



# **Ordinary Meeting of Council**

## **Minutes**

**Monday 26 November 2012**

**The meeting commenced at 7.05pm**

**in the**

**Council Chamber**

**1230 Nepean Highway, Cheltenham**

**Present:** Cr Ron Brownlees OAM (Mayor)  
Cr Tamara Barth  
Cr Tamsin Bearsley  
Cr David Eden  
Cr Geoff Gledhill  
Cr Paul Peulich  
Cr John Ronke  
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  
Paul Franklin – General Manager Corporate Services  
Anthony Basford – Acting General Manager Organisational Development & Governance  
Kirsten Leiminger – Media Officer Communications and Public Affairs  
Angela Granter –Governance Officer  
Stephanie O’Gorman – Governance Officer

**1. Apologies:**

There were no apologies submitted to the meeting.

**2. Confirmation of the Minutes of Previous Meeting**

**Moved: Cr Staikos**

**Seconded: Cr Ronke**

That the Minutes of the Ordinary Meeting of Council held on 22 October 2012 and the Minutes of Special (Statutory) Council Meeting 5 November 2012 be confirmed, subject to the Planning Committee Meeting listed for 4 February 2013 being changed to 30 January 2013 and subject to the inclusion of Cr Peulich’s tribute to Thelma Mansfield.

**CARRIED**

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

There were no foreshadowed disclosures submitted to the meeting.

**4. Petitions**

**Request for 15 Minute Parking Space – 94 Nepean Highway, Mentone**

**Moved: Cr West    Seconded: Cr Peulich**

That the petition be referred to the CEO for response.

**CARRIED**

**Left Hand Turn Restriction – Corner Glenelg Drive and Lwr Dandenong Road, Mentone**

**Moved: Cr Gledhill    Seconded: Cr Barth**

That the petition be referred to the CEO for response.

**CARRIED**

**5. Presentation of Awards**

There were no awards presented.

**6. Reports from Village Committees**

There were no reports from Village Committees submitted due to Village Committees being in recess.

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

There were no reports from delegates submitted to the meeting.

## **8. Question Time**

Question Time will take place at 8.00pm.

## **9. Environmental Sustainability Reports**

There were no Environmental Sustainability Reports.

## **10. Community Sustainability Reports**

There were no Community Sustainability Reports.

## **11. Organisational Development & Governance Reports**

### **O 199 Councillor Appointments to Committees**

**Moved: Cr Staikos                      Seconded: Cr Ronke**

That Councillors be appointed to the various committees for a 12 month period from the time of resolution, as identified in section 3 of this report below and subject to the following amendments:

- Cr West to be the appointee for the Municipal Association of Victoria Strategic Environment Advisory Group
- Cr Gledhill to replace Cr Bearsley on the InterCouncil Aboriginal Consultative Committee
- Cr Bearsley to replace Cr Staikos on the Friends of Manatuto Committee
- Cr Peulich to replace Cr Ronke on the Audit Committee.

The list of appointments to committees is as follows:

### Section 3

#### 1. Legislative Committees

Legislative Committees are established under to the Local Government Act 1989. Section 86 Committees are known as Special Committees of Council. The Planning Committee is a Council decision making forum with extensive delegation while the Audit Committee, established under section 139 of the Act, has an advisory role.

	<b>2012/13 Appointee/s</b>
1. Section 86 Planning Committee	All Councillors
2. Audit Committee (Section 139)	Mayor, Cr Peulich

#### 2. Advisory Committees - Councillor Only

<b>Kingston Councillor Only Committee *</b>	<b>2012/13 Appointee/s</b>
Foreshore Sub-Committee	No ongoing specific committee required
Kingston Council Green Wedge Plan Steering Committee	No ongoing specific committee required

#### 3. Advisory Committees – with Officer and/or community representatives

<b>Kingston Councillor Only Committee *</b>	<b>2012/13 Appointee/s</b>
Access and Equity Committee	Cr Gledhill Cr Peulich
Arts and Culture Advisory Committee	Crs Peulich and Staikos
Australia Day Committee	Mayor, Cr Staikos
Carols by the Bay Committee	Cr Gledhill
Chelsea Community Renewal Project	Crs Bearsley, Eden and Ronke
Clayton Community Strengthening Project	Cr Barth
Climate & Biodiversity Reference Group	Cr West
Community Vision Reference Group	Mayor, Crs Gledhill and West

Community Vision Steering Group	No ongoing specific committee required
Fine Food, Wine and Music by the Bay Festival	Mayor, Crs Gledhill and Ronke
Historical Societies Network	Crs Bearsley and West
Kingston Charitable Trust Community Grants Panel	Mayor, Cr Staikos Sub: Cr Ronke
Kingston Harvest Festival Committee	Crs Bearsley, Eden and Ronke
Kingston Interfaith Committee	Crs Barth and Staikos
Kingston Youth Advisory Committee	Crs Eden and Peulich
L F Payne Hall Usage Committee	Crs Bearsley, Eden and Ronke
Mordialloc Creek Advisory Committee	Mayor, Crs Gledhill, Ronke and West
Municipal Emergency Planning Committee	Cr Ronke
Public Art Advisory Panel	Crs Peulich and Staikos
Positive Ageing Steering Group	Mayor

\* If one Councillor present (irrespective of officers) then an Assembly of Councillor form is required and will be attached to the next practicable Council Meeting and included in the minutes.

<b>Kingston Councillor Only Committee *</b>	<b>2012/13 Appointee/s</b>
Sport and Recreation Reference Group	Crs Barth and Peulich
World Globe to Globe Festival Committee	Cr Peulich Sub: Cr Staikos

#### **4. External or Other Agencies Committees with Councillor representation**

<b>External/Other Groups/Agencies with Councillor Representation</b>	<b>2012/13 Appointees</b>
Association of Bayside Municipalities (ABM)	Cr West Sub: Geoff Gledhill
Australian Mayoral Aviation Council	Appointment not to be renewed
Friends of Manatuto Committee	Cr Bearsley

Inter Council Aboriginal Consultative Committee	Cr Gledhill Sub: Cr West
Local Government Waste Management Forum	Cr Barth Sub: Cr Peulich
Melbourne Water Eastern Treatment Plant Community Liaison Committee	Cr West
Metropolitan Transport Forum	Cr Eden Sub: Cr West
Moorabbin Airport Consultative Committee	Crs Barth and West
Municipal Association of Victoria (MAV)	Mayor Sub: Cr Staikos
Municipal Association of Victoria Planning Committee	Cr West Sub: Cr Ronke
Municipal Association of Victoria Strategic Environment Advisory Group	Cr West

<b>External/Other Groups/Agencies with Councillor Representation</b>	<b>2012/13 Appointees</b>
Patterson Lakes Advisory (Melbourne Water) Committee	Cr Bearsley
Victorian Local Governance Association (VLGA)	Cr Staikos Sub: Cr West

**CARRIED**

**O 200 Assembly of Council Record**

**Moved: Cr Staikos      Seconded: Cr West**

That Council note the contents of this report for the public record with the substitution of the Assembly of Councillors Record Form for Governance Workshop Day 1.

**CARRIED**

**O 201 Confidential Information Register Report**

**Moved: Cr Staikos          Seconded: Cr Gledhill**

That the matter be deferred to the In Camera part of the meeting.

**CARRIED**

**12. Corporate Services Reports**

**O 202 Request to Review Council Decision on 4 Hazel Avenue, Edithvale**

**Moved: Cr Ronke          Seconded: Cr Bearsley**

That the matter be deferred to a Special Meeting of Council to be held on 3 December 2012.

**CARRIED**

**O 203 Approval Charity Collections / Appeals - Carrum Volunteer Coastguard**

**Moved: Cr Ronke          Seconded: Cr Gledhill**

That Council approve the application for the **Carrum Volunteer Coastguard** to undertake:

1. An intersection collection on Saturday 8 December 2012 at the intersection of Station Street and Edithvale Road Edithvale.
2. That Council delegate authority to approve future permit applications to the General Manager Corporate Services pending a review of the current policy.

**CARRIED**



**13. Notices of Motion**

**O 204 Notice of Motion No. 34/2012 – Cr West**

Cr Peulich left the Council Chamber at 7.14pm.

**Moved: Cr West**

**Seconded: Cr Staikos**

That as a measure of commitment to protecting the Green Wedge boundaries, Council resolves to retain the Urban Growth boundary in its present location along Springvale Road as shown in the original April Kingston Green Wedge Plan (final plan), subject to discussions with existing landholders conducting non-compliant commercial uses to permit extra signage on their properties.

**LOST**

**A Division was called**

**DIVISION**

**FOR:** Crs West, Barth, Eden and Staikos (4)

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

**LOST** on the casting vote of the Chairperson

**O 205 Notice of Motion No. 35/2012 – Cr West**

**Moved: Cr West**

**Seconded: Cr Staikos**

That as a measure of commitment to protecting the Green Wedge for non-urban uses, Council resolves to write to the Planning Minister to ask him not to introduce the following urban uses currently prohibited or not supported by the recently-adopted Kingston Green Wedge Plan into the Green Wedge A Zone proposed for Kingston's Green Wedge: Backpackers Lodge, Boarding House, Conference Centre, Display Home, Exhibition Centre, Function Centre, Group Accommodation, Hostel, Medical Centre, Motel, Nurses' Home, Reception Centre, Residential Aged Care Facility, Residential Building, Residential College, Residential Hotel, Restaurant and Service Station.

**LOST**

**A Division was called**

**DIVISION**

**FOR:** Crs West, Barth, Eden and Staikos (4)

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

**LOST** on the casting vote of the Chairperson

**14. Urgent Business**

**Moved: Cr Bearsley**

**Seconded: Cr Ronke**

That an item of Urgent Business be considered in relation to landlord's permission for a tenant of Council to apply for a planning permit.

**CARRIED**

**Moved: Cr Bearsley**

**Seconded: Cr Ronke**

That Council gives written permission for the Nest @ Waterways café, situated on Waterside Drive, the Waterways, to apply to Council for a planning permit to seek additional seating, a liquor licence permit and amend trading hours.

**CARRIED**

**Moved: Cr Eden**

**Seconded: Cr Ronke**

That an item of Urgent Business be considered in relation to the plastering of large advertising signs throughout Kingston be considered.

**CARRIED**

**Moved: Cr Eden**

**Seconded: Cr Ronke**

That Council immediately, using all resources at its disposal commence prosecutions against the party/s responsible for the plastering of large advertising signs throughout Kingston. To ensure that rate payers are not left footing the bill, resulting from the need to remove these signs from light posts, etc so that that our wetlands, beaches, parks, drains and waterways are not inundated and clogged

as these signs fall off the fixtures they are attached to. This is important to ensure that Kingston is not plagued with such signs well into the future and that such unscrupulous people are deterred from reoffending within Kingston.

**CARRIED**

## **8. Question Time**

### **1. David Nunns of Clayton South asked on behalf of the Australian Services Union (ASU),**

“Why is there a practice at Kingston City Council where employees in the Home and Community Care area are short-changed on a regular basis and subjected to conditions of employment that are unacceptable to other parts of the operations of Kingston City Council?”

**The CEO provided the following response,**

“We are not aware this is the case. If the ASU believes this does happen, opportunities exist through the Employee Agreement process or by Fair Work Australia.”

### **2. David Nunns of Clayton South asked on behalf of the Australian Services Union (ASU),**

“Why do Kingston City Council continue to limit the rights of employees to dispute, challenge or appeal disciplinary action through the independent umpire (i.e. Fair Work Australia)?”

**The CEO provided the following response,**

“Council fully complies with the Fair Work Act.”

### **3. David Nunns of Clayton South asked on behalf of the Australian Services Union (ASU),**

“Is it possible for Kingston City Council to provide an update on the intake situation for residents that require Home and Community Care?”

**The CEO provided the following response,**

“Applications are made and received in accordance with the Commonwealth and State funding agreement and then are assessed in accordance with this agreement. There are no delays at all for residents with high needs.”

**4. Francine Gerraty of Heatherton asked,**

“I am interested in why the proposed payment for the Green Wedge Plan prepared by Planishpere has not been refunded by the State Government and please state what the total cost to Kingston ratepayers has been so far. Is it above what is the expected total cost allocated for Green Wedge costs over the next Council financial year?”

**The CEO provided the following response,**

“There is no funding agreement with the State Government to fund the Kingston Green Wedge Plan. The cost was around \$400K and \$100K has been allocated in the 2012/13 Budget to progress the adopted Green Wedge Plan Initiatives.”

**5. Ian Baldock of Parkdale asked,**

“I saw in tonight’s agenda that Kingston City Council is discontinuing its membership with the Australian Mayoral Aviation Council. What is the reason behind the discontinuance of this previously successful membership and how will Kingston City Council continue to maintain inter-Council relationships for the benefit of its ratepayers in aviation related matters.”

**The CEO provided the following response,**

“The focus of the Australian Mayoral Aviation Council is on national airports. For the cost of membership (approximately \$36K but not absolutely certain) there are no benefits provided to Kingston. All initiatives and lobbying on Moorabbin Airport have been by Kingston itself.”

**6. Vicki Stav of Beaumaris asked,**

“Why are you trying to resend the motion regarding the Green Wedge, which was passed at the last meeting?”

**The CEO provided the following response,**

“This matter has been dealt with tonight and no changes were made to the previously adopted Council positions.

**15. Items in Camera – Confidential Items**

**Moved: Cr Staikos                      Seconded: Cr Ronke**

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 confidential item:

- O 201 Confidential Information Register Report as it is a personnel matter.

**CARRIED**

During the closed part of the meeting the following resolution (in part) was carried:

**O 201 Confidential Information Register Report**

**Moved: Cr West                      Seconded: Cr Eden**

3. Make public the amended section 11.4.

**CARRIED**

Section 11.4 now reads,

“There is no doubt that Crs West, Shewan and Staikos have at times been spirited in their debate on issues and in their disagreement with reports submitted and recommendations made to Council by (the senior officer). The input by other witnesses interviewed left a clear impression that Cr West, in particular, is at times very vigorous in pursuit of outcomes over Council issues of interest to her. However, robust discussion, spirited debate and the dogged pursuit of objectives are not synonymous with bullying behaviour or with breaches of the Councillor Code of Conduct. In fact it is probable that such pursuit of items of interest within the Council environment meets the expectations of the citizens who elect the Councillors into office.”

**Moved: Cr Ronke                      Seconded: Cr Staikos**

That the meeting be opened to the public.

**CARRIED**

The meeting closed at 8.15pm.

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**Confirmed, His Worship the Mayor, 17 December 2012**