

Minutes

Special Council Meeting

Monday, 16th September 2024

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Peter Bean
Chief Executive Officer
Kingston City Council



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	<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>	
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The meeting commenced at 7.12pm in the Council Chamber, 1230 Nepean Highway, Cheltenham.

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

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
Kate Waters, Acting General Manager Community Strengthening
Bernard Rohan, Chief Financial Officer
Kelly Shacklock, Manager Governance, Risk and Integrity
Jessica Baguley, Governance Officer
Gabrielle Pattenden, Governance Officer
Justin Welsford, Media Advisor

1. Apologies

No apologies were submitted to the meeting.

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

The CEO, Peter Bean foreshadowed a declaration of a conflict of interest in Item 7.3 – CEO Employment Matters.

The General Manager Infrastructure and Open Space, Samantha Krull foreshadowed a declaration of a conflict of interest in Item 7.1 – Contractual Matter.

3. Councillor Statements

Nil

4. Planning and Place Reports

3.1 KP-2008/337/B - 38 McDonald Street, Mordialloc (Mordialloc Bowling Club)

Cr Eden arrived at 7.16pm.

Moved: Cr Davies

Seconded: Cr Cochrane

That Council determine to support the proposal and issue a planning permit to use the land for the sale and consumption of liquor and to construct buildings and works associated with the existing Mordialloc Bowls Club for a 125,000 litre water tank (8.5m dia. x 2.2m height) on this site on the land designated within a Special Building Overlay at No. 38 McDonald Street, Mordialloc (Lot 1 on TP 686117L), subject to the following conditions:

Endorsed Plans

1. The development, as shown on the endorsed plans, must not be altered without the written consent of the Responsible Authority.
2. The building and works (water tank, rock slab and cyclone fence) hereby approved, must be maintained in good order and appearance at all times, to the satisfaction of the Responsible Authority.
3. All external surfaces of the water tank elevations must be coloured in accordance with the submission, that being pale eucalypt green and maintained in a satisfactory condition to the satisfaction of the Responsible Authority.
4. The amenity of the area must not be detrimentally affected by the development and/or use, through the:
 - a) transport of materials, goods or commodities to or from the land;
 - b) appearance of any building, works or materials;
 - c) emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil;
 - d) presence of vermin; and
 - e) in any other way.
5. Construction on the site must be restricted to the following times:

Monday to Friday	7:00am to 7:00pm
Saturday	9:00am to 6:00pm

Or otherwise as approved by the Responsible Authority in writing.
6. The use (Liquor Licence) is to be restricted to the following times for the external area shown on the endorsed redline plan:

Monday to Sunday:	11:00am to 11:00pm
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Or as otherwise approved by the Responsible Authority in writing.
7. Once the development has started, it must be continued to the satisfaction of the Responsible Authority.
8. In accordance with section 68 of the Planning and Environment Act 1987, this permit will expire if one of the following circumstances applies:
 - The development and/or use is not started before 4th June 2010.

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- The development is not completed before 4th June 2012.
- The use is discontinued for a period of two (2) years.

In accordance with section 69 of the Planning and Environment Act 1987, the responsible authority may extend the periods referred to if a request is made in writing before the permit expires, or within three months afterwards.

Note: Prior to the commencement of the development you are required to obtain the necessary Building Permit.

Note: Unless no permit is required under the Planning Scheme, other signs must not be constructed or displayed without a further permit.

THIS PERMIT HAS BEEN AMENDED PURSUANT TO SECTION 72 OF THE PLANNING AND ENVIRONMENT ACT 1987 AS FOLLOWS:

Amendment	Date of Amendment	Description of Amendment	Name of responsible authority that approved the amendment
A	10 August 2012	Amend the preamble to make reference to the sale and consumption of liquor; extend the redline area; and insert conditions regulating the use of the land for the sale and consumption of liquor.	City of Kingston
B	DATE	<p>Amendment B relates to considered plans prepared by Phil Hardy, titled <i>proposed new plan</i>, 1 sheet, submitted to Council on 20 May 2024.</p> <p>The scope of changes pertaining to Amendment B include:</p> <ul style="list-style-type: none"> • An increase to the Red Line Plan 	City of Kingston

CARRIED

FOR: Crs Davey-Burns, Eden, Oxley, Cochrane, Davies, Hill, Hua, Bearsley and Saab (9)

AGAINST: Nil (0)

5. Infrastructure and Open Space Reports

4.1 Award of Contract 23/128 Programmed and Reactive Maintenance
Essential Safety Measures

Moved: Cr Davies

Seconded: Cr Hill

That Council:

1. Award Contract CON-23/128 Programmed and Reactive Maintenance of Essential Safety Measures to Wormald Australia at an estimated Year 1 cost of \$390,804.40 (excluding GST) for an initial three (3) year period, with a further two (2) year extension option, up to a maximum of five (5) year total contract term and an estimated maximum contract cost of \$2,359,441.45 (excluding GST); and
2. Authorise the Chief Executive Officer, or their delegate, to execute the two (2) year contract extension option subject to satisfactory performance.

CARRIED

FOR: Crs Davey-Burns, Eden, Oxley, Cochrane, Davies, Hill, Hua, Bearsley and Saab (9)

AGAINST: Nil (0)

6. Chief Finance Office Reports

5.1 Discontinuance and Sale of Roads, Rights of Way and Drainage Reserves Policy

Moved: Cr Saab

Seconded: Cr Bearsley

That Council adopt the revised draft Discontinuance and Sale of Roads, Rights of Way and Drainage Reserves Policy.

CARRIED

FOR: Crs Davey-Burns, Eden, Oxley, Cochrane, Davies, Hill, Hua, Bearsley and Saab (9)

AGAINST: Nil (0)

5.2 2024/25 Operating Budget Forecast

Moved: Cr Davey-Burns

Seconded: Cr Davies

That Council note the 2024/25 Operating Budget Forecast, and that officers will continue to work on forecast assumptions to actively manage budgets within approved parameters.

CARRIED

FOR: Crs Davey-Burns, Eden, Oxley, Cochrane, Davies, Hill, Hua, Bearsley and Saab (9)

AGAINST: Nil (0)

7. Confidential Items

Moved: Cr Saab

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:

7.1 Contractual 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 the report contains information that is subject to legal professional privilege in connection with a confidential commercial dispute.

7.2 Building 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 the report contains information that is subject to legal professional privilege in connection with a confidential dispute.

7.3 CEO Employment Matters

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

- because it is Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released, and 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)(a) and (f)), and
- the explanation as to why the specified ground/s applies is this report relates to personnel information of the CEO.

CARRIED

FOR: Crs Davey-Burns, Eden, Oxley, Cochrane, Davies, Hill, Hua, Bearsley and Saab (9)

AGAINST: Nil (0)

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The meeting was closed to members of the public at 7.22pm.
Cr Eden left the meeting at 7.22pm.

Moved: Cr Hill

Seconded: Cr Oxley

That the meeting be opened to members of the public

CARRIED

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

AGAINST: Nil (0)

The meeting opened to members of the public at 7.49pm.

The meeting closed at 7.49pm.

Confirmed.....

The Mayor 23 September 2024