Minutes Council Meeting

Monday, 28th June 2021



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

Present: Cr Steve Staikos (Mayor)

Cr Hadi Saab (Deputy Mayor)

Cr Tamsin Bearsley Cr Tim Cochrane Cr Tracey Davies Cr Jenna Davey-Burns

Cr David Eden Cr Chris Hill

Cr Cameron Howe Cr George Hua Cr Georgina Oxley

In Attendance: Tim Tamlin, Interim Chief Executive Officer

Jonathan Guttmann General Manager Planning and Development

Tony Ljaskevic, General Manager Corporate Services Bridget Draper, Acting General Manager City Assets and

Environment

Steve Lewis, Acting General Manager Community Sustainability Tracey Cheeseman, Manager Communications and Community

Relations

Phil De Losa, Manager Governance Patrick O'Gorman, Governance Officer Gabby 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 Oxley Seconded: Cr Saab

That the Minutes of the Council Meeting held on 24 May 2021 and the Council Meeting held on 15 June 2021 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 Planning Application KP-2021/277 - 326-327 Nepean Highway, Edithvale

Moved: Cr Eden Seconded: Cr Bearsley

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 Oxley Seconded: Cr Hill

That notwithstanding the requirement of the Governance Rules, 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 7.07pm.

Mrs D asked.

"Under Victorian law, is it legal for Local Government Councils to provide sex based/targeted services and facilities separately to gender identity based/targeted services and facilities? If not, why not? For example, can we legally put signs on a set of public toilets declaring that one is for biological males (including males with an intersex condition), one is for biological females (including biological females with an intersex condition) and one is for people with transgender identities (of any biological sex)? If not, why not?"

The Interim CEO provided the following response:

"This question will be taken on notice and a written response provided."

Geoff Gledhill of Parkdale asked,

"Can Council please explain what is happening with the Housing Strategy? It's been nearly 12 months since the State Government rejected the proposal that reflected the wishes of the Kingston community and yet we have heard nothing about the compromises that Councillors will be forced to accept."

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The Interim CEO provided the following response:

"Following feedback provided from the Minister for Planning and the State Department of Environment, Land, Water and Planning regarding the adopted Council Housing Strategy, Officers have been providing briefings to the incoming Council to first take the Council through the previous work undertaken. More recently Officers have been taking Ward Councillors through the work completed across each of the Council Wards and further discussing potential changes to the previous work to address the feedback received from the State Government. A report will be provided to Council seeking its formal direction on further progressing the Housing Strategy once the discussions with Councillors are complete."

Block Resolution

Moved: Cr Saab Seconded: Cr Davies

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

- 8.1 Outdoor Dining Activations Parklets
- 8.5 Gardens for Wildlife Program Update
- 9.1 Award of Tender CON-2306/0843 Library Collections, Furniture, Equipment & Associated Library Requirements
- 9.2 Woman of the Year Award Administrative Policy Adjustments
- 10.1 Award of Tender CON-21/008 Street Sweeping Services
- 10.2 Draft Road Safety Strategy
- 10.3 Road Management Plan Review 2021
- 10.4 Roy Dore Reserve Netball Courts Community Consultation Outcomes
- 10.5 Advanced Waste Processing Next Steps
- 10.6 Adoption of the Elder Street South Master Plan
- 11.1 Procurement Policy Update Financial Year 2020/21
- 11.2 Informal Meetings of Councillors
- 11.3 Quick Response Grants
- 11.5 Authorisation of Officers Under the Planning and Environment Act 1987

8. Planning and Development Reports

8.1 Outdoor Dining Activations - Parklets

RECOMMENDATION

That Council:

- 1. Commence a process to extend parklet permits to 30 November 2021, and where required obtain necessary approval from the Department of Transport, in the following locations:
 - a. The Sporting Globe, 590 Main Street, Mordialloc
 - b. Mordialloc Supper Club, 539 Main Street, Mordialloc
 - c. Mordialloc Cellar Door (collaboration of businesses), 624 and 626 Main Street, Mordialloc
 - d. Siesta Café, 600 Main Street, Mordialloc
 - e. Chilled @Mordi, 598 Main Street, Mordialloc
 - f. Comma Food and Wine Bar, 2 Station Street, Moorabbin
 - g. Hawker Bar, 292 Highett Road, Highett
 - h. Hot Lips Hacienda and Matteos Pizza, 4-6 Railway Parade, Highett
 - i. Lorenzo's Café and Pizzeria, 138 Station Street, Aspendale
- 2. Note that a Parklet Policy will be prepared for Council's consideration by October 2021 which will inform the future scope and delivery of the program.
- 3. Waive all licence fees for Footpath Activities Permits until 30 November 2021.

Note: Refer to page 5 of the Minutes where this item was block resolved.

8.2 Moorabbin Airport Preliminary Draft 2021 Master Plan

Moved: Cr Davies Seconded: Cr Howe

That Council:

- Endorse the submission at Appendix 1 in response to the Moorabbin Airport Preliminary Draft Master Plan and formally lodge it with the Moorabbin Airport Corporation with additional reference made in Part 5. to the implications on aviation activities associated with windshear generated by further building development proximate to the runways.
- 2. Write to the Hon Barnaby Joyce, Minister for the Department of Infrastructure, Transport, Regional Development and Communication advocating for the changes to the Moorabbin Airport Preliminary Draft 2021 Master Plan as identified in the submission; and
- Request that the Minister reject the Master Plan 2021 if the Master Plan lodged by the Moorabbin Airport Corporations fails to make the changes sought in the Council submission.

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8.3 Big Housing Build and Homes for Homes

Moved: Cr Hill Seconded: Cr Davey-Burns

That consideration of this item be deferred until the July Council Meeting.

CARRIED

8.4 Response to Resolution - Coastline Commerce Digital Marketing Plan

Moved: Cr Howe Seconded: Cr Saab

That Council:

- 1. Accept the report and definition of the Coastline Commerce Digital Marketing Plan's geographical area as defined within the local economic context (p. 80).
- 2. Commit to a strategy that focuses on a 'whole of Kingston' approach (p. 87), with sub-brands dedicated to our coastline and any other distinguished regions of the municipality identified.
- 3. Engage the specified consultant (p. 80) for brand development and preparation of an implementation plan.
- 4. Employ and budget for at least 1 FTE, as recommended within internal stakeholder feedback (p. 86).
- 5. Instruct the CEO to consider whether further resources, including employees are required and to accordingly facilitate implementation.
- 6. Receive a further report for discussion and consideration after the first twelve months of implementation.

CARRIED

8.5 Gardens for Wildlife - Program Update

RECOMMENDATION

That Council:

- 1. Accept this report as a review in relation to the progress and impact of the Gardens for Wildlife program two-year trial.
- 2. Permanently establish the Gardens for Wildlife program noting the extensive positive feedback received from the community and significant environmental benefits of the program.

Note: Refer to page 5 of the Minutes where this item was block resolved.

9. Community Sustainability Reports

9.1 Award of Tender - CON-2306/0843 - Library Collections, Furniture, Equipment & Associated Library Requirements

RECOMMENDATION

That Council:

- 1. Endorse Contract 2306/0843 awarded by Procurement Australia for the purchase of Council's Library Collections, Furniture, Equipment, and other associated Library requirements.
- 2. Endorse the recommended Tenders (as per *Attachment 1*) recommended by Procurement Australia Award Panel.
- 3. Accept the Procurement Australia Panel Contract for a period of two (2) years, with an option to extend the Contract for a further one (1) plus one (1) year periods.
- 4. Note the budgeted allocation is estimated at \$2,264,000 with an option to extend.
- 5. Authorise the Chief Executive Officer or delegate to execute the Contract under the terms of the Procurement Australia Master Agreement; and
- 6. Authorise the Chief Executive Officer or delegate, subject to satisfactory performance of the Contract suppliers to exercise the option(s) to extend the Contract for a further one (1) plus one (1) years; 2 years in total.

Note: Refer to page 5 of the Minutes where this item was block resolved.

9.2 Woman of the Year Award Administrative Policy Adjustments

RECOMMENDATION

That Council apply a Working with Children Check (post selection) to winners of all Kingston Civic Awards and all nominees of Kingston Women of the Year Award if undertaking activities on behalf of Kingston that involves working with children, as per the Worker Screening Act 2020 and Victorian Child Safe Standards.

Note: Refer to page 5 of the Minutes where this item was block resolved.

9.3 Mental Health Workshop Community Consultation - Model Recommendation

Moved: Cr Oxley Seconded: Cr Davey-Burns

That Council:

- Host Mental Health First Aid courses for the community with targeted delivery to voluntary representatives from clubs/groups who will become 'wellbeing officers' in their respective club/group;
- 2. Combine mental health education with practical, inclusive, and engaging activities that support social connection and mental wellbeing; and
- 3. Consider ongoing resourcing to address gaps in the service system and community suggestions for mental health promotion activities.

CARRIED

10. City Assets and Environment Reports

10.1 Award of Tender - CON-21/008 - Street Sweeping Services

RECOMMENDATION

That Council:

- 1. Note the information outlined in the report;
- 2. Delegate authority to the Chief Executive Officer to award Contract No. 21/008 Street Sweeping Service as a Lump Sum and Schedule of Rates Contract to KS Environmental Pty Ltd at their tendered rates based upon Council's estimated work quantities for a total initial five year term estimated price of \$5,870,000 ex GST subject to annual rise and fall for the contract term of five years from 1 July 2021 to 30 June 2026 with two, one-year optional contract extensions; and
- Authorise the Chief Executive Officer, or their delegated authority, to execute the two one-year optional contract extensions subject to satisfactory performance by the contractor.

Note: Refer to page 5 of the Minutes where this item was block resolved.

10.2 Draft Road Safety Strategy

RECOMMENDATION

That Council endorse the draft Road Safety Strategy (2021–2026) for community consultation.

Note: Refer to page 5 of the Minutes where this item was block resolved.

10.3 Road Management Plan Review 2021

RECOMMENDATION

That Council:

- 1. Adopt the Road Management Plan 2021 (Version 5.0 as attached to this report);
- 2. Approve the gazettal of the Road Management Plan 2021 (Version 5.0 as attached to this report); and
- 3. Approve the public display of the revised plan in accordance with the Road Management Act 2004.

Note: Refer to page 5 of the Minutes where this item was block resolved.

10.4 Roy Dore Reserve Netball Courts - Community Consultation Outcomes

RECOMMENDATION

That Council:

- 1. Note the community engagement responses and feedback;
- 2. Endorse the commencement of further design development, statutory approvals and the procurement process for the development of two outdoor netball courts at Roy Dore Reserve in Carrum; and
- 3. Endorse that funding for the development of two outdoor netball courts at Roy Dore Reserve in Carrum be included in Council's mid-year 2021/22 budget review process.

Note: Refer to page 5 of the Minutes where this item was block resolved.

10.5 Advanced Waste Processing - Next Steps

RECOMMENDATION

That Council:

- 1. Agree to participate in the Special Purpose Vehicle (SPV) for Advanced Waste Processing;
- Contribute to the SPV as a shareholder on a proportionate basis with all other shareholders for the establishment costs of the SPV and associated transition costs for the SEMAWP procurement up to the point of preferred contractor selection:
- Pay MWRRG a one-off cost up to a maximum of \$75,000 (excl GST) associated with recommendation 2, in accordance with clause 8.1 of the Management Deed for the SEMAWP procurement; and
- 4. Set an affordability range to support shortlisted tenderers in their specification development that assumes future gate fees are equivalent to landfill pricing with a soft ceiling, recognising Council may elect to pay a higher gate fee dependent

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on the benefits realised.

Note: Refer to page 5 of the Minutes where this item was block resolved.

10.6 Adoption of the Elder Street South Master Plan

RECOMMENDATION

That Council note the community feedback and adopt the Elder Street South Master Plan.

Note: Refer to page 5 of the Minutes where this item was block resolved.

10.7 Bay Trail Public Art Project

Moved: Cr Davey-Burns Seconded: Cr Bearsley

That Council:

- 1. Note the application consent letter from DELWP for the installation of artist Deb McNaughton's Rainbow Sculpture along the Bay Trail at Peter Scullin Reserve (Appendix 1) and the conditions for installation (Appendix 2);
- 2. Provide opportunity to enable the artist to re-submit anticipated costing for this project noting the work undertaken to date by the artist to scope three potential sites and the significant increase in the cost of materials due to the price of steel.
- 3. Note the parameters set by DELWP's 2020 Siting and Design Guidelines for the installation of standalone public artworks along coastlines, which has impacted on the suitability of other locations (Appendix 4);
- 4. Note DELWP's confirmation that an application to install the artwork at Hazel Pierce Reserve would be unlikely to be approved under the 2020 Siting and Design Guidelines; and
- 5. Note the possibility of commissioning future integrated artworks along the Bay Trail to meet both DELWP guidelines and Council's resolution to create a social and cultural trail.

Cr Eden left the meeting at 8:01pm

11. Corporate Services Reports

11.1 Procurement Policy Update - Financial Year 2020/21

RECOMMENDATION

That Council resolve to adopt the unchanged Procurement Policy pursuant to the requirements of Section 186A of the *Local Government Act 1989*.

Note: Refer to page 5 of the Minutes where this item was block resolved.

11.2 Informal Meetings of Councillors

RECOMMENDATION

That Council receive the report.

Note: Refer to page 5 of the Minutes where this item was block resolved.

11.3 Quick Response Grants

RECOMMENDATION

That Council approve the following Quick Response Grant application:

• Chelsea Heights Kindergarten (subject to acquittal of previous grant)

Note: Refer to page 5 of the Minutes where this item was block resolved.

11.4 Response to Resolution - Ward Committee and Ward Meetings Policy

Moved: Cr Saab Seconded: Cr Davey-Burns

That:

- 1. Council endorse the proposed committee structure found in Appendix 1.
- 2. The following actions be undertaken and presented to a future Council Meeting for approval:
 - the organisation of a representative community panel to be utilised for deliberative engagement on Council matters across Kingston
 - review and update the Terms of Reference of each Strategic Advisory Committee to reflect the updated committee structure and Council priorities
 - amend the Ward Meetings Policy to reflect the current electoral ward structure.

Cr Eden returned to the meeting at 8:09pm

11.5 Authorisation of Officers Under the Planning and Environment Act 1987

RECOMMENDATION

That:

- 1. In the exercise of the powers conferred by s147(4) of the *Planning and Environment Act 1987*, Kingston City Council resolves that the members of Council staff referred to in each instrument attached (refer to appendices) be appointed and authorised as set out in the instrument.
- 2. That each instrument comes into force immediately on resolution and remains in force until such time as the officer is no longer employed, contracted or otherwise engaged to undertake the duties on behalf of Kingston City Council, unless Council determines to vary or revoke it earlier.

Note: Refer to page 5 of the Minutes where this item was block resolved.

11.6 Community Consultation on Naming of Pavilion at Roy Dore Reserve

Moved: Cr Staikos Seconded: Cr Howe

That:

- 1. Council, having considered the responses to the community consultation process, commence a further process of consultation regarding the proposed name Carrum Patterson Lakes Sports Pavilion.
- A policy be prepared on naming features and places, to reflect a more contemporary approach to naming, which recognises a broader perspective and focus including cultural, historical and connection to place and does not conflict with the statutory requirements under the Geographic Place Names Act 1998.

11.7 Adoption of Budget 2021/22 & Revenue & Rating Plan 2021-2025

Moved: Cr Oxley Seconded: Cr Eden

That Council:

1. Adopt the 2021/22 Budget and statutory information (including fees and charges) as attached in the report subject to the following:

a) In light of the ongoing COVID-19 situation that no interest be charged to ratepayers on unpaid rates for the 2021/22 financial year.

CARRIED

A Division was Called on Part 1a of the Motion:

DIVISION:

FOR: Crs Staikos, Saab, Bearsley, Cochrane, Davey-Burns, Davies, Eden,

Hill, Hua and Oxley (10)

AGAINST: Nil (0)

ABSTAINED: Cr Howe (1)

CARRIED

b) Noting community submissions: That an additional appropriate budget allocation be made to increase Kingston's tree canopy coverage by at least 1% in this financial year, noting Kingston has recently decreased in tree canopy coverage, despite increases to tree planting budgets. This additional increase in tree plantings must be over and above the existing tree plantings and accommodate for removals.

CARRIED

A Division was Called on Part 1b of the Motion:

DIVISION:

FOR: Crs Staikos, Saab, Davey-Burns, Eden, Hill and Oxley (6)

AGAINST: Crs Bearsley and Davies (2)

ABSTAINED: Crs Cochrane, Howe and Hua (3)

CARRIED

c) Noting community submissions: That broken footpaths and safety issues in Edithvale be allocated a priority in existing infrastructure line items within the 2021/22 budget and that these be rectified as a priority.

LOST

A Division was Called Part 1c of the Motion:

DIVISION:

FOR: Crs Davey-Burns, Eden, Hill and Oxley (4)

AGAINST: Crs Saab, Bearsley, Cochrane, Davies and Hua (5)

ABSTAINED: Crs Staikos and Howe (2)

LOST

d) That all community submissions will be reviewed and considered further as

part of Council's mid-year budget review.

CARRIED

A Division was Called Part 1d of the Motion:

DIVISION:

FOR: Crs Staikos, Saab, Bearsley, Cochrane, Davey-Burns, Davies, Eden,

Hill, Howe, Hua and Oxley (11)

AGAINST: Nil (0)

CARRIED

- 2. Adopt the 2021-2025 Revenue & Rating Plan (refer Appendix 2);
- 3. In respect of Rates and Charges declare:
 - A differential rate for rateable land having the characteristics specified in the Revenue & Rating Plan, which characteristics will form the criteria for each differential rate so declared:
 - i. General Land;
 - ii. Agricultural Land;
 - iii. Extractive and Landfill Land;
 - iv. Retirement Village Land;
 - v. Residential Heritage Land;

and that the rate (based on the cents in the dollar of Capital Improved Value set out below) be;

Category	Rate in the \$				
General Land Rate	0.0019519				
Agricultural Land	0.0015615				
Extractive and Landfill Land Rate	0.0058557				
Retirement Village Land	0.0017567				
Residential Heritage Land	0.0017567				

- b) A Municipal Charge of \$100 per rateable property; and
- c) Waste Service Charges as follows:

Service Choice A - 120 litre garbage, 240 litre recycling and 240 litre green waste bins including recovery of costs attributable to the State Government Landfill Levy			
Service Choice B – 80 litre garbage, 240 litre recycling and 240 litre green waste bins including recovery of costs attributable to the State Government Landfill Levy	\$270		
Service Choice C – 120 litre garbage, 240 litre recycling and 120 litre green waste bins including recovery of costs attributable to the State Government Landfill Levy	\$299		
Service Choice D – 80 litre garbage, 240 litre recycling and 120 litre green waste bins including recovery of costs attributable to the State Government Landfill Levy	\$250		

Service Choice E – 120 litre garbage and 240 litre recycling bins including recovery of costs attributable to the State Government Landfill Levy	\$242
Service Choice F – 80 litre garbage and 240 litre recycling bins including recovery of costs attributable to the State Government Landfill Levy	\$200
Service Choice G – 240 litre x 2 Share Garbage, 240 litre Recycle including recovery of costs attributable to the State Government Landfill Levy	\$190
Service Choice H – 240 litre x 3 Share Garbage, 240 litre Recycle including recovery of costs attributable to the State Government Landfill Levy	\$152
Service Choice I – 240 litre x 4 Share Garbage, 240 litre Recycle including recovery of costs attributable to the State Government Landfill Levy	\$136
Service Choice P – 120 litre x 2 Share Garbage, 240 litre Recycle including recovery of costs attributable to the State Government Landfill Levy	\$136
Service Choice W – Additional 120 litre Green Waste Bin	\$61
Service Choice X – Additional 240 litre Green Waste Bin	\$76
Service Choice Y – Additional 240 litre Garbage Bin including recovery of costs attributable to the State Government Landfill Levy	\$187
Service Choice Z – Additional 120 litre Garbage Bin including recovery of costs attributable to the State Government Landfill Levy	\$177

- 4. Grant a waiver of \$113.90 of general rates for the property subject to the State Government Municipal Rates Concession in accordance with Section 171 of the Local Government Act 1989.
- 5. Determine to allow;
 - i. in accordance with Section 167(1) and (2), payment of rates and charges by four approximately equal instalments paid on or before 30 September 2021, 30 November 2021, 28 February 2022 and 31 May 2022;
 - ii. in accordance with Section 167(2A) and (2B) payment of rates and charges by lump sum on or before 15 February 2022;
 - iii. payment of rates and charges by ten approximately equal direct debit payments from 1 September 2021 until 1 June 2022.
- 6. Determine that no incentive be declared for early payment of general rates, municipal charge and waste service charge.
- 7. Determine that the Cultural and Recreational Land rate agreements extend for another year to 30 June 2022.
- 8. Determine that the Interim Chief Executive Officer of Council be authorised to give public notice of the adoption of the Budget and the Revenue & Rating Plan.
- 9. Determine that the Manager, Finance and Corporate Performance, be authorised

- to levy and recover the general rates, municipal charge and annual waste service charges in accordance with the Local Government Act 1989.
- 10. Having considered all submissions made, provide written responses to each of the submitters of the decisions with the reasons as outlined in section 3 of the report, thank them for their submission to Council's budget process and advise them that their submission will be considered further as part of the Council's midyear budget review.
- 11. Determine that the changes from the draft budget in Section 5 of this report be incorporated into the adopted budget;
- 12. Authorise the Manager Finance and Corporate Performance to make any changes to the Budget and Revenue & Rating Plan as a result of this resolution, including minor and/or administrative wording and grammar changes if required.

CARRIED

A Division was Called on parts 2 – 12 of the Motion:

DIVISION:

FOR: Crs Staikos, Saab, Cochrane, Davey-Burns, Davies, Eden, Hill, Hua

and Oxley (9)

AGAINST: Nil (0)

ABSTAINED: Crs Bearsley and Howe (2)

CARRIED

Note: It was requested by Cr Davies and agreed to by the Chairperson that parts 1a, 1b, 1c and 1d of the Motion be put to the vote separately.

12. Notices of Motion

12.1 Notice of Motion No. 10/2021 - Cr Howe - Bonbeach YCW (Junior Football, Netball, Cricket)

Moved: Cr Howe Seconded: Cr Oxley

That Council:

- 1. In preparation for the 2022 state election, receive a report with the functional layout and renders for a two storey pavilion (with min 170m² of social space) housing Bonbeach YCW respective clubs, along with developing associated landscaping, car parking layout and oval 5 lighting and drainage plans;
- 2. Determine a funding contribution plan, highlighting the project cost and proposed contribution from other government levels;
- 3. Consult with the user groups and impacted residents of the site located at 101-105 Scotch Parade Bonbeach;
- 4. Officers working to a January 2022 timeframe, present a report to Council for discussion and consideration; and

Amendment

Moved: Cr Oxley

That the Motion include the following as part 5:

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5. Establish a working group for this redevelopment comprising relevant officers, relevant clubs/stakeholders and Crs Howe and Oxley to work through the design process for this pavilion.

The Amendment was accepted by the Mover

The Motion was CARRIED

The Motion reads as follows:

That Council:

- 1. In preparation for the 2022 state election, receive a report with the functional layout and renders for a two storey pavilion (with min 170m² of social space) housing Bonbeach YCW respective clubs, along with developing associated landscaping, car parking layout and oval 5 lighting and drainage plans;
- 2. Determine a funding contribution plan, highlighting the project cost and proposed contribution from other government levels;
- 3. Consult with the user groups and impacted residents of the site located at 101-105 Scotch Parade Bonbeach;
- 4. Officers working to a January 2022 timeframe, present a report to Council for discussion and consideration; and
- 5. Establish a working group for this redevelopment comprising relevant officers, relevant clubs/stakeholders and Crs Howe and Oxley to work through the design process for this pavilion.

CARRIED

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There were no items of urgent business.

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Nil

The meeting closed at 8.59pm.

Confirmed.....

The Mayor 26 July 2021