

Minutes

Ordinary Council Meeting

Monday, 24th February 2025

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Peter Bean
Chief Executive Officer
Kingston City Council



City of
KINGSTON

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**City of Kingston
Ordinary Council Meeting**

Minutes

24 February 2025

The meeting commenced at 7:15pm in the Council Chamber, 1230 Nepean Highway, Cheltenham.

Present: Cr Georgina Oxley (Mayor)
Cr Chris Howe (Deputy Mayor)
Cr Jane Agirtan
Cr Kirralee Ashworth-Collett
Cr Tony Athanasopoulos
Cr Georgia Erevnidis
Cr Chris Hill
Cr Tess Law (attended online)
Cr Sarah O'Donnell
Cr Hadi Saab
Cr Caroline White

In Attendance: Peter Bean, Chief Executive Officer
Jonathan Guttmann, General Manager Planning and Place
Dan Hogan, General Manager Customer and Corporate Support
Samantha Krull, General Manager Infrastructure and Open Space
Kate Waters, Acting General Manager Community Strengthening
Bernard Rohan, Chief Financial Officer
Jaclyn Murdoch, Manager City Development
Sharon Lozsan, Team Leader Council Governance
Jessica Baguley, Governance Officer
Gabrielle Pattenden, Governance Officer
Justin Welsford, Media and Communications Advisor

1. Apologies

There were no apologies submitted to the meeting.

2. Confirmation of Minutes of Previous Meetings

Moved: Cr O'Donnell

Seconded: Cr Agirtan

That the Minutes of the Ordinary Council Meeting held on 3 February 2025 be confirmed.

FOR: Crs Agirtan, Ashworth-Collett, Athanasopoulos, Erevnidis, Hill, Howe, Law, Oxley, O'Donnell, Saab and White (11)

AGAINST: Nil (0)

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 Pickleball Courts

Moved: Cr Howe

Seconded: Cr White

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

CARRIED

FOR: Crs Agirtan, Ashworth-Collett, Athanasopoulos, Erevnidis, Hill, Howe, Law, Oxley, O'Donnell, Saab and White (11)

AGAINST: Nil (0)

Outside School Hours Programs

Moved: Cr Saab

Seconded: Cr Athanasopoulos

That, notwithstanding the provisions of Clause 40.2 of the Governance Rules, Council note that a petition has been received in relation to Outside School Hours Programs and that it will be referred to the Chief Executive Officer for response.

CARRIED

FOR: Crs Agirtan, Ashworth-Collett, Athanasopoulos, Erevnidis, Hill, Howe, Law, Oxley, O'Donnell, Saab and White (11)

AGAINST: Nil (0)

5. Delegates' Reports

Cr Athanasopoulos reported on his attendance at a recent meeting of the Metropolitan Transport Forum.

Councillor Statements

Cr O'Donnell made a statement regarding residents' concerns following the removal of native trees at Groves Reserve, Aspendale as part of the Level Crossing Removal Project.

Cr Saab made statements regarding the following:

- The recent Federal Government announcement of funding towards the Le Page Park Masterplan and Namatjira Park
- The Gymnastics Victoria award of Mega Club of the Year for Cheltenham Youth Club
- The removal of native trees at Groves Reserve, Aspendale as part of the Level Crossing Removal Project.

Presentation of Awards

Nil

Moved: Cr Ashworth-Collett

Seconded: Cr Hill

That the delegates' reports and Councillor statements be received.'

CARRIED

FOR: Crs Agirtan, Ashworth-Collett, Athanasopoulos, Erevnidis, Hill, Howe, Law, Oxley, O'Donnell, Saab and White (11)

AGAINST: Nil (0)

6. Question Time

Question time was held at 7.28pm.

Note: Of the 27 questions received, two were not accepted due to non-compliance with the Governance Rules; one was determined repetitive of a question already asked and answered and one was considered to be objectionable. Preambles submitted with questions were not read out. In accordance with clause 39.9 of the Governance Rules, like questions have been grouped together.

Tom Maher asked,

1. *“Has Kingston Council replaced all the gas appliances and removed gas services from childcare, kindergarten and playgroup buildings that the Council are associated with?”*
2. *“To improve the health of adults and seniors, can Kingston accelerate the removal of gas appliances and services from all council buildings including community centres, offices and sports centres?”*

The General Manager Infrastructure and Open Space provided the following response,

“Council is proactively working on de-gassing community facilities, focusing on gas heaters and boilers first, followed by domestic water, heating and cooking. To date 28 sites have been proactively de-gassed. Of these, seven were Neighbourhood houses and Community centres, three libraries, two children’s centres, a toy library, preschool, playgroup and youth centre, two maternal and child health centres, three activity hubs, one guide hall, a yacht club, a courthouse building, a senior citizens centre and three bowling clubs. Further sites have been identified for electrification in 2025 including Community centres, a Family & Children’s Centre, a lifesaving club, sailing club and theatre.”

Lindsay asked,

“The basis of Council not replacing the boardwalks (at Epsom Park) was that they identified rare grasses which could not tolerate the rebuilding impact, then why did Council mow them this week?”

The General Manager Infrastructure and Open Space provided the following response,

“Council follows the Victorian National Parks Association grassland management approach to reduce weed cover and increase indigenous species cover. For Epsom Grasslands this is typically twice a year, in spring and late summer. Slashing in spring ensures that indigenous plants are allowed to flower and seed before slashing the reserve in summer. Slashing also contributes to reduced mass of some native grasses that would die if heavy growth was allowed to accumulate. This also contributes to fuel load reduction for fire prevention. Some areas are staked out to ensure these are not mown as some species do not respond well to this management approach. Our assessments show there has been an increase in indigenous plant species coverage due to these practices and Council’s proactive management approach.”

Jason Allen asked,

“Why did Council Officers ignore the unanimously carried motion 10/2024 from the Council Meeting on 26 August 2024 instructing Council to perform 1-5 actions and report back to this Council meeting?”

The General Manager Community Strengthening provided the following response,

“As outlined on page 143 of tonight’s agenda, the cost of developing a comprehensive Masterplan is estimated to be between \$50,000 and \$200,000, dependent on the scope and size of the project. As this matter came before Council via a Notice of Motion, and given it exceeds expenditure of over \$25,000 that is not budgeted for, officers must respond to Council via a further report. Therefore, the report back to Council on this matter adheres to the requirements of the Governance Rules and informs Council of the process, timeframe, financial implications and strategic considerations associated with developing a Masterplan, including the development of a Community Infrastructure Framework. Also referenced in the report is the meeting that occurred in December 2024 with the President and the Centre Manager of the Mordialloc Community Centre. Continuing to collaborate with the Mordialloc Community Centre to define their future priorities and establish a clear scope for the Centre’s long term facility needs is a priority.”

Louise asked,

Has Council ever considered or are considering reimbursing childcare costs including after school care costs when Councillors attend to Council Duties during the day or on weekends?

The General Manager Customer and Corporate Support provided the following response,

“Yes, the Council Expenses policy currently includes provision for childcare expenses to be reimbursed to Councillors for them to perform required duties, including: attending Council meetings and Council related business, Council functions and meetings arising as a result of a Councillor being appointed to an external body. The Councillor Support and Reimbursement of Expenses Policy is currently under review in which childcare costs will also be considered.”

Una asked,

1. *“Is it true that in 2023 year, the six Councillors who attended the ALGA Conference in Canberra from 12-16 July 23, claimed between \$1445.07 - \$2523.39 each, totaling \$10,412.41, for attending a conference when many of them were not a part of any committees relevant to that conference?”*
2. *As a cost saving measure, can Council adopt a policy where only one relevant Councillor goes to a conference, i.e., the one who is on the relevant committee plus the Mayor?”*

Elizabeth asked,

“In the 2024 year, why did only three Councillors go to the ALGA Canberra conference from 2-5 July (4 days?) but their individual claims almost doubled compared to the costs per Councillor in 2023, to \$2520.01+ \$3511.18+ \$3016.00 = \$9047.19?”

The General Manager Customer and Corporate Support provided the following response:

“Council publishes its reimbursement of Councillor expenses in the Annual Report and on the Council website on a quarterly basis. I am assume that your figures have been drawn from our website, but having received this question close to the deadline at 3pm this afternoon, to ensure accuracy, I will provide a written response in relation to specific Councillor expenses. In terms of the future policy position on Council at state and local government conferences and other professional development opportunities, this will be the subject of future Council consideration as the policy is currently under review.”

Kathryn asked,

“What mechanisms are in place to prevent Councillor expenses claims for travel, training and other things, being paid to private companies and organisations and third parties that may be bogus? If check mechanisms are currently not in place, what’s to stop councillors claiming expenses in a free for all?”

Anna asked,

“What check mechanisms are in place to prevent fraudulent expenses claims from Councillors, that were either not incurred or paid for by a Councillor? Are the training and travel expenses claimed by the Kingston Councillors queried and checked?”

James asked,

“Does Kingston Council accept training costs claimed by Councillors from any entity or private business that simply registers itself or calls itself a training facility? Are these training facilities or businesses which are accepted for bona fide payments from Kingston Council for their training required to meet any governance or educational standards?”

Maureen asked,

“Why was a Councillor allowed to claim \$2583.41 in training expenses in the last months of their four year term in the 1 July to 30 Sept 2024 financial quarter, and possibly whilst the Council was in caretaker mode for the next election?”

The General Manager Customer and Corporate Support provided the following response:

“In terms of process, all Councillor claims for reimbursement must adhere to the Council Expense Policy. The approval mechanisms for claims outside of the policy, is to come before Council for a decision. The process of reimbursement involves Councillors completing a reimbursement form, and attaching receipts and relevant documentation. All claims are checked for adherence to the policy and for completion of the required documentation before approval, assessing the legitimacy of any claim. Councillor expenses and reimbursements are publicly reported and can be found on Council’s website. In regard to training and professional development requests, the current policy requires applications to attend local government non-peak-body providers, to be presented to Council for approval. This process ensures transparency in decision making, and ensures the Councillor group exercises consideration on each request at a Council Meeting. Currently, the policy does not specify training registration and a particular standard for approval. Council publishes its reimbursement of Councillor expenses in the Annual Report and on the Council website on a quarterly basis. I am assume that your figures have been drawn from our website, but having received this question at 3pm today, to ensure accuracy, I will provide a written response in relation to Councillor expenses.”

Wandzia French asked,

“What is the total amount of money Kingston Council has spent on their total Cab Charge/Taxi contracts in each of the previous five financial years? Can you please list separate totals for each of these years?”

The Chief Finance Officer provided the following response,

“The amount of money Kingston Council spent on Cabcharge Taxi Services – primarily in Commonwealth funded programs – in the last five years was as follows:

2019-20	\$ 520,186.32
2020-21	\$340,298.88
2021-22	\$602,098.70
2022-23	\$1,023,960.84
2023-24	\$1,441,095.13

This information has been sourced from Cabcharge supplier information and excludes aggregated staff reimbursements or credit card transactions. The increase in costs over time reflects the increase in demand for AccessCare’s transport services as per clients’ assessed needs and an increased grant agreement. These cab charges are largely funded by the Commonwealth for AccessCare’s clients.”

Rosemary West asked,

1. *“Is it true as stated by the Level Crossing Removals Project to me and other local environmentalists last week that Council has provided a permit or permission for the destruction of the endangered Coast Banksia Woodland EVC that dates back to before white settlement at Groves Reserve in Aspendale?”*
2. *If so, why? Considering Council’s 2018 ecological assessment of Groves Reserve emphasised the importance of protecting the 31 mature banksias on this Council conservation reserve?”*

The General Manager Planning and Place provided the following response,

“In response to Question 1. I previously corresponded with Ms. West on the 5th February, 2025 at 4.22PM making very clear that the responsibility for determining what vegetation is removed as part of an identified ‘State Project’ is covered by Clause 52.30 of the Kingston Planning Scheme. My email to Ms. West made very clear that this puts the responsibility for approving what Native Vegetation is removed with the Secretary of the relevant State Government Department. Council is unable to grant a permit or provide permission for something, it has does not have statutory control over. The Mayor has written to the relevant Minister seeking copies of the relevant required approval documentation. In response to Question 2, the Council has not.”

Stephen asked,

1. *“Will Kingston Council oppose the Premier’s push to strip councils of planning powers under the so-called “building blitz” aimed at constructing 2.24 million new homes in Melbourne’s suburbs—as reported in today’s Herald Sun front page article “Suburban Warfare,” (24/02/2025) where Jacinta Allan has warned the local government sector to, “Work with us to unlock space for more homes or we’ll do it for you?”*
2. *Does Kingston Council support, oppose, or remain indifferent to the stripping of its planning powers—including its removal as the Responsible Authority—under Planning Minister Sonya Kilkenney’s approval of planning scheme amendment C199 for the Kingswood site, which will result in an increase to Dingley Village’s population by 20–25%?”*

The General Manager Planning and Place provided the following response,
“In response to Question 1 the Council is pleased that the Minister for Planning has reduced the housing target in Kingston based on Council’s submission by a rate that exceeds that of any adjacent municipality. Unless the view of the incoming Kingston Council differs from that of the previous Councils it is likely Council will continue to advocate strongly to retain its planning powers over local planning decision making. As referred to in the previous answer the Council has had a long-held view that it is best placed to make planning decisions that impact on its local community. The Kingswood site has though been rezoned to a General Residential Zone and when this occurred as part of the approval of Amendment C199, Minister has identified that she will be responsible for approving the required Development Plan.”

Sasiprapha asked,

1. *“What measures will be implemented by Kingston Council, before and during land clearing at the Kingswood site to prevent snakes—including venomous ones—, which will be displaced by the destruction of open space and habitat, from migrating off the neighbouring golf course into abutting residential properties, especially since some residents whose properties back onto the golf course have already encountered unwelcome visitors in their back yards?”*
2. *Given Kingston was previously the Responsible Authority for the Kingswood site and has various planning and government service roles under the Planning and Environment Act and Local Government Act, and will be responsible for some of the infrastructure built as part of the development including roads, does Kingston Council have a plan to deal with the impact to native flora and fauna on the Kingswood site which will be decimated by the clearing of the land to make way for the new housing development of 900+ dwellings?”*

The General Manager Planning and Place provided the following response,
“In response to Question 1, the approved Schedule 8 to the Development Plan Overlay requires that a Fauna Management Plan be prepared that specifically considers the proposed salvage and translocation of Fauna. This together with a construction management plan will seek to address issues such as the dislocation of snakes from the subject land. In response to Question 2, Schedule 8 to the Development Plan has a range of significant requirements that must be addressed to the Minister for Planning’s satisfaction relating to native flora and fauna prior to the development commencing. Council is also anticipating that a public consultation process will also be conducted to also hear from the community in relation to these matters before the final decision is made by the Minister.”

Simon Johnson asked,

1. *“I refer to Kingston Your City dated August 2022. The previous Council under Mayor Steve Staikos stated on page 6: “Council has invested \$14.6 million to purchase the site for a new pool”. It now appears that this pool is costing over \$100 million. Can Council advise the total cost, inclusive of everything - build, fit out, council costs and the land purchase.*
2. *Has the LXRP at Parkdale handed over the gardens, gym, etc.. under the Skyrail to Council to manage and what is the cost of that maintenance to ratepayers?”*

The General Manager Infrastructure and Open Space provided the following response,

1. *“Council purchased the property at 1-7 Wells Road, Mordialloc in 2022 for \$14.6M. Council endorsed a project cost budget of \$87.5 million, which includes all design, construction, contingencies and fitout costs for the new Mordi Aquatic Centre. This is included in Council’s adopted Budget and Long Term Financial Plan.*
2. *The LXR Parkdale public space has not yet been handed to Council. Maintenance cost discussions with LXR are in progress.”*

7. Planning and Place Reports

7.1 Planning Application Decisions Report - January 2025

Moved: Cr Agirtan

Seconded: Cr Saab

That Council note the report of Town Planning Application Decisions for the month of January 2025.

CARRIED

FOR: Crs Agirtan, Ashworth-Collett, Athanasopoulos, Erevnidis, Hill, Howe, Law, Oxley, O'Donnell, Saab and White (11)

AGAINST: Nil (0)

7.2 KP-2023/697 - 400 Station Street, Bonbeach

It is recorded that Simon Skinner spoke on behalf of the applicant..

Moved: Cr White

Seconded: Cr Erevnidis

That Council determine to issue a Notice of Refusal to Grant a Permit to develop the land for the construction of seven (7) dwellings at 400 Station Street, Bonbeach (Lot 1 on TP335275C, Lot 1 on TP297983F & Lot 2 on TP20543K), on the following grounds:

1. The proposal fails to meet the objectives and strategic directions of the Planning Policy Framework including Strategic Directions contained at Clause 02.03 and Built Environment and Heritage contained at Clause 15 of the Kingston Planning Scheme.
2. The proposal is not consistent with the purpose of the General Residential Zone (Schedule 5) at Clause 32.08 of the Kingston Planning Scheme as the proposal does not provide a design outcome that is respectful of the prevailing and preferred neighbourhood character.
3. The proposal represents an overdevelopment of the subject site providing an inappropriate response to the Planning Policy Framework expectations and the character of the area.
4. The proposal fails to provide an acceptable built form outcome having regard to the physical and policy context. In particular, the proposal includes an unacceptable landscape and built form outcome.
5. The proposal fails to comply with Clause 55.05-4 (private open space) of the Kingston Planning Scheme.

LOST

FOR: Crs Agirtan, Erevnidis and White (3)

AGAINST: Crs Ashworth-Collett, Athanasopoulos, Hill, Howe, Law, Oxley, O'Donnell and Saab (8)

Moved: Cr Athanasopoulos

Seconded: Cr O'Donnell

That Council determine to support the proposal and issue a Notice of Decision to Grant a Permit to develop the land for the construction of seven (7) dwellings at 400 Station Street, Bonbeach (Lot 1 on TP335275C, Lot 1 on TP297983F & Lot 2 on TP20543K), subject to the following conditions:

Amended Plans

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. The plans must be substantially in accordance with the advertised plans prepared by Transcend Building Design & Services Pty Ltd; Reference No. 21410-TP; Rev B; Inclusive of sheets 1 to 6; dated 19/09/2024., but modified to show:
 - a) Dwelling 7 to be setback a minimum of 5m from the rear boundary.
 - b) All first and second floor habitable room windows, other than those providing direct access to a deck, be fixed and obscure to a height of 1.7m above floor level.
 - c) Vehicle crossings be constructed at a 90 degree alignment with the kerb on Station Street and all internal driveways must align with the existing / proposed vehicle crossing.
 - d) Notation that 'The vehicle crossing must be reconstructed to council's residential standards but upgraded to industrial strength'.
 - e) A minimum 2,000L rainwater tank for each new dwelling and connected to toilets for flushing.
 - f) The crossover to incorporate visual splays in accordance with Clause 52.06-9.
 - g) The surface material of all driveways, accessways and car parking spaces nominated in all-weather coloured concrete sealcoat, or similar.
 - h) Motion sensor lighting to each dwelling's entry and driveway/garage area for Dwelling 3 and Dwelling 4.
 - i) A notation stating that dwellings will achieve a minimum 7-star average NatHERS rating.
 - j) Provide openable windows or operable skylights to the stairs on the top floor of each unit to allow stack ventilation through the stairs on hot days.
 - k) Bathrooms and ensuites have an openable window, operable skylight or exhaust fans with humidity sensors to prevent condensation and future mould issues.
 - l) Provide daylight access to all garages via a skylight, glazed door to the POS or translucent garage door panels.
 - m) Annotation on plans specifying double glazing to all living areas and bedrooms.
 - n) Provide appropriate shading devices to all north, east and west facing glazing of habitable rooms.
 - o) Provide Electric Vehicle charge points with the provision of a minimum 32A dedicated circuit from switchboard to garage.

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- p) Space for 4 bins must be shown on plans for each unit – one for general waste, co-mingled recycling, FOGO (Food and Organic waste) and, in future, glass recycling.
- q) All roofs, walls and exposed concrete driveway to be specified with light coloured or reflective finishes / materials (Solar Reflective Index >50 or Solar Absorptance<0.6) to help mitigate the urban heat island effect.
- r) The location of tree protection measures illustrated to scale and labeled on the Ground Floor Plan as per the endorsed Tree Management Plan.
- s) Notation that the Open Space Areas between Dwelling 2 and 3 be retained as landscaped communal open space.
- t) Notation that 'The driveway within the TPZ of Tree 7 is to be set 500mm from the side boundary and is to be completely permeable and built completely above natural grade, unless otherwise with written consent from Council's Vegetation Department.'
- u) Notation that 'The driveway within the TPZ of Tree 7 is to utilize a permeable surface that incorporates large voids into the surface. A cross-sectional diagram showing the driveway's surface and sub-base layers in relation to NGL, is to be included on the Ground Floor Plan.'
- v) Any changes as required by Condition 5.
- w) A landscape plan in accordance with the submitted development plans and the City of Kingston Landscape Plan Checklist, with such plans to be prepared by a suitably qualified landscape professional and incorporating:
 - i. A planting schedule of all proposed trees and shrubs, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant;
 - ii. A survey, including, botanical names of all existing trees to be retained or removed on the site including Tree Protection Zones for trees to be retained calculated in accordance with AS4970-2009;
 - iii. A survey including botanical names, of all existing trees on neighbouring properties where the Tree Protection Zones of such trees calculated in accordance with AS4970-2009 fall partially within the subject site;
 - iv. The delineation of all garden beds, paving, grassed area, retaining walls, fences and other landscape works;
 - v. A range of plant types from ground covers to large shrubs and trees, provided at adequate planting densities (e.g. plants 1 metre width at maturity planted 1 metre apart); with the species chosen to comprise of a minimum 80% coastal indigenous species by plant type and total quantities;
 - vi. Two (2) indigenous canopy trees capable of growing to minimum mature dimensions of 12 metres in height and 6 meters in width planted in the front setback of Dwelling 1; with one (1) indigenous canopy tree capable of growing to similar mature dimensions planted in the rear setback of Dwelling 6;
 - vii. Four (4) indigenous canopy trees capable of growing to minimum mature dimensions of 12 metres in height and 6 meters in width planted in the communal open space between Dwelling 2 and 3;

- viii. One (1) indigenous canopy tree capable of growing to minimum mature dimensions of 8 metres in height and 5 meters in width planted in the SPOS of Dwelling 1, 2, 3, 4 and 5; with two (2) indigenous trees capable of growing to similar mature dimensions planted in the SPOS of Dwelling 7;
- ix. One (1) indigenous canopy tree capable of growing to minimum mature dimensions of 6 meters in height and 4 meters in width planted in the garden-bed between the driveway and the stairwell of Dwelling 1, and in the garden-bed between the driveway and the fenced SPOS of Dwelling 5;
- x. All trees provided at a minimum of 2 metres in height at time of planting, medium to large shrubs to be provided at a minimum pot size of 200mm;
- xi. Notes regarding site preparation, including the removal of all weeds, proposed mulch, soil types and thickness, subsoil preparation and any specific maintenance requirements;
- xii. Tree protection measures including for street trees accurately drawn to scale and labelled as per the endorsed Tree Management Plan;

Endorsed Plans

- 2. The development as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.
- 3. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced.

Trees to be retained

- 4. Tree 7 (Coast Tea Tree (*Leptospermum laevigatum*)) as shown on endorsed plans must be retained and must not be removed, destroyed or lopped unless with consent from the Responsible Authority.

Tree Management and Protection Plan

- 5. Concurrent with the endorsement of plans, a Tree Management Plan 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) A Tree Management Plan (written report) must provide details of:
 - i) The Tree Protection Zone and Structural Root Zone, calculated in accordance with AS4970-2009, for all trees to be retained on the site and for all trees on neighbouring properties where the Tree Protection Zone falls partially within the subject site.
 - ii) The location of tree protection fencing, or ground protection where required, provided in accordance with AS4970-2009.
 - b) A Tree Protection Plan (scale drawing) must provide details of:
 - i) Specifications for the tree protection fencing, or ground protection where required.
 - ii) Stages of development at which inspections are required to ensure tree protection measures are adhered to must be specified.
 - iii) How excavation impacts, including soil level changes, on trees to be retained will be managed.

- iv) Proposed footings and construction methods for any buildings or structures within the Tree Protection Zone nominated on the Tree Protection Plan.
 - v) How the canopy of trees nominated on the Tree Protection Plan will be protected.
 - vi) Maintenance of the area(s) within the Tree Protection Zone in accordance with AS4970-2009.
 - vii) Any pruning to be undertaken being in accordance with AS4373-2007.
 - viii) Any other measures required to demonstrate the successful ongoing retention and viability post-construction of any trees nominated on the Tree Protection Plan.
6. All protection measures identified in the Tree Management Plan must be implemented, and development works undertaken on the land must be undertaken in accordance with the Tree Management Plan, to the satisfaction of the Responsible Authority.
7. 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.
8. All trees identified on the TMP must be protected during works.

Street Tree

9. Tree Protection Fencing is to be established around the street trees prior to demolition and maintained until all works on site are complete.
- a) The fencing is to be a 1.8 metre high temporary fence constructed using steel or timber posts fixed in the ground or to a concrete pad, with the fence's side panels to be constructed of cyclone mesh wire or similar strong metal mesh or netting.
 - b) The fencing is to encompass the entire nature strip with each end 3 metres from the base of the tree.

Drainage and Water Sensitive Urban Design

10. Unless with the prior written consent of the Responsible Authority, before the development commences, the following Integrated Stormwater Management documents must be prepared, by a suitably qualified person, to the satisfaction of the Responsible Authority.
- a) Stormwater Management/drainage (drainage) Plan(s) must be prepared, with supporting computations, showing the stormwater (drainage) works to the nominated point of discharge. The plan(s) must show all details of the proposed stormwater (drainage) works including all existing and proposed features that may have impact on the stormwater (drainage) works, including landscaping details.
 - b) The Stormwater Management (drainage) Plan must address the requirements specified within Council's "Civil Design requirements for Developers – Part A: Integrated Stormwater Management".
 - c) A STORM modelling report with results demonstrating water sensitive urban design treatments that achieve Victorian best practice objectives with a minimum 100% rating must be provided as part of the Stormwater

Management (drainage) Plan to the satisfaction of the Responsible Authority. These may include the use of an infiltration or bio-retention system, rainwater tanks connected for reuse, or other treatments to the satisfaction of the Responsible Authority.

- d) The water sensitive urban design treatments as per conditions 10a, 10b & 10c above must be implemented on-site, unless an alternative agreement for stormwater quality in-lieu contribution is reached with the Responsible Authority.
11. Stormwater/drainage works must be implemented in accordance with the approved stormwater management/drainage plan(s) and to the satisfaction of the Responsible Authority including the following:
- a) All stormwater/drainage works must be provided on the site so as to prevent overflows onto adjacent properties.
 - b) The implementation of stormwater/drainage detention system(s) which restricts stormwater discharge to the maximum allowable flowrate of 16.5L/s.
 - c) All stormwater/drainage works must be maintained to the satisfaction of the Responsible Authority.

Sustainable Design Assessment

12. Prior to the endorsement of the plans required by condition 1. The re-submission of the sustainable design assessment (SDA) prepared by MS Consultants dated 2nd April 2024 must be submitted to and approved by the Responsible Authority. The sustainable design assessment must include, but is not limited to, detailing initiatives for stormwater harvesting, insulation, building materials, daylighting, collective rainwater tanks and/or individual rainwater tanks, public and private landscape irrigation and car washing, energy efficient concepts, glazing and internal ventilation and the like.

Construction Management

13. Prior to the commencement of any buildings and works on the land, a construction management plan (CMP), to the satisfaction of the Responsible Authority, must be submitted to and approved by the Responsible Authority. The construction management plan must be prepared in accordance with the City of Kingston Construction Management Policy and Construction Management Guidelines. The construction management plan 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.

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

14. 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 owner/developer.

15. Property boundary and footpath levels must not be altered without the prior written consent from the Responsible Authority.
16. Any reinstatements and new/modified vehicle crossovers must be constructed to the satisfaction of the Responsible Authority.
17. The replacement of all footpaths, including offsets, must be constructed to the satisfaction of the Responsible Authority.
18. Any redundant vehicle crossovers must be removed (including redundant portions of vehicle crossovers) to the satisfaction of the Responsible Authority.

Residential Reticulated Gas Service Connection

19. Any new dwelling allowed by this permit must not be connected to a reticulated gas service (within the meaning of Clause 53.03 of the relevant planning scheme). This condition continues to have force and effect after the development authorised by this permit has been completed.
20. Any new apartment development allowed by this permit must not be connected to a reticulated gas service (within the meaning of Clause 53.03 of the relevant planning scheme). This condition continues to have force and effect after the development authorised by this permit has been completed.

General Amenity

21. All works on or facing the boundaries of adjoining properties must be finished and surface cleaned to a standard that is well presented to neighbouring properties in a manner to the satisfaction of the Responsible Authority.
22. All externally located heating and cooling units, exhaust fans and the like must not be located adjacent to bedroom windows on adjoining properties and must not be located where they will be highly visible from any public area to the satisfaction of the Responsible Authority.
23. All piping, ducting above the ground floor storey of the development (other than rainwater, guttering and downpipes) must be concealed to the satisfaction of the Responsible Authority.

Completion of Works

24. Prior to the occupation of the dwellings hereby permitted, 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.
25. Prior to the occupation of the dwellings hereby permitted, the landscaping works as shown on the endorsed plans must be completed to the satisfaction of the Responsible Authority. Thereafter, the landscaping shall be maintained (except where that landscaping is on public land) to the satisfaction of the Responsible Authority.

Permit Expiry

26. 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.

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- 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: Any buildings and works (including eaves) to be located within an easement requires separate consent from Council and/or the relevant service authority. This will need to be obtained prior to the issue of a building permit.

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: Before removing or pruning any vegetation from the site, the applicant or any contractor engaged to remove any vegetation, should consult Council's vegetation management officer to verify if a Local Laws permit is required for the removal of such vegetation.

Note: Any landscape plan prepared in accordance with conditions must comply with Council's Landscape Checklist.

Note: The allocation of street numbering and addressing of properties is vested in Council. Any reference to addressing or dwelling/unit/apartment and street numbers or street names on any endorsed plan is indicative only. The onus is on the permit applicant/land owner to contact Council's property data department to determine the official dwelling/unit/apartment street numbers, street name details and the like for the approved development in writing to property@kingston.vic.gov.au.

If the permit applicant/land owner adopts the street numbering or addressing from the endorsed plans, or where advertising and/or sales transact (off the plan) prior to Council's official allocation of the street numbering and addressing, it will be viewed to be non-compliant with the guideline and standard applied (Australian/New Zealand Standard for Rural & Urban Addressing / AS/NZS 4819:2011).

Note: The owner(s), occupiers and visitors of the development allowed by this permit may not be eligible for Council resident or visitor parking permits.

Note: All buildings and works must be carried out in accordance with the approved Cultural Heritage Management Plan as required by the Aboriginal Heritage Act 2006. A copy of the approved CHMP must be held on site during the construction activity.

Note: Separate approval (vehicle crossing permit) is required from Council's infrastructure department (roads and drains) for all new, repairs or changes to existing vehicle crossovers. This permit does not guarantee the suitability of the location or number of any vehicle crossovers. It is strongly advised that you ensure all new, repaired or altered vehicle crossovers are designed in

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accordance with Kingston City Council's Vehicle Crossing Policy, noting that only one (1) vehicle crossover is permitted per property post development.

CARRIED

FOR: Crs Ashworth-Collett, Athanasopoulos, Hill, Howe, Law, Oxley, O'Donnell, Saab and White (9)

AGAINST: Crs Agirtan and Erevnidis (2)

7.3 PT-2024/577 - 1/54-76 Southern Road, Mentone - Tree Removal Application

Moved: Cr Agirtan

Seconded: Cr O'Donnell

That Council support the grant of a Local Law Permit for those Twelve (12) trees described in Section 3 of this report where the Recommendation is to remove pursuant to the assessment criteria contained within Clause 42 of the Community Local Law and provide for replacement planting at a ratio of at least 3:1 for each tree proposed to be removed.

CARRIED

FOR: Crs Agirtan, Ashworth-Collett, Athanasopoulos, Erevnidis, Hill, Howe, Law, Oxley, O'Donnell, Saab and White (11)

AGAINST: Nil (0)

8. Community Strengthening Reports

8.1 Kingston Grants Program - Budget Review

Moved: Cr Hill

Seconded: Cr Agirtan

That Council:

1. Note the findings of the Kingston Grants Program budget review.
2. Receive a report outlining an alternate funding model and recommendations for emergency relief organisations no later than June 2025.
3. Retain the 2024/25 Operational and Partnership Grant funding amounts for Chelsea Community Support Service (\$90,000) and Mentone Community Assistant and Information Bureau (\$54,903.90), due to pressure on the community as a result of the increasing cost of living and in turn continued and increasing demand for emergency relief services, pending the outcome of the report outlining an alternate funding model and recommendations for emergency relief organisations.

Amendment

Moved: Cr Agirtan

Seconded: Cr O'Donnell

That the Motion be adopted with the addition of the following point 4:

4. Receive a report by May 2025 with options to re-prioritise funds from year 2 and 3 of the Festival, Events and Creative Activities Grant Stream to Community Support Services that are currently underfunded and demonstrating significantly increased community need.

Cr Saab declared a general conflict of interest in this item as he is an executive member of a group that is a recipient of this grants stream and left the meeting at 8.13pm prior to any discussion on the matter.

The Amendment was put and CARRIED

FOR: Crs Agirtan, Erevnidis, Howe, Oxley, O'Donnell and White (6)

AGAINST: Crs Ashworth-Collett, Athanasopoulos, Hill and Law (4)

Note: It was requested by Cr Hill and agreed to by the Chairperson that parts 3 and 4 of the Substantive Motion be put to the vote separately.

That Council:

1. Note the findings of the Kingston Grants Program budget review.
2. Receive a report outlining an alternate funding model and recommendations for emergency relief organisations no later than June 2025.

FOR: Crs Agirtan, Ashworth-Collett, Athanasopoulos, Erevnidis, Hill, Howe, Law, Oxley, O'Donnell and White (10)

AGAINST: Nil (0)

CARRIED

3. Retain the 2024/25 Operational and Partnership Grant funding amounts for Chelsea Community Support Service (\$90,000) and Mentone Community Assistant and Information Bureau (\$54,903.90), due to pressure on the community as a result of the increasing cost of living and in turn continued and
-

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increasing demand for emergency relief services, pending the outcome of the report outlining an alternate funding model and recommendations for emergency relief organisations.

CARRIED

FOR: Crs Agirtan, Ashworth-Collett, Athanasopoulos, Erevnidis, Hill, Howe, Oxley, O'Donnell and White (9)

AGAINST: Cr Law (1)

4. Receive a report by May 2025 with options to re-prioritise funds from year 2 and 3 of the Festival, Events and Creative Activities Grant Stream to Community Support Services that are currently underfunded and demonstrating significantly increased community need.

CARRIED

FOR: Crs Agirtan, Erevnidis, Howe, Oxley, O'Donnell and White (6)

AGAINST: Crs Ashworth-Collett, Athanasopoulos, Hill and Law (4)

The Resolution reads as follows:

Moved: Cr Hill

Seconded: Cr Agirtan

That Council:

1. Note the findings of the Kingston Grants Program budget review.
2. Receive a report outlining an alternate funding model and recommendations for emergency relief organisations no later than June 2025.
3. Retain the 2024/25 Operational and Partnership Grant funding amounts for Chelsea Community Support Service (\$90,000) and Mentone Community Assistant and Information Bureau (\$54,903.90), due to pressure on the community as a result of the increasing cost of living and in turn continued and increasing demand for emergency relief services, pending the outcome of the report outlining an alternate funding model and recommendations for emergency relief organisations.
4. Receive a report by May 2025 with options to re-prioritise funds from year 2 and 3 of the Festival, Events and Creative Activities Grant Stream to Community Support Services that are currently underfunded and demonstrating significantly increased community need.

Cr Hill left the meeting at 8:37pm.

8.2 Individual Development Grants and Community Small Grants - Quarterly Report (July - September 2024)

Moved: Cr Agirtan

Seconded: Cr Erevnidis

That Council:

1. Note the funding outcomes of the Individual Development Grants for 1 July – 30 September 2024, as presented in Appendix 1.
2. Note the successful funding outcomes of the Community Small Grants for 1 July – 30 September 2024, as presented in Appendix 2.
3. Endorse that the Community Small Grants, as presented in Appendix 3, are not recommended for funding for 1 July – 30 September 2024.

CARRIED

FOR: Crs Agirtan, Ashworth-Collett, Athanasopoulos, Erevnidis, Howe, Law, Oxley, O'Donnell and White (9)

AGAINST: Nil (0)

8.3 Individual Development Grants and Community Small Grants - Quarterly Report (October - December 2024)

Moved: Cr O'Donnell

Seconded: Cr Agirtan

That Council:

1. Note the funding outcomes of the Individual Development Grants for 1 October – 31 December 2024, as presented in Appendix 1.
2. Note the successful funding outcomes of the Community Small Grants for 1 October – 31 December 2024, as presented in Appendix 2.
3. Endorse that the Community Small Grants, as presented in Appendix 3, are not recommended for funding for 1 October – 31 December 2024.
4. Approve the removal of the Participation category, within the Individual Development Grants stream of the Kingston Grants Program, as outlined in section 3.3 of this report, and authorise officers to update the Kingston Grants Program Policy and Guidelines by removing references to the Participation Category.

Cr Saab returned to the meeting at 8:38pm.

CARRIED

FOR: Crs Agirtan, Ashworth-Collett, Athanasopoulos, Erevnidis, Howe, Law, Oxley, O'Donnell, Saab and White (10)

AGAINST: Nil (0)

Cr Hill returned to the meeting at 8.38pm.

8.4 Council's Outside School Hours Programs

Moved: Cr Hill

Seconded: Cr Howe

That Council exit the provision of Outside School Hours Programs by mid-2025.

CARRIED

FOR: Crs Agirtan, Ashworth-Collett, Athanasopoulos, Erevnidis, Hill, Howe, Law, Oxley, O'Donnell and White (10)

AGAINST: Nil (0)

ABSTAINED: Cr Saab (1)

8.5 Response to Resolution - Notice of Motion 10/2024 - Mordialloc Community Centre

Moved: Cr Law

Seconded: Cr Hill

That Council:

1. Note Notice of Motion 10/2024, that was adopted in August 2024 in relation to the Mordialloc Community Centre;
2. Note the development of the Community Infrastructure Framework, and its influence on Mordialloc Community Centre's future planning recognising the anticipated strong case for Mordialloc Community Centre;
3. Note Council officers will work with the Mordialloc Community Centre to identify their long-term vision as an organisation and future programming priorities for a needs analysis/business case; and
4. Receive a report about Mordialloc Community Centre's future option for a Masterplan.

Cr Athanasopoulos left the meeting at 8:48pm.

Cr Athanasopoulos returned to the meeting at 8:51pm.

Procedural Motion

Moved: Cr Howe

Seconded: Cr White

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

CARRIED

FOR: Crs Agirtan, Erevnidis, Hill, Howe, Oxley, O'Donnell and White (7)

AGAINST: Crs Athanasopoulos and Law (2)

ABSTAINED: Crs Ashworth-Collett and Saab (2)

9. Infrastructure and Open Space Reports

9.1 Response to Resolution - Notice of Motion 13/2024 - Cheltenham Youth Club Gymnastics

Moved: Cr O'Donnell

Seconded: Cr Saab

That Council:

1. Receive the report; and
2. Receive a further report detailing the outcomes of the Cheltenham Youth Club planning permit amendment and their market rental review, with potential options to support the Club.

CARRIED

FOR: Crs Agirtan, Ashworth-Collett, Athanasopoulos, Erevnidis, Hill, Howe, Law, Oxley, O'Donnell, Saab and White (11)

AGAINST: Nil (0)

9.2 2024/25 Capital Budget - Quarter 2 Review

Moved: Cr Agirtan

Seconded: Cr O'Donnell

That Council:

1. Note that the 2024/25 capital works program is on track with the baseline forecast;
2. Note the updated forecast timing of expenditure in 2024/25 for the Mordi Aquatic Centre project; and
3. Endorse the recommended Capital Works Program Quarter 2 adjustments as outlined in this report.

CARRIED

FOR: Crs Agirtan, Ashworth-Collett, Athanasopoulos, Erevnidis, Hill, Howe, Law, Oxley, O'Donnell, Saab and White (11)

AGAINST: Nil (0)

10. Customer and Corporate Support Reports

10.1 Governance and Compliance Report

Moved: Cr Agirtan

Seconded: Cr Erevnidis

That Council:

1. Receive and note the Informal Meetings of Councillors Records at Appendix 1; and
2. Adopt the updated Terms of Reference of the Business and Economic Development Advisory Committee at Appendix 2; and
3. Adopt the revised Chief Executive Officer Employment and Remuneration Policy at Appendix 3.

CARRIED

FOR: Crs Agirtan, Ashworth-Collett, Athanasopoulos, Erevnidis, Hill, Howe, Law, Oxley, O'Donnell, Saab and White (11)

AGAINST: Nil (0)

11. Chief Finance Office Reports

11.1 Quarterly Finance Report December 2024

Moved: Cr Hill

Seconded: Cr Athanasopoulos

That Council note:

1. The December 2024 quarterly financial report and investment report;
2. That following a review of the 2024/25 Forecast in August reported to Council on 16 September 2024, subsequent re-forecasts were completed in October, December and January, resulting in an improved net operating surplus of \$10.4 million (an increase of \$2.2 million to the \$8.2 million 2024/25 Budget) for 2025/26 Budget works; and
3. The statement by Chief Executive Officer, as required under section 97(3) of the Local Government Act 2020 that a revised budget is not required.

CARRIED

FOR: Crs Agirtan, Ashworth-Collett, Athanasopoulos, Erevnidis, Hill, Howe, Law, Oxley, O'Donnell, Saab and White (11)

AGAINST: Nil (0)

11.2 Response to Resolution - Notice of Motion 14/2024 - Mentone Heritage Train Station

Moved: Cr Hill

Seconded: Cr Saab

That Council note:

1. The response to Council Resolution of 26 August 2024 arising from a Notice of Motion (NOM 14/2024) about the Mentone Heritage Train Station
2. That the Chief Executive Officer can grant, to the satisfaction of Council's solicitor, an Agreement to Sub-Lease to Mates X / Applehead on the principal terms and conditions contained in this report relating to Mentone Heritage Train Station sublease.

CARRIED

FOR: Crs Agirtan, Ashworth-Collett, Athanasopoulos, Erevnidis, Hill, Howe, Law, Oxley, O'Donnell, Saab and White (11)

AGAINST: Nil (0)

11.3 33 Balcombe Road Mentone

Moved: Cr Hill

Seconded: Cr Howe

That Council:

1. Authorise the Chief Executive Officer or delegate to give public notice under section 223 of the Government Act 1989, section 114 of the Local Government Act 2020 & Councils Community Engagement Policy of its intention to sell 33 Balcombe Road Mentone.
2. If any submissions are received in response to the public notice, have the submissions considered by a committee of Council comprising of the Mayor Councillor Georgina Oxley, Deputy Mayor, Councillor Chris Howe, Como Ward Councillor Cr Chris Hill, Chief Financial Officer, Manager Property Services and Team Leader Property Services; and a date to be confirmed. In this event a further report will be provided to Council:
3. If no submissions are received following the public notice and community engagement process, authorise officers to undertake the necessary procedures to sell the subject property and:
 - a) Dispose of the subject property through a public auction;
 - b) hold the proceeds of the sale in reserve for strategic community investment, with greater emphasis being placed on the strategic land purchases or open spaces upgrades in Mentone and the surrounding area.

CARRIED

FOR: Crs Agirtan, Ashworth-Collett, Athanasopoulos, Erevnidis, Hill, Howe, Law, Oxley, O'Donnell, Saab and White (11)

AGAINST: Nil (0)

11.4 6 Lochiel Ave Edithvale

Moved: Cr Ashworth-Collett

Seconded: Cr Athanasopoulos

That Council:

1. Authorise the Chief Executive Officer or delegate to give public notice under section 223 of the Government Act 1989, section 114 of the Local Government Act 2020 & Council's Community Engagement Policy of its intention to sell 6 Lochiel Ave Edithvale.
2. If any submissions are received in response to the public notice, have the submissions considered by a committee of Council comprising of the Mayor Cr Georgina Oxley, Deputy Mayor, Cr Chris Howe, Sandpiper Ward Cr Kirralee Ashworth-Collett, Chief Financial Officer, Manager Property Services and Team Leader Property Services; and a date to be confirmed. In this event a further report will be provided to council.
3. If no submissions are received following the public notice and community engagement process, authorise officers to undertake the necessary procedures to sell the subject property and:

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- a) Dispose of the subject property through a public auction;
- b) Noting the findings of the Play Your Way Strategy, hold the proceeds of the sale in reserve for strategic community investment, with greater emphasis being placed on the strategic land purchases or open spaces upgrades in Edithvale.

CARRIED

FOR: Crs Agirtan, Ashworth-Collett, Athanasopoulos, Erevnidis, Hill, Howe, Law, Oxley, O'Donnell, Saab and White (11)

AGAINST: Nil (0)

12. Notices of Motion

12.1 Notice of Motion No. 1/2025 - Cr Erevnidis - Pet Registration

Moved: Cr Erevnidis

Seconded: Cr Saab

That Council be provided with options for consideration as part of the 2025/26 Budget for reducing pet registration fees for seniors aged 65 and over, to assist with cost of living and combat loneliness.

CARRIED

FOR: Crs Agirtan, Ashworth-Collett, Athanasopoulos, Erevnidis, Hill, Howe, Law, Oxley, O'Donnell, Saab and White (11)

AGAINST: Nil (0)

12.2 Notice of Motion No. 2/2025 - Communication Board Trial for Community Spaces - Cr O'Donnell

Moved: Cr O'Donnell

Seconded: Cr Saab

That Council:

1. Install and commence a trial of communication boards (similar to the picture below) at Peter Scullin Reserve , Mordialloc, and Bicentennial Park, Chelsea, to support community members of all abilities to communicate and participate equally in our community spaces.
2. Receive a report, to be presented within 12 months of commencing the trial, which presents evaluation findings that include, but are not limited to user feedback, usability, and accessibility and consideration of any future installation sites.

CARRIED

FOR: Crs Agirtan, Ashworth-Collett, Athanasopoulos, Erevnidis, Hill, Howe, Law, Oxley, O'Donnell, Saab and White (11)

AGAINST: Nil (0)

12.3 Notice of Motion No. 3/2025 - LXRPA Advocacy - Cr O'Donnell

Moved: Cr O'Donnell

Seconded: Cr White

That Council write an urgent letter to the member for Mordialloc and the LXRPA requesting the “no left turn” be removed from the new intersection of Pine Crescent and Nepean Highway.

CARRIED

FOR: Crs Agirtan, Ashworth-Collett, Athanasopoulos, Erevnidis, Hill, Howe, Law, Oxley, O'Donnell, Saab and White (11)

AGAINST: Nil (0)

13. Urgent Business

Moved: Cr O'Donnell

Seconded: Cr Saab

That an item of Urgent Business be admitted in relation to Groves Reserve, Aspendale.

CARRIED

FOR: Crs Agirtan, Ashworth-Collett, Athanasopoulos, Erevnidis, Hill, Howe, Law, Oxley, O'Donnell, Saab and White (11)

AGAINST: Nil (0)

Procedural Motion

Moved: Cr Athanasopoulos

Seconded: Cr Saab

That the meeting be extended for 30 minutes until 10.30pm.

CARRIED

FOR: Crs Agirtan, Ashworth-Collett, Athanasopoulos, Erevnidis, Hill, Howe, Law, Oxley, O'Donnell, Saab and White (11)

AGAINST: Nil (0)

Moved: Cr O'Donnell

Seconded: Cr Saab

Considering the Mayor has already written to Minister Williams about the environmental devastation at Groves Reserve Aspendale with no response, that Council:

1. Immediately request an on-site meeting as soon as possible at Groves Reserve with Minister Williams and Mr Richardson Member for Mordialloc to discuss an immediate halt to works to remove any further trees in Groves Reserve.
2. Immediately undertake work to identify any other trees within the works area for the Aspendale and Mordialloc Level Crossing Removal Works site to assess their significance and advise Government.
3. Immediately identifies significant trees that could be subject to major project works in the future to prevent such extensive destruction.
4. Review options of relocating the planned shared user path to reduce further impact on native vegetation.

Amendment

Moved: Cr Saab

That the motion be adopted with the addition of the following:

5. Confirm its strong commitment to the protection of the vegetation and trees in Groves Reserve, opposing the unnecessary removal of ancient trees and vegetation;
6. Offer their urban design expertise to advise and advocate to LXP how to best realign the proposed shared user path and services in order to avoid and minimise the removal of any more of the ancient banksias in line with relevant Council Urban Forest, Open Space, Biodiversity and Walking and Cycling Strategies, to achieve the best community and environmental outcomes;
7. Note following discussions with the local member a reprieve was sought and seemingly agreed to by the LXP to halt the destruction of the reserve and removal of the trees until further considerations and discussion to the shared

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user path could be had however subsequent to this and every day since Coast Banksia trees have been removed amounting to the urgency of further action and advocacy by Kingston through the support of this motion.

Cr Agirtan left the meeting at 9.43pm.

The Amendment was accepted by the Mover and Seconder

Cr Agirtan returned to the meeting at 9.46pm.

The Motion was put and CARRIED

FOR: Crs Agirtan, Ashworth-Collett, Athanasopoulos, Erevnidis, Hill, Howe, Law, Oxley, O'Donnell, Saab and White (11)

AGAINST: Nil (0)

Note: Cr Saab requested through the Chair and was granted an extension of time of one minute to speak on the matter.

The resolution reads as follows:

Moved: Cr O'Donnell

Seconded: Cr Saab

Considering the Mayor has already written to Minister Williams about the environmental devastation at Groves Reserve Aspendale with no response, that Council:

1. Immediately request an on-site meeting as soon as possible at Groves Reserve with Minister Williams and Mr Richardson Member for Mordialloc to discuss an immediate halt to works to remove any further trees in Groves Reserve.
2. Immediately undertake work to identify any other trees within the works area for the Aspendale and Mordialloc Level Crossing Removal Works site to assess their significance and advise Government.
3. Immediately identifies significant trees that could be subject to major project works in the future to prevent such extensive destruction.
4. Review options of relocating the planned shared user path to reduce further impact on native vegetation.
5. Confirm its strong commitment to the protection of the vegetation and trees in Groves Reserve, opposing the unnecessary removal of ancient trees and vegetation;
6. Offer their urban design expertise to advise and advocate to LXP how to best realign the proposed shared user path and services in order to avoid and minimise the removal of any more of the ancient banksias in line with relevant Council Urban Forest, Open Space, Biodiversity and Walking and Cycling Strategies, to achieve the best community and environmental outcomes; and
7. Note following discussions with the local member a reprieve was sought and seemingly agreed to by the LXP to halt the destruction of the reserve and removal of the trees until further considerations and discussion to the shared user path could be had however subsequent to this and every day since Coast Banksia trees have been removed amounting to the urgency of further action and advocacy by Kingston through the support of this motion.

CARRIED

14. Confidential Items

Moved: Cr Athanasopoulos

Seconded: Cr Hill

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 Matter

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

- because it is private commercial information, being information provided by a business, commercial or financial undertaking (section 3(1)(g)), and
- the explanation as to why the specified ground/s applies is that the matter relates to a potential land acquisition and will have price sensitivity to the market.

CARRIED

FOR: Crs Agirtan, Ashworth-Collett, Athanasopoulos, Erevnidis, Hill, Howe, Law, Oxley, O'Donnell, Saab and White (11)

AGAINST: Nil (0)

The meeting was closed to members of the public at 9.49pm.

Moved: Cr Saab

Seconded: Cr Hill

That the meeting be opened to members of the public.

CARRIED

FOR: Crs Agirtan, Ashworth-Collett, Athanasopoulos, Erevnidis, Hill, Howe, Law, Oxley, O'Donnell, Saab and White (11)

AGAINST: Nil (0)

The meeting was opened to members of the public at 9.55pm.

The meeting closed at 9.55pm.