



Ordinary Meeting of Council Minutes

Monday 26 March 2012

Meeting commenced at 7.00pm

in the

Council Chamber

1230 Nepean Highway, Cheltenham

Table of Contents

1.	Apologies.....	1
2.	Confirmation of Minutes of Previous Meetings.....	1
3.	Declaration by Councillors or Officers of any Conflict of Interest	2
	<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.....	2
5.	Presentations.....	3
6.	Reports from Village Committees.....	3
13	Notices of Motion.....	6
10.	Community Sustainability Report	10
7.	Reports from Delegates Appointed by Council to Various Organisations	10
8.	Question Time	10
9.	Environmental Sustainability Reports.....	11
10.	Community Sustainability Reports.....	19
11.	Organisational Development and Governance Reports	19
12.	Corporate Services Reports	22
13	Notices of Motion.....	26
14.	Urgent Business	28
15	Items in Camera	28

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

In Attendance: John Nevins – Chief Executive Officer
Mauro Bolin – General Manager Community Sustainability
Rachel Hornsby – General Manager Environmental Sustainability
Duncan Kelly – 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 Staikos was submitted to the meeting.

Moved: Cr Peulich

Seconded: Cr Brownlees

That the apology from Cr Staikos be received and leave of absence be granted.

CARRIED

2. Confirmation of the Minutes of Previous Meeting

Moved: Cr Brownlees

Seconded: Cr Peulich

That the Minutes of the Ordinary Council Meeting held on 27 February 2012 be confirmed.

CARRIED

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

- Cr Brownlees declared an indirect conflict of interest in Item 4 – Petition (Proposed Closure of Eden Street Cheltenham) as it has the potential to affect his residential amenity.
- Cr Athanasopoulos

4. Petitions

Cr Brownlees declared an Indirect Conflict of Interest that relates to residential amenity.

Cr Brownlees vacated the Chamber at 7.06pm prior to consideration of this matter.

- Proposed Closure of Eden Street, Cheltenham

Moved: Cr West**Seconded: Cr Athanasopoulos**

That the petition relating to the proposed closure of Eden Street, Cheltenham be referred to the Chief Executive Officer for response.

CARRIED

Cr Brownlees entered the Chamber at 7.08pm and was not present whilst the vote was being taken on this matter.

Moved: Cr Peulich**Seconded: Cr Moloney**

That the petition relating to the removal of the Urban Growth Boundary be referred to the Chief Executive Officer for response.

CARRIED

5. Presentation of Awards

A presentation was made to Scott Harrison in appreciation for his outstanding contribution to the Kingston community as Kingston's City Organist.

6. Reports from Village Committees**Cheltenham Village Committees****Village Committee Motion:**

The Committee recommends that the Cheltenham Village Committee request a meeting with the Moorabbin / Highett Committee regarding a possible merger.

Moved: Cr Brownlees**Seconded: Cr Peulich**

That a meeting be arranged between the Cheltenham and Moorabbin / Highett Village Committees.

CARRIED

Mentone / Parkdale Village Committee

Mrs Barbara Taylor Chairperson of the Mentone / Parkdale Village Committee presented the Village Committee motion to Council.

Village Committee Motion:

The Committee recommends that Council conduct a study of the two car parks (between Brindisi & Florence Streets, and between Balcombe road and Florence Street) and their condition after it has been raining with a view to remedial action works.

Moved: Cr Dundas**Seconded: Cr West**

That officers review the car parks and remove hazards as they are detected and that the Village Committee be advised of the Mentone Structure Plan Strategy for these areas.

CARRIED**Moorabbin / Highett Village Committee****Village Committee Motion:**

The Committee recommends that Council conduct an investigation into traffic management in the precinct bounded by Genoa Street, Bulli Street, Wickham Road and Chesterville Road including Marrbridge, Hector, Bricker and other streets of this area.

The investigation should include:

1. Options to reduce or preclude trucks from entering the residential area in and surrounding the precinct;
2. Traffic counts including traffic generators;
3. Parking restrictions and controls in the feeder roads that may be impeding traffic flow;
4. Options addressing the intersection of Chesterville, Wickham and Keys Roads to manage the traffic, reduce traffic congestion and improve traffic flow and reduce waiting times.
5. Introduction of a right hand turn lane on Chesterville Road into Wickham Road; and
6. Vic Roads forward capital plan for the precinct and its feeder roads.

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

That officers, including Council's traffic engineering officers, attend an upcoming meeting of the Moorabbin / Highett Village Committee to discuss the Village Committee's concerns.

CARRIED

Patterson Lakes/Carrum Village Committee

Village Committee Motion:

The Committee recommends that Council have the walkway at Admiral's Quay reinstated as a common law public walkway.

Moved: Cr Shewan

Seconded: Cr Moloney

That the Village Committee be advised Council is seeking to negotiate re-opening of this walkway with the Body Corporate, the legal owner of this land.

CARRIED

Procedural Motion

Moved: Cr Peulich

Seconded: Cr Moloney

That Item O41 – (Notice of Motion No 9/2012 – Green Wedge) be dealt with prior to Section 7 – (Reports from Delegates) of the agenda.

CARRIED

O 41 Notice of Motion No 9/2012 – Cr Dundas – Green Wedge

Moved: Cr Dundas

Seconded: Cr Brownlees

- A. That the Chief Executive Officer be instructed to brief Peter Soding and Planisphere on the contents of the confidential Notice of Motion Item O26 resolved at the 27 February 2012 Ordinary Council Meeting.
- B. That the Chief Executive Officer be instructed that in order to action the confidential Notice of Motion Item O26 resolved at the 27 February 2012 Ordinary Council Meeting, Council Officers begin discussions and obtain any required information from Peter Soding, Planisphere or any other relevant parties that they believe may assist in providing a response to this resolution of Council.
- C. That Council confirms its intention as expressed in the Notice of Motion Item O26 resolved at the 27 February 2012 Ordinary Council Meeting that Council Officers are to be formally involved in assisting Council in the finalisation of the Kingston Green Wedge Plan.
- D. That a sub committee of interested Councillors be formed to investigate Green Wedge valuations and recommend possible dealings of land in the Green Wedge.

AMENDMENT

Moved: Cr West

Seconded: Cr Shewan

- A. That the Chief Executive Officer be instructed to send to Peter Soding and Planisphere the contents of the confidential Notice of Motion Item O26 resolved at the 27 February 2012 Ordinary Council Meeting to request this to be treated as a submission from Council and to request a response in writing from the Planisphere consultant by the 2 April briefing.

The Amendment was Put and **LOST**

A Division was called:

DIVISION:	FOR:	Crs West, Shewan and Ronke (3)
	AGAINST:	Crs Dundas, Peulich, Athanasopoulos, Moloney and Brownlees (5)

LOST

AMENDMENT

Moved: Cr West

- A. That the Chief Executive Officer be instructed to brief Peter Soding and Planisphere on the contents of the confidential Notice of Motion Item O26 resolved at the 27 February 2012 Ordinary Council Meeting.

The Amendment Moved by Cr West was not allowed by the Chairperson.

AMENDMENT

Moved: Cr West

Seconded: Cr Brownlees

- B. That the February resolution referred to in this motion be released to the public in the interest of transparency and to avoid the generation of mistrust in a process that until now has been exemplary.

The Amendment was Put and **LOST**

A Division was called:

DIVISION:	FOR:	Crs West, Shewan and Brownlees (3)
	AGAINST:	Crs Dundas, Peulich, Athanasopoulos, Moloney and Ronke (5)

LOST

AMENDMENT

Moved: Cr Shewan

Seconded: Cr West

- A. That the Chief Executive Officer be instructed to brief Peter Soding and Planisphere on the contents of the confidential Notice of Motion Item O26 resolved at the 27 February 2012 Ordinary Council Meeting.
- B. That the Chief Executive Officer be instructed that in order to action the confidential Notice of Motion Item O26 resolved at the 27 February 2012 Ordinary Council Meeting, Council Officers begin discussions and obtain any required information from Peter Soding, Planisphere or any other relevant parties that they believe may assist in providing a response to this resolution of Council.
- C. That Council confirms its intention as expressed in the Notice of Motion Item O26 resolved at the 27 February 2012 Ordinary Council Meeting that Council Officers are to be formally involved in assisting Council in the finalisation of the Kingston Green Wedge Plan.
- D. That a sub committee of interested Councillors be formed to investigate Green Wedge valuations and recommend possible dealings of land in the Green Wedge.
- E. Defer these actions until after Council formally adopts the Kingston Green Wedge Plan, and reconsider them in the light of the adopted plan, as premature action along the lines proposed would:
 - Pre-empt the recommendations of the Kingston Green Wedge Plan;
 - Put unfair and inappropriate pressure on the Kingston Green Wedge Plan consultants;
 - Compromise the independence of the Kingston Green Wedge Plan
 - Damage the credibility of the Kingston Green Wedge Plan;
 - Raise the hopes of Green Wedge landholders who want to achieve windfall gains by subdividing or using their land for more intensive or urban development.

The Amendment was Put and **LOST**

A Division was called:

DIVISION:	FOR:	Crs West and Shewan (2)
	AGAINST:	Crs Dundas, Peulich, Athanasopoulos, Moloney, Brownlees and Ronke (6)

LOST

AMENDMENT**Moved: Cr Brownlees****Seconded: Cr Peulich**

- A. That the Chief Executive Officer be instructed to brief Peter Soding and Planisphere on the contents of the confidential Notice of Motion Item O26 resolved at the 27 February 2012 Ordinary Council Meeting.
- B. That the Chief Executive Officer be instructed that in order to action the confidential Notice of Motion Item O26 resolved at the 27 February 2012 Ordinary Council Meeting, Council Officers begin discussions and obtain any required information from Peter Soding, Planisphere or any other relevant parties that they believe may assist in providing a response to this resolution of Council.
- C. That Council confirms its intention as expressed in the Notice of Motion Item O26 resolved at the 27 February 2012 Ordinary Council Meeting that Council Officers are to be formally involved in assisting Council in the finalisation of the Kingston Green Wedge Plan.
- D. That a sub committee of interested Councillors be formed to investigate Green Wedge valuations and recommend possible dealings of land in the Green Wedge.
- E. That this resolution not take effect until Planisphere's final presentation to the Councillor Information Session on 2 April 2012.

The Amendment was Put and **CARRIED****A Division was called:****DIVISION: FOR:** Crs Peulich, Moloney, Brownlees and Ronke (4)**AGAINST:** Crs Athanasopoulos, West, Shewan and Dundas(4)

CARRIED on the casting vote of the Chairperson.

The Amendment became the motion before the chair.

The Motion was Put and **CARRIED****A Division was called:****DIVISION: FOR:** Crs Dundas, Peulich, Moloney, Brownlees and Ronke (5)**AGAINST:** Crs Athanasopoulos, West and Shewan (3)**CARRIED****Procedural Motion****Moved: Cr Peulich****Seconded: Cr Brownlees**

That Item 32 – Final Kingston Youth Strategy 2012-2106 be dealt with prior to Item 7 – Reports from Delegates.

CARRIED

Cr Athanasopoulos left the Chamber at 8.57pm.

A Division was called:

DIVISION: **FOR:** Crs Dundas, Peulich, Moloney, Brownlees and Ronke (5)
AGAINST: Crs West and Shewan (2)

CARRIED

Cr Athanasopoulos entered the Chamber at 8.59pm.

O 32 Final Kingston Youth Strategy 2012 - 2016

Moved: Cr Peulich

Seconded: Cr Brownlees

That Council resolve to adopt the Kingston Youth Strategy 2012 – 2016 including the Youth Charter and Action Plan for official launch during National Youth Week 2012.

CARRIED

7. Reports from Delegates Appointed by Council to various Organisations

Cr Peulich reported on a meeting of the Audit Committee

Moved: Cr Brownlees

Seconded: Cr Moloney

That the report be received and Cr Peulich thanked for his report.

CARRIED

8. Question Time

One question was submitted from Steve Watling but was subsequently withdrawn.

O 29 Adoption of Mordialloc Creek Masterplan**Moved: Cr Brownlees****Seconded: Cr Peulich**

That Council:

- A) Approve the Mordialloc Creek Masterplan in accordance with the changes outlined in the Proposed Changes column of Appendix 1 to this report; and
- B) Notify all submitters of the above resolution.

AMENDMENT**Moved: Cr Peulich****Seconded: Cr Moloney**

That Council:

- A) Approve the Mordialloc Creek Masterplan in accordance with the changes outlined in the Proposed Changes column of Appendix 1 to this report;
- B) Amend the Mordialloc Creek Masterplan to replace plantings along the Hazel Pierce Reserve Beach Road Frontage with Palms of a similar species to that already found in Main Street; and
- C) Notify all submitters of the above resolution.

The Amendment was Put and **CARRIED****A Division was called:****DIVISION: FOR:** Crs Dundas, Peulich, Moloney, Brownlees and Ronke (5)**AGAINST:** Crs Athanasopoulos, West and Shewan (3)**CARRIED**

AMENDMENT

Moved: Cr West

Seconded: Cr Moloney

That Council:

- A) Approve the Mordialloc Creek Masterplan in accordance with the changes outlined in the Proposed Changes column of Appendix 1 to this report; and
- B) Approve the changes to Appendix 1 as outlined below:
 Overall Masterplan:
 Add to point 4, masterplan graphical changes re Tour de café' building "on the existing site and scale".

CARRIED

AMENDMENT

Moved: Cr West

Seconded: Cr Shewan

George Woods Reserve:

Add to point 1 re proposed new district play space – "On the site shown in the Draft Masterplan or on the exiting playground site, subject to future community consultation." – That both sites be shown on the visual plan included on the Masterplan.

Procedural Motion

Moved: Cr Dundas

Seconded: Cr Peulich

That Cr Dundas be granted an extension of time to speak.

CARRIED

Cr Shewan left the Chamber at 9.35pm.

The Amendment was Put and **LOST**

A Division was called:

DIVISION:	FOR:	Cr West (1)
	AGAINST:	Crs Dundas, Peulich, Athanasopoulos, Moloney, Brownlees and Ronke (6)

LOST

AMENDMENT

Moved: Cr West

Seconded: Cr Moloney

Cr Shewan entered the Chamber at 9.40pm.

Lamberts Island

That Council amend the second point of Item 4, Lamberts Island to include after the words Mordialloc Motor Yacht Club “ and the 4th Mordialloc Sea Scouts as important activators of the Creek”. That the 4th Mordialloc Sea Scouts building shown on the visual plan included in the Masterplan be identified as such.

Cr Athanasopoulos declared an indirect interest due to conflicting duties.

Cr Athanasopoulos left the Chamber at 9.48pm.

Procedural Motion

Moved: Cr Dundas

Seconded: Cr Peulich

That Cr Dundas be granted an extension of time to speak.

CARRIED

The Amendment was CARRIED

A Division was called:

DIVISION: **FOR:** Crs Dundas, Peulich, West, Shewan, Moloney, Brownlees and Ronke (7)

AGAINST: Nil

CARRIED

Procedural Motion

Moved: Cr Brownlees

Seconded: Peulich

That the meeting be extended for one hour to 11pm.

CARRIED

Cr Athanasopoulos entered the Chamber at 9.58pm and was not present whilst the vote was being taken on this matter.

The Mover Cr Brownlees and the Seconder Cr Peulich agreed to include the following changes to Peter Scullin Reserve in the Motion:

Peter Scullin Reserve:

Amend the first point of Item 6 to add after the words shelter pathways “and indigenous vegetation”.

AMENDMENT

Moved: Cr West

Seconded: Cr Shewan

Additional point "Support proposed plans for the reconstruction of the Mordialloc Life Saving Club building".

The Amendment was Put and **CARRIED**

A Division was called:

DIVISION: FOR: Crs West, Shewan, Moloney, Brownlees, Athanasopoulos (5)

AGAINST: Crs Dundas, Peulich and Ronke (3)

CARRIED

AMENDMENT

Moved: Cr Dundas

Seconded: Cr Peulich

Additional point "Support proposed plans for the reconstruction of the Mordialloc Life Saving Club building and associated car park".

The Amendment was Put and **LOST**

A Division was called:

DIVISION: FOR: Crs Dundas, Peulich, Moloney and Brownlees (4)

AGAINST: Crs Athanasopoulos, West, Shewan and Ronke (4)

LOST on the casting vote of the Chairperson

Cr Athansopoulos left- the Chamber at 10.19pm.

The Original Motion Moved by Cr Brownlees and Seconded by Cr Peulich including the changes to Peter Scullin Reserve were Put and **CARRIED.**

A Division was called:

DIVISION: FOR: Crs Dundas, Peulich, West, Shewan, Moloney, Brownlees and Ronke (7)

AGAINST: Nil

The entire motion now reads as follows:

That Council:

- A) Approve the Mordialloc Creek Masterplan in accordance with the changes outlined in the Proposed Changes column of Appendix 1 to this report; and
- B) Amend the Mordialloc Creek Masterplan to replace plantings along the Hazel Pierce Reserve Beach Road Frontage with Palms of a similar species to that already found in Main Street; and
- C) Approve the changes to Appendix 1 as outlined below:
 - Overall Masterplan:
Add to point 4, masterplan graphical changes re Tour de café' building "on the existing site and scale".
- D) Amend the second point of Item 4, Lamberts Island to include after the words Mordialloc Motor Yacht Club " and the 4th Mordialloc Sea Scouts as important activators of the Creek". That the 4th Mordialloc Sea Scouts building shown on the visual plan included in the Masterplan be identified as such.
- E) Peter Scullin Reserve:
Amend the first point of Item 6 to add after the words shelter pathways "and indigenous vegetation".

Additional point "Support proposed plans for the reconstruction of the Mordialloc Life Saving Club building".
- F) Notify all submitters of the above resolution.

Cr Athanasopoulos entered the Chamber at 10.19pm and was not present whilst the vote was being taken on this matter.

O 30 Planning Scheme Review - Adoption**Moved: Cr Peulich****Seconded: Cr Brownlees**

That Council adopt the Planning Scheme Review report and authorise Council Officers to send the report to the Minister for Planning and write to Minister for Planning seeking update on the Planning System Reviews.

That Council amend the review to include the following under the economic development section:

Whilst Kingston acknowledges the work of the SEMIP it should also be emphasised that there are over 4,000 industrial premises in the City which is the highest concentration of small to medium industrial enterprises in Melbourne.

Kingston also has the highest number of manufacturing jobs of any Victorian Municipality with over 25,000 jobs.

Given this is a significant sector of the municipality, further planning work is needed in order to enhance the employment opportunities the City provides.

Moved: Cr West**Seconded: Cr Shewan**

That this item be deferred to the next Ordinary Meeting of Council to be held in April 2012.

LOST

AMENDMENT

Moved: Cr West

Seconded: Cr Brownlees

That the report be amended to replace the dot point which reads:

“Ensure that any upper storey components towards the rear of sites are sensitively designed to avoid unreasonable adverse amenity impacts on neighbours”, with:

“To discourage two storey developments to the rear of development sites”.

The mover and seconder agreed to include this in the motion.

Moved: Cr West

Seconded: Cr Shewan

That the existing Schedules 1 and 7 of the Design and Development Overlay should be retained as they are.

The Amendment was Put and **LOST**

A Division was called:

DIVISION: **FOR:** Crs Athanasopoulos, West, Shewan and Moloney (3)

AGAINST: Crs Dundas, Peulich, Brownlees and Ronke (4)

LOST

The entire motion Put and CARRIED reads as follows:

That Council adopt the Planning Scheme Review report and authorise Council Officers to send the report to the Minister for Planning and write to Minister for Planning seeking update on the Planning System Reviews.

That Council amend the review to include the following under the economic development section:

Whilst Kingston acknowledges the work of the SEMIP it should also be emphasised that there are over 4,000 industrial premises in the City which is the highest concentration of small to medium industrial enterprises in Melbourne.

Kingston also has the highest number of manufacturing jobs of any Victorian Municipality with over 25,000 jobs.

Given this is a significant sector of the municipality, further planning work is needed in order to enhance the employment opportunities the City provides.

To discourage two storey developments to the rear of development sites.

A Division was called:

DIVISION: **FOR:** Crs Dundas, Peulich, Athanasopoulos, Moloney,
Brownlees and Ronke (6)

AGAINST: Crs West and Shewan (2)

CARRIED

O 31 Mentone Junction – Planning Scheme Amendment Options**Moved: Cr Brownlees****Seconded: Cr West**

That Council:

1. Resolves to instigate a Planning Scheme Amendment over the following land parcels:
 - 202-208 Nepean Highway, Mentone
 - 90-116 Nepean Highway, Mentone
 - 1-27 Balcombe Road, Mentone
 - 10-12 to 44 Balcombe Road, Mentone
 - 33-35 Childers Street, Mentone
2. Resolves to progress:
 - a. The planning scheme amendment in Appendix 1 (which has predominantly 3-4 storey height controls and with additional set back);
3. Writes to the Minister for Planning requesting:
 - a. The Minister exercise his powers under Section 20 (4) of the Planning and Environment Act 1987 to provide 'interim planning controls' consistent with the adopted schedule to the Design and Development Overlay; and
 - b. Authorisation to commence a Planning Scheme Amendment pursuant to the provisions of the Planning and Environment Act 1987 to introduce the adopted schedule to the Design and Development Overlay.
4. Write to all property owners advising them of the above resolution.

CARRIED**A Division was called****DIVISION:** **FOR:** Crs Dundas, Peulich, Athanasopoulos, West, Shewan, Moloney, Brownlees and Ronke (8)**AGAINST:** Nil**CARRIED UNANIMOUSLY**

O 33 Individual Development Grant: Application with a Perceived Conflict of Interest.

Moved: Cr Peulich

Seconded: Cr Brownlees

That Council approve the Individual Grant Application from Council employee Amber Grahame for \$300 to compete in the Australian National Polo Championships.

CARRIED

O 34 Assembly of Council Record

Moved: Cr Peulich

Seconded: Cr Shewan

That Council note the contents of this report.

CARRIED

O 35 Expenditure of Ward Funds Schedule

Moved: Cr Shewan

Seconded: Cr Brownlees

That Council approve the expenditure of ward funds in accordance with the table of Councillor requests including the following:

Cr Paul Peulich - \$2,000 Hellenica Grammatica

Cr Paul Peulich - \$2,000 Moorabbin Dog Obedience School

All Councillors (except Cr West) - \$300 from each Councillor to Chelsea Bowling Club for a defibrillator machine.

Cr Ronke - \$100 Aspendale Gardens Community Centre for printing costs

CARRIED

O 36 Merger of Clarinda/Oakleigh South and Clayton South Village Committees

Moved: Cr Athanasopoulos

Seconded: Cr Peulich

That:

1. The Clarinda/Oakleigh South and Clayton South Village Committees be merged and the Committee be renamed Clarinda/Clayton South/Oakleigh South Village Committee and meet bi-monthly commencing on 4 April 2012.
- 2(b) That Council approve a temporary exemption to Clause 2.1 of the Village Committees Policy to allow 15 members on the proposed Clarinda/Clayton South/Oakleigh South Village Committee until such time as the number of the members becomes 12 through attrition by retirement or resignation of the current members.
3. That the Community Grants funding allocations for the former Clarinda/Oakleigh South and Clayton South Committees be consolidated as one allocation to the new Committee.
4. That the Village Committees Policy be updated to remove references to the former Clarinda/Oakleigh South and Clayton South Village Committees and replaced with the Clarinda/Clayton South/Oakleigh South Village Committee and any consequent amendments from recommendations 1 - 3.

CARRIED

Procedural Motion

Moved: Cr Peulich

Seconded: Cr.Moloney

That Council extend the meeting for 1 hour to conclude at 12am.

CARRIED

Procedural Motion

Moved: Cr Shewan

Seconded: Cr Athanasopoulos

That the meeting be adjourned for a five minute period at 10.56pm.

CARRIED

The meeting resumed at 11.03pm.

O 37 Ward Meeting Policy

Moved: Cr Brownlees

Seconded: Cr Athanasopoulos

That this item be deferred to an appropriate Councillor Information Session meeting.

CARRIED

O 38 Briefing on Consultation of Proposed Local Law Amendments**Moved: Cr Shewan****Seconded: Cr Athanasopoulos**

That Council:

1. Resolve to amend Kingston Local Laws as follows:

- 1.1 – Local Law 2.16

Amend the wording to include owner of vehicle:

A person or owner of a vehicle or owner of an advertising sign, must not, without a permit, place or cause or allow to be placed, any advertising sign or display any goods on any road or Council land.

Add to definitions list: Owner of a vehicle has the same meaning as the Road Safety Act 1986.

- 1.2 – Local Law 5 Schedule 5

Section b of Schedule 5 to be removed as a permit to demolish a building issued by the building Department does not entitle the permit holder to burn in the open.

- 1.3 – Local Law 5.11(1)

Replace clause (1) with the following:

A person or registered company that is the owner of a rubbish container must not, without a permit place or cause or allow to be placed a bulk rubbish container for the removal of building or industrial or domestic wastes or vegetation on any road or other Council land.

- 1.4 – Local Law 5.16(3)

Amend clause (3) to read:

Add the term 'or occupier' to read as follows:

The owner or occupier of any land in a residential, business or industrial zone, as determined by reference to the Kingston Planning Scheme, shall at all times maintain their land in a a neat and tidy condition by:

1.5 – Local Law 5.27

Request Council's Legal Advisors to draft an appropriate amendment to Local Law 5 to allow members of Victoria Police to impound illegally used recreational vehicles under the following conditions:

1. the recreation vehicle is being used in a way which contravenes this Local Law;
2. the use of the recreation vehicle could endanger the safety of any persons or significantly inconvenience or disturb other persons; and
3. that impounding the recreation vehicle is necessary to effect the immediate abatement of the danger or disturbance caused by the use of the recreational vehicle.

1.7 – Local Law 6.20

Clause 3, 4, 5 & 6 should be removed and inserted under Local Law 6.18 Public Health and Nuisance issues, as those sections relate to public health and nuisance issues.

Clause 20(7) should be removed and inserted under Local Law 6.13, 6.14 & 6.15.

2. Publish these amendments in the Government Gazette.

CARRIED

**O 39 Section 223 Committee Report on Proposed Sale of Council Land
9-11 Own Street, Mordialloc**

Moved: Cr Dundas

Seconded:

That Council:

1. Notes the contents of the report
- 2(b) That Council notes that the retention of 9 – 11 Owen Street will adversely affect the budget by approximately \$800,000 in 2011/12
- 3 That the submitters be advised of Council's decision.

The Motion **LAPSED** for want of a Secunder.

Moved: Cr West

Seconded: Cr Shewan

1. Notes the contents of the report
- 2(a) Resolves to sell the property by auction or by private treaty
Delegates the Chief Executive Officer to enter into a Contract of Sale for 9 – 11 Owen Street at a price not less than the market value as determined by Council's valuer and to the satisfaction of Council's legal advisors.
- 3 That the submitters be advised of Council's decision.

Procedural Motion

Moved: Cr Dundas

Seconded: Cr Peulich

That Cr Dundas be granted an extension of time to speak on this item.

CARRIED

CARRIED

O 40 Optus Lease Proposal – Shirley Burke Theatre**Moved: Cr Brownlees****Seconded: Cr Peulich**

Cr Peulich departed from the meeting at 11.30pm.

1. That Council places an advertisement of its intention to enter into a lease with Optus and invite submissions from members of the public.
2. That Council appoints a S223 Committee comprising Cr West, Cr Brownlees, Cr Dundas, Paul Franklin, General Manager Corporate Services and Julian Harvey, Manager Property Arts and Leisure Services to hear and consider any submissions.
3. If any submissions are received, the S223 Committee report to Council the outcomes of the statutory process.
4. That in the event no submissions are received the General Manager Corporate Services be instructed to proceed to execute a lease for an initial rental of \$20,000 per annum on Council's behalf for 4 terms each of 5 years with a 3% increase each year.

CARRIED

**O 42 Notice of Motion No 10/2012 – Cr Brownlees – 11 The Centreway,
Mordialloc**

Moved: Cr Brownlees

Seconded: Cr West

1. That as a matter of urgency, officers obtain quotes for the demolition of 11 The Centreway, Mordialloc, (the 'Glass' building) and that a report be presented as soon as possible indicating the best options for funding and demolition of the building and preparation of the land to facilitate its use as a temporary car park until further plans and funds are available to determine its long term use.
2. That the Mordialloc Traders Association be advised of the outcome of this decision.
3. That officers investigate the possibility of utilising the Tennis Court Car Park for a trader parking permit scheme.

CARRIED

**O 43 Notice of Motion No 11/2012 – Cr West – Re-opening EOI for
Parkdale LSC Building**

That Council now reopen the EOI process for a short time, with a view to choosing an appropriate community-based use with a marine or seaside focus for the Parkdale LSC facilities, which are temporarily in use for storage.

The Notice of Motion was withdrawn with Leave of Council.

14. Urgent Business

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

15. Items in Camera

Moved: Cr West

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

- O44 – Chelsea Public Golf Course – 89(2)(d) as it relates to a contractual matter.
- O45 – 89(2)(h) Village Committee Appointments – 89(2)(h) Aspendale/Edithvale/Aspendale Gardens/Waterways (AEAGW) Village Committee as it contains legal advice.

Confidential Attachments

- O 33 – Individual Development Grant – as it contains personal information.

CARRIED

The meeting was closed to members of the public at 11.44pm.

The meeting closed at 11.50pm.

Confirmed.....

His Worship, The Mayor 23 April 2012