

Minutes

Ordinary Meeting of Council

Monday, 23rd March 2015

**City of Kingston
Ordinary Meeting of Council**

Minutes

23 March 2015

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	3
5.	Presentation of Awards	4
6.	Reports from Delegates Appointed by Council to Various Organisations.....	4
7.	Question Time.....	4
8.	Sustainable Planning and Development Reports	5
9.	Community Sustainability Reports.....	5
10.	City Assets and Environment Reports	7
11.	Corporate Services Reports	8
12.	Notices of Motion	10
13.	Urgent Business.....	13
14.	Confidential Items	13

**City of Kingston
Ordinary Meeting of Council**

Minutes

23 March 2015

The meeting commenced at 7.01pm in the Council Chamber, 1230 Nepean Highway, Cheltenham.

Present: Cr Geoff Gledhill (Mayor)
Cr Tamara Barth
Cr Tamsin Bearsley
Cr Ron Brownlees OAM
Cr David Eden
Cr John Ronke
Cr Steve Staikos
Cr Rosemary West OAM

In Attendance: John Nevins, Chief Executive Officer
Mauro Bolin, General Manager Community Sustainability
Paul Franklin, General Manager Corporate Services
Daniel Freer, General Manager City Assets and Environment
Rachel Hornsby, General Manager Sustainable Planning and Development
Jonathan Guttman, Manager City Strategy
Tracey Cheeseman, Media Advisor
Phil De Losa, Program Leader Governance
Joanne Creedon, Governance Officer
Gabrielle Pattenden, Governance Administration Officer

1. Apologies

An Apology from Cr Peulich was submitted to the meeting.

Moved: Cr Staikos

Seconded: Cr Brownlees

That the apology from Cr Peulich be received.

CARRIED

2. Confirmation of Minutes of Previous Meetings

Moved: Cr Bearsley

Seconded: Cr Staikos

That the Minutes of the Ordinary Meeting of Council held on 23 February 2015 be confirmed.

CARRIED

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

Cr Eden declared an indirect conflict of interest in Item 11.2.

**City of Kingston
Ordinary Meeting of Council**

Minutes

23 March 2015

4. Petitions

4.1 Request for Traffic Lights at intersection of Warren Road and White Street Mordialloc

Moved: Cr Brownlees

Seconded: Cr West

That the petition be referred to the Chief Executive Officer for response and advice be provided to the petitioners of the process going forward.

CARRIED

4.2 Request to prohibit circuses that use animals

Moved: Cr Barth

Seconded: Cr Staikos

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

CARRIED

5. Presentation of Awards

Gail Ricato

The Mayor Cr Gledhill acknowledge the substantial contribution made by Gail as Manager of the Patterson Lakes Community Centre for the past 27 years.

Under Gail's leadership, the Patterson Lakes Community Centre developed to play an important role in providing a range of social, recreational and personal development activities and services for the local community.

Cr Gledhill presented Gail with a Certificate of Appreciation for her dedication and tireless commitment to the Patterson Lakes community.

6. Reports from Delegates Appointed by Council to Various Organisations

Cr West reported on her attendance at the Metropolitan Transport Forum.

Moved: Cr West

Seconded: Cr Bearsley

That the delegate report be received.

CARRIED

Block Resolution

Moved: Cr Bearsley

Seconded: Cr Staikos

That the recommendations for Items 9.1, 9.2, 10.1, 10.2, 10.3, 11.3, 11.5 and 11.7 be adopted.

CARRIED

7. Question Time

Question time took place at 8.20pm. Please refer to page 13 of the notes.

8. Sustainable Planning and Development Reports

8.1 Response to Notice of Motion 50/2014 - Golf Course Policy

Moved: Cr Staikos

Seconded: Cr Brownlees

1. That considering there are 11 golf courses within the City of Kingston. Council recognises that, although the land is privately owned, the current use provides considerable community amenity. Golf courses also provide recreation opportunities and can provide environmental benefits. The Council wants existing golf clubs to remain economically viable. Where clubs are not able to be economically viable and, should the land owner wish to cease golf operations on the site, the Council is keen that the land is used for purposes that allow the land to retain its green and open vistas.
2. That officers prepare a Golf Course Policy for consideration by Council along the lines of part 1 of this motion, and the resolutions passed at the May 2014 and December 2014 meetings of Council (Item 13.6) and of the legal advice consequently received, with reference to:
 - a. providing certainty about the future protection of golf course land in the City of Kingston,
 - b. any relevant provisions in Plan Melbourne,
 - c. reaffirming protections in the Kingston Planning Scheme including schedule 1 to the Special Use Zone.
3. That this draft policy be provided to Councillors in the May 2015 meeting cycle
4. That once Council adopts a policy;
 - a. Council write to the Minister for Sport and the Minister for Planning:
 - i. seeking to understand whether the State Government has an established policy position on Private Golf Courses (viability of clubs and strategic land use issue), and
 - ii. expressing an interest in further discussing opportunities for State Government investment in golf infrastructure in Kingston.
 - b. Council develop and deliver a forum about “the business of golf in the

21st century” which brings together clubs and experts to discuss ideas and opportunities to create viable business models for golf clubs.

CARRIED

9. Community Sustainability Reports

9.1 Review of the Central Enrolment Scheme for Funded Kindergarten

RECOMMENDATION

That Council:

1. Receive the information; and
2. Amend the Central Enrolment Scheme Policy allocation priorities and definitions as proposed in Appendix 2 to the report.

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

9.2 Con 15/1 - Nola Barber Kindergarten Alterations & Additions Construction Project: Award of Contract

RECOMMENDATION

That Council:

1. Receive the information
2. Award Contract 15/1 – Nola Barber Kindergarten Construction Project for the fixed lump sum of \$796,998.00 exclusive of GST to Fercon Property Group Pty Ltd.
3. Approve the reallocation of \$25,000 (excl GST) of surplus funds, achieved through savings in 2014/15 for the delivery of Capital Program Project C0259 Clayton South Kindergarten Construction Project, as proposed in the report.
4. Approve the pre-commitment of \$540,000 allocated towards the Nola Barber Kindergarten Construction Project within the forthcoming 2015/16 Capital Works Program.
5. Approve the expenditure of separate associated project contingency, design and ancillary project costs, as set out in the confidential attachment.

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

10. City Assets and Environment Reports

10.1 Gnotuk Avenue Car Park Final Landscape Plan

RECOMMENDATION

That Council:

1. Note the community feedback on the draft Gnotuk Avenue car park Landscape Plan;
2. Approve the Gnotuk Avenue car park Landscape Plan;
3. Authorise Council officers to proceed with implementation of the Gnotuk Avenue car park Landscape Plan; and
4. Authorise Council officers to proceed to tender works in order to begin works in the 2014/15 Financial Year.
5. Explore options to install shade awnings at Aspendale Life Saving Club with relevant club members.

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

10.2 Replacement of Bristol Avenue Toilets

RECOMMENDATION

That Council:

1. Endorse the final Bristol Avenue Toilet Plan;
2. Proceed with demolition of the existing toilet block and replacement with the endorsed design for a dual toilet block with single gable roof; and
3. Authorise Council Officers to proceed to tender works in order to commence works in the 2014/15 financial year.

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

10.3 Kingston Leisure Centres Cleaning Tender Contract Approval

RECOMMENDATION

That Council delegates the Chief Executive Officer authority to award Kingston Leisure Centres Contract Contract 14/65 to Quayclean Australia for a period of two years, with two further options of two year terms, subject to satisfactory performance, at a total cost for the first year of \$183,439.20 exclusive GST; with an estimated total value of the contract \$1,186,559.93 exclusive of GST over the maximum 6 year term.

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

10.4 Patterson Lakes Waterways Draft Management Plan - Maintenance Agreement

Procedural Motion

Moved: Cr Bearsley

Seconded: Cr Ronke

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

CARRIED

11. Corporate Services Reports

11.1 Updates to Councillor Code of Conduct - Conflict of Interest Principles and Protocol

Moved: Cr Staikos

Seconded: Cr Brownlees

1. That Council adopt the revised Councillor Code of Conduct.
2. That Councillors re-sign the revised Councillor Code of Conduct.

CARRIED

11.2 Confidential Information Register

Cr Eden declared an indirect conflict of interest due to close association as his father has a water craft stored in the area and left the meeting at 7.26pm prior to any discussion on the Item.

Moved: Cr Staikos

Seconded: Cr Bearsley

That Council:

1. In accordance with section 77(2)(b) of the Local Government Act 1989 declare the following document confidential:
 - a. Evaluation of EOI for Licence Agreement for Part of Pompei's Landing Appendix 3, EOI Pompei Licenses Evaluation as it relates to any other matter which the Council or special committee considers would prejudice the Council or any person (section 89(2)(h)).
2. Include this document in the Confidential Information Register.

CARRIED

Cr Eden returned to the meeting at 7.28pm

11.3 Assembly of Councillors Record Report

RECOMMENDATION

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

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

11.4 Council Ward Grants

Moved: Cr Staikos

Seconded: Cr Bearsley

That Council approve the recommended Council Ward Grants in accordance with the table of Councillor recommendations in Appendix 1.

CARRIED

11.5 Response to NOM 54/2014 - Efficiency and Effectiveness Review

RECOMMENDATION

That Council:

1. Note the information.
2. Reconsider initiating an external review following receipt of the 2014/15 Local Government Performance Reporting Framework data.

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

11.6 Council Consultation Framework - Advisory Committee Structure and Terms of Reference

Moved: Cr Brownlees

Seconded: Cr Staikos

1. That Council adopt the following Advisory Committees in line with the Council Consultation Framework:
 - a. Public Spaces and Environment Advisory Committee
 - b. Access and Equity Advisory Committee
 - c. Sport and Recreation Advisory Committee
 - d. Arts and Culture Advisory Committee
 - e. Kingston Festivals Advisory Committee

**City of Kingston
Ordinary Meeting of Council**

Minutes

23 March 2015

- f. Kingston Youth Advisory Committee
 - g. Community Safety Advisory Committee
2. That Council adopt the following as Operational Committees in line with the Council Consultation Framework:
- a. Kingston Charitable Fund Community Grants Panel
 - b. LF Payne Hall Usage Committee
3. That Council adopt the following as Network Committees in line with the Council Consultation Framework;
- a. Kingston Interfaith Network
 - b. Historical Societies Network
4. That Council adopt the Terms of Reference template broadly as outlined in Appendix 2 of this report to be applied to the seven Advisory Committees.

Subject to consideration of any submissions on the key features, purposes and terms of reference received from interested members of the community, including members of the former Village Committees, and of the current reference or advisory groups, and to discussion among Councillors at a Councillor Information Session.

CARRIED

11.7 2014/15 Budget Forecast

RECOMMENDATION

That Council note the report and endorse the forecast operating budget position as at 30 June 2015 and detailed amendments to Council's adopted 2014/15 Capital Works Budget.

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

12. Notices of Motion

12.1 Notice of Motion No. 9/2015 - Cr Peulich - Peninsula & Kingswood Golf Clubs Merger

Procedural Motion

Moved: Cr Staikos

Seconded: Cr Brownlees

That consideration of this Item be deferred until the April Ordinary Meeting of Council

CARRIED

12.2 Notice of Motion No. 16/2015 - Cr Brownlees - Mentone Activity Hub

Moved: Cr Brownlees

Seconded: Cr Bearsley

That Council agree to reconsider Item 9.3 of the last Council meeting 23 February 2015 – (Mentone Activity Hub – Contract) and that the item be listed for consideration later on the agenda for this Council meeting

CARRIED

Moved: Cr Brownlees

Seconded: Cr Bearsley

That Council:

1. Approve the award of Contract 14/146A Mentone Activity Hub Construction Project to Cellstruct Industries Pty Ltd for \$1,514,600 (excl. GST).
2. Fund the project from within the overall 2014/15 Capital Program, as set out in the confidential attachment to this report.
3. Acknowledge the financial contribution of \$100,000 (excl. GST) being made towards the project by the Mentone-Mordialloc Arts Group Inc. (MMAG).
4. Endorse Council Officers to enter into a nine year lease with the MMAG for their exclusive occupancy of part of the facility, with rent to be paid at the community rate (consistent with their existing lease terms).
5. Approve the expenditure of separate associated project contingency and ancillary project costs, as set out within in the confidential attachment.

CARRIED

A Division was Called:

DIVISION:

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

AGAINST: Crs Staikos, West, Eden and Barth (4)

CARRIED on the casting vote of the Chairperson

Question Time

Question 1

Dorothy Booth of Mentone asked,

“Could we please have a date for the placement of the kiss and run/set down pick up sign at the Mentone Station and the removal of the sign that is attracting fines at the moment?”

The CEO provided the following response,

“Council has set a clear direction in actioning this request. In the interest of transparency, Council advised PTV of the planned course of action. PTV have subsequently indicated that the current arrangement is required for their safe operation. Council are currently working through the issues raised with PTV ”

12.3 Notice of Motion No. 17/2015 - Cr West - Mentone Seniors Building and the Master Plan for Mentone Reserve

The Notice of Motion was not considered in accordance with clause 37(1) of the Meeting Procedures Local Law as the item was resolved upon in Item 12.2.

12.4 Notice of Motion No. 18/2015 - Cr West - Consideration of any Proposals to Redevelop Remo Street

Procedural Motion

Moved: Cr West

Seconded: Cr Brownlees

That consideration of this Item be deferred until the April Ordinary Meeting of Council and until written legal advice is provided.

CARRIED

12.5 Notice of Motion No. 19/2015 - Cr West - Assessment of Proposals for Handing Over Council's Aged Care Facilities

Procedural Motion

Moved: Cr West

Seconded: Cr Staikos

That consideration of this item be deferred until the April Ordinary Meeting of Council and until written legal advice is provided.

CARRIED

13. Urgent Business

There were no items of urgent business.

14. Confidential Items

Cr Eden declared an indirect conflict of interest in Item 14 (Confidential Appendix 11.2) due to close association as his father has a water craft stored in the area and left the meeting at 8.25pm prior to any discussion on the Item and did not return to the meeting.

Moved: Cr Brownlees

Seconded: Cr Staikos

That in accordance with the provisions of section 77(2) of the *Local Government Act 1989*, the following items be deemed confidential:

Confidential Appendices

9.2 Con 15/1 - Nola Barber Kindergarten Alterations & Additions Construction Project: Award of Contract

Appendix 1, Con-15-1 Confidential Evaluation Matrix - Nola Barber Kindergarten

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

10.3 Kingston Leisure Centres Cleaning Tender Contract Approval

Appendix 1, Kingston Leisure Centres - Cleaning Tender Evaluations 2014 Overall Scores.xls

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

10.3 Kingston Leisure Centres Cleaning Tender Contract Approval

Appendix 2, Kingston Leisure Centres - Cleaning Evaluations - Shortlist Interview - Overall Scores

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

11.2 Confidential Information Register

Appendix 1, EOI Pompei Licences Evaluation

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

12.1 Notice of Motion No. 9/2015 - Cr Peulich - Peninsula & Kingswood Golf Clubs Merger

Appendix 1, Legal Advice - Kingswood Golf Course - Maddocks Lawyers

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

12.2 Notice of Motion No. 16/2015 - Cr Brownlees - Mentone Activity Hub

Appendix 3, CON 14.146 A Confidential Evaluation Matrix - Mentone Activity Hub

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

CARRIED

**City of Kingston
Ordinary Meeting of Council**

Minutes

23 March 2015

The meeting was closed at 8.25pm

Confirmed.....

The Mayor 27 April 2015