

# Minutes

## Ordinary Meeting of Council

**Monday, 23rd November 2015**



City of  
**KINGSTON**

*community inspired leadership*

**City of Kingston  
Ordinary Meeting of Council**

**Minutes**

**23 November 2015**

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The meeting commenced at 7.05pm in the Council Chamber, 1230 Nepean Highway, Cheltenham.

**Present:** Cr Tamsin Bearsley (Mayor)  
Cr Tamara Barth  
Cr Ron Brownlees OAM  
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  
Daniel Freer, General Manager City Assets and Environment  
Jonathan Guttmann, General Manager Planning and Development  
Tracey Cheeseman, Media Advisor  
Phil De Losa, Program Leader Governance  
Joanne Creedon, Governance Officer  
Gabrielle Pattenden, Governance Administration Officer

**1. Apologies**

There were no apologies submitted to the meeting.

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**2. Confirmation of Minutes of Previous Meetings**

**Moved: Cr Peulich**

**Seconded: Cr Gledhill**

That the Minutes of the Ordinary Meeting of Council held on 26 October 2015 and the Special Meeting of Council held on 11 November 2015 be confirmed and further that the CEO ensure the accuracy of the minutes in line with the video recording.

**LOST**

**A Division was Called:**

**DIVISION:**

**FOR:** Crs Brownlees, Peulich, Gledhill and Eden (4)

**AGAINST:** Crs Ronke, Staikos, West, Barth and Bearsley (5)

**LOST**

**Moved: Cr Brownlees**

**Seconded: Cr Ronke**

That the Minutes of the Ordinary Meeting of Council held on 26 October 2015 and the Special Meeting of Council held on 11 November 2015 be confirmed

**CARRIED**

**A Division was Called:**

**DIVISION:**

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

**AGAINST:** Crs Peulich and Cr Eden (2)

**CARRIED**

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

John Nevins CEO declared a direct conflict of interest in Item 14.6.

**4. Petitions**

**4.1 Petition to request planting of new street trees – Gladstone Avenue, Aspendale**

**Moved: Cr Eden**

**Seconded: Cr Ronke**

That the petition be referred to the CEO for response.

**CARRIED**

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**4.2 Petition to support the removal of Cedar Trees from Maher Street, Highett**

**Moved: Cr Barth**

**Seconded: Cr Staikos**

That the petition be referred to the CEO for response.

**CARRIED**

**4.3 Petition to support the rezoning of the land from 41- 47 Melrose Street  
Parkdale according to Kingston Planning Scheme C144**

Cr Eden left the meeting at 7.24pm

**Moved: Cr West**

**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 Delegates Appointed by Council to Various Organisations**

Cr West provided a report on a meeting of the Association of Bayside Municipalities.

Cr Eden returned to the meeting at 7.28pm

**Moved: Cr Staikos**

**Seconded: Cr Gledhill**

That the delegate's report be received.

**CARRIED**

**7. Question Time**

There were no questions submitted to the meeting.

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**Block Resolution**

**Moved: Cr Brownlees**

**Seconded: Cr Peulich West**

That the following items be block resolved and that the recommendations in each item be adopted:

- 9.1 Community Grants Program 2015-2016 - Irregular Grant Application
- 10.4 Update on Managing Council Owned or Controlled Contaminated Land Policy
- 10.6 Keeley Park Car Park Construction & Stormwater Treatment System - Stage 2 Clayton South10
- 11.1 Name Change Request for Chelsea Public Golf Course
- 11.2 Assembly of Councillors Record Report

**CARRIED**

**8. Planning and Development Reports**

**8.1 Metropolitan Open Space Strategy - Local Government Consultation Snapshot**

**Moved: Cr Brownlees**

**Seconded: Cr Peulich**

That Council:

- 1. Endorse matters outlined in this report to be included in a submission to the MPA in response to the *Metropolitan Open Space Strategy - Draft 'consultation snapshot'* (Appendix 1).
- 2. Reinforce to the MPA the importance of ensuring that a significant consultation strategy is established to ensure community participation in a future draft Metropolitan Open Space Strategy.

**Amendment**

**Moved: Cr West**

**Seconded: Cr Staikos**

That Council:

- 1. Endorse matters outlined in this report to be included in a submission to the MPA in response to the Metropolitan Open Space Strategy - Draft 'consultation snapshot' (Appendix 1) subject to the following amendments;

- Under the heading *Project Opportunities* add the words "*and/or Dunlops Creek*" after the words *Mordialloc Settlement Creek*.

**CARRIED**

- Amend the MPA point Kin11 in Appendix 1 under the heading *Project Opportunities* to replace the words: "as per the structure plan" with the words "*in areas of particular open space shortage in Mentone and Cheltenham*".

**CARRIED**

- In the final dot point under the heading *Challenges* in Appendix 1, referring to Kingston's 11 golf courses, delete the words "*which in the future may become development sites,*" as this is against Council's Golf Course Policy.

**CARRIED**

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2. Reinforce to the MPA the importance of ensuring that a significant consultation strategy is established to ensure community participation in a future draft Metropolitan Open Space Strategy.

**Note:** It was requested by Cr Staikos and agreed to by the Mayor that the Amendment be voted on in separate parts.

**A Division was Called:**

**DIVISION:**

**FOR:** Crs Barth, West, Peulich, Staikos and Eden (5)

**AGAINST:** Crs Gledhill, Brownlees, Ronke and Bearsley (4)

**The Amendment was put and CARRIED**

**The Amendment became the Motion**

**Amendment**

**Moved: Cr Peulich**

**Seconded: Cr Gledhill**

That the words in Appendix 1, dot point 5 under the heading *Suggested Improvements* be replaced to read, 'Consider development of appropriate indoor and outdoor sport and recreation facilities as well as passive and active leisure in the Green Wedge.'

**The Amendment was put and CARRIED**

**The Amendment became the Motion**

**The Motion was put and CARRIED**

The final resolution reads as follows:

That Council:

1. Endorse matters outlined in this report to be included in a submission to the MPA in response to the Metropolitan Open Space Strategy - Draft 'consultation snapshot' (Appendix 1) subject to the following amendments;
  - Under the heading *Project Opportunities* add the words "*and/or Dunlops Creek*" after the words *Mordialloc Settlement Creek*.
  - Amend the MPA point Kin11 in Appendix 1 under the heading *Project Opportunities* to replace the words: "as per the structure plan" with the words "*in areas of particular open space shortage in Mentone and Cheltenham*".
  - In the final dot point under the heading *Challenges* in Appendix 1, referring to Kingston's 11 golf courses, delete the words "*which in the future may become development sites,*" as this is against Council's Golf Course Policy.
  - Replace the words in Appendix 1, dot point 5 under the heading *Suggested Improvements* to read, 'Consider development of appropriate indoor and outdoor sport and recreation facilities as well as passive and active leisure in the Green Wedge.'
2. Reinforce to the MPA the importance of ensuring that a significant consultation strategy is established to ensure community participation in a future draft Metropolitan Open Space Strategy.

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**8.2 Response to Notice of Motion No. 39/2014 - Legal Liability for Damages  
Following Approval of Developments on Unstable Land**

**Moved: Cr West**

**Seconded: Cr Eden**

That consideration of this is matter be deferred until further legal advice is provided.

**CARRIED**

**9. Community Sustainability Reports**

**9.1 Community Grants Program 2015-2016 - Irregular Grant Application**

**RECOMMENDATION**

That Council approves the Irregular Grants funding allocation of \$1,000 to Mentone Public Library for literary activities and events.

**Note:** Refer to page 6 of the minutes where this item was block resolved.

**10. City Assets and Environment Reports**

**10.1 Emergency Management Annual Update**

**Moved: Cr Ronke**

**Seconded: Cr Brownlees**

That Council receive the report.

**Amendment**

**Cr Peulich**

That Officers report on any fire hazards that may affect Braeside Park and Edithvale Wetlands.

**Lapsed for the want of a seconder**

**The Motion was put and CARRIED**



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**10.2 Proposed Land Acquisition**

**Moved: Cr Staikos**

**Seconded: Cr Gledhill**

1. That Council authorise the Chief Executive Officer or his delegate to commence the process of acquisition by agreeing to terms by private treaty or by servicing a Notice of Acquisition for part of the rear of properties 240, 240A and 241 Nepean Highway, Edithvale, abutting Yarella Lane, in accordance with advice received from Council's solicitor.
2. That the costs of acquisition be met from existing roads budget for 2014/15;
3. That in the event an agreement to purchase part of each property can be reached, the Chief Executive Officer or his delegate cause the required notices under the Land Acquisition and Compensation Act to be served and thereafter the Chief Executive Officer be authorized to enter into a contract of sale to the satisfaction of Council's legal advisers for the purchase of part of the properties for a sum not exceeding the amount shown in the confidential attachment; and
4. That in the event Council does not agree terms by private treaty, to authorise the Chief Executive Officer or his delegate to publish a Notice of Acquisition in the Victoria Government Gazette and undertake all other necessary steps under the Land Acquisition and Compensation Act 1986 to give effect to Council's acquisition of part of 240 to 243 Nepean Highway, Edithvale.

Cr Barth left the meeting at 8.12pm

**CARRIED**

**10.3 Kingston City Hall Capital Works**

**Moved: Cr Peulich**

**Seconded: Cr Gledhill**

That consideration of this item be deferred for one month.

**CARRIED**

**10.4 Update Managing Council Owned or Controlled Contaminated Land Policy**

**RECOMMENDATION**

That Council adopt the "Managing Council Owned or Controlled Contaminated Land" policy.

**Note:** Refer to page 6 of the minutes where this item was block resolved.

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**10.5 Bay Trail - Mentone to Mordialloc**

**Moved: Cr Gledhill**

**Seconded: Cr Brownlees**

That Council:

1. Receive the information and note the design objectives to deliver the next stage of the Bay Trail.
2. Endorse the preferred alignment plan for the Bay Trail as presented in Attachment 1 of this report; and
3. Direct Officers to make the concept plan, as presented in Attachment 1 of this report, available for community consultation and feedback, prior to finalising the plan and seeking relevant statutory approvals and undertaking detailed design.

Cr Barth returned to the meeting at 8.17pm.

**CARRIED**

**10.6 Keeley Park Car Park Construction & Stormwater Treatment System - Stage 2 Clayton South**

**RECOMMENDATION**

That Council:

1. Award Contract No. 15/35 – Keeley Park Car Park Construction & Stormwater Treatment System – Stage 2 Clayton South – on a Lump Sum basis to Presta & Sons Pty Ltd for the tendered price of \$795,000.00.
2. Approve a Contingency Allowance of \$79,500.00 (10% of contract sum) from within the allocated 2015/16 Capital Works Program to cover unexpected financial variations.

**Note:** Refer to page 6 of the minutes where this item was block resolved.

**11. Corporate Services Reports**

**11.1 Name Change Request for Chelsea Public Golf Course**

**RECOMMENDATION**

That Council provide a letter to the Committee of Management of the Australasian Golf Club in support of the proposed name change of Chelsea Public Golf Course to Edithvale Public Golf Course.

**Note:** Refer to page 6 of the minutes where this item was block resolved.

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**11.2 Assembly of Councillors Record Report**

**RECOMMENDATION**

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

**Note:** Refer to page 6 of the minutes where this item was block resolved.

**11.3 Quarterly Performance Report and Quarterly Financial Statements to 30 September 2015**

Cr Eden left the meeting at 8.21pm

**Moved: Cr Peulich**

**Seconded: Cr Staikos**

That Council:

1. Receive the Quarterly Performance Report as at September 2015.
2. Receive the Quarterly Financial Statements as at September 2015

Cr West left the meeting at 8.24 pm

Cr West returned to the meeting at 8.25pm

**Extension of Time**

**Moved: Cr Peulich**

**Seconded: Cr Gledhill**

That an extension of time of one minute be granted.

**CARRIED**

Cr Eden returned to the meeting at 8.29pm

**The Substantive Motion was put and CARRIED**

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**11.4 Quick Response Grants**

**Moved: Cr Peulich**

**Seconded: Cr Gledhill**

That Council adopt the Quick Response Grants Model subject to the following changes in the Guidelines under the heading "What will not be funded":

- Delete dot point one, Capital Works Projects

**CARRIED**

**A Division was Called:**

**DIVISION:**

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

**AGAINST:** Crs Barth, Staikos, West and Bearsley (4)

**CARRIED**

- Delete dot point two, Core Staff Costs

**LOST**

- Change dot point four to read, 'Activities or events that promote party political views'.

**LOST**

**A Division was Called:**

**DIVISION:**

**FOR:** Crs Gledhill, West, Peulich and Eden (4)

**AGAINST:** Crs Brownlees, Barth, Staikos, Ronke and Bearsley (5)

**LOST**

**Procedural Motion**

**Moved: Cr Brownlees**

**Seconded: Cr Ronke**

That the motion now be put.

**CARRIED**

**The Motion was put and CARRIED**

**Note:** It was requested by Cr Staikos and agreed to by the Mayor that the motion be voted on in separate parts.

The resolution now reads:

That Council adopt the Quick Response Grants Model subject to the following changes in the Guidelines under the heading "What will not be funded":

- Delete dot point one, Capital Works Projects

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**12. Notices of Motion**

**12.1 Notice of Motion No. 39/2015 - Cr Gledhill - South East Melbourne  
Manufacturers Expo**

**Moved: Cr Gledhill**

**Seconded: Cr Peulich**

That Council's Economic Development department prepare a report in response to a request from the "Committee for Dandenong" for participation from surrounding councils in their planned South East Melbourne Manufacturers Expo to be held in 2016. Further, that the report outline how City of Kingston will/will not benefit through participation in the campaign and what level of financial contribution would be appropriate. Further that the report be available for consideration by Councillors at the December Ordinary meeting.

**CARRIED**

**12.2 Notice of Motion No. 40/2015 - Cr Gledhill - Southern Autistic School**

**Moved: Cr Gledhill**

**Seconded: Cr Brownlees**

1. That officers prepare a report in relation to the request from The Southern Autistic School to the City of Kingston for funding to support a major refurbishment program at their Margaretta St East Bentleigh facility .Further that the report ideally be presented to the December Ordinary meeting of Council in acknowledgment of the timelines faced by the school. Further that it be noted that funding is being sought from the State Government and surrounding Councils also.
2. That Council write to the relevant Minister to review the current bus routes that service Kingston residents who attend local, special development schools with a view that Kingston based families impacted by overly restrictive bus routes be accommodated.

**CARRIED**

**12.3 Notice of Motion No. 41/2015 - Cr Gledhill - Funding of Police All Terrain  
Beach Patrol Vehicle**

**Moved: Cr Gledhill**

**Seconded: Cr Eden**

That Council support the request from the Bendigo Bank (Parkdale Branch) to jointly fund with them and Mordialloc Rotary the purchase of a new Police All Terrain Beach Patrol Vehicle and contribute \$5000.

**CARRIED**

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**12.4 Notice of Motion No. 42/2015 - Cr Brownlees - Trial Closure of Remo Street Mentone**

**Moved: Cr Brownlees**

**Seconded: Cr Gledhill**

That Council commence procedures to implement a trial closure of Remo Street Mentone on the Southern side of 11 Remo Street with a view to formal discontinuation of the road and that officers discuss with the owner of the above property the option of changing the existing 'One Way' status of the northern section of Remo to a two way traffic section to ensure that safe and easy access is provided.

Further that the trial closure be implemented as soon as practicable.

Cr Staikos left the meeting at 9.22pm

Cr Staikos returned to the meeting at 9.23pm

**CARRIED**

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**12.5 Notice of Motion No. 43/2015 - Cr West - Green Wedge Land Purchase  
Priorities**

**Procedural Motion**

**Moved: Cr Peulich**

**Seconded: Cr Gledhill**

That this item be considered as part of the confidential agenda with item 14.7.

**LOST**

**A Division was Called:**

**DIVISION:**

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

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

**ABSTAIN:** Cr Ronke

**LOST**

**Procedural Motion**

**Moved: Cr Peulich**

**Seconded: Cr Brownlees**

This this item be considered in the open part of the Council meeting following the confidential part of the meeting.

**LOST**

**A Division was Called:**

**DIVISION:**

**FOR:** Crs Gledhill, Brownlees, Peulich (3)

**AGAINST:** Crs West, Barth, Staikos, Eden and Bearsley (5)

**ABSTAIN:** Cr Ronke

**LOST**

**Moved: Cr West**

**Seconded: Cr Staikos**

1. That officers develop for Councillors' consideration a proposed priority list to guide spending for the Green Wedge Reserve Fund in line with the purposes of the Green Wedge Zones, the recommendations of the Kingston Green Wedge Plan and of the Sandbelt Open Space Project Development Plan, both of which are reference documents to Clause 21.10 (Green Wedge) of the Kingston Planning Scheme.
2. That no Councillor discuss with or attempt to influence any Council Officer in preparation of this report.

Cr Barth left the meeting at 9.54pm

Cr Barth returned to the meeting at 9.55pm

**CARRIED**

**A Division was Called:**

**DIVISION:**

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

**AGAINST:** Cr Peulich (1)

**ABSTAIN:** Cr Brownlees (1)

**CARRIED**

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**13. Urgent Business**

There were no items of urgent business.

**14. 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:

**14.1 Mentone Renaissance Project Delivery Update**

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

**14.2 Notice of Motion No. 34/2015 Dingley Village Green**

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

**14.3 Investigation of Sports Ground Opportunities in the Non Urban Area**

*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)*

**14.4 Residential Aged Care Staff Transition Payment**

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

**14.5 Victory Road Landfill - Proposed Lease to Trans Pacific Industries (TPI)**

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

**14.6 CEO Performance Review**

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

**14.7 Notice of Motion No. 43/2015 - Cr West - Green Wedge Land Purchase Priorities**

*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)*

Further, that Council determine that the following documents be designated confidential in accordance with section 77(2) of the *Local Government Act 1989*:

**8.2 Response to Notice of Motion No. 39/2014 - Legal Liability for Damages Following Approval of Developments on Unstable Land Appendix 1, Legal advice on development on floodplains or unstable ground**

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

**10.2 Proposed Land Acquisition**



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**Appendix 1, Pt 241a Nepean Highway Edithvale**

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

**10.2 Proposed Land Acquisition**

**Appendix 2, Pt 242 Nepean Highway Edithvale**

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

**10.6 Keeley Park Car Park Construction & Stormwater Treatment System - Stage 2 Clayton South**

**Appendix 1, CON-1535 - Tender Evaluation Matrix - Keeley Park Carpark Construction & Stormwater Treatment System ~ Stage 2 Clayton South**

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

**CARRIED**

The meeting was closed to members of the public at 10.26pm

The meeting was opened to members of the public at 11.13pm

There being no further business the meeting closed at 11.13pm

**Confirmed.....**

**The Mayor 14 December 2015**