



City of
KINGSTON

Ordinary Meeting of Council Minutes

Monday, 26th August 2013
(and adjourned to Monday 2, September 2013)

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**City of Kingston
Ordinary Meeting of Council**

Minutes

26 August 2013

The meeting commenced at 7.00pm 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

RECOMMENDATION

Moved: Cr Gledhill

Seconded: Cr Bearsley

That the Minutes of the Ordinary Meeting of Council held on 22 July 2013, the Special Meeting of Council held on 29 July 2013 and the Special Meeting of Council held on 5 August 2013 be confirmed.

CARRIED

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

Mr Paul Franklin declared an interest in Item 15.1. ‘Acting Chief Executive Officer’.

Cr Staikos declared an interest in Item 10.3. ‘Electronic Gaming Machine Policy.’

Cr Peulich declared an interest in Item 15.3 ‘Property Matter – Future Children’s Services.’

4. Petitions

There were no petitions submitted to the meeting.

5. Presentation of Awards

The Mayor acknowledged the death of Reg Marlow and paid tribute to his service to the community.

6. Reports from Village Committees

6.1 Recommendations and Highlights from Village Committees

Village Committee Motion

That Council investigates the use of CCTV cameras at Mentone Racecourse Reserve to try and reduce ongoing vandalism issues.

Moved: Cr Gledhill

Seconded: Cr Peulich

That the Village Committee be thanked for its motion and be provided with an update from the Community Engagement Department on the outcomes of the review of the community safety situation in the area and initiatives identified to improve perceptions of safety and reduce vandalism in the area.

CARRIED

7. Reports from Delegates Appointed by Council to Various Organisations

There were no delegates reports submitted to the meeting.

8. Question Time

The Mayor advised that Question Time would take place at 8.00pm.

9. Environmental Sustainability Reports

9.1 Town Planning Application Decisions - July 2013

Moved: Cr Peulich

Seconded: Cr Staikos

That the report be noted.

CARRIED

9.2 KP667/12 - 494-510 Boundary Road, Dingley Village - Ordinary Council Meeting Report - 26 August 2013

It is recorded that Maureen Lim spoke on behalf of the objectors in relation to this item.

Moved: Cr Staikos

Seconded: Cr Barth

That Council determine not to support the proposal and advise all parties that had a decision been made, Council would have determined to issue a Notice of Refusal to Grant a Planning Permit to use and develop the land for vehicle storage and reduction in car parking requirements at No. 494-510 Boundary Road, Dingley Village (Lot 9 on PS438135J) on the following grounds:

1. There is insufficient information provided with the application for Council to be satisfied that the use proposed has been accurately defined as a 'vehicle store'.
2. The proposal is inconsistent with State Planning Policy Framework.
3. The proposal is inconsistent with Local Planning Policy Framework, including the Municipal Strategic Statement and Local Planning Policies.
4. The proposal is inconsistent with the Purpose and Decision Guidelines of the Green Wedge Zone – Schedule 2 (GWZ2) at Clause 35.04 of the Kingston Planning Scheme.
5. The proposal is inconsistent with the Purpose of Clause 57 (Metropolitan Green Wedge).
6. The proposal is inconsistent with the Kingston Green Wedge Plan – Final Plan (April 2012).
7. The use and development of the land as proposed is entirely inconsistent with the types of use and development preferred on this land.
8. The amenity impacts as a result of the proposal are not appropriate.
9. Pedestrian safety through the site and vehicles turning right out of Junction Road (into Boundary Road) are issues which have not been adequately resolved.

CARRIED

9.3 KP6/12 - 3 Mallowa Street, Clayton South

It is recorded that Paul Ganas spoke on behalf of the objectors in relation to this item.

It is recorded that Gautham Mahajan spoke on behalf of the applicants in relation to this item.

Moved: Cr Staikos

Seconded: Cr Peulich

That Council determine to support the proposal and issue a Notice of Decision to Grant a Permit to Develop the Land for the Construction of Three (3) Dwellings at No. 3 (Lot 49 on LP12393) Mallowa Street Clayton South, 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 23 May 2013, but modified to show:
 - a. the provision of an improved landscape plan and associated planting schedule for the site showing the proposed location, species type, mature height and width, pot sizes and number of species to be planted on the site, with such plans to be prepared by a suitably qualified landscape professional and incorporating:
 - i. an associated planting schedule showing the proposed location, species type, mature height and width, pot sizes and number of species to be planted on the site. The schedule must be shown on the plan;
 - ii. the delineation of all garden beds, paving, grassed areas, retaining walls, fences and other landscape works including areas of cut and fill throughout the development;
 - iii. all existing trees on the site and within three (3) metres to the boundary of the site on adjoining properties, accurately illustrated to represent actual canopy width and labelled with botanical name, height and whether the tree is proposed to be retained or removed;
 - iv. a range of plant types from ground covers to large shrubs and trees;
 - v. adequate planting densities (e.g. plants with a mature width of 1 metre, planted at 1 metre intervals);
 - vi. the provision of two (2) suitable medium sized spreading canopy

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- trees within the front setback of the site and one (1) small (at maturity) tree within the private open space area of each dwelling, with species chosen to be approved by the Responsible Authority.
- vii. sustainable lawn areas and plant species taking current water restrictions into consideration;
 - viii. all trees provided at a minimum of two (2) metres in height at time of planting;
 - ix. medium to large shrubs to be provided at a minimum pot size of 200mm; and
 - x. the provision of a notation on the landscape plan regarding site preparation, including the removal of all weeds, proposed mulch, soil types and thickness, subsoil preparation and any specific maintenance requirements.
- b. Appropriate sound attenuation measures being taken to the satisfaction of the responsible authority.
 - c. the provision of suitable fixed (unopenable) windows or fixed screening devices attached to the west facing windows of bedroom 2, to a minimum height of 1.7 metres above the first floor finished floor level directly below, in accordance with Clause 55.04-6 (Standard B22) of the Kingston Planning Scheme;
 - d. the surface material of all driveways / accessways and car parking spaces nominated in all-weather coloured concrete sealcoat, or similar;
 - e. the door of each garage nominated as a panel lift door, or similar;
 - f. the provision of a full colour, finishes and building materials schedule, including samples (illustrated on an A4 or A3 sheet), for all external elevations and driveways of the development;
 - g. the provision of a 2000 litre rain water tank clearly nominated for each dwelling;
 - h. the location of all externally-located heating and cooling units, exhaust fans and the like, clearly shown;
 - i. the guttering pertaining to the garages / walls on boundary on the site's east and west property boundary nominated as being contained wholly within the title property boundaries of the subject land;
 - j. a notation to the plans to state that the property boundary and footpath levels are not to be altered; and
 - k. the driveway from near the front of the site through towards the rear of dwelling 2 reduced to 2.6 metres in width with the additional areas created provided as landscaping along east side of the driveway.
2. The development shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.

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3. 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. The landscaping must then be maintained to the satisfaction of the Responsible Authority.
4. Prior to the occupation of the dwellings hereby permitted, all buildings and works and the conditions of this permit must be complied with, unless with the further prior written consent of the Responsible Authority.
5. The development of the site must be provided with stormwater treatment works which must incorporate water sensitive urban design principles (including re-use) to improve discharge quality and a detention system for 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 detention system.
6. Before the development commences, a Stormwater Management Plan showing the stormwater works to the nominated point of discharge 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.).
7. Stormwater works must be provided on the site so as to prevent overflows onto adjacent properties.
8. Stormwater outflow from the development to the Council drainage system should not exceed the predevelopment outflow of the site.
9. Prior to the occupation of the dwellings hereby permitted, or by such later date as is approved by the Responsible Authority in writing, the nature strip, kerb and channel, vehicle crossover and footpath must reinstated to the satisfaction of the Responsible Authority.
10. 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. The landscaping must then be maintained to the satisfaction of the Responsible Authority.

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11. Prior to the occupation of the dwellings hereby permitted, areas set aside for parking vehicles, access lanes and paths as shown on the endorsed plans must 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 or in an all weather coloured concrete seal-coat, to the satisfaction of the Responsible Authority.
 - d. Drained and maintained to the satisfaction of the Responsible Authority.

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

13. 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.

14. 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.

15. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.

16. In accordance with section 68 of the *Planning and Environment Act 1987*, this permit will expire 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 Act, the responsible authority may extend the periods referred to if a request is made in writing:

- before the permit expires; or
- within six (6) months after the permit expiry date, where the development allowed by the permit has not yet started; or
- within twelve (12) months after the permit expiry date, where the development allowed by the permit has lawfully started before the permit

expires.

Note: Prior to the commencement of the development you are required to obtain the necessary Building Permit.

Note: The applicant/owner must provide a copy of this planning permit to any appointed Building Surveyor. It is the responsibility of the applicant/owner and Building Surveyor to ensure that all building development works approved by any building permit is consistent with the planning permit.

CARRIED

9.4 VicSmart: A New Planning Permit Process for Victoria - Council Report and Submission to DTPLI

Moved: Cr West

Seconded: Cr Staikos

That Council:

1. Forward the submission to the Department of Transport, Planning and Local Infrastructure, on the proposed VicSmart Planning Permit Process and ask for the car parking waiver and tree removal provision to be removed from the VicSmart list.

CARRIED

9.5 Amendment C126 - Clayton South

Moved: Cr Staikos

Seconded: Cr Peulich

That Council resolves to:

1. Adopt Planning Scheme Amendment C126 with the following changes:
 - a. amend Schedule 24 to the Design and Development Overlay in accordance with the Panel's recommendations
 - b. amend the map at Clause 21.04 to designate the proposed Residential 1 Zone area as 'Areas for promotion of Increased Housing Diversity'.
 - c. amend the map at Clause 21.05 to update the title of 'Mixed Use Zone – Epsom & Environs Policy Area' to 'Mixed Use Zone – Epsom & Environs Policy Area and other mixed use areas'.
 - d. use the General Residential Zone to the area that had been shown as Residential 1 Zone; and
2. Submit the Amendment with changes to the Minister for Planning for approval; and

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3. Notify submitters to the Amendment of resolutions 1 and 2 above.

CARRIED

9.6 Green Wedge Planning - Materials Recycling

Moved: Cr Ronke

Seconded: Cr Bearsley

That Council resolve to:

1. Request the urgent assistance of the Minister for Planning to immediately approve Planning Scheme Amendment C129 to reintroduce the 'Materials Recycling in the Green Wedge' policy at Clause 22.18 on the basis of a current Planning Permit Application; and
2. Request that the Minister for Planning exempt Council from the exhibition provisions of the Planning and Environment Act 1987.
3. Request the Minister's advice on the Council commencing work with the landowners of properties listed in the confidential attachment of agenda item 15.4, with a view towards preparing a Planning Scheme Amendment to include the listed land into the Urban Growth Boundary, subject to addressing relevant planning and environment considerations.
4. Request the Minister's advice on the Council's ability to prepare its own form of land zoning to be applied to those areas that remain in the Kingston green Wedge Zone and therefore outside the Urban Growth Boundary.
5. Upon receipt of advice from the Minister for Planning in relation to the above matters a report be prepared for the consideration of the Council at the next available Council meeting.

Cr Peulich left the Council Chamber at 7.42pm.

Cr Eden left the Council Chamber at 7.42pm.

Cr Eden returned to the Council Chamber at 7.42pm.

Cr Staikos left the Council Chamber at 7.44pm.

Cr Eden left the Council Chamber at 7.44pm.

Cr Barth left the Council Chamber at 7.44pm.

Cr West left the Council Chamber at 7.45pm.

Adjournment of Meeting

Note: At this point there were four Councillors remaining in the meeting. In accordance with clause 10(2) of Meeting Procedures Local Law No. 7 the Acting Chief Executive Officer adjourned the meeting to 7.00pm on Monday 2 September, 2013 due to the lack of a quorum.

The meeting was adjourned at 7.46pm.

Resumption of Meeting

The meeting resumed at 7.06pm on Monday 2 September 2013.

1. Apologies

Cr Ronke

Moved: Cr Peulich

Seconded: Cr Bearsley

That the apology be accepted.

CARRIED

2. Declarations

Mr Paul Franklin declared an interest in Item 15.1. 'Acting Chief Executive Officer'.

Cr Staikos declared an interest in Item 10.3. 'Electronic Gaming Machine Policy.'

Cr Peulich declared an interest in Item 15.3 'Property Matter – Future Children's Services.'

9.6 Green Wedge Planning - Materials Recycling

Moved: Cr Ronke

Seconded: Cr Bearsley

That Council resolve to:

1. Request the urgent assistance of the Minister for Planning to immediately approve Planning Scheme Amendment C129 to reintroduce the 'Materials Recycling in the Green Wedge' policy at Clause 22.18 on the basis of a current Planning Permit Application; and
2. Request that the Minister for Planning exempt Council from the exhibition provisions of the Planning and Environment Act 1987.
3. Request the Minister's advice on the Council commencing work with the landowners of properties listed in the confidential attachment of agenda item 15.4, with a view towards preparing a Planning Scheme Amendment to include the listed land into the Urban Growth Boundary, subject to addressing relevant planning and environment considerations.
4. Request the Minister's advice on the Council's ability to prepare its own form of land zoning to be applied to those areas that remain in the Kingston green Wedge Zone and therefore outside the Urban Growth Boundary.
5. Upon receipt of advice from the Minister for Planning in relation to the above matters a report be prepared for the consideration of the Council at the next available Council meeting.

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Procedural Motion

Moved: Cr Gledhill

Seconded: Cr Bearsley

That 3, 4 and 5 of the motion be deferred to the next Ordinary Meeting of Council.

CARRIED

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Amendment

Note: The Mayor requested that parts 1 & 2 be put to the vote separately.

Moved: Cr Staikos

Seconded: Cr Eden

1. Request the urgent assistance of the Minister for Planning to immediately approve the Planning Scheme Amendment C129 to reintroduce the 'Materials Recycling in the Green Wedge' policy at Clause 22.18 on the basis of a current Planning Permit Application; and

CARRIED

2. Request that the Minister for Planning exempt Council from the exhibition provisions of the Planning and Environment Act 1987.

CARRIED

3. That Council resolve to submit a request to the Minister for Planning to authorise **the preparation of** Amendment C137 to the Kingston Planning Scheme to introduce the Green Wedge A Zone across all land presently included in the Green Wedge Zone or Schedule 2 to the Special Use Zone; and

4. That Council **informs the Minister for Planning that we wish to exhibit Amendment 137 for public comment as soon as possible in keeping with** the provisions of the Planning and Environment Act 1987.

LOST

A Division for parts 3 & 4 was called

DIVISION

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

AGAINST: Crs Bearsley, Peulich, Gledhill and Brownlees (4)

LOST on the Casting Vote of the Chairperson

The Amendment became the Motion

The Motion was put and **CARRIED**

9.7 Coastal Management Plan Review

Moved: Cr Staikos

Seconded: Cr Gledhill

That Council:

1. Receive the information and approve the Draft Coastal Management Plan 2014 to go out for further community consultation.

CARRIED

9.8 Keeley Park Draft Master Plan

Moved: Cr Staikos

Seconded: Cr Barth

That Council:

1. Adopt the Keeley Park Master Plan
2. Approve a bring-forward of \$200K from the Open Space Reserve to the 13/14 year

CARRIED

9.9 Walter Galt Oval One Reconstruction

Moved: Cr Gledhill

Seconded: Cr Bearsley

That Council:

1. Receive the information
2. Allocate an amount of \$200,000 from the Open Space Reserve funds for Planning Area 7 to cover the budget shortfall for the reconstruction of the No. 1 Oval at Walter Galt Reserve.

Cr Peulich left the Council Chamber at 7.54pm.

CARRIED

9.10 Mordialloc Traders Association Purchase of Christmas Decorations

Moved: Cr Gledhill

Seconded: Cr Staikos

That Council note the advice from the Mordialloc Traders' Association to withdraw the item from the agenda and take no further action.

CARRIED

9.11 Sport and Recreation Victoria Community Facility Funding 2014/15

Moved: Cr Bearsley

Seconded: Cr Staikos

That Council:

1. Approve the submission of four applications to the 2014/15 Community Facility Funding program

CARRIED

9.12 Sportsground Infrastructure Policy

Moved: Cr Gledhill

Seconded: Cr Staikos

That Council:

1. Receive the information
2. Adopt the Sportsground Infrastructure Policy

CARRIED

10. Community Sustainability Reports

10.1 Individual Development Grant Application - Potential Conflict of Interest

Moved: Cr Staikos

Seconded: Cr Bearsley

That Council:

1. Approve a \$600 individual development grant application to Lisa Ferguson.

CARRIED

10.2 Kingston Aboriginal Policy 2013

Moved: Cr Gledhill

Seconded: Cr West

That Council:

1. Release the *Draft Aboriginal Policy 2013* for public consultation for a period of four weeks;
2. Consider a final draft of the *Aboriginal Policy 2013* following the community consultation.

CARRIED

10.3 Electronic Gaming Machine Policy

Cr Staikos declared a direct conflict of interest in this item by virtue of his ownership of shares in Woolworths and left the Council Chamber at 7.59pm prior to any discussion on the matter.

Moved: Cr West

Seconded: Cr Eden

That Council:

1. Release the *Draft Electronic Gaming Machine Policy and Action Plan 2013* for public consultation for a period of four weeks subject to the addition of the following changes to:

Point 2: add the Alternative Option 1;

Point 3: add the existing policy as an optional extra dot point;

Point 4: add the existing point 4 as an alternative option;

Point 9: add the first Alternative Option as an alternative option;

Point 10: add the first Alternative Option as an alternative option;

Point 6: add the second statement discussed in April 8 CIS as an option:

“Council will not support the display of sponsorship signage promoting electronic gaming venues or gambling operators at Council-owned or managed recreation facilities.”

; and

2. Consider a final draft of the *Electronic Gaming Machine Policy and Action Plan 2013* following the community consultation.

Procedural Motion

Moved: Cr Eden

Seconded: Cr West

That consideration of this matter be deferred to a later stage of the meeting to allow documentation relating to the amendment to be photocopied (refer to page 21 of the Minutes).

CARRIED

Cr Staikos returned to the Council Chamber at 8.04pm after a decision had been made to defer the matter to later in the evening.

10.4 Mordialloc Life Saving Club: Feasibility Study Future Options

Moved: Cr Gledhill

Seconded: Cr Eden

That Council:

1. Endorse Option 5 as the preferred Mordialloc Life Saving Club redevelopment subject to the acquisition of adequate external funds
2. Direct officers to:
 - (a) seek additional funding partners to support the development of Option 5;
 - (b) engage all relevant stakeholders to support the project development;
 - (c) present a further report to Council to update on the status of external funding at a later date; and
 - (d) write to all relevant local members of parliament (State and Federal) advising of Council's decision to develop a high profile Life Saving Club / community facility as detailed in option 5.

Amendment

Moved: Cr West

That Council:

1. Endorse Option 5 as the preferred Mordialloc Life Saving Club redevelopment subject to the acquisition of adequate external funds and to a design that relocates the training room away from the Gathering Place.
2. Direct officers to:
 - (a) seek additional funding partners to support the development of Option 5;
 - (b) engage all relevant stakeholders to support the project development;
 - (c) present a further report to Council to update on the status of external funding at a later date; and
 - (d) write to all relevant local members of parliament (State and Federal) advising of Council's decision to develop a high profile Life Saving Club/ community facility as detailed in option 5.

The Amendment was accepted by the Mover and Seconder.

CARRIED

10.5 Award of Contract 13/61 - Edithvale Family & Children's Centre

Moved: Cr Bearsley

Seconded: Cr Eden

That Council:

1. Receive the report on the outcome of the tender process for Contract 13/61 Edithvale Family & Children's Centre.

2. Approve the award of Contract 13/61 Edithvale Family & Children's Centre to Contract Control Pty Ltd for the revised tender price of \$5,782,659.00.

CARRIED

Cr Peulich returned to the Council Chamber at 8.14pm.

Question Time

Question 1.

Trevor Shewan of Carrum asked,

“August 2012, Council resolved to amend the Kingston Planning Scheme to give effect to the adopted GWP including: (3.1) rezoning of land from Green Wedge Zone & Special Use Zone 2 to Green Wedge A.

Questions to the CEO:

- 1. After 12 months why have these resolutions not been carried out?*
- 2. When will they be carried out?*

Question to the Mayor:

3. Does the Mayor personally consider concrete crushers to be an acceptable use in the Kingston Green Wedge?”

The Acting CEO provided the following response,

“Officers have been working on preparing the documentation for a Planning Scheme Amendment to implement the Green Wedge Plan provisions. This is a considerable body of work as it requires changes to the Local Planning Policy Framework, schedules, overlays and zones. In addition, staff have been undertaking further consultation as resolved by Council.

There has also been an indication from the State Government about proposed changes to the Green Wedge Zone provisions. Officers felt it was prudent to assess the final zone provisions before exhibiting that Planning Scheme Amendment.

Council has resolved earlier this evening on its position on Material Recycling in this area of Kingston.”

Question 2.

Ian Baldock of Mentone asked,

“Could Council please explain how the Moorabbin Airport Corporation was able to clear fell the trees on the old golf course site effectively clearing all trees on the east

and south of the airport. Local residents have described this felling as the worst example of corporate vandalism they have seen.”

The Acting CEO provided the following response,

“The airport land is Commonwealth land and is not controlled by the Kingston Planning Scheme. As such, the airport did not need to apply to Council for a permit and Council had no say on the removal.”

Question 3.

Maureen Lim of Bonbeach asked,

*“ 1. Why doesn't the agenda follow the usual practice by indicating what confidential item 15.4, the notice of motion from Councillors Ronke and Bearsley is about?
2. Is it about the Kingston Green Wedge? If so, does it concern allowing currently prohibited urban uses to assist landholders in the Green Wedge? And if so, does it concern allowing currently prohibited urban uses to assist landholders in the Green Wedge?
3. Does it concern moving the Urban Growth Boundary in order to rezone Green Wedge land for urban development?”*

The CEO provided the following response,

“In relation to question 1, I am unaware that Council had a practice of indicating what Notices of Motion items were about. It was a judgment made by myself at the time of agenda preparation to preserve the confidential nature of the subject matter. In relation to questions 2 & 3, the matter has been declared confidential under the Local Government Act 1989 (Vic) and cannot be commented on.”

Question 4.

Stephen Calvert-Smith of Mentone asked,

“Why has the foot crossing recently constructed across the nature strip on the south-east corner of warrigal Road and Nepean Highway (outside Parkdale Motor Inn) been made with a bullnose, i.e. not smooth? Is council maintaining its policy of constructing all driveways and foot crossings without bullnoses, a policy which has been in place since amalgamation? Will Council ask the contractor (whoever that may be) to rectify the situation and remove the bullnose?”

The CEO provided the following response,

“This question is taken on notice and a response will be provided to Mr Calvert-Smith in writing.”

Question 5.

R.A. Solomons of Cheltenham asked,

“Amendment of Liquor Licence –

a) At the recent Council meeting held on 9/7/2013 the public objected unanimously to any extension of time been given to the Tudor Inn Hotel which includes the poker venue and bistro bottle shop.

- b) *The poker venue is opened between 8am & 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 slope and unevenness of the street, the headlights of traffic movements reflect into our properties thus causing us total inconvenience and disturbance."*
- d) *The street is only a narrow one way parking street.*
- e) *The trucks entering and exiting the pub are oversized (or very large) and tend to run over the nature strip damaging the curb and the nature strip itself).*

The CEO provided the following response,

"Mr Solomons' comments will be noted and will be provided to the Planner handling the file. Officers are willing to meet with Mr Solomons in person to discuss his concerns."

Question 6.

Talia Montirosso asked,

"Why over the past 3 years haven't the Councillors, collectively, gone out to visit all landowners in the Green Wedge Zone to discuss their concerns and visions for the future, which would create certainty?"

The CEO provided the following response,

"There was an extensive consultation process for the development of the Green Wedge Plan. It included public meetings, surveys, direct mail outs and more."

Question 7.

Note: The Acting CEO did not read out or answer this question in accordance with Meeting Procedures Local Law No. 7 clause 18(3) as he believed that the question was asked to embarrass a Councillor or officers.

10.3 Electronic Gaming Machine Policy

Cr Staikos declared an indirect conflict of interest in this item and left the Council Chamber at 8.19pm prior to any discussion on the matter.

Moved: Cr West

Seconded: Cr Eden

That Council:

1. Release the *Draft Electronic Gaming Machine Policy and Action Plan 2013* for public consultation for a period of four weeks subject to the addition of the following changes to:

Point 2: add the Alternative Option 1, which reads:

"Council is concerned about the high density of EGMs in the municipality, the amount lost (\$86M in 2011/12) and the negative impacts on the community from problem gambling. Council is committed to a net decrease in EGMs within the municipality and will seek opportunities to reduce the density of EGMs in the municipality until it is below the Melbourne metropolitan average."

Point 3: add the existing policy as an optional extra dot point, which reads:

“Council will work towards the relocation of EGMs from areas with higher identified problems arising from EGMs to areas with lower identified problems arising from EGMs.”

Point 4: add the existing point 4 as an alternative option, which reads:

“Council has a responsibility for its residents together with State Government and other relevant agencies/organisations to minimise negative impacts of EGM gaming on the Kingston community.”

Point 9: add the first Alternative Option as an alternative option, which reads:

“Council will not support any future applications for increases of EGMs in Council buildings or on Council owned or managed land, and will seek to reduce the numbers of EGMs currently located as such.”

Point 10: add the first Alternative Option as an alternative option, which reads:

“Council will not sponsor or receive sponsorship for events, activities or services delivered by organisations primarily related to the gambling industry.”

Point 6: add the second statement discussed in April 8 CIS as an option:

“Council will not support the display of sponsorship signage promoting electronic gaming venues or gambling operators at Council-owned or managed recreation facilities.”

; and

2. Consider a final draft of the *Electronic Gaming Machine Policy and Action Plan 2013* following the community consultation.

CARRIED

Cr Staikos returned to the Council Chamber at 8.28pm following discussion and voting on the matter.

11. Organisational Development & Governance Reports

11.1 Festival and Events Policy

Moved: Cr Gledhill

Seconded: Cr Peulich

That Council:

1. Receive the information
2. Adopt the attached draft Festival and Events Policy

CARRIED

11.2 Quarterly Report to Council Plan June 2013

Moved: Cr Peulich

Seconded: Cr Staikos

That Council:

1. That Council note the 2009/13 Council Plan year to date Quarterly Performance Report as at June 2013.

CARRIED

11.3 Expenditure of Ward Funds Allocations

Cr Bearsley declared an indirect conflict of interest by close association as her husband is Vice President of the Aspendale Gardens Residents Association and left the Council Chamber at 8.30pm prior to any discussion on the matter.

Moved: Cr Peulich

Seconded: Cr Staikos

That Council:

1. Approve the expenditure of ward funds in accordance with the table of Councillor requests and including the following:
 - Cr Ronke - \$500 to Chelsea Rotary and \$500 to Aspendale Gardens Residents' Association.
 - Cr Peulich - \$1000 to Bentleigh Greens Soccer Club and \$1000 to Moorabbin Primary School
 - Cr Staikos - \$750, Cr Barth - \$750 and Cr West - \$500 to South Oakleigh Wildlife Shelter Animal Rescue Services.

CARRIED

Cr Bearsley returned to the Council Chamber at 8.32pm following discussion and voting on the matter.

11.4 Assembly of Councillors Record Report

Moved: Cr Peulich

Seconded: Cr Eden

That Council:

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

CARRIED

12. Corporate Services Reports

12.1 Adoption of Financial Statements to 30 June 2013

Moved: Cr Bearsley

Seconded: Cr Barth

That Council:

1. Note the recommendation from Council's Audit Committee;
2. Adopt the 2012/13 Annual Statements as Council's "in principle" statements for 2012/13 and that these statements be forwarded to the Victorian Auditor-General; and
3. Authorise Cr Brownlees, Cr Peulich and the Chief Executive Officer to formally sign off the 2012/13 Annual Statements following clearance from the Auditor-General.

CARRIED

**12.2 Proposed Relocation of Dog Off Leash Area in Reg Marlow Reserve
Mentone**

Moved: Cr West

Seconded: Cr Gledhill

That Council:

1. Receive the information
2. Upon completion of the proposed works, in accordance with Section 26(2) of the Domestic Animals Act 1994, order that the current gazetted off leash area in Reg Marlow Reserve, Mentone be relocated to the area located between the boundaries of Abrahams Drive, Warrigal Road, Johnston Street and Rowell Drive.
3. Publish a notice in the Government Gazette and local newspaper giving notice of this order.

CARRIED

12.3 Adoption of the 2013/14 Annual Budget Amended Documentation

Moved: Cr Staikos

Seconded: Cr Gledhill

That Council:

1. Resolve to make the amendments to the adopted 2013/14 Budget as detailed in Table 1 of this report.
2. Resolve to amend the resolution of Council of 22 July 2013 made in respect of item 12.1, by substituting the following for what appeared at paragraph 2 of the resolution:
 2. In respect of Rates and Charges:-
 - a) Declare a differential rate for rateable land having the characteristics specified in the Schedules to Attachment B of the Budget document, which

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characteristics will form the criteria for each differential rate so declared:

- 8.1 General Land (refer to Schedule A)
- 8.2 Agricultural Land (refer to Schedule B)
- 8.3 Extractive and Landfill Land (refer to Schedule C); and
that the rate of (based on the cents in the dollar of Capital Improved Value set out below) be;

Category	Cents in the \$
General Land Rate	0.23197
Agricultural Land	0.18558
Extractive and Landfill Land Rate	0.39670

- 3. Resolve to amend the resolution of Council of 22 July 2013 made in report item 12.1 by substituting the following for what appeared at paragraph 4 of the resolution:
- 4. In addition to payment annually or four (4) times yearly on the dates specified in the Local Government Act 1989, namely:-
 - a. in a lump sum on or, before 15 February 2014; or
 - b. by four approximately equal instalments paid on or before 18 October 2013; 30 November 2013, 28 February 2014 and 31 May 2014; or
 - c. by ten approximately equal direct debit payments from 3 September 2013 until 1 June 2014.

CARRIED

12.4 Tour de Cafe Lease Renewal

Moved: Cr Peulich

Seconded: Cr West

That GMJ Services Pty Ltd be granted a new lease term of 3x3x3 years to occupy premises at Pier Road Kiosk, subject to ministerial consent on behalf of the Crown.

CARRIED

13. Notices of Motion

A Notice of Motion is listed in the Confidential Items section of the Agenda.

14. Urgent Business

14.1. CEO Appointment Process

Moved: Cr Peulich

Seconded: Cr Staikos

That an item of urgent business be considered regarding the designation of information relating to the CEO appointment process as confidential information.

CARRIED

Moved: Cr Staikos

Seconded: Cr Peulich

1. That Council, pursuant to Section 77(2)(b) of the Local Government Act 1989, designate the following documents as confidential information on the grounds under Section 89(2) of the Local Government Act 1989 that the information involves a personnel matter (s89(2)(a)), a contractual matter (s89(2)(d)) and legal advice (s89(2)(f))
 - Legal advice from Maddocks Lawyers titled "CEO Appointment Process" dated 7 August 2013; and
 - Report presented by FM Consult to the Councillors Information Session on the 19 August 2013 titled "Council Briefing Paper – CEO contract" dated 19 July 2013.
2. That the information designated as confidential information in part 1 be included in the Confidential Information Register.

CARRIED

15. Confidential Items

Moved: Cr Gledhill

Seconded: Cr Barth

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 following confidential items and that the meeting be adjourned for 10 minutes.

15.1 Acting Chief Executive Officer

This agenda item is confidential in accordance with the Local Government Act s89(2) as it relates to personnel matters (s89 2a)

15.2 Property Matter - Council Depot

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This agenda item is confidential in accordance with the Local Government Act s89(2) as it relates to any other matter which the Council or special committee considers would prejudice the Council or any person (s89 2h)

15.3 Property Matter - Future Children's Services

This agenda item is confidential in accordance with the Local Government Act s89(2) as it relates to contractual matters (s89 2d)

15.4 Notice of Motion No. 27/2013 - Councillors Ronke and Bearsley

This agenda item is confidential in accordance with the Local Government Act s89(2) as it relates to proposed developments (s89 2e) and any other matter which the Council or special committee considers would prejudice the Council or any person (s89 2h)

Confidential Appendices

9.9 Walter Galt Oval One Reconstruction

Appendix 1, Cost & Funding Breakdown - reconstruction oval no. 1 Walter Galt Reserve

This appendix is confidential in accordance with the Local Government Act s89(2) as it relates to (s89 2d)

**10.1 Individual Development Grant Application - Potential Conflict of Interest
Appendix 2, Community Grants Program 2013-2014 - Individual
Development Grants Application - Lisa Ferguson - July 2013**

This appendix is confidential in accordance with the Local Government Act s89(2) as it relates to (s89 2h)

10.5 Award of Contract 13/61 - Edithvale Family & Children's Centre

**Appendix 1, Confidential Attachment - Matrix - CON 13-61 Edithvale
Children's Hub - Shortlisted Builders.XLSX**

This appendix is confidential in accordance with the Local Government Act s89(2) as it relates to (s89 2d)

CARRIED

The meeting was closed to members of the public at 8.40pm.

Moved: Cr Staikos

Seconded: Cr West

That the meeting be opened to members of the public.

CARRIED

That the meeting was opened to members of the public at 9.03pm.

The meeting closed at 9.03pm.

Confirmed.....

The Mayor 23 September 2013