



City of
KINGSTON

Ordinary Meeting of Council Minutes

Monday, 24th June 2013

**City of Kingston
Ordinary Meeting of Council**

Minutes

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The meeting commenced at 7.04pm 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 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
Ian Nice – Manager City Development
Jonathan Guttmann – Manager City Strategy
Sarah Bishop – Manager Communications & Public Affairs
Phil DeLosa – Program Leader Governance
Adele Sheeran – Administration Support Officer

1. Apologies

An apology from Cr Staikos was submitted to the meeting.

Moved: Cr Peulich

Seconded: Cr West

That the apology from Cr Staikos be received and leave of absence be granted.

CARRIED

2. Confirmation of Minutes of Previous Meetings

Moved: Cr Ronke

Seconded: Cr Gledhill

That the Minutes of the Ordinary Meeting of Council held on 27 May 2013, the Special Meeting of Council held on 11 June 2013 and the Special Meeting of Council held on 17 June 2013 be confirmed.

CARRIED

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

Cr Bearsley disclosed an indirect of interest in Item 11.3, Expenditure of Ward Funds Allocations.

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4. Petitions

4.1 Kevin Hayes Reserve - Improved Seating

Moved: Cr Gledhill

Seconded: Cr Barth

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

CARRIED

4.2 Reduction in Rates - Retirement Villages

Moved: Cr Eden

Seconded: Cr Bearsley

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

CARRIED

4.3 Dales Park Draft Concept Plan – Car parking

Moved: Cr Peulich

Seconded: Cr Barth

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

CARRIED

4.4 Objection to Planning Application KP-82/2013

Moved: Cr Barth

Seconded: Cr Peulich

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

CARRIED

5. Presentation of Awards

5.1 Australasian Reporting Awards - Report of the Year Award for Public and Not-for-Profit Organisations

The Mayor recognised Council's achievement in being awarded the Australasian Reporting Awards – Report of the Year Award for Public and Not for Profit Organisations for the 2011/12 Annual Report. The Mayor thanked everyone involved in the preparation of the Annual Report highlighting the team effort across Council.

5.2 Waves Leisure Centre - 2013 Swim School of the Year

The Mayor recognised the achievement of Council's Waves Leisure Centre in being awarded the 2013 Swim School of the Year at the Aquatics and Recreation Victoria Industry awards. The Mayor acknowledged the hard work and attention to detail the swim school provided to its students and the quality of service provided.

6. Reports from Village Committees

6.1 Recommendations and Highlights from Village Committees

Aspendale/Edithvale/Aspendale Gardens/Waterways Village Committee

Village Committee Motion

The Village Committee recommends that Council investigate traffic management issues in Laura St and around the St. Louis Primary School areas, particularly focusing on the intersections of Retreat Avenue, Laura Street and Inlet Street. Committee recommends Council consider the feasibility of one way traffic loops during school peaks and the restriction of U- turns on Laura Street.

Moved: Cr Bearsley

Seconded: Cr Eden

That Council conduct a preliminary assessment of traffic issues to establish the extent of any traffic issues and then discuss the findings with the Village Committee and the Schools.

CARRIED

Mentone/Parkdale Village Committee

Village Committee Motion

The Village Committee recommends that a study be done for future requirements and places for the provision of nursing home and hostel beds.

Moved: Cr West

Seconded: Cr Gledhill

That the Village Committee be advised that Council will examine adequacy of residential care places in the context of demographics and community infrastructure standards and that the findings will be presented to Council as part of its deliberations on the future of its residential care facilities as recommended by the Village Committee.

CARRIED

Village Committee Motion

The Village Committee recommends that the previous Mentone Structure Plan of July 2011 Mentone to be put to the planning panel as is, without delay.

Moved: Cr West

Seconded: Cr Gledhill

That the Village Committee be advised that Council considered Planning Scheme Amendment C124, that implements the Mentone Structure Plan, at the Special Meeting of Council on 11 June 2013 and that Council resolved to request the Minister for Planning to appoint an independent Panel to consider the submissions to Amendment C124.

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CARRIED

7. Reports from Delegates Appointed by Council to Various Organisations

Nil

8. Question Time

The Mayor advised that Question Time would be held at 8.00pm (refer to page 9 of the minutes).

9. Environmental Sustainability Reports

9.1 Planning Application Decisions - May 2013

Moved: Cr Peulich

Seconded: Cr Gledhill

That the report be noted.

CARRIED

9.2 No.60 Lower Dandenong Road, Parkdale

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

It is recorded that Natalie Hurawaka spoke on behalf of the applicant in relation this item.

Moved: Cr Gledhill

Seconded: Cr Bearsley

That Council determine to support the proposal and that Notice of Decision to Grant an Amended Planning Permit be issued to develop the land for the construction of three (3) dwellings at 60 Lower Dandenong Road, Parkdale subject to the conditions contained within this report.

CARRIED

9.3 Amendment C125 & Planning Permit Application KP12/1 - 44 First Avenue, Chelsea Heights

Moved: Cr Ronke

Seconded: Cr Bearsley

That Council adopt Planning Scheme Amendment C125 and Planning Permit Application KP12/1 with changes and forward the combined amendment and application to the Minister for Planning for approval.

Amendment

Moved: Cr Eden

That Council adopt Planning Scheme Amendment C125 and Planning Permit

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Application KP12/1 with changes and forward the combined amendment and application to the Minister for Planning for approval subject to the following changes

- That Council impose a limit of 1 (one) dwelling per lot, as originally proposed (i.e. retain condition 3b).

The Mover and Seconder agreed to include the amendment in the motion.

Amendment

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

Moved: Cr West

Seconded: Cr Eden

That the motion be adopted subject to the following changes:

- Rezone the land to be handed to Melbourne Water to "Public Park and Conservation Zone," not to "Public Use/Purpose Zone" as recommended by the panel which could allow Melbourne Water to use the land as a storage depot as they have at Patterson Lakes.

CARRIED

- Prohibit excavation for tanks/swimming pools/basements/basement garages as this will unnecessarily cause risks from Acid Sulfate Soils.

LOST

- Remove the requirement to fill the pocket park as this would unnecessarily diminish the capacity of the floodwater storage.

LOST

- Add a requirement that the developer pays for a playground to be constructed on the pocket park.

LOST

- Remove the requirement to widen the road to provide extra parking at the pocket park.

CARRIED

Amendment

Moved: Cr West

Seconded: Cr

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That Council introduce a cat ban in relation to the land being the subject of the Amendment.

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

The substantive motion now reads as follows

Moved: Cr Ronke

Seconded: Cr Bearsley

That Council adopt Planning Scheme Amendment C125 and Planning Permit Application KP12/1 with changes and forward the combined amendment and application to the Minister for Planning for approval subject to the following changes

- That Council impose a limit of 1 (one) dwelling per lot, as originally proposed (i.e. retain condition 3b).
- Rezone the land to be handed to Melbourne Water to "Public Park and Conservation Zone," not to "Public Use/Purpose Zone" as recommended by the panel which could allow Melbourne Water to use the land as a storage depot as they have at Patterson Lakes.
- Remove the requirement to widen the road to provide extra parking at the pocket park

CARRIED

A Division was called

DIVISION

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

AGAINST: Crs Eden, West (2)

ABSTAINED: Cr Barth (1)

CARRIED

Cr Barth left the Council Chamber at 8.33pm

Cr Barth returned to the Council Chamber at 8.38pm.

9.4 Dales Park Development Plan - Final Concept Plan and Report

Moved: Cr Peulich

Seconded: Cr Barth

That consideration of the matter be deferred to the next Ordinary Meeting of Council on 22 July 2013.

CARRIED

Cr Ronke left the Council Chamber at 8.42pm

Cr Ronke returned to the Council Chamber at 8.44pm

8. Question Time

Question 1

Stephen Calvert-Smith of Mentone asked,

“Is Council aware that the parking signs in Parkers Road outside the Parkdale Library conflict with each other? One says 1P, the other says 1/2P. Also the times are different.”

The Acting CEO, Paul Franklin provided the following response,

This matter will be referred to the Traffic Engineers for rectification.

Question 2

Laura Lindsay of Oakleigh South asked,

“To the best of our ability to determine this, out of the 244 petition signers no one seems to have been consulted or asked for their opinion or any concerns of this Dales Park Development Plan. The people more directly affected seem not to have been included. Can you please respond?”

The Acting CEO, Paul Franklin provided the following response,

This matter has been deferred therefore I encourage you to provide your ideas to officers who will contact you following the meeting this evening.

Question 3

Michael Holden of Oakleigh South asked,

“Does the Dales Park Development have to go through the Town Planning Process?”

The Acting CEO, Paul Franklin provided the following response,

No the proposal is in a Public Park and Recreation zone which allows for use and development of recreational facilities without the need for a planning permit. Again you are encouraged to provide your view to officers who will be in contact with you.

9.5 Green Wedge Projects

Moved: Cr West

Seconded: Cr Barth

That Council resolve to:

1. Progress the following projects (described in more detail in the Council report):
 - 1.1. Walking and Cycling Connectivity Project
 - 1.2. Old Dandenong Road Streetscape Improvement Works
 - 1.3. Horse Trail Demand and Feasibility Investigation
 - 1.4. Wetlands Feasibility Project
 - 1.5. Elder Street South Open Space Development Project
2. Approve expenditure from the Green Wedge Reserve Fund for up to the amounts detailed within the report in order to provide funding to the nominated projects,
3. That progress reports on the approved projects be provided to Council through its Quarterly Report on the Council Plan.

CARRIED

9.6 Response to the Patterson Lakes Independent Review dated 8 March 2013

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Moved: Cr Bearsley

Seconded: Cr Eden

That Council

1. Notify the Independent Review, Melbourne Water, Parks Victoria and the Patterson Lakes community that Council has reviewed the recommendations of the Review and that the General Manager Environmental Sustainability or delegate will participate as part of the proposed Steering Group

CARRIED

Cr West left the Council Chamber at 8.55pm
Cr West returned to the Council Chamber at 8.56pm

Cr Peulich left the Council Chamber at 8.58pm

9.7 Edithvale Recreation Reserve Master Plan Amendment

Moved: Cr Bearsley

Seconded: Cr Ronke

That Council:

1. Adopt the amended Edithvale Recreation Reserve Master Plan.

CARRIED

9.8 Kingston Tennis Clubs Standard Occupancy Agreement

Moved: Cr Gledhill

Seconded: Cr Ronke

That Council:

1. Receive the information
2. Adopts the Standards Occupancy Agreement Template (Tennis Clubs) and
3. Authorise Council officers to implement new occupancy agreements with all Kingston Tennis Clubs who occupy Council facilities.

CARRIED

10. Community Sustainability Reports

10.1 2013-2017 Community Safety Strategy

Moved: Cr Ronke

Seconded: Cr Eden

That Council:

1. Release the draft Community Safety Strategy 2013-2017 for public consultation

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for a period of one month, and that a further report be presented to Council following community consultation.

CARRIED

10.2 Multicultural Action Plan 2013 - 2017

Moved: Cr Barth

Seconded: Cr Gledhill

That Council:

1. Adopt the Multicultural Action Plan 2013-2017 (Appendix A).

CARRIED

10.3 Clayton South Kindergarten Draft Lease and Capital Funding Strategy

Moved: Cr Barth

Seconded: Cr Bearsley

That consideration of the matter be deferred to allow further discussion and consultation with the State Government on the terms of the lease.

CARRIED

11. Organisational Development & Governance Reports

11.1 Adoption of the One Vision Council Plan 2013-17 and LivingKingston2035

Moved: Cr Ronke

Seconded: Cr Bearsley

That Council:

1. Adopt the 'One Vision' Council Plan 2013-17 incorporating Strategic Resource Plan in accordance with the requirements of the Local Government Act 1989 sections 125 & 126.
2. Provide a copy of 'One Vision' Council Plan 2013-17 and Strategic Resource Plan to the Minister for Local Government by 30 June 2013.

CARRIED

Cr Peulich returned to the Council Chamber at 9.10pm

11.2 Assembly of Councillors Record Report

Moved: Cr Ronke

Seconded: Cr Gledhill

That Council:

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

CARRIED

11.3 Expenditure of Ward Funds Allocations

Cr Bearsley declared an indirect interest by close association in this item as her children attend the Aspendale Gardens Primary School and left the Council Chamber at 9.15pm prior to discussion and the voting on the matter.

Moved: Cr Gledhill

Seconded: Cr Ronke

That Council:

1. Approve the expenditure of ward funds in accordance with the table of Councillor requests in Appendix 1 with the inclusion of the following:
 - Cr Bearsley - \$200 to Aspendale Gardens Primary School for prizes for the Student Representative Council.

CARRIED

12. Corporate Services Reports

12.1 Procurement Policy Update - Financial Year 2012/2013

Moved: Cr Ronke

Seconded: Cr Gledhill

That Council:

1. Resolve to adopt the updated Procurement Policy and Procedures pursuant to the requirements of Section 186A of the Local Government Act 1989.
2. Delegate, to the Chief Executive Officer, the power to declare that a contract must be entered into because of an emergency.

CARRIED

12.2 Tenders for Contract No 13/29 - Provision of Internal Audit Services

Moved: Cr Peulich

Seconded: Cr Barth

That Council:

1. Award Contract 13/29 to Pitcher Partners Pty Ltd to a schedule of rates contract at an estimated sum of \$115,000 per annum (excluding GST) based on an

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internal audit program of approximately 900 hours for an initial 3 year period concluding on 30 June 2016.

2. That one 3 year contract extension be exercised at the discretion of the Chief Executive Officer or delegate.

CARRIED

13. Notices of Motion

There were no Notices of Motion.

14. Urgent Business

There were no items of urgent business.

Cr Bearsley returned to the Council Chamber at 9.17pm

15. Confidential Items

Moved: Cr Ronke

Seconded: Cr Gledhill

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 Former Landfill Site

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

legal advice (s89 2f) and any other matter which the Council or special committee considers would prejudice the Council or any person (s89 2h)

Confidential Appendices

**12.2 Tenders for Contract No 13/29 - Provision of Internal Audit Services
Appendix 1, Confidential Attachment to Tenders for Contract 13/29 -
Provision of Internal Audit Services**

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

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The meeting was closed to members of the public at 9.18pm.

Moved: Cr Ronke

Seconded: Cr West

That the meeting be opened to members of the public

The meeting was opened to members of the public at 9.33pm.

The meeting closed at 9.33pm.

Confirmed.....

The Mayor 22 July 2013