

Minutes

Ordinary Meeting of Council

Monday, 12th December 2016

**City of Kingston
Ordinary Meeting of Council**

Minutes

12 December 2016

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 | 4 |
| 5. | Presentation of Awards | 4 |
| 6. | Reports from Delegates Appointed by Council to Various Organisations..... | 4 |
| 7. | Question Time..... | 4 |
| 8. | Planning and Development Reports | 5 |
| 9. | Community Sustainability Reports..... | 13 |
| 10. | City Assets and Environment Reports | 14 |
| 11. | Corporate Services Reports | 18 |
| 12. | Notices of Motion | 19 |
| 13. | Urgent Business..... | 21 |
| 14. | Confidential Items | 22 |

**City of Kingston
Ordinary Meeting of Council**

Minutes

12 December 2016

The meeting commenced at 7.00pm in the Council Chamber, 1230 Nepean Highway, Cheltenham.

Present: Cr David Eden (Mayor)
Cr Tamsin Bearsley
Cr Tamara Barth
Cr Ron Brownlees OAM
Cr Geoff Gledhill
Cr George Hua
Cr Georgina Oxley
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
Jonathan Guttman, General Manager Planning and Development
Ian Nice, Manager City Development
Tracey Cheeseman, Media Advisor
Phil De Losa, Manager Governance
Stephanie O’Gorman, Governance Officer
Gabrielle Pattenden, Governance Administration Officer

1. Apologies

There were no apologies submitted to the meeting.

2. Confirmation of Minutes of Previous Meetings

Moved: Cr Staikos

Seconded: Cr Gledhill

That the Minutes of the Ordinary Meeting of Council held on 28 November 2016 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.

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Ordinary Meeting of Council**

Minutes

12 December 2016

4. Petitions

Parking in Valetta Street, Carrum

Moved: Cr Bearsley

Seconded: Cr Oxley

That the petition be referred to the CEO for response.

CARRIED

5. Presentation of Awards

There were no awards presented.

6. Reports from Delegates Appointed by Council to Various Organisations

Cr Barth reported on attending the Port Phillip Housing Association 30 year Anniversary and Annual General Meeting.

Moved: Cr Staikos

Seconded: Cr West

That the delegate's report be received.

CARRIED

7. Question Time

Question Time was held at 8.22pm. Refer to page 14 of the Minutes.

Block Resolution

Moved: Cr Bearsley

Seconded: Cr Brownlees

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

- 8.1 Town Planning Application Decisions - November 2016
- 9.1 Interfaith Network Committee Membership
- 10.1 Dales Park Development Plan Stage 1 Implementation - Funding
- 10.3 Moorabbin Reserve Park Plan
- 10.4 Contract No 15/127 - Traffic and Transport Services
- 10.5 Contract 16/109 - Ben Kavanagh Pavilion, Carpark & Drainage Project
- 11.1 Assembly of Councillors Record Report
- 11.2 Quick Response Grants
- 11.3 First Ordinary Meeting of Council Date for 2017
- 11.4 Harvest Festival Relocation

Cr Hua arrived at 7.10pm.

CARRIED

8. Planning and Development Reports

8.1 Town Planning Application Decisions - November 2016

RECOMMENDATION

That the report be noted.

Note: Refer to page 4 of the Minutes where this item was block resolved

8.2 KP97/2016 - 123 & 125 Como Parade East Parkdale

It is recorded that Mr Graham Worcester spoke on behalf of the objectors in relation to this item.

Moved: Cr West

Seconded: Cr Gledhill

That Council issue a Notice of Refusal to develop the land for the construction of ten (10) dwellings in a two storey apartment style development at 123 and 125 Como Parade East Parkdale on the following grounds:

1. The proposal constitutes an over-development of the site.
2. The proposal would detract from the visual amenity of the locality and the streetscape.
3. The proposal fails to satisfy all the requirements of Clause 55 of the Kingston Planning Scheme (ResCode), in particular Clause 55.02-1 Neighbourhood Character Objective, Clause 55.02-2 Residential Policy Objective, Clause 55.03 Street Setback
4. The proposal does not fully satisfy the requirements of Clause 22.11 – Residential Development Policy, of the Kingston Planning Scheme.
5. The proposal fails to meet the objectives and strategic directions of the Municipal Strategic Statement – Residential Land Use contained at Clause 21.05 of the Kingston Planning Scheme.

CARRIED

8.3 KP16/117 - 29 Tennyson Street Highett

It is recorded that Gavin Newman spoke on behalf of the objectors in relation to this item.

It is recorded that Hugh Stanford spoke on behalf of the applicant in relation to this item.

Moved: Cr Staikos

Seconded: Cr Barth

That Council issue a Notice of Refusal to develop the land for the construction of 22 dwellings at 29 Tennyson Street Highett on the following grounds:

1. The proposed density is excessive and represents an overdevelopment of the land.
2. The proposal is inconsistent with the existing scale and character for the area and fails to satisfy the objectives of Clause 22.11 and Clause 55.02-1 of the Kingston Planning Scheme.
3. The proposal is inconsistent with the preferred character and the objectives of Clause 22.01 of the Kingston Planning Scheme.
4. The proposed extent of massing is visually intrusive and would result in unreasonable amenity impacts on adjoining properties.
5. The proposed height of the building does not respect the existing neighbourhood character and fails to satisfy Clause 55.03-2 of the Kingston Planning Scheme.
6. The proposed overshadowing is excessive and fails to satisfy Clause 55.04-5 of the Kingston Planning Scheme.

CARRIED

8.4 KP16/287 - 235 Station Street, Edithvale & 14 Vincent Street, Edithvale

It is recorded that Allan Newsome spoke on behalf of the objectors in relation to this item.

It is recorded that Irene Plakidis spoke on behalf of the applicant in relation to this item.

Moved: Cr Oxley

Seconded: Cr Bearsley

That Council issue a Notice of Refusal to develop the land for the construction of twelve (12) dwellings and realignment of a common boundary at No.235 Station Street and 14 Vincent Street, Aspendale on the following grounds:

1. The proposal constitutes an over-development of the site.
2. The proposal would detract from the visual amenity of the locality and the streetscape.
3. The proposal fails to satisfy all the requirements of Clause 55 of the Kingston Planning Scheme (ResCode), in particular Clause 55.02-1 Neighbourhood Character Objective, Clause 55.02-2 Residential Policy Objective, Clause 55.03-1 Street Setback Objective, Clause 55.04-1 Side and Rear Setback Objective, Clause 55.04-2 Wall on Boundary Objective, Clause 55.05-4 Private Open Space, Clause 55.06-1 Design Detail Objective and Clause 55.06-2 Front Fence Objective.
4. The proposal does not fully satisfy the requirements of Clause 22.11 – Residential Development Policy, of the Kingston Planning Scheme.
5. The proposal fails to meet the objectives and strategic directions of the Municipal Strategic Statement – Residential Land Use contained at Clause 21.05 of the Kingston Planning Scheme.

CARRIED

8.5 KP16/288 - 6 Centre Dandenong Road Cheltenham

It is recorded that Magdaline spoke on behalf of the applicant in relation to this item.

Moved: Cr West

Seconded: Cr Gledhill

That Council issue a Notice of Refusal to develop the land for the construction of three (3) dwellings and to alter access to a road in a Road Zone, Category 1 at No. 6 Centre Dandenong Road, Cheltenham on the following grounds:

1. The proposal would detrimentally affect the amenity of the Neighbourhood.
2. The proposal would detract from the visual amenity of the locality and the streetscape.
3. The proposal constitutes an over-development of the site.

CARRIED

8.6 KP16/323 - 7 Magnolia Street Mordialloc

It is recorded that Garry Tate spoke on behalf of the objectors in relation to this item.

It is recorded that Robert Cathcart spoke on behalf of the applicant in relation to this item.

Moved: Cr Brownlees

Seconded: Cr Gledhill

That Council determine to support the proposal and issue a Notice of Decision to Grant a Permit to develop the land for the construction of two (2) dwellings at No. 7 Magnolia Street, Mordialloc, subject to the following conditions:

1. Before the development starts amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be substantially in accordance with the plans submitted to Council on 3 August 2016, but modified to show:
 - a. the provision of a landscape plan in accordance with the submitted development plan and the City of Kingston Landscape Plan Checklist, with such plans to be prepared by a suitably qualified landscape professional and incorporating:
 - i. an associated planting schedule showing the proposed location, species type, mature height and width, pot sizes and number of species to be planted on the site. The schedule must be shown on the plan;
 - ii. the delineation of all garden beds, paving, grassed areas, retaining walls, fences and other landscape works including areas of cut and fill throughout the development;
 - iii. all existing trees on the site and within three (3) metres to the boundary of the site on adjoining properties, accurately illustrated to represent actual canopy width and labelled with botanical name, height and whether the tree is proposed to be retained or removed;
 - iv. a range of plant types from ground covers to large shrubs and trees provided at adequate planting densities (e.g. plants with a mature width of 1 metre, planted at 1 metre intervals);
 - v. the provision of two (2) suitable medium sized (at maturity) canopy trees within the front setback of the property and one (1) small (at maturity) tree within the private open space area of each dwelling, with species chosen to be approved by the Responsible Authority;
 - vi. all trees provided at a minimum of two (2) metres in height at time of planting and medium to large shrubs to be provided at a minimum pot size of 200mm;
 - vii. no trees with a mature height over five (5) meters are to be

- planted over proposed or existing easements; and
- viii. the provision of notes on the landscape plan regarding site preparation, including the removal of all weeds, proposed mulch, soil types and thickness, subsoil preparation and any specific maintenance requirements.
- b. the rear setback of the dwellings at the first floor increased by a minimum 1.5 metres;
 - c. the surface material of all driveways / accessways and car parking spaces nominated in all-weather coloured concrete sealcoat, or similar;
 - d. the provision of a full colour palette, finishes and building materials schedule for all external elevations and driveways of the development;
 - e. the provision of minimum 2000 litre rainwater tank clearly nominated for each dwelling with water re-used for toilet flushing;
 - f. vehicle crossings must constructed at a 90 degree alignment with the kerb on Magnolia Street and all internal driveways must align with the existing / proposed vehicle crossing;
 - g. the internal driveways are to be no closer than 500mm to the side boundary to allow for a pedestrian refuge between the vehicle crossings;
 - h. the proposed double vehicle crossing must have a common layback with a triangle of grass between the infill sections of the vehicle crossings to create a pedestrian refuge of no less than 1 metre and must be constructed to the satisfaction of the Responsible Authority; and
 - i. a standard on street parking bay at least 5.4 metres between vehicle crossings must be shown on plans

Endorsed Plans

- 2. The development as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.

Street Trees

- 3. Prior to the commencement of any works on the site including demolition, a tree protection barrier must be installed at three (3) metres from the base of the Callistemon sp. (Bottlebrush) street tree located on the Magnolia Street nature strip.

Drainage and Water Sensitive Urban Design

- 4. The development of the site must be provided with stormwater works which incorporates the use of water sensitive urban design principles to improve stormwater runoff quality and which also retains on site any increase in runoff as a result of the approved development. The system must be maintained to the satisfaction of the Responsible Authority. The satisfactory options to achieve these desired outcomes may include the use of an infiltration or bioretention system, rainwater tanks connected for reuse and a detention system. **The overall outflow of the site to Council drainage system must be limited to 5.9 L/s.**
- 5. Before the development commences, a Stormwater Management Plan showing the stormwater works to the nominated point of discharge must be prepared to

the satisfaction of the Responsible Authority. The Stormwater Management Plan must be prepared by a qualified person and show all details of the proposed stormwater works including all existing and proposed features that may have impact (e.g. trees to be retained, crossings, services, fences, abutting buildings, existing boundary surface levels, etc.). The Stormwater Management Plan must be prepared as per Council's "**Civil Design Requirements for Developers – Part A – Integrated Stormwater Management**".

6. Stormwater works must be provided on the site so as to prevent overflows onto adjacent properties.

Infrastructure and Road Works

7. Property boundary and footpath levels must not be altered without the prior written consent from the Responsible Authority.
8. The replacement of all footpaths, including offsets, must be constructed to the satisfaction of the Responsible Authority.
9. All reinstatements and vehicle crossings must be constructed to the satisfaction of the Responsible Authority.
10. All redundant vehicle crossings must be removed (including redundant portions of vehicle crossings) to the satisfaction of the Responsible Authority.
11. All front and side fences must be contained wholly within the title property boundaries of the subject land.

General Amenity Conditions

12. All externally-located heating and cooling units, exhaust fans and the like must not be located adjacent to bedroom windows on adjoining properties and must be concealed from the street, unless with the further written consent of the Responsible Authority.
13. Service units, including air conditioning/heating units, where incorporated, must not be located where they will be highly visible from any public area to the satisfaction of the Responsible Authority and if located on the roof of a building, suitable screening and baffling must be provided to the satisfaction of the Responsible Authority.
14. The amenity of the area must not be detrimentally affected by the use or development of the land, through the:
 - Transport of materials, goods or commodities to or from the land.
 - Appearance of any building, works or materials.
 - Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil.
 - Presence of vermin.

to the satisfaction of the Responsible Authority.

15. No commercial rubbish bins may be placed or allowed to remain in view of the public, and no receptacle shall emit any adverse smells to the satisfaction of the Responsible Authority.

16. All piping, ducting above the ground floor storey of the development (other than rainwater, guttering and downpipes) must be concealed to the satisfaction of the Responsible Authority.

Completion of Works

17. Prior to the occupation of the dwellings hereby permitted, the landscaping works as shown on the endorsed plans must be completed to the satisfaction of the Responsible Authority. The landscaping must then be maintained to the satisfaction of the Responsible Authority.
18. Prior to the occupation of the dwellings hereby permitted, all buildings and works and the conditions of this permit must be complied with, unless with the further prior written consent of the Responsible Authority.
19. All works on or facing the boundaries of adjoining properties must be finished and surface cleaned to a standard that is well presented to neighbouring properties in a manner to the satisfaction of the Responsible Authority.
20. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.

Time Limits

21. In accordance with section 68 of the *Planning and Environment Act 1987 (Act)*, this permit will expire if one of the following circumstances applies:

- The development is not started within (2) years from the date of this permit.
- The development is not completed within four (4) years from the date of permit issue.

In accordance with section 69 of the Act, the responsible authority may extend the periods referred to if a request is made in writing:

- before the permit expires; or
- within six (6) months after the permit expiry date, where the development allowed by the permit has not yet started; or
- within twelve (12) months after the permit expiry date, where the development allowed by the permit has lawfully started before the permit expires.

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

Note: The applicant/owner must provide a copy of this planning permit to any appointed Building Surveyor. It is the responsibility of the applicant/owner and Building Surveyor to ensure that all building development works approved by any building permit is consistent with the planning permit.

Note: Before removing / pruning any vegetation from the site, the applicant or any contractor engaged to remove any vegetation, should consult Council's Vegetation Management Officer to verify if a Local Laws Permits is required for the removal of such vegetation.

Note: Environment Protection Authority (EPA) Victoria set out the requirements

pertaining to site construction hours and permissible noise levels.

Note: Prior to the commencement of any works on the site including demolition, a tree protection barrier must be installed at three (3) metres from the base of the Callistemon sp. (Bottlebrush) street tree located on the Magnolia Street nature strip.

Note: The allocation of street numbering and addressing of properties is vested in Council. Any reference to addressing or dwelling/unit/apartment and street numbers or street names on any endorsed plan is indicative only. The onus is on the Permit Applicant/Land Owner to contact Council's Property Data Department to determine the official dwelling/unit/apartment street numbers, street name details and the like for the approved development.

If the Permit Applicant/Land Owner adopts the street numbering or addressing from the endorsed plans, or where advertising and/or sales transact (off the plan) prior to Council's official allocation of the street numbering and addressing, it will be viewed to be non-compliant with the guideline and standard applied (*Australian/New Zealand Standard for Rural & Urban Addressing / AS/NZS 4819:2011*).

Note: The owner(s), occupiers and visitors of the development allowed by this permit may not be eligible for Council resident or visitor parking permits.

Note: Separate consent from Council and the relevant service authority is required to build over the easement and will need to be obtained prior to the issue of a Building Permit.

CARRIED

8.7 Mentone Renaissance

Moved: Cr West

Seconded: Cr Brownlees

That Council:

1. Proceed with the demolition of the former Mentone-Mordialloc Arts Group (MMAG) building in early 2017.
2. Provide a report to Council exploring options to preserve and renovate the existing mosaic art public toilet building on Granary Lane.
3. Undertake the construction of the complete piazza aligned with the adjacent works at No. 48 Como Parade West as outlined at 3.3.2 of this report.
4. Undertake the construction of the Mentone Parade and Como Parade Streetscape Works and the creation of an interim public place within Granary Lane as scheduled at 3.3.2 of this report.
5. Bring forward \$1,000,000 of the 18/19 budget associated with the Piazza and Surrounds by one year as outlined at 3.3.2 of this report
6. Write to VicRoads to further advocate for a traffic treatment at the intersection of Mentone Parade and Beach Road as outlined at 3.3.3 of this report

CARRIED

8.8 Response to Notice of Motion 51/2016 - Aboriginal Artefacts at First Avenue, Chelsea Heights

Moved: Cr West

Seconded: Cr Staikos

That Council:

1. Be advised of the views held by the relevant Aboriginal groups on how they request the artefacts be preserved once these views are known.

CARRIED

2. On the basis that the relevant Aboriginal groups nominate the artefacts to be preserved for the purposes of display, Officers further progress discussions in an effort to achieve the preservation of the artefacts at the Gathering Place and/or a site nominated by Friends of Edithvale Seaford Wetlands Incorporated, with the relevant stakeholders.

CARRIED

3. Write to the land owner seeking his formal position on the ability for Council to access the subject land, with a view towards providing better protection/further research on the subject site to accord with resolution No. 3 of Notice of Motion 51/2016, as considered at the Ordinary Council Meeting on 28th November, 2016.
4. Upon completion of Item 3 above, further advice be presented to Council.

CARRIED

Note: It was requested by Cr Bearsley and agreed to by the Chairperson that each part of the Motion be put to the vote separately.

9. Community Sustainability Reports

9.1 Interfaith Network Committee Membership

RECOMMENDATION

That Council:

1. Approves the Interfaith Network Committee's recommendation of co-opting Pam Spiegel and Ian Kirkwood, members from the Etz Chayim Progressive Synagogue in Bentleigh, for the period ending June 2017.

Note: Refer to page 4 of the Minutes where this item was block resolved

10. City Assets and Environment Reports

10.1 Dales Park Development Plan Stage 1 Implementation - Funding

RECOMMENDATION

That Council:

1. Endorse the 2017/18 implementation of Stage 1 of the Dales Park Development Plan, including the upgrade of the netball courts and car parking; and
2. Refer funding to implement Stage 1 of the Dales Park Development Plan from Council's Open Space Reserves as part of the 2017/18 budget process.

Note: Refer to page 4 of the Minutes where this item was block resolved

Question Time

Question Time was held at 8.22pm.

Ian Baldock of Parkdale asked:

At the last Council meeting I expressed concern regarding pedestrian and cyclist safety at the intersection of Boundary Rd & Centre Dandenong Rds, Braeside, particularly regarding the high-speed left-turn slip lane for traffic coming off Boundary Rd to head towards Nepean Highway. In the past several weeks a new problem has become apparent at this location. When travelling east along the shared path, prior to crossing the slip lane, there are signs hung on the inside of the temporary wire fencing extending to approx. 180 cm in height. These signs totally obscure from view any traffic approaching the slip lane, often at high speed. In fact, in order to see approaching traffic it is necessary to step off the kerb and be roughly 1/3 of the way across the lane before traffic can be seen. This has caused many near misses from the traffic almost colliding with pedestrians and cyclists crossing to get onto the traffic island.

My question is:

“Can Council approach the Moorabbin Airport to see if the signs obscuring vision of the approaching traffic could be either removed or possibly lowered to ½ height in order to restore visibility of the approaching traffic?”

The CEO provided the following response:

“Council will approach the Moorabbin Airport Corporation with a view towards modifying the position of the signs to enhance the visibility of pedestrians and cyclists by approaching vehicular traffic.”

Phil Reid of Mordialloc asked:

“Does the Council have an “Australian Made” policy? If so what proportion of cars are ‘Australian Made’ in the Council’s fleet?”

The CEO provided the following response:

“Council’s Procurement Policy has a preference for local products / services where the local supplier is equal to any other offer to ensure value for the ratepayer dollar.

Vehicle manufacturing is being wound down in Australia. Further, Council’s vehicle selection also has regard to the environmental impact of the vehicle as such vehicles that comprise the Council’s fleet are based on State Government’s procurement lists. The exact proportion of the fleet is not available this evening but it comprises Holden, Ford and Toyota for the most part with some Hyundai to provide value for money..”

Phil Reid of Mordialloc asked:

“Workforce turnover was 15% 2015-16 (excluding once off departures), why is it so high and how much does it cost to train new employees?”

The CEO provided the following response:

“Turnover in the Local Government sector is about 12% per annum. Last year our figure was higher in part due to Council exiting residential hostel services. It is expected that in future years departures will trend upwards. That is because half our workforce is over the age of 45 and we have a significant number of employees in the over 55 age bracket, therefore we are expecting that as the wave of Baby Boomers moves through Council’s workforce there will be more retirements so that will push the numbers up in future years. Council is very successful in its hiring policies in being able to replace staff when they do leave. In terms of training new employees, I can’t tell you the exact cost but further information can be provided. We have a training program for all staff and the level of training depends on the role.

Phil Reid of Mordialloc asked:

“Has the Council considered using the Masonic Hall in Mordialloc as a library?”

The CEO provided the following response:

“Council has recently closed an Expression of Interest process seeking community proposals for the future use of the Masonic Hall. These results will be presented to Council in early 2017. At present Council has eight libraries and is currently building its ninth.”

Tom Maher of Aspendale asked the following question

“At the council meeting on 28th November there was discussion on Councillor Beardsley’s agenda item 12.6 on looking after the foreshore. Observations of increasing high tides affecting the foreshore and notably within the Mordialloc Creek were mentioned. A common approach in other countries, notably the Netherlands, is to install Lock Gates. Will the council plan to implement Lock Gates in the Mordialloc Creek on the seaward side of the Pompeii Bridge to help control the impact of ever increasing high tides and lessen the chance of rising water levels impacting properties and the community in Aspendale and Aspendale Gardens?”

Note: 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.

10.2 Patterson Lakes Beach Maintenance

Moved: Cr Bearsley

Seconded: Cr Gledhill

That consideration of this item be deferred to the February Ordinary Meeting of Council.

Cr West left the meeting at 8:30 pm.

CARRIED

10.3 Moorabbin Reserve Park Plan

RECOMMENDATION

That Council:

1. Receive the information and note the community feedback from the Moorabbin Reserve Working Group; and
2. Direct officers to undertake broader consultation on the draft Park Plan (as shown in attachment 1 and 2) from 16 January to 28 February 2017
3. Receive a further report in March 2017 outlining the consultation feedback and for consideration of adoption.

Note: Refer to page 4 of the Minutes where this item was block resolved

10.4 Contract No 15/127 - Traffic and Transport Services

RECOMMENDATION

That Council:

1. Award the Contract No. 15/127 – Traffic and Transport Services to: Mornington Peninsula Services Pty Ltd, Andrew O'Brien and Associates Pty Ltd, Traffix Group Pty Ltd, Trafficworks Pty Ltd, The Trustee for BVY Trust, and GTA as per the contract schedule.

Note: Refer to page 4 of the Minutes where this item was block resolved

10.5 Contract 16/109 - Ben Kavanagh Pavilion, Carpark & Drainage Project

RECOMMENDATION

That Council:

1. Award Contract 16/109 Ben Kavanagh Pavilion (as per the Council endorsed Plan Sk10), Carpark & Drainage Project to Dura Constructions Pty Ltd for a lump sum price of \$4,358,034 (excl. GST);
2. Authorise the CEO to sign all contract documentation following receipt of a signed funding agreement from the Mordialloc Sporting Club for its initial financial commitment of \$150,000 toward the cost of the pavilion works;
3. Authorise the CEO to negotiate with the Mordialloc Sporting Club for an additional contribution of \$82,035 for the following works:
 - (i) An extended cantilevered awning over the terrace (additional 110m²); and
 - (ii) Spectator seating on the terrace;
4. Authorise the CEO to vary the award of Contract 16/109 Ben Kavanagh Pavilion, Carpark & Drainage Project by \$82,035 to include the additional works identified in point 3 above, subject to the Mordialloc Sporting Club agreeing in writing to provide additional funding of \$82,035 before 3 February 2017; and
5. Approve the allocation of a separate contingency allowance, as contained within confidential attachment Appendix 1 of this report and delegate authority to the Manager Community Buildings to expend this allowance in order to expedite the successful implementation of the contract;

Note: Refer to page 4 of the Minutes where this item was block resolved

11. Corporate Services Reports

11.1 Assembly of Councillors Record Report

RECOMMENDATION

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

Note: Refer to page 4 of the Minutes where this item was block resolved

11.2 Quick Response Grants

RECOMMENDATION

That Council approve the following grant applications:

- Friends of Kingston Heath Reserve - \$400.00
- Mordialloc Sailing Club - \$500.00

That Council not approve the following grant application

- St Louis de Montforts Aspendale - \$330.00

Note: Refer to page 4 of the Minutes where this item was block resolved

11.3 First Ordinary Meeting of Council Date for 2017

RECOMMENDATION

That Council change the date of the first Ordinary Meeting of Council for 2017 from 30 January 2017 to 6 February 2017.

Note: Refer to page 4 of the Minutes where this item was block resolved

11.4 Harvest Festival Relocation

RECOMMENDATION

That Council:

1. Receive the information
2. Endorse the relocation of the 2017 Kingston Harvest Festival to Bicentennial Park.

Note: Refer to page 4 of the Minutes where this item was block resolved

11.5 Deputy Mayor Position Policy

Cr West returned to the meeting at 8:32 pm.

Moved: Cr Staikos

Seconded: Cr Brownlees

That Council adopt the Deputy Mayor Position Policy subject to the inclusion of the following amendment to clause 9.3 of the Policy:

In order to support the Mayor, the role of the Deputy Mayor is to:

- Chair Ordinary, Special and Planning Committee Meetings in the absence of the Mayor in accordance with the Local Law;
- Chair Councillor Information Session (CIS) meetings in the absence of the Mayor;
- Chair public meetings in the absence of the Mayor *except when the Mayor exercises his/her discretion to ask a ward councillor to deputise on such occasions;*
- Attend civic, social and other ceremonies/engagements at the request of the Mayor on the Mayor's behalf except when the Mayor exercises his/her discretion to ask a ward councillor to deputise on such occasions;
- Lead Council deputations upon request of the Mayor except when the Mayor exercises his/her discretion to ask a ward councillor to deputise on such occasions;
- Preside at Citizenship Ceremonies in the absence of the Mayor.

CARRIED

12. Notices of Motion

12.1 Notice of Motion (Rescission) No. 60/2016 - Crs Brownlees, Gledhill & Bearsley

Moved: Cr Brownlees

Seconded: Cr Gledhill

That Item 12.9 of the Ordinary Meeting on Monday 28th November 2016 "Bay Trail" be rescinded.

LOST

A Division was Called:

DIVISION:

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

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

LOST

12.2 Notice of Motion No. 61/2016 - Cr West - Neighbourhood Character Study

Moved: Cr West

Seconded: Cr Brownlees

1. That Planisphere be invited to present to the first possible CIS meeting in the New Year on undertaking a new neighbourhood character study.
2. That at this CIS briefing, Planisphere be invited to advise on:
 - a) the need to provide strategic justification for proposals to rezone or provide overlays for certain residential areas where residents contend that current and proposed new residential zone provisions do not adequately protect their amenity and neighbourhood character.
 - b) the scope of the study and how best to provide for community consultation and to take into account views expressed in submissions to the 2013 New Residential Zones consultation.
 - c) Whether it is possible to begin with a pilot project on Old Mordialloc as a selected Neighbourhood Character hotspot in order to forestall imminent threats of the loss of neighbourhood character by VCAT decisions to overrule Council refusals of development applications involving the demolition of heritage houses;
 - d) Other questions councillors nominate.
3. That Councillor West calls and chairs a Central Ward Meeting on the Neighbourhood Character study as soon as council has the required Advisory Committee report;
 - a) That Planisphere as well as Council planning officers address the Ward Meeting and respond to questions.
 - b) That residents are invited to present on what they want protected in their neighbourhoods.

CARRIED

12.3 Notice of Motion No. 62/2016 - Cr Barth - Council's Aboriginal Policy and Action Plan 2014-2019

Moved: Cr Barth

Seconded: Cr Staikos

1. That Council replace Council's Aboriginal Policy and Action Plan 2014 - 2019 Clause 2.2 *"Acknowledge the Aboriginal cultural heritage of the municipality by having the Aboriginal Flag permanently flown at the Kingston Arts Centre and Attenborough Park;"* with:

"Acknowledge the Aboriginal cultural heritage of the municipality by having the Aboriginal Flag permanently flown at Council offices in Cheltenham, Mentone and the Kingston Arts Centre and Attenborough Park".

2. That Council replace Council's Aboriginal Policy and Action Plan 2014- 2019 Clause 2.3 *"The reading of the Statement of the "Acknowledgment of Country and Elders" at the commencement of significant civic and cultural events, at the discretion of the Mayor or Speaker of the day. The Statement is to include words to the effect: "On behalf of Council and the Kingston community I wish to acknowledge and pay my respects to the Elders, past and present and people of the Kulin nation and recognise them as the custodians of the land on which we are meeting;"* with:

"The reading of the Statement of the 'Acknowledgment of Country and Elders' at the commencement of significant civic and cultural events, including Ordinary Council Meetings at the discretion of the Mayor or Speaker of the day." The Statement is to include words to the effect: "On behalf of Council and the Kingston community I wish to acknowledge and pay our respects to the Elders, past and present and people of the Kulin nation and recognise them as the custodians of the land on which we are meeting."

CARRIED

13. Urgent Business

13.1 Patterson Lakes Inner Harbour Jetty

Moved: Cr Oxley

Seconded: Cr West

That Council consider an item of urgent business regarding the Patterson Lakes Inner Harbour Jetty.

CARRIED

Moved: Cr Oxley

Seconded: Cr Bearsley

That Council;

1. Write to the Carrum State MP, Sonya Kilkenny, request State Government full funding of \$360K to complete Stage 2 works for the Patterson Lakes Inner Harbour Jetty.
2. Authorise the Chief Executive Officer to sign required agreements and upon confirmation of funding arrangements undertake works to complete Stage 2.

CARRIED

14. Confidential Items

Moved: Cr Gledhill

Seconded: Cr Staikos

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:

14.1 Notice of Motion No. 63/2016 - Cr West - Occupancy of Council Controlled Land

This agenda item is confidential in accordance with the Local Government Act s89(2) as it relates to any other matter which the Council or special committee considers would prejudice the Council or any person (s89 2h)

14.2 Australia Day Award Nominations 2017

This agenda item is confidential in accordance with the Local Government Act s89(2) as it relates to any other matter which the Council or special committee considers would prejudice the Council or any person (s89 2h)

Confidential Appendices

10.5 Contract 16/109 - Ben Kavanagh Pavilion, Carpark & Drainage Project Appendix 1, Tender Evaluation and Project Budget - Ben Kavanagh

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

10.5 Contract 16/109 - Ben Kavanagh Pavilion, Carpark & Drainage Project Appendix 2, Council Endorsed Design Plan Ground Floor - SK10

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

10.5 Contract 16/109 - Ben Kavanagh Pavilion, Carpark & Drainage Project Appendix 3, Design Plan Showing Club Requested Tender Options

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

CARRIED

The meeting was closed to members of the public at 9.20pm.

The meeting was opened to members of the public at 9.46pm.

The meeting closed at 9.46pm..

Confirmed.....

The Mayor 30 January 2017