

# Minutes

## Council Meeting

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Monday, 24th August 2020

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The meeting commenced at 7.01pm via the Zoom platform.

**Present:** Cr Georgina Oxley (Mayor)  
Cr Tamara Barth  
Cr Tamsin Bearsley  
Cr Ron Brownlees OAM  
Cr David Eden  
Cr Geoff Gledhill  
Cr George Hua  
Cr Steve Staikos  
Cr Rosemary West OAM

**In Attendance:** Julie Reid, Chief Executive Officer  
Mauro Bolin, General Manager Community Sustainability  
Paul Franklin, General Manager Corporate Services  
Samantha Krull, General Manager City Assets and Environment  
Jonathan Guttman, General Manager Planning and Development  
Phil De Losa, Manager Governance  
Patrick O’Gorman, Governance Officer  
Gabrielle Pattenden, Governance Officer  
Lindsay Holland, Facilities Officer

**1. Apologies**

There were no apologies submitted to the meeting.

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

**Moved: Cr Staikos**

**Seconded: Cr Barth**

That the Minutes of the Council Meeting held on 27 July 2020 (adjourned to 5 August 2020 and adjourned to 19 August 2020) 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.

**4. Petitions**

**4.1 Graffiti in Carrum and Patterson Lakes**

**Moved: Cr Bearsley**

**Seconded: Cr Eden**

That the petition be referred to the CEO for response.

**CARRIED**

**4.2 Reopen Patterson Lakes Community Centre**

**Moved: Cr Eden**

**Seconded: Cr Staikos**

That the petition be referred to the CEO for response.

**CARRIED**

**5. Presentation of Awards**

Nil

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

Nil

**7. Question Time**

**Moved: Cr Staikos**

**Seconded: Cr Brownlees**

That notwithstanding the requirement of Clause 18(4) of the Meeting Procedures Local Law, answers be read out to all questions submitted by 7.30pm given the current measures responding to the Covid-19 Coronavirus.

**CARRIED**

Question time was held at 8.02pm. Refer to page 8 of the Minutes.

**Block Resolution**

**Moved: Cr Staikos**

**Seconded: Cr Hua**

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

- 8.1 Footpath Activities Permit Renewals
- 8.6 Horscroft Place Urban Design Analysis
- 8.7 Future of ISMMF
- 9.1 Bonbeach Life Saving Club - Award of Contract
- 10.1 CON - 20/041 - Ben Kavanagh Reserve Improvements and Netball Courts
- 10.2 Residential Parking Permits – Extension of Fee Break
- 11.3 Governance Rules
- 11.4 Public Transparency Policy
- 11.5 Council Expenses Policy
- 11.6 Appointment of and delegation to the Planning Committee
- 11.7 Quick Response Grants
- 11.8 Assembly of Councillors Record Report
- 11.9 Audit and Risk Committee Membership and Revised Charter

**CARRIED**

**8. Planning and Development Reports**

**8.1 Footpath Activities Permit Renewals**

**RECOMMENDATION**

That:

1. Council extend all current Footpath Activities Permits to 31 July 2021 subject to appropriate documentation being submitted to Council as part of the 2020/2021 renewal process.
2. No fees be charged for any new Footpath Activities Permit applications up to 31 July 2021 and Amendments be made to Council's Budget to deduct the assumed income of \$115,989.

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

**8.2 Tree Removal Application at No.179-217 Centre Dandenong Road  
Dingley Village - PT-2020/193**

**Moved: Cr Staikos**

**Seconded: Cr Hua**

That Council

1. Approve the pruning of trees identified in this report as tree no. 14-21 and 23.
2. Request the owner of the subject land inform adjacent residents prior to undertaking the tree pruning works approved as part of resolution 1 (above).
3. Defer the consideration of the remaining tree removal applications 1-13, 22 and 24-30 and request Officers to undertake public notice of the proposed tree removal prior to bringing back a report to the next available Council meeting for a decision.
4. Request that trees proposed for removal in this application are clearly identified on the course to ensure that any workers or visitors on the site maintain a safe distance from the trees
5. Request that debris and other waste be removed from the perimeter fencing to improve amenity for neighbouring properties.

**CARRIED**

**8.3 Suburban Rail Loop Advocacy**

**Moved: Cr Staikos**

**Seconded: Cr Brownlees**

That Council

1. Adopt the Suburban Rail Loop Advocacy document; and
2. Write to the Suburban Rail Loop Authority advising of its position.

**Amendment**

**Moved: Cr West**

That Council:

1. Adopt the Suburban Rail Loop Advocacy document; and
2. Acknowledge media reports that SRLA may be considering Southland as the more suitable location for the station and request a master plan for the Fry Reserve to:
  - Minimise the impact of the station on the parkland
  - Restore the wetland on the reserve
  - Best meet the needs of the local and future residents
3. Urgently request SRLA that the proposed rail stabling yards be sited so as not to impact on the agricultural land in Kingston's Green Wedge or on the proposed Chain of Parks and that a prompt assurance to this effect be requested
4. Write to the Suburban Rail Loop Authority advising of its position.

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

**The Motion was put and CARRIED**

**The Motion reads as follows:**

That Council:

1. Adopt the Suburban Rail Loop Advocacy document; and
2. Acknowledge media reports that SRLA may be considering Southland as the more suitable location for the station and request a master plan for the Fry Reserve to:
  - Minimise the impact of the station on the parkland
  - Restore the wetland on the reserve
  - Best meet the needs of the local and future residents
3. Urgently request SRLA that the proposed rail stabling yards be sited so as not to impact on the agricultural land in Kingston's Green Wedge or on the proposed Chain of Parks and that a prompt assurance to this effect be requested
4. Write to the Suburban Rail Loop Authority advising of its position.

**CARRIED**

**8.4 Chelsea Pedestrian Bridge**

**Moved: Cr Eden**

**Seconded: Cr Staikos**

That Council provide a contribution to the Level Crossing Removal Authority of \$750,000 towards construction of the Chelsea Pedestrian Bridge in accordance with design parameters outlined in this report and reflected in Appendix 2.

Cr Gledhill left the meeting at 7:43pm

Cr Gledhill returned to the meeting at 7:45pm

**CARRIED**

**8.5 Moorabbin West Urban Design Framework**

**Moved: Cr Staikos**

**Seconded: Cr Barth**

That Council:

1. Adopt the Moorabbin West Urban Design Framework with the following modifications:
  - a. further reference lot consolidation as a potential public benefit; and
  - b. include design information in relation to advertising signage along Nepean Highway.and advise submitters and agency stakeholders of the outcome.
2. Officers undertake assessments required by the Department of Transport – Roads to advance the Nepean Highway / Exley Drive intersection.
3. Officers commence work required to inform an Expression of Interest process for the future use and development of Council land within the Moorabbin West precinct and report back to the Council in early 2021 including consideration as to how an EOI process could further explore market responses on:
  - a. the height and setback requirements within the Moorabbin West Urban Design Framework and whether a basis exists to review whether they should be mandatory;
  - b. the street ratios proposed and whether these parameters should be discretionary;
  - c. the mandatory five metre landscape setback from Nepean Highway;
  - d. the role of the slip lane running parallel to the Nepean Highway; and
  - e. further consideration of the role of laneways within the Precinct
4. Authorise officers to work with the existing community groups on annual agreements in the Moorabbin Activity Hub, to provide relocation accommodation options during the next phase of the project.
5. Officers arrange a meeting with Nightingale Housing to further explore opportunities for the establishment of a Nightingale site within the Moorabbin West precinct.

**CARRIED**

**Question Time**

**Dylan Styles of Edithvale asked,**

*"I am asking this question on behalf of a Parkdale resident. The resident spoke with me highlighting their concern of the Kingston Council Health Services who deliver personal care to our vulnerable communities. This specific resident pays \$4 a week to assist her with showering and \$32 a fortnight for cleaning services. This has been an ongoing payment that the resident has continued paying however since covid19 restrictions have been put in place, the concerned resident has not been provided the contracted services since March 6th. On behalf of the concerned resident and on behalf of other vulnerable residents is the Council aware of this issue? Are they aware the money has continued to be taken out further affecting these vulnerable groups? And what resolution can the Council undertake to fix this issue? Finally, what has the council implemented for the covid19 period to ensure that the vulnerable residents requiring the council delivered personal care services are still having the necessary care and support they require?"*

**The General Manager Community Sustainability provided the following response,**

*"Council's AccessCare Team has maintained home support services throughout the period impacted by Covid. Council only charges for services it provides. Further specific information would be required to review the circumstances and investigate further. Council has provided personal care adhering to all social distancing requirements and infection control measures. Engagement with vulnerable clients has been undertaken through welfare calls, provision of material such as masks, sanitation material and provided online social support activities."*

**Tom Maher asked,**

*"Question 1. There was an announcement on the Council web site that Kingston assigned a PPA with Alinta Energy who are wholly owned by Hong Kong's Chow Tai Fook Enterprises. The majority of the electricity produced by Alinta Energy is from burning fossil fuels – notably from Loy Yang B brown coal power station in Victoria and about 7 gas power stations. Alinta Energy has rated 3.1 out of 10 on the Green Electricity Guide, placing it firmly in the bottom quarter of Australian Energy retailers. Finder Compare Energy summarises 'If you're looking for green power, Alinta Energy is not the best choice. Despite a number of recent renewables investments, they are still lagging behind. Why has the Council made a decision that flies in the face of its Climate and Ecologically Emergency declaration made a few months ago and appears to have done nothing to support its own Climate Change strategy which states that council 'will support and encourage community owned renewable energy projects where appropriate'?"*

*Question 2. In March 2020 the Office of the Australian Information Commissioner was investigating Alinta Energy over customer data privacy concerns. Also, in March, Alinta Energy paid penalties totalling \$280,000 for again switching Victorians to new energy contracts without their consent. How is Kingston planning to ensure that the electricity that Alinta Energy provides under the PPA will actually be from Victorian wind farms ?"*

**The General Manager Corporate Services provided the following response,**

*"On behalf of Council and other members, Procurement Australasia recently completed the facilitation of a Victorian based Renewable Energy Power Purchasing Agreement (PPA). This is a 10-year arrangement for 13 Victorian councils and 1 State Government Authority who each now have a solution that meets their individual renewable energy requirements and assists the achievement of each entity's broader sustainability objectives."*



*The PPA agreement with Alinta Energy provides the City of Kingston renewable energy for the sites tendered and from 1 January 2021 for Street Lighting and 1 July 2021 for large facilities through our decision to purchase with 100% voluntary Large Scale Renewable Generation Certificates supplied from the GreenPower accredited Bald Hills Wind Farm located in Eastern Victoria. These will be registered with the Clean Energy Regulator.*

*In March 2019, Council resolved to participate in the PPA process and also to continue to consider other means of support, as appropriate, to support local renewable energy projects. It is noted that no community owned renewable energy project responded to the Procurement Australia process.”*

### **8.6 Horscroft Place Urban Design Analysis**

#### **RECOMMENDATION**

That Council adopts the Moorabbin Eastern Edge Urban Design Analysis and notifies submitters of the outcome.

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

### **8.7 Future of ISMMF**

#### **RECOMMENDATION**

That Council:

1. Note the recent withdrawal of Stonington and Port Phillip Councils from the Inner South Metropolitan Mayors Forum (ISMMF)
2. Approve the continuation of membership in the ISMMF, under the revised model as outlined in option 1.

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

## **9. Community Sustainability Reports**

### **9.1 Bonbeach Life Saving Club - Award of Contract**

#### **RECOMMENDATION**

That Council:

1. Receive the information and note the outcome of the tender assessment process for Contract 20/033 – Bonbeach Life Saving Club, as set out in the confidential appendices attached to this report.
2. Award Contract 20/033 – Bonbeach Life Saving Club construction project for the final adjusted fixed lump sum price of \$2,399,069.00 (exclusive of GST) to FIMMA Constructions Pty Ltd.

3. Approve the allocation of a separate contingency, as set out in the attached confidential appendix, and delegate authority to the CEO, or her nominee, to expend this allowance to ensure the successful completion of the project.
4. Consider identified project savings as part of the revised budget at the September Council Meeting.

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

## 10. City Assets and Environment Reports

### 10.1 CON - 20/041 - Ben Kavanagh Reserve Improvements and Netball Courts

#### RECOMMENDATION

That Council:

1. Note the outcome of the tender evaluation process, as set out in the attached confidential appendices;
2. Award Contract 20/041 – Ben Kavanagh Reserve improvements and netball courts to Contek Constructions Pty Ltd for a lump sum cost of \$1,329,576.61 (ex of GST), inclusive of provisional and contingency amounts; and
3. Delegate authority to the Chief Executive Officer or delegate to approve contract variations up to 15% of the lump sum contract amount if required.

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

### 10.2 Residential Parking Permits – Extension of Fee Break

#### RECOMMENDATION

That Council approve extending the existing moratorium on charging the \$50 fee for a second residential parking permit to 31 December 2020.

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

### 10.3 Kingston Heath Reserve - Hockey and Baseball Needs Analysis Update (Councillor Workshop Item 10.17)

**Moved: Cr Brownlees**

**Seconded: Cr Gledhill**

That:

1. Council note the sporting needs findings as presented within this report; and
2. Council receive the findings of Stage 2 - Facility Analysis and Site Assessment Investigations for hockey and baseball facilities at a future meeting of Council.
3. The data and information in this report be used in the progression of the community engagement, development of funding options and site identification, prior to a further report to Council in 2021.

**Amendment**

**Moved: Cr West**

**Seconded: Cr Staikos**

That:

1. Council note the sporting needs findings as presented within this report; and
2. Council receive the findings of Stage 2 - Facility Analysis and Site Assessment Investigations for hockey and baseball facilities at a future meeting of Council.
3. The data and information in this report be used in the progression of the community engagement, development of funding options and site identification, prior to a further report to Council in 2021.
4. Bearing in mind the Kingston Heath Reserve Masterplan requirement to maintain the existing balance between active and passive recreation on the reserve, no further planning work or consultation be undertaken on plans to expand the sporting grounds on Kingston Heath Reserve until
  - after the council election, and
  - until the future of the Delta site has been determined.

**The Amendment was put and CARRIED**

**The Amendment became the Motion**

**The Motion was put and CARRIED**

**10.4 Proposed Sale of Part of Council Reserve Redwood Drive Dingley Village**

**Moved: Cr West**

**Seconded: Cr Staikos**

That consideration of this item be deferred until Council has:

- Undertaken a community consultation to elicit the views of local workers and other community members and groups on whether they would like the reserve to be sold or to be retained and redeveloped to provide picnic tables and other amenities;
- Considered any original landscape plan for the original Redwood Gardens development that might indicate the original plans and purpose for this reserve and the original provenance of the River Red Gums on the site;
- Asked the Biosis consultant to:
  - recommend on how the reserve should be managed should Council wish to preserve and enhance the indigenous vegetation on the site, and to
  - evaluate the impact on the indigenous River Red Gums and wallaby grass of providing picnic tables and other amenities on the part of the reserve proposed to be retained.
- Included in any future report information outlined in points (i) to (iii) of the officer recommendation as follows:

- (i) options for expending the sale funds on green spaces in the municipality,
- (ii) options for the replacement plantings for the trees lost on that part of the reserve proposed for sale; and
- (iii) a concept development plan for the balance of the reserve proposed for retention having regard to the BIOSIS report.

Cr Eden left the meeting at 8.33pm

Cr Eden returned to the meeting at 8.35pm

**CARRIED**

## 11. Corporate Services Reports

### **11.1 Response to Council resolution regarding Notice of Motion to report any and all legislative and policy/procedural breaches to Council each month**

**Moved: Cr Staikos**

**Seconded: Cr Bearsley**

That Council receive this report to assist in the consideration of Notice of Motion No 25/2020, that is listed on the 24 August Council Meeting agenda as Item 12.1.

**CARRIED**

### **11.2 Community Local Law Review**

**Moved: Cr Staikos**

**Seconded: Cr Hua**

That Council:

1. Having:
  - a) completed the statutory process under Part 5 of the *Local Government Act 1989* for the making of the proposed Community (Amendment) Local Law No. 4;
  - b) undertaken, and been satisfied with, the evaluation of the proposed Community (Amendment) Local Law No. 4, as set out in the Community Impact Statement attached to this Report; and
  - c) considered all 26 submissions received in respect of the proposed Community (Amendment) Local Law No. 4,resolve to make Community (Amendment) Local Law No. 4 in the form attached to this Report, to commence operation on 25 August 2020;
2. Authorise the Chief Executive Officer to:
  - a) give public notice, and notice in the Victoria Government Gazette, of the making of Community (Amendment) Local Law No. 4; and
  - b) send a copy of Community (Amendment) Local Law No. 4, as made, to the Minister for Local Government; and
3. Resolve that, from 25 August 2020, pursuant to:

- a) clause 203D of Community Local Law No. 4, and having considered the matters prescribed by clause 203E of Community Local Law No. 4, determines that:
    - i) all foreshore areas within Council's municipal district, and
    - ii) all reserves within Council's municipal districtare 'smoke free areas' for the purposes of Community Local Law No. 4; and
  - b) clause 250A of Community Local Law No. 4, the delegation of the power to determine applications for the removal of protected trees shall be limited to applications to remove less than 10 protected trees.
4. Receive a further report at its September meeting nominating the shopping strips to be included as smoke free areas.

**CARRIED**

### **11.3 Governance Rules**

#### **RECOMMENDATION**

That Council adopt the Governance Rules.

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

### **11.4 Public Transparency Policy**

#### **RECOMMENDATION**

That Council adopt the Public Transparency Policy.

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

### **11.5 Council Expenses Policy**

#### **RECOMMENDATION**

That Council adopt the Council Expenses Policy contained in Appendix 1.

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

### **11.6 Appointment of and Delegation to the Planning Committee**

#### **RECOMMENDATION**

In exercise of the powers conferred by s 63 of the *Local Government Act 2020* (the Act) and s 188 of the *Planning and Environment Act 1987*, Council resolves that:

1. From the date of this resolution, there be established as a delegated committee, the Planning Committee.

2. The purposes of the Committee established by this resolution are those set out in the schedule to the Instrument of Delegation (the Instrument) attached at Appendix 1.
3. The members of the Planning Committee are all Councillors.
4. The Committee is required to meet at the intervals specified in the schedule to the Instrument.
5. The Chairperson of the Planning Committee is the Mayor.
6. A quorum for the Planning Committee is an absolute majority, which is the number greater than half the total number of members of the Planning Committee.
7. There be delegated to the Planning Committee the powers discretions and authorities set out in the attached Instrument.
8. The Instrument:
  - 8.1. comes into force immediately upon this resolution of Council; and
  - 8.2. remains in force until Council determines to vary or revoke it.
9. The powers discretions and authorities conferred on the Planning Committee by the Instrument must be exercised in accordance with the delegations and limitations set out in the Instrument and with any guidelines or policies Council may from time to time adopt.

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

### **11.7 Quick Response Grants**

#### **RECOMMENDATION**

That Council approve the following grant applications:

- Mordialloc Bowling Club - \$1500.00
- Lemnian Community of Victoria - \$1500.00
- St Davids Anglican Church Moorabbin - \$1500.00
- St Bedes Mentone Tigers Football Club - \$1500.00
- Open Russian Education Hub - \$1500.00

That Council not approve the following grant application:

- Atlantis TV Pty Ltd

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

**11.8 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.

**11.9 Audit and Risk Committee Membership and Revised Charter**

**RECOMMENDATION**

That Council:

1. Establish an Audit and Risk Committee pursuant to S54(7) of the Local Government Act 2020;
2. Confirm Ms Claire Filson (Chairperson); Mr Bruce Potgieter; and Mr Geoff Harry as the independent members of the Audit and Risk Committee, terms to expire as previously resolved by Council; and
3. Adopt the revised Audit & Risk Committee Charter pursuant to S54 of the Local Government Act 2020.

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

**12. Notices of Motion**

**12.1 Notice of Motion No. 25/2020 - Cr Eden - Report on Breaches**

**Moved: Cr Eden**

**Seconded: Cr West**

That consideration of this matter be deferred pending a meeting with the CEO, the Governance Team and Councillors to discuss improvements to points 1 to 4 at the earliest possible opportunity.

**CARRIED**

**12.2 Notice of Motion No. 34/2020 - Cr West - Kingston Green Wedge Management Plan Review**

**Moved: Cr West**

**Seconded: Cr Staikos**

That:

1. Officers ask and if possible re-engage the consultant who has been responsible for preparing Kingston's Green Wedge Management Plan adopted in 2012 and now for undertaking the review of that Plan to do whatever is needed to complete a final consultation draft of the review plan to her satisfaction ready to submit to the September Ordinary Council Meeting for possible adoption for consultation, with the following extra work included as indicated in the officer report on page 717 of Item 7.3 of the 20 July Councillor Information Session:

- A new chapter on the Chain of Parks based on the Council-endorsed Chain of Parks Masterplan and Biodiversity Study;
  - Integration of elements of the draft Agriculture Preservation and Strengthening Strategy prepared for Council insofar as they align with relevant Council resolutions in 2017 and since, and with the strong commitment to protecting all agricultural land that is fundamental to the State Government's Protecting Melbourne's Green Wedges and Agricultural Land options paper, to provide a clear vision for agriculture in the KGW that is broadly aligned to the State Government's draft options paper;
  - Consideration of additional details relating to design guidelines and built form and other matters that align with Council's draft submission to the State Government's Protecting Melbourne's Green Wedges and Agricultural Land options paper.
2. Officers provide whatever technical support is required for this work to the value of \$25,000 and advise Council in a timely manner if further resources are needed.
3. Confidential copies of:
- the Council's draft submission to the State Government's Protecting Melbourne's Green Wedges and Agricultural Land options paper, and of
  - the officer report at Item 7.3 of the 20 July CIS agenda
- be attached to this resolution.
4. Council's draft submission to the State Government's Protecting Melbourne's Green Wedges and Agricultural Land options paper be made publicly available when the options paper is publicly released.

**CARRIED**

Cr Brownlees left the meeting at 9.07pm and did not return.

**12.3 Notice of Motion No. 35/2020 - Cr Staikos - Implementation of 2020/21 Council Budget**

The Notice of Motion was withdrawn.

**13. Urgent Business**

**Moved: Cr Barth**

**Seconded: Cr Staikos**

That an item of Urgent Business be considered in relation to Kingswood Golf Course land.

**CARRIED**



**Moved: Cr Barth**

**Seconded: Cr Staikos**

That the Mayor write to the land owner of the Kingswood Golf Course to ascertain any interest in leasing the Kingswood land to the City of Kingston for the purpose of Council establishing an 18 hole Public Golf course, for the residents of Kingston and further that the response form the basis of a report into the viability of such proposal.

**CARRIED**

**A Division was Called:**

**DIVISION:**

**FOR:** Crs Oxley, Barth, Bearsley, Eden, Gledhill, Hua, Staikos and West  
(8)

**AGAINST:** Nil (0)

**CARRIED**

#### **14. Confidential Items**

**Moved: Cr Staikos**

**Seconded: Cr West**

That in accordance with section 66(1) and 66(2)(a) of the *Local Government Act 2020*, the meeting be closed to members of the public for the consideration of the following confidential items:

##### **14.1 Investigation of Open Space 32/2018 - Mavis Hutter Reserve**

*This agenda item is confidential information for the purposes of section 3(1) of the Local Government Act 2020 because it is:*

- *Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released, and land use planning information, being information that if prematurely released is likely to encourage speculation in land values, and private commercial information, being information provided by a business, commercial or financial undertaking that— (section 3(1)(a), (c) and (g)), and*
- *The explanation as to why the specified ground/s applies is that the consideration of imposing a PAO may jeopardise Council's position, information that has been provided by the Club in good faith discussions is commercial in nature and not approved for disclosure and any change to the planning scheme may cause speculation.*

##### **14.2 MOC3410 - Foreshore Rennison St to Bay St Parkdale - VCAT enforcement proceedings**

*This agenda item is confidential information for the purposes of section 3(1) of the Local Government Act 2020 because it is:*

- *law enforcement information, being information which if released would be reasonably likely to prejudice the investigation into an alleged breach of the law or the fair trial or hearing of any person (section 3(1)(d)), and*

- *The explanation as to why the specified ground/s applies is that the matter is subject to VCAT and conference hearing.*

**14.3 DELWP 'Planning for Melbourne's Green Wedges and Agricultural Land' - Draft Submission**

*This agenda item is confidential information for the purposes of section 3(1) of the Local Government Act 2020 because it is:*

- *land use planning information, being information that if prematurely released is likely to encourage speculation in land values (section 3(1)(c)), and*
- *The explanation as to why the specified ground/s applies is that the DELWP Planning For Melbourne's Green Wedges and Agricultural Land Consultation Paper is confidential..*

**Confidential Appendices**

**9.1 Bonbeach Life Saving Club - Award of Contract  
Appendix 1, Evaluation Matrix**

*This appendix is confidential in accordance with the Local Government Act 2020, s3(1) as it relates to (s3(1)(a)).*

**9.1 Bonbeach Life Saving Club - Award of Contract  
Appendix 2, Financials**

*This appendix is confidential in accordance with the Local Government Act 2020, s3(1) as it relates to (s3(1)(a)).*

**10.1 CON - 20/041 - Ben Kavanagh Reserve Improvements and Netball Courts  
Appendix 1, CON-20/041 Tender Evaluation Report - Ben Kavanagh Netball and Reserve Works**

*This appendix is confidential in accordance with the Local Government Act 2020, s3(1) as it relates to (s3(1)(g)).*

**10.1 CON - 20/041 - Ben Kavanagh Reserve Improvements and Netball Courts  
Appendix 2, Shortlisted Tender Evaluation Matrix - Ben Kavanagh Netball Courts**

*This appendix is confidential in accordance with the Local Government Act 2020, s3(1) as it relates to (s3(1)(g)).*

**10.1 CON - 20/041 - Ben Kavanagh Reserve Improvements and Netball Courts  
Appendix 3, Collated Tender Evaluation Matrix - Ben Kavanagh Netball Courts**

*This appendix is confidential in accordance with the Local Government Act 2020, s3(1) as it relates to (s3(1)(g)).*

**11.1 Response to Council resolution regarding Notice of Motion to report any and all legislative and policy/procedural breaches to Council each month  
Appendix 1, Legal advice**

*This appendix is confidential in accordance with the Local Government Act 2020, s3(1) as it relates to (s3(1)(e)).*

**12.2 Notice of Motion No. 34/2020 - Cr West - Kingston Green Wedge Management Plan Review**

**Appendix 1, Draft Submission - Planning for Melbourne's Green Wedges and Agricultural Land**

*This appendix is confidential in accordance with the Local Government Act 2020, s3(1) as it relates to (s3(1)(c).*

**12.2 Notice of Motion No. 34/2020 - Cr West - Kingston Green Wedge Management Plan Review**

**Appendix 2, CIS Report - Kingston Green Wedge Management Plan Review and DELWP Green Wedge Agricultural Land Consultation Plan Update**

*This appendix is confidential in accordance with the Local Government Act 2020, s3(1) as it relates to (s3(1)(c).*

**CARRIED**

The meeting was closed to members of the public at 9.29pm.

**Procedural Motion**

**Moved: Cr Staikos**

**Seconded: Cr Hua**

That the meeting be opened to members of the public

**CARRIED**

The meeting was opened to members of the public at 9.41pm.

The meeting closed at 9.41pm.

**Confirmed.....**

**The Mayor 21 September 2020**