

# Minutes

## Council Meeting

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Monday, 27th June 2022

**Table of Contents**

1.	Apologies .....	3
2.	Confirmation of Minutes of Previous Meetings .....	3
3.	Foreshadowed Declaration by Councillors, Officers or Contractors of any Conflict of Interest .....	3
	<i>[Note that any Conflicts of Interest need to be formally declared at the start of the meeting and immediately prior to the item being considered – type and nature of interest is required to be disclosed – if disclosed in writing to the CEO prior to the meeting only the type of interest needs to be disclosed prior to the item being considered.]</i>	
4.	Petitions .....	4
5.	Presentation of Awards .....	4
6.	Reports from Delegates Appointed by Council to Various Organisations.....	4
7.	Question Time.....	4
8.	Planning and Place Reports.....	5
9.	Community Strengthening Reports .....	7
10.	Infrastructure and Open Space Reports .....	7
11.	Customer and Corporate Support Reports .....	9
12.	Chief Finance Office Reports .....	12
13.	Notices of Motion .....	18
14.	Urgent Business.....	18
15.	Confidential Items .....	19

**City of Kingston  
Council Meeting**

**Minutes**

**27 June 2022**

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

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

**In Attendance:** Peter Bean, Chief Executive Officer  
Jonathan Guttman, 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  
Jaclyn Murdoch, Manager City Development  
Phil De Losa, Manager Governance  
Patrick O’Gorman, Council Governance Officer  
Gabrielle Pattenden, Council Governance Officer  
Lindsay Holland, Facilities Officer

**1. Apologies**

An apology from Cr Howe was submitted to the meeting.

**Moved: Cr Bearsley**

**Seconded: Cr Hua**

That the apology from Cr Howe be received.

**CARRIED**

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

**Moved: Cr Davies**

**Seconded: Cr Hill**

That the Minutes of the Council Meeting held on 23 May 2022 be confirmed.

**CARRIED**

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

The CEO, Peter Bean foreshadowed a declaration of a conflict of interest in Item 15.1 – CEO Employment Matters.

**4. Petitions**

Nil

**5. Presentation of Awards**

Due to the meeting being conducted online, the presentations to the Junior Mayor and Junior Council will be deferred until the July Council Meeting.

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

The Mayor, Cr Staikos reported on having attended meetings of the Metropolitan Waste and Resource Recovery Group and the Australian Local Government Association General Assembly.

**Moved: Cr Staikos**

**Seconded: Cr Saab**

That the delegate's reports be received.

**CARRIED**

**7. Question Time**

Question time was held at 7.14pm.

**Ryan Siriwardene of Clayton South asked,**

1. *"When will Council be providing a purple bin for glass only for residents to opt into like Yarra Council and Brimbank are doing and Monash Council are strongly considering?"*

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

*"Councils are required to implement a glass recycling bin by 2027 under the State Government Recycling Victoria Plan 2020. Kingston is currently planning to commence this service after the implementation of the State Government Container Deposit Scheme (CDS) which is stated to be in 2023. The timing of the introduction of the glass kerbside bin is yet to be determined by Council. The amount of glass in kerbside recycle bins will change significantly with the introduction of the CDS and this will help provide information to inform the size of kerbside bins required and the frequency of collections."*

2. *"What is happening with creating a pavement on Clayton Road (Bourke Rd intersection) right through to Deals Road (off Heatherton Road) so people can actually use it as a walking route around the Clayton South and Clarinda borders?"*

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

*"A footpath was constructed along Clayton Road from Leslie Road to Victory Road (west side) in the last financial year 20/21. The next stage, Victory Road to Heatherton Road is currently in design and is planned to be constructed within the next 2 years subject to funding. This section was originally planned to be built in 2022, however there are design issues to overcome in the form of significant level differences between Clayton Road and some private properties abutting this section of Clayton Road."*

**Noelene Hager of Parkdale asked,**

*"I refer to my question on 28th March regarding the installation of a hand rail and ramp at the entrance to the Le Page Tennis Club. The response from the General Manager Community Sustainability was that it is not possible to install a ramp, but hand rails would be installed this financial year. As of last Thursday, 23rd June, it has not been installed. My question now is when is it going to be installed - if not why? As previously advised, we have many very elderly ladies, some with mobility problems, who have great difficulty encountering the steps. This is a safety issue."*

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

*"Thank you for your question and for following up on this matter. There has been a departure of key staff involved with this project which has led to a delay. Our Manager Infrastructure contacted Ms Hager today to advise that the handrail has been designed and will be installed within the next three to four weeks. The detail of the design will be sent to Ms Hager and we will keep her up to date on the progress."*

**En Bloc Resolution**

**Moved: Cr Cochrane**

**Seconded: Cr Hill**

That the following items be resolved *en bloc* and that the recommendations in each item be adopted:

- 8.1 YourGround Project - Kingston Results and Response
- 10.1 Applications - Sport and Recreation Victoria - Local Sports Infrastructure Fund 2022
- 10.2 Asset Plan Consultation Feedback
- 10.4 CON 21/028 Leisure Centres Supply, Delivery and Storage of Co2 (Carbon Dioxide)
- 11.1 Informal Meetings of Councillors
- 11.2 Appointment and Authorisation of Officer - Planning and Environment Act 1987

**CARRIED**

**8. Planning and Place Reports**

**8.1 YourGround Project - Kingston Results and Response**

**RECOMMENDATION**

That Council:

1. Note the findings of the YourGround Project and the actions undertaken by officers to address the safety issues identified through community feedback.
2. Note the Gender-Sensitive Design Pilot Project to be undertaken as part of the Jean Street Reserve masterplan.

**Note:** Refer to page 5 of the Minutes where this item was resolved *en bloc*.

**8.2 KP-2021/767 - 30 Healey Street, Moorabbin**

It is recorded that Anthony Scarpaci spoke on behalf of the applicant.

**Moved: Cr Hill**

**Seconded: Cr Saab**

That Council determine to issue a Notice of Refusal to grant a Planning Permit for the construction of a three (3) storey building, containing of ten (10) dwellings plus basement car parking, at 30 Healey Street, Moorabbin, on the following grounds:

1. The proposal is contrary to the objectives of Clauses 11.03-1S (Activity Centres), 15.01 (Built Environment) and 16.01 (Residential Development) of the Kingston Planning Scheme.
2. The proposal is fundamentally inconsistent with the preferred intensity, scale and character and fails to comply with Schedule 3 to Clause 37.08 (Activity Centre Zone) of the Kingston Planning Scheme.
3. The proposal fails to reasonably satisfy the Objectives, Precinct Requirements and Precinct Guidelines contained within sections 2.0 and 5.6 of Schedule 1 to Clause 37.08 (Activity Centre Zone) of the Kingston Planning Scheme as the proposal results in an inequitable development that infringes on the development capacity of nearby properties, fails to appropriately reconfigure and consolidate land to create a viable development site, exceeds the preferred number of storeys for the site area and does not satisfy the prescribed setback requirements.
4. The proposal fails to achieve an appropriate higher density character to support the growth and vitality of the Moorabbin Activity Centre, resulting in an inappropriate development that would obstruct the delivery of the precinct and fails to support the role and function of the centre, contrary to Clause 37. 08 (Activity Centre Zone) of the Kingston Planning Scheme.
5. The urban design and amenity outcome for dwelling 1 is poor and storage for all of the dwellings is inadequate and poorly resolved, failing to respond appropriately to the objectives of Clause 58.
6. The proposed development fails to meet the objectives and strategic directions of the Municipal Strategic Statement in relation to Clause 21.09 (Transport) and the purpose of Clause 52.06 (Car Parking) through the design of car parking including the positioning and over reliance on the car stacker system proposed in the basement, resulting in a lack of usability and functionality of the proposed car parking spaces.

Cr Cochrane left the meeting at 7:32pm

Cr Cochrane returned to the meeting at 7:33pm

**CARRIED**

9. Community Strengthening Reports

Nil

10. Infrastructure and Open Space Reports

**10.1 Applications - Sport and Recreation Victoria - Local Sports Infrastructure Fund 2022**

**RECOMMENDATION**

That Council:

1. Endorse the submission of the following project/s as applications to the Victorian Government's Sport and Recreation Victoria's Local Sports Infrastructure Fund 2022:
  - a) Female friendly change rooms at Walter Galt Reserve, Mordialloc;
  - b) Sports Lighting on the second sports fields at Walter Galt Reserve, Mordialloc;
  - c) Sport lighting upgrade at Bonbeach St. Chads Baseball Club; and
  - d) Upgrade of the playspace at Peter Scullin Reserve, Mordialloc.
2. Commit to providing the necessary funding in the 2022/23 capital budget to deliver the projects if the funding applications are successful.

**Note:** Refer to page 5 of the Minutes where this item was resolved *en bloc*.

**10.2 Asset Plan Consultation Feedback**

**RECOMMENDATION**

That Council:

1. Note the community engagement feedback on the attached consultation report; and
2. Adopt the attached Asset Plan to meet the legislative requirement under Local Government Act 2020.

**Note:** Refer to page 5 of the Minutes where this item was resolved *en bloc*.

**10.3 Dingley Reserve Pavilion - Award of Contract for Construction**

**Moved: Cr Hua**

**Seconded: Cr Davies**

That Council:

1. Receive the information and note the outcome of the tender assessment process for Contract CON-22/033 – Dingley Reserve Pavilion project, as set out in confidential Appendix 1 attached to this report;
2. Award Contract CON-22/033 – Dingley Reserve Pavilion project for the final adjusted fixed lump sum price of \$6,076,830 (exclusive of GST) to Allmore Constructions Pty Ltd, which includes all base works plus the inclusion of two Tender Options (TO01 & 02) for an extended open deck structure; and
3. Approve the allocation of a separate contingency, as set out in the attached confidential Appendix 2, and delegate authority to the CEO, or nominee, to expend this allowance to ensure the successful completion of the project.

**CARRIED**

**10.4 CON 21/028 Leisure Centres Supply, Delivery and Storage of Co2 (Carbon Dioxide)**

**RECOMMENDATION**

That Council:

1. Award CON-21/028 to BOC Australia for the supply, delivery and storage of Co2 for an initial five year term with the option for a further two, two (2) year extensions equating potentially to a nine year term;
2. Note the total cost of the full nine year term is estimated to be \$877,107.62 excl GST based on the schedule of rates;
3. Approve an additional contract contingency of 15% to accommodate fluctuations in Co2 usage through increased bather loads, and unplanned water treatment requirements, up to a total contract value of \$1,008,673 excl GST; and
4. Authorise the Chief Executive Officer or delegate to approve the execution of the contract extension options, as detailed within the contract (2 x 2 year options).

**Note:** Refer to page 5 of the Minutes where this item was resolved *en bloc*.

**10.5 Disc Golf Feasibility Report**

**Moved: Cr Oxley**

**Seconded: Cr Bearsley**

That Council:

1. Endorse Bicentennial Park as the preferred site for a 9-hole permanent Disc Golf Course in the south of Kingston;
2. Authorise officers to engage in community consultation for the design and course layout at Bicentennial Park; and
3. Receive a report at a future Council Meeting detailing the feedback from community consultation and on the course layout.

**CARRIED**

**11. Customer and Corporate Support Reports**

**11.1 Informal Meetings of Councillors**

**RECOMMENDATION**

That Council receive the report.

**Note:** Refer to page 5 of the Minutes where this item was resolved *en bloc*.

**11.2 Appointment and Authorisation of Officer - Planning and Environment Act 1987**

**RECOMMENDATION**

That:

1. In the exercise of the powers conferred by s147(4) of the *Planning and Environment Act 1987*, Kingston City Council resolves that the member of Council staff referred to in the instrument attached (refer to appendix) be appointed and authorised as set out in the instrument.
2. The instrument come into force immediately on resolution and remain in force until such time as the officer is no longer employed, contracted or otherwise engaged to undertake the duties on behalf of Kingston City Council, unless Council determines to vary or revoke it earlier.

**Note:** Refer to page 5 of the Minutes where this item was resolved *en bloc*.

**11.3 Quick Response Grants**

**Moved: Cr Hill**

**Seconded: Cr Saab**

That Council approve the following Quick Response Grant applications:

- Country Women's Association of Victoria Inc, Mentone Branch - \$1500.00
- Chelsea Community Support Services - \$1500.00
- Kingston Toy Library - \$1500.00

That Council not approve the following Quick Response Grant application:

- Make a Difference Dingley Village

**CARRIED**

**11.4 Governance Rules**

**Moved: Cr Saab**

**Seconded: Cr Bearsley**

That pursuant to section 60(4) of the Local Government Act 2020, Council proceed with community consultation in relation to amendments to the Governance Rules as attached in Appendix 1.

Cr Hua left the meeting at 8:02pm

Cr Hua returned to the meeting at 8.03pm

**Amendment**

**Moved: Cr Davies**

**Seconded: Cr Cochrane**

That pursuant to section 60(4) of the Local Government Act 2020, Council proceed with community consultation, subject to sub-rule 26.8 being amended to read as follows:

- "Where a motion is in two or more parts, upon request from a Councillor, the Chair may at his or her discretion put each part to the vote separately"

**The Amendment was put and CARRIED**

**The Amendment became the Motion**

**Amendment**

**Moved: Cr Oxley**

**Seconded: Cr Eden**

That the Motion be adopted subject to the insertion of a new Rule (no.) 45 as follows:

- "Vote Announced by the Chair: The Chair must announce the vote cast by each Councillor on each item of the agenda and be recorded in the minutes of the meeting."
- The draft Governance Rules be re-numbered accordingly following proposed Rule (no.) 45.

**The Amendment was put and LOST**

**A Division was Called:**

**DIVISION:**

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

**AGAINST:** Crs Cochrane, Davies and Hill (3)

**ABSTAINED:** Crs Staikos, Davey-Burns, Bearsley, Hua and Saab (5)

**LOST**

**Amendment**

**Moved: Cr Hill**

**Seconded: Cr Davies**

That the Motion be adopted subject to:

1. The insertion of new sub-rules as follows:
  - Sub-rule (no.) 24.2: *A notice of motion must include written officer advice or comments obtained prior to lodgement with the Chief Executive Officer (or delegate), which will be included in the agenda;*
  - Sub-rule (no.) 24.3: *A Councillor should invite feedback from all Councillors on a notice of motion prior to lodgement; and*
2. The draft Governance Rules being re-numbered accordingly following proposed new sub-rules (no.) 24.2 & (no.) 24.3.

**The Amendment was put and CARRIED**

**The Amendment became the Motion**

**A Division was Called:**

**DIVISION:**

**FOR:** Crs Staikos, Davey-Burns, Bearsley, Cochrane, Davies, Hill and Saab (7)

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

**CARRIED**

**Amendment**

**Moved: Cr Oxley**

**Seconded: Cr Eden**

That the Motion be adopted subject to an additional clause that if a Motion is put in parts, the Mover and Secunder must be given the opportunity to withdraw their moving or seconding.

**The Amendment was put and CARRIED**

**The Amendment became the Motion**

**The Motion was put and CARRIED**

**A Division was Called:**

**DIVISION:**

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

**AGAINST:** Cr Oxley (1)

**ABSTAINED:** Cr Eden (1)

**CARRIED**

**The Motion reads as follows:**

**Moved: Cr Saab**

**Seconded: Cr Bearsley**

That pursuant to section 60(4) of the Local Government Act 2020, Council proceed with community consultation, subject to:

1. Sub-rule 26.8 being amended to read as follows:
  - “Where a motion is in two or more parts, upon request from a Councillor, the Chair may at his or her discretion put each part to the vote separately”
2. The insertion of new sub-rules as follows:
  - “Sub-rule (no.) 24.2: *A notice of motion must include written officer advice or comments obtained prior to lodgement with the Chief Executive Officer (or delegate), which will be included in the agenda; and*
  - Sub-rule (no.) 24.3: *A Councillor should invite feedback from all Councillors on a notice of motion prior to lodgement”.*
3. The draft Governance Rules be re-numbered accordingly following proposed new sub-rules (no.) 24.2 & (no.) 24.3; and
4. An additional clause that if a Motion is put in parts the Mover and Seconded must be given the opportunity to withdraw their moving or seconding.

**CARRIED**

**12. Chief Finance Office Reports**

**12.1 Adoption of 2022/23 Budget, 2022-2032 Financial Plan and 2022-2026 Revenue & Rating Plan**

**Moved: Cr Oxley**

**Seconded: Cr Eden**

That Council:

1. Adopt the 2022/23 Budget and statutory information (including fees and charges) as attached to this report (refer Appendix 1) subject to the following:
  - a) In light of the ongoing COVID-19 situation, that no interest be charged to ratepayers on outstanding rates and charges in 2022/23.
2. Adopt the 2022-2032 Financial Plan (refer Appendix 2);
3. Adopt the 2022-2026 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:
    - i. General Land;
    - ii. Agricultural Land;
    - iii. Extractive and Landfill Land;
    - iv. Retirement Village Land;

v. Residential Heritage Land;

and that the rate (based on the cents in the dollar of Capital Improved Value set out below) be;

<b>Category</b>	<b>Rate in the \$</b>
Agricultural Land	0.0013534
Extractive and Landfill Land	0.0050752
General Land	0.0016917
Residential Heritage Land	0.0015226
Retirement Village Land	0.0015226

- 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	\$331
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	\$274
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	\$303
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	\$254
Service Choice E – 120 litre garbage and 240 litre recycling bins including recovery of costs attributable to the State Government Landfill Levy	\$246
Service Choice F – 80 litre garbage and 240 litre recycling bins including recovery of costs attributable to the State Government Landfill Levy	\$203
Service Choice G – 240 litre x 2 Share Garbage, 240 litre Recycle including recovery of costs attributable to the State Government Landfill Levy	\$193
Service Choice H – 240 litre x 3 Share Garbage, 240 litre Recycle including recovery of costs attributable to the State Government Landfill Levy	\$154

**City of Kingston  
Council Meeting**

**Minutes**

**27 June 2022**

Service Choice I – 240 litre x 4 Share Garbage, 240 litre Recycle including recovery of costs attributable to the State Government Landfill Levy	\$138
Service Choice P – 120 litre x 2 Share Garbage, 240 litre Recycle including recovery of costs attributable to the State Government Landfill Levy	\$138
Service Choice W – Additional 120 litre Green Waste Bin	\$62
Service Choice X – Additional 240 litre Green Waste Bin	\$77
Service Choice Y – Additional 240 litre Garbage Bin including recovery of costs attributable to the State Government Landfill Levy	\$190
Service Choice Z – Additional 120 litre Garbage Bin including recovery of costs attributable to the State Government Landfill Levy	\$180

5. Grant a waiver of \$115.90 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:
  - 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 2022, 30 November 2022, 28 February 2023 and 31 May 2023;
  - 6.2. in accordance with Section 167(2A) and (2B) payment of rates and charges by lump sum on or before 15 February 2023;
  - 6.3. payment of rates and charges by ten approximately equal direct debit payments from 1 September 2022 until 1 June 2023;
  - 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 2023).
7. Determine that no incentive be declared for early payment of general rates, municipal charge and waste service charge.
8. Note that Council will shortly consider a Cultural and Recreation Lands Policy at a future Council meeting that affects the rating of these properties. Should the Cultural and Recreational Lands Policy not be adopted, Council will rollover the existing Cultural and Recreational Lands Agreements for another year.
7. Determine that the Chief Executive Officer of Council be authorised to give public notice of the adoption of these documents if required.
8. 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.
9. Having considered all feedback made, provide written responses to each of the contributors of the decision, and thank them for their interest in Council's Budget process.

10. 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.

Cr Hua left the meeting at 9.15pm

Cr Hua returned to the meeting at 9.20pm

**LOST**

**A Division was Called:**

**DIVISION:**

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

**AGAINST:** Crs Staikos, Bearsley, Cochrane, Davies, Hill and Saab (6)

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

**LOST**

Cr Saab foreshadowed that he would move a further Motion if the previous Motion was lost.

**Moved: Cr Saab**

**Seconded: Cr Cochrane**

That Council:

1. Adopt the 2022/23 Budget and statutory information (including fees and charges) as attached to this report (refer Appendix 1);
2. Adopt the 2022-2032 Financial Plan (refer Appendix 2);
3. Adopt the 2022-2026 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:
    - i. General Land;
    - ii. Agricultural Land;
    - iii. Extractive and Landfill Land;
    - iv. Retirement Village Land;
    - v. Residential Heritage Land;

and that the rate (based on the cents in the dollar of Capital Improved Value set out below) be;

<b>Category</b>	<b>Rate in the \$</b>
Agricultural Land	0.0013534
Extractive and Landfill Land	0.0050752
General Land	0.0016917
Residential Heritage Land	0.0015226
Retirement Village Land	0.0015226

- 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	\$331
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	\$274
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	\$303
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	\$254
Service Choice E – 120 litre garbage and 240 litre recycling bins including recovery of costs attributable to the State Government Landfill Levy	\$246
Service Choice F – 80 litre garbage and 240 litre recycling bins including recovery of costs attributable to the State Government Landfill Levy	\$203
Service Choice G – 240 litre x 2 Share Garbage, 240 litre Recycle including recovery of costs attributable to the State Government Landfill Levy	\$193
Service Choice H – 240 litre x 3 Share Garbage, 240 litre Recycle including recovery of costs attributable to the State Government Landfill Levy	\$154
Service Choice I – 240 litre x 4 Share Garbage, 240 litre Recycle including recovery of costs attributable to the State Government Landfill Levy	\$138
Service Choice P – 120 litre x 2 Share Garbage, 240 litre Recycle including recovery of costs attributable to the State Government Landfill Levy	\$138
Service Choice W – Additional 120 litre Green Waste Bin	\$62
Service Choice X – Additional 240 litre Green Waste Bin	\$77
Service Choice Y – Additional 240 litre Garbage Bin including recovery of costs attributable to the State Government Landfill Levy	\$190
Service Choice Z – Additional 120 litre Garbage Bin including recovery of costs attributable to the State Government	\$180

**City of Kingston  
Council Meeting**

**Minutes**

**27 June 2022**

Landfill Levy	
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5. Grant a waiver of \$115.90 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:
  - 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 2022, 30 November 2022, 28 February 2023 and 31 May 2023;
  - 6.2. in accordance with Section 167(2A) and (2B) payment of rates and charges by lump sum on or before 15 February 2023;
  - 6.3. payment of rates and charges by ten approximately equal direct debit payments from 1 September 2022 until 1 June 2023;
  - 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 2023).
7. Determine that no incentive be declared for early payment of general rates, municipal charge and waste service charge.
8. Note that Council will shortly consider a Cultural and Recreation Lands Policy at a future Council meeting that affects the rating of these properties. Should the Cultural and Recreational Lands Policy not be adopted, Council will rollover the existing Cultural and Recreational Lands Agreements for another year.
7. Determine that the Chief Executive Officer of Council be authorised to give public notice of the adoption of these documents if required.
8. 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.
9. Having considered all feedback made, provide written responses to each of the contributors of the decision, and thank them for their interest in Council's Budget process.
10. 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.

Cr Hua left the meeting at 9.30pm

Cr Hua returned to the meeting at 9.34pm

**CARRIED**

**A Division was Called:**

**DIVISION:**

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

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

**CARRIED**

**12.2 Sale of Land Rear of 9 Holmby Rd Cheltenham**

**Moved: Cr Saab**

**Seconded: Cr Davies**

That Council:

1. Authorise and direct the CEO or his delegate to publish a public notice in accordance with section 114 of the Local Government Act 2020 ("Act") and Council's Community Engagement Policy of Council's intention to sell the land known as Lot 4 on Plan of Subdivision 406779R contained in certificate of title Volume 10325 Folio 903 land being land enclosed within 9 Holmby Rd, Cheltenham;
2. Authorise, that if no submissions are lodged in response to the public notice that require Council's consideration, the Chief Executive Officer or delegate is authorised to proceed to sell the subject land for \$14,256 plus costs associated with the sale in accordance with Council's 2017 "*Discontinuance and Sale of Roads, Rights of Way and Drainage Reserve Policy*";
3. Direct, that if submissions are lodged in response to the public notice, the submission(s) be considered by a committee of Council comprising of Mayor, Deputy Mayor, Councillor from Como Ward, Chief Financial Officer, Manager Property Services and Team Leader Property Services and that a report be presented back to Council on the considerations of the committee; and
4. Authorise the Chief Executive Officer or delegate to undertake the procedures to give effect to the recommendation(s).

Cr Cochrane left the meeting at 9.46pm and did not return.

**CARRIED**

**A Division was Called:**

**DIVISION:**

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

**AGAINST:** Nil (0)

**ABSTAINED:** Cr Eden (1)

**CARRIED**

**13. Notices of Motion**

Nil

**14. Urgent Business**

There were no items of urgent business.

**15. Confidential Items**

**Moved: Cr Saab**

**Seconded: Cr Davies**

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:

**15.1 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 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 employment conditions between the Council and the Chief Executive Officer..

**Confidential Appendices**

**10.3 Dingley Reserve Pavilion - Award of Contract for Construction  
Appendix 1, CON-22-033 Dingley Reserve Pavilion Tender Evaluation Price  
Evaluation Appendix 1**

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

**10.3 Dingley Reserve Pavilion - Award of Contract for Construction  
Appendix 2, CON-22-033 Dingley Reserve Pavilion Tender Evaluation Scoring  
Matrix Appendix 2**

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

**10.4 CON 21/028 Leisure Centres Supply, Delivery and Storage of Co2 (Carbon  
Dioxide)  
Appendix 1, CON-21/028 - Supply and Delivery of CO2 Tender Evaluation  
Report**

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

**CARRIED**

The meeting was closed to members of the public at 9.48pm.

**Procedural Motion**

**Moved: Cr Hua**

**Seconded: Cr Hill**

That the meeting be opened to members of the public.

**CARRIED**

The meeting was opened to members of the public at 9.54pm.

The meeting closed at 9.54pm.

**Confirmed.....**

**The Mayor 25 July 2022**