

Minutes

Ordinary Council Meeting

Monday, 28th August 2023

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**City of Kingston
Ordinary Council Meeting**

Minutes

28 August 2023

The meeting commenced at 7.08pm 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 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
Kelly Shacklock, Manager Governance, Risk and Integrity
Ellie Lockard, Governance Officer
Gabrielle Pattenden, Governance Officer
Justin Welsford, Media and Communications Advisor
Kate Waters, Manager Inclusive Communities
Emily Boucher, Manager Open Space
Astrid DiCarlo, Executive Manager Legal

1. Apologies

There were no apologies submitted to the meeting.

2. Confirmation of Minutes of Previous Meetings

Moved: Cr Staikos

Seconded: Cr Hill

That the Minutes of the Ordinary Council Meeting held on 24 July 2023 and the Special Council Meeting held on 14 August 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.

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Ordinary Council Meeting**

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4. Petitions

4.1 86 Mentone Parade, Mentone

Moved: Cr Hill

Seconded: Cr Oxley

That the petition be referred to the CEO for response.

CARRIED

4.2 Rooming House

Moved: Cr Oxley

Seconded: Cr Staikos

That the petition be referred to the CEO for response.

CARRIED

5. Presentation of Awards

Cheltenham Rotary

6. Reports from Delegates Appointed by Council to Various Organisations

There were no delegates' reports.

7. Question Time

Question time was held at 7.30pm. Refer to page 5 of the Minutes.

En Bloc Resolution

Moved: Cr Staikos

Seconded: Cr Davey-Burns

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

- 8.1 Climate and Ecological Emergency Response - Update
- 9.1 Kingston Interfaith Network Committee - New Member Endorsement
- 9.2 Community Awards 2024 - Program Review and Proposed Changes
- 9.4 2023 Kingston Youth Awards
- 10.1 Award of Contract CON-23/043 - Stormwater Drain Repair Services
- 10.2 Award of Contract CON-22/123 - Concrete Paving and Kerb & Channel Works
- 10.3 Award of Contract CON-22/014 - Root Pruning and Footpath Reinstatement Services
- 10.4 New Aquatic and Leisure Centre - Concept Design Community Consultation Outcomes
- 11.1 Governance and Compliance Report
- 11.2 Quick Response Grants
- 12.1 Technology One - Supply of Additional Licences

CARRIED

Question Time

Cr Davey-Burns left the meeting at 7:37pm.

Cr Davey-Burns returned to the meeting at 7:39pm.

Cr Howe left the meeting at 7:39pm.

Neil Fredman of Aspendale Gardens asked,

"I would like to know the reasons as to why there is a no dogs allowed policy along the Mordialloc Foreshore on ALL areas 24 hours a day 7 days a week.

Could you please provide a copy of the rule/law and provide the minutes of the meeting that lead to this change."

The General Manager Planning and Place provided the following response,

"Section 26 of the Domestic Animals Act 1994 states that a Council may, by resolution, make an order under this section which may prohibit the presence of dogs and cats in any public place of the municipal district of the Council.

The no dog zone in the Peter Scullin Reserve, Mordialloc has been in place for over twenty years. There are signs and ground stencils at the location to make people aware that dogs are not permitted. This area was established as a no dog zone due to the high usage of the reserve by families utilising the on-site barbeques and children's play areas.

In relation to the no dog zone along the Mordialloc Foreshore, City of Kingston undertook a public consultation process in 2001 on the Winter and Summer Foreshore Regulations. The current regulations in place that set out when and where dogs are allowed along the foreshore are a result of that consultation process, including the current No Dog area along the Mordialloc Foreshore. The foreshore regulations are available on the City of Kingston website.

Council has a responsibility to residents and visitors to formulate regulations in a balanced approach allow access for dogs to the foreshore. The City of Kingston has some 13 kilometres of foreshore, which the Council is required to manage. Much of the foreshore is accessible for dog walking all year around, but the No Dog Zone in Mordialloc is an important part of these regulations and provides an area for residents and visitors, who may not be comfortable around dogs, to enjoy.”

Gavin Nolan of Mentone asked,

Note: In accordance with 39.7 of the Governance Rules, the preamble to this question has been summarised as follows:

*“Council, to this stage of the aquatic project have emphasised the level of positive feedback and broad level of excitement of consultation participants. In 2021 council received a report which costed this project at between \$40 million and \$50 million dollars. In **tonight’s report under financial considerations**, the real cost to the community is that the current estimated project cost is **\$79.2 million. The cost of the land purchase is \$14.6 million** and now there are borrowings announced of over \$55 million that will incur interest.*

Will council commit to providing direct correspondence out to every one of the 60,000 ratepaying residences and detailing the true financial cost ramifications as outlined, and then get “real feedback” from the broad community before committing the community to these ongoing financial costs? And is there a point at which council say we can’t proceed?”

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

“After an extensive site identification process, Council resolved at the 9 May 2022 Special Council Meeting, to purchase 1-7 Wells Road in Mordialloc at \$14.6 million as the site for the new district-level aquatic and leisure centre.

The total project cost of \$79.2M has been widely publicised throughout the process of developing the project concept, in several ways. As outlined in the Council report tonight, the project costs were also included in a public report at the April 2023 Meeting, where Council endorsed funding of \$79.2M within the draft 2023/24 Budget and Long Term Financial Plan, that is comprised of:

- *\$55.95 million of Council borrowings (subject to finalisation depending on the level of grant funding achieved),*
- *\$20 million from the Australian Government, and*
- *\$3.25 million of Council rates*

Council is continuing to advocate to the State Government for financial support of \$10M-\$20M. The success of this will reduce Council’s need for borrowings and lessen the impact on loan repayments and future capital works programs.

With physical inactivity imposing high costs on Australian society, leading to higher rates of acute and chronic health conditions, a 2017 study conducted by Royal Life Saving indicated that just one weekly visit to a pool is enough to take most people out of the ‘physically inactive’ category. According to the study an average aquatic facility

creates \$ 2.72 million a year in value to the community, through health and wellbeing benefits.

As per Council resolution, the loan repayments have been incorporated and accounted for in Council's Budget and Long Term Financial Plan which have separately been subject to public exhibition. No additional correspondence is planned to be sent out.

In response to the second question, it is Council's decision to progress or cancel any project.

Following the closure of the Don Tatnell aquatic facility, Kingston has had a need for a second aquatic facility – not only to replace DT but also to meet community growth and needs. At the April 2021 Meeting Council adopted the Aquatic Facility Plan to guide strategic planning for aquatic and leisure facilities in Kingston. As set out in the plan, the short-term priority is the provision of a new district-level aquatic facility in the central/south of Kingston. The constraints at the Don Tatnell site made the location not feasible for the new facility.

Council, through subsequent resolutions, endorsed the purchase of the site in Mordialloc for the new facility, the Business Case and project budget, the Long Term Financial Plan, the appointment of the Principal Architect and design team, and the progression of the concept design to community consultation.

Termination of the project at any stage would incur abortive costs to Council, which would be most significant after the construction contractor is appointed."

Rosemary West of Edithvale asked,

"Given that Council's Urban Design report for the Mordialloc and Aspendale Level Crossing Removals (Item 8.4) notes:

- "The importance of the community's preference for more trees, parks, (and) open space"; and that*
- One of the last stretches of remnant Coast Banksia Woodland in Kingston is alongside the railway line and in Groves Reserve in Aspendale; yet*
- Council is proposing to relocate the Station Street Road crossing through Groves Reserve at the end of Pine Lane, with*
- An elevated railway bridge over the Pine Lane Road crossing that would result in the destruction of most of this last Coast Banksia Woodland remnant;*

Would Council consider proposing instead a road overpass over the railway line close to the existing Station Street crossing as this would enable the protection of the remnant Coast Banksia Woodland along the railway line and in Groves Reserve? And still enable a link between Attenborough Park and Groves Reserve under the overpass?"

The General Manager Planning and Place provided the following response,

"The design parameters for the project are being established by the Level Crossing Removal Project. The LXR has not indicated it is considering a road overpass over the railway line as suggested by Ms. West. The very preliminary thoughts of Council Officers are that such infrastructure would likely dominate the landscape in and around Attenborough Park and likely require significantly more land than the existing road to construct a two-lane each way elevated road. Council has already conveyed to the LXR the importance of the vegetation along the rail corridor and will continue to advocate for vegetation retention wherever possible."

Rosemary West of Edithvale asked,

“Given that Council’s draft Open Space Strategy (Item 10.5) proposes to:

- replace the Local Areas used in the 2005 & 2012 strategies with suburbs, and to*
- abandon the measure of how many hectares per 1000 residents are available per Local Area and hence*
- no longer correctly identifies areas of open space shortfall,*

Would Council consider amending the strategy to restore the ha/1000 measure for the Local Areas to better inform Councillors and officers re where more public open space is needed?”

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

“Measuring open space against the standard of 2.4ha/1000 population was adopted in the absence of state-wide policy in 2012. Planning for open space against a volume measure does not follow the principles outlined in the 2021 Open Space for Everyone State Strategy which focuses on fairness and equity of open space supply, along with diversity in the experience offered to users. The draft being presented tonight takes a more wholistic approach, consistent with modern open space planning methodologies.”

Tim asked,

“From “Climate and Ecological Emergency Response Plan”, City of Kingston blaming humans in climate change. In 100 years, temperature rise by almost 1.4°C, carbon dioxide 40% higher, rainfall is decline (we’ve had plenty of rainfall this year for sure) and the sea level approximately 225mm higher than in 1880. 1. Where’s all documented data and of measurements done in 1880, please provide. 2. Sea level is not rising so dramatically but it’s look like it’s very convenient for Council implement new regulations under this made up predictions to start to move community buildings proximate to the foreshore.”

The General Manager Planning and Place provided the following response,

“The Australia State of the Environment report said “Global sea level has been rising since the beginning of the 20th century and the rate of sea level rise is accelerating.” Since near-global satellite altimetry records began in 1993, global mean sea level has been rising at a rate of 3.3 millimetres per year, accounting to a total increase of nine centimetres from 1993 to 2020. Community buildings are only removed from areas proximate to the foreshore when Council receives appropriate expert advice to do so.”

Mya asked,

“The residents of Kingston area get letters from Kingston Council with back address, instead of “Melbourne” wrote “Bunurong Country”. When this change passes a Local Law? How was it authorised?”

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

“There is no need for Council to pass a Local Law in order to reference Bunurong Country as part of a return address, however any such action that recognises the traditional owners and custodians of the land in our Municipal boundaries is consistent with Council’s Reconciliation Action Plan, the most recent innovation plan, as adopted by this Council at its Council Meeting on 26 April 2022.”

Vicki asked,

“Why is there such a high crime rate and Southland is abandoned after years and all shops closed. I’ve lived in Cheltenham since 1988 and I don’t recognise the suburb any more.”

The Chief Executive Officer provided the following response,

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

Pamela asked,

“My question follows up previous about Council’s question form paper version. You advise it to write to a Council letters or email. I think it’s wrong when public asking to change the form to make more convenience to a public/people that not using computers, that want to come to the meeting and ask question and get good and satisfied answer. How much effort you need to put just for making more lines in the form?”

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

“We will amend the public question forms online and in hard copy available from the front of the chamber to extend the number of lines available to write upon, though of course under long-standing provision 39.7 of our Governance Rules, questions must be as brief as possible.”

Wandzia asked,

On 24th July 2023 I asked a very specific questions which was how many full time and part time staff and volunteer or others are employed or involved in the Kingston Council Queer Group for 12-17 year olds which was mentioned in the winter edition of Kingston Your City. This questions was not answered properly saying “an appropriate number” is not answering the specific question. I am asking for numbers.

The General Manager Community Strengthening provided the following response,

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

8. Planning and Place Reports

8.1 Climate and Ecological Emergency Response - Update

RECOMMENDATION

That Council:

1. Receive the report;
2. Note that a copy of this update will be provided to Council's Audit and Risk Committee; and
3. Note the establishment of a formal Steering Committee to drive the actions within the CEERP.

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

8.2 Amendment C215king - 86 Mentone Parade, Mentone Consideration of Submissions

Moved: Cr Hill

Seconded: Cr Staikos

That Council:

1. Receive and consider the submissions lodged in relation to Amendment C215king (Appendix 2);
2. Request that the Minister for Planning appoint a Planning Panel under Part 8 of the *Planning and Environment Act 1987* to consider submissions and report on Amendment C215king; and
3. Receive a further report at the conclusion of the Planning Panel process on Amendment C215king.

Cr Howe returned to the meeting at 7:47pm.

Cr Howe left the meeting at 8:06pm.

Cr Howe returned to the meeting at 8:10pm.

Cr Howe left the meeting at 8:23pm.

Cr Howe returned to the meeting at 8:23pm.

Cr Howe left the meeting at 8:25pm.

Cr Howe returned to the meeting at 8:26pm.

Cr Howe left the meeting at 8:26pm.

Cr Howe returned to the meeting at 8:27pm.

CARRIED

A Division was Called:

DIVISION:

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

AGAINST: Crs Eden, Howe, Hua and Oxley (4)

CARRIED

8.3 Draft Kingston Green Wedge Management Plan 2023 for Consultation

Moved: Cr Staikos

Seconded: Cr Davies

That Council:

1. Note the community feedback received in relation to the draft Kingston Green Wedge Management Plan 2021.
2. Endorse the draft Kingston Green Wedge Management Plan 2023 for the purpose of community consultation.
3. Undertake a six-week consultation program to seek community, landowner, previous submitters, and stakeholder feedback in relation the draft Kingston Green Wedge Management Plan 2023.
4. Receive a further report from officers following the conclusion of the community consultation period considering any submissions received on the draft Kingston Green Wedge Management Plan 2023.

Cr Oxley left the meeting at 8:31pm.

Cr Hill left the meeting at 8:32pm.

Cr Hua left the meeting at 8:32pm.

Cr Howe left the meeting at 8:32pm.

Cr Eden left the meeting at 8:33pm.

Cr Oxley returned to the meeting at 8:33pm.

Cr Hill returned to the meeting at 8:33pm.

Cr Hua returned to the meeting at 8:36pm.

Cr Eden returned to the meeting at 8:38pm.

Note: Cr Staikos requested and was granted by the Chairperson an extension of time to speak on the matter.

CARRIED unanimously

8.4 Mordialloc and Aspendale Level Crossing Removal Project: Urban Design Framework - Design Response

Moved: Cr Cochrane

Seconded: Cr Bearsley

That Council:

1. Note the community consultation feedback on the Mordialloc Level Crossing Removal Project;
2. Adopt the Mordialloc Level Crossing Removal Project – Design Response, subject to:
 - 2.1. the removal of all text and plan references to the proposed widening of the existing station forecourt off Main Street;
 - 2.2. a change to Proposed Initiative 1.1 to delete the words ‘at Pine Crescent, Aspendale’ and replace these words with ‘as far south as is possible in order to minimise vegetation loss’;
 - 2.3. delay actively promoting a signalised intersection at McDonald Street and Main Street until Council has had the opportunity of reviewing the traffic modelling work completed by the Level Crossing Removal Project; and
 - 2.4. undertake consultation with the land owner of the site at the corner of Bear and Albert Streets regarding the Proposed Initiative 1.14 to then determine whether this option should be further pursued through Council’s advocacy to the LXR.
3. Use the Mordialloc Level Crossing Removal Project – Design Response as a basis to inform the community about key aspects which are deemed critical to influencing a successful design outcome in Mordialloc;
4. Write to the Minister for Transport Infrastructure and Chief Executive Officer of the Level Crossing Removal Project advising of the adoption of the Design Response and reinforcing the importance of the ‘key design moves’ identified following extensive early community engagement; and
5. Receive a further update once the draft Urban Design Framework has been prepared for community consultation later in 2023.

Cr Eden left the meeting at 8:45pm.

Cr Eden returned to the meeting at 8:48pm.

Cr Oxley left the meeting at 8:50pm.

Cr Oxley returned to the meeting at 8:51pm.

CARRIED

9. Community Strengthening Reports

9.1 Kingston Interfaith Network Committee - New Member Endorsement

RECOMMENDATION

That Council appoint the following recommended candidates to the Kingston Interfaith Network Committee:

1. Stephen Chew – ZEE CHENG KHOR Moral Uplifting Society
2. Rabbi Zachary Gomo – Chabad of Dingley Village

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

9.2 Community Awards 2024 - Program Review and Proposed Changes

RECOMMENDATION

That Council endorse the updated eligibility criteria for the Community Awards 2024.

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

9.3 Community Grants Review - Proposed Community Grants Model

Moved: Cr Davey-Burns

Seconded: Cr Oxley

Approve the proposed community grants model for a public exhibition period, as outlined in section 3.2 of the officer report subject to the following change:

- Operational and Partnership Grants, Community Bi-Annual Grants and Community Festivals and Events Grants be presented to Council for endorsement and not by delegation.

Cr Cochrane left the meeting at 8.59pm.

Cr Staikos left the meeting at 8:59pm.

Cr Cochrane returned to the meeting at 9:02pm.

Cr Staikos returned to the meeting at 9:04pm.

CARRIED

9.4 2023 Kingston Youth Awards

RECOMMENDATION

That Council:

1. Determine the winner for the Young Citizen of the Year award ahead of the Youth Awards Event on 26 September 2023 as per Confidential Appendix 1; and
2. Determine, pursuant to Section 125 of the Local Government Act 2020, that the identity of the award winner be made publicly available on 26 September 2023.

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

10. Infrastructure and Open Space Reports

10.1 Award of Contract CON-23/043 - Stormwater Drain Repair Services

RECOMMENDATION

That Council:

1. Award Contract No. 23/043 – Stormwater Drain Repair Services as a Schedule of Rates Contract to a panel of two (2) contractors namely Scope Building Projects Pty Ltd and Paper Street Pty Ltd, at their tendered rates based upon Council's anticipated work quantities for the initial contract period from 1 September 2023 to 31 August 2026; and
2. Authorise the Chief Executive Officer, or their delegate, to exercise the one (1) option to extend the contract for one (1) year at the completion of the initial contract period, subject to satisfactory performance under one or more categories, to a maximum contract term of three (3) years from the commencement date, with a maximum total three (3) year cost of \$2,200,000 excluding GST.

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

10.2 Award of Contract CON-22/123 - Concrete Paving and Kerb & Channel Works

RECOMMENDATION

That Council:

1. Award Contract No. 22/123 – Concrete Paving and Kerb & Channel Works as a Schedule of Rates Contract to a panel of three (3) contractors namely Morisons Concreting Pty Ltd, Paper Street Pty Ltd (trading as Metro Plant & Civil Services) and Future Civil Group Pty Ltd, at their tendered rates based upon Council's anticipated work quantities for the initial contract period from 1 September 2023 to 31 August 2026; and
2. Authorise the Chief Executive Officer, or delegate, to exercise the option to extend the contract for one (1) further period of two (2) years at the completion of the initial contract period, subject to satisfactory performance under one or more categories, to a maximum Contract Term of five (5) years from the commencement date, with a maximum total five (5) year cost of \$7,000,000 excluding GST.

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

10.3 Award of Contract CON-22/014 - Root Pruning and Footpath Reinstatement Services

RECOMMENDATION

That Council:

1. Award Contract No. CON22/014 - Root Pruning and Footpath Reinstatement Services (Panel) as a Schedule of Rates contract to Citywide Service Solutions Pty Ltd, Dianabelle Pty Ltd (Hydrox) and Arbortrust Pty Ltd as a panel of contractors for an initial contract period of two years at the projected cost of \$1,000,000 excluding GST for the first year and \$500,000 for subsequent years spread across the three companies, commencing 1 September 2023; and
2. Authorise the Chief Executive Officer, or delegated authority to exercise the Council's option to extend the contract for a further two (2) years at the completion of the initial contract period (2 years) subject to the Contractor's satisfactory performance.

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

10.4 New Aquatic and Leisure Centre - Concept Design Community Consultation Outcomes

RECOMMENDATION

That Council:

1. Note the overwhelmingly positive feedback from the community engagement on the draft concept design for Kingston's new aquatic and leisure centre in Mordialloc; and
2. Endorse that the concept design presented to the community and as detailed in Appendix 1, proceeds to the next phase of design for the district level aquatic and leisure facility.

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

10.5 Draft Open Space Strategy

Moved: Cr Davey-Burns

Seconded: Cr Oxley

That Council endorse the draft Open Space Strategy to proceed to community consultation.

CARRIED

11. Customer and Corporate Support Reports

11.1 Governance and Compliance Report

RECOMMENDATION

That Council:

1. In the exercise of the powers conferred by s147(4) of Planning and Environment Act 1987 resolve that:
 - a) The members of Council staff referred to in the instruments attached be appointed and authorised as set out in the instrument, and
 - b) The instrument comes 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.
2. Receive the Informal Meetings of Councillors Records as attached in Appendix 6.
3. Receive the Minutes of the Audit & Risk Committee meeting in Appendix 5 that was held on 22 June 2023
4. Note the request from Councillors for a Councillor workshop to provide further input on the draft Walking and Cycling Plan; and
5. Endorse that a report on options for additional cycling projects to be funded in 2023/24 be deferred from the date in the June 2023 Council Meeting resolution of July or August 2023, to October 2023.

Note: Refer to page 5 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:

- The Chinese International Cheongsam Association of Australia Inc – \$1500.00
- Henan Province Hometown Association of Australia Inc – \$1500.00 (subject to the acquittal of a previous grant)
- Carrum Cricket Club Inc – \$1500.00
- Vic SES Chelsea – \$1500.00
- St Louis de Montfort's Primary School – \$1500.00
- Make a Difference Dingley Village – \$1500.00
- Moorabbin Bowling Club Inc - \$1100.00

That Council not approve the following Quick Response Grant application:

- Red Chamber Chinese Art Group Inc

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

12. Chief Finance Office Reports

12.1 Technology One - Supply of Additional Licences

RECOMMENDATION

That Council:

1. Approve the purchase of the Contracts Module and Business Analytics Licenses from Technology One including implementation at an additional contract expenditure estimated at \$441,089.35 ex GST over 3 years;
2. Authorise the Chief Executive Officer to approve the purchase of any additional licenses from Technology One as may be required during the term of the contract, subject to budget availability; and
3. Authorise the Chief Executive Officer or delegate to execute the Contract

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. 22/2023 - Cr Davey-Burns - Facilities at Turner Road Reserve

Cr Howe returned to the meeting at 9:23pm.

Moved: Cr Davey-Burns

Seconded: Cr Staikos

That Council:

1. Recognise the inadequate and potentially unsafe public toilet facilities at the Turner Street Reserve playground, noting that these public toilets are not DDA compliant nor do they align with Crime Prevention Through Environmental Design (CPTED) principles at this critical location.
2. Recognise the urgency of works required to bring the Highett Football and Netball Club main pavilion building (HFNC) up to standard to enable both male and female umpires to have equity of access, and safer storage of gas and sport equipment.
3. Provide a report as soon as possible for the relocation of the public toilet from within the Highett Football and Netball Club main pavilion building to a location that supports community access to the playground and ovals, used by dog walkers, cricket/football players and broader community and ensuring these public toilets are identified in the review of the Public Toilet Strategy.
4. Include within the report, advice on possible design options and costings to convert the current unsafe toilets to an all gender umpire change facilities and storage area and explore opportunities to make the current change room facilities female friendly with the potential to put forward for a Local Community Sports Infrastructure Grant submission.

Cr Hill left the meeting at 9:27pm.

Cr Hill returned to the meeting at 9:29pm.

CARRIED

13.2 Notice of Motion No. 23/2023 Cr Oxley - Glyphosate / Weedkiller Advisory Signage

Moved: Cr Oxley

Seconded: Cr Cochrane

That when Council sprays herbicides, weed killer or glyphosates in publicly accessible areas that Council displays advisory signage advising of the type of weed killer/herbicide used and the date of spraying for a period of no less than 3 days, or longer where the dye in the herbicide/weed killer is still visible.

Cr Cochrane left the meeting at 9:47pm.

Cr Cochrane returned to the meeting at 9:48pm.

Procedural Motion

Moved: Cr Staikos

Seconded: Cr Davey-Burns

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 Cochrane, Eden, Howe, Hua and Oxley (5)

AGAINST: Crs Staikos, Bearsley, Davies and Saab (4)

ABSTAINED: Crs Davey-Burns and Hill (2)

LOST

13.3 Notice of Motion No. 24/2023 - Cr Oxley - Heritage Interim Control Delegations

Moved: Cr Oxley

Seconded: Cr Howe

That officers provide a report to Council in the September cycle outlining:

- The current process used for applying heritage interim controls to a property within Kingston including what consultation if any occurs with the affected property owner
- Any internal processes including consultation with ward Councillors
- The delegations that officers have to apply these interim controls without the need for a council resolution
- Options for Council consideration whereby Council may decide (via Special Council Meeting if required) to apply interim controls and the pros/cons of this option.

Cr Davies left the meeting at 9.52pm.

Cr Davies returned to the meeting at 9.54pm.

LOST

A Division was Called:

DIVISION:

FOR: Crs Eden, Howe, Hua and Oxley (4)

AGAINST: Crs Staikos, Hill and Saab (3)

ABSTAINED: Crs Davey-Burns, Bearsley, Cochrane and Davies (4)

LOST

13.4 Notice of Motion No. 25/2023 - Cr Oxley - Chelsea Pedestrian Links

Moved: Cr Oxley

Seconded: Cr Bearsley

That officers provide a report to Council no later than December 2023 outlining:

1. Advocacy/discussions undertaken in relation to this matter.
2. Feedback already provided from residents/traders/community groups.
3. Feedback sought from the above groups.
4. Options for improved pedestrian connectivity.

Cr Hua left the meeting at 10:14pm.

Cr Eden left the meeting at 10:14pm.

Cr Eden returned to the meeting at 10:15pm.

Cr Hua returned to the meeting at 10:17pm.

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

CARRIED

14. Urgent Business

There were no items of urgent business.

15. Confidential Items

Moved: Cr Staikos

Seconded: Cr Hua

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

15.1 Legal Matter

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

- because it is legal privileged information, being information to which legal professional privilege or client legal privilege applies (section 3(1)(e)), and
- the explanation as to why the specified ground/s applies is disclosure of any of this information could constitute waiver of Council's legal professional privilege, meaning Council could then be obliged to produce this information including its legal advice to Monash City Council or other parties, substantially prejudicing Council's ability to recover some or all of its legitimate entitlements.

CARRIED

Cr Oxley left the meeting at 10:19pm and did not return.

Cr Eden left the meeting at 10.19pm and did not return.

Cr Cochrane left the meeting at 10.19pm and did not return.

Cr Howe left the meeting at 10.20pm and did not return.

The meeting was closed to members of the public at 10.20pm.

Moved: Cr Staikos

Seconded: Cr Davey-Burns

That the meeting be opened to members of the public.

CARRIED

The meeting was opened to members of the public at 10.24pm.

The meeting closed at 10.24pm.

Confirmed.....

The Mayor 25 September 2023