

Minutes

Ordinary Meeting of Council

Monday, 29th January 2018



**City of Kingston
Ordinary Meeting of Council**

Minutes

29 January 2018

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The meeting commenced at 7.07pm in the Council Chamber, 1230 Nepean Highway, Cheltenham.

Present: Cr Steve Staikos (Mayor)
Cr Tamara Barth
Cr Tamsin Bearsley
Cr Ron Brownlees OAM
Cr David Eden
Cr Geoff Gledhill
Cr George Hua
Cr Georgina Oxley
Cr Rosemary West OAM

In Attendance: John Nevins, Chief Executive Officer
Mauro Bolin, General Manager Community Sustainability
Paul Franklin, General Manager Corporate Services
Jonathan Guttman, General Manager Planning and Development
Tracey Cheeseman, Media Advisor
Phil De Losa, Manager Governance
Joanne Creedon, Governance Officer
Gabrielle Pattenden, Governance Officer

1. Apologies

There were no apologies submitted to the meeting.

2. Confirmation of Minutes of Previous Meetings

Moved: Cr Barth

Seconded: Cr Hua

That the Minutes of the Ordinary Meeting of Council held on 11 December 2017 and the Special Meeting of Council held on 22 January 2018 be confirmed.

CARRIED

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

There were no Conflicts of Interest submitted to the meeting.

4. Petitions

Redevelopment of The Mordialloc Sporting Club

Moved: Cr Gledhill

Seconded: Cr Brownlees

That the petition be referred to the CEO for consideration

CARRIED

5. Presentation of Awards

Nil

6. Reports from Delegates Appointed by Council to Various Organisations

Nil

Acknowledgment

Cr West acknowledged the passing in December 2017 of Anne Martin, founder of the Carrum Indigenous Nursery.

Cr West highlighted Ms Martin's achievements and her contributions to conservation in the City of Kingston.

7. Question Time

Question Time took place at 8.46pm. Refer to page 11 of the minutes.

8. Planning and Development Reports

8.1 KP16/990 - 40 Golden Avenue Bonbeach - VCAT amended position sought

Moved: Cr Oxley

Seconded: Cr Bearsley

That Council add additional grounds of refusal including the following:

1. The proposal causes adverse amenity impacts upon its neighbours including unreasonable shadow impacts upon the properties at 38 Golden Avenue Bonbeach.
2. The proposal fails to comply with the on-site visitor parking requirements of Clause 52.06 and as a result causes adverse traffic and parking issues.
3. The proposal constitutes an overdevelopment of the site.

CARRIED

9. Community Sustainability Reports

9.1 Proposed Redevelopment of Harold Box Hall, Dingley

Moved: Cr Barth

Seconded: Cr Hua

That Council:

1. Directs officers to proceed to detailed design and tender in relation to Stage 1 works;
2. Directs officers to undertake community engagement in relation to the concept plans and proposed Stage 1 works;
3. Directs officers to report back following the outcome of the tender process; and
4. Directs officers to commence discussions with the Dingley Village Neighbourhood Centre, regarding future leasing / licencing of space

CARRIED

9.2 CON-17/124 - Rene Anderson Complex (Carrum) - Upgrade Works - Award of Contract

Moved: Cr Bearsley

Seconded: Cr Oxley

That Council:

1. Receive the information and note the outcome of the tender assessment process for Con 17/124 Rene Anderson Complex Upgrade, as set out in the confidential appendix attached to this report;
2. Agree to award Contract 17/124 – Rene Anderson Complex Upgrade project for the revised fixed lump sum price of \$719,045.00 (exclusive of GST) to C A Property Group Pty Ltd; and
3. Approve the allocation of a separate contingency allocation, as set out in the attached confidential appendix and delegate authority to the CEO, or his nominee, to expend this allowance to ensure the successful completion of the project.

CARRIED

10. City Assets and Environment Reports

10.1 CON-17/61 - Award of Contract for Kinross Avenue, Edithvale - Drainage Upgrade - Stage 3 Pumping Station and Connection to Main Drain

Moved: Cr Bearsley

Seconded: Cr Oxley

That Council:

1. Award Contract No. 17/61 Kinross Avenue Drainage Upgrade, Edithvale – Stage 3 Pumping Station and Connection to Main Drain on a Lump Sum basis to Entracon Civil Pty Ltd for the tendered price of \$2,074,730.67 ex GST;
2. Approve a contingency allowance of \$207,473.07 ex GST (10% of contract sum) from within the allocated 2017/2018 & 2018/2019 capital works budget (civil infrastructure) to cover unexpected financial variations;
3. Bring forward \$350,000 from the 2018/19 capital works budget (civil infrastructure) to facilitate the early commencement of this project, and;
4. Authorise the CEO or delegate to execute this contract.

CARRIED

10.2 Patterson Lakes Tennis Club - Synthetic Grass Renewal

Moved: Cr Bearsley

Seconded: Cr Oxley

That Council:

1. Renew three synthetic grass tennis courts (courts 1, 2 & 5) at the Patterson Lakes Tennis Club, through the allocation of \$50,000 from the 2017/18 Capital Works Program (Tennis Facility Development);
2. Bring forward \$40,000 from the 2018/19 Capital Works Program (Tennis Facility Development) for the project;
3. Seek a funding contribution from the Patterson Lakes Tennis Club of at least \$10,000 towards the court renewal project;
4. Write to the Minister of Sport and Recreation seeking urgent and immediate consideration of a funding grant towards the renewal of the synthetic grass tennis courts; and
5. Refer Council's Synthetic Surface Policy to the Sport and Recreation Advisory Committee for review and presentation to Council.

CARRIED

10.3 Parkdale Railway Station Car Parking

Moved: Cr Gledhill

Seconded: Cr Brownlees

That Council:

1. Receives the report and notes the ongoing discussions with officers; and
2. Writes to Public Transport Victoria requesting:
 - a. The formalisation of commuter car parking at Parkdale Railway Station, based off the concept drawings provided in September 2015 (appendix 1).
 - b. That no trees be removed from Council's road reserve: with kerb outstands extended or provided to retain the four affected trees on Como Parade East and Como Parade West.
 - c. That the small trees and shrubs to be removed from the VicTrack land are replaced with similar specimens adjacent to the car park.

CARRIED

11. Corporate Services Reports

11.1 Assembly of Councillors Record Report

Moved: Cr Gledhill

Seconded: Cr Hua

That Council note the contents of this report for the public record.

CARRIED

11.2 Quick Response Grants

Moved: Cr West

Seconded: Cr Eden

That Council approve the following grant applications:

1. Kingston Residents Association (subject to written confirmation that the newsletter will not promote activities that are contrary to a Council decision or policy) - \$1000.00

LOST

That Council approve the following grant applications:

2. Kingston and Hawthorn Cricket Club - \$900.00
3. The Miranda Foundation - \$500.00
4. Mythri Social and Cultural Association of Australia (subject to acquittal of July 2017 Quick Response Grant) - \$500.00

That Council not approve the following grant applications:

5. St Bede's College – Propulsion
6. St Bede's and Mentone Tigers Amateur Football Club

CARRIED

Note: It was requested by Cr Bearsley and agreed to by the Chairperson that Part 1 and Parts 2 - 6 of the Motion be put to the vote separately.

Note: Cr West foreshadowed moving a motion to approve the allocation of \$500 to the Kingston Residents Association if the motion to approve \$1000 was lost.

Moved Cr West

Seconded Cr Oxley

That Council approve the following grant applications:

1. Kingston Residents Association (subject to written confirmation that the newsletter will not promote activities that are contrary to a Council decision or policy) - \$500.00

CARRIED

Cr Eden left the meeting at 7.40pm

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11.3 CON-17/147 - Award of Contract for Supply of Electricity for Unmetered Public Lighting (MAV EC8310-2018)

Moved: Cr Brownlees

Seconded: Cr Bearsley

That Council:

1. Award Contract MAV EC8310-2018 for Electricity for Unmetered Public Lighting to ERM Power for a period of three (3) years from 1 January 2018 to 31 December 2020 at an estimated cost of \$636,599.08 (including GST) for Year 1 of the contract (1 January – 31 December 2018) inclusive of all associated contestable, network and regulated costs..
2. Authorise the Chief Executive Officer or delegate to execute agreements with the recommended tenderer.

CARRIED

12. Notices of Motion

12.1 Notice of Motion (Rescission) No. 1/2018 - Crs Bearsley, Gledhill & Brownlees

Procedural Motion

Moved: Cr Gledhill

Seconded: Cr Brownlees

That consideration of Item 12.1 Notice of Motion (Rescission) No.1/2018 – Crs Bearsley, Gledhill and Brownlees be deferred to the confidential part of the meeting.

CARRIED

Cr Hua left the meeting at 7.40pm

13. Urgent Business

13.1 Mentone Hotel

Moved: Cr West

Seconded: Cr Oxley

That an item of urgent business be considered in regard to the Mentone Hotel.

Cr Eden returned to the meeting at 7.42pm

CARRIED

A Division was Called:

DIVISION:

FOR: Crs Staikos, West, Eden, Barth and Oxley (5)

AGAINST: Crs Brownlees, Bearsley and Gledhill (3)

CARRIED

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Moved: Cr West

Seconded: Cr Eden

That:

1. Council engage a senior independent heritage consultant to draft and lodge an application to upgrade the Victorian Heritage Register listing to include the historic use of the Mentone Hotel as a hotel/bar/restaurant along the lines of citations that have effectively protected several Queenscliff hotels. Also to reference the social significance of the Mentone hotel as a living icon, a focus of attention in which importance lies in participating in events as well as experiencing the place itself, along the lines of the citation for the MCG. And any other relevant heritage aspects of the hotel that qualities that may have been overlooked or understated.
2. If officers feel there are good reasons not to implement this motion, they report those concerns to next week's Councillor Information Session together with any recommendations for how best to expedite the intent of the motion.

Cr Hua returned to the meeting at 7.47pm

Procedural Motion

Moved Cr Gledhill

Seconded Cr Brownlees

That this item be deferred for further discussion and consideration.

LOST

The Substantive Motion was put and CARRIED

A Division was Called:

DIVISION:

FOR: Crs Staikos, West, Eden, Barth and Oxley (5)

AGAINST: Crs Brownlees, Bearsley, Gledhill and Hua (4)

CARRIED

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13.2 Recording of Ordinary Council and Planning Committee Meetings

Moved: Cr Oxley

Seconded: Cr West

That an item of urgent business be considered in regard to the recording of Ordinary Council Meetings and Planning Committee Meetings.

CARRIED

Moved: Cr Oxley

Seconded: Cr Staikos

That officers prepare a report detailing the process to be adopted to allow for recording of the gallery in the Council Chamber during Ordinary Council meetings and Planning Committee Meetings.

Amendment

Moved: Cr Gledhill

Seconded: Cr Brownlees

1. That officers prepare a report detailing the process to be adopted to allow for recording of the gallery in the Council Chamber during Ordinary Council meetings and Planning Committee Meetings.
2. That in preparation of the officer report sworn evidence be taken and details of the people who have made the allegations to Cr Oxley and Cr West form part of the report.

The Amendment was put and LOST

A Division was Called:

DIVISION:

FOR: Crs Brownlees, Bearsley, Gledhill and Hua (4)

AGAINST: Crs Staikos, West, Eden, Barth and Oxley (5)

LOST

The Substantive Motion was put and CARRIED

Cr Hua left the meeting at 8.46pm

Cr Eden left the meeting at 8.46pm

Question Time

Three questions were submitted through the online question time form. In accordance with clause 18(4) of the Meeting Procedures Local Law, this question will be responded to in writing as the questioner was not present in the gallery.

14. Confidential Items

Moved: Cr Gledhill

Seconded: Cr Brownlees

That in accordance with the provisions of section 89(2) of the *Local Government Act 1989*, the meeting be closed to members of the public for the consideration of the following confidential items:

12.1 Notice of Motion (Rescission) No. 1/2018 - Crs Bearsley, Gledhill & Brownlees

This agenda item is confidential in accordance with the Local Government Act s89(2) as it relates to legal advice (s89 2f)

14.1 Kingston Heath Regional Soccer Complex - Defect Settlement

This agenda item is confidential in accordance with the Local Government Act s89(2) as it relates to contractual matters (s89 2d)

Confidential Appendices

9.2 CON-17/124 - Rene Anderson Complex (Carrum) - Upgrade Works - Award of Contract

Appendix 1, Rene Anderson Complex Upgrade - Tender Evaluation Summary

This appendix is confidential in accordance with the Local Government Act s89(2) as it relates to (s89 2d)

9.2 CON-17/124 - Rene Anderson Complex (Carrum) - Upgrade Works - Award of Contract

Appendix 2, Rene Anderson Complex Upgrade - Project Cost Summary

This appendix is confidential in accordance with the Local Government Act s89(2) as it relates to (s89 2d)

10.1 CON-17/61 - Award of Contract for Kinross Avenue, Edithvale - Drainage Upgrade - Stage 3 Pumping Station and Connection to Main Drain

Appendix 1, Contract 1761 Kinross Avenue Stage 3 Evaluation Matrix V1

This appendix is confidential in accordance with the Local Government Act s89(2) as it relates to (s89 2d)

10.1 CON-17/61 - Award of Contract for Kinross Avenue, Edithvale - Drainage Upgrade - Stage 3 Pumping Station and Connection to Main Drain

Appendix 3, Contract 17-61 Kinross Avenue Edithvale OHS Compliance

This appendix is confidential in accordance with the Local Government Act s89(2) as it relates to (s89 2d)

11.3 CON-17/147 - Award of Contract for Supply of Electricity for Unmetered Public Lighting (MAV EC8310-2018)

Appendix 1, EC8310-2018 Recommendation Report - Supply of Electricity to Large Buildings & Facilities and Unmetered Street Lighting Sites

This appendix is confidential in accordance with the Local Government Act s89(2) as it relates to (s89 2d)

11.3 CON-17/147 - Award of Contract for Supply of Electricity for Unmetered Public Lighting (MAV EC8310-2018)

Appendix 2, EC8310-2018 Comparative Cost Analysis Report for Kingston

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This appendix is confidential in accordance with the Local Government Act s89(2) as it relates to (s89 2d)

- 11.3 CON-17/147 - Award of Contract for Supply of Electricity for Unmetered Public Lighting (MAV EC8310-2018)
Appendix 3, EC8310-2018 Unmetered Public Lighting - Year 1 Usage and Cost Estimate Analysis**

This appendix is confidential in accordance with the Local Government Act s89(2) as it relates to (s89 2d)

- 12.1 Notice of Motion (Rescission) No. 1/2018 - Crs Bearsley, Gledhill & Brownlees
Appendix 1, Confidential Resolution - Item 3.1 – Special Meeting Council – 22 January 2018**

This appendix is confidential in accordance with the Local Government Act s89(2) as it relates to (s89 2f)

CARRIED

The meeting was closed to members of the public at 8.47pm

Cr Hua returned to the meeting at 8.50pm

Procedural Motion

Moved: Cr Oxley

Seconded: Cr Hua

That the meeting be opened to members of the public.

CARRIED

The meeting was opened to members of the public at 9.53pm

The meeting closed at 9.53pm.

Confirmed.....

The Mayor 26 February 2018