwards Street and Stanley Avenue Cheltenham, that will provide for the road being returned to at least its original road width so that the local community will again have a safe and convenient access to the Cheltenham shopping centre, and Cheltenham Library instead of the unnecessary and unsafe current temporary detour through small local residential streets.

2. Write to the LXP requesting a meeting to discuss removing or narrowing the footpath on the railway side which has caused this problem and to replace it with vegetation similar to what has been removed.

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

**The Motion was put and CARRIED**

Cr Eden returned to the meeting at 9.51pm

**12.7 Notice of Motion No. 41/2020 - Cr Gledhill - Letter to Business and Property Owners**

**Moved: Cr Gledhill**

**Seconded: Cr Bearsley**

That the CEO, following the caretaker period, write to all City of Kingston business and property owners who will not be beneficiaries of the proposed 5% rate reduction by Council as part of its 2020/21 budget and explain the reasoning and data used in arriving at the decision to not include them.

**Procedural Motion**

**Moved: Cr Staikos**

**Seconded: Cr Gledhill**

That the motion be put.

**CARRIED**

**The Substantive Motion was put and CARRIED**

**A Division was Called:**

**DIVISION:**

**FOR:** Crs Bearsley, Brownlees, Gledhill, Hua and West (5)

**AGAINST:** Nil (0)

**ABSTAINED:** Crs Oxley, Barth, Eden and Staikos (4)

**CARRIED**

**12.8 Notice of Motion No. 42/2020 - Cr Brownlees - Agriculture in the Green Wedge**

**Moved: Cr Brownlees**

**Seconded: Cr Gledhill**

That in the interests of transparency and good governance, Council submit the 'Agricultural Preservation and Strengthening Strategy – Background Report and Summary Report - both dated May 2020, and prepared on behalf of Council by RMCG, as presented to Councillors, to the Department of Environment, Land, Water, and Planning, as an addendum to our response submission to the Minister's request relating to 'Planning for Melbourne's Green Wedges and Agricultural Land', confidential consultation paper dated May 2020.

Further that a copy of the report be made available to all submitters and participants of the RMCG report.

**Procedural Motion**

**Moved: Cr Staikos**

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

**LAPSED for want of a Seconder**

**Procedural Motion**

**Moved: Cr Eden**

**Seconded: Cr Staikos**

That consideration of this matter be deferred until the Audit Committee has reviewed the report and process.

**LOST**

**Procedural Motion**

**Moved: Cr Brownlees**

**Seconded: Cr Hua**

That the meeting be extended for 30 minutes until 11.00pm

**CARRIED**

**Procedural Motion**

**Moved: Cr Staikos**

**Seconded: Cr Gledhill**

That the motion be put.

**CARRIED**

**The Substantive Motion was put and CARRIED**

**A Division was Called:**

**DIVISION:**

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

**AGAINST:** Crs Oxley, Barth, Staikos and West (4)

**ABSTAINED:** Crs Eden (1)

**LOST**

**12.9 Notice of Motion No. 43/2020 - Cr West - Nepean Highway Tree Planting Plan**

**Moved: Cr West**

**Seconded: Cr Eden**

That with regard to the Nepean Highway tree planting plan, that until the plan (that was the subject of the attached Council resolution on 24 July 2017) can be adopted by Council after community consultation, officers plant only native or indigenous trees on the Nepean Highway nature strips in accordance with either the Hansen Partnership draft plans or the Biosis advice in response to the Hansen plans.

Cr Gledhill left the meeting at 10.33pm

Cr Gledhill returned to the meeting at 10.35pm

**CARRIED**

**12.10 Notice of Motion No. 44/2020 - Cr West - Resolution - Purchase of 19 Tarella Road, Chelsea**

**Moved: Cr West**

**Seconded: Cr Eden**

That the minuted resolution from the Minutes of the Ordinary Council Meeting of 27 April (attached) for the purchase of 19 Tarella Road be now made public, apart from points 2, 3 and 4 which have not yet been completed.

**CARRIED**

**A Division was Called:**

**DIVISION:**

**FOR:** Crs Oxley, Barth, Bearsley, Brownlees, Eden, Staikos and West (7)

**AGAINST:** Nil (0)

**ABSTAINED:** Crs Gledhill and Hua (2)

**CARRIED**

**12.11 Notice of Motion No. 45/2020 - Cr Oxley - Weekly Green Waste Collection**

**Moved: Cr Oxley**

**Seconded: Cr Brownlees**

That officers provide a report to the new Council on the feasibility of having the green waste bin collected every week during the summer period including the costs associated with this, any relevant contractual obligations, and any other relevant information.

**CARRIED**

**13. Urgent Business**

**13.1 Hawthorn Football Club**

**Moved: Cr Staikos**

**Seconded: Cr Brownlees**

That an item of Urgent Business be considered in relation to Hawthorn Football Club

**CARRIED**

**Moved: Cr Staikos**

**Seconded: Cr Gledhill**

That the CEO of Kingston Council write to the Commonwealth Minister for Youth and Sport, Senator the Hon Richard Colbeck, and the Victorian Minister for Tourism, Sport and Major Events, The Hon Martin Pakula MP to express Council's support for the new Hawthorn Football Club Headquarters, the Kennedy Community Centre, In Dingley Village.

Further that the letter note that:

- the Planning Panel report for Amendment C180 – Hawthorn Football Club Training Facility concluded that the land uses, landscape and visual design are appropriate for the land in the context of existing policy and the primary use of the site as an elite training facility.
- the project will generate an on-going 25 FTE jobs for the local community, in addition to the construction jobs.
- the AFLW community oval (stage 1) and pavilion on the Tootal Road frontage will be a great asset for the community and local AFL clubs, this oval will also act as the home of women's football in the South-East of Melbourne catering for the exponential growth in the local female junior competition.
- the hi-ball centre (stage 2), will cater for wheelchair football, basketball and netball, and will cater to community needs
- the club is seeking funding contributions from Local, State and Federal Governments towards the AFLW community oval and pavilion, public open space and hi-ball facility components,
- as Council's caretaker provisions will be in place from 12pm, Tuesday 22 September, Kingston Council is unable to make any financial commitments to the project at this time, however Council would like to encourage the Federal and State Government make commitments in their next budgets.

Further that officers prepare a full report for the incoming Council, and that the report be provided to the new Council once the elected Councillors take their positions post 13 November 2020, (preferably before the Christmas break) providing them with options for Kingston to partner with and financially contribute to the project.

**CARRIED**

### **13.2 Support for Certain Members of Our Community**

**Moved: Cr Oxley**

**Seconded: Cr Barth**

That an item of urgent business be considered in relation to reiterating support for certain members of our community.

**CARRIED**

**Moved: Cr Oxley**

**Seconded: Cr West**

That Council:

1. Reiterate Council's support for Indigenous Australians particularly those within our community and reiterate our commitment to working towards reconciliation.
2. Reiterate Council's support for LGBTIQ+ Australians, particularly those within our community and reiterate our commitment towards achieving equality.
3. Reiterate Council's support for our diverse multicultural community particularly in Kingston and reiterate our commitment towards celebrating and uniting our diverse cultures.
4. Reiterate that hate speech and racism are not accepted or tolerated in our Kingston community.

**CARRIED unanimously**

**Procedural Motion**

**Moved: Cr Brownlees**

**Seconded: Cr Staikos**

That the meeting be extended for 30 minutes until 11.30pm

**CARRIED**

**14. Confidential Items**

**Moved: Cr Staikos**

**Seconded: Cr Gledhill**

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 2019/20 CEO Performance Review**

*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 it deals with sensitive personal information involving the review of the Chief Executive Officer.*

**14.2 CEO Employment Matters**

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

- *legal privileged information, being information to which legal professional privilege or client legal privilege applies, and 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)(e) and (f)), and*
- *the explanation as to why the specified ground/s applies is that it deals with personal information and legal advice.*

**Confidential Appendices**

**8.2 Planning Compliance in the Green Wedge - Update September 2020**

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

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

**9.4 Celebrating our Heritage - Options for Activating Historical Collections**

**Appendix 2, OCM February 2019 - 14.2 Historical Farm Machinery**

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

**12.10 Notice of Motion No. 44/2020 - Cr West - Resolution - Purchase of 19 Tarella**

**Road, Chelsea**

**Appendix 1, Confidential Resolution - Item 14.3 - Response to Notice of Motion  
10/2020 - Council Meeting 27 April 2020**

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

**CARRIED**

The meeting was closed to members of the public at 11.09pm.

As Item 14.2 was not completed by the conclusion time of 11.30pm, the Council Meeting is deemed to be adjourned in accordance with clause 16.2 of the Governance Rules.

**Confirmed.....**

**The Mayor 19 October 2020**