



City of
KINGSTON

Ordinary Meeting of Council Minutes

Monday, 23rd February 2015

**City of Kingston
Ordinary Meeting of Council**

Minutes

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The meeting commenced at 7.02pm in the Council Chamber, 1230 Nepean Highway, Cheltenham.

Present: Cr Geoff Gledhill (Mayor)
Cr Tamara Barth
Cr Tamsin Bearsley
Cr Ron Brownlees OAM
Cr David Eden
Cr Paul Peulich
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
Rachel Hornsby, General Manager Sustainable Planning and Development
Jonathan Guttman, Manager City Strategy
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.

2. Confirmation of Minutes of Previous Meetings

Moved: Cr Brownlees

Seconded: Cr Eden

That the Minutes of the Ordinary Meeting of Council held on 15 December 2014, the Special Meeting of Council held on 9 February 2015 at 6pm and the Special Meeting of Council held on 9 February 2015 at 6.30pm be confirmed.

CARRIED

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

Cr Eden declared an indirect conflict of interest in Item 14.1.

John Nevins, CEO declared an indirect conflict of interest in Item 4.2.

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4. Petitions

4.1 Objection to Planning Application, 11 Elora Road, Oakleigh South

Moved: Cr Staikos

Seconded: Cr West

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

CARRIED

4.2 Objection to Planning Application - 232-240 Charman Road, Cheltenham

John Nevins, CEO declared an indirect conflict of interest in Item 4.2 due to close association as his daughter owns a property in the vicinity of the property being the subject of the planning application and left the room at 7.06pm prior to any discussion on the matter.

Moved: Cr West

Seconded: Cr Brownlees

That the petition be referred to the General Manager of Sustainable Planning and Development for response.

CARRIED

John Nevins, CEO returned to the meeting at 7.09pm

4.3 Objection to Planning Application - 8-10 Clydebank Road, Edithvale

Moved: Cr Bearsley

Seconded: Cr Eden

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

CARRIED

4.4 Proposed Moorabbin Airport Development - Lower Dandenong Road

Moved: Cr Brownlees

Seconded: Cr Eden

1. That the petition be received and noted and referred to the Chief Executive Officer for response.
2. That Council forward the petition to the Federal Minister for Infrastructure and Regional Development as requested by the residents, and also advise that it supports the residents in their submission and objection with regard to the construction of the proposed warehouse/office and that the Minister give consideration to whether or not a Major Development Project Process should be instigated.

CARRIED

4.5 Illegally and Dangerously Parked Trucks - Audsley Street, Clayton South

Moved: Cr Staikos

Seconded: Cr Barth

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

CARRIED

5. Presentation of Awards

There were no presentations.

6. Reports from Delegates Appointed by Council to Various Organisations

Cr Barth reported on her attendance at the South East Metro Waste Management Forum.

Moved: Cr Barth

Seconded: Cr Peulich

That the delegate report be received.

CARRIED

The Mayor acknowledged the presence of Kingston's Australia Day Citizen of the Year Mr Charlie Mitzi in the public gallery.

Procedural Motion

Moved: Cr Peulich

Seconded: Cr Barth

That the order of business be altered to now consider Items 12.8 and 12.9

CARRIED

12.8 Notice of Motion No 8/2015 – Cr Peulich – Madden Road

Moved: Cr Peulich

That Kingston Council supports the construction of Madden Road and allocates 50% of the funding and seeks a contribution from beneficiaries of the new road, State Government (up to 50%) and any other relevant funding streams.

The Notice of Motion lapsed for the want of a Secunder.

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12.9 Notice of Motion No. 9/2015 - Cr Peulich - Peninsula & Kingswood Golf Clubs Merger

Moved: Cr Peulich

Seconded: Cr West

1. That Kingston Council condemns the Peninsula Golf Club, Kingswood Golf Club merger and notes that the merger process was unconstitutional.
2. That Kingston Council writes to the State Government, calling for a review of the merger process, given the dangerous precedent it sets for other golf clubs.

Amendment

Moved: Cr Eden

That Council request a meeting with local Members of Parliament to discuss applicable zonings.

The proposed Amendment was ruled out of order by the Chairperson.

Amendment

Moved: Cr Eden

That prior to writing to the State Government or condemning any party we have a meeting with Councillors and Council lawyers to have a discussion on whether the State Government has the power to review a private merger and Council's ability to condemn groups/individuals/processes so that Council can act appropriately on behalf of residents.

The proposed Amendment was ruled out of order by the Chairperson.

Procedural Motion

Moved: Cr Bearsley

Seconded: Cr Eden

That consideration of this item be deferred until a meeting is organised with Council's Lawyers on this issue.

CARRIED

A Division was Called:

DIVISION:

FOR: Crs Brownlees, Staikos, Bearsley, Eden, Barth and Gledhill (6)

AGAINST: Crs Peulich and West (2)

CARRIED

7. Question Time

Question Time took place at 8.11pm. Refer to page 9 of the minutes.

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8. Sustainable Planning and Development Reports

8.1 Response to Notice of Motion 45/2014 - Neighbourhood Character / Residential Strategy

Moved: Cr Brownlees

Seconded: Cr Bearsley

That Council:

1. Follow-up on the Mayor's recent correspondence to the new State Government by briefing Local Members of Parliament on the importance of reviewing the implementation of the new residential zones;
2. Continue to reinforce the range of initiatives Council is implementing beyond just the application of the Proposed Residential Zones, that will allow Council to meet the forecast demand for new dwellings for the municipality to 2031;
3. Encourage the State Government to promptly progress the review of the Residential Zones; and
4. Be provided with further advice once more is known regarding the State Government's review of the Residential Zones and Council's proposed application of those Residential Zones and for Council to further consider this matter.

Cr Peulich left the meeting at 7.58pm

Amendment

Moved: Cr West

Seconded: Cr Staikos

That Council:

1. Follow-up on the Mayor's recent correspondence to the new State Government by briefing Local Members of Parliament on the importance of promptly implementing the new residential zones in the City of Kingston;

CARRIED

2. Continue to reinforce the range of initiatives Council is implementing beyond just the application of the Proposed Residential Zones, that will allow Council to meet the forecast demand for new dwellings for the municipality to 2031;

CARRIED

3. Encourage the State Government to progress the review of the Residential Zones and broaden the Government's planned review to include all zones, including the commercial zones;

CARRIED

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A Division was Called:

DIVISION:

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

AGAINST: Nil (0)

CARRIED

4. Receive options to undertake a neighbourhood character study , which was a specific recommendation of the Residential Zones Strategic Advisory Committee, to include reviewing Kingston's Neighbourhood Character Guidelines with a view to establishing how and where residents would like their guidelines updated in the spirit of the proposed NRZ and GRZ, both of which require neighbourhood character to be respected.

CARRIED

A Division was Called:

DIVISION:

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

AGAINST: Crs Brownlees and Bearsley (2)

CARRIED

5. Be provided with further advice once more is known regarding the State Government's review of the Residential Zones and Council's proposed application of those Residential Zones and for Council to further consider this matter.

CARRIED

Note: The Chairperson Cr Gledhill requested that Parts 1 to 5 of the Amendment be put to the vote separately.

**The Amendment became the Motion
The Motion was put and CARRIED**

Question Time

Question 1

Tony Payne of Mordialloc asked,

“My question is in regard to the proposed road at the southern end of the airport, Lower Dandenong Road and Rivette Street. Has this land which was occupied by Boundary Garden Supplies been cleared for asbestos contamination?”

The CEO provided the following response,

“This land is owned by the airport corporation. Council will need to seek advice and information from the airport to answer this question.”

Question 2

Eva of Blackrock

The CEO provided the following response,

The question be taken on notice and a written response be provided to the Eva.

Question 3

Penelope S. McGuire White of Mentone asked,

“In reference to the ‘drop off’ parking problems at Mentone Railway Station I ask these two questions:

- 1. Does anyone time the bylaws officers to see that they only stay for 10minutes in the 10 minute parking zone.?*
- 2. Do the Officers take into consideration the fact that while they are parked in the ‘drop-off spot’, no one can use it to unload their passengers so are forced to drive around the roundabout and stop on the station side of the road? Is this fair?*

The CEO provided the following response,

“The matter is to be confirmed and a written response be provided to Mrs McGuire White.”

Question 4

Stuart Petchy of Aspendale

The CEO provided the following response,

The questions be taken on notice and a written response be provided to Mr Petchy.

8.2 KP08/871 - 7 - 13 Johnson Avenue Carrum

Moved: Cr Bearsley

Seconded: Cr Eden

That Council determine to support the proposal and issue a Notice of Decision to Amend a Permit to Use and develop the land for a sailing club and a restaurant, including a reduction in the car parking requirement at 7 - 13 Johnson Avenue Carrum, subject to the following conditions:

1. Before the development and/or use 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 28 July, 2009, but modified to show:
 - a) the provision of acoustic treatment to the south facing windows of the **second level multi-function room and viewing area** to satisfy relevant EPA noise guidelines;
 - b) the provision of additional pavement areas where required;
 - c) full details of all external building materials and colours for the proposed buildings;
 - d) the provision of elevations showing the location of all external plant and equipment with appropriate screening and acoustic treatment provided on the site;
 - e) the provision of a wash down and bin storage area; and
 - f) details of all fencing;
 - g) details of lighting of the entry and any other lighting attached to the exterior of the building;
 - h) the allocation of boat storage bays for 1 and 3 for staff, disabled car parking and/or loading;
 - i) **all gates to not open outwards onto Johnson Avenue or Bitumen Road;**
 - j) **boat storage area surfaced in an all-weather seal coat or similar; and**
 - k) **the provision of suitable detailing with an emphasis on a quality finish to the east-facing wall that improves visual interest and reduces visual bulk and mass.**
2. The development and/or use as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.
3. 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.
4. 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.).
 5. Stormwater works must be provided on the site so as to prevent overflows onto adjacent properties.
 6. The development must not be occupied and the permitted use/s must not commence until all buildings and works and the conditions of this permit have been complied with, unless with the further consent of the Responsible Authority.
 7. **Deleted.**
 8. **Deleted.**
 9. **Deleted.**
 10. The delivery of goods to the premises must only be made during the hours of:

7.00am -10.00pm Monday to Friday; and
8.00am – 5.00pm Saturday.

without the further written consent of the Responsible Authority.
 11. **Without the further written consent of the Responsible Authority, the restaurant must have no more than 76 patrons and must only operate between the hours of:**

8.00am – 10.00pm Monday to Sunday.
 12. No rubbish is to be collected from the site or deliveries be made to the site before 7.00am Monday to Saturday and 10.00am on Sunday.
 13. The emptying of bottles must not occur before 7.00am or after 10.00pm on any day.
 14. Without the prior written consent of the Responsible Authority, no form of public address system or sound amplification system shall be used on the premises so as to be audible outside the premises.
 15. Before the commencement of any building or works on the land a Construction Management Plan (CMP) to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority and when approved shall thereafter be complied with. The CMP must deal with the parking of vehicles during construction, delivery of materials and containment of waste on site.
 16. The development and/or use of the site must not cause nuisance or be detrimental to the amenity of the neighbourhood by the emission of noise. In this regard the emission of noise must comply with the provisions of the Environment Protection Authority.
 17. All piping and ducting above the ground floor storey of the development must be concealed to the satisfaction of the Responsible Authority.

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18. 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 building, 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; and
 - e) In any other way.
19. Outdoor lighting must be provided, designed, baffled and located to the satisfaction of the Responsible Authority to prevent any adverse effect on neighbouring land.
20. Exterior lights must be installed in such positions to effectively light all pathways, car parks and other public areas to the satisfaction of the Responsible Authority.
21. All external surfaces of the building elevations must be finished in accordance with the schedule on the endorsed plans and maintained in good condition to Council satisfaction.
22. The location of external fans, air-conditioning apparatus and the like must be to Council approval and installed to prevent loss of amenity to the area by its appearance, noise, emission or otherwise.
23. Any plant and/or equipment proposed on the roof of the building must be screened and acoustically treated in a manner to complement the appearance of the building to the satisfaction of the Responsible Authority.
24. Construction on the site must be restricted to the following times:
 - i. Monday to Friday: 7:00am to 7:00pm
 - ii. Saturday: 9:00am to 6:00pmOr otherwise as approved by the Responsible Authority in writing.
25. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.
26. This permit will expire if one of the following circumstances applies:
 - The development and use are not started before two (2) years from the date of this permit.
 - The development is not completed before one (1) year from the commencement of works.

In accordance with section 69 of the *Planning and Environment Act 1987*, the responsible authority may extend the periods referred to if a request is made in writing before the permit expires, or within three months afterwards.

Note (1): Prior to the commencement of the development or use you are required to obtain the necessary building permit.

Note (2): Prior to the commencement of the development you are required the necessary Health Department approvals.

CARRIED

Block Resolution

Moved: Cr Staikos

Seconded: Cr Bearsley

That the recommendations for Items 9.1, 9.2, 10.1, 10.2, 10.3, 11.1, 11.2, 11.3, 11.5 and 11.6 be adopted.

CARRIED

9. Community Sustainability Reports

9.1 Community Grants Policy Review

RECOMMENDATION

That Council:

1. Notes the important role of the Community Grants Program in promoting and maintaining a strong and socially connected community; and
2. Approves the new model of Community Grants and adopts the revised Community Grants Policy (Appendix 1 to this Report).

Note: Refer to page 12 of the minutes where this item was block resolved.

9.2 Storage Options for Community Groups

RECOMMENDATION

That Council work with Kingston community groups to identify options available to address only unmet storage needs within Kingston.

Note: Refer to page 12 of the minutes where this item was block resolved.

The Mayor provided a response to Cr Eden in regard to ruling out of order his amendments in Item 12.9. He outlined that his ruling was made in accordance with Clause 26 of the Meeting Procedures Local Law

9.3 Con 14/146A - Mentone Activity Hub Construction Project: Award of Contract

Moved: Cr Brownlees

Seconded: Cr Bearsley

That Council:

1. Receive the information
2. Approve the award of Contract 14/146A Mentone Activity Hub Construction Project to Cellstruct Industries Pty Ltd for \$1,514,600 (excl. GST).
3. Fund the project from within the overall 2014/15 Capital Program, as set out in the confidential attachment to this report.
4. Acknowledge the financial contribution of \$100,000 (excl. GST) being made towards the project by the Mentone-Mordialloc Arts Group Inc. (MMAG).
5. Endorse Council Officer's to enter into a nine year lease with the MMAG for their exclusive occupancy of part of the facility, with rent to be paid at the community rate (consistent with their existing lease terms).
6. Approve the expenditure of separate associated project contingency and ancillary project costs, as set out within in the confidential attachment.

CARRIED

A Division was Called:

DIVISION:

FOR: Crs Brownlees, Bearsley and Gledhill (3)

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

LOST

10. City Assets and Environment Reports

10.1 Reg Marlow Reserve Sewer Easement

RECOMMENDATION

That Council authorise the CEO or delegate to do all things necessary to enter into an agreement to allow South East Water or their appointed agent to acquire an easement for the purposes of a sewer line running east to west through Reg Marlow Reserve, Mentone on terms and conditions to the satisfaction of Council's legal advisors for a sum to be determined by Council's valuers.

Note: Refer to page 12 of the minutes where this item was block resolved.

10.2 S223 Report regarding proposed discontinuance of road abutting land rear of 6 Kipling and 5-9 Valetta Street Carrum

RECOMMENDATION

That Council:

1. Note the submissions and officer's report;
2. Publish a notice in the government gazette discontinuing part of the road at rear of 6 Kipling Street/ 5-9 Valetta St, Carrum; and
3. Advise the submitters of the decision of Council.

Note: Refer to page 12 of the minutes where this item was block resolved.

10.3 Options for Filling Vacant Positions on Sport and Recreation Reference Group

RECOMMENDATION

That Council:

1. Undertake a process to Co-opt two new temporary members to fulfil the current vacancies on the Sport and Recreation Reference Group and for a report to then be presented to Council.
2. Prepare a shortlist of people who have previously expressed an interest in joining this advisory group.
3. Nominate Councillor Gledhill, Councillor Peulich and Council's Sport and Recreation Development Coordinator to conduct the process to select two preferred candidates, using the criteria from the Terms of Reference as the basis for the temporary appointments.
4. Following the finalisation of the Council Consultation Framework (which is scheduled for Councillor discussion in March), and subsequent review of the Sport and Recreation Reference Group's Terms of Reference, undertake a public expression of interest process to fill any vacancies on a permanent basis for which the co-opted members would be able to apply.

Note: Refer to page 12 of the minutes where this item was block resolved.

10.4 Wilson Street Cheltenham Local Area Traffic Management

Moved: Cr Brownlees

Seconded: Cr Barth

That Council:

1. Receive the information
2. Rescind the decision of 25 August 2014, to undertake a twelve month trial of

traffic management treatments.

3. Undertake a more detailed assessment and a road safety audit to facilitate the installation of at least two road narrowing treatments in Wilson Street between Argus Street and Centre Dandenong Road prior to the end of the year.

CARRIED

11. Corporate Services Reports

11.1 Proposed Renaming of Bradshaw Park

RECOMMENDATION

That Council:

1. Approve the proposal to rename Bradshaw Park to Bradshaw Bushland Reserve;
2. Lodge the naming proposal with the Office of Geographic Names for consideration; and
3. Advise the submitter of the proposed name and the public submitters of Council's decision.

Note: Refer to page 12 of the minutes where this item was block resolved.

11.2 Proposed Park Naming - Bond Street Mordialloc

RECOMMENDATION

That Council:

1. Approve the proposal to name the park Mayfield Park;
2. Lodge the naming proposal with the Office of Geographical Names for consideration;
3. Advise the public submitters of Council's decision.

Note: Refer to page 12 of the minutes where this item was block resolved.

11.3 Year to Date Quarterly Performance Report of progress against the One Vision Council Plan as at December 2014.

RECOMMENDATION

That Council receive the Quarterly Performance Report as at December 2014.

Note: Refer to page 12 of the minutes where this item was block resolved.

11.4 Council Ward Grants

Moved: Cr Staikos

Seconded: Cr Bearsley

That Council approve the Council Ward Grants in accordance with the table of Councillor recommendations in Appendix 1.

CARRIED

11.5 Assembly of Councillors Record Report

RECOMMENDATION

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

Note: Refer to page 12 of the minutes where this item was block resolved.

11.6 Investment Policy Report - December 2014 Quarter

RECOMMENDATION

That Council note that its funds as at 31 December 2014 are invested in line with the risk management profile prescribed in Council's Investment policy.

Note: Refer to page 12 of the minutes where this item was block resolved.

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12. Notices of Motion

12.1 Notice of Motion No. 1/2015 - Cr Eden - Planning Applications

Cr Peulich returned to the meeting at 8.50pm

Moved: Cr Eden

Seconded: Cr West

1. That when a Councillor or Councillors 'calls in' an application their name(s) appear on the planning report

CARRIED

A Division was Called:

DIVISION:

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

AGAINST: Nil (0)

ABSTAIN: Cr Peulich (1)

CARRIED

2. That their reason(s) if given be provided as a matter of transparency.

CARRIED

A Division was Called:

DIVISION:

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

AGAINST: Crs Brownlees, Peulich and Gledhill (3)

CARRIED

Note: The Mover and Seconder requested that Parts 1 and 2 of the Motion be put to the vote separately.

12.2 Notice of Motion No. 2/2015 - Cr Brownlees - Wilson St Cheltenham

The Notice of Motion was withdrawn by Cr Brownlees

12.3 Notice of Motion No. 3/2015 - Cr Bearsley - Inner Harbour Drive Parking Restrictions

Cr Staikos left the meeting at 9.03pm.

Moved: Cr Bearsley

Seconded: Cr Eden

That Council officers investigate practical ways to deter vehicles from parking in the Inner Harbour Drive parking bays for extended periods. A report is to be presented to Councillors by the end of March 2015.

CARRIED

12.4 Notice of Motion No. 4/2015 - Cr Bearsley - No Boating Post Request

Cr Eden left the meeting, the time being 9.07 pm

Moved: Cr Bearsley

Seconded: Cr Brownlees

That Council sends a letter to Parks Victoria and the Minister for Climate Change Environment and Water requesting that the No Boating post aligned with the centre of Gnotuk Avenue carpark be moved 200 metres south (back to its original position) and that signage be reinstated.

Cr Staikos returned to the meeting at 9.09pm

Cr Eden returned to the meeting at 9.11pm

CARRIED

12.5 Notice of Motion No. 5/2015 - Cr West - Drop Off Parking Space for Mentone Station

Moved: Cr West

Seconded: Cr Bearsley

1. That Council promptly assigns a parking space close to the Mentone Station entrance on the east side of Como Parade for two minute drop off zone.

CARRIED

2. That Officers provide a report to Councillors regarding how other priorities (taxis, railway use, loading zones) may be accommodated and whether drop-off parking is accommodated in the railway car park on the eastern side of the station.

CARRIED

3. That Mrs. Allbrecht's outstanding fine and any outstanding fines for this space be cancelled where residents appeal to Council.

LOST

Note: The Chairperson, Cr Gledhill requested that Parts 1, 2 and 3 of the Motion be put to the vote separately.

12.6 Notice of Motion No. 6/2015 - Cr Brownlees - Moorabbin Airport

The Notice of Motion was withdrawn by Cr Brownlees

12.7 Notice of Motion No. 7/2015 - Cr West - Mentone Bowling Club

Moved: Cr West

Seconded: Cr Eden

1. That Council provides reassurance to Mentone Bowling Club members and local residents by stating publicly that it has no intention of acquiring the Mentone Bowling Club land for public open space;

2. That the CEO directs officers to draft amendments to the Kingston Open Space Strategy, Mentone Structure Plan and draft Mentone Activity Centre Zone and any other Council policy deleting any reference to the Mentone Bowling Club land as a possible public open space option.

Amendment

Moved: Cr Brownlees

Seconded: Cr Bearsley

1. That Council provides reassurance to Mentone Bowling Club members and local residents by stating publicly that it has no intention of compulsorily acquiring the Mentone Bowling Club land for public open space;

2. The CEO directs officers to draft amendments to the Kingston Open Space Strategy, Mentone Structure Plan and draft Mentone Activity Centre Zone and any other Council policy deleting any reference to the Mentone Bowling Club land as a possible public open space option.

**The Amendment was put and CARRIED
The Amendment became the Motion**

Cr Tamara Barth left the meeting at 9.35pm and did not return to the meeting.

Note: The Chairperson Cr Gledhill requested that Parts 1 and 2 of the Motion be put to the vote separately.

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Moved: Cr Brownlees

Seconded: Cr Bearsley

1. That Council provides reassurance to Mentone Bowling Club members and local residents by stating publicly that it has no intention of compulsorily acquiring the Mentone Bowling Club land for public open space;

CARRIED

2. The CEO directs officers to draft amendments to the Kingston Open Space Strategy, Mentone Structure Plan and draft Mentone Activity Centre Zone and any other Council policy deleting any reference to the Mentone Bowling Club land as a possible public open space option.

LOST

A Division was Called:

DIVISION:

FOR: Crs Staikos, West and Eden (3)

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

LOST

12.10 Notice of Motion No. 10/2015 - Cr Peulich - Seagull Control Strategy

Moved: Cr Peulich

Seconded: Cr Brownlees

That Kingston Council develops and implements a Seagull Control Strategy which includes enforcement of tip permit conditions in areas which impact both local business and residential areas.

CARRIED

12.11 Notice of Motion No. 11/2015 - Cr Peulich - Open Space

Moved: Cr Peulich

Seconded: Cr Bearsley

That Kingston Council makes an assessment of all significant public (local, state and federal, government agencies) and private open space assets in the city, in anticipation of the Metropolitan Open Space Strategy with a report to come back to Council detailing the context and value such assets have to the community.

Cr Eden left the meeting at 9.46pm

Cr Eden returned to the meeting at 9.49pm

CARRIED

12.12 Notice of Motion No. 12/2015 - Cr Peulich - Cranbourne-Pakenham Line Rail Expansion Project

Moved: Cr Peulich

Seconded: Cr Bearsley

1. That Kingston Council reaffirms its support for the Cranbourne-Pakenham Line Rail Expansion Project and the Port of Hastings, and calls on the State Government to fully fund the project, including the level crossing removals at Clayton and Centre Roads.
2. That Kingston Council write to any relevant municipalities seeking support of this project.
3. That Kingston Council leads a delegation to the new State Government to request that this project is fully funded.

LOST

A Division was Called:

DIVISION:

FOR: Crs Peulich, Bearsley and Gledhill (3)

AGAINST: Crs Staikos, West and Eden (3)

ABSTAINED: Cr Brownlees (1)

LOST

12.13 Notice of Motion No. 13/2015 - Cr Peulich - Level Crossing Removals

Moved: Cr Peulich

Seconded: Cr Bearsley

That Kingston Council write to the new State Government, seeking timelines for construction of promised level crossing removals as well as any details of acquisition of land and traffic management and urges the government to give priority to Kingston.

CARRIED

12.14 Notice of Motion No. 14/2015 - Cr Peulich - Metropolitan Waste Management Group Strategies

Moved: Cr Peulich

Seconded: Cr Staikos

That Kingston Council lobby the Minister for Environment and local MPs to remove Kingston's Green Wedge as a Waste Hub from the Statewide Resource and Infrastructure Plan and Metropolitan Waste Management Strategy.

CARRIED

13. Urgent Business

There were no items of urgent business.

14. Confidential Items

Moved: Cr Brownlees

Seconded: Cr Staikos

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 Evaluation of EOI for Licence Agreement for Part of Pompei's Landing

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 Con 14/146A - Mentone Activity Hub Construction Project: Award of Contract

Appendix 1, CON 14.146 A Confidential Evaluation Matrix - Mentone Activity Hub

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 10.20pm.

Procedural Motion

Moved: Cr Brownlees

Seconded: Cr Staikos

That the meeting be adjourned for 5 minutes.

CARRIED

Procedural Motion

Moved: Cr Peulich

Seconded: Cr Brownlees

That the meeting be opened to members of the public.

CARRIED

During the closed part of the meeting, the following resolutions in part were carried:

Cr Eden declared an indirect conflict of interest in Item 14.1 due to close association as his father has a water craft stored in the area and left the meeting at 10.30pm prior to any discussion on the Item and did not return to the meeting.

14.1 Evaluation of EOI for Licence Agreement for Part of Pompei's Landing

Moved: Cr Brownlees

Seconded: Cr West

That Council:

1. Offer a three year licence to Pompei's Marine Pty Ltd for Area C (Slipway and Boat Maintenance area) as identified in Appendix 1 of this report including the following terms:
 - a licence fee of \$104 P.A
 - the licence shall provide for public access to Area B
 - the use of the land as a boat maintenance and chandlery facility.
 2. Offer a three year licence to Mordialloc Boating and Angling Club for Area A (Boat Ramp) as identified in Appendix 1 of this report including the following terms and conditions:
 - the licence fee shall be \$104 P.A.
 - the licensee shall develop an appropriate management plan for the boat ramp Including but not limited to standard operating procedures and who is authorised to use the ramp
 - the licensee permitting the proprietor of Pompei's Marine Pty Ltd and Pompei's of Mordialloc Pty Ltd to continue to have access to the ramp for the retrieval and launching of vessels being maintained at their premises.
 3. Retain Area B (Moorings) as identified in Appendix 1 of this report to be allocated directly by Council.
 4. Advises the Estate of Gwen Pompei of the decision of Council.
 5. Require Mr Leon Pompei to provide the details of the owners of those vessels currently moored in Area B for the purpose of reallocation by Council.
 6. Advises all those parties who have submitted expressions of interest of Council's decision.
 7. Pursue the discontinuance and vesting of the government road at Pompei's Landing and report back to Council.
 8. Determine this report, any information discussed regarding this Council report and Council resolution be made public upon Council resolving on this matter.
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**City of Kingston
Ordinary Meeting of Council**

Minutes

23 February 2015

The meeting was opened to members of the public at 10.51pm

The meeting closed at 10.51pm

Confirmed.....

The Mayor 23 March 2015