

Minutes

Ordinary Council Meeting

Monday, 30th January 2023

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**City of Kingston
Ordinary Council Meeting**

Minutes

30 January 2023

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

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

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
Nik Muhllechner, Team Leader Statutory Planning
Phil De Losa, Acting Manager People Support
Kelly Shacklock, Acting Manager Governance
Patrick O’Gorman, Governance Officer
Gabrielle Pattenden, Governance Officer
Justin Welsford, Media Advisor

1. Apologies

An apology from Cr Howe was submitted to the meeting.

Moved: Cr Oxley

Seconded: Cr Davey-Burns

That the apology from Cr Howe be received.

CARRIED

2. Confirmation of Minutes of Previous Meetings

Moved: Cr Hill

Seconded: Cr Davey-Burns

That the Minutes of the Ordinary Council Meeting held on 12 December 2022 be confirmed.

CARRIED

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

There were no Conflicts of Interest submitted to the meeting.

**City of Kingston
Ordinary Council Meeting**

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30 January 2023

4. Petitions

4.1 Clean Melbourne

Moved: Cr Davies

Seconded: Cr Cochrane

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

CARRIED

5. Presentation of Awards

There were no presentations of awards

6. Reports from Delegates Appointed by Council to Various Organisations

There were no delegates' reports

7. Question Time

Question time was held at 8.01pm. Refer to page 10 of the Minutes.

En Bloc Resolution

Moved: Cr Davies

Seconded: Cr Davey-Burns

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

- 8.4 Highett, Mordialloc and Aspendale Level Crossing Removals - Consultation and Engagement of Consultant Teams
- 9.3 Adoption of the 2023-2026 Kingston Youth Strategy
- 10.2 Award of Contract CON-22/061 - Kingston's New Aquatic and Leisure Centre Project - Principal Consultant Architect
- 10.3 Award of Contract CON-22/101 Sherwood Avenue Flood Mitigation Bicentennial Park, Chelsea - Stage 1
- 10.4 Award of Contract CON-21/103 - Elder Street South Reserve Development - Revised Contract Amount
- 11.1 Variation to Confirmed Minutes - Ordinary Council Meeting 28 November 2022
- 11.2 Authorisation of Officers - Planning and Environment Act 1987
- 12.3 Full Year Forecast 2022/23

CARRIED

8. Planning and Place Reports

8.1 KP-2021/885 - 49 Follett Road, Cheltenham

It is recorded that Margaret Roberts spoke on behalf of objectors.

It is recorded that David Klingberg spoke on behalf of the applicant.

Moved: Cr Davey-Burns

Seconded: Cr Staikos

That Council determine to support the proposal and issue a notice of decision to grant a planning permit for the construction of two (2) double storey dwellings and a single storey dwelling, at 49 Follett Road, Cheltenham 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. The plans must be substantially in accordance with the amended plans prepared by Grove Architecture, project number 21103, Revision G, dated 11 October 2022, submitted to Council on 20 October 2022, but modified to show:
 - a) An elevation plan of the front fence and planter box, which provides details of its style, height and materials.
 - b) A mailbox for each dwelling.
 - c) The bin storage area of Dwelling 1 relocated within the garage or secluded private open space of the dwelling.
 - d) Surface material of all driveways, accessways and car parking spaces nominated in all-weather coloured concrete sealcoat, or similar.
 - e) A longitudinal section of the reverse fall driveway with levels and grades to AHD, and designed in accordance with Clause 52.06 of the Kingston Planning Scheme.
 - f) Vehicle crossovers constructed at a 90 degree alignment with the kerb on Follett Road and all internal driveways to align with the existing or proposed vehicle crossover.
 - g) Finished driveway levels noted on the ground floor plan.
 - h) A minimum of 6 cubic metres of externally accessible storage space for Dwelling 1.
 - i) The roof form of Dwelling 1 amended to incorporate skillion roofing.
 - j) The first floor setback of Dwelling 1 to the western boundary compliant with Standard B17 of Clause 55.04-1 of the Kingston Planning Scheme.
 - k) The first floor south-facing windows of the master bedroom in Dwelling 2 designed in accordance with Standard B22 of Clause 55.04-6 of the Kingston Planning Scheme.
 - l) The side and rear boundary fences, where opposite a ground floor habitable room window, a minimum of 1.8 metres in height.
 - m) Habitable room window openings nominated and, where relevant, in accordance with Standard B22 of Clause 55.04-6 of the Kingston Planning Scheme.

- n) Improved distinction between obscure window glazing and unobscured windows on the elevation plans, where required pursuant to Standard B22.
- o) The location of external heating units to Dwellings 1 and 2.
- p) The location of external heating and cooling units to Dwelling 3.
- q) A full colour palette, finishes and building materials schedule for all external elevations and driveways of the development.
- r) A landscape plan in accordance with the submitted landscape plan prepared by Faulkner and Chapman (2 March 2022) and, with such plans to be prepared by a suitably qualified landscape professional to the satisfaction of the Responsible Authority and modified to include:
 - i. The re-location of the concrete stepping stone path cutting through front setback to provide pedestrian access along the front of the Dwelling 1 via the driveway.
 - ii. One (1) additional canopy tree planted in the front setback of Dwelling 1, capable of growing to minimum mature dimensions of 10 metres in height and 6 metres in width, with the species chosen to be approved by the Responsible Authority.
 - iii. Patio surfaces within proximity of proposed canopy trees, within the secluded private open space areas, to be permeable.
 - iv. The location of any tree protection measures accurately drawn to scale and labelled.
- s) The location of tree protection measures illustrated to scale and labelled on the ground floor plan.
- t) All relevant commitments identified within the sustainable design assessment, required under condition 9 of this permit.
- u) Relocate dwelling one air conditioning unit away from the adjoining property's secluded private open space.

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 Protection Zones

- 4. Tree protection fencing and/or ground protection is to be established around the tree protection zone of neighbouring trees, where the tree protection zone extends into the subject site prior to demolition and maintained until all works on site are complete and:
 - a) The fencing is to be a 1.8-metre-high temporary fence constructed using steel or timber posts fixed in the ground or to a concrete pad, with the fence's side panels to be constructed of cyclone mesh wire or similar strong metal mesh or netting.
 - b) The ground protection is to be a 100mm layer of mulch overlaid with timber boards.
 - c) The fencing and/or ground protection for the neighbouring trees is to

encompass the tree protection zone (TPZ).

5. Any new post holes for boundary fences must be hand dug and re-located if roots greater than 40mm are found. If required, roots that are less than 40mm in diameter can be cut with clean, sharp tools. Any roots greater than 40mm in diameter to be retained without disturbance.

Drainage and Water Sensitive Urban Design

6. Unless with the prior written consent of the Responsible Authority, before the development commences, the following integrated stormwater management documents must be prepared, by a suitably qualified person, to the satisfaction of the Responsible Authority.
 - a) Stormwater management/drainage (drainage) plan(s) must be prepared, with supporting computations, showing the stormwater (drainage) works to the nominated point of discharge. The plan(s) must show all details of the proposed stormwater (drainage) works including all existing and proposed features that may have impact on the stormwater (drainage) works, including landscaping details.
 - b) The stormwater management (drainage) plan must address the requirements specified within Council's "Civil Design requirements for Developers – Part A: Integrated Stormwater Management".
 - c) A STORM modelling report with results demonstrating water sensitive urban design treatments that achieve Victorian best practice objectives with a minimum 100% rating must be provided as part of the stormwater management (drainage) plan to the satisfaction of the Responsible Authority. 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.
7. The water sensitive urban design treatments as per conditions 6(a), (b) and (c) above must be implemented on-site, unless an alternative agreement for stormwater quality in-lieu contribution is reached with the Responsible Authority.
8. Stormwater/drainage works must be implemented in accordance with the approved stormwater management/drainage plan(s) and to the satisfaction of the Responsible Authority including the following:
 - a) All stormwater/drainage works must be provided on the site so as to prevent overflows onto adjacent properties.
 - b) The implementation of stormwater/drainage detention system(s) which restricts stormwater discharge to the maximum allowable flowrate of 7.8L/s.
 - c) All stormwater/drainage works must be maintained to the satisfaction of the Responsible Authority.

Sustainable Design Assessment

9. Prior to the endorsement of the plans required pursuant to condition 1 of this permit, the provision of an amended sustainable design assessment (SDA) to be prepared by a suitably qualified professional must be submitted to and approved by the Responsible Authority. The amended sustainable design assessment (and revised plans as relevant) must:
 - a) Achieve a minimum 50% overall score and minimum in Energy (50%), Water (50%), IEQ (50%) and Stormwater (100%) categories in BESS.

- b) Provide heating and cooling systems at a 4-star minimum or equivalent.
- c) Nominate on plans instantaneous gas 5-star selection.
- d) Specify all external lighting to be controlled by a motion detector.
- e) Provide clothes dryers to each dwelling nominated.
- f) Nominate maximum illumination power density of 4W/m² in each dwelling.
- g) Provide a solar PV system.
- h) Indicate on plans permeable and impermeable surfaces.
- i) Amend elevation plans to reflect effective ventilation to all habitable rooms.
- j) All dwellings to have accessible openable glazing sections to windows to the upper floor of the stairs.
- k) All bathrooms and ensuites have an openable window or skylight or exhaust fans with humidity sensors.
- l) Provide daylight access to all garages via a skylight, glazed door to the private open space or glazed garage door panels.
- m) Annotate on plans specifying double glazing to all living areas and bedrooms.
- n) Commit to the use of low VOC paints, sealants, adhesives and flooring and E0-grade engineered wood products (e.g. MDF, plywood, engineered-wood flooring).
- o) Provide option for installation of electric vehicle charge points with appropriate electrical provisions to each garage.
- p) Provide bin space for food organics and garden organics.
- q) Ensure at least 70% of construction and demolition waste is reused or recycled / diverted from landfill.
- r) For the non-visible flat roofs and exposed concrete driveway, specify high SRI paints and materials (SRI>50) to help mitigate the urban heat island effect.

Or to the satisfaction of the Responsible Authority.

Infrastructure and Road Works

- 10. Property boundary and footpath levels must not be altered without the prior written consent form the Responsible Authority.
- 11. Any reinstatements and vehicle crossings are to be constructed to the satisfaction of the Responsible Authority.
- 12. The replacement of all footpaths, including offsets, must be constructed to the satisfaction of the Responsible Authority.
- 13. Any redundant vehicle crossings must be removed (including redundant portions of vehicle crossings) to the satisfaction of the Responsible Authority.
- 14. All front and side fences must be contained wholly within the title property boundaries of the subject land.

General Amenity

- 15. 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.

16. 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.
17. 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

18. 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.
19. Prior to the occupation of the dwellings hereby permitted, the landscaping works as shown on the endorsed plans must be completed to the satisfaction of the Responsible Authority. Thereafter, the landscaping shall be maintained to the satisfaction of the Responsible Authority.

Permit Expiry

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

In accordance with Section 69 of the *Planning and Environment Act 1987*, an application may be submitted to the responsible authority for an extension of the periods referred to in this condition.

Note: Environment Protection Authority (EPA) Victoria set out the requirements pertaining to site construction hours and permissible noise levels.

Note: 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 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 and 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 7:45pm.

Cr Oxley returned to the meeting at 7:49pm.

CARRIED

Question Time

Cr Eden left the meeting at 8.02pm

Cr Eden returned to the meeting at 8.05pm

Cr Hua left the meeting at 8:20pm and did not return.

Debbie Fredericks of Heatherton asked,

"What is a smart city? Why hasn't the community been informed or asked if they want a smart city?"

The General Manager Customer and Corporate Support provided the following response:

"A Smart City is a catchphrase used to describe municipalities where digital technology is used to gather and analyse data for the benefit of the community through better service delivery and asset management. Traffic sensors, mobile phone technology and utility bills are just three different sources of data that can be utilised in a smart city. Often, the Internet, used to connect and collect data from different sources, is an essential element of a Smart City. Smart City initiatives are no secret and often widely promoted as a way in which Councils or other levels of Government are pursuing innovation and continuous improvement through technology. It is increasingly valuable to help build cities that better respond to the changing needs and demands of their citizens. Having said that, surveillance and gathering of information of populations and individuals can have significant privacy implications, so is appropriately regulated by State and Federal legislation."

Irina M of Heatherton asked,

"Hi Council Team, I recently found out that Kingston Council uses some of our paid Council rates for immunisation services. Vaccination is a very private, personal decision. Our rates should not be going towards any medical procedures, for children or adults. They have a doctor for that and Medicare. Therefore, why are ratepayers money being distributed to immunisation?"

The General Manager Community Strengthening provided the following response,

“Victorian Councils are funded by the Department of Health to deliver immunisation services. The provision of this funding recognises that the more opportunities people have to access immunisation services, the higher the community’s immunisation rate will be, which provides a greater level of protection to all Kingston residents. The state funding does not cover the full cost of providing these services. Kingston Council however, provides immunisation services to school students and members of the community which is consistent with our Council Plan objective of supporting our community’s physical wellbeing.”

Alison Brown of Beaumaris asked,

“I request that the Council confirm whether they have undertaken any due-diligence, or assessment of whether or not the Victorian Government Approved Coastal Management Plan submitted by Kingston Council will be in compliance, should Cr Davies motions to eradicate the planting of ‘view encroaching’ trees proceed?”

The General Manager Infrastructure and Open Space provided the following response:

“Kingston’s Coastal and Marine Management Plan is yet to be approved by the responsible Minister. Council endorsed the Coastal and Marine Management Plan in December 2021. Council received confirmation late last year that the Victorian Marine and Coastal Council considered Kingston’s CMMP at their 12 December 2022 meeting and “believe the plan is well written and that City of Kingston have met the expectations for development of a CMMP as articulated in the Marine and Coastal Act and Policy and draft CMMP guidelines.”

The Chief Executive Officer provided the following additional comment:

“I note that further questions have been included in this submission, however my assessment has determined that this is not read out in accordance with 33.9.2 and 33.9.4 of the Governance Rules as it is defamatory and a cause of embarrassment to a Councillor.”

Tom Maher of Aspendale asked,

“Will Kingston Council be able to migrate all of the Council’s gas appliances and services to electric and help achieve its operational target of zero emissions by 2025? Can this action be included in the 2023/24 budget development.? Note : I have submitted an outline of this initiative to the Kingston web site – Talking Kingston/Community Vision/Kingston your say.”

The General Manager Planning and Place provided the following response:

“In June 2022 officers were approached by members of the community group ‘Transition Kingston’ to demonstrate a leadership position and remove gas from Council owned community facilities, especially those occupied by vulnerable community members. Across Council’s buildings ‘portfolio’ the relative influence of gas has increased and now represents 30% of Council’s operational emissions (up from 10% two years ago). In September, officers requested panel contractors to complete a small scale ‘investigation’ of 5 ‘representative’ sites aimed at ‘estimating the various cost components for converting council sites from gas to electric, with an initial focus on gas heaters, as the biggest users of gas’. The following sites were investigated:

Aspendale Senior Citizens Club

Chelsea Heights Community Centre

Carrum Senior Citizens Club

Mordialloc Senior Citizens Club

Regents Parks Scout and Guides Hall

Options to improve electrical demand via energy efficiency were also investigated. The findings were summarised and it is estimated that a 'pilot' of 5 sites would cost \$200K to deliver, including one more expensive site (Mordialloc Senior Citizens Club/ Allan McLean Hall) which requires extensive works to degas (estimated to be \$140K).

Following Council approval, next steps would include:

- Issuing a Request for Quote to the market to deliver the pilot aimed at degassing Council community facilities*
- Managing the successful contractors to deliver the pilot*
- Documenting lessons learned, emission reductions achieved and other benefits*
- If successful, a broader rollout. Where appropriate, users of community facilities would be involved in designing and delivering on projects- particularly communication aspects)*

As well and a plan to 'pilot' the degasification of our community centres, officers have been assessing the feasibility of transitioning both Cheltenham and Mentone office buildings away from gas and improvements at Waves (our single biggest user of gas) and contributing to the ecologically sustainable design of our new aquatic centre to ensure Council's net zero 2025 target and other ESD goals (including no new gas) are supported."

Jillian Van of Aspendale asked,

"Further to my email of 20/01/2023, addressed to Council's general email, the MLA for Mordialloc and specifically to councillors Saab, Hill and Bearsley. I have received only a generic reply from City of Kingston on 20/01/2023 and no further response regarding the matter of the destruction and removal of trees at Scope Australia, 2 Station Street, Aspendale. I find this, in itself, quite disrespectful of myself as a resident and ask that Council take some action in this matter. I understand from my further attendance at Groves Reserve, that the council compliance officer has been in attendance on Tuesday 24/01/2023 and found that the Crown Land is leased by Scope Australia from the State Government and that the responsibility may lay at this level. However, I would like Council to censure both Scope Australia and the State Government for their brazen disregard for the thoughts and wellbeing of the Aspendale Community in removing these trees, particularly as we are being asked to participate in the URBAN FOREST STRATEGY. I would like Council to demand that all future plans for the site at 2 Station Street, Aspendale be advertised via Council and indeed believe that it may be time for this organisation to move elsewhere as I believe they already have."

The General Manager Planning and Place provided the following response:

"The Vegetation team have been investigating the tree removals at this site, including site visits to gather evidence. They have been in contact with the relevant site supervisor and requested in writing that works cease until it can be determined whether any breaches have occurred. Discussions with the various stakeholders are ongoing, and these discussions will assist in reaching a conclusion on whether a breach has occurred. The Team Leader Vegetation and Compliance will contact Ms. Van to provide an update on Council's investigation following tonight's meeting."

Rosemary West of Edithvale asked,

"When officers have provided a list of Council endorsed strategies to enhance and protect our biodiversity, foreshore and natural environment, and a draft policy to increase our tree canopy, why is Council considering a motion to effectively:

- *ban the planting of important foreshore trees such as Coast Banksias and Drooping She-Oaks to replace trees removed for infrastructure works on the foreshore among other reasons?*
- *Limit the replacement of trees to one for one (down from three for one, or six for one for vandalised trees.)*
- *Limit the height of planting or replanting on the foreshore to a height that rules out trees?"*

The General Manager Infrastructure and Open Space provided the following response:

"The Notices of Motion are put forward by Councillors and are to be considered and determined by Council later in tonight's meeting. There is a Guidance Note with officer advice included in the meeting agenda. I can advise that Council strategies include the Biodiversity Strategy 2018 (which will be revised later this year); the Coastal and Marine Management Plan, which was endorsed by Council in December 2021, and has been endorsed by the Victorian Marine and Coastal Council, and is now with the Minister for endorsement; and the draft Urban Forest Strategy which is currently out for community consultation."

Rosemary West of Edithvale asked,

"When Councillors say they are committed to restoring our foreshore vegetation by ensuring any planting (or replacement planting) is in line with Ecological Vegetation Classes (EVCs);

- *When Councillors have been sent documentary evidence that the comprehensive Coastal Headland Scrub EVC 161 list includes Coast Banksias and Drooping She-Oaks, and*
- *When the 1750 (pre-white settlement) foreshore has been designated by DELWP as a mosaic of EVC 161 and EVC 2 (Coast Banksia Woodland),*

Why is Council considering a motion to effectively ban the planting of these trees?"

The General Manager Infrastructure and Open Space provided the following response:

"The Notices of Motion are put forward by Councillors and are to be considered and determined by Council later in tonight's meeting. There is a Guidance Note with officer advice included in the meeting agenda. I can advise a full species list of plants within EVC 161 Coastal Headland Scrub is available, and that DEECA (formally DELWP) have mapped parts, although not all, of the Mentone to Mordialloc foreshore as a Mosaic of Coast Banksia Woodland and Coastal Headland Scrub. This mosaic is known as EVC 919."

"Ri of Moorabbin asked,

1. Can Council please provide an update on the implementation of the Moorabbin Activity Structure Plan and status of key development sites Axispace (implementation timeline 2016-2020) and Avenue Place Plaza (2021-2030). When can constituents expect tangible outcomes at these sites? 2. What community infrastructure and programs does Council intend to deliver in Moorabbin to support residential and working population growth in Moorabbin - both in the Activity Centre and in and around other developments such as Common Ground and the Healey/Horscroft Place."

The General Manager Planning and Place provided the following response:

“In response to Question 1, Council has undertaken a range of initiatives aligned with the Moorabbin Activity Structure Plan since its development including:

- Council in partnership with the State Government redeveloped the bus interchange.*
- Significant work at the Moorabbin Reserve has occurred to enhance the range of passive and active recreational opportunities through successive upgrades to the reserve.*
- The purchase of property in Horscroft Place to create a new park and enhance the link between the Moorabbin Station and Moorabbin Reserve.*
- The Axispace Project has been explored but has to this time proven cost prohibitive to see a viable development project over the rail airspace.*
- Opportunities to facilitate a range of private sector renewal projects in Central Avenue, Station Street and Taylor Street that have built upon the vision of creating a ‘living population’ in Moorabbin.*
- The Avenue Space Plaza opportunity will be further explored if a redevelopment of the ‘link building’ is redeveloped. In the interim Council has undertaken some public realm improvements in the adjacent public space on the corner of Tuck Street and Central Avenue.*

In response to Question 2, Council has:

- Worked with the developer of Common Grounds to create a public park as part of the development once it is completed.*
- Both this development and the adjacent development at Morris Moor also will provide a range of community infrastructure including childcare and health and wellbeing businesses.*
- Council has and will continue to work property owners in Horscroft place about redevelopment opportunities aligned with the structure plan.”*

Kelly of Heatherton asked,

“1. Hello, can you please explain and provide us information on Kingston Council’s “Smart Cities” or “20 minute city plan” as per Daniel Andrews’ announcements? Where is it located on your website? 2. I am noticing an increase in cameras and facial recognition devices in our area. For what purpose are they being installed and how is this NOT a breach of our privacy?”

The General Manager Customer and Corporate Support provided the following response to Question 1,

“The 20-minute neighbourhood concept is reinforced in the Council Plan as an objective to try and encourage the provision of more services more locally for communities. This concept is generally one that is followed through land use planning decisions and is different to the concept of Smart Cities as outlined in an earlier question.

The Chief Executive Officer provided the following response to Question 2,

“This question will be taken on notice and a written response provided.”

John of Heatherton asked,

“1. In our streets and in our homes lights have been replaced by LED lights. We had completely good lights before. LED lights have a terrible intense effect with many people complaining of headaches. Research has noted irreversible damage and a

photo toxic effect of blue light exposure. Can you provide Human Health Australian research that proves no short term or long term damage to humans? 2. It was promised LED lights would be economically beneficial for residents, how has this actuated in reality for Kingston residents? Our bills are continuing to raise – never lower. In some streets, beautiful heritage antique lights have been replaced by ugly LED lights, why was such useless spend of taxpayers money spent on this?"

The General Manager Infrastructure and Open Space provided the following response:

"In response to question 1, the transition of the Councils lighting to LED lights has been an important part of Councils carbon reduction targets. The questions raised by John regarding human health impacts will be explored by Council Officers and a further response will be provided.

In response to question 2, the electricity consumption of LED lights are a fraction of the mercury vapour street lights that it replaced and the life expectancy of LEDs is also much longer. The luminaires of very few non-standard street lights have been replaced with LEDs and Council is considering the upgrade of nonstandard lights on a case by case basis."

Joe of Mordialloc asked,

"The public rubbish bins currently have QR stickers on the bins to inform the Council that the bins are full. With so much cyber crime happening, where someone can put another sticker on top of the original leading the person to a fraudulent site. Also, I am seeing bins are overflowing more often since these 'R stickers are now on there. Can we please have the workers going around and doing their jobs?"

The General Manager Infrastructure and Open Space provided the following response:

"Public litter bins, particularly those along our foreshore, are well used through the summer months. The QR code system was implemented to help notify Council of overflowing bins to enable our contractor to clear them as soon as possible. The QR codes link directly to our waste contractor who receives an alert to service and empty the bins. We have had excellent success with these QR codes and have not been made aware of any fraudulent activity. In addition to the QR code notifications, Council officers are out on high use days such as warm weekends, inspecting these bins and picking up litter. Council officers are also in our reserves daily performing maintenance and planting functions, and they also inspect bins. During the busy summer periods, we have placed additional bins at key locations along the foreshore and in key parks and reserves. Our waste collection contractors are on a collection schedule, emptying bins twice a day in these high use areas on busy summer days."

Joe of Mordialloc asked,

"In regards to street parking, restaurants and cafes are using allocated street parking for their diners to sit and consumer their meals. Where is the safety of these people in regards to motor vehicles having some solid barriers? A car can plough through a picket fence easily, where at lease on a footbath, there is a kerb. These people are dining on the road!

Council adopted its Parklet Design Guidelines in 20122. The Parklet Guidelines consider a range of design issues including:

- *Edge and barrier treatments*
- *Appropriate buffer zones*
- *Accessibility requirements*

Our location criteria also reinforces that they are located in low vehicle speed environments.

A design requirement also outlines the need to provide and install heavy duty concrete blocks on the leading edge of the parklets.

Council's parklet guidelines also outline the fees Council charges businesses to utilise car spaces."

8.2 KP-2022/60 - 71 Catherine Avenue Chelsea

It is recorded that Tim Norton spoke on behalf of the applicant.

Moved: Cr Oxley

Seconded: Cr Eden

That Council determine to support the proposal and issue a notice of decision to grant a planning permit to use the land as a place of assembly (Men's Shed) and a reduction in the car parking requirement at 71 Catherine Avenue Chelsea, subject to the following conditions:

Amended Plans

1. Before the use 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 an electronic copy must be provided. The plans must be substantially in accordance with the plans prepared by CohenLeigh Architects, Project No. 220102, Sheets 1 to 19 inclusive, Revision F, submitted to Council on 30 May 2022, but modified to show:
 - a) The ground floor plan to include a survey of all existing trees on the site and within 3 metres of the site's boundaries, with the on-site vegetation to be clearly nominated as either retained or removed.
 - b) The location of tree protection measures illustrated to scale and labelled on the ground floor plan as per the endorsed tree management plan.
 - c) Any changes as required by condition 10 of this planning permit, which requires a tree management plan.
 - d) The proposed vehicle crossover to the north of the Beardsworth Avenue frontage kept separate from the neighbour's vehicle crossover to create a pedestrian refuge of no less than 1 metre wide.
 - e) Corner splays as per Clause 52.06-9 shown and complied with at each accessway.
 - f) A car parking space clearly dimensioned on the proposed driveway to the north of the site.
 - g) The current external material of No. 69 Catherine Avenue correctly identified on respective plans.
 - h) Any flues, air purifiers, exhaust fans or the like that will manage dust from the workshop, located away from adjoining dwellings to minimise the impact on adjoining properties.
 - i) The materials of the front fence along both the Catherine Avenue and Beardsworth Avenue frontages replaced with materials reflective of the

residential setting, and not constructed of cyclone wire mesh or chain wire mesh.

Endorsed Plans

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

Landscaping

3. Within six (6) months of the use commencing, a landscape plan in accordance with the submitted plans is to be submitted to council for endorsement. This landscape plan is to be to the satisfaction of the Responsible Authority and is to incorporate:
 - i. A planting schedule of all proposed trees and shrubs, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant with all plants chosen to be to the satisfaction of the Responsible Authority.
 - ii. A survey, including, botanical names of all existing trees to be retained or removed on the site including tree protection zones for trees to be retained calculated in accordance with AS4970-2009.
 - iii. A survey including botanical names, of all existing trees on neighbouring properties where the tree protection zones of such trees calculated in accordance with AS4970-2009 fall partially within the subject site.
 - iv. The delineation of all garden beds, paving, grassed area, retaining walls, fences and other landscape works.
 - v. A range of plant types from ground covers to large shrubs and trees, provided at adequate planting densities (e.g. plants 1 metre width at maturity planted 1 metre apart); with the species chosen to comprise of a minimum 50% coastal indigenous species by plant type and total quantities.
 - vi. A minimum of three (3) indigenous canopy trees capable of growing to minimum mature dimensions of 12 metres in height and 7 metres in width.
 - vii. A minimum of six (6) indigenous canopy trees capable of growing to minimum mature dimensions of 8 metres in height and 5 metres in width.
 - viii. Indigenous species capable of growing to a minimum 4 metres in height at maturity planted along the site's northern and southern boundaries.
 - ix. 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.
 - x. The provision of notes regarding site preparation, including the removal of all weeds, proposed mulch, soil types and thickness, subsoil preparation and any specific maintenance requirements.
4. Within six (6) months of the landscape plan being endorsed, landscaping works as shown on the endorsed landscape plans must be completed to the satisfaction of the Responsible Authority. The landscaping must then be maintained to the satisfaction of the Responsible Authority including that any dead, diseased or damaged plants are to be replaced.

General Amenity

5. The amenity of the area must not be detrimentally affected by the use, through the:

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- i) Transport of materials, goods or commodities to or from the land.
 - ii) Appearance of any building, works or materials.
 - iii) Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil.
 - iv) Presence of vermin.
 - v) Any other way.
6. No goods or packaging materials shall be stored or left exposed outside the building so as to be visible to the public from a road or other public place.
7. Prior to the commencement of the use hereby permitted, a sign must be displayed on the front fence that directs residents to a men's shed contact, a Council contact, and the details for the EPA, if there are any noise or other such complaints.

Car Parking and Access

8. Before the use commences, areas set aside for parking vehicles, access lanes and paths as shown on the endorsed plans must be constructed to the satisfaction of the Responsible Authority and be:
- i) Properly formed to such levels that they can be used in accordance with the plans.
 - ii) Surfaced with an all-weather sealcoat to the satisfaction of the Responsible Authority.
 - iii) Drained to the satisfaction of the Responsible Authority.
 - iv) Line-marked to indicate each car space, all access lanes and, if necessary, the direction in which vehicles are to travel to the satisfaction of the Responsible Authority.
 - v) In accordance with any Council adopted guidelines for the construction of car parks.
9. Parking areas and access lanes must be kept available for these purposes at all times and maintained to the satisfaction of the Responsible Authority.
10. In areas set aside for car parking, measures must be taken to the satisfaction of the Responsible Authority to prevent damage to fences or landscaped areas.
11. Concrete kerbs or other barriers must be provided to the satisfaction of the Responsible Authority to prevent direct vehicle access to an adjoining road other than by a vehicle crossover.
12. The loading and unloading of goods to and from vehicles must only be carried out on the land.

Use

13. The use must operate only between the hours of:
- | | |
|-------------------|---|
| Monday to Friday: | 9.00am to 1.30pm (maximum 4 weekdays every week); |
| | and |
| Saturday: | 9.00am to 12.30pm |
- Or otherwise as approved by the Responsible Authority in writing.
14. The maximum number of patrons on site at any one time must not exceed twenty-three (23), unless otherwise approved by the Responsible Authority in

writing.

Tree Management Plan

15. Concurrent with the endorsement of plans, a tree management plan prepared by a suitably qualified arborist in accordance with AS4970-2009, 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 neighbouring properties where any part of the tree protection zone falls within the subject site.
 - ii. The location of tree protection measures to be utilised.
 - iii. A notation to refer to the tree management plan.
16. All protection measures identified in the endorsed 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.
17. 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.
18. Tree protection fencing is to be established around the street trees prior to demolition and maintained until all works on site are complete and:
 - i. The fencing is to be a 1.8 metre high temporary fence constructed using steel or timber posts fixed in the ground or to a concrete pad, with the fence's side panels to be constructed of cyclone mesh wire or similar strong metal mesh or netting.
 - ii. The fencing is to encompass the entire nature strip with each end 3 metres from the base of the tree.

Stormwater Drainage

19. Stormwater drainage of the site must be provided so as to prevent any overflows onto adjacent properties and be directed to the nominated point of discharge.

Noise

20. The use of the site shall not cause nuisance or be detrimental to the amenity of the neighbourhood by the emission of noise. In this regard any nuisance shall be assessed in accordance with the Australian Standards AS1055 and AS2107 relating to the measurement of Environmental Noise and recommended sound levels.
21. Noise levels associated with the use must at all times comply with the Environment Protection Regulations under the *Environment Protection Act 2017* and the incorporated Noise Protocol (Publication 1826, Noise Limit and Assessment Protocol for the Control of Noise from Commercial, Industrial and Trade Premises and Entertainment Venues).

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22. Mechanical plant should not be located near adjacent existing dwellings, unless accompanied by an acoustic report showing noise protocol conformance, submitted for endorsement to the satisfaction of the Responsible Authority.
23. Uses shall be conducted in accordance with times set out in Environment Protection Regulations 2021, Part 5.3, Division 2, Clause 114, unless accompanied by an acoustic report showing conformance with suitable acoustic benchmarks, submitted for endorsement to the satisfaction of the Responsible Authority.
24. The measures in the endorsed environmental noise assessment, prepared by Resonate, dated 28 June 2022, must be implemented to the satisfaction of the Responsible Authority before the use can commence and the use shall be conducted in accordance with the measures identified in the report. The environmental noise assessment must not be modified unless without the written consent of the Responsible Authority.

Infrastructure

25. Prior to the commencement of any development associated with the approved use, property boundary, footpath and vehicle crossover levels must be obtained from Council's roads and drains department with all levels raised to the satisfaction of the Responsible Authority.
26. The replacement of all footpaths, including offsets, must be constructed to the satisfaction of the Responsible Authority.
27. All reinstatements and vehicle crossovers must be constructed to the satisfaction of the Responsible Authority.
28. Vehicle crossovers must be constructed to council's industrial strength specifications.
29. All front and side fences must be contained wholly within the title property boundaries of the subject land.
30. Any existing vehicular crossover not in accordance with the endorsed plan must be removed and the kerb reinstated in a manner satisfactory to the Responsible Authority and any proposed vehicular crossover must be fully constructed to the Responsible Authority's standard specification.

Permit Expiry

31. In accordance with Section 68 of the *Planning and Environment Act 1987* (the Act) this permit will expire if one of the following circumstances applies:
 - The use is not started before two (2) years from date of this permit.
 - The use is discontinued for a period of two (2) years.

In accordance with Section 69 of the *Planning and Environment Act 1987*, an application may be submitted to the responsible authority for an extension of the periods referred to in this condition.

Note: Prior to the commencement of the development or use, you are required to obtain the necessary building permit.

Cr Cochrane left the meeting at 8:29pm

Cr Cochrane returned to the meeting at 8:32pm

CARRIED

Note: Cr Oxley requested through the Chair and was granted an extension of time to speak on the matter.

8.3 Tree Removal Application at Lot 1 Centre Road, Oakleigh South - PT-2022/497

Moved: Cr Davey-Burns

Seconded: Cr Staikos

That Council:

1. Grant Local Law Permits for those trees outlined in Section 2 of this report where the Recommendation is to remove trees 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.
2. Request the Commonwealth Golf Club do not formally seek any further tree removal on the course until the scheduled meeting with Councillors and Officers on the 2nd March, 2023 when a detailed presentation from the club regarding its proposed course works are provided.

Cr Davies left the meeting at 8:39pm.

Cr Davies returned to the meeting at 8:41pm.

Cr Hill left the meeting at 8:41pm.

CARRIED

8.4 Highett, Mordialloc and Aspendale Level Crossing Removals - Consultation and Engagement of Consultant Teams

RECOMMENDATION

That Council:

1. Commence Stage 1 community engagement surveys on Your Kingston Your Say in a staged manner to align with the LXP's delivery timeframes for each of the three projects.
2. Commence a procurement process to appoint consultant teams to support Council's work in responding to the Highett, Mordialloc and Aspendale Level Crossing Removal projects.
3. Seek funding assistance from the Level Crossing Removal Project to cover Council resources, as well an allowance to cover materials associated with trader support or placemaking initiatives within the impacted trader communities.

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

9. Community Strengthening Reports

9.1 Uluru Statement from the Heart

Moved: Cr Staikos

Seconded: Cr Davey-Burns

That Council:

1. Endorse the Uluru Statement from the Heart, as presented at Appendix 1, as part of Council's ongoing commitment to reconciliation as articulated in the Council Plan 2021-25 and Reconciliation Action Plan 2022-24.
2. Sign the joint Statement of Mayors from across Australia in support of the Uluru Statement from the Heart, as presented at Appendix 2.
3. Provide opportunities to raise awareness and inform the community about the upcoming referendum.

Cr Hill returned to the meeting at 8:42pm.

Cr Oxley left the meeting at 8:58pm.

Cr Oxley returned to the meeting at 9:06pm.

CARRIED unanimously

Note: Cr Davey-Burns requested through the Chair and was granted an extension of time to speak on the matter.

Note: Cr Davies requested through the Chair and was granted an extension of time to speak on the matter.

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

9.2 Kingston Women of the Year Awards 2023 Nominations and Selection of Winners

Moved: Cr Oxley

Seconded: Cr Davies

That Council

1. Confirm the 2023 winners of the Kingston Women of the Year Awards, for the overall Kingston Woman of the Year 2023 and four category winners for each nomination category (Courageous Commitment, Excelling in Arts and Sport, Inspiring Innovation and Success in STEM) as presented in Confidential Appendix 2 Voting Outcomes – Winners; and
2. Determine, pursuant to Section 125 of the Local Government Act 2020, that the identities of all award winners remain confidential until 8 March 2023, except for the notification of the overall award winner by the Mayor prior to 8 March 2023.

CARRIED

9.3 Adoption of the 2023-2026 Kingston Youth Strategy

RECOMMENDATION

That Council adopt the 2023-2026 Kingston Youth Strategy.

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

10. Infrastructure and Open Space Reports

10.1 Response to Council Resolution - Traffic Management in Chelsea

Moved: Cr Oxley

Seconded: Cr Eden

That Council:

1. Receive the findings of the Local Area Traffic Management (LATM) study;
2. Note the proposed program of traffic and parking measures;
3. Proceed to public consultation on the proposed traffic and parking measures;
4. Officers explore further opportunities to enhance car parking near the Chelsea Bowling Club, Football Oval, and site for the proposed Chelsea Men's shed in order to improve car parking for residents and access to off-street car parking for visitors to the aforementioned sites;
5. Officers also specifically explore safety for pedestrians and vehicles at the corner of Beardsworth and Catherine Avenue and surrounds as part of point 4 and the LATM plan;
6. Officers continue to review car parking and traffic in these areas; particularly at peak times in and around Beardsworth Avenue, Scotch Parade, and Catherine Avenue, and provide updates to the Ward Councillor and a Councillor Information Session if further measures are required; and
7. As part of the consultation on the LATM plan, give residents and stakeholders the opportunity to meet on-site and/or in person with officers and/or the ward Councillor at a drop-in or appointment-style consultation.

CARRIED

10.2 Award of Contract CON-22/061 - Kingston's New Aquatic and Leisure Centre Project - Principal Consultant Architect

RECOMMENDATION

That Council:

1. Receive the information and note the outcome of the tender assessment process for Contract CON-22/061 – Kingston's New Aquatic and Leisure Centre Project Principal Consultant Architect, as set out in confidential Appendices 1 to 3 attached to this report;
2. Award Contract CON-22/061 - Kingston's New Aquatic and Leisure Centre Project Principal Consultant Architect for the final adjusted fixed lump sum price of \$3,670,430.00 (exclusive of GST) to CO.OP Studio Pty Ltd; and
3. Approve the allocation of a separate contract contingency as set out in the attached confidential Appendix 1 and delegate authority to the CEO, or delegate, to expend this allowance if required to ensure the successful completion of the project.

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

**10.3 Award of Contract CON-22/101 Sherwood Avenue Flood Mitigation
Bicentennial Park, Chelsea - Stage 1**

RECOMMENDATION

That Council:

1. Note the outcome of the tender assessment process for Contract 22/101- Sherwood Avenue Flood Mitigation Bicentennial Park, Chelsea Stage 1 as set out in confidential Appendix 1 attached to this report;
2. Award Contract 22/101 – Sherwood Avenue Flood Mitigation Bicentennial Park, Chelsea Stage 1 for the fixed lump sum price of \$1,945,851.46 (exclusive of GST) to Entracon Construction Pty Ltd; and
3. Approve the allocation of a separate contingency of up to 10% of the contract sum and delegate authority to the CEO or delegate to expend this allowance to ensure the successful completion of the project.

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

**10.4 Award of Contract CON-21/103 - Elder Street South Reserve Development
- Revised Contract Amount**

RECOMMENDATION

That Council:

1. Award Contract CON 21/103 - Elder Street South Reserve Landscape and Civil Works to Bild Greenfields Pty Ltd for the revised lump sum amount of \$2,323,858.78 (excluding GST); and
2. Delegate authority to the Chief Executive Officer or delegate to approve contract variations and contingency spend as shown in the confidential Appendix, as required.

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

11. Customer and Corporate Support Reports

11.1 Variation to Confirmed Minutes - Ordinary Council Meeting 28 November 2022

RECOMMENDATION

That Council:

1. Note that there was an error in the Minutes of the Ordinary Council Meeting of 28 November 2022 as confirmed by Council at the Ordinary Council Meeting of 12 December 2022 (such that they do not accurately reflect what occurred at the Meeting), attached at Appendix 1.
2. Vary the Minutes of the Ordinary Council Meeting of 28 November 2022 in relation to the recording of item 10.1 (Kingston Heath Reserve Sporting Facility Improvement Plan - Consultation Findings and Adoption), replacing it with the record attached at Appendix 2.

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

11.2 Authorisation of Officers - 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 members of Council staff referred to in the instruments attached be appointed and authorised as set out in the instruments.
2. The instruments 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*.

12. Chief Finance Office Reports

12.1 Outcome of Committee Meeting - Proposed Sale of Land Rear of 9 Holmby Road, Cheltenham

Moved: Cr Hill

Seconded: Cr Staikos

That Council:

1. Note the submission from the owner of 1242A Nepean Highway;
2. Not sell Lot 4 to the adjoining owner at 9 Holmby Road, Cheltenham as proposed;
3. Grant a lease of Lots 3 & 4 of up to nine years to the owner of 9 Holmby Road, Cheltenham for a nominal rent; and
4. Advise both the submitter and the owner of No. 9 Holmby Road, Cheltenham of Council's decision.

CARRIED

12.2 Proposed Sale of Council Reserve (part) at 40 Redwood Drive, Dingley Village

Procedural Motion

Moved: Cr Staikos

Seconded: Cr Bearsley

That consideration of this item be deferred to allow for further community engagement on the proposed sale process.

CARRIED

12.3 Full Year Forecast 2022/23

RECOMMENDATION

That Council:

1. Note the Full Year Forecast 2022/23 with proposed operating surplus of \$13.2 million which is a reduction from budget by \$2.0 million driven by increased Employee Costs and Materials Services that reflects expected inflationary pressure on labour and materials; and
2. Approve the proposed Full Year Forecast 2022/23.

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

13. Notices of Motion

13.1 Notice of Motion No. 1/2023 - Cr Oxley - Mosquito Management Plan

Moved: Cr Oxley

Seconded: Cr Eden

That officers provide a report no later than April 2023 considering the development and implementation of a mosquito management plan for the City of Kingston. The report is to consider (but not limited to):

- Management of Mosquitos in Public Spaces
- Information campaigns for management of Mosquitos on Private Premises as well as dissemination of public health information
- Opportunities for a reporting system where residents can report breeding risks on public land like large stagnant water bodies after floods as well as breeding sites that may be of a concern due to larvae or mosquito numbers
- Risk minimisation
- Levels of intervention due to weather conditions

LOST

A Division was Called:

DIVISION:

FOR: Crs Davey-Burns, Bearsley, Eden and Oxley (4)

AGAINST: Nil (0)

ABSTAINED: Crs Staikos, Cochrane, Davies, Hill and Saab (5)

LOST

Procedural Motion

Moved: Cr Cochrane

Seconded: Cr Davies

That the meeting be extended by 30 minutes until 10.30pm.

CARRIED

13.2 Notice of Motion No. 2/2023 - Cr Oxley - Governance Rules Changes

Moved: Cr Oxley

Seconded: Cr Eden

That officers provide a report to Council commencing a change to the Governance rules to allow for Councillors to speak to the nomination of a candidate/s for the position of Mayor or Deputy Mayor prior to the candidate being declared elected or a vote being undertaken at the Statutory Meeting. This report should be provided to Council with enough time to allow changes to the Governance Rules to be in place prior to the 2023 Statutory Meeting.

Cr Hill left the meeting at 9:59pm.

Cr Hill returned to the meeting at 10:01pm.

Cr Cochrane left the meeting at 10:01pm.

Cr Cochrane returned to the meeting at 10:04pm.

Amendment

Moved: Cr Staikos

That officers provide a report to Council providing options to change to the Governance rules to allow for Councillors to speak to their own nomination as a candidate for the position of Mayor or Deputy Mayor prior to the candidate being declared elected or a vote being undertaken at the Statutory Meeting. This report should be provided to Council with enough time to allow changes to the Governance Rules to be in place prior to the 2023 Statutory Meeting.

The Amendment was ruled out of order in accordance with Rule 25.2 of the Governance Rules as it was deemed that the Amendment would alter the intention and effect of the Motion.

The Substantive Motion was put and LOST

A Division was Called:

DIVISION:

FOR: Crs Eden and Oxley (2)

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

LOST

Procedural Motion

Moved: Cr Staikos

Seconded: Cr Bearsley

That the meeting be extended for 30 minutes until 11.00pm.

CARRIED

**13.3 Notice of Motion No. 3/2023 - Cr Davies - Mentone Life Saving Club
Amendment to Planning Permit**

Moved: Cr Davies

Seconded: Cr Bearsley

That Council engage a qualified consultant to review the landscaping plan in particular the selected tree species and number to be introduced in response to Planning Permit KP-2020/420 for the Mentone Life Saving Club, to determine whether it provides an appropriate ecological response when considering:

- The selection of species when considering Council's Biodiversity Strategy and Department of Energy, Environment and Climate Action guidance information (formerly DELWP); and
- The extent of tree planting, as currently illustrated on the plans, to ensure that it does not impact on the objectives to establish appropriate ground cover and shrubs.

Further that upon completion of the review, a report be brought back to Councillors to determine whether any changes should be made to the landscaping plan and/or permit

conditions.

Procedural Motion

Moved: Cr Eden

Seconded: Cr Oxley

That consideration of this matter be deferred until the original submitters and members of our community who were involved and consulted with in relation to this planning permit be advised of this proposal and be given an opportunity to submit their views to Council on whether or not the Planning Permit that has already been approved should be amended.

LOST

A Division was Called:

DIVISION:

FOR: Crs Eden and Oxley (2)

AGAINST: Crs Davey-Burns, Bearsley, Cochrane, Davies and Hill (5)

ABSTAINED: Crs Staikos and Saab (2)

LOST

The Substantive Motion was put and CARRIED

A Division was Called:

DIVISION:

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

AGAINST: Crs Eden and Oxley (2)

CARRIED

Cr Hill left the meeting at 10:35pm

Cr Hill returned to the meeting at 10:36pm

Procedural Motion

Moved: Cr Bearsley

Seconded: Cr Davies

That the meeting be extended for 30 minutes until 11.30pm.

CARRIED

13.4 Notice of Motion No. 4/2023 - Cr Davies - Foreshore Guidelines

Procedural Motion

Moved: Cr Davies

Seconded: Cr Bearsley

That consideration of this matter be deferred to allow for Cr Davies and any other Councillor who wishes to attend, to have a further meeting with Dr Jeff Yugovic.

CARRIED

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A Division was Called:

DIVISION:

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

AGAINST: Crs Eden and Oxley (2)

CARRIED

14. Urgent Business

There were no items of urgent business.

15. Confidential Items

Nil

The meeting closed at 11.24pm.

Confirmed.....

The Mayor 27 February 2023