

# Minutes

## Ordinary Council Meeting

**Monday, 22nd May 2023**



City of  
**KINGSTON**

*community inspired leadership*

**City of Kingston  
Ordinary Council Meeting**

**Minutes**

**22 May 2023**

**Table of Contents**

1.	Apologies .....	3
2.	Confirmation of Minutes of Previous Meetings .....	3
3.	Foreshadowed Declaration by Councillors, Officers or Contractors of any Conflict of Interest .....	3
	<i>[Note that any Conflicts of Interest need to be formally declared at the start of the meeting and immediately prior to the item being considered – type and nature of interest is required to be disclosed – if disclosed in writing to the CEO prior to the meeting only the type of interest needs to be disclosed prior to the item being considered.]</i>	
4.	Petitions .....	4
5.	Presentation of Awards .....	<b>Error! Bookmark not defined.</b>
6.	Reports from Delegates Appointed by Council to Various Organisations.....	4
7.	Question Time.....	4
8.	Planning and Place Reports.....	5
9.	Community Strengthening Reports .....	10
10.	Infrastructure and Open Space Reports .....	11
11.	Customer and Corporate Support Reports .....	13
12.	Chief Finance Office Reports .....	15
13.	Notices of Motion .....	17
14.	Urgent Business.....	18
15.	Confidential Items .....	19

**City of Kingston  
Ordinary Council Meeting**

**Minutes**

**22 May 2023**

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  
Cr Tim Cochrane  
Cr Jenna Davey-Burns  
Cr David Eden  
Cr Cameron Howe  
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  
Kelly Shacklock, Acting Manager Governance  
Stephanie O’Gorman, Team Leader Council Governance  
Patrick O’Gorman, Governance Officer  
Gabrielle Pattenden, Governance Officer

**1. Apologies**

Apologies from Cr Davies and Cr Hua were submitted to the meeting.

**Moved: Cr Oxley**

**Seconded: Cr Staikos**

That the apologies from Cr Davies and Cr Hua be received.

**CARRIED**

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

**Moved: Cr Hill**

**Seconded: Cr Staikos**

That the Minutes of the Ordinary Council Meeting held on 26 April 2023 and the Special Council Meeting held on 17 May 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.

**City of Kingston  
Ordinary Council Meeting**

**Minutes**

**22 May 2023**

**4. Petitions**

Nil

**5. Presentation of Awards**

Nil

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

Nil

**7. Question Time**

Question time was held at 7.36pm. Refer to page 6 of the Minutes.

**En Bloc Resolution**

**Moved: Cr Hill**

**Seconded: Cr Davey-Burns**

- 8.1 Town Planning Application Decisions - April 2023
- 8.4 Response to Resolution - Notice of Motion No. 25/2022 - Use of Car Stackers
- 10.1 Award of Contract CON-22/090 - Church Road, Carrum (No. 45 to Eel Race Road) Reconstruction
- 10.2 Award of Contract CON 23/003 - Hard Waste Services
- 10.3 Award of Contract CON 23/002 - North Cheltenham Preschool
- 11.2 Kingston Performance Report, Quarter Three, January to March 2023
- 11.3 Award of Contract CON-23/019 - Supply of Microsoft Licences
- 11.4 Quick Response Grants
- 11.5 Informal Meetings of Councillors
- 12.2 Quarterly Finance Report March 2023
- 12.3 Hardship and Debt Collection Policy Review

**CARRIED**

**8. Planning and Place Reports**

**8.1 Town Planning Application Decisions - April 2023**

**RECOMMENDATION**

That the report be noted.

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

**8.2 Rossdale Golf Course - Update**

**Moved: Cr Bearsley**

**Seconded: Cr Hill**

That Council:

1. Note the content of this report as a preliminary response to commencement of engagement by the Rossdale Golf Club regarding the Golf Course;
2. Write to the Minister for Planning to outline Council's concerns in relation the structure and practical application of the 'Planning Guidelines for Conversion of Golf Course Land to Other Purposes'; and
3. Inform the proponent of Council's view that the progression of this matter under the 'Planning Guidelines for Conversion of Golf Course Land to Other Purposes' is premature and that other potentially relevant legislation, Planning Practice Note 46 and Steps 1 to 4 of the Guidelines require further consideration.

**CARRIED**

**Note:** Cr Hill requested and was granted by the Chairperson additional time to speak on the matter.

**Question Time**

**John asked,**

Recently Kingston Council deployed double security at Kingston Council meetings. The question is what for? You didn't have any incidents at any meetings at all, what is the reason to spend more ratepayer's money on more workers?

**The Acting Manager Governance provided the following response,**

Security at Council meetings has been a long-standing practice to ensure the safety of Councillors, staff and community members who attend the gallery in person. In January, an additional security guard was engaged to respond to the assessed safety risk. We will continue to take a risk-based approach to ensure reasonable, necessary and proportionate safety controls are in place.

**Irina asked,**

The Kingston Council building at 1230 Nepean Highway, Cheltenham, Vic has multiple 5G towers on top of the roof. The question is, how does Kingston Council protect themselves and their workers from 5G radiation? Does Kingston Council have compensation policies for radiation injuries? Check the attachment for all serious damage it's caused to people, animals, birds and plants.

**The Acting Manager Governance provided the following response,**

Kingston City Council has Health and Safety policies in place to ensure the safety of our staff and the community. Where risk is identified appropriate controls are put in place to keep our staff and Community Safe. Where an employee is injured at work Kingston City Council has Workcover Insurance to cover its liabilities under the Workplace Injury and Compensation Act. Staff and community are prohibited from entering the roof space at 1230 Nepean Hwy, with the exception of maintenance staff and authorised contractors.

**Dr Damian Williams of Bonbeach asked,**

My question relates to item 8.3 of tonight's agenda. We learned at last month's meeting that all of the funding for the consultants engaged by Council for Chelsea and Edithvale traders over 2021-2 was provided by LXRP. This is the opposite of what the same consultants told the Longbeach Traders Association at their AGM last year. Why were traders not informed at the outset that funding for consultants provided to them had come entirely from LXRP, and not out of Council's budget?

**The General Manager Planning and place provided the following response,**

Council apologises that this was not appropriately conveyed at the meeting of the Longbeach Traders Association AGM last year. Unfortunately, this confusion may have come about as Council Officers were project managing the engagement of the consultants. Council's Team Leader of Kingston Business will email the Longbeach Traders Association to clarify this point and ensure its representatives are properly updated.

**Dr Damian Williams of Bonbeach asked,**

This evening's update on Rosedale Golf Course notes that the Club has advised Council of its resolution to sell the site 'due to a lack of financial viability in its current location'. In any of the meetings or correspondence that Council has had with Rosedale since November 2022, has the Club presented any independently audited copies of its accounts that demonstrate its true financial position?

**The General Manager Planning and place provided the following response,**

The Club has provided copies of its recent independently-audited financial statements to Council's Chief Financial Officer to review. Beyond the provision of this material to the Council and a summary provided by representatives of the club regarding its position the focus for the Council to this time has largely been on 'process' related considerations as reinforced in the preliminary update report presented to Council as part of the Agenda for tonight's Ordinary Council Meeting. It remains an option for the club to provide or the Council to request a more detailed independent audit of its accounts noting this consideration is one of many involved in the assessment framework that would consider any possible land use change.

**Rosemary West asked,**

The report at Item 8.5 (pages 55.57) reveals that 12 indigenous Coast Banksias have been approved for removal, with no proposal to replace them on-site. This would breach Council's three for one re-planting rule, which has been reaffirmed in the draft Urban Forestry Strategy. 1. Will Council replace the 12 Coast Banksias three for one on the foreshore, in accordance with established policy? 2. If not, why not?

**The General Manager Planning and place provided the following response,**

The report and the attachment indicate that 32 trees are proposed to be planted which comprise 20 Drooping Sheok and 12 Coast Banksias. The report does not indicate that 12 indigenous Coast Banksias have been approved for removal nor is this the Officers understanding of what has occurred as part of the works for the Mentone Life Saving Club. Condition 5 of the Planning Permit KP/2020/420 identifies five Coast Banksias to be retained as part of the Mentone Life Saving Club works. Should evidence be available that 12 Coast Banksias have been removed this matter could be further considered by Council.

**Ian asked,**

Since when does the Kingston Council own the nature strip? My question is regarding the rights to the nature strip. In my street, several people were threatened with a large fine if they did not remove the rocks. This was unreasonable as they were only given a few days' notice. And may indeed have been a totally unfounded request. The rocks were placed there to prevent unknown people from parking on the grass and ruining it.

**The General Manager Planning and place provided the following response,**

Council's nature strip guidelines indicate that Council is responsible for ensuring nature strips allow for safe and accessible public space. If Ian would be kind enough to provide the street he is referencing, this matter can be further reviewed.

**Margaret asked,**

Why is the Kingston Council selectively ignoring some questions? The Council is obligated to give satisfactory answers to the ratepayers. If residents ask some questions again, or in a different way, it means they are not satisfied with your answers. This issue needs to be addressed.

**The Acting Manager Governance provided the following response,**

The Governance Rules set out the provisions of how question time is managed. Part of these rules sets out the requirements of what questions will be accepted as part of question time at the Council Meeting. The Governance Rules, specifically rule 39.9 references that repeated questions will not be read out.

**Gail Ash asked,**

As a concerned 71 year old, my question is related to the humane side of life. As you are the third tier of government, are you supporting the WEF and the C4O? You will own nothing and by happy. I fear for the future of your grandchildren and mine. C4O.org. So many restrictions.

**The General Manager Community Strengthening provided the following response,**

We note the question and concerns and a response will be provided in writing.

**Amanda asked,**

How much money does Kingston Council have saved in the kitty? And wouldn't it be honourable to distribute some back to the ratepayers in cash? Times are hard!

**The Chief Finance Officer provided the following response,**

For the March quarter the operating result was \$61.1m and this was \$7.2m favourable to budget and underpinned by:

- Higher grants and interest income
- Lower materials and services

The cash position of council is \$164 million and these funds are committed to our capital works projects, the operating budget that delivers on our community programs, and funds held in dedicated reserves and trusts for specified purposes - the expenditure of this funding is allocated through the annual budget process, which officers expect to bring back to Council in June for adoption. These are certainly challenging times for our community and all funds are utilised for community purposes.

**8.3 Response to Resolution - Notice of Motion 52/2020 - Trader and Community Working Group in Chelsea, Edithvale and Chelsea Heights**

**Moved: Cr Oxley**

**Seconded: Cr Eden**

That Council:

1. Receive this report;
2. Note that the traders and broader community remain interested in participating in direct engagement as part of the capital works projects identified under Section 3.3 of this report, but do not wish to commence formalised working groups at this time;
3. Utilise its social media platforms to promote active strategic planning work and place-based capital works initiatives across Chelsea, Edithvale, and Chelsea Heights (Thames Promenade) Activity Centres; and
4. Formulate a mailing list of community members and traders that would be interested in being provided updates and being involved in consultation and engagement as capital works in the local area are planned and scheduled.

**CARRIED**

**8.4 Response to Resolution - Notice of Motion No. 25/2022 - Use of Car Stackers**

**RECOMMENDATION**

That Council:

1. Note the findings of this report and the feedback received from other Councils;
2. Commence work to formulate a motion to the Municipal Association of Victoria regarding the regulations associated with the use of Car Stackers; and
3. Write to the Victorian Minister for Planning to request that State Government provide clear direction as to the preferred use and design of car stackers to address the issues identified in the feedback received from other Councils.

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

**8.5 Response to Resolution - Notice of Motion No. 3/2023 - Review of Approved Landscape Plans for Mentone Life Saving Club**

**Procedural Motion**

**Moved: Cr Hill**

**Seconded: Cr Cochrane**

That consideration of this item be deferred until the June Ordinary Council Meeting.

**CARRIED**

**City of Kingston  
Ordinary Council Meeting**

**Minutes**

**22 May 2023**

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**9. Community Strengthening Reports**

Nil

**10. Infrastructure and Open Space Reports**

**10.1 Award of Contract CON-22/090 - Church Road, Carrum (No. 45 to Eel Race Road) Reconstruction**

**RECOMMENDATION**

That Council:

1. Note the outcome of the tender assessment process for Contract 22/090 – Church Road, Carrum (No. 45 to Eel Race Road) Reconstruction as set out in confidential Appendix 1 attached to this report;
2. Award Contract 22/090 - Church Road, Carrum (No. 45 to Eel Race Road) Reconstruction for the fixed lump sum price of \$1,562,306.00 (exclusive of GST) to Delfino Paving Co Pty Ltd; and
3. Approve the allocation of a separate contingency of up to 10% of the contract sum and delegate authority to the CEO or delegate to expend this allowance to ensure to successful completion of the project

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

**10.2 Award of Contract CON 23/003 - Hard Waste Services**

**RECOMMENDATION**

That Council:

1. Award Contract No. 23/003 – Hard Waste Services as a Schedule of Rates Contract to Total Waste Solutions, at their tendered rates based upon Council's anticipated work quantities for the initial contract period from 1 July 2023 to 30 June 2028, up to a maximum value of \$14,500,000 excluding GST for the full seven year contract; and
2. Authorise the Chief Executive Officer, or delegate, to execute the single two-year optional contract extension subject to satisfactory performance.

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

**10.3 Award of Contract CON 23/002 - North Cheltenham Preschool**

**RECOMMENDATION**

That Council:

1. Note the outcome of the tender assessment process for Contract CON-23/002 - North Cheltenham Preschool project, as set out in confidential Appendices 1 and 2 attached to this report;
2. Award Contract CON-23/002 – North Cheltenham Preschool project for the final adjusted fixed lump sum price of \$3,963,879 (exclusive of GST) to FIMMA Constructions Pty Ltd, which includes all base works plus the inclusion of nine Tender Options TO02, TO03, TO04, TO05, TO06, TO07, TO08, TO09 & TO10 for extended soft fall, extent of veranda, storage joinery, removed skylights, bin

enclosure, replacement of wall finishes in wet areas with vinyl and additional acoustic treatments; and

3. Approve the allocation of a separate contingency, as set out in the attached confidential Appendix 1, and delegate authority to the CEO, or delegate, to expend this allowance to ensure the successful completion of the project.

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

**10.4 Hawthorn Football Club Kennedy Centre - Funding and Community Access Agreement**

**Moved: Cr Staikos**

**Seconded: Cr Hill**

That Council:

1. Authorise the Chief Executive Officer or delegate to execute the Funding and Community Access Agreement as set out as confidential Appendix 1, including the application of any minor administrative amendments; and
2. Release payments totalling \$5M (excluding GST) to the Hawthorn Football Club, following the satisfactory achievement of the agreed Milestones stated in the Funding and Community Access Agreement and comprising:
  - a) Milestone 1: Payment of \$2M - Evidence to the satisfaction of Council that funding has been secured from the Victorian State Government towards the Works and of the fully executed contract(s) for the construction of the Works.
  - b) Milestone 2: Payment of \$1.5M - Provision of independent certification to the reasonable satisfaction of Council that the construction of the oval is complete and suitable for use.
  - c) Milestone 3: Payment of \$1.5M - Provision of certificate of occupancy under the *Building Act 1993* (Vic) and to the reasonable satisfaction of Council that the construction of the pavilion is complete and suitable for use.

**CARRIED**

**A Division was Called:**

**DIVISION:**

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

**AGAINST:** Cr Oxley (1)

**ABSTAINED:** Cr Eden (1)

**CARRIED**

**11. Customer and Corporate Support Reports**

**11.1 Municipal Christmas Decorations**

**Moved: Cr Hill**

**Seconded: Cr Bearsley**

That Council:

1. Note the options presented in the draft Festive Decorations Strategy 2023-2027;
2. Proceed with expansion of Kingston's festive decorations in time for Christmas 2023;
3. Endorse Option A – selecting four key sites in Year 1 with additional sites to be added Years 2-4 with the inclusion of the installation of window decals to Council Buildings and the provision of free of charge templated window decals to local retail businesses; and
4. Include \$150,000 in Draft 2023/24 Budget, with further \$150,000 per annum until 2026/2027.

Cr Eden left the meeting at 8:13pm.

Cr Eden returned to the meeting at 8:17pm.

**CARRIED**

**11.2 Kingston Performance Report, Quarter Three, January to March 2023**

**RECOMMENDATION**

That Council note the status of the actions and strategic indicators (Performance Indicators) for Quarter Three (January to March 2023).

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

**11.3 Award of Contract CON-23/019 - Supply of Microsoft Licences**

**RECOMMENDATION**

That Council:

1. Approve the appointment of Crayon as supplier for CON-23/019 – Microsoft Enterprise Agreement for a three-year period, at an estimated contract value of \$2,191,582 (Ex GST); and
2. 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*.

**11.4 Quick Response Grants**

**RECOMMENDATION**

That Council approve the following Quick Response Grant applications:

- St Louis De Montfort - \$1500.00
- Bonbeach Sports Club- \$1500.00
- Southern Football Netball League - \$1500.00
- Southern Saints Netball Club - \$1200.00

That Council not approve the following Quick Response Grant applications:

- Mentone Public Library

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

**11.5 Informal Meetings of Councillors**

**RECOMMENDATION**

That Council receive the report.

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

**City of Kingston  
Ordinary Council Meeting**

**Minutes**

**22 May 2023**

**12. Chief Finance Office Reports**

**12.1 Response to Resolution - Notice of Motion No. 16/2023 - Cost of Living Pressures for Residents and Ratepayers**

Cr Cochrane left the meeting at 8:26pm.

Cr Howe left the meeting at 8:27pm.

**Moved: Cr Staikos**

**Seconded: Cr Davey-Burns**

That Council provide tailored and targeted support to residents and ratepayers that is appropriate and proportionate to the support needed, including but not limited to:

- Rates payment deferral, flexible payment options, and availability of payment arrangement. Rates interest or penalty waiver upon application
- Provision of aged and disability services to all regardless of ability to pay through tailored package, fees reduction/ waiver and payment arrangement to suit clients' needs
- Waves sponsorship for families experiencing financial hardship to cover twelve months' Learn to Swim.

Cr Hill left the meeting at 8:28pm.

Cr Cochrane returned to the meeting at 8:30pm.

Cr Howe returned to the meeting at 8:30pm.

Cr Hill returned to the meeting at 8:32pm.

**CARRIED**

**12.2 Quarterly Finance Report March 2023**

**RECOMMENDATION**

That Council:

1. Note the year to date Operating Surplus of \$61.1 million which is \$7.2 million (13.4%) favourable to budget primarily due to the \$2.5 million grants received in Open Space maintenance that is likely to carry forward to future years, \$1.0 million in Capital Grants from unspent grant from previous year, Investment returns exceeding budget and collective underspend in Materials and Services in a few departments that offset overspend in large contracts such as Waste Management.
2. Note that the quarterly financial reports show closing cash balance of \$164.0 million primarily due to full year Rates payment processed in February and March resulting in lower than budgeted Receivables of \$51.6 million.
3. Approve the proposed Capital Works revised budget for year 2022/23 that is adjusted with carry over and aquatic land purchase from 2021/22 resulting in revised budget of \$80.05 million from the adopted budget \$80.4 million.

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

**12.3 Hardship and Debt Collection Policy Review**

**RECOMMENDATION**

That Council:

1. Adopt the revised Debt Collection Policy and Hardship Policy, recognising the interaction of these policies to effectively administer rates and Council's financial sustainability, whilst ensuring appropriate support to all ratepayers, particularly those with financial hardship; and
2. Note that these policies may be subject to further amendments due to the anticipated Ministerial Direction to be issued in June 2023.

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

**City of Kingston  
Ordinary Council Meeting**

**Minutes**

**22 May 2023**

**13. Notices of Motion**

**13.1 Notice of Motion No. 17/2023 - Cr Oxley - Hockey Stick Markings**

**Moved: Cr Oxley**

**Seconded: Cr Eden**

That Council review hockey stick road line-marking in areas including but not limited to:

- Near the foreshore between Aspendale and Carrum
- Areas off Station Street between Aspendale and Carrum
- Near Sporting Facilities
- Areas of high complaint

With a view to ensuring that all relevant streets and areas have Hockey Stick Markings.

Cr Howe left the meeting at 8:52pm.

**CARRIED**

**A Division was Called:**

**DIVISION:**

**FOR:** Crs Staikos, Cochrane, Eden, Hill, Oxley and Saab (6)

**AGAINST:** Nil (0)

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

**CARRIED**

**13.2 Notice of Motion No. 18/2023 - Cr Oxley - Advocacy Priorities**

**Moved: Cr Oxley**

**Seconded: Cr Eden**

That Council immediately review our advocacy priorities, and advocacy plan in light of Council's draft budget, federal budget, state budget and economic climate, with a view to revise the list of priorities and develop short, medium- and long-term advocacy plans/campaigns for these priorities.

This review is to occur with Councillors at a CIS briefing.

Cr Howe returned to the meeting at 8:55pm.

Cr Eden left the meeting at 8:59pm.

Cr Eden returned to the meeting at 09:02pm

**LOST**

**A Division was Called:**

**DIVISION:**

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

**AGAINST:** Crs Staikos, Hill and Saab (3)

**ABSTAINED:** Crs Davey-Burns, Bearsley and Cochrane (3)

**LOST**

**City of Kingston  
Ordinary Council Meeting**

**Minutes**

**22 May 2023**

---

**14. Urgent Business**

There were no items of urgent business.

**City of Kingston  
Ordinary Council Meeting**

**Minutes**

**22 May 2023**

---

**15. Confidential Items**

Nil

The meeting closed at 9.06pm.

**Confirmed.....**

**The Mayor 19 June 2023**