



*City of*  
**KINGSTON**

## **Ordinary Meeting of Council**

### **Minutes**

**Monday 25 February 2013**

**The meeting commenced at 7.00pm**

**in the**

**Council Chamber**

**1230 Nepean Highway, Cheltenham**

**Present:** Cr Ron Brownlees OAM (Mayor)  
Cr Tamara Barth  
Cr Tamsin Bearsley  
Cr David Eden  
Cr Geoff Gledhill  
Cr Paul Peulich  
Cr John Ronke  
Cr Steve Staikos  
Cr Rosemary West OAM

**In Attendance:** 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  
Francesca Trimboli – Program Leader 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 Ronke**

**Seconded: Cr Eden**

1. That the Minutes of the Ordinary Meeting of Council of 26 November 2012 be confirmed subject to the following corrections:
  - Any reference to Clayton South be corrected to read Carlton South (page 11 under Item 8 Question Time)
2. That the Minutes of the Ordinary Meeting of Council of 17 December 2012 and the Special Meetings of Council on 30 January 2013 be confirmed.

**CARRIED**

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

Cr Eden disclosed an Indirect Interest in relation to Item P17 Pompei's Landing Future Licences.

### **4. Petitions**

#### **Dales Park Concept Plan**

**Moved: Cr Barth                      Seconded: Cr Peulich**

That the petition be referred to the CEO for response.

**CARRIED**

#### **Chelsea Heights Community Centre Car Park Lighting**

**Moved: Cr Ronke                      Seconded: Cr Eden**

That the petition be referred to the CEO for response.

**CARRIED**

### **5. Presentation of Awards**

The Mayor presented Certificates of Appreciation to former Councillors Trevor Shewan and Arthur Athanasopoulos.

**Moved: Cr Staikos                      Seconded: Cr West**

That the Certificate of Appreciation and Recognition awarded to Arthur Athanasopoulos (Councillor 2000-2012) be signed and sealed.

**CARRIED**

## 6. Reports from Village Committees

### Clarinda/Oakleigh South/Clayton South Village Committees

#### **Village Committee Motion**

That the Clarinda / Clayton South / Oakleigh South Village Committee change to meet monthly instead of bi-monthly.

**Moved: Cr Staikos**

**Seconded: Cr Barth**

That the Committee be advised that they may choose to have monthly meetings.

**CARRIED**

### Dingley/Heatherton Village Committee

#### **Village Committee Motion**

That Council consider the installation of waste disposal bags at major parks in the City of Kingston in a possible trial at Kingston Heath including additional bins on the western side of the park.

**Moved: Cr Staikos**

**Seconded: Cr Peulich**

That the Village Committee be thanked for its suggestions and be advised that Council will review its policy in relation to dog litter bag dispensers.

**CARRIED**

#### **Village Committee Motion**

That Council write to VicTrack about the general amenity of the Cheltenham Station area and seek their cooperation in addressing the issues with litter as you walk down the station ramp and behind the station.

**Moved: Cr Staikos**

**Seconded: Cr West**

That Council write to VicTrack and the Minister for Transport requesting action to clean up the litter around Cheltenham Station on the VicTrack land.

**CARRIED**

### **Mentone/Parkdale Village Committee**

#### **Village Committee Motion**

That the Collins Street land be used for public space.

**Moved: Cr West**

**Seconded: Cr Gledhill**

That the Village Committee be thanked for its suggestion and advised that Council has not adopted a position on this matter.

**CARRIED**

### **Moorabbin / Highett Village Committee**

#### **Village Committee Motion**

That Council address the traffic issues on Bulli and Genoa Streets as incidents continue to take place. The committee requested another meeting with Council officers to discuss the issue and if there is no progress the Committee will consider putting forward a petition to Council.

**Moved: Cr Staikos**

**Seconded: Cr Barth**

That the Village Committee be thanked for its comments and be advised that Council will continue to look at ways it can divert freight traffic from those streets.

**CARRIED**

#### **Village Committee Motion**

The Committee requests Council approach the State Government to consider renaming the Moorabbin Justice Centre to the Highett Justice Centre..

**Moved: Cr Staikos**

**Seconded: Cr Barth**

That Council write to the State Attorney General requesting the title of the Moorabbin Justice Centre be changed to the Highett Justice Centre.

**Moved: Cr West**

**Seconded: Cr Bearsley**

That the matter be deferred to a CIS for discussion.

**LOST**

The Substantive Motion was put and **CARRIED**

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

- Cr West reported on the Association of Bayside Municipalities meeting.
- Cr Staikos reported on the VLGA and advised that he has been elected to the VLGA Board.

**Moved: Cr Gledhill**

**Seconded: Cr Barth**

That the delegates' reports be received.

**CARRIED**

## **9. Environmental Sustainability Reports**

### **P3 Town Planning Application Decisions – January 2013**

**Moved: Cr Peulich**

**Seconded: Cr Bearsley**

That the report be noted.

**CARRIED**

### **P4 KP474/2012 – 195-197 Station Street & 8 Clydebank Road Edithvale**

*It is recorded that Susan Walker spoke on behalf of the Objectors in relation to this item.*

*It is recorded that William Bromhead spoke on behalf of the Applicant in relation to this item.*

**Moved: Cr Eden**

**Seconded: Cr Ronke**

That Council refuse the proposal to develop the land for the construction of fifty-nine (59) dwellings at No's 195, 196, 197 Station Street and 8 Clydebank Road Edithvale on the following grounds:

1. The proposal fails to provide adequate daylight to new windows, not satisfying the objective of Clause 55.05-3 – Daylight to New Windows, of the Kingston Planning Scheme, resulting in a poor level of internal amenity for apartments.
2. The proposal would result in an unreasonable degree of massing and visual bulk presenting to the street and adjoining properties, inconsistent with the existing neighbourhood character and contrary to the objectives of Clause 15 (Built

Environment and Heritage) and Clause 22.11 (Residential Development Policy) of the Kingston Planning Scheme.

3. The proposed reduction of the car parking requirement would adversely affect the amenity of the locality, not meeting the objectives of Clause 52.06 of the Kingston Planning Scheme.
4. The proposal would result in an unreasonable impact on the amenity of the adjoining properties, contrary to the objectives of Clause 22.11 (Residential Development Policy) of the Kingston Planning Scheme.

**CARRIED**

### **P5 Metropolitan Planning Strategy Discussion Paper**

**Moved: Cr West**

**Seconded: Cr Peulich**

That Council resolves to make the submission provided as Appendix 1 to the State Government Department of Planning and Community Development in response to its Metropolitan Strategy Discussion Paper titled "Melbourne, let's talk about the future".

**CARRIED**

### **P6 Moorabbin Airport Draft Major Development Plan**

**Moved: Cr Bearsley**

**Seconded: Cr Gledhill**

That the recommendation be adopted with the deletion of Point 2 and the replacement of Point 7 with the following:

7. Commence an effective community communication strategy to reinforce to the Federal and State Government the likely significant impacts of this proposal.

## **Amendment**

**Moved: Cr Peulich**

**Seconded: Cr Staikos**

That Part 2 of the recommendation be included.

The Mover and Seconder accepted the inclusion of the amendment in the Motion.

## **Amendment**

**Moved: Cr West**

**Seconded: Cr Barth**

That Point 7 of the recommendation read as follows:

7. Commence an effective community **advocacy** strategy to reinforce to the Federal and State Government the likely significant impacts of this proposal.

The Amendment was put and **LOST**

The Motion was put and **CARRIED**

The Resolution now reads as follows:

That Council resolves to:

1. Make the submission (provided as Appendix 1) to the Moorabbin Airport Corporation in response to the Preliminary Draft Major Development Plan.
2. Seek legal advice in relation to the obligations of the Airport Lessee Company with respect to the manner in which the Preliminary Draft Major Development Plan has been prepared.
3. Write to the Commonwealth Minister responsible for the administration of the Airports Act reinforcing the concerns raised by the Preliminary Draft Major Development Plan.
4. Request that the Commonwealth Minister establish an Independent process to hear from any interested submitters and review the merits of the Preliminary Draft Major Development Plan in accordance with the recommendations of the Aviation White Paper.
5. Formally request that the Moorabbin Airport Corporation provide copies of all submissions it receives in relation to the Preliminary Draft Major Development Plan to Council.
6. Formally request that the Moorabbin Airport Corporation provide a copy of all material submitted to the Commonwealth Minister demonstrating how due regard has been given to the submissions on the Preliminary Draft Major Development Plan.



7. Commence an effective community communication strategy to reinforce to the Federal and State Government the likely significant impacts of this proposal.
8. Write to all local members of parliament highlighting the substantive concerns with the Preliminary Draft Major Development Plan.
9. Re-evaluate the Council's continued involvement in the Airport Planning Coordination Forum pending the manner in which future consideration is given to the Preliminary Draft Major Development Plan.

**CARRIED**

## **8. Question Time**

**Maureen Lim of Bonbeach asked,**

“Can the Council adopt the position tonight of asking Council officers to remain neutral at the Planning Panel, not to present but be present for specific questions?”

**The CEO provided the following response,**

“This question is the subject of Item P7 on tonight's agenda for Council to determine its position on the Panel.”

**Maureen Lim of Bonbeach asked,**

“Can our Council planning amendments be changed as quickly as possible to alleviate any inconsistencies or ambiguities which then allows VCAT to use them against our Council decisions?”

**The CEO provided the following response,**

“Council always attempts to be clear and concise. We are happy to receive queries in relation to specific planning amendments and provide a response.”

**Don Baron of Mentone asked,**

“On behalf of petitioners I seek further information regarding the left hand turn restriction from Glenelg Drive into Lowe Dandenong Road, 4.00pm/5.30pm Monday – Friday.”

**The CEO provided the following response,**

“This issue was raised in a questions asked at the Ordinary Council Meeting on 17 December 2012. Council also received a petition on this matter which it is actioning. A letter drop is to go to residents within the next fortnight on the proposed removal of the sign for community feedback.”

**David Nunns of Carlton South asked,**

“Why did management at Kingston City Council lodge in Fair Work Australia on the 20<sup>th</sup> 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.”

**David Nunns of Carlton South asked,**

“Have Kingston City Council investigated claims made at the Ordinary Meeting of Council on 17 December 2012 that a security guard acting on behalf of the City of Kingston, attempted to stop residents, employees and union officials from entering the building at 1230 Nepean Highway Cheltenham, 3192?”

**The CEO provided the following response,**

“Management did not direct a security guard to prevent access on 17 December 2012. The Hall Keeper did of his own initiative. This should not have happened and I apologised for this at the 17 December 2012 Ordinary Council Meeting where a similar question to this was asked.”

**David Nunns of Carlton South asked,**

“Why have representatives of Kingston City Council misrepresented the facts with their false assertions made at the Ordinary Meeting of Council on both 26 November 2012 and 17 December 2012 that a waiting list does not exist when in truth a waiting list does exist as clearly demonstrated in the internal Aged and Disability Services Staff Newsletter published by the City of Kingston in October 2012?”

**The CEO provided the following response,**

“This question was previously asked and answered and clarified earlier at this Council meeting tonight.”

**P7 Amendment C125 and Planning Permit Application KP12/1 –  
44 First Avenue, Chelsea**

**Moved: Cr Ronke**

**Seconded: Cr Bearsley**

That:

1. Officers attend the Planning Panel hearing commencing on Wednesday 27<sup>th</sup> February, 2013 in relation to Planning Scheme Amendment C125 and Planning Permit Application KP12/1 and support the direction of the Planning Scheme Amendment.
2. A report be presented to Council following receipt of the Planning Panel Report in relation to Planning Scheme Amendment C125 and Planning Permit Application KP12/1 seeking a decision from the Council on how to respond to the Panel Report.

Cr Gledhill left the Council Chamber at 8.24pm.

Cr Gledhill returned to the Council Chamber at 8.26pm.

**CARRIED**

**10. Community Sustainability Reports**

There were no reports.

**Procedural Motion**

**Moved: Cr Staikos**

**Seconded: Cr Ronke**

That the order of business be altered to allow consideration of Item 14 – Urgent Business as the next item of business.

**CARRIED**

#### **14. Urgent Business**

##### **Amendment C128 Mentone Junction Built Form Controls**

**Moved: Cr Staikos**

**Seconded: Cr Ronke**

That an item of urgent business in relation to Planning Scheme Amendment C128 Mentone Junction Built Form Controls be considered.

**CARRIED**

**Moved: Cr Staikos**

**Seconded: Cr Eden**

That Council resolves to re-exhibit Planning Scheme Amendment C128 in accordance with the changes recommended by the Panel in the Panel Report dated 5 December 2012.

Cr Ronke left the Council Chamber at 8.45pm.

Cr Ronke returned to the Council Chamber at 8.46pm.

**CARRIED**

##### **Replacement of Sports Ground Lighting at Gerry Green and Ben Kavanagh Reserves**

**Moved: Cr Staikos**

**Seconded: Cr Ronke**

That an item of urgent business in relation to the Replacement of Sports Ground Lighting be considered.

**CARRIED**

**Moved: Cr Gledhill**

**Seconded: Cr Bearsley**

That Council:

1. Resolve to provide \$125,000 funding in 2012/13 from Council's Public Open Space Reserve to fund the cost of replacement of one sports ground light pole and associated infrastructure at both Gerry Green Reserve and Ben Kavanagh Reserve.

**CARRIED**

## **11. Organisational Development & Governance Reports**

### **P8 December Quarterly Report on Council Plan Progress**

**Moved: Cr Staikos**

**Seconded: Cr Ronke**

That Council note the 2009/13 Council Plan year to date Quarterly Performance Report December 2012.

**CARRIED**

### **P9 Councillor Code of Conduct Review**

**Moved: Cr Staikos**

**Seconded: Cr Gledhill**

That:

1. Council adopt the Councillor Code of Conduct at **Appendix 1** with the dispute resolution procedure (at clause 4.3) replaced by the process recommended by Maddocks Lawyers (as disclosed in clause 3.3.1 of this report); and
2. Copies of the Councillor Code of Conduct be provided to all Councillors and made available for inspection at Council offices and on Council's website.

**CARRIED**

Cr Bearsley left the Council Chamber at 8.59pm.

### **P10 Proposed Changes to Meeting Procedures Local Law**

**Moved: Cr Ronke**

**Seconded: Cr Gledhill**

That Council:

1. approve the changes as shown in Appendix 1 (text marked in red);
2. receive the proposed Meeting Procedure (Amendment) Local Law No. 8 (the proposed Local Law) as shown in Appendix 2;
3. authorise commencement of the statutory process for the making of the proposed Local Law, in accordance with Part 5 of the Local Government Act 1989 (the Act), by giving public notice of its

intention to make the proposed Local Law and inviting submissions under section 223 of the Act;

4. determine to appoint a committee, in accordance with section 223 of the Act, comprising of the Mayor and Councillors Peulich, Staikos and Eden to hear the submissions in relation to the proposed Local Law, at a meeting on 9 April 2013, commencing at 6.00pm.

Cr Bearsley returned to the Council Chamber at 8.59pm.

### **Amendment**

**Moved: Cr Staikos**

**Seconded: Cr Barth**

That the recommendation be adopted with the following change:

That Clause 21(1)(a) be amended as follows:

(a) A notice of motion must be in writing, signed by two (2) councillors, lodged with the Chief Executive Officer by midday five (5) clear days before the date of the meeting nominated in the notice of motion.

The Amendment was put and **CARRIED**

### **A Division was called**

#### **DIVISION**

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

**AGAINST:** Cr Peulich (1)

**CARRIED**

The Amendment became the Motion

### **Amendment**

**Moved: Cr Staikos**

**Seconded: Cr West**

That the motion be amended as follows:

That Clause 22(1)(c) be amended as follows:

(c) the notice of motion to rescind or alter a previous resolution is delivered, in writing, to the Chief Executive Officer no later than

5.00pm on the second working day following the meeting of the Council at which the resolution proposed to be rescinded or altered was made.

The Amendment was put and **CARRIED**

**A Division was called**

**DIVISION**

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

**AGAINST:** Cr Peulich (1)

**CARRIED**

The Amendment became the Motion.

**Amendment**

**Moved: Cr Bearsley**

**Seconded: Cr Ronke**

That the motion be amended as follows:

That Clause 22(1)(a) be amended as follows:

22 (1) A Councillor may propose a notice of motion to rescind or alter a previous resolution provided:

(a) the notice has been signed by three (3) Councillors and dated.

**CARRIED**

**A Division was called**

**DIVISION**

**FOR:** Crs Staikos, Eden, Ronke, Bearsley, Barth, Gledhill and  
Bronwlees (7)

**AGAINST:** Crs Peulich and West (2)

The Amendment was put and **CARRIED**

The Amendment became the Motion.

The Motion was put and **CARRIED**

Cr Barth left the Council Chamber at 9.29pm and did not return.

**A Division was called**

**DIVISION**

**FOR:** Crs Staikos, Eden, Ronke, Bearsley, Gledhill and Brownlees (6)  
**AGAINST:** Crs Peulich and West (2)

**CARRIED**

The Resolution now reads as follows:

That Council:

1. approve the changes as shown in Appendix 1 (text marked in red), subject to the following changes:
  - That Clause 21(1)(a) be amended as follows:
    - (a) A notice of motion must be in writing, signed by two (2) councillors, lodged with the Chief Executive Officer by midday five (5) clear days before the date of the meeting nominated in the notice of motion.
  - That Clause 22(1)(c) be amended as follows:
    - (c) the notice of motion to rescind or alter a previous resolution is delivered, in writing, to the Chief Executive Officer no later than 5.00pm on the second working day following the meeting of the Council at which the resolution proposed to be rescinded or altered was made.
  - That Clause 22(1)(a) be amended as follows:

A Councillor may propose a notice of motion to rescind or alter a previous resolution provided:

    - (a) the notice has been signed by three (3) Councillors and dated.
2. receive the proposed Meeting Procedure (Amendment) Local Law No. 8 (the proposed Local Law) as shown in Appendix 2;
3. authorise commencement of the statutory process for the making of the proposed Local Law, in accordance with Part 5 of the Local Government Act 1989 (the Act), by giving public notice of its intention to make the proposed Local Law and inviting submissions under section 223 of the Act;
4. determine to appoint a committee, in accordance with section 223 of the Act, comprising of the Mayor and Councillors Peulich, Staikos and Eden to hear the submissions in relation to the proposed Local Law, at a meeting on 9 April 2013, commencing at 6.00pm.



### **P11 Assembly of Councillors Record**

**Moved: Cr Peulich                      Seconded: Cr Staikos**

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

**CARRIED**

### **P12 Ward Funds Expenditure Allocation**

**Moved: Cr Staikos                      Seconded: Cr Bearsley**

That Council:

1. Approve the expenditure of ward funds in accordance with the table of Councillor requests subject to the following amendments:
  - The addition of an allocation of \$500.00 from Cr Staikos to FTS Australia for the purpose of an international soccer tournament.
  - The deletion of an additional \$500.00 to Chelsea Community Support Services for the purpose of new phones that was duplicated as an allocation from Cr Bearsley.

**CARRIED**

### **P13 Confidential Information Register Report**

**Moved: Cr Staikos                      Seconded: Cr Gledhill**

That the matter be considered in the closed part of the meeting under Items in Camera – Confidential Items.

**CARRIED**

**A Division was called**

**DIVISION**

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

**AGAINST:**              Cr Peulich (1)

**CARRIED**

### **P14 2013 Appointments to Village Committees**

**Moved: Cr Staikos**

**Seconded: Cr West**

That Council:

1. Appoint Village Committee members as per the panel recommendations set out in Appendix 1; and
2. Advise applicants of the outcome of their applications.

**CARRIED**

## **12. Corporate Services Reports**

### **P15 Investment Policy Report – December 2012 Quarter**

**Moved: Cr Staikos**

**Seconded: Cr Ronke**

That Council:

1. Note the funds at 31 December 2012 are being invested in line with the risk management profile prescribed in Council's Investment Policy.

Cr Peulich left the Council Chamber at 9.34pm.

**CARRIED**

### **P16 2012/13 Budget Forecast**

**Moved: Cr Ronke**

**Seconded: Cr Eden**

That Council:

1. Note the report and endorse the forecast operating budget position as at 30 June 2013 and detailed amendments to Council's adopted 2012/13 Capital Works Budget and approve the payment of \$2,540,552.73 as final settlement of the August 2012 Superannuation Liability Debt from the cash savings identified in the budget forecast.

Cr Peulich returned to the Council Chamber at 9.35pm.

**CARRIED**

### **P17 Pompei's Landing Future Licenses**

Cr. Eden disclosed an indirect interest in item P17 which he had disclosed to the CEO in writing and he left before any discussion and voting on the matter.

**Moved: Cr West**

**Seconded: Cr Staikos**

That Council resolves to:

- Proceed to offer Pompeis of Mordialloc a 3 year licence for the boat storage area and a 3 year licence to allow free use of the boat ramp on the same terms as the previous licence which expired 1<sup>st</sup> April 2012 identified as Licence 1 and Licence 2 and;
- Extend the licences (identified as Licences 3, 4 and 5) to the Estate of Gwen Pompei for a period of a further 6 months to 1<sup>st</sup> October 2013.

**CARRIED**

### **13. Notices of Motion**

#### **P18 Notice of Motion No. 2/2013 – Cr West**

Cr West requested that each part of the Notice of Motion be put to the vote separately.

**Moved: Cr West**

**Seconded: Cr Staikos**

That a similar opportunity be provided to representatives of other community groups that have been involved in the KGWP process to meet with Council officers and provide detailed feedback and proposals regarding the KGWP, and that officers report to Councillors on both consultations.

Cr Eden returned to the Council Chamber at 9.44pm.

**CARRIED**

**A Division was called**

#### **DIVISION**

**FOR:** Crs Staikos, Eden, Ronke, Bearsley, West and Gledhill  
(6)

**AGAINST:** Crs Peulich and Brownlees (2)

**CARRIED**

That the officers also outline to the landholders alternative proposals for the [REDACTED] land outlined in the office report to Council's

**LOST**

**A Division was called**

**DIVISION**

**FOR:** Crs Staikos, Eden and West (3)

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

**LOST**

**P19 Notice of Motion No. 3/2013 – Cr Brownlees**

**Moved: Cr Gledhill**

**Seconded: Cr Bearsley**

That council prepare a plan, including costs, to establish a shared Bay Trail from Charman Road Mentone to the North West entry to the car park in front of the Mentone Lifesaving Club. The alignment of the trail would be back of kerb and make use of the existing gravel verge and may involve the removal of some vegetation, however there should be no reduction in the number of vehicle lanes or the provision of the current roadside parallel parking capacity. Once completed, the plan would then be presented for a period of comprehensive community consultation.

**CARRIED**

**A Division was called**

**DIVISION**

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

**AGAINST:** Crs Peulich (1)

**CARRIED**

**Procedural Motion**

**Moved: Cr Staikos**

**Seconded: Cr Ronke**

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

**P20 Notice of Motion No. 4/2013 – Cr Peulich**

**Moved: Cr Peulich**

**Seconded: Cr**

That Kingston Council identifies what economic opportunities for Kingston business and Kingston Council, are presented by the Urban Iron Man Asia Pacific Championship scheduled for 24<sup>th</sup> March 2013 and 2014.

And that an urgent report be compiled which outlines what Kingston is doing or could do to facilitate and inform business of the opportunities including any hospitality and tourism opportunities that might be created either independently or in conjunction with other surrounding councils.

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

**P21 Notice of Motion No. 5/2013 – Cr Peulich**

**Moved: Cr Peulich**

**Seconded: Cr**

That Kingston's Audit Committee be renamed the Ethics and Audit Committee and that a report canvass the need for expanded powers of this committee in the context of higher standards which will be required by new governance and integrity regimes.

Cr Ronke left the Council Chamber at 9.59pm.

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

**P22 Notice of Motion No. 6/2013 – Cr Peulich**

**Moved: Cr Peulich**

**Seconded: Cr**

That Council refers any amendments to Local Law #7, in relation to notices of motion and notices of rescission, to Liberty Victoria for advice.

In addition, a comprehensive independent review of the recent proposals to impinge on Councillor's democratic rights and freedoms be undertaken, in light of best practice State Parliament standing orders.

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

Cr Ronke returned to the Council Chamber at 10.02pm.

**P23 Notice of Motion No. 7/2013 – Cr Peulich**

**Moved: Cr Peulich**

**Seconded: Cr**

That given Council was misinformed prior to the decision to take unprecedented heavy handed actions against promotion signs, there be a halt to any prosecutions and a review undertaken into the impact on:

1. The ability of Council to conduct dumped rubbish and litter collection and prevention within the period of prosecution:
  - a. In the so-called Green Wedge
  - b. Along transport routes
  - c. Within our activity centres
  - d. In parks and gardens

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

**P24 Notice of Motion No. 8/2013 – Cr Peulich**

**Moved: Cr Peulich**

**Seconded: Cr**

That a probity review be undertaken of the rezoning of Archibald Honey and adjacent retirement village into the Green Wedge and that a report come back to Council by Kingston's Ordinary Meeting in March especially identifying any areas of deficiency and suggestions of remedy.

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

**P25 Notice of Motion No. 9/2013 – Cr West**

**Moved: Cr West**

**Seconded: Cr Staikos**

That Council;

1. Ask VicRoads to prepare a plan and feasibility study for the arterial road to be built on stilts over the endangered woodland at Dingley. In that case;
2. That Council commission our ecological consultant to advise on whether and how constructing the Dingley Arterial on stilts over the endangered woodland would protect or benefit the woodland.

**Moved: Cr Peulich**

That the motion now be put.

**LOST**

**A Division was called**

**DIVISION**

**FOR:** Cr Peulich (1)

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

**LOST**

The Substantive Motion was put and **LOST** on the Casting Vote of the Chairperson

**P26 Notice of Motion No. 10/2013 – Cr West**

**Procedural Motion**

**Moved: Cr West**

**Seconded: Cr Staikos**

That the matter be deferred for discussion at a future Councillor Information Session.

**CARRIED**

**15. Items in Camera – Confidential Items**

**Moved: Cr West**

**Seconded: Cr Ronke**

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:

- Item P13 Confidential Information Register as it is a matter that would prejudice Council and the persons involved.

**Confidential Attachments**

- P9 Councillor Code of Conduct Review as it is legal advice.
- P14 2013 Appointments to Village Committees as it contains information that would prejudice the persons involved.
- P18 Notice of Motion No. 2/2013 – Cr West – as it contains information that would prejudice Council.

The meeting was closed to the public at 10.20pm.

**Moved: Cr Ronke**

**Seconded: Cr Staikos**

That the meeting be opened to the public.

**CARRIED**

During the closed part of the meeting the following resolution (in part) was carried:

**Item P13 Confidential Information Register Report**

**Moved: Cr Staikos**

**Seconded: Cr West**

2. Sections 8.71, 9.51 and 10.126 be made public, with the name of the officer redacted and replaced by the words “the officer”, i.e.

8.71 – On the basis of the available evidence and on the balance of probabilities I find the overarching allegation that Cr Staikos bullied (the officer) to be not substantiated.

9.51 – On the basis of the available evidence and on the balance of probabilities I find the overarching allegation that Cr Shewan bullied (the officer) to be not substantiated.

10.126 – On the basis of the available evidence and on the balance of probabilities I find the overarching allegation that Cr West bullied (the officer) to be not substantiated.

The meeting was opened to the public at 10.45pm.

The meeting closed at 10.45pm.

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**Confirmed, His Worship, The Mayor, 25 March 2013**