

Minutes

Council Meeting

Monday, 26th April 2021



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

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

In Attendance: Tim Tamlin, Interim Chief Executive Officer
Mauro Bolin, General Manager Community Sustainability
Paul Franklin, General Manager Corporate Services
Samantha Krull, General Manager City Assets and Environment
Paul Marsden, Acting General Manager Planning and Development
Keshia West, Communications Advisor
Phil De Losa, Manager Governance
Gabby Pattenden, Governance Officer
Lindsay Holland, Facilities Officer

1. Apologies

There were no apologies submitted to the meeting.

2. Confirmation of Minutes of Previous Meetings

Moved: Cr Oxley

Seconded: Cr Davies

That the Minutes of the Council Meeting held on 22 March 2021 be confirmed.

CARRIED

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

The Interim CEO, Tim Tamlin foreshadowed a declaration of a conflict of interest in Item 14.1.

4. Petitions

4.1 Installation of CCTV – Waterways

4.2 Car Parking at Nest Cafe, Waterways

4.3 Public Toilets and Amenity at Nest Cafe, Waterways

4.4 Tree Management and Removal Program - Waterways

Moved: Cr Bearsley

Seconded: Cr Hua

That the petitions be referred to the CEO for response.

CARRIED

5. Presentation of Awards

Noela Unwin

The Mayor acknowledged the contribution and legacy of retiring General Manager Corporate Services, Paul Franklin.

6. Reports from Delegates Appointed by Council to Various Organisations

Cr Saab reported on his attendance at the South East Councils Climate Change Alliance (SECCCA) strategic workshop.

Moved: Cr Saab

Seconded: Cr Bearsley

That the delegate's report be received.

CARRIED

7. Question Time

Question time was held at 7.45pm. Refer to page 8 of the Minutes.

Moved: Cr Hua

Seconded: Cr Saab

That notwithstanding the requirement of the Governance Rules, answers be read out to all questions submitted by 7.30pm given the current measures responding to the Covid-19 Coronavirus.

CARRIED

Block Resolution

Moved: Cr Hill

Seconded: Cr Oxley

That the following items be block resolved and that the recommendation in each item be adopted:

- 8.1 Response to Notice of Motion No. 2/2021 – Applications of Significant Public Interest
- 9.1 CON 20/125 - Changing Places Facility (Peter Scullin Reserve) - Award of Tender
- 9.2 CON 20/132 - Mentone Life Saving Club and Precinct Project - Award of Contract
- 9.3 CON 21/012 - Chelsea Yacht Club Accessibility Upgrades - Award of Contract
- 9.4 Community Grants Program 2020-2021 - Funding Application - Rotary Club of Chelsea
- 10.1 CON 20/090 - Sport and Recreation Services Panel - Award of Contract
- 11.1 Audit and Risk Committee Minutes - 17 March 2021
- 11.2 Audit and Risk Committee Charter Review
- 11.4 Quick Response Grants
- 11.6 Informal Meetings of Councillors Report

CARRIED

8. Planning and Development Reports

8.1 Response to Notice of Motion No. 2/2021 – Applications of Significant Public Interest

RECOMMENDATION

That

1. Officers undertake a review of the existing Council policies, including the Planning Delegation Policy, the Notice of Application (Advertising) Policy and the Planning Consultation Meeting Policy, that assist in processing planning permit applications and investigate further methods to provide better accessibility, communication and transparency for processing planning permit applications.
2. A further report be presented to Council upon completion of the review of the above-mentioned policies for its formal direction.

Note: Refer to page 5 of the Minutes where this item was block resolved.

9. Community Sustainability Reports

9.1 CON 20/125 - Changing Places Facility (Peter Scullin Reserve) - Award of Tender

RECOMMENDATION

That Council:

1. Receive the information and note the outcome of the tender assessment process for Contract 20/125 – Changing Places Facility (Peter Scullin Reserve), as set out in the confidential appendices attached to this report;
2. Award Con 20/125 - Changing Places Facility (Peter Scullin Reserve) for the amended fixed lump sum price of \$1,115,900.00 (exclusive of GST) to Simbuilt Pty Ltd;
3. Approve the allocation of a separate contingency allocation, as set out in the attached confidential appendix and delegate authority to the CEO, or nominee, to expend this allowance to ensure the successful completion of the project.

Note: Refer to page 5 of the Minutes where this item was block resolved.

9.2 CON 20/132 - Mentone Life Saving Club and Precinct Project - Award of Contract

RECOMMENDATION

That Council:

1. Receive the information and note the outcome of the tender assessment process for Contract 20/132 – Mentone Life Saving Club & Precinct project, as set out in the confidential appendices attached to this report.
2. Award Contract 20/132 – Mentone Life Saving Club & Precinct project for the final adjusted fixed lump sum price of \$11,800,490 (exclusive of GST) to Ireland Brown Constructions Pty Ltd.
3. Approve the allocation of a separate contingency, as set out in the attached confidential Appendix 2, and delegate authority to the CEO, or nominee, to expend this allowance to ensure the successful completion of the project.

Note: Refer to page 5 of the Minutes where this item was block resolved.

9.3 CON 21/012 - Chelsea Yacht Club Accessibility Upgrades - Award of Contract

RECOMMENDATION

That Council:

1. Receive the information and note the outcome of the tender assessment process for Contract 21/012 – Chelsea Yacht Club Accessibility Upgrade, as set out in the confidential Appendix 1 attached to this report.
2. Agree to award Contract 21/012 – Chelsea Yacht Club Accessibility Upgrade for the fixed lump sum price of \$1,364,191.00 (exclusive of GST) to CA Property Group Pty Ltd.
3. Approve the allocation of a separate contingency allocation, as set out in the attached confidential Appendix 2 and delegate authority to the CEO, or their nominee, to expend this allowance to ensure the successful completion of the project.

Note: Refer to page 5 of the Minutes where this item was block resolved.

9.4 Community Grants Program 2020-2021 - Funding Application - Rotary Club of Chelsea

RECOMMENDATION

That Council approve a funding allocation of \$2,300 to the Rotary Club of Chelsea to support the delivery of the Chelsea Art Show to be held in June 2021.

Note: Refer to page 5 of the Minutes where this item was block resolved.

9.5 Next Steps - Strengthening Advocacy to Reduce EGMs and Gambling Harm in Kingston

Moved: Cr Oxley

Seconded: Cr Eden

That Council endorse Option 2: Strengthen Council's role in advocating and lobbying the State Government to reduce the municipal limit on Electronic Gaming Machines in Kingston to reduce the level of gambling harm within the municipality.

Cr Cochrane left the meeting at 7:42pm

Cr Cochrane returned to the meeting at 7:43pm

CARRIED

Question Time

Question time was held at 7.45pm

Neil Erikson of Moorabbin asked,

“Last week a youth worker that works for your council bullied students of Parkdale High School based on their Race, religion and gender which is in breach of the Charter Human rights and responsibilities act of 2006. Why has the council not apologised to the students involved and named and terminated the youth worker responsible?”

Jason asked,

“Last week a youth worker that works for your council bullied students of Parkdale High School based on their Race, religion and gender which is in breach of the Charter Human rights and responsibilities act of 2006. Why has the council not apologised to the students involved and named and terminated the youth worker responsible?”

Janine asked,

“I support the petition calling for the sacking of the mayor and staff member for the racist hate filled attack on white boys. Is this part of the Kingston Gay Racists agenda? Only 1 Councillor has stood up for normal people who share normal views, will all Councillors be asked to clarify if they support hate in the city or support normal everyday people and their views. Question 2: Will the CEO take action against the staff member and name them or will this be hidden like the past actions of corrupt government?? This question will be sent to the Herald Sun and Cameron to ensure an answer is provided.”

Ning asked,

“How much is Council spending on racists programs and how much is the racist person paid per year? Is this Council ran by a supreme leader of DPRK?”

Ruben asked,

“Does Council have a anti-racist policy? Why have other Councillors not called out this repulsive behaviour? Will Council confirm how much is spent on the program reported by the Herald Sun, and how many staff are preaching these words?”

Kevin asked,

“When will Councillors be standing in the meeting to confirm their support or otherwise of the unacceptable behaviour? Can all Councillors stand who support attacking white straight men?”

The Interim CEO provided the following response,

“We have received several questions in relation to the diversity and inclusion session delivered by Kingston Youth Services at Parkdale Secondary College. I now respond to the received questions together with a single answer in accordance with Council’s Governance Rules. Council is deeply sorry that this session has caused hurt and anguish to students and parents. The session was intended to raise awareness about different perspectives and experiences in our community by discussing issues including disability, LGBTQI+, culture and race. We are focused on bringing people together so everyone is included, heard and understood. It is very upsetting to hear that the program has had the opposite impact to what was intended and I apologise that hurt was caused. We have suspended the Diversity and Inclusion Program and will conduct a thorough review to ensure this can never happen again. The review will include an assessment of the course content and training provided to staff delivering the program. Council has written a formal apology to all students and parents involved.”

Penny McGuire White of Mentone asked,

“Would it be possible for new Council employees who work with community groups to be given copies of the Terms of Reference (2020) for the Kingston Interfaith Network Committee stressing the key values and principles and the roles of the committee plus a copy of a previous year’s activities?”

The Interim CEO provided the following response,

“It is possible for Council employees to be provided with the Terms of Reference.”

Ian Baldock of Parkdale asked,

“In June, July and again in November I requested the tree in the south west of the Parkdale Secondary College, overhanging Warren Road and Warren Lane, be examined to ensure that local residents and passers-by are not put at risk by falling limbs. Following my November request, I was called and informed that Council would bring up the concern with the school in late January. To date I have not received an contact form Council to inform me of the current status of my request. From other enquiries I understand that an external, visual-only examination was performed in September 2019. However, from the incident where the neighbouring St John Vianney’s tree shed limbs which fell on some of their students, I understand that only and internal examination of those branches showed the structural weaknesses previous external checks had not indicate any problems. Could Council please investigate, via a comprehensive, non-visual-only check of the tree, then inform me of the progress to date, along with any plans for future remediation? In addition, due to the lack of previous correspondence could you please inform me when I may expect a written response to my concerns?”

The Interim CEO provided the following response,

“We will need to take this question on notice and will contact Mr Baldock tomorrow.”

10. City Assets and Environment Reports

10.1 CON 20/090 - Sport and Recreation Services Panel - Award of Contract

RECOMMENDATION

That Council:

1. Note the resolution at the 22 March 2021 Council Meeting appointing The Community Collective is the incorrect company name and the correct name is The Community Collaborative;
2. Appoint The Community Collaborative to deliver the provisions of Contract 20/090 Sport and Recreation Services Panel – relating to Recreation and Sports Planning for an initial term of three (3) years; and
3. Delegate authority to the Chief Executive Officer to extend the operation of Contract 20/090, Sport and Recreation Services Panel beyond the Initial Contract Term for a further two (2) year term, subject to satisfactory ongoing performance of the appointed contractor.

Note: Refer to page 5 of the Minutes where this item was block resolved.

10.2 Aquatics Facility Plan Adoption - Community Consultation Outcomes

Moved: Cr Davey-Burns

Seconded: Cr Bearsley

That Council:

1. Note the community consultation findings; and
2. Adopt the revised Aquatic Facilities Plan as set as Appendix 1 subject to the plan being amended to emphasise Council's commitment to Waves Leisure Centre being the regional level facility in the northern part of the city.
3. Remove any references in the plan that contribute to any ambiguity about the future of Waves.

CARRIED unanimously

10.3 Regents Park Pavilion Development - Option Analysis

Moved: Cr Bearsley

Seconded: Cr Eden

That Council:

1. Endorse the Pavilion Development Option 2 as set out in Appendix 2 for the purposes of community consultation and feedback;
2. Authorise officers to work with the tenant clubs at Regents Park to prepare a draft Venue Management Plan that defines principles and management arrangements associated with the use of the proposed pavilion, which will be shared as part of the community consultation;
3. Receive a report presenting the feedback and outcomes of the community consultation; and
4. Write to Sport and Recreation Victoria and the local Member for Mordialloc confirming Council's next steps with the development of pavilion facilities at Regents Park.

CARRIED

10.4 Property Matter 6 Lochiel Ave Edithvale

Moved: Cr Oxley

Seconded: Cr Davies

That Council:

1. Authorise the CEO or their delegate to publish a public notice in accordance with Section 189 of the Local Government Act 1989 ("Act") stating Council's intention to sell 6 Lochiel Ave, Edithvale;
2. Authorise the CEO and delegated Council staff to carry out the necessary administrative procedures to allow Council to carry out its functions under section 223 of the Act;
3. Authorise the CEO and delegated Council staff to convene, if required, a Section 223 Committee on Tuesday 8 June 2021 at 5:00pm comprising Cr Staikos, Cr Saab, Cr Eden, General Manager City Assets and Environment, and the Manager Property and Arts to hear presentations from parties who wish to be heard in support of their written submissions; and
4. In the event no submissions are received, authorise the CEO or their delegate to proceed to sell 6 Lochiel Ave, Edithvale and that the sale price for the property shall be no less than an open-market valuation as determined by a valuer on Council's contracted valuation panel.

CARRIED

10.5 Outcome of S223 Meeting - Proposed Discontinuance and Sale of Road, Rear 607 Nepean Highway, Carrum

Moved: Cr Saab

Seconded: Cr Hill

That Council:

1. Receive and note the submissions and officer report;
2. Authorise officers to undertake the statutory procedures under the Local Government Act 1989 to discontinue and sell part of the road; and
3. Advise the submitters of the decision of Council.

CARRIED

10.6 Decorative Lighting of Patterson River Bridge Carrum

Moved: Cr Staikos

Seconded: Cr Saab

That Council endorse that the LED decorative lighting is not replaced on the bridge and that decorative lighting gateway effects be considered in the Beauty Spot Park Plan to be developed in 2022.

CARRIED

10.7 Response to Notice of Motion No. 39/2019 - The need to locate vegetation offsets locally

Moved: Cr Oxley

Seconded: Cr Cochrane

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

CARRIED

10.8 New Mulch Storage Facility at 206 Old Dandenong Road Heatherton

Moved: Cr Oxley

Seconded: Cr Eden

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

CARRIED

11. Corporate Services Reports

11.1 Audit and Risk Committee Minutes - 17 March 2021

RECOMMENDATION

That the minutes of the Audit & Risk Committee meeting held on 17 March 2021 be noted.

Note: Refer to page 5 of the Minutes where this item was block resolved.

11.2 Audit and Risk Committee Charter Review

RECOMMENDATION

That Council adopt the updated Audit and Risk Committee Charter.

Note: Refer to page 5 of the Minutes where this item was block resolved.

11.3 Councillor Gift and Hospitality Policy

Moved: Cr Davies

Seconded: Cr Davey-Burns

That Council adopt the Councillor Gift and Hospitality Policy (as attached).

CARRIED

11.4 Quick Response Grants

RECOMMENDATION

That Council approve the following Quick Response Grant applications:

- Dingley Village Community Association - \$1463.00 (subject to acquittal of previous grant allocated in May 2020).
- Bayside Community Emergency Relief - \$1500.00
- Mythri Social and Cultural Association - \$900.00
- Paula Lindley - \$1500.00
- Edithvale Aspendale Netball Club - \$1457.00
- Southern Area Concert Band Inc – 800.00
- Mentone Public Library - \$1500.00
- Cheltenham Secondary College - \$1500.00
- Zee Cheng Khor Moral Uplifting Society Inc - \$1500.00

That Council not approve the following Quick Response Grant application:

- Mark Hubeek

Note: Refer to page 5 of the Minutes where this item was block resolved.

11.5 Motions for MAV State Council Meeting

Moved: Cr Davies

Seconded: Cr Davey-Burns

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

1. Flammable cladding:

That the MAV advocate to the State Government to:

- provide funding for financial support for people impacted by flammable cladding potentially through establishment of a Cladding relief fund (for buildings/rectification works which fall outside the scope of funding currently provided by Cladding Safety Victoria);
- create a streamlined small claims process re cladding issues providing impacted residents to access to funds (i.e. not incumbent on Council to support them);
- provide funding for ESM (essential safety measures) maintenance and rectification works related to fire safety issues brought about directly as a

result of combustible cladding matters; and

- establish ESM maintenance providers to be registered with the VBA (Victorian Building authority) in order to make them responsible for maintenance shortfalls which related directly to fire safety/cladding matters.

2. Deputy Mayor allowance:

That the MAV advocate to the Minister for Local Government:

- to immediately initiate a request to the Victorian Independent Remuneration Tribunal to make the first Determination of Mayoral, Deputy Mayor and Councillor allowances under section 39 of the Local Government Act 2020;
- to allow Councils to determine a separate allowance for the Deputy Mayor role for the 2020/2021 year, subject to a Determination by the Victorian Independent Remuneration Tribunal; and/or
- that any Determination of the Victorian Independent Remuneration Tribunal regarding a separate Deputy Mayor allowance be allowed to apply retrospectively to the 2020/2021 term.

3. Electronic Gaming Machines:

That the MAV advocate to the Minister for Consumer Affairs, Gaming and Liquor Regulation to support a reduction in the electronic gaming machines cap, regardless of any current or future population growth across metropolitan and rural Councils in Victoria

4. South East Councils Climate Change Alliance

(the following Motion has been submitted by Bayside City Council):

- That the MAV formally engage and work with SECCCA (South East Councils Climate Change Alliance) and the Victorian Greenhouse Alliances in the development of a robust policy and advocacy program relating to a sector-driven Climate Change policy and strategy position.

CARRIED

11.6 Informal Meetings of Councillors Report

RECOMMENDATION

That Council receive the report.

Note: Refer to page 5 of the Minutes where this item was block resolved.

11.7 Parking Infringement Reimbursement Scheme Update

Moved: Cr Staikos

Seconded: Cr Oxley

That Council:

1. Note the contents of this report as an update on the Parking Infringement Reimbursement Scheme.
2. Continue to maintain the Parking Infringement Reimbursement Scheme with a further review and report to take place by May 2025.

CARRIED

11.8 Probity Review - Summary

Moved: Cr Oxley

Seconded: Cr Davies

That Council:

1. Determine that Appendix 1 is to be publicly released pursuant to section 125(2) of the Local Government Act 2020; and
2. Send a copy of the summary document to all individuals interviewed as part of the probity review.

CARRIED

12. Notices of Motion

Nil

13. Urgent Business

There were no items of urgent business.

14. Confidential Items

Moved: Cr Oxley

Seconded: Cr Saab

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:

14.1 Interim CEO Key Performance Indicators

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

- because it is personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs (section 3(1)(f)), and

- The explanation as to why the specified ground/s applies is that it relates to a staffing matter.

Confidential Appendices

- 9.1 CON 20/125 - Changing Places Facility (Peter Scullin Reserve) - Award of Tender**
Appendix 1, Appendix A CON 20-125 Changing Places Amenities - Mordialloc
This appendix is confidential in accordance with the Local Government Act 2020, s3(1) as it relates to (s3(1)(g)).
- 9.1 CON 20/125 - Changing Places Facility (Peter Scullin Reserve) - Award of Tender**
Appendix 2, Appendix B CON 20-125 - Changing Places Amenities - Mordialloc
This appendix is confidential in accordance with the Local Government Act 2020, s3(1) as it relates to (s3(1)(g)).
- 9.2 CON 20/132 - Mentone Life Saving Club and Precinct Project - Award of Contract**
Appendix 1, Con 20/132 Final Tender Evaluation Assessment Matrix
This appendix is confidential in accordance with the Local Government Act 2020, s3(1) as it relates to (s3(1)(g)).
- 9.2 CON 20/132 - Mentone Life Saving Club and Precinct Project - Award of Contract**
Appendix 2, Con 20/132 Financial Summary
This appendix is confidential in accordance with the Local Government Act 2020, s3(1) as it relates to (s3(1)(g)).
- 9.3 CON 21/012 - Chelsea Yacht Club Accessibility Upgrades - Award of Contract**
Appendix 1, Appendix A CON 21-012 Chelsea Yacht Club Accessibility Upgrades - Evaluation Matrix
This appendix is confidential in accordance with the Local Government Act 2020, s3(1) as it relates to (s3(1)(g)(ii)).
- 9.3 CON 21/012 - Chelsea Yacht Club Accessibility Upgrades - Award of Contract**
Appendix 2, Appendix B CON 21-012 - Chelsea Yacht Club Accessibility Upgrades
This appendix is confidential in accordance with the Local Government Act 2020, s3(1) as it relates to (s3(1)(g)(ii)).
- 10.1 CON 20/090 - Sport and Recreation Services Panel - Award of Contract**
Appendix 1, CON-20-090 - Tender evaluation panel report
This appendix is confidential in accordance with the Local Government Act 2020, s3(1) as it relates to (s3(1)(g)).
- 11.7 Parking Infringement Reimbursement Scheme Update**
Appendix 1, Legal Advice re Parking Reimbursement Scheme
This appendix is confidential in accordance with the Local Government Act 2020, s3(1) as it relates to (s3(1)(e)).
- 11.8 Probity Review - Summary**
Appendix 1, Summary of Kingston Probity Report
This appendix is confidential in accordance with the Local Government Act 2020,

s3(1) as it relates to (s3(1)(e)).

11.8 Probity Review - Summary

Appendix 2, Summary of Kingston Probity Report - revised

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

11.8 Probity Review - Summary

Appendix 3, Summary of Kingston Probity Report - Executive Manager Legal

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

CARRIED

The meeting was closed to members of the public at 8.39pm.

Procedural Motion

Moved: Cr Oxley

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 8.44pm.

The meeting closed at 8.44pm.

Confirmed.....

The Mayor 24 May 2021