



Ordinary Meeting of Council

Minutes

Monday 25 March 2013

The meeting commenced at 7.05pm

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: John Nevins - Chief Executive Officer
Mauro Bolin –General Manager Community Sustainability
Paul Franklin – General Manager Corporate Services
Rachel Hornsby - General Manager Environmental Sustainability
Anthony Basford – Acting General Manager Organisational Development & Governance
Ian Nice – Manager City Development
Kirsten Leiminger – Media Officer Communications and Public Affairs
Phil DeLosa – Program Leader Governance
Stephanie O’Gorman – Governance Officer

1. Apologies:

There were no apologies submitted to the meeting.

2. Confirmation of the Minutes of Previous Meetings

Moved: Cr Staikos Seconded: Cr Eden

1. That the Minutes of the Ordinary Meeting of Council of 25 February 2013 be confirmed subject to rectification of an inaccuracy in the response to a question during Question Time recorded as follows (in italics):

David Nunns of Carlton South asked,

“Why did management at Kingston City Council lodge in Fair Work Australia on the 20th December 2012, an Enterprise Agreement (EA) document that is significantly different to the Enterprise Agreement (EA) that was subject to a vote of employees in November 2012?”

The CEO provided the following response,

“It is my understanding that the document put out for staff to vote on that 70% of staff voted in favour of was the same as that submitted to Fair Work Australia.”

Since the Ordinary Meeting it has come to the attention of the Chief Executive Officer that the document submitted to Fair Work Australia (now the Fair Work Commission) was not the same as the document that was subject to a vote by staff. The Chief Executive Officer has directed officers to rectify this issue as a matter of urgency.

2. That the Minutes of the Special Meeting of Council 12 March 2013 and Special Meeting of Council 18 March 2013 be confirmed.

CARRIED

3. Foreshadowed Disclosure/s by Councillors, Officers or Contractors of any Conflict of Interest:

Cr West foreshadowed the disclosure of a conflicting personal interest in Item P50 - Proposed Land Acquisition

4. Petitions

There were no petitions submitted to the meeting.

5. Presentation of Awards

Presentation to Chelsea State Emergency Service (SES)

The Mayor presented a Certificate of Recognition to representatives of the Chelsea SES acknowledging 60 years of service to the community.

6. Reports from Village Committees

Aspendale/Edithvale/Aspendale Gardens/Waterways Village Committee

Chairperson – James Middleton

Report of Meeting held on 7 March 2013

Village Committee Motion

That Council consider delaying preliminary planning conferences if deemed necessary to enable increased attendance by interested community members, and that future meetings be scheduled to commence after business hours for consideration of those who work.

Moved: Cr Eden

Seconded: Cr Ronke

That the Village Committee be thanked for their motion and that Officers provide advice to the Village Committee on the competing needs the existing policy tries to address.

CARRIED

Village Committee Motion

That the section of walking trail between Nurten Parade and the Longbeach Trail be considered for an upgrade, and included in Council's budget.

Moved: Cr Bearsley

Seconded: Cr Ronke

That the Village Committee be provided with a map of the trail area and be asked to identify the requested alignment and provide comment on the reasons/ objectives for the requested upgrade. Officers will then discuss with the Committee.

CARRIED

Village Committee Motion

That Council include Aspendale Gardens residents in their project to bring NBN to the industrial areas adjacent.

Moved: Cr Bearsley

Seconded: Cr Eden

That the Village Committee be thanked for its motion and be advised of the status of the NBN advocacy undertaken by Council and that the Village Committee be kept informed.

CARRIED

Chelsea/Chelsea Heights/Bonbeach Village Committee

Chairperson – John Bainbridge

Report of meeting held on 6 March 2013

Village Committee Motion

The Village Committee recommends to Council that it maintains plantings that protect the foreshore and avoid erosion.

Moved: Cr Ronke

Seconded: Cr Bearsley

That the Village Committee be thanked for its comment and be advised of the process that Council follows in regards to foreshore plantings.

CARRIED

Village Committee Motion

That the banksia area of the Bonbeach beach is protected.

Moved: Cr Ronke

Seconded: Cr Bearsley

That the Village Committee be thanked for its comment and be advised of the process that Council follows in regards to protecting foreshore vegetation and trees.

CARRIED

Cheltenham Village Committee

Chairperson – Simon Libbis

Report of meeting held on 6 March 2013

Village Committee Motion

That speed humps be installed in Wilson Street.

Moved: Cr Gledhill

Seconded: Cr West

That the Village Committee be thanked for its motion and be advised that Council has a process underway to consider speed control measures in Wilson Street.

CARRIED

Village Committee Motion

Open Space Strategy - Implement action to get access to Old Council Depot (Collins Street) and Latrobe Street (land as open space).

Moved: Cr West

Seconded: Cr Gledhill

That the Village Committee be thanked for its suggestion and that Council will do everything it can to facilitate at least the LaTrobe Street land as open space.

CARRIED

Mentone/Parkdale Village Committee

Chairperson – Barbara Taylor

Report of meeting held on 5 March 2013

Village Committee Motion

The village committee supports Council's initiative for a volunteer resource service and looks forward to its establishment.

Moved: Cr Gledhill

Seconded: Cr West

That the motion be noted and the Village Committee be advised that Council will consider the establishment of a volunteer resource centre as part of the budget process.

CARRIED

Village Committee Motion

Village committee requests that Council does not disturb the significant and original coastal heathland scrub as described by Jeff Yugovic located on the Mentone foreshore between Naples Road and Mentone Parade. We request that council does not disturb this area at all in any future bike path construction.

Moved: Cr West

Seconded: Cr Gledhill

That the Village Committee be thanked for its motion and be advised that Council will do its best to protect the remnant heathland in determining the location of the Bay Trail.

CARRIED

Village Committee Motion

Council engages with Bunnings to make the Nylex sign operative and restored to its former glory.

Moved: Cr West

Seconded: Cr Gledhill

That the Village Committee be thanked for its motion and be advised that the obligation to restore the Nylex sign is with Wesfarmers as site owners whom Council will contact on this matter.

CARRIED

7. Reports from Delegates Appointed by Council to Various Organisations

There were no reports from delegates submitted to the meeting.

9. Environmental Sustainability Reports

P31 Town Planning Application Decisions - February 2013

Moved: Cr Peulich

Seconded: Cr Eden

That the report be noted.

CARRIED

P32 KP576/2012 82 Collins Street, Mentone

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

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

Moved: Cr West

Seconded: Cr Staikos

That Council determine to refuse the proposal and issue a Notice of Refusal to Grant a Planning Permit to **develop the land for the construction of five (5) double-storey dwellings and waiver of one (1) visitor car parking space** at No. 82 Collins Street, Mentone (Lot 12 on LP008519) on the following grounds:

1. The proposal does not adequately respond to Clause 22.11 (Residential Development Policy) as it relates to 'Built Form' and 'Neighbourhood Character'.
2. The proposal does not adequately respond to Council's Neighbourhood Character Guidelines.
3. The proposal requires variations to Standard B5 (integration with the street objectives), Standard B18 (walls on boundaries objective), Standard B28 (private open space objectives) and B29 (Solar access to open space objectives) of Clause 55 of the Kingston Planning Scheme;
4. The proposal does not provide the one (1) required visitor car parking space pursuant to Clause 52.06 (Car Parking);

LOST

A Division was called

DIVISION

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

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

LOST

Moved: Cr Gledhill

Seconded: Cr Ronke

That Council determine to support the proposal and issue a Notice of Decision to Grant a Planning Permit to **develop the land for the construction of five (5) double-storey dwellings and waiver of one (1) visitor car parking space** at No. 82 Collins Street, Mentone (Lot 12 on LP008519), 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 amended and re-advertised plans submitted to Council on 20 December 2012, but modified to show:
 - a. the provision of a landscape plan in accordance with the submitted development plan and the City of Kingston Landscape Plan Checklist, 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 (at maturity) canopy trees within the front setback of the property and one (1) medium (at maturity) tree within the private open space area of each dwelling, with two (2) to be provided to Dwelling 5. 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 notes 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. Vehicle crossings must be constructed at a 90 degree alignment with the kerb on Collins Street and all internal driveways must align with the existing/proposed vehicle crossing;

- c. Provision of highlight windows to the northern elevation of dwellings 2 and 3 to provide for northern light;
 - d. Modifications to the sill heights of windows facing the common driveway to comply with Standard B15 (parking location objectives) of Clause 55.03-10 of the Kingston Planning Scheme;
 - e. Provision of external screening as an alternative to obscure glazing to west facing windows (excluding those abutting balconies) for shading;
 - f. An elevation plan of the front fencing, which provides details of its height, materials and colours;
 - g. Nomination of mail boxes;
 - h. Provision of lighting along the common driveway;
 - i. The surface material of all driveways / accessways and car parking spaces nominated in all-weather coloured concrete sealcoat, or similar;
 - j. 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;
 - k. Removal of access and egress from Patterson Lane by removing the garage door from the rear (southern) elevation of Dwelling 5 and provision of a wall in its place; and
 - l. Provision of sight lines for vehicles leaving the common driveway to conform to AS 2890.1:2004 Figure 3.3 Minimum Sight Lines For Pedestrian Safety. These sight lines are to be provided on the edge of the development prior to the pedestrian footpath. The site lines are to be free of vegetation >600mm in height.
2. The development as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.
 3. Property boundary and footpath levels must not be altered without the prior written consent from the Council's Roads and Drains Department.
 4. The replacement of all footpaths, including offsets, must be constructed to the satisfaction of Council's Roads and Drains Department.
 5. All reinstatements and vehicle crossings must be constructed to the satisfaction of the relevant authority.

6. All front and side fences must be contained wholly within the title boundaries of the subject land.
7. Prior to the removal of any street tree the Developer/Owner must pay to Council a compensation, removal and replacement fee for the removal of this existing tree. The removal of this tree must be undertaken by Council, and the Developer/Owner must advise Council when this tree is required to be removed.
8. The landscaping must be maintained to the satisfaction of the Responsible Authority.
9. Prior to the occupation of the dwellings hereby permitted, all buildings and works, landscaping and the conditions of this permit must be complied with, unless with the further prior written consent of the Responsible Authority.
10. The development of the site must be provided with stormwater works which incorporates the use of water sensitive urban design principles to improve stormwater runoff quality and which also retains on site any increase in runoff as a result of the approved development. The system must be maintained to the satisfaction of the Responsible Authority. Council's Development Engineer can advise on satisfactory options to achieve these desired outcomes which may include the use of an infiltration or bioretention system, rainwater tanks connected for reuse and a detention system. The overall outflow of the site must be limited to 7 l/s.
11. 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.).
12. Stormwater works must be provided on the site so as to prevent overflows onto adjacent properties.
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. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.
15. 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 *Planning and Environment Act 1987*, the responsible authority may extend the periods referred to if a request is made in writing before the permit expires, or within three months afterwards.

CARRIED

P33 KP578/2012 20 MacGregor Street, Parkdale

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

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

Moved: Cr Gledhill

Seconded: Cr Bearsley

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 one (1) dwelling to the rear of an existing dwelling at No. 20 MacGregor Street, Parkdale (Lot 136 on LP010664), 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 23rd November, 2012, but modified to show:
 - a. the provision of a landscape plan in accordance with the submitted development plan and the City of

Kingston Landscape Plan Checklist, 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 (at maturity) canopy trees within the front setback of the property facing Wild Street and one (1) medium (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;
- x) the provision of notes 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; and
- xi) no trees planted within the easement with intrusive roots that may affect the drainage.

- b. an elevation plan of the front fencing, which provides details of its height, materials and colours;
- c. the surface material of all driveways / accessways and car parking spaces nominated in all-weather coloured concrete sealcoat, or similar;
- d. 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;
- e. the existing Council easement drain on the easement with the provision of notation "Existing 300mm diameter easement drain must be upgraded to 450mm diameter reinforced concrete pipe from the south west corner of the property to the existing council pit in Wild Street with standard council junction pit at the South West corner over the pipe in accordance with the engineering plans approved by Council";
- f. the provision of minimum 2000 litre rainwater tank clearly nominated for the new dwelling with water re-use for toilet flushing;
- g. the southern elevation plan to clearly show the highlight window to the stairway of Dwelling 2;
- h. the conversion of the existing window to the living room of Dwelling 1 to a door with steps (as required) accessing the eastern area of Secluded Private Open Space;
- i. deletion of the first floor sitting room to Dwelling2, with the exception of the space required to relocate the stairwell;
- j. vehicle crossings must be constructed at a 90 degree alignment with the kerb on Wild Street and all internal driveways must align with the existing / proposed vehicle crossing; and
- k. the provision of a Terra Firma lid fitted to the junction pit to enable the vehicle crossing to be located closer to the existing junction pit.
- l. That all highlight windows on the first floor of the western elevation of dwelling 2 be fitted with obscure glazing or the windows be fixed or restricted.

Endorsed Plans

2. The development as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.
3. 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.

Drainage and Water Sensitive Urban Design

4. The existing easement drain of 300mm diameter pipe must be upgraded in accordance with Conditions 1(e) at the Developer's cost prior to any building works commencing over the easement. All works associated with drainage upgrade must be in accordance with engineering plans submitted to and approved by the Council. A priced schedule of the drainage upgrade works within the easement and the payment of Council's engineering fees of 3.25% of the total cost of the drainage upgrade works are required to be submitted prior to approval of the engineering plans.
5. A CCTV Survey of the upgraded easement drain must be carried out at the applicant's expense in accordance with council's specification for CCTV survey to ascertain that the upgraded drainage work is in satisfactory condition. The report be lodged to the Council prior to obtaining a Certificate of Occupancy and/or Statement of Compliance to verify that the building over the easement works have not adversely affected Council's drainage infrastructure. Any defects identified in the CCTV report are to be rectified at the Developer's expense.
6. The drain as described in Condition 4 above must be protected all time during construction.
7. The development of the site must be provided with stormwater works which incorporates the use of water sensitive urban design principles to improve stormwater runoff quality and which also retains on site any increase in runoff as a result of the approved development. The system must be maintained to the satisfaction of the Responsible Authority. Council's Development Engineer can advise on satisfactory options to achieve these desired outcomes which may include the use of an infiltration or bioretention system, rainwater tanks connected for reuse and a detention system. The detention system must have a restricted outflow limited to 5 l/s.
8. 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.).

9. Stormwater works must be provided on the site so as to prevent overflows onto adjacent properties.

Infrastructure and Road Works

10. Prior to the occupation of Dwelling 2 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.
11. Property boundary and footpath levels must not be altered without the prior written consent from the Council's Roads and Drains Department.
12. The replacement of all footpaths, including offsets, must be constructed to the satisfaction of Council's Roads and Drains Department.
13. All reinstatements and vehicle crossings must be constructed to the satisfaction of the relevant authority.
14. All redundant vehicle crossings must be removed (including redundant portions of vehicle crossings) to the satisfaction of Council's Roads and Drains Department.
15. All front and side fences must be contained wholly within the title property boundaries of the subject land.

General amenity conditions

16. All externally-located heating and cooling units, exhaust fans and the like must not be located adjacent to bedroom windows on adjoining properties and must be concealed from the street, unless with the further written consent of the Responsible Authority.

Completion of Works

17. Prior to the occupation of Dwelling 2 hereby permitted, all buildings and works and the conditions of this permit must be complied with to the satisfaction of the Responsible Authority, unless with the further prior written consent of the Responsible Authority.
18. Prior to the occupation of Dwelling 2 hereby permitted, the landscaping works as shown on the endorsed plans must be completed to the satisfaction of the Responsible Authority.

Thereafter, the landscaping shall be maintained to the satisfaction of the Responsible Authority.

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

Time Limits

20. In accordance with section 68 of the *Planning and Environment Act 1987*, this permit will expire to the satisfaction of the Responsible Authority if one of the following circumstances applies:

- The development is not started within two (2) years from the date of permit issue.
- The development is not completed within four (4) years from the date of permit issue.

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

CARRIED

Procedural Motion

Moved: Cr Peulich

Seconded: Cr Staikos

That the order of business be varied to consider Corporate Services Reports (Items P40, P41, P42) next.

CARRIED

12. Corporate Services Reports

P40 Formation of a Section 223 Committee regarding proposed sale of former drainage reserve land abutting 2/3 to 53 Frank Avenue and 25 & 25A Newport Road, Clayton South

Moved: Cr Staikos Seconded: Cr Peulich

That Council resolves:

1. To appoint a committee in accordance with Section 223 of the Act to hear submissions received.
2. That the committee comprises Paul Franklin, General Manager Corporate Services, Julian Harvey, Manager Property Arts and Leisure Services and North Ward Councillors, Cr Steve Staikos, Cr Paul Peulich and Cr Tamara Barth.
3. That the Section 223 Committee, upon hearing and considering submissions, prepares a report for Council.

Cr Gledhill left the Council Chamber at 8.18pm.

CARRIED

P41 Naming Request for Laneway

Moved: Cr Bearsley Seconded: Cr Ronke

That Council resolves to submit the name Greene Lane to the Department of Sustainability and Environment (DSE) for approval.

Cr Gledhill returned to the Council Chamber at 8.20pm.

CARRIED

A Division was called

DIVISION

FOR: Crs Staikos, Eden, Ronke, Bearsley, Peulich, Barth, West, Gledhill and Brownlees (9)

AGAINST: Nil

CARRIED

P42 Lease of Vacant Room Adjoining Parkdale Kiosk**Moved: Cr Ronke****Seconded: Cr Bearsley**

That Council resolves:

- To authorise Team Leader Property Services to undertake lease negotiations with the existing lessees, Simmi Pty Ltd of Parkdale Kiosk to incorporate the entire vacant area on terms acceptable to Chief Executive Officer and Council's legal advisers
- To seek grant and purpose from DSE for the use of the vacant space for the purposes of a cafe which incorporates the adjoining Parkdale Kiosk
- That following the acceptance of the terms of a lease by Simmi Pty Ltd Council appoints a S223 Committee comprising Cr West, Cr Brownlees and Cr Gledhill, General Manager Corporate Services and Manager Property, Arts and Leisure Services to hear and consider any submissions
- That if any submissions are received, the S223 Committee report to Council the outcomes of the statutory process
- That in the event no submissions are received, General Manager Corporate Services be authorised to proceed to execute a lease which shall incorporate the existing tenancy area and the vacant area upon terms acceptable to the Chief Executive Officer and Council's legal advisers

Procedural Motion**Moved: Cr West****Seconded: Cr Barth**

That Council resolves to defer the Parkdale LSC decision to:

- endeavour to discover any documentation regarding an agreement or undertaking by Council or Parkdale Life Saving Club at the time the building passed from the Club to Council that at least part of the building should be retained for community use;
- investigate whether there are suitable alternative sites along the creek or foreshore for the proposed Gathering Place
- Invite both applicants to provide a briefing for all councillors so that lack of information is not a factor in this decision.

LOST**Procedural Motion****Moved: Cr Ronke****Seconded: Cr Staikos**

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

LOST

Cr Peulich left the Council Chamber at 8.27pm.
Cr Peulich returned to the Council Chamber at 8.28pm.

Amendment

Moved: Cr Gledhill

That Council resolves:

- To authorise Team Leader Property Services to undertake lease negotiations with the existing lessees, Simmi Pty Ltd of Parkdale Kiosk to incorporate the entire vacant area on terms acceptable to Chief Executive Officer and Council's legal advisers
- To seek grant and purpose from DSE for the use of the vacant space for the purposes of a cafe which incorporates the adjoining Parkdale Kiosk
- That following the acceptance of the terms of a lease by Simmi Pty Ltd Council appoints a S223 Committee comprising Cr West, Cr Brownlees and Cr Gledhill, General Manager Corporate Services and Manager Property, Arts and Leisure Services to hear and consider any submissions
- That if any submissions are received, the S223 Committee report to Council the outcomes of the statutory process
- That in the event no submissions are received, General Manager Corporate Services be authorised to proceed to execute a lease which shall incorporate the existing tenancy area and the vacant area upon terms acceptable to the Chief Executive Officer and Council's legal advisers
- That Council officers immediately compile and provide a report to Council of a list of suitable alternative locations for a Gathering Place that meet the essential criteria of adjacency to public transport and most importantly possess a strong bond with the local indigenous history and heritage.

The Amendment was accepted by the Mover and Seconder

The Substantive Motion was put and **CARRIED**

A Division was called

DIVISION

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

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

CARRIED

The Resolution now reads as follows:

That Council resolves:

- To authorise Team Leader Property Services to undertake lease negotiations with the existing lessees, Simmi Pty Ltd of Parkdale Kiosk to incorporate the entire vacant area on terms acceptable to Chief Executive Officer and Council's legal advisers
- To seek grant and purpose from DSE for the use of the vacant space for the purposes of a cafe which incorporates the adjoining Parkdale Kiosk
- That following the acceptance of the terms of a lease by Simmi Pty Ltd Council appoints a S223 Committee comprising Cr West, Cr Brownlees and Cr Gledhill, General Manager Corporate Services and Manager Property, Arts and Leisure Services to hear and consider any submissions
- That if any submissions are received, the S223 Committee report to Council the outcomes of the statutory process
- That in the event no submissions are received, General Manager Corporate Services be authorised to proceed to execute a lease which shall incorporate the existing tenancy area and the vacant area upon terms acceptable to the Chief Executive Officer and Council's legal advisers
- That Council officers immediately compile and provide a report to Council of a list of suitable alternative locations for a Gathering Place that meet the essential criteria of adjacency to public transport and most importantly possess a strong bond with the local indigenous history and heritage.

8. Question Time

Sandra Miles of Parkdale asked,

“Why is the proposal to lease the vacant room, next to Beach Café, to a local Koori Group planning to establish a Gathering Place, not going ahead? There is funding from the State Government to establish these Gathering Places. It would be unfortunate if the cancelling of the proposal was seen as racist within the community.”

The CEO provided the following response,

“This question refers to an agenda item for tonight's meeting for Council to consider and determine.”

David Murray of Mentone asked,

“Why has Council chosen to remove Parkdale Secondary College from the discussion and vote on the use of the room adjacent to the Parkdale Café.”

The CEO provided the following response,

“This question refers to an agenda item for tonight’s meeting for Council to consider and determine.”

Nola Baker of Parkdale asked,

“Parkdale Secondary College has put in a proposal over a number of years for use of the room adjacent to the Beach café on Parkdale Foreshore for a variety of programs including coastal management, environmental and Aboriginal studies. Why has Council chosen to ignore these proposals in tonight’s discussion and vote?”

The CEO provided the following response,

“This question refers to an agenda item for tonight’s meeting for Council to consider and determine.”

10. Community Sustainability Reports

P34 The City of Kingston Draft Multicultural Action Plan 2013-2017

Moved: Cr Peulich

Seconded: Cr Barth

That Council:

1. Approve the Draft Multicultural Action Plan 2013-2017 (Appendix A) for public consultation.

Cr Eden left the Council Chamber at 8.54pm.

CARRIED

Cr Eden returned to the Council Chamber at 8.56pm.

P35 Carrum Life Saving Club – Café Options

Moved: Cr Ronke

Seconded: Cr Peulich

That Council:

1. Receive the information in relation to the proposed café and associated Expression of Interest (EOI) process;
2. Direct officers to undertake a flexible EOI process in relation to:
 - (i) the design, construction and operation of the proposed café;and report back to Council regarding the outcome of this process.

CARRIED

11. Organisational Development & Governance Reports

P36 Mayoral and Councillor Allowances

Moved: Cr Ronke

Seconded: Cr Staikos

That Council:

1. In accordance with the provisions of section 74 of the Local Government Act 1989 (“the Act”), resolve to set the Mayoral Allowance at \$80,489.13 and the Councillor Allowance at \$26,829.71, within the Category 3 Council range, plus an amount equivalent to the superannuation guarantee contribution (currently 9%).

CARRIED

P37 Assembly of Councillors Record

Moved: Cr Staikos

Seconded: Cr Gledhill

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

CARRIED

P38 Ward Funds Expenditure Allocation

Moved: Cr Eden

Seconded: Cr Ronke

That Council:

1. Approve the expenditure of ward funds in accordance with the table of Councillor requests including an additional allocation of \$500 to Grief Line from Cr Brownlees.

CARRIED

P39 Confidential Information Register Report

Moved: Cr Staikos

Seconded: Cr Ronke

That Council:

1. In accordance with section 77(2)(b) of the Local Government Act 1989 declare confidential the legal advice from:
 - Maddocks dated 22 February 2013 relating to disclosure of confidential information regarding the StopLine report on the ground that it is legal advice under section 89(2)(f); and
 - M&K Lawyers dated 5 March 2013 relating to the StopLine Interim and Final Reports on the ground that it is legal advice under section 89(2)(f).
2. Include the legal advice in the Confidential Information Register.

Amendment

Moved: Cr Peulich

That Council requests the Mayor to refer the matter to a Probity Auditor.

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

The Substantive Motion was put and **CARRIED**

13. Notices of Motion

P43 Notice of Motion – Cr West

Moved: Cr West

Seconded: Cr Ronke

That Council adopt a position for mediation of a development application only with the support of either:

1. all three ward Councillors, or
2. a majority of all Councillors.

CARRIED

P44 Notice of Motion – Cr Eden

Moved: Cr Eden

Seconded: Cr Bearsley

That by the end of May, 2013 Council staff are to have developed and presented a report to Council at a CIS detailing the options and feasibility of recording Council meetings in audio and/or visual format, and making such recordings easily accessible to the public; including but not limited to; making the meetings available online (the internet).

CARRIED

A Division was called

DIVISION

FOR: Crs Staikos, Eden, Ronke, Bearsley, Peulich, Barth, Gledhill, West and Brownlees (9)

AGAINST: Nil

P45 Notice of Motion (Rescission) – Cr Peulich

Moved: Cr Peulich

Seconded: Cr Bearsley

That Council rescind Part 2 of Item P13 of the 25 February 2013 Ordinary Council Meeting.

Procedural Motion

Moved: Cr Ronke

Seconded: Cr Bearsley

That Cr Peulich be granted an extension of time to speak on the item.

CARRIED

Procedural Motion

Moved: Cr Staikos

Seconded: Cr Ronke

That the Motion now be put.

CARRIED

The Substantive Motion was put and **LOST**

A Division was called

DIVISION

FOR: Crs Bearsley and Peulich (2)

AGAINST: Crs Staikos, Eden, Ronke, Barth, West, Gledhill and Brownlees (7)

LOST

P46 Notice of Motion – Cr Peulich

Moved: Cr Peulich

Seconded: Cr Gledhill

That council recognises the rise in local economic hardship and applies the relevant statutory process with an aim to contain the burden on ratepayers to the Local Government Cost Index of 4.8%, excluding the obligation to collect the Fire Services Levy.

Further that,

Council undertake further budget reviews in line with advice from the Victorian Auditor General that:

1. Systematically and rigorously consider the information and evidence needed to adequately understand the impact of our

rating proposals on the local community including those who are struggling to pay their rates

2. And other key themes from the February 2013 "Rating Practices in Local Government" report

Procedural Motion

Moved: Cr Ronke

Seconded: Cr Bearsley

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

CARRIED

Procedural Motion

Moved: Cr West

Seconded: Cr Staikos

That the matter be deferred pending further discussion at a CIS meeting.

CARRIED

A Division was called

DIVISION

FOR: Crs Staikos, Ronke, Bearsley, Barth, West, Gledhill and Brownlees (7)

AGAINST: Crs Peulich and Eden (2)

CARRIED

14. Urgent Business

StopLine Report

Moved: Cr Staikos

Seconded: Cr Bearsley

That an item of Urgent Business be considered in relation to the StopLine Report.

CARRIED

Moved: Cr Staikos

Seconded: Cr Ronke

That:

1. The StopLine Report be declared confidential permanently.
2. The investigation is considered closed with Council accepting the substantive findings of the report.
3. No further action be taken by officers on this matter under any circumstances other than acting on Part 2 of Council resolution P13.

Cr Eden left the Council Chamber at 10.01pm.

Procedural Motion

Moved: Cr Ronke

Seconded: Cr Staikos

That the Motion now be put.

CARRIED

The Substantive Motion was put and **CARRIED**

A Division was called

DIVISION

FOR: Crs Staikos, Ronke, Bearsley, Barth, West, Gledhill
and Brownlees (7)

AGAINST: Cr Peulich (1)

CARRIED

Dingley Arterial

Moved: Cr West

Seconded: Cr Barth

That an item of Urgent Business be considered in relation to the Dingley Arterial.

Cr Eden returned to the Council Chamber at 10.03pm.

LOST

Appointment of a Probity Auditor

Moved: Cr Peulich

Seconded:

That Council consider an item of urgent business in relation to the appointment of a probity auditor for the alleged bullying investigation.

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

15. Items in Camera – Confidential Items

Moved: Cr Ronke Seconded: Cr Eden

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:

- P47 Future Early Years Facilities as it is a matter that would prejudice Council or any person.
- P48 Northcliffe Lodge – Residential Aged Care Facility as it is a matter that would prejudice Council or any person.
- P49 2013 Appointments to Village Committees as it is a matter that would prejudice Council or any person.
- P50 Proposed Land Acquisition as it is a matter that would prejudice Council or any person.

Confidential Attachments

- P39 Confidential Legal Advice
- P42 Emails from proponents
- P45 Confidential Minutes Ordinary Meeting of Council 25 February 2013

CARRIED

The meeting was closed to the public at 10.07pm.

Procedural Motion

Moved: Cr Ronke Seconded: Cr Staikos

That the meeting be opened to the public.

CARRIED

The meeting was opened to the public at 10.46pm.

The meeting closed at 10.46pm.

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Confirmed, His Worship, The Mayor, 22 April 2013