



*City of*  
**KINGSTON**

# **Ordinary Meeting of Council Minutes**

Monday, 23rd September 2013

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**City of Kingston  
Ordinary Meeting of Council**

**Minutes**

**23 September 2013**

The meeting commenced at 7.07pm 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:** Paul Franklin – Acting Chief Executive Officer  
Mauro Bolin – General Manager Community Sustainability  
Rachel Hornsby – General Manager Environmental Sustainability  
Anthony Basford – Acting General Manager Organisational Development and Governance  
Julian Harvey – Acting General Manager Corporate Services  
Phil DeLosa – Program Leader Governance  
Stephanie O’Gorman – Governance Officer  
Sandra Bull – Media Officer Communications & Public Affairs

**1. Apologies**

There were no apologies submitted to the meeting.

**2. Confirmation of Minutes of Previous Meetings**

**Moved: Cr Staikos**

**Seconded: Cr Gledhill**

That the Minutes of the Ordinary Meeting of Council held on 26 August 2013 and the Special Meeting of Council held on 18 September 2013 be confirmed.

**CARRIED**

**3. Foreshadowed Declaration by Councillors, Officers or Contractors of any Conflict of Interest**

Cr Staikos declared an indirect financial interest in Item 13.2. Notice of Motion No. 29/2013 Differential Rating on Gaming Machines.

**4. Petitions**

There were no petitions submitted to the meeting.

**5. Presentation of Awards**

There were no presentations of awards.

**6. Reports from Village Committees**

**6.1 Recommendations and Highlights from Village Committees**

**Mentone/Parkdale Village Committee**

*Report of Meeting held 3 September 2013*

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***Village Committee Motion***

*That a bus tour be held on the first Tuesday in February 2014 around the Mentone Parkdale Village Committee area at 6pm.*

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**Moved: Cr West**

**Seconded: Cr Gledhill**

That the Mentone/Parkdale Village Committee be advised that Council's policy supports the option of a bus tour for newly appointed members to Village Committees and will provide one for the Mentone/Parkdale Village Committee and any other Village Committee that asks.

**CARRIED**

Cr Peulich left the Council Chamber at 7.14pm.

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***Village Committee Motion***

*That 'Halls for Hire' information be included on the Council website, including information about availability.*

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**Moved: Cr Gledhill**

**Seconded: Cr West**

That the Village Committee be thanked for its enquiry and be directed to Council's website for information on facilities available for hire to community groups.

**CARRIED**

***Village Committee Motion***

*That the Village Committee be provided with a schedule for when works are going to occur in the shopping precinct in Mentone and that interim measures, such as revitalising the planter boxes be considered.*

**Moved: Cr West**

**Seconded: Cr Gledhill**

That the Village Committee be thanked for its enquiry and be provided with the officer comments and with an officer presentation on plans for the Mentone Shopping Centre.

**CARRIED**

Cr Peulich returned to the Council Chamber at 7.18pm.

***Village Committee Motion***

*That the Economic Development Team inform the Village Committee about an integrated approach to assisting strip shopping centres.*

**Moved: Cr Gledhill**

**Seconded: Cr West**

That the Village Committee be thanked for its enquiry and be provided with the officer comments.

**CARRIED**

**Mordialloc Village Committee**

*Report of Meeting held 7 August 2013*

***Village Committee Motion***

*That Council investigate the proposed landscape plans for the Parkdale Secondary College school grounds and express the concerns of the committee to the school about further removal of mature native trees. To also provide plans showing trees to be retained and removed.*

**Moved: Cr West**

**Seconded: Cr Gledhill**

That the Village Committee be thanked for their request and be provided with the officer comments and with plans for the retention and removal trees on the site in advance of such works taking place, if such plans are available.

**CARRIED**

***Village Committee Motion***

*That the Village Committee be informed of proposed significant native tree removal in the Mordialloc Village Committee area on a monthly basis.*

---

**Moved: Cr West**

**Seconded: Cr Peulich**

That the Village Committee be informed in advance of any future removal of significant trees or mature native trees from private or public land in the Mordialloc Village Committee area.

**CARRIED**

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***Village Committee Motion***

*That Council writes to the Commonwealth Minister for Infrastructure and Transport, expressing the concerns of the Village Committee, on the removal of the trees at the Moorabbin Airport and to advise who approved the removal of the trees.*

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**Moved: Cr West**

**Seconded: Cr Staikos**

That the Village Committee be thanked for its request and be advised that officers will contact the Moorabbin Airport Corporation expressing the concern of the Mordialloc Village Committee in relation to the removal of trees at Moorabbin Airport and that Council will as requested write to the Commonwealth Airports Minister requesting a copy of the permit or letter of approval the Moorabbin Airport Corporation says they have received for the clear-felling of all trees on the former golf course land on the airport.

**CARRIED**

**A Division was Called:**

**DIVISION:**

**FOR:** Crs Peulich, Staikos, West, Eden and Barth (5)

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

**CARRIED**

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

There were no reports from delegates submitted to the meeting.

**8. Question Time**

The Mayor advised that Question Time would take place at 8.00pm (refer to page 14 of the Minutes).

**9. Environmental Sustainability Reports**

**9.1 Contract No 13/50 - Bondi Road, Bonbeach - Road Reconstruction**

**Moved: Cr Bearsley**

**Seconded: Cr Ronke**

That Council:

1. Award Contract No. 13/50 – *Bondi Road Bonbeach Road Reconstruction* – on a Lump Sum basis to *Earthlink Contractors Pty Ltd* for the tendered price of \$1,384,140.50.

**CARRIED**

**9.2 Implementation of New Residential Zones**

**Moved: Cr Gledhill**

**Seconded: Cr Bearsley**

That Council seek authorisation from the Minister for Planning to commence a Planning Scheme Amendment which would be exhibited and would:

- a) Introduce the suite of new residential zones and associated schedules across the municipality;
- b) Introduce the Industrial 1 and Mixed Use Zone to some locations presently zoned Commercial 2;
- c) Introduce changes to Clause 52.01 to provide for a nominated contribution for Private Open Space into the Kingston Planning Scheme; and
- d) Make the required modifications to the Local Planning Policy Framework and Overlays as a consequence of the above changes to zones, overlays and a schedule to the Kingston Planning Scheme.

**Amendment**

**Moved: Cr West**

**Seconded: Cr Staikos .**

Note: Cr West requested that each part of the Amendment be put to the vote separately.

That Council:

1. Designate the land between Southland and the Cheltenham Activity Centre as *General Residential Zone Schedule 1 (increased Housing diversity – two storey)* instead of GRZ3 (Increased Housing Diversity – 11.2m, three storeys).

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**LOST**

2. Designate the land in Parkdale bounded by both sides of Queen street and Blanche Avenue and the Nepean Highway as Neighbourhood Residential Zone where it is currently proposed to be General Residential Zone.

**LOST**

**A Division was Called:**

**DIVISION:**

**FOR:** Crs West and Barth (2)

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

**ABSTAINED:** Crs Peulich, Staikos and Eden (3)

**LOST**

3. Designate the land in Mordialloc bounded by both sides of Barkly Street and to the immediate east as Neighbourhood Residential Zone instead of General Residential Zone.

**LOST**

**A Division was Called:**

**DIVISION:**

**FOR:** Crs West and Barth (2)

**AGAINST:** Crs Ronke, Brownlees, Bearsley, Gledhill and Eden (5)

**ABSTAINED:** Crs Peulich and Staikos (2)

**LOST**

4. Designate the land in Mentone and Cheltenham bounded by Nepean Highway, both sides of Collins Street and Balcombe Road, Charman Road and Eden and Higham Streets (excluding the land in the proposed Activity Centre Zone) as Neighbourhood Residential Zone instead of General Residential Zone.

**LOST**

**A Division was Called:**

**DIVISION:**

**FOR:** Cr West (1)

**AGAINST:** Crs Ronke, Brownlees, Bearsley, Gledhill and Barth (5)

**ABSTAINED:** Crs Peulich, Staikos and Eden (3)

**LOST**

5. Designate the land in Cheltenham along the western side of Wilson Street as Neighbourhood Residential Zone instead of General Residential Zone, to match the eastern side of Wilson Street.

**LOST**



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**A Division was Called:**

**DIVISION:**

**FOR:** Crs West and Barth (2)

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

**ABSTAINED:** Crs Peulich, Staikos and Eden (3)

**LOST**

6. Designate the land in Mentone bounded by Nepean Highway, Warrigal Road, the railway line and the Balcombe Road DDO as Neighbourhood Residential Zone where it is currently proposed to be General Residential Zone (except for land covered by the DDO24).

**LOST**

**A Division was Called:**

**DIVISION:**

**FOR:** Cr West (1)

**AGAINST:** Crs Ronke, Brownlees, Bearsley, Gledhill and Barth (5)

**ABSTAINED:** Crs Peulich, Staikos and Eden (3)

**LOST**

**Procedural Motion**

**Moved: Cr Barth**

**Seconded: Cr Staikos**

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

**CARRIED**

The Amendment was **LOST**

The Substantive Motion was put and **CARRIED**

**9.3 KP12/785 – 500 Nepean Highway Chelsea**

**Moved: Cr Eden**

**Seconded: Cr Bearsley**

That the recommendation be adopted subject to the deletion of condition 1.a) (following the landscaping conditions) and condition 1.b).

Cr Gledhil left the Council Chamber at 8.23pm.

**CARRIED**

Cr Gledhill returned to the Council Chamber at 8.27pm.

**8. Question Time**

Cr Bearsley left the Council Chamber at 8:27 pm.  
Cr Bearsley returned to the Council Chamber at 8:29 pm.

**Question 1.**

**Heather Larman of Heatherton asked,**

*“Will the trees that were removed from Ross Street Recreational Oval fence line be replaced in the improvement plans that are underway at present?”*

**The Acting CEO provided the following response,**

*“This question is taken on notice and officers will respond directly in writing. There will be revegetation on the site, but the specifics aren’t at hand during this meeting.”*

**Question 2.**

**Maureen Lim of Bonbeach asked,**

*“1. In light of the allegations by the ‘Green Wedge Landowners for a Fair Go’ in the attached flier sent to Councillors, officers and MPS, what is Council doing to ensure that conflict of interest and other probity provisions are being upheld at Council?”*

*2. Is Council receiving legal advice on how best to respond to this letter to ensure that Council’s process for implementing Kingston’s Green Wedge Plan is not compromised by any kind of improper influence?”*

*3. Have Councillors disclosed if they received financial support from landowners?”*

**The Acting CEO provided the following response,**

*“1. In addition to the obligations to declare and manage conflicts of interest in the Local Government Act (the Act), Councillors have taken an oath to discharge their duties fairly and without bias. Council has in place a Code of Conduct which all Councillors have supported to guide their behaviours. Officers are also covered by the Act provisions and an officer Code of Conduct.*

*2. This letter only came to Council this afternoon,. I am considering what response maybe necessary by Council and will discuss this with Councillors.*

*3. Councillors complete Register of Interests forms as required by section 81 of the Act every 6 months at the end of December and June. These returns, which are available for public inspection, detail applicable gifts under section 78C of the Act.*

**Question 3.**

**Tasos Dimitriu of Clayton South asked,**

*“a) Does the Council have plans to issue new tip licences or concrete crushing plants licences?”*

*b) When are current licences to expire or when will the tips close?”*

**The Acting CEO provided the following response,**

*“a) Council will need to consider applications as they come in. The Kingston Green Wedge Plan discourages these uses and encourages the land to transition away from waste industry uses.”*

*b) This part of the question is taken on notice and an answer can be provided in our next tip update."*

**Question 4.**

**R.A. Solomons of Cheltenham asked,**

*"1. Amendment of Liquor Licence*

*a) At the recent Council Meeting held on 9/7/2013 the public objected unanimously to any extension of time being given to the Tudor Inn Hotel, which includes the Poker Venue and the Bistro Bottle Shop.*

*b) The Poker Venue is opened between 8am and 4am the following day. The bottle shop has no trading hours extending their closing times at the moment from 9pm to 11pm.*

*c) Because of the elevated and unevenness of the roads, the headlights of traffic movements reflects into our properties thus causing us total inconvenience and disturbance.*

*d) The street is only a narrow 1 way parking street.*

*e) The trucks entering and exiting the pub are over-sized (or very large) and tend to run over the nature strip damaging the curb and the nature strip itself."*

**The Acting CEO provided the following response,**

*"Staff have met with Mr Solomons to discuss the matter. Staff are happy to meet with him again to discuss the specific issues he has raised and also the process being followed by Council."*

**10. Community Sustainability Reports**

**10.1 Individual Development Grant Application - Potential Conflict of Interest**

**Moved: Cr Staikos**

**Seconded: Cr Bearsley**

That Council:

1. Approve an Individual Development Grant of \$300 to Hayden Ross.

**CARRIED**

**10.2 Community Safety Strategy 2013-2017**

**Moved: Cr Staikos**

**Seconded: Cr Barth**

That Council:

1. Adopt the attached Community Safety Strategy 2013-2017.

**CARRIED**

**10.3 Public Health and Wellbeing Plan 2013-2017**

**Moved: Cr Barth**

**Seconded: Cr Staikos**

That Council:

1. Adopt the Public Health and Wellbeing Plan 2013-2017 (Appendix 1) that meets Council's legislative requirement under the Victorian Public Health and Wellbeing Act 2008.

**CARRIED**

**11. Organisational Development & Governance Reports**

**11.1 Council Ward Grants**

**Moved: Cr Peulich**

**Seconded: Cr Eden**

That Council:

1. Adopt the Council Ward Grants Policy at appendix 1 subject to the deletion of clauses 9.1.8, 9.1.9 and 9.3.4.
2. Provide a copy of the adopted Council Ward Grants Policy to Council's Audit Committee; and
3. Provide a copy of the adopted Council Ward Grants Policy to the Local Government Investigations and Compliance Inspectorate.

**Procedural Motion**

**Moved: Cr West**

**Seconded:**

That consideration of the matter be deferred.

The Motion **LAPSED** as there was no Seconder.

**Amendment**

**Moved: Cr West**

That Council:

1. Adopt the Council Ward Grants Policy at appendix 1 subject to:
  - a. the deletion of clauses 9.1.8, 9.1.9, 9.3.4; and
  - b. clauses 9.1.5 and 9.1.6 to be amended so that if a conflict of interest exists Councillors may not recommend the allocation of a ward grant.
2. Provide a copy of the adopted Council Ward Grants Policy to Council's Audit Committee; and
3. Provide a copy of the adopted Council Ward Grants Policy to the Local Government Investigations and Compliance Inspectorate.

The Amendment **LAPSED** as there was no Seconder.

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**Amendment**

**Moved: Cr West**

That Council:

1. Adopt the Council Ward Grants Policy at appendix 1 subject to:
  - a. The deletion of clauses 9.1.8, 9.1.9, 9.3.4.
  - b. Clause 9.5.1 to be amended to read that so the application form does not need to be completed until after the ward funds grant is recommended by a Councillor.
2. Provide a copy of the adopted Council Ward Grants Policy to Council's Audit Committee; and
3. Provide a copy of the adopted Council Ward Grants Policy to the Local Government Investigations and Compliance Inspectorate.

The Amendment **LAPSED** as there was no Secunder.

The Substantive Motion was put and **CARRIED**

**A Division was Called:**

**DIVISION:**

**FOR:** Crs Ronke, Brownlees, Peulich, Staikos, Bearsley, Gledhill, Eden and Barth (8)

**AGAINST:** Cr West (1)

**CARRIED**

**11.2 Review of Council Instrument of Delegation to the Chief Executive Officer**

**Moved: Cr Peulich**

**Seconded: Cr Ronke**

That Council:

1. Resolve in the exercise of powers conferred by section 98(1) of the Local Government Act 1989 (the Act) and the other legislation referred to in the Instrument of Delegation to the Chief Executive Officer (as annexed), that
  - 1.1. There be delegated to the person holding the position, acting in or performing the duties of Chief Executive Officer the powers, duties and functions set out in the annexed Instrument of Delegation to the Chief Executive Officer, subject to the conditions and limitations specified in that Instrument;
  - 1.2. The instrument comes into force immediately the common seal of Council is affixed to the instrument;
  - 1.3. On the coming into force of the instrument all previous delegations to the Chief Executive Officer are revoked;
  - 1.4. The duties and functions set out in the instrument must be performed, and the powers set out in the instruments must be executed, in accordance

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with any guidelines or policies of Council that it may from time to time adopt; and

- 1.5. It is noted that the instrument includes a power of delegation to members of Council staff, in accordance with section 98(3) of the Act.
2. Revoke the resolution made at the Ordinary Meeting of Council on 24 June 2013 in which Council delegated to the Chief Executive Officer the power to declare that a contract must be entered into because of an emergency.

**CARRIED**

**11.3 Assembly of Councillors Record Report**

**Moved: Cr Staikos**

**Seconded: Cr Eden**

That Council:

1. Note the contents of this report for the public record.

**CARRIED**

**11.4 Expenditure of Ward Funds Allocations**

**Moved: Cr Gledhill**

**Seconded: Cr Peulich**

That Council:

1. Approve the expenditure of ward funds in accordance with the table of Councillor requests including the following additional allocations:
  - Crs Barth and Staikos - \$500 each to Kingston Residents Association (community advocacy)
  - Cr Peulich - \$1000 Dingley Dingos Football Club (assist with fundraiser)
  - Cr Ronke - \$500 to Chelsea SES (60<sup>th</sup> Anniversary Dinner)
  - Crs Brownlees and Bearsley - \$500 each to St Louis de Montford's Primary School (transport of a container to South Sudan)
  - Cr West - \$500 to St Brigid's Primary School (transport of a container to South Sudan)

**CARRIED**

**12. Corporate Services Reports**

**12.1 Sale of Former Drainage Reserve - Frank Avenue, Clayton South**

**Moved: Cr Staikos**

**Seconded: Cr Peulich**

That Council:

1. Note the minutes of the S223 Committee.
2. Offer the portion of the land known as Lot 16 on PS632559T to the owner of 5 Maltarra Street, Clayton South subject to Council Policy.
3. Pursue the sale of the remainder of the former drainage reserve to abutting owners in accordance with Council Policy, and authorise the General Manager Corporate Services to transact the land sales on Council's behalf.
4. Notify the submitters of this decision.

**CARRIED**

**12.2 Proposed Alcohol Free Zone Carrum Foreshore**

**Moved: Cr Eden**

**Seconded: Cr Bearsley**

That Council introduce a 24 hour alcohol free zone at the Carrum foreshore, shopping centre and railway station as detailed in Option 1 of this report and that Council undertake a review to determine whether there is sufficient signage relating to the alcohol restrictions in the current alcohol free zones.

**CARRIED**

**Procedural Motion**

**Moved: Cr Peulich**

**Seconded: Cr Staikos**

That the meeting be adjourned for 5 minutes until 9.06pm.

**CARRIED**

**13. Notices of Motion**

**13.1 Notice of Motion No. 28/2013 - Crs West & Staikos - East-West Link**

**Moved: Cr West**

**Seconded: Cr Staikos**

That Council write to the Premier and relevant State Ministers expressing concern that the estimated \$8b cost of the East West Link will offer little benefit to Kingston residents and asking for funds to be diverted to other priorities including the Metro Rail, integrated signalling and fixing dangerous level crossings.

**LOST**

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**DIVISION:**

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

**AGAINST:** Crs Ronke, Brownlees, Peulich, Bearsley and Gledhill (5)

**LOST**

**13.2 Notice of Motion No. 29/2013 - Crs West & Eden - Differential Rates and Gaming Venues**

Cr Staikos declared an indirect financial interest in this item by virtue of owning shares in Woolworths and left the Council Chamber at 9:22 pm prior to any discussion and voting on the matter,

**Moved: Cr West**

**Seconded: Cr Eden**

That Council resolve to:

- Work with other interested Councils who have resolved to impose higher differential rates on land used for gambling and with the Victorian Local Governance Association
- To advocate to State Government to change the policy that currently prohibits differential rates on land used for gambling.

**Procedural Motion**

**Moved: Cr Eden**

**Seconded: Cr Bearsley**

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

**CARRIED**

Cr Steve Staikos returned to the Council Chamber at 9:33 pm.

**13.3 Notice of Motion No. 30/2013 - Crs Staikos & Barth - Amendment C138**

**Moved: Cr Staikos**

**Seconded: Cr Barth**

1. That Council resolve to submit a request to the Minister for Planning to authorise the preparation of Amendment C138 to the Kingston Planning Scheme to introduce the Green Wedge A Zone across all land presently included in the Special Use 2 Zone north of Heatherton Kingston Road in the Green Wedge; and
2. That Council informs the Minister for Planning that Council wishes to exhibit Amendment C138 for public comment as soon as possible in keeping with the provisions of the Planning and Environment Act 1987.



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**Amendment**

**Moved: Cr Gledhill**

**Seconded: Cr Bearsley**

1. That Council resolve to submit a request to the Minister for Planning to authorise the preparation of Amendment C138 to the Kingston Planning Scheme to introduce the Green Wedge A Zone across all land presently included in the Special Use 2 Zone north of Heatherton Kingston Road in the Green Wedge.
2. That Council informs the Minister for Planning that Council wishes to exhibit Amendment C138 for public comment as soon as possible in keeping with the provisions of the Planning and Environment Act 1987.
3. That Council also separately seek the advice and support of the Minister for Planning to develop an amended Green Wedge A Zone to be applied to those privately owned properties located outside the urban growth boundary and south of Heatherton Road that would provide for a reduction of the minimum lot size to 2000 square metres. This zoning provision would not be applied to the Moorabbin Airport, the properties identified in the Green Wedge Plan at 732-928 (even numbers) Springvale Road and 327 Governor Road Braeside, or any land currently affected by any acquisition or Planning Scheme overlays, and would follow the normal amendment process.

The Amendment was put and **LOST**

**A Division was Called:**

**DIVISION:**

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

**AGAINST:** Crs Peulich, Staikos, West, Eden and Barth (5)

**LOST**

**Procedural Motion**

**Moved: Cr Staikos**

**Seconded: Cr Peulich**

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

**CARRIED**

The Substantive Motion was put and **CARRIED**

**A Division was Called:**

**DIVISION:**

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

**AGAINST:** Crs Ronke, Brownlees, Peulich, Bearsley and Gledhill (5)

The Substantive Motion was **LOST**

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**14. Urgent Business**

There were no items of urgent business.

**15. Confidential Items**

There were no confidential items considered as Cr Ronke withdrew his Notice of Motion – Item 15.1 Planning Matter.

The meeting closed at 10.06pm.

**Confirmed.....**

**The Mayor 28 October 2013**