

# Minutes

## Ordinary Meeting of Council

Tuesday, 29th January 2019

**City of Kingston  
Ordinary Meeting of Council**

**Minutes**

**29 January 2019**

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The meeting commenced at 7.00pm in the Council Chamber, 1230 Nepean Highway, Cheltenham.

**Present:** Cr Georgina Oxley (Mayor)  
Cr Tamsin Bearsley  
Cr Ron Brownlees OAM  
Cr Geoff Gledhill  
Cr George Hua  
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 Guttman, General Manager Planning and Development  
Natasha Corponi, Communications and Media Advisor  
Phil De Losa, Manager Governance  
Stephanie O’Gorman, Governance Officer  
Gabrielle Pattenden, Governance Officer

**1. Apologies**

Apologies from Cr Barth and Cr Eden were submitted to the meeting.

**Moved: Cr Staikos**

**Seconded: Cr Bearsley**

That the apologies from Cr Barth and Cr Eden be received.

**CARRIED**

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

**Moved: Cr Gledhill**

**Seconded: Cr Brownlees**

That the Minutes of the Ordinary Meeting of Council held on 10 December 2018 be confirmed.

**CARRIED**

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

There were no Conflicts of Interest submitted to the meeting.

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**4. Petitions**

**4.1 Construction Works in Mentone**

**Moved: Cr Brownlees**

**Seconded: Cr West**

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

**CARRIED**

**5. Presentation of Awards**

There were no awards presented.

**6. Reports from Delegates Appointed by Council to Various Organisations**

Cr West reported on:

- The December meeting of the MAV Planning Advisory Group;
- The MAV Environment Advisory Group; and
- The December Association of Bayside Municipalities Report.

**Moved: Cr Staikos**

**Seconded: Cr Bearsley**

That the delegate's reports be received.

**CARRIED**

**7. Question Time**

Question Time was held at 8.27pm. Refer to page 12 of the Minutes.

**Block Resolution**

**Moved: Cr Staikos**

**Seconded: Cr Brownlees**

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

- 8.3 Proposed Supermarket (Kaufland) and Speciality Shops 1126-1146 Centre Road, Oakleigh South
- 9.1 CON 18/86: Redevelopment of Dingley Library and Harold Box Hall - Award of Contract
- 9.2 Response to Notice of Motion No. 34/2018 – Cr Staikos – Pokies Advocacy Campaign in the City of Kingston
- 11.1 Quick Response Grants
- 11.2 Appointment of Members to Strategic Advisory Committees
- 11.3 Assembly of Councillors Record Report
- 11.4 Authorised Officers Audit - Planning and Environment Act 1987
- 11.5 Investment Portfolio Report - December 2018
- 11.6 Proposed Changes to Strategic Advisory Committees

**CARRIED**

**8. Planning and Development Reports**

**8.1 KP-1993/5158 - 19-71 Carroll Road Oakleigh South**

**Moved: Cr Gledhill**

**Seconded: Cr Brownlees**

That Council determines to issue a Notice of Refusal to Grant a Permit to use and develop the land for a Solid Inert Waste Landfill at 19-71 Carroll Road Oakleigh South, subject to the following conditions:

1. The proposal does not comply with the Clauses: 13.05-1S, Clause 13.06-1S, 19.03-6S of the Kingston Planning Scheme.
2. The proposal is inconsistent with the EPA Best Practice Environmental Management - 788.3 Siting, design, operation and rehabilitation of landfills.
3. The proposal does not comply with Clause 52.17 – Native vegetation of the Kingston Planning Scheme.

**CARRIED**

**8.2 Amendment C149 - Anomalies**

**Moved: Cr West**

**Seconded: Cr Staikos**

That consideration of this item be deferred to the February Ordinary Meeting of Council. Further that a briefing be held for interested Councillors to discuss this matter.

**CARRIED**

**8.3 Proposed Supermarket (Kaufland) and Speciality Shops 1126-1146 Centre Road, Oakleigh South**

**RECOMMENDATION**

That Council:

1. Endorse the attached draft submission at Appendix 1 in relation to the proposal at 1126-1146 Centre Road, Oakleigh South.
2. Request to be heard at the Advisory Committee Hearing scheduled for the week commencing 25 February 2019.

**Note:** Refer to page 4 of the Minutes where this item was block resolved.

**9. Community Sustainability Reports**

**9.1 CON 18/86: Redevelopment of Dingley Library and Harold Box Hall - Award of Contract**

**RECOMMENDATION**

That Council:

1. Receive the information and note the outcome of the tender assessment process for Con 18/86, as set out in the confidential appendices attached to this report.
2. Agree to award Contract 18/86 – Redevelopment of Dingley Library and Harold Box Hall project for the final adjusted fixed lump sum price of \$4,031,242.13 (exclusive of GST) to Harris HMC Interiors (VIC) Pty Ltd.
3. Approve the allocation of a separate contingency allocation, as set out in the attached confidential appendix and delegate authority to the CEO, or his nominee, to expend this allowance to ensure the successful completion of the project.

**Note:** Refer to page 4 of the Minutes where this item was block resolved

**9.2 Response to Notice of Motion No. 34/2018 – Cr Staikos – Pokies Advocacy Campaign in the City of Kingston**

**RECOMMENDATION**

That Council:

1. Receive this report and supports the scope of activities proposed to reduce the harms associated with gambling (as detailed in Appendix 3: Pokies Advocacy Campaign - Action Plan Calendar); and
2. That a 12-month status report be provided for Council's consideration which details the work of the advocacy campaign undertaken and the associated outcomes.

**Note:** Refer to page 4 of the Minutes where this item was block resolved

**10. City Assets and Environment Reports**

There were no City Assets and Environment Reports.

**11. Corporate Services Reports**

**11.1 Quick Response Grants**

**RECOMMENDATION**

That Council approve the following grant applications:

- Mentone Pre School - \$1339.00
- Kingston Green Retirement Village Residents' Association - \$1736.20
- Clarinda Clayworkers Inc - \$1969.00

That Council not approve the following grant application:

- Oakleigh Coptic Senior Social Club
- Mentone Girls' Secondary College
- Neighbourhood Watch Inc

**Note:** Refer to page 4 of the Minutes where this item was block resolved.

**11.2 Appointment of Members to Strategic Advisory Committees**

**RECOMMENDATION**

That Council:

1. Appoint Joe Astbury to the Sport and Recreation Advisory Committee until 30 June 2020; and
2. Appoint Anne Grigg and Yuky Wei to the Access and Equity Advisory Committee until 30 June 2020.

**Note:** Refer to page 4 of the Minutes where this item was block resolved.

**11.3 Assembly of Councillors Record Report**

**RECOMMENDATION**

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

**Note:** Refer to page 4 of the Minutes where this item was block resolved.

**11.4 Authorised Officers Audit - Planning and Environment Act 1987**

**RECOMMENDATION**

1. That Council, in the exercise of the powers conferred by s147(4) of *the Planning and Environment Act 1987* appoint the Officers referred to in the instruments attached in Appendix One as set out in each instrument.
2. Further that the Instruments listed in Appendix Two be revoked.

**Note:** Refer to page 4 of the Minutes where this item was block resolved.

**11.5 Investment Portfolio Report - December 2018**

**RECOMMENDATION**

That Council note that its funds as at 31 December 2018 are invested in line with the risk management profile prescribed in Council's Investment policy.

**Note:** Refer to page 4 of the Minutes where this item was block resolved.

**11.6 Proposed Changes to Strategic Advisory Committees**

**RECOMMENDATION**

That Council note:

1. The ongoing recruitment processes for Strategic Advisory Committees with a view to increasing membership numbers to 21 per committee as per the resolution of Council;
2. The continuation of the Strategic Advisory Committees as per the existing Terms of Reference for each committee, with a review of the Committees being undertaken to align with the new Council Plan; and
3. That retainer payments for Strategic Advisory Committee members will be considered as part of the review of Strategic Advisory Committees outlined in part 2 of this resolution.

**Note:** Refer to page 4 of the Minutes where this item was block resolved.

**12. Notices of Motion**

**12.1 Notice of Motion No. 1/2019 - Cr Gledhill - IBAC**

**Moved: Cr Gledhill**

**Seconded: Cr Brownlees**

That Council refer the matter of the Bay Trail, as discussed, considered and resolved on by Council between January 2016 and the present, to the Independent Broad Based Anti – Corruption Commission (IBAC) and ask them to undertake an investigation into whether any improper or illegal actions by any participants may have influenced any of the outcomes in this matter. The request to IBAC should be made within the next 30 days and officers are to report back to Councillors through the CIS cycle.

**Amendment**

**Moved: Cr Staikos**

**Seconded: Cr West**

1. Given that concerns have been raised with Council from members of the community about Councillor Gledhill's residential proximity to the Bay Trail project and whether a conflict of interest exists, and given that Cr Gledhill lives on Beach Road and would likely directly benefit from, or be affected by the proposal to complete the final section of the bay trail and tree plantings on beach Road. That this matter be referred to the Ombudsman and Local Government Inspectorate, seeking an investigation into whether the conflict of interest



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provisions have been followed.

2. Given that concerns have been raised with Council from members of the community about a potential misuse of position from Cr Gledhill as a candidate for the recent State Election – with regard to the use of information gained as a Councillor for political benefit as a State Candidate. That this matter be referred to the Ombudsman and Local Government Inspectorate, seeking an investigation into whether there has been a breach of the Local Government Act by Councillor Gledhill.
3. Further that Council commence a Councillor code of conduct panel to investigate whether breaches of the following clauses have occurred:
  - a. 4.1.3 Not improperly seek to confer an advantage or disadvantage on any person.
  - b. 4.2.1 Avoid conflicts between our public duties as a Councillor and our personal interests and obligations
  - c. 4.2.2 Act honestly, and avoid statements (whether oral, in writing or when engaging via social media, media releases or other electronic communication) or actions that will or are likely to mislead or deceive a person.
  - d. 4.2.3 Treat all persons with respect and have due regard to the opinions, beliefs, rights and responsibilities of other Councillors, Council officers and other persons
  - e. 4.2.5 Endeavour to ensure that public resources are used prudently and solely in the public interest.

**Moved: Cr Staikos**

**Seconded: Cr West**

That Cr West be granted an extension of time to speak on the matter.

**LOST**

**The Amendment was put and LOST**

**A Division was Called:**

**DIVISION:**

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

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

**LOST**

**Amendment**

**Moved: Cr Staikos**

**Seconded: Cr West**

That Council refer the matter of the Bay Trail, as discussed, considered and resolved on by Council between January 2016 and the present, to the Independent Broad Based Anti – Corruption Commission (IBAC) and ask them to undertake an investigation into whether any improper or illegal actions by any participants may have influenced any of the outcomes in this matter. The request to IBAC should be made upon Cr Gledhill providing prima facie evidence of the alleged breaches to the CEO.

**Procedural Motion**

**Moved: Cr Bearsley**

**Seconded: Cr Hua**

That the Amendment now be put.

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**CARRIED**

**A Division was Called:**

**DIVISION:**

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

**AGAINST:** Crs Staikos, West and Oxley (3)

**CARRIED**

**The Amendment was put and LOST**

**A Division was Called:**

**DIVISION:**

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

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

**LOST**

**Procedural Motion**

**Moved: Cr Bearsley**

**Seconded: Cr Gledhill**

That the Substantive Motion now be put.

**LOST**

**The Substantive Motion was put and CARRIED**

**A Division was Called:**

**DIVISION:**

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

**AGAINST:** Crs Staikos, West and Oxley (3)

**CARRIED**

**12.2 Notice of Motion No. 2/2019 - Cr Gledhill - Vic Ombudsman**

The Notice of Motion was Withdrawn.

**12.3 Notice of Motion No. 3/2019 - Cr West - New Parks on Melbourne Water  
Land**

**Moved: Cr West**

**Seconded: Cr Staikos**

That Council:

1. Negotiate with Melbourne Water for the development of the Southern Road and Warrigal Road retarding basins to provide publicly accessible parkland similar to the Namatjira Park project.
2. Officers to provide a report to Council on any relevant issues relating to such projects and on the progress of negotiations by the March Ordinary Meeting.

**CARRIED**

**12.4 Notice of Motion No. 4/2019 - Cr West - Chain of Parks Trail**

**Moved: Cr West**

**Seconded: Cr Staikos**

That a report be prepared for the February Ordinary Meeting of Council regarding:

1. Engaging an environmental planner or ecological consultant to develop plans for the Chain of Parks Trail to provide for pedestrian, cycling and equestrian uses and for wildlife corridors, as requested in Council's July 2017 ) resolution to implement Kingston's 2012 Green Wedge Management Plan, (attached) along similar lines to the Fauna Linkages report commissioned by Frankston Council (Link attached).
2. Considering engaging the same consultant that has been engaged to review Kingston's Green Wedge Management Plan or alternatively the consultant that was engaged by Frankston Council for the Fauna Linkages report.

**CARRIED**

**Amendment**

**Moved: Cr Brownlees**

That a report be prepared for the February Ordinary Meeting of Council regarding:

1. Engaging an environmental planner or ecological consultant to develop plans for the Chain of Parks Trail to provide for pedestrian, cycling and equestrian uses and for wildlife corridors, as requested in Council's July 2017 ) resolution to implement Kingston's 2012 Green Wedge Management Plan, (attached) along similar lines to the Fauna Linkages report commissioned by Frankston Council (Link attached).
2. Considering engaging the same consultant that has been engaged to review Kingston's Green Wedge Management Plan or alternatively the consultant that was engaged by Frankston Council for the Fauna Linkages report.
3. And that community consultation be included as part of the plan development.

**The Amendment was accepted by the Mover and Seconder**

**The Motion was CARRIED**

**Question Time**

**Penny McGuire White of Mentone asked,**

*“Are all the members of all the Council Committees going to be offered a payment of \$200 if they attend every meeting and serve for two years? This action would bring them into line with the new Ward Committees. If not, then why is this discrimination being used against them? I have been a volunteer for the Oakleigh and Kingston Councils since 1971 when I was Secretary of the Westall Kindergarten and I have never heard of anything like this before.”*

**The CEO provided the following response,**

*“Item 11.6 was resolved tonight as part of the Block Motion, which provides for a future report back to Council as part of Council’s review of Strategic Advisory Committees which will address this issue and discuss issues regarding individuals appointed to committees as part of their employment. The Ward Committees Terms of Reference were established by Council in September 2018.”*

**13. Urgent Business**

There were no items of urgent business.

**14. Confidential Items**

**Moved: Cr Staikos**

**Seconded: Cr West**

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 Kingston Green Wedge Plan Implementation - Large Scale Solar Preliminary Feasibility**

*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**

**11.2 Appointment of Members to Strategic Advisory Committees Appendix 1, Summary of Applications – Strategic Advisory Committees - January 2019**

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

**11.4 Authorised Officers Audit - Planning and Environment Act 1987 Appendix 2, Instruments of Appointment and Authorisation to be revoked - 29 January 2019**

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

**CARRIED**

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The meeting was closed to members of the public at 8.28pm.

**Moved: Cr Staikos**

**Seconded: Cr Brownlees**

That the meeting be opened to members of the public

**CARRIED**

The meeting was opened to members of the public at 8.46pm..

The meeting closed at 8.46pm..

**Confirmed.....**

**The Mayor 25 February 2019**