



Ordinary Meeting of Council Minutes

Monday 23 July 2012

The meeting commenced at 7.05pm

in the

Council Chamber

1230 Nepean Highway, Cheltenham

1.	Apologies	
2.	Confirmation of Minutes of Previous Meetings	
	Minutes of Ordinary Council Meeting 25 June 2012	
	Minutes of Special Council Meeting 25 June 2012	
	Minutes of Special Council Meeting 2 July 2012	
3.	Foreshadowed Declaration by Councillors, Officers or Contractors of any Conflict of Interest	
	<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	
5.	Presentation of Awards	
	Alan Harris – Service on Dingley/Heatherton Village Committee	
	Council Awards	
	<ul style="list-style-type: none"> • Recognition of Support from Melbourne Water’s 10,000 Raingarden Program • Municipal Association of Victoria President’s Award for Planning Process Improvements – MAV’s Step Planning Process Improvement Plan • Sir Rupert Hamer Records Management Award for Excellence in Innovation in Records Management 	
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4. Petitions

Moved: Cr Moloney

Seconded: Cr Shewan

That the petition relating to the impact of traffic and proposed developments in Chelsea be referred to the Chief Executive Officer for response.

CARRIED

5. Presentation of Awards

The Mayor recognised Alan Harris for his service on the Dingley/Heatherton Village Committee.

Council Awards

- Recognition of Support from Melbourne Water's 10,000 Raingarden Program
- Municipal Association of Victoria President's Award for Planning Process Improvements – MAV's Step Planning Process Improvement Plan
- Sir Rupert Hamer Records Management Award for Excellence in Innovation in Records Management

6. Reports from Village Committees

Aspendale/Edithvale/Aspendale Gardens/Waterways Village Committee

Village Committee Motion:
 We ask Council to maintain and enhance the existing Green Wedge zone and not permit any further development in the Green Wedge area - with the understanding that this motion does not oppose the Mornington Peninsula Freeway development."

Moved: Cr Peulich

Seconded: Cr Moloney

That the Village Committee be advised that the current zoning is ineffective and that one option proposed by the Planisphere Consultants is to institute a new Green Wedge zone.

LOST

Moved: Cr Shewan

Seconded: Cr West

That the Village Committee be thanked for its feedback.

CARRIED

Mentone/Parkdale Village Committee

Village Committee Motion:

The Mentone/Parkdale Village Committee wishes to convey to Council that it has great misgivings about the development at 101-103 Mentone Parade because it conflicts with the Mentone Structure Plan.

Moved: Cr West

Seconded: Cr Dundas

That the Village Committee be thanked for its comments and be advised that the Mentone Structure Plan issue will be discussed and considered by VCAT at a merits hearing regarding the development at 101-103 Mentone Parade. The date for this hearing is yet to be set by VCAT.

CARRIED

Mordialloc Village Committee

Village Committee Motion:

The Mordialloc Village Committee recommends that Council promptly adopt the Kingston Green Wedge Plan.

Moved: Cr West

Seconded: Cr Peulich

That the Village Committee be thanked for its advice and be advised of the outcome of Council's consideration of the Planisphere Kingston Green Wedge Plan.

CARRIED

Patterson Lakes/Carrum Village Committee**Village Committee Motion:**

The Patterson Lakes/Carrum Village Committee wishes to request in reference to KP-323/2012 that Council reconsiders its decision that refused a small sign being erected on the fence line of the Patterson Lakes Recreational Reserve, as it would effectively promote the Nursery and its positive community benefits.

Moved: Cr Shewan**Seconded: Cr Moloney**

That the Village Committee be advised that Council officers are proposing to establish directional road signage for the nursery and will discuss with the nursery how to apply for appropriate business identification signage that complies with Council's advertising signs policy and is not on a fence.

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

There were no reports from delegates submitted.

8. Question Time**Michael Tate of Mentone asked,**

"Will you answer our concerns in the email which was sent on Friday 22 June 2012, regarding Permit Conditions for 33-35 Childers Street. As of today we have still not had a reply. "

Response:

The CEO provided the following response:

"I am advised Officers have provided a copy of plans for the Tates so that they could clarify their concerns. It appears there has been a misunderstanding about the concerns raised by the residents as officers have made several inspections of the site and the development would appear to comply with the planning permit conditions. Officers will confirm this in writing.

9. Environmental Sustainability Reports**O 112 Town Planning Application Decisions – June 2012****Moved: Cr Peulich****Seconded: Cr Moloney**

That the report be noted.

CARRIED**O 113 KP806/11 - 6 Harding Avenue, Bonbeach**

SPEAKER: It is recorded that Mr Adrian Stamp spoke in relation to this item on behalf of the applicant.

Moved: Cr Moloney**Seconded: Cr Shewan**

That Council refuse Application KP 806/11 to develop the land for the construction of seven (7) dwellings at No. 6 Harding Avenue, Bonbeach on the following grounds:

1. The proposal fails to satisfy the objective of Clause 55.02-1 (Neighbourhood Character objectives);
2. The proposal fails to satisfy the objective of Clause 55.03-1 – Street Setback, with an insufficient street setbacks provided to the building;
3. The plans associated with the proposal do not adequately address Energy Efficiency and Safety objectives outlined at Clause 55.03-7 and Clause 55.03-9;
4. The design has not addressed overlooking opportunities from some first floor windows of the development, not meeting the objective of Clause 55.04-6 – Overlooking;
5. The proposal will result in internal views, not meeting the objective of Clause 55.04-7 – Internal Views;
6. The objective of Clause 55.05-4 – Private Open Space is not met, with the minimum dimension for Dwelling 4.

CARRIED

O 114 KP855/11 - 1/197B Nepean Highway, Aspendale

SPEAKER: It is recorded that Mr Andrew Smith spoke in relation to this item on behalf of the objectors.

SPEAKER: It is recorded that Mr Neil Fletcher spoke in relation to this item on behalf of the applicant.

Moved: Cr Shewan Seconded: Cr West

That Council refuse Application KP 855/11 to develop the land for the construction of two (2) dwellings at No. 1/197B Nepean Highway, Aspendale on the following grounds:

1. The design has not addressed overlooking opportunities from a first floor window and balcony of dwelling 2, not meeting the objective of Clause 55.04-6 – Overlooking.
2. The proposal does not satisfy the objective of 55.04-1 – Side and Rear Setbacks, with an insufficient side setback provided to dwelling 2.

Procedural Motion

Moved: Cr Shewan Seconded: Cr West

That the matter be deferred to the next Planning Committee Meeting pending further information.

Cr Staikos left the Council Chamber at 8.23pm.

CARRIED

Cr Staikos returned to the Chamber at 8.24pm.

O 115 KP910/11 - 172-174 Warrigal Road, Mentone

SPEAKER: It is recorded that Mr Jason Barnfather spoke in relation to this item on behalf of the applicant.

Moved: Cr West

Seconded: Cr Dundas

That Council determine to support the proposal and grant a Notice of Decision to Grant a Permit to develop the land for the construction of six (6) dwellings at No. 172 - 174 (CP154699) Warrigal Road, Mentone, subject to the following conditions:

1. Before the development starts amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be substantially in accordance with the plans submitted to Council on the 4th May, 2012, but modified to show:
 - a. visual screening provided to the front (west) facing upper floor level balconies of Dwelling 2 and Dwelling 3 to prevent direct views into the respective secluded private open space areas, in accordance with the requirements of *Standard B22 (Overlooking)* of Clause 55 of the Kingston Planning Scheme;
 - b. a notation on the plans showing the high-light kitchen window of Dwelling 3 no lower than 1.7 metres from the finished floor level below;
 - c. improved internal elevation plans showing full details of all proposed fencing;
 - d. the deletion of the overhanging eaves along the southern elevation of Dwelling 7;
 - e. the location of all externally-located heating and cooling units, exhaust fans and the like, clearly shown;
 - f. the door of each garage nominated as a panel lift door, or similar;
 - g. the surface material of all driveways / accessways and car parking spaces nominated as being all weather sealed concrete, to the satisfaction of the Responsible Authority;
 - h. the provision of a full colour palette, finishes and building materials schedule for all external elevations and driveways of the development;
 - i. the guttering pertaining to the wall on boundary on the east (side) property boundary nominated as being contained wholly within the title property boundaries of the subject land;

- j. a notation on the plans stating that “property boundary and footpath levels are not to be altered”;
- k. a notation on the plans stating that “all reinstatements and vehicle crossings are to be constructed to the satisfaction of the relevant authority”;
- l. a notation on the plans stating that there is to be a “200mm offset installed between the footpath and property boundary when carrying out reinstatements”;
- m. the provision of minimum 2000 litre rainwater tank clearly nominated for each new dwelling with water re-use for toilet flushing;
- n. a 3m x 3m splay at the corner of Sarzana Street and Warrigal Road;
- o. a 3m x 3m box easement for the existing Council pit and pipe on the south east corner of the property; and
- p. a notation on the plans stating “no trees planted with intrusive roots that may affect the drainage in the proximity of the existing pit on the southeast corner of the property”.
- q. the deletion of one of the single storey dwellings, with the remaining single storey dwelling not to be modified to a double storey dwelling; and
- r. the provision of an increased setback of dwellings 4 & 5 to Sarzana Street by a further 1 metre and the provision of a minimum of 60 sq metres rear private open space for these dwellings.

Endorsed Plans

- 2. The development as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.

Drainage and Water Sensitive Urban Design

- 3. The development of the site must be provided with stormwater works which incorporates the use of water sensitive urban design principles to improve stormwater runoff quality and which also retains on site any increase in runoff as a result of the approved development. The system must be maintained to the satisfaction of the Responsible Authority. Council's Development Engineer can advise on satisfactory options to achieve these desired outcomes which may include the use of an infiltration or bioretention system, rainwater tanks connected for reuse and a detention system. **The detention system must have a restricted outflow limited to 13 l/s.**
- 4. Before the development commences, a Stormwater Management Plan showing the stormwater works to the nominated point of discharge (no discharge to the rear pit) must be prepared to the satisfaction of the

Responsible Authority. The Stormwater Management Plan must be prepared by a qualified person and show all details of the proposed stormwater works including all existing and proposed features that may have impact (e.g. trees to be retained, crossings, services, fences, abutting buildings, existing boundary surface levels, etc.).

5. Stormwater works must be provided on the site so as to prevent overflows onto adjacent properties.
6. Connection to the existing rear pit at the southeast corner of the property boundary is not permitted.
7. Access to the existing rear pit at the southeast corner of the property must be available at all time for maintenance.
8. Council drainage assets must be protected at all time during construction.

Parking and Traffic Management

9. Prior to the occupation of the development hereby permitted, areas set aside for parking vehicles, access lanes and paths as shown on the endorsed plans must, to the satisfaction of the Responsible Authority, be:
 - a. Constructed to the satisfaction of the Responsible Authority.
 - b. Properly formed to such levels that they can be used in accordance with the plans.
 - c. Surfaced in accordance with the endorsed plans under this permit, to the satisfaction of the Responsible Authority.
 - d. Drained and maintained to the satisfaction of the Responsible Authority.
 - e. Clearly signposted/marked as resident, employee, disabled or visitor parking.
 - f. Line-marked to indicate each car space and all access lanes and, if necessary, the direction in which vehicles are to travel to the satisfaction of the Responsible Authority.

Parking areas and access lanes must be kept available for these purposes at all times to the satisfaction of the Responsible Authority and maintained to the satisfaction of the Responsible Authority.

Infrastructure and Road Works

10. Any redundant vehicular crossing must be removed and the nature strip, kerb and channel, and footpath must be reinstated to the Responsible Authority's standard specifications and to the satisfaction of the Responsible Authority.

11. Any relocation of pits/power poles or other services affected by this development must be relocated to the satisfaction of the relevant servicing authority and the Responsible Authority, at the cost of the owner/developer.

General amenity conditions

12. All works on or facing the boundaries of adjoining properties must be finished and surface cleaned to a standard that is well presented to neighbouring properties in a manner to the satisfaction of the Responsible Authority.
13. All piping and ducting above the ground floor storey of the development (other than rainwater guttering and downpipes) must be concealed to the satisfaction of the Responsible Authority.
14. All externally-located heating and cooling units, exhaust fans and the like must not be located adjacent to bedroom windows on adjoining properties and must be concealed from the street, unless with the further written consent of the Responsible Authority.
15. Service units, including air conditioning/heating units, where incorporated, must not be located where they will be highly visible from any public area to the satisfaction of the Responsible Authority and if located on the roof of a building, suitable screening and baffling must be provided to the satisfaction of the Responsible Authority.

Construction Management

16. Before the commencement of any buildings and works on the Land, a Construction Management Plan (CMP), to the satisfaction of the Responsible Authority, must be submitted to and approved by the Responsible Authority and when approved shall thereafter be complied with. The CMP must specify and deal with the parking of vehicles during construction, delivery of materials, containment of waste on site and suppression of dust, business operations on the site during construction.

Completion of Works

17. Prior to the occupation of the dwellings hereby permitted, all buildings and works and the conditions of this permit must be complied with to the satisfaction of the Responsible Authority, unless with the further prior written consent of the Responsible Authority.
18. Prior to the occupation of the dwellings hereby permitted, the landscaping works as shown on the endorsed plans must be completed to the satisfaction of the Responsible Authority. Thereafter, the landscaping shall be maintained to the satisfaction of the Responsible Authority.
19. All works on or facing the boundaries of adjoining properties must be finished and surface cleaned to a standard that is well presented to neighbouring properties in a manner to the satisfaction of the Responsible Authority.

20. Prior to the occupation of the dwellings hereby permitted, all boundary fences must be repaired and/or replaced as necessary to the satisfaction of the Responsible Authority, at the cost of the applicant/owner.
21. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.

Time Limits

22. In accordance with section 68 of the *Planning and Environment Act 1987*, this permit will expire to the satisfaction of the Responsible Authority if one of the following circumstances applies:
 - The development is not started within two (2) years from the date of permit issue.
 - The development is not completed within four (4) years from the date of permit issue.

In accordance with section 69 of the *Planning and Environment Act 1987*, the responsible authority may extend the periods referred to if a request is made in writing before the permit expires, or within three months afterwards.

CARRIED

**O 116 Kingston Sport and Recreation reference Group –
Appointment of Community Member**

Moved: Cr Peulich

Seconded: Cr Staikos

That Council:

1. Endorse the appointment of Lorraine Morgan AM as a community member on the Kingston Sport and Recreation Reference Group.

CARRIED

10. Community Sustainability Reports**O 117 Community Grants Program 2012-13 –
Perceived Conflict of Interest for Individual Development Grant****Moved: Cr Peulich****Seconded: Cr Athanasopoulos**

That Council endorse the Individual Development Grant application from Hayden Ross for \$300 to compete in the Australian National Schools Swimming Championships.

CARRIED

Cr Shewan left the meeting at 8.44pm.

O 118 Contract 12/24 – Chelsea Activity Hub Building Project**Moved: Cr Moloney****Seconded: Cr Peulich**

That Council:

1. Award Contract 12/24 Chelsea Activity Hub Building Project for the fixed lump sum of **\$1,110,057.53** (exclusive of GST) to Cellstruct Industries Pty Ltd.
2. Agrees to reallocation of \$375,000 within the 2012/13 capital works program including a contingency allowance of \$35,000 to address unforeseen construction issues, which may arise during the implementation of the works.

CARRIED

Cr Shewan returned to the meeting at 8.48pm.

O 119 Contract 12/11 - Supply of Library Books, AV Media, Periodicals, Subscriptions and Related Services

Moved: Cr Peulich

Seconded: Cr Dundas

That Council:

1. accept the tenders from the suppliers listed for selection in the attached Tender Assessment Report for the supply of **Library Books, AV Media, Periodicals, Subscriptions and Related Services** for a period of three (3) years, with an option to extend for a further two (2) x one (1) year periods. The estimated value of the services over the 3 year period is \$2,475,000.
2. authorize the Chief Executive Officer or delegate to execute sub-agreements with the recommended tenderers under the terms of the Procurement Australia Master Agreement.
3. authorize the Chief Executive Officer or delegate, subject to satisfactory performance of the suppliers, to exercise the option(s) to extend the contract for a further two (2) x one (1) years.

CARRIED

**O 120 2012-13 Community Grants Program - Funding
Recommendations for Triennial, Village Committee and City Wide
Grant Allocations**

Moved: Cr Staikos

Seconded: Cr Peulich

That Council:

1. Endorse the Triennial, Village Committee and City Wide funding allocations as recommended as per appendices 1, 2, 3, 4 and 5.
2. Endorse the funding allocation of \$10,000 to Bayside Community Care.
3. Endorse officers to seek further information from Moorabbin Brass Band regarding their grant application prior to making a recommendation.
4. Endorse the allocation of \$5,000 from available unexpended Community Grants' funds to the Individual Grants' Program.

Amendment

Moved: Cr West

Seconded: Cr Shewan

That Council:

1. Endorse the Triennial, Village Committee and City Wide funding allocations as recommended as per appendices 1, 2, 3, 4 and 5.
2. Endorse the funding allocation of \$10,000 to Bayside Community Care.
3. Endorse officers to seek further information from Moorabbin Brass Band regarding their grant application prior to making a recommendation.
4. Endorse the allocation of \$5,000 from available unexpended Community Grants' funds to the Individual Grants' Program.
5. Endorse the funding of \$6,384.50 to the Kingston Conservation and Environment Group for the Flora Survey for the foreshore.

The Amendment was put and **CARRIED**

The Amendment became the Motion

The Motion was put and **CARRIED**

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

1. Endorse the Triennial, Village Committee and City Wide funding allocations as recommended as per appendices 1, 2, 3, 4 and 5.
2. Endorse the funding allocation of \$10,000 to Bayside Community Care.
3. Endorse officers to seek further information from Moorabbin Brass Band regarding their grant application prior to making a recommendation.
4. Endorse the allocation of \$5,000 from available unexpended Community Grants' funds to the Individual Grants' Program.
5. Endorse the funding of \$6,384.50 to the Kingston Conservation and Environment Group for the Flora Survey for the foreshore.
6. That the amount to be granted to the Greek Orthodox Parish "The Three Heirarchs" Clayton Senior Citizens by \$900. Refer to Appendix 3 (Community Grants – City Wide).

The Amendment was Put and **CARRIED**
 The Amendment became the Motion
 The Motion was Put and **CARRIED**

11. Organisational Development & Governance Reports**O 121 Issue Resolution Process for Village Committees****Moved: Cr Shewan****Seconded: Cr Athanasopoulos**

That Council:

Adopts the following Village Committee issue resolution process to be incorporated as a separate appendix to the Village Committee Policy:

DISPUTE RESOLUTION PROCEDURE

1. In the event of a dispute or grievance arising between members of the Village Committee, the parties to the dispute or grievance agree to make every effort to resolve the dispute by consultation and negotiation.
2. If the negotiation process fails to resolve the dispute or grievance within 10 business days, the matter will be referred to an independent mediator (by either party to the grievance or dispute) for formal mediation. The parties agree to taking part in such mediation, in good faith and with a view to resolving any dispute or grievance between them. While such

mediation takes place, the parties to the dispute will be required to step down from the Village Committee and any related activities.

3. If mediation fails, the matter will be referred (by either party to the dispute or grievance or by Council) to the mediator or an independent investigator to investigate and hear the grievance or matters in dispute and make a finding as to the matters.

Cr Staikos left the Council Chamber at 9.05pm.

Cr Staikos returned to the Council Chamber at 9.10pm.

LOST

A Division was called

DIVISION

FOR: Crs Staikos, Shewan and West (3)

AGAINST: Crs Peulich, Athanasopoulos, Dundas, Moloney and Ronke (5)

LOST

Moved: Cr Peulich

Seconded: Cr Dundas

That Council adopts the following Village Committee issue resolution process to be incorporated as a separate appendix to the Village Committee Policy:

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1. In the event of a dispute or grievance arising between members of the Village Committee, the parties to the dispute or grievance agree to make every effort to resolve the dispute by consultation and negotiation.
2. If the negotiation process fails to resolve the dispute or grievance within 10 business days, the matter will be referred to an independent mediator (by either party to the grievance or dispute) for formal mediation. The parties agree to taking part in such mediation, in good faith and with a view to resolving any dispute or grievance between them. While such mediation takes place, the parties to the dispute will be required to step down from the Village Committee and any related activities.

3. If mediation fails, the matter will be referred (by either party to the dispute or grievance or by Council) to **Council**. **Council** will hear the matters in dispute and make a finding as to the matters. Any finding will be final, and the Council is not bound by rules of evidence or precedent.

CARRIED

O 122 Public Art Advisory Panel – Cheltenham Public Art Project

Moved: Cr West

Seconded: Cr Peulich

That Council endorse the Public Art Advisory Panel's recommendation to approve Andrew Bourke and James Beattie's proposal for the Cheltenham Public Art Project.

CARRIED

O 123 Sponsorship Policy Report

Moved: Cr Peulich

Seconded: Cr West

That Council:

1. Adopt the attached City of Kingston Sponsorship (Recipient) Policy attached as Appendix 1.
2. Adopt the attached City of Kingston Sponsorship (Sponsor) Policy attached as Appendix 2.

CARRIED

O 124 Assembly of Council Record

Moved: Cr Staikos

Seconded: Cr Shewan

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

CARRIED

O 125 Expenditure of Ward Funds Schedule**Moved: Cr Staikos****Seconded: Cr Shewan**

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

Cr Ronke – Patterson Lakes Community Centre for the establishment of the Patterson Lakes Residents Association - \$750

Cr Shewan – Patterson Lakes Community Centre for the hire of the community centre for Patterson Lakes Residents of the Tidal Canals and Quiet Lakes– \$110

Cr Moloney- Chelsea and Bonbeach Train Station Group -\$290

CARRIED**12. Corporate Services Reports****O 126 Contract 12/58 Parking Enforcement and Infringement Administration Services****Moved:Cr Peulich****Seconded: Cr Moloney**

That Council resolves:

1. To award Contract No 12/58 Part A – Parking Enforcement and Part B – Infringement Administration Services as a lump sum contract for a period of three (3) years commencing on 1 September 2012 for an initial annual sum of \$1,073,612 to Tenix Solutions Pty Ltd; and
2. That the Chief Executive Officer be delegated the authority to exercise the two additional year periods, subject to satisfactory performance of the contract.

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

That Cr Dundas be granted an extension of time.

CARRIED

Procedural Motion

Moved: Cr Staikos

Seconded: Cr Peulich

That the Motion now be put.

LOST

Procedural Motion

Moved: Cr West

Seconded: Cr Dundas

That consideration of this matter be deferred to the next Ordinary Meeting of Council.

LOST

The Substantive Motion was put and **CARRIED**

O 127 Draft Domestic Animal Management Plan 2012 – 2016

Moved: Cr Staikos

Seconded: Cr Peulich

That Council:

1. Receive the information and formally adopt the draft Kingston Domestic Animal Management Plan 2012-16; and
2. Provide the Secretary of the Department of Primary Industries with a copy of the adopted Plan.

CARRIED

Procedural Motion

Moved: Cr Peulich

Seconded: Cr Moloney

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

CARRIED

O 128 Investment Policy Report – June 2012 Quarter**Moved: Cr Peulich****Seconded: Cr Athanasopoulos**

That Council Note that funds at 30 June 2012 are being invested in line with the risk management profile prescribed in Council's Investment policy

CARRIED**O 129 Cleaning Tender for Kingston Leisure Centres****Moved: Cr Staikos****Seconded: Cr Athanasopoulos**

That Council:

- a) Approve the award of Contract 11/116 for the Provision of Cleaning Services at Kingston Leisure Centres to TJS Services for an initial contract period of two (2) years at the annual cost of \$205,086.11 (inc GST), equating to a total cost of approximately \$410,172.22 (inc GST) in the first two year term.
- b) That the Chief Executive Officer be delegated authority to exercise the Council's option to extend the contract for two (2) x two (2) year periods at the completion of the initial contract

CARRIED**O 130 Annual Report of the Chairman of the Audit Committee****Moved: Cr Peulich****Seconded: Cr Dundas**

That Council notes the 2011/12 Annual Report of the Chairman of the Audit Committee.

CARRIED

O 131 Approval Charity Collections/Appeals**Moved: Cr Peulich****Seconded: Cr Moloney**

That Council approve the application for the **Adventist Development and Relief Agency (ADRA) Australia** to undertake:

1. A doorknock in the municipality in the month of October; and
2. Intersection collection at the intersection of Warrigal and Centre Dandenong Roads - Cheltenham on the following date: Saturday 6 October 2012 from sunrise to sunset.

CARRIED**13. Notices of Motion****O 132 Notice of Motion (Rescission) No. 22/2012 – Cr Peulich**

I move to rescind Part 1 of the item of Urgent Business at the June 25, 2012 Ordinary Meeting of Council (refer to Appendix 1).

The Motion lapsed for want of a mover.

14. Urgent Business**Moved: Cr West****Seconded: Cr Shewan**

That an item of urgent business regarding Council's position on the Mornington Peninsula Freeway Extension study be considered.

CARRIED***That in light of***

- A. Changes in circumstances since Council last considered this matter, notably substantial progress on work on the Dingley Arterial and on Peninsula Link, and the likelihood that these projects once completed and in use, may significantly alter the potential need for another north-south freeway;
- B. A recent briefing provided to councillors by VicRoads officers on the Mornington Peninsula Freeway Extension feasibility study, which is now underway, with the time for public submissions having recently expired.

- C. Council's need to represent the different positions and interests of residents along the proposed freeway extension route; of whom the Aspendale Gardens West residents represented by AGRA strongly support the MPFE, while a number of residents closer to the proposed freeway in Aspendale Gardens East and in Dingley Village have been recently distributing fliers opposed to the freeway; and the positions of residents of Richfield Retirement Village and of Waterways is unknown;
- D. Council's need to take into account the serious potential environmental and amenity impact on Kingston's Green Wedge and on Braeside Park from the proposed freeway if constructed as proposed along the freeway reservation through the Green Wedge, adjacent to Braeside Park.
- E. Council's need also to take into account the other potential Green Wedge uses to which this freeway reservation may be put, notably for shared pedestrian/cycle horse trail combined with a habitat corridor.

Moved: Cr West

Seconded: Cr Shewan

That Council resolve to review its position on the Mornington Peninsula Freeway Extension proposal after the completion of the Dingley Arterial, the Peninsula Link and the VicRoads feasibility study has allowed us to better assess the competing needs and possibilities for the freeway extension and/or for its alternatives.

LOST

A Division was called

DIVISION

FOR: Crs West, Shewan, Staikos and Athanasopoulos (4)

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

LOST on the casting vote of the Chairperson

Moved: Cr Shewan

Seconded: Cr Moloney

That an item of urgent business regarding allocation of Ward Funds be considered.

CARRIED

Moved: Cr Shewan

Seconded: Cr Moloney

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

- Crs Ronke, Moloney and Shewan - \$500 each – Aspendale Gardens Community Service Inc.
- Crs Ronke, Moloney and Shewan - \$500 each – Carrum Indigenous Nursery
- Crs Paulich, Staikos and Athanasopoulos - \$300 each – Friends of the Grange Inc.

CARRIED

Moved: Cr Athanasopoulos

Seconded: Cr Staikos

That an item of urgent business regarding C128 Schedule to Design and Development Overlay for Mentone Junction be considered.

CARRIED

Moved: Cr West

Seconded: Cr Dundas

That Council resolves to request the Minister for Planning to appoint a Panel to consider Planning Scheme Amendment C128 and submissions received.

CARRIED

14. Confidential Items In Camera**Moved: Cr Peulich****Seconded: Cr Staikos**

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

- O 133 as it relates to a matter that would prejudice persons involved.

Confidential Attachments

- O 116 as it contains information that would prejudice persons involved.
- O 117 as it contains information that would prejudice persons involved.
- O 118 as it relates to a contractual matter.
- O 119 as it relates to a contractual matter.
- O 126 as it relates to a contractual matter.
- O 129 as it relates to a contractual matter.

CARRIED

The meeting was closed to the public at 10.20pm.

Moved: Cr Athanasopoulos**Seconded: Cr Staikos**

That the meeting be opened to the public.

CARRIED

The meeting was opened to the public at 10.45pm

O 133 Green Wedge

Council resolved to declare not confidential the following resolution:

- B. That Council utilise the Green Wedge Fund in order to provide for the following immediate initiatives as outlined in the confidential report "Consideration of Officer Advice in Relation to the Green Wedge":
1. The allocation of \$100,000 per annum for two years for the appointment of a dedicated officer focused on improving the presentation of the Green Wedge (including the Chain of Parks trail, and to work with and support local Landcare and friends groups etc)

2. The allocation of \$110,000 for amenity planting (of appropriate indigenous species) in the Green Wedge in accordance with Appendix 4.
3. The allocation of \$60,000 to develop and test a sound business case to determine the extent of land acquisition for sports fields and supporting infrastructure in the Green Wedge. This analysis is to take a Kingston and Regional perspective.
4. The allocation of \$100,000 towards entrance ways to Dingley Village including Streetscape Vegetation and beautification.
5. That Part B of the resolution be deemed not confidential.

CARRIED

The meeting closed at 10.45pm.

Confirmed

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His Worship, The Mayor, 27 August 2012