

Minutes

Ordinary Council Meeting

Monday, 22nd July 2024

Table of Contents

1.	Apologies	3
2.	Confirmation of Minutes of Previous Meetings .	
3.	Foreshadowed Declaration by Councillors, Officers or Contractors of any Conflict of Interest	4
	<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.	Delegates' Reports, Councillor Statements and Presentation of Awards.....	4
6.	Reports from Delegates Appointed by Council to Various Organisations.....	4
7.	Question Time.....	5
8.	Planning and Place Reports.....	11
9.	Community Strengthening Reports	12
10.	Infrastructure and Open Space Reports	13
11.	Customer and Corporate Support Reports	18
12.	Chief Finance Office Reports	19
13.	Notices of Motion	22
14.	Urgent Business.....	24
15.	Confidential Items	25

**City of Kingston
Ordinary Council Meeting**

Minutes

22 July 2024

The meeting commenced at 7.18pm 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
Cr David Eden
Cr Chris Hill
Cr Cameron Howe
Cr Georgina Oxley
Cr Hadi Saab (attended online)

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
Jessica Baguley, Governance Officer
Gabrielle Pattenden, Governance Officer

1. Apologies

An apology from Cr Hua was submitted to the meeting.

Moved: Cr Davies

Seconded: Cr Eden

That the apology from Cr Hua be received.

CARRIED

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

AGAINST: Nil (0)

2. Confirmation of Minutes of Previous Meetings

Moved: Cr Cochrane

Seconded: Cr Hill

That the Minutes of the Ordinary Council Meeting held on 24 June 2024 be confirmed.

CARRIED

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

AGAINST: Nil (0)

**City of Kingston
Ordinary Council Meeting**

Minutes

22 July 2024

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

4.1 Shortage of Disability Parking and Lighting Beside Longbeach RSL

Moved: Cr Oxley

Seconded: Cr Bearsley

That the petition be referred to the Chief Executive Officer for response.

CARRIED

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

AGAINST: Nil (0)

5. Delegates' Reports

Cr Davies reported on her attendance with Mayor Davey-Burns and Cr Saab at the Australian Local Government Association (ALGA) National Assembly in Canberra on 2 – 4 July.

Cr Cochrane left the meeting at 7:24pm.

Note: Cr Davies requested through the Chair and was granted an extension of time to speak on her Delegate's report.

Councillor Statements

Cr Oxley delivered a statement recognising the Winter Warmers Program at St Aidan's Parish in Carrum.

Cr Cochrane returned to the meeting at 7:29pm.

Presentation of Awards

Nil

Moved: Cr Eden

Seconded: Cr Davies

That the delegates' reports be received.

CARRIED

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

AGAINST: Nil (0)

6. Question Time

Question time was held at 7.32pm.

Cr Oxley left the meeting at 7:48pm.

Cr Oxley returned to the meeting at 7:48pm.

Cr Eden left the meeting at 7:49pm.

Note: Questions from nine submitters were not accepted due to non-compliance with the Governance Rules; four were determined repetitive of a question already answered, two did not provide a full name or contact details, two were ruled as objectionable; and one submitter exceeded the number of questions permitted. Preambles submitted with their questions were not read out.

Note: In accordance with Sub-Rule 39.8 of the Governance Rules, questions from Graeme, Geoff and Julia were grouped together.

Graeme asked,

“Is it true that the grant committee rejected the grant of \$25,000 for 3 plus years equalling \$75,000 plus, to the Druze community based in the City of Dandenong, and that the majority of Kingston Councillors voted not to take that advice and voted instead to give those funds to them? Is it true that the Councillors voted on the Grant to the Druze community without even seeing the application details of the Grant?”

Geoff asked,

“Why was the Druze community awarded \$75,000 in on going grants spanning three plus years at \$25,000 per year, the terms of which will not need proper application and documentation processes between years, which are required by other grantees, by the City of Kingston, on the night of 24 June 2024 at the Council Meeting, when they are actually in Keysborough which is in the City of Greater Dandenong?”

Julia asked,

“Is it correct that the amendments for the Druze community grant were still being amended and redrafted upstairs minutes before the start of the Council meeting of the 24 June 2024 which therefore delayed that session starting on time till 7.18pm? Is it correct that the Druze community is based in the City of Dandenong and not the City of Kingston?”

The General Manager Community Strengthening provided the following response,

“The Kingston Grants Program Assessment Panel did not recommend funding the Festival, Events and Creative Activities application submitted by the Druze Community Charity of Victoria and the reasons for this were outlined in the agenda for the Ordinary Council Meeting on 24 June 2024. In relation to voting, two Councillors declared conflicts of interests and left the Chamber, of the remaining Councillors, six voted for and two voted against. Councillors do not view grant applications however are briefed on them in detail. This is in line with the recommendations of the Victorian Auditor-Generals Office (VAGO) report which makes ten recommendations to Councils regarding Community Grants. One of the recommendations is to Exclude councillors from assessing and making recommendations on grant applications. Due to this report recommendation, Kingston follows this as a best practice approach. Council resolved to fund the Druze Community Charity of Victoria \$25,000 per annum for 2024- 27. The Festival, Events and Creative Activities is a triennial funding stream. The reasoning Council provided was the application aligned with Council’s Strategic Direction: Healthy and Inclusive, as outlined in the Council Plan 2021-25 and it further supports

the Kingston community to celebrate the commonality and diversity of the community by encouraging understanding and respect between peoples of all faiths and cultures. The Druze Community Charity of Victoria are subject to the same conditions as all successful grants recipients in the Community Festivals, Events and Creative Activates Streams. This includes, but is not limited to signing the funding agreement and submitting annual reports and acquittals. Amendments for the Druze Community Charity of Victoria community grant were not still being amended and redrafted minutes before the start of the Council Meeting of the 24 June 2024. It is correct the Druze Community Charity of Victoria is located in the City of Dandenong. However 50% of their members are Kingston residents and therefore are still eligible for the Kingston Grants Program.”

Note: In accordance with Sub-Rule 39.8 of the Governance Rules, questions from Rose Kantelberg and Marc and were grouped together.

Marc asked,

“Are the new parking review technologies which you mention in your agenda that “will provide contemporary parking management solutions for the community” and which Council says it is ‘finalising’, going to give the Council the ability charge a fee or require a permit of everyone who parks their cars on streets or areas which at present give the people free parking? Does Council have plans to charge for parking in more residential streets and areas of Kingston which at present are free parking areas for residents and visitors?”

Rose Kantelberg asked,

“What does Council mean when it says it will, quote, “finalise the specification and complete the market testing for parking review technologies to provide contemporary parking management solutions for the community”? Are these new contemporary technologies anything to do with car plate recognition?”

The General Manager Planning and Place provided the following response,

“In response to the questions from Marc the foreshore is the only location where Council presently charges a fee for parking in its public carparks. Property owners in Kingston have access to free parking in these areas through a permit they obtain from Council. Kingston currently has a significant number of property owners who also have access to Residential Parking Permits in highly visited locations where on street parking can at times be challenging. The permits generally provide local residents with the ability to stay beyond the signed time periods. A very nominal fee is charged to administer the Residential Parking Permit system. Beyond continuing to apply the Councils Residential Parking Permit system Kingston has no plans to charge for parking in residential streets and areas of Kingston which at present are free parking areas for residents and visitors. In response to the questions from Rose the Council periodically reviews the types of technologies it uses to manage its parking management responsibilities. Such technologies include the hand-held devices to issue tickets, sensors to provide information on parking occupancy rates, the parking machines it uses and its web-based interface to manage infringement enquiries. Over the coming 12 months the Council will again seek quotations for solutions to assist Council in running its Parking Management Service. The use of car plate recognition systems is not something widely used by Local Governments. Such systems are generally used at very largescale retail centres such as Southland to maintain the free flow of traffic through major carparks where a fee is charged for only extended stays. Council has no plans to use such systems as their application is not presently well suited to the management of Council’s smaller car parking areas.”

Note: In accordance with Sub-Rule 39.8 of the Governance Rules, questions from Roslyn and Anna were grouped together.

Roslyn asked,

“Why has Kingston Council increased its Council Governance and administration budget from \$6,408,000 for 23/24 to \$8,182,000 for 24/25, which is a 22% increase during this time of an unprecedented cost of living crisis?”

Question from Anna,

“Why has Kingston Council increased its Council Governance and administration budget from \$6,408,000 for 23/24 to \$8,182,000 for 24/25, which is a 22% increase during this time of an unprecedented cost of living crisis?”

The Chief Finance Officer provided the following response,

“I refer to page 44 of the 2024/25 Budget which highlights that the cost of Council Governance and Administration is to increase from \$8 million in 2023/24 to \$8.3 million in 2024/25 which is a 4 per cent increase. This increase is affected by inflation. The numbers referred to in the question are net of revenue and there was additional, one-off revenue in 2023/24 that affects the comparison of data.”

Note: In accordance with Sub-Rule 39.8 of the Governance Rules, questions from Ali and Simon were grouped together.

Ali asked,

“Can you please list the actual tangible, physical and monetary support Kingston Council has given to the Parkdale Traders who have suffered so greatly during the building of the Skyrail?”

Simon asked,

“Given Labor’s Skyrail in Parkdale has devastated the shops on the back of Covid - will Council agree to waive charges and fines for the shop owners? Will Council also agree to wave parking fines for owners and staff, who have to constantly move their cars?”

The General Manager Planning and Place provided the following response,

“The support provided to Parkdale traders by Council included:

- *Dedicated trader liaison resource attending the centre on a regular basis to support and engage all businesses and liaise with the LXR*
- *Free mentoring services to businesses*
- *Funded the establishment and provided advisory support to the Parkdale Traders Association (including its Registration of incorporation)*
- *Creating a temporary traders parking permit scheme allowing traders extended time to park in and around the Parkdale Centre to reduce the need for owners or staff to move vehicles.*
- *Changed parking conditions at traders request in Parkdale to maximise patronage to their businesses.*
- *Waived fees for:*
 - *Footpath trading (assisting approximately 24 businesses)*
 - *Future requests for footpath furniture relocation. This will support businesses to introduce footpath trading; and*
 - *Traffic Management Plan and subsequent road closures and Event signage for the Parkdale Christmas event (run by the Parkdale Traders Association)*
- *Advocated successfully to the LXR:*

- *To retain the Como Parade East Car Park (opposite library) for public parking for a greater period during the LXP works*
- *For the removal of car parking spaces for temporary bus stops during construction*
- *Increased:*
 - *cleaning schedule for the shopping precinct;*
 - *bin collections; and*
 - *parking patrols on request from traders”*

Simon asked,

“About a month ago a Parkdale trader was visited by a Council Officer on a Friday afternoon. The Officer allegedly told the business owner their \$600 was overdue and they were “handing out \$2,000 fines” starting next week. The business owner was told the \$600 bill was to allow them to display goods on the footpath.”

The General Manager Planning and Place provided the following response,

“Council’s Environmental Health team is currently following up unpaid Food Act 1984 registrations for the 2024 registration year across the municipality. Final payments were due by 31 January 2024 and since that time, any businesses with fees outstanding have received a debtor statement reminding the business owner of the outstanding payment. As it is an offence under the Victorian Food Act 1984 to trade without registration, businesses who have not paid are currently being followed up. While fines of up to \$2,000 can be issued for being unregistered, where a business requires assistance with payment options, Council is assisting enquiring businesses in line with our Hardship Policy. While fees are usually charged for footpath trading, these fees have been waived in 2024 for businesses in Parkdale impacted by the Level Crossing works.”

Donna Mahony asked,

“Is there a register available online and for all the public to see, of the CEO and all Executive officers Gifts, Hospitality and Donations? If not, why not?”

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

“A register of staff gift and hospitality declarations is maintained, however is not available online. However, I acknowledge that the Organisational Gift and Hospitality Policy states that a summary of the Gifts and Hospitality register will be made available on Council’s website in accordance with Councils Public Transparency Policy. We will endeavour to make this available as soon as possible.”

Stephen Mahony asked,

“Who are the people behind the ‘Mens’ Table’ grant How does Council justify giving these people \$10,000?”

The General Manager Community Strengthening provided the following response,

“Information about The Men’s Table is available online at themenstable.org. The Assessment Panel noted the gap in men’s health support hence it was recommended and subsequently approved for funding by Council.”

Richard Denvir asked,

- “1. *Would the Council please explain how a decision was reached to plant Corymbia Citriodora 'Baby Citro' along the Queens Street Corridor on July 18th, 2024, in Parkdale.*
2. *Would the Council please also advise what action if any was taken to ensure that when the plants grow to full potential, that they are not at risk of damaging or restricting access to underground power, NBN, sewage, water, drainage or buildings.”*

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

“Known as the Queen Street Linear Reserve, last year Council planted 30 Corymbia Citriodora ‘Baby Citro’ and received positive feedback. These are grafted lemon scented Eucalyptus, specifically selected to be planted under powerlines due to the fact they only grow to around 5m height when mature. When deciding on tree placement, several things are considered including car parking, sightlines, infrastructure, and residential access to property. The trees have been planted closer to the footpath than the houses, enabling future shading over the path. Residents were consulted through a tree flyer delivered to houses in April prior to the start of planting, detailing the tree specifications.”

Note: In accordance with Sub-Rule 39.8 of the Governance Rules, questions from Glenn Butcher, Marina Coletti, Roland, Greg Planner and Ray Eklund were grouped together.

Glenn Butcher asked,

“Given the current license has 2.5 years until expiration, why is there such a rush to push the proposed policy through ASAP?”

Marina Coletti asked,

“After agreeing to an initial 9 year license term, why does KCC now want to reduce it to 3 years?”

Roland asked,

“Are Councillors prepared for the likely backlash from boatshed owners as well as the wider community if they agree to a policy that contains so many concerns/ inconsistencies?”

Greg Planner asked,

“Why does the consultation process not allow the body representing the members, to have input prior to public consultation, especially when the proposed policy is flawed?”

Ray Eklund asked,

“How will Council and Councillors respond to its Constituents and the insurer to Justify the endorsement of structures approved by them but not compliant with building regulations?”

The Chief Finance Officer provided the following response,

“There has been no rush in reviewing the Boatshed and Bathing Box Policy. The policy was last endorsed by Council in May 2017 and was due for review, which occurs with all Council policies. Officers have been engaging on the proposed changes to the policy with the Kingston Boatshed Association since December 2023. The review date is not tied to the lapsing licences in 2.5 years. The officers’ recommended change in licence duration from nine years to three years is in response to safety and compliance concerns and ensuring higher levels of engagement between officers and licence holders. Shorter licence terms are also in line with other councils. Officers are recommending the draft policy for community engagement, including with the Kingston Boatshed Association. All views will be considered by Council before any final adoption of any changes to the policy. Officers have been engaging with Kingston Boatshed Association since December 2023 on the proposed changes to the policy. Officers will continue to seek to ensure that all structures are compliant with building regulations and in line with DEECA’s guidelines and we will confirm that with the Kingston Boatshed Association.”

Ian Baldock asked,

1. *When can I expect to receive the response as promised to me a month ago at the June 24 Council meeting?*
2. *When questions put to Kingston in Council are read out, do the councillors have a copy of what was submitted, in full, in order for them to understand their ratepayers’ concerns ?”*

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

1. *Officers responded to Mr Baldock’s question by email today.*
2. *The Mayor is provided with a full copy of the questions and copies are made available to Councillors prior to the meeting.*

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

“Known as the Queen Street Linear Reserve, last year Council planted 30 Corymbia Citriodora ‘Baby Citrio’ and received positive feedback. These are grafted lemon scented Eucalyptus, specifically selected to be planted under powerlines due to the fact they only grow to around 5m height when mature. When deciding on tree placement, several things are considered including car parking, sightlines, infrastructure, and residential access to property. The trees have been planted closer to the footpath than the houses, enabling future shading over the path. Residents were consulted through a tree flyer delivered to houses in April prior to the start of planting, detailing the tree specifications.”

7. Planning and Place Reports

7.1 Electric Vehicle (EV) Charging Policy for Adoption

Cr Eden returned to the meeting at 7:51pm.

Moved: Cr Bearsley

Seconded: Cr Cochrane

That Council:

1. Note the outcomes of community consultation on the draft Electric Vehicle Charging Policy;
2. Note the EV Charging Expression of Interest which has been issued via Tenderlink; and
3. Adopt Council's updated Electric Vehicle Charging Policy, which has been shaped by community consultation.

CARRIED

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

AGAINST: Nil (0)

7.2 Climate and Ecological Emergency Response Plan (CEERP) - Carbon Offsets

Moved: Cr Hill

Seconded: Cr Davies

That Council:

1. Note the Collaborative Engagement Group panel report and offset "principles";
2. Note the specialist reports provided by consultancy, Pangolin Associates; and
3. Adopt Council's Carbon Offset Policy

Cr Bearsley left the meeting at 7:58pm.

CARRIED

FOR: Crs Davey-Burns, Eden, Oxley, Cochrane, Davies and Hill (6)

AGAINST: Cr Howe (1)

8. Community Strengthening Reports

8.1 Kingston Grants Program - Funding Recommendations for Multicultural & Seniors Groups 2024-27 (Operational & Partnership Grants)

Moved: Cr Davies

Seconded: Cr Cochrane

That Council approve the funding recommendations of the Kingston Grants Program Assessment Panel for the Multicultural & Seniors Groups category of the Operational & Partnership Grants 2024-27, as outlined in Appendix 3.

CARRIED

FOR: Crs Davey-Burns, Eden, Oxley, Cochrane, Davies and Hill (6)

AGAINST: Nil (0)

ABSTAINED: Cr Howe (1)

8.2 Individual Development Grants and Community Small Grants - Quarterly Report (April - June 2024)

Moved: Cr Davies

Seconded: Cr Hill

That Council:

1. Note the funding outcomes of the Individual Development Grants for April - June 2024, as presented in Appendix 1;
2. Note the successful funding outcomes of the Community Small Grants for April - June 2024, as presented in Appendix 2; and
3. Endorse that the Community Small Grants as presented in Appendix 3 are not recommended for funding for April – June 2024.

Cr Bearsley returned to the meeting at 8:01pm.

CARRIED

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

AGAINST: Nil (0)

9. Infrastructure and Open Space Reports

9.1 Award of Contract CON-23/113 - Kingston's New Aquatic and Leisure Centre Project Main Works Contractor

Moved: Cr Cochrane

Seconded: Cr Hill

That Council:

1. Note the outcome of the tender assessment process for Contract CON-23/113 – Kingston's New Aquatic and Leisure Centre Project Main Works Contractor, as set out in attached confidential Appendices 1 and 3;
2. Award Contract CON-23/113 - Kingston's New Aquatic and Leisure Centre Project Main Works Contractor for the final adjusted fixed lump sum price of \$73,976,064.00 (exclusive of GST) to ADCO Group Pty Ltd (ABN 15 094 531 272);
3. Approve an increase to the total project budget from \$79.1 million to \$87.5 million inclusive of project contingency, future gym expansion and latent risks as outlined in the confidential Appendix 1;
4. Endorse that additional funding required is to be allocated from the Capital Reserve Fund (\$6.4 million), the Public Open Space Reserve (\$1 million) and the Defined Benefits Superannuation Reserve Fund (\$1 million); and
5. Delegate authority to the CEO, or delegate, to expend contingency allowance if necessary to ensure the successful completion of the project.

CARRIED

FOR: Crs Davey-Burns, Eden, Oxley, Cochrane, Davies, Hill and Bearsley (7)

AGAINST: Nil (0)

ABSTAINED: Cr Howe (1)

9.2 Award of Contract CON-24/109 - Provision of Reactive and Preventative Maintenance for Heating, Ventilation and Cooling Systems

Moved: Cr Davies

Seconded: Cr Cochrane

That Council:

1. Award Contract 24/019 Provision of Reactive and Preventative Maintenance Services for Heating, Ventilation and Cooling Systems as a Schedule of Rates and Lump Sum Contract to Brandon Airconditioning & Mechanical Services Pty Ltd, at a maximum Year 1 cost of \$752,706.83 (excluding GST) and estimated maximum total life of contract cost of \$9,338,571.02 (excluding GST); and
2. Authorise the Chief Executive Officer, or their delegate, to execute the two (2) up to three (3) year contract extension options subject to satisfactory performance.

CARRIED

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

AGAINST: Nil (0)

9.3 Award of Contract CON-24/016 - Open Space Mowing Services and Contract CON-24/015 - Sportsground Mowing Services

Moved: Cr Davies

Seconded: Cr Bearsley

That Council:

1. Award Contract 24/016 Open Space Mowing Services to Green Life Group (GLG) for an initial Contract Term of four (4) years and eight (8) months, which is estimated to have a total value of \$15,403,811.22 excluding GST subject to CPI;
2. Award Contract 24/015 Sportsground Mowing Services to DGM Turf Contractors for an initial Contract Term of four (4) years and eight (8) months, which is estimated to have a total value of \$6,336,258.60 excluding GST subject to CPI;
3. Endorse that the CEO, or their delegate, has delegation to approve contract options for both the contracts listed in 1 and 2 above, of an additional two extensions of two years, for a maximum total contract period of eight years and eight months, subject to satisfactory contractor performance;
4. Endorse an operational budget adjustment of the Open Space budget for FY 24/25 for the \$2,844,422.41 shortfall; and
5. Receive a report before the end of this Council term identifying budget adjustments.

CARRIED

FOR: Crs Davey-Burns, Eden, Cochrane, Davies, Hill, Howe and Bearsley (7)

AGAINST: Nil (0)

ABSTAINED: Cr Oxley (1)

9.4 Contract Contingency Delegation - Various Contracts

Moved: Cr Davies

Seconded: Cr Hill

That Council:

1. Approve the additional contingency amount detailed in confidential Appendix 1 to Contract CON 23/126 with Alchemy Construct Pty Ltd for the construction of the Dingley Reserve Pavilion;
2. Approve the additional contingency amount of detailed in confidential Appendix 1 to Contract CON 23/002 with FIMMA Constructions Pty Ltd for the construction of the North Cheltenham Pre School Redevelopment;
3. Approve the additional contingency amount detailed in confidential Appendix 1 to Contract CON 22/133 with Alchemy Construct Pty Ltd for the construction of the Dingley Village Neighbourhood Centre – Stage 2 Construction; and
4. Note that the additional contingency amounts will be funded from additional grant funding received.

CARRIED

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

AGAINST: Nil (0)

9.5 Maintenance Contract Extensions - Various Contracts

Moved: Cr Bearsley

Seconded: Cr Davies

That Council:

1. Approve the extension of CON 19/48 Provision of Electrical Services (Trade Panel) for a period of 12 months at a value of up to \$900,000 (excluding GST);
2. Approve the extension of CON 19/50 Provision of Plumbing Services (Trades Panel) for a period of 18 months at a value for up to \$1,200,000 (excluding GST); and
3. Approve the extension of CON 20/121 Provision of Cleaning Services for a period of 2 years at a value of up to \$2,700,000 (excluding GST).

CARRIED

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

AGAINST: Nil (0)

9.6 Fair Access Policy - Consultation Findings and Adoption

Moved: Cr Eden

Seconded: Cr Davies

That Council:

1. Receive the community consultation feedback and comments on the draft Fair Access Policy;
2. Note the amendments made to the Fair Access Policy based on the community feedback; and
3. Adopt the Fair Access Policy and Action Plan, as set out in Appendix 1.

Cr Cochrane left the meeting at 8:25pm.

CARRIED

FOR: Crs Davey-Burns, Eden, Oxley, Davies, Hill, Howe and Bearsley (7)

AGAINST: Nil (0)

9.7 Bonbeach Pavilion - Options for Development

Moved: Cr Howe

Seconded: Cr Eden

That Council:

1. Note Council has received a letter on behalf of the current YCW office bearers, stating that "while we can see potential value in a refurbishment and the shorter-term construction timeline, we are of the firm belief that a new building will be a much better outcome for the club and the community";
2. Note the support of the clubs for option two – demolition of YCW pavilion, construction of a new modular pavilion with two sets of change rooms and retention of the Curwood Pavilion;
3. Endorse option two – demolition of the YCW pavilion, construction of a new modular pavilion with two sets of change rooms and retention of the Curwood Pavilion; and
4. Note funding will be allocated in the capital forward plan in future years, beyond the current five-year program.

Cr Cochrane returned to the meeting at 8:28pm.

CARRIED

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

AGAINST: Nil (0)

10. Customer and Corporate Support Reports

10.1 Governance and Compliance Report

Moved: Cr Davies

Seconded: Cr Cochrane

That Council:

1. That in the exercise of the powers conferred by s147(4) of the *Planning and Environment Act 1987*, Kingston City Council resolves that:
 - a) The member of Council staff referred to in the instrument attached (appendix 1) be appointed and authorised as set out in the instrument.
 - b) The instrument comes into force immediately on resolution and remains 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 at Appendix 2;
3. Adopt the revised Ward Meetings Policy; and
4. Adopt the revised Recording of Council Meetings Policy.

CARRIED

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

AGAINST: Nil (0)

11. Chief Finance Office Reports

11.1 Award of Contract CON-24/067 - Provision of Loan

Moved: Cr Cochrane

Seconded: Cr Davies

That Council:

1. Award Contract No. 24/067 – Provision of a \$55.95 million loan to partly fund the aquatic centre under the following conditions:
 - 1.1. Principal: up to \$55.95 million
 - 1.2. on a fixed rate basis, currently indicatively set at 5.405 per cent per annum, with the final rate to be set at the time of execution and draw-down, with a Council-approved tolerance of the impact of Reserve Bank of Australia Board (RBA) decisions to increase the cash rate, plus an additional tolerance of up to 10 basis points at the point of officers signing the loan documentation
 - 1.2.1. Illustratively, if the RBA increases the cash rate by 50 basis points, and allowing for an additional tolerance of 10 basis points, the maximum interest rate resolved by Council is 6.005 per cent per annum
 - 1.3. for a term of 15 years from execution
 - 1.4. to be borrowed from Treasury Corporation of Victoria, noting that this is subject to confirmation of the Treasurer’s approved borrowing limit in 2025/26
 - 1.4.1. Note that Treasurer has approved a borrowing limit to date \$33.624 million in 2024/25 for Kingston. Should the Treasurer’s approved borrowing limit for the remaining \$22.326 million not be forthcoming in December 2024 for 2025/26, officers will tender for the remaining amount of the loan for Council approval.
2. Authorise the Chief Executive Officer, or their delegate, to execute the loan documentation within the approved budget.

CARRIED

FOR: Crs Davey-Burns, Eden, Oxley, Cochrane, Davies, Hill and Bearsley (7)

AGAINST: Cr Howe (1)

11.2 Boatshed and Bathing Box Policy 2024 - Public Consultation

Moved: Cr Cochrane

Seconded: Cr Hill

That Council:

1. Endorse the draft revised Boatshed and Bathing Box Policy 2024 for Council consideration and public consultation under Council's Community Engagement Policy; and
2. Receive a further report at the conclusion of the public consultation period.
3. Ensure officers further engage with the Kingston Boatshed Association (KBA) & other stakeholders throughout public consultation, noting further amendments will need to be made to the draft policy to address concerns raised.

Cr Saab arrived at 8.45pm.

CARRIED

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

AGAINST: Nil (0)

11.3 Fencing Policy

Moved: Cr Hill

Seconded: Cr Davies

That Council:

1. Endorse the draft revised Fencing Policy (Appendix 1) for Council consideration and public consultation under Council's Community Engagement Policy; and
2. Receive a further report at the conclusion of the public consultation period.

CARRIED

FOR: Crs Davey-Burns, Eden, Cochrane, Davies, Hill, Howe and Saab (7)

AGAINST: Nil (0)

ABSTAINED: Crs Oxley and Bearsley (2)

11.4 2024/25 Rates Timing Adjustment

Moved: Cr Hill

Seconded: Cr Bearsley

That Council:

1. In respect of Rates and Charges adopted by Council on 27 May 2024 and in accordance with the *Local Government Act 1989*, determine to allow:
 - 1.1. in accordance with Section 167(1) and (2), payment of rates and charges by four approximately equal instalments paid on or before 30 September 2024, 30 November 2024, 28 February 2025 and 31 May 2025;
 - 1.2. in accordance with Section 167(2A) and (2B) payment of rates and charges by lump sum on or before 15 February 2025;
 - 1.3. payment of rates and charges by ten approximately equal direct debit payments from 1 September 2024 until 1 June 2025;
 - 1.4. payment of rates and charges in any instalment (only via the Payble payment solution, and providing rates and charges are paid in full by 31 May 2025).
2. Note that this timing of payment of Rates and Charges supersedes the timing referred to in the resolution of 27 May 2024.

CARRIED

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

AGAINST: Nil (0)

ABSTAINED: Cr Saab (1)

12. Notices of Motion

**12.1 Notice of Motion No. 5/2024 - Cr Howe - Patterson River Sculpture Trail
Vision and Direction Statement**

Moved: Cr Howe

Seconded: Cr Davies

That Council in an officer report:

1. Confirm that the vision and direction statement of the Patterson River sculpture trail is to celebrate the boating culture and coastal lifestyle, with iconic sculptures that may feature refined detail or vibrant colours. Artists will be encouraged to use ingenuity to reimagine spaces, high or low, and wet or dry.
2. The vision and direction statement will be the guide for the organisation, including any decision-making panel appointed to evaluate any art form proposed for installation.

CARRIED

FOR: Crs Eden, Oxley, Cochrane, Davies, Howe and Bearsley (6)

AGAINST: Nil (0)

ABSTAINED: Crs Davey-Burns, Hill and Saab (3)

12.2 Notice of Motion No. 6/2024 - Cr Howe - Building Cost Control Audit and Management

Moved: Cr Howe

Seconded: Cr Oxley

That Council:

1. Accept building and construction quotes are considerably higher for the City of Kingston when compared to private and/or corporate development;
2. Receive an officer report by February 2025 that provides:
 - i. a review of current criteria, including what is outlined in the Procurement Policy that assesses the award of building and construction contracts, including performance of value management, competitive tendering and negotiation of contracts, (if any);
 - ii. recommendations to obtain maximum value and control cost escalation as practicable alongside an implementation strategy; and
 - iii. options for consideration of Council that evaluates the introduction of a wholly-owned subsidiary company to facilitate capital works, with the intention of meeting the recommendations in point 2 (ii)

Amendment

Moved: Cr Eden

That the Motion be adopted with the addition of the following point 3:

Officers consider approaches to save cost by delivering buildings that address the primary and functional needs for organisations in a more economical manner.

The Amendment was accepted by the Mover and Seconder

Cr Hill left the meeting at 9.22pm.
Cr Hill returned to the meeting at 9.23pm.
Cr Eden left the meeting at 9:27pm.
Cr Eden returned to the meeting at 9:28pm.
Cr Oxley left the meeting at 9:30pm.
Cr Oxley returned to the meeting at 9:31pm.
Cr Eden left the meeting at 9:39pm.
Cr Oxley left the meeting at 9:39pm.

The Motion was put and LOST

FOR: Cr Howe (1)

AGAINST: Crs Hill and Saab (2)

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

LOST

Note: Cr Oxley requested through the Chair and was granted an extension of time of two minutes to speak on the matter.

13. Urgent Business

There were no items of urgent business.

14. Confidential Items

Moved: Cr Hill

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 Contractual Matter

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

- because it is private commercial information, being information provided by a business, commercial or financial undertaking that relates to trade secrets (section 3(1)(g(i))), and
- The explanation as to why the specified ground/s applies is the commercial nature of the information contained along with the current status of the procurement project.

CARRIED

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

AGAINST: Nil (0)

The meeting was closed to members of the public at 9.41pm.

Moved: Cr Bearsley

Seconded: Cr Davies

That the meeting be opened to members of the public.

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

AGAINST: Nil (0)

CARRIED

The meeting was opened to members of the public at 9.44pm.

The meeting closed at 9.44pm.

Confirmed.....

The Mayor 26 August 2024