

Minutes

Council Meeting

Monday, 30th November 2020



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**City of Kingston
Council Meeting**

Minutes

30 November 2020

The meeting commenced at 7.00pm 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: 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 Guttmann, General Manager Planning and Development
Phil De Losa, Manager Governance
Gabrielle Pattenden, Governance Officer
Lindsay Holland, Facilities Officer
Keshia West, Media and Communications Advisor

1. Apologies

There were no apologies submitted to the meeting.

2. Confirmation of Minutes of Previous Meetings

Moved: Cr Oxley

Seconded: Cr Hua

That the Minutes of the Council Meeting held on 19 October 2020, the Council Meeting held on 18 November 2020 and the Council Meeting held on 25 November 2020 be confirmed.

CARRIED

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

The CEO, Julie Reid foreshadowed a declaration of a conflict of interest in Item 12.1.

4. Petitions

4.1 Additional Basketball Rings at Highett Reserve

Moved: Cr Davey-Burns

Seconded: Cr Oxley

That the petition be referred to the CEO for response.

CARRIED

4.2 Parking Changes - Correa Street, Edithvale

Moved: Cr Eden

Seconded: Cr Oxley

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 Davies

That notwithstanding the requirement of the Governance Rules, answers be read out to all questions submitted by 7.00pm given the current measures responding to the Covid-19 Coronavirus.

CARRIED

Question time was held at 7.29pm. Refer to page 16 of the Minutes.

Block Resolution

Moved: Cr Davies

Seconded: Cr Davey-Burns

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

- 8.1 Town Planning Application Decisions - October 2020
- 9.1 2020 Youth Awards Nominations
- 11.1 2021 Events: Australia Day and Mordialloc Festival
- 11.2 Investment Portfolio Report - September 2020
- 11.3 Audit and Risk Committee Minutes - 9 and 16 September 2020
- 11.4 Naming Request - 'Keith Carpenter' Pavilion
- 11.5 CEO and General Manager Expenses
- 11.6 Appointment and Authorisation of Officers under the Planning and Environment Act 1987
- 11.7 Kingston Performance Report, July to September 2020 and Quarterly Financial Statements to 30 September 2020

CARRIED

8. Planning and Development Reports

8.1 Town Planning Application Decisions - October 2020

RECOMMENDATION

That the report be noted.

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

8.2 KP-2020/460 - Mordialloc Creek, Pier Road, Mordialloc

It is recorded that Nick Robins spoke on behalf of the applicant.

Moved: Cr Bearsley

Seconded: Cr Cochrane

That Council determine to support the proposal and issue a Planning Permit for buildings and works comprising the construction of an accessible boating pontoon and associated demolition and works generally in accordance with the submitted plans, at Mordialloc Creek, Pier Road, Mordialloc, subject to the following conditions:

1. Before the development 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 substantially in accordance with the plans prepared by Oldfield Consulting Australasia, Drawing Number Drg12010-01 – Drg12010-13, Revision C, dated 23/09/2020, but modified to show:
 - a. A plan showing the proposed works to the car parking adjacent to the café building (as shown on Mordialloc Creek – Accessible Pontoon Parking

Option 4 – Four Disabled Car Spaces)

- b. Compliance with AS1428.1 2009, where reasonably practical, to the satisfaction of the Responsible Authority.
- c. Plans to include details for signage, prepared in consultation with Council's Community Safety Department, that will be installed to inform users of the pontoon how to safely access and use the facility.

Endorsed Plans

2. The development as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.

DELWP Conditions

3. The works are to be carried out generally in accordance with the application:
 - 'ACCESSIBLE PONTOON ON MORDIALLOC CREEK' received on 28 July 2020 and amended on 23 September 2020, and prepared by Better Boating Victoria, Department of Transport.
4. Any modification to the works proposed will require further approval by the Regional Director, Port Phillip Region Port Phillip Region, Department of Environment, Land, Water and Planning (DELWP).
5. Prior to works commencing, a construction environmental management must be prepared to the satisfaction of Kingston City Council and DELWP. This should incorporate recommendations from the Marine Habitat Survey including (but not limited to):
 - The management of pest species before, during and after construction.
 - Details about the positioning of the piles from the barge so as not to create a disturbance to the surrounding sea floor.
 - Limiting silt within the surrounding system while carrying out works to avoid impacts to surrounding flora and fauna of the Mordialloc Creek.
6. A works approval from Parks Victoria must be obtained prior to the commencement of works.
7. Indigenous vegetation must not be damaged or removed as a result of the works.
8. Any clearing or construction activity associated with the works, should be carried out in accordance with the with EPA Publication No. 275 *Construction Techniques for Sediment Pollution Control* (May 1991).
9. The construction site must be managed in accordance with EPA Publication No. 981 *Reducing Stormwater Pollution from Construction Sites* (May 2005).
10. Construction equipment, building materials, refuse and site run-off must be contained and controlled and not permitted to impact on the beach or enter Port Phillip Bay or Mordialloc Creek.
11. All works must be completed, the site reinstated, and the works maintained to the satisfaction of Kingston City Council (land-based elements) and DELWP (on-water elements).
12. This consent under the *Marine and Coastal Act 2018* will expire if the works are not completed within two years of the date of issue, unless an extension of time is applied for and granted by the Regional Director, Port Phillip Region, Port

Phillip Region, DELWP.

Melbourne Water

13. Prior to the commencement of works, the jetty owner must enter into a legal Jetty Consent Agreement with Melbourne Water for structures within the Melbourne Water waterway.

ESSO Conditions

14. Prior to the commencement of any works, the Applicant (in conjunction with a representative from Esso) must mark out the exact location of the pipeline(s) within the vicinity of the proposed development and incorporate the location within their detailed design information (where appropriate).
15. Prior to the commencement of any site works within the pipeline(s) easement, the Applicant (or their contractors) must notify Esso of the impending works. The notification should be lodged via Dial Before You Dig (DBYD). Works cannot commence without a valid right of way work permit from an Authorised Esso Pipeline Surveillance Officer.
16. All site works shall comply with the conditions listed in Esso's "Standard conditions for activities near Esso Pipelines" form. The form can be obtained through lodgement of a DBYD over the Esso pipeline(s).
17. Any proposed driveways, services installations or vehicle crossings over the pipeline(s) shall be submitted to Esso for approval. Submissions shall include details of the proposed crossing (backfill materials, layout), the proposed depth of the pipeline(s) relative to surface level, type of vehicles likely to cross the pipeline(s), separation distances and method of construction.
18. Any damage caused to the Esso pipeline(s) directly or indirectly arising from the works shall be rectified at the Applicant's cost.
19. Buildings and structures (including fences) must be constructed so that no part of the building is situated less than 3m from a point on the surface of the land whose position is vertically above a part of a pipeline below the surface unless approval has been granted in writing by the Esso and consent from the relevant Minister has been given.
20. No soil, overburden, equipment stores or trade waste shall be placed over the easement / pipeline(s).
21. Esso requires unlimited access to the pipeline(s) at all times (i.e. during construction and post completion). No person should interfere with any works relating to the operation of the pipeline(s) without written Esso Approval.
22. Unless agreed by Esso in writing, clear access at least 6m either side of the easement / pipeline(s) shall be maintained both during and after construction.

Construction Management

23. Prior to the commencement of any buildings and works on the land (including demolition), a Construction Management Plan (CMP) or Construction Environmental Management Plan (CEMP) to the satisfaction of the Responsible Authority, must be submitted to and approved by the Responsible Authority. The CMP/CEMP must be prepared in accordance with the City of Kingston Construction Management Policy and Construction Management Guidelines. The CMP/CEMP must specify and deal with, but is not limited to, the following elements:
 - a. Public Safety, Amenity and Site Security

- b. Traffic Management
- c. Stakeholder Management
- d. Operating Hours, Noise and Vibration Controls
- e. Air Quality and Dust Management
- f. Stormwater and Sediment Control
- g. Waste and Materials Re-use
- h. The recommendations specified in the Marine Habitat Survey, prepare by Australasian Marine Associates, dated 17 July 2020, or any subsequent version must be adhered to.

When approved, the plan will be endorsed and will then form part of the permit and shall thereafter be complied with during the undertaking of all works.

Infrastructure and Road Works

24. Any relocation of pits/power poles or other services affected by this development must be relocated to the satisfaction of the relevant servicing authority and the Responsible Authority, at the cost of the developer.
25. Any relocation of lighting must be relocated to the satisfaction of the Responsible Authority, at the cost of the developer.
26. Footpath levels must not be altered without the prior written consent form the Responsible Authority.
27. Any reinstatements of new kerb and channel, pedestrian paths or car parking must be constructed to the satisfaction of the Responsible Authority.
28. The replacement kerb and channel, pedestrian paths or car parking must be constructed to the satisfaction of the Responsible Authority.
29. Any works relating to the relocation of the bluestone paving must be carried out and completed to the satisfaction of the Responsible Authority.

Car Parking & Access

30. Prior to the pontoon becoming operational, areas set aside for parking vehicles, access lanes and paths as shown on the endorsed plans must be:
 - a. Constructed to the satisfaction of the Responsible Authority.
 - b. Properly formed to such levels that they can be used in accordance with the plans.
 - c. Drained to the satisfaction of the Responsible Authority.
 - d. Line-marked to indicate each car space, all access lanes and, if necessary, the direction in which vehicles are to travel to the satisfaction of the Responsible Authority.
 - e. In accordance with any Council adopted guidelines for the construction of car parks.

Parking areas and access lanes must be kept available for these purposes at all times and maintained to the satisfaction of the Responsible Authority.

31. All line marking and parking signs changes associated with the proposal is to be conducted by the developer, at the cost of the developer, to the satisfaction of the Responsible Authority.
32. In areas set aside for car parking, measures must be taken to the satisfaction of

the Responsible Authority to prevent damage to fences or landscaped areas.

33. Concrete kerbs or other barriers must be provided to the satisfaction of the Responsible Authority to prevent direct vehicle access to an adjoining road other than by a vehicle crossing.
34. Any existing vehicular crossing not in accordance with the endorsed plan must be removed and the kerb reinstated in a manner satisfactory to the Responsible Authority and any proposed vehicular crossing must be fully constructed to the Responsible Authority's standard specification.

General Amenity Conditions

35. All works must be finished, and surface cleaned to a standard that is well presented in a manner to the satisfaction of the Responsible Authority.
36. 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.
 - e. Any other way.

Completion of Works

37. Prior to the pontoon becoming operational, all buildings and works and the conditions of this permit must be complied with to the satisfaction of the Responsible Authority, unless with the further prior written consent of the Responsible Authority.

Expiry

38. This permit as it relates to development (buildings and works) will expire if one of the following circumstances applies:
 - a. The development is not started within two (2) years of the issue date of this permit.
 - b. The development is not completed within four (4) years of the issue date of this permit.

In accordance with Section 69 of the Planning and Environment Act 1987, an application may be submitted to the responsible authority for an extension of the periods referred to in this condition.

Note: Environment Protection Authority (EPA) Victoria set out the requirements pertaining to site construction hours and permissible noise levels.

Note: Prior to the commencement of the development you are required to obtain the necessary Building Permit.

Note: The applicant/owner must provide a copy of this planning permit to any appointed Building Surveyor. It is the responsibility of the applicant/owner and Building Surveyor to ensure that all building development works approved by any building permit is consistent with the planning permit.

Note: The applicant/owner must provide a copy of this planning permit and any endorsed plans to any external contractor to ensure that all trees to be retained on site

are protected during any works.

Note: The additional cost of relocating the existing street light in the shared space of the accessible parking is to be borne by the applicant. Council will provide contractor detail to the applicant to coordinate the work.

CARRIED

8.3 KP-2020/402 - Chadwick Reserve, 100-116 Howard Road, Dingley Village

Moved: Cr Hua

Seconded: Cr Staikos

That the Council determine to support the proposal and issue a Planning Permit for Buildings and works comprising of a sports pavilion on land affected by the Special Building Overlay at No. 100-116 Howard Road, Dingley Village, subject to the following conditions:

1. Before the development 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 14 September 2020, but modified to show:
 - a) The location of tree protection measures illustrated to scale and labelled on the Floor Plan as per the endorsed Tree Management Plan as required by Condition 3 of this permit.
 - b) Any changes as required by Conditions 3.
2. The development use as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.
3. Concurrent with the endorsement of plans, a Tree Protection Plan (scale drawing) prepared by a suitably qualified arborist in accordance with AS4970-2009, must be submitted to and be endorsed by the Responsible Authority and incorporating: A Tree Management Plan (written report) must provide details of:
 - i. tree 24 clearly identified as being a *Eucalyptus viminalis subsp. pryoriana* and a native canopy tree
 - ii. a notation stating no further encroachment into the TPZ or pruning of the canopy of Tree 24 are to occur.
 - iii. the Tree Protection Zone and Structural Root Zone, calculated in accordance with AS4970-2009, for trees numbered 18, 23, 24, 37 & 38 in the Tree Logic report dated 12/09/2018
 - iv. tree protection fencing, or ground protection where required, provided in accordance with AS4970-2009.
 - v. the location of tree protection fencing, and ground protection accurately illustrated
 - vi. stages of development at which documented inspections are required to ensure tree protection measures are adhered to must be specified.
 - vii. appropriate signage on any tree protection fencing prohibiting access, excavation, changes in soil levels, or any storage within the Tree

Protection Zone in accordance with AS4970-2009 unless with the prior written consent and under the direct supervision of the consulting arborist or Council's vegetation management officers.

- viii. maintenance of the area(s) within the Tree Protection Zone in accordance with AS4970-2009.
4. All protection measures identified in the Tree Protection Plan must be implemented, and development works undertaken on the land must be undertaken in accordance with the Tree Protection Plan and Planning Permit Conditions, to the satisfaction of the Responsible Authority.
5. Tree protection fencing and any additional protection measures such as ground protection are to in place prior to site works occurring, including demolition and removed at the practical completion of works.
6. Tree protection fencing is to be 1.8m tall chain mesh panels, securely weighted at the base, ground protection is to be 12mm thick plywood or similar securely fastened over a 100mm deep layer of mulch. The TPZs of trees located within the construction zone are to be mulched to a depth between 75-100 mm.
7. The TPZs of trees located within the construction zone are to be mulched to a depth between 75-100 mm.
8. Prior to the commencement of works, the name and contact details of the project arborist responsible for implementing the Tree Management Plan must be submitted to the Responsible Authority.
9. Excavation within the TPZ of Tree 18, *Melaleuca armillaris* is to be no more than 75mm below natural ground level
10. No further works are to be undertaken within the Tree Protection Zone of Tree 24 without the written consent of the Responsible Authority, this includes pathways, landscaping, or installation of infrastructure.
11. No persons, vehicles or machinery are to enter the Tree Protection Zone of Tree 24 without the documented consent of the consulting arborist and notification to Council's vegetation department.

Conditions Required by Melbourne Water:

12. The pavilion must be constructed with finished floor levels set no lower than 11.4 metres to Australian Height Datum (AHD), which is 300mm above the applicable flood level of 11.1m to AHD.
13. No buildings or structures are permitted within the easement and any proposed development within the vicinity of the drain must be designed to ensure there is no detrimental impact upon its structural integrity and performance.
14. Prior to commencement of works a Buildover Agreement must be entered into for any development/works within 5m of the outside edges of the Melbourne Water drain. A Buildover application can be submitted online for Melbourne Water's terms and conditions: <https://www.melbournewater.com.au/planning-and-building/apply-tobuild-or-develop/apply-buildnearasset-or-easement>
15. Prior to the commencement of works, a separate application direct to Melbourne Water must be made for any new or modified storm water connection to Melbourne Water's drains or watercourses. Prior to accepting an application, evidence must be provided demonstrating that Council considers that it is not feasible to connect to the local drainage system.

Cultural Heritage Management Plan

16. The construction of the development hereby approved must be carried out in accordance with the approved Cultural Heritage Management Plan No 16844 prepared by TerraCulture Heritage Consultant and approved by the Department of Premier and Cabinet on 4 March 2020.

Drainage and Water Sensitive Urban Design

17. The stormwater (drainage) works must be provided on site as per City of Kingston's "Civil Design Requirements for Developers – Part A – Integrated Stormwater Management" and directed to the nominated point of discharge to the satisfaction of the responsible authority.

Traffic Management Strategy

18. A traffic management strategy in relation to traffic generation from the proposed function rooms must be submitted to and be endorsed by Responsible Authority prior to the issue of the occupancy permit of proposed development.

Completion of Works

19. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.

Expiry

20. In accordance with Section 68 of the Planning and Environment Act 1987 (The Act), this permit will expire if one of the following circumstances applies:
- The development is not started before two (2) years from date of this permit.
 - The development is not completed before four (4) years from the date of permit issue.

In accordance with Section 69 of the Planning and Environment Act 1987, an application may be submitted to the responsible authority for an extension of the periods referred to in this condition.

Note: Prior to the commencement of the development or use you are required to obtain the necessary Building Permit.

CARRIED

8.4 Response to Notice of Motion No. 37/2020 Secure Future for Kingswood Golf Course

Moved: Cr Hua

Seconded: Cr Bearsley

That Council:

1. Accept this report as officers' response to Notice of Motion 37/2020 Secure Future for Kingswood Golf Course.
2. Note the feedback received from PRAXIS Planning (Appendix 2) and estimated consultant, legal and operational costs of approximately \$442,500 to fully progress a proposed change to the UGB.
3. Initially seek a formalised position from the Department of Environment Land Water and Planning to inform the merits of progressing any future work, given the significant costs involved in preparing a Planning Scheme Amendment request.
4. Receive a further report once a response has been received from the Department of Environment, Land, Water and Planning.

CARRIED

9. Community Sustainability Reports

9.1 2020 Youth Awards Nominations

RECOMMENDATION

That:

1. Council determine this matter in the part of the meeting closed to members of the public due to the discussion involving personal information of the applicants.
2. The Mayor advise the successful applicant prior to the award night.

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

10. City Assets and Environment Reports

Nil

11. Corporate Services Reports

11.1 2021 Events: Australia Day and Mordialloc Festival

RECOMMENDATION

That Council:

1. Note that new State Government issued event guidelines were released on 24 November 2020 which the Events Team are currently working through to determine what events may take place in early 2021.
2. Proceed with a celebration on Australian Day in accordance with the COVID safe event restrictions in place at the time
3. Retire Mordi Fest for 2021.
4. Proceed, if possible, with a community celebration, before 30 June 2021, in accordance with the COVID safe event restrictions in place at the time.
5. Approve for future decisions to celebrate Australia Day and Mordi Fest be delegated to General Manager, Corporate Services to implement within the confines of COVID safe event restrictions in place at the time.
6. Note Councillors will be kept informed of any decisions about the format of these events ahead of their delivery in 2021.

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

11.2 Investment Portfolio Report - September 2020

RECOMMENDATION

That Council note that its funds as at 30 September 2020 are invested in line with the risk management profile prescribed in Council's Investment Policy.

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

11.3 Audit and Risk Committee Minutes - 9 and 16 September 2020

RECOMMENDATION

That the minutes of the Audit & Risk Committee meetings held on 9 and 16 September 2020 be noted.

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

11.4 Naming Request - 'Keith Carpenter' Pavilion

RECOMMENDATION

That Council apply to the Office of Geographic Names to name the pavilion at Jack Grut Reserve the 'Keith Carpenter Pavilion'.

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

11.5 CEO and General Manager Expenses

RECOMMENDATION

That Council note the report.

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

11.6 Appointment and Authorisation of Officers under the Planning and Environment Act 1987

RECOMMENDATION

1. That Council, in the exercise of the powers conferred by s 224 of the *Local Government Act 1989* and by s147(4) of the *Planning and Environment Act 1987*, resolve that the members of Council staff referred to in each Instrument of Appointment and Authorisation attached at appendices 1 to 11 be appointed and authorised as set out in that 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 revoked it earlier.

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

11.7 Kingston Performance Report, July to September 2020 and Quarterly Financial Statements to 30 September 2020

RECOMMENDATION

That Council note Kingston's Performance Report, July to September 2020, and the Quarterly Financial Statements to 30 September 2020.

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

12. Question Time

Tom Maher asked,

There was an announcement that the State Government is expanding its electric bus project by \$20million. This project has been centred around the Northland shopping centre. Will the appropriate management levels of Kingston Council approach the State Government to express the Councils interest and encouragement in expanding the project scope to also be centred around the Southland shopping centre in Kingston? Furthermore, if electric charging points for buses are to be implemented at Southland, can this be expanded to include publicly accessible electric vehicle charging points of which Kingston is sadly lacking?

The General Manager Planning and Development provided the following response,

“Council officers are aware of the Victorian Government’s announcement of \$20million for a three-year statewide trial which is welcome news for helping to transition towards a zero-emission bus fleet. We are aware that the trial to date has been centred around Northland shopping centre, but that the intention is for it to be expanded more broadly.

Council is currently investigating mechanisms to facilitate the uptake of electric and low emission vehicles in Council’s fleet, which includes consideration of placement of charging stations. In addition, our draft Integrated Transport Strategy includes a key action of reviewing and supporting new transport technologies, such as electric vehicles and charging points. Moving forward, our Climate and Ecological Emergency Response plan will detail further measures to transition the community and business to low emission transport.

Council is keen to work with the Department of Transport to understand their plans and priorities for transitioning to a zero-emission bus fleet, and how significant retail and commercial areas such Southland can be involved. In this regard officers will make contact with DOT to further explore the opportunities that may exist for Kingston to be a part of the program in future.”

Ian Baldock asked,

“In June & again in July I requested the tree in the SW of the Parkdale Secondary College, overhanging Warren Rd & Warren Lane, be examined to ensure that local residents & passers-by are not put at risk by possible falling limbs. To date I have not received any correspondence from Council to inform me of the results of my request. From other enquiries, I understand that an external, visual-only examination was performed in September. However, from the incident where the neighbouring St John Vianney’s tree shed limbs which fell on some of their students, I understand that only an internal examination of those branches showed the structural weakness – previous external checks had not indicated any problems. Could Council please investigate, via a comprehensive, non-visual-only, check of the tree, then inform me of the progress to date, along with any plans for future remediation ? In addition, due to the lack of previous correspondence, could you please inform me when I may expect a written response to my concerns?”

The General Manager Planning and Development provided the following response,

“The tree in question is protected tree on the significant tree register and an inspection and assessment of the tree was undertaken in response to the Mr Baldock’s earlier question. The tree was assessed to be in good health and have good structure.

Officers appreciate Mr Baldock’s interest in this matter, and have contacted Mr Baldock again today to provide him a further update and offered the opportunity for Councils Senior Vegetation Management Officer to meet Mr Baldock on site, something which is now able to occur. Officers will also be providing Mr Baldock a further written update over the coming fortnight.”

13. Notices of Motion

The CEO Julie Reid declared a material conflict of interest in this item being the subject of the matter and left the meeting at 7.33pm prior to any discussion on the matter.

12.1 Notice of Motion No. 45/2020 - Cr Oxley - Recording of Council Meetings Policy

Moved: Cr Oxley

Seconded: Cr Eden

That Council receive a report to the December meeting into amending the Recording of Public Council Meetings Policy to allow for the recording and retention of the recordings in relation to matters relating to the CEO.

CARRIED

A Division was Called:

DIVISION:

FOR: Crs Oxley, Eden, Staikos, Cochrane, Davey-Burns, Hill and Saab (7)

AGAINST: Crs Bearsley, Hua, Howe and Davies (4)

CARRIED

The CEO returned to the meeting at 7.56pm

14. Urgent Business

Moved: Cr Howe

Seconded: Cr Bearsley

That an item of Urgent Business be considered in relation to a Litter Trap at Patterson River.

CARRIED

Moved: Cr Howe

Seconded: Cr Oxley

That Council:

1. Take a leadership role in discussions for the implementation of a heavy-duty litter trap upstream on Patterson River;
2. As part of this position, immediately write to the City of Greater Dandenong to obtain their support for a co-endorsed letter to the Member for Carrum, Sonya Kilkenny in addition to Melbourne Water, Parks Victoria and the relevant minister to fund a heavy-duty litter trap at Bangholme; and
3. Receive a report at the March 2021 Council Meeting identifying locations and costings (including applications for funding from state/federal government) for litter trap installations across Kingston, including Kingston and third party managed assets.

CARRIED

15. Confidential Items

Moved: Cr Oxley

Seconded: Cr Hua

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 Property Acquisition

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 confidential meeting information, being the records of meetings closed to the public under section 66(2)(a) (section 3(1)(a) and (h)), and*
- *The report canvasses potential purchase of property that if it were public at this stage would severely impact on Council's capacity to acquire the property at a fair price, additionally the report includes resolutions that were made in camera by Council.*

Confidential Appendices

9.1 2020 Youth Awards Nominations

Appendix 2, Nomination Summary - 2020 Youth Awards

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

9.1 2020 Youth Awards Nominations

Appendix 3, 2020 Kingston Youth Awards Nomination Presentation

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

CARRIED

The meeting was closed to members of the public at 8.10pm.

Procedural Motion

Moved: Cr Oxley

Seconded: Cr Davey-Burns

That the meeting be opened to members of the public.

CARRIED

The meeting was opened to members of the public at 8.15pm.

The meeting closed at 8.15pm.

Confirmed.....

The Mayor 14 December 2020