



City of
KINGSTON

Ordinary Meeting of Council Minutes

Monday, 3rd February 2014

**City of Kingston
Ordinary Meeting of Council**

Minutes

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The meeting commenced at 7.03pm in the Council Chamber, 1230 Nepean Highway, Cheltenham.

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

In Attendance: Paul Franklin – Acting Chief Executive Officer
Mauro Bolin – General Manager Community Sustainability
Rachel Hornsby – General Manager Environmental Sustainability
Anthony Basford – Acting General Manager Organisational Development and Governance
Julian Harvey – Acting General Manager Corporate Services
Phil DeLosa – Program Leader Governance
Stephanie O’Gorman – Governance Officer
Megan O’Halloran – Manager Communications & Public Affairs
Kirsten Leiminger – Media Officer Communications & Public Affairs
Jonathan Guttman – Manager City Strategy

1. Apologies

An apology from Cr Ronke was submitted to the meeting.

Moved: Cr Brownlees

Seconded: Cr Gledhill

That the apology from Cr Ronke be received.

CARRIED

2. Confirmation of Minutes of Previous Meetings

Moved: Cr Staikos

Seconded: Cr Gledhill

That the Minutes of the Ordinary Meeting of Council held on 16 December 2013, the Special Meeting of Council held on 23 December 2013, the Special Meeting of Council held on 13 January 2014 and the Special Meeting of Council held on 13 January 2014 be confirmed.

CARRIED

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

Cr Peulich declared a conflict of interest in Item 9.1 - KP13/725 - 539 - 541 Clayton Road, Clayton South.

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4. Petition

Remove 2 Hour Parking Limit in Patty Street, Mentone

Moved: Cr Brownlees

Seconded: Cr Gledhill

That the petition be referred to the CEO for response.

CARRIED

5. Presentation of Awards

There were no awards presented.

6. Reports from Village Committees

There were no reports from Village Committees.

7. Reports from Delegates Appointed by Council to Various Organisations

- Cr Staikos reported on the Victorian Local Governance Association
- Cr West reported on the Municipal Association of Victoria Environmental Advisory Group and Planning Advisory Group
- Cr Brownlees reported on the Municipal Association of Victoria South East Representatives Meeting.

Moved: Cr Staikos

Seconded: Cr Gledhill

That the following delegates' reports be received and Councillors thanked for their reports:

CARRIED

8. Question Time

Question Time was held at 8.00pm. Refer to page 17 of the Minutes.

9. Environmental Sustainability Reports

Cr Peulich declared an indirect interest by close association in Item 9.1 KP13/725 – 539-541 Clayton Road, Clayton South as his mother is the Parliamentary Secretary for Education and left the meeting at 7:16pm prior to any discussion and voting on the matter.

Procedural Motion

Moved: Cr Staikos

Seconded: Cr Gledhill

That Cr Brownlees be elected temporary Chairperson for Item 9.1.

CARRIED

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9.1 KP13/725 - 539 - 541 Clayton Road Clayton South

Moved: Cr Staikos

Seconded: Cr Barth

That Council determine to support the proposal and issue a Notice of Decision to Grant a Permit for the Use and development of the land for the construction of an Educational Facility (Kindergarten) in a Heritage Overlay at No. 539-541 Clayton Road, Clayton South, subject to the following conditions:

1. Before the development starts amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be substantially in accordance with the plans submitted to Council on 18 & 20 November 2013, but modified to show:
 - a. the provision of an improved landscape plan and associated planting schedule for the site showing the proposed location, species type, mature height and width, pot sizes and number of species be planted on the site, with such plans to be prepared by a suitably qualified landscape professional and incorporating:
 - i. an associated planting schedule showing the proposed location, species type, mature height and width, pot sizes and number of species to be planted on the site. The schedule must be shown on the plan;
 - ii. the delineation of all garden beds, paving, grassed areas, retaining walls, fences and other landscape works including areas of cut and fill throughout the development;
 - iii. all existing trees adjacent to the proposed kindergarten, 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. adequate planting densities (e.g. plants with a mature width of 1 metre, planted at 1 metre intervals);
 - v. sustainable lawn areas and plant species taking current water restrictions into consideration;
 - vi. suitable species selected for use within the landscape strip along the driveway i.e. take into consideration the mature width of the plant selected;
 - vii. all hard surfacing and fencing located at least one (1) metre from any existing or proposed canopy tree;
 - viii. all trees provided at a minimum of two (2) metres high at time of planting;
 - ix. a range of plant types from ground covers to large shrubs and trees;

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- x. medium to large shrubs and trees provided in pot sizes of 200mm or greater; and
 - xi. the provision of a notation on the landscape plan regarding site preparation, including the removal of all weeds, proposed mulch, soil types and thickness, subsoil preparation and any specific maintenance requirements.
- b. an elevation plan of the front fencing, which provides details of its height, materials and colours;
 - c. the surface material of all driveways / access ways and car parking spaces nominated in all-weather coloured concrete sealcoat, or similar;
 - d. A notation on the site plan that the ramp and access to the building will be in accordance with the Commonwealth Government's Disability Discrimination Act to allow for people with limited mobility to access the building directly from the street;
 - e. 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;
 - f. the location of all externally-located heating and cooling units, exhaust fans and the like, clearly shown; and
 - g. suitable size rainwater tank/s for water reuse as per Council's guidelines - "Civil Design Requirements for Developers – Part A: Integrated Stormwater Management".
2. The use and development as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.
 3. Prior to the commencement of the use, the landscaping works as shown on the endorsed plans must be completed to the satisfaction of the Responsible Authority. The landscaping must then be maintained to the satisfaction of the Responsible Authority.

Use

4. No more than fifty-five (55) children are permitted within the premises (Kindergarten) at any given time.
5. No more than six (6) staff members may be on the premises at any one time to the satisfaction of the Responsible Authority.
6. Children utilising the Educational Facility (Kindergarten) shall be dropped off between the times of 8:45am & 9:15am, and pick up times between 12:45pm and 2:15pm Monday to Friday.
7. The use hereby permitted must operate only between the following hours:
 - Monday to Friday, 8:30am to 5pm.

Development Engineering

8. 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.

9. 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.).
10. Stormwater works must be provided on the site so as to prevent overflows onto adjacent properties.
11. Stormwater outflow from the development to the Council drainage system must be limited to the predevelopment level of outflow of the site.
12. Prior to the commencement of the use hereby permitted, areas set aside for parking vehicles, access lanes and paths as shown on the endorsed plans must be:
 - a. Constructed to the satisfaction of the Responsible Authority.
 - b. Properly formed to such levels that they can be used in accordance with the plans.
 - c. Surfaced in accordance with the endorsed plans under this permit or in an all weather coloured concrete seal-coat, to the satisfaction of the Responsible Authority.
 - d. Drained and maintained to the satisfaction of the Responsible Authority.
 - e. 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.

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

Roads & Drains

13. Property boundary and footpath levels must not be altered without the prior written consent from the Responsible Authority.
14. The replacement of all footpaths, including offsets, must be constructed to the satisfaction of the Responsible Authority.
15. All reinstatements and vehicle crossings must be constructed to the satisfaction of the Responsible Authority.
16. Vehicle crossings and other reinstatements must be constructed to council's industrial strength specifications.

17. All front and side fences must be contained wholly within the title property boundaries of the subject land.
18. All loading and unloading must be wholly contained within the site.
19. Disabled persons' access to the building must be provided in accordance with the relevant Australian Standard/s to satisfy the provisions of the *Disability Discrimination Act*.

Amenity

20. The amenity of the area must not be detrimentally affected by the development and/or use, through the:
 - a. Transport of materials, goods or commodities to or from the land.
 - b. Appearance of any buildings, works or materials.
 - c. Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil.
 - d. Presence of vermin.
21. Without the prior written consent of the Responsible Authority, no form of public address system or sound amplification equipment must be used on the premises so as to be audible outside the premises.
22. Noise emanating from the subject land must comply with State Environment Protection Policy to the satisfaction of the Responsible Authority.
23. Adequate provision, to the satisfaction of the Responsible Authority, must be made for the storage and collection of garbage, bottles and other solid wastes in bins or receptacles.
 - a. All bins and receptacles used for the storage and collection of garbage, bottles and other solid wastes must, to the satisfaction of the Responsible, be kept in a storage area screened from view; and
 - b. All bins and receptacles must be maintained, to the satisfaction of the Responsible Authority, in a clean and tidy condition and free from offensive odour.
24. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.

Time limits

25. 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 and use is not started before within (2) years from the date of this permit; or
 - 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:

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- before the permit expires; or
- within six (6) months after the permit expiry date, where the use or 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 and Environmental Health Permits.

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

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.

CARRIED

Cr Peulich returned to the meeting at 7:22pm.

9.2 Implementation of new Residential Zones

Moved: Cr West

Seconded: Cr Brownlees

That Council resolve to:

1. Write to the Minister for Planning to advise him that in relation to Planning Scheme Amendment C137, Council accept his invitation to participate in the Residential Zones Standing Advisory Committee.
2. Advise the Minister for Planning that Council request to exhibit Planning Scheme Amendment C137 in accordance with the procedures to be established for the Residential Zones Standing Advisory Committee and in the form as previously resolved by Council, but with the following modifications:
 - a. Remove from Planning Scheme Amendment C137 those aspects of the Amendment that relate to changes to Local Planning Policy and changes to the Schedule to Clause 52.01 relevant to Public Open Space Contributions.
 - b. Remove from Planning Scheme Amendment C137 those aspects of the Amendment that relate to the introduction of the Industrial 1 Zone over areas presently zoned Commercial 2 but retain those aspects of the Planning Scheme Amendment C137 that proposed to rezone Commercial 2 Zone land to the General Residential Zone or Mixed Use Zone.
3. Provide the (Acting) Chief Executive Officer with the delegation to modify the Amendment documentation as required for Planning Scheme Amendment C137 in accordance with the above resolutions of the Council for the purposes of preparing the Amendment in a form suitable for exhibition.
4. Proceed to advance the merits of the Planning Scheme Amendment C137 as

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exhibited at any hearing to Residential Zones Standing Advisory Committee unless there is a subsequent resolution of Council based on its review of submission(s) that changes the position of Council in relation to Planning Scheme Amendment C137.

5. That interested Councillors hold a further meeting this month to consider submissions to C137 with a view to proposing minor changes so as to improve the fit between community aspirations and best interests on the one hand and the Planning Scheme Amendment.
6. Seek separate authorisation from the Minister for Planning to pursue exhibition of a Planning Scheme Amendment(s) to introduce those aspects above which have been removed from Planning Scheme Amendment C137.
7. Notify all parties who have registered an interest in this matter of this resolution, once further clarification is provided from the State Government regarding the process for the Standing Advisory Committee.

CARRIED

A Division was Called:

DIVISION:

FOR: Crs Brownlees, Staikos, West, Gledhill, Eden, Barth and Peulich (7)

AGAINST: Cr Bearsley (1)

CARRIED

Cr Barth left the meeting at 7:44pm.

9.3 Planning Scheme Amendment C111 – Southern Road, Mentone

Moved: Cr Brownlees

Seconded: Cr Gledhill

That Council:

1. Forward the letter contained in Appendix 2 to the Minister for Planning requesting that Planning Scheme Amendment C111 be approved in the form previously submitted.

CARRIED

Cr Barth returned to the meeting at 7:47pm.

9.4 Planning Controls Update Moorabbin and Mentone Activity Centre

Moved: Cr Gledhill

Seconded: Cr Staikos

That Council:

1. Write to the Planning Minister requesting that he approve Planning Scheme Amendments C121 (Moorabbin Activity Centre) and C124 (Mentone Activity Centre) prior to the interim controls in Schedule 18 (Mentone) and Schedule 19 (Moorabbin) to the Design and Development Overlays expiring on 30 April, 2014;
2. Request the Planning Minister to ensure that on the basis that Amendments C121 and C124 are not approved by the 30th April, 2014 he again extend the interim controls in Schedule 18 (Mentone) and Schedule 19 (Moorabbin) to the Design and Development Overlay; and

3. Notify relevant Local Members of Parliament of this request.

CARRIED

9.5 Contract No. 13/94 Street Sweeping Services

Moved: Cr Staikos

Seconded: Cr Brownlees

That Council:

1. Receive the information
2. Accept the tender of **KS Environmental Property Services** for Contract No. 13/94 Street Sweeping Services for a period of five years 1st July 2014 to 30th June 2019 with an option for Council to extend the contract for two one year periods at the rates set out in Schedule 3 Street Sweeping Services Schedule of Prices for the sum of \$1,088,291.03 excluding GST for the first year.
3. That the two one-year contract optional extensions be at the discretion of the Chief Executive Officer, or delegate subject to satisfactory performance.

CARRIED

10. Community Sustainability Reports

There were no Community Sustainability Reports.

11. Organisational Development & Governance Reports

11.1 Media and External Communications Policy

Moved: Cr Brownlees

Seconded: Cr Gledhill

That Council:

1. Adopt the revised Media and External Communications Policy.

Amendment

Moved: Cr Eden

Seconded: Cr West

That Council:

1. Adopt the revised Media and External Communications Policy subject to the following addition in relation to Attachment 2 - Kingston Your City Protocols:
 - a. That any requests (verbally or written, formally or informally) by Councillors to include, amend or delete content from council publications be sent to all Councillors.

LOST on the casting vote of the Chairperson

A Division was Called:

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DIVISION:

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

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

LOST on the casting vote of the Chairperson

Amendment

Moved: Cr West

Seconded: Cr Eden

That Council:

1. Adopt the revised Media and External Communications Policy subject to the following addition:
 - a. That no photos or mention of any State or federal politicians appear in KYC in the two editions preceding the relevant State or federal Election for which they are standing.

LOST on the casting vote of the Chairperson

A Division was Called:

DIVISION:

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

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

LOST on the casting vote of the Chairperson

The Substantive Motion was put and **CARRIED** on the casting vote of the Chairperson

A Division was Called:

DIVISION:

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

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

CARRIED on the casting vote of the Chairperson

8. Question Time

Question 1.

Jane Wainwright of Cheltenham asked,

“My concern is ‘when is a park allowed to have a bin?’ Apparently, ‘No BBQ, no bin.’ There also appears to be little in writing regarding the park requirements for a bin. ‘Philosophy’ and ‘discretion’ were words used. I do not think that cost, chance of a bin catching fire etc are reasonable excuses; environment and sustainability are. We enjoy our little park. The lack of any info in writing is a concern to me. There is a bin in the Elliot Street Park but no BBQ? Surely such issues need to be in writing with specifics eg. No BBQ, certain size of park etc. We locals are also sick of picking up rubbish regularly left.

The Acting CEO provided the following response,

“This question is taken on notice and a written response will be provided directly to Jane Wainwright as she is not present in the gallery.”

11.2 Meeting Procedure (Amendment) Local Law No. 9

Moved: Cr Eden

Seconded: Cr Brownlees

That, having completed the procedure referred to in section 119(2) of the Local Government Act 1989 and noting that no submissions were received in response to the public notice indicating that Council proposed to make Meeting Procedure (Amendment) Local Law No 9, Council:

1. Make the Meeting Procedure (Amendment) Local Law No. 9 as attached in Appendix 1 (the Local Law);
2. Authorise the affixing of the common seal to the Local Law; and
3. Authorise the Chief Executive Officer to:
 - a. Give public notice of the making of the Local Law; and
 - b. Send a copy of the Local Law to the Minister for Local Government.

CARRIED

Cr Staikos requested that it be recorded he voted against the motion.

11.3 Assembly of Councillors Record Report

Moved: Cr Staikos

Seconded: Cr Gledhill

That Council:

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

CARRIED

11.4 Council Ward Grants

Moved: Cr Staikos

Seconded: Cr Bearsley

That Council:

1. Approve the recommended Council Ward Grants in accordance with the table of Councillor recommendations in Appendix 1.

CARRIED

11.5 Update on Local Government Performance Reporting Framework - Pilot Program

Moved: Cr Staikos

Seconded: Cr Gledhill

That Council:

1. Receive the information for noting.

CARRIED

12. Corporate Services Reports

12.1 2013-2014 Arts Grants Program - Funding Recommendations for Grant Allocations (Round 2)

Moved: Cr Staikos

Seconded: Cr Bearsley

That Council:

1. Endorse the second round 2013-2014 Arts Grants funding allocations as recommended by the Arts and Cultural Advisory Committee to:
 - Shaun Rigney - \$2,536 (Community Arts Grant)
 - Layla Hackman - \$3,810 (Sharing Cultures Grant)
 - Simon Grennan - \$5,000 (Arts and Cultural Tourism Grant)
2. Authorise officers to distribute the Arts Grants in line with the funding guidelines and conditions outlined.

CARRIED

13. Notices of Motion

There were no Notices of Motion.

14. Urgent Business

14.1. Redevelopment of Mordialloc Life Saving Club

Moved: Cr Brownlees

Seconded: Cr Bearsley

That an item of Urgent Business in relation to the redevelopment of Mordialloc Life Saving Club be considered.

CARRIED

Cr Staikos left the meeting at 8:43pm.
Cr Staikos returned to the meeting at 8:45pm.

Moved: Cr Brownlees

Seconded: Cr Bearsley

That:

1. Council agree to the principle of constructing the Mordialloc Coastal Resource Centre in two separate stages (with Stage 1 being a Life Saving Club and Stage 2 incorporating shared LSC / community space elements).
2. Officers proceed with the development of designs that support the construction of the facility in two stages and present a further report to Council seeking endorsement of the Stage 1 plans prior to plans being made available for community comment.
3. Endorse the construction of the Life Saving Club (stage 1), to commence in the 2014/15 financial year subject to the provision of a substantive capital contribution from Life Saving Victoria, associated Memorandum of Understanding with Life Saving Victoria (on terms acceptable to Council) and obtaining relevant statutory approvals.
4. Resolve to adjust the forward capital program to facilitate construction of stage 1 of the Mordialloc Coastal Resource Centre through rephasing of substantive funds into 2014/15 financial year.
5. Proceed with the construction of stage 2 of the Mordialloc Coastal Resource Centre at a future date, subject to adequate internal and external funding becoming available, Council endorsement of the design and obtaining relevant statutory approvals.
6. Authorise the Chief Executive Officer to execute all relevant documents to support the progress of stage 1 of the Mordialloc Coastal Resource Centre.
7. Council notify Life Saving Victoria of Council's resolution.

CARRIED

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15. Confidential Items

Moved: Cr Brownlees

Seconded: Cr Eden

That in accordance with the section 77(2)(6) of the *Local Government Act 1989*, the following Appendices be declared confidential (the relevant ground being that is a contractual matter under section 89(2)(d).

Confidential Appendices

- 9.5 Contract No. 13/94 Street Sweeping Services
Appendix 1, Street Sweeping - Confidential Report**
This appendix is confidential in accordance with the Local Government Act s89(2) as it relates to (s89 2d)
- 9.5 Contract No. 13/94 Street Sweeping Services
Appendix 2, Street Sweeping Contract - Probity Report**
This appendix is confidential in accordance with the Local Government Act s89(2) as it relates to (s89 2d)

CARRIED

The meeting closed at 8.55pm.

Confirmed.....

The Mayor 24 February 2014