

Minutes

Ordinary Council Meeting

Monday, 27th February 2023



**City of Kingston
Ordinary Council Meeting**

Minutes

27 February 2023

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The meeting commenced at 7.04pm in the Council Chamber, 1230 Nepean Highway, Cheltenham.

Present: Cr Hadi Saab (Mayor)
Cr Chris Hill (Deputy Mayor)
Cr Tamsin Bearsley (attended remotely)
Cr Tim Cochrane
Cr Jenna Davey-Burns
Cr Tracey Davies
Cr David Eden (attended remotely)
Cr Cameron Howe
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
Jaclyn Murdoch, Manager City Development
Justin Welsford, Media Advisor
Phil De Losa, Manager Governance
Kelly Shacklock, Acting Manager Governance
Stephanie O’Gorman, Team Leader Council Governance
Patrick O’Gorman, Governance Officer
Gabrielle Pattenden, Governance Officer

1. Apologies

There were no apologies submitted to the meeting.

2. Confirmation of Minutes of Previous Meetings

Moved: Cr Hill

Seconded: Cr Davies

That the Minutes of the Ordinary Council Meeting held on 30 January 2023 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.

4. Petitions

Nil

5. Presentation of Awards

The Mayor acknowledged the contribution of the 2021/22 Junior Mayor, Amelia Holko.

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6. Reports from Delegates Appointed by Council to Various Organisations

Cr Davey-Burns reported on the Association of Bayside Municipalities Annual General Meeting.

Cr Hill reported on the South East Councils Climate Change Alliance Councillor Advisory Group meeting.

Moved: Cr Davies

Seconded: Cr Cochrane

That the delegates' reports be received.

CARRIED

7. Question Time

Question time was held at 8.28pm. Refer to page 18 of the Minutes.

En Bloc Resolution

Moved: Cr Davey-Burns

Seconded: Cr Cochrane

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

- 8.1 Town Planning Application Decisions - December 2022
- 8.2 Town Planning Application Decisions - January 2023
- 11.1 Informal Meetings of Councillors
- 11.2 Quick Response Grants
- 11.3 Audit and Risk Committee Minutes - 14 December 2022
- 11.4 Motions for Australian Local Government Association National General Assembly
- 11.5 Motions for Municipal Association of Victoria State Council Meeting
- 11.6 Kingston Performance Report, October to December 2022
- 12.2 Quarterly Finance Report December 2022

CARRIED

8. Planning and Place Reports

8.1 Town Planning Application Decisions - December 2022

RECOMMENDATION

That the report be noted.

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

8.2 Town Planning Application Decisions - January 2023

RECOMMENDATION

That the report be noted.

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

8.3 KP-2021/869 - 31 Marcus Road Dingley Village

Moved: Cr Hua

Seconded: Cr Staikos

That Council determine to support the proposal and issue a planning permit for a reduction in the car parking requirement associated with a child care centre and the pruning of native vegetation, at No. 31 Marcus Road, Dingley Village (Lot 1 TP 842473U; Lot 44 on PS 004681), 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 and a digital copy must be provided. The plans must be substantially in accordance with the arboricultural impact assessment prepared by McLeod Trees (dated 16 April 2021) and the root investigation response prepared by McLeod Trees (dated 13 October 2022), submitted to Council on 29 November 2022, but modified to show:
 - a) A landscape plan in accordance with the submitted architectural plans, to be prepared by a suitably qualified landscape professional and incorporating a planting schedule to the satisfaction of the Responsible Authority.
 - b) The location of all works, including civil works and landscaping, within the vicinity of the two (2) *Eucalyptus viminalis* subsp. *viminalis* (Coast Manna Gum), trees numbered 56 and 58.
 - c) A cross sectional plan or plans indicating the location of the canopy of the two (2) *Eucalyptus viminalis* subsp. *pyroriana* (Coast Manna Gum) in relation to the proposed works and the area of the canopy to be pruned.
 - d) An image or images of the two (2) Coast Manna Gums that illustrates the location of pruning cuts and canopy to be removed.

Endorsed Plans

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2. The native vegetation pruning as shown on the endorsed plans must not be altered without the 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.

Children Capacity

4. No more than one hundred and fourteen (114) children may be present on site, at any given time.

Tree Management and Protection Plan

5. Concurrent with the endorsement of plans, a tree management plan for trees 56 and 58, 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 protection plan (scale drawing) with a notation referring to the tree management plan must provide details of:
 - i. The tree protection zone and structural root zone, calculated in accordance with AS4970-2009, for the two (2) *Eucalyptus viminalis* subsp. *viminalis* (Coast Manna Gum), trees numbered 56 and 58.
 - ii. The location of tree protection fencing, or ground protection where required, provided in accordance with AS4970-2009.
 - b) A tree management plan (written report) must be prepared by a suitably qualified arborist, with reference the tree protection plan and provide details of:
 - i. Specifications for tree protection fencing and/or ground protection.
 - ii. Stages of development at which inspections are required to ensure tree protection measures are adhered to must be specified.
 - iii. How excavation impacts, including soil level changes, on trees to be retained will be managed.
 - iv. Proposed footings and construction methods for any buildings or structures within the tree protection zones nominated on the tree protection plan, with any encroachment limited to a maximum of 10% of the tree protection zone area.
 - v. How the canopy of trees nominated on the tree protection plan will be protected.
 - vi. Maintenance of the area(s) within the tree protection zone in accordance with AS4970-2009.
 - vii. Any other measures required to demonstrate the successful ongoing retention and viability post-construction of any trees nominated on the tree protection plan.
6. All protection measures identified in the tree management plan must be implemented, and development works undertaken on the land must be undertaken in accordance with the tree management plan, to the satisfaction of the Responsible Authority.
7. 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.

8. No works are to encroach into the tree protection zone, as determined in Section 3 of AS4970-2009 'Protection of trees on development sites', by any more than 10% of the tree protection zone and there must be no encroachment into the structural root zone (SRZ) of either tree.
9. Pruning of the two (2) Coast Manna Gums is to be undertaken in accordance with AS 4373-2007 Pruning of amenity trees with no more than 10% of the canopy to be removed from Tree 56 and no more than 15% of the canopy to be removed from Tree 58 with all pruning works undertaken in accordance with the endorsed documents to the satisfaction of the Responsible Authority.
10. Trees numbered 56 and 58, two (2) x *Eucalyptus viminalis* subsp. *viminalis* (Coast Manna Gum) are to be retained and protected as per the conditions of this permit and thereafter maintained to the satisfaction of the Responsible Authority.

Car Parking

11. Before the increase in children capacity hereby permitted commences, areas set aside for parking vehicles, access lanes and paths as shown on the endorsed plans must be:
 - i. Constructed to the satisfaction of the Responsible Authority.
 - ii. Properly formed to such levels that they can be used in accordance with the plans.
 - iii. Surfaced with an all-weather sealcoat or similar to the satisfaction of the Responsible Authority.
 - iv. Drained to the satisfaction of the Responsible Authority.
 - v. 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.
 - vi. In accordance with any Council adopted guidelines for the construction of car parks.

Parking areas and access lanes must be kept available for these purposes at all times and maintained to the satisfaction of the Responsible Authority.

12. 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.

Permit Expiry

13. 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 native vegetation pruning is not started within two (2) years of the date of this permit.
 - The native vegetation pruning is not completed within four (4) years of the date of this permit.

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: 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 permit 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: All buildings and works must be carried out in accordance with the approved cultural heritage management plan as required by the *Aboriginal Heritage Act 2006*. A copy of the approved cultural heritage management plan must be held on site during the construction activity.

CARRIED

8.4 KP-2022/193/A - 128-134 Bay Trail, Parkdale

Moved: Cr Davies

Seconded: Cr Cochrane

That Council determine to support the proposal and issue an amended planning permit to facilitate a change to tree planting species and quantities associated with development at 128-134 Bay Trail, Parkdale, subject to the following conditions:

Amended Plans

1. Before the development starts amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be substantially in accordance with the plans submitted to Council titled Parkdale Yacht Club Accessibility Improvements, Parkdale, received 12 May and prepared by Fleur Gasgoyne, 'Parkdale Yacht Club Proposed Carpark Layout – Overall Plan prepared by the City of Kingston dated May 2022, 'Parkdale Yacht Club Proposed Carpark Layout – Car Park Layout Detail Plan 1' prepared by the City of Kingston dated May 2022, 'Parkdale Yacht Club Proposed Carpark Layout – Car Park Layout Detail Plan 2', prepared by the City of Kingston dated May 2022, 'Parkdale Yacht Club Proposed Carpark Layout – Car Park Layout Detail Plan 3' prepared by the City of Kingston dated May 2022, 'Vegetation Removal Plan – Foreshore Accessibility Improvements at Parkdale Yacht Club' prepared by Arboriculture Pty Ltd dated 1 June 2022 and 'LANDSCAPE WORKING DRAWINGS: Parkdale Yacht Club – Pedestrian Ramp' prepared by Jeavons Landscape Architects dated 21 March 2022 but modified to show:
 - a) the provision of an **amended** landscape plan in accordance with the submitted **landscape** plans **dated 1 December 2022** to the satisfaction of the Responsible Authority incorporating:
 - i. A planting schedule of all proposed trees and shrubs, to include *Rhagodia candolleana* "Seaberry Saltbush" (amongst other trees and shrubs) and including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant;
 - 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. **Three (3) *Leptospermum laevigatum*** (Coast Tea-tree) and **four (4) *Banksia integrifolia*** (Coast Banksia);

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- iv. DELETED.
- v. The retention of Tree 13, *Banksia integrifolia* (Coast Banksia);
- vi. All trees provided at a minimum of 2 metres in height (where able to be sourced) at time of planting, medium to large shrubs to be provided at a minimum pot size of 200mm;
- vii. Notes regarding site preparation, including the removal of all weeds, proposed mulch, soil types and thickness, subsoil preparation and any specific maintenance requirements and;
- viii. The Coast Banksia required by condition 1a) iii. planted at the lower section of the slope adjacent to the existing foreshore path.

Endorsed Plans

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

Landscape

- 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.
- 4. 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 neighboring 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.
- 5. All protection measures identified in the Tree Management Plan must be implemented, and development works undertaken on the land must be undertaken in accordance with the Tree Management Plan, to the satisfaction of the Responsible Authority.
- 6. Prior to the commencement of works, the name and contact details of the project arborist responsible for implementing the Tree Management Plan must be submitted to the Responsible Authority.
- 7. Concurrent with the endorsement of plans, a plan to the satisfaction of the Responsible Authority identifying all native vegetation to be retained and describing the measures to be used to protect the identified vegetation during construction, must be prepared and submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will form part of this permit. All works constructed or carried out must be in accordance with the endorsed plan.

8. To offset the permitted clearing in accordance with *Guidelines for the removal, destruction or lopping of native vegetation (DELWP 2017)*, the permit holder must secure general offset of 0.006 general habitat units:
 - a) located within the Port Phillip and Westernport Catchment Management boundary or Kingston municipal area.
 - b) with a minimum strategic biodiversity score of at least 0.208.
9. Concurrent with the endorsement of plans, evidence that the required offset has been secured must be provided to the satisfaction of the Responsible Authority. This evidence is one or both of the following:
 - an established first party offset site including a security agreement signed by both parties, and a management plan detailing the 10 year management actions and ongoing management of the site and/or,
 - credit extract(s) allocated to the permit from the Native Vegetation Credit Register.

A copy of the offset evidence will be endorsed by the responsible authority and form part of this permit. Within 30 days of endorsement of the offset evidence by the responsible authority, a copy of the endorsed offset evidence must be provided to the Department of Environment, Land, Water and Planning.

DELWP Conditions

10. Any modifications to the works proposed will require further approval by the Regional Director, Port Phillip Region, Department of Environment, Land, Water and Planning (DELWP).
11. Prior to the commencement of works, the location of the temporary site compound must be submitted and to the satisfaction of the Department of Environment, Land, Water and Planning (DELWP).
12. Prior to works commencing, a construction environmental management must be prepared to the satisfaction of Kingston City Council.
13. All planting of vegetation within the coastal Crown land must utilise indigenous species.
14. Indigenous vegetation, other than approved by this consent, must not be damaged or removed as a result of the works.
15. Any clearing or construction activity associated with the works, should be carried out in accordance with the with EPA Publication No. 275 Construction Techniques for Sediment Pollution Control (May 1991).
16. The construction site must be managed in accordance with EPA Publication No. 981 Reducing Stormwater Pollution from Construction Sites (May 2005).
17. Construction equipment, building materials, refuse and site run-off must be contained and controlled and not permitted to impact on the beach or enter Port Phillip Bay.
18. All works must be completed, the site reinstated, and the works maintained to the satisfaction of Kingston City Council.
19. This consent under the Marine and Coastal Act 2018 will expire if the works are not completed within two years of the date of issue, unless an extension of time is applied for and granted by the Regional Director, Port Phillip Region, Port Phillip Region, DELWP.

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20. Before works start, the permit holder must advise all persons undertaking the vegetation removal or works on site of all relevant permit conditions and associated statutory requirements or approvals.
21. The total area of native vegetation proposed to be removed totals 0.018 hectares, comprised of:
 - a) 6 patches of native vegetation with a total area of 0.018 hectares [containing 0 large trees]
 - b) 0 large scattered trees
 - c) 0 small scattered trees
22. To offset the permitted clearing in accordance with *Guidelines for the removal, destruction or lopping of native vegetation* (DELWP 2017), the permit holder must secure general offset of 0.006 general habitat units:
 - a) the located within the Port Phillip and Westernport Catchment Management boundary or Kingston City Council municipal area.
 - b) with a minimum strategic biodiversity score of at least 0.208
23. Before any native vegetation is removed, evidence that the required offset by this permit must be provided to the satisfaction of the responsible authority. This evidence must be one or both of the following:
 - a) an established first party offset site including a security agreement signed by both parties, and a management plan detailing the 10-year management actions and ongoing management of the site, and/or
 - b) credit extract(s) allocated to the permit from the Native Vegetation Credit Register.
24. A copy of the offset evidence will be endorsed by the responsible authority and form part of this permit. Within 30 days of endorsement of the offset evidence, a copy of the endorsed offset evidence must be provided to Planning Approvals at the Department of Environment, Land, Water and Planning Port Phillip regional office.
25. Where the offset includes a first party offset(s), the permit holder must provide an annual offset site report to the responsible authority by the anniversary date of the execution of the offset security agreement, for a period of 10 consecutive years. After the tenth year, the landowner must provide a report at the reasonable request of a statutory authority.
26. Within 6 months of the conclusion of the permitted clearing of native vegetation under this permit, the offset requirements can be reconciled with the written agreement of the responsible authority and the Department of Environment, Land, Water and Planning.
27. A suitably qualified wildlife handler or zoologist is to be present when felling trees/removing native vegetation, to ensure affected wildlife is not harmed. If displaced wildlife cannot be relocated on site to an appropriate location away from the construction footprint, or injured wildlife is captured, please contact DELWP on 136 186 for further advice.
28. Before works commence, identify and protect the tree protection zone of "Tree 13" as identified in the Arboricultural Inspection Report (Arboriculture Pty Ltd, March 2022) with suitable temporary fencing to ensure protection during construction.

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Permit Expiry

29. 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 before two (2) years from date of this permit.
- The development is not completed before four (4) years from the date of permit issue.
- 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:

- Within the area of native vegetation to be retained and any tree protection zone associated with the permitted use and/or development, the following is prohibited:
 - a) Any vehicle or pedestrian access, trenching or soil excavation, and
 - b) Storage or dumping of any soils, materials, equipment, vehicles, machinery or waste products, and
 - c) Entry or exit pits for underground services, and
 - d) Any other actions or activities that may result in adverse impacts to retained native vegetation.

Procedural Motion

Moved: Cr Oxley

Seconded: Cr Eden

That consideration of this item be deferred until a further meeting can be held with Dr Jeff Yugovic.

LOST

A Division was Called:

DIVISION:

FOR: Crs Eden and Oxley (2)

AGAINST: Crs Staikos, Davey-Burns, Bearsley, Cochrane, Davies, Hill, Howe, Hua and Saab (9)

LOST

Amendment

Moved: Cr Oxley

Seconded: Cr Eden

That the recommendation be adopted with the following additional point 2:

2. Subject to the following conditions - that the Council plant 14 additional trees where possible in the following sequential priority areas - to consist of - 12 Banksias and 2 other suitable native trees.
- Immediate area of the planning application
 - The Kingston Foreshore
 - As close as possible to the site of the planning application (on other suitable public lands)

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Cr Howe left the meeting at 8:04pm.

LOST

A Division was Called:

DIVISION:

FOR: Crs Eden and Oxley (2)

AGAINST: Crs Staikos, Davey-Burns, Bearsley, Davies and Saab (5)

ABSTAINED: Crs Cochrane, Hill and Hua (3)

LOST

Proposed Alteration – Cr Oxley

That the recommendation be adopted with the following additional point 2:

2. That 14 trees (that now will not be planted along the foreshore) be planted at a nearby reserve or park.

The proposed alteration was accepted by the Mover and Seconder

Cr Howe returned to the meeting at 8:08pm.

Cr Davey-Burns left the meeting at 8:08pm.

Cr Davey-Burns returned to the meeting at 8:12pm.

The Substantive Motion was put and 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)

ABSTAINED: Crs Howe (1)

CARRIED

The Resolution reads as follows:

Moved: Cr Davies

Seconded: Cr Cochrane

That Council:

1. Determine to support the proposal and issue an amended planning permit to facilitate a change to tree planting species and quantities associated with development at 128-134 Bay Trail, Parkdale, subject to the following conditions:

Amended Plans

- A. Before the development starts amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be substantially in accordance with the plans submitted to Council titled Parkdale Yacht Club Accessibility Improvements, Parkdale, received 12 May and prepared by Fleur Gasgoyne, 'Parkdale Yacht Club Proposed Carpark Layout – Overall Plan prepared by the City of Kingston dated May 2022, 'Parkdale Yacht Club Proposed Carpark Layout – Car Park Layout Detail Plan 1' prepared by the City of Kingston dated May 2022,

'Parkdale Yacht Club Proposed Carpark Layout – Car Park Layout Detail Plan 2', prepared by the City of Kingston dated May 2022, 'Parkdale Yacht Club Proposed Carpark Layout – Car Park Layout Detail Plan 3' prepared by the City of Kingston dated May 2022, 'Vegetation Removal Plan – Foreshore Accessibility Improvements at Parkdale Yacht Club' prepared by Arboriculture Pty Ltd dated 1 June 2022 and 'LANDSCAPE WORKING DRAWINGS: Parkdale Yacht Club – Pedestrian Ramp' prepared by Jeavons Landscape Architects dated 21 March 2022 but modified to show:

- a) the provision of an **amended** landscape plan in accordance with the submitted **landscape** plans **dated 1 December 2022** to the satisfaction of the Responsible Authority incorporating:
 - i. A planting schedule of all proposed trees and shrubs, to include *Rhagodia candolleana* "Seaberry Saltbush" (amongst other trees and shrubs) and including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant;
 - 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. **Three (3) *Leptospermum laevigatum*** (Coast Tea-tree) and **four (4) *Banksia integrifolia*** (Coast Banksia);
 - iv. DELETED.
 - v. The retention of Tree 13, *Banksia integrifolia* (Coast Banksia);
 - vi. All trees provided at a minimum of 2 metres in height (where able to be sourced) at time of planting, medium to large shrubs to be provided at a minimum pot size of 200mm;
 - vii. Notes regarding site preparation, including the removal of all weeds, proposed mulch, soil types and thickness, subsoil preparation and any specific maintenance requirements and;
 - viii. The Coast Banksia required by condition 1a) iii. planted at the lower section of the slope adjacent to the existing foreshore path.

Endorsed Plans

- B. The development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.

Landscape

- C. 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.
- D. 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 neighboring 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.
- E. All protection measures identified in the Tree Management Plan must be implemented, and development works undertaken on the land must be undertaken in accordance with the Tree Management Plan, to the satisfaction of the Responsible Authority.
- F. 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.
- G. Concurrent with the endorsement of plans, a plan to the satisfaction of the Responsible Authority identifying all native vegetation to be retained and describing the measures to be used to protect the identified vegetation during construction, must be prepared and submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will form part of this permit. All works constructed or carried out must be in accordance with the endorsed plan.
- H. To offset the permitted clearing in accordance with *Guidelines for the removal, destruction or lopping of native vegetation (DELWP 2017)*, the permit holder must secure general offset of 0.006 general habitat units:
- a) located within the Port Phillip and Westernport Catchment Management boundary or Kingston municipal area.
 - b) with a minimum strategic biodiversity score of at least 0.208.
- I. Concurrent with the endorsement of plans, evidence that the required offset has been secured must be provided to the satisfaction of the Responsible Authority. This evidence is one or both of the following:
- an established first party offset site including a security agreement signed by both parties, and a management plan detailing the 10 year management actions and ongoing management of the site and/or,
 - credit extract(s) allocated to the permit from the Native Vegetation Credit Register.
- A copy of the offset evidence will be endorsed by the responsible authority and form part of this permit. Within 30 days of endorsement of the offset evidence by the responsible authority, a copy of the endorsed offset evidence must be provided to the Department of Environment, Land, Water and Planning.
- DELWP Conditions**
- J. Any modifications to the works proposed will require further approval by the Regional Director, Port Phillip Region, Department of Environment, Land, Water and Planning (DELWP).
- K. Prior to the commencement of works, the location of the temporary site compound must be submitted and to the satisfaction of the Department of Environment, Land, Water and Planning (DELWP).
- L. Prior to works commencing, a construction environmental management must be

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- prepared to the satisfaction of Kingston City Council.
- M. All planting of vegetation within the coastal Crown land must utilise indigenous species.
- N. Indigenous vegetation, other than approved by this consent, must not be damaged or removed as a result of the works.
- O. Any clearing or construction activity associated with the works, should be carried out in accordance with the with EPA Publication No. 275 Construction Techniques for Sediment Pollution Control (May 1991).
- P. The construction site must be managed in accordance with EPA Publication No. 981 Reducing Stormwater Pollution from Construction Sites (May 2005).
- Q. Construction equipment, building materials, refuse and site run-off must be contained and controlled and not permitted to impact on the beach or enter Port Phillip Bay.
- R. All works must be completed, the site reinstated, and the works maintained to the satisfaction of Kingston City Council.
- S. This consent under the Marine and Coastal Act 2018 will expire if the works are not completed within two years of the date of issue, unless an extension of time is applied for and granted by the Regional Director, Port Phillip Region, Port Phillip Region, DELWP.
- T. Before works start, the permit holder must advise all persons undertaking the vegetation removal or works on site of all relevant permit conditions and associated statutory requirements or approvals.
- U. The total area of native vegetation proposed to be removed totals 0.018 hectares, comprised of:
- a) 6 patches of native vegetation with a total area of 0.018 hectares [containing 0 large trees]
 - b) 0 large scattered trees
 - c) 0 small scattered trees
- V. To offset the permitted clearing in accordance with *Guidelines for the removal, destruction or lopping of native vegetation* (DELWP 2017), the permit holder must secure general offset of 0.006 general habitat units:
- a) the located within the Port Phillip and Westernport Catchment Management boundary or Kingston City Council municipal area.
 - b) with a minimum strategic biodiversity score of at least 0.208
- W. Before any native vegetation is removed, evidence that the required offset by this permit must be provided to the satisfaction of the responsible authority. This evidence must be one or both of the following:
- a) an established first party offset site including a security agreement signed by both parties, and a management plan detailing the 10-year management actions and ongoing management of the site, and/or
 - b) credit extract(s) allocated to the permit from the Native Vegetation Credit Register.
- X. A copy of the offset evidence will be endorsed by the responsible authority and form part of this permit. Within 30 days of endorsement of the offset evidence, a copy of the endorsed offset evidence must be provided to Planning Approvals at

the Department of Environment, Land, Water and Planning Port Phillip regional office.

- Y. Where the offset includes a first party offset(s), the permit holder must provide an annual offset site report to the responsible authority by the anniversary date of the execution of the offset security agreement, for a period of 10 consecutive years. After the tenth year, the landowner must provide a report at the reasonable request of a statutory authority.
- Z. Within 6 months of the conclusion of the permitted clearing of native vegetation under this permit, the offset requirements can be reconciled with the written agreement of the responsible authority and the Department of Environment, Land, Water and Planning.
- AA. A suitably qualified wildlife handler or zoologist is to be present when felling trees/removing native vegetation, to ensure affected wildlife is not harmed. If displaced wildlife cannot be relocated on site to an appropriate location away from the construction footprint, or injured wildlife is captured, please contact DELWP on 136 186 for further advice.
- BB. Before works commence, identify and protect the tree protection zone of "Tree 13" as identified in the Arboricultural Inspection Report (Arboriculture Pty Ltd, March 2022) with suitable temporary fencing to ensure protection during construction.

Permit Expiry

- CC. 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 before two (2) years from date of this permit.
- The development is not completed before four (4) years from the date of permit issue.
- 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:

- Within the area of native vegetation to be retained and any tree protection zone associated with the permitted use and/or development, the following is prohibited:
 - a) Any vehicle or pedestrian access, trenching or soil excavation, and
 - b) Storage or dumping of any soils, materials, equipment, vehicles, machinery or waste products, and
 - c) Entry or exit pits for underground services, and
 - d) Any other actions or activities that may result in adverse impacts to retained native vegetation.
2. That 14 trees (that now will not be planted along the foreshore) be planted at a nearby reserve or park.

Cr Cochrane left the meeting at 8:22pm.
Cr Cochrane returned to the meeting at 8:23pm.

CARRIED

Question Time

Cr Hua left the meeting at 8:28pm.
Cr Hua returned to the meeting at 8:32pm.
Cr Eden left the meeting at 8:38pm.
Cr Eden returned to the meeting at 8:45pm.
Cr Bearsley left the meeting at 8:50pm.
Cr Bearsley returned to the meeting at 8:53pm.

Ryan Siriwardene of Clayton South asked,

“Following up on a question I raised in November 2022 and the mayor said he will look into it. What will Kingston City Council will be doing to prevent road incidents occurring at the intersection on the corner of Heatherton and Westall road, Clayton South and Springvale South?”

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

“As advised in response to the public question at the Council Meeting on 12 December 2022, both Westall Road and Heatherton Road are arterial roads under the management of Department of Transport and Planning. This matter was sent to the Department of Transport and Planning (DTP) for consideration and we are awaiting a response. In relation to the other areas mentioned, both DTP and councils regularly review accident statistics and using priority criteria, identify and implement suitable treatments that can help improve safety.”

Michael Oldfield of Clayton South asked,

“Can we please have illegal dumping compliance signs on our electricity poles as we have a huge problem with illegal dumping between Main, Rosebank and Haughton /Oakes roads. In the City of Stonnington they have used this as a strategy to combat rubbish in high density problematic areas such as just described with great success. This is costing the ratepayers of Kingston and must be addressed, can you please motion for their implementation.”

The General Manager Environment and Open Space provided the following response,

“Council has ‘No Dumping’ signage that is placed in areas with high levels of illegal dumping across Kingston and will investigate suitable locations at the roads mentioned above to install more signs. The placement of signage on electricity poles is not allowed by the electricity provider and is strictly enforced. Signs can be placed on existing parking sign poles or on new poles where required. Kingston is introducing a new hard waste collection service on 1 July 2023 that will provide residents with choice of when they would like their hard waste to be collected - and which will also help reduce the occurrence of illegal dumping. This new service includes two complementary hard waste collections that can be used at any time in the financial year, making it easier for residents to book collections when they are needed, such as at end of lease or where large items require collection.”

Lisa asked,

Question 1 – “Please provide a breakdown of where our rates money is being allocated for spending. We would like to know where our rates money is going.

Question 2 - Why was this breakdown information removed from our bills?”

The Chief Finance Officer provided the following response:

Question 1 - “The information on how Council allocates all funding, including rates, is provided in the adopted budget. The 2022/23 Budget is accessible on Council’s website. The relevant information on service costs is contained within pages 24 to 43 of the 2022/23 Budget.

On page 43 of the 2022/23 Budget there is a summary of how \$194.8 million of operating expenditure is allocated between Council’s Strategic Directions:

- o Liveable, \$50.2 million*
- o Sustainable, \$23.2 million*
- o Prosperous, \$1.7 million*
- o Healthy & Inclusive, \$75.8 million*
- o Safe, \$7.5 million*
- o Well-governed, \$36.4 million*

Supporting details of the services and service costs that fit within each of the of the Strategic Directions is included across pages 24 to 43 of the budget.

Additionally, \$64 million of council contributions is allocated to the capital works program in 2022/23 and a full listing of projects is included in the budget, which again is accessible on Council’s website.”

Question 2 – “The rates brochure was streamlined in 2022/23, following community feedback that the previous document was too long. Officers will look to ensure that a breakdown of costs is readily available on Council’s website.”

Irina asked,

“Last meeting I asked a question “Why has the Council included immunisation / vaccination to our Council services, coming out of our rates?

- 1. Whose decision was this? As your response is very subjective and not explanatory?*
- 2. You said that the “Community will benefit from this”. This is a very broad and evasive answer. Where’s your research coming from? Please, show the research and statistics.*
- 3. Provide the name of a person in the Council who will take full legal responsibility for any adverse reactions including death from vaccines. This is not a service that all people will use (like rubbish bins). Therefore it should not be in our Council services, using our rates to pay for this. The community members that want to be vaccinated should go to their own doctors and use Medicare that is offered. The Federal government is already taxing for Medical services.”*

The General Manager Community Strengthening provided the following response:

Under the Governance Rules there is a limit of two questions per person, therefore only the first two questions will be responded to.

Question 1 - “Community immunisation for the public became available in Australia in 1926, however the National Immunisation Program was first introduced in Australia in 1997. Immunisation as a function of Council is declared within the Public Health and Wellbeing Act 2008 which at:

Division 3— Councils

Section 24 - Function of Councils sets out: The function of a Council under this Act is to seek to protect, improve and promote public health and wellbeing within the municipal district by—

At clause 24(f) the Act states co-ordinating and providing immunisation services to children living or being educated within the municipal district; as a function of Council.

Question 2 – “Research by the Australian Department of Health shows that community immunity, also known as herd immunity, protects the people in our community who can’t be vaccinated. If most people within a community are immune to a disease, then community immunity protects those people who aren’t immune by reducing their risk of infection.

To achieve community immunity for infectious diseases, coverage needs to be high. Highly infectious diseases such as measles needs a coverage rate of about 92 to 94 per cent to effectively protect the broader community from infection. The World Health Organization (WHO) considers immunisation to be the most effective medical intervention we have against preventable diseases in our communities, and a key component of primary health care. The WHO states that vaccines prevent an estimated 2 to 3 million deaths every year.

The Australian Department of Health research also shows a clear link between the implementation of vaccination programs in Australia in 1926 and the major decline in deaths due to these diseases since that time. For example, we no longer have deaths due to diphtheria. Before vaccines were available, this was one of the main causes of death in children, in which 1 in 10 children who contracted diphtheria died.”

Nicholas Swift asked,

“I have read the Plan Melbourne 2017-2050 which is the formal planning document to guide councils in implementation via principles, outcomes, directions and policies. Enshrined in this document is the outcome of 20 minute neighbourhoods, which I support. However I am concerned that in order to achieve another planned outcome of Net Zero emissions by 2050, the 20 minute neighbourhood may be implemented via geographical barriers and permit systems. Will Kingston City Council guarantee that they will never implement restrictions on movement via barriers, permits or fines?”

The General Manager Planning and Place provided the following response:

“As indicated in the January Council Meeting the 20 Minute Neighbourhood is an Urban Planning initiative designed to provide a more holistic approach to integrated planning. The Council has no powers or plans to implement restrictions on people’s lawful movement around its City.”

Sara asked,

“I heard about the 20 minute neighbourhood plan in the Kingston Council area.

- 1. Have you collected consents from the residents to implement it?*
- 2. Have you collected the residents’ opinions about their future lifestyle which will be significantly impacted?*
- 3. Have you informed the residents of these plans?”*

The General Manager Planning and Place provided the following response,

Under the Governance Rules there is a limit of two questions per person, therefore only the first two questions will be responded to.

“Council undertakes all its town planning functions in an open transparent manner and actively seeks community participation through a range of engagement initiatives. In response to Question 2: As reinforced in the response to the previous question

Council conducts thorough engagement when it undertakes its town planning functions."

Dr Damien Williams of Bonbeach asked,

"In considering various pressing matters relating to strategic land use in Kingston, such as the walking and cycling strategy being presented this evening, there appears to be an absence of any detailed analysis of the costs of parking private vehicles on public land. No other asset class seems to enjoy such favourable treatment. Like other similar cities, parking minimums and a lack of any real demand management strategies have resulted in an oversupply of finite open space being given over to cars to park on. This has real consequences for housing affordability, urban forest cover, inclusivity and the heat island effect. Is council willing to commission a proper analysis of alternatives to the current arrangements that will help to reduce Kingston residents' costly dependence on car transport?"

The General Manager Planning and Place provided the following response,

"Kingston has current Parking Management Policy which outlines details on how parking in Kingston is managed. The Policy sets out priorities on user groups in areas where there is competing parking demand. In key change areas in the municipality when planning permits are granted Council makes clear that opportunities for on street parking entitlements will not be provided to new residents on the permits it issues. This is intended to ensure that the dependency to park private vehicles on public land is reduced. A range of opportunities are presented to Council to examine how public spaces can be enhanced through the Councils adopted Climate and Ecological Emergency Response Plan, its Urban Cooling Strategy, its Integrated Transport Strategy and its Urban Forest Strategy which has recently finished community consultation."

Rosemary West of Edithvale asked,

*"Question 1 - Why does tonight's officer recommendation at Item 8.4 propose to undermine the well-established 3:1 replacement ratio proposed in the planning permit approved for Parkdale Yacht Club in August by proposing to plant only four instead of the originally proposed 12 banksias, ie to fall back to a 1:1 replacement ratio?
Question 2 - What is the point of Council spending ratepayers' money and taking up residents' time with surveys and an Urban Forest Strategy consultation when officers and councillors blatantly disregard the survey findings and Council strategies in their recommendations and decisions?"*

The General Manager Planning and Place provided the following response,

"The Council Officers in considering whether the 3:1 planting of Coast Banksias should be applied have considered the context in which the site is set. Council has an active program of planting Coast Banksia in a range of locations in the municipality and could provide for additional planting of this species in another location as part of its regular planning program."

Jillian Van asked,

"Further to my question at the previous Council Meeting, 30 January 2023. I have not received any clarification on this matter other than a brief phone call from a Council officer to say that the matter was being looked into. This matter is regarding the destruction and removal of trees, including approximately 20 mature coast banksia and she-oak trees, at Scope Australia, 2 Station Street, Aspendale. I would like to know what action Council are taking in this matter and the outcomes of any action taken to date. I would still like Council to demand that all future plans for the site at 2 Station Street, Aspendale be advertised via Council. We have been told that "discussions with the various stakeholders are ongoing, and these discussions will assist in reaching a

conclusion on whether a breach has occurred". I would like a further update be made and minuted by Council on Tuesday 27 February, 2023."

The General Manager Planning and Place provided the following response,

"Council Officers promptly followed up this matter on the day of the event and in the subsequent days thereafter. Officers have spoken with the occupier of the land, Scope Australia and are writing to them formally seeking confirmation as to whether or not the works were carried out on behalf of the DELWP (now DEECA) – Department of Energy, Environment and Climate Change or with its consent. The material reviewed to this stage and enquiries made by Officers do not at this time indicate that written permission has been provided. It is however important that a formal position is now sought from Scope Australia. Council has requested a formal response by the 13th March, 2023. Noting Ms. Van's continued interest in this matter a further update will be provided once the response is provided from Scope Australia."

Jillian Van asked,

"Feedback has been invited via an electric signboard on Station Street, Aspendale, regarding a change to speed limits on this street, On speaking to a member of the Customer Service Team, it was outlined to me that the speed limits be lowered to 50km/hour for Station Street from Mordialloc College to Eel Race Road in Carrum (excepting shopping zones which would remain at 40km/hour). Can I please remind Council, and ask for serious consideration, that for the residents of Aspendale and, I believe Bonbeach, Station Street is the only route for access and egress for our suburb. I believe that the lowering of the speed limit, which self-restricts in peak times anyway, will only lead to delays in cases of urgency/emergency as it is a single carriageway. What are the time-lines for this and will there be a trial period?"

The General Manager Planning and Place provided the following response,

"Station Street runs parallel to Nepean Highway and is an important cycling network. There have been a high number of accidents recorded along Station Street involving cyclists and we conducted a Black Spot funding study along Station Street in 2015. The study identified that speed along Station Street contributes to the accidents and there is also a lack of sightlines entering in from the side streets. Council implemented several traffic safety improvement treatments along Station Street at the intersections with the side streets, and also started the process to reduce the speed limit along Station Street from 60km/h to 50km/h. The speed limit reduction on Station Street is a proposal at this stage and is being consulted on through localised letter drops, electronic boards and through "Your Kingston Your Say" on Council's website. Feedback from residents and motorists on the proposal closes on 17 March and all feedback will be considered. There are no plans for a trial period. Council is required to demonstrate community support for any speed reduction application which will require approval from the Department of Transport and Planning."

Silvana Anthony of Heatherton submitted a question to which the CEO responded as follows,

"I have determined that this question will not be read out in accordance with 33.9.2 and 33.9.4 of the Governance Rules as it could cause embarrassment to a Councillor. A written response will be provided."

Gail Ash of Waterways asked,

"I have noticed at this stage 22 5G towers scattered around my vicinity. What negative research in your opinion have you found with the safety of those towers, and how many more will be erected? Is costing applied via Council or State Government? These were installed during lockdowns."

The CEO provided the following response,

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

Joe of Mentone asked,

"There are rumours that on the corner of Charman Road and Park Road is going to be a homeless, rough sleeper centre run by "Launching House". The question is, why wasn't any permit placed on the building notifying the businesses and residents of this coming into the neighbourhood. Shouldn't ratepayers have the ability to object to such a project?"

The General Manager Planning and Place provided the following response,

"We understand this is an existing operation that has operated for some time in Cheltenham. The use of land has existing use rights and the business is entitled to establish under the Kingston Planning Scheme."

Arthur of Aspendale Gardens asked,

"Bayside City Council last week opened the meeting with a prayer. Did Kingston Council, in the past, ever open the meeting with a prayer and if so, why would it have been removed from the agenda?"

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

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

Steve of Mordialloc asked,

"At the last meeting, you raised the issue of supporting the "voice referendum". Australia and Kingston doesn't need to be treated differently based on their heritage. Why would Kingston Council be introducing racism into the meeting? We are all "one" and we should not be divided."

The General Manager Community Strengthening provided the following response,

"At the Council meeting of 30 January 2023, Council made the following resolution: 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. "*

Elena and Robert asked,

"What was the consideration behind proposed changes to Aspendale railway crossing and restricting movement of cars and access to Nepean Highway?"

The General Manager Planning and Place provided the following response,

"My presumption is that the question relates to the Level Crossing Removal announcement in late 2022. We would like to provide Elena and Robert with more information about the level crossing removal works so that the question can be asked of the Level Crossing Removal Project who are responsible for undertaking those works."

Gail Ash of Waterways asked,

"I have not received a response to my email on Tuesday last week. Why are we not allowed to voice at meetings?"

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

"Public questions are managed in accordance with the Kingston City Council Governance Rules. These are available on our website. Public questions are read out by the Chief Executive Officer rather than the submitting gallery member. This ensures that any public questions verbalised are in accordance with those same Governance Rules."

Leanne asked,

"Why have the Council rates increased by at least \$150 this year, even further more for some residents and businesses? Families and businesses continue to struggle financially with increased interest rates and inflation. We ask you not to increase any Council rates."

The Chief Finance Officer provided the following response:

"Rates are set annually by Council and in line with the rate cap set by the Victorian Government. For the 2022/23 financial year the City of Kingston's rating outcome was for an overall increase of total average rates of 1.75% which was the level specified by the Victorian Government's rate cap. The increase in rates has funded the service that Council provides to our local community. Importantly, not everyone's rates will go up by the exact level of the rate cap, or 1.75%. Your rates in 2022/23 could increase by more or less than 1.75% because rates are also affected by changes in the value of your property. Properties right across Kingston are now independently valued every year by the Victorian Valuer-General. Higher value properties pay a greater share, while lower value properties pay a smaller share. The impact of changes in property values can affect the rating outcome for individual ratepayers."

Mark asked,

"Can you please let us know whether any of your Councillors or Council workers are attending the smart city expo being held on 14th/15th March in Sydney?"

The General Manager Planning and Place provided the following response,

"I am not aware of any officers attending."

Leanne asked,

"With the creation of a 20 minute city neighbourhood, is the Council providing any financial support to create the infrastructure required to implement the 20 minute neighbourhood?"

The General Manager Planning and Place provided the following response,
“20 Minute Neighbourhoods as identified in Plan Melbourne feature the following aspects: local shopping centres, local health facilities and services, local schools, lifelong learning opportunities, local playgrounds and parks, green streets and spaces, community gardens, sport and recreation facilities, safe streets and spaces, affordable housing options, ability to age in place, housing diversity, walkability, safe cycling networks, local public transport, well connected public transport, jobs and services within the region, local employment opportunities. The Council does provide financial support to a number of important features of the 20 Minute Neighbourhood.”

John asked,

“I’m not happy that our street lights have been changed to LED light poles. This was done without any consultation and no notice was given to residents. The radiation under LED lighting has gone above 170MT. My question – what is the process to remove these LED lights and go back to the old style of lighting?”

The General Manager Environment and Open Space provided the following response,

“Replacement of street lights with LED lights is in line with Council’s endorsed Climate and Ecological Emergency Response plan to reduce emissions. Street lighting is one of Council’s largest uses of energy and contributors to emissions. This approach is being implemented by many Councils and there is no plan to remove the LED globes.”

Michelle asked,

“Why are Councillors unable to stay on point? Other Council meetings manage to end at a reasonable time, yet Kingston Council meetings drag on for hours. The last one finishing at close to 11.30pm. Councillors went way off track talking for a very long time about the history of Australia which was completely irrelevant. We are aware of Australia’s history and don’t need to be schooled on such topics. I’m writing this because the public do not have a voice and this is the only way to make you aware. It is not OK to waste our time in this way. You expect the public to respect you, yet you do not afford us the same courtesy. You get paid for attending these meetings, we do not.”

The CEO provided the following response:

“It is a democratic process, we are no different to State and Federal governments. This is a decision-making process for Council to undertake these duties and they do so diligently. The time that they take to undertake coming to a decision is their determination to do it and they will take the relevant time necessary in order to achieve the desired result.”

8.5 Kingston Sustainable Business Awards

Moved: Cr Hill

Seconded: Cr Davey-Burns

That Council support the establishment of an annual Kingston Sustainable Business Awards Program with the inaugural awards event to be held in October 2023.

CARRIED

**City of Kingston
Ordinary Council Meeting**

Minutes

27 February 2023

9. Community Strengthening Reports

Nil

10. Infrastructure and Open Space Reports

10.1 Kingston's Draft Walking and Cycling Plan

Moved: Cr Davey-Burns

Seconded: Cr Hill

That Council:

1. Receive the draft Walking and Cycling Plan; and
2. Proceed to public consultation on the draft Walking and Cycling Plan.

CARRIED

10.2 Disc Golf at Bicentennial Park – Course Design Consultation Findings and Adoption

Moved: Cr Oxley

Seconded: Cr Hill

That Council:

1. Receive the community consultation feedback and comments regarding the proposed Disc Golf course design layout for Bicentennial Park, Chelsea;
2. Endorse the construction of a permanent Disc Golf course at Bicentennial Park (as set out in Appendix 1 and subject to changes outlined in 3.3); and
3. Refer the funding of the Disc Golf course to the development of the 2023/2024 Council capital works budget.

Cr Davies left the meeting at 9:19pm.

Cr Davies returned to the meeting at 9:21pm

CARRIED

10.3 Draft Wayfinding Strategy

Moved: Cr Staikos

Seconded: Cr Cochrane

That Council:

1. Endorse the release of the draft Wayfinding Strategy for community consultation; and
2. Receive a future report following community consultation with the outcomes and any changes to the Wayfinding Strategy for endorsement.

Cr Cochrane left the meeting at 9:33pm.

Cr Cochrane returned to the meeting at 9:35pm.

Cr Howe left the meeting at 9:37pm and did not return.

CARRIED

**10.4 Response to Resolution - Notice of Motion 24/2022 -
Educational/Historical Signage along Longbeach Trail**

Cr Hill left the meeting at 9:41pm.

Moved: Cr Oxley

Seconded: Cr Eden

That Council:

1. Note the opportunities presented in this report for educational/historical signage along Longbeach Trail;
2. Officers bring back a further report to a Councillor Information Session in April finalising 3x Trail sign designs to be installed by August 2023.

Cr Hill returned to the meeting at 9:44pm.

Cr Staikos left the meeting at 9:53pm.

Procedural Motion

Moved: Cr Cochrane

Seconded: Cr Davies

That the meeting be extended for 30 minutes until 10.30pm

CARRIED

The Substantive Motion was put and LOST

A Division was Called:

DIVISION:

FOR: Crs Eden and Oxley (2)

AGAINST: Cr Hill (1)

ABSTAINED: Crs Davey-Burns, Bearsley, Cochrane, Davies, Hua and Saab (6)

LOST

Cr Staikos returned to the meeting at 10:00pm.

Moved: Cr Oxley

Seconded: Cr Hill

That Council:

1. Note the opportunities presented in this report for educational/historical signage along Longbeach Trail;
2. Note that the designs of educational and historical signs will be finalised following community consultation on the draft Wayfinding Strategy and the endorsement by Council of the Wayfinding Strategy; and
3. Note that the installation of education/historical signs along Longbeach Trail will be prioritised.

Proposed Alteration – Cr Bearsley

That the motion be adopted with the following additional point 4:

4. Begin research and wording of the signs as soon as possible.

The proposed alteration was accepted by the Mover and Seconder

The Substantive Motion was put and CARRIED

The Resolution reads as follows:

Moved: Cr Oxley

Seconded: Cr Hill

That Council:

1. Note the opportunities presented in this report for educational/historical signage along Longbeach Trail;
2. Note that the designs of educational and historical signs will be finalised following community consultation on the draft Wayfinding Strategy and the endorsement by Council of the Wayfinding Strategy; and
3. Note that the installation of education/historical signs along Longbeach Trail will be prioritised.
4. Begin research and wording of the signs as soon as possible.

CARRIED

11. Customer and Corporate Support Reports

11.1 Informal Meetings of Councillors

RECOMMENDATION

That Council receive the report.

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

11.2 Quick Response Grants

RECOMMENDATION

That Council approve the following Quick Response Grant applications:

- Lemnian Community of Victoria Seniors Group - \$1,500.00
- Kingston Basketball Association Inc - \$1,500.00
- Chelsea Longbeach Surf Life Saving Club - \$1,500.00
- Avellino Circolo Pensioners of Springvale Inc – 1,500.00
- Dingley Senior Citizens Club - \$1,500.00

That Council not approve the following Quick Response Grant application:

- Make a Difference Dingley Village

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

11.3 Audit and Risk Committee Minutes - 14 December 2022

RECOMMENDATION

That Council receive the minutes of the Audit and Risk Committee meeting held on 14 December 2022.

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

11.4 Motions for Australian Local Government Association National General Assembly

RECOMMENDATION

That Council endorse the following motions to be submitted to the Australian Local Government Association for consideration at the June 2023 National General Assembly:

1. Regulation of Social Media Bullying towards Candidates and Councillors:
“The National General Assembly calls on the Australian Government to advocate on behalf of candidates and Councillors for additional resources and

powers, inclusive of increased penalties, for the eSafety Commissioner and other relevant bodies to address online bullying, harassment and trolling of candidates and Councillors on social media platforms, including but not limited to:

- Expanding the authority of the eSafety Commissioner to remove online abuse on online service provider platforms which would either fall under the current threshold of content with the 'intent of causing serious harm' or under a new threshold of 'unintentionally causing serious harm';
- Work with local governments to develop specific support and social media management programs and services for candidates and Councillors through the eSafetywomen program in the lead up to the next local elections across Australia."

2. Local Government Climate Resilience Projects and Funding:

"The National General Assembly calls on the Australian Government to:

- Partner with local government and invest in climate resilience projects; and
- Provide funding for a Community Climate Resilience fund, to increase resilience of Australian local government infrastructure and services, and their communities, to the impacts of climate change."

3. Community Infrastructure Program

"The National General Assembly calls on the Australian Government to establish a community infrastructure program to

- Provide funding to local governments in delivering major capital works in the face of significant inflationary pressures and reduced delivery capacity in the market, and
- rive shared use arrangements of regional (serving multiple municipalities) community, sporting, arts and cultural facilities across local, state and federal assets."

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

11.5 Motions for Municipal Association of Victoria State Council Meeting

RECOMMENDATION

That Council endorse the following motions to be submitted to the Municipal Association of Victoria for consideration at the May 2023 State Council Meeting:

1. Regulation of Social Media Bullying towards Candidates and Councillors:

"That the MAV advocate on behalf of candidates and Councillors for additional resources for the eSafety commissioner, Local Government Inspectorate and other relevant bodies to address online bullying, harassment and trolling of candidates and Councillors on social media platforms, including but not limited to:

- Expanding the authority of the eSafety Commissioner to remove online abuse on online service provider platforms which would either fall under the current threshold of content with the 'intent of causing serious harm' or under a new threshold of 'unintentionally causing serious harm';

- Work with local governments to develop specific support and social media management programs available for candidates and Councillors through the eSafetywomen program in the lead up to the 2024 elections.”
2. Aggregated Reporting of Childcare Reimbursements:
- “That the MAV advocate to the Minister for Local Government to amend the Local Government (Planning and Reporting) Regulations to not require reimbursements of childcare costs or expenses incurred by a Councillor who is a carer in a carer relationship as a reported expense item in the Annual Report or elsewhere published.”

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

11.6 Kingston Performance Report, October to December 2022

RECOMMENDATION

That Council note the status of the actions and strategic indicators (Performance Indicators) for quarter two – October to December 2022.

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

12. Chief Finance Office Reports

12.1 Fitra Community School Ltd at 43-45 Westall Road, Clayton South

Moved: Cr Staikos

Seconded: Cr Hua

That Council give public notice pursuant to section 115 of the Local Government Act 2020 and Council's Community Engagement Policy of its intention to grant the Fitra Community School Ltd an Agreement to Lease/Lease on the terms and conditions as set out in this report.

Cr Eden left the meeting at 10:07pm.

Cr Eden returned to the meeting at 10:08pm.

CARRIED

12.2 Quarterly Finance Report December 2022

RECOMMENDATION

That Council receive the December 2022 quarterly financial report.

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

**City of Kingston
Ordinary Council Meeting**

Minutes

27 February 2023

13. Notices of Motion

13.1 Notice of Motion No. 5/2023 - Cr Oxley - Water Safety Sessions

Moved: Cr Oxley

Seconded: Cr Eden

That Council contact Life Saving clubs in Kingston with the view to run basic water safety sessions for the community to improve safety in the bay for all, and that Council subsidise these sessions where required.

LOST

A Division was Called:

DIVISION:

FOR: Crs Eden and Oxley (2)

AGAINST: Nil (0)

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

LOST

Procedural Motion

Moved: Cr Oxley

Seconded: Cr Hill

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

CARRIED

13.2 Notice of Motion No. 6/2023 - Cr Oxley - Employment Support for Women

Moved: Cr Oxley

Seconded: Cr Eden

That Council trials offering local programs/opportunities for supporting women re-entering/entering the workforce considering offering:

- Upskilling opportunities
- Networking opportunities
- Job Opportunities
- Mentoring Opportunities
- Further skill enhancements

LOST

A Division was Called:

DIVISION:

FOR: Crs Eden and Oxley (2)

AGAINST: Nil (0)

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

LOST

**13.3 Notice of Motion No. 7/2023 - Cr Oxley - Guidelines for Amending
Planning Permit Conditions**

Cr Hill left the meeting at 10:44pm.

Moved: Cr Oxley

Seconded: Cr Eden

That Council introduce guidelines that require any changes (other than very minor changes that have no external impact) on Council projects that would change or alter a prior planning condition/permit to undergo community consultation to ensure the community is afforded an opportunity to have their say.

Cr Hill returned to the meeting at 10:47pm.

Procedural Motion

Moved: Cr Hill

Seconded: Cr Bearsley

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

CARRIED

The Substantive Motion was put and LOST

A Division was Called:

DIVISION:

FOR: Crs Eden and Oxley (2)

AGAINST: Crs Bearsley, Cochrane, Davies, Hill and Hua (5)

ABSTAINED: Crs Staikos and Saab (2)

LOST

Cr Davey-Burns left the meeting at 10:59pm.

**13.4 Notice of Motion No. 8/2023 - Cr Eden - Notices of Motion that Vary Past
Council Commitments**

Moved: Cr Eden

Seconded: Cr Oxley

That upon the filing of a Notice of Motion that would be contrary to past commitments or promises of Council, the Council notify any class or group of individuals who would have an interest (examples: submitters to a planning application, a community group that may be impacted or residents who may experience an impact on their property, etc. For the avoidance of doubt a group should be consulted where possible, rather than excluded.

This will ensure the community can at least be aware of a Councillors intent to vary a past commitment or direction of council that could result in negative impacts on a group or class of people. Therefore, by the passing of this motion Council commits to involving the community in decision making processes. Without the passing of this motion residents are left being excluded from decision making processes of Council and decisions can be made by stealth.

Cr Hua left the meeting at 11:01pm.

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Cr Davey-Burns returned to the meeting at 11:02pm.

Cr Hua returned to the meeting at 11:04pm.

Cr Cochrane left the meeting at 11:19pm.

Cr Cochrane returned to the meeting at 11:21pm.

LOST

A Division was Called:

DIVISION:

FOR: Crs Eden and Oxley (2)

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

LOST

14. Urgent Business

There were no items of urgent business.

15. Confidential Items

Nil

The meeting closed at 11.25pm.

Confirmed.....

The Mayor 27 March 2023