



Special Meeting of Council Minutes

Wednesday 20 June 2012

The meeting commenced at 7.02pm

in the

Council Chamber

1230 Nepean Highway, Cheltenham

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

In Attendance: John Nevins – Chief Executive Officer
Mauro Bolin – General Manager Community Sustainability
Paul Franklin – General Manager Corporate Services
Rachel Hornsby – General Manager Environmental Sustainability
Kirsten Leiminger – Media Officer Communications & Public Affairs
Phil DeLosa – Program Leader Governance
Stephanie O’Gorman – Governance Officer

1. Apologies:

There were no apologies submitted to the meeting.

2. Disclosures by Councillors, Officers or Contractors of any Conflict of Interest:

There were no declarations submitted to the meeting.

Procedural Motion

Moved: Cr Staikos

Seconded: Cr Athanasopoulos

That the order of business be altered to consider Items O 88, O 89, O 90 before Item O 87.

CARRIED

3. Items of Business:

O 88 Motion to Consider Notices of Motion

Moved: Cr Brownlees

Seconded: Cr Staikos

That Council consider Notices of Motion numbers 17,18 and 19 at this Special Council Meeting:

CARRIED

O 89 Notice of Motion No. 17/2012 – Cr Brownlees**Moved: Cr Brownlees****Seconded: Cr Dundas**

That the decision related to Item 074 adopted at the Council Meeting of 28 May 2012, Contract 12/23 Carrum Life Saving Club and Coastal Resource Centre Building Project Tender Acceptance – Part 3, be rescinded.

LOST**O 90 Notice of Motion No. 18/2012 – Cr Dundas****Moved: Cr Dundas****Seconded: Cr Brownlees**

That the decision related to item 074 adopted at Council meeting of 28 May 2012 Contract 12/23 Carrum Life Saving Club and Coastal Resort Centre Building Project Tender Acceptance- Part 1 and 2 be rescinded.

Procedural Motion**Moved: Cr Dundas****Seconded: Cr Peulich**

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

CARRIED**Procedural Motion****Moved: Cr Dundas****Seconded: Cr Brownlees**

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

CARRIED

The Motion was put and **LOST**.

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

Note: Cr Dundas left the Council Chamber before the vote on the Division at 7.55pm.

Cr Dundas returned to the Council Chamber at 7.56pm.

Procedural Motion**Moved: Cr Staikos****Seconded: Cr Brownlees**

That the meeting be adjourned to later in the evening following the Planning Committee Meeting.

CARRIED**Procedural Motion****Moved: Cr Staikos****Seconded: Cr Shewan**

That the meeting be resumed.

CARRIED

The meeting resumed at 9.39pm.

O 87 VCAT Decision – TPI Application for extension of time**Moved: Cr Staikos****Seconded: Cr Athanasopoulos**

That Council:

1. Resolves to apply to the Supreme Court for leave to appeal the VCAT decision P1884/2011 and P1889/2011, and
2. Authorises the CEO (or his delegate) to progress action on the Section 87 application, including filing a new application to cancel/amend the permit; and
3. Authorises the CEO (or his delegate) to progress action for an increased focus on enforcement of existing Council planning permit conditions, and Council liaison and support for EPA to enforce EPA licences and notices, for landfills in the Kingston municipality.

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

That Council:

1. Resolves to apply to the Supreme Court for leave to appeal the VCAT decision P1884/2011 and P1889/2011, and
2. Authorises the CEO (or his delegate) to progress action on the Section 87 application, including filing a new application to cancel/amend the permit; and
3. Authorises the CEO (or his delegate) to progress action for an increased focus on enforcement of existing Council planning permit conditions, and Council liaison and support for EPA to enforce EPA licences and notices, for landfills in the Kingston municipality.

4. In addition to points 1,2 and 3 Council expresses its discontent with the EPA for supporting this application at VCAT. Council also expresses its disappointment at the EPA's lack of cooperation with Council in dealing with this issue, and their lack of information sharing and of productive dialogue.

The Amendment was put and **CARRIED** Unanimously

The Amendment became the Motion.

The Motion was put and **CARRIED** Unanimously.

Procedural Motion

Moved: Cr Staikos

Seconded: Cr Peulich

That the meeting be extended for 30 minutes to 10.30pm.

CARRIED

O 91 Notice of Motion No. 19/2012 – Cr Staikos

Moved: Cr Staikos

Seconded: Cr Athanasopoulos

That Council authorise ward funds expenditure for Councillors West and Shewan's Ward Meetings that took place in February 2012 to a maximum of \$2,000 per Councillor. Any additional costs in excess of \$2,000 are to be covered by the individual Councillor in question.

Procedural Motion

Moved: Cr Peulich

Seconded: Cr Moloney

That Council close the meeting to the public.

LOST

The Motion was put and **CARRIED**

A Division was called

DIVISION

FOR: Crs Moloney, Ronke, Staikos, Athanasopoulos, West, Shewan and Brownlees (7)

AGAINST: Crs Dundas and Peulich (2)

CARRIED

Procedural Motion

Moved: Cr Staikos

Seconded: Cr Brownlees

That the meeting be continued for thirty minutes to 11.00pm.

CARRIED

Items In Camera

Moved: Cr Staikos

Seconded: Cr Athanasopoulos

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:

- O92 as it relates to legal advice.

Confidential Attachments

- O87 as it relates to legal advice.

CARRIED

Procedural Motion

Moved: Cr Athanasopoulos

Seconded: Cr Staikos

That the meeting be opened to the public.

CARRIED

The Chairperson declared the meeting closed at **10.59pm**.

Confirmed.....

His Worship, The Mayor, 25 June 2012