



City of
KINGSTON

Ordinary Meeting of Council Minutes

Monday, 24th February 2014

**City of Kingston
Ordinary Meeting of Council**

Minutes

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	<i>[Note that any Conflicts of Interest need to be formally declared at the start of the meeting and immediately prior to the item being considered – type and nature of interest is required to be disclosed – if disclosed in writing to the CEO prior to the meeting only the type of interest needs to be disclosed prior to the item being considered.]</i>	
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The meeting commenced at 7.05pm in the Council Chamber, 1230 Nepean Highway, Cheltenham.

Present: Cr Tamara Barth
Cr Tamsin Bearsley
Cr David Eden
Cr Geoff Gledhill
Cr John Ronke
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
Kirsten Leiminger – Media Officer Communications & Community Relations
Jonathan Guttman – Manager City Strategy

Election of Acting Chairperson

Moved: Cr West

Seconded: Cr Eden

That Cr Staikos be elected Acting Chairperson.

CARRIED

1. Apologies

Apologies from Cr Peulich and Cr Brownlees were submitted to the meeting.

Moved: Cr West

Seconded: Cr Bearsley

That the apologies from Cr Peulich and Cr Brownlees be received.

CARRIED

2. Confirmation of Minutes of Previous Meetings

Moved: Cr Barth

Seconded: Cr Bearsley

That the Minutes of the Ordinary Meeting of Council held on 3 February 2014 be confirmed.

CARRIED

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

Cr Eden declared an indirect interest in Item 12.1 Mordialloc Creek Licences.

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4. Petitions

There were no petitions tabled at the meeting.

5. Presentation of Awards

There were no presentations of awards.

6. Reports from Village Committees

6.1 Recommendations and Highlights from Village Committees

Aspendale/Edithvale/Aspendale Gardens Village Committee

Report of Meeting held 6 February 2014

Village Committee Motion

That Council not support any planning scheme amendments to rezone the 53 hectares of green wedge area outlined for redevelopment on Springvale Road, nor to reduce minimum lot sizes for land in the green wedge zone.

Officer Comments: Council has considered matters which relate to the recommendation of the Village Committee through resolutions of the Council on 28 October 2013 and 16 December 2013. Council will also be considering a report at its Ordinary Meeting of Council on 24 February 2014, which outlines the options available to it in relation to advancing the work to change the Kingston Planning Scheme as it relates to the Kingston Green Wedge.

Moved: Cr West

Seconded: Cr Eden

That Council not support any planning scheme amendments to rezone the 53 hectares of green wedge area outlined for redevelopment on Springvale Road, nor to reduce minimum lot sizes for land in the green wedge zone.

LOST

Moved: Cr Bearsley

Seconded: Cr Ronke

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

LOST

Clarinda/Clayton South/Oakleigh South Village Committee

Report of Meeting held 4 February 2014

Village Committee Motion

That Council consider using the unexpended Community Grants funds allocated to the Clarinda/Clayton South/Oakleigh South Village Committee to install lighting fittings on existing poles at Namatjira Park as this would help reduce anti-social behaviour in the park.

Moved: Cr Barth

Seconded: Cr Gledhill

That the Village Committee be thanked for its motion and be advised that new lighting at Namatjira Park will be considered as part of the 2014/15 budget preparation. Officers will notify the Village Committee of the outcome.

CARRIED

Cheltenham Village Committee

Report of Meeting held 4 February 2014

Village Committee Motion

That Council consider extending the opening hours of Libraries on days of extreme heat and consecutive days of extended high temperatures (heat waves) until sundown (8.30-9pm) to provide a refuge for vulnerable residents. In addition, the Committee also asks if other community facilities (such as Senior Citizen Centres) could be identified and opened for use by resident during extreme heat conditions.

Moved: Cr West

Seconded: Cr Gledhill

That Council consider extending the opening hours of Libraries on days of extreme heat and consecutive days of extended high temperatures (heat waves) until sundown (8.30-9pm) to provide a refuge for vulnerable residents and whether other community facilities (such as Senior Citizen Centres) could be identified and opened for use by residents during extreme heat conditions and that Councillors receive a report on this matter.

CARRIED

Mentone/Parkdale Village Committee

Report of Meeting held 4 February 2014

Village Committee Motion

That Council investigates what can be done to engage the owner of the building on the island at Mentone opposite Kilbreda to stop it from falling into disrepair.

Moved: Cr Gledhill

Seconded: Cr West

That Council investigates what can be done to engage the owner of the building on the island at Mentone opposite Kilbreda to stop it from falling into disrepair.

CARRIED

Village Committee Motion

That Council to look at the possibility of relocating the Nylex sign (which is currently being covered up by the Bunnings sign) to a more visible area.

Moved: Cr Gledhill

Seconded: Cr West

That Council hold discussions with Bunnings/Westfarmers to look at the possibility of relocating the Nylex sign (which is currently being covered up by the Bunnings sign) to a more visible area

CARRIED

Patterson Lakes/Carrum Village Committee

Report of Meeting held 5 February 2014

Village Committee Motion

That Council approach:-

- (i) WorkSafe regarding the fireworks permit allocated to an address in Schooner Bay Drive Patterson Lakes and confirm all requirements of the permit where followed by the permit holders, including consultation.*
- (ii) Victoria Police to confirm if any prosecution were made during the festive season and was there any action taken against those who did not seek a permit.*

Moved: Cr Bearsley

Seconded: Cr Ronke

That the Village Committee be advised that Council does not have jurisdiction in this area and that members of the Village Committee can contact Victoria Police on 000 to seek assistance when fireworks are used.

CARRIED

7. Reports from Delegates Appointed by Council to Various Organisations

There were no reports from delegates.

8. Question Time

Question Time was held at 8.00pm. Refer to page 23 of the Minutes.

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9. Environmental Sustainability Reports

Procedural Motion

Moved: Cr Gledhill

Seconded: Cr Bearsley

That consideration of Supplementary Agenda Item 'Supplementary Report KP13/436 - 576 - 578 Heatherton Road Clayton South' and Item 9.3 'Green Wedge Planning Scheme Amendment Update' be deferred.

CARRIED

Post Meeting Note: A Special Meeting of Council will be held at 7.00pm on 3 March 2014 to consider these items.

9.1 Chelsea Baseball Club - Request for waiver of debt and sportsground fees

Moved: Cr Ronke

Seconded: Cr Bearsley

That Council:

1. Receive the information.
2. Adopt Option 3 to waive the existing outstanding debt of the Chelsea Baseball Club and all future sports ground and pavilion fees until the winter of 2016 (reduction of fees income of \$9,549).

CARRIED

9.2 Coastal Management Plan Review

Procedural Motion

Moved: Cr Bearsley

Seconded: Cr Ronke

That consideration of this matter be deferred.

CARRIED

10. Community Sustainability Reports

There were no Community Sustainability Reports.

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11. Organisational Development & Governance Reports

11.1 Year to Date Quarterly Performance Report as at December 2013

Moved: Cr Bearsley

Seconded: Cr Gledhill

That Council:

1. Receive the year to date Quarterly Performance report against the 2013-2017 Council Plan for the period to 31 December 2013.

CARRIED

11.2 Council Ward Grants

Moved: Cr Gledhill

Seconded: Cr Ronke

That Council:

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

CARRIED

11.3 Assembly of Councillors Record Report

Moved: Cr Ronke

Seconded: Cr Bearsley

That Council:

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

CARRIED

12. Corporate Services Reports

12.1 Mordialloc Creek Licences

Cr Eden declared an indirect interest by close association in Item 12.1 and left the meeting at 7:46pm prior to any discussion and voting on the matter. Cr Eden advised that he disclosed the details of the conflict of interest to the Acting Chief Executive Officer as per the Local Government Act 1989 (Vic).

Moved: Cr West

Seconded: Cr Barth

That consideration of this matter be deferred for 60 days until Council has had time to receive a presentation without prejudice by Mr Leon Pompei and or his representatives and or other members of the Pompei family.

CARRIED

Cr Eden returned to the meeting at 7:58pm.

12.2 Investment Policy Report - December 2013 Quarter

Moved: Cr Ronke

Seconded: Cr Barth

That Council:

1. Note that its funds as at 31 December 2013 are invested in line with the risk management profile prescribed in Council's Investment policy.

CARRIED

8. Question Time

Question 1.

Maureen Lim of the Kingston Residents' Association asked,

"Why do some Councillors want to decrease the lot sizes of the Kingston Green Wedge to 2000 square metres when the Minister last November assured all residents the Green Wedge would not be changed?"

The Acting CEO provided the following response,

"The Green Wedge is a matter under active consideration by Council. Further information will be available once Council has resolved on the issue."

Question 2.

Paula Fleming of Frankston asked,

"What is the future of Pompei's and Pompei's ramp? Will it continue to operate as Jack Pompei intended?"

The Acting CEO provided the following response,

"This matter was to be determined at tonight's meeting in Item 12.2 'Mordialloc Creek Licences'.

Question 3.

Stuart Petchey of Aspendale asked,

"In light of the massive and substantial amounts of time and effort that many local residents put into the original Coastal Management Plan either as individuals and/or as integral working members of the Kingston Foreshore Reference Group over a period of two and a half years, can the following questions please be addressed and answered in full:

1. *How many of the working members of the Kingston Foreshore Reference Group were actually specifically contacted by Kingston City Council to inform them of this intended review of their efforts, given the almost total lack of any form of worthwhile and widely distributed local newspapers and the irregular and often inconsistent delivery of Kingston Your City?*
2. *Given that many of those former members of the Kingston Foreshore Reference Group were there as representatives of many diverse community groups and networks with foreshore interests, would it not have been a courteous acknowledgment of the time and effort they put in to the process on behalf of their various groups and networks if they had been informed properly and formally invited to be further involved in this latest review?*
3. *The original Coastal Management Plan was initiated in 2007 and completed after two and a half years of very hard work by all concerned. In fairness to that*

effort and contribution how many changes will be made to the original plan and what are they?"

The Acting CEO provided the following response,

1. *"My understanding is that the Kingston Foreshore Reference Group is a group that existed under a previous Council. As far as I know it is no longer a Council or community group.*
2. *There was extensive consultation on the review of the Coastal Management Plan including drop-in sessions, information on the website and in Kingston Your City. Existing community groups that have a relationship with the coast were also contacted.*
3. *The review of the Coastal Management Plan is not a wholesale re-writing of the Plan. It is acknowledged that the original content and process in 2007-2010 was significant and much of it remained relevant. The review of the Plan was an opportunity to strengthen and streamline the Plan to ensure its ongoing relevance to the Kingston and broader community. The Draft Coastal Management Plan will be considered by Council at the March Ordinary Meeting of Council. "*

Question 4.

Ken Carney of Aspendale Gardens asked,

"I understand that the Mentone Grammar Sports Grounds on Springvale Road are subject to Council's decision to rezone from Green Wedge to Residential. The current use of the land meets the requirements of Green Wedge Legislation. This raises the following questions,

1. *Why can't it be retained for Green Wedge use and if Mentone Grammar no longer need it they can sell it to parties who would use it within the Green Wedge conditions, for example, as sporting grounds?*
2. *What research was carried out to determine what market interest exists to use this land as Green Wedge land and what was the outcome?*
3. *Are Council aware that it is likely that the value of the land has probably increased due to the decision to seek a residential zoning there by making it unaffordable to potential buyers who wish to use it as Green Wedge land?"*

The Acting CEO provided the following response,

"This matter is under active consideration by Council. Once the matter has been resolved we will be able to provide more information."

Question 5.

Jan Gibson of Mentone asked,

1. *"What are the noise restrictions applied to the Bunnings's Mentone store given that it is adjacent to a residential area? Specifically what hours per day, this being Monday to Friday, Weekends and Public Holidays?*
2. *I mailed a letter to Council about Bunnings Mentone not following noise restrictions on 3 February 2014 and have not received a written response. This was 7 weeks ago. Why have I not received a response?*
3. *I mailed a letter to Council about Bunning Mentone planning issues on 3 February 2014 and have not received a written response. This was 7 weeks*

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ago. I requested a response in 1 month. Why have I not received a response within the month?

4. *I emailed a letter to all three Central Ward Councillors on 3 February 2014 asking for their assistance in the above matters. This was 7 weeks ago. Why have I not received help from any of the Councillors or contact other than Geoff's acknowledgment of my email?"*

The Acting CEO provided the following response,

"These questions are taken on notice and will be responded to in writing within 3 working days."

13. Notices of Motion

13.1 Notice of Motion No. 3/2014 - Cr Bearsley - Bona Vista Avenue

Moved: Cr Bearsley

Seconded: Cr Eden

That officers prepare a report for the next Ordinary Council Meeting, on the planning outcomes of 8-10 Bona Vista Ave, Aspendale which:

- Includes the original planning applications, approved planning permits and any subsequent changes.
- Describes the current status of compliance with their planning permit and any known breaches.
- Explains why a planning permit was issued by the relevant authority and the extent to which it mentioned or acknowledged the possible constraints with the ground water table levels.
- If the ground water table level was not seen as an issue, an explanation why this issue was not identified.
- States the extent to which the ground water problems were identified at the time of the issuing of the building permit/certificate of occupancy.
- Confirms how the ground water on the property is now being managed.
- Includes written advice from South East Water that confirms their general position on ground water being discharged into the sewerage pipes and the specific permit arrangements that are in place with the owner of this development.
- Describes future steps the Council will take if South East Water have not agreed to take the water into the sewerage pipes.
- The extent of any legal action that Council proposes to or has undertaken against parties involved in this development.
- The policies, procedures or regulations that will ensure that this situation is not repeated.

CARRIED

13.2 Notice of Motion No. 4/2014 - Cr Gledhill - Council Ward Grants Policy

Moved: Cr Gledhill

Seconded: Cr Bearsley

That section 9.3 of the Council Ward Grants Policy be amended to include the following clauses:

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1. Council Ward Grants cannot be used by the recipient, or provided to another group or organisation, to produce or distribute material that is likely to influence voting intentions in a Council election.
2. Council Ward Grants cannot be used to contest or dispute resolutions of Council in any Statutory Review Authority, for example VCAT.
3. Council Ward Grants cannot be allocated to political organisations or groups affiliated with, or offering support to, or undertaking activity on behalf of a political party or organisation.

LOST

A Division was Called:

DIVISION:

FOR: Crs Ronke, Bearsley and Gledhill (3)

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

LOST

14. Urgent Business

There were no items of urgent business.

15. Confidential Items

Moved: Cr Bearsley

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 Village Committee Appointments for 2014

This agenda item is confidential in accordance with the Local Government Act s89(2) as it relates to any other matter which the Council or special committee considers would prejudice the Council or any person (s89 2h)

Confidential Appendices

**9.3 Green Wedge Planning Scheme Amendment Update
Appendix 2, Preliminary Draft Controls**

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

CARRIED

The meeting was closed to members of the public at 8.45pm.

Procedural Motion

Moved: Cr Ronke

Seconded: Cr Gledhill

That the meeting be opened to members of the public

CARRIED

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The meeting was opened to members of the public at 8.47pm.

The meeting closed at 8.47pm.

Confirmed.....

The Mayor 24 March 2014