

Minutes

Council Meeting

Monday, 28th February 2022

Table of Contents

1.	Apologies	3
2.	Confirmation of Minutes of Previous Meetings	3
3.	Foreshadowed Declaration by Councillors, Officers or Contractors of any Conflict of Interest	3
	<i>[Note that any Conflicts of Interest need to be formally declared at the start of the meeting and immediately prior to the item being considered – type and nature of interest is required to be disclosed – if disclosed in writing to the CEO prior to the meeting only the type of interest needs to be disclosed prior to the item being considered.]</i>	
4.	Petitions	4
5.	Presentation of Awards	4
6.	Reports from Delegates Appointed by Council to Various Organisations.....	4
7.	Question Time.....	4
8.	Planning and Development Reports	5
9.	Community Sustainability Reports.....	5
10.	City Assets and Environment Reports	6
11.	Corporate Services Reports	11
12.	Notices of Motion	17
13.	Urgent Business.....	20
14.	Confidential Items	20

**City of Kingston
Council Meeting**

Minutes

28 February 2022

The meeting commenced at 7.14pm in the Council Chamber, 1230 Nepean Highway, Cheltenham .

Present: Cr Steve Staikos (Mayor)
Cr Jenna Davey-Burns (Deputy Mayor)
Cr Tamsin Bearsley
Cr Tracey Davies
Cr David Eden (attended online)
Cr Chris Hill
Cr Cameron Howe
Cr George Hua (attended online)
Cr Georgina Oxley
Cr Hadi Saab

In Attendance: Peter Bean, Chief Executive Officer
Jonathan Guttmann, General Manager Planning and Development
Samantha Krull, General Manager City Assets and Environment
Tony Ljaskevic, General Manager Corporate Services
Mark Patterson, Acting General Manager Community Sustainability
Justin Welsford, Media Officer
Phil De Losa, Manager Governance
Patrick O’Gorman, Governance Officer
Gabby Pattenden, Governance Officer
Lindsay Holland, Facilities Officer

1. Apologies

An apology from Cr Cochrane was submitted to the meeting.

Moved: Cr Bearsley

Seconded: Cr Saab

That the apology from Cr Cochrane be received.

CARRIED

2. Confirmation of Minutes of Previous Meetings

Moved: Cr Hill

Seconded: Cr Davies

That the Minutes of the Council Meeting held on 31 January 2022 be confirmed.

CARRIED

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

Cr Oxley foreshadowed a declaration of a conflict of interest in item 10.1 - CON-21/055 Kinross Avenue, Keith Avenue & Montrose Avenue, Edithvale Drainage Construction and Road Reconstruction, Part A.

Cr Eden foreshadowed a declaration of a conflict of interest in item 10.1 - CON-21/055 Kinross Avenue, Keith Avenue & Montrose Avenue, Edithvale Drainage Construction and Road Reconstruction, Part A.

4. Petitions

Nil

5. Presentation of Awards

Julia Reichstein - Recognition of Service

6. Reports from Delegates Appointed by Council to Various Organisations

Nil

Councillor Statement

Cr Davey-Burns expressed sincere condolences in relation to the Ukraine conflict and the flood situation in northern New South Wales and southern Queensland.

7. Question Time

Moved: Cr Saab

Seconded: Cr Bearsley

That notwithstanding the requirement of the Governance Rules, answers be read out to all questions submitted online and in the question box.

CARRIED

Question Time was held at 7.36pm. Refer to page 6 of the Minutes.

En Bloc Resolution

Moved: Cr Davey-Burns

Seconded: Cr Davies

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

- 8.1 Climate and Ecological Emergency Response – Update
- 8.2 Bonbeach Solar Project
- 9.1 Community Grants Program 2021-2022 - Funding Request from Golden Days Radio
- 11.1 Informal Meetings of Councillors
- 11.2 CEO and General Manager Quarterly Expenses
- 11.3 Appointment and Authorisation of Officer - Planning and Environment Act 2017
- 11.4 Audit and Risk Committee Minutes - 15 December 2021
- 11.5 Quick Response Grants
- 11.6 Motion for Australian Local Government Association National General Assembly
- 11.7 Municipal Association of Victoria Rules Review

- 11.8 Kingston Performance Reports, October to December 2021
- 11.9 Quarterly Financial Statements Report, December 2021
- 11.10 Cultural & Recreational Land Agreements: Policy and Methodology

CARRIED

8. Planning and Development Reports

8.1 Climate and Ecological Emergency Response - Update

RECOMMENDATION

That Council note:

1. The actions undertaken to implement the Climate and Ecological Emergency Response Plan;
2. The forthcoming awareness and engagement campaign in support of the Climate and Ecological Emergency Response Plan – Net Zero 2030; and
3. The forthcoming climate advocacy initiative.

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

8.2 Bonbeach Solar Project

RECOMMENDATION

That Council:

1. Support the combined solar and battery project to be installed at the Bonbeach Reserve facility, delivered through the Climate Change Strategy – Solar Initiative and Environmental Efficiency Upgrades capital funds.
2. Further promote this project in direct response to Council's Climate and Ecological Emergency Response Plan following the procurement process.

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

9. Community Sustainability Reports

9.1 Community Grants Program 2021-2022 - Funding Request from Golden Days Radio

RECOMMENDATION

That Council approve an ongoing Partnership Grant allocation of \$5,000 to Golden Days Radio.

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

10. City Assets and Environment Reports

10.1 CON-21/055 Kinross Avenue, Keith Avenue & Montrose Avenue, Edithvale Drainage Construction and Road Reconstruction, Part A

Cr Oxley declared a material conflict of interest in this item as a family member lives near the affected area and left the meeting at 7.34pm.

Cr Eden declared a material conflict of interest in this item as a family member of his partner Cr Oxley lives near the affected area and left the meeting at 7.34pm.

Moved: Cr Davies

Seconded: Cr Bearsley

That Council:

1. Note the outcome of the tender assessment process for Contract 21/055 – Kinross Avenue, Keith Avenue & Montrose Avenue, Edithvale Drainage Construction and Road Reconstruction, Part A, as set out in confidential Appendix 1 attached to this report;
2. Award Contract 21/055 – Kinross Avenue, Keith Avenue & Montrose Avenue, Edithvale Drainage Construction and Road Reconstruction, Part A, for the fixed lump sum of \$2,334,033.00 (exclusive of GST) to Parkinson Group (VIC) Pty Ltd; and
3. Approve the allocation of a separate contingency of up to 10% of the contract sum and delegate authority to the CEO, or delegate, to expend this allowance to ensure the successful completion of the project.

CARRIED

Cr Oxley returned to the meeting at 7.35pm

Cr Eden returned to the meeting at 7.35pm

Question Time

Antony Falkingham asked,

“In Parkdale along Como Parade West and East, between Warrigal Road and Parkers Road numerous boats, caravans and trailers have been parked in the indented car parks. These car parks were constructed to provide parking for commuters and overflow parking for the Parkdale strip shopping centre. Has this changed? Is Council now providing free storage and parking for residents who own a caravan, boat or trailer? There is already a lack of car parks in this area, and having this area as a ‘storage facility’ is damaging the ambiance of the area.”

The General Manager Planning and Development provided the following response,

“Under the Victorian Road Safety Rules 2017, boats caravans and trailers are permitted to park on local roads within the City of Kingston if they are less than 7.5 metres in length and have a gross vehicle mass of less than 4.5 tonnes. To assist Mr Falkingham, and following some community feedback the Traffic Team has proposed ‘no parking on nature strip’ signs along Como Parade West, Parkdale between Herbert Street and Rennison Street where majority of the concerns of caravan parking have come from. The signs will help to discourage caravan parking along the road on the rail side and will likely be installed in the next 4-6 weeks.”

Tom Maher asked,

*“Kingston Council declared a Climate Emergency and endorses net zero emissions by 2030. It is good that the Council and the community are responding to the need for action. Kingston Council currently has an electricity purchase agreement with Alinta Energy. Environmentally, Alinta Energy is rated 40th out of the 48 electricity suppliers in Victoria (*1). Alinta plans to burn coal until 2047 and frequently causes environmental harm. It is Australia’s 7th biggest climate polluter. The arrangement with Alinta is incompatible with Kingston Council and community commitments for 2030. What is Kingston Council’s plan to change supplier? *1 Green Electricity Guide January 2022”*

The General Manager Planning and Development provided the following response,

“Council purchases renewable energy through a Power Purchase Agreement with Alinta Energy, that is contracted until 2030. The voluntary Large Generation Certificates are provided via the Bald Hills wind farm. This agreement was entered into as part of a group purchasing arrangement, managed by Procurement Australia.

The energy to power Council’s large facilities and street lights is a significant purchase. We are bound by the Local Government Act, which requires such purchases be offered through an Open Tender Process. Procurement Australia managed this group purchase process for 10 Councils – which is offering a substantial amount of renewable energy to the market.

Council will honour its contractual arrangement and notes that offering large amounts of energy through a long-term purchase agreement gives renewable energy providers certainty in demand and enables confidence in investment, which leads to more renewable generation being built and supplying the grid.

We do hope the outcome of the Council’s decision assists companies such as Alinta Energy making greater investments into renewable energy projects.”

Rob Luker asked,

“Re: Item 8:10 Mentone to Parkdale Level Crossing Removal Objectives - Council Meeting 31/1/2022 Dear Councillors I refer to item 8:10 Council Meeting 31 January 2022 Agenda and Minutes. It is obvious council's adoption of the "Early Objectives Report" is in defiance of the communities preference for "Rail Under Road" for Warrigal and Parkers Roads level crossing removal. The "Early Objectives Report" clearly favours the "Skyrail" option and neglects to discuss the "Rail Under Road" option and impacts both options may have on the area. One can only conclude Council has been directed by a "Higher Authority" to relax their opposition to "Skyrail in an attempt to convince the community that council has done "their bit" objecting to the State Governments "Skyrail" preference. Questions: Did the mayor, any Councillor or Council officer receive a reply from the Minister for Transport Infrastructure, Jacinta Allan in relation to the formal letter sent to her following the September 2021 Council meeting? If so, what advice was provided and why hasn't that advice been communicated at the January council meeting and the community? If not, has any Councillor or Council officer followed up with the Minister, either in writing or verbally, to obtain a reply and to ensure the Minister is fully aware of the community's opposition to "Skyrail"? Why has council adopted the "Early Objectives Report" when it is clearly slanted towards "Skyrail" and is in defiance of the community's preference for "Rail Under Road"? The community deserves to have answers and to ensure this Council supports the wishes of the majority of the community they represent. I look forward to your reply.”

The General Manager Planning and Development provided the following response,

“Council was recently advised that the Minister for Transport Infrastructure has acknowledged Council’s correspondence and is willing to discuss the matters raised with Council.

The Council correspondence to the Minister provided details of the community feedback it had received.

The report of 31st January 2022 made clear that LXRPs have indicated that rail over road option is the one which they are progressing. The report included the previous resolutions of Council and sought to provide initial feedback regarding aspects that warranted consideration if this option proceeded.

The LXRPs advice is consistent with its widely circulated latest community update which states ‘We’re removing the dangerous and congested Warrigal Road and Parkers Road Level crossings by building a rail bridge over the roads and a new Parkdale station.’”

Pat Tilley asked,

“Council has advertised for applicants for their advisory committees closing this week. However two existing committees i.e. Public Spaces and Environment and Community Safety do not call for applicants. Could Council please update the community on why these are not included and any future plans for them?”

The General Manager Corporate Services provided the following response,

“Council is currently proposing to rename the Public Spaces and Environment Advisory Committee to the Environment and Open Spaces Advisory Committee and the Terms of Reference will be presented to the March Council Meeting for adoption. The process of advertising for applications for membership to the Committee will begin mid/late March, with members being appointed after Council has adopted the Terms of Reference.

The membership of the Community Safety Advisory Committee includes Victoria Police, State Emergency Service, Neighbourhood Watch, Lifesaving Victoria, Ambulance Victoria, and the Country Fire Authority. It does not include community representatives. This is to ensure that sensitive operational matters can be discussed between the participating emergency services. The Safe & Secure Action Plan, currently in draft, which guides the work of the Committee, has been informed by extensive community consultation and engagement during the past 12 months. Community engagement and consultation is also undertaken in relation to specific projects and through Neighbourhood Watch.”

10.2 Response to Notice of Motion No. 18/2021 - Cr. Howe - Kananook Creek and Road Reconstruction

Moved: Cr Howe

Seconded: Cr Hua

That:

1. Council receive a report no later than June 2022 responding to the endorsement of the bare site adjacent to the Emma Street footpath and footbridge for integration of a viewing area with landscaping, including:
 - a. Outlining opportunities to integrate the southern footpath with modern pavers, featuring at least two island bench seats made from natural timber within produced plans;
 - b. Fishing and viewing from an independently supported parallel boardwalk to the area is to be outlined in plans with educational and directional signage, including with a supporting render and any such approvals required shall be sought;
 - c. Proposes project timelines and community engagement processes; and
 - d. Refers the project to the 22/23 financial year budget process with costings.
2. Note that the report by EcoLogical study states: "None of the indigenous species are listed as threatened, or protected under the FFG Act protected flora list or EPBC Act list" that scored mostly low for habitat respectively 38, 38, 42, 33, 34, 31 and 30.
3. Apply for permits if required and remove non-significant, indigenous vegetation burnt by arson or dead that is to be replaced with indigenous vegetation, and continues to remove noxious and high threat weed infestations accounting for 54% of the species reported by EcoLogical to exist.
4. In the new road analysis replacing the 2017 study, highlight Eel Race Road as a priority to be considered in the 5 year program between Emma and Valetta streets, which rated as 6.2 in 2017 and was subject to remediation works in 2021.

Procedural Motion

Moved: Cr Oxley

Seconded: Cr Davey-Burns

That consideration of this item be deferred until the March Council Meeting for further consideration and discussion.

CARRIED

10.3 GR Bricker Master Plan and Pavilion Update

Cr Hua left the meeting at 7.57pm

Moved: Cr Saab

Seconded: Cr Davies

That Council:

1. Endorse the tenant clubs' supported design to proceed to detailed design and tender, noting the estimated funding shortfall of \$700,000; and
2. Endorse that additional funding of up to \$700,000 to a total project budget of \$5.2M (inclusive of the \$3M Victorian Government grant) be included in the 22/23 capital works budget process.

Cr Hua returned to the meeting at 8.00pm

CARRIED

10.4 South East Metropolitan Advanced Waste Processing Project

Moved: Cr Staikos

Seconded: Cr Hill

That Council:

1. As a shareholder, commit to enter into a Contract with a successful tenderer if the tender conforms to all of the predetermined conditions as specified by South East Metropolitan Advanced Waste Processing Pty Ltd (ACN 654 660 438) including the:
 - Project being located at the agreed Site;
 - Waste supply deed issued for tender; and
 - Gate fee being within an agreed limit for the South East Metropolitan Advanced Waste Processing Project;
2. Authorise the Chief Executive Officer to send the letter shown in Appendix 3 amended to include the following :
 - make reference to the 25 year contract period; and
 - correct by replacing any reference to South East Melbourne Advanced Waste Processing with South East Metropolitan Advanced Waste Processing;
3. Endorse a minimum tonnage guarantee arrangement for the South East Metropolitan Advanced Waste Processing Project;
4. Endorse the provision of a financial guarantee, under which participating Councils guarantee that South East Metropolitan Advanced Waste Processing Pty Ltd will remain solvent and will not be wound up during the term of the Contract;
5. On the award of a Contract with a successful tenderer, endorse partial bid reimbursement costs to unsuccessful tenderers who submit a conforming tender, payable through gate fees;
6. Endorse partial bid reimbursement costs to unsuccessful tenderers who submit a conforming tender, if participating Councils choose to cancel the tender for the

- South East Metropolitan Advanced Waste Processing Project; and
7. Authorise the Chief Executive Officer or delegate to take any further actions necessary to facilitate Council's participation in the South East Metropolitan Advanced Waste Processing Project.

CARRIED unanimously

11. Corporate Services Reports

11.1 Informal Meetings of Councillors

RECOMMENDATION

That Council receive the report.

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

11.2 CEO and General Manager Quarterly Expenses

RECOMMENDATION

That Council note the report.

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

11.3 Appointment and Authorisation of Officer - Planning and Environment Act 2017

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 member of Council staff referred to in the instrument attached (refer to appendix) be appointed and authorised as set out in the instrument.
2. The instrument come into force immediately on resolution and remain 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 4 of the Minutes where this item was block resolved

11.4 Audit and Risk Committee Minutes - 15 December 2021

RECOMMENDATION

That Council note the minutes of the Audit and Risk Committee meeting held on 15 December 2021.

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

11.5 Quick Response Grants

RECOMMENDATION

1. That Council approve the following Quick Response Grant applications:
 - Zee Cheng Khor Moral Uplifting Society - \$1500.00
 - Bonbeach Sports Club - \$1000.00
 - Lighthouse Foundation - \$1500.00
 - Friends of Braeside Park Inc - \$1200.00
 - Springvale and District Netball Association - \$1500.00
 - Chelsea Football Club - \$1500.00
2. That Council not approve the following Quick Response Grant application:
 - Lions V District Cancer Foundation

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

11.6 Motion for Australian Local Government Association National General Assembly

RECOMMENDATION

That Council endorse the following motion to be submitted to the Australian Local Government Association for consideration at the June 2022 National General Assembly:

This National General Assembly calls on the Australian Government to:

1. Commence a thorough review of the Airports Act 1996 and Airports Regulations 1996 and give specific consideration to:
 - a. The mechanisms needed in the legislation to ensure that Airport Strategic Planning actively prioritises the protection of Commonwealth Land for aviation related purposes.
 - b. The legislation embeds obligations on the Airport Lessee Company to ensure that aviation related businesses are prioritised to ensure commercial transactions on Commonwealth Land cannot undermine existing businesses or the needs of aviation for the life of the established Airport lease period.
 - c. The views held by State or Local Government with respect to the land use planning implications on Airport Land are given a much more elevated level

- of consideration in determinations on Draft Major Development Plans or Draft Airport Masterplans.
- d. The establishment of independent expert review processes to aid the Commonwealth Minister in considering Draft Major Development Plans or Draft Airport Masterplans.
2. Undertake a thorough review of all functions under the Airports Act 1996 and Airports Regulations 1996 requiring the Airport Lessee Company to provide advice, assess or determine any matters relating to considerations regarding the safety of Airfields and/or Development which is proposed to occur on them.

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

11.7 Municipal Association of Victoria Rules Review

RECOMMENDATION

That Council endorse the Discussion Paper submission in Appendix 1 to be submitted to the Municipal Association of Victoria.

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

11.8 Kingston Performance Reports, October to December 2021

RECOMMENDATION

That Council consider the Kingston Performance Reports, October to December 2021.

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

11.9 Quarterly Financial Statements Report, December 2021

RECOMMENDATION

That Council consider the:

1. Quarterly Financial Statements Report, December 2021; and
2. CEO's statement that a revised budget is not required at this point in time, pursuant to S97(3) of the Local Government Act (2020).

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

11.10 Cultural & Recreational Land Agreements: Policy and Methodology

RECOMMENDATION

That Council endorse the new draft Policy, Calculator, and supporting documents in principle, and support officers to take these out for consultation with Cultural and Recreational Landowners in March.

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

11.11 Community Local Law Review

Moved: Cr Hill

Seconded: Cr Davies

That Council:

1. Having:

- a) completed the statutory process under Division 3 of Part 4 of the *Local Government Act 2020* for the making of the proposed Community (Miscellaneous Amendment) Local Law No 5;
- b) obtained a certificate from a suitably qualified lawyer stating that, in their opinion, the Community (Miscellaneous Amendment) Local Law No 5 is consistent with the local law requirements set out in s 72 of the *Local Government Act 2020*, attached to this Report as Attachment 2; and,
- c) undertaken community engagement in accordance with Council's Community Engagement Policy in respect of the Community (Miscellaneous Amendment) Local Law No 5 and having considered all submissions,

resolve to make the Community (Miscellaneous Amendment) Local Law No 5. in the form attached to this Report, specifically:

- i. Part 9 – Fire

CARRIED

A Division was Called:

DIVISION:

FOR: Crs Staikos, Bearsley, Davies, Hill, Hua and Saab (6)

AGAINST: Crs Davey-Burns, Eden and Oxley (3)

ABSTAINED: Crs Howe (1)

CARRIED

- ii. Maintenance of Nature Strips
 - iii. Inclusion of dilapidated premises (with unsightly buildings)
 - iv. Reference to the Footpath Activities Policy for the purposes of BBQ use, to commence operation on 1 March 2022;
2. Authorise the Chief Executive Officer to give public notice of the making of the Community (Miscellaneous Amendment) Local Law No 5 in accordance with

sections 74(4) and 74(5) of the *Local Government Act 2020*.

Cr Saab left the meeting at 8:16pm

Cr Saab returned to the meeting at 8:20pm

CARRIED

Note: It was requested by Cr Davey-Burns and agreed to by the Chairperson that part 1c) i. of the Motion be put to the vote separately to parts 1c) ii. - iv.

The Motion reads as follows:

Moved: Cr Hill

Seconded: Cr Davies

That Council:

1. Having:

- a) completed the statutory process under Division 3 of Part 4 of the *Local Government Act 2020* for the making of the proposed Community (Miscellaneous Amendment) Local Law No 5;
- b) obtained a certificate from a suitably qualified lawyer stating that, in their opinion, the Community (Miscellaneous Amendment) Local Law No 5 is consistent with the local law requirements set out in s 72 of the *Local Government Act 2020*, attached to this Report as Attachment 2; and,
- c) undertaken community engagement in accordance with Council's Community Engagement Policy in respect of the Community (Miscellaneous Amendment) Local Law No 5 and having considered all submissions,

resolve to make the Community (Miscellaneous Amendment) Local Law No 5. in the form attached to this Report, specifically

- i. Part 9 – Fire
- ii. Maintenance of Nature Strips
- iii. Inclusion of dilapidated premises (with unsightly buildings)
- iv. Reference to the Footpath Activities Policy for the purposes of BBQ use,

to commence operation on 1 March 2022;

2. Authorise the Chief Executive Officer to give public notice of the making of the Community (Miscellaneous Amendment) Local Law No 5 in accordance with sections 74(4) and 74(5) of the *Local Government Act 2020*.

CARRIED

11.12 Probity Review Recommendation - Planning Interaction Policy

Moved: Cr Davies

Seconded: Cr Bearsley

That Council adopt the Planning Interaction Policy presented as Appendix 1.

CARRIED

11.13 Probity Review Recommendations Implementation - Political Donations

Note: Consideration of this item was deferred at the 22 November 2021 Council Meeting and resumes at the point that the Procedural Motion to defer was carried.

Moved: Cr Eden

Seconded: Cr Oxley

1. That Council adopt the Policy in Appendix 1 that incorporates the following changes:
 - rename the title of the policy to 'Councillor Gift, Hospitality & Political Donations Policy';
 - clarify that the definition of gift includes any donations offered to or received for any purpose, including political donations; and
 - include section 6 which states that "any political donation (whether accepted or declined) irrespective of the value must be declared in the Gifts, Hospitality and Political Donations Register. For the avoidance of doubt, this includes the declaration of political donations under the value of \$50"; and

CARRIED

2. That following adoption of the policy Councillors disclose any political donations received in the period between 12 months prior to the 2020 Council elections (being 24 October 2019) to adoption of the policy.

A Division was Called:

DIVISION:

FOR: Crs Eden, Howe and Oxley (3)

AGAINST: Crs Staikos, Bearsley, Davies, Hill and Saab (5)

ABSTAINED: Crs Davey-Burns and Hua (2)

LOST

3. That the resource material for Personal Interest Return disclosures be amended to clarify the definition of a gift includes political donations, as per Appendix 2

CARRIED

4. That ethics training is developed for Councillors and staff.

CARRIED

Note: It was requested by Cr Davies and agreed to by the Chairperson that each part of the Motion be put to the vote separately.

12. Notices of Motion

12.1 Notice of Motion No. 9/2022 - Cr Howe - Music Festivals

Moved: Cr Howe

Seconded: Cr Hill

That Council, in order to lure entertainment companies and live music promoters to operate music festivals in the municipality, commit to preparing a report for a Council Meeting identifying reserves and golf courses that could host these events, which includes discussion of feedback from the arts and live music industry on their criteria for site selection. Further that guidance of future steps to progress this will be contained within the report for the consideration of Council.

CARRIED

12.2 Notice of Motion No. 10/2022 - Cr Oxley - Transparency in Political Donations

Cr Howe left the meeting at 9:11pm

Cr Howe returned to the meeting at 9:12pm

Cr Howe left the meeting at 9:12pm

Note: The Notice of Motion was ruled out of order in accordance with Rule 28.23 of the Governance Rules as the resolution made on item 11.13 prohibits the consideration of the Notice of Motion.

12.3 Notice of Motion No. 11/2022 - Cr Oxley - Conflict of Interest Training

Moved: Cr Oxley

Seconded: Cr Eden

That Council implement an online Conflict of Interest training module to be completed by Councillors every twelve months and that it be noted on the Councillor profiles on the Council website whether or not the Councillor has completed this training.

Cr Howe returned to the meeting at 9:13pm

LOST

A Division was Called:

DIVISION:

FOR: Crs Eden and Oxley (2)

AGAINST: Nil (0)

ABSTAINED: Crs Staikos, Davey-Burns, Bearsley, Davies, Hill, Howe, Hua and Saab (8)

LOST

12.4 Notice of Motion No. 12/2022 - Cr Oxley - Installing Signage

Moved: Cr Oxley

Seconded: Cr Eden

That Council install corflute signage around the shopping centres of Edithvale, Chelsea, Chelsea Heights and Bonbeach to fulfil Council's existing commitments around advocacy in these areas.

Cr Davies left the meeting at 9:28pm

Cr Davies returned to the meeting at 9:30pm

Procedural Motion

Moved: Cr Bearsley

Seconded: Cr Saab

That the meeting be extended by one hour until 11.00pm

CARRIED

Cr Davey-Burns left the meeting at 9.53pm

Cr Davey-Burns returned to the meeting at 9.56pm

Amendment

Moved: Cr Hill

Seconded: Cr Bearsley

That Council works collaboratively with our trader communities to promote advocacy initiatives and produces promotional material for display in their business premises.

Note: The Amendment was ruled out of order in accordance with Rule 25.3 of the Governance Rules as the Amendment would materially deprive the Motion of effect.

Amendment

Moved: Cr Hill

Seconded: Cr Bearsley

That Council:

1. Install corflute signage around the shopping centres of Edithvale, Chelsea, Chelsea Heights and Bonbeach to fulfil Council's existing commitments around advocacy in these areas.
2. Works collaboratively with our trader communities to promote advocacy initiatives and produces promotional material for display in their business premises.

The Amendment was accepted by the Mover and Seconder

Moved: Cr Oxley

Seconded: Cr Eden

That Council:

1. Install corflute signage around the shopping centres of Edithvale, Chelsea, Chelsea Heights and Bonbeach to fulfil Council's existing commitments around advocacy in these areas.

LOST

A Division was Called:

DIVISION:

FOR: Crs Eden, Howe and Oxley (3)

AGAINST: Nil (0)

ABSTAINED: Crs Staikos, Davey-Burns, Bearsley, Davies, Hill, Hua and Saab (7)

LOST

2. Works collaboratively with our trader communities to promote advocacy initiatives and produces promotional material for display in their business premises.

CARRIED

Note: It was requested by Cr Bearsley and agreed to by the Chairperson that each part of the Motion be put to the vote separately.

Cr Howe left the meeting at 10.00pm and did not return.

12.5 Notice of Motion No. 13/2022 - Cr Oxley - Hard Rubbish Collections

Moved: Cr Oxley

Seconded: Cr Davey-Burns

That officers provide a report to Council as soon as practicable to explore extending the hard rubbish service to residents living in apartments, units or other properties that aren't covered by Council's waste services.

CARRIED

12.6 Notice of Motion No. 14/2022 - Cr Oxley - Bike Repair Stations

Moved: Cr Oxley

Seconded: Cr Hill

That Council install two bike repair and pump stations along/near the Longbeach Trail as soon as is practicable; one to be located near the Longbeach Trail at Bicentennial Park and a second to be located near the Edithvale Velodrome.

Further, that a report be brought back to Council for further locations where the stations can be installed near key pieces of cycling infrastructure, e.g. the Bay Trail.

Cr Eden left the meeting at 10:15pm

Cr Eden returned to the meeting at 10:17pm

CARRIED

12.7 Notice of Motion No. 15/2022 - Cr Howe - Indoor Court Facilities

Moved: Cr Oxley

Seconded: Cr Eden

That the indoor court facilities report, with relevant updates, is presented to a Council Meeting no later than May 2022.

Amendment

Moved: Cr Davies

Seconded: Cr Davey-Burns

That the indoor court facilities report, with relevant updates, is presented to a Council Meeting no later than November 2022.

Note: The Amendment was ruled out of order in accordance with Rule 25.3 of the Governance Rules as the Amendment would materially deprive the Motion of effect.

The Substantive Motion was put and CARRIED

13. Urgent Business

Nil

14. Confidential Items

Moved: Cr Davies

Seconded: Cr Saab

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 VCAT Matter

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

- because it is legal privileged information, being information to which legal professional privilege or client legal privilege applies (section 3(1)(e)), and
- the explanation as to why the specified ground/s applies is to protect the position of the Council should this matter proceed to the Victorian Civil and Administrative Tribunal for determination.

Confidential Appendices

**10.1 CON-21/055 Kinross Avenue, Keith Avenue & Montrose Avenue, Edithvale Drainage Construction and Road Reconstruction, Part A
Appendix 1, CON-21/055 Tender Evaluation Matrix - Kinross Avenue, Keith Avenue & Montrose Avenue, Edithvale Drainage Construction and Road Reconstruction, Part A**

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

**10.4 South East Metropolitan Advanced Waste Processing Project
Appendix 1, SEMAWP Advanced Waste Processing Risk Assessment Report
May 2021**

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

**10.4 South East Metropolitan Advanced Waste Processing Project
Appendix 2, Advanced-Waste-Processing-Business Case Executive-Summary-
web-v4**

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

CARRIED

Cr Eden left the meeting at 10.31pm and did not return.

The meeting was closed to members of the public at 10.31pm.

Procedural Motion

Moved: Cr Bearsley

Seconded: Cr Davies

That the meeting be opened to members of the public.

CARRIED

The meeting was opened to members of the public at 10.45pm.

The meeting closed at 10.45pm.

Confirmed.....

The Mayor 28 March 2022