



Ordinary Meeting of Council Minutes

Monday 23 April 2012

Meeting commenced at 7.05pm

in the

Council Chamber

1230 Nepean Highway, Cheltenham

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Present: Cr John Ronke (Mayor)
 Cr Ron Brownlees OAM
 Cr Arthur Athanasopoulos
 Cr Lewis Dundas
 Cr Paul Peulich
 Cr Trevor Shewan
 Cr Steve Staikos
 Cr Rosemary West OAM

In Attendance: John Nevins – Chief Executive Officer
 Mauro Bolin – General Manager Community Sustainability
 Rachel Hornsby – General Manager Environmental Sustainability
 Bernard Byrden – Acting General Manager Corporate Services
 Elaine Sowerby – General Manager Organisational Development and Governance
 Phil DeLosa – Program Leader Governance
 Janice Pouw – Governance Officer
 Kirsten Leiminger – Media Officer

1. Apologies:

An apology from Cr Moloney was submitted to the meeting.

Moved: Cr Athanasopoulos **Seconded: Cr Brownlees**
 That the apology from Cr Moloney be received and leave of absence be granted.

CARRIED

2. Confirmation of the Minutes of Previous Meeting

Moved: Cr Staikos **Seconded: Cr Brownlees**
 That the Minutes of the Ordinary Council Meeting held on 26 March 2012 and the Minutes of the Special Committee Meeting held on 10 April 2012 be confirmed.

CARRIED

3. Foreshadowed Disclosure/s by Councillors, Officers or Contractors of any Conflict of Interest:

There were no Conflicts of Interest submitted to the meeting.

4. Petitions

Moved: Cr Shewan

Seconded: Cr Brownlees

That the petition relating to a rooming house at 4 Hazel Avenue, Edithvale be referred to the Chief Executive Officer for response.

CARRIED

5. Presentation of Awards

There were no awards presented at the meeting.

6. Reports from Village Committees**Clarinda/Clayton South/Oakleigh South Village Committee**

Mrs Gael Mizzi, Chairperson of the Clarinda/Clayton South/Oakleigh South Village Committee presented the Village Committee Motions to Council. Mr David Catchpool a Village Committee member spoke in relation to this motion.

Village Committee Motion:

That Council consider renaming Heatherton Park to Norm Bury Park to honour Norm as he has been the Chair of the Park Committee since 1994.

Moved: Cr Staikos**Seconded: Cr Peulich**

That the Village Committee be thanked for their proposal and be advised that Councillors will consider and discuss the merits of the proposal as outlined in a report to be prepared by the Governance Department.

CARRIED**Village Committee Motion:**

That Council consider opening Osborne Road up to small cars to help with the Clayton Road traffic.

Moved: Cr Athanasopoulos**Seconded: Cr Peulich**

That the Village Committee be thanked for their suggestion and that a report be provided to Councillors for consideration.

CARRIED

7. Reports from Delegates Appointed by Council to various Organisations

Cr West reported on a recent meeting MAV meeting.

Cr Shewan reported on a Patterson Lakes Advisory Group meeting.

Cr Brownlees reported on a meeting of the Moorabbin Airport Task Force.

Moved: Cr Peulich

Seconded: Cr Brownlees

That the reports from Crs Shewan, Brownlees and West be received and Councillors thanked for their reports.

CARRIED

8. Question Time

The Mayor informed the meeting that question time would take place at approximately 8.00pm. (Refer to page 9 of the minutes).

9. Environmental Sustainability Reports**O 48 Final Version – 2012 Kingston Open Space Strategy Update****Moved: Cr Staikos****Seconded: Cr Brownlees**

That Council defers Item O48 – Final Version – 2012 Kingston Open Space Strategy to enable it to be considered at a meeting in May 2012.

CARRIED**O 49 Contract No 12/17 – Springs Road, Arunta Crescent, Wandoo Avenue, Manoon Road, Clayton South Drainage Improvements****Moved: Cr Staikos****Seconded: Cr Peulich**

That Council award Contract No 12/17 – Springs Road, Arunta Crescent, Wandoo Avenue, Manoon Road, Clayton South Drainage Improvements on a lump sum basis to Jaydo Construction Pty Ltd for the tendered price of \$1,259,772.00.

CARRIED**O 50 Namatjira Park Wetlands – Update & Open Space Reserve Funding Request****Moved: Cr Staikos****Seconded: Cr Peulich**

That Council:

1. receive the information; and
2. approve the allocation of up to \$100,000 from Planning Area 3 of the Open Space Reserve Fund.

CARRIED

10. Community Sustainability Reports

O 51 Review of the Central Enrolment Scheme for funded Kindergarten

Moved: Cr Brownlees

Seconded: Cr Peulich

That Council:

- a. Rescind the existing Central Enrolment Scheme Policy; and
- b. Implement the new proposed Central Enrolment Scheme Policy included as Appendix 3 to this report.

CARRIED

O 52 Draft Kingston Family and Children's Strategy (incorporating the Municipal Early Years Plan) 2012-2016

Moved: Cr Brownlees

Seconded: Cr Staikos

That Council endorse the Draft Kingston Family and Children's Strategy 2012 - 2106 for release for public consultation.

CARRIED

11. Organisational Development and Governance Reports

O 53 Assembly of Council Record

Moved: Cr Peulich

Seconded: Cr Athanasopoulos

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

CARRIED

O 54 Expenditure of Ward Funds Schedule

Moved: Cr Peulich

Seconded: Cr Staikos

That Council approve the expenditure of Ward Funds in accordance with the table of Councillor requests and to include the following:

Cr Peulich - Leading Dramatic Society \$800

CARRIED

O 55 Council Plan 2012 Update

Moved: Cr Staikos

Seconded: Cr Shewan

Cr Athanasopoulos left the Chamber at 7.48pm.

That Council:

1. adopt the draft 2012 update to the Council Plan to commence a Statutory 223 community consultation process; and
2. hear presentations in support of any submission received in relation to the draft Council Plan update, made in accordance with Section 223 of the Local Government Act 1989, at a Special Meeting of Council to be held on Monday 4 June 2012 at 6pm at 1230 Nepean Highway, Cheltenham.

CARRIED

O 56 Motions for MAV State Council Meeting and ALGA National General Assembly

Cr Shewan left the Chamber at 7.51pm and re-entered at 7.55pm

Cr Athanasopoulos entered the Chamber at 7.55pm.

Moved: Cr Staikos

Seconded: Cr Brownlees

That Council endorse the motion submitted to the MAV detailed in Appendix 1.

CARRIED

Moved: Cr Staikos

Seconded: Cr West

That Council approve the ALGA Motion 1 for the ALGA National General Assembly detailed in Appendix 2 and as detailed below:

That in collaboration with the State and Territory Government's the Commonwealth formulate a national population target that will provide for improved clarity as to the population growth assumptions for metropolitan and regional areas across Australia.

CARRIED

Moved: Cr West

Seconded: Cr Staikos

That Council approve the ALGA Motion 2 for the ALGA National General Assembly detailed in Appendix 2 and as detailed below:

'That where required legislative changes occur to provide greater direction from the Commonwealth on the importance of protecting arable land for agriculture, flora and fauna habitat and public open space.'

LOST

A Division was Called:

DIVISION: **FOR:** Crs West, Shewan, Athanasopoulos and Staikos (4)
AGAINST: Crs Dundas, Peulich, Brownlees and Ronke (4)

LOST on the casting vote of the Chairperson

Moved: Cr Staikos

Seconded: Cr Peulich

That Council approve the ALGA Motion 3 for the ALGA National General Assembly detailed in Appendix 2 and as detailed below:

That in collaboration with the State and Territory Governments the Commonwealth formulates a national model for the funding of Public Transport.

CARRIED

8. Question Time

Questions were submitted from the following people:

Mr Steve Lukacs

Mr John Nevins, CEO responded that an officer will contact Mr Lukacs on Tuesday 24 April.

Ms Carmel McKenzie

Mr John Nevins, CEO responded that a range of photographs of all people contributing to Kingston are being used. If you or Krammed would like to be involved and have a photo included, please contact the Elaine Sowerby, General Manager Organisational Development and Governance. The photo included with the question is that of the Kingston 2012 Outstanding Citizen Of The Year.

Mr William Millar

Ms Norelle Barbour

Ms Bozena Petrzilka

Mr John Nevins, CEO responded that registration of Rooming Houses is governed by legislation which was recently changed to include 4 or more people renting a room.

- *They are governed under the Public Health & Wellbeing Act.*
- *This covers basic house requirements including the size of rooms, number of bathrooms, hot and cold water etc. This is what Council would oversee.*
- *If there are more than 10 – 12 rooms, a planning permit is required which would also consider car parking, building impact on abutting properties.*
- *As far as who resides in them, Council has no power, that is for the police if a situation arises.*
- *No application has been received as yet, however a building permit has been requested. The Team Leader Environmental Health Services detailed the above points to the objectors today.*

O 57 Ward Meeting Policy**Moved: Cr Staikos****Seconded: Cr Brownlees**

That this item be deferred to allow Councillors more time to consider the matter and to request officers to:

1. prepare a third option to keep the present system and fix any conflicts with other policies; and
2. consider inclusion of attachment 3 with amendments as a possible replacement of existing policy.

CARRIED**O 58 Public Art Advisory Panel Terms of Reference & Review of Arts and Cultural Advisory Committee Terms of Reference****Moved: Cr Staikos****Seconded: Cr Shewan**

Cr Peulich left the Chamber at 8.47pm.
Cr Dundas left the Chamber at 8.48pm.

That Council resolve to adopt the Public Art Advisory Panel Terms of Reference and approve the replacement of clause 6.2 of the Arts and Cultural Advisory Committee Terms of Reference.

CARRIED**O 59 Public Art Strategy 2012 - 2016****Moved: Cr Staikos****Seconded: Cr Brownlees**

That Council adopt the Public Art Strategy 2012 – 2016 and provide a written response to each of the submitters.

Crs Dundas and Peulich entered the Chamber at 8.51pm.

CARRIED

12. Corporate Services Reports

O 60 Investment Policy Report – March 2012 Quarter

Moved: Cr Peulich

Seconded: Cr Brownlees

That Council note that funds at 31 March 2012 are being invested in line with the risk management profile prescribed in Council's Investment Policy.

CARRIED

O 61 Proposed Dog Off Leash Park Reg Marlow Reserve

Moved: Cr Brownlees

Seconded: Cr West

That Council commence the statutory process and advertise Council's intent to designate the proposed off leash dog park within Reg Marlow Reserve, Mentone as defined in this report and invite public comment.

CARRIED

13. Notice of Motion**Procedural Motion****Moved: Cr Peulich****Seconded: Cr Dundas**

That Item O64 Notice of Motion 14/2012 be dealt with in open Council following Item O62.

CARRIED**O 62 Notice of Motion No 13/2012 – Cr Dundas – Mundy Street Carpark Toilet Block****Moved: Cr Brownlees****Seconded: Cr Staikos**

That Council defer this item to be discussed following receipt of an officer's report and further discussion at a Councillor Information Session and to be presented to the May Ordinary Meeting of Council.

CARRIED**Moved Cr Peulich****Seconded Cr West**

That the meeting be adjourned for five (5) minutes.

CARRIED**Moved: Cr Staikos****Seconded: Cr Peulich**

That the meeting resume at 9.09pm.

CARRIED

O64 Notice of Motion No 14/2012 – Cr Peulich

Moved: Cr Peulich

Seconded: Cr Brownlees

- A. That Council review Councillor West’s conduct in relation to the Green Wedge Plan and her potential apprehended bias and conflict of interest as Green Wedge Coalition Coordinator.

Demonstrating an open mind in decision making in the exercise of Councillor duties is a requirement under the law and to not do so is considered an apprehended bias and can invalidate decisions of Council.

- B. That Council investigate Cr West’s attempt to unduly influence outcomes of the Kingston Green Wedge Plan.

Such an investigation should look at whether Councillor West has appropriately disclosed her trip to Canada to attend the Global Green Belts Conference.

Procedural Motion

Moved: Cr Peulich

Seconded: Cr Dundas

That an extension of time be granted to Cr Peulich.

CARRIED

Procedural Motion

Moved: Cr West

Seconded: Cr Dundas

That an extension of time be granted to Cr West.

CARRIED

Procedural Motion

Moved: Cr Staikos

Seconded: Cr Athanasopoulos

That the Motion now be Put.

LOST

Procedural Motion

Moved: Cr Brownlees **Seconded: Peulich**

That the meeting be extended for a 30 minute period

CARRIED

Procedural Motion

Moved: Cr West

Seconded: Cr Staikos

That the Motion now be Put.

The substantive Motion was Put and **LOST**

A Division was Called:

DIVISION:

FOR:

Cr Peulich (1)

AGAINST:

Crs Dundas, Athanasopoulos, Staikos, West, Shewan, Brownlees and Ronke (7)

LOST

14. Urgent Business

There were no items of urgent business submitted to the meeting.

15. Items in Camera

Moved: Cr Staikos

Seconded: Cr Brownlees

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

- O63 – 2014 General Valuation

Confidential Attachments

- O49 – Contract No 12/17 – Springs Road, Arunta Crescent, Wandoo Avenue, Manoon Road, Clayton South – Drainage Improvements - Tender Evaluation Matrix

CARRIED

The meeting was closed to members of the public at 10.01pm.

The meeting closed at 10.04pm.

Confirmed.....

His Worship, The Mayor 28 May 2012