



City of
KINGSTON

Ordinary Meeting of Council Minutes

Monday, 28th October 2013

**City of Kingston
Ordinary Meeting of Council**

Minutes

28 October 2013

Table of Contents

1.	Apologies.....	3
2.	Confirmation of Minutes of Previous Meetings	3
3.	Foreshadowed Declaration by Councillors, Officers or Contractors of any Conflict of Interest	3
	<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.....	4
5.	Presentation of Awards.....	4
6.	Reports from Village Committees.....	4
7.	Reports from Delegates Appointed by Council to Various Organisations.....	6
8.	Question Time	6
9.	Environmental Sustainability Reports.....	6
10.	Community Sustainability Reports	16
11.	Organisational Development & Governance Reports	17
12.	Corporate Services Reports.....	18
13.	Notices of Motion	20
14.	Urgent Business	24
15.	Confidential Items	24

**City of Kingston
Ordinary Meeting of Council**

Minutes

28 October 2013

The meeting commenced at 7.08pm 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: Mauro Bolin – Acting Chief Executive Officer
Rachel Hornsby – General Manager Environmental Sustainability
Anthony Basford – Acting General Manager Organisational
Development and Governance
Julian Harvey – Acting General Manager Corporate Services
Steve Lewis – Acting General Manager Community Sustainability
Sandra Bull – Media Officer Communications & Public Affairs
Phil De Losa – Program Leader Governance
Stephanie O’Gorman – Governance Officer

1. Apologies

There were no apologies submitted to the meeting.

2. Confirmation of Minutes of Previous Meetings

Moved: Cr Staikos

Seconded: Cr Bearsley

That the Minutes of the Ordinary Meeting of Council held on 23 September 2013 be confirmed.

CARRIED

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

Cr Bearsley declared a conflict of interest in Item 4 Petition KP435/2013 Removal of Covenant.

Cr Eden declared a conflict of interest in Items 9.2 KP13/83 - 354 - 358 Nepean Highway Chelsea and 13.7 Notice of Motion (Rescission) No. 37/2013 - Crs Ronke & Brownlees.

Cr Staikos declared a conflict of interest in Items 10.1 Edithvale-Chelsea RSL Application for an Additional 15 Electronic Gaming Machines (EGMs) and 13.1 Notice of Motion No. 29/2013 - Crs West & Eden - Differential Rates and Gaming Venues.

**City of Kingston
Ordinary Meeting of Council**

Minutes

28 October 2013

4. Petitions

KP435/2013 Removal of a Covenant

Cr Bearsley declared an indirect interest by close association in Item 4 Petition KP435/2013 Removal of Covenant due to her parents residing in a street being the subject of the petition and left the meeting at 7:11pm prior to any discussion and voting on the matter.

Moved: Cr West

Seconded: Cr Gledhill

That the petition be referred to the Chief Executive Officer for response.

CARRIED

5. Presentation of Awards

There were no awards presented.

Cr Bearsley returned to the meeting, the time being 7:14pm.

6. Reports from Village Committees

6.1 Recommendations and Highlights from Village Committees

Cheltenham Village Committee

Report of Meeting held 1 October 2013

Village Committee Motion

That officers work with the members of the Cheltenham Village Committee and Chamber of Commerce when formed, to review the traders parking scheme.

Moved: Cr West

Seconded: Cr Gledhill

That the Village Committee be advised that Council Officers will work with the Village Committee and any future Chamber of Commerce to review the parking scheme to ensure that it is still meeting the needs of the Cheltenham Shopping Centre as a whole.

CARRIED

Mentone/Parkdale Village Committee

Report of Meeting held 1 October 2013

Village Committee Motion

The Village Committee urges the Council to commence the consultation process regarding planned residential zones immediately, to allow sufficient time for community input and amendments before the June deadline.

**City of Kingston
Ordinary Meeting of Council**

Minutes

28 October 2013

Moved: Cr West

Seconded: Cr Gledhill

That officers continue to progress this matter as quickly as possible with a view towards exhibiting the amendment later this year to allow sufficient time for community input and amendments before the June deadline.

CARRIED

Mordialloc Village Committee

Report of Meeting held 2 October 2013

Village Committee Motion

The Village Committee recommends that Council consider zoning the area outside the Mordialloc Activity Centre bounded by Barkly, Chute, Collocott and David Streets Mordialloc to Neighbourhood Residential Zone because of the general character of the area.

Moved: Cr West

Seconded: Cr Gledhill

That officers present on this matter to the Mordialloc Village Committee at a meeting later this year and that the Village Committee motion be accepted as a statement of concern to be given due consideration by officers in formulating plans for the location of the new residential zones.

CARRIED

Patterson Lakes/Carrum Village Committee

Report of Meeting held 2 October 2013

Village Committee Motion

That Council nominate Carrum Primary School to be considered for the Holistic Approach (School Safety Audit) in 2014/15

Moved: Cr Bearsley

Seconded: Cr Eden

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

CARRIED

Village Committee Motion

To introduce lighting and traffic calming within Old Wells Road Crossing in Patterson Lakes similar to that already in place at the Frankston end of Old Wells Road for Pedestrian Safety.

Moved: Cr Ronke

Seconded: Cr Bearsley

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

CARRIED

**City of Kingston
Ordinary Meeting of Council**

Minutes

28 October 2013

Village Committee Motion

That Council reconsider dispensers with animal waste disposable bags in key locations in parks and the foreshore as a pilot for Carrum/Patterson Lakes. The Committee feels the location of sample bags at locations such as the libraries is ineffective and in the wrong place.

Moved: Cr Ronke

Seconded: Cr Bearsley

That the Village Committee be thanked for their request and be provided with the officer comments.

CARRIED

Village Committee Motion

That Council explore the introduction of night lighting at Manhattan Court Reserve parkway. The pathway from Manhattan Court Reserve to Acacia Crescent is not very well lit and the Committee would like Council to explore more lighting in that area for safety reasons.

Moved: Cr Bearsley

Seconded: Cr Ronke

That the Village Committee be thanked for its request and be advised that officers will investigate lighting options for the Manhattan Court Reserve Shared User Path.

CARRIED

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 13 of the Minutes).

9. Environmental Sustainability Reports

Note: Items 9.1, 9.5, 11.1, 11.3, 11.4, 11.5, 11.6, 11.7 and 12.1 were block resolved.

9.1 Town Planning Application Decision - September 2013

Moved: Cr Peulich

Seconded: Cr Staikos

That the report be noted.

CARRIED

**City of Kingston
Ordinary Meeting of Council**

Minutes

28 October 2013

9.2 KP13/83 - 354 - 358 Nepean Highway Chelsea

Cr Eden declared an indirect interest by close association in Item 9.2 KP13/83 - 354 - 358 Nepean Highway Chelsea and left the meeting at 7.31pm prior to any discussion and voting on the matter.

Note: Written disclosure was provided to the Acting Chief Executive Officer in accordance with section 79 of the Local Government Act.

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

It is recorded that Alice Maloney of Ratio Consultants spoke on behalf of the applicant in relation to this item.

Moved: Cr Bearsley

Seconded: Cr Ronke

That Council advise the Victorian Civil and Administrative Tribunal (VCAT) that had the Responsible Authority been given the opportunity to make a decision on the planning permit application that it would have determined to refuse the application on the following grounds:

1. The proposal would detrimentally affect the amenity of the Neighbourhood.
2. The proposal would detract from the visual amenity of the locality and the streetscape.
3. The proposal constitutes an over-development of the site.
4. The proposal would cause traffic congestion in a residential street.

Further that if VCAT choose to approve the application, that Council's position be that entry and exit should be off Barnes Avenue on the grounds that there will be future increased traffic on Kelvin Grove as a result of recent planning approval for 12 units on the opposite corner which will distribute the traffic more evenly away from the rail crossing and yacht club and that residents of Barnes Avenue be advised in writing of Council's position.

CARRIED

A Division was Called:

DIVISION:

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

AGAINST: Nil (0)

CARRIED

Cr Eden returned to the meeting at 7:45pm.

9.3 KP13/599 - 906-916 Springvale Road Braeside

It is recorded that Marlene Varvaros spoke on behalf of the applicant in relation to this item.

Moved: Cr West

Seconded: Cr Eden

That Council determine to support the proposal and issue a Planning Permit to develop the land for the construction of an extension to the existing Sporting/Social Club at No. 906-916 Springvale Road, Braeside, 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 25th July 2013, but modified to show:

a) the provision of an amended 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 be planted on the site, with such plans to be prepared by a suitably qualified landscape professional and incorporating:

- i. the entire site, including all existing planting (accurately illustrated to represent actual canopy width and labelled with botanical name, height);
- ii. a notation stating the existing tree's on the sites western property boundary (adjacent to the soccer field) nominated as being retained;
- iii. a notation stating the existing tree's on the sites Governor Road and Springvale Road frontages nominated as being retained; and
- iv. planting of Callistemon 'King Park Special' (Hybrid Bottlebrush), or a suitable native screening alternative, along the sites western property boundary (adjacent to the proposed extension) extended by an additional 45 metres further south, at an appropriate density to screen the existing and proposed built form.

b) the provision of minimum 30,000 litre rainwater tank nominated for water reuse for toilet flushing and irrigation;

c) a comprehensive stormwater management strategy for the site comprising a brief drainage report with drainage concept plan showing the stormwater works to the nominated point of discharge addressing the minor and major storm events and incorporating Rainwater Tank/s and Water Sensitive Urban Design Treatments to the satisfaction of the Responsible Authority;

d) all requirements of VicRoads in accordance with Conditions 3 and 4 of this

**City of Kingston
Ordinary Meeting of Council**

Minutes

28 October 2013

permit;

e) the provision of a full colour palette, finishes and building materials schedule for all external elevations of the development, including the water tank required by this permit, that is in keeping with semi-rural character of area and non-reflective in nature. Bold and Bright colour schemes are to be avoided;

f) The design and location of disabled car parking spaces nominated to comply with Australian Standards and to the satisfaction of the Responsible Authority;

g) A comprehensive Waste Management Plan as required by Condition 5 of this permit;

h) the following environmentally sustainable design commitments made within Sustainable Design Scorecard (SDS) (prepared by SJB Planning 2nd July 2012) nominated on the plans;

- i. all appropriate windows nominated as operable to support the proposed ventilation strategy;
- ii. the provision of a gas boosted solar hot water system nominated;
- iii. windows and frames nominated as improved aluminium window frames and double glazing;
- iv. The nature of energy efficient lighting systems provided including the type of fixtures and controls;
- v. The type and nature of sustainable timber utilised specified on the plans; and
- vi. The type and nature of low Volatile Organic Compounds (VOC) materials utilised specified on the plans.

i) The setback of the western wall of the building extension increased from 3.55 metres to 7.7 metres to align with the existing building.

j) The height of the building reduced to a maximum of 8m from Natural Ground Level.

k) The planting of suitable native screening along the Springvale Road frontage.

Endorsed Plans

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

VicRoads Conditions

2. A two-way sealed vehicular crossover must be constructed at least 6.0 metres wide, as measured at the property boundary, to the satisfaction of the Responsible Authority. The edges of the vehicular crossover must be angled at 60 degrees to the road reserve boundary, to improve entry and exit conditions to the satisfaction of the Responsible Authority.
3. A sealed driveway must be constructed within the site, and be at least 6.0 metres wide for at least the first 12 metres to allow two-way traffic flow, to the

satisfaction of the Responsible Authority.

Waste Management Conditions

4. Before the commencement of any buildings and works on the Land, a Waste Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. Three copies of the plan must be submitted. The plan must include but is not limited to:
 - a) The manner in which waste will be stored and collected including: type, size and number of containers.
 - b) Spatial provision for on-site storage.
 - c) Details whether waste collection is to be performed by Council's services or privately contracted.
 - d) The size of the collection vehicle and the frequency, time and point of collection.

The waste management plan must be implemented to the satisfaction of the Responsible Authority. The waste management plan must not be modified unless without the written consent of the Responsible Authority.

Drainage and Water Sensitive Urban Design

5. 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.
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 must be limited to the predevelopment level of outflow of the site.
9. The invert level and capacity of the existing easement open drain along the western boundary must not be compromised.

General amenity conditions

10. 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

**City of Kingston
Ordinary Meeting of Council**

Minutes

28 October 2013

properties in a manner to the satisfaction of the Responsible Authority.

11. All reinstatements and vehicle crossings must be constructed to the satisfaction of the relevant authority
12. Before occupation of the building hereby permitted, areas set aside for parking vehicles, access lanes and paths as shown on the endorsed plans must be:
 - ii) Constructed to the satisfaction of the Responsible Authority.
 - iii) Properly formed to such levels that they can be used in accordance with the plans.
 - iv) Drained to the satisfaction of the Responsible Authority.
 - v) Line-marked to indicate each car space, all access lanes and, if necessary, the direction in which vehicles are to travel to the satisfaction of the Responsible Authority.
 - vi) In accordance with any Council adopted guidelines for the construction of car parks.

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

Completion of Works

13. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.
14. In accordance with Section 68 of the *Planning and Environment Act 1987* (**The Act**), 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

**City of Kingston
Ordinary Meeting of Council**

Minutes

28 October 2013

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.

Note: Before removing / pruning any vegetation from the site, the applicant or any contractor engaged to remove any vegetation, should consult Council's Vegetation Management Officer to verify if a Local Laws Permits is required for the removal of such vegetation.

Amendment

Moved: Cr Peulich

Seconded: Cr Gledhill

That the Motion be adopted subject to the deletion of condition 1i).

The Amendment was put and **CARRIED**

The Amendment became the Motion

The Motion was put and **CARRIED**

9.4 Amendment C124 Adoption of Mentone Activity Centre ACZ

Moved: Cr Gledhill

Seconded: Cr West

That Council resolves:

1. To adopt Amendment C124 with the following Panel recommended changes:
 - a. amend Schedule 2 to the Activity Centre Zone to delete the sentence on page 7 of 28 that reads 'This does not apply to a development of four or more storeys, excluding a basement.'
 - b. add a new dot point to Further Strategic work in Clause 21.06-3 to read as follows 'Work in partnership with VicRoads to prepare a strategy plan to implement the actions of the reference document, Mentone Structure Plan, and obtain the approval for proposals within the reference document where these proposals directly affect the declared arterial main road system.'
2. To submit the Amendment (with changes) to the Minister for Planning for approval
3. To notify submitters to the Amendment of resolutions 1 and 2 above.

CARRIED

Procedural Motion

Moved: Cr Staikos

Seconded: Cr West

That Standing Orders be suspended.

CARRIED

At this point Cr Staikos took the opportunity to congratulate the Mayor on his Mayoral term. The Mayor thanked Cr Staikos for his comments and reflected on the achievements of the Council during the 2012/13 Mayoral term.

**City of Kingston
Ordinary Meeting of Council**

Minutes

28 October 2013

Procedural Motion

Moved: Cr Gledhill

Seconded: Cr Staikos

That Standing Orders be resumed.

CARRIED

8. Question Time

Cr Bearsley left the meeting at 8:11pm.

Cr Ronke left the meeting at 8:12pm.

Cr Ronke returned to the meeting at 8:15pm.

Cr Tamsin Bearsley returned to the meeting, the time being 8:15pm.

Question 1.

Joyce and Michael Oldfield of Clayton South asked,

- “ 1. Why has the rate gone up so much?*
- 2. What can I do about it?*
- 3. How do you explain the increase of \$443.00 from 2010 to 2011?”*

The Acting CEO provided the following response,

- “ 1. Rates are determined annually as part of the budget process and are based on the value of your property. Council is committed to minimising increasing rates in the face of increasing costs for providing services to the community.*
- 2. Officers will undertake a review to ensure your property is correctly valued.*
- 3. 2009-2010 represented a revaluation year, however this will be further explained by officers once your question has been investigated.”*

Question 2.

Maureen Lim of Bonbeach asked,

“In the Minutes of the Ordinary Meeting 23rd September 2013, Cr Gledhill moved as an amendment to the Motion from Cr Staikos for land in the Green Wedge A Zone south of Heatherton Road to be reduced to a minimum lot size of 2000 square metres. In this month’s agenda there is a confidential item namely: 15.2 Notice of Motion No.32/2013 – Crs Gledhill & Bearsley – Minimum Lot Sizes in Green Wedge. I believe this to be the same issue and therefore why is the debate confidential this month and yet was open to the public last month?”

The Acting CEO provided the following response,

“This matter will be dealt with later in the Agenda.”

Question 3.

Trevor Shewan of Bonbeach asked,

“In August 2012, Council resolved (Motion 3) to ‘commence the preparation of the documentation to amend the Kingston Planning Scheme to give effect to the adopted GWP including: (3.1) The rezoning of land from Green Wedge Zone and Special Use 2 Zone to Green Wedge A....”

*Council also resolved in Motion No. 4 to ‘request the Minister for Planning to authorise an amendment to be prepared to give effect to recommendation 3 above.’
Council was asked in August 2013:*

**City of Kingston
Ordinary Meeting of Council**

Minutes

28 October 2013

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

To the CEO or the Council Officer present tonight, my questions are:

1. *Has there been any progress in the past two months towards implementing these motions?*
2. *If not, how long will it take for Council to act?*
3. *Are you aware if these motions had been implemented both the Vehicle Store and the Concrete Crusher would have been prohibited?"*

Note: The questioner was not present during Question Time and so the question was not responded to in the Chamber.

Question 4.

Heather Larman of Heatherton asked,

"Why have four healthy gum trees on Friday 18th October 2013 been cut down?"

The Acting CEO provided the following response,

" This question will be taken on notice and officers will respond directly in writing."

Question 5.

Tasos Dimitriu of Clayton South asked,

"Is it possible that the Council informs Village Committees of any applications for tips or concrete crushing plants or other sensitive applications to residents?"

The Acting CEO provided the following response,

"All Village Committees have been provided with access to and training for searching the Planning Register online so they can keep a 'real time' watch on applications as they are received."

Question 6.

Tasos Dimitriu of Clayton South asked,

1. *Is the Council considering a refusal for the extension of time at the Clayton Regional Landfill? Reasons why?*
2. *Is the Council considering re-employing traffic officers rather than using contractors? Contractor system appears not to work satisfactorily.*
3. *Can the Council impose stringent measures of monitoring of dust particles in the air from concrete crushing plants and concrete mixing facilities?"*

The Acting CEO provided the following response,

1. *Council has received an application from Clayton Regional Landfill for an extension of time for an additional 5 years (to 2019). It has yet to be considered/decided by Council.*
2. *Thank you for your feedback. Council has traffic employees and uses some contractors for survey work, traffic counts and assessment. The relevant General Manager is interested in understanding your feedback and will contact you directly.*
3. *Council can include conditions on a planning permit (if one was issued). The Environment Protection Authority is responsible for air quality and is also likely to have monitoring requirements."*

**City of Kingston
Ordinary Meeting of Council**

Minutes

28 October 2013

Question 7.

Fana Rolli of Heatherton asked,

"Why has the issue of concrete crushers not been resolved as it began 10 years ago?"

The Acting CEO provided the following response,

"Council has been considering and working through the approach to Planning Scheme Policy and Zones to address these sorts of issues."

Question 8.

Charlie Mizzi of Clarinda asked,

"Is it possible for another barbecue area to be installed at Namatjira Park, Clayton South? This park is very large but has only one barbecue area. Also more lighting is needed."

The Acting CEO provided the following response,

"Thank you for the request. There has been significant investment in Namatjira Park, with \$400,000 from Council plus \$5.3 million from other sources (State and Federal). We need to balance investment across the municipality but we can look in to the suggestions."

Question 9.

Gael Mizzi of Clarinda asked,

"Do we need another concrete crushing plant within the Clayton South and Clarinda area? The answer should be NO!"

Question 10.

Trevor Shewan of Bonbeach asked,

"Does the Mayor consider concrete crushers and truck parking facilities to be acceptable uses in the Kingston Green Wedge?"

Question 11.

Anne Molinaro of Heatherton asked,

"Given silica, a product of the concrete crushing process is known to be the cause of chronic obstructive pulmonary disease, silicosis, lung cancer and renal disease, is the Council seriously contemplating allowing the application by Delta Group to pass? Reference: Workplace Health and Safety, Department of Justice and Attorney General January 2013."

Question 12.

Steve Hurford of Heatherton asked,

"How is the concrete dust contained, what are the health risks to your lungs, eyes, throat etc?"

The Acting CEO provided the following response to Questions 9-12,

"The questions have been noted. This is a matter that is yet to be considered/decided by Council. This is to be considered by Council as part of an upcoming planning permit process."

9.5 Tenders for Contract 13/62 Road Resurfacing Works in Various Local Roads Throughout the City of Kingston

Moved: Cr Peulich

Seconded: Cr Staikos

That Council:

1. Award Contract 13/62 for Road Resurfacing Works to Downer EDI Works Pty Ltd; at the tendered rates (subject to rise and fall in Years 2, 3 & 4), for an estimated value of \$948,582.00 per annum, with a total estimated commitment of \$3,794,328 for a contract term between 4 November 2013 and 30 September 2017.

CARRIED

10. Community Sustainability Reports

10.1 Edithvale-Chelsea RSL Application for an Additional 15 Electronic Gaming Machines (EGMs)

Cr Staikos declared an indirect financial interest in Item 10.1 Edithvale-Chelsea RSL Application for an Additional 15 Electronic Gaming Machines (EGMs) due to owning shares in Woolworths and left the meeting at 8:19pm prior to any discussion and voting on the matter.

Moved: Cr Bearsley

Seconded: Cr Ronke

That Council:

Approve the assessment to be completed using existing Council resources and employ solicitors (estimated \$20K) to provide advice and represent Council at the hearing (if Council chooses to submit the assessment to the VCGLR for its consideration)

Further that Council receive a report of the outcomes of the assessment and advise Officers at that time if Council wishes to make a submission to the VCGLR for their consideration.

Cr Gledhill left the meeting at 8:22pm.

Cr Gledhill returned to the meeting at 8:23pm.

CARRIED

A Division was Called:

DIVISION:

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

AGAINST: Crs West, Eden and Barth (3)

CARRIED

**City of Kingston
Ordinary Meeting of Council**

Minutes

28 October 2013

11. Organisational Development & Governance Reports

11.1 Annual Report 2012/13

Moved: Cr Peulich

Seconded: Cr Staikos

That Council:

1. Receive the 2012/13 Annual Report.

CARRIED

11.2 Media and External Communications Policy

Cr Peulich left the meeting at 8:33 PM

Cr Staikos returned to the meeting at 8:33 PM

Moved: Cr West

Seconded: Cr Gledhill

That Council:

1. Receive the information; and
2. Adopt the revised Media and External Communications Policy.

CARRIED

11.3 Kingston Your City Review

Moved: Cr Peulich

Seconded: Cr Staikos

That Council:

1. Maintain the current A3 format of *Kingston Your City* and change the frequency to six editions per year, commencing in February 2014;
2. Continue with the current PDF version of KYC available on Council's website with some functionality enhancements; and
3. Subject to the existing delegations and the satisfactory outcome of the required procurement processes, commence a local newspaper feature in between KYC editions to promote latest news, events and consultations, commencing in January 2014.

CARRIED

11.4 Arts and Cultural Advisory Committee - Appointment of Youth Representative

Moved: Cr Peulich

Seconded: Cr Staikos

That Council:

1. Receive the information; and
2. Appoint Melinda Ballard to the position of youth representative on the Arts and Cultural Advisory Committee.

CARRIED

11.5 Sub-Urban Art Program - Appointment of Artist

Moved: Cr Peulich

Seconded: Cr Staikos

That Council:

1. Receive the information; and
2. Endorses James Beattie (GraffixCreative) as the preferred artist for the Sub-Urban Art Program at Kingston City Hall car park.

CARRIED

11.6 Council Ward Grants

Moved: Cr Peulich

Seconded: Cr Staikos

That Council:

1. Approve the recommended ward grants in accordance with the table of Councillor recommendations in Appendix 1.

CARRIED

11.7 Assembly of Councillors Record Report

Moved: Cr Peulich

Seconded: Cr Staikos

That Council:

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

CARRIED

**City of Kingston
Ordinary Meeting of Council**

Minutes

28 October 2013

12. Corporate Services Reports

12.1 Investment Policy Report - September 2013 Quarter

Moved: Cr Peulich

Seconded: Cr Staikos

That Council:

1. Note that funds at 30 September 2013 are being invested in line with the risk management profile prescribed in Council's Investment policy.

CARRIED

12.2 EOI Carrum Life Saving Club Cafe and Kiosk

Moved: Cr Ronke

Seconded: Cr West

That Council:

1. Terminate the EOI process for the Design, Construction and Operation of a Café adjacent to the Carrum Life Saving Club.
2. Direct officers to contact the Carrum Life Saving Club to enquire whether or not they wish to lease and operate the kiosk adjoining the Life Saving Club on an annual basis and that appropriate terms should be negotiated to the satisfaction of the General Manager Corporate Services.
3. Following the summer period, undertake a public tender process for the Design, Construction and Operation of a Café adjacent to the Carrum Life Saving Club.

Moved: Cr Bearsley

Seconded: Cr Ronke

Amendment

That Council:

1. Terminate the EOI process for the Design, Construction and Operation of a Café adjacent to the Carrum Life Saving Club.
2. Direct officers to contact the Carrum Life Saving Club to enquire whether or not they wish to lease and operate the kiosk adjoining the Life Saving Club on an annual basis and that appropriate terms should be negotiated to the satisfaction of the General Manager Corporate Services.
3. Defer consideration of undertaking a public tender process for the Design, Construction and Operation of a Café adjacent to the Carrum Life Saving Club until the end of February 2014 due to the pending funding announcement at Carrum Sailing Club.

The Amendment was put and **CARRIED**

The Amendment became the Motion

The Motion was Put and **CARRIED**

**City of Kingston
Ordinary Meeting of Council**

Minutes

28 October 2013

Cr Peulich returned to the meeting at 8:39pm.

Cr West left the meeting at 8:39pm.

13. Notices of Motion

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

Cr Staikos declared an indirect financial interest in Item 13.1 Notice of Motion No. 29/2013 - Crs West & Eden - Differential Rates and Gaming Venues due to owning shares in Woolworths and left the meeting at 8:39pm prior to any discussion and voting on the matter.

Moved: Cr Eden

Seconded: Cr Peulich

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

CARRIED

Cr West returned to the meeting at 8:41pm.

Cr Staikos returned to the meeting at 8:41pm.

13.2 Notice of Motion No. 31/2013 - Crs Barth & Staikos - 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.
2. That Council informs the Minister for Planning that Council wishes to exhibit Amendment C138 for public comment as soon as possible.

LOST

A Division was Called:

DIVISION:

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

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

LOST

Moved: Cr Peulich

Seconded: Cr Bearsley

That :

- a) An officer report be provided for the December 2013 Ordinary Meeting of Council which considers the pros and cons of rezoning to Green Wedge A and in light of Council's adopted policies on the Kingston Green Wedge;

**City of Kingston
Ordinary Meeting of Council**

Minutes

28 October 2013

Further that this report must consider the current rights of landowners to subdivide their land under current zonings and the economic impact such changes would have on those parties.

b) Council officers seek advice from DPCD on the request to reintroduce interim controls against concrete crushers (materials recycle) and work with the DPCD to implement the appropriate measures to deal with materials recycling in the Kingston Green Wedge noting that the adopted Council position under the Kingston Green Wedge Plan is to phase out tips and landfill operations and associated activities which may have negative amenity impacts such as materials recycling (concrete crushers).

CARRIED

**Procedural Motion
Moved: Cr Gledhill**

Seconded: Cr Bearsley

That Item 15.2 Notice of Motion No. 32/2013 (except for the attachment) be considered now in the open part of the meeting.

CARRIED

15.2 Notice of Motion 32/2013 – Crs Gledhill & Bearsley – Minimum Lot Sizes in the Green Wedge

Moved: Cr Gledhill

Seconded: Cr Bearsley

That Council, without prejudice, write to the Victorian Minister for Planning to seek his advice on the possibility of Kingston Council establishing a planning scheme amendment to provide for a minimum lot size of 2000m² relating to land on the attached map.

Further that in seeking this information Council is aware that such an amendment may not be appropriate for land within a public acquisition overlay.

Cr Eden left the meeting at 9:35pm.

Cr Eden returned to the meeting at 9:36pm.

CARRIED

A Division was Called:

DIVISION:

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

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

CARRIED

Procedural Motion

Moved: Cr Peulich

Seconded: Cr Gledhill

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

CARRIED

13.3 Notice of Motion No. 33/2013 - Crs Gledhill & Bearsley - Planning for Business

Moved: Cr Gledhill

Seconded: Cr Bearsley

That officers provide Council with a report on the feasibility of establishing a planning role within the department exclusively dedicated to processing applications and other matters relating to commercial/business.

Further, it is envisaged this report would consider matters such as current workloads, average turnaround times and of course budgetary constraints.

Further the report should be returned to Council within 60 days.

CARRIED

13.4 Notice of Motion No. 34/2013 - Crs Gledhill & Bearsley - Media and Communication (KYC)

Moved: Cr Gledhill

Seconded: Cr Bearsley

That the Notice of Motion be withdrawn.

CARRIED

13.5 Notice of Motion No. 35/2013 - Crs West & Eden - Request for Investigation

Moved: Cr West

Seconded: Cr Eden

That in light of concerns about the probity of the way in which green wedge issues are being handled and the recent allegations of corruption made in the flyer 'Green Wedge Land owners for a fair go', and the subsequent email(s) from owners of property in the green wedge challenging the veracity of such claims, and making allegations that are of concern ("I am 99% sure that there is dirty business going on" *Received on the 22/9/2013 from an individual with interests in the green wedge*), Council:

1. Refer the matter, and other relevant matters for investigation to:
 - The Victorian Police
 - Independent Broad-based Anti-Corruption Commission
 - The Minister and Shadow Minister for Local Government
 - The Minister and Shadow Minister for Planning
 - Local Government Investigations & Compliance Inspectorate
 - Ombudsman
 - Office of Public Prosecutions
 - A suitably qualified private investigations and legal firm to be appointed by the CEO to investigate allegations of corruption concerning Kingston City Council
2. That the CEO advise Council on what can be done in response to these allegations, and what actions the CEO proposes to take.
3. That the Green Wedge landowners for a fair go letter be included in the minutes.

**City of Kingston
Ordinary Meeting of Council**

Minutes

28 October 2013

Cr Barth left the meeting at 10:08pm.

Cr Barth returned to the meeting at 10:10pm.

LOST

A Division was Called:

DIVISION:

FOR: Crs West, Eden and Barth (3)

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

ABSTAINED: Cr Staikos (1)

LOST

Procedural Motion

Moved: Cr Staikos

Seconded: Cr Gledhill

That the meeting be extended for 15 minutes to 10.45pm.

CARRIED

13.6 Notice of Motion No. 36/2013 - Crs Eden & Peulich - Change to Local Law

Moved: Cr Eden

Seconded: Cr Peulich

1. That Council immediately commence the appropriate procedures to remove the Local Law provision requiring that two councillors are required to sign a notice of motion, so that any one Councillor can move a Notice of Motion.
2. That any processes/procedures that need to be followed are commenced immediately, and any actions requiring a further Council vote occur at the soonest possible opportunity.

CARRIED

A Division was Called:

DIVISION:

FOR: Crs Ronke, Peulich, West, Gledhill, Eden and Barth (6)

AGAINST: Crs Staikos, Bearsley and Brownlees (3)

CARRIED

**City of Kingston
Ordinary Meeting of Council**

Minutes

28 October 2013

13.7 Notice of Motion (Rescission) No. 37/2013 - Crs Ronke & Brownlees

Cr Eden declared an indirect interest by close association in Item 13.7 Notice of Motion (Rescission) No. 37/2013 - Crs Ronke & Brownlees and left the meeting at 10:30pm prior to any discussion and voting on the matter.

Note: Written disclosure was provided to the Acting Chief Executive Officer in accordance with section 79 of the Local Government Act.

Moved: Cr Ronke

Seconded: Cr Bearsley

That the applicant of planning application KP480/10-36 Ivan Avenue be invited to re-submit the application that accords with the previous submission dealt with on September 18th 2013 to enable a review of the application so that it may then be placed before Council for determination. The previous officer report should be included in the agenda item.

Cr Staikos left the meeting at 10:31pm.

Cr Staikos returned to the meeting at 10:33pm.

CARRIED

14. Urgent Business

There were no items of urgent business.

15. Confidential Items

Cr Barth left the meeting at 10:39pm.

Cr Eden returned to the meeting at 10:40pm.

Moved: Cr Ronke

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 the following confidential items:

15.1 Metropolitan Waste Management Group Organics Waste Processing Tender Recommendations

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

Confidential Appendices

**9.5 Tenders for Contract 13/62 Road Resurfacing Works in Various Local Roads Throughout the City of Kingston
Appendix 1, CON-13 62 Road Resurfacing Works**

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

**City of Kingston
Ordinary Meeting of Council**

Minutes

28 October 2013

- 11.3 Kingston Your City Review
Appendix 1, KYC Format and Pricing Options**
This appendix is confidential in accordance with the Local Government Act s89(2) as it relates to (s89 2d)
- 11.4 Arts and Cultural Advisory Committee - Appointment of Youth Representative
Appendix 2, Detailed Assessments - Arts and Cultural Advisory Committee Youth Applications**
This appendix is confidential in accordance with the Local Government Act s89(2) as it relates to (s89 2h)
- 11.5 Sub-Urban Art Program - Appointment of Artist
Appendix 2, Sub-Urban Art Program Evaluation Matrix**
This appendix is confidential in accordance with the Local Government Act s89(2) as it relates to (s89 2d)
- 11.5 Sub-Urban Art Program - Appointment of Artist
Appendix 3, Preferred Artist's Proposal**
This appendix is confidential in accordance with the Local Government Act s89(2) as it relates to (s89 2h)
- 15.2 Notice of Motion No. 32/2013 - Crs Gledhill & Bearsley - Minimum Lot Sizes in Green Wedge**
This Appendix 1 - Map 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)

CARRIED

The meeting was closed to members of the public at 10.40pm.

Procedural Motion

Moved: Cr Ronke

Seconded: Cr Staikos

That the meeting be adjourned for 5 minutes.

That the meeting be extended for 15 minutes to 11.00pm.

CARRIED

Procedural Motion

Moved: Cr Staikos

Seconded: Cr Gledhill

That the meeting be opened to the public.

CARRIED

**City of Kingston
Ordinary Meeting of Council**

Minutes

28 October 2013

The meeting was opened to members of the public at 10.53pm.

The meeting closed at 10.53pm.

Confirmed.....

The Mayor 25 November 2013