

# Minutes

## Ordinary Meeting of Council

Monday, 28th August 2017

**City of Kingston  
Ordinary Meeting of Council**

**Minutes**

**28 August 2017**

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**City of Kingston  
Ordinary Meeting of Council**

**Minutes**

**28 August 2017**

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

**Present:** Cr David Eden (Mayor)  
Cr Tamara Barth  
Cr Tamsin Bearsley  
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  
Paul Marsden, Manager City Strategy  
Tracey Cheeseman, Acting Team Leader Communications and Events  
Phil De Losa, Manager Governance  
Angela Granter, Governance Officer  
Gabrielle Pattenden, Governance Officer

**1. Apologies**

There were no apologies submitted to the meeting.

**2. Confirmation of Minutes of Previous Meetings**

**Moved: Cr Staikos**

**Seconded: Cr Gledhill**

That the Minutes of the Ordinary Meeting of Council held on 24 July 2017 be confirmed.

**CARRIED**

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

Cr Oxley foreshadowed a declaration of an indirect conflict of interest in Item 12.2 - Notice of Motion (Rescission) No. 32/2017 and Item 12.5 - Notice of Motion No. 35/2017 - Residential Aged Care.

Cr Eden foreshadowed a declaration of an indirect conflict of interest in Item 12.2 - Notice of Motion (Rescission) No. 32/2017 and Item 12.5 - Notice of Motion No. 35/2017 - Residential Aged Care.

**4. Petitions**

**New Zebra Crossing at Parkdale Station and Improvements to Shops and Parking**

**Moved: Cr Gledhill**

**Seconded: Cr Brownlees**

That the petition be referred to the CEO for consideration.

**CARRIED**

**5. Presentation of Awards**

Nil

**6. Reports from Delegates Appointed by Council to Various Organisations**

Cr Barth reported having attended a meeting of the Council Access and Equity Committee.

**Moved: Cr Brownlees**

**Seconded: Cr Gledhill**

That the delegate's report be received.

**CARRIED**

**Block Resolution**

**Moved: Cr Gledhill**

**Seconded: Cr Bearsley**

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

- 9.1 Interfaith Network Committee Membership
- 9.2 CON 17/62 - Cliff Sambell Pavilion Upgrade, Gerry Green Reserve, Parkdale - Award of Contract
- 10.3 Tree Management Policy Review
- 10.5 Tender Evaluation for Dales Park Netball Courts
- 11.1 Adoption of Financial Statements to 30 June 2017
- 11.3 Assembly of Councillors Record Report

**CARRIED**

**7. Question Time**

Question time was held at 8.01pm. Refer to page 33 of the minutes.

**8. Planning and Development Reports**

**8.1 Release of the State Government's Planning for Golf in Victoria -  
Discussion Paper**

**Moved: Cr West**

**Seconded: Cr Staikos**

That Council adopt the recommendation subject to the following changes to the Council submission to the Planning for Golf in Victoria discussion paper to make it clear that Council does not support any proposal (or planning framework or net community benefit formula) for redevelopment of golf courses that is not for public or private open space in accordance with Council's adopted Golf Course Policy:

1. The section headed Net Community Benefit on page 3 of the submission be amended to read as follows:

Council supports the use of 'net community benefit' as the primary objective underpinning the consideration of any golf course redevelopment proposal, particularly as it seeks to facilitate the transition of existing golf course land into areas of passive and active open space. Mindful of the overarching objective to deliver open space outcomes, it is suggested that further consideration be given to the extent to which other public policy objectives can be appropriately accommodated and/or integrated without negatively impacting on the primary objective of open space provision.

The open space, amenity and landscape value provided by existing golf courses is significant, irreplaceable and should be pre-eminent in considering any proposals for golf course redevelopment. Such an outcome would be consistent with Kingston's Golf Course Policy. In our view, golf courses are in themselves valuable community benefits and any loss of golf course land involves a loss of net community benefit.

The discussion paper has identified that availability of large areas of golf course land across inner and middle Melbourne potentially presents an opportunity to respond to the unprecedented population growth occurring in the inner and middle suburbs of Melbourne and the increasing pressure this places on community infrastructure, active and passive open space, affordable housing and the environment. Council considers that this does not constitute a net community benefit nor should it ever be considered sufficient reason or justification for allowing golf courses to be closed, particularly if they are then – even in part – sold off or rezoned for residential or other urban development.

It is noted that the term 'net community benefit' is undefined in the Victoria Planning Provisions and its interpretation and application could easily be challenged through a Planning Scheme Amendment process.

2. The section headed Open Space on pages 3 and 4 of the submission be amended to read as follows:

Council notes the commentary at page 25 of the Discussion Paper around the Victorian Government's research which shows that unprecedented population growth in the inner and middle suburbs of Melbourne is '*...placing increasing pressure on our sports grounds, indoor and outdoor sports courts and aquatic facilities and leisure centres.*'

Council considers that other ways must be found to meet such needs without impinging on golf course land or on other socially or environmentally significant public or private open space.

In this regard, Council acknowledges the significant work already undertaken by the Victorian Planning Authority in the development of the Metropolitan Open Space Portal and its value in providing a consolidated data set to identify areas of open space shortfall across the city. Clearly Council wishes to reinforce that the VPA's work clearly highlights the golf courses in Kingston as organised recreation assets.

It is Council's view that the recent work of the VPA in providing an audit of open space across metropolitan Melbourne, coupled with the planned future development of a Metropolitan Open Space Strategy, should inform the open space outcomes to be sought through the proposed Planning Framework for Golf Course Land. Further Council believes it would be very helpful to wherever possible quantify a 100 per cent minimum area contribution that should be allocated to encumbered or unencumbered open space on the basis a rezoning of a Golf Course were to be entertained. This is a critical component in the formulation of sound 'public policy' as it sends a critical signal to the market around how such land should be priced on the basis it were the decision of a golf clubs membership to offer a site for sale.

3. The section headed Housing Affordability and Diversity on page 4 of the submission be amended to read as follows:

Beyond the clarity provided through the implementation actions of Plan Melbourne, Council notes the State Governments release of *Homes for Victorians* in March 2017 and its focus on:

- Developing new planning tools to increase the supply of affordable housing.
- Supporting inclusionary housing in major developments to increase the supply of social and affordable housing.
- Building more social housing and redeveloping ageing supply.
- Facilitating the delivery of 6,000 social housing dwellings including new builds and subsidised rentals.

Further, Council recognises the recommendations to Government by Infrastructure Victoria and the role it feels affordable housing needs to play in the future structure of the City.

Mindful of the clear direction contained within the State Government's *Homes for Victorians* report and work of Infrastructure Victoria it is felt that greater clarity can be provided to inform the need to provide for social and affordable housing.

It is also suggested that further consideration not be given to the extent to which other public policy objectives (social housing, education precincts etc) can be appropriately accommodated and/or integrated as these should be provided by means other than by depriving communities of the community benefit of golf courses and of public and private open space.

**CARRIED**

**9. Community Sustainability Reports**

**9.1 Interfaith Network Committee Membership**

**RECOMMENDATION**

That Council:

1. Appoint the following individuals to the Kingston Interfaith Network Committee until 30 June 2019:
  - Russ Townsend
  - Ruhi Humphries
  - Christanne Smith
  - Pam Spiegel
  - Ian Kirkwood
  - Stephen Chew
  - Diana Bablee
  
2. Endorse the current six members who re-applied to continue to sit on the Kingston Interfaith Committee for an additional two years until 30 June 2019:
  - Nur-al Alam
  - David Brooker
  - Penny McGuire-White
  - Sheila Taylor
  - Dianna Muller
  - ST Jitendran

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

**9.2 CON 17/62 - Cliff Sambell Pavilion Upgrade, Gerry Green Reserve, Parkdale - Award of Contract**

**RECOMMENDATION**

That Council resolves that it:

1. Agree to award Contract 17/62 – Cliff Sambell Pavilion Upgrade, Gerry Green Reserve, Parkdale project (including funding to support increase in size of their social room and addition of a new cool room) for the revised fixed lump sum price of **\$2,893,264.00** (exclusive of GST) to **Dura Constructions P/L**;
2. Prior to works commencing officers to obtain written confirmation from the Parkdale Cricket Club and Parkdale Vultures Amateur Football Club that their financial contributions of \$50,000 from each club will be made within 12 months of practical completion of the new pavilion.
3. Approve the allocation of a separate contingency allocation, as set out in the attached confidential appendix and delegate authority to the CEO, or his nominee, to expend this allowance to ensure the successful completion of the project;
4. Note the project budget framework detailed in this report, as set out within paragraph 4.3.1
5. Approve the 18/19 Capital Works budget adjustment (additional \$105,082) to reflect the increased project scope of works.

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

**9.3 Response to Notice of Motion No. 15/2017 - Cr. Oxley - Domestic / Family Violence in the City of Kingston**

**Moved: Cr Oxley**

**Seconded: Cr Staikos**

That

1. Council develops a Kingston Domestic and Family Violence Prevention Action Plan.
2. Officers consider the formation of a working group with relevant parties to consult with in the formation of this plan.
3. The Kingston Domestic and Family Violence Prevention Action Plan is to include (but not be limited to) ACTION for Council on the following issues:
  1. Providing access to relevant information in a timely manner
  2. Providing education to Kingston Staff and the Kingston Community as to provide information to Council employees in order to provide early intervention and assistance where required
  3. Increasing communication of Kingston Family Violence Prevention Strategies and Information



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4. Increase partnerships and further utilisation of existing partnerships
5. Prioritisation of action on Family Violence Prevention strategies in all areas of policy (where relevant).
4. Council seek further information on the relevant funding opportunities for the development of Council strategies and action plans in this field.
5. An update on the working draft for the Action Plan is to be provided to Councillors no later than the November meeting cycle.

**CARRIED**

**10. City Assets and Environment Reports**

**10.1 Indoor Court Facilities - Feasibility Planning Update No. 2**

**Moved: Cr Oxley**

**Seconded: Cr Staikos**

That Council:

1. Note the information in the report on the level of indoor sports court provision in Kingston and surrounding region, particularly in the short term;
2. Continue to explore opportunities that support the development of indoor court facilities to meet sporting needs of Kingston residents in the immediate to longer term; and
3. Endorse the preparation of funding proposals for the northern area of Kingston and Mordialloc to attract 50% of total project cost funding from State and Federal Government towards the development of these indoor stadium facilities.

**CARRIED**

**10.2 Moorabbin Reserve Park Plan - Oval Fence**

**Moved: Cr Staikos**

**Seconded: Cr Barth**

That consideration of this matter be deferred pending further consultation/discussion with residents around the reserve.

**CARRIED**

**10.3 Tree Management Policy Review**

**RECOMMENDATION**

That Council:

1. Endorse the draft Tree Management Policy (as shown in Appendix 1) for the purposes of community consultation; and
2. Receive a further report following the period of community consultation with consideration of feedback received and recommendations to Council.

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

**10.4 Response to Notice of Motion No. 6/2016 - Cr Gledhill - Draft Mooring Policy for Mordialloc Creek**

**Moved: Cr Gledhill**

**Seconded: Cr Brownlees**

That Council:

1. Consult the community to seek feedback on Council's Management of the Mordialloc Creek.
2. Consult the community on the Draft Mooring Policy at Appendix 1.
3. Consult the community on the proposed mooring fees as per Appendix 2.
4. Receive a further report to Council outlining the feedback from the community on these matters.
5. Make no changes to existing fee arrangements until stakeholder agreement to the Mooring Policy is reached.

**Procedural Motion**

**Moved: Cr West**

**Seconded: Cr Staikos**

That consideration of this item be deferred until all stakeholders including Parks Victoria and Melbourne Water have been consulted.

**CARRIED**

**A Division was Called:**

**DIVISION:**

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

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

**CARRIED**

**10.5 Tender Evaluation for Dales Park Netball Courts**

**RECOMMENDATION**

That Council:

1. Award Contract No.17/75 Dales Park, Oakleigh South - Netball Courts Construction on a Lump Sum basis to Contek Construction Pty Ltd for the tendered price of \$1,111,123 (ex GST);
2. Approve a Contingency Allowance of 10% being \$111,112 (excluding GST) to fund unexpected financial variations and delegate authority to the CEO or delegate to expend this allowance on the project if required.

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

**10.6 Response to Notice of Motion No. 28/2017 - Installation of a Permanent Disc Golf Course in Kingston**

**Moved: Cr Oxley**

**Seconded: Cr Bearsley**

That Council:

1. Work with interested peak disc golf agencies to explore the further assessment, including preliminary site feasibility of preferred sites, appropriateness (design considerations) and risk management, of the following preferred sites to support disc golf:
  - Bald Hill Park, Clarinda;
  - Heatherton Park, Heatherton;
  - Braeside Park, Braeside (Parks Victoria site).
2. Receive the findings from the preliminary site feasibility assessments no later than February 2018.

Cr Barth left the meeting at 7:50 pm.

Cr Hua left the meeting at 7:50 pm.

**CARRIED**

Cr Hua returned to the meeting at 7:55 pm.

Cr Barth returned to the meeting at 7:55 pm.

**11. Corporate Services Reports**

**11.1 Adoption of Financial Statements to 30 June 2017**

**RECOMMENDATION**

That Council:

1. Note the recommendation from Council's Audit Committee;
2. Adopt the 2016/17 Annual Performance and Financial Statements as Council's "in principle" statements for 2016/17;
3. Authorise Cr Eden, Cr Oxley and the Chief Executive Officer to formally sign the final audited 2016/17 Annual Statements; and
4. Authorise Cr Eden and the Chief Executive Officer to formally sign the Governance and Management Checklist.

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

**11.2 Quick Response Grants**

**Moved: Cr Brownlees**

**Seconded: Cr Bearsley**

That Council approve the following grant applications:

- Mind Recovery College - \$1000.00
- Mentone St Bedes O.C. Amateur Football Club (1) - \$1000.00 (subject to acquittal of previous grant)
- Mentone St Bedes O.C. Amateur Football Club (2) - \$1000.00 (subject to acquittal of previous grant)
- Simone Hardham - \$1000.00
- Sandringham Hospital - \$1500.00 (with the proviso that it is not to be used for the provision of jerseys)

That Council not approve the following grant applications:

- Darren Wright
- St Andrew's Calisthenics
- Kabelo Mogale
- Make a Difference Dingley Village
- Elise Scott
- Give a Textbook Inc.

**CARRIED**

### **11.3 Assembly of Councillors Record Report**

#### **RECOMMENDATION**

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

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

#### **Question Time**

##### **Les Mykita of Cheltenham asked:**

*With the upcoming fishing season, Kingston and surrounding municipalities are already struggling to meet the demand of boat users at Kingston local ramps. Pompei's ramp currently closed can assist with helping ease this burden but have been advised it is up to the Council to remove the currently placed bollards. Why can't the bollards be removed to allow its use, subject to any requirements can be agreed in principle to get any required works done?*

**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.

##### **Chris Morgan of Bonbeach asked:**

*I work in the tech agility space and we are seeing many great results with companies embracing technology for people engagement, data analytics and automation. I believe some of these technologies could be easily leveraged for council activities if not already. How far has Kingston gone down the continuous improvement path? Is Kingston utilising the best technologies for town planning, understanding the resident's needs and removing unneeded processes? Kingston may already be going down this path and it would be great to understand the strategy and support from council members to push down the continuous improvement path. With engaged people supported by the right technology, I believe Kingston can improve resident engagement, boost the city's economy, improve council employee engagement and lastly reduce rates.*

**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.

##### **Simon Johnson of Parkdale asked:**

*Will Kingston Council support the residents and traders in Parkdale who have repeatedly petitioned the Council to fix the no standing signs at the rear of shops, remove the cigarette filled planter boxes, fix rotten and leaning power poles, address the lack of parking, and create a zebra crossing so that the community can safely exit the train station on Como Parade West? What is the status of these petitions?*

**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.

**Simon Johnson of Parkdale asked:**

*What is the current state, utilisation, development, licensing of the land, boat ramp and moorings in Mordialloc known as Pompei's landing?*

**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.

**Simon Johnson of Parkdale asked:**

*Does Kingston Council have any plans to dump the Australia Day citizenship ceremony in line with the actions of Yarra Council and Darebin Council?*

**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.

**Robyn McRae of Patterson Lakes asked:**

*If the Aged Care Service prefers the Remo Street site and the residents would like the old Collins Street depot for parkland, can a swap be considered and investigated? Why is this not part of the process if both parties have shown preferences and support for this?*

**The CEO provided the following response:**

*This issue is subject to consideration at Item 12.2 on tonight's agenda.*

**Martha Baptist of Mentone asked:**

*What steps are Council taking to address the shortage of open space in Mentone's golden triangle? E.g. boarding Nepean Highway and Balcombe Road.*

**The CEO provided the following response:**

*The Mentone Structure Plan identifies the opportunity to explore working with the Mentone Bowls club to expand the open space in the immediate area proximate to Balcombe Road. Council is also working with the Level Crossing Removal Authority to explore the opportunity as part of the crossing removal works. Council has also recently resolved to purchase land owned by Vic Road but used as a small existing open space to preserve this land from being sold and used for a purpose that no longer provides public open space.*

**Les Journeux of Moorabbin asked:**

How can you ensure plantings and fence will be maintained. And who is maintaining it if permanent fencing and planting opposite Doonga Avenue is chosen?

**The CEO provided the following response:**

Council will continue to maintain the open space in Moorabbin Reserve to ensure that vegetation and fences remain of a high standard.

**An anonymous resident of Mentone asked:**

Why is it that Patty Street has 4hr parking and the much more narrow Swanston Street has – in places – all day unrestricted parking. Most of the vehicles which occupy the all day spots are the staff of the nearby car sales and service centres. The spots are occupied by 7am.

The CEO provided the following response:

*This question will be taken on notice to allow officers to investigate parking arrangements in the street and a response will be provided in writing.*

**122. Notices of Motion**

**12.1 Notice of Motion No. 31/2017 - Cr West - Port of Hastings**

**Moved: Cr West**

**Seconded: Cr Staikos**

That Kingston Council takes no position on any proposal for the Port of Hastings to be developed as a major container port.

**CARRIED**

**12.2 Notice of Motion (Rescission) No. 32/2017 - Crs Bearsley, Gledhill & Brownlees**

Cr Oxley declared an indirect conflict of interest due to close association as her grandmother is a resident of Corben House and left the meeting at 8.13pm.

Cr Eden declared an indirect conflict of interest due to close association due to his relationship with Cr Oxley and left the meeting at 8.13pm.

The Deputy Mayor Cr West assumed the chair for Item 12.2.

**Moved: Cr Brownlees**

**Seconded: Cr Gledhill**

That Item 9.3 Residential Aged Care Homes Transfer which was resolved at the Ordinary Council Meeting on July 24<sup>th</sup> 2017 be rescinded.

**Procedural Motion**

**Moved: Cr Brownlees**

**Seconded: Cr Gledhill**

That Cr Brownlees be granted an extension of time to speak on the matter.

**CARRIED**

**Procedural Motion**

**Moved: Cr Staikos**

**Seconded: Cr Barth**

That consideration of this item be deferred pending a further briefing of Councillors from Mercy Health/Southern Cross Care.

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**Procedural Motion**

**Moved: Cr Staikos**

**Seconded: Cr Barth**

That Cr West be granted an extension of time to speak on the matter.

**LOST**

**The Procedural Motion relating to the deferral of the item was put and LOST**

**Procedural Motion**

**Moved: Cr Gledhill**

**Seconded: Cr Bearsley**

That the motion now be put.

**CARRIED**

**The Substantive Motion was put and CARRIED**

**A Division was Called:**

**DIVISION:**

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

**AGAINST:** Crs Staikos, West and Barth (3)

**CARRIED**

**Procedural Motion**

**Moved: Cr Brownlees**

**Seconded: Cr Gledhill**

That the order of business be altered to consider Item 12.5 prior to Item 12.3.

**CARRIED**

Cr Oxley returned to the meeting at 8.40pm.

Cr Eden returned to the meeting at 8.40pm.

It is noted that Cr West presented Council with a petition – Open Space – Mentone Structure Plan.

**12.5 Notice of Motion No. 35/2017 - Cr Brownlees - Residential Aged Care**

Cr Oxley declared an indirect conflict of interest due to close association as her grandmother is a resident of Corben House and left the meeting at 8.41pm.

Cr Eden declared an indirect conflict of interest due to close association due to his relationship with Cr Oxley and left the meeting at 8.41pm.

The Deputy Mayor Cr West assumed the chair for Item 12.5.



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**Moved: Cr Brownlees**

**Seconded: Cr Gledhill**

That Council adopt the officer recommendation as presented and printed under Item 9.3 on page 207 of the Ordinary meeting Agenda for the Council Meeting on July 24<sup>th</sup> 2017 with regard to Residential Aged Care Homes Transfer as follows:

1. Notes and endorses Mercy Health Australia Ltd (**Mercy Health**) assuming control of Southern Cross Care (Vic) (**SCCV**) on and with effect from 1 July 2017 and approved by Council's Chief Executive Officer.
2. Notes and endorses the sale and leasing terms previously agreed between SCCV and Council, Council and Mordialloc Community Nursing Home Inc. continuing to apply, modified to give effect to the change in control of SCCV. This includes any change to the model of care, facility design and construction timeline, not including any statutory requirements under the Planning & Environment Act, based on an ongoing expectation of:
  - SCCV constructing a new residential aged care home on 101-103 Collins Street, Mentone, Victoria of at least 126 places (beds);
  - SCCV continuing to lease the four Council owned residential aged care sites until the new home is constructed;
  - Residents as at 23 October 2015 from those sites being offered priority admission to the new home.
3. Endorses the extension of delegated authority to the Chief Executive Officer to undertake all things necessary to give effect to the above resolutions, including:
  - To enter into and procure from Mercy Health and SCCV such amended and/or additional covenants as the Chief Executive Officer considers necessary or desirable to give effect to the change in control of SCCV subject to the satisfaction of Council's legal advisors; and
  - To assess specific actions identified, such as extending the construction timeline.

**Amendment**

**Moved: Cr Staikos**

That Council adopt the officer recommendation as presented and printed under Item 9.3 on page 207 of the Ordinary meeting Agenda for the Council Meeting on July 24<sup>th</sup> 2017 with regard to Residential Aged Care Homes Transfer as follows:

1. Notes and endorses Mercy Health Australia Ltd (**Mercy Health**) assuming control of Southern Cross Care (Vic) (**SCCV**) on and with effect from 1 July 2017 and approved by Council's Chief Executive Officer.
2. Notes and endorses the sale and leasing terms previously agreed between SCCV and Council, Council and Mordialloc Community Nursing Home Inc. continuing to apply, modified to give effect to the change in control of SCCV. This includes any change to the model of care, facility design and construction timeline, not including any statutory requirements under the Planning & Environment Act, based on an ongoing expectation of:
  - SCCV constructing a new residential aged care home on 101-103 Collins Street, Mentone, Victoria of a range of 112-128 places (beds);
  - SCCV continuing to lease the four Council owned residential aged care sites until the new home is constructed;

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- Residents as at 23 October 2015 from those sites being offered priority admission to the new home.
3. Endorses the extension of delegated authority to the Chief Executive Officer to undertake all things necessary to give effect to the above resolutions, including:
- To enter into and procure from Mercy Health and SCCV such amended and/or additional covenants as the Chief Executive Officer considers necessary or desirable to give effect to the change in control of SCCV subject to the satisfaction of Council's legal advisors; and
  - To assess specific actions identified, such as extending the construction timeline.

**The Amendment was accepted by the Mover/Seconder  
The Motion was CARRIED**

The Motion reads as follows:

**Moved: Cr Brownlees**

**Seconded: Cr Gledhill**

That Council adopt the officer recommendation as presented and printed under Item 9.3 on page 207 of the Ordinary meeting Agenda for the Council Meeting on July 24<sup>th</sup> 2017 with regard to Residential Aged Care Homes Transfer as follows:

1. Notes and endorses Mercy Health Australia Ltd (**Mercy Health**) assuming control of Southern Cross Care (Vic) (**SCCV**) on and with effect from 1 July 2017 and approved by Council's Chief Executive Officer.
2. Notes and endorses the sale and leasing terms previously agreed between SCCV and Council, Council and Mordialloc Community Nursing Home Inc. continuing to apply, modified to give effect to the change in control of SCCV. This includes any change to the model of care, facility design and construction timeline, not including any statutory requirements under the Planning & Environment Act, based on an ongoing expectation of:
  - SCCV constructing a new residential aged care home on 101-103 Collins Street, Mentone, Victoria of a range of 112-128 places (beds);
  - SCCV continuing to lease the four Council owned residential aged care sites until the new home is constructed;
  - Residents as at 23 October 2015 from those sites being offered priority admission to the new home.
3. Endorses the extension of delegated authority to the Chief Executive Officer to undertake all things necessary to give effect to the above resolutions, including:
  - To enter into and procure from Mercy Health and SCCV such amended and/or additional covenants as the Chief Executive Officer considers necessary or desirable to give effect to the change in control of SCCV subject to the satisfaction of Council's legal advisors; and
  - To assess specific actions identified, such as extending the construction timeline.

**CARRIED**

Cr Oxley returned to the room at 9.05pm

Cr Eden returned to the room at 9.05pm

**12.3 Notice of Motion No. 33/2017 - Cr Hua - Clayton South Structure Plan**

**Moved: Cr Hua**

**Seconded: Cr Bearsley**

That officers prepare a report on the need for further strategic planning work and the potential preparation of a structure plan for Clayton South, which shall include but not be limited to the following areas:

- Westall Activity Centre
- Future Plan for the remaining industrial area
- Future Plan for the non green wedge landfill sites
- Traffic
- Residential Amenity
- Street Tree Planting
- Open Space
- Passive and Active Recreation

Cr West left the meeting at 9:16 pm.

Cr West returned to the meeting at 9:16 pm.

Cr West left the meeting at 9:16 pm.

Cr West returned to the meeting at 9:17 pm.

**Procedural Motion**

**Moved: Cr Barth**

**Seconded: Cr West**

That the motion now be put.

**CARRIED**

**The Substantive Motion was put and LOST**

**12.4 Notice of Motion No. 34/2017 - Cr Gledhill - Parkdale Yacht Club Redevelopment**

**Moved: Cr Gledhill**

**Seconded: Cr Brownlees**

That in light of the Parkdale Yacht Club being unsuccessful in securing a grant through the Community Sports Infrastructure Fund and given that the funds originally allocated by Council for the redevelopment have remained as part of the 2017/18 adopted budget, Council officers be instructed to proceed with the matter of the Parkdale Yacht Club redevelopment in accordance with the recommendations contained in the Council Meeting Agenda of March 27<sup>th</sup> 2017, Item 9.3.

**City of Kingston  
Ordinary Meeting of Council**

**Minutes**

**28 August 2017**

**Procedural Motion**

**Moved: Cr West**

**Seconded: Cr Staikos**

That consideration of this item be deferred until the September Ordinary Meeting of Council to allow time for officers to complete the report that is currently underway and to seek commitment from the endorsed State election candidates for the project.

**CARRIED**

**A Division was Called:**

**DIVISION:**

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

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

**CARRIED**

**12.6 Notice of Motion No. 36/2017 - Cr Brownlees - Suburb Name Change - Pennydale**

**Moved: Cr Brownlees**

**Seconded: Cr Gledhill**

That Council write to the City of Bayside expressing its strong opposition to attempts to change the name of that part of the suburb of Cheltenham located in Bayside between the Frankston railway line, Jack Road, Bay Road and Park Road Cheltenham, to 'Pennydale'.

**LOST**

**12.7 Notice of Motion No. 37/2017 - Cr Brownlees - Planning Considerations for Vacant Buildings**

**Moved: Cr Brownlees**

**Seconded: Cr Gledhill**

That officers prepare a report that outlines procedures required for a possible amendment to planning policies that provides a means whereby once a planning permit has been issued for a vacant building and that building remains unoccupied for a period longer than 30 days after the permit has issued, what steps, if any, would be available to council to ensure that the building is occupied. Further that the report consider advice related to matters related to additional conditions on the planning permit and ensure that the amenity and safety of the local community is not compromised.

**CARRIED**

**13. Urgent Business**

There were no items of urgent business.

14. Confidential Items

Moved: Cr Brownlees

Seconded: Cr Gledhill

That Council determine that the following documents be designated confidential in accordance with section 77(2) of the *Local Government Act 1989*:

**Confidential Appendices**

- 9.2 **CON 17/62 - Cliff Sambell Pavilion Upgrade, Gerry Green Reserve, Parkdale - Award of Contract**  
**Appendix 1, Letter From Gerry Green Reserve Committee - August 2017**  
*This appendix is confidential in accordance with the Local Government Act s89(2) as it relates to (s89 2d)*
- 9.2 **CON 17/62 - Cliff Sambell Pavilion Upgrade, Gerry Green Reserve, Parkdale - Award of Contract**  
**Appendix 2, Con 17/62 Tender Evaluation Matrix**  
*This appendix is confidential in accordance with the Local Government Act s89(2) as it relates to (s89 2d)*
- 10.5 **Tender Evaluation for Dales Park Netball Courts**  
**Appendix 2, Tender Evaluation Matrix for Dales Park, Oakleigh South - Netball Court Construction**  
*This appendix is confidential in accordance with the Local Government Act s89(2) as it relates to (s89 2d)*
- 11.2 **Quick Response Grants**  
**Appendix 1, Quick Response Grants – Applicants' debtor status - August 2017**  
*This appendix is confidential in accordance with the Local Government Act s89(2) as it relates to (s89 2h)*

**CARRIED**

The meeting was closed at 9.58pm.

**Confirmed.....**

**The Mayor 25 September 2017**